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A DICTIONARY

OF

GREEK AND ROMAN ANTIQUITIES

EDITED BY

WILLIAM SMITH, PH.D.

Third American Edition, Carefully Revised

AND CONTAINING

NUMEROUS ADDITIONAL ARTICLES RELATIVE TO THE BOTANY, MINERALOGY AND ZOOLOGY OF THE ANCIENTS

BY

CHARLES ANTHON, LL.D.

PROFESSOR OF THE GREEK AND LATIN LANGUAGES IN COLUMBIA COLLEGE AND RECTOR OF THE GRAMMAR SCHOOL

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TO

WILLIAM B. ASTOR, ESQ.

AN ALUMNUS OF OUR COMMON ALMA MATER, AND A STRIKING PROOF HOW GREATLY
AN UNCEASING ATTACHMENT TO CLASSICAL STUDIES TENDS TO ELEVATE
AND ADORN THE CHARACTER OF THE AMERICAN MERCHANT

This Work is Inscribed

BY

HIS FRIEND AND WELL-WISHER

C. A.

PREFACE

TO THE AMERICAN EDITION

The merits of the present work are so fully set forth in the preface of the London editor as to render any additional remarks on this subject almost unnecessary. The student has here a guide to an accurate knowledge of Greek and Roman Antiquities, before which the meager compilations of Potter and Adams must sink into utter insignificance; and he is put in possession of a vast body of information in a most interesting department of study, which it might otherwise have cost him the labour of a whole life to accumulate. All the most recent and valuable discoveries of the German scholars are here placed within his reach, and there is nothing to prevent their speculations becoming as familiar to him as household words. The work is, in truth, a German one in an English garb, and will be found to contain all that fulness and accuracy of detail for which the scholars of Germany have so long and justly been celebrated. It is equally intended, also, for the general reader, and as a work of popular reference will be found to be invaluable, not only from its accuracy of research, but from the wide field over which it ranges. In a word, the present volume supplies what has long been felt as a great desideratum in English literature.

In order to render the work, however, if possible, still more useful, the American editor has added a large number of articles relative to the Botany, Mineralogy, and Zoology of the ancients, topics interesting and curious in themselves, and which, it is conceived, fall naturally within the scope of such a work as the present one. The contributions by the American editor are distinguished from those of the English writers by having an asterisk prefixed. In preparing them, the editor has availed himself of various sources of information, but more particularly of three, which it affords him great pleasure to mention here. The first is the Collection of Scientific and other Terms, by his learned friend, Francis Adams. Esq., of Scotland, and which has appeared as an Appendix to the Greek Lexicon of Professor Dunbar. It embraces the opinions, not only of the ancient naturalists, but of the most celebrated, also, among the moderns, and has afforded the American editor the most numerous, as well as the richest materials for his labours. The second source whence information has been obtained on various topics connected with the natural history of the ancients is the noble edition of Cuvier's Animal Kingdom, by Griffith and others, in 16 volumes, 8vo, a work full of curious learning, and replete with interesting observations on the naturalists of antiquity and the opinions entertained by them. On the subject of Ancient Mineralogy, the editor acknowledges himself deeply indebted to the excellent work published some years ago by Dr. Moore, at that time Professor of Ancient Languages in Columbia College, now President of that institution; and he takes the greater pleasure in stating his obligations to the labours of this distinguished scholar, since it affords him, also, the opportunity of congratulating his Alma Mater on having her highest office filled by one so well qualified to advance her best interests, and to gain for her the esteem and approbation of all who wish her well.

As regards the general appearance of the work, some changes of form have been made which may here be enumerated. In the English edition, the articles relating to Grecian Antiquities have their heading in Greek characters. This, although no obstacle, of course, to the student or professed scholar, is a serious impediment in the way of the general reader, and might mar the popularity of the work. To guard against such a result, great care has been taken to change all the headings of the Greek articles (except such as relate to legal matters) to Roman characters, while, at the same time, in order to satisfy the scholar, the Greek title is written immediately after the Roman. Should any words, by this arrangement, be thrown out of the alphabetical order, their places can be discovered in an instant by the General Index at the end of the volume. In the English edition, again, the references and authorities are given in the body of the article, a plan calculated to deter the general reader, and which, at best, is one of very doubtful propriety, since it mars the ap

pearance of an English sentence, and destroys, in some degree, its continuity. This is remedied in the American edition by throwing all the authorities into foot-notes at the bottom of the page, an arrangement so natural, and, withal, so convenient, that it is surprising it should not have been adopted by the English editor.

Another blemish in the English edition is the plan of appending to each article the initials of the writer's name, which, to say the least of it, gives a very awkward and clumsy appearance to the page. In the American edition a different arrangement is adopted. A full reference is given at the end of the volume to the different articles furnished by the different contributors, and these are so classified that it can be ascertained at a glance what portions have been supplied by each. This, indeed, gives the American a decided advantage over the English edition.

We have remarked above, that the present work is intended to supersede the compilations of Potter and Adams. In order to facilitate this most desirable change, an Index Raisonné has been appended to the volume, in which the whole subject of Greek and Roman Antiquities is classified under appropriate heads, so that, by means of this index, the present work, though having the form of a Dictionary, may be made, with the utmost ease, to answer all the purposes of a College text-book. No conscientious and honest instructer, therefore, can hesitate for an instant between the work which is here presented to him and the ordinary text-books of the day. In the preparation of the indexes, and, indeed, in the arrangement of the entire work, the editor has to acknowledge the valuable aid of his friend, Mr. Henry Drisler, sub-rector of the Grammar-school of Columbia College, to whose accuracy and faithful care the previous volumes of the Classical Series are so largely indebted.

Before concluding the present preface, it may be proper to remark, that in a review of Mure's Tour in Greece, which appeared in the London Quarterly for June, 1842, mention is made of an ancient bridge, discovered by that traveller in Laconia, which the reviewer thinks disproves an assertion made in the present work relative to the arch, namely, that the Romans were *undoubtedly* the first people who applied the arch to the construction of bridges. The bridge discovered by Mr. Mure, over a tributary of the Eurotas, was regarded by him as a work of the remotest antiquity, probably of the heroic age itself; and he even goes so far as to suppose that either Homer himself or Telemachus may have crossed this bridge in travelling into Laconia! The visionary nature of such speculations must present itself to every mind; and we have preferred, therefore, waiting for farther information on this subject, and allowing the article in the Dictionary to remain unaltered. Mr. Mure's Homeric bridge may be found at last to be as modern a structure as Fourmont's temple of the goddess Oga or Onga, near Amyclæ, supposed to have been built about 1500 B.C., but which Lord Aberdeen proved to be a modern Greek chapel!

Columbia College February 13, 1843.

PREFACE

TO THE LONDON EDITION

The study of Greek and Roman Antiquities has, in common with all other philological studies, made great progress in Europe within the last fifty years. The earlier writers on the subject, whose works are contained in the collections of Gronovius and Grævius, display little historical criticism, and give no comprehensive view or living idea of the public and private life of the ancients. They were contented, for the most part, with merely collecting facts, and arranging them in some systematic form, and seemed not to have felt the want of anything more: they wrote about antiquity as if the people had never existed: they did not attempt to realize to their own minds, or to represent to those of others, the living spirit of Greek and Roman civilization. But, by the labours of modern scholars, life has been breathed into the study: men are no longer satisfied with isolated facts on separate departments of the subject, but endeavour to form some conception of antiquity as an organic whole, and to trace the relation of one part to another.

There is scarcely a single subject included under the general name of Greek and Roman Antiquities which has not received elucidation from the writings of the modern scholars of Germany. The history and political relations of the nations of antiquity have been placed in an entirely different light since the publication of Niebuhr's Roman History, which gave a new impulse to the study, and has been succeeded by the works of Böckh, K. O. Müller, Wachsmuth, K. F. Hermann, and other distinguished scholars. The study of the Roman law, which has been unaccountably neglected in this country, has been prosecuted with extraordinary success by the great jurists of Germany, among whom Savigny stands pre-eminent, and claims our profoundest admiration. The subject of Attic law, though in a scientific point of view one of much less interest and importance than the Roman law, but without a competent knowledge of which it is impossible to understand the Greek orators, has also received much elucidation from the writings of Meier, Schömann, Bunsen, Platner, Hudtwalcker, and others. Nor has the private life of the ancients been neglected. The discovery of Herculaneum and Pompeii has supplied us with important information on the subject, which has also been discussed with ability by several modern writers, among whom W. A. Becker, of Leipzig, deserves to be particularly mentioned. The study of ancient art likewise, to which our scholars have paid little attention, has been diligently cultivated in Germany from the time of Winckelmann and Lessing, who founded the modern school of criticism in art, to which we are indebted for so many valuable works.

While, however, so much has been done in every department of the subject, no attempt has hitherto been made, either in Germany or in this country, to make the results of modern researches available for the purposes of instruction, by giving them in a single work, adapted for the use of students. At present, correct information on many matters of antiquity can only be obtained by consulting a large number of costly works, which few students can have access to. It was therefore thought that a work on Greek and Roman Antiquities, which should be founded on a careful examination of the original sources, with such aids as could be derived from the best modern writers, and which should bring up the subject, so to speak, to the present state of philological learning, would form a useful acquisition to all persons engaged in the study of antiquity.

It was supposed that this work might fall into the hands of two different classes of readers, and it was therefore considered proper to provide for the probable wants of each, as far as was possible. It has been intended not only for schools, but also for the use of students at universities, and of other persons, who may wish to obtain more extensive information on the subject than an elementary work can supply. Accordingly, numerous references have been given, not only to the classical authors but also to the best modern writers, which will point out the sources of information on each subject, and enable the reader to extend his inquiries farther if he wishes

At the same time, it must be observed, that it has been impossible to give at the end of each article the whole of the literature which belongs to it. Such a list of works as a full account of the literature would require would have swelled the work much beyond the limits of a single volume, and it has therefore only been possible to refer to the principal modern authorities. This has been more particularly the case with such articles as treat of the Roman constitution and law, on which the modern writers are almost innumerable.

A work like the present might have been arranged either in a systematic or an alphabetical form. Each plan has its advantages and disadvantages, but many reasons induced the editor to adopt the latter. Besides the obvious advantage of an alphabetical arrangement in a work of reference like the present, it enabled the editor to avail himself of the assistance of several scholars who had made certain departments of antiquity their particular study. It is quite impossible that a work which comprehends all the subjects included under Greek and Roman Antiquities can be written satisfactorily by any one individual. As it was therefore absolutely necessary to divide the labour, no other arrangement offered so many facilities for the purpose as that which has been adopted; in addition to which, the form of a Dictionary has the additional advantage of enabling the writer to give a complete account of a subject under one head, which cannot so well be done in a systematic work. An example will illustrate what is meant. A history of the patrician and plebeian orders at Rome can only be gained from a systematic work by putting together the statements contained in many different parts of the work, while in a Dictionary a connected view of their history is given, from the earliest to the latest times, under the respective words. The same remark will apply to numerous other subjects.

The initials of each writer's name are given at the end of the articles he has written, and a list of the names of the contributors is prefixed to the work. It may be proper to state, that the editor is not answerable for every opinion or statement contained in the work: he has endeavoured to obtain the best assistance that he could; but he has not thought it proper or necessary to exercise more than a general superintendence, as each writer has attached his name to the articles he has written, and is therefore responsible for them. It may also not be unnecessary to remark, in order to guard against any misconception, that each writer is only responsible for his own articles, and for no other parts of the work.

Some subjects have been included in the present work which have not usually been treated of in works on Greek and Roman Antiquities. These subjects have been inserted on account of the important influence which they exercised upon the public and private life of the ancients. Thus, considerable space has been given to the articles on Painting and Statuary, and also to those on the different departments of the Drama. There may seem to be some inconsistency and apparent capriciousness in the admission and rejection of subjects, but it is very difficult to determine at what point to stop in a work of this kind. A Dictionary of Greek and Roman Antiquities, if understood in its most extensive signification, would comprehend an account of everything relating to antiquity. In its narrower sense, however, the term is confined to an account of the public and private life of the Greeks and Romans, and it is convenient to adhere to this signification of the word, however arbitrary it may be. For this reason, several articles have been inserted in the work which some persons may regard as out of place, and others have been omitted which have sometimes been improperly included in writings on Greek and Roman Antiquities. Neither the names of persons and divinities, nor those of places, have been inserted in the present work, as the former will be treated of in the "Dictionary of Greek and Roman Biography and Mythology," and the latter in the "Dictionary of Greek and Roman Geography."

The subjects of the woodcuts have been chosen by the writers of the articles which they illustrate, and the drawings have been made under their superintendence. Many of these have been taken from originals in the British Museum, and others from the different works which contain representations of works of ancient art, as the Museo Borbonico, Museo Capitolino, Millin's Peintures de Vases Antiques, Tischbein's and D'Hancarville's engravings from Sir William Hamilton's Vases, and other similar works. Hitherto little use has been made in this country of existing works of art for the purpose of illustrating antiquity. In many cases, however, the representation of an object gives a far better idea of the purposes for which it was intended and

the way in which it was used, than any explanation in words only can convey. Besides which, some acquaintance with the remains of ancient art is almost essential to a proper perception of the spirit of antiquity, and would tend to refine and elevate the taste, and lead to a just appreciation of works of art in general.

Considerable care has been taken in drawing up the list of articles, but it is feared that there may still be a few omissions. Some subjects, however, which do not occur in the alphabetical list, are treated of in other articles; and it will be found by reference to the Index, that many subjects are not omitted which appear to be so. The reader will occasionally find some words referred for explanation to other articles, which are not treated of under the articles to which the references are made. Such instances, however, occur but rarely, and are rectified by the index, where the proper references are given. They have only arisen from the circumstance of its having been found advisable, in the course of the work, to treat of them under different heads from those which were originally intended. Some inconsistency may also be observed in the use of Greek, Latin, and English words for the names of the articles. The Latin language has generally been adopted for the purpose, and the subjects connected with Greek antiquity have been inserted under their Greek names, where no corresponding words existed in Latin. In some cases, however, it has, for various reasons, been found more convenient to insert subjects under their English names, but this has only been done to a limited extent. Any little difficulty which may arise from this circumstance is also remedied by the index, where the subjects are given under their Greek, Latin, and English titles, together with the page where they are treated of. The words have been arranged according to the order of the letters in the Latin alphabet.

Mr. George Long, who has contributed to this work the articles relating to Roman Law, has sent the editor the following remarks, which he wishes to make respecting the articles he has written, and which are accordingly subjoined in his own words:

"The writer of the articles marked with the letters G. L. considers some apology necessary in respect of what he has contributed to this work. He has never had the advantage of attending a course of lectures on Roman Law, and he has written these articles in the midst of numerous engagements, which left little time for other labour. The want of proper materials, also, was often felt, and it would have been sufficient to prevent the writer from venturing on such an undertaking, if he had not been able to avail himself of the library of his friend, Mr. William Wright, of Lincoln's Inn. These circumstances will, perhaps, be some excuse for the errors and imperfections which will be apparent enough to those who are competent judges. It is only those who have formed an adequate conception of the extent and variety of the matter of law in general, and of the Roman Law in particular, who can estimate the difficulty of writing on such a subject in England, and they will allow to him who has attempted it a just measure of indulgence. The writer claims such indulgence from those living writers of whose labours he has availed himself, if any of these articles should ever fall in their way. It will be apparent that these articles have been written mainly with the view of illustrating the classical writers; and that a consideration of the persons for whose use they are intended, and the present state of knowledge of the Roman Law in this country, have been sufficient reasons for the omission of many important matters which would have been useless to most readers, and sometimes unintelligible.

"Though few modern writers have been used, compared with the whole number who might have been used, they are not absolutely few, and many of them, to Englishmen, are new. Many of them, also, are the best, and among the best of the kind. The difficulty of writing these articles was increased by the want of books in the English language; for, though we have many writers on various departments of the Roman Law, of whom two or three have been referred to, they have been seldom used, and with very little profit."

It would be improper to close these remarks without stating the obligations this work is under to Mr. Long. It was chiefly through his advice and encouragement that the editor was induced to undertake it, and during its progress he has always been ready to give his counsel whenever it was needed. It is, therefore, as much a matter of duty as it is of pleasure to make this public acknowledgment to him.

WILLIAM SMITH.

London, 1842

A DICTIONARY

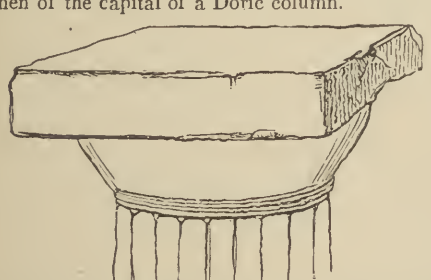
OF

GREEK AND ROMAN ANTIQUITIES, ETC

*ABAC'ULUS (*ἀβακίσκος*), a diminutive of Abacus, is principally applied, when used at all, to the tiles or squares of a tesselated pavement. (*Vid.* Abacus, II.)

AB'ACUS (*ἄβαξ*) denoted generally and primarily a square tablet of any material. Hence we find it applied in the following special significations:

I. In architecture it denoted the flat square stone which constituted the highest member of a column, being placed immediately under the architrave. Its use is to be traced back to the very infancy of architecture. As the trunk of the tree, which supported the roof of the early log-hut, required to be based upon a flat square stone, and to have a stone or tile of similar form fixed on its summit to preserve it from decay, so the stone column in after days was made with a square base, and was covered with an Abacus. The annexed figure is drawn from that in the British Museum, which was taken from the Parthenon at Athens, and is a perfect specimen of the capital of a Doric column.



In the more ornamented orders of architecture, such as the Corinthian, the sides of the abacus were curved inward, and a rose or some other decoration was frequently placed in the middle of each side; but the name Abacus was given to the stone thus diversified and enriched, as well as in its original form.[1]

II. The diminutive Abaculus (*ἀβακίσκος*) denoted a tile of marble, glass, or any other substance used for making ornamental pavements.

Pliny, in his account of glass, says,[2] "It is artificially stained as in making the small tiles, which some persons call abaculi." Moschion says that the magnificent ship built by Archimedes for Hiero, king of Syracuse, contained a pavement made of such tiles, of various colours and materials.[3]

III. Abacus was also employed in architecture to denote a panel, coffer, or square compartment in the wall or ceiling of a chamber. As panels are intended for variety and ornament, they were enriched with painting.[1] Pliny, in describing the progress of luxury with respect to the decoration of apartments, says that the Romans were now no longer satisfied with panels,[2] and were beginning even to paint upon marble.

IV. Abacus farther denoted a wooden tray, *i. e.*, a square board surrounded by a raised border. This may have been the article intended by Cato, when, in his enumeration of the things necessary in furnishing a farm (*olivetum*), he mentions "one abacus."[3]

Such a tray would be useful for various purposes.[4] It might very well be used for making bread and confectionary; and hence the name of abacus (*ἄβαξ, ἀβάκιον*) was given to the *μάκτρα, i. e.*, the board or tray for kneading dough.[5]

V. A tray of the same description, covered with sand or dust, was used by mathematicians for drawing diagrams.[6]

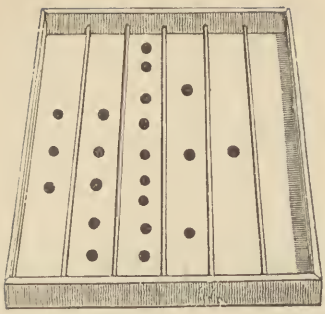
VI. It is evident that this contrivance would be no less serviceable to the arithmetician: and to this application of it Persius alludes, when he censures the man who ridiculed "the numbers on the abacus and the partitions in its divided dust."[7] In this instance the poet seems to have supposed perpendicular lines or channels to have been drawn in the sand upon the board; and the instrument might thus, in the simplest and easiest manner, be adapted for arithmetical computation.

It appears that the same purpose was answered by having a similar tray with perpendicular wooden divisions, the space on the right hand being intended for units, the next space for tens, the next for hundreds, and so on. Thus was constructed "the abacus on which they calculate,"[8] *i. e.*, reckon by the use of stones.[9] The figure following is designed to represent the probable form and appearance of such an abacus.

The reader will observe, that stone after stone might be put into the right-hand partition until they amounted to 10, when it would be necessary to take them all out as represented in the figure, and instead of them to put one stone into the next partition. The stones in this division might in like manner amount to 10, thus representing $10 \times 10 = 100$, when it would be necessary to take out the 10, and instead of them to put one stone into the third partition, and so on. On this principle, the stones in the abacus, as delineated in the figure, would be equivalent to 359,310.

1 (Vitruv., iii., 3; iv., 1, 7.)—2. (H. N., xxxvi., 67.)—3. (Ἀπέδον ἐν ἀβακίσκοις πυγτείμενον ἐκ παντοίων λίθων. Apud Athen., v., 207.)

1. (Plin., H. N., xxxiii., 56; xxxv., 13.)—2. ("Non placent jam abaci:" H. N., xxxv., 1.)—3. (De Re Rust., 10.)—4. (*Vid* Cratin., Fragm., ed. Runkel, p. 27.—Pollux, vi., 90; x., 105.—Bekker, Anec. Græc., i., 27.)—5. (Hesych., s. v. Μάκτρα.—Schol. in Theoc., iv., 61.)—6. (Eustath. in Od., i., 107, p. 1397.)—7. ("Abaco numeros, et secto in pulvere metas:" Pers., Sat., i., 131.)—8. (ἀβάκιον ἐφ' οὗ ψηφίζουσιν: Eustath. in Od., iv. 249, p. 1494.)—9. (Ψῆφοι, calculi.)



It is evident that the same method might be employed in adding, subtracting, or multiplying weights and measures, and sums of money. Thus the stones, as arranged in the figure, might stand for 3 *stadia*, 5 *plethra*, 9 *fathoms*, 3 *cubits*, and 1 *foot*. The abacus, however, can never be much used by us at the present day, owing to our various divisions of weights and measures, &c. We should need one abacus for dollars, cents, &c.; another for avoirdupois weight; a third for troy weight, and so on. In China, however, where the whole system is decimal, that is, where every measure, weight, &c., is the tenth part of the next greater one, this instrument, called *Shwanpan*, is very much used, and with astonishing rapidity. It is said that, while one man reads over rapidly a number of sums of money, another can add them so as to give the total as soon as the first has done reading.

That the spaces of the abacus actually denoted different values, may be inferred from the following comparison in Polybius:[1] "All men are subject to be elevated and again depressed by the most fleeting events; but this is particularly the case with those who frequent the palaces of kings. They are like the stones upon abaci,[2] which, according to the pleasure of the calculator,[3] are at one time the value of a small copper coin,[4] and immediately afterward are worth a talent of gold.[5] Thus courtiers at the monarch's nod may suddenly become either happy or miserable."

VII. By another variation the Abacus was adapted for playing with dice or counters. The Greeks had a tradition ascribing this contrivance to Palamedes; hence they called it "the abacus of Palamedes."[6] It probably bore a considerable resemblance to the modern backgammon-board, dice[7] being thrown for the moves, and the "men"[8] placed according to the numbers thrown on the successive lines or spaces of the board.

VIII. The term Abacus was also applied to a kind of cupboard, sideboard, or cabinet, the exact form of which can only be inferred from the incidental mention of it by ancient writers. It appears that it had partitions for holding cups and all kinds of valuable and ornamental utensils:

> "*Nec per multiplices abaco splendente cavernas*
> *Argenti nigri pocula defodiam.*"[9]

This passage must evidently have referred to a piece of furniture with numerous cells, and of a complicated construction. If we suppose it to have been a square frame with shelves or partitions, in some degree corresponding to the divisions which have been described under the last two heads, we shall see that the term might easily be transferred from all its other applications to the sense now under consideration.

We are informed that luxuries of this description were first introduced at Rome from Asia Minor after the victories of Cn. Manlius Vulso, A.U.C. 567.[1]

In the above passage of Sidonius, the principal use of the abacus now described is indicated by the word *argenti*, referring to the vessels of silver which it contained, and being probably designed, like our word "plate," to include similar articles made of gold and other precious substances.[2]

The term abacus must, however, have been applicable to cupboards of a simple and unadorned appearance. Juvenal says of the triclinium and drinking-vessels of a poor man,

> "*Lectus erat Codro Procula minor, urceoli sex*
> *Ornamentum abaci, nec non et parvulus infra*
> *Cantharus.*"[3]

The abacus was, in fact, part of the furniture of a triclinium, and was intended to contain the vessels usually required at meals.

IX. Lastly, a part of the theatre was called ἄβακες, "the abaci." It seems to have been on or near the stage; farther than this its position cannot be at present determined. We may, however, infer that the general idea, characteristic of abaci in every other sense, viz., that of a square tablet, was applicable in this case also.

ABALIENA'TIO. (*Vid.* Mancipium; Mancipatio.)

ABDICA'TIO. (*Vid.* Magistratus, Apocerux-is.)

*AB'IES, the "*Fir*," a genus of trees of the coniferous tribe, well known for the valuable timber which is produced by many of the species. The origin of the Latin name is unknown; that of the English appellation is the Saxon *furh-wudu*, "fir-wood." The *Abies Picea*, or "Silver Fir," is the kind styled by Virgil *pulcherrima* ("most beautiful"), and richly merits the name. Antiquarians have lost themselves in vain attempts to reconcile the declaration of Cæsar (5, 12), that he found in Britain all the trees of Gaul except the beech and abies, with the well-known fact that fir-wood is abundant in the ancient English mosses, and has been met with even beneath the foundations of Roman roads. What Cæsar meant was, no doubt, that he did not meet with the *silver fir* in Britain; of the pine he says nothing, and therefore it is to be presumed that he found it.—The common ἐλάτη of the Greeks must have been either the *Pinus abies* or the *Pinus Orientalis* (Tournefort). There is some difficulty in distinguishing the male and female species of Theophrastus. Stackhouse holds the former to be the *Pinus abies*, or common "Fir-tree," and the latter the *Pinus picea*, or "Yellow-leaved Fir."[4]

*AB'IGA, the herb "*ground-pine*," called also "*St. John's wort*." The Latin name is derived from this plant's having been used to produce abortion.[5] The Abiga is the same with the Chamæpitys (Χαμαιπίτυς) of the Greeks. The three species of the latter described by Dioscorides have been the subject of much diversity of opinion. The 1st would seem to have been the *Ajiga Chamæpitys*; the 3d the *Ajiga iva* (according to Bauhin and Sprengel); while the 2d, according to the latter, is either the *Teucrium supinum* or *montanum*.[6] These plants, rich in essential oil, are tonic and aromatic. All that we find in Dioscorides and in Pliny (who copies him), which does not refer to these properties, is merely hypothetical, and does not merit refutation.

ABLECTI. (*Vid.* Extraordinarii.)

ABLEGMINA (ἀπολεγμοί) were the parts of the victim which were offered to the gods in sacrifice. The word is derived from *ablegere*, in imitation of

1. (v., 26.)—2. (ταῖς ἐπὶ τῶν ἀβακίων ψήφοις.)—3. (ψηφίζοντος.)—4. (χαλκοῦν.)—5. (τάλαντον:)—6. (τὸ Παλαμήδειον ἀβάκιον: Eustath. in Od., i., 107, p. 1396.)—7. (κύβοι.)—8. πεσσοί.)—9. (Sidon. Apoll., Car xvii., 7, 8.)

1. (Liv., xxxix., 6.—Plin., H. N., xxxix., 8.)—2 (*Vid.* Cic., Tusc., v., 21.—Varro, de Ling. Lat., ix., 33, p. 489, ed. Spengel.)—3. (Sat., iii., 187.)—4. (Adams, Append., s. v. ἐλάτη.)—5 ("Quod abigat partus." *Vid* Plin., H. N., xxiv., 6.)—6. (Adams, Append., s. v. χαμαιπίτυς.)—7 (Dioscorid., ii., 175.—Fée in Plin., l. c.)

the Greek ἀπολέγειν, which is used in a similar manner. These parts were also called *Porricia*, *Prosegmina*, *Prosecta*. (*Vid.* Sacrifices.)

ABOL'LA, a woollen cloak or pall, is probably only a varied form of pallium (φᾶρος), with which this word is nearly, if not altogether, identical in signification. The form and manner of wearing the abolla may be seen in the figures annexed, which are taken from the bas-reliefs on the triumphal arch of Septimius Severus at Rome.

The word was in use before the Augustan age; for it occurs in a passage cited by Nonius Marcellus from one of the satires of Varro. Nonius Marcellus quotes the passage to show that this garment was worn by soldiers (*vestis militaris*), and thus opposed to the toga. There can be no doubt that it was more especially the dress of soldiers, because the toga, which was used instead of it in the time of peace, though of a similar form and application, was much too large, and wrapped in too many folds about the body to be convenient in time of war. But it is also clear, from many passages in ancient authors, that the abolla was by no means confined in its use to military occasions.[1]

Juvenal, speaking of a person who heard unexpectedly that it was necessary for him to attend upon the emperor, says, "He took up his cloak in a great hurry."[2] This action suited the use of a garment, made simply to be thrown over the shoulders and fastened with a fibula. The same poet calls a very cruel and base action *facinus majoris abollæ*, literally "a crime of a larger cloak." The expression has been explained as meaning "a crime of a deeper dye," and "a crime committed by a philosopher of a graver character." Probably it meant a crime so enormous as to require a larger cloak to hide it. This is supported by the authority of the ancient scholiast on Juvenal, who explains *majoris abollæ* as equivalent to *majoris pallii*. (*Vid.* Pallium.)

The Periplus of the Erythrean Sea mentions *abollæ* among the articles imported into the kingdom of the Axumites in Abyssinia; and the expression ἱματίων ἀβόλλαι, used by the writer, is an additional proof that the abolla was a kind of ἱμάτιον, *i. e.*, a square or rectangular piece of woollen cloth, a cloak, or pall.

*AB'RAMIS ('Αβραμίς), the name of a fish mentioned by Oppian[3] and Athenæus.[4] According to Coray, it is the *Bream*, namely, the *Cyprinus Brama*, L., or *Abramis Vulgaris* (Cuvier). Rondelet, however, with whom Gesner is disposed to concur, supposes it a species or variety of the Θρίσσα (*Thissa*).[5]

1. (Sueton., Calig., c. 35.—Martial, i., 133; viii., 48.)—2. "Rapta properabat abolla." iv., 75.)—3 (Hal., i., 244.)—4 (vii., 312, b.)—5 (Adams, Append., s v.)

ABROGA'TIO. (*Vid.* Lex.)

*ABROT'ONUM (ἀβρότονον), a plant, of which two species are described by Dioscorides,[1] the male and the female. The former of these by the almost general agreement of the commentators and botanical authorities, is referred to the *Artemisia Abrotonum*, L., or Southernwood. About the other species there is great diversity of opinion. Fuchsius makes it the *Artemisia Pontica*; Dodonæus, the *A. arborescens*; and Matthiolus, the *Santolina Chamæcyparissus*, or common Lavender Cotton. Adams decides in favour of the last. Galen recognises the two species described by Dioscorides; but Nicander, Paulus Ægineta, and most of the other writers on the Materia Medica, notice only one species, which no doubt was the *A. abrotonum*.[2]

*ABSIN'THIUM (ἀψίνθιον), a plant, of which Dioscorides describes three species. The first of these is pretty generally acknowledged to be the *Artemisia absinthium*, or common wormwood; but Sprengel hesitates whether he should not also comprehend the *A. Pontica* under it, which latter, indeed, Bauhin held to be the true Roman wormwood. The second species is the *Artemisia maritima*. The third is held by Sprengel to be the *A. palmata*, L., which, it appears, is indigenous in Santonge. The *A. santonica*, L., being confined to Tartary and the northern parts of Persia, it is not likely that the ancients were acquainted with it.[3]

ABSOLU'TIO. (*Vid.* Judicium.)

ABSTINEN'DI BENEFIC'IUM. (*Vid.* Heres.)

*ACA'CALIS or ACALLIS (ἀκακαλίς, ἀκαλλίς), a plant; according to Sprengel, the *Tamarix Orientalis*, called *Tamarix articulata* by Vahl.[4]

*ACA'CIA (ἀκακία), a plant, which, according to Sprengel, and most of the authorities, is the *Acacia Vera*, Willd.; but, according to Dierbach, it is the *Acacia Senegal*. Hill remarks, that the tree which produces the *succus acaciæ* is the same as that which yields the gum arabic. The acacia gets the English name of the Egyptian thorn.[5]

ACAI'NA (ἄκαινα), a measure of length, equivalent to ten Greek feet.

*ACALE'PHE (ἀκαλήφη, or κνίδη), I. a kind of shellfish, belonging to the genus *Urtica* ("Sea-nettle"), of which there are several species. Linnæus places the *Urtica* among *Zoophyta*, but it belongs more properly to the class *Mollusca*. Sprengel decides, that the *Urtica marina* of the ancients is the *Actinia senilis*.[6] Coray gives its French name as *Ortie de mer*. Pennant says, the ancients divided their κνίδη into two classes, those which adhere to rocks (the *Actinia* of Linnæus), and those that wander through the element. The latter are called by late writers *Urticæ solutæ*; by Linnæus, *Medusæ*; by the common people, "Sea jellies," or "Sea blubbers."[7]—II. A species of plant, the "nettle." Dioscorides describes two species, which Sprengel holds to be the *Urtica dioica* ("great nettle") and the *U. urens* ("little nettle").[8]

*ACAN'THA (ἄκανθα), the Thorn. Eight species are described by Theophrastus, none of which are satisfactorily determined by Stackhouse and Schneider. There is great diversity of opinion respecting the two species described by Dioscorides.[9] Sprengel, upon the whole, inclines to the opinion of Sibthorp, that the ἄκανθα λευκή is the *Cirsium Acarna*, Cand.; and the ἄκανθα Ἀραβικη the *Onopordum Arabicum*. Botanists even yet find great difficulty in distinguishing the different species and genera of Thorns and Thistles, and the nomenclature of this tribe of plants is very unsettled.[10]

*ACAN'THIAS GAL'EOS (ἀκανθίας γαλεός), a

1. (Mat. Med., iii., 26.)—2. (Adams, Append., s. v.)—3 (Adams, Append., s. v. ἀψίνθ.)—4 (Adams, Append., s. v ἀκαλλίς.)—5. (Adams, Append., s. v. ἀκακία.)—6. (Comment in Dioscorid.)—7. (Aristot., H. A., iv., 5.—Adams, Append., s. v ἀκαλήφη.)—8. (Dioscor., iv., 72.—Adams, Append., s v.)—9 (iii., 12.)—10 (Adams, Append., s v.)

species of fish, the *Squalus Acanthias*, L., or *Spinax Acanthias* of later authorities; in English, the "Piked Dog" or "Hound Fish." It is common on the shores of England and in the Mediterranean. Pennant also says that it swarms on the Scottish coast. It weighs about 20 lbs. This is the species of shark often taken between Edinburgh and Aberdeen.[1]

*ACAN'THIS (*ἀκανθίς*), so called by Aristotle, is probably the same plant as the *ἀκαλανθίς* of Aristophanes, and the *ἀκανθυλλίς* of Hesychius. It is the Acanthis of Pliny and Virgil. Gesner, with great probability, refers it to the "Siskin," namely, the *Fringilla spinus*, L., or *Carduelis spinus*, Cuvier. Professor Rennie says it is called "Aberdevine" near London.[2]

*ACAN'THUS (*ἄκανθος*), I. the name by which the broad raffled leaf used in the enrichment of the Corinthian capital is known. It is thus called because of its general resemblance to the leaves of a species of the Acanthus plant. (*Vid.* Columna.)

II. Under this name have been described by ancient authors at least three totally different plants. First, a prickly tree, with smooth evergreen leaves, and small, round, saffron-coloured berries, frequently alluded to by Virgil; this is conjectured to have been the *Holly*. Secondly, a prickly Egyptian tree, described by Theophrastus as having pods like those of a bean; it is probable that this was the *Acacia Arabica*. Thirdly, an herb mentioned by Dioscorides, with broad prickly leaves, which perish at the approach of winter, and again sprout forth with the return of spring. To this latter plant the name is now applied. The word in all cases alludes to the prickly nature of the leaves or stems. It is this last species which is usually supposed to have given rise to the notion of the Corinthian capital. But it appears from the investigation of Dr. Sibthorp, that it is nowhere to be found, either in the Greek islands, or in any part of the Peloponnesus; and that the plant which Dioscorides must have meant was the *Acanthus spinosus*, still called *ἄκανθα*, which is found, as he describes it, on the borders of cultivated grounds or of gardens, and is frequent in rocky moist situations.[3]

*ACANTHYLL'IS (*ἀκανθυλλίς*). As has been stated under Acanthis, the *ἀκανθυλλίς* of Hesychius is most probably the "Siskin;" but that of Aristotle is certainly different, being the *Picus varius* according to Camus.[4]

ACAP'NA LIG'NA (*a* priv., and *καπνός*), called also *cocta*, were logs of wood dried with great care in order to prevent smoke. Pliny says that wood soaked with the lees of oil (*amurca*) burned without smoke.[5]

Acapnon mel, which was considered the best kind of honey, was obtained without driving out the bees from their hives by smoke, which was the usual method of procuring it.[6]

ACA'TION (*ἀκάτιον*, a diminutive of *ἄκατος*, a small vessel),[7] a small vessel or boat, which appears to have been the same as the Roman *scapha*; since Suetonius,[8] in relating the escape of Cæsar from Alexandrea, says that he jumped into a *scapha*, which Plutarch, in narrating the same events, calls τὸ *ἀκάτιον*. Thucydides[9] speaks of *ἀκάτιον ἀμφηρικόν*, which is explained by the scholiast, *Πλοιάριον ἑκατέρωθεν ἐρεσσόμενον, ἐν ᾧ ἕκαστος τῶν ἐλαννόντων δικωπίας ἐρέττει.*

The *ἀκάτια* were also sails, which, according to the description of Xenophon, were adapted for fast sailing. They are opposed by him to the *μεγάλα ἱστία*.[10]

1. (Adams, Append., s. v.)—2. (Adams, Append., s. v. *ἀκανθίς*)—3. (Theophrast., H. P., iii., 4. seqq.—Dioscor., iii., 119.)—4. (Aristot., H. A., viii., 5.)—5. (H. N., xv., 8.—Martial, xiii., 15.)—6. (Plin., H. N., xi., 15.—Colum., vi., 33.)—7. (Ἐν τοῖσι σιταγωγοῖσι *ἀκάτοισι*: Herod., vii., 186; compare Pindar, Pyth., xi., 62; Nem., v., 5.)—8. (Jul., 64.)—9. (iv., 67.)—10. Xen., Hell., vi., 2, § 27.—Schneider, in loc.)

ACCEN'SI. I. The Accensus was a public officer who attended on several of the Roman magistrates. He anciently preceded the consul, who had not the fasces, which custom, after being long disused, was restored by Julius Cæsar in his first consulship,[1] It was the duty of the accensi to summon the people to the assemblies, and those who had lawsuits to court; and also, by command of the consul and prætor, to proclaim the time, when it was the third hour, the sixth hour, and the ninth hour.[2] Accensi also attended on the governors of provinces,[3] and were commonly freedmen of the magistrate on whom they attended. Varro describes the word from *acciendo*, because they summoned the people; other writers suppose it to come from *accensere*.

II. The Accensi were also a class of soldiers in the Roman army. It appears that after the full number of the legion had been completed, some supernumerary soldiers were enlisted, who might be always ready to supply any vacancies in the legion. These soldiers, who were called *adscriptivi* or *adscriptitii* (because, says Festus, *supplendis legionibus adscribebantur*), were usually unaccustomed to military service, and were assigned to different centurions to be instructed in their duties. After they had been formed into a regular corps, they obtained the name of *accensi*, and were reckoned among the light-armed troops.[4] In later times they were also called *supernumerarii*.[5] They were placed in battle in the rear of the army, behind the triarii.[6] They had properly no military duty to perform, since they did not march in troops against the enemy. They were, according to the census of Servius Tullius, taken from the fifth class of citizens.[7]

ACCEPTILA'TIO is defined to be a release by mutual interrogation between debtor and creditor, by which each party is exonerated from the same contract. In other words, acceptilatio is the form of words by which a creditor releases his debtor from a debt or obligation, and acknowledges he has received that which in fact he has not received. This release of debt by acceptilatio applies only to such debts as have been contracted by stipulatio, conformably to a rule of Roman law, that only contracts made by words can be put an end to by words. But the astuteness of the Roman lawyers found a mode of complying with the rule, and at the same time extending the acceptilatio to all kinds and to any number of contracts. This was the invention of Gallus Aquilius, who devised a formula for reducing all and every kind of contracts to the stipulatio. This being done, the acceptilatio would immediately apply, inasmuch as the matter was by such formula brought within the general rule of law above mentioned. The acceptilatio must be absolute and not conditional. A part of a debt or obligation might be released as well as the whole, provided the thing was in its nature capable of division. A pupillus could not release a debt by acceptilatio, without the consent of his tutor, but he could be released from a debt. The phrase by which a creditor is said to release his debtor by acceptilatio is, *debitori acceptum*, or *accepto facere* or *ferre*, or *acceptum habere*. When anything which was done on the behalf of or for the state, such as a building, for instance, was approved by the competent authorities, it was said, *in acceptum ferri* or *referri*.[8]

ACCES'SIO is a legal term, by which is expressed the produce or increase of anything, and, at the same time, the notion of such produce or in-

1. (Suet., Jul., 20.—Liv., iii., 33.)—2. (Varro, de Ling. Lat., v., 9.—Plin., vii., 60.)—3. (Cic. ad Fratr., i., 1, § 4.)—4 (Walch, in Tacit., Agric., c. 19.)—5. (Veget., ii., 19.)—6. (Liv viii., 8, 10.)—7. (Liv., i., 43.—Niebuhr, Rom. Hist., i., p. 441 2, transl.)—8. (Dig., 46. tit. 4; 48. tit. 11. s. 7.—Gaius, iii 169, seqq.)

crease becoming the property of him to whom the thing itself belongs. The rule of law was expressed thus: *Accessio cedit principali.*[1] Examples of accessio are contained under the heads of ALLUVIO, CONFUSIO, FRUCTUS, &c.

*ACCIPEN'SER. (*Vid.* ACIPEN'SER.)

*ACCIP'ITER. (*Vid.* HIERAX.)

ACCLAMA'TIO was the public expression of approbation or disapprobation, pleasure or displeasure, by loud acclamations. On many occasions, there appear to have been certain forms of acclamations always used by the Romans; as, for instance, at marriages, *Io Hymen, Hymenæe*, or *Talassio* (explained by Livy[2]); at triumphs, *Io triumphe, Io triumphe;* at the conclusion of plays the last actor called out *Plaudite* to the spectators; orators were usually praised by such expressions as *Bene et præclare, Belle et festive, Non potest melius*, &c.[3] Other instances of *acclamationes* are given by Ferrarius, in his *De Veterum Acclamationibus et Plausu;* in Græevius, *Thesaur. Rom. Antiq.*, vol. vi.

ACCU'BITA, the name of couches which were used in the time of the Roman emperors, instead of the triclinium, for reclining upon at meals. The mattresses and feather-beds were softer and higher, and the supports (*fulcra*) of them lower in proportion, than in the triclinium. The clothes and pillows spread over them were called *accubitalia.*[4]

ACCUSA'TIO. (*Vid.* CRIMEN, JUDICIUM.)

*ACER. (*Vid.* SPHENDAMNUS.)

ACER'RA (λιβανωτίς, λιβανωτρίς), the incense-box used in sacrifices.

Horace,[5] enumerating the principal articles necessary in a solemn sacrifice to Juno, mentions "Flowers and a box full of frankincense."[6] In Virgil, Æneas worships "with corn and with frankincense from the full acerra."

"*Farre pio et plena supplex veneratur acerra.*"[7]

Servius explains the last word as meaning *arca turalis.*

Pliny, enumerating the principal works of Parrhasius of Ephesus, says that he painted *Sacerdotem adstante puero cum acerra et corona.*[8] The picture, therefore, represented a priest preparing to sacrifice, with the boy standing beside him, and holding the incense-box and a wreath of flowers. This was, no doubt, a very common and favourite subject for artists of every kind. It frequently occurs in bas-reliefs representing sacrifices, and executed on vases, friezes, and other ancient monuments. It occurs three times on the Columna Trajana at Rome, and once on the Arch of Constantine.

The annexed figure is taken from a bas-relief in the museum of the Capitol.

The acerra was also, according to Festus, a small altar placed before the dead, on which perfumes were burned. *Acerra ara, quæ ante mortuum poni solebat, in qua odores incendebantur.* There was a law in the Twelve Tables which restricted the use of acerræ at funerals.[9]

1. (Dig. 34, tit. 2, s. 19, § 13.)—2 (i., 9.)—3. (Cic., de Orat., ii., 25.)—4. (Lamprid., Heliog., 19, 25.—Schol. in Juv., Sat. v., 17.)—5. (Od., iii., viii., 2.)—6. ("Flores, et acerra turis plena.") —7. (Æn., v., 745.)—8. (Plin., H. N., xxxv., 36, § 5.)—9. (Cic., in Legg., ii., 24.)

ACETAB'ULUM (ὀξίς, ὀξύβαφον, ὀξυβάφιον), a vinegar-cup.

Among the various ways in which the Greeks and Romans made use of vinegar (*acetum*) in their cookery and at their meals, it appears that it was customary to have upon the table a cup containing vinegar, into which the guests might dip their bread, lettuce, fish, or other viands, before eating them. Of this fact we have no direct assurance; but it is implied in one of the Greek names of this utensil, viz., ὀξύβαφον, from ὀξύς, *acid*, and βάπτω, *to dip* or *immerse*. It also suits the various secondary applications of these terms, both in Latin and in Greek, which suppose the vessel to have been wide and open above. In fact, the acetabulum must have been in form and size very like a modern teacup. It probably differed from the τρύβλιον, a vessel to which it was in other respects analogous, in being of smaller capacity and dimensions.

These vinegar-cups were commonly of earthenware,[1] but sometimes of silver, bronze, or gold.[2]

The accompanying figure is taken from Panofka's Work on the names and forms of Greek vases. He states that on the painted vase, belonging to a collection at Naples, from which he took this figure, the name ὀξύβαφα is traced underneath it. This may therefore be regarded as an authentic specimen of the general form of an antique vinegar-cup

From proper vinegar-cups, the Latin and Greek terms under consideration were transferred to all cups resembling them in size and form, to whatever use they might be applied.

As the vinegar-cup was always small, and probably varied little in size, it came to be used as a measure. Thus we read of an acetabulum of honey or of salt, which is agreeable to our practice of measuring by teacups, wine-glasses, or table-spoons. We are informed that, as a measure, the ὀξύβαφον, or *acetabulum*, was a cyathus and a half, or the fourth part of a κοτύλη, or *hemina.*[3]

The use of these cups by jugglers is distinctly mentioned. They put stones or other objects under certain cups, and then by sleight of hand abstracted them without being observed, so that the spectators, to their great amusement and surprise, found the stones under different cups from those which they expected. Those persons, who were called in Latin *acetabularii*, because they played with *acetabula*, were in Greek called ψηφοπαίκται, because they played with stones (ψῆφοι); and under this name the same description of performers is mentioned by Sextus Empiricus.

In the Epistles of Alciphron,[4] a countryman who had brought to the city an ass laden with figs, and had been taken to the theatre, describes his speechless astonishment at the following spectacle: "A man came into the midst of us and set down a three-legged table (τρίποδα). He placed upon it three cups, and under these he concealed some

1. (κεράμεα μικρά: Schol. Aristoph.—ἐστὶ τὸ ὀξύβαφον εἶδος κύλικος μικρᾶς κεραμέας: Athenæus, xi., p. 494.)—2 (Athenæus, vi., p. 230.)—3 (Böckh. Gewichte, &c., p. 22.)—4 (iii 20.)

small white round pebbles, such as we find on the banks of rapid brooks. He at one time put one of these under each cup; and then, I know not how, showed them all under one cup. At another time he made them disappear altogether from under the cups, and showed them in his mouth. Then having swallowed them, and having caused those who stood near to advance, he took one stone out of a person's nose, another out of his ear, and a third out of his head. At last he caused them all to disappear entirely." In this passage Alciphron calls the cups *μικρὰς παροψίδας*. It may be observed, that *παροψίς* was equivalent to *ὀξύβαφον* when used in its wider acceptation, and denoted a basin or cup set on the table by the side of the other dishes, to hold either vinegar, pickles (*acetaria*), sauce, or anything else which was taken to give a relish to the substantial viands. The word (*paropsis*) was adopted into the Latin language, and is found in Juvenal, Martial, and other writers of the same period.

*ACE'TUM (*ὄξος*), vinegar. The kinds most in repute among the ancients were the Ægyptian and Indian.[1] Pliny gives a full account of the medical properties of vinegar. Among other applications, it was employed when leeches had been introduced into the stomach, or adhered to the larynx. Strong salt and water would, however, have been more efficacious in making these loosen their hold, and in facilitating the vomiting of them forth. Vinegar was also given in long-standing coughs, just as modern practitioners give oxymels in chronic catarrhs.[2]

*ACHA'INES (*ἀχαΐνης*), the Daguet or young stag.[3]

ACH'ANE (*ἀχάνη*). A Persian measure equivalent to 45 Attic *μέδιμνοι*. According to Hesychius, there was also a Bœotian *ἀχάνη* equivalent to one Attic *μέδιμνος*.[4]

*ACHA'TES (*ἀχάτης*), an agate, a precious stone or gem. The agate is a semi-pellucid stone of the flint class. Theophrastus describes it as a beautiful and rare stone from the river Achates in Sicily (now the *Drillo*, in the *Val di Noto*), which sold at a high price; but Pliny tells us that in his time it was, though once highly valued, no longer in esteem, it being then found in many places, of large size, and diversified appearance. The ancients distinguished agates into many species, to each of which they gave a name importing its difference from the common agate, whether it were in colour, figure, or texture. Thus they called the red, *Hæmachates*, which was sprinkled with spots of jasper, or blood-red chalcedony, and was the variety now called dotted agate. The white they termed *Leucachates;* the plain yellowish or wax-coloured, *Cerachates*, which was a variety little valued because of its abundance. Those which approached to or partook of the nature of other stones, they distinguished by names compounded of their own generical name, and that of the stone they resembled or partook of; thus, that species which seemed allied to the Jaspers they called *Jaspachates* (the jasper-agate of modern mineralogists); that which partook of the nature of the Carnelian, *Sardachates;* and those which had the resemblance of trees and shrubs on them, they called for that reason *Dendrachates*. This last is what we call at the present denartic agate, described in the Orphic poem under the name of *ἀχάτης δενδρήεις*. The *Corallachates* was so called from some resemblance that it bore to coral. Pliny describes it as sprinkled like the sapphire with spots of gold. Dr. Moore thinks, that in this latter case the ancients confounded with agate the yellow fluor spar, containing, as it sometimes does, disseminated particles of iron pyrites. The agate was also called in Greek *αἰσχάτης*.[1]

*ACHERDUS (*ἀχερδος*), the wild pear-tree, also a kind of thorn of which hedges were made. Sprengel suggests that it is the *Crataegus Azarolus*.[2]

*ACHERO'IS (*ἀχερωΐς*), the white poplar-tree.[3]

*ACH'ETAS (*ἀχέτας*), according to Hesychius, the male *Cicada;* but this is clearly either a mistake or an error of the text, as there can be no doubt that it is merely an epithet applied to the larger species of Cicada, and signifying "vocal."[4] (*Vid.* Cicada.)

*ACHILLE'OS (*Ἀχίλλειος*), a plant, fabled to have been discovered by Achilles, and with which he cured the wound of Telephus.[6] The commentators on Pliny make it the *Sideritis heraclea*. It is difficult, however, to decide the question from the text of the Roman writer merely. On recurring to that of Dioscorides, we may, perhaps, conclude as follows: the Achilleos with the golden flower is the *Achillea tomentosa seu Abrotanifolia;* the kind with the purple flower is the *A. tanacetifolia;* and the one with white flowers, the *A. nobilis seu magna*.[7]

AC'IES. (*Vid.* Army.)

ACIL'IA LEX. (*Vid.* Repetundæ.)

ACIL'IA CALPUR'NIA LEX. (*Vid.* Ambitus.)

ACI'NACES (*ἀκινάκης*), a poniard.

This word, as well as the weapon which it denotes, is Persian. Herodotus says,[8] that when Xerxes was preparing to cross the Hellespont with his army, he threw into it, together with some other things, "A Persian sword, which they call an acinaces." As the root *ac*, denoting sharpness, an edge or a point, is common to the Persian, together with the Greek and Latin, and the rest of the Indo-European languages, we may ascribe to this word the same general origin with *ἀκμή, ἀκωκή, acus, acies*, and many other Greek and Latin words allied to these in signification. Horace[9] calls the weapon *Medus acinaces*, intending by the mention of the Medes to allude to the wars of Augustus and the Romans against Parthia.

Acinaces is usually translated *a cimeter, a falchion, a sabre*, and is supposed to have been curved; but this assumption is unsupported by any evidence. It appears that the acinaces was short and straight. Julius Pollux describes it thus:[10] "A Persian dagger fastened to the thigh." Josephus, giving an account of the assassins who infested Judæa before the destruction of Jerusalem by the Romans, says, "They used daggers, in size resembling the Persian acinaces; but curved, and like those which the Romans call *sica*, and from which robbers and murderers are called *sicarii*."[11] The curvature of the daggers here described was probably intended to allow them to fit closer to the body, and thus to be concealed with greater ease under the garments. Thus we see that the Persian acinaces differed from the Roman *sica* in this, that the former was straight, the latter curved.

Another peculiarity of the acinaces was, that it was made to be worn on the right side of the body, whereas the Greeks and Romans usually had their swords suspended on the left side. Hence Valerius Flaccus speaks of Myraces, a Parthian, as *Insignis manicis, insignis acinace dextro*.[12] The same fact is illustrated by the account given by Ammianus Marcellinus of the death of Cambyses, king of Persia, which was occasioned by an accidental wound from his own acinaces: "*Suomet pugione, quem ap-*

1. (Athenæus, 2, p. 67.—Juv., Sat., xiii., 85.—Mart., xiii., 122.) —2. (Plin., H. N., xxiii., 27 —Fée, in loc.)—3. (Aristot., H. A., ix., 6.—Salmas., Exerc. Plin., p. 222.)—4. (Schol. in Aristoph., Acharn., 108, who quotes the authority of Aristotle.—Wurm, de Pond., &c., p. 133.)

1. (Theophrast., de Lapid., 58.—Hill, in loc.—Plin., H. N., xxxvii., 54.—Orph., Lith., v., 230.—Solin., Polyhist., c. xi.—Moore's Anc. Mineralogy, p. 178.)—2. (Soph., Œd. Col., 1592.) —3. (Adams, Append., s. v.)—4. (Spreng., i., 28.)—5. (Adams, Append., s. v.)—6. (Plin., H. N., xxv., 5.)—7. (Fée in Plin., l. c.)—8. (vii., 54.)—9. (Od. I, xxvii., 5.)—10. (Περσικὸν ξιφίδιον τῷ μηρῷ προσηρτημένον.)—11. (Joseph., Ant. Jud., xx., 7, seqq.) —12 (Argon., vi., 701.)

tatum femori dextro gestabat, subita vi ruinæ nudato, vulneratus."[1] The Latin historian here gives *pugio* as the translation of the Persian term.

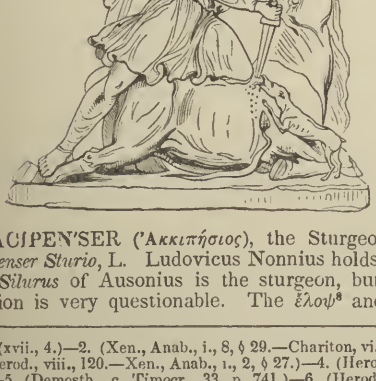
The form of the acinaces, with the method of using it, is illustrated in a striking manner by two classes of ancient monuments. In the first place, in the bas-reliefs which adorn the ruins of Persepolis, the acinaces is invariably straight, and is commonly suspended over the right thigh, never over the left, but sometimes in front of the body. The figures in the annexed woodcut are selected from engravings of the ruins of Persepolis, published by Le Bruyn, Chardin, Niebuhr, and Porter.

A golden acinaces was frequently worn by the Persian nobility.[2] It was also often given to individuals by the kings of Persia as a mark of honour.[3]

After the defeat of the Persian army at the battle of Platæa, the Greeks found golden poniards on the bodies of the slain.[4] That of Mardonius, the Persian general, was long kept as a trophy in the temple of Athena Parthenos, on the acropolis of Athens.[5]

The acinaces was also used by the Caspii.[6] It was an object of religious worship among the Scythians and many of the northern nations of Europe.[7]

The second class of ancient monuments consists of sculptures of the god Mithras, two of which are in the British Museum. The annexed woodcut is taken from the larger of the two, and clearly shows the straight form of the acinaces.



*ACIPEN'SER (Ἀκκιπήσιος), the Sturgeon, or *Acipenser Sturio*, L. Ludovicus Nonnius holds, that the *Silurus* of Ausonius is the sturgeon, but this opinion is very questionable. The ἔλοψ[8] and the γαλεὸς Ῥόδιος[1] were varieties of this fish. It is also called ὀνίσκος by Durio in Athenæus.[2]

ACLIS, a kind of dart.

Virgil attributes this weapon to the Osci, one of the ancient nations of Italy:

"*Teretes sunt aclides illis*
Tela, sed hæc lento mos est aptare flagello."[3]

From this account it appears that the peculiarity of the aclis consisted in having a leathern thong attached to it; and the design of this contrivance probably was, that, after it had been thrown to a distance, it might be drawn back again.

The aclis was certainly not a Roman weapon. It is always represented as used by foreign nations, and distinguishing them from Greeks and Romans.[4]

ACNA, AC'NUA. (*Vid.* Actus.)

'ΑΚΟΗΝ ΜΑΡΤΥΡΕΙΝ (*ἀκοὴν μαρτυρεῖν*). By the Athenian law, a witness could properly only give evidence of what he had seen himself, not of what he had heard from others;[5] but when an individual had heard anything relating to the matter in dispute from a person who was dead, an exception was made to the law, and what he had heard from the deceased person might be given in evidence, which was called *ἀκοὴν μαρτυρεῖν*.[6] It would appear, however, from a passage in Isæus, that a witness might give evidence respecting what he had not seen, but that this evidence was considered of lighter value.[7]

*AC'ONE (*ἀκόνη*), the whetstone or *Novaculite* (Kirman), the same as the *whet slate* of Jameson, and consisting principally of silex and alum. Theophrastus informs us that the Armenian whetstones were in most repute in his time. The Cyprian were also much sought after. Pliny confounds these with diamonds.[8]

*ACONI'TUM (*ἀκόνιτον*), a plant, of which Dioscorides enumerates two species, the *παρδαλιάγχες*, and the *λυκοκτόνον*. The latter of these is considered by Dodonæus, Woodville, Sprengel, and most of the authorities, to be the *Aconitum Napellus*, or Wolf's-bane. Respecting the former species there is greater diversity of opinion; however, Sprengel is inclined, upon the whole, to agree with Dodonæus and Sibthorp in referring it to the *Doronicum pardalianches*, or Leopard's-bane. It would seem to be the *κάμμαρον* of Hippocrates, and the *σκορπίος* of Theophrastus.[9]

*ACON'TIAS (*ἀκοντίας*), the name of a serpent. There can be no doubt that this is the *Jaculus* of Lucan.[10] Ælian is the only author who confounds it with the *Chersydrus*. Aëtius calls it *Cenchrites*, from the resemblance which its spots bear to the seeds of millet (*κέγχρος*). It is called *cafczate* and *alterarate* in the Latin translation of Avicenna. According to Belon, it is about three palms long, and the thickness of a man's little finger; its colour that of ashes, with black spots. Sprengel thinks it may have been a variety of the *Coluber Berus*, or Viper.[11]

*AC'ORUS (*ἄκορος*), a plant, which most of the commentators hold to be the *Acorus Calamus*, or Sweet Flag. Sprengel, however, in his annotations on Dioscorides, prefers the *Pseudacorum*.[12]

ACQUI'SITIO is used to express the acquisition of ownership, or property generally. The several modes of acquiring property among the Romans, and the incidents of property when acquired, are treated of under the various heads of In Jure Cessio, Mancipatio, Usucapio, Accessio, &c., and see Dominium.

*ACRATOPH'ORUM, a small vessel for hold-

1. (xvii., 4.)—2. (Xen., Anab., i., 8, § 29.—Chariton, vi., 4.)—3. (Herod., viii., 120.—Xen., Anab., i., 2, § 27.)—4. (Herod., ix., 80.)—5. (Demosth., c. Timocr., 33, p. 741.)—6. (Herod., viii., 67.)—7. (Herod., iv., 62.—Compare Mela, iii., 1.—Ammian., xxxi., 2.)—8. (Aristot., H. A., ii., 13.—Ælian, N. A., viii., 28.)

1. (Athen., vii., p. 295.)—2. (vii., p. 294.)—3. (Æn., vii., 730.)—4. (Sil. Ital., iii., 362.—Val. Flac., Argonaut., vi., 99.)—5. (Demosth., c. Steph., p. 1130.)—6. (Demosth., c. Steph., p. 1130.—Id., c. Leoch., p. 1097.—Id., c. Eubul., p. 1300.—Meyer and Schömann, Attisch. Proc., p. 669.—Petitus, Leg. Att., iv., 7, § 9, seq., p. 445, seq.)—7. (De Hæred. Philoctem., p. 150.)—8. (Adams, Append., s. v.)—9. (H. P., ix., 18.—Adams, Append., s. v.)—10. (Pharsal., ix., 720, 823.)—11. (Sprengel, Comment. in Dioscorid.—Ælian, N. A., viii., 15.)—12. (Theophrast., H. P., i., 22.—Dioscorid., i., 2.)

ing wine, a wine-cup. The name is derived from ἀκρᾶτον, "unmixed wine," and φέρω, "to bear." Pollux mentions it in his account of ancient drinking vessels, and describes it as resting, not on a flat bottom, but on small astragals. (*Vid.* Talus.)[1]

ACROA'MA (ἀκρόαμα) signified among the Romans a concert of players on different musical instruments, and also an interlude, called *embolia* by Cicero,[2] which was performed during the exhibition of the public games. The word is also frequently used for the actors and musicians, who were often employed at private entertainments;[3] and it is sometimes employed in the same sense as *anagnostæ*, who were usually slaves, whose duty it was to read or repeat passages from books during an entertainment, and also at other times.[4]

*ACROA'SIS (ἀκρόασις). I. A literary discourse or lecture. The term (itself of Greek origin) is applied by the Latin writers to a discourse or disputation, by some instructer or professor of an art, to a numerous audience. The corresponding Latin term is *Auditio*.[5] II. It also signifies a place or room where literary men meet, a lecture-room or school.[6]

ACRO'LITHOI (ἀκρόλιθοι), statues, of which the extremities (head, feet, and hands) were only of stone, and the remaining part of the body of bronze or gilded wood.[7]

*ACROPOD'IUM (ἀκροπόδιον), the base or pedestal of a statue, so called from its supporting the extremities or soles of the feet (ἄκρος, πούς).

ACROSTO'LION (ἀκροστόλιον.) the extremity of the στόλος. The στόλος projected from the head of the prow, and its extremity (ἀκροστόλιον), which was frequently made in the shape of an animal or a helmet, &c., appears to have been sometimes covered with brass, and to have served as an ἐμβολή against the enemy's vessels.[8]

*ACROST'ICHIS, an acrostic, a number of verses so contrived, that the first letters of each, being read in the order in which they stand, shall form some name or other word. The word signifies literally the beginning of a line or verse (ἄκρος, στίχος). "According to some authorities, a writer named Porphyrius Optatianus, who flourished in the fourth century, has the credit of having been the inventor of the acrostic. It is very probably, however, of earlier date. Eusebius, the bishop of Cæsarea, who died in A.D. 340, gives, in his Life of Constantine, a copy of Greek verses, which he asserts were the composition of the Erythræan Sibyl, the initial letters of which made up the words ΙΗΣΟΥΣ ΧΡΙΣΤΟΣ ΘΕΟΥ ΥΙΟΣ ΣΩΤΗΡ, that is, *Jesus Christ, the Son of God, the Saviour*. These verses, which are a description of the coming of the day of judgment, have been translated into Latin hexameters, so as to preserve the acrostic in that language, in the words JESUS CHRISTUS DEI FILIUS SERVATOR. The translation, however, wants one of the peculiar qualities of the original; for it will be observed that the initial letters of the five Greek words, being joined together, form the word ΙΧΘΥΣ, that is, *the fish*, which St. Augustine, who quotes the verses in his work entitled *De Civitate Dei*, informs us is to be understood as a mystical epithet of our Saviour, who lived in this abyss of mortality without contracting sin, in like manner as a fish exists in the midst of the sea without acquiring any flavour of salt from the salt water. This may therefore be called an acrostic within an acrostic."[9]

ACROTE'RIUM (ἀκρωτήριον) signifies the extremity of anything. I. It is used in Architecture to designate the statues or other ornaments placed on the summit of a pediment. According to some writers, the word only means the pediment on which the ornaments are placed.[1] II. It signified also the ἀκροστόλιον or ἄφλαστον of a ship, which were usually taken from a conquered vessel as a mark of victory.[2] III. It was also applied to the extremities of a statue, wings, feet, hands, &c.[3]

ACROTHI'NION (ἀκροθίνιον), generally used in the plural, means properly the top of the heap (ἄκρος θίς), and is thence applied to those parts of the fruits of the earth, and of the booty taken in war, which were offered to the gods. In the Phœnissæ of Euripides, the chorus call themselves δορὸς ἀκροθίνιον[4]

ACTA DIUR'NA (proceedings of the day) was a kind of gazette published daily at Rome under the authority of the government. It contained an account of the proceedings of the public assemblies, of the law courts, of the punishment of offenders, and a list of births, marriages, deaths, &c. The proceedings of the public assemblies and the law courts were obtained by means of reporters (*actuarii*). The proceedings of the senate (*acta senatus*) were not published till the time of Julius Cæsar,[5] and this custom was prohibited by Augustus.[6] An account of the proceedings of the senate was still preserved, though not published, and some senator seems to have been chosen by the emperor to compile the account.[7] The acta diurna were also called *acta populi*, *acta publica*, *acta urbana*, and usually by the simple name of *acta*. These *acta* were frequently consulted and appealed to by later historians.[8]

ACTA SENA'TUS. (*Vid.* Acta Diurna.)

ACTIA (ἀκτία) was a festival celebrated every three years at Actium in Epirus, with wrestling, horse-racing, and sea-fights, in honour of Apollo.[9] There was a celebrated temple of Apollo at Actium, which is mentioned by Thucydides[10] and Strabo.[11] After the defeat of Antony off Actium, Augustus enlarged the temple, and instituted games to be celebrated every five years in commemoration of his victory.[12]

*ACTE (ἀκτῆ). Dioscorides describes two species of *Elder*, which are undoubtedly the *Sambuchus nigra* and *ebulus*, namely, the common and the dwarf elder. The ἀκτῆ of Theophrastus is the former of these.[13]

AC'TIO is defined by Celsus[14] to be the right of pursuing by judicial means what is a man's due.

With respect to its subject-matter, the actio was divided into two great divisions, the *in personam actio*, and the *in rem actio*. The *in personam actio* was against a person who was bound to the plaintiff by contract or delict; the *in rem actio* applied to those cases where a man claimed a corporeal thing (*corporalis res*) as his property, or claimed a right, as, for instance, the use and enjoyment of a thing, or the right to a road over a piece of ground (*actus*) The *in rem actio* was called *vindicatio*; the *in personam actio* was called *condictio*, because originally the plaintiff gave the defendant notice to appear on a given day for the purpose of choosing a judex.

The old actions of the Roman law were called *legis actiones*, or *legitimæ*, either because they were expressly provided for by the laws of the Twelve Tables, or because they were strictly adapted to the words of the laws, and therefore could not be varied In like manner, the old writs in this country contained the matter or claim of the plaintiff expressed according to the legal form.[15]

1 (Pollux, vi., 16.—Id., x., 20.)—2. (Pro Sext., c. 54.)—3. (Cic., 2 Verr., iv., 22.—Id., pro Arch., 9.—Suet., Octav., 74.—Macrob., Sat., ii., 4.)—4. (Cic. ad Att., i., 12.—Id., ad Fam., v., 9.—Plin., Ep., i., 15.—Aul. Gell., iii., 19.—Nep., Att., 14.)—5. (Vitruv., 10, 11.—Sueton., Illustr. Gramm., c. 2.)—6. (Cic. ad Att., xv., 17.)—7. (Vitruv., ii., 8.)—8. (χαλκῆρης στόλος. Æsch., Pers., 414.)—9. (Gallæus, de Sibyllis Dissertat., p. 123, seq.—Penny Cyclo., vol. i. p. 99.)

1. (Vitruv., iii., 3.—Id., v., 12.)—2. (Xen., Hellen., ii., 3, § 8.—Herod., iii., 59.)—3. (Demosth., c. Timocr., p. 738.)—4. (Phœn., 289.)—5. (Sueton., Jul., 20.)—6. (Sueton., Octav., 36.)—7. (Tacit., Annal., v., 4.)—8. (Lipsius, Excurs. ad Tacit., Ann., v., 4.—Le Clerc, Journaux chez les Romains, p. 198, seqq.)—9. (Steph. Byz., Ἀκτία.)—10. (i., 29.)—11. (vii., p. 325.)—12. (Sueton. Octav., c. 18.)—13. (Theophrast., H. P., i., 5, seqq.—Dioscor. iv., 171, seq.—Adams, Append., s. v. ἀκτῆ.)—14. (Dig. 44, tit. 7, s. 51.)—15. ("Breve quidem cum sit formatum ad similitudinem regulæ juris, quia breviter et paucis verbis intentionem proferentis exponit et explanat, sicut regula juris, rem quæ est breviter enarrat." Bracton, f. 413.)

The five modes of proceeding by legal action, as named and described by Gaius,[1] were SACRAMENTO, PER JUDICIS POSTULATIONEM, PER CONDICTIONEM, PER MANUS INJECTIONEM, PER PIGNORIS CAPTIONEM.

But these forms of action gradually fell into disuse, in consequence of the excessive nicety required, and the failure consequent on the slightest error in the pleadings; of which there is a notable example given by Gaius himself,[2] in the case of a plaintiff who complained of his vines (*vites*) being cut down, and was told that his action was bad, inasmuch as he ought to have used the term trees (*arbores*), and not vines; because the law of the Twelve Tables, which gave him the action for damage to his vines, contained only the general expression "trees" (*arbores*). The Lex Æbutia and two Leges Juliæ abolished the old *legitimæ actiones*, except in the case of *damnum infectum* (*Vid.* DAMNUM INFECTUM), and in matters which fell under the cognizance of the Centumviri. (*Vid.* CENTUMVIRI.)

In the old Roman constitution, the knowledge of the law was most closely connected with the institutes and ceremonial of religion, and was accordingly in the hands of the patricians alone, whose aid their clients were obliged to ask in all their legal disputes. Appius Claudius Cæcus, perhaps one of the earliest writers on law, drew up the various forms of actions, probably for his own use and that of his friends: the manuscript was stolen or copied by his scribe Cn. Flavius, who made it public; and thus, according to the story, the plebeians became acquainted with those legal forms which hitherto had been the exclusive property of the patricians.[3]

Upon the old legal actions being abolished, it became the practice to prosecute suits according to certain prescribed forms, or formulæ, as they were called, which will be explained after we have noticed various divisions of actions, as they are made by the Roman writers.

The division of *actiones* in the Roman law is somewhat complicated, and some of the divisions must be considered rather as emanating from the schools of the rhetoricians than from any other source. But this division, though complicated, may be somewhat simplified, or, at least, rendered more intelligible, if we consider that an action is a claim or demand made by one person against another, and that, in order to be a valid legal claim (*actio utilis*), it must be founded on a legal right. The main division of actions must therefore have a reference or analogy to the main division of rights; for in every system of law the form of the action must be the expression of the legal right. Now the general division of rights in the Roman law is into rights of dominion or ownership, which are rights against the whole world, and into rights arising from contract, and quasi contract, and delict. The *actio in rem* implies a complainant, who claims a certain right against every person who may dispute it, and the object and end of the action is to compel an acknowledgment of the right by the particular person who disputes it. By this action the plaintiff maintains his property in or to a thing, or his rights to a benefit from a thing (*servitutes*). Thus the *actio in rem* is not so called on account of the subject-matter of the action, but the term is a technical phrase to express an action which is in no way founded on contract, and therefore has no determinate individual as the other necessary party to the action; but every individual who disputes the right, becomes, by such act of disputing, a party liable to such action. The *actio in rem* does not ascertain the complainant's right, and from the nature of the action the complainant's right cannot be ascertained by it, for it is a right against all the world; but the action determines that the defendant has or has not a claim which is valid against the plaintiff's claim. The *actio in personam* implies a determinate person or persons against whom the action lies, the right of the plaintiff being founded on the acts of the defendant or defendants; it is therefore in respect of something which has been agreed to be done, or in respect of some injury for which the plaintiff claims compensation. The *actio mixta* of Justinian's legislation[1] was so called from its being supposed to partake of the nature of the *actio in rem* and the *actio in personam*. Such was the action among co-heirs as to the division of the inheritance, and the action for the purpose of settling boundaries which were confused.

Rights, and the modes of enforcing them, may also be viewed with reference to the sources from which they flow. Thus the rights of Roman citizens flowed in part from the sovereign power, in part from those to whom power was delegated. That body of law which was founded on, and flowed from, the edicts of the prætors and curule ædiles, was called *jus honorarium*, as opposed to the *jus civile*, in its narrower sense, which comprehended the *leges*, *plebiscita*, *senatus consulta*, &c. The *jus honorarium* introduced new rights and modified existing rights; it also provided remedies suitable to such new rights and modifications of old rights, and this was effected by the actions which the prætors and ædiles allowed. On this jurisdiction of the prætors and ædiles is founded the distinction of actions into *civiles* and *honorariæ*, or, as they are sometimes called, *prætoriæ*, from the greater importance of the prætor's jurisdiction.

There were several other divisions of actions, all of which had reference to the forms of procedure.

A division of actions was sometimes made with reference to the object which the plaintiff had in view. If the object was to obtain a thing, the action was called *persecutoria*. If the object was to obtain damages (*pœna*) for an injury, as in the case of a thing stolen, the action was *pœnalis*; for the thing itself could be claimed both by the *vindicatio* and the *condictio*. If the object was to obtain both the thing and damages, it was probably sometimes called *actio mixta*, a term which had, however, another signification also, as already observed. The division of *actiones* into *directæ* or *vulgares*, and *utiles*, must be traced historically to the *actiones fictitiæ* or fictions, by which the rights of action were enlarged and extended. The origin of this division was in the power assumed by the prætor to grant an action in special cases where no action could legally be brought, and in which an action, if brought, would have been *inanis* or *inutilis*. After the decline of the prætor's power, the *actiones utiles* were still extended by the contrivances of the *juris prudentes* and the rescripts of the emperors. Whenever an *actio utilis* was granted, it was framed on some analogy to a legally recognised right of action. Thus, in the examples given by Gaius,[2] he who obtained the *bonorum possessio* by the prætor's edict, succeeded to the deceased by the prætorian, and not the civil law: he had, therefore, no direct action (*directa actio*) in respect of the rights of the deceased, and could only bring his action on the fiction of his being what he was not, namely, *heres*.

Actions were also divided into *ordinariæ* and *extraordinariæ*. The *ordinariæ* were those which were prosecuted in the usual way, first before the prætor, *in jure*, and then before the judex, *in judicio*. When the whole matter was settled before or by the prætor in a summary way, the name *extraordinaria* was applicable to such action. (*Vid.* INTERDICT.)

The foundation of the division of actions into *actiones stricti juris*, *bonæ fidei*, and *arbitrariæ*, is not quite clear. In the *actiones stricti juris*, it appears

1. (iv., 12.)—2. (iv., 11.)—3. (Cic., de Orat., i., 41.—Id., pro Murena, c. 11.—Dig. 1, tit. 2, s. 2, § 7.)

1. (Inst., iv., tit. 6, s. 20.)—2. (iv., 34.)

that the formula of the prætor expressed in precise and strict terms the matter submitted to the judex, whose authority was thus confined within limits. In the *actiones bonæ fidei*, or *ex fide bona*,[1] more latitude was given, either by the formula of the prætor, or was implied in the kind of action, such as the action *ex empto*, *vendito*, *locato*, &c., and the special circumstances of the case were to be taken into consideration by the judex. The *actiones arbitrariæ* were so called from the judex in such case being called an arbiter, probably, as Festus says, because the whole matter in dispute was submitted to his judgment; and he could decide according to the justice and equity of the case, without being fettered by the prætor's formula. It should be observed, also, that the judex properly could only condemn in a sum of money; but the arbiter might declare that any particular act should be done by either of the parties, which was called his *arbitrium*, and was followed by the *condemnatio* if it was not obeyed.

The division of actions into *perpetuæ* and *temporales* had reference to the time within which an action might be brought, after the right of action had accrued. Originally those actions which were given by a *lex*, *senatus consultum*, or an imperial constitution, might be brought without any limitation as to time; but those which were granted by the prætor's authority were generally limited to the year of his office. A time of limitation was, however, fixed for all actions by the late imperial constitutions.

The division of actions into *actiones in jus* and *in factum* is properly no division of actions, but has merely reference to the nature of the formula. In the formula *in factum concepta*, the prætor might direct the judex barely to inquire as to the fact which was the only matter in issue; and on finding the fact, to make the proper *condemnatio*: as in the case of a freedman bringing an action against his patronus. In the formula *in jus* the fact was not in issue, but the legal consequences of the fact were submitted to the discretion of the judex. The formula *in factum* commenced with the technical expression, *Si paret*, &c., "If it should appear," &c.; the formula *in jus* commenced, *Quod A. A.*, &c., "Whereas A. A. did so and so."[2]

The actions which had for their object the punishment of crimes were considered public, as opposed to those actions by which some particular person claimed a right or compensation, and which were therefore called *privatæ*. The former were properly called *judicia publica*; and the latter, as contrasted with them, were called *judicia privata*. (*Vid.* JUDICIUM.)

The actions called *noxales* were when a *filius familias* (a son in the power of his father), or a slave, committed a theft, or did any injury to another. In either case the father or owner might give up the wrong-doer to the person injured, or else he must pay competent damages. These actions, it appears, take their name either from the injury committed, or because the wrong-doer was liable to be given up to punishment (*noxæ*) to the person injured. Some of these actions were of legal origin, as that of theft, which was given by the Twelve Tables; that of *damnum injuriæ*, which was given by the Aquilia Lex; and that of *injuriarum et vi bonorum raptorum*, which was given by the edict, and therefore was of prætorian origin. This instance will serve to show that the Roman division and classification of actions varied according as the Roman writers contemplated the sources of rights of action, or the remedies and the modes of obtaining them.

An action was commenced by the plaintiff summoning the defendant to appear before the prætor or other magistrate who had *jurisdictio*: this process was called *in jus vocatio*; and, according to the laws of the Twelve Tables, was in effect a dragging of the defendant before the prætor if he refused to go quietly. This rude proceeding was modified in later times, and in many cases there could be no *in jus vocatio* at all, and in other cases it was necessary to obtain the prætor's permission under pain of a penalty. It was also established that a man could not be dragged from his own house; but if a man kept his house to avoid, as we should say, being served with a writ, he ran the risk of a kind of sequestration (*actor in bona mittebatur*). The object of these rules was to make the defendant appear before the competent jurisdiction; the device of entering an appearance for the defendant does not seem to have suggested itself to the Roman lawyers.[1] If the defendant would not go quietly, the plaintiff called on any by-stander to witness (*antestari*) that he had been duly summoned, touched the ear of the witness, and dragged the defendant into court.[2] The parties might settle their dispute on their way to the court, or the defendant might be bailed by a vindex.[3] The vindex must not be confounded with the vades. This settlement of disputes on the way was called *transactio in via*, and serves to explain a passage in St. Matthew.[4]

When before the prætor, the parties were said *jure agere*. The plaintiff then prayed for an action, and if the prætor allowed it (*dabat actionem*), he then declared what action he intended to bring against the defendant, which was called *edere actionem*. This might be done in writing, or orally, or by the plaintiff taking the defendant to the *album*, and showing him which action he intended to rely on.[5] As the *formulæ* comprehended, or were supposed to comprehend, every possible form of action that could be required by a plaintiff, it was presumed that he could find among all the formulæ some one which was adapted to his case, and he was accordingly supposed to be without excuse if he did not take pains to select the proper formula.[6] If he took the wrong one, or if he claimed more than his due, he lost his cause;[7] but the prætor sometimes gave him leave to amend his claim or *intentio*.[8] If, for example, the contract between the parties was for something *in genere*, and the plaintiff claimed something *in specie*, he lost his action: thus the contract might be, that the defendant undertook to sell the plaintiff a quantity of dyestuff or a slave; if the plaintiff claimed Tyrian purple or a particular slave, his action was bad; therefore, says Gaius, according to the terms of the contract, so ought the claim of the *intentio* to be. It will be observed that, as the formulæ were so numerous and comprehensive, the plaintiff had only to select the formula which he supposed to be suitable to his case, and it would require no farther variation than the insertion of the names of the parties and of the thing claimed, or the subject-matter of the suit, with the amount of damages, &c., as the case might be. When the prætor had granted an action, the plaintiff required the defendant to give security for his appearance before the prætor (*in jure*) on a day named, commonly the day but one after the *in jus vocatio*, unless the matter in dispute was settled at once. The defendant, on finding a surety, was said *vades dare*,[9] *vadimonium promittere* or *facere*; the surety, *vas*, was said *spondere*; the plaintiff, when satisfied with the surety, was said *vadari reum*, to let him go on his sureties, or to have sureties from him. When the defendant promised to appear *in jure* on the day named, without giving any surety, this was called *vadimonium purum*. In some cases *recuperatores* (*vid.* JUDEX) were named, who, in case

1 (Cic., Top., 17.)—2. (Gaius, iv., 46, 47.)

1. (Dig. 2, tit. 4.)—2. (Hor., Serm. I., ix., 75., seqq.—Plautus, Curcul., v., 2.)—3. (Cic., Top., 2.—Gaius, iv., 46.)—4. (v., 25.—It is not easy to state correctly the changes in procedure which took place after the abolition of the *legitimæ actiones*. Compare Gaius, iv., 25, 46.)—5. (Dig. 2, tit. 13.)—6. (Cic., pro Ros. Com., c. 8.)—7. ("Causa cadebat:" Cic., de Orat., i. 36.)—8. (Gaius, iv., 53, seqq.)—9. (Hor., Serm. I., i., 11.)

on the defendant making default, condemned him in the sum of money named in the *vadimonium*.

If the defendant appeared on the day appointed, he was said *vadimonium sistere;* if he did not appear, he was said *vadimonium deseruisse*, and the prætor gave to the plaintiff the *bonorum possessio*.[1] Both parties, on the day appointed, were summoned by a crier (*præco*), when the plaintiff made his claim or demand, which was very briefly expressed, and may be considered as corresponding to our declaration at law.

The defendant might either deny the plaintiff's claim, or he might reply to it by a plea, *exceptio*. If he simply denied the plaintiff's claim, the cause was at issue, and a judex might be demanded. The forms of the *exceptio* also were contained in the prætor's edict, or, upon hearing the facts, the prætor adapted the plea to the case. The *exceptio* was the defendant's defence, and was often merely an equitable answer or plea to the plaintiff's legal demand. The plaintiff might claim a thing upon his contract with the defendant, and the defendant might not deny the contract, but might put in a plea of fraud (*dolus malus*), or that he had been constrained to come to such agreement. The *exceptio* was in effect something which negatived the plaintiff's demand, and it was expressed by a negative clause: thus, if the defendant should assert that the plaintiff fraudulently claimed a sum of money which he had not given to the defendant, the *exceptio* would run thus: *Si in ea re nihil dolo malo Auli Agerii factum sit neque fiat.* Though the *exceptio* proceeded from the defendant, it was expressed in this form, in order to be adapted for insertion in the formula, and to render the *condemnatio* subject to the condition.

Exceptions were *peremptoriæ* or *dilatoriæ*. Peremptory exceptions were a complete and perpetual answer to the plaintiff's demand, such as an exceptio of *dolus malus* or of *res judicata*. Dilatory exceptions were, as the name imports, merely calculated to delay the plaintiff's demand; as, for instance, by showing that the debt or duty claimed was not yet due. Gaius considers the exceptio *litis dividuæ* and *rei residuæ*[2] as belonging to this class. If a plaintiff prosecuted his action after a dilatory exception, he lost altogether his right of action. There might be dilatory exceptions, also, to the person of the plaintiff, of which class is the *exceptio cognitoria*, by which the defendant objects either that the plaintiff is not entitled to sue by a *cognitor*, or that the cognitor whom he had named was not qualified to act as a cognitor. If the exception was allowed, the plaintiff could either sue himself, or name a proper cognitor, as the case might be. If a defendant neglected to take advantage of a peremptory *exceptio*, the prætor might afterward give him permission to avail himself of it; whether he could do the same in the case of a dilatory, was a doubtful question.[3]

The plaintiff might reply to the defendant's *exceptio*, for the defendant, by putting in his plea, became an actor. (*Vid.* Actor.) The defendant's plea might be good, and a complete answer to the plaintiff's demand, and yet the plaintiff might allege something that would be an answer to the plea. Thus, in the example given by Gaius,[4] if the auctioneer (*argentarius*) claimed the price of a thing sold by auction, the defendant might put in a plea, which, when inserted in the formula, would be of this shape: *Ut ita demum emptor damnetur, si ei res quam emerit tradita sit;* and this would be in form a good plea. But if the conditions of sale were that the article should not be handed to the purchaser before the money was paid, the argentarius might put in a *replicatio* in this shape: *Nisi prædictum est ne aliter emptori res traderetur quam si pretium emptor solverit.*

If the defendant answered the *replicatio*, his answer was called *duplicatio;* and the parties might go on to the *triplicatio* and *quadruplicatio*, and even farther, if the matters in question were such that they could not otherwise be brought to an issue.

It remains to speak of the *præscriptio*, so called from being written at the head or beginning of the formula, and which was adapted for the protection of the plaintiff in certain cases.[1] For instance, if the defendant was bound to make to the plaintiff a certain fixed payment yearly or monthly, the plaintiff had a good cause of action for all the sums of money already due; but, in order to avoid making his demand for the future payments not yet due, it was necessary to use a præscription of the following form: *Ea res agatur cujus rei dies fuit.*

A person might maintain or defend an action by his *cognitor* or *procurator*, or, as we should say, by his attorney. The plaintiff and defendant used a certain form of words in appointing a cognitor, and it would appear that the appointment was made in the presence of both parties. The cognitor needed not to be present, and his appointment was complete when by his acts he had signified his assent.[2] No form of words was necessary for appointing a *procurator*, and he might be appointed without the knowledge of the opposite party.

In many cases both plaintiff and defendant might be required to give security (*satisdare*); for instance, in the case of an *actio in rem*, the defendant who was in possession was required to give security, in order that, if he lost his cause and did not restore the thing, nor pay its estimated value, the plaintiff might have an action against him or his sureties. When the *actio in rem* was prosecuted by the *formula petitoria*, that *stipulatio* was made which was called *judicatum solvi*. As to its prosecution by the *sponsio*, see Sponsio and Centumviri. If the plaintiff sued in his own name, he gave no security; nor was any security required if a cognitor sued for him, either from the cognitor or the plaintiff himself, for the cognitor actually represented the plaintiff, and was personally liable. But if a procurator acted for him, he was obliged to give security that the plaintiff would adopt his acts; for the plaintiff was not prevented from bringing another action when a procurator acted for him. Tutors and curators generally gave security, like procurators. In the case of an *actio in personam*, the same rules applied to the plaintiff as in the *actio in rem*. If the defendant appeared by a cognitor, the defendant had to give security; if by a procurator, the procurator had to give security.

When the cause was brought to an issue, a judex or judices might be demanded of the prætor who named or appointed a judex, and delivered to him the formula which contained his instructions. The judices were said *dari* or *addici*. So far the proceedings were said to be *in jure:* the prosecution of the actio before the judex requires a separate discussion.

The following is an example of a formula taken from Gaius:[3] *Judex esto. Si paret Aulum Agerium apud Numerium Negidium mensam argenteam deposuisse eamque dolo malo Numerii Negidii Aulo Agerio redditam non esse quanti ea res erit tantam pecuniam judex Numerium Negidium Aulo Agerio condemnato: si non paret, absolvito.*

The nature of the formula, however, will be better understood from the following analysis of it by Gaius: It consisted of four parts, the *demonstratio*, *intentio*, *adjudicatio*, *condemnatio*. The *demonstratio* is that part of the formula which explains what the subject-matter of the action is. For instance, if the subject-matter be a slave sold, the *demonstratio* would run thus: *Quod Aulus Agerius Numerio Negidio hom-*

1 (Hor., Serm. I., ix., 36, seqq.—Cic., pro P. Quinctio, c. 6.) —2 (ix., 122.) —3. (Gaius, iv., 125.)—4. (iv., 126.)

1. (Gaius, iv., 130, seqq.—Cic., de Orat., i., 37.)—2. (Cic., pro Q. Roscio, c. 2.—Hor., Serm. I., v., 35.)—3. (iv., 47.)

eum vendidit The *intentio* contains the claim or demand of the plaintiff: *Si paret hominem ex jure Quiritium Auli Agerii esse.* The *adjudicatio* is that part of the formula which gives the judex authority to adjudicate the thing which is the subject of dispute to one or other of the litigant parties. If the action be among partners for dividing that which belongs to them all, the adjudication would run thus: *Quantum adjudicari oportet judex Titio adjudicato.* The *condemnatio* is that part of the formula which gives the judex authority to condemn the defendant in a sum of money, or to acquit him: for example, *Judex Numerium Negidium Aulo Agerio sestertium milia condemna: si non paret, absolve.* Sometimes the *intentio* alone was requisite, as in the formulæ called *præjudiciales* (which some modern writers make a class of actions), in which the matter for inquiry was, whether a certain person was a freedman, what was the amount of a *dos*, and other similar questions, when a fact solely was the thing to be ascertained.

Whenever the formula contained the *condemnatio*, it was framed with the view to pecuniary damages; and, accordingly, even when the plaintiff claimed a particular thing, the judex did not adjudge the defendant to give the thing, as was the ancient practice at Rome, but condemned him in a sum of money equivalent to the value of the thing. The formula might either name a fixed sum, or leave the estimation of the value of the thing to the judex, who in all cases, however, was bound to name a definite sum in the condemnation.

The formula then contained the pleadings, or the statements and counter-statements, of the plaintiff and the defendant; for the *intentio*, as we have seen, was the plaintiff's declaration; and if this was met by a plea, it was necessary that this also should be inserted in the formula. The formula also contained the directions for the judex, and gave him the power to act. The resemblance between the English and Roman procedure is pointed out in a note in Starkie's *Law of Evidence.*[1]

The following are the principal actions which we read of in the Roman writers, and which are briefly described under their several heads: Actio—*Aquæ pluviæ arcendæ; Bonorum vi raptorum; Certi et Incerti; Commodati; Communi dividundo; Confessoria; Damni injuria dati; Dejecti vel effusi; Depensi; Depositi; De dolo malo; Emti et venditi; Exercitoria; Ad Exhibendum; Familiæ erciscundæ; Fiduciaria; Finium regundorum; Furti; Hypothecaria; Injuriarum; Institoria; Judicati; Quod jussu; Legis Aquiliæ; Locati et conducti; Mandati mutui; Negativa; Negotiorum gestorum; Noxalis; De pauperie; De peculio; Pignoraticia* or *Pignoratitia; Publiciana; Quanti minoris; Rationibus distrahendis; De recepto; Redhibitoria; Rei uxoriæ* or *Dotis; Restitutoria* and *Rescissoria; Rutiliana; Serviana; Pro socio; Tributoria; Tutelæ.*

ACTOR signified generally a plaintiff. In a civil or private action, the plaintiff was often called *petitor;* in a public action (*causa publica*) he was called *accusator.*[2] The defendant was called *reus*, both in private and public causes: this term, however, according to Cicero,[3] might signify either party, as indeed we might conclude from the word itself. In a private action the defendant was often called *adversarius*, but either party might be called *adversarius* with respect to the other. Originally, no person who was not *sui juris* could maintain an action; a *filius familias*, therefore, and a slave, could not maintain an action; but in course of time certain actions were allowed to a *filius familias* in the absence of his parent or his procurator, and also in case the parent was incompetent to act from madness or other like cause.[4] Wards brought their actions by their guardian or tutor; and in case they wished to bring an action against their tutor, the prætor named a tutor for the purpose.[5] *Peregrini* or aliens, originally brought their action through their patronus; but afterward in their own name, by a fiction of law, that they were Roman citizens. A Roman citizen might also generally bring his action by means of a cognitor or procurator. (*Vid.* ACTIO.) A *universitas*, or corporate body, sued and was sued by their *actor* or *syndicus.*[6]

Actor has also the sense of an agent or manager of another's business generally. The *actor publicus* was an officer who had the superintendence or care of slaves and property belonging to the state.[7]

ACTOR. (*Vid.* HISTRIO.)

ACTUA'RII, short-hand writers, who took down the speeches in the senate and the public assemblies.[8] In the debate in the Roman senate upon the punishment of those who had been concerned in the conspiracy of Catiline, we find the first mention of short-hand writers, who were employed by Cicero to take down the speech of Cato.

The ACTUARII MILITIÆ, under the Roman emperors, were officers whose duty it was to keep the accounts of the army, to see that the contractors supplied the soldiers with provisions according to agreement, &c.[9]

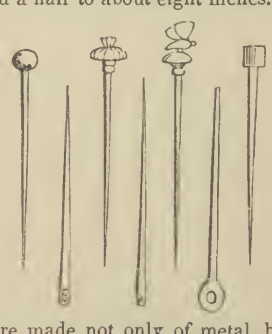
ACTUS, a Roman measure of length. "*Actus vocabatur, in quo boves agerentur cum aratro, uno impetu justo. Hic erat* CXX *pedum; duplicatusque in longitudinem jugerum faciebat.*"[10] This actus is called by Columella *actus quadratus;* he says,[11] "*Actus quadratus undique finitur pedibus* CXX. *Hoc duplicatum facit jugerum, et ab eo, quod erat junctum, jugeri nomen usurpavit; sed hunc actum provinciæ Baeticæ rustici acnuam* (or *acnam*) *vocant.*" Varro[12] says, "*Actus quadratus qui et latus est pedes* CXX, *et longus totidem, is modus acnua Latine appellatur.*" The *actus quadratus* was therefore equal to half a jugerum, or 14,400 square Roman feet. The *actus minimus* or *simplex*[13] was 120 feet long and four broad, and therefore equal to 480 square Roman feet.

ACTUS. (*Vid.* SERVITUTES.)

ACUS, *dim.* ACICU'LA (*βελόνη, βελονίς, ὰφίς*), a needle, a pin.

We may translate acus *a needle*, when we suppose it to have had at one end a hole or eye[14] for the passage of thread; and *a pin*, when, instead of a hole, we suppose it to have had a knob, a small globe, or any other enlarged or ornamental termination.

The annexed figures of needles and pins, chiefly taken from originals in bronze, vary in length from an inch and a half to about eight inches.



Pins were made not only of metal, but also of wood, bone, and ivory. Their principal use was to assist in fastening the garments, and more particularly in dressing the hair. The mode of platting the hair, and then fastening it with a pin or needle,

1. (i., p. 4.)—2. (Cic. ad Att., i., 16.)—3. (De Orat., ii., 43.) 4. (Dig. 47, tit. 10, s 17.)

1. (Gaius, i., 184.)—2. (Dig. 3, tit. 4.)—3. Tacit., Ann., ii., 30; iii., 67.—Lips., Excurs. ad Tacit., Ann., ii. 30.)—4. (Suet., Jul., 55.—Seneca, Ep. 33.)—5. (Ammian., xx., 5.—Cod. iii., tit. 37, s. 5, 16; xii., tit. 49.)—6. (Plin., H. N., xviii, 3.)—7 (v., 1.)—8. (De Re Rust., i., 10.)—9. (Colum., v., 1.—Varro De Ling. Lat. v., 4.)—10. (*τρυπημα, τρυμαλία.*)

is shown in the annexed figure of a female head, taken from a marble group which was found at Apt, in the south of France.[1]

This fashion has been continued to our own times by the females of Italy. Martial alludes to it in the following epigram, in which he supposes the hair to be anointed with perfumes and decorated with ribands:

> "*Tenuia ne madidi violent bombycina crines,*
> *Figat acus tortos, sustineatque comas.*"[2]

The acus was employed as an instrument of torture, being inserted under the nails.

Honesty was enjoined upon children by telling them that it was wrong even to steal a pin.

> Μηδὲ βελόνης ἐναμμ' ἐπιθυμῆς, πάμφιλε,
> Ὁ γὰρ Θεὸς βλέπει σε πλησίον παρών.[3]

*AD'AMAS (ἀδάμας), a name given by the ancients to several hard substances, and among the rest, probably to the Diamond. Psellus describes the gem *adamas* as follows: χρουὰν μὲν ἔχει ὑελίζουσαν καὶ στιλπνήν, "its colour resembles crystal, and is splendid."—"It is probable," observes Dr. Moore, "that Pliny, when speaking of the gem called *adamas*,[4] had in view, among other things, the diamond; but it is plain, from the fables he relates of it, that this substance 'of highest value, not only among gems, but all human things, and for a long time known to kings only, and to very few of them,' was unknown to him. He has evidently confounded in his description several widely different minerals; to which, from their hardness, or their, in some respect or other, indomitable nature, the Greeks gave the name ἀδάμας, 'adamant.' Thus steel was very frequently so called;[5] and those grains of native gold, which, when the gangue containing them was reduced to powder in a mortar, resisted the pestle and could not be comminuted by it, were called *adamas*.[6] Something of this sort Pollux meant by that 'flower of gold,'[7] or choicest gold, which he calls *adamas*;[8] and Plato, too, by 'the branch or knot of gold,'[9] which, from its density, very hard and deep coloured, was called *adamas*.[10] It was, no doubt, this native gold that was spoken of in the authors from whom Pliny drew, when he wrote that adamas is found in gold mines; that it accompanies gold; that it seems to occur nowhere but in gold; that it is not larger than a cucumber seed, nor unlike to it in colour. Of the six kinds he mentions, that described as occurring in India, not in gold, but bearing some resemblance to crystal, may have been the diamond; though even here it is probable that he, and those from whom he copies, mistook fine crystals of quartz for diamonds, or, rather, call such crystals *adamas*. The description given is precisely that of a crystal of quartz, in which the prism has entirely disappeared, leaving a double six-sided pyramid upon a common base.[1] The manner in which Dionysius Periegetes characterizes *adamas* may lead us to suspect that he also spoke of crystals of quartz; for the diamond in its unpolished state, as known to the ancients, would hardly have been styled 'all-resplendent,'[2] and afterward 'brilliant.'[3] The locality, too, in the former case, being Scythia. The variety of *adamas* which Pliny calls *siderites*, was magnetic iron ore;[4] and the Cyprian was probably emery, or some similar substance used in engraving gems."[5]

*ADAR'KES (ἀδαρκης). Matthiolus admits his ignorance of what this substance is, and Matthias Faber was in error when he referred it to the *Lapis Spongites*.[6] From the description of it given by Dioscorides and Paulus Ægineta, it was evidently nothing but the efflorescence which gathers about reeds in certain salt lakes.[7]

ADDIC'TI. (*Vid.* Nexi.)

ADDIC'TIO. (*Vid.* Actio.)

ADDIX, ADDIXIS (ἄδδιξ, ἀδδιξις), a Greek measure, according to Hesychius equal to four χοίνικες.

ADEIA (ἀδεια). When any one in Athens, who had not the full privileges of an Athenian citizen, such as a foreigner, a slave, &c., wished to accuse a person of any offence against the people, he was obliged to obtain first permission to do so, which permission was called ἄδεια.[8] An Athenian citizen who had incurred ἀτιμία (*vid.* Atimia) was also obliged to obtain ἄδεια before he could lay an information against any one.[9]

ADEMP'TIO. (*Vid.* Legatum.)

ADGNA'TIO. (*Vid.* Heres; Testamentum.)

ADGNA'TI. (*Vid.* Cognati.)

*AD'IANTON, a plant. There can be no doubt that it is the *Adiantum Capillus*, or "Maiden-hair." Both Nicander and Theophrastus say of it, that it derives its name from the circumstance of its not being wet by rain (ἀ, *neg.*, and διαινω, "to wet"). Apuleius mentions *Callitrichon*, *Polytrichon*, and *Asplenon* as synonymes of it.[10]

'ΑΔΙΚΙ'ΑΣ πρὸς τὸν δῆμον γραφή, and ἀπατήσεως τοῦ δῆμου γραφή, were actions brought in the Athenian courts against persons who were considered to have misled the people, the courts of justice, or the senate of Five Hundred, by misrepresentations or false promises, into acts of injustice, or into measures injurious to the interests of Athens. If an individual was found guilty, he was punished with death. The law relating to these offences is preserved by Demosthenes.[11]

ADIT'IO HEREDITA'TIS. (*Vid.* Hereditas.)

ADJUDICA'TIO. (*Vid.* Actio.)

ADLEC'TI were those persons who were admitted to the privileges and honours of the prætorship, quæstorship, ædileship, and other public offices, without having any duties to perform.[12] In inscriptions we constantly find, *adlectus inter tribunos*, *inter quæstores*, *inter prætores*, &c. The name also was applied, according to Festus, to those senators who were chosen from the equites on account of the small number of senators; but it appears more probable that the adlecti were the same as the conscripti. Livy says, *Conscriptos in notum senatum appellabant lectos*.[13]

ADLEC'TOR, a collector of taxes in the provinces in the time of the Roman emperors.[14]

1 (Montfaucon, Ant. Exp. Suppl., iii., 3.)—2. (Lib. xiv., Epig. 24.)—3. (Menan. et Philem., Reliq. a Meineke, p. 306.)—4. (H. N., xxxvii., 15.)—5. ('Αδάμας· γένος σιδήρου. Hesych.—Stanley, in Æsch., Prom. Vinct., 6.)—6. (Salmas., Exercit. Plin., p 757.)—7. (χρυσοῦ ἄνθος.)—8. (vii., 99.)—9 (χρυσοῦ Κοσ.)—10 (Tim., v., 7, p. 57, ed Tauchn.)

1. (Plin., H. N., xxxvii., 15.)—2. (παμφανόωντα: Dion. Perieg., 318.)—3. (μαρμαίροντα: Id. ib., 1119.)—4. (Salmas., Exercit. Plin., p. 773, seq.—Jamieson, Mineral., i., 41.)—5. (Salmas., Exercit Plin., p. 774.—Moore's Ancient Mineralogy, p. 143, seq.)—6. (Dioscor., v., 137.—Paul. Ægin., vii.—Mangeti, Bibl. Scrip Med.)—7. (Adams, Append., s. v.)—8. (Plut., Pericl., c. 31.)—9. (Demosth., c. Timocr., 12, p. 715.—Plut., Phoc., c. 26.)—10. (Theophrast., H. P., vii., 14.—Nicand., Ther., 846.)—11. (c. Leptin., c. 21, p. 487.—Id. ib., c. 29, p. 498.—Id., c. Timoth., p 1204.—Dinarch., c. Philoc., c. 1, p 93.)—12. (Capitolin., Pertin c. 6.)—13 (ii., 1.)—14. (Cod. Theod. xiii. tit vi., s. 12.)

ADMISSIONA'LES were chamberlains at the imperial court, who introduced persons to the presence of the emperor.[1] They were divided into four classes; the chief officer of each class was called *proximus admissionum*;[2] and the *proximi* were under the *magister admissionum*.[3] The admissionales were usually freedmen.[4]

Friends appear to have been called *amici admissionis primæ, secundæ*, or *tertiæ*. According to some writers, they were so called in consequence of the order in which they were admitted; according to others, because the *atrium* was divided into different parts, separated from one another by hangings, into which persons were admitted according to the different degrees of favour in which they were held.[5]

ADO'NIA (*ἀδώνια*), a festival celebrated in honour of Aphrodite and Adonis in most of the Grecian cities.[6] It lasted two days, and was celebrated by women exclusively. On the first day they brought into the streets statues of Adonis, which were laid out as corpses; and they observed all the rites customary at funerals, beating themselves and uttering lamentations.[7] The second day was spent in merriment and feasting, because Adonis was allowed to return to life, and spend half of the year with Aphrodite.[8]

*ADO'NIS (*ἄδωνις*, or *ἐξώκοιτος*), the Flying-fish, or *Exocœtus volitans*, L.[9]

ADOPTION (GREEK). Adoption was called by the Athenians *εἰσποίησις*, or sometimes simply *ποίησις* or *θέσις*. The adoptive father was said *ποιεῖσθαι, εἰσποιεῖσθαι*, or sometimes *ποιεῖν*; and the father or mother (for a mother after the death of her husband could consent to her son being adopted) was said *ἐκποιεῖν*: the son was said *ἐκποιεῖσθαι*, with reference to the family which he left; and *εἰσποιεῖσθαι* with reference to the family into which he was received. The son, when adopted, was called *ποιητός, εἰσποιητός*, or *θετός*, in opposition to the legitimate son born of the body of the father, who was called *γνήσιος*.

A man might adopt a son either in his lifetime or by his testament, provided he had no male offspring and was of sound mind. He might also, by testament, name a person to take his property, in case his son or sons should die under age.[10] If he had male offspring, he could not dispose of his property. This rule of law was closely connected with the rule as to adoption; for if he could have adopted a son when he had male children, such son would have shared his property with the rest of his male children, and to that extent the father would have exercised a power of disposition which the law denied him.

Only Athenian citizens could be adopted; but females could be adopted (by testament at least) as well as males.[11] The adopted child was transferred from his own family and demus into those of the adoptive father; he inherited his property, and maintained the sacra of his adoptive father. It was not necessary for him to take his new father's name, but he was registered as his son. The adopted son might return to his former family, in case he left a child to represent the family of his adoptive father: unless he so returned, he lost all right which he might have had on his father's side if he had not been adopted; but he retained all rights which he might have on his mother's side, for the act of adoption had no effect so far as concerned the mother of the adopted person; she still continued his mother after the act of adoption.

The next of kin of an Athenian citizen were entitled to his property if he made no disposition of it by will, or made no valid adoption during his lifetime: they were, therefore, interested in preventing fraudulent adoptions. The whole community were also interested in preventing the introduction into their body of a person who was not an Athenian citizen. To protect the rights of the next of kin against unjust claims by persons who alleged themselves to be adopted sons, it was required that the father should enter his son, whether born of his body or adopted, in the register of his phratria (*φρατρικὸν γραμματεῖον*) at a certain time, the Thargelia,[1] with the privity of his kinsmen and phratores (*γεννῆται, φράτορες*). Subsequently to this, it was necessary to enter him in the register of the adoptive father's demus (*ληξιαρχικὸν γραμματεῖον*), without which registration it appears that he did not possess the full rights of citizenship as a member of his new demus.

If the adoption was by testament, registration was also required, which we may presume that the person himself might procure to be done if he was of age, or if not, his guardian or next friend. If a dispute arose as to the property of the deceased (*κλήρου διαδικασία*) between the son adopted by testament and the next of kin, there could properly be no registration of the adopted son until the testament was established. If a man died childless and intestate, his next of kin, according to the Athenian rules of succession,[2] took his property by the right of blood (*ἀγχιστεία κατὰ γένος*). Though registration might in this case also be required, there was no adoption properly so called, as some modern writers suppose; for the next of kin necessarily belonged to the family of the intestate.

The rules as to adoption among the Athenians are not quite free from difficulty, and it is not easy to avoid all error in stating them. The general doctrines may be mainly deduced from the orations of Isæus, and those of Demosthenes against Macartatus and Leochares.

ADOPTION (ROMAN). The Roman relation of parent and child arose either from a lawful marriage or from adoption. *Adoptio* was the general name which comprehended the two species, *adoptio* and *adrogatio*; and as the adopted person passed from his own familia into that of the person adopting, *adoptio* caused a *capitis diminutio*, and the lowest of the three kinds. Adoption, in its specific sense, was the ceremony by which a person who was in the power of his parent (*in potestate parentium*), whether a child or grandchild, male or female, was transferred to the power of the person adopting him. It was effected under the authority of a magistrate (*magistratus*), the prætor, for instance, at Rome, or a governor (*præses*) in the provinces. The person to be adopted was emancipated (*vid.* MANCIPATIO) by his natural father before the competent authority, and surrendered to the adoptive father by the legal form called *in jure cessio*.[3]

When a person was *sui juris*, *i. e.*, not in the power of his parent, the ceremony of adoption was called *adrogatio*. Originally it could only be effected at Rome, and only by a vote of the populus (*populi auctoritate*) in the comitia curiata (*lege curiata*); the reason of this being that the caput or status of a Roman citizen could not, according to the laws of the Twelve Tables, be affected except by a vote of the populus in the comitia curiata. Clodius, the enemy of Cicero, was adrogated into a plebeian family in order to qualify himself to be elected a tribunus plebis.[4] Females could not be

1. (Lamprid., Sever., c. 4.—"Officium admissionis." Suet., Vesp., c. 14.)—2. (Ammian., xxii., 7.)—3. (Ammian., xv., 5.—Vop., Aurel., c. 12.)—4. (Cod. Theod., vi., tit. 2, s. 12; tit. 9, s. 2; tit. 35, s. 3.)—5. (Sen., de Benef., vi., 33, seq.—Clem., i., 10.)—6. (Aristoph., Pax, 412.—Schol. in loc.)—7. (Plutarch, Alc., c. 18.—Nic., c. 13.)—8. (For a fuller account, consult Anthon's Classical Dictionary, s. v.)—9. (Ælian, ix., 36.—Plin., H. N., ix., 19.)—10. (Demosth., *κατὰ Στεφάνου Ψευδ.*, 13.)—11. (Isæus *περὶ τοῦ Ἀγνίου Κλήρου.*)

1. (Isæus, *περὶ τοῦ Ἀπολλοδώρ. Κλήρου*, 3, 5.)—2. (Demosth., *πρὸς Λεωχ.*, c. 6.)—3. (A. Gell., v., c. 19.—Suet., Aug., c. 64.)—4. (Cic. ad Att., ii., 7.—Id., pro Dom.)

adopted by the adrogatio. Under the emperors it became the practice to effect the adrogatio by an imperial rescript (*principis auctoritate, ex rescripto principis*); but this practice had not become established in the time of Gaius, or, as it appears, of Ulpian.[1] It would seem, however, from a passage in Tacitus,[2] that Galba adopted a successor without the ceremony of the adrogatio. By a rescript of the Emperor Antoninus Pius, addressed to the pontifices, those who were under age (*impuberes*), or wards (*pupilli*), could, with certain restrictions, be adopted by the adrogatio. If a father who had children in his power consented to be adopted by another person, both himself and his children became in the power of the adoptive father. All the property of the adopted son became at once the property of the adoptive father.[3] A person could not legally be adopted by the adrogatio till he had made out a satisfactory case (*justa, bona, causa*) to the pontifices, who had the right of insisting on certain preliminary conditions. This power of the pontifices was probably founded on their right to preserve the due observance of the sacra of each gens.[4] It would, accordingly, have been a good ground of refusing their consent to an adrogatio, if the person to be adopted was the only male of his gens, for the sacra would in such case be lost. It was required that the adoptive father also had no children, and no reasonable hopes of any; and, as a consequence of this condition, that he should be older than the person to be adopted.

A woman could not adopt a person, for even her own children were not in her power.

Finally, all adoption was effected by the imperial rescript.

The effect of adoption was to create the legal relation of father and son, just as if the adopted son were born of the blood of the adoptive father in lawful marriage. The adopted child was entitled to the name and sacra privata of the adopting parent, and it appears that the preservation of the sacra privata, which by the laws of the Twelve Tables were made perpetual, was frequently one of the reasons for a childless person adopting a son. In case of intestacy, the adopted child might be the heres of his adoptive father. He became the brother of his adoptive father's daughter, and therefore could not marry her; but he did not become the son of the adoptive father's wife, for adoption only gave to the adopted son the jura agnationis.[5]

The phrase of "adoption by testament"[6] seems to be rather a misapplication of the term; for, though a man or woman might by testament name a heres, and impose the condition of the heres taking the name of the testator or testatrix, this so-called adoption could not produce the effects of a proper adoption. It could give to the person so said to be adopted the name or property of the testator or testatrix, but nothing more. A person on passing from one gens into another, and taking the name of his new familia, generally retained the name of his old gens also, with the addition to it of the termination *anus*. Thus C. Octavius, afterward the Emperor Augustus, upon being adopted by the testament of his uncle the dictator, assumed the name of Caius Julius Cæsar Octavianus; but he caused the adoption to be confirmed by the curiæ.[7]

ADORA'TIO (προσκύνησις) was paid to the gods in the following manner: The individual stretched out his right hand to the statue of the god whom he wished to honour, then kissed his hand and waved it to the statue. Hence we have in Apuleius, "*Nam Deo adhuc supplicavit; nullum templum frequentavit; si fanum aliquod prætereat, nefas habet adorandi gratia manum labris admovere.*"[1] The adoratio differed from the *oratio* or prayers, supplications, which were offered with the hands extended and the palms turned upward.[2] The adoration paid to the Roman emperors was borrowed from the eastern mode of adoration, and consisted in prostration on the ground, and kissing the feet and knees of the emperor.[3]

ADROGA'TIO. (*Vid.* ADOPTION.)

ADSCRIPTI'VI. (*Vid.* ACCENSI.)

ADSTIPULA'TIO. (*Vid.* STIPULATIO.)

ADULTERIUM properly signifies, in the Roman law, the offence committed by a man having sexual intercourse with another man's wife. Stuprum (called by the Greeks φθορά) signifies the like offence with a widow or virgin. It was the condition of the female which determined the legal character of the offence; there was, therefore, no adultery unless the female was married.

In the time of Augustus a lex was enacted (probably about B.C. 17), entitled *Lex Julia de adulteriis coercendis*, the first chapter of which repealed some prior enactments on the same subject, with the provisions of which prior enactments we are, however, unacquainted. In this law the terms adulterium and stuprum are used indifferently; but, strictly speaking, these two terms differed as above stated. The chief provisions of this law may be collected from the Digest and from Paulus.[4]

It seems not unlikely that the enactments repealed by the Julian law contained special penal provisions against adultery; and it is also not improbable that, by the old law or custom, if the adulterer was caught in the fact, he was at the mercy of the injured husband, and that the husband might punish with death his adulterous wife.[5] It seems, also, that originally the act of adultery might be prosecuted by any person, as being a public offence; but under the emperors the right of prosecution was limited to the husband, father, brother, patruus, and avunculus of the adulteress.

By the Julian law, if a husband kept his wife after an act of adultery was known to him, and let the adulterer off, he was guilty of the offence of lenocinium. The husband or father in whose power the adulteress was, had sixty days allowed for commencing proceedings against the wife, after which time any other person might prosecute.[6] A woman convicted of adultery was mulcted in half of her dos and the third part of her property (*bona*), and banished (*relegata*) to some miserable island, such as Seriphos, for instance. The adulterer was mulcted in half his property, and banished in like manner. This law did not inflict the punishment of death on either party; and in those instances under the emperors in which death was inflicted, it must be considered as an extraordinary punishment, and beyond the provisions of the Julian law.[7] But, by a constitution of Constantine[8] (if it is genuine), the offence in the adulterer was made capital. By the legislation of Justinian,[9] the law of Constantine was probably only confirmed; but the adulteress was put into a convent, after being first whipped. If her husband did not take her out in two years, she was compelled to assume the habit, and to spend the rest of her life in the convent.

The Julian law permitted the father (both adoptive and natural) to kill the adulterer and adulteress in certain cases, as to which there were several nice distinctions established by the law. If the

1. (Compare Gaius, i., 98, with Gaius as cited in Dig. 1, tit. 7, s. 2; and Ulpian, Frag., tit. 8.)—2. (Hist., i., 15.)—3. (Gaius, ii., 98.)—4. (Cic., pro Dom., 13, seqq.)—5. (Gaius, i., 97–107.—Dig. 1, tit. 7.—Cicero, pro Domo.)—6. (Cic., Brut., 58.)—7. (Cic., Off., iii., 18.—Id. ad Att., viii., 8.—Suet, Jul., 83.—Tib., 2, seqq.—Heinecc., Syntagma.—Dig. 36, tit 1, s 63.)

1. (Apul., Apolog., p. 496.—Plin., H. N., xxviii., 5.)—2. (ὑπτιάσματα χερῶν: Æsch., Prom V., 1004.—Lucret., v., 1199.—Hor., Carm., iii., 23, 1.)—3. (On this whole subject, consult Brouerius, de Adorationibus, Amst., 1713.)—4. (48, tit. 5.—Sentent. Recept., ii., tit. 26, ed. Schulting.)—5. (Dion. Hal., ii., 25.—Suet., Tib., 35.)—6. (Tacit., Ann., ii., 85.)—7. (Tacit., Ann., ii., 50; iii., 24.—Lips., Excurs. ad Tacit., Ann., iv., 42.—Noodt, Op. Omn., p. 286, seqq.)—8. (Cod., ix., 30.)—9 (Nov. 134, c. 10.)

father killed only one of the parties, he brought himself within the penalties of the Cornelian law De Sicariis. The husband might kill persons of a certain class, described in the law, whom he caught in the act of adultery with his wife; but he could not kill his wife. The husband, by the fifth chapter of the Julian law, could detain for twenty hours the adulterer whom he had caught in the fact, for the purpose of calling in witnesses to prove the adultery. If the wife was divorced for adultery, the husband was entitled to retain part of the dos.[1] Horace[2] is supposed to allude to this Julian law.

Among the Athenians, if a man caught another man in the act of criminal intercourse (*μοιχεία*) with his wife, he might kill him with impunity; and the law was also the same with respect to a concubine (*παλλακή*). He might also inflict other punishment on the offender. It appears that among the Athenians also there was no adultery, unless a married woman was concerned.[3] But it was no adultery for a man to have connexion with a married woman who prostituted herself, or who was engaged in selling anything in the agora.[4] The Roman law appears to have been pretty nearly the same.[5] The husband might, if he pleased, take a sum of money from the adulterer by way of compensation, and detain him till he found sureties for the payment. If the alleged adulterer had been unjustly detained, he might bring an action against the husband; and if he gained his cause, he and his sureties were released. If he failed, the law required the sureties to deliver up the adulterer to the husband before the court, to do what he pleased with him, except that he was not to use a knife or dagger.[6]

The husband might also prosecute the adulterer in the action called *μοιχείας γραφή*. If the act of adultery was proved, the husband could no longer cohabit with his wife under pain of losing his privileges of a citizen (*ἀτιμία*). The adulteress was excluded even from those temples which foreign women and slaves were allowed to enter; and if she was seen there, any one might treat her as he pleased, provided he did not kill her or mutilate her.[7]

ADVERSA'RIA, note-book, memorandum-book, posting-book, in which the Romans entered memoranda of any importance, especially of money received and expended, which were afterward transcribed, usually every month, into a kind of leger. (*Tabulæ justæ, codex accepti et expensi.*) Cicero describes the difference between the adversaria and tabulæ in his *Oratio pro Rosc. Com.*, c. 3: *Quid est, quod negligenter scribamus adversaria? quid est, quod diligenter conficiamus tabulas? qua de causa? Quia hæc sunt menstrua, illæ sunt æternæ; hæc delentur statim, illæ servantur sancte*, &c.

ADVERSA'RIUS. (*Vid.* Actor.)

ADU'NATOI (*ἀδύνατοι*), were persons supported by the Athenian state, who, on account of infirmity or bodily defects, were unable to obtain a livelihood. The sum which they received from the state appears to have varied at different times. In the time of Lysias[8] and Aristotle,[9] one obolus a day was given; but it appears to have been afterward increased to two oboli. The bounty was restricted to persons whose property was under three minæ; and the examination of those who were entitled to it belonged to the senate of the Five Hundred.[10] Pisistratus is said to have been the first to introduce a law for the maintenance of those persons who had been mutilated in war.[11]

1. (Ulpian, Fr., vi., 12.)—2. (Carm., iv., v. 21.)—3. (Lysias, *ὑπὲρ τοῦ Ἐρατοσθένους φόνου.*)—4. (Demosth., *κατὰ Νεαίρας*, c. 18.)—5. (Paulus, Sent. Recept., vi., tit. 26.)—6. (Demosth., *κατὰ Νεαίρ.*, 18.)—7. (Demosth., *κατὰ Νεαίρ.*, c. 22.—Æschin., *κατὰ Τιμάρχ.*, c. 36.)—8. (*ὑπὲρ τοῦ Ἀδυνάτου*, c. iv., p. 749.)—9. (Harpocrat., *Ἀδύνατοι.*)—10. (Æschin., *κατὰ Τιμάρχου*, c. 21.)—11. (Plut., Solon., c. 31.—Lysias, *ὑπερ τοῦ Ἀδυνάτου*, a speech written for an individual, in order to prove that he was

ADVOCA'TUS seems originally to have signified any person who gave another his aid in any affair or business, as a witness, for instance;[1] or for the purpose of aiding and protecting him in taking possession of a piece of property.[2] It was also used to express a person who in any way gave his advice and aid to another in the management of a cause; but the word did not signify the orator or patronus who made the speech,[3] in the time of Cicero. Under the emperors, it signified a person who in any way assisted in the conduct of a cause,[4] and was sometimes equivalent to orator.[5] The advocate's fee was then called honorarium. (*Vid.* Orator, Patronus, Cincia Lex.)

The advocatus is defined by Ulpian[6] to be any person who aids another in the conduct of a suit or action.

The advocatus fisci was an important officer established by Hadrianus.[7] It was his business to look after the interests of the fiscus or the imperial treasury, and, among other things, to maintain its title to *bona caduca*.[8]

AD'YTUM. (*Vid.* Temple.)

ÆA'CIA. (*Vid.* AIAKEIA.)

ÆBU'TIA LEX. (*Vid.* Actio.)

ÆDES. (*Vid.* House; Temple.)

ÆDI'LES. The name of these functionaries is said to be derived from their having the care of the temple (*ædes*) of Ceres. The ædiles were originally two in number: they were elected from the plebes, and the institution of the office dates from the same time as that of the tribuni plebis, B.C. 494. Their duties at first seem to have been merely ministerial; they were the assistants of the tribunes in such matters as the tribunes intrusted to them, among which are enumerated the hearing of causes of smaller importance. At an early period after their institution (B.C. 446), we find them appointed the keepers of the senatus consulta, which the consuls had hitherto arbitrarily suppressed or altered.[9] They were also the keepers of the plebiscita. Other functions were gradually intrusted to them, and it is not always easy to distinguish their duties from some of those which belong to the censors. They had the general superintendence of buildings, both sacred and private: under this power they provided for the support and repair of temples, curiæ, &c., and took care that private buildings which were in a ruinous state were repaired by the owners or pulled down. The superintendence over the supply and distribution of water at Rome was, at an early period, a matter of public administration. According to Frontinus, this was the duty of the censors; but when there were no censors, it was within the province of the ædiles. The care of each particular source or supply was farmed to undertakers (*redemptores*), and all that they did was subject to the approbation of the censors or the ædiles.[10] The care of the streets and pavements, with the cleansing and draining of the city, belonged to the ædiles; and, of course, the care of the cloacæ. They had the office of distributing corn among the plebes; but this distribution of corn at Rome must not be confounded with the duty of purchasing or procuring it from foreign parts, which was performed by the consuls, quæstors, and prætors, and sometimes by an extraordinary magistrate, as the præfectus annonæ. The ædiles had to see that the public lands were not improperly used, and that the pasture-grounds of the state were not trespassed on; and they had power to punish by fine any unlawful act in this respect. They had a general superintend-

entitled to be supported by the state.—Petit., Leg. Att., viii., tit. 3, s. 5.—Böckh, Public Econ. of Athens, i., p. 323-327, transl.)

1. (Varro, de Re Rust., ii., c. 5.)—2. (Cic., pro Cæcin., c. 8.)—3. (Cic., de Orat., ii., 74.)—4. (Dig. 50, tit. 13, s. 1.)—5. (Tacit., Ann., x., 6.)—6. (Dig. 50, tit. 13.)—7. (Spart., Vit. Had., c. 60.)—8. (Dig. 28, tit. 4, s. 3.)—9. (Liv. iii., 55.)—10. (De Aquæduct. Rom., lib. ii.)

ance over buying and selling, and, as a consequence, the supervision of the markets, of things exposed to sale, such as slaves, and of weights and measures: from this part of their duty is derived the name under which the ædiles are mentioned by the Greek writers (*ἀγορανόμοι*). It was their business to see that no new deities or religious rites were introduced into the city, to look after the observance of religious ceremonies, and the celebrations of the ancient feasts and festivals. The general superintendence of police comprehended the duty of preserving order, regard to decency, and the inspection of the baths and houses of entertainment, of brothels, and of prostitutes, who, it appears, were registered by the ædiles. The ædiles had various officers under them, as præcones, scribæ, and viatores.

The Ædiles Curules, who were also two in number, were originally chosen only from the patricians, afterward alternately from the patricians and the plebes, and at last indifferently from both.[1] The office of curule ædiles was instituted B.C. 365, and, according to Livy, on the occasion of the plebeian ædiles refusing to consent to celebrate the ludi maximi for the space of four days instead of three; upon which a senatus consultum was passed, by which two ædiles were to be chosen from the patricians. From this time four ædiles, two plebeian and two curule, were annually elected.[2] The distinctive honours of the ædiles curules were, the sella curulis, from whence their title is derived, the toga prætexta, precedence in speaking in the senate, and the jus imaginis.[3] The ædiles curules only had the jus edicendi, or the right of promulgating edicta;[4] but the rules comprised in their edicta served for the guidance of all the ædiles. The edicta of the curule ædiles were founded on their authority as superintendents of the markets, and of buying and selling in general. Accordingly, their edicts had mainly, or perhaps solely, reference to the rules as to buying and selling, and contracts for bargain and sale. They were the foundation of the actiones ædilitiæ, among which are included the *actio redhibitoria* and *quanti minoris*.[5] A great part of the provisions of the ædiles' edict relate to the buying and selling of slaves. The persons both of the plebeian and curule ædiles were sacrosancti.[6]

It seems that, after the appointment of the curule ædiles, the functions formerly exercised by the plebeian ædiles were exercised, with some few exceptions, by all the ædiles indifferently. Within five days after being elected or entering on office, they were required to determine by lot, or by agreement among themselves, what parts of the city each should take under his superintendence; and each ædile alone had the care of looking after the paving and cleansing of the streets, and other matters, it may be presumed, of the same local character within his district. The other duties of the office seem to have been exercised by them jointly.

In the superintendence of the public festivals and solemnities, there was a farther distinction between the two sets of ædiles. Many of these festivals, such as those of Flora[7] and Ceres, were superintended by either set of ædiles indifferently; but the plebeian games were under the superintendence of the plebeian ædiles, who had an allowance of money for that purpose; and the fines levied on the pecuarii and others, seem to have been appropriated to these among other public purposes.[8] The celebration of the ludi magni or Romani, of the ludi scenici or dramatic representations, and the ludi Megalesii, belonged especially to the curule ædiles, and it was on such occasions that they often incurred a prodigious expense, with the view of pleasing the people and securing their votes in future elections. This extravagant expenditure of the ædiles arose after the close of the second Punic war, and increased with the opportunities which individuals had of enriching themselves after the Roman arms were carried into Greece, Africa, and Spain. Even the prodigality of the emperors hardly surpassed that of individual curule ædiles under the Republic; such as C. J. Cæsar the dictator, P. C. Lentulus Spinther, and, above all, M. Æmilius Scaurus, whose expenditure was not limited to bare show, but comprehended objects of public utility, as the reparation of walls, dockyards, ports, and aqueducts.[1] An instance is mentioned by Dion Cassius[2] of the ludi Megalesii being superintended by the plebeian ædiles; but it was done pursuant to a senatus consultum, and thus the particular exception confirms the general rule.

In B.C. 45, J. Cæsar caused two curule ædiles and four plebeian ædiles to be elected; and thenceforward, at least so long as the office of ædile was of any importance, six ædiles were annually elected. The two new plebeian ædiles were called Cereales, and their duty was to look after the supply of corn. Though their office may not have been of any great importance after the institution of a præfectus annonæ by Augustus, there is no doubt that it existed for several centuries, and at least as late as the time of Gordian.

The ædiles belonged to the class of the minores magistratus. The plebeian ædiles were originally chosen at the comitia centuriata, but afterward at the comitia tributa,[3] in which comitia the curule ædiles also were chosen. It appears that, until the lex annalis was passed, a Roman citizen might be a candidate for any office after completing his twenty-seventh year. This lex annalis, which was passed at the instance of the tribune L. V. Tappulus, B.C. 180, fixed the age at which each office might be enjoyed.[4] The passage of Livy does not mention what were the ages fixed by this law; but it is collected, from various passages of Roman writers, that the age fixed for the ædileship was thirty-six. This, at least, was the age at which a man could be a candidate for the curule ædileship, and it does not appear that there was a different rule for the plebeian ædileship.

The ædiles existed under the emperors; but their powers were gradually diminished, and their functions exercised by new officers created by the emperors. After the battle of Actium, Augustus appointed a præfectus urbis, who exercised the general police, which had formerly been one of the duties of the ædiles. Augustus also took from the ædiles, or exercised himself, the office of superintending the religious rites, and the banishing from the city of all foreign ceremonials; he also assumed the superintendence of the temples, and thus may be said to have destroyed the ædileship by depriving it of its old and original functions. This will serve to explain the curious fact mentioned by Dion Cassius,[5] that no one was willing to hold so contemptible an office, and Augustus was therefore reduced to the necessity of compelling persons to take it: persons were accordingly chosen by lot, out of those who had served the office of quæstor and tribune; and this was done more than once. The last recorded instance of the splendours of the ædileship is the administration of Agrippa, who volunteered to take the office, and repaired all the public buildings and all the roads at his own expense, without drawing anything from the treasury.[6] The ædileship had, however, lost its true character before this time. Agrippa had already

1. (Liv., vii., 1.)—2. (Liv., vi., 42.)—3. (Cic., 2 Verr., v., 14.)—4. (Gaius, i., 6.)—5. (Dig. 21, tit. 1, De Ædilicio Edicto.—A. Gell., iv., 2.)—6. (Liv., iii., 55.)—7. (Cic., 2 Verr., v., 14.—Ovid., Fast., 278, seqq.)—8. (Liv., x., 23; xxvii., 6.—Ovid, Fast., 278, seqq.)

1. (Cic., Off., ii., 17.—Plin., H. N., xxxiii., 3; xxxvi., 15.)—2. (xliii., 48.)—3. (Dion. Hal., vi., 90; ix., 43, 49.—Liv., ii., 56, seq.)—4. (Liv., xl., 44.)—5. (Ix., c. 24.)—6. (Dion. Cas. xlix., 43.—Plin., H. N., xxxvi., 15.)

tect consul before he accepted the office of ædile, and his munificent expenditure in this nominal office was the close of the splendour of the ædileship. Augustus appointed the curule ædiles specially to the office of putting out fires, and placed a body of 600 slaves at their command; but the præfecti vigilum afterward performed this duty. In like manner, the *curatores viarum* were appointed by him to superintend the roads near the city, and the quatuorviri to superintend those within Rome. The *curatores operum publicorum* and the *curatores alvei Tiberis*, also appointed by Augustus, stripped the ædiles of the remaining few duties that might be called honourable. They lost also the superintendence of wells or springs, and of the aqueducts.[1] They retained, under the early emperors, a kind of police, for the purpose of repressing open licentiousness and disorder: thus the baths, eating-houses, and brothels were still subject to their inspection, and the registration of prostitutes was still within their duties.[2] We read of the ædiles under Augustus making search after libellous books, in order that they might be burned.

The coloniæ, and the municipia of the later period, had also their ædiles, whose numbers and functions varied in different places. They seem, however, as to their powers and duties, to have resembled the ædiles of Rome. They were chosen annually.[3]

The history, powers, and duties of the ædiles are stated with great minuteness and accuracy by Schubert, *De Romanorum Ædilibus*, lib. iv., Regimontii, 1828.

ÆDITʻUI, ÆDITʻUMI, ÆDITʻIMI (called by the Greeks *νεωκόροι*, *ζάκοροι*, and *ὑποζάκοροι*[4]), were persons who took care of the temples, attended to the cleaning of them, &c.[5] They appear to have lived in the temples, or near them, and to have acted as ciceroni to those persons who wished to see them.[6] In ancient times, the æditui were citizens, but under the emperors freedmen.[7]

*AEʻDON (*Ἀηδών*), without doubt the *Motacilla Luscinia*, L., and *Sylvia Luscinia* (Latham), or the Nightingale. We sometimes read *ἀδονίς*, or *ἀηδονίς* in Doric. The nightingale is also called *φιλομήλα* and *πρόκνη* by the poets. That it is the male bird only which sings, was well understood by the ancients.[8] Virgil, however, has on one occasion given the power of song to the female bird.[9] From some papers in the Classical Journal, it would appear that the nightingale sings by day as well as by night.[10]

ÆGIS is a Greek word (*αἰγίς*, *-ίδος*), signifying, literally, a goatskin, and formed on the same analogy with *νεβρίς*, a fawnskin.[11]

According to ancient mythology, the ægis worn by Jupiter was the hide of the goat Amalthea, which had suckled him in his infancy. Hyginus relates[12] that, when he was preparing to resist the Titans, he was directed, if he wished to conquer, to wear a goatskin with the head of the Gorgon. To this particular goatskin the term ægis was afterward confined. Homer always represents it as part of the armour of Jupiter, whom, on this account, he distinguishes by the epithet *ægis-bearing* (*αἰγίοχος*). He, however, asserts that it was borrowed on different occasions both by Apollo[13] and by Minerva.[14]

The skins of various quadrupeds having been used by the most ancient inhabitants of Greece for clothing and defence, we cannot wonder that the goatskin was employed in the same manner; and the particular application of it which we have now to consider will be understood from the fact that the shields of the ancient Greeks were in part supported by a belt or strap (*τελαμών*, *balteus*) passing over the right shoulder, and, when not elevated with the shield, descending transversely to the left hip. In order that a goatskin might serve this purpose, two of its legs would probably be tied over the right shoulder of the wearer, the other extremity being fastened to the inside of the shield. In combat, the left arm would be passed under the hide, and would raise it together with the shield, as is shown in a marble statue of Minerva, preserved in the museum at Naples, which, from its style of art, may be reckoned among the most ancient in existence.

Other statues of Minerva, also of very high antiquity, and derived, no doubt, from some still more ancient type, represent her in a state of repose, and with the goatskin falling obliquely from its loose fastening over her right shoulder, so as to pass round the body under the left arm. The annexed figure is taken from a colossal statue of Minerva at Dresden. The softness and flexibility of the goatskin are here expressed by the folds produced in it by the girdle with which it is encircled.

Another mode of wearing this garment, also of peaceful expression, is seen in a statue of Minerva at Dresden, of still higher antiquity than that last referred to, and in the very ancient image of the same goddess from the Temple of Jupiter at Ægina. In both of these the ægis covers the right as

1. (Frontinus, ii.)—2. (Tacit., Ann., ii., 85.)—3. (De Ædil. Col., &c., Otto., Lips., 1732.)—4. (Herod., vi., 134.)—5. (Liv., xxx., 17.—Gell., xii., 10.—Suet., Dom., 1.—Varro, De Ling. Lat., vi., 2.)—6. (Plin., H. N., xxxvi., 4, § 10.—Cic., 2 Verr., iv., 44.—Scaol. in Hor., Ep. 11, i., 230.)—7. (Serv. in Virg., Æn., ix., 648.)—8. (Eustath. in Il., iii., 150, p. 395.)—9. (Georg., iv., 511, seqq.)—10. (vol. xxvii., p. 92; xxviii., p. 184, 343; xxix., p. 255; xxx., p. 180, 341.)—11. (*Vid.* Herod., iv., 189.)—12 (Astron. Poet., 13.)—13. (Il., xv., 229, 307-318, 360; xxiv., 20.)—14 (Il., ii., 447-449; xviii., 204; xxi., 400.)

well as the left shoulder, the breast, and the back, falling behind so as almost to reach the feet. Schorn[1] considers this as the original form of the ægis.

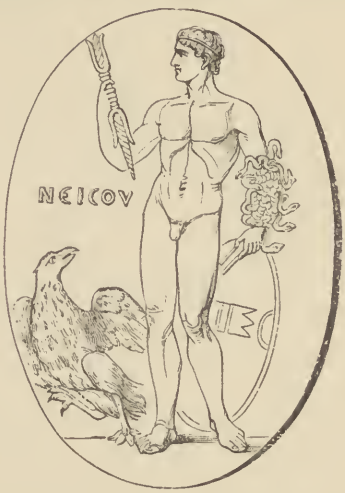
By a figure of speech, Homer uses the term ægis to denote not only the goatskin, which it properly signified, but, together with it, the shield to which it belonged. By thus understanding the word, it is easy to comprehend both why Minerva is said to throw her father's ægis around her shoulders,[2] and why, on one occasion, Apollo is said to hold it in his hand, and to shake it so as to terrify and confound the Greeks,[3] and on another occasion to cover with it the dead body of Hector, in order to protect it from insult.[4] In these passages we must suppose the ægis to mean the shield, together with the large expanded skin or belt by which it was suspended from the right shoulder.

As the Greeks prided themselves greatly on the rich and splendid ornaments of their shields, they supposed the ægis to be adorned in a style corresponding to the might and majesty of the father of the gods. In the middle of it was fixed the appalling Gorgon's head,[5] and its border was surrounded with golden tassels (*θύσανοι*), each of which was worth a hecatomb.[6] In the figures above exhibited, the serpents of the Gorgon's head are transferred to the border of the skin.

By the later poets and artists, the original conception of the ægis appears to have been forgotten or disregarded. They represent it as a breastplate covered with metal in the form of scales, not used to support the shield, but extending equally on both sides from shoulder to shoulder, as in the annexed figure, taken from a statue at Florence.

With this appearance the descriptions of the ægis by the Latin poets generally correspond.[7]

It is remarkable that, although the ægis properly belonged to Jupiter, and was only borrowed from him by his daughter, and although she is commonly exhibited either with the ægis itself, or with some emblem of it, yet we seldom find it as an attribute of Jupiter in works of art. There is, however, in the museum at Leyden a marble statue of Jupiter, found at Utica, in which the ægis hangs over his left shoulder. It has the Gorgon's head, serpents on the border, and a hole for the left arm to pass through. The annexed figure is taken from a cameo engraved by Nisus, a Greek artist. Jupiter is here represented with the ægis wrapped round the fore part of his left arm. The shield is placed underneath it, at his feet. In his right hand he holds the thunderbolt.



The Roman emperors also assumed the ægis, intending thereby to exhibit themselves in the character of Jupiter. Of this the armed statue of Hadrian in the British Museum presents an example. In these cases the more recent Roman conception of the ægis is of course followed, coinciding with the remark of Servius,[1] that this breast-armour was called ægis when worn by a god; *lorica*, when worn by a man.

Hence Martial, in an epigram on the breastplate of Domitian, says,

"*Dum vacat hæc, Cæsar, poterit lorica vocari.*
Pectore cum sacro sederit, ægis erit."[2]

In these lines he in fact addresses the emperor as a divinity.

*ÆGYPTIL'LA, a name common to several species of agate. It was, perhaps, the ancient denomination of what is still called Egyptian pebble; a striped jasper; the quartz agate onyx of Haüy.[3]

*AEIZO'ON (*ἀείζωον*), a plant, of which Dioscorides[4] describes three species: the first, or *ἀ. τὸ μέγα*, being the *Sempervivum arboreum*, according to Sibthorp and Sprengel; the second, or *ἀ. τὸ μικρόν*, the *Sedum rupestre* or *reflexum* (Rock or Yellow Stonecrop); and the third, the *Sedum stellatum*, according to Columna and Sprengel. The *ἀείζωον* of Theophrastus[5] is the same as the first species of Dioscorides, the characters of which, notwithstanding the high authority of Sibthorp and Sprengel, who are of a different opinion, Dr. Adams thinks he is justified in identifying with those of the *Sempervivum tectorum*, or Houseleek.[6]

AEI'SITOI. (*Vid.* PRYTANEION.)

ÆLIA SENTIA LEX. This law, which was passed in the time of Augustus (about A.D. 3), contained various provisions. By one clause it was provided that manumitted slaves, who, during their servitude, had undergone certain punishments for offences, should not become either Roman citizens or Latini, but should belong to the class of peregrini dediticii. (*Vid.* DEDITICII.) The law also contained various provisions as to the manumission of slaves, and as to the mode in which a manumitted slave, who had only obtained the privileges of a Latinus, might become a Roman citizen. The law also made void all manumission of slaves effected for the purpose of defrauding a creditor or a patron, whether such manumission was effected in the life-

1. (Böttiger, Amalthea, ii., 215.)—2. (Il., v., 738; xviii., 204.)—3. (Il., xv., 229, 307, seqq.)—4. (xxiv., 20.)—5. (Il., v., 741.)—6. (Il., ii., 446, seqq.)—7. (Virg., Æn., viii., 435, seqq.—Val. Flacc., vi., 174.—Sid. Apollinar. Carm., xv.—Sil. Ital., v. 442.)

1. (Æn., viii., 435.)—2. (vii., 1.)—3. (Moore's Anc. Mineralogy, p. 181.—Plin., xxxvii., 10.)—4. (iv. 88.)—5. (Il. P. v. 8.)—6. (Adams, Append., s. v.)

time of the master, or by his testament. It prescribed certain formalities to be observed in the case of manumission when the owner of the slave (*dominus*) was under twenty; the effect of which was, that though a person of the age of fourteen could make a will, he could not by will give a slave his freedom.

ÆNEATO'RES (*ahenatores*[2]) were those who blew upon wind instruments in the Roman army; namely, the *buccinatores*, *cornicines*, and *tubicines*.[3] Æneatores were also employed in the public games.[4] A *collegium æneatorum* is mentioned in inscriptions.

ÆOLIP'YLÆ (*αἰόλου πύλαι*) were, according to the description of Vitruvius,[6] hollow vessels, made of brass, which were used in explaining the origin, &c., of the winds. These vessels, which had a very small orifice, were filled with water and placed on the fire, by which, of course, steam was created.

Æ'QUITAS. (*Vid.* Jus.)

ÆRA, a point of time from which subsequent or preceding years may be counted. The Greeks had no common æra till[1] a comparatively late period. The Athenians reckoned their years by the name of the chief archon of each year, whence he was called *ἀρχων ἐπώνυμος*; the Lacedæmonians by one of the ephors; and the Argives by the chief priestess of Juno, who held her office for life.[7] The following æras were adopted in later times: 1. The æra of the Trojan war, B.C. 1184, which was first made use of by Eratosthenes. 2. The Olympiac æra, which began B.C. 776, and was first made use of by Timæus of Sicily, and was adopted by Polybius, Diodorus, Dionysius of Halicarnassus, and Pausanias. (*Vid.* Olymp'ad.) 3. The Philippic or Alexandrian æra, which began B.C. 323. 4. The æra of the Seleucidæ, which began in the autumn of B.C. 312. 5. The æras of Antioch, of which there were three, but the one in most common use began in November, B.C. 49.

The Romans reckoned their years from the foundation of the city (*ab urbe condita*) in the time of Augustus and subsequently, but in earlier times the years were reckoned by the names of the consuls. We also find traces of an æra from the banishment of the kings, and of another from the taking of the city by the Gauls. The date of the foundation of Rome is given differently by different authors. That which is most commonly followed is the one given by Varro, which corresponds to B.C. 753.[8] It must be observed that 753 A.U.C. is the first year before, and 754 A.U.C. the first year after the Christian æra. To find out the year B.C. corresponding to the year A.U.C., subtract the year A.U.C. from 754; thus, 605 A.U.C.=149 B.C. To find out the year A.D. corresponding to the year A.U.C., subtract 753 from the year A.U.C.; thus, 767 A.U.C.=14 A.D.

ÆRA'RII, those citizens of Rome who did not enjoy the perfect franchise; *i. e.*, those who corresponded to the *Isoteles* and *Atimi* at Athens. The name is a regular adjective formed from *æs* (bronze), and its application to this particular class is due to the circumstance that, as the ærarii were protected by the state without being bound to military service, they naturally had to pay the *æs militare*, which was thus originally a charge on them, in the same way as the sums for knights' horses were levied on the estates of rich widows and orphans.[9] (*Vid.* Æs Hordearium.) The persons who constituted this class were either the inhabitants of other towns which had a relation of isopolity with Rome (the *inquilini*), or clients and the descendants of freedmen. The decemvirs enrolled in the tribes all who were ærarians at that time:[1] and when the tribes comprised the whole nation, the degradation of a citizen to the rank of an ærarian (which was called *ærarium facere*;[2] *referre aliquem in ærarios*;[3] or *in tabulas Cæritum referri jubere*[4]) might be practised in the case of a patrician as well as of a plebeian. Hence ærarius came to be used as a term of reproach. Thus Cicero, speaking of the corrupt judices who tried Clodius, says,[5] *Maculosi senatores, nudi equites, tribuni non tam ærati, quam, ut appellantur, ærarii.* He is alluding to the Aurelian law, which settled that the judices should be selected from the senators, the knights, and the tribuni ærarii. These *tribuni ærarii*, who constituted an order in the later days of the republic, and were, in fact, the representatives of the most respectable plebeians, were originally heads of tribes, who acted as general inspectors and collectors of the *æs militare* for the payment of the troops.[6] In the same way the publicani, or farmers of the taxes, constituted a numerous class of the equestrian order.

ÆRA'RIUM, the public treasury at Rome. After the banishment of the kings, the temple of Saturn was used as the place for keeping the public treasure, and it continued to be so till the later times of the empire.[7] Besides the public money, the standards of the legions were kept in the ærarium;[8] and also all decrees of the senate were entered there, in books kept for the purpose.[9]

The ærarium was divided into two parts: the *common* treasury, in which were deposited the regular taxes, and which were made use of to meet the ordinary expenses of the state; and the *sacred* treasury (*ærarium sanctum*, *sanctius*[10]), which was never touched except in cases of extreme peril. The twentieth part of the value of every slave who was enfranchised,[11] and some part of the plunder of conquered nations, were deposited in the sacred treasury.[12] Augustus established a separate treasury under the name of *ærarium militare*, to provide for the pay and support of the army, and he imposed several new taxes for that purpose.[13]

The *ærarium*, the public treasury, must be distinguished from the *fiscus*, the treasury of the emperors.[14] (*Vid.* Fiscus.)

The charge of the treasury was originally intrusted to the quæstors and their assistants, the tribuni ærarii; but in B.C. 49, when no quæstors were elected, it was transferred to the ædiles, in whose care it appears to have been till B.C. 28, when Augustus gave it to the prætors, or those who had been prætors.[15] Claudius restored it to the quæstors;[16] but Nero made a fresh change, and committed it to those who had been prætors, and whom he called *præfecti ærarii*.[17] In the time of Vespasian, the charge of the treasury appears to have been again in the hands of the prætors;[18] but in the time of Trajan, if not before, it was again intrusted to the præfects, who appear to have held their office for two years.[19]

*ÆRU'GO (*ἰός*), Verdigris. "Among the ancients, as it still is, verdigris was a common green pigment; and Dioscorides[20] and Pliny[21] specify several varieties of native *ærugo*, or *ἰός*, classing with it, in this case, what we may suppose to have been green carbonate, instead of acetate of copper; as,

1. (Gaius, lib. i.—Ulp., Frag., tit. 1.—Dig. 28, tit. 5, s. 57, 60.—Tacit., Ann., xv., 55.)—2. (Ammian., xxiv., 4.)—3. (Suet., Jul., 2.)—4 (Sen., Ep., 84.)—5. (Orelli, 4059.—Gruter, 264, No 1.)—6. (i., 6.)—7. (Thucyd., ii., 2.—Pausan., iii., 11, § 2.)—8. (Niebuhr, Hist. Rom., vol. i., p. 258–269, transl.)—9. (Niebuhr, Hist. Rom., i., p. 465.)

1. (Niebuhr, Hist. Rom., ii., p. 317.)—2. (Aul. Gell., iv., 12.)—3. (Cic., pro Cluent., 43.)—4. (Aul. Gell., xvi., 13.)—5. (Ad Attic., i., 16.)—6. (Dion. Hal., iv., 14.)—7. (Plut., Popl., 12.—Plin., Paneg., 91, seq.)—8. (Liv., iii., 69; iv., 22; vii. 23.)—9 (Cic., de Leg., iii., 4.—Tac., Ann., iii., 51; xiii., 20.)—10. (Liv., xxvii., 10.—Flor., iv., 2.—Cæs., Bell. Civ., i., 14.)—11. (Liv., vii., 16; xxvii., 10.)—12. (Lucan., Phars., iii., 155.)—13. (Suet., Octav., 49.—Dion, lv., 24, 25, 32.)—14. (Sen., de Ben., vii., 6.—Plin., Pan., 36, 42.—Suet., Octav., 101.—Tac., Ann., ii., 47; vi., 2.)—15. (Suet., Octav., 36.)—16. (Suet., Claud., 24.—Dion, lx., 24.)—17. (Tac., Ann., xiii., 29.)—18 (Tac., Hist. iv., 9.)—19. (Plin., Pan., 91, 92.—Lips., Excurs ad Tac., Ann. xiii., 29.)—20. (Dioscor., v., 71.)—21. (Plin., H. N. xxxiv., 26.

or example, 'the efflorescence upon stones which contained copper,' and what was 'scraped from the stone out of which copper was melted.' Various modes of making verdigris are described by Theophrastus, Dioscorides, and Pliny, which agree in principle, and some of them even as to their details, with the processes now employed. Among the various adulterations of it, that which was made with the sulphate of iron (*atramentum sutorium*) was, as we learn from Pliny, the one best calculated to deceive; and the mode of detecting it, suggested by him, deserves notice. It was to rub the counterfeit ærugo on papyrus steeped with the gall-nut, which immediately thereon turned black."[1]

ÆRUSCATO'RES were vagrants who obtained their living by fortune-telling and begging.[2] They were called by the Greeks ἀγύρται. (*Vid.* AGURTAI.) Festus explains *æruscare* by *æra undique colligere*.

ÆS (χαλκός), a composition of metals, in which copper is the predominant ingredient. Its etymology is not known. The Italians and French often use the words *rame* and *ottone*, and *airain*, to translate the word æs; but, like the English term *brass*, which is also employed in a general way to express the same composition, all are incorrect, and are calculated to mislead. Brass, to confine ourselves to our own language, is a combination of *copper* and *zinc*, while all the specimens of ancient objects formed of the material called æs, are found upon analysis to contain no zinc; but, with very limited exceptions, to be composed entirely of *copper and tin*. To this mixture the term *bronze* is now exclusively applied by artists and founders; and it is desirable that, being now generally received, it should always be used, in order to prevent misapprehension, and to distinguish at once between the two compositions. The word bronze is of Italian origin, and of comparatively modern date, and derived in all probability from the brown colour (*bruno*) which the artists of the period of the revival (as it is called) of the Arts, and those who followed them, gave their metal works; various fine specimens of such productions of the *cinque-cento* age are still preserved in the Museum of Florence and in other collections; and when the surface of the cast has not been injured by accident or by exposure to the weather, the rich brown tint originally imparted to them is as perfect as when it was first produced. The natural colour of bronze, when first cast, is a reddish brown; the different tints which are seen on works of sculpture of this class being almost always given by artificial means: that which modern taste prefers, and which is now usually seen on bronze works, namely, a bright bluish green, may, however, be considered natural to it, as it is simply the effect of oxidation, from exposure to the influence of the atmosphere. Sometimes the operations of time and weather are anticipated by the skilful application of an acid over the surface of the metal. The finest bronzes of antiquity are remarkable for the colour of this *patina*, as it is called by antiquaries.

The employment of æs (*bronze*) was very general among the ancients; money, vases, and utensils of all sorts, whether for domestic or sacrificial purposes, ornaments, arms offensive and defensive, furniture, tablets for inscriptions, musical instruments, and, indeed, every object to which it could be applied, being made of it. The proportions in which the component parts were mixed seem to have been much studied; and the peculiarities and excellence of the different sorts of bronze were marked by distinctive names, as the æs Corinthiacum, æs Deliacum, æs Ægineticum, æs Hepatizon, and others; but of which, it must be confessed, we know little or nothing beyond the titles, except that we collect from some of the writers of antiquity, that, with the view of producing effects of colour or variety of texture, the artists sometimes mixed small proportions of gold, silver, lead, and even iron, in the composition of their bronze.

No ancient works in brass, properly so called, have yet been discovered, though it has been affirmed that zinc was found in an analysis made of an antique sword;[1] but it appeared in so extremely small a quantity, that it hardly deserved notice; if it was indeed present, it may rather be attributed to some accident of nature than to design. For farther particulars on the composition of bronze, and the practice of the ancients in different processes of metal-working, the reader is referred to the article on bronze.

ÆS (money, *nummi aënei* or *ærii*). Since the most ancient coins in Rome and the old Italian states were made of æs, this name was given to money in general, so that Ulpian says, *Etiam aureos nummos æs dicimus*.[2] For the same reason we have *æs alienum*, meaning debt, and *æra* in the plural, pay to the soldiers.[3] The Romans had no other coinage except bronze or copper (*æs*) till A.U.C. 485 (B.C. 269), five years before the first Punic war, when silver was first coined; gold was not coined till sixty-two years after silver.[4] For this reason, Argentinus, in the Italian mythology, was made the son of Æsculanus.[5]

The earliest copper coins were cast, not struck. In the collection of coins at the British Museum there are four ases joined together, as they were taken from the mould, in which many were cast at once. In most ases the edge shows where they were severed from each other. The first coinage of æs is usually attributed to Servius Tullius, who is said to have stamped the money with the image of cattle (*pecus*), whence it was called *pecunia*.[6] According to some accounts, it was coined from the commencement of the city;[7] and according to others, the first coinage was attributed to Janus or Saturn.[8] We know that the old Italian states possessed a bronze or copper coinage from the earliest times.

The first coinage was the *as* (*vid.* As), which originally was a pound weight; but as, in course of time, the weight of the *as* was reduced not only in Rome, but in the other Italian states, and this reduction in weight was not uniform in the different states, it became usual in all bargains to pay the ases according to their weight, and not according to their nominal value. The *as grave*[9] was not, as has been supposed by some, the old heavy coins as distinguished from the lighter modern; but, as Niebuhr[10] has remarked, it signified any number of copper coins reckoned according to the old style, by weight. There was, therefore, no occasion for the state to suppress the circulation of the old copper coins, since in all bargains the ases were not reckoned by tale, but by weight. The weight thus supplied a common measure for the national money, and for that of the different states of Italy; and, accordingly, a hundred pounds, whether of the old or modern money, were of the same value. The name of æs grave was also applied to the uncoined metal.[11]

Under the Roman empire, the right of coining silver and gold belonged only to the emperors; but the copper coinage was left to the ærarium, which was under the jurisdiction of the senate.

Bronze or copper (χαλκός) was very little used

1. (Theophrast., περὶ Λιθ., c. 102.—Vitruv., vii., 12.—Moore's Anc. Mineralogy, p. 64, seq.)—2. (Gell., xiv., 1; ix., 2.—Sen de Clem., ii., 6.)

1. (Mongez, Mem. de l'Institut.)—2. (Dig 50, tit 16, s. 159. —Compare Hor., Ep. ad Pis., 345.—Id., Ep. 1, rii., 23.)—3 (Liv., v., 4.—Plin., H. N., xxxiv., 1.)—4. (Plin., H. N., xxxiii., 13.)—5. ("Quia prius ærea pecunia in usu esse cœpit, post argentea:" August., de Civ. Dei, iv., 21.)—6. (Plin., H. N., xxxiii., 13; xviii., 3.—Varro, de Re Rust., ii., 1.—Ovid, Fast., v., 281.)—7. (Plin., H. N., xxxiv., 1.)—8. (Macrob., Saturn., i., 7.)—9. (Liv., iv., 41, 60; v., 2; xxxii., 26.—Sen. ad Helv., 12.)—10 (Rom. Hist., i., p. 458.)—11. (Servius, in Virg., Æn., vi., 862.—"Messa, æs rude, metallum infectum:" Isidor., xvi., 18, 13.)

by the Greeks for money in early times. Silver was originally the universal currency, and copper appears to have been seldom coined till after the time of Alexander the Great. At Athens a copper coinage was issued as early as B.C. 406, in the archonship of Callias;[1] but it was soon afterward called in, and the silver currency restored.[2] It is not improbable, however, that the copper coin called *χαλκοῦς* was in circulation in Athens still earlier. The smallest silver coin at Athens was the quarter obol, and the *χαλκοῦς* was the half of that, or the eighth of an obol. The copper coinage issued in the archonship of Callias probably consisted of larger pieces of money, and not merely of the *χαλκοῦς*, which appears to have been used previously on account of the difficulty of coining silver in such minute pieces. The *χαλκοῦς* in later times was divided into *lepta*, of which, according to Suidas (*s. v.* Γάλαντον and Ὀβολός), it contained seven. There was another copper coin current in Greece, called *τύμβολον*, of which the value is not known. Pollux[3] also mentions *κόλλυβος* as a copper coin of an early age; but, as Mr. Hussey has remarked, this may have been a common name for small money; since *κόλλυβος* signified generally "changing money," and *κολλυβιστής* "a money-changer." In later times, the obol was coined of copper as well as silver. As early as B.C. 185, we find talents paid in copper by Ptolemy Epiphanes.[4]

ÆS CIRCUMFORA'NEUM, money borrowed from the Roman bankers (*argentarii*), who had shops in porticos round the forum.[5]

ÆS EQUES'TRE, the sum of money given by the Roman state for the purchase of the knight's horse (*ea pecunia, qua equus emendus erat.*[6]) This sum, according to Livy,[7] amounted to 10,000 ases.

ÆS HORDEA'RIUM, or HORDIA'RIUM, the sum of money paid yearly for the keep of a knight's horse; in other words, a knight's pay.[8] This sum, which amounted to 2000 ases for each horse, was charged upon the rich widows and orphans, on the principle that, in a military state, the women and children ought to contribute largely for those who fought in behalf of them and the commonwealth.[9] The knights had a right to distrain for this money, if it was not paid, in the same manner as they had the right to distrain for the *æs equestre*, and the soldiers for the *æs militare*.[10] It has been remarked by Niebuhr,[11] that a knight's monthly pay, if his yearly pension of 2000 ases be divided by twelve, does not come to anything like an even sum; but that, if we have recourse to a year of ten months, which was used in all calculations of payments at Rome in very remote times, a knight's monthly pay will be 200 ases, which was just double the pay of a foot soldier.

ÆS MILITA'RE. (*Vid.* Ærarii.)

ÆS MANUA'RIUM was the money won in playing with dice, *manibus collectum*. *Manus* was the throw in the game. All who threw certain numbers were obliged to put down a piece of money; and whoever threw the Venus (the highest throw) won the whole sum, which was called the *æs manuarium*.[12]

ÆS UXO'RIUM. (*Vid.* Marriage.)

*ÆSC'ULUS, a species of tree commonly ranked in the family of oaks. Martyn[13] is inclined to make it the same with what is called, in some parts of England, the bay-oak, and corresponds to the *Quercus latifolia mas, quæ brevi pediculo est*, as described by Bauhin. Fée, however,[1] condemns this opinion, on the ground that Virgil, in the passage on which Martyn is commenting, places the *Æsculus* and *Quercus* in opposition to each other, as distinct kinds of trees. Martyn therefore is wrong, according to this writer, in making the *Æsculus* identical with the *Quercus latifolia* of Bauhin, since this last is only a variety of, and very little distinct from, the *Quercus arbor*. If it were certain that the *æsculus* of Virgil was the same with that of Pliny,[2] there would be no difficulty whatever in determining its botanical character; for the *æsculus* of Pliny is well known being the *φηγός* of Theophrastus,[3] or our *Quercus Æsculus*. Pliny's *Fagus* is our beech, and not an oak; and the description which he gives of the tree shows this very clearly. On the other hand, Theophrastus ranks his *φηγός* among oaks. Pliny thus places his *æsculus* between the *quercus*, the *robur*, the *ilex*, and the *suber*. Everything then agrees; and, besides, the etymology of *æsculus* from *esca* ("food"), like that of *φηγός* from *φάγω* ("to eat"), is not unreasonable. But the *æsculus* of Pliny does not correspond to the *æsculus* of Virgil. The former is one of the smallest kinds of oak, whereas the latter is described by the poet as "*maxima*," and in figurative language as touching the skies with its top, and reaching to Tartarus with its roots. Pliny, too, considers the *æsculus* as rare in Italy, whereas Horace speaks of wide groves of the *æsculus* in Daunia. This poet, therefore, like Virgil, takes the term *æsculus* in a different sense from the naturalist. In order to relieve the question from the embarrassment in which it is thus left, some botanists have imagined that Virgil means the chestnut, a bold but not very reasonable idea.

ÆSTIMA'TIO LITIS. (*Vid.* Judex.)

ÆSYMNE'TES. (*Vid.* AISUMNE'TES.)

*AËTI'TES (*ἀετίτης*), the Eagle-stone. It is the same with the *ἡ τῶν τικτων* of Theophrastus, or the Prolific stone, of which the ancients give such wonderful accounts, making it famous for assisting in delivery, preventing abortions, and discovering thieves! Pliny[4] says of it, "*Est autem lapis iste prægnans intus; quum quatias, alio velut in utero sonante*;" and Dioscorides[5] remarks, *ἀετίτης λίθος ὡς ἑτέρου ἐγκύμων λίθον ὑπάρχων*. Sir John Hill[6] says, that custom has given the name of Aëtites to every stone having a loose nucleus in it. Cleaveland observes, that the ancients gave it the name of *Eagle-stone* (*ἀετός*, "an eagle"), from an opinion that this bird transports them to its nest to facilitate the laying of its eggs. It is an argillaceous oxyde of iron.[7]

*A'ETOS (*ἀετός*). I. The Eagle. (*Vid.* Aquila.)

II. A species of Ray fish, called by Pliny *Aquila*, and now known as the *Raja Aquila*, L. Oppian enumerates it among the viviparous fishes.[8]

AFFI'NES, AFFI'NITAS, or ADFI'NITAS. Affines are the cognati of husband and wife; and the relationship called affinitas can only be the result of a lawful marriage. There are no degrees of affinitas corresponding to those of cognatio, though there are terms to express the various kinds of affinitas. The father of a husband is the socer of the husband's wife, and the father of a wife is the socer of the wife's husband; the term socrus expresses the same affinity with respect to the husband's and wife's mothers. A son's wife is nurus or daughter-in-law to the son's parents; a wife's husband is gener or son-in-law to the wife's parents.

Thus the avus, avia; pater, mater; of the wife

1. (Schol. in Aristoph., Ran., 737.)—2. (Aristoph., Ecclesiaz., 815-822.)—3. (iii., 9.)—4. (Polyb., xxiii., 9, 3.—Hussey, Ancient Weights and Money, p. 115.—Böckh, Publ. Econ. of Athens, vol. ii., p. 384.—Id., Ueber Gewichte, Münzfüsse, &c., p. 142, 342, &c.)—5. (Cic. ad Att., ii., 1.)—6. (Gaius, iv., 27.)—7. (i., 43.)—8. ("Ea pecunia, ex qua hordeum equis erat comparandum;" Gaius iv., 27.)—9. (Liv., i., 43.—Cic., de Rep., ii., 20.) 10. (Gaius, iv., 27.—Cato ap. Gell., vii., 10.—Niebuhr, Hist. Rom. i., 460 461.)—11. (Hist. Rom., ii., 439.)—12. (Gell., xvii., 13.—Suet., Oct. v., 72.)—13. (in Virg., Georg., ii., 15.)

1. (Flore de Virgile, p. 11.)—2. (H. N., xvi., 6, 2; 79, 4; 43, 1; xvii., 34, 3.)—3. (H. P., iii., 9.)—4. (H. N., x., 4, 1; xxx., 44, 1; xxxvi., 39, 1.)—5. (Dioscor., v., 160.)—6. (Theophr. περὶ Λιθ., c. 11.)—7 (Adams, Append., s. v.)—8 (Adams, Append. s. v.)

become by the marriage respectively the socer magnus, prosocerus, or socius magna—socer, socrus—of the husband, who becomes with respect to them severally progener and gener. In like manner, the corresponding ancestors of the husband respectively assume the same names with respect to the son's wife, who becomes with respect to them pronurus and nurus. The son and daughter of a husband or wife born of a prior marriage are called privignus and privigna with respect to their stepfather or stepmother; and, with respect to such children, the stepfather and stepmother are severally called vitricus and noverca. The husband's brother becomes levir with respect to the wife, and his sister becomes glos (the Greek *γάλως*). Marriage was unlawful among persons who had become such affines as above mentioned. A person who had sustained such a capitis diminutio as to lose both his freedom and the civitas, lost also all his affines.[1]

*AGALLOCHON (*ἀγάλλοχον*), the *Lignum Aloes*, or *Aloexylon Agallochum*, Lour. Such, at least, is the opinion of the commentators on Mesue, of Celsius, Bergius, Matthiolus, Lamarck and Sprengel. Avicenna and Abu' l Fadli describe several species, or, more properly, varieties of it.[2]

ΑΓΑΜΙΟΥ ΓΡΑΦΗ (*ἀγαμίου γραφή*). (*Vid.* Marriage.)

*AGARICON (*ἀγαρικόν*), the *Boletus igniarius*, called in English *Touchwood* or *Spunk*, a fungous excrescence, which grows on the trunk of the oak and other trees. Dioscorides, Paulus Ægineta, and other writers on Toxicology, make mention of a black or poisonous Agaric, which may be decided to have been the *Agaricus Muscarius*. Dr. Christison confirms the ancient statements of its poisonous nature.[3]

AGASO, a groom, a slave whose business it was to take care of the horses. The word is also used for a driver of beasts of burden, and is sometimes applied to a slave who had to perform the lowest menial duties.[4]

*AGASSEUS (*ἀγασσεύς*), a species of dog described by Oppian.[5] It may be conjectured to have been either the Harrier or the Beagle. Pennant is in favour of the latter.[6]

AGATHOERGOI (*ἀγαθοεργοί*). In time of war the kings of Sparta had a body-guard of three hundred of the noblest of the Spartan youths (*ἱππεῖς*), of whom the five eldest retired every year, and were employed for one year, under the name of *ἀγαθοεργοί*, in missions to foreign states.[7] It has been maintained by some writers that the *ἀγαθοεργοί* did not attain that rank merely by seniority, but were selected from the *ἱππεῖς* by the ephors without reference to age.[8]

AGELE (*ἀγέλη*), an assembly of young men in Crete, who lived together from their eighteenth year till the time of their marriage. An *ἀγέλη* consisted of the sons of the most noble citizens, who were usually under the jurisdiction of the father of the youth who had been the means of collecting the *ἀγέλη*. It was the duty of this person, called *ἀγελάτης*, to superintend the military and gymnastic exercises of the youths (who were called *ἀγελάστοι*), to accompany them to the chase, and to punish them when disobedient. He was accountable, however, to the state, which supported the *ἀγέλαι* at the public expense. All the members of an *ἀγέλη* were obliged to marry at the same time.[9] In Sparta the youths entered the *ἀγέλαι*, usually called *βοῦαι*, at the end of their seventh year.

AGEMA (*ἄγημα* from *ἄγω*), the name of a chosen body of troops in the Macedonian army, which usually consisted of horsemen. The agema seems to have varied in number; sometimes it consisted of 150 men, at other times of 300, and in later times it contained as many as 1000 or 2000 men.[1]

*AGERATON (*ἀγήρατον*), a plant, which Matthiolus and Adams make to have been the *Achillea ageratum*. Dodonæus and Sprengel, however, are undecided about it. It would appear to be the *Eupatorium* of the translator of Mesue.[2]

ΑΓΕΩΡΓΙΟΥ ΔΙΚΗ (*ἀγεωργίου δίκη*), an action which might be brought in the Athenian courts by a landlord against the farmer who had injured his land by neglect, or an improper mode of cultivation.[3]

AGER ARCIFINIUS. (*Vid.* Agrimensores.)
AGER DECUMANUS. (*Vid.* Agrariæ Leges.)
AGER LIMITATUS. (*Vid.* Agrimensores.)
AGER PUBLICUS. (*Vid.* Agrariæ Leges.)
AGER RELIGIOSUS. (*Vid.* Agrariæ Leges.)
AGER SACER. (*Vid.* Agrariæ Leges.)

AGER SANCTUS (*τέμενος*). *Τέμενος* originally signified a piece of ground, appropriated for the support of some particular chief or hero.[4] In the Homeric times, the kings of the Greek states seem to have been principally supported by the produce of these demesnes. The word was afterward applied to land dedicated to a divinity. In Attica, there appears to have been a considerable quantity of such sacred lands (*τεμένη*), which were let out by the state to farm; and the income arising from them was appropriated to the support of the temples and the maintenance of public worship.[5]

According to Dionysius,[6] land was set apart at Rome as early as the time of Romulus for the support of the temples. The property belonging to the temples increased considerably in later times, especially under the emperors.[7]

Lands dedicated to the gods were also called *Agri consecrati*. Houses, also, were consecrated; as, for instance, Cicero's, by Clodius. By the provisions of the Lex Papiria, no land or houses could be dedicated to the gods without the consent of the plebs.[8] The time when this law was passed is uncertain; but it was probably brought forward about B.C. 305, if Livy[9] alludes to the same law.

AGER VECTIGALIS. (*Vid.* Agrariæ Leges.)
AGITATORIA (*ἀγητορία*). (*Vid.* Carneia.)

AGGER (*χῶμα*), from *ad* and *gero*, was used in general for a heap or mound of any kind. It was more particularly applied to a mound, usually composed of earth, which was raised round a besieged town, and was gradually increased in breadth and height till it equalled or overtopped the walls.[10] At the siege of Avaricum, Cæsar raised in 25 days an agger 330 feet broad and 80 feet high.[11] The agger was sometimes made not only of earth, but of wood, hurdles, &c.; whence we read of the agger being set on fire.[12] The agger was also applied to the earthen wall surrounding a Roman encampment, composed of the earth dug from the ditch (*fossa*), which was usually 9 feet broad and 7 feet deep; but, if any attack was apprehended, the depth was increased to 12 feet, and the breadth to 13 feet. Sharp stakes, &c., were usually fixed upon the agger, which was then called *vallum*. When both words are used (as in Cæsar, *agger ac vallum*[13]), the agger means the mound of earth, and the vallum the sharp stakes, &c., which were fixed upon the agger.

AGITATORES. (*Vid.* Circus.)

1. (Dig. 38, tit 10, s. 4.)—2. (Dioscor., i., 21.—Adams, Append., s. v.)—3. (Dioscor., iii., 1.—Adams, Append., s. v.)—4. (Liv., xliii., 5.—Plin., xxxv., 11.—Curt., viii., 6.—Hor., Serm. II., viii., 72.—Pers., v., 76.)—5. (Cyneget., 473.)—6. (British Zoology, vol. i., p. 63.)—7. (Herod., i., 67.)—8. (Ruhnken ad Timæi Lex Plat. s. v.)—9 (Ephorus ap Strab., x., 480, 482, 483.)

1. (Diod. Sic., xix., 27, 28.—Liv., xxxvii., 40; xlii., 51, 58.—Curt., iv., 13.)—2. (Dioscor., iv., 58.—Adams, Append., s. v.)—3. (Bekker, Anecdot. Gr., 336.—Meier, Att. Process, p. 532.)—4. (Hom., Il., vi., 194; ix., 578; xiii., 313.)—5 (Xen., Vectig., iv., 19.—Didymus ap. Harpocrat., s. v. Ἀπὸ Μισθωμάτων.—Böckh, Publ. Econ. of Athens, vol. ii., p. 10, transl.)—6. (ii., 7.)—7. (*Vid.* Suet., Oct., 31.—Tac., Ann., iv., 16.)—8. (Cic., pro Dom., c. 49, seq.)—9. (ix., 46.)—10. (Liv., v., 7.)—11 (Bell. Gall., vii., 24.)—12. (Liv., xxxvi., 23.—Cæs., Bell. Gall., vii., 24.—Id., Bell. Civ., ii., 14, seq.)—13 (Bell. Gall., vii., 72.)

AGMEN (*agmen proprie dicitur, cum exercitus iter facit, ab agendo, id est, eundo vocatus*[1]), the marching order of the Roman army. According to Polybius,[2] the Roman armies commonly marched in his time in the following manner: "In the van are usually placed the extraordinaries (ἐπίλεκτοι, *extraordinarii*); and after these the right wing of the allies, which is followed by the baggage of both these bodies. Next to these marches the first of the Roman legions, with its baggage also behind it. The second legion follows, having behind it, likewise, both its own baggage and the baggage of the allies, who are in the rear; for the rear of all the march is closed with the left wing of the allies. The cavalry marches sometimes in the rear of the respective bodies to which it belongs, and sometimes on the flanks of the beasts that are loaded with the baggage, keeping them together in due order, and covering them from insult. When any attack is expected to be made upon the rear, the extraordinaries of the allies, instead of leading the van, are posted in the rear; in all the other parts the disposition remains the same. Of the two legions, and the two wings of the allies, those that are on one day foremost in the march, on the following day are placed behind; that, by thus changing their rank alternately, all the troops may obtain the same advantage in their turn of arriving first at water and at forage. There is also another disposition which is used when any immediate danger threatens, and the march is made through an open country. At such times, the hastati, the principes, and the triarii are ranged in three parallel lines, each behind the other, with the baggage of the hastati in the front. Behind the hastati is placed the baggage of the principes, who are followed likewise by that of the triarii; so that the baggage of the several bodies is placed in alternate order. The march being thus disposed, the troops, as soon as any attack is made, turning either to the left or to the right, advance forward from the baggage towards that side upon which the enemy appears; and thus, in a moment of time, and by one single movement, the whole army is formed at once in order of battle, except only that the hastati are perhaps obliged to make an evolution; and the beasts of burden, also, with all those that attend upon the baggage, being now thrown into the rear of all the troops, are covered by them from danger"—(Hampton's translation.) An account of the marching order of a Roman army is also given by Cæsar,[3] Josephus,[4] and Vegetius.[5]

The form of the army on march differed, however, according to circumstances, and the nature of the ground. An *agmen pilatum* was an army in close array, *quod sine jumentis incedit, sed inter se densum est, quo facilius per iniquiora loca transmittatur.*[6] The *agmen quadratum* was the army arranged in the form of a square, with the baggage in the middle.[7]

The form of the Grecian army on march in the time of Xenophon is described in the *Anabasis.*[8] It appears that, during a march in the daytime, either the cavalry or the heavy-armed, or the targeteers, marched in the van, according to the nature of the ground; but that in the nighttime the slowest troops always marched first, by which plan the army was less likely to be separated, and the soldiers had fewer opportunities of leaving the ranks without discovery.

AGNA'TI. (*Vid.* Cognati.)

AGNO'MEN. (*Vid.* Cognomen.)

***AGNUS** (ἄγνος). All are agreed, as Schneider remarks, that this is the *Vitex agnus castus*, L. or Chaste-tree. Galen makes it to be the same as the λύγος. The latter occurs in the Odyssey of Homer,[1] and also in the Iliad,[2] and may there mean any flexible twig.[3]

AGONA'LIA, AGO'NIA,[4] or AGO'NIUM,[5] a Roman festival, instituted by Numa Pompilius in honour of Janus,[6] and celebrated on the 9th of January, the 20th of May, and the 10th of December. The morning of these festivals, or, at least, the morning of the 10th of December, was considered a *dies nefastus.* The etymology of this name was differently explained by the ancients: some derived it from *Agonius*, a surname of Janus; some from the word *agone*, because the attendant, whose duty it was to sacrifice the victim, could not do so till he had asked the rex sacrificulus, *Agone?* and others from *agonia*, because the victims were formerly called by that name.[7] The *Circus Agonalis*, built by the Emperor Alexander, is supposed by some writers to have been erected on the spot where the victims were sacrificed during the agonalia.

ΑΓΩΝΕΣ ἀτιμητοὶ καὶ τιμητοί. All causes in the Athenian courts were distinguished into two classes: ἀγῶνες ἀτιμητοί, *suits not to be assessed*, in which the fine or other penalty was determined by the laws; and ἀγῶνες τιμητοί, *suits to be assessed*, in which the penalty had to be fixed by the judges. When the judges had given their votes in favour of the plaintiff, they next had to determine, provided that the suit was an ἀγὼν τιμητός, what fine or punishment was to be inflicted on the defendant (παθεῖν ἢ ἀποτῖσαι).[8] The plaintiff generally mentioned in the pleadings the punishment which he considered the defendant deserved (τιμᾶσθαι); and the defendant was allowed to make a counter-assessment (ἀντιτιμᾶσθαι, or ὑποτιμᾶσθαι), and to argue before the judges why the assessment of the plaintiff ought to be changed or mitigated.[9] In certain causes, which were determined by the laws, any of the judges was allowed to propose an additional assessment (προστίμημα): the amount of which, however, appears to have been usually fixed by the laws. Thus, in certain cases of theft, the additional penalty was fixed at five days' and nights' imprisonment. Demosthenes[10] quotes the law: Δεδέσθαι δ' ἐν τῇ ποδοκάκῃ τὸν πόδα πέντ' ἡμέρας καὶ νύκτας ἴσας, ἐὰν προστιμήσῃ ἡ ἡλιαία. προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμήματος ᾖ. In this passage we perceive the difference between the active προστιμᾶν, which is used of the assessment of the Heliæa (the court), and the middle προστιμᾶσθαι, which means the assessment proposed by one of the judges. In the same manner, τιμᾶν is used of the assessment made by the court, and τιμᾶσθαι of that proposed by the plaintiff.[11]

According to some writers, the penalty was fixed in all private causes by the laws, with the exception of the αἰκίας δίκη;[12] and if not absolutely, it was fixed in proportion to the injury which the defendant had received. Thus, in the action for injury (βλάβης δίκη), if the injury had been done unintentionally, the single, and if intentionally, the double assessment was to be made.[13] But, on the other hand, all penalties which had not the character of compensation were fixed absolutely; as, for instance, in the case of libellous words (κακηγορία), at 500 drachmas;[14] and in the action for non-ex-

1. (Isidor., ix., 3.)—2. (vi., 40.)—3. (Bell. Gall., ii., 17, 19.)—4. (Bell. Jud., iii., 6, § 2.)—5. (iii., 6.)—6. (Serv. in Virg., Æn., xii., 121.—Compare Virg., Æn., ii., 450; v. 3 6.)—7. (Liv., xxvi., 37; xxxix., 30.—Hirt., Bell. Gall., viii., 8.—Tibull., i., 1, 10.—Tac., Ann., i. 51.)—8. (vii., 3, § 37, seq.)

1. (ix., 427.)—2. (xi., 105.)—3. (Dioscor., iv., 134.—Theophrast., i., 3.)—4. (Ovid, Fast., v., 721.)—5. (Fest., s. v.)—6. (Macrob., Saturn., i., 4.)—7. (Ovid, Fast., i., 319–332.—Fest., s. v.)—8. (Plat., Apol. Socr., c. 25.—Demosth. in Mid., p. 523.)—9. (Plat., Apol. Socr., c. 25.)—10. (in Timocr., p. 733.)—11. (Demosth. in Mid., p. 529; in Timocr., p. 720; in Aristogit., i., p. 794; in Theocrit., 1332, 1343; in Neær., 1347.)—12. (Harpocrat., s. v.—Ulpian, in Demosth., Mid., p. 523.)—13. (Demosth. in Mid. p. 528.)—14. (Isocr. in Loch., p. 398.)

pearance of a witness (*λειπομαρτυρίου δίκη*), at 1000 drachmas.[1]

AGONOTH'ETAI (*ἀγωνοθέται*) were persons, in the Grecian games, who decided disputes and adjudged the prizes to the victors. Originally, the person who instituted the contest and offered the prize was the *ἀγωνοθέτης*, and this continued to be the practice in those games which were instituted by kings or private persons. But in the great public games, such as the Isthmian, Pythian, &c., the *ἀγωνοθέται* were either the representatives of different states, as the Amphictyons at the Pythian games, or were chosen from the people in whose country the games were celebrated. During the flourishing times of the Grecian republics, the Eleans were the *ἀγωνοθέται* in the Olympic games, the Corinthians in the Isthmian games, the Amphictyons in the Pythian games, and the Corinthians, Argives, and inhabitants of Cleonæ in the Nemean games. The *ἀγωνοθέται* were also called *αἰσυμνῆται*, *ἀγωνάρχαι*, *ἀγωνοδίκαι*, *ἀθλοθέται*, *ῥαβδοῦχοι* or *ῥαβδονόμοι* (from the staff they carried as an emblem of authority), *βραβεῖς*, *βραβευταί*.

AG'ORA (*ἀγορά*) properly means an assembly of any nature, and is usually employed by Homer for the general assembly of the people. The *ἀγορά* seems to have been considered an essential part in the constitution of the early Grecian states, since the barbarity and uncivilized condition of the Cyclopes is characterized by their wanting such an assembly.[2] The *ἀγορά*, though usually convoked by the king, as, for instance, by Telemachus in the absence of his father,[3] appears to have been also summoned at times by some distinguished chieftain, as, for example, by Achilles before Troy.[4] The king occupied the most important seat in these assemblies, and near him sat the nobles, while the people sat or stood in a circle around them. The power and rights of the people in these assemblies have been the subject of much dispute. Platner, Tittmann, and more recently Nitzsch, in his commentary on the Odyssey, maintain that the people were allowed to speak and vote; while Heeren[5] and Müller[6] think "that the nobles were the only persons who proposed measures, deliberated, and voted, and that the people were only present to hear the debate, and to express their feeling as a body; which expressions might then be noticed by a prince of a mild disposition." The latter view of the question is confirmed by the fact, that in no passage in the Odyssey is any one of the people represented as taking part in the discussion; while, in the Iliad, Ulysses inflicts personal chastisement upon Thersites for presuming to attack the nobles in the *ἀγορά*.[7] The people appear to have been only called together to hear what had been already agreed upon in the council of the nobles, which is called *βουλή*[8] and *θόωκος*,[9] and sometimes even *ἀγορά*.[10]

Among the Athenians, the proper name for the assembly of the people was *ἐκκλησία*, and among the Dorians *ἁλία*. The term *ἀγορά* was confined at Athens to the assemblies of the phylæ and demi.[11] In Crete the original name *ἀγορά* continued to be applied to the popular assemblies till a late period.[12]

The name *ἀγορά* was early transferred from the assembly itself to the place in which the assembly was held; and thus it came to be used for the market-place, where goods of all descriptions were bought and sold. The expression *ἀγορὰ πλήθουσα*, "full market," was used to signify the time from morning to noon, that is, from about nine to twelve o'clock.

AGORAN'OMI (*ἀγορανόμοι*) were public functionaries in most of the Grecian states, whose duties corresponded in many respects to those of the Roman ædiles. At Athens their number was ten, five for the city and five for the Piræus, and not twenty, as Meier erroneously states, misled by a false reading in Harpocration. They were chosen by lot.[1] Under the Roman empire, the agoranomi were called *λογισταί*.[2] They corresponded in the provinces to the *curatores civitatis* or *reipublicæ*.[3]

The principal duty of the agoranomi was, as their name imports, to inspect the market, and to see that all the laws respecting its regulation were properly observed. They had the inspection of all things which were sold in the market, with the exception of corn, which was subject to the jurisdiction of the *σιτοφύλακες*.[4] They regulated the price and quantity of all things which were brought into the market, and punished all persons convicted of cheating, especially by false weights and measures. They had, in general, the power of punishing all infraction of the laws and regulations relating to the market, by inflicting a fine upon the citizens, and personal chastisement upon foreigners and slaves, for which purpose they usually carried a whip.[5] They had the care of all the temples and fountains in the market-place,[6] and received the tax (*ξενικὸν τέλος*) which foreigners and aliens were obliged to pay for the privilege of exposing their goods for sale in the market. The public prostitutes were also subject to their regulations.[7]

AGRA'NIA (*ἀγρανία*), a festival celebrated at Argos, in memory of one of the daughters of Prœtus, who had been afflicted with madness.

ΑΓΡΑΦΊΟΥ ΓΡΑΦΗ (*ἀγραφίου γραφή*). The names of all persons at Athens who owed any sum of money to the state (*οἱ τῷ δημοσίῳ ὀφείλοντες*) were registered by the practores (*πράκτορες*) upon tablets kept for that purpose in the Temple of Minerva, on the Acropolis;[8] and hence the expression of being registered on the Acropolis (*ἐγγεγραμμένος ἐν Ἀκροπόλει*) always means indebted to the state.[9] If the name of an individual was improperly erased, he was subject to the action for non-registration (*ἀγραφίου γραφή*), which was under the jurisdiction of the thesmothetæ; but if an individual was not registered, he could only be proceeded against by *ἔνδειξις*, and was not liable to the *ἀγραφίου γραφή*.[10] Hesychius, whose account has been followed by Hemsterhuys and Wesseling, appears to have been mistaken in saying that the *ἀγραφίου γραφή* could be instituted against debtors who had not been registered.[11]

ΑΓΡΆΦΟΙ ΝΌΜΟΙ. (*Vid.* NOMOI.)

ΑΓΡΆΦΟΥ ΜΕΤΑΛΛΟΥ ΓΡΑΦΗ (*ἀγράφου μετάλλου γραφή*) was an action brought before the thesmothetæ at Athens, against an individual who worked a mine without having previously registered it. The state required that all mines should be registered, because the twenty-fourth part of their produce was payable to the public treasury.[12]

AGRA'RIÆ LEGES. "It is not exactly true that the agrarian law of Cassius was the earliest that was so called: every law by which the commonwealth disposed of its public land bore that

1. (Harpocrat., sub *κλητῆρες*.—Böckh, Public Econ., ii., p. 97, 100.—Meier, Att. Process, p. 180, 725.)—2. (Od., ix., 112.)—3. (Od., ii., 5–8.)—4. (Il., i., 54.)—5. (Polit. Antiq., § 56.)—6. (Dorians, ii., 6.)—7. (Il., ii., 211, 277.)—8. (Il., ii., 53; vi., 113; *ἕροντες βουλευταί*.)—9 (Od., ii., 26.)—10. (Il., ix., 11, 33.—Od., ix., 112; *ἀγοραὶ βουληφόροι*.)—11. (Æsch., c. Ctes., c. 12, p. 376.—Schömann, De Comitiis Athen., p. 27.—Böckh, Corp. Inscrip., i., p. 135.)—12. (Bekker, Anecdot. Gr., i., p. 210.)

1. (Demosth., c. Timocr., c. 29, p. 735.—Aristoph., Acharn., 689.)—2. (Schol. in Aristoph., Acharn., 658; *ἀγορανόμους, οὓς νῦν λογιστὰς καλοῦμεν*: Müller, Æginetica, p. 138.)—3. (Cod. i., tit. 54, s. 3.)—4. (Lysias, *κατὰ τῶν Σιτοπ.*, c. 6, p. 722.)—5. (Schol. in Aristoph., Acharn., 688.)—6. (Plato, Legg., vi., 10.)—7. (Justin, xxi., 5.—Meier, Att. Process, p. 89–92.—Petitus, Leg. Att., v., tit. 3, s. 2, p. 495.)—8. (Demosth. in Aristog., i., c. 15, p. 791.—Harpocr. et Suid., sub *ψευδεγγραφή*.)—9. (Demosth. in Theocr., c. 13, p. 1337.)—10. (Demosth. in Theocr., c. 13, p. 1338.)—11. (Meier, Att. Process, p. 353, 354.—Böckh, Publ. Econ. of Athens, ii., p. 118–122, transl.)—12. (Böckh, Publ. Econ. of Athens, ii., p. 478.—Meier, Att. Process, p. 354.)

name as, for instance, that by which the domain of the kings was parcelled out among the commonalty, and those by which colonies were planted. Even in the narrower sense of a law whereby the state exercised its ownership in removing the old possessors from a part of its domain, and making over its right of property therein, such a law existed among those of Servius Tullius."[1]

The history of the enactments called agrarian laws, either in the larger and more correct sense, or in the narrower sense of the term, as explained in this extract, would be out of place here. The particular objects of each agrarian law must be ascertained from its provisions. But all these numerous enactments had reference to the public land; and a great majority of them were passed for the purpose of settling Roman colonies in conquered districts, and assigning to the veteran soldiers, who formed a large part of such colonists, their shares in such lands. The true meaning of all or any of these enactments can only be understood when we have formed a correct notion of property in land, as recognised by Roman law. It is not necessary, in order to obtain this correct notion, to ascend to the origin of the Roman state, though, if a complete history of Rome could be written, our conception of the real character of property in land, as recognised by Roman law, would be more enlarged and more precise. But the system of Roman law, as it existed under the emperors, contained both the terms and the notions which belonged to those early ages, of which they are the most faithful historical monuments. In an inquiry of the present kind, we may begin at any point in the historical series which is definite, and we may ascend from known and intelligible notions which belong to a later age, towards their historical origin, though we may never be able to reach it.

Gaius,[2] who probably wrote under the Antonines, made two chief divisions of Roman land; that which was *divini juris*, and that which was *humani juris*. Land which was divini juris was either *sacer* or *religiosus*.[3] Land which was sacer was consecrated to the Dii Superi; land which was religiosus belonged to the Dii Manes. Land was made sacer by a lex or senatus consultum; and, as the context shows, such land was land which belonged to the state (*populus Romanus*). An individual could make a portion of his own land religiosus by the interment in it of one of his family: but it was the better opinion that land in the provinces could not thus be made religiosus; and the reason given is this, that the ownership or property in provincial lands is either in the state (*pop. Rom.*) or in the Cæsar, and that individuals had only the possession and enjoyment of it (*possessio et usus fructus*). Provincial lands were either *stipendiaria* or *tributaria*: the stipendiaria were in those provinces which were considered to belong to the Roman state; the tributaria were in those provinces which were considered as the property of the Cæsar. Land which was humani juris was divided into public and private: the former belonged to the state, the latter to individuals.

It would seem to follow, from the legal form observed in making land sacer, that it thereby ceased to be publicus; for if it still continued publicus, it had not changed its essential quality. Niebuhr[4] has stated that "all Roman land was either the property of the state (common land, domain) or private property—*aut publicus aut privatus*;" and he adds that "the landed property of the state was either consecrated to the gods (*sacer*), or allotted to men to reap its fruits (*profanus, humani juris*)." Niebuhr then refers to the view of Gaius, who makes the latter the primary division; but he relies on the authority of Frontinus, supported by Livy,[5] as evidence of the correctness of his own division. It is obvious, however, on comparing two passages in Frontinus (*De Re Agraria*, xi., xiii.), that Niebuhr has mistaken the meaning of the writer, who clearly intends it to be inferred that the sacred land was not public land. Besides, if the meaning of Frontinus was what Niebuhr has supposed it to be, his authority is not equal to that of Gaius on a matter which specially belongs to the province of the jurist, and is foreign to that of the agrimensor. The passage of Livy, also, certainly does not prove Niebuhr's assertion. The form of dedition in Livy[6] may be easily explained.

Though the origin of that kind of property called public land must be referred to the earliest ages of the Roman state, it appears from Gaius that under the emperors there was still land within the limits of the Empire, the ownership of which was not in the individuals who *possessed* and enjoyed it, but in the populus Romanus or the Cæsar. This *possession* and enjoyment are distinguished by him from ownership (*dominium*). The term *possessio* frequently occurs in those jurists from whom the Digest was compiled; but in these writers, as they are known to us, it applies only to private land, and the ager publicus is hardly, if at all, ever noticed by them. Now this term Possessio, as used in the Digest, means the occupation of *private* land by one who has no kind of right to it; and this possessio was protected by the prætor's interdict, even when it was without *bona fides* or *justa causa*: but the term Possessio in the Roman historians—Livy, for instance—signifies the occupation and enjoyment of *public* land; and the true notion of this, the original possessio, contains the whole solution of the question of the agrarian laws. For this solution we are mainly indebted to Niebuhr and Savigny.

This latter kind of possessio, that which has private land for its object, is demonstrated by Savigny (the term here used can hardly be said to be too strong) to have arisen from the first kind of possessio: and thus it might readily be supposed that the Roman doctrine of possessio, as applied to the occupation of private land, would throw some light on the nature of that original possessio out of which it grew. In the imperial period, public land had almost ceased to exist in the Italian peninsula, but the subject of possession in private lands had become a well-understood branch of Roman law. The remarks in the three following paragraphs are from Savigny's valuable work, *Das Recht des Besitzes*.[7]

1. There were two kinds of land in the Roman state, *ager publicus* and *ager privatus*: in the latter alone private property existed. But, conformably to the old constitution, the greater part of the ager publicus was given over to individual citizens to occupy and enjoy; yet the state had the right of resuming the possession at pleasure. Now we find no mention of any legal form for the protection of the occupier, or possessor as he was called, of such public land against any other individual, though it cannot be doubted that such a form actually existed. But if we assume that the interdict which protected the possession of an individual in private land was the form which protected the possessor of the public land, two problems are solved at the same time: an historical origin is discovered for possession in private land, and a legal form for the protection of possession in public land.

An hypothesis, which so clearly connects into one consistent whole facts otherwise incapable of such connexion, must be considered rather as evolving a latent fact, by placing other known facts in their true relative position, than as involving any independent assumption. But there is historical evidence in support of the hypothesis.

1. (Nieb., Rom. Hist., vol. ii., p. 129, transl.) —2. (ii., 2, seqq.)
2. (Compare Frontinus, de Re Agraria, xiii.)— 4. (Appendix, vol. ii.)

1. (viii., 14.)—2 (i., 38.)—3. (5th edit., p. 172.)

2. The words *possessio*, *possessor*, and *possidere* are the technical terms used by writers of very different ages, to express the occupation and the enjoyment of the public lands; that is, the notion of a right to occupy and enjoy public land was in the early ages of the Republic distinguished from the right of property in it. Nothing was so natural as to apply this notion, when once fixed, to the possession of private land as distinct from the ownership; and, accordingly, the same technical terms were applied to the possession of private land. Various applications of the word possessio, with reference to private land, appear in the Roman law, in the bonorum possessio of the prætorian heres and others. But all the uses of the word possessio, as applied to ager privatus, however they may differ in other respects, agreed in this: they denoted an actual exclusive right to the enjoyment of a thing, without the strict Roman (Quiritarian) ownership.

3. The word possessio, which originally signified the right of the possessor, was in time used to signify the object of the right. Thus *ager* signified a piece of land, viewed as an object of Quiritarian ownership; *possessio*, a piece of land, in which a man had only a bonitarian or beneficial interest, as, for instance, Italic land not transferred by mancipatio, or land which from its nature could not be the subject of Quiritarian ownership, as provincial lands and the old ager publicus. Possessio accordingly implies *usus;* ager implies *proprietas* or ownership. This explanation of the terms ager and possessio is from a jurist of the imperial times, quoted by Savigny;[1] but its value for the purpose of the present inquiry is not on that account the less. The ager publicus, and all the old notions attached to it, as already observed, hardly occur in the extant Roman jurists; but the name possessio, as applied to private land, and the legal notions attached to it, are of frequent occurrence. The form of the interdict —*uti possidetis*—as it appears in the Digest, is this: Uti *eas ædes*...possidetis...vim fieri veto. But the original form of the interdict was: Uti nunc possidetis eum *fundum*, &c. (Festus in *Possessio*); the word fundus, for which ædes was afterward substituted, appears to indicate an original connexion between the interdict and the ager publicus.

We know nothing of the origin of the Roman public land, except that it was acquired by conquest, and when so acquired it belonged to the state, that is, to the populus, as the name publicus (populicus) imports. We may suppose that in the early periods of the Roman state, the conquered lands being the property of the populus, might be enjoyed by the members of that body, in any way that the body might determine. But it is not quite clear how these conquered lands were originally occupied. The following passage from Appian[2] appears to give a probable account of the matter, and one which is not inconsistent with such facts as are otherwise known: "The Romans," he says, "when they conquered any part of Italy, seized a portion of the lands, and either built cities in them, or sent Roman colonists to settle in the cities which already existed. Such cities were considered as garrison places. As to the land thus acquired from time to time, they either divided the cultivated part among the colonists, or sold it, or let it to farm. As to the land which had fallen out of cultivation in consequence of war, and which, indeed, was the larger part, having no time to allot it, they gave public notice that any one who chose might in the mean time cultivate this land, on payment of part of the yearly produce, namely, a tenth of the produce of arable land, and a fifth of the produce of oliveyards and vineyards. A rate was also fixed to be paid by those who pastured cattle on this undivided land, both for the larger and smaller animals. The rich occupied the greater part of this undivided land, and at length, feeling confident that they should never be deprived of it, and getting hold of such portions as bordered or their shares, and also of the smaller portions in the possession of the poor, some by purchase and others by force, they became the cultivators of extensive districts instead of mere farms. And, in order that their cultivators and shepherds might be free from military service, they employed slaves instead of freemen; and they derived great profit from their rapid increase, which was favoured by the immunity of the slaves from military service. In this way the great became very rich, and slaves were numerous all through the country. But this system reduced the numbers of the Italians, who were ground down by poverty, taxes, and military service; and whenever they had a respite from these evils, they had nothing to do, the land being occupied by the rich, who also employed slaves instead of freemen." This passage, though it appears to contain much historical truth, leaves the difficulty as to the original mode of occupation unsettled; for we can scarcely suppose that there were not some rules prescribed as to the occupation of this undivided land more precise than such a permission or invitation for a general scramble. It must, indeed, have happened occasionally, particularly in the later times of the Republic, that public land was occupied, or *squatted on* (to use a North American phrase), by soldiers or other adventurers.

But, whatever was the mode in which these lands were occupied, the possessor, when once in possession, was, as we have seen, protected by the prætor's interdict. The patron who permitted his client to occupy any part of his possessions as tenant at will (*precario*), could eject him at pleasure by the *interdictum de precario;* for the client did not obtain a possession by such permission of his patron. The patron would, of course, have the same remedy against a trespasser. But any individual, however humble, who had a possession, was also protected in it against the aggression of the rich; and it was "one of the grievances bitterly complained of by the Gracchi, and all the patriots of their age, that while a soldier was serving against the enemy, his powerful neighbour, who coveted his small estate, ejected his wife and children."—(Nieb.) The state could not only grant the occupation or possession of its public land, but could sell it, and thus convert public into private land. A remarkable passage in Orosius[1] shows that public lands, which had been given to certain religious corporations to *possess*, were sold in order to raise money for the exigencies of the state. The *selling* of that land which was *possessed*, and the circumstance of the possession having been a *grant* or public act, are both contained in this passage.

The public lands which were occupied by possessors were sometimes called, with reference to such possession, *occupatorii;* and, with respect to the state, *concessi*. Public land which became private by sale was called *quæstorius;* that which is often spoken of as assigned (*assignatus*) was marked out and divided (*limitatus*) among all the plebeians in equal lots, and given to them in absolute ownership, or it was assigned to the persons who were sent out as a colony. Whether the land so granted to the colony should become Roman or not, depended on the nature of the colony. The name ager publicus was given to public lands which were acquired even after the plebs had become one of the estates in the Roman Constitution, though the name publicus, in its original sense, could no longer be strictly applicable to such public lands. It should be observed, that after the establishment of the plebs, the possession of public land was the peculiar privi-

2. (Javolenus Dig. 50, tit. 16, s. 115.)—2. (Bell. Civ., i., 7.)

1. (Savigny, p. 176, note.)

ege of the patricians, as before the establishment of the plebs it seems to have been the only way in which public lands were enjoyed by the populus: the assignment, that is, the grant by the state of the ownership of public land in fixed shares, was the privilege of the plebs. In the early ages, when the populus was the state, it does not appear that there was any assignment of public lands among them, though it may be assumed that public lands would occasionally be sold; the mode of enjoyment of public land was that of possessio, subject, as already observed, to an annual payment to the state. It may be conjectured that this ancient possessio, which we cannot consider as having its origin in anything else than the consent of the state, was a good title to the use of the land so long as the annual payments were made. At any rate, the plebs had no claim upon such ancient possessions. But with the introduction of the plebs as a separate estate, and the constant acquisition of new lands by conquest, it would seem that the plebs had as good a title to a share of the newly-conquered lands, as the patricians to the exclusive enjoyment of those lands which had been acquired by conquest before the plebs had become an estate. The determination of what part of newly-conquered lands (arable and vineyards) should remain public, and what part should be assigned to the plebs, which, Niebuhr says, "it need scarcely be observed, was done after the completion of every conquest," ought to have been an effectual way of settling all disputes between the patricians and plebs as to the possessions of the former; for such an appropriation, if it were actually made, could have no other meaning than that the patricians were to have as good title to possess their share as the plebs to the ownership of their assigned portions. The plebs, at least, could never fairly claim an assignment of public land, appropriated to remain such, at the time when they received the share of the conquered lands to which they were entitled. But the fact is, that we have no evidence at all as to such division between lands appropriated to remain public and lands assigned in ownership, as Niebuhr assumes. All that we know is, that the patricians *possessed* large tracts of public land, and that the plebs from time to time claimed and enforced a division of part of them. In such a condition of affairs, many difficult questions might arise; and it is quite as possible to conceive that the claims of the plebs might in some cases be as unjust and ill-founded as the conduct of the patricians was alleged to be rapacious in extending their possessions. It is also easy to conceive that, in the course of time, owing to sales of possessions, family settlements, and other causes, boundaries had often become so confused that the equitable adjustment of rights under an agrarian law was impossible; and this is a difficulty which Appian[1] particularly mentions.

Pasture-lands, it appears, were not the subject of assignment, and were probably possessed by the patricians and the plebs indifferently.

The property of the Roman people consisted of many things besides land. The conquest of a territory, unless special terms were granted to the conquered, seems to have implied the acquisition by the Roman state of the conquered territory and all that it contained. Thus not only would land be acquired, which was available for corn, vineyards, and pasture, but mines, roads, rivers, harbours, and, as a consequence, tolls and duties. If a Roman colony was sent out to occupy a conquered territory or town, a part of the conquered lands was assigned to the colonists in complete ownership. (*Vid.* Colonia.) The remainder, it appears, was left or restored to the inhabitants. Not that we are to understand that they had the property in the land as they had before; but it appears that they were subject to a tax, the produce of which belonged to the Roman people. Niebuhr seems to suppose that the Roman state might at any time resume such restored lands; and, no doubt, the right of resumption was involved in the tenure by which these lands were held; but it may be doubted if the resumption of such lands was ever resorted to except in extraordinary cases, and except as to conquered lands which were the public lands of the conquered state. Private persons, who were permitted to retain their lands subject to the payment of a tax, were not the possessors to whom the agrarian laws applied. In many cases, large tracts of land were absolutely seized, their owners having perished in battle or been driven away, and extensive districts, either not cultivated at all or very imperfectly cultivated, became the property of the state. Such lands as were unoccupied could become the subject of possessio; and the possessor would in all cases, and in whatever manner he obtained the land, be liable to a payment to the state, as above mentioned in the extract from Appian. This possessio was a real interest, for it was the subject of sale: it was the use (*usus*) of the land; but it was not the ager or property. The possessio strictly could not pass by the testament of the possessor, at least not by the mancipatio.[1] It is not easy, therefore, to imagine any mode by which the possession of the heres was protected, unless there was a legal form, such as Savigny has assumed to exist for the general protection of possessiones in the public lands.

The possessor of public land never acquired the ownership by virtue of his possession; it was not subject to usucapion. The ownership of the land which belonged to the state could only be acquired by the grant of the ownership, or by purchase from the state. The state could at any time, according to strict right, sell that land which was only possessed, or assign it to another than the possessor. The possession was, in fact, with respect to the state, a precarium; and we may suppose that the lands so held would at first receive few permanent improvements. In course of time, and particularly when the possessors had been undisturbed for many years, possession would appear, in an equitable point of view, to have become equivalent to ownership; and the hardship of removing the possessors by an agrarian law would appear the greater, after the state had long acquiesced in their use and occupation of the public land.

In order to form a correct judgment of some of those enactments which are most frequently cited as agrarian laws, it must be borne in mind that the possessors of public lands owed a yearly tenth, or fifth, as the case might be, to the state. Indeed, it is clear, from several passages,[2] that, under the Republic at least, the receipt of anything by the state from the occupier of land was a legal proof that the land was public; and conversely, public land always owed this annual payment. These annual payments were, it seems, often withheld by the possessors, and thus the state was deprived of a fund for the expenses of war.

The object of the agrarian law of Sp. Cassius is supposed by Niebuhr to have been "that the portion of the populus in the public lands should be set apart; that the rest should be divided among the plebeians; that the tithe should again be levied, and applied to paying the army." The agrarian law of Licinius Stolo limited each individual's possession of public land to 500 jugera, and imposed some other restrictions; but the possessor had no better title to the 500 jugera which the law left him than he formerly had to what the law took from him. The surplus land, according to the provisions of the law, was to be divided among the plebeians

1 (i., 10, 18.)

1. (Gaius, ii., 102.)—2 Liv. xxxi. 13.

The Licinian law not effecting its object, T. S. Gracchus revived the measure for limiting the possession of public land to 500 jugera. The arguments of the possessors against this measure, as they are stated by Appian,[1] are such as might reasonably be urged; but he adds that Gracchus proposed to give to each possessor, by way of compensation for improvements made on the public land, the full ownership of 500 jugera, and half that quantity to each of his sons, if he had any. If it is true, as Appian states, that the law of Gracchus forbade the rich from purchasing any of the lands which might be allotted to the plebeians by his agrarian law, this part of the measure was as unjust as it was impolitic. The lands which the Roman people had acquired in the Italian peninsula by conquest were greatly reduced in amount by the laws of Gracchus and by sale. Confiscations in the civil wars, and conquests abroad, were indeed continually increasing the public lands; but these lands were allotted to the soldiers and the numerous colonists to whom the state was continually giving lands (see the list in Frontinus, *De Coloniis Italicæ*). The system of colonization which prevailed during the Republic was continued under the emperors, and considerable tracts of Italian land were disposed of in this manner by Augustus and his successors. Vespasian assigned lands in Samnium to his soldiers, and grants of Italian lands are mentioned by subsequent emperors, though we may infer that, at the close of the second century of our æra, there was little public land left in the peninsula. Vespasian sold part of the public lands called *subseciva*, a term which expressed such parts as had not been assigned, when the other parts of the same district had been measured and distributed. Domitian, according to Aggenus, gave the remainder of such lands all through Italy to the possessors. The conquests beyond the limits of Italy furnished the emperors with the means of rewarding the veterans by grants of land; and in this way the institutions of Rome were planted on a foreign soil. But, according to Gaius, property in the land was not acquired by such grant; the ownership was still in the state, and the provincial landholder had only the possessio. If this be true, as against the Roman people or the Cæsar, his interest in the land was one that might be resumed at any time, according to the strict rules of law, though it is easily conceived that such foreign possessions would daily acquire strength, and could not safely be dealt with as possessions had been in Italy by the various agrarian laws which had convulsed the Roman state. This assertion of the right of the populus Romanus and of the emperors might be no wrong "inflicted on provincial land-owners by the Roman jurisprudence," as Niebuhr affirms. This same writer also observes, that Frontinus speaks of the "*arva publica* in the provinces, in contradistinction to the *agri privati* there;" but this he does not. This contradistinction is made by his commentator Aggenus, who, as he himself says, only conjectures the meaning of Frontinus; and, as we think, he has not discovered it.[2] The tax paid by the holders of ager privatus in the provinces was the only thing which distinguished the beneficial interest in such land from Italic land, and might be, in legal effect, a recognition of the ownership according to Roman law. And this was Savigny's earlier opinion with respect to the tax paid by provincial lands; he considered such tax due to the Roman people, as the sovereign or ultimate owner of the lands. His later opinion, as expressed in the *Zeitschrift für Geschichtliche Rechtswissenschaft*,[3] is, that under the Cæsars a uniform system of direct taxation was established in the provinces, to which all provincial land was subject; but land in Italy was free from this tax,

1. (Bell. Civ., i., 10.)—2. (Frontinus, de Re Agraria.)—3. (vol. . p. 254.)

and a provincial town could only acquire the like freedom by receiving the privilege expressed by the term jus Italicum. The complete solution of the question here under discussion could only be effected by ascertaining the origin and real nature of this provincial land-tax; and as it may be difficult, if not impossible, to ascertain such facts, we must endeavour to give a probable solution. Now it is consistent with Roman notions that all conquered land should be considered as the property of the Roman state; and it is certain that such land, though assigned to individuals, did not by that circumstance alone become invested with all the characters of Roman land which was private property. It had not the privilege of the jus Italicum, and, consequently, could not be the object of Quiritarian ownership, with its incidents of mancipatio, &c. All land in the provinces, including even that of the liberæ civitates, and the ager publicus properly so called, could only become an object of Quiritarian ownership by having conferred upon it the privilege of Italic land, by which it was also released from the payment of the tax. It is clear that there might be and was ager privatus, or private property, in provincial land; but this land had not the privileges of Italic land, unless such privilege was expressly given to it, and, accordingly, it paid a tax. As the notions of landed property in all countries seem to suppose a complete ownership residing in some person, and as the provincial landowner, whose lands had not the privilege of the jus Italicum, had not that kind of ownership which, according to the notions of Roman law, was complete ownership, it is difficult to conceive that the ultimate ownership of provincial lands (with the exception of those of the liberæ civitates) could reside anywhere else than in the populus Romanus, and, after the establishment of the imperial power, in the populus Romanus or the Cæsar. This question is, however, one of some difficulty, and well deserves farther examination. It may be doubted, however, if Gaius means to say that there could be no Quiritarian ownership of private land in the provinces; at least this would not be the case in those districts to which the jus Italicum was extended. The case of the Recentoric lands, which is quoted by Niebuhr,[1] may be explained. The land here spoken of was land in Sicily. One object of the measure of Rullus was to exact certain extraordinary payments (*vectigal*) from the public lands, that is, from the possessors of them; but he excepted the Recentoric lands from the operation of his measure. If this is private land, Cicero argues, the exception is unnecessary. The argument, of course, assumes that there was or might be private land in Sicily; that is, there was or might be land which would not be affected by this part of the measure of Rullus. Now the opposition of public and private land in this passage certainly proves, what can easily be proved without it, that individuals in the provinces owned land as individuals did in Italy; and such land might with propriety be called *privatus*, as contrasted with that called *publicus* in the provinces: in fact, it would not be easy to have found another name for it. But we know that ager privatus in the provinces, unless it had received the jus Italicum, was not the same thing as ager privatus in Italy, though both were private property. Such a passage, then, leads to no necessary conclusion that the ultimate ownership or dominion of this private land was not in the Roman people. It may be as well here to remark farther, that any conclusions as to Roman law, derived solely from the orations of Cicero, are to be received with caution; first, because on several occasions (in the *Pro Cæcina* for instance) he states that to be law which was not, for the purpose of

1. (Cic., c. Rull., i., 4.)

maintaining his argument; and, secondly, because it was a subject on which his knowledge was probably not very exact.

It only remains briefly to notice the condition of the public land with respect to the fructus, or vectigal, which belonged to the state. This, as already observed, was generally a tenth, and hence the ager publicus was sometimes called decumanus; it was also sometimes called ager vectigalis. The tithes were generally farmed by the publicani, who paid their rent mostly in money, but sometimes in grain. The letting was managed by the censors, and the lease was for five years. The form, however, of leasing the tenths was that of a sale, *mancipatio*. In course of time, the word *locatio* was applied to these leases. The phrase used by the Roman writers was originally *fructus locatio*, which was the proper expression; but we find the phrase *agrum fruendum locare* also used in the same sense, an expression which might appear somewhat ambiguous; and even *agrum locare*, which might mean the leasing of the public lands, and not of the tenths due from the possessors of them. It is, however, made clear by Niebuhr, that in some instances, at least, the phrase *agrum locare* does mean the leasing of the tenths; whether this was always the meaning of the phrase, it is not possible to affirm.

Though the term ager vectigalis originally expressed the public land, of which the tithe was leased, it afterward came to signify lands which were leased by the state or by different corporations. This latter description would comprehend even the ager publicus; but this kind of public property was gradually reduced to a small amount; and we find the term ager vectigalis, in the later period, applied to the lands of towns which were so leased that the lessee, or those who derived their tithe from him, could not be ejected so long as they paid the vectigal. This is the ager vectigalis of the Digest,[1] on the model of which was formed the emphyteusis, or ager emphyteuticarius. (*Vid.* Emphyteusis.) The rights of the lessee of the ager vectigalis were different from those of a possessor of the old ager publicus, though the ager vectigalis was derived from, and was only a new form of, the ager publicus. Though he had only a *jus in re*, and though he is distinguished from the owner (*dominus*), yet he was considered as having the possession of the land. He had, also, a right of action against the town, if he was ejected from his land, provided he had always paid his vectigal.[2]

AGRAU'LIA (*ἀγραυλία*) was a festival celebrated by the Athenians in honour of Agraulos, the daughter of Cecrops. We possess no particulars respecting the time or mode of its celebration; but it was, perhaps, connected with the solemn oath, which all Athenians, when they arrived at manhood (*ἔφηβοι*), where obliged to take in the temple of Agraulos, that they would fight for their country, and always observe its laws.[3]

Agraulos was also honoured with a festival in Cyprus, in the month Aphrodisius, at which human victims were offered.[4]

AG'RETAI (*ἀγρέται*), the name of nine maidens, who were chosen every year, in the Island of Cos, as priestesses of Athena (Minerva).

AGRIA'NIA (*ἀγριανία*) was, according to Hesychius, a festival celebrated at Argos, in memory of a deceased person, and was, probably, the same as the festival called Agrania. The Agriania was also celebrated at Thebes, with solemn sports.

AGRIMENSO'RES, or "land-surveyors," a college established under the Roman emperors. Like the jurisconsults, they had regular schools, and were paid handsome salaries by the state. Their business was to measure unassigned lands for the state, and ordinary lands for the proprietors, and to fix and maintain boundaries. Their writings on the subject of their art were very numerous; and we have still scientific treatises on the law of boundaries, such as those by Frontinus and Hyginus. They were sometimes vested with judicial power, and were called *spectabiles* and *clarissimi* in the time of Theodosius and Valentinian. As partitioners of land, the agrimensores were the successors of the augurs, and the mode of their *limitatio* was derived from the old augurial method of forming the *templum*. The word *templum*, like the Greek *τέμενος*, simply means a division; its application to signify the vault of the heavens was due to the fact that the directions were always ascertained according to the true cardinal points. At the inauguration of a king[1] or consul,[2] the augur looked towards the east, and the person to be inaugurated towards the south. Now, in a case like this, the person to be inaugurated was considered the chief, and the direction in which he looked was the main direction. Thus we find that in the case of land-surveying the augur looked to the south:[3] for the gods were supposed to be in the north, and the augur was considered as looking in the same manner in which the gods looked upon the earth.[4] Hence the main line in land-surveying was drawn from north to south, and was called *cardo*, as corresponding to the axis of the world; the line which cut it was termed *decumanus*, because it made the figure of a cross, like the numeral X. These two lines were produced to the extremity of the ground which was to be laid out, and parallel to these were drawn other lines, according to the size of the quadrangle required. The limits of these divisions were indicated by balks, called *limites*, which were left as high roads, the ground for them being deducted from the land to be divided. As every sixth was wider than the others, the square bordering upon this would lose *pro tanto*. The opposition of *via* and *limes* in this rectangular division of property has not been sufficiently attended to by scholars. It appears that, if the line from north to south was called *limes*, that from east to west would be named *via*, and *vice versa*. Virgil was, as is well known, very accurate in his use of words, and we may entirely depend on inferences drawn from his language. First, he uses *limes* in its stricter sense as a term of land-surveying:

> "*Ante Jovem nulli subigebant arva coloni,*
> *Nec signare quidem, aut partiri limite campum*
> *Fas erat.*"[5]

Again, in speaking of planting vines in regular rows, he says:

> "*Omnis in unguem*
> *Arboribus positis secto via limite quadret;*"[6]

i. e., "let every *via* be exactly perpendicular to the *limes* which it cuts." He says *quadret*, for the term *via* might be used in speaking of a line which cut another obliquely, as it is used in the description of the ecliptic, in Virgil:

> "*Via secta per ambas,*
> *Obliquus qua se signorum verteret ordo.*"[7]

These passages are sufficient to prove that *via* and *limes* are used in opposition to one another. The following authorities will show that *via* means the principal or high road; and *limes*, a narrower cross road, where roads are spoken of. In the first place, the Twelve Tables laid down that the *via* should be eight feet wide when straight, but twelve

1. (vi., tit. 3.)—2. (Niebuhr, Rom. Hist.—Savigny, das Recht des Besitzes, 5th ed.—Cicero, c. Rull.; and the other authorities already referred to in the course of the article.)—3. (Lycurg., c. Leocr., c. 18, p. 189.—Demosth., de Legat., c. 84, p. 438.—Plut., Alcib., c. 15.—Stobæus, Serm., xli., 141.—Schömann, de Comit. Athen., p. 331.—Wachsmuth, Hellen. Alterth., 2, i., p. 252.)—4. (Porphyr., de Abstin. ab Anim., i., 2.)

1. (Liv., i., 18.)—2. (Dionys., ii., 5.)—3. (Varro, ap. Frontin., p. 215.)—4. (Festus, s. v. Sinistræ.)—5. (Georg., i., 126.)—6. (Georg., ii., 278.)—7. (Georg., i., 238.)

feet a. the turning; and it is expressly distinguished by Festus from the *iter* of two feet wide, and the *actus* of four feet wide. Secondly, in Livy[1] we have "*intra eam* (*portam*) *extraque latæ sunt viæ, et extra limes*," &c., "*eo limite*," &c.; and in the same author,[2] "*transversis limitibus in viam Latinam est egressus*" and Tacitus[3] says, "*Per limitem viæ spe quintur festinatione consectandi victores.*" When land was not divided, it was called *arcifinius*, or *arcifinalis*; the *ager publicus* belonged to this class.

The reader will find two very valuable articles on the *Limitatio* and the *Agrimensores* in the Appendices to Niebuhr's *Roman History*, vol. ii.

*AGRIMO'NIA, the herb *Agrimony*, called also *Eupatorium* (Εὐπατώριον), from its having been discovered by Mithradates Eupator.[4]

AGRIO'NIA (*ἀγριώνια*), a festival which was celebrated at Orchomenus, in Bœotia, in honour of Dionysus, surnamed Ἀγριώνιος. It appears from Plutarch[5] that this festival was solemnized only by women and priests of Dionysus. It consisted of a kind of game, in which the women for a long time acted as if seeking Dionysus, and at last called out to one another that he had escaped to the Muses, and had concealed himself with them. After this they prepared a repast; and having enjoyed it, amused themselves with solving riddles. This festival was remarkable for a feature which proves its great antiquity. Some virgins, who were descended from the Minyans, and who probably used to assemble around the temple on the occasion, fled, and were followed by the priest armed with a sword, who was allowed to kill the one whom he first caught. This sacrifice of a human being, though originally it must have formed a regular part of the festival, seems to have been avoided in later times. One instance, however, occurred in the days of Plutarch.[6] But, as the priest who had killed the woman was afterward attacked by disease, and several extraordinary accidents occurred to the Minyans, the priest and his family were deprived of their official power. The festival is said to have been derived from the daughters of Minyas, who, after having for a long time resisted the Bacchanalian fury, were at length seized by an invincible desire of eating human flesh. They therefore cast lots on their own children, and as Hippasus, son of Leucippe, became the destined victim, they killed and ate him, whence the women belonging to that race were at the time of Plutarch still called the destroyers (*ὀλεῖαι* or *αἰολαῖαι*), and the men mourners (*ψολοεῖς*).[7]

*AGRIOPHYLL'ON (*ἀγριοφύλλον*), a plant, the same with the *Peucedanum* (Πευκέδανον), our "Hogsfennel," or "Sulphur-wort."[8]

AGRON'OMI (*ἀγρονόμοι*) are described by Aristotle as the country police, whose duties corresponded in most respects to those of the astynomi in the city.[9] They appear to have performed nearly the same duties as the hylori (*ὑλωροί*). Aristotle does not inform us in what state they existed; but, from the frequent mention of them by Plato, it appears probable that they belonged to Attica.[10]

*AGROST'IS (*ἀγρωστις*), a plant. Schneider and Sprengel remark, that nearly all the commentators agree in referring it to the *Triticum repens*, L., or Couch-grass. Stackhouse, however, is content with simply marking the *ἀγρωστις* of Theophrastus as the *Agrostis*. The brief description of the *ἀγρωστις ἐν τῷ Παρνασσῷ*, given by Dioscorides, would seem to point to the *Parnassia palustris*, or "Grass of Parnassus."[11]

1 (xxxi., 24.)—2. (xxii., 12.)—3. (Hist., iii., 25.)—4. (Dioscor., iv., 41.—Plin., H. N., xxv., 6.)—5. (Quæst. Rom., 102.)—6. (Quæst. Græc., 38.)—7. (Müller, Die Minyen, p. 166, seqq.)—8. (Apul., de Herb., c. 95.—Theophrast., H. P., ix., 14.—Dioscor., iii., 82.)—9. (Polit., vi., 5.)—10. (Plato, Legg., vi., 9.—Timæi Lexicon. and Ruhnken's note, in which several passages are quoted from Plato.)—11 (Dioscor., iv 30, 32.—Theophrast., H. P., i., 6, seqq.)

ΑΓΡΟΤΕΡΑΣ ΘΥΣΙΑ (*ἀγροτέρας θυσια*), a festival celebrated every year at Athens in honour of Artemis, surnamed Agrotera (from *ἀγρα*, chase). It was solemnized, according to Plutarch,[1] on the sixth of the month of Boëdromion, and consisted in a sacrifice of 500 goats, which continued to be offered in the time of Xenophon.[2] Its origin is thus related: When the Persians invaded Attica, Callimachus the polemarch, or, according to others, Miltiades, made a vow to sacrifice to Artemis Agrotera as many goats as there should be enemies slain at Marathon. But when the number of enemies slain was so great that an equal number of goats could not be found at once, the Athenians decreed that 500 should be sacrificed every year. This is the statement made by Xenophon; but other ancient authors give different versions. Ælian, whose account, however, seems least probable, states[3] the time of the festival to have been the sixth of Thargelion, and the number of goats yearly sacrificed 300. The scholiast on Aristophanes[4] relates that the Athenians, before the battle, promised to sacrifice to Artemis one ox for every enemy slain; but when the number of oxen could not be procured, they substituted an equal number of goats.

AGRUP'NIS (*ἀγρυπνίς*), a nocturnal festival celebrated at Arbela, in Sicily, in honour of Dionysus.[5]

AGUR'MOS (*ἀγυρμός*). (*Vid.* Eleusinia.)

AGUR'TAI (*ἀγύρται*), mendicant priests, who were accustomed to travel through the different towns of Greece, soliciting alms for the gods whom they served. These priests carried, either on their shoulders or on beasts of burden, images of their respective deities. They appear to have been of Oriental origin, and were chiefly connected with the worship of Isis,[6] Opis, and Arge,[7] and especially of the great mother of the gods; whence they were called *μητραγύρται*. They were, generally speaking, persons of the lowest and most abandoned character. They undertook to inflict some grievous bodily injury on the enemy of any individual who paid them for such services, and also promised, for a small sum of money, to obtain forgiveness from the gods whom they served for any sins which either the individual himself or his ancestors had committed.[8] Thus Œdipus calls Tiresias,

Μάγον τοιόνδε μηχανορράφον
δόλων ἀγύρτην.[9]

These mendicant priests came into Italy, but at what time is uncertain, together with the worship of the gods whom they served.[10]

The name of *ἀγύρται* was also applied to those individuals who pretended to tell people's fortunes by means of lots. This was done in various ways. The lots frequently consisted of single verses taken from well-known poems, which were thrown into an urn, whence they were drawn either by the persons who wished to learn their fortunes or by boys. It was also usual to write the verses on a tablet,[11] and those who consulted them found out the verses which foretold their destinies by throwing dice.

AIAKEI'A (*Αἰάκεια*), a festival of the Æginetans in honour of Æacus, the details of which are not known. The victor in the games which were solemnized on the occasion, consecrated his chaplet in the magnificent temple of Æacus.[12]

AIANTEI'A (*Αἰάντεια*), a festival solemnized in Salamis in honour of Ajax, of which no particulars are known.[13]

*AIGEIROS (*αἴγειρος*), without doubt the *Populus nigra*, or Black Poplar.[14]

1. (De Malign. Herod., 26.)—2. (Xenoph., Anab., iii., 2, § 12.)—3. (V. H., ii., 15.)—4. (Equit., 666.)—5. (*Vid.* Hesych., s. v.)—6. (Suid., sub Ἀγείρει.)—7. (Herod., iv., 35.)—8. (Ruhnken ad Timæi Lex. Plat., sub *ἀγείρουσαν* and *ἐπαγωγαί*.)—9. (Soph., Œd. Tyr., 387.)—10. (Cic., de Legg., ii., 16.—Heindorff, in Hor., Serm., I., ii., 2.)—11. (*ἀγυρτικὸς πίναξ*, or *ἀγυρτικὴ σανίς*.)—12. (Müller, Æginetica, p. 140.)—13. (*Vid* Hesych., s. v.)—14. (Dioscor., i., 109.—Theophrast., H. P., i., 8: n., 3, &c.)

*AIGITH'ALOS (*αἰγιθαλός*), a species of bird Aristotle applies this term to the genus *Parus*, of which he describes the following species: 1. The *σπιζίτης*, which is the *Parus major*, L., the Great Titmouse or Ox-eye. 2. The *ὄρεινος*, which would seem to correspond to the *Parus caudatus*, L., or Long-tailed Titmouse. 3. The *ἐλάχιστος*, which answers to the *Parus cæruleus*, L., or Blue Titmouse.[1]

*AIG'ILOPS (*αἰγίλωψ*), a plant about which there has been great diversity of opinion. Robert Stephens and most of the older commentators contend that it is the *Avena sterilis*, or *Folle avoine* of the French. Matthiolus rejects this opinion, and holds it to be an herb called *Coquiele* in French, which grows in fields of barley. Dodonæus, Sibthorp, Stackhouse, and Sprengel agree in referring it to the *Ægilops ovata*. Theophrastus farther applies the name to a species of Oak, which Stackhouse makes to be the *Quercus Ægilops*.[2]

*AIG'IPYROS (*αἰγίπυρος*), Buckwheat. Sprengel mentions that the learned Anguillara believed it to be the *Ononis Antiquorum*, or Rest-harrow; he himself, however, in the second edition of his "*Rei Herbariæ Historia*," inclines to a species of *Eryngium* All this, however, is merely conjectural.[3]

*AIGOTHE'LAS (*αἰγοθήλας*), the Goat-sucker, a bird of the genus *Caprimulgus*. It applies more especially to the species called Fern-owl in England, to which Professor Rennie gives the scientific name of *Nyctichelidon Europæus*.[4]

*AIGY'PIOS (*αἰγύπιος*). Ælian describes it as being a bird intermediate between the Eagle and the Vulture.[5] Gesner decides that it is the same as the *γυπαίετος* and the *Vultur niger* of Pliny; and Schneider suggests that it probably was the *Vultur percnopterus*, or Alpine eagle. (*Vid.* GYPS.)[6]

*AIGO'LIOS (*αἰγώλιος*), a bird of the rapacious tribe, briefly noticed by Aristotle.[7] It is rendered *Ulula* by Gaza, but cannot be satisfactorily determined. (*Vid.* GLAUX.)[8]

AIKIAΣ ΔIKH (*αἰκίας δίκη*), an action brought at Athens before the court of the Forty (*οἱ τετταράκοντα*), against any individual who had struck a citizen of the state. Any citizen who had been thus insulted might proceed in two ways against the offending party, either by the *αἰκίας δίκη*, which was a private action, or by the *ὕβρεως γραφή*, which was looked upon in the light of a public prosecution, since the state was considered to be wronged in an injury done to any citizen. It appears to have been a principle of the Athenian law, to give an individual who had been injured more than one mode of obtaining redress.[9]

It was necessary to prove two facts in bringing the *αἰκίας δίκη* before the Forty. First, That the defendant had struck the plaintiff with the intention of insulting him (*ἐφ' ὕβρει*), which, however, was always presumed to have been the intention, unless the defendant could prove that he only struck the plaintiff in joke. Thus Ariston, after proving that he had been struck by Conon, tells the judges that Conon will attempt to show that he had only struck him in play.[10] Secondly, It was necessary to prove that the defendant struck the plaintiff first, and did not merely return the blows which had been given by the plaintiff (*ἄρχειν χειρῶν ἀδίκων*, or merely *ἀδίκων ἄρχειν*).[11]

In this action, the sum of money to be paid by the defendant as damages was not fixed by the laws; but the plaintiff assessed the amount according to the injury which he thought he had received, and the judges determined on the justice of the claim.[1]

AIKLON (*ἄϊκλον, αἰκλοι*, or *ἄϊκνον, αἰκνον*),[2] is said by Polemo[3] to be a Doric word; its derivatives *ἐπάϊκλα* and *μεσαϊκλίαι*, were used only by the Dorians. Modern writers differ greatly respecting its meaning; but, from an examination of the passages in which it occurs, it appears to be used in two senses: I. A meal in general. Thus Alcman uses *συναϊκλιαι* for *συνδείπνια*.[4] II. The chief dish or course in a meal. The dessert or after-course was called *ἐπάϊκλον*.[5] The *ἄϊκλον* among the Spartans was composed of the contributions which every one who came to the public banquets (*φειδίτια*) was bound to bring, and consisted chiefly of pork and black broth, or blood-broth (*μέλας ζωμός, αἱμάτια*), with the addition of cheese and figs; sometimes, but rarely, they received contributions of fish, hares, and poultry. The *ἐπάϊκλον*, or dessert, which varied the plainness of the meal, consisted of voluntary gifts to the table. The richer citizens sent maize bread, fowls, hares, lambs, and other dishes, cooked in a superior manner, a part of a sacrifice, or the fruits of the season, while others contributed the proceeds of the chase. It was the custom, when one of these presents was helped round, to name the person who sent it.[6] Sometimes they procured a good dessert by imposing penalties on each other, or by giving the place of honour at the table to him who contributed the best dish.[7] The contributions were eaten as they were sent; or, if their flavour was not approved, they were made up afresh into a savoury mess called a *ματτύη*. Boys were allowed an *ἐπάϊκλον* consisting of barley meal kneaded with oil, and baked in laurel leaves.[8]

AIΓINH'TΩN EOP'TH (*Αἰγινητῶν ἑορτή*), a festival of the Æginetans in honour of Poseidon, which lasted sixteen days, during which time every family took its meals quietly and alone, no slave being allowed to wait, and no stranger invited to partake of them. From the circumstance of each family being closely confined to itself, those who solemnized this festival were called *μονοφάγοι*. Plutarch[9] traces its origin to the Trojan war, and says that, as many of the Æginetans had lost their lives, partly in the siege of Troy and partly on their return home, those who reached their native island were received indeed with joy by their kinsmen; but, in order to avoid hurting the feelings of those families who had to lament the loss of their friends, they thought it proper neither to show their joy nor to offer any sacrifices in public. Every family, therefore, entertained privately their friends who had returned, and acted themselves as attendants, though not without rejoicings

*AITHUI'A (*αἰθυία*), the *Mergus* of the Latins, the modern Cormorant. As there are several species of this genus, it is difficult to say, in general, to which of them the ancient name is most applicable. The *Pelicanus corbo* is a common species.[10]

*AIX (*αἴξ*). I. (*Vid.* TRAGOS.) — II. The name of a bird briefly noticed by Aristotle.[11] Belon conjectures that it was the Lapwing, namely, the *Vanellus Cristatus*.[12]

*AILOU'ROS (*αἴλουρος*), the *Felis Catus*, or Wild Cat. Some apply the name *κάττης* to the Domestic Cat.[13] (*Vid.* FELIS.)

* AIMATI'THΣ (*αἱματίτης*), the well-known stone called Bloodstone. (*Vid.* HÆMATITES.)

1 (Aristot., H. A., ix., 16 —Adams, Append., s. v.)—2. (Dioscor., iv., 137.—Theophrast., H. P., iv., 16.—Adams, Append., s. v.)—3. (Theocrt., Id., iv., 25.—Theophrast., H. P., ii., 8.—Adams, Append., s. v.)—4. (Ælian, N. A., iii., 39.)—5. (N. A., ii., 46.)—6. (Adams, Append., s. v.)—7. (H. A., vi., 6.)—8. (Adams, Append., s. v.)—9. (Demosth., adv. Androt., c. 8, p. 601 -1'. (Demosth., adv. Conon., c. 5, p. 1261.)—11. (Demosth., adv. Steph., c. 3, p. 1141; c. 11, p. 1151.)

1. (Demosth., adv. Conon.—Isocrates, adv. Lochit.—Meier, Att Process, p. 547.—Böckh, Public Econ. of Athens, vol. ii., p. 101, transl.)—2. (Eustath. in Il., xviii., 245.)—3. (Athenæus, p. 140, c.)—4. (Athenæus, p. 140, c.—See also Epicharmus and Alcman in Athenæus, p. 139, *b*, and p. 140, *c*.)—5. (Polemo in Athen., p. 140, *c*.)—6. (Polemo in Athen., p. 139, *c*.)—7. (Athen., p. 140, *f*.)—8. (Müller, Dorians, iii., x., 7; iv., iii., 3.—Wachsmuth, Hellen. Alterthum., II., ii., p. 24.)—9. (Quæst. Græc., 44.)—10. (Aristot., H. A., v., 8.—Ælian, N. A., iv., 5.)—11. (H. A. viii., 3.)—12. (Adams, Append., s. v.)—13. (Aristot., H. A., v., 2.—Suid., s. v. *κάττης* et *οἰκογενής*.—Toup in Suid., l. c.—Adams, Append., s. v. *αἴλουρος*.)

AIMORROUS (*αἱμόῤῥους*), (*-οῖς*, or *-ος*), a species of Serpent. The celebrated Paul Hermann told Dr. Mead that he had found in Africa a serpent, the poison of which was immediately followed by hæmorrhages from all the pores of the body, and which he concluded to be the same as the Hæmorrhus of antiquity. It should also be remarked, that the effects produced by the poison of the *Coluber urens* of India are said to be very similar to those of the Hæmorrhus as described by the ancients.[1]

AIRA (*αἶρα*), a plant, the same with the *Lolium temulentum*, L., or Darnel. It may be confidently pronounced to be the "*infelix lolium*" of Virgil; and that it is the *ζιζανία* of Scripture was first suggested by Isidorus, an opinion which has been espoused, without acknowledgment, by Henry Stephens, and by Dr. Campbell of Aberdeen, and other Biblical commentators. It farther deserves to be mentioned, that the translators of the works of the Arabian medical authors render the *alpa* of the Greeks by *zizanien*.[2]

AISUMNE'TES (*αἰσυμνήτης*), an individual who was sometimes invested with unlimited power in the Greek states. His power, according to Aristotle, partook in some degree of the nature both of kingly and tyrannical authority, since he was appointed legally, and did not usurp the government, but, at the same time, was not bound by any laws in his public administration.[3] Hence Theophrastus[4] calls the office *τυραννὶς αἱρετή*. It was not hereditary, nor was it held for life; but it only continued for a certain time, or till some object was accomplished. Thus we read that the inhabitants of Mytilene appointed Pittacus *αἰσυμνήτης*, in order to prevent the return of Alcæus and the other exiles.[5] Dionysius compares it with the dictatorship at Rome. In some states, such as Cyme and Chalcedon, it was the title borne by the regular magistrates.[6]

AIO'RA, or EO'RA (*αἰώρα, ἑώρα*), a festival at Athens, accompanied by sacrifices and banquets, whence it is sometimes called *εὐδειπνος*. The common account of its origin is as follows: Icarius was killed by shepherds to whom he had given wine, and who, being unacquainted with the effects of this beverage, fancied, in their intoxication, that he had given them poison. Erigone, his daughter, guided by a faithful dog, discovered the corpse of her father, whom she had sought a long time in vain; and, praying to the gods that all Athenian maidens might perish in the same manner, hung herself. After this occurrence, many Athenian women actually hung themselves, apparently without any motive whatever; and when the oracle was consulted respecting it, the answer was, that Icarius and Erigone must be propitiated by a festival.[7] According to the *Etymologicum Magnum*, the festival was celebrated in honour of Erigone, daughter of Ægisthus and Clytemnestra, who came to Athens to bring the charge of matricide against Orestes before the Areopagus; and, when he was acquitted, hung herself, with the same wish as the daughter of Icarius, and with the same consequences. According to Hesychius, the festival was celebrated in commemoration of the tyrant Temaleus, but no reason is assigned. Eustathius[8] calls the maiden who hung herself Acora. But, as the festival is also called 'Αλῆτις (apparently from the wanderings of Erigone, the daughter of Icarius), the legend which was first mentioned seems to be the most entitled to belief. Pollux[9] mentions a song made by Theodorus of Colophon, which persons used to sing while swinging themselves (*ἐν ταῖς αἰώραις*). It is therefore probable that the Athenian maidens, in remembrance of Erigone and the other Athenian women who had hung themselves, swung themselves during this festival, at the same time singing the above-mentioned song of Theodorus.[1]

ALABAS'TER, the name usually given by artists and antiquaries to that variety of marble which mineralogists call *gypsum*. Alabaster is sometimes described as of two kinds; but this is an error, as one of the substances so called is a *carbonate* of lime, and therefore not alabaster in the common acceptation of the term; while the other, the real alabaster or *gypsum*, is a *sulphate* of lime. Alabaster (gypsum) is translucent or semi-transparent, and is usually of a white—a yellowish white—and greenish colour, though sometimes strong brown tints and spots appear in it. When the varieties of colour occur in the same stone, and are disposed in bands or horizontal strata, it is often called onyx alabaster; and when dispersed irregularly, as if in clouds, it is in like manner distinguished as agate alabaster. These varieties in the colour are alluded to by Pliny: "*Candore interstincto variis coloribus.*"[2] Though much softer than other marbles, and on that account ill adapted for sculpture on a large scale, it is capable of being worked to a very fine surface, and of receiving a polish.

Alabaster has been supposed to derive its name originally from Alabastron, a town of Egypt, where there was a manufactory of vessels made of a stone which was found in the neighbouring mountains. Pliny[3] speaks of alabastrites, using that term for the various kinds of this marble, as well as onyx, probably from the texture being somewhat different from that of the Greek, Sicilian, and Italian marbles, which he was more accustomed to see, and which were commonly used by sculptors, and from which he thus desired to distinguish it. He observes that it was chiefly procured in his time from Alabastron and Damascus.[4]

Alabaster, both in its form of carbonate of lime and gypsum (for, from the confusion that exists in the description of some monuments of antiquity, it becomes necessary to advert to both varieties under that denomination), was employed very extensively by the ancients. It was much used by the Egyptians for different sorts of vases, rilievi, ornaments, covers of sarcophagi, canopies, and sculpture in general; but, from the absence of any remains of sculpture in that material, it may be assumed that alabaster (gypsum) was little, if ever, used by the artists of ancient Greece and Italy for statues, rilievi, or busts. Vessels or pots used for containing perfumes, or, rather, ointments, were often called by the ancients *alabastra* or *alabastri*. It appears, from the account of Pliny, that these pots were usually made of the onyx alabaster, which was considered to be better adapted than any other stone for the preservation of perfumes.[5] Martial says *cosmis redolent alabastra*,[6] and Horace appears to allude to the same vessels in his invitation to Virgil.[7] The term seems to have been employed to denote vessels appropriated to these uses, even when they were not made of the material from which it is supposed they originally received their name. Theocritus thus speaks of golden alabastra (*χρύσει' ἀλάβαστρα*[8]). These vessels were of a tapering shape, and very often had a long narrow neck, which was sealed; so that when Mary, the sister of Lazarus, is said by St. Mark[9] to break the alabaster-box of ointment for the purpose of anointing our Saviour, it appears probable that she only broke the extremity of the neck, which was thus

1 (Nicand., Ther., 282.– Adams, Append., s. v.)—2. (Theophrast., H. P., i., 5 —Dioscor., ii., 122.—Matth., xiii., 25.—Adams, Append., s. v.)—3. (Polit., iv., 8, § 2.)—4. (Apud Dionys. Halic., v., 73.)—5. (Theophrast. ap. Dionys. Halic., v., 73.)—6. (Wachsmuth, Hellen. Alterthum., i., i., p. 200.—Hermann, Pol. Antiq. of Greece, § 63.)—7. (Hygin., Poet Astron., ii., 4.)—8. (in Il., in, p. 389 —9 (iv., 7, § 55.)

1. (*Vid.* etiam Athen., xiv., p. 618.)—2. (H. N., xxxvi., 12 xxxvii., 54.)—3. (H. N., xxxvi., 12.)—4 (H. N., xxxvii., 54. —5. (H. N., xiii., 3; xxxvi., 12.)—6. (vi., viii., 9.)—7. (Carm iv., xii., 7.)—8 (Idyl., xv., 114.)—9. (xiv, 3.)

closed. The alabastron mentioned by the Evangelists was, according to Epiphanius, a measure, which contained ½ ξέστης, or one κοτύλη (16·47 cubic inches, or ·48 pints).

ALABASTRI'TES. (*Vid.* ALABASTER.)

ALAIA (ἀλαία) is the name of the games which were annually celebrated at the festival of Minerva, surnamed Alea, near Tegea, in the neighbourhood of the magnificent temple of the same goddess.[1]

ALA'RII were the troops of the allies in the Roman army, and were so called because they were usually stationed in the wings (*Alæ*[2]). The alarii consisted both of horse and foot soldiers, and were commanded by præfecti, in the same manner as the legions were commanded by tribuni.[3] The cavalry of the allies was called *equites alarii*, to distinguish them from the cavalry of the legions (*equites legionarii*[4]); and the infantry was called *cohortes alariæ*,[5] to distinguish them from the *cohortes legionariæ*.

*ALAU'DA (κόρυδος, κορύδαλος, and κορυδών), the Lark. Aristotle describes two species of this bird, the one of which is evidently the *Alauda cristata*, L., or Crested Lark; the other the *Alauda campestris*, or Field Lark. The former is the *Galerita* of Pliny, and is clearly the species alluded to by Aristophanes in his Aves.[6]

ALBUM is defined to be a tablet of any material on which the prætor's edicts, and the rules relating to actions and interdicts, were written. The tablet was put up in a public place, in order that all the world might have notice of its contents. According to some authorities, the album was so called, because it was either a white material or a material whitened, and, of course, the writing would be a different colour. According to other authorities, it was so called because the writing was in white letters. If any person wilfully altered or erased (*corrupit*) anything in the album, he was liable to an action *albi corrupti*, and to a heavy penalty.[7]

Probably the word album originally meant any tablet containing anything of a public nature. Thus, Cicero informs us that the Annales Maximi were written on the album by the pontifex maximus.[8] But, however this may be, it was, in course of time, used to signify a list of any public body; thus we find the expression *album senatorium*, used by Tacitus,[9] to express the list of senators, and corresponding to the word *leucoma* used by Dion Cassius.[10] The phrase *album decurionum* signifies the list of decuriones whose names were entered on the album of a municipium, in the order prescribed by the lex municipalis, so far as the provisions of the lex extended.[11]

ALBUS GALE'RUS, or ALBOGALE'RUS, a white cap worn by the flamen dialis at Rome.[12] According to Festus (*s. v.*), it was made of the skin of a white victim sacrificed to Jupiter, and had an olive twig inserted in the top. Its supposed form, as derived from coins, and from a bas-relief on a Roman temple, is that of a cap fitted closely to the head, and tied under the chin.[13] (*Vid.* APEX.)

ALCATHOI'A (ἀλκαθοΐα) is the name of games celebrated at Megara, in commemoration of the hero Alcathous, son of Pelops, who had killed a lion which had destroyed Euippus, son of King Megareus.[14]

*AL'CE or ALCES[15] (in Greek Ἄλκη), the name of an animal described by Cæsar and other ancient writers, and the same with the modern *Elk* or *Moose Deer*. "It was the opinion of Buffon, that the European Elk was not known to the Greeks, nor does it appear to have been noticed by Aristotle. That it was, however, the Ἄλκη of Pausanias, the Alce of Cæsar and Pliny, the Elch of the Celts, and the Ælg or Elg of the northern Europeans, there can be little doubt. Pausanias describes it as being "between a stag and a camel;"[1] and though the accounts of Cæsar[2] and Pliny[3] are mingled with fable, and the former states that his *Alces* are "*mutilæ cornibus*" (which might arise from the accounts of those who had seen the animal at the period when the horns had exfoliated), the general description and the localities given by both are almost conclusive as to the animal meant to be designated. The "*labrum superius prægrande*," "huge upper lip," of Pliny is very expressive, and the extraordinary development of this part might well recall to a casual observer the general traits of the head of a camel. Whether it was the ἱππέλαφος (*hippelaphus*) of Aristotle, is a question which will admit of much discussion. (*Vid.* HIPPELAPHUS.)—The movements of the Elk are rather heavy, and, the shoulders being higher than the croup, it can never gallop, but shuffles or ambles along, its joints cracking at every step, with a sound heard to some distance. Increasing its speed, the hind feet straddle to avoid treading on its fore heels, and it tosses the head and shoulders like a horse about to break from a trot to a gallop. It does not leap, but steps without effort over a fallen tree, a gate, or a split fence. During its progress, it holds the nose up, so as to lay the horns horizontally back. This attitude prevents its seeing the ground distinctly; and, as the weight is carried very high upon the elevated legs, it is said sometimes to trip by treading on its fore heels, or otherwise, and occasionally to give itself a heavy fall. It is probably owing to this occurrence that the Elk was believed by the ancients to have frequent attacks of epilepsy, and to be obliged to smell its hoof before it could recover; hence the Teutonic name of *Elend* ("miserable"), and the reputation especially of the fore hoofs as a specific against the disease."

*AL'CEA (ἀλκέα or ἀλκαία), most probably the *Malva alcea*, or Vervain Mallow.[4]

*ALCE'DO. (*Vid.* HALCYON.)

*ALCIBIAD'IUM (Ἀλκιβιάδιον), a species of Anchusa. (*Vid.* ANCHUSA.)

*ALCY'ONE. (*Vid.* HALCYON.)

ALEA, gaming, or playing at a game of chance of any kind. Hence *aleo*, *alcator*, a gamester, a gambler. Playing with *tali*, or *tesseræ*, was generally understood, because this was by far the most common game of chance among the Romans.

Gaming was forbidden by the Roman laws, both during the times of the Republic and under the emperors.[5] Hence Horace, alluding to the progress of effeminate and licentious manners, says that boys of rank, instead of riding and hunting, now showed their skill in playing with the hoop, or even at games of chance, although they were illegal (*vetita legibus alea*[6]). Gaming was also condemned by public opinion. "*In his gregibus*," says Cicero, "omnes aleatores, *omnes adulteri, omnes impuri impudicique versantur.*"[7] To detect and punish excesses of this description belonged to the office of the ædiles.[8]

Games of chance were, however, tolerated in the month of December at the Saturnalia, which was a period of general relaxation;[9] and among the Greeks, as well as the Romans, old men were allowed to amuse themselves in this manner.[10]

The following line of Publius Syrus shows that

1. (Paus., viii., 47, § 3.)—2. (Liv., x., 43; xxxi., 21.—Cæs., Bell. Gall., i., 51.—Cincius, ap. Gell., xvi., 4.)—3. (Cæs., Bell. Gall., i., 39.—Suet., Octav., 38.—Plin., Ep., x., 19.)—4. (Liv., xxv., 5; xl., 40.)—5. (Cæs., Bell. Civ., i., 73, 83; ii., 18.)—6. (Aristot., H. A., ix., 19.—Aristoph., Av., 472.)—7. (Dig. 2, tit. 1, s. 79.)—8. (De Orat., ii., 12.)—9. (Ann., iv., 42.)—10. (lv., 3.)—11. (Dig. 50, tit. 3.)—12. (Varro, ap. Gell., x., 16.)—13. (Causæi, Mus. Rom.—Sigonius, de Nom. Rom., 5.—Hope, Costumes, ii., 266.)—14. (Pind., Isthm., viii., 148.—Paus., i., 42, § 1.)—15 (Salmas. ad Solin., 20.)

1. (ix., 21.)—2. (Bell. Gall., vi., 26.)—3. (H. N., viii., 15.)—4. (Dioscor., iii., 154.)—5. (Cic., Philip., ii., 23.—Cod. 3, tit. 43.)—6. (Carm. iii., 24.)—7. (in Cat., ii., 10.)—8. (Martial, xiv., 1.)—9. (Martial, iv., 14.—Gellius, xviii., 13.)—10 (Euip., Med. 67.—Cic., Senect., 16.—Juv., xiv., 4.)

professed gamesters made a regular study of their art:

"*Aleator, quanto in arte est melior, tanto nequio.*"

Ovid alludes to those who wrote treatises on the subject:

"*Sunt aliis scriptæ, quibus alea luditur, artes.*"[1]

These were the Hoyles of ancient times, among whom we find no less a personage than the Emperor Claudius himself: "*Aleam studiosissime lusit, de cujus arte librum quoque emisit.*"[2] The Emperors Augustus and Domitian were also fond of gaming.[3]

Alea sometimes denotes the implement used in playing, as in the phrase *jacta alea est*, "the dice is cast," uttered by Julius Cæsar immediately before he crossed the Rubicon;[4] and it is often used for chance, or uncertainty in general.[5]

*ALEKTOR (ἀλέκτωρ), the Cock. (*Vid.* Gallus.)

ALEKTRUOMANTEI'A (ἀλεκτρυομαντεία), a mode of divination practised by the Greeks. The letters of the alphabet were written in a circle; a grain of wheat or barley was laid upon each letter; and a cock, consecrated or provided for the occasion, was placed within the circle. The required information was obtained by putting together those letters off which the cock picked the grains of corn. To obtain a fuller answer, they laid grains of corn upon the letters a second time, and repeated the process.

ALEKTRYO'NWN AGWN, or ALEKTRYONOMAXI'A (ἀλεκτρυόνων ἀγών, or ἀλεκτρυονομαχία), a public cockfight, which was held every year in one of the theatres of Athens. Cockfights, in general, were exceedingly common among the Greeks and Romans; but the origin of this one in particular, which was sanctioned by the laws of the state, is not known; for the account of its origin given by Ælian[6] is too absurd and improbable to deserve credit. He says that, when Themistocles marched with his Athenians against the Persians, he saw two cocks fighting against each other, and took the opportunity of addressing his soldiers, and reminding them that these cocks were neither fighting for their country nor for the gods, but only for victory, &c. This speech is said to have greatly animated the courage of the Athenians; and, after the war, they commemorated the event which had proved so useful to them by the annual festival in the theatre.

ALEIPTE'RION. (*Vid.* Aliptæ.)

*AL'GA, a general name given by the Latin writers to all aquatic plants, which, living in the waters, are accustomed to be thrown up on the banks of rivers or the shores of the sea. Such, in the case of fresh water, are the Confervæ, the Potamogetons, the Naïades, &c.; and in that of the salt water, the *debris* of marine plants, and especially the *Fucus*.[7] The term *βρύον* is applied to the sea-algæ by Theophrastus.[8]

AL'ICA (ἄλιξ, χόνδρος), I. A kind of grain resembling spelt, which was also called *zea*.[9] II. A broth, soup, or porridge made out of this grain, and very highly esteemed by the Romans. Pliny states that it was a Roman invention, and that, in his opinion, it was not in use till after the time of Pompey the Great.[10] The Greeks had a somewhat similar preparation, which they called πτισάνη. Alica was procured from the neighbourhood of Verona and Pisa, and other parts of Italy, and from Egypt. The best came from Campania; that from Egypt was very inferior. It was prepared by first bruising the grain in a wooden mortar to separate the husks, and then pounding it a second and third time to break it into smaller pieces. The different qualities of alica made by each of these processes were called respectively *grandissima* or *aphærema* (ἀφαίρεμα), *secundaria*, and *minima*. In order to make the alica white and tender, it was mixed with chalk from the hills between Naples and Puteoli.[1] It was used as a medicine, for which purpose it was either soaked in water mixed with honey (mead, *aqua mulsa*) or boiled down into a broth, or into porridge. Pliny gives a full account of the mode of preparing and administering it, and of the diseases in which it was employed.[2]

A spurious kind of alica was made from the inferior spelt (*zea*) of Africa, the ears of which were broader and blacker, and the straw shorter, than in the Italian plant. Pliny mentions also another spurious kind of alica, which was made from wheat.[3] Another sort of alica was made from the juice of the plantain.[4]

AL'IMA, or AA'IMOS TROFH (ἅλιμα, or ἅλιμος τροφή), (from *a*, negative, and λιμός, "*hunger*"), a refreshment used by Epimenides, Pythagoras, and other philosophers. Plato states, in his Dialogue on Laws, that the ἅλιμα of Epimenides was composed of mallows and asphodel. Suidas explains it as a plant which grew near the sea (probably the sea-leek), which was the chief ingredient in the φάρμακον Ἐπιμενίδιον, and was thought to promote long life. Hesychius interprets σφόδελος by ἅλιμος Pliny states that some said that alimon was called asphodelos by Hesiod, which he thinks an error; but that the name *alimon* was applied by some to a dense white shrub, without thorns, the leaves of which resembled those of the olive, but were softer, and were used for food; and by others to a potherb which grew by the sea, "whence," says Pliny, "its name," confounding ἅλιμος, from *a* and λιμός, with ἅλιμος from ἅλς.[5] The name appears generally to signify a medicinal preparation of equal weights of several herbs, pounded and made into a paste with honey. A similar preparation for quenching thirst (ἄδιψος τροφή) was used by Pythagoras.

ALIMENTA'RII PUERI ET PUELLÆ. In the Roman republic, the poorer citizens were assisted by public distributions of corn, oil, and money, which were called *congiaria*. These distributions were not made at stated periods, nor to any but grown-up inhabitants of Rome. The Emperor Nerva was the first who extended them to children, and Trajan appointed them to be made every month, both to orphans and to the children of poor parents. These children were called *pueri et puellæ alimentarii*, and also (from the emperor) *pueri puellæque Ulpiani*; and the officers who administered the institution were called *quæstores pecuniæ alimentariæ*, *quæstores alimentorum*, *procuratores alimentorum*, or *præfecti alimentorum*.

The fragments of an interesting record of an institution of this kind by Trajan have been found at Velleia, near Placentia, from which we learn the sums which were thus distributed. The money was raised in this case by lending out a sum on interest at five per cent., from the treasury of the town, on the security of lands and houses. A similar institution was founded by the younger Pliny at Comum.[6] Trajan's benevolent plans were carried on upon a larger scale by Hadrian and the Antonines. Under Commodus and Pertinax the distribution ceased. In the reign of Alexander Severus, we again meet with alimentarii pueri and puellæ, who were called *Mammæani*, in honour of the emperor's mother. We learn, from a decree of Hadrian,[7] that boys enjoyed the benefits of this institution up to their eighteenth, and girls up to their

1. (Trist., ii., 471.)—2. (Suet., Claud., 33.)—3. (Suet., Aug., 70. 71.—Dom., 21.)—4. (Suet., Jul., 32.)—5. (Hor., Carm. ii., i., 6.—Varro, de Re Rust., i., 18.—Colum., i., Præf.—Cic., Div., ii., 15.)—6. (V. H., ii., 28.)—7. (Fée, Flore de Virgile, p. xii.)—8. (H. P., iv., 6.)—9. (Plin., H. N., xviii., 7, 10.)—10. (Plin., H. N., xxii., 25, 61.)

1. (Plin., H. N., xviii., 11, 29.)—2. (H. N., xxii., 24, 51 25, 61, 66; xxvi., 7, 18; xxviii., 17, 67.)—3. (H. N., xviii., 11, 29.)—4. (Plin., H. N., xxvi., 8, 28.)—5 (Plin., H. N., xxii., 22, 33.)—6. (Plin., Epist., vii., 18; i., 8; and the inscription in Orelli, 1172.)—7 (Ulp., in Dig. 34, tit. 1, s. 14.)

fourteenth year; and, from an inscription,[1] that a boy four years and seven months old received nine times the ordinary monthly distribution of corn.[2]

ALIPTÆ (*ἀλείπται*), among the Greeks, were persons who anointed the bodies of the athletæ preparatory to their entering the palæstra. The chief object of this anointing was to close the pores of the body, in order to prevent much perspiration, and the weakness consequent thereon. To effect this object, the oil was not simply spread over the surface of the body, but also well rubbed into the skin.[3] The oil was mixed with fine African sand, several jars full of which were found in the baths of Titus, and one of these is now in the British Museum. This preparatory anointing was called *ἡ παρασκευαστικὴ τρῖψις*. The athleta was again anointed after the contest, in order to restore the tone of the strained muscles: this anointing was called *ἡ ἀποθεραπεία*. He then bathed, and had the dust, sweat, and oil scraped off his body, by means of an instrument similar to the strigil of the Romans, and called *στλεγγίς*, and afterward *ξύστρα*. The aliptæ took advantage of the knowledge they necessarily acquired of the state of the muscles of the athletæ, and their general strength or weakness of body, to advise them as to their exercises and mode of life. They were thus a kind of medical trainers, *ἰατραλείπται*.[4] Sometimes they even superintended their exercises, as in the case of Milesias.[5]

Among the Romans, the aliptæ were slaves, who scrubbed and anointed their masters in the baths. They, too, like the Greek *ἀλείπται*, appear to have attended to their masters' constitution and mode of life.[6] They were also called unctores. They used in their operations a kind of scraper called strigil, towels (*lintea*), a cruise of oil (*guttus*), which was usually of horn, a bottle (*vid.* AMPULLA), and a small vessel called *ἐκπώμα*. (*Vid.* BATHS.)

The apartment in the Greek palæstra where the anointing was performed was called *ἀλειπτήριον*; that in the Roman baths was called *unctuarium*.

*ALIS'MA, an aquatic herb, supposed to be the same with the Water Plantain. Pliny speaks of it as an antidote against certain venomous creatures, and also against the bite of a rabid dog. For this he is not so much to be blamed, since even some modern practitioners have recommended it as antihydrophobic. Sprengel makes the Alisma of which Pliny speaks the *A. Parnassifolium*; this species, however, has never been found in Greece. Sibthorp is more correct in designating it the *A. plantago*.[7]

*ALL'IUM (*σκόροδον*), Garlic. There seems no reason to doubt that the *σκόροδον* of Theophrastus and Dioscorides is the *Allium sativum*, manured Garlic, although Stackhouse prefers the *A. scorodoprasum*. R. Stephens suggests that the wild Garlic should be called *ἀφροσκόροδον*, and not *ὀφιοσκόροδον*. Pliny informs us that garlic was much used among the Italian rustics as a medicine.[8] Galen also speaks of it as such.[9] Among the Athenians it was a great favourite as an article of food, and seems to have been sold at the same shops with bread and wine.[10] Fighting-cocks were also fed upon it, to make them more pugnacious.[11] Great prophylactic virtues were formerly ascribed to this plant, and, among other active properties, that, in particular, of neutralizing the venom of serpents.[12]

1. (Fabretti, 235, 619.)—2. (Aurel. Vict., Epit. xii., 4.—Capitolinus Ant. P., 8.—Id., M. Aur., 26.—Id., Pert., 9.—Spart., Had., 7.—Lamprid., Sev. Alex., 57.—F. A. Wolf, "Von einer milden Stiftung Trajans.")—3. (Plutarch, de Tuenda Sanitate, c. 15, p. 302, Tauch.)—4. (Celsus, i., 1.—Plin., H. N., xxix., 1, 2.)—5. (Pindar, Olymp. viii., 54–71, and Böckh's note.)—6. (Cicero, Ep. Fam., i., 9, 35.—Seneca, Ep. 56.—Juvenal, Sat. vi., 76; vi., 422.)—7. (Plin., H. N., xxv., 10.—Fée, in Plin., l. c. —Sprengel, H. R. H., i., 171.—Adams, Append., s. v. *δαμασώνιον*.)—8. (H. N., xix., 6.)—9. (Meth. Med., xii., 18.)—10. (Mitchell, in Aristoph., Acharn., 150 (174).)—11 (Aristoph., Eq., 493.) —12. (Æmil. Macer, as cited by Fée.)

So diversified, indeed, were its characteristics, that it need excite no surprise to find it adored on the one hand, along with the other species of *allium*, by the people of Egypt, and banished on the other from the tables of the delicate at Rome. Horace assigns it as fit food only for reapers;[1] it was, however, a great favourite also with the Roman soldiers and sailors.[2] The inhabitants of the southern countries of Europe, who often experience the need of exciting the digestive powers of the stomach, hold garlic in much higher estimation, on this account, than those of more northern regions. Theophrastus makes the *Allium cyprium* the largest in size of the several species of this plant.[3]

ALLU'VIO. "That," says Gaius,[4] "appears to be added to our land by alluvio, which a river adds to our land (*ager*) so gradually that we cannot estimate how much is added in each moment of time; or, as it is commonly expressed, it is that which is added so gradually as to escape observation. But if a river (at once) takes away a part of your land, and brings it to mine, this part still remains your property." There is the same definition by Gaius in his *Res Cotidianæ*,[5] with this addition: "If the part thus suddenly taken away should adhere for a considerable time to my land, and the trees on such part should drive their roots into my land, from that time such part appears to belong to my land." The *acquisitio per alluvionem* was considered by the Roman jurists to be by the jus gentium, in the Roman sense of that term.

According to a constitution of the Emperor Antoninus Pius, there was no jus alluvionis in the case of agri limitati.[6] *Circumluvio* differs from alluvio in this, that the whole of the land in question is surrounded by water, and subject to its action. Cicero[7] enumerates the *jura alluvionum* and *circumluvionum* as matters included under the head of *causæ centumvirales*.

The doctrine of alluvio, as stated by Bracton in the chapter *De acquirendo Rerum Dominio*,[8] is taken from the Digest,[9] and is in several passages a copy of the words of Gaius, as cited in the Digest.

*AL'NUS (*κλήθρα*[10]), the Alder. The wood of this tree, which is lighter than that of many others, was first employed, according to the poets, for the purposes of navigation.[11] It was also much used among the Romans for water-pipes,[12] and is still ranked among the best materials, next to metal, for these, and for under-ground purposes generally. The alder is an inhabitant of swamps and meadows in all Europe, the north of Africa and Asia, and North America. Virgil is not consistent with himself as regards the name of this tree. In his sixth Eclogue[13] he makes the sisters of Phaëthon to have been changed into alders; but in the Æneid[14] he gives the poplar, as Ovid does.[15] The species of alder most common in Greece is the *Alnus oblongata*, Wild.

*AL'OE, the Aloe, or Aloes-tree. Neither Hippocrates nor Theophrastus notices this plant, but Dioscorides, on the other hand, describes two kinds of it.[16] He says it is mostly brought from India, but that the plant grows in Arabia and the maritime parts of Asia. The story related by some writers, that Aristotle recommended the aloe to Alexander as one of the most valuable products of Socotora, appears unworthy of belief, and yet it probably was the Socotorine aloe with which the ancients were most familiar. Fée thinks that the African aloe was unknown to the Greeks and Romans, but that

1. (Epod. iii., 4.)—2. (Plaut., Pœn., v., 5, 54.—Aristoph., Acharn., l. c.)—3. (Theophrast., H. P., vii., 4.—Dioscor., ii., 181.)—4. (ii., 70, seqq.)—5. (Dig. 40, tit. 1, s. 7.)—6. (Dig. 40, tit. 1, s. 16.)—7. (De Orat., i., 38.)—8. (fol. 9.)—9. (41, tit. 1, s. 7.)—10. (Theophrast., H. P., i., 4; iii., 3.—Hom., Odyss., v. 64.)—11. (Fée, Flore de Virgile, p. xiv.)—12. (Plin., H. N., xvi., 42.)—13. (v. 63.)—14 (x., 190.)—15 (Met., ii., 340, seqq.) —16 (iii., 22.)

a species quite rare at the present day ("*aloes* lucide, ou en larmes") was one of the kinds employed by them.[1] Aloes, though still much used in medicine, are prescribed in very few of the cases mentioned by Pliny.[2] According to Ainslie, however, the inhabitants of India still use them with great success in affections of the eyes. Olaüs Celsius[3] derives the word *aloe* from the Arabic *alloeh*. Pliny mentions a mineral substance called *aloe*, which is the same with the bitumen of Judæa, and which was employed in Egypt in embalming bodies.[4]

ALO'A (ἅλῶα or ἄλῶα), an Attic festival, but celebrated principally at Eleusis, in honour of Demeter and Dionysus, the inventors of the plough and protectors of the fruits of the earth. It took place every year after the harvest was over, and only fruits were offered on this occasion, partly as a grateful acknowledgment for the benefits the husbandman had received, and partly that the next harvest might be plentiful. We learn from Demosthenes[5] that it was unlawful to offer any bloody sacrifice on the day of this festival, and that the priests alone had the privilege to offer the fruits. The festival was also called θαλύσια,[6] or συγκομιστήρια.

ΑΛΟΓΙΟΥ ΓΡΑΦΗ (ἀλογίου γραφή), an action which might be brought before the logistæ (λογισταί), at Athens, against all ambassadors who neglected to pass their accounts when their term of office expired.[7]

*ALOPE'CIAS, a species of fish, called by Pliny the Sea-fox (*Vulpes marina*[8]), and the same, probably, with the *Fox-shark* of modern naturalists.[9] The name comes from the Greek ἀλώπηξ, "a fox."

*AL()'PECIS (ἀλωπεκίς,) a species of vine producing clusters of grapes resembling the tail of a fox. It is now extinct.[10]

*AI OPECU'RUS (ἀλωπέκουρος), a plant, which Sprengel suggests may be the *Saccharum cylindricum*, and Stackhouse the *Phleum crinitum*, *Fl. Græc.*, or Hairy Cat's-tail grass. Its spike is described by Theophrastus as being "soft, downy, thick, and like the tails of foxes."[11] This agrees well with the spike of the *Alopecurus*, L., or Foxtail grass.[12] The name comes from ἀλώπηξ, "a fox," and οὐρά, "a tail."

*ALO'PEX. (*Vid.* Vulpes.)

*AL'SINE (ἀλσίνη), an herb, which Sprengel, in his History of Botany, recognises as the *Stellaria nemorum*, or Wood Stitchwort; but, in his notes to Dioscorides, he expresses himself doubtfully concerning it. Schneider is undecided whether the ἀλσίνη of Theophrastus be the same as that of Dioscorides.[13]

AL'TA'RE. (*Vid.* Ara.)

*AL'TER'CUM, the Arabian (?) name, according to Pliny, of the Hyoscyamus.[14]

*ALUM, a plant. (*Vid.* Symphyton.)

*ALU'MEN. (*Vid.* Stypteria.)

*ALY'PON (ἄλυπον), an herb, supposed to be the same with that which produced Turbit. Sprengel and Sibthorp mark it as the *Globularia alypum*.[15]

*ALYSS'ON (ἄλυσσον), a plant. The ἄλυσσον of Galen and Paulus Ægineta is the *Manabium alyssum*, vulgarly called Galen's Madwort. That of Dioscorides is a very different plant, and cannot be very satisfactorily determined. Sprengel hesitates whether to refer it, with Dodonæus, to the *Farsetia clypeata*, or, with Columna, to the *Veronica arvensis*, or *montana*, L., our Speedwell.[16]

1. (in Plin., H. N., xxvii., 4, p. 294.)—2. (H. N., xxvii., 4.)—3. (i., 136.)—4. (Fée, in Plin., l. c.)—5. (c. Neær., p. 1385.) 6. (Hesych., s. v.)—7. (Suid.—Hesych.—Meier. Att. Process, p. 363.)—8. (Plin., H. N., ix., 43.)—9. (Adams, Append., s. v.)—10. (Fée, in Plin., H. N., xiv., 3.)—11. (Theophrast., H. P., vii., 10.)—12. (Adams, Append., s. v.)—13. (Theophrast., H. P., ix., 13.—Dioscor., iv., 87.)—14. (Plin., H. N., xxv., 4.—Compare, however, Scribon., Larg. compos., 181.)—15. (Adams, Append., s. v.)—16 (Dioscor., iii., 95.—Adams, Append., s. v.)

ALUTA. (*Vid.* Calceus.)

ALU'TAI (ἀλύται), persons whose business it was to keep order in the public games. They received their orders from an ἀλυτάρχης, who was himself under the direction of the agonothetæ, or hellanodicæ. They are only found at Olympia; in other places, the same office was discharged by the μαστιγοφόροι.

*ALPHESTES (ἀλφηστής), a species of fish, the same with the *Cynedus* of Pliny. It is the *Labrus cynedus*, L., in French *Canude*. According to Rondolet, it is about a foot long, and its flesh is easy of digestion. In the *Dict. of Nat. Hist.*, the Alphest is described as being a small fish, having a purple back and belly, with yellow sides.[1]

AMANUENSIS, or AD MANUM SERVUS, a slave or freedman, whose office it was to write letters and other things under his master's direction. The amanuensis must not be confounded with another sort of slaves, also called *ad manum servi*, who were always kept ready to be employed in any business.[2]

*AMAR'ACUS (ἀμάρακος), a plant. Dioscorides and the scholiast on Nicander[3] state that the Amaracus is the same as the Sampsuchus (σάμψυχον); and yet Galen and Paulus Ægineta treat of them separately. Matthiolus seems to think it highly probable that it is the common *Marjoram*, but the late commentators are much at variance about it. Thus Sprengel, in the first edition of his R. H. H., marks it as the *Origanum marjoranoides*, but in the second, according to Schneider, he is disposed to refer the ἀμάρακος λωρός of Theophrastus to the *Hyacinthus Comosus*. Stackhouse prefers the *Origanum Ægyptiacum*, and Dierbach the *Teucrium Marum*, or Mastich. Upon reference to the Commentary of Matthiolus on the μάρον of Dioscorides,[4] it will be seen that this last opinion had been formerly entertained, and it would appear to be a very plausible one.[5]

*AMARANTH'US (ἀμάραντος), the Amaranth, or Never-fading, as its name indicates, from ἀ, priv., and μαραίνω, "*to wither.*" According to Pliny,[6] the amaranth appears in the month of August, and lasts until autumn. That of Alexandrea was the most esteemed. What the same writer, however, states, that the flowers of the amaranth bloom anew on being plunged into water, is not very exact. As the flowers are of a very dry kind, they have not much humidity to lose, and therefore may be preserved merely for a long time. The description which Pliny gives of his *Amaranthus*, which is also that of Theophrastus, points at once to the *Celosia cristata*, a plant originally from Asia, but cultivated in Italy a long time before Pliny's day. Bauhin believes that this plant is to be found in Theophrastus under the name of φλόξ, which Theodore Gaza translates by *flamma*. The ἀμάραντος of Dioscorides[7] is another plant, probably the *Gnaphalium Stœchas* of Linnæus. The ancients, far less advanced than the moderns in the art of manufacturing stuffs, were unable, as Pliny informs us, to imitate the softness of the amaranth. The moderns, however, have succeeded in this, and have even surpassed, in the fabrication of their velvet, the beautiful downy surface of this flower. The common name of the plant, therefore, *passe-velours*, given to it when the art of fabricating stuffs was yet in its infancy, suits no longer, and the Italian appellation, *fior di velluto* ("velvet-flower"), is much more applicable.[8]

AMARUN'THIA or AMARU'SIA (ἀμαρύνθια or ἀμαρύσια), a festival of Artemis Amarynthia, or Amarysia, celebrated, as it seems, originally at Ama-

1. (Adams, Append., s. v.)—2. (Suet., Jul., 74; Octav., 67 Ner., 44; Tit., 3; Vesp., 3.—Cic., De Orat., iii., 60, 225.—Pignori, De Servis, 109.)—3. (Ther., 503.)—4. (iii., 42.)—5. (Adams, Append., s. v.)—6. (H. N., xxi., 8.)—7. (v., 3.)—8. (iv., 57.)—9. (Fée, in Plin., l. c.)

Eynthus, in Eubœa, with extraordinary splendour; but it was also solemnized in several places in Attica, such as Athmone;[1] and the Athenians held a festival, as Pausanias says, in honour of the same goddess, in no way less brilliant than that in Eubœa.[2] The festival in Eubœa was distinguished for its splendid processions; and Strabo himself[3] seems to have seen, in the temple of Artemis Amarynthia, a column on which was recorded the splendour with which the Eretrians at one time celebrated this festival. The inscription stated that the procession was formed of three thousand heavy-armed men, six hundred horsemen, and sixty chariots.[4]

AMBARVA'LIA. (*Vid.* Arvales Fratres.)

*AMBER. (*Vid.* Electrum.)

AMBILU'TRIUM. (*Vid.* Lustrum.)

AM'BITUS, which literally signifies "a going about," cannot, perhaps, be more nearly expressed than by our word *canvassing*. After the plebs had formed a distinct class at Rome, and when the whole body of the citizens had become very greatly increased, we frequently read, in the Roman writers, of the great efforts which it was necessary for candidates to make in order to secure the votes of the citizens. At Rome, as in every community into which the element of popular election enters, solicitation of votes, and open or secret influence and bribery, were among the means by which a candidate secured his election to the offices of state.

Whatever may be the authority of the piece entitled "Q. Ciceronis de Petitione Consulatus ad M. Tullium Fratrem," it seems to present a pretty fair picture of those arts and means by which a candidate might lawfully endeavour to secure the votes of the electors, and also some intimation of those means which were not lawful, and which it was the object of various enactments to repress. As the terms which relate to the canvassing for public places often occur in the Roman writers, it may be convenient to mention the principal among them here.

A candidate was called *petitor*, and his opponent, with reference to him, *competitor*. A candidate (*candidatus*) was so called from his appearing in the public places, such as the fora and Campus Martius, before his fellow-citizens, in a whitened toga. On such occasions, the candidate was attended by his friends (*deductores*), or followed by the poorer citizens (*sectatores*), who could in no other manner show their good-will or give their assistance.[5] The word *assiduitas* expressed both the continual presence of the candidate at Rome, and his continual solicitations. The candidate, in going his rounds or taking his walk, was accompanied by a *nomenclator*, who gave him the names of such persons as he might meet; the candidate was thus enabled to address them by their name, an indirect compliment which could not fail to be generally gratifying to the electors. The candidate accompanied his address with a shake of the hand (*prensatio*). The term *benignitas* comprehended generally any kind of treating, as shows, feasts, &c. Candidates sometimes left Rome, and visited the coloniæ and municipia, in which the citizens had the suffrage; thus Cicero proposed to visit the Cisalpine towns when he was a candidate for the consulship.[6]

That ambitus, which was the object of several penal enactments, taken as a generic term, comprehended the two species, *ambitus* and *largitiones* (bribery). *Liberalitas* and *benignitas* are opposed by Cicero, as things allowable, to *ambitus* and *largitio*, as things illegal.[7] Money was paid for votes; and in order to ensure secrecy and secure the elector, persons called *interpretes* were employed to make the bargain, *sequestres* to hold the money till it was to be paid,[1] and *divisores* to distribute it.[2] The offence of ambitus was a matter which belonged to the judicia publica, and the enactments against it were numerous. One of the earliest, though not the earliest of all, the Lex Æmilia Bæbia (B.C. 182), was specially directed against *largitiones*. The Lex Cornelia Fulvia (B.C. 159) punished the offence with exile. The Lex Acilia Calpurnia (B.C. 67) imposed a fine on the offending party, with exclusion from the senate and all public offices. The Lex Tullia (B.C. 63), passed in the consulship of Cicero, in addition to the penalty of the Acilian law, inflicted ten years' exilium on the offender; and, among other things, forbade a person to exhibit gladiatorial shows (*gladiatores dare*) within any two years in which he was a candidate, unless he was required to do so, on a fixed day, by a testator's will.[3] Two years afterward, the Lex Aufidia was passed, by which, among other things, it was provided that, if a candidate promised (*pronuntiavit*) money to a tribe, and did not pay it, he should be unpunished; if he did pay the money, he should farther pay to each tribe (annually?) 3000 sesterces as long as he lived. This enactment occasioned the witticism of Cicero, who said that Clodius observed this law by anticipation, for he promised, but did not pay.[4] The Lex Licinia (B.C. 58) was specially directed against the offence of sodalitium, or the wholesale bribery of a tribe by gifts and treating;[5] and another lex, passed (B.C. 52) when Pompey was sole consul, had for its object the establishment of a speedier course of proceeding on trials for ambitus. All these enactments failed in completely accomplishing their object. That which no law could suppress, so long as the old popular forms retained any of their pristine vigour, was accomplished by the imperial usurpation. Julius Cæsar, when dictator, nominated half the candidates for public offices, except the candidates for the consulship, and notified his pleasure to the tribes by a civil circular; the populus chose the other half.[6] The Lex Julia de Ambitu was passed in the time of Augustus; but the offence of ambitus, in its proper sense, soon disappeared, in consequence of all elections being transferred from the comitia to the senate, which Tacitus, in speaking of Tiberius, briefly expresses thus: "The comitia were transferred from the campus to the patres."

While the choice of candidates was thus partly in the hands of the senate, bribery and corruption still influenced the elections, though the name of ambitus was, strictly speaking, no longer applicable. But in a short time, the appointment to public offices was entirely in the power of the emperors; and the magistrates of Rome, as well as the populus, were merely the shadow of that which had once a substantial form. A Roman jurist of the imperial period (Modestinus), in speaking of the Julia Lex de Ambitu, observes, "This law is now obsolete in the city, because the creation of magistrates is the business of the princeps, and does not depend on the pleasure of the populus; but if any one in a municipium should offend against this law in canvassing for a sacerdotium or magistratus, he is punished, according to a senatus consultum, with infamy, and subjected to a penalty of 100 aurei."[7]

The trials for ambitus were numerous in the time of the Republic. The oration of Cicero in defence of L. Murena, who was charged with ambitus, and that in defence of Cn. Plancius, who was charged with that offence specially called *sodalitium*, are both extant.[8]

AMBAΩ'ΣΕΩΣ ΓΡΑΦΗ (*ἀμβλώσεως γραφή*), an action brought in the Athenian courts against an individual who had procured the abortion of a male

1. (Paus., i., 31, s. 3.)—2. (Hesych., s. v. 'Αμαρύσια)—3. (x., 1, p. 324, ed. Tauchn.)—4. (Compare Schol. in Pind., Ol. xiii., sub fin.)—5. (Cic., pro Murena., c. 34)—6. (Cic., ad Att., i., 7)—7. (Cic., De Orat., ii., 25.—Compare pro Murænæ, c. 36.)

1. (Cic., pro Cluent., 26.)—2. (Cic., ad Att., i., 16.)—3. (Cic., in Vatin., 15.)—4. (Cic., ad Att., i., 16.)—5. (Cic., pro Cn. Planc., 15.)—6. (Suet., Jul., 41)—7. (Dig. 48, tit. 14)—8. (Sigonius, De Antiquo Jure Pop. Rom., p. 545.)

mild by means of a potion (*ἀμβλωθῆναι δίον*). The loss of a speech of Lysias on this subject has deprived us of the opinions of the Athenians on this crime. It does not appear, however, to have been looked upon as a capital offence.[1]

Among the Romans, this crime (*partus abactio*, or *abortus procuratio*) seems to have been originally unnoticed by the laws. Cicero relates that, when he was in Asia, a woman who had procured the abortion of her offspring was punished with death;[2] but this does not appear to have been in accordance with the Roman law. Under the emperors, a woman who had procured the abortion of her own child was punished with exile;[3] and those who gave the potion which caused the abortion were condemned to the mines if of low rank, or were banished to an island, with the loss of part of their property, if they were in respectable circumstances.[4]

AMBRO'SIA (*ἀμβροσία*), festivals observed in Greece in honour of Dionysus, which seem to have derived their name from the luxuries of the table, or from the indulgence of drinking. According to Tzetzes on Hesiod,[5] these festivals were solemnized in the month of Lenæon, during the vintage.

AMBRO'SIA (*ἀμβρόσια*). I. The food of the gods, which conferred upon them eternal youth and immortality, and was brought to Jupiter by pigeons.[6] It was also used by the gods for anointing their body and hair;[7] whence we read of the ambrosial locks of Jupiter (*ἀμβρόσιαι χαῖται*).[8] II. A plant, the same with the *Ambrosia maritima*.[9]

AMBURBIUM or AMBURBIA'LE, a sacrifice which was performed at Rome for the purification of the city, in the same manner as the ambarvalia was intended for the purification of the country. The victims were carried through the whole town, and the sacrifice was usually performed when any danger was apprehended in consequence of the appearance of prodigies, or other circumstances.[10] Scaliger supposes that the amburbium and ambarvalia were the same, but their difference is expressly asserted by Servius[11] and Vopiscus (*amburbium celebratum, ambarvalia promissa*).[12]

AMEΛΙΟΥ ΔΙΚΗ (*ἀμελίου δίκη*), an action mentioned by Hesychius, which appears to have been brought by a landlord against his tenant, for the same reason as the *ἀγεωργίου δίκη*: at least we have no information of the difference between them, though it is probable that some existed. (*Vid.* ΑΓΕΩΡΓΙΟΥ ΔΙΚΗ.)

AMEN'TUM, a leathern thong, either applied for fastening the sandal to the foot, or tied to the middle of the spear, to assist in throwing it.

The thong of the sandal is more frequently called *corrigia*, *ligula*, or *lorum*; so that *amentum* is commonly employed in the latter of the two significations above expressed: *e. g.*,

"*Intendunt acres arcus, amentaque torquent.*"[13]

"*Amentum digitis tende prioribus,*
Et totis jaculum dirige viribus."[14]

We are not informed how the amentum added to the effect of throwing the lance; perhaps it was by giving it rotation, and hence a greater degree of steadiness and directness in its flight, as in the case of a ball shot from a rifle-gun. This supposition both suits the expressions relative to the insertion of the fingers, and accounts for the frequent use of the verb *torquere*, to whirl or twist, in connexion with this subject. Compare the above-cited passage of Virgil with such as the following: *Amentatas has'as torquebit.*"[15]

"*Inserit amento digitos, nec plura locutus*
In juvenem torsit *jaculum.*"[1]

In the annexed figure, taken from Sir W. Hamilton's Etruscan Vases,[2] the amentum seems to be attached to the spear at the centre of gravity, a little above the middle.

*AMETHYST'US (*ἀμέθυστον* or *-ος*), the Amethyst, a precious stone of a purple or violet colour in different degrees of deepness. In modern mineralogy, the name has been applied to two precious stones of essentially different natures: 1. the Oriental amethyst, which is a rare variety of adamantine spar or corundum; and, 2. the Occidental or common amethyst.[3] The ancients, on the other hand, reckoned five species, differing in degrees of colour. Their Indian amethyst, to which Pliny assigns the first rank among purple or violet-coloured gems, appears to have been our Oriental species, which is nothing more than a violet-coloured sapphire. "Those amethysts, again, which Pliny describes as easily engraved (*scalpturis faciles*), may have been the violet-coloured fluor spar, now called false amethyst; and the variety of quartz which is now commonly styled amethyst, is well described by the Roman writer as that fifth kind, which approaches crystal, the purple vanishing and fading into white. Some mineralogists think that the amethyst of the ancients was what we call garnet; but there seems little in its description resembling the garnet, except that one kind of it approached the hyacinth in colour, as Pliny and Epiphanius observe; that is, had a very strong shade of red; and so, sometimes, has our amethyst. We see our amethyst, indeed, plainly indicated in one of the reasons assigned by Pliny for its name, that it does not reach the colour of wine (*ἀ*, priv., and *μέθυ*, "*wine*"), but first fades into violet. He afterward suggests another, which is the more common derivation, saying that the Magi falsely asserted that these gems were preservative against intoxication (*ἀ*, priv., and *μεθύω*, "*to intoxicate*"). Theophrastus twice mentions the amethyst (*ἀμέθυστον*), but not in such a way as to determine it; classing it in one place with crystal, as diaphanous, and afterward observing that it is wine-coloured.[4]

1 Meier, Att. Process, p. 310.)—2. (Pro Cluent., c. 11.)—3. (Dig. 47, tit. 11, s. 4; 48, tit. 8, s. 8: tit. 19, s. 39.)—4. (Dig. 48, tit. 19, s. 38, § 5.)—5. (Op. et D., v., 504.)—6. (Od., v., 93; xii., 63.)—7. (Il., xiv., 170.)—8. (Il., i., 529.)—9. (Dioscor., iii., 118.)—10. (Obseq., De Prodig., c. 43.—Apul., Metamorph., iii., ab init., p. 49, Bipont.—Lucan, i., 593.)—11. (In Virg., Eclog. iii., 77.)—12. (Aurel., c. 20.)—13. (Virg., Æn., ix., 665.)—14. Senec, Hippol., ii.)—15. (Cic., De Orat., i., 57.)

1. (Ovid, Met., xii., 321.)—2. (iii., pl. 33.)—3. (Fée in Plin. xxxvii., 9)—4. (Moore's Anc. Mineral. p. 168.—De Laet de Gemm., i., 5.)

*AM'IA, a fish of the tunny species, the same with the *Scomber amia*, in Italian, *Leccia*. Schweighaeuser[1] says its French name is *boniton*. Rondolet mentions that he had seen individuals which measured three and a half feet in length. Its head was the part most esteemed by the *bon vivants* of Greece and Rome. The etymologist remarks that it is gregarious, and hence its name, from ἅμα, "together," and ἴέναι, "to go." The Amia is the same as the Τρώκτης of Ælian,[2] the Γλαῦκος of Aristotle,[3] Oppian, and Athenæus, and the *Glaucus* of Ovid and others.[4]

*AMIANTH'US (ἀμίαντος), a variety of Asbestus, called in French *Alum de Plume*. It consists principally, according to Chevenix, of silex, magnesia, lime, and alumine, and from it was formed the celebrated *Linum asbestinum*, or Asbestos-linen. Napkins and other articles made of this were, when soiled, thrown into the fire, and cleansed by this process as others are by washing. Hence the name Amianthus given to the species in question, signifying *pure, undefiled* (from ἀ, priv., and μιαντός, "*defiled*"), because, being indestructible in any ordinary fire, it was restored to its original purity and whiteness simply by casting it into the flames. Where amianthus occurs, as it does in many countries, with fibres sufficiently long and flexible for that purpose, it is often now, as anciently it was, spun and woven into cloth; and has in modern times been successfully manufactured into paper, gloves, purses, ribands, girdles, and many other things. The natives of Greenland even use it for the wicks of lamps, as the ancients also did.[5]

AMIC'TUS, dim. AMIC'ULUM.

The verb *amicire* is commonly opposed to *induere*, the former being applied to the putting on of the outer garment, the pallium, læna, or toga (ἱμάτιον, φᾶρος); the latter, to the putting on of the inner garment, the tunic (χιτών). *Græco pallio amictus.*[6] *Vilis amictos, non togis.*[7] In consequence of this distinction, the verbal nouns *amictus* and *indutus*, even without any farther denomination of the dress being added, indicate respectively the outer and the inner clothing.[8] The Ass says, in Apuleius,[9] *Deam, Serico contectam amiculo, mihi gerendam imponunt*, meaning, "They place on me the goddess, covered with a small silken scarf." The same author says that the priests of the Egyptians used linen *indutui et amictui; i. e.*, both for their inner and outer clothing.

In Greek, *amicire* is expressed by ἀμφιέννυσθαι, ἀμπέχεσθαι, ἐπιβάλλεσθαι, περιβάλλεσθαι: and *induere* by ἐνδύνειν. Hence came ἀμπεχόνη, ἐπίβλημα and ἐπιβόλαιον, περίβλημα and περιβόλαιον, an outer garment, a sheet, a shawl; and ἔνδυμα, an inner garment, a tunic, a shirt. When Socrates was about to die, his friend Apollodorus brought him both the inner and the outer garment, each being of great excellence and value, in order that he might put them on before drinking the hemlock: ἠξίουν ἐνδύντα αὐτὸν τὸν χιτῶνα, καὶ ἱμάτιον περιβαλλόμενον, εἶτα οὕτω πιεῖν τὸ φάρμακον.[10]

AMMA (ἄμμα), a Greek measure of length, equal to forty πήχεις (cubits), or sixty πόδες (feet); that is, twenty yards 8·1 inches English. It was used in measuring land.[11]

*AMMI, a plant, the same, according to Sprengel, with the *Ammi Copticum*. Matthiolus and Dodonæus, who give drawings of it, seem to point to the same plant, namely, Bishop's-weed. It must not be confounded, however, with the plant called Bishop's weed in Scotland, which is the *Ægopodium podagraria*.[1]

*AMMODYTES (ἀμμοδύτης), a species of serpent, which Aëtius describes as being a cubit in length, and of a sand colour, with black spots Matthiolus, in his commentary on Dioscorides, determines it to have been a species of viper. It was most probably, then, only a variety of the ἔχις or *Coluber ammodytes*. This is the serpent known by the name of the Horned viper of Illyricum; its venom is active. In the Latin translation of Avicenna it is called *Amindatus* and *Caularus*, which are corruptions of *Ammodytes* and *Coluber*.[2]

*AMMONI'ACUM (ἀμμωνιακόν), Gum Ammoniac. Even at the present day it is not well ascertained what species of *Ferula* it is which produces this gum. Dioscorides gives it the name of ἀγασυλλίς. The ἀμμωνιακὸν θυμίαμα was the finest kind of it, and was so called because used as a perfume in sacred rites.[3] The ἅλς Ἀμμωνιακός, or *Sal Ammoniac*, was a *Fossil salt*, procured from the district of Africa adjoining the temple of Jupiter Ammon. It therefore was totally different from the *Sal Ammoniac* of the moderns, which is *Hydrochlorus Ammoniæ*.[4]

*AMPELI'TIS (ἀμπελῖτις γῆ), a Bituminous Earth, found near Seleucia in Syria. It was black, and resembled small pine charcoal; and when rubbed to powder, would dissolve in a little oil poured upon it. Its name was derived from its being used to anoint the vine (ἄμπελος), and preserve it from the attack of worms.[5]

*AMPELOPRASUM (ἀμπελόπρασον), the Allium Ampeloprasum, or Dog-leek, called in French *Porrée de chien*.[6]

*AM'PELOS. (*Vid.* VITIS.)

*AMO'MUM. (*Vid.* AMŌ'MON, page 55.)

AMPHIARA'IA (ἀμφιαράϊα), games celebrated in honour of the ancient hero Amphiaraus, in the neighbourhood of Oropus, where he had a temple with a celebrated oracle.[7]

AMPHICTYONS. Institutions called Amphictyonic appear to have existed in Greece from time immemorial. Of their nature and object history gives us only a general idea; but we may safely believe them to have been associations of originally neighbouring tribes, formed for the regulation of mutual intercourse and the protection of a common temple or sanctuary, at which the representatives of the different members met, both to transact business, and celebrate religious rites and games. This identity of religion, coupled with near neighbourhood, and that, too, in ages of remote antiquity, implies, in all probability, a certain degree of affinity, which might of itself produce unions and confederacies among tribes so situated, regarding each other as members of the same great family. They would thus preserve among themselves, and transmit to their children, a spirit of nationality and brotherhood; nor could any better means be devised than the bond of a common religious worship, to counteract the hostile interests which, sooner or later, spring up in all large societies. The causes and motives from which we might expect such institutions to arise existed in every neighbourhood; and, accordingly, we find many Amphictyonies of various degrees of importance, though our information respecting them is very deficient.

Thus we learn from Strabo that there was one of some celebrity, whose place of meeting was a sanctuary of Poseidon,[8] at Calauria, an ancient settlement of the Ionians in the Saronic Gulf. The

1. (In Athen., vii., 6.)—2. (N. A., i., 5.)—3. (Aristot., H. A., v., 17; viii., 13.)—4. (Ovid, Hal., 117.—Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—5. (Dioscor., v., 155.—Plin., H. N., xix., 4.—De Laet, de Gemm., ii., 8.—Moore's Anc. Mineral., p. 112.)—6. (Plin. Ep. iv., 11.)—7. (Cic. in Cat., ii., 10.)—8. (*Vid.* Tibull., i., 9, 13.—Nep., Cimon., iv., 2.—Id., Dat., iii., 2.—Virg., Æn., iii., 545; v., 421, compared with Apol. Rhod., ii., 30.—Val. Max. v., 2, compared with Ælian, V. H., iv., 5.)—9. (Met. viii.—10. (Ælian, V. H., i., 16.)—11. (Hero, de Mensuris.)

1. (Dioscor., iii., 63.—Galen, de Simpl., v.—Adams, Append., s. v.)—2. (Adams, Append., s. v.)—3. (Matthiolus in Dioscor., iii., 87.—Paul. Ægin., vii., 3.—Needham in Geopon., xiii., 11.)—4. (Adams, Append, s. v.)—5. (Dioscor., v., 138.—Moore's Anc. Mineral., p. 73.)—6. (Dioscor., ii., 178.)—7. (Schol. in Pind., Olymp. vii., 154. -8. (Müller, Dorians, b. ii., c. 10. —Strabo, viii., 6.)

original members were Epidaurus, Hermæum, Nauplia, Prasiæ in Laconia, Ægina, Athens, and the Bœotian Orchomenus,[1] whose remoteness from each other makes it difficult to conceive what could have been the motives for forming the confederation, more especially as religious causes seem precluded, by the fact that Trœzen, though so near to Calauria, and though Poseidon was its tutelary god, was not a member. In after times, Argos and Sparta took the place of Nauplia and Prasiæ, and religious ceremonies were the sole object of the meetings of the association. There also seems to have been another in Argolis,[2] distinct from that of Calauria, the place of congress being the Ἡραῖον, or temple of Hera. Delos,[3] too, was the centre of an Amphictyony — the religious metropolis, or Ἱστιὴ νήσων of the neighbouring Cyclades, where deputies and embassies (θεωροί) met to celebrate religious solemnities in honour of the Dorian Apollo, and apparently without any reference to political objects.

Nor was the system confined to the mother-country; for the federal unions of the Dorians, Ionians, and Æolians, living on the west coast of Asia Minor, seem to have been Amphictyonic in spirit, although modified by exigences of situation. Their main essence consisted in keeping periodical festivals in honour of the acknowledged gods of their respective nations. Thus the Dorians[4] held a federal festival, and celebrated religious games at Triopium, uniting with the worship of their national god Apollo that of the more ancient and Pelasgic Demeter. The Ionians met for similar purposes, in honour of the Heliconian Poseidon at Mycale; their place of assembly being called the Panionium, and their festival Panionia. (Poseidon was the god of the Ionians, as Apollo of the Dorians.[5]) The twelve towns of the Æolians assembled at Gryneum, in honour of Apollo. That these confederacies were not merely for offensive and defensive purposes, may be inferred from their existence after the subjugation of these colonies by Crœsus; and we know that Halicarnassus was excluded from the Dorian union, merely because one of its citizens had not made the usual offering to Apollo of the prize he had won in the Triopic contests. A confederation somewhat similar, but more political than religious, existed in Lycia:[6] it was called the "Lycian system," and was composed of twenty-three cities.

But, besides these and others, there was one Amphictyony of greater celebrity than the rest, and much more lasting in its duration. This was, by way of eminence, called the Amphictyonic League; and by tracing its sphere of action, its acknowledged duties, and its discharge of them, we shall obtain more precise notions of such bodies in general. This, however, differed from the other associations in having two places of meeting, the sanctuaries of two divinities, which were the temple of Demeter, in the village of Anthela, near Thermopylæ,[7] where the deputies met in autumn, and that of Apollo at Delphi, where they assembled in spring. The connexion of this Amphictyony with the latter not only contributed to its dignity, but also to its permanence. With respect to its early history Strabo[8] says, that even in his days it was impossible to learn its origin. We know, however, that it was originally composed of twelve *tribes* (not cities or states, it must be observed), each of which tribes contained various independent cities or states. We learn from Æschines,[9] a most competent authority (B.C. 343), that eleven of these tribes were as follow: the Thessalians, Bœotians (not Thebans only), Dorians, Ionians, Perrhœbians, Magnetes, Locrians, Œtæans or Œnianian, Phthiots or Achæans of Phthia, Malians, and Phocians; other lists leave us in doubt whether the remaining tribe were the Dolopes or Delphians; but, as the Delphians could hardly be called a distinct tribe, their nobler appearing to have been Dorians, it seems probable that the Dolopes were originally members, and afterward supplanted by the Delphians.[1] The preponderance of Thessalian tribes proves the antiquity of the institution; and the fact of the Dorians standing on an equality with such tribes as the Malians shows that it must have existed before the Dorian conquest, which originated several *states* more powerful, and, therefore, more likely to have sent their respective deputies, than the tribes mentioned.

We also learn from Æschines that each of these tribes had two votes in congress, and that deputies from such towns as (Dorium and[2]) Cytinium had equal power with the Lacedæmonians, and that Eretria and Priene, Ionian colonies, were on a par with Athens (ἰσόψηφοι τοῖς Ἀθηναίοις). It seems, therefore, to follow, either that each Amphictyonic tribe had a cycle,[3] according to which its component states returned deputies, or that the vote of the tribe was determined by a majority of votes of the different states of that tribe. The latter supposition might explain the fact of their being a larger and smaller assembly—a βουλή and ἐκκλησία—at some of the congresses; and it is confirmed by the circumstance that there was an annual election of deputies at Athens, unless this city usurped functions not properly its own.

The council itself was composed of two classes of representatives, one called pylagoræ, the other hieromnemones. Of the former, three were annually elected at Athens to act with one hieromnemon appointed by lot.[4] That his office was highly honourable we may infer from the oath of the Heliasts,[5] in which he is mentioned with the nine archons. On one occasion we find that the president of the council was a hieromnemon, and that he was chosen general of the Amphictyonic forces, to act against the Amphissians.[6] Hence it has been conjectured that the hieromnemones, also called ἱερογραμματεῖς, were superior in rank to the pylagoræ.[7] Æschines also contrasts the two in such a way as to warrant the inference that the former office was the more permanent of the two. Thus he says,[8] "When Diognetus was hieromnemon, ye chose me and two others pylagoræ." He then contrasts "the hieromnemon of the Athenians with the pylagoræ for the time being." Again, we find inscriptions[9] containing surveys by the hieromnemones, as if they formed an executive; and that the council concluded their proceedings on one occasion[10] by resolving that there should be an extraordinary meeting previously to the next regular assembly, to which the hieromnemones should come with a decree to suit the emergency, just as if they had been a standing committee. Their name implies a more immediate connexion with the temple, but whether they voted or not is only a matter of conjecture; probably they did not. The ἐκκλησία, or general assembly, included not only the classes mentioned, but also those who had joined in the sacrifices, and were consulting the god. It was convened on extraordinary occasions by the chairman of the council (Ὁ τὰς γνώμας ἐπιψηφίζων.)[11]

Of the duties of this latter body, nothing will give us a clearer view than the oaths taken and the de-

1. (Thirlwall, H. G., vol. i., p. 375.)—2. (Strabo, l. c.)—3. (Müller b. ii., c. 3, s. 7.—Callim., Hymn., 325.)—4. (Herod., i., 144.)—5. (Müller, b. ii., c. 10, s. 5.—Strabo, viii., 7.)—6. (Strabo, xiv., 3.)—7. (Herod., vii., 200.)—8 (ix., 289.)—9 (De F L., 122, Bekker.)

1. (Titmann, p. 39.)—2 (There is a doubt about the reading. *Vid.* Thucyd., iii., 95.—Strabo, ix., 4.)—3. (Strabo, ix., c. 3.)—4. (Aristoph., Nub., 607.)—5. (Demosth., c. Timocr., 170, Bekker.)—6. (Æsch., de F L.)—7. (Titmann, iv., 4.)—8. (C Ctes., 115, Bekker. The scholiast on Aristoph., Nub., says, that the hieromnemon was elected for life. This is the opinion of Titmann: Ueber den Bund der Amphictyonen. See Schömann, On the Assemblies, &c., p. 270, trans.)—9. (Böckh, Corpus Inscript No. 1711, quoted by Müller.)—10. (Æschin., c. Ctes., 124 Bekker.)—11 (Æschines, c. Ctes 124.)

crees made. The oath was as follows:[1] "They would destroy no city of the Amphictyons, nor cut off their streams in war or peace; and if any should do so, they would march against him and destroy his cities; and should any pillage the property of the god, or be privy to or plan anything against what was in his temple (at Delphi), they would take vengeance on him with hand, and foot, and voice, and all their might." There are two decrees given by Demosthenes, both commencing thus:[2] "When Cleinagoras was priest, at the spring meeting, it was resolved by the pylagoræ and their assessors, and the general body of the Amphictyons," &c. The resolution in the second case was, that as the Amphissians continued to cultivate the sacred district, Philip of Macedon should be requested to help Apollo and the Amphictyons, and was thereby constituted absolute general of the Amphictyons. He accepted the office, and soon reduced the offending city to subjection. From the oath and the decrees, we see that the main duty of the deputies was the preservation of the rights and dignity of the temple at Delphi. We know, too, that after it was burned down (B.C. 548), they contracted with the Alcmæonidæ for the rebuilding;[3] and Athenæus (B.C. 160) informs us,[4] that in other matters connected with the worship of the Delphian god, they condescended to the regulation of the minutest trifles. History, moreover, teaches that, if the council produced any palpable effects, it was from their interest in Delphi; and though it kept up a standing record of what ought to have been the international law of Greece, it sometimes acquiesced in, and at other times was a party to, the most iniquitous and cruel acts. Of this the case of Crissa is an instance. This town lay on the Gulf of Corinth, near Delphi, and was much frequented by pilgrims from the West.[5] The Crissæans were charged by the Delphians with undue exactions from these strangers. The council declared war against them, as guilty of a wrong against the god. The war lasted ten years, till, at the suggestion of Solon, the waters of the Pleistus were turned off, then poisoned, and turned again into the city. The besieged drank their fill, and Crissa was soon razed to the ground; and thus, if it were an Amphictyonic city, was a solemn oath doubly violated. Its territory—the rich Cirrhæan plain—was consecrated to the god, and curses imprecated upon whomsoever should till or dwell in it. Thus ended the First Sacred War (B.C. 585), in which the Athenians were the instruments of Delphian vengeance.[6] The Second, or Phocian War (B.C. 350), was the most important in which the Amphictyons were concerned;[7] and in this the Thebans availed themselves of the sanction of the council to take vengeance on their enemies, the Phocians. To do this, however, it was necessary to call in Philip of Macedon, who readily proclaimed himself the champion of Apollo, as it opened a pathway to his own ambition. The Phocians were subdued (B.C. 346), and the council decreed that all their cities, except Abæ, should be razed, and the inhabitants dispersed in villages not containing more than fifty inhabitants. Their two votes were given to Philip, who thereby gained a pretext for interfering with the affairs of Greece, and also obtained the recognition of his subjects as Hellenes. To the causes of the Third Sacred War, allusion has been made in the decrees quoted by Demosthenes. The Amphissians tilled the devoted Cirrhæan plain, and behaved, as Strabo[8] says, worse than the Crissæans of old (*χείρους ἦσαν περὶ τοὺς ξένους*). Their submission to Philip was immediately followed by the battle of Chæronea (B.C. 338), and the extinction of the independence of Greece. In the following year a congress of the Amphictyonic states was held, in which war was declared as if by united Greece against Persia, and Philip elected commander-in-chief. On this occasion the Amphictyons assumed the character of national representatives as of old,[1] when they set a price upon the head of Ephialtes for his treason to Greece at Thermopylæ.

We have sufficiently shown that the Amphictyons themselves did not observe the oaths they took; and that they did not much alleviate the horrors of war, or enforce what they had sworn to do, is proved by many instances. Thus, for instance, Mycenæ was destroyed by Argos (B.C. 535), Thespiæ and Platæa by Thebes, and Thebes herself swept from the face of the earth by Alexander (*ἐκ μεσης τῆς Ἑλλάδος ἀνηρπάσθη*).[2] Indeed, we may infer from Thucydides,[3] that a few years before the Peloponnesian war, the council was a passive spectator of what he calls *ὁ ἱερὸς πόλεμος*, when the Lacedæmonians made an expedition to Delphi, and put the temple into the hands of the Delphians, the Athenians, after their departure, restoring it to the Phocians; and yet the council is not mentioned as interfering. It will not be profitable to pursue its history farther; it need only be remarked, that Augustus wished his new city, Nicopolis (A.D. 31), to be enrolled among the members; and that Pausanias, in the second century of our era, mentions it as still existing, but deprived of all power and influence. In fact, even Demosthenes[4] spoke of it as the shadow at Delphi.[5]

After these remarks, we may consider two points of some interest; and, first, the etymology of the word Amphictyon. We are told[6] that Theopompus thought it derived from the name of Amphictyon, a prince of Thessaly, and the supposed author of the institution. Others, as Anaximenes of Lampsacus, connected it with the word *ἀμφικτίονες*, or neighbours. Very few, if any, modern scholars, doubt that the latter view is correct; and that Amphictyon, with Hellen, Dorus, Ion, Xuthus, Thessalus, Larissa the daughter of Pelasgus, and others, are not historical, but mythic personages—the representatives, or poetic personifications, of their alleged foundations or offspring. As for Amphictyon,[7] it is too marvellous a coincidence that his name should be significant of the institution itself; and, as he was the son of Deucalion and Pyrrha, it is difficult to guess of whom his council consisted. True it is that he also appears in Athenian history;[8] but very little is said of him; and the company he keeps there, though kingly, is far from historical. Besides, though Herodotus[9] and Thucydides[10] had the opportunity, they yet make no mention of him. We may conclude, therefore, that the word should be written amphictiony, from *ἀμφικτίονες*, or those that dwell around some particular locality.[11]

The next question is one of greater difficulty; it is this: Where did the association originate? were its meetings first held at Delphi or at Thermopylæ? There seems to us a greater amount of evidence in favour of the latter. In proof of this, we may state the preponderance of Thessalian tribes from the neighbourhood of the Maliac Bay, and the comparative insignificance of many of them; the assigned birthplace and residence of the mythic Amphictyon, the names Pylagoræ and Pylæa. Besides, we know that Thessaly was the theatre and origin of many of the most important events of early Greek history, whereas it was only in later times, and after the Dorian conquest of Peloponnesus, that Delphi

1. (Æsch., de F. L., 121.)—2. (Demosth., de Cor., 196, Bekker.)—3. (Herod., ii., 180.)—4. (iv., 173, Ὁ τῶν Ἀμφικτυόνων νόμος κελεύων ὕδωρ παρέχειν ἐλεοδύτας. This seems to refer to the Delians only.)—5. (Æschines, c. Ctes, 125, gives the whole history In early times, Crissa and the temple were one state.—Müller, Dorians.)—6. (Paus., x., 37, s. 4.)—7. (Thirlwall, Hist. of Greece, vol v., p. 262–372.)—8. (ix., 3 1

1. (Herodotus, vii., 214, speaks of the Amphictyons as *οἱ τῶν Ἑλλήνων Πυλαγόροι*.)—2. (Æschin., c. Ctes.)—3. (i., 112.)—4 (De Pace.)—5. (*ἡ ἐν Δελφοῖς σκιά*.)—6. (Harpocrat., Amphictyon.—See Mauss. notes.)—7. (Thirlwall, Hist. Gr., vol. i., p 273.)—8. (Phil. Mus., vol. ii., p. 359.)—9. (i., 56.)—10. (i., 3.)—11. (Thus Pindar, Nem., 6, 12, *ἐν ἀμφικτι'νων πυρσοφόνα τοιετηοῖδι*. *Vid.* Böckh, in loc.)

became important enough for the meetings of such a body as the Amphictyonic; nor, if Delphi had been of old the only place of meeting, is it easy to account for what must have been a loss of its ancient dignity But, whatever was the cause, we have still the fact that there were two places of congress; to account for which, it has been supposed that there were originally two confederations, afterward united by the growing power of Delphi, as connected with the Dorians, but still retaining the old places of meeting. We must, however, admit that it is a matter of mere conjecture whether this were the case or not, there being strong reasons in support of the opinion that the Dorians, on migrating southward, combined the worship of the Hellenic Apollo with that of the Pelasgian Demeter, as celebrated by the Amphictyons of Thessaly. Equally doubtful is the question respecting the influence of Acrisius, king of Argos,[1] and how far it is true that he first brought the confederacy into order, and determined other points connected with the institution.[2]

ΑΜΦΙΚΥΠΕΛΛΟΝ ΔΕΠΑΣ (*ἀμφικύπελλον δέπας*), a drinking-vessel, often mentioned by Homer. Its form has been the subject of various conjectures; but the name seems to indicate well enough what it really was. *Κύπελλον* is found separately as well as in composition, and is evidently a diminutive formed from the root signifying *a hollow*, which we have in the Greek *κύμβη*, and the dialectic form *κύββα*;[3] Latin, *cupa*; German, *kufe*, *kübel*; French, *cuve*, *coupe*; and English, *cup*: it means, therefore, a small goblet or cup. *Ἀμφικύπελλος*, therefore, according to the analogy of *ἀμφίστομος*, *ἄμφωτος*, &c., is that which has a *κύπελλον* at both sides or both ends; and *δέπας ἀμφικύπελλον* is a drinking-vessel, having a cup at both ends. That this was the form of the vessel is shown by a passage in Aristotle,[4] where he is describing the cells of bees as having two openings divided by a floor "like the *ἀμφικύπελλα*."[5]

AMPHIDROMIA, or ΔΡΟΜΙΑΜΦΙΟΝ ΗΜΑΡ (*ἀμφιδρόμια*, or *δρομιάμφιον ἦμαρ*), a family festival of the Athenians, at which the newly-born child was introduced into the family and received its name. No particular day was fixed for this solemnity; but it did not take place very soon after the birth of the child, for it was believed that most children died before the seventh day, and the solemnity was, therefore, generally deferred till after that period, that there might be, at least, some probability of the child remaining alive. But, according to Suidas, the festival was held on the fifth day, when the women who had lent their assistance at the birth washed their hands. This purification, however, preceded the real solemnity. The friends and relatives of the parents were invited to the festival of the amphidromia, which was held in the evening, and they generally appeared with presents, among which are mentioned the cuttlefish and the marine polyp.[6] The house was decorated on the outside with olive-branches when the child was a boy, or with garlands of wool when the child was a girl; and a repast was prepared, at which, if we may judge from a fragment of Ephippus in Athenæus,[7] the guests must have been rather merry. The child was then carried round the fire by the nurse, and thus, as it were, presented to the gods of the house and to the family, and at the same time received its name, to which the guests were witnesses The carrying of the child round the hearth was the principal part of the solemnity, from which its name was derived. But the scholiast on Aristophanes[8] derives the name from the fact that the guests, while the name was given to the child, walked or danced around it. This festival is sometimes called from the day on which it took place: if on the seventh day, it is called *ἑβδομαι* or *ἑβδομας*; if on the tenth day, *δεκάτη*, &c.[9]

AMPHIOR'KIA or AMPHOMOS'IA (*ἀμφιορκια* or *ἀμφωμοσία*) is the oath which was taken, both by the plaintiff and defendant, before the trial of a cause in the Athenian courts, that they would speak the truth.[4] According to Pollux,[5] the *ἀμφιορκία* also included the oath which the judges took, that they would decide according to the laws; or, in case there was no express law on the subject in dispute, that they would decide according to the principles of justice.

AMPHIPPOI. (*Vid.* DESULTORES.)

ΑΜΦΙΠΡΥΜΝ'ΟΙ ΝΗ'ΕΣ (*ἀμφίπρυμνοι νῆες*), also called ΔΙΠΡΩΡΟΙ, ships in which the poop and the prow were so much alike as to be applicable to the same use. A ship of this construction might be considered as having either two poops or two prows It is supposed to have been convenient in circumstances where the head of the ship could not be turned about with sufficient celerity.[6]

*AMPHISBÆ'NA (*ἀμφίσβαινα*), sometimes called the Double-headed Serpent. Buffon says of it, that it can move along with either the head or the tail foremost, whence it had been thought to have two heads. Avicenna says, that it is of equal thickness from head to tail, and that from this appearance it had been supposed to have two heads. Schneider states, that Linnæus[7] describes a serpent which agrees very well with the ancient accounts of the amphisbæna; its tail is obtuse, and as thick as its body, and it moves along either forward or backward;[8] but, according to Dr. Trail, it is an American species. The amphisbæna was probably a variety of the *Anguis fragilis*, L., or Blind Worm The *Aberdeen serpent* of Pennant, of which mention is made in Linnæus's correspondence with Dr. David Skene of Aberdeen, is a variety of the *Anguis fragilis*. Linnæus denies that the amphisbæna is venomous, but many authors, even of modern times, are of a contrary opinion.[9]

AMPHITHEA'TRUM was a place for the exhibition of public shows of combatants and wild beasts, entirely surrounded by seats for the spectators; whereas, in those for dramatic performances, the seats were arranged in a semicircle facing the stage. It is, therefore, frequently described as a double theatre, consisting of two such semicircles, or halves, joined together, the spaces allotted to their orchestras becoming the inner enclosure or area, termed the *arena*. The form, however, of the ancient amphitheatres was not a circle, but invariably an ellipse, although the circular form appears best adapted for the convenience of the spectators. The first amphitheatre appears to have been that of M. Curio, of which a description has been given by Pliny.[10] It consisted of two wooden theatres made to revolve on pivots, in such a manner that they could, by means of windlasses and machinery, be turned round face to face, so as to form one building.

Gladiatorial shows were first exhibited in the forum, and combats of wild beasts in the circus; and it appears that the ancient custom was still preserved till the dictatorship of Julius Cæsar, who

1. Schol. in Eurip., Orest., 1094.—Callim., Epig. xli.—Strabo, x., c. 3, p. 279, ed. Tauchn.)—2. (Thirlwall, Hist. of Greece, c. x., xiii.—Heeren, Polit. Hist. of Greece, c. 7.—St. Croix, Des Anciens Gouvernemens Fédératifs.—Titmann, Ueber den Bund der Amphictyonen.—Müller, Dorians, b. ii., c. iii., s 5.—Phil. Mus., vol. i., p. 324; vol. ii., p. 360.—Hermann, Polit. Antiq. of Greece, § 11-14.—Wachsmuth, Hellen. Alterthumsk.—Niebuhr, Hist. Rom., i., p. 31, transl.)—3. (Hesych., s. v. *ποτήριον*.)—4. (H. A, 9, 40; or in Schneid., 9, 27, 4.)—5. (*περὶ μίαν γὰρ βάσιν δύο θυρίδες εἰσὶν, ὥσπερ τῶν ἀμφικυπέλλων, ἡ μὲν ἐντὸς, ἡ δ' ἐκτός.*—Compare Buttmann's Lexilogus, s v.)—6. (Harpocr., s v.)—7. (p. 370.)

1. (Isæus, de Pyrrhi Hæred., p. 34, s. 30, Bekker.)—2. (Lysistr., 758.)—3. (Hesych.—Aristoph., Av., 923.)—4. (Hesych.—Suid.)—5. (viii., 90.)—6. (Scheffer, De Militia Navali, ii., c. 3 p. 143.)—7. (Amœnit. Academ., vol i., p 295.)—8. (Schneider in Æl., N. A., ix., 23.)—9 (Adams, Append., s. v.)—10 (H. N., xxxvi., 24, § 8.)

built a wooden theatre in the Campus Martius, for the purpose of exhibiting hunts of wild beasts,[1] "which was called amphitheatre because it was surrounded by seats without a scene."[2] Most of the early amphitheatres were merely temporary, and made of wood; such as the one built by Nero at Rome,[3] and that erected by Atilius at Fidenæ during the reign of Tiberius, which gave way while the games were being performed, and killed or injured 50,000 persons.[4]

The first stone amphitheatre was built by Statilius Taurus, at the desire of Augustus.[5] This building, which stood in the Campus Martius, near the circus called Agonale, was destroyed by fire in the reign of Nero;[6] and it has, therefore, been supposed that only the external walls were of stone, and that the seats and other parts of the interior were of timber. A second amphitheatre was commeneed by Caligula; but by far the most celebrated of all was the Flavian amphitheatre, afterward called the Colisæum, which was begun by Vespasian, and finished by his son Titus, who dedicated it A.D. 80, on which occasion, according to Eutropius, 5000, and according to Dion, 9000, beasts were destroyed.[7]

This immense edifice, which is even yet comparatively entire, was capable of containing about 87,000 spectators, and originally stood nearly in the centre of the city, on the spot previously occupied by the lake or large pond attached to Nero's palace,[8] and at no very great distance from the Baths of Titus. It covers altogether about five acres of ground; and the transverse, or longer diameter of the external ellipse, is 615 feet, and the conjugate, or shorter one, 510; while those of the interior ellipse, or arena, are 281 and 176 feet respectively. Where it is perfect, the exterior is 160 feet high, and consists of four orders, viz., Doric, Ionic, and Corinthian, in attached three-quarter columns (that is, columns one fourth of whose circumference appears to be buried in the wall behind them), and an upper order of Corinthian pilasters. With the exception of the last, each of these tiers consists of eighty columns, and as many arches between them, forming open galleries throughout the whole circumference of the building; but the fourth has windows instead of large arches, and those are placed only in the alternate inter-columns, consequently, are only forty in number; and this upper portion of the elevation has, both on that account and owing to the comparative smallness of the apertures themselves, an expression of greater solidity than that below. The arches formed open external galleries, with others behind them; besides which, there were several other galleries and passages, extending beneath the seats for the spectators, and, together with staircases, affording access to the latter. At present, the seats do not rise higher than the level of the third order of the exterior, or about half its entire height; therefore, the upper part of the edifice appears to have contributed very little, if at all, to its actual capacity for accommodating spectators. Still, though it has never been explained, except by conjecturing that there were upper tiers of seats and galleries (although no remains of them now exist), we must suppose that there existed some very sufficient reason for incurring such enormous expense, and such prodigal waste of material and labour beyond what utility seems to have demanded. This excess of height, so much greater than was necessary, was perhaps, in some measure, with the view that, when the building was covered in with a temporary roofing or awning (*velarium*), as a defence against the sun or rain, it should seem well proportioned as to height; and also, perhaps, in order to allow those who worked the ropes and other mechanism by which the velarium was unrolled or drawn back again, to perform those operations without incommoding the spectators on the highest seats.

With regard to the velarium itself, nothing at all conclusive and satisfactory can now be gathered; and it has occasioned considerable dispute among the learned, how any temporary covering could be extended over the whole of the building. Some have imagined that the velarium extended only over part of the building; but, independent of other objections, it is difficult to conceive how such an extensive surface could have been supported along the extent of its inner edge or circumference. The only thing which affords any evidence as to the mode in which the velarium was fixed, is a series of projecting brackets, or eorbels, in the uppermost story of the exterior, containing holes or sockets to receive the ends of poles passing through holes in the projection of the cornice, and to which ropes from the velarium were fixed; but the whole of the upper part of the interior is now so dismantled as to render it impossible to decide with certainty in what manner the velarium was fixed. The velarium appears usually to have been made of wool, but more costly materials were sometimes employed. When the weather did not permit the velarium to be spread, the Romans used broad-brimmed hats or caps, or a sort of parasol, which was called *umbrella*, from *umbra*, shade.[1]

Many other amphitheatres might be enumerated, such as those of Verona, Nismes, Catania, Pompeii, &c.; but, as they are all nearly similar in form, it is only necessary to describe certain particulars, so as to afford a tolerably correct idea of the respective parts of each.

The interior of the amphitheatre was divided into three parts, the *arena*, *podium*, and *gradus*. The clear open space in the centre of the amphitheatre was called the arena, because it was covered with sand or sawdust, to prevent the gladiators from slipping, and to absorb the blood. The size of the arena was not always the same in proportion to the size of the amphitheatre, but its average proportion was one third of the shorter diameter of the building.

It is not quite clear whether the arena was no more than the solid ground, or whether it had an actual flooring of any kind. The latter opinion is adopted by some writers, who suppose that there must have been a souterrain, or vaults, at intervals at least, if not throughout, beneath the arena, as sometimes the animals suddenly issued apparently from beneath the ground; and machinery of different kinds was raised up from below, and afterward disappeared in the same manner. That there must have been some substruction beneath the arena, in some amphitheatres at least, is evident, because the whole arena was, upon particular occasions, filled with water, and converted into a naumachia, where vessels engaged in mimic sea-fights, or else crocodiles and other amphibious animals were made to attack each other. Nero is said to have frequently entertained the Romans with spectacles and diversions of this kind, which took place immediately after the customary games, and were again succeeded by them; consequently, there must have been not only an abundant supply of water, but mechanical apparatus capable of pouring it in and draining it off again very expeditiously.

The arena was surrounded by a wall, distinguished by the name of *podium*, although such appellation, perhaps, rather belongs to merely the upper part of it, forming the parapet or balcony before the first or lowermost seats, nearest to the arena. The latter, therefore, was no more than an open oval court,

1. (Θεατρὸν κυνηγετικόν.)—2. (Dion., xliii., 22.)—3. (Suet., Ner., c. 12.—Tacit., Ann., xiii., 31.)—4. (Tacit., Ann., iv., 62.—Suet., Tib., c. 40.)—5. (Suet., Octav., c. 29.—Dion., li., 23.)—6. (Dion., lxii., 18.)—7. (Suet., Vesp., 9.—Id., Tit., 7.—Eutrop., vii., 21.—Dion., lxvi., 25.)—8. (Suet., Ner., 31.)

1. (Dion., lix., 7.—Martial, xiv., 27, 28.)

surrounded by a wall about eighteen feet high, measuring from the ground to the top of the parapet; a height considered necessary, in order to render the spectators perfectly secure from the attacks of the wild beasts. There were four principal entrances leading into the arena, two at the ends of each axis or diameter of it, to which as many passages led directly from the exterior of the building; besides secondary ones, intervening between them, and communicating with the corridors beneath the seats on the podium.

The wall or enclosure of the arena is supposed to have been faced with marble more or less sumptuous; besides which, there appears to have been, in some instances at least, a sort of network affixed to the top of the podium, consisting of railing, or, rather, open trellis-work of metal. From the mention made of this network by ancient writers, little more can now be gathered respecting it than that, in the time of Nero, such netting, or whatever it might have been, was adorned with gilding and amber; a circumstance that favours the idea of its having been gilt metal-work, with bosses and ornaments of the other material. As a farther defence, ditches, called *euripi*, sometimes surrounded the arena.[1]

The term *podium* was also applied to the terrace, or gallery itself, immediately above the lower enclosure, and which was no wider than to be capable of containing two, or, at the most, three ranges of movable seats or chairs. This, as being by far the best situation for distinctly viewing the sports in the arena, and also more commodiously accessible than the seats higher up, was the place set apart for senators and other persons of distinction, such as the ambassadors of foreign parts;[2] and it was here, also, that the emperor himself used to sit, in an elevated place called *suggestus*[3] or *cubiculum*;[4] and likewise the person who exhibited the games, on a place elevated like a pulpit or tribunal (*editoris tribunal*). The vestal virgins also appear to have had a place allotted to them in the podium.[5]

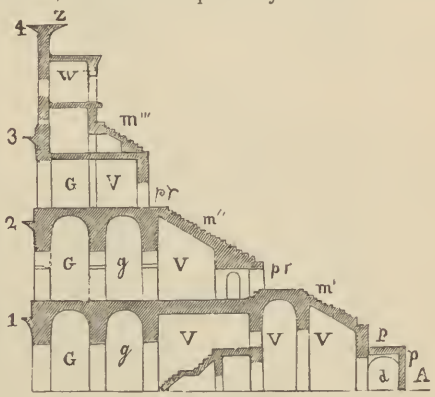
Above the podium were the *gradus*, or seats of the other spectators, which were divided into *mæniana*, or stories. The first *mænianum*, consisting of fourteen rows of stone or marble seats, was appropriated to the equestrian order. The seats appropriated to the senators and equites were covered with cushions (*pulvillis*), which were first used in the time of Caligula.[6] Then, after an interval or space, termed a *præcinctio*, and forming a continued landing-place from the several staircases in it, succeeded the second mænianum, where were the seats called *popularia*,[7] for the third class of spectators, or the *populus*. Behind this was the second precinction, bounded by a rather high wall, above which was the third mænianum, where there were only wooden benches for the *pullati*, or common people.[8] The next and last division, namely, that in the highest part of the building, consisted of a colonnade or gallery, where females were allowed to witness the spectacles of the amphitheatre,[9] some parts of which were also occupied by the pullati. At the very summit was the narrow platform for the men who had to attend to the velarium, and to expand or withdraw the awnings, as there might be occasion. Each mænianum was not only divided from the other by the præcinctio, but was intersected at intervals by spaces for passages left between the seats, called *scalæ* or *scalaria*; and the portion between two such passages was called a *cuneus*, because this space gradually widened, like a wedge, from the podium to the top of the building.[10] The entrances to the seats from the outer porticoes were called *vomitoria*, because, says Macrobius,[1] *Homines glomerativi ingredientes in sedilia se fundunt.*

The situation of the dens wherein the animals were kept is not very clear. It has been supposed that they were in underground vaults, near to, if not immediately beneath, the arena; yet, admitting such to have been the case, it becomes more difficult than ever to understand how the arena could have been inundated at pleasure with water; nor was any positive information obtained from the excavations made several years ago in the arena of the Colisæum. Probably many of the animals were kept in dens and cages within the space immediately beneath the podium (marked *d* in the cut), in the intervals between the entrances and passages leading into the arena, and so far a very convenient situation for them, as they could have been brought immediately into the place of combat.

There were in the amphitheatres concealed tubes, from which scented liquids were scattered over the audience, which sometimes issued from statues placed in different parts of the building.[2]

Vitruvius affords us no information whatever as to amphitheatres; and, as other ancient writers have mentioned them only incidentally and briefly, many particulars belonging to them are now involved in obscurity.

The annexed woodcut, representing a section, not of an entire amphitheatre, but merely of the exterior wall, and the seats included between that and the arena, will serve to convey an idea of the arrangement of such structures in general. It is that of the Colisæum, and is given upon the authority of Hirt; but it is in some respects conjectural, particularly in the upper part, since no traces of the upper gallery are now remaining. The extreme minuteness of the scale renders it impossible to point out more than the leading form and general disposition of the interior; therefore, as regards the profile of the exterior, merely the heights of the cornices of the different orders are shown, with the figures 1, 2, 3, 4 placed against them respectively.



EXPLANATIONS.

A, The arena.
p, The wall or podium enclosing it.
P, The podium itself, on which were chairs or seats for the senators, &c.
M′, the first mænianum, or slope of benches, for the equestrian order.
M″, The second mænianum.
M‴, The third mænianum, elevated considerably above the preceding one, and appropriated to the pullati.
W, The colonnade, or gallery, which contained seats for women.
Z, The narrow gallery round the summit of the in-

1. (Plin., H. N., viii., 7.)—2. (Suet., Octav., 44.—Juv., Sat. i., 143, seqq.)—3. (Suet., Jul., 76.—Plin., Paneg., 51.)—4. (Suet., Ner., 12.)—5. (Suet., Octav., 44.)—6. (Juv., Sat. iii., 154.—Dion., lix., 7.)—7. (Suet., Domit., 4.)—8. (Suet., Octav., 44.)—9. (Suet., Octav., 44.)—10. (Suet., Octav., 44.—Juv., Sat. x., 52.)

1. (Saturn., vi., 4.)—2. (Lucan. ix., 868.)

terior, for the attendants who worked the velarium.

pr, *pr*, The præcinctiones, or landings, at the top of the first and second mœnianum, in the pavement of which were grated apertures, at intervals, to admit light into the vomitoria beneath them.

V V V V, Vomitoria.

G G G, The three external galleries through the circumference of the building, open to the arcades of the first three orders of the exterior.

g g, Inner gallery.

Owing to the smallness of the cut, the situation and arrangement of staircases, &c., are not expressed, as such parts could hardly be rendered intelligible except upon a greatly increased scale, and then not in a single section, nor without plans at various levels of the building.

For an account of the games of the amphitheatre, see GLADIATORES.

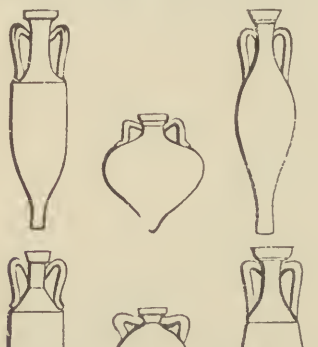
AMPHISBETE'SIS. (*Vid.* HEREDITAS.)

AMPHI'STOMOS. (*Vid.* ANCORA.)

AMPHOMO'SIA. (*Vid.* AMPHIORKIA.)

AM'PHORA (in Greek *ἀμφορεύς*, or in the full form, as we find it in Homer, *ἀμοιφορεύς*[1]), a vessel used for holding wine, oil, honey, &c.

The following cut represents amphoræ from the Townley and Elgin collections in the British Museum. They are of various forms and sizes; in general they are tall and narrow, with a small neck, and a handle on each side of the neck (whence the name, from *ἀμφί*, *on both sides*, and *φέρω*, *to carry*,) and terminating at the bottom in a point, which was let into a stand or stuck in the ground, so that the vessel stood upright: several amphoræ have been found in this position in the cellars at Pompeii. Amphoræ were commonly made of earthenware; Homer mentions amphoræ of gold and stone, and the Egyptians had them of brass: glass vessels of this form have been found at Pompeii. The name of the maker or of the



place where they were made was sometimes stamped upon them; this is the case with two in the Elgin collection, Nos. 238 and 344. The most common use of the amphora, both among the Greeks and Romans, was for keeping wine. The cork was covered with pitch or gypsum, and (among the Romans) a label (*pittacium*) was attached to the amphora, inscribed with the names of the consuls under whom it was filled. The following cut represents the mode of filling the amphora from a wine-cart, and is taken from a painting on the wall of a house at Pompeii.

The amphora was also used for keeping oil, honey, and molten gold. A remarkable discovery, made at Salona in 1825, proves that amphoræ were used as coffins. They were divided in half, in the direction of the length, in order to receive the remains, and the two halves were put together again, and buried in the ground; they were found containing skeletons.[1]

There is in the British Museum (room VI.) a vessel resembling an amphora, and containing the fine African sand which was mixed with the oil with which the athletæ rubbed their bodies. It was found, with seventy others, in the baths of Titus, in the year 1772. The amphora occurs on the coins of Chios, and on some silver coins of Athens.

The Greek *ἀμφορεύς* and the Roman amphora were also names of fixed measures. The *ἀμφορεύς*, which was also called *μετρητής* and *κάδος*, was equal to 3 Roman urnæ = 8 gallons 7·365 pints, imperial measure. The Roman amphora was two thirds of the *ἀμφορεύς*, and was equal to 2 urnæ = 8 congii = 5 gallons 7·577 pints; its solid content was exactly a Roman cubic foot. A model amphora was kept in the Capitol, and dedicated to Jupiter. The size of a ship was estimated by amphoræ; and the produce of a vineyard was reckoned sometimes by the number of amphoræ it yielded, and sometimes by the *culeus* of twenty amphoræ.

AMPHO'TIDES. (*Vid.* PUGILATUS.)

AMPLIA'TIO. (*Vid.* JUDICIUM.)

AMPUL'LA (*λήκυθος*. *βομβύλιος*), a bottle.

The Romans took a bottle of oil with them to the bath for anointing the body after bathing. They also used bottles for holding wine or water at their meals, and occasionally for other purposes. These bottles were made either of glass or earthenware, rarely of more valuable materials.

The dealer in bottles was called *ampullarius*, and part of his business was to cover them with leather (*corium*). A bottle so covered was called *ampulla rubida*.[2]

As bottles were round and swollen like a bladder, Horace metaphorically describes empty and turgid language by the same name:

"*Projicit ampullas et sesquipedalia verba.*"[3]

"*An tragica desævit et ampullatur in arte?*"[4]

Bottles of both glass and earthenware are preserved in great quantities in our collections of antiquities, and their forms are very various, though always narrow-mouthed, and generally more or less approaching to globular.

AMPYX, AMPYKTER, (*ἄμπυξ*, *ἀμπυκτῆρ*; (*frontale*), a frontal

This was a broad band or plate of metal, which ladies of rank wore above the forehead as part of

1 (Il., xxiii., 170 – Od., x., 164, 204.—Schol. in Apoll. Rhod., iv., 187.)

1 (Steinbüchel's Alterthum., p. 67.)—2. (Plaut., Rud. iii., 4. 51, and Stich., i., 3, 77, compared with Festus, s. v. Rubida.)—3. (Ep. ad Pis., 97.)—4. (Epist. I., iii., 14.)

the headdress.[1] Hence it is attributed to the female divinities. Artemis wears a frontal of gold;[2] and the epithet *χρυσάμπυκες* is applied by Homer, Hesiod, and Pindar to the Muses, the Hours, and the Fates. From the expression *τὰν κνανάμπυκα Θήβαν* in a fragment of Pindar, we may infer that this ornament was sometimes made of blue steel (*κύανος*) instead of gold; and the scholiast on the above-cited passage of Euripides asserts that it was sometimes enriched with precious stones.

The frontal of a horse was called by the same name, and was occasionally made of similar rich materials. Hence, in the Iliad, the horses which draw the chariots of Juno and of Mars are called *χρυσάμπυκες*. Pindar[3] describes the bridle with a golden frontal (*χρυσάμπυκα χαλινόν*), which was given to Bellerophon to curb the winged horse Pegasus.

The annexed woodcut exhibits the frontal on the head of Pegasus, taken from one of Sir William Hamilton's vases, in contrast with the corresponding ornament as shown on the heads of two females in the same collection.

Frontals were also worn by elephants.[4] Hesychius[5] supposes the men to have worn frontals in Lydia. They appear to have been worn by the Jews and other nations of the East.[6]

AMULE'TUM (*περίαπτον*, *περίαμμα*, *φυλακτήριον*), an amulet.

This word in Arabic (*Hamalet*) means *that which is suspended*. It was probably brought by Arabian merchants, together with the articles to which it was applied, when they were imported into Europe from the East. It first occurs in the Natural History of Pliny.

An amulet was any object—a stone, a plant, an artificial production, or a piece of writing—which was suspended from the neck, or tied to any part of the body, for the purpose of counteracting poison, curing or preventing disease, warding off the evil eye, aiding women in childbirth, or obviating calamities and securing advantages of any kind.

Faith in the virtues of amulets was almost universal in the ancient world, so that the whole art of medicine consisted in a very considerable degree of directions for their application; and in proportion to the quantity of amulets preserved in our collections of antiquities, is the frequent mention of them in ancient treatises on natural history, on the practice of medicine, and on the virtues of plants and stones. Some of the amulets in our museums are merely rough, unpolished fragments of such stones as amber, agate, carnelian, and jasper; others are wrought into the shape of beetles, quadrupeds, eyes, fingers, and other members of the body. There can be no doubt that the selection of stones, either to be set in rings or strung together in necklaces, was often made with reference to their reputed virtues as amulets

1. (Il., xxii., 468–470.—Æschyl., Suppl., 434.—Theocrit., i., 33.)—2. (*χρυσέαν ἄμπυκα*. Eurip., Iles., 464.)—3. (Olymp., xiii., 92.)—4. (Liv., xxxvii., 40.)—5. (*s. v. Λυδίῳ Νόμῳ.*)—6. (Deut., vi., 8; xi., 18.)

The following passages may exemplify the use of amulets in ancient times. Pliny[1] says, that any plant gathered from the bank of a brook or river before sunrise, provided that no one sees the person who gathers it, is considered as a remedy for tertian ague when tied (*adalligata*) to the left arm, the patient not knowing what it is; also, that a person may be immediately cured of the headache by the application of any plant which has grown on the head of a statue, provided it be folded in the shred of a garment, and tied to the part affected with a red string. Q. Serenus Sammonicus, in his poem on the art of healing, describes the following charm, which was long celebrated as of the highest repute for the cure of various diseases: Write *abracadabra* on a slip of parchment, and repeat the word on other slips, with the omission of the last letter of each preceding slip, until the initial A alone remains. The line so written will assume the form of an equilateral triangle. Tie them together, and suspend them from the neck of the patient by means of linen thread.

According to the scholiast on Juvenal,[2] athletes used amulets to ensure victory (*niceteria phylacteria*), and wore them suspended from the neck; and we learn from Dioscorides[3] that the efficacy of these applications extended beyond the classes of living creatures, since selenite was not only worn by women, but was also tied to trees, for the purpose of making them fruitful.

Consistently with these opinions, an acquaintance with the use of amulets was considered as one of the chief qualifications of nurses. If, for example, an attempt was made to poison a child, if it was in danger of destruction from the evil eye, or exposed to any other calamity, it was the duty of the nurse to protect it by the use of such amulets as were suited to the circumstances.[4]

From things hung or tied to the body, the term amulet was extended to charms of other kinds. Pliny[5] having observed that the cyclamen was cultivated in houses as a protection against poison, adds the remark, *Amuletum vocant*. The following epigram by Lucillius contains a joke against an unfortunate physician, one of whose patients, having seen him in a dream, "awoke no more, even though he wore an amulet:"

Ἐρμογένη τὸν ἰατρὸν ἰδὼν Διόφαντος ἐν ὕπνοις
Οὐκ ἐτ' ἀνηγέρθη, καὶ περίαμμα φέρων.

*AMYG'DALUS (*ἀμυγδαλή*), the Almond-tree, or *Amygdalus communis*. The Almond-tree is a native of Barbary, whence it had not been transferred into Italy down to the time of Cato. It has, however, been so long cultivated all over the south of Europe, and the temperate parts of Asia, as to have become, as it were, naturalized in the whole of the Old World from Madrid to Canton. For some remarks on the *Amygdalus Persica*, or Peach, *vid.* PERSICA.[6]

*AMΩ'MON (*ἄμωμον*), a plant, and perfume, with regard to which both commentators and botanical writers are very much divided in opinion. Scaliger and Cordus make it the Rose of Jericho (*Rosa Hierichuntica* of Bauhin; *Anastatica hierichuntica* of Linnæus; *Bunias Syriaca* of Gärtner); Gesner takes it for the Pepper of the gardens (the *Solanum baccíferum* of Tournefort); Cæsalpinus is in favour of the *Piper Cubeba*; and Plukenet and Sprengel, with others, of the *Cissus vitiginea*. The most probable opinion is that advanced by Fée, who makes the plant in question the same with our *Amomum racemosum*. The Romans obtained their *amomum* from Syria, and it came into the latter country by the overland trade from India.[7] It is said to have been used by the Eastern nations for embalming; and from this word

1. (H. N., xxiv., 19.)—2. (iii., 68.)—3 (Lib. v.)—4. (Hom., Hymn. in Cer., 227.—Orph., Lith., 222.)—5. (Plin., H. N., xxv 9.)—6 (Dioscor., i., 176.)—7. Fée, Flore de Virgile, p. 16.)

some have derived, though by no means correctly, the term *mummy*. The taste of the grains of amomum is represented by Charras as tart, fragrant, very aromatic, and remaining a good while in the mouth.[1] The name *amomum* is supposed to come from the Arabic *khamâma*, the ancient Arabians having been the first who made this aromatic known to the Greeks. The root of the Arabic term has reference to the warm taste peculiar to spices. The cardamums, grains of Paradise, and mellagetta pepper of the shops, a class of highly aromatic pungent seeds, are produced by different species of *amomum*, as botanists now employ the term.[2]

ANA'BOLEUS (*ἀναβολεύς*). As the Greeks were unacquainted with the use of stirrups, they were accustomed to mount upon horseback by means of a slave, who was termed *ἀναβολεύς* (from *ἀναβάλλειν*[3]). This name was also given, according to some writers, to a peg or pin fastened on the spear, which might serve as a resting-place to the foot in mounting the horse.[4]

ANAKALUPTE'RIA. (*Vid.* Marriage.)

ANAKEI'A or ANAKEI'ON (*ἀνάκεια* or *ἀνάκειον*), a festival of the Dioscuri, or Ἄνακτες, as they were called, at Athens. Athenæus[5] mentions a temple of the Dioscuri, called Ἀνάκτειον, at Athens; he also informs us[6] that the Athenians, probably on the occasion of this festival, used to prepare for these heroes in the Prytaneum a meal consisting of cheese, a barley-cake, ripe figs, olives, and garlic, in remembrance of the ancient mode of living. These heroes, however, received the most distinguished honours in the Dorian and Achæan states, where it may be supposed that every town celebrated a festival in their honour, though not under the name of Ἀνάκεια. Pausanias[7] mentions a festival held at Amphissa, called that of the *ἀνάκτων παίδων*; but adds that it was disputed whether they were the Dioscuri, the Curetes, or the Cabiri. (See Dioscuria.)

ANAKEI'MENA. (*Vid.* Donaria.)

ANAKLETE'RIA (*ἀνακλητήρια*) was the name of a solemnity at which a young prince was proclaimed king, and at the same time ascended the throne. The name was chiefly applied to the accession of the Ptolemaic kings of Egypt.[8] The prince went to Memphis, and was there adorned by the priests with the sacred diadem, and led into the Temple of Phtha, where he vowed never to make any innovations either in the order of the year or of the festivals. He then carried to some distance the yoke of Apis, in order to be reminded of the sufferings of man. Rejoicings and sacrifices concluded the solemnity.[9]

ANAKOMI'DE (*ἀνακομιδή*). When an individual had died in a foreign country, it was not unusual for his fellow-citizens or relatives to remove his ashes or body to his own country, which was called *ἀνακομιδή*. Thus the dead body of Theseus was removed from Scyros to Athens, and that of Aristomenes from Rhodes to Messenia.

ANA'CRISIS (*ἀνάκρισις*), the pleadings preparatory to a trial at Athens, the object of which was to determine, generally, if the action would lie (*ἐξετάζουσι δὲ καὶ εἰ ὅλως εἰσάγειν χρή*).[10] The magistrates were said *ἀνακρίνειν τὴν δίκην*, or *τοὺς ἀντιδίκους*, and the parties *ἀνακρίνεσθαι*. The process consisted in the production of proofs, of which there were five kinds: 1. the laws 2. written documents, the production of which, by the opposite party, might be compelled by a *δίκη εἰς ἐμφανῶν κατάστασιν*; 3. testimonies of witnesses present (*μαρτυρίαι*), or affidavits of absent witnesses (*ἐκμαρτυρίαι*); 4. depositions of slaves extorted by the rack; 5. the oath of the parties.[1] All these proofs were committed to writing, and placed in a box secured by a seal (*ἐχῖνος*[2]) till they were produced at the trial. The name *ἀνάκρισις* is given to the pleadings, considered expressly as a written document, in Isæus.[3] If the evidence produced at the anacrisis was so clear and convincing that there could not remain any doubt, the magistrate could decide the question without sending the cause to be tried before the dicasts: this was called *διαμαρτυρία*. In this case, the only remedy for the person against whom the decision was given, was to bring an action of perjury against the witnesses (*ψευδομαρτυρῶν δίκη*). These pleadings, like our own, were liable to vexatious delays on the part of the litigants, except in the case of actions concerning merchandise, benefit societies, mines, and dowries, which were necessarily tried within a month from the commencement of the suit, and were therefore called *ἔμμηνοι δίκαι*. The word *ἀνάκρισις* is sometimes used of a trial in general (*μηδ' εἰς ἀγκρισιν ἐλθεῖν*.[4]) The archons were the proper officers for the *ἀνάκρισις*: they are represented by Minerva, in the *Eumenides* of Æschylus, where there is a poetical sketch of the process in the law courts.[5] (*Vid.* Antigraphe, Antomosia.) For an account of the *ἀνάκρισις*, that is, the examination which each archon underwent previously to entering on office, see the article Archon.

ANADIKI'A. (*Vid.* Appellatio.)

*ANAGALLI'S (*ἀναγαλλίς*), a plant, of which Dioscorides and Galen describe two species, the male and the female, as distinguished by their flowers, the former having a red flower, and the latter a blue. These are evidently the *Anagallis Arvensis* and *Cærulea*, the Scarlet and Blue Pimpernels.[6]

ANAGNOS'TES. (*Vid.* Acroama.)

ΑΝΑΓΩ'ΓΗΣ ΔΙ'ΚΗ (*ἀναγωγῆς δίκη*). If an individual sold a slave who had some secret disease—such, for instance, as epilepsy—without informing the purchaser of the circumstance, it was in the power of the latter to bring an action against the vendor within a certain time, which was fixed by the laws. In order to do this, he had to report (*ἀνάγειν*) to the proper authorities the nature of the disease, whence the action was called *ἀναγωγῆς δίκη*. Plato supplies us with some information on this action; but it is uncertain whether his remarks apply to the action which was brought in the Athenian courts, or to an imaginary form of proceeding.[7]

ANAGO'GIA (*ἀναγώγια*), a festival celebrated at Eryx, in Sicily, in honour of Aphrodite. The inhabitants of the place believed that, during this festival, the goddess went over into Africa, and that all the pigeons of the town and its neighbourhood likewise departed and accompanied her.[8] Nine days afterward, during the so-called *καταγώγια* (return), one pigeon having returned and entered the temple, the rest followed. This was the signal for general rejoicing and feasting. The whole district was said at this time to smell of butter, which the inhabitants believed to be a sign that Aphrodite had returned.[9]

*ANAGY'RIS (*ἀνάγυρις*), a shrub, which Nicander[10] calls "the acrid Onogyris." It is the *Anagyris fetida*, L., or Fetid Bean-trefoil. Hardouin says its French name is *Bois puant*. According to Lamark, it is a small shrub, having the port of a Cytisus, and rising to the height of five or seven feet.[11]

1. (Royal Pharmacop., p. 139.)—2. (Fée, l. c.)—3. (Xen., De Re Eq., vi., 12.—Id., Hipp., i., 17.—Appian., Pun., 106.)—4. (Xen., De Re Eq., vii., 1.)—5. (vi., p. 235.)—6. (iv., p. 137.)—7. (x., 38 3.)—8. (Polyb., Reliq., xvii., 38; xxviii., 10.)—9. (Diod. Sic., Frag., lib. xxx.)—10. (Harpocrat., s. v.)

1. (Aristot., Rhet., I., xv., 2.)—2. (Schol. in Aristoph., Vesp., 1436.)—3. (De Antarch. Hæred., p. 79, 11.)—4. (Æschyl., Eumen., 355.)—5. (Müller, Eumeniden, § 70.)—6. (Dioscor., ii., 209.—Adams, Append., s. v.)—7. (Plato, Legg., xi., 2, p. 916.—Ast in Plat., l. c.—Meier, Att. Process, p. 525.)—8. (Ælian, V. H., i., 14.—Athenæus, ix., p. 394.)—9. (Athenæus, ix., p. 395.)—10. (Theriac., 71.)—11. (Dioscor., iii., 158.—Adams, Append., s. v.)

ANA'RRHUSIS. (*Vid.* APATURIA.)

*ANAS (*νῆσσα* or *νῆττα*), the genus Duck. The ancients must have been well acquainted with many species of Duck; but, from the brief notices they have given of them, we have now great difficulty in recognising these. 1. The *βοσκάς* is described by Aristotle[1] as being like the *νῆσσα*, but a little smaller; it may therefore be supposed a mere variety of the *Anas Boscas*, or Wild Duck. 2. The *Querquedula* of Varro is referred by Turner to the species of duck called Teal in England, namely, the *Anas crecca*, L. 3. The *πηνέλοψ*, which is enumerated by Aristotle[2] among the smaller species of geese, was probably a duck, as Gesner suggests. It may therefore be referred to the *Anas Penelops*, L., or Widgeon. (In modern works on Natural History it is incorrectly written *Penelope*.) 4. The *βρένθος* of Aristotle and Ælian, and *βρίνθος* of Phile, although ranked with ducks by Aristotle and Pliny, was probably the *Anser Brenta*, or Brent Goose. 5. The *χηναλώπηξ* of Aristotle[3] and of Ælian[4] is held to be the *Anas Bernicula*, or Bernicle Goose, by Eliot. Schneider and Pennant, however, prefer the *Anas Tadorna*, or Shelldrake. 6. The Sacred Goose of Egypt was a particular species, the *Anas Ægyptiaca*, allied to the Bernicle, but distinguished by brighter plumage, and by small spurs on its wings.[5]

ANATHE'MATA. (*Vid.* DONARIA.)

ANATOCIS'MUS. (*Vid.* INTEREST ON MONEY.)

ANAYMAX'IOY ΓΡΑΦΗ (*ἀναυμαχίου γραφή*) was an impeachment of the trierarch who had kept aloof from action while the rest of the fleet was engaged. From the personal nature of the offence, and the punishment, it is obvious that this action could only have been directed against the actual commander of the ship, whether he was the sole person appointed to the office, or the active partner of the perhaps many *συντελεῖς*, or the mere contractor (*ὁ μισθωσάμενος*). In a cause of this kind, the strategi would be the natural and official judges. The punishment prescribed by law for this offence was a modified atimia, by which the criminal and his descendants were deprived of their political franchise, but, as we learn from Andocides, were allowed to retain possession of their property.[6]

ANAXAGOREI'A (*Ἀναξαγόρεια*), a day of recreation for all the youths at Lampsacus, which took place once every year, in compliance, it was said, with a wish expressed by Anaxagoras, who, after being expelled from Athens, spent here the remainder of his life. This continued to be observed even in the time of Diogenes Laërtius.[7]

*ANAX'URIS, a species of Dock; the *Rumex divaricatus* according to Sprengel.[8]

*ANCHU'SA (*ἄγχουσα*), the herb Alkanet. Four kinds of alkanet are described by Dioscorides[9] and Galen.[10] With regard to the first, Sprengel hesitates between the *Anchusa tinctoria* and *Lithospermum tinctorium*; the second is the *Echium Italicum*, Sibthorp; the third, or *Alcibiades*, the *Echium diffusum*; and the fourth, or *Lycopsis*, the *Lithospermum fruticosum*. This is a plausible account of the *ἄγχουσα* of Dioscorides, but is not unattended with difficulties. That of Theophrastus[11] seems indisputably to be the *Anchusa tinctoria*. The *Anchusa sempervirens* does not seem to be described by any ancient author.[12]

ANCI'LE, the sacred shield carried by the Salii. According to Plutarch,[13] Dionysius of Halicarnassus,[14] and Festus,[15] it was made of bronze, and its form was oval, but with the two sides receding inward with an even curvature, and so as to make it broader at the ends than in the middle. Its shape is exhibited in the following woodcut.

The original ancile was found, according to tradition,[1] in the palace of Numa; and, as no human hand had brought it there, it was concluded that it had been sent from heaven, and was an *ὅπλον διοπετές*. At the same time, the haruspices declared that the Roman state would endure so long as this shield remained in Rome. To secure its preservation in the city, Numa ordered eleven other shields, exactly like it, to be made by the armorer Mamurius Veturius; and twelve priests of Mars Gradivus were appointed under the denomination of Salii, whose office it was to preserve the twelve ancilia. They were kept in the temple of that divinity on the Palatine Mount, and were taken from it only once a year, on the calends of March. The feast of the god was then observed during several days, when the Salii carried their shields about the city, singing songs in praise of Mars, Numa, and Mamurius Veturius, and at the same time performing a dance, which probably, in some degree, resembled our morris-dances, and in which they struck the shields with rods, so as to keep time with their voices and with the movements of their dance. The accompanying figure shows one of these rods, as represented on the tomb of a *Pontifex Salius*, or chief of the Salii.[2] Its form, as here exhibited, both illustrates the manner of using it, and shows the reason why different authors call it by different names, as *ἐγχειρ'ιδιον*, *λόγχη*, *ῥάβδος*, *virga*.

Besides these different names of the rod, which was held in the right hand, we observe a similar discrepance as to the mode of holding the shield. Virgil, describing the attire of Picus, a mythical king of Latium, says he held the ancile in his left hand (*lævaque ancile gerebat*[3]). Other authors represent the Salii as bearing the ancilia on their necks or on their shoulders.[4] These accounts may be reconciled on the supposition advanced in the article ÆGIS, that the shield was suspended by a leathern band (*lorum*[5]) proceeding from the right shoulder, and passing round the neck. That the weight of the ancile was considerable, and that the use of it in the sacred dance required no small exertion, is apparent from Juvenal's expression, "*sudavit* clypeis ancilibus."[6]

Besides the Salii, who were men of patrician families, and were probably instructed to perform their public dances in a graceful as well as animated manner, there were servants who executed inferior offices. An ancient gem in the Florentine cabinet, from which the preceding cut has been copied, represents two of them carrying six ancilia on their shoulders, suspended from a pole; and the representation agrees exactly with the statement of Dionysius of Halicarnassus, *πέλτας ὑπηρέται ἠρτημένας ἀπὸ κανόνων κομίζουσι*

1. (H. A., viii., 5.)—2. (H. A., viii., 5.)—3. (H. A., viii., 5.)—4. (N. A. V., 30.)—5. (Adams, Append., s. v.)—6. (De Myst., 40, Zurich ed., 1838.—Petit, Leg. Att., 667.)—7. (Anaxag., c. 10.)—8. (Dioscor., ii., 140.)—9. (iv., 23.)—10. (De Simpl., v.)—11. (H. P., ii., 9.)—12. (Adams, Append., s. v.)—13. (Vit. Num.)—14. (Ant., ii.)—15 (s. v. Mamur. Vetur.)

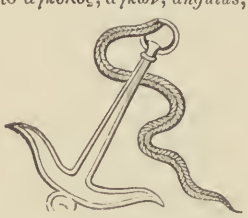
1. (Dionys., l. c.—Plut., l. c.—Florus, i., 2.—Serv. in Æn., viii., 664.)—2. (Gruter, Inscr., p. ccccl.xiv., note 3.)—3. (Æn., vii., 187.)—4. (Stat., Sylv., ii., 129.—Lucan, i., 603; ix., 460.—Lactant., De Fals. Rel., i., 2.)—5 (Juv ii., 125.)—6. (ii., 126.)

During the festival, and so long as the Salii continued to carry the ancilia, no expedition could be undertaken. It was thought ominous to solemnize marriages at that time, or to engage in any undertaking of great importance.[1]

When war was declared, the ancilia were purposely shaken in their sacred depository.[2] But it is alleged that, towards the close of the Cimbric war, they rattled of their own accord.[3]

AN'CORA (*ἄγκυρα*), an anchor.

The *anchor* used by the ancients was, for the most part, made of iron, and its form, as may be seen from the annexed figure, taken from a coin, resembled that of the modern anchor. The shape of the two extremities illustrates the *unco morsu* and *dente tenaci* of Virgil.[4] Indeed, the Greek and Latin names themselves express this essential property of the anchor, being allied to *ἀγκύλος*, *ἀγκών*, *angulus*, *uncus*, &c.



The anchor, as here represented and as commonly used, was called *bidens*, *δικλῆ*, *ἀμφίκολος*, or *ἀμφίστομος*, because it had two teeth or flukes. Sometimes it had one only, and then had the epithet *ἑτεροστόμος*. The following expressions were used for the three principal processes in managing the anchor:

Ancoram solvere, *ἄγκυραν χαλᾶν*, to loose the anchor.

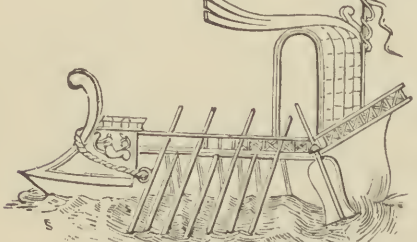
Ancoram jacere, *βάλλειν*, *ῥίπτειν*, to cast anchor.

Ancoram tollere, *αἴρειν*, *ἀναιρεῖσθαι*, *ἀνασπάσθαι*, to weigh anchor.

Hence *αἴρειν* by itself meant *to set sail*, *ἄγκυραν* being understood.

The qualities of a good anchor were *not to slip*, or lose its hold, and *not to break*, *i. e.*, to be *ἀσφαλῆ τε καὶ βέβαιαν*.[5]

The following figure, taken from a marble at Rome, shows the cable (*funis*) passing through a hole in the prow (*oculus*).



We may suppose the anchor to be lying on the deck, in the place indicated by the turn of the cable; and if the vessel be approaching the port, the steps taken will be as Virgil describes:

"*Obvertunt pelago proras; tum dente tenaci*
Ancora fundabat naves, et litora curvæ
Prætexunt puppes."[6]

And

"*Ancora de prora jacitur, stant litore puppes.*"[7]

The prow being turned towards the deep sea (*pelago*) and the stern towards the land, the latter extremity is fixed upon the shore (*stat litore*), so that the collected ships, with their *aplustria*, adorn it, as it were, with a fringe or border (*prætexta*). The prow remains in the deeper water, and therefore the anchor is thrown out to attach it to the ground (*fundare*).

When a ship was driving before the wind, and in danger of foundering upon shoals, its course would be checked by casting anchor from the stern. This was done when Paul was shipwrecked at Melite.[1] Four anchors were dropped on that occasion. Athenæus[2] mentions a ship which had eight iron anchors. The largest and strongest anchor, the "last hope" of the ship, was called *ἱερά*: and, as it was only used in the extremity of danger, the phrase "*sacram* anchoram solvere" was applied to all persons similarly circumstanced.

To indicate the place where the anchor lay, a bundle of cork floated over it, on the surface of the water,[3] being attached, probably, to the ring which, in the preceding figure, is seen fixed to the bottom of the shank; and we may conjecture that the rope tied to that ring was also used in drawing the fluke out of the ground previously to weighing anchor.

In the heroic times of Greece, it appears that anchors were not yet invented: large stones, called *εὐναί* (*sleepers*), were used in their stead.[4] Even in later times, bags of sand, and baskets filled with stones, were used in cases of necessity. According to Pliny,[5] the anchor was first invented by Eupalamus, and afterward improved by Anacharsis.

*ANDRAPHAX'YS (*ἀνδράφαξυς* or *ἀτράφαξυς*), an herb, the same with our *Atriplex hortensis*, according to Sprengel, Stackhouse, and Dierbach, who agree in this with the earlier commentators. All the ancient authorities, from Dioscorides to Macer, give it the character of an excellent pot-herb. It is still cultivated in some gardens as a culinary herb; its English name is *Orach*.[6]

*ANDRACH'NE, Purslane, or *Portulaca oleracea*, L.[7]

ΑΝΔΡΑΠΟΔΙΣ'ΜΟΥ or ΑΝΔΡΑΠΟΔΙΣ'ΕΩΣ ΓΡΑΦΗ (*ἀνδραποδισμοῦ* or *ἀνδραποδίσεως γραφή*) was an action brought before the court of the eleven (*οἱ ἕνδεκα*), against all persons who carried off slaves from their masters, or reduced free men to a state of slavery. The grammarians mention an oration of Antiphon on this subject, which has not come down to us.[8]

ΑΝΔΡΑΠΟ'ΔΩΝ ΔΙΚΗ (*ἀνδραπόδων δίκη*) was the peculiar title of the *διαδικασία* when a property in slaves was the subject of contending claims. The cause belonged to the class of *δίκαι πρός τινα*, and was one of the private suits that came under the jurisdiction of the thesmothetæ. It is recorded to have been the subject of a lost speech of Dinarchus,[9] and is clearly referred to in one still extant of Demosthenes.[10]

ANDREI'A. (*Vid.* SYSSITIA.)

*ANDRO'DAMAS, one of Pliny's varieties of hæmatite. (*Vid.* AIMATITHS.) It was of a black colour, of remarkable weight and hardness, and attracted silver, copper, and iron. When divested of its fabulous properties, it appears to have been magnetic oxide of iron.[11]

ANDROGEO'NIA (*Ἀνδρογεώνια*), a festival with games, held every year in the Ceramicus at Athens, in honour of the hero Androgeus, son of Minos, who had overcome all his adversaries in the festive

1. (Ovid, Fast., iii., 393.)—2. (Serv. in Æn., vii., 603; viii., 3.)—3. (Jul. Obsequens, De Prodig.—Liv., Epit., 68.)—4. (Æn., i., 169; vi., 3.)—5. (Heb., vi., 19.)—6. (Æn., vi., 3–5.)—7. (Æn., iii., 277; vi., 901.)

1. (Acts, xxvii., 29.)—2. (Athenæus, v., 43.)—3. (Paus., viii., 12.—Plin., H. N., xvi., 8.)—4. (See Il., i., 436; xiv., 77.—Od., ix., 137; xv., 498.—Apollon. Rhod., i., 1277.)—5. (vii., 57.)—6. (Dioscor., ii., 145.—Theophrast., H. P., i., 18.—Adams, Append., s. v.)—7. (Theophrast., H. P., i., 15; iii., 4, &c.—Dioscor., ii., 150.)—8. (Bekker, Anecdot. Gr., i., 352.)—9. (Pro Lysiclide.)—10. (c. Aphob., i., 821, l. 7.)—11. (Moore's Anc. Mineralogy, p. 131.)

games of the Panathenæa, and was afterward killed by order of Ægeus.[1] According to Hesychius, the hero also bore the name of Eurygyes (the possessor of extensive lands), and under this title games were celebrated in his honour, ὁ ἐπ' Εὐρυγύῃ ἀγών.

ANDROLEPSIA or ANDROLEPSION (ἀνδροληψία or ἀνδρολήψιον), the right of reprisals, a custom recognised by the international law of the Greeks, that, when a citizen of one state had killed a citizen of another, and the countrymen of the former would not surrender him to the relatives of the deceased, it should be lawful to seize upon three, and not more, of the countrymen of the offender, and keep them as hostages till satisfaction was afforded, or the homicide given up.[2] The trierarchs and the commanders of the ships of war were the persons intrusted with this office. The property which the hostages had with them at the time of seizure was confiscated, under the name of σῦλα or σύλαι.[3]

*ANDROSÆMON (ἀνδροσαιμον), a species of St. John's-wort, but not the *Hypericum androsæmum* of modern botanists. Such, at least, is the opinion of Sibthorp, who refers it to the *H. ciliatum*, Lam. Stephens and Matthiolus give it the French name of *Millepertuis*.[4]

*ANDROSACES (ἀνδρόσακες). Sprengel justly pronounces this the "crux exegetarum!" In his History of Botany he inclines to the opinion of Gonanus, that it is the *Madrepora acetabulum*, a zoophyte; a most improbable conjecture. But, in his edition of Dioscorides, he prefers the plant named *Olivia Androsace*, Brestol. The ἀνδρόσακες occurs in the Materia Medica of Dioscorides, Galen, Oribasius, and Paulus Ægincta.[5]

*ANEMONE (ἀνεμώνη), the Anemone or Windrose. Dioscorides describes three species: the first, which he calls ἥμερος, or cultivated, is, according to Sprengel, the *Anemone coronaria*; the second kind, denominated ἀγρία, or wild, is the *A. stellata*; the third kind, with dark leaves, is the *A. nemorosa*, or Wood Anemone. The cultivated kind was very variable in the colour of its flowers, these being either blue, violet, purple, or white, whereas the wild kind has merely a flower of purple hue. This may serve to explain the discrepance in the poetic legends respecting the origin of the anemone. According to one account,[6] it sprang from the tears shed by Venus for the loss of Adonis when slain by the wild boar; according to another,[7] from the blood of Adonis himself. The reference may be, in the one case, to the white flower of the wind-rose; in the other, to that of purple hue. The anemone has its name from the Greek term ἄνεμος, "wind." The cause of this name's having been given is differently stated. Pliny[8] says that the flower was so styled, because it never opens except when the wind blows; Hesychius,[9] because its leaves are quickly scattered by the wind. The best explanation, however, is the following: the blossoms of the anemone contain no distinct calyx, and are succeeded by a cluster of grains, each terminated by a long, silky, feathery tail. As the species generally grow on open plains, or in high, exposed situations, their feathery grains produce a singular shining appearance when waved by the breeze, and hence, no doubt, the name of the flower has originated, for it means, literally, "Wind-flower;" and this is the appellation actually bestowed upon it by the English.—Sibthorp found the anemone on Mount Parnassus.

*ANETHUM (ἄνηθον), the herb Anise or Dill. Sprengel makes the ἄνηθον of Dioscorides and Theophrastus the *Anethum graveolens*; but, according to Stackhouse, the ἄνηθον of Theophrastus is the *A hortense*, or Garden Dill.[1]

ANGOTHE'KE (ἀγγοθήκη). (*Vid.* Incitega.)

*ANGUILLA (ἔγχελυς), the *Muræna anguilla*, L., or Eel. (*Vid.* Conger and Muræna.) Volumes have been written respecting the mode of reproduction on the part of eels. Aristotle believed that they sprang from the mud; Pliny, from fragments which they separated from their bodies by rubbing them against the rocks; others of the ancient writers supposed that they came from the carcasses of animals. The truth is, that eels couple after the manner of serpents; that they form eggs, which, for the most part, disclose in their belly; and that in this case they are viviparous, after the manner of vipers.

*ANGUIS (ὄφις), the Snake. (*Vid.* Aspis, Draco, &c.)

ANGUSTICLA'VII. (*Vid.* Clavus.)

*ANI'SUM (ἄνισον) the *Pimpinella anison*, or Anise. It is described by Theophrastus, Dioscorides, Galen, and the other writers on the Materia Medica.

ANNA'LES (*i. e.*, annales libri, *year-books*) were records of the events of each year, which were kept by the chief pontiff (*pontifex maximus*) at Rome, from the commencement of the state to the time of the chief pontiff Publius Mucius Scævola (consul in 621 A.U.C., 133 B.C.). They were written on a white board (*album*), which the chief pontiff used to put in some conspicuous place in his house, that the people might have the opportunity of reading them. They were called *annales maximi*, or *annales pontificum maximorum*;[2] and the *commentarii pontificum* mentioned by Livy[3] are in all probability the same. These documents appear to have been very meager, recording chiefly eclipses, prodigies, and the state of the markets;[4] but they were the only historical records which the Romans possessed before the time of Fabius Pictor.[5] The greater part of those written before the burning of Rome by the Gauls, perished on that occasion; but some fragments seem to have escaped destruction.[6] This circumstance is a chief cause of the uncertainty of the early history of Rome.[7]

In process of time, individuals undertook to write portions of the Roman history, in imitation of the pontifical annals.[8] The first of these was Quintus Fabius Pictor, who lived during the second Punic War, and wrote the history of Rome from its foundation down to his own time.[9] Contemporary with him was Lucius Cincius Alimentus, whose annals embraced the same period.[10] Dionysius states that both Fabius and Cincius wrote in Greek; but it would seem that Fabius wrote in Latin also.[11] Marcius Porcius Cato, consul in 559 A.U.C., and afterward censor, wrote an historical work in seven books, which was called "Origines."[12] Aulus Postumius Albinus, consul in 603 A.U.C., wrote annals of the Roman history in Greek.[13] Lucius Calpurnius Piso Frugi, consul in 621 A.U.C., and afterward censor, wrote annals.[14] Quintus Valerius Antias (about 672 A.U.C.) is frequently cited by Livy, and contemporary with him was Caius Licinius Macer.[15] The Roman annalists were Lucius Cassius Hemina (A.U.C. 608), Quintus Fabius

1. (Diod. Sic., iv., 60, 61.)—2. (Harpocrat., s. v.—Demosth., c. Aristocrat., p. 647, l. 24.)—3. (*Vid.* Demosth., περὶ τοῦ Στεφ. τῆς Παραπρ., p. 1232, l. 5.)—4. (Dioscor., iii., 163.—Adams, Append., s. v.)—5. (Adams, Append., s. v.)—6. (Bion, Id., i., 86.)—7. (Ovid, Met., 10, 735, seqq.)—8 (H. N. 21, 23.)—9. (s. v. ἀνεμώνη.)

1. (Dioscor., iii., 60.—Theophrast., H. P., vii., 1.—Adams, Append., s. v.)—2. (Cic., de Orat., ii., 12.—Id., de Legg., i., 2.)—3. (vi., 1.)—4. (Cato in Aul. Gell., ii., 28.)—5. (Cic., de Legg., i., 2.)—6. (Liv., i., 6.—Cic., de Rep., i., 16.)—7. (Niebuhr, vol. i., p. 213.)—8. (Cic., de Orat., ii., 12.)—9. (Cic., de Legg., i., 2.—Polyb., i., 14; iii., 8, 9.—Dionys., i., 6; vii., 71.—Liv., i., 44; ii., 40.)—10. (Dionys., i., 6, 74.—Liv., vii., 3; xxi., 38.)—11. (Cic., de Orat., ii., 12.—Aul. Gell., x., 15.)—12. (Cic., de Orat., ii., 12.—De Legg., i., 2.—Liv., xxxix., 40.—Corn. Nep., Cato, c. 3.)—13. (Gell., xi., 8.—Cic., Brut., c. 21.—Macrob., Sat. Præm., i.; ii., 16.—Plutarch, Cat. Maj., c. 12.)—14. (Cic., de Or t., ii., 12.—Ep. ad Div., ix., 22.—Varro, de L. Lat., iv., 42.—Dionys., i., 38; iv., 7.)—15. (Cic., de Or., i., 2.—Liv., vii., 9.)

Maximus Servilianus (612), Caius Fannius (618), Caius Sempronius Tuditanus (625), Lucius Cœlius Antipater (631), Caius Sempronius Asellio (620), and, about the end of the same century, Publius Rutilius Rufus, Lucius Cornelius Sisenna, and Quintus Claudius Quadrigarius. Farther information concerning these writers will be found in Clinton's *Fasti Hellenici*, vol. iii.

The precise difference between the terms *annales* and *historia* is still a matter of discussion. Cicero says that the first historical writers among the Romans composed their works in imitation of the *annales maximi*, and merely wrote memorials of the times, of men, of places, and of events, without any ornament; and, provided that their meaning was intelligible, thought the only excellence of style was brevity;[1] but that, in history, ornament is studied in the mode of narration, descriptions of countries and battles are often introduced, speeches and harangues are reported, and a flowing style is aimed at.[2] Elsewhere he mentions history as one of the highest kinds of oratory, and as one which was as yet either unknown to, or neglected by, his countrymen.[3] Aulus Gellius[4] says that the difference between annals and history is, that the former observe the order of years, narrating under each year all the events that happened during that year. Servius[5] says that history (*ἀπὸ τοῦ ἱστορεῖν*) relates to events which have happened during the writer's life, so that he has, or might have, seen them; but annals to those things which have taken place in former times. The true distinction seems to be that which regards the annalist as adhering to the succession of *time*, while the historian regards more the succession of *events*; and, moreover, that the former relates bare facts in a simple, straightforward style, while the latter arranges his materials with the art of an orator, and traces the causes and results of the events which he records. (See a paper by Niebuhr in the *Rheinisches Museum*, ii., 2 p. 283, translated by Mr. Thirlwall in the *Philological Museum*, vol. ii., p. 661.)

ANNO'NA (from *annus*, like *pomona* from *pomum*) is used, 1. for the produce of the year in corn, fruit, wine, &c., and hence, 2. for provisions in general, especially for the corn which, in the latter years of the Republic, was collected in the storehouses of the state, and sold to the poor at a cheap rate in times of scarcity; and which, under the emperors, was distributed to the people gratuitously, or given as pay and rewards. 3. For the price of provisions. 4. For a soldier's allowance of provisions for a certain time. It is used also in the plural for yearly or monthly distributions of pay in corn, &c.[6] Similar distributions in money were called *annonæ ærariæ*.[7] In the plural it also signifies provisions given as the wages of labour.[8]

Annona was anciently worshipped as the goddess who prospered the year's increase. She was represented on an altar in the Capitol, with the inscription "Annonæ Sanctæ Ælius Vitalio," &c.,[9] as a female with the right arm and shoulder bare, and the rest of the body clothed, holding ears of corn in her right hand, and the cornucopia in her left.

ANNA'LIS LEX. (*Vid.* Ædiles, p. 25.)

AN'NULI. (*Vid.* Rings.)

AN'NUS. (*Vid.* Year.)

*ANO'NIS (*ἀνωνίς*), a plant. Stephens says its popular name is *Resta bovis, i. e.*, Rest-harrow. Modern botanists have accordingly given the name of *Anonis antiquorum* to the *Rest-harrow* of English herbalists.[10] The popular name is derived from the circumstance of this plant's stopping the plough, or harrow, in its progress, by its stringy roots.

1. (De Orat., ii., 12.)—2. (Orator., c. 20.)—3. (De Legg., i. 2.)—4. (v., 18.)—5. (in Æn., i., 373.)—6. (Cod. Just., .. tit. 48 x., tit. 16; xi., tit. 24.)—7. (Cod. Theodos., vii., tit. 4, s. 34, 35, 36.)—8. (Salmas. in Lamprid., Alex. Sev., c. 41.)—9. (Gruter, p. 8, n. 10.)—10. (Dioscor., iii., 17.—Adams, Append., s.v.)

ANQUI'SITIO. In criminal trials at Rome, the accuser was obliged, after the day for the trial (*dies dictio*) had been fixed, to repeat his charge three times against the accused, with the intervention of a day between each.[1] The *anquisitio* was that part of the charge in which the punishment was specified. The accuser could, during this repetition of the charge, either mitigate[2] or increase the punishment.[3] After the charge had been repeated three times, the proper bill of accusation (*rogatio*) was then first introduced. (*Vid.* Judicium.) Under the emperors, the term *anquisitio* lost its original meaning, and was employed to indicate an accusation in general;[4] in which sense it also occurs even in the times of the Republic.[5]

ANSA, the handle of any thing, more particularly of a cup or drinking-vessel; also, the handle of a rudder, called by us the tiller.[6] Ennius speaks of the ansa or handle of a spear: "*Hastis ansatis concurrunt undique telis.*"[7] "*Ansatas mittunt e turribus hastas.*"[8]

The ansa must have been different from the amentum of a spear. Perhaps it was a rest for the hand, fixed to the middle of the shaft, to assist in throwing it. On this supposition, the *hasta ansata* of Ennius was the same with the *μεσάγκυλον* or *δόρυ ἀγκυλητόν* of Greek authors.[9] Euripides calls the same weapons simply *ἀγκύλας*.[10]

Xenophon, speaking of the large arrows of the Carduchi, says that his soldiers used them as darts (*ἀκόντιοις*), by fixing the *ἀγκύλη* upon them (*ἐναγκυλῶντες*).[11] Plutarch[12] relates that Alexander the Great, observing one of his soldiers to be attaching the *ἀγκύλη* to his dart (*τὸ ἀκόντιον ἐναγκυλούμενον*), obliged him to leave the ranks, for preparing his arms at a moment when he ought to have had them ready for use. These authorities show that the *ἀγκύλη* was something fastened to the dart, about the middle of the shaft, before the engagement commenced. That it was crooked, or curved, may be concluded from the term itself; and, if so, it would agree with the Latin ansa, *a handle*, though not with amentum, which was a leather thong fastened to the same part of the lance. (*Vid.* Amentum.)

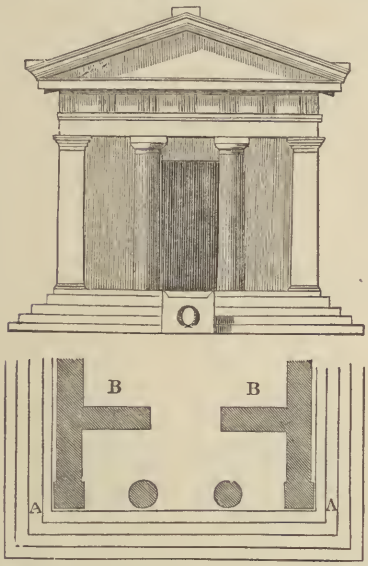
*ANSER (*χήν*), the Goose. Aristotle briefly describes two species, the Great and the Small gregarious goose.[13] The latter, no doubt, is the Brent Goose, or *Anas Bernicula*. The other cannot be satisfactorily determined; but it is not unlikely that it was the *Anas anser*. Dr. Trail, however, is inclined rather to think that it was the *Anas Ægyptiaca*, or Sacred Goose of Egypt.[14]

ANTÆ (*παραστάδες*), square pillars (*quadræ columnæ*, Nonius). They were commonly joined to the side walls of a building, being placed on each side of the door, so as to assist in forming the portico. These terms are seldom found except in the plural, because the purpose served by antæ required that, in general, two should be erected corresponding to each other, and supporting the extremities of the same roof. Their position, form, and use will be best understood from the following woodcut, in which A A are the antæ.

Vitruvius[15] describes the temple *in antis* (*ναὸς ἐν παραστάσι*) to be one of the simplest kind. It had, as he says, in front, antæ attached to the walls which enclosed the cella; and in the middle, between the antæ, two columns supporting the architrave. According to him,[16] the antæ ought to be of the same thickness as the columns. The three spaces (*intercolumnia*) into which the front of the

1. (Cic., pro. Dom., c. 17.)—2. (Liv., ii., 52.)—3. (Liv. xxvi., 3.)—4. (Tacit., Ann., iii., 12.)—5. (Liv., vi., 20; viii., 33.)—6. (Vitruv., x., 8.)—7. (Ap. Macrob., Saturn., vi., 1.)—8. (Ap. Nonium.)—9. (Athenæus, xi.—Eurip., Phœn., 1148.—Androm. 1133.—Schol. in loc.—Menander, p. 210, ed. Meineke.—Gell. x., 25.—Festus, s. v. Mefancilium.)—10. (Orest., 1477.)—11. (Anab., iv., 2, § 28.)—12. (Apophth.)—13 (Aristot., H. A., viii. 5.)—14. (Adams, Append., s. v.)—15. (iii. 1.)—16 (iv., 4.)

pronaos was divided by the two columns, were sometimes occupied by marble balustrades, or by some kind of rails, with doors or gates. The ruins of temples, corresponding to the description of Vitruvius, are found in Greece and Asia Minor; and we here exhibit as a specimen a restoration of the front of the temple of Artemis Propylæa at Eleusis, together with a plan of the pronaos:



A A, *the antæ*; B B, *the cella or ναός*: O, *the altar*.

An ancient inscription respecting the temple of Serapis at Puteoli, contains the following direction to add antæ to one of the walls: Ex. EO. PARIETE. ANTAS. DUAS. AD. MARE. VORSUM. PROJICITO. LONGAS. P. II. CRASSAS. P. I.

When Neoptolemus is attacked by Orestes in the vestibule of the temple at Delphi, he seizes the arms which were suspended by means of nails or pins from one of the antæ (*παρασττάδος κρεμαστά*[1]), takes his station upon the altar, and addresses the people in his own defence. In two other passages, Euripides uses the term by metonymy, to denote either the pronaos of a temple[2] or the vestibule of a palace;[3] *i. e.*, in each case the portico, or space enclosed between the antæ.[4]

From *parastas* came the adjective *parastaticus*, and hence we find *parastatica* employed as the term for a pilaster, which may be considered as the section of a square pillar attached to the wall of a building. The beams of a ceiling were laid upon three kinds of supports, viz., columns, antæ, and parastaticæ or pilasters.[5]

*ANTACÆ'US (*ἀντάκαιος*), a variety of the *Acipenser Huso*, or Isinglass Fish. This would appear to be the fish of whose name a poet in Athenæus complains that it was inadmissible into heroic verse.[6]

ANTEAMBULO'NES were slaves who were accustomed to go before their masters, in order to make way for them through the crowd.[7] They usually called out *date locum domino meo*; and if this were not sufficient to clear the way, they used their hands and elbows for that purpose. Pliny relates an amusing tale of an individual who was roughly handled by a Roman knight, because his slave had presumed to touch the latter in order to make way for his master.[1] The term *anteambulones* was also given to the clients, who were accustomed to walk before their patroni when the latter appeared in public.[2]

ANTECESSO'RES, called also ANTECURSO'RES, were horse-soldiers, who were accustomed to precede an army on march in order to choose a suitable place for the camp, and to make the necessary provisions for the army. They do not appear to have been merely scouts, like the *speculatores*.[3] This name was also given to the teachers of the Roman law.[4]

ANTECŒNA. (*Vid.* Cœna.)

ANTEFIXA, terra-cottas, which exhibited various ornamental designs, and were used in architecture to cover the frieze (*zophorus*) of the entablature.

These terra-cottas do not appear to have been used among the Greeks, but were probably Etrurian in their origin, and were thence taken for the decoration of Roman buildings. Festus describes them in the following terms: *Antefixa quæ ex opere figulino tectis adfiguntur sub stillicidio.*

The name *antefixa* is evidently derived from the circumstance that they were *fixed before* the buildings which they adorned; and the manner of fixing them, at least in many cases, appears from the remains of them still existing. At Scrofano, supposed to be the ancient Veii, they were found fastened to the frieze with leaden nails. At Velletri, formerly a city of the Volsci, they were discovered (*see the following woodcut*) with holes for the nails to pass through. They were formed in moulds, and then baked by fire, so that the number of them might be increased to any extent; and copies of the same design were no doubt frequently repeated on the same frieze. Of the great variety and exquisite beauty of the workmanship, the reader may best form an idea by inspecting the collection of them in the British Museum, or by studying the engravings and description of that collection published by Dr. Taylor Combe.

The two imperfect antefixa here represented are among those found at Velletri, and described by Carloni (*Roma*, 1785).

The first of them must have formed part of the upper border of the frieze, or, rather, of the cornice. It contains a panther's head, designed to serve as a spout for the rain-water to pass through in descending from the roof. Similar antefixa, but with comic masks instead of animals' heads, adorned the Temple of Isis at Pompeii.[5]

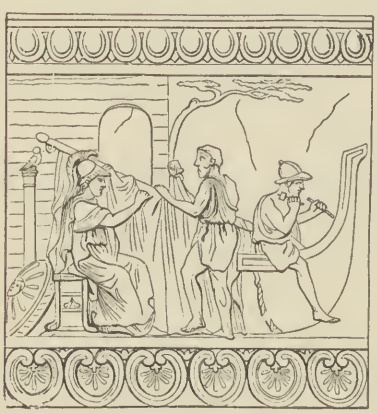
The second of the above specimens represents two men who have a dispute, and who come before the sceptre-bearing kings or judges to have their cause decided. The style of this bas-relief indicates its high antiquity, and, at the same time,

1. (Eurip., Androm., 1098.)—2. (Iph. in Taur., 1126.)—3. (Phœn., 427.)—4. (*Vid.* Cratini, Fragm., ed. Runkel, p. 16.—Xen., Hier., xi.—Schneider, Gr.-Deutsch. Handwörterbuch.—Id., Epim. in Xen., Mem., p. 277.—Id., in Vitruv., vi., 7, 1.)—5. (Vitruv., iv., 2, p. 94; v., i., p. 116, 117, ed. Schneider.—Plin., —iii., 15.)—6. (Athenæus, vii., p. 284, *e.*—Schweigh. in loc.; Ælian, N. A., xiv., 23.)—7 (Suet., Vesp., c. 2.)

1. (Ep. iii., 14, sub fin.)—2. (Martial, ii., 18; iii., 7; x, 74.) —3. (Hirt., Bell. Afr., 12, who speaks of speculatores et antecessores equitum.—Suet., Vitell., 17.—Cæs., B. G., v., 47.)—4 (Cod. I, tit. 17, s. 2, § 9 [illegible])—5. (Pompeii, Lond., 1836, vol. i. p. 281.)

proves that the Volsci had attained to considerable taste in their architecture. Their antefixa are remarkable for being painted: the ground of that here represented is blue; the hair of the six men is black or brown; their flesh red; their garments white, yellow, and red: the chairs are white. The two holes may be observed by which this slab was fixed upon the building.

Cato the Censor complained that the Romans of his time began to despise ornaments of this description, and to prefer the marble friezes of Athens and Corinth.[1] The rising taste which Cato deplored may account for the superior beauty of the antefixa preserved in the British Museum, which were discovered at Rome. A specimen of them is here given. It represents Minerva superintending the



construction of the ship Argo. The man with the hammer and chisel is Argus, who built the vessel under her direction. The pilot Tiphys is assisted by Zetes in attaching the sail to the yard. The borders at the top and bottom are in the Greek style, and are extremely elegant. Another specimen of these antefixa is given under the article ANTYX.

ANTENNA (*κεραία, κέρας*), the yard of a ship.

The ships of the ancients had a single mast in the middle, and a square sail, to raise and support which a transverse pole or yard was extended across the mast not far from the top. In winter the yard was let down, and lodged in the vessel or taken on shore. "*Effugit hybernas demissa antenna procellas.*"[2]

When, therefore, the time for leaving the port arrived, it was necessary to elevate the yard, to which the sail was previously attached. For this purpose a wooden hoop was made to slide up and down the mast, as we see it represented in an antique lamp, made in the form of a ship.[3] To the two extremities of the yard (*cornua, ἀκροκέραιαι*) ropes were attached, which passed over the top of the mast; and by means of these ropes, and the pulleys (*trochleæ*) connected with them, the yard and sail, guided by the hoop, were hoisted to a sufficient height. The sail was then unfurled, and allowed to fall to the deck of the vessel.[4]

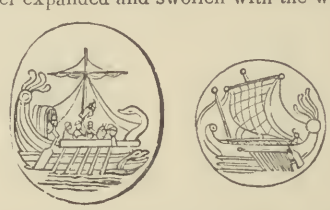
Cæsar informs us[5] that, in order to destroy the fleet of the Veneti, his soldiers made use of sharp sickles fastened to long poles. With these they cut the ropes (*funes*) by which the yard of each ship was suspended from the mast. The consequence was, that the yard, with the sail upon it, immediately fell, and the ship became unmanageable. These ropes appear to have been called in Greek *κεροῦχοι*, whence in Latin *summi ceruchi*.[6]

Besides the ropes already mentioned, two others hung from the horns of the antenna, the use of which was to turn it round as the wind veered, so as to keep the sail opposite to the wind. This operation is technically described by Virgil in the following line: "*Cornua velatarum obvertimus antennarum.*"[1] And more poetically where he uses *brachia* for *antennæ*, and adds, "*Una ardua torquent Cornua, detorquentque.*"[2]

When a storm arose, or when the port was attained, it was usual to lower the antenna (*demittere, καθέλεσθαι, ὑφίεναι*), and to reef the sail: "*Ardua jamdudum demittite cornua, rector Clamat, et antennis totum subnectite velum.*"[3]

Also before an engagement the antenna was lowered to the middle of the mast (*Antennis ad medium malum demissis.*[4]) We may observe that the two last-cited authors use *antennæ* in the plural for the yard of a single ship, probably because they considered it as consisting of two arms united in the middle.

From numerous representations of ships on antique coins, intaglios, lamps, and bas-reliefs, we here select two gems, both of which show the velata antenna, but with the sail reefed in the one, and in the other expanded and swollen with the wind.



The former represents Ulysses tied to the mast in order to effect his escape from the Sirens; it shows the *cornua* at the extremities of the yard, and the two *ceruchi* proceeding from thence to the top of the mast. Besides these particulars, the other gem represents also the ropes used for turning the antenna so as to face the wind.

ANTEPAGMEN'TA, doorposts, the jambs of a door.

The inscription quoted in the article ANTÆ contains also a direction to make jambs of silver fir (*antepagmenta abiegna*). Cato,[5] speaking of the construction of a farmhouse, mentions stone lintels and jambs (*jugumenta et antepagmenta ex lapide*). Vitruvius[6] gives minute instructions respecting the form and proportions of the antepagmenta in the doors of temples; and these are found, in general, to correspond with the examples preserved among the remains of Grecian architecture.[7] The common term for a doorpost is *postis*.

ANTESIGNA'NI appear to have been a body of troops, selected for the defence of the standard (*signum*), before which they were stationed.[8]

ANTESTA'RI. (*Vid.* ACTIO, p. 18.)

*ANTHE'MIS (*ἀνθεμίς*), a species of plant. (*Vid.* CHAMAIMELON.)

*ANTHE'MUM (*ἄνθεμον, -ος*, or *-ιον*), a species of plant, about which some uncertainty prevails. Adams is in favour of its being the genus *Matricaria*, or Wild Chamomile. Sprengel, however, refers the several species of this plant noticed by Theophrastus to the *Anthemis Cotta*. Stackhouse also is very unsatisfactory in his views on this subject.[9]

*ANTHE'RICUS (*ἀνθέρικος*), a plant. Sprengel, in the first edition of his R. H. H., compares the *Anthericus Græcus* with it, but in his second the *Asphodelus fistulosus*. Thiebault makes it to be the *Ornithogalum Pyrenaïcum*, and Stackhouse the *Aspho-*

1. (Liv., xxxiv., 4.)—2. (Ovid, Trist., III., iv., 9.)—3. (Bartoli, Lucern., iii., 31.—Compare Isid., Hisp. Orig., xx., 15.)—4. (Val. Flacc., iii., 317.—Ovid, Met., xi., 477.)—5. (B. G., iii., 14.)—6. (Lucan., viii., 177.—Val. Flacc., i., 469.)

1. (Æn., iii., 549.)—2. (Æn., v., 829, seqq.)—3. (Ovid, Met., xi., 483.)—4. (Hirt., De Bell. Alex., 45.)—5. (De Re Rust., xiv.)—6. (iv., 6.)—7. (*Vid.* Hirt, Baukunst nach den Grundsätzen der Alten, xvi.)—8. (Liv., iv., 37.—Cæs., Bell. Civ., iii. 75, 84.)—9. (Theophrast., H. P., i., 22; vii., 9–14.—Athæus, Append., s. v.)

uelus uteus. In a word, all is mere conjecture with regard to it, the description of it by Theophrastus being so imperfect.[1]

ANTHESPHORIA (Ἀνθεσφόρια), a flower-festival, principally celebrated in Sicily in honour of Demeter and Persephone, in commemoration of the return of Persephone to her mother in the beginning of spring. It consisted in gathering flowers and twining garlands, because Persephone had been carried off by Pluto while engaged in this occupation.[2] Strabo[3] relates that at Hipponium the women celebrated a similar festival in honour of Demeter, which was probably called anthesphoria, since it was derived from Sicily. The women themselves gathered the flowers for the garlands which they wore on the occasion, and it would have been a disgrace to buy the flowers for that purpose. Anthesphoria were also solemnized in honour of other deities, especially in honour of Juno, surnamed Ἀνθεία, at Argos,[4] where maidens, carrying baskets filled with flowers, went in procession, while a tune called ἐρᾰ́κιον was played on the flute. Aphrodite, too, was worshipped at Cnossus, under the name Ἀνθεία,[5] and has therefore been compared with Flora, the Roman deity, as the anthesphoria have been with the Roman festival of the *florifertum*.

ANTHESTE'RIA. (*Vid.* Dionysia.)

ANTHESTE'RION. (*Vid.* Calendar, Greek.)

*ANTH'IAS (ἀνθίας), a species of fish, the same with the *Labrus anthias*, L., or *Serranus anthias* of Cuvier. Its French name is *Barbier*. The ancients describe several species of this fish, one of which is the κάλλιχθυς.[6] Cuvier describes this as a most beautiful fish, of a fine ruby red, changing to gold and silver, with yellow bands on the cheek.[7]

*ANTHOS, a bird, which, according to Pliny, feeds on flowers, and imitates the neighing of a horse![8] Belon would have it to be the *Emberizza citrinella*, or Yellow Bunting, called in England the Yellow Hammer, and in France *Bruant*. This opinion, however, is somewhat doubtful, since Aristotle describes the *Anthos* as frequenting rivers, whereas the Yellow Hammer delights in trees.[9]

*AN'THRAX (ἄνθραξ), the Carbuncle. (*Vid.* Carbunculus.)

*ANTHRAK'ION, a species of carbuncle, found, according to Theophrastus, in the island of Chios. Beckmann[10] thinks that Theophrastus[11] means the well-known black marble of that island, which, from its resemblance to an extinguished coal, was designated ἀνθράκιον (from ἄνθραξ, "a coal"), just as the ruby took its name from one burning. He supposes, moreover, that of this marble were made the mirrors mentioned by Theophrastus; and that Pliny misinterprets him in stating that they were of the ἀνθράκιον of Orchomenus.[12]

*ANTHRE'NE (ἀνθρήνη), the Hornet, or *Vespa Crabro*, L. Its nest is called ἀνθρήνιον by Suidas.

*ANTHYLL'IS (ἀνθυλλίς), a species of plant. Sprengel agrees with Prosper Alpinus, that the first species of Dioscorides is the *Cressa Cretica;* and with Clusius, that the second is the *Ajuga Iva.* Linnæus would seem to countenance this opinion in regard to the first species, by giving it the name of *Cressa Anthyllis* in his *Gen. Plant.*[13]

ANTHYPOMOSIA. (*Vid.* Hypomosia.)

ANTID'OSIS (ἀντίδοσις), in its literal and general meaning, "an exchange," was, in the language of the Attic courts, peculiarly applied to proceedings under a law which is said to have originated with Solon.[1] By this, a citizen nominated to perform a leiturgia, such as a trierarchy or choregia, or to rank among the property-tax payers in a class disproportioned to his means, was empowered to call upon any qualified person not so charged to take the office in his stead, or submit to a complete exchange of property; the charge in question, of course, attaching to the first party, if the exchange were finally effected.[2] For these proceedings the courts were opened at a stated time every year by the magistrates that had official cognizance of the particular subject, such as the strategi in cases of trierarchy and rating to the property-taxes, and the archon in those of choregia; and to the tribunal of such an officer it was the first step of the challenger to summon his opponent.[3] It may be presumed that he then formally repeated his proposal, and that the other party stated his objections, which, if obviously sufficient in law, might perhaps authorize the magistrate to dismiss the case; if otherwise, the legal resistance, and preparations for bringing the cause before the dicasts, would naturally begin here. In the latter case, or if the exchange were accepted, the law directed the challenger to repair to the houses and lands of his antagonist, and secure himself, as all the claims and liabilities of the estate were to be transferred, from fraudulent encumbrances of the real property, by observing what mortgage placards (ὅροι), if any, were fixed upon it, and against clandestine removal of the other effects, by sealing up the chambers that contained them, and, if he pleased, by putting bailiffs in the mansion.[4] His opponent was at the same time informed that he was at liberty to deal in like manner with the estate of the challenger, and received notice to attend the proper tribunal on a fixed day to take the usual oath. The entries here described seem, in contemplation of law, to have been a complete effectuation of the exchange,[5] and it does not appear that primarily there was any legal necessity for a farther ratification by the dicasts; but, in practice, this must always have been required by the conflict of interests between the parties. The next proceeding was the oath, which was taken by both parties, and purported that they would faithfully discover all their property, except shares held in the silver mines at Laurion; for these were not rated to leiturgiæ or property taxes, nor, consequently, liable to the exchange. In pursuance of this agreement, the law enjoined that they should exchange correct accounts of their respective assets (ἀποφάσεις) within three days; but, in practice, the time might be extended by the consent of the challenger. After this, if the matter were still uncompromised, it would assume the shape and follow the course of an ordinary lawsuit (*Vid.* Dike), under the conduct of the magistrate within whose jurisdiction it had originally come. The verdict of the dicasts, when adverse to the challenged, seems merely to have rendered imperative the first demand of his antagonist, viz., that he should submit to the exchange, or undertake the charge in question; and as the alternative was open to the former, and a compromise might be acceded to by the latter at any stage of the proceedings, we may infer that the exchange was rarely, if ever, finally accomplished.[6] The irksomeness, however, of the sequestration, during which the litigant was precluded from the use of his own property, and disabled from bringing actions for embezzlement and the like against others (for his prospective reimbursement was reckoned a part of the sequestrated estate[7]), would invariably cause a speedy—perhaps,

1. (Theophrast., H. P., i., 4; viii., 13.—Adams, Append., s. v.)—2. (Pollux, Onom., i., 1, 37.)—3. (vi., p. 256.)—4. (Paus., ii., 22, § 1.)—5. (Hesych., s. v.)—6. (Athenæus, vii.; 16.—Aristot., H. A., vi., 17; ix., 2 et 37.—Ælian, N. A., i., 4; viii., 28; xii., 47.—Plin., H. N., ix., 58.)—7. (Adams, Append., s. v.)—8. (Plin., H. N., x., 42.)—9. (Aristot., H. A., ix., 5.—Adams, Append., s. v.)—10. (Hist. of Inv., vol. iii., p. 178.)—11. (Lith., c. 61.)—12. (Moore's Anc. Mineral. p. 79.)—13. (Dioscor., iii., 143.—Adams, Append. s. v.)

1. (Demosth. in Phænipp., init.)—2. (Böckh, Pub. Econ. of Athens, vol. ii., p. 369.)—3. (Demosth. in Phænipp., p. 1040.—Meier, Att. Process, p. 471; προσκαλεῖσθαί τινα εἰς ἀντίδοσιν Lysias, ὑπὲρ τοῦ Ἀδυνάτου, p. 745.)—4. (Demosth in Phænipp., p. 1040, seq.)—5. (Demosth. in Mid., p. 540; in Phænipp., p. 1041, 25.)—6. (Böckh, Econ. of Athens, vol. ii., p. 370.)—7. (Demosth. in Aphob., ii., p. 841; in Mid., p. 540.)

in most cases, a fair—adjustment of the burdens proportioned to the condition of a wealthy Athenian.

ANTIGRAPHE (*ἀντιγραφή*) originally signified the writing put in by the defendant, in all causes, whether public or private, in answer to the indictment or bill of the prosecutor. From this signification it was applied, by an easy transition, to the substance as well as the form of the reply, both of which are also indicated by *ἀντωμοσία*, which means primarily the oath corroborating the statement of the accused. Harpocration has remarked that antigraphe might denote, as antomosia does in its more extended application, the bill and affidavit of either party; and this remark seems to be justified by a passage of Plato.[1] Schömann, however, maintains[2] that antigraphe was only used in this signification in the case of persons who laid claim to an unassigned inheritance. Here neither the first nor any other claimant could appear in the character of a prosecutor; that is, no *δίκη* or *ἔγκλημα* could be strictly said to be directed by one competitor against another, when all came forward voluntarily to the tribunal to defend their several titles. This circumstance Schömann has suggested as a reason why the documents of each claimant were denoted by the term in question.

Perhaps the word "plea," though by no means a coincident term, may be allowed to be a tolerably proximate rendering of antigraphe. Of pleas there can be only two kinds, the dilatory, and those to the action. The former, in Attic law, comprehends all such allegations as, by asserting the incompetency of the court, the disability of the plaintiff, or privilege of the defendant and the like, would have a tendency to show that the cause in its present state could not be brought into court (*μὴ εἰσαγώγιμον εἶναι τὴν δίκην*): the latter, everything that could be adduced by way of denial, excuse, justification, and defence generally. It must be, at the same time, kept in mind, that the process called "special pleading" was at Athens supplied by the magistrate holding the anacrisis, at which both parties produced their allegations, with the evidence to substantiate them; and that the object of this part of the proceedings was, under the directions and with the assistance of the magistrate, to prepare and enucleate the question for the dicasts. The following is an instance of the simplest form of indictment and plea: "Apollodorus, the son of Pasion of Acharnæ, against Stephanus, son of Menecles of Acharnæ, for perjury. The penalty rated, a talent. Stephanus bore false witness against me when he gave in evidence the matters in the tablets. Stephanus, son of Menecles of Acharnæ. I witnessed truly when I gave in evidence the things in the tablet."[3] The pleadings might be altered during the anacrisis; but, once consigned to the echinus, they, as well as all the other accompanying documents, were protected by the official seal from any change by the litigants. On the day of trial, and in the presence of the dicasts, the echinus was opened, and the plea was then read by the clerk of the court, together with its antagonist bill. Whether it was preserved afterward as a public record, which we know to have been the case with respect to the *γραφή* in some causes,[4] we are not informed.

From what has been already stated, it will have been observed that questions requiring a previous decision would frequently arise upon the allegations of the plea, and that the plea to the action in particular would often contain matter that would tend essentially to alter, and, in some cases, to reverse the relative positions of the parties. In the first case, a trial before the dicasts would be granted by the magistrate whenever he was loath to incur the responsibility of decision; in the second, a cross-action might be instituted, and carried on separately, though perhaps simultaneously with the original suit. Cases, also, would sometimes occur, in which the defendant, from considering the indictment as an unwarrantable aggression, or, perhaps, one best repelled by attack, would be tempted to retaliate upon some delinquency of his opponent, utterly unconnected with the cause in hand, and to this he would be, in most cases, able to resort. An instance of each kind will be briefly given by citing the common *παραγραφή* as a cause arising upon a dilatory plea; a cross-action for assault (*δίκη αἰκίας*) upon a primary action for the same;[1] and a *δοκιμασία*, or "judicial examination of the life or morals" of an orator upon an impeachment for misconduct in an embassy (*παραπρεσβεία*).[2] All causes of this secondary nature (and there was hardly one of any kind cognizable by the Attic courts that might not occasionally rank among them) were, when viewed in their relation with the primary action, comprehended by the enlarged signification of antigraphe; or, in other words, this term, inexpressive of form or substance, is indicative of a repellant or retaliative quality, that might be incidental to a great variety of causes. The distinction, however, that is implied by antigraphe was not merely verbal and unsubstantial; for we are told, in order to prevent frivolous suits on the one hand, and unfair elusion upon the other, the loser in a paragraphe, or cross-action upon a private suit, was condemned by a special law to pay the *ἐπωβελία* (*vid.* EPOBELIA), ratable upon the valuation of the main cause, if he failed to obtain the votes of one fifth of the jury, and certain court fees (*πρυτανεῖα*) not originally incident to the suit. That there was a similar provision in public causes we may presume from analogy, though we have no authority to determine the matter.[3]

ANTIGRAPHEIS (*ἀντιγραφεῖς*) were public clerks at Athens, of whom there were two kinds. The first belonged to the *βουλή*: his duty was to give an account to the people of all the moneys paid to the state. (*Ὃς καθ' ἑκάστην πρυτανείαν ἀπελογίζετο τὰς προσόδους τῷ δήμῳ.*[4]) In the time of Æschines, the *ἀντιγραφεὺς τῆς βουλῆς* was *χειροτονήτος*;[5] but in later times he was chosen by lot.[6] The second belonged to the people, and his duty was to check the accounts of the public officers, such as the treasurers of the sacred moneys, of the war taxes, &c. (*Διττοὶ δὲ ἦσαν ἀντιγραφεῖς, ὁ μὲν τῆς διοικήσεως, ὁ δὲ τῆς βουλῆς.*[7])

ANTINOEI'A (*Ἀντινόεια*), annual festivals and quinquennial games, which the Roman emperor Hadrian instituted in honour of his favourite Antinous, after he was drowned in the Nile, or, according to others, had sacrificed himself for his sovereign, in a fit of religious fanaticism. The festivals were celebrated in Bithynia and at Mantinea, in which places he was worshipped as a god.[8]

*ANTIP'ATHES, the sort of Coral called *Antipathes fæniculaceum*, Pall.[9]

ANTIPHER'NA. (*Vid.* Dos.)

ANTIQUA'RII. (*Vid.* LIBRARII.)

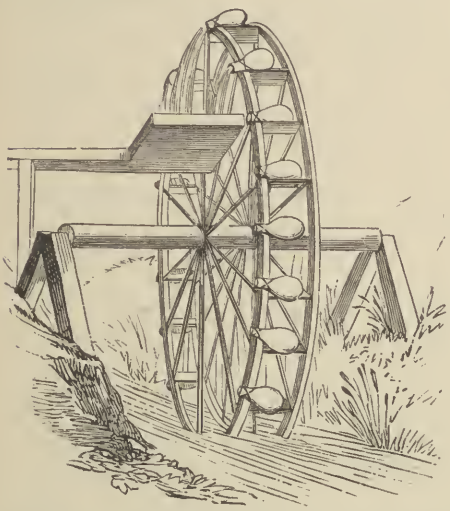
*ANTIRRH'INON (*ἀντίῤῥινον* or *ἀντίῤῥιζον*), a plant, which Sprengel makes the same with the *Antirrhinum Orontium*. Hardouin calls it by the French name of *Mufle de veau*, or Calf's Snout, but Stephens and Matthiolus by that of *Mouron violet*. Its ordinary name in English is *Snapdragon*.[10]

ANTLIA (*ἄντλια*), any machine for raising water; a pump.

1. (Apolog. Socr., p. 27, c.)—2. (Att. Process, p. 465.)—3. (Demosth. in Steph., i., 1115.)—4. (Diog. Laert., lii., c. 5, s. 19.)

1. (Demosth. in Ev. et Mnesib., p. 1153.)—2. (Æsch. in Timarch.)—3. (Meier, Att. Process, p. 652.)—4. (Æsch. adv Ctes., c. 11. p. 375.)—5. (Æsch., l. c.)—6. (Pollux, Onom., viii. 8, § 12.)—7. (Harpocrat., s. v.)—8. (Æl. Spartianus, Hadr., c 14.—Dion., lxix., 10.—Paus., vii., 9, § 4.)—9. (Dioscor., v, 146 —Adams, Append., s. v.)—10. (Theophras: , H. P., ix, 15.—Dioscor., iv., 131.—Adams, Append., s. v.)

The annexed figure shows a machine which is still used on the river Eissach, in the Tyrol, the ancient Athesis. As the current puts the wheel in motion, the jars on its margin are successively immersed and filled with water. When they reach the top, the centrifugal force, conjoined with their oblique position, sends the water sideways into a trough, from which it is conveyed to a distance, and chiefly used for irrigation. Thus, by the incessant action of the current itself, a portion of it is every instant rising to an elevation nearly equal to the diameter of the wheel.

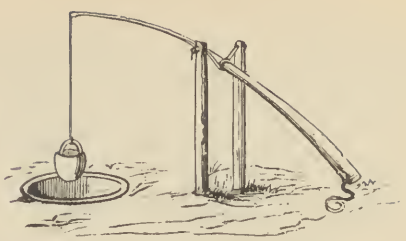


Lucretius[1] mentions a machine constructed on this principle: "*Ut fluvios versare rotas atque haustra videmus.*" The line is quoted by Nonius Marcellus,[2] who observes that the jars or pots of such wheels (*rotarum cadi*) are properly called "*haustra* ab hauriendo," as in Greek they are called *ἀντλια*.

In situations where the water was at rest, as in a pond or a well, or where the current was too slow and feeble to put the machine in motion, it was so constructed as to be wrought by animal force, and slaves or criminals were commonly employed for the purpose. Five such machines are described by Vitruvius, in addition to that which has been already explained, and which, as he observes, was turned *sine operarum calcatura, ipsius fluminis impulsu*. These five were: 1. the tympanum; a tread-wheel, wrought *hominibus calcantibus*: 2. a wheel resembling that in the preceding figure, but having, instead of pots, wooden boxes or buckets (*modioli quadrati*), so arranged as to form steps for those who trod the wheel: 3. the chain-pump: 4. the *cochlea*, or Archimedes's screw; and, 5. the *ctesibica machina*, or forcing-pump.[3]

Suetonius[4] mentions the case of a man of equestrian rank condemned to the antlia. The nature of the punishment may be conceived from the words of Artemidorus.[5] He knew a person who dreamed that he was constantly walking, though his body did not move; and another who dreamed that water was flowing from his feet. It was the lot of each to be condemned to the antlia (*εἰς ἄντλιαν καταδικασθῆναι*), and thus to fulfil his dream.

On the other hand, the antlia with which Martial[6] watered his garden was probably the pole and bucket universally employed in Italy, Greece, and Egypt. The pole is curved, as shown in the annexed figure; because it is the stem of a fir, or some other tapering tree. The bucket, being attached to



the top of the tree, bends it by its weight, and the thickness of the other extremity serves as a counterpoise. The great antiquity of this method of raising water is proved by representations of it in Egyptian paintings.[1]

ANTOMOSI'A (*ἀντωμοσία*), a part of the *ἀνάκρισις*, or preliminary pleadings in an Athenian lawsuit. The term was used of an oath taken by both parties; by the plaintiff, that his complaint was well-founded, and that he was actuated by no improper motives; and by the defendant, that his defence was true. It was also called *διωμοσία*. The oath might contain either the direct affirmative or negative, in which case it was called *εὐθυδικία*; or amount to a demurrer or *παραγραφή*. The *ἀντωμοσία* of the two parties correspond to our bills or declarations on the one side, and to the replies, replications, or rejoinders on the other. (*Vid.* ANTIGRAPHE.)

ANTYX (*ἄντυξ*), (probably allied etymologically to AMPYX) (*ἄμπυξ*), the rim or border of anything, especially of a shield or chariot.

The rim of the large round shield of the ancient Greeks was thinner than the part which it enclosed. Thus the ornamental border of the shield of Achilles, fabricated by Vulcan, was only threefold, the shield itself being sevenfold.[2] In another part of the Iliad,[3] Achilles sends his spear against Æneas, and strikes his shield *ἄντυγ' ὑπὸ πρώτην, i. e.*, "on the outermost border," where (it is added) the bronze was thinnest, and the thinnest part of the ox-hide was stretched over it. In consequence of the great size of this round shield, the extreme border (*ἄντυξ πυμάτη*[4]) touched the neck of the wearer above, and the lower part of his legs below. In the woodcut, in the article ANTEFIXA, we see the *ἄντυξ* on one side of Minerva's shield.

On the other hand, the *ἄντυξ* of a chariot must have been thicker than the body to which it was attached, and to which it gave both form and strength. For the same reason, it was often made double, as in the chariot of Juno (*Δοιαὶ δὲ περίδρομοι ἄντυγές εἰσι*[5]). In early times, it consisted of the twigs or flexible stem of a tree (*ὄρπηκες*[6]), which were polished and shaped for the purpose. Afterward, a splendid rim of metal formed the summit of the chariot, especially when it belonged to a person of wealth and rank.

In front of the chariot, the *ἄντυξ* was often raised above the body, into the form of a curvature, which served the purpose of a hook to hang the reins upon when the charioteer had occasion to leave his vehicle.[7] Hence Euripides says of Hippolytus, who had just ascended his chariot, *Μάρπτει δὲ χερσὶν ἡνίας ἀπ' ἄντυγος*[8].

On Etruscan and Greek vases, we often see the chariot painted with this appendage to the rim much elevated. The accompanying woodcut shows it in a simpler form, and as it appears in the ANTEFIXA, engraved in the work of Carloni, which has been already quoted.

By Synecdoche, *ἄντυξ* is sometimes used for a *chariot*, the part being put for the whole.[9] It is

1. (v., 317.)—2 (lib. *i.*)—3. (Vitruv., x., c. 4–7.—Drieberg, Pneum. Erfindungen der Griechen, p. 44–50.)—4. (Tiber., 51.)—5. (Oneirocritica, i., 50.)—6 (ix., 19.)

1. (Wilkinson, Manners and Cust. of Anc. Egypt., ii., 1–4.)—2. (Il., xviii., 479.)—3. (xx., 275.)—4. (Il., vi., 118.)—5. (Il., v. 728.)—6. (Il., xxi., 38.)—7. (Il., v., 262, 322.)—8. (1178.)—9 (Callim., Hymn. in Dian., 140.)

also used metaphorically, as when it is applied by Moschus[1] to the horns of the new moon, and by Euripides[2] to the frame of a lyre.

Likewise the orbits of the sun and planets, which were conceived to be circular, were called *ἀντυγες οὐρανίοι*. The orbit of Mars is so denominated in the Homeric Hymn to Mars;[3] and the zodiac, in an epigram of Synesius, descriptive of an astrolabe.[4] Alluding to this use of the term, a celebrated philosopher, having been appointed Prefect of Rome by the Emperor Julian, and having thus become entitled to ride in a chariot with a silver rim, laments that he was obliged to relinquish an ethereal for a silver *ἀντυξ*.[5]

APAGELOI (*ἀπάγελοι*), the name of those youths among the Cretans who had not reached their eighteenth year, and therefore did not belong to any *ἀγέλη*. (*Vid.* AGELE.) As these youths usually lived in their father's house, they were called *σαυτίοι*.[6]

APAGO'GE (*ἀπαγωγή*) a summary process, allowed in certain cases by the Athenian law. The term denotes not merely the act of apprehending a culprit caught *in ipso facto*, but also the written information delivered to the magistrate, urging his apprehension.[7] We must carefully distinguish between the *apagoge*, the *endeixis*, and the *ephegesis*. The *endeixis* was an information against those who took upon themselves some office, or exercised some right, for which they were by law disqualified; or those whose guilt was manifest, so that the punishment only, and not the fact, was to be determined. Pollux says that the *endeixis* was adopted when the accused was absent, the *apagoge* when he was present. Demosthenes distinguishes expressly between the *endeixis* and the *apagoge*.[8] When the complainant took the accused to the magistrate, the process was called *apagoge;* when he led the magistrate to the offender, it was called *ephegesis;* in the former case, the complainant ran the risk of forfeiting 1000 drachmæ if his charge was ill-founded.[9] The cases in which the *apagoge* was most generally allowed were those of theft, murder, ill-usage of parents, &c. The punishment in these cases was generally fixed by law; and if the accused confessed, or was proved guilty, the magistrate could execute the sentence at once, without appealing to any of the jury-courts; otherwise it was necessary that the case should be referred to a higher tribunal.[10] The magistrates who presided over the *apagoge* were generally the Eleven (*οἱ ἕνδεκα*[11]); sometimes the chief archon,[12] or the thesmothetæ.[13] The most important passage with regard to the *apagoge*[14] is unfortunately corrupt and unintelligible.[15] The complainant was said *ἀπάγειν τὴν ἀπαγωγήν*; the magistrates, when they allowed it, *παρεδέχοντο τὴν ἀπαγωγήν*.

*APARI'NE (*ἀπαρίνη*), a species of plant, the same with the *Lappa* of the Romans,[1] and now called *Cleavers*, *Clivers*, or *Goose-grass*. Sprengel, in the first edition of his R. H. H., holds it to be the *Arctium Lappa*, or Burdock; a mistake which he silently corrects in his edition of Dioscorides. According to Galen, it is the *φιλίστιον* and *φιλαιτέριον* of Hippocrates.[2]

*AP'ATE (*ἀπάτη*), the name of a plant occurring in Theophrastus.[3] Great diversity of opinion prevails, however, with respect to the proper reading; some making it *ἀπάπη*, and others *ἀφάκη*. Sprengel refers it to the *Leontodon Taraxacum*, or Dandelion; but Stackhouse hesitates between the *Taraxacum* and the *Hieracium* or *Hawkweed*.[4]

ΑΠΑΤΗ'ΣΕΩΣ *τοῦ δήμου γραφή*. (*Vid.* ΑΔΙΚΙΑΣ *πρὸς τὸν δῆμον γραφή*.)

APATU'RIA (*ἀπατούρια*) was a political festival which the Athenians had in common with all the Greeks of the Ionian name,[5] with the exception of those of Colophon and Ephesus. It was celebrated in the month of Pyanepsion, and lasted for three days. The origin of this festival is related in the following manner: About the year 1100 B.C., the Athenians were carrying on a war against the Bœotians, concerning the district of Cilænæ, or, according to others, respecting the little town of Œnoe. The Bœotian Xanthius or Xanthus challenged Thymœtes, king of Attica, to single combat; and when he refused, Melanthus, a Messenian exile of the house of the Nelids, offered himself to fight for Thymœtes, on condition that, if victorious, he should be the successor to Thymœtes. The offer was accepted; and when Xanthius and Melanthus began the engagement, there appeared behind Xanthius a man in the *τραγῆ*, the skin of a black she-goat. Melanthus reminded his adversary that he was violating the laws of single combat by having a companion, and while Xanthius looked around, Melanthus slew the *deceived* Xanthius. From that time the Athenians celebrated two festivals, the Apaturia, and that of Dionysus Melanægis, who was believed to have been the man who appeared behind Xanthius. This is the story related by the scholiast on Aristophanes.[6] This tradition has given rise to a false etymology of the name *ἀπατούρια*, which was formerly considered to be derived from *ἀπατᾶν*, to deceive. All modern critics, however,[7] agree that the name is composed of *ἀ=ἁμα* and *πατύρια*, which is perfectly consistent with what Xenophon[8] says of the festival: *Ἐν οἷς* (*ἀπατηρίοις*) *οἵ τε πατέρες καὶ οἱ συγγενεῖς ξύνεισι σφίσιν αὐτοῖς*. According to this derivation, it is the festival at which the phratriæ met, to discuss and settle their own affairs. But, as every citizen was a member of a phratria, the festival extended over the whole nation, who assembled *according to phratriæ*. Welcker,[9] on account of the prominent part which Dionysus takes in the legend respecting the origin of the Attic Apaturia, conceives that it arose from the circumstance that families belonging to the Dionysian tribe of the Ægicores had been registered among the citizens.

The first day of the festival, which probably fell on the eleventh of the month of Pyanepsion, was called *δορπία* or *δόρπεια*;[10] on which, every citizen went in the evening to the phratrium, or to the house of some wealthy member of his own phratria, and there enjoyed the supper prepared for him.[11] That

1. (ii., 88.)—2. (Hippol., 1135.)—3. (l. 8.)—4. (Brunck, Ant., ii., 449.)—5. (Themistius, Brunck, Anthol., ii., 404.)—6. (Schol. in Eurip., Alcest., 1009.)—7. (Suidas: *Ἀπαγωγὴ μήνυσις ἐγγράφος διδομένη τῷ ἄρχοντι περὶ τοῦ δεῖν ἀποχθῆναι τὸν δεῖνα.*)—8. (c. Timocr., p. 745, 29.)—9. (Demosth., c. Androt., p. 601, 20. *Ἐρρῶσαι, καὶ σαυτῷ πιστεύεις; ἀπαγε· ἐν χιλίαις δὲ ὁ κίνδυνος· ἀσθενέστερος εἶ; τοῖς ἄρχουσιν ἐφηγοῦ· τοῦτο ποιήσουσιν ἐκεῖνοι.*)—10. (Æsch., c. Timarch., c. 37.—Demosth., de Fals. Legat., 431. 7.)—11. (Demosth., c. Timocr., 736.—Lys. adv. Agorat., c. 85.)—12. (Æsch., c. Timarch., c. 64.)—13. (Demosth., c. Aristocr., 630, 16.)—14. (Lysias, c. Agorat., § 85, 86.)—15. *Vid.* Sluiter, Lect. Andocid., p. 254, &c.)

1. (Martyn in Virg., Georg., i., 153.)—2. (Dioscor., iii., 94.—Theophrast., H. P., vii., 8.—Adams, Append., s. v.)—3. (H. P., vii., 8.)—4. (Adams, Append., s. v.)—5. (Herod., i., 147.)—6. (Acharn., 146.)—7. (Müller, Dorians, i., 5, 4.—Welcker, Æschyl. Tril., p. 288.)—8. (Hellen., i., 7, § 8.)—9. (Anhang z. Trilog., p. 200.)—10. (Philyll. in Heracl., in Athen., iv., p. 171.—Hesych. et Suid., s. v.)—11. (Aristoph., Acharn., 146.)

the cup-bearers (*οἰνόπται*) were not idle on this occasion, may be seen from Photius.[1]

The second day was called Ἀνάῤῥυσις (*ἀναῤῥύειν*), from the sacrifice offered on this day to Zeus, surnamed *Φράτριος*, and to Athena, and sometimes to Dionysus Melanægis. This was a state sacrifice, in which all citizens took part. The day was chiefly devoted to the gods, and to it must, perhaps, be confined what Harpocration[2] mentions, from the Atthis of Istrus, that the Athenians at the apaturia used to dress splendidly, kindle torches on the altar of Hephæstus, and sacrifice and sing in honour of him. Proclus on Plato,[3] in opposition to all other authorities, calls the first day of the Apaturia Ἀνάῤῥυσις, and the second *δορπία*, which is, perhaps, nothing more than a slip of his pen.

On the third day, called *κουρεῶτις* (*κοῦρος*), children born in that year, in the families of the phratriæ, or such as were not yet registered, were taken by their fathers, or, in their absence, by their representatives (*κύριοι*), before the assembled members of the phratria. For every child, a sheep or goat was sacrificed. The victim was called *μεῖον*, and he who sacrificed it *μειαγωγός*, *μειαγωγεῖν*. It is said that the victim was not allowed to be below,[4] or, according to Pollux,[5] above a certain weight. Whenever any one thought he had reason to oppose the reception of the child into the phratria, he stated the case, and, at the same time, led away the victim from the altar.[6] If the members of the phratria found the objections to the reception of the child to be sufficient, the victim was removed; when no objections were raised, the father, or he who supplied his place, was obliged to establish by oath that the child was the offspring of free-born parents and citizens of Athens.[7] After the victim was sacrificed, the phratores gave their votes, which they took from the altar of Jupiter Phratrius. When the majority voted against the reception, the cause might be tried before one of the courts of Athens; and if the claims of the child were found unobjectionable, its name, as well as that of the father, was entered in the register of the phratria, and those who had wished to effect the exclusion of the child were liable to be punished.[8] Then followed the distribution of wine and of the victim, of which every phrator received his share; and poems were recited by the elder boys, and a prize was given to him who acquitted himself the best on the occasion.[9] On this day, also, illegitimate children, on whom the privileges of Athenian citizens were to be bestowed, as well as children adopted by citizens, and newly-created citizens, were introduced; but the last, it appears, could only be received into a phratria when they had previously been adopted by a citizen; and their children, when born by a mother who was a citizen, had a legitimate claim to be inscribed in the phratria of their grandfather, on their mother's side.[10] In later times, however, the difficulties of being admitted into a phratria seem to have been greatly diminished.

Some writers have added a fourth day to this festival, under the name of *ἐπίδδα*;[11] but this is no particular day of the festival, for *ἐπίδδα* signifies nothing else but a day subsequent to any festival.[12]

APELEUTHERŌI. (*Vid.* Liberti.)

*APER. (*Vid.* Kapros.)

APERTA NAVIS. (*Vid.* Aphractus.)

APEX, a cap worn by the flamines and salii at Rome. The use of it was very ancient, being reckoned among the primitive institutions of Numa.

1. (Lex., s. v. *Δορπία*.)—2. (s. v. *Λαμπάς*.)—3. (Tim., p. 21, *b*.) - 4. (Harpocrat., Suid., Phot., s. v. *Μεῖον*.)—5 (iii., 52.)—6. (Demosth., c Macart., p. 1054.)—7. (Isæus, de Hæred. Ciron., p 100. § 19.—Demosth., c. Eubul., p. 1315.)—8. (Demosth., c. Macart., p. 1078.)—9. (Plat., Tim., p. 21, *b*.)—10. (Platner, Beiträge, p. 168.)—11. (Hesych., s. v. Ἀπατούρια.—Simplicius in Aristot., Phys., iv., p 167, *a*.)—12. (*Vid.* Ruhnken, ad. Tim., Lex Plat., p. 119.)

"*Hinc ancilia, ab hoc apices, capidasque repertas.*"[1]

The essential part of the apex, to which alone the name properly belonged, was a pointed piece of olive-wood, the base of which was surrounded with a lock of wool. This was worn on the top of the head, and was held there either by fillets only, or, as was more commonly the case, by the aid of a cap, which fitted the head, and was also fastened by means of two strings or bands (*amenta*, *lora*[2]). These bands had, it appears, a kind of knot or button, called *offendix* or *offendiculum*.[3]

The flamines were forbidden by law to go into public, or even into the open air, without the apex. Sulpicius was deprived of the priesthood only because the apex fell from his head while he was sacrificing.[5]

Dionysius of Halicarnassus describes the cap as being of a conical form.[6] On ancient monuments we see it round as well as conical. From its various forms, as shown on bas-reliefs and on coins of the Roman emperors, who, as priests, were entitled to wear it, we have selected six for the annexed woodcut. The middle figure is from a bas-relief, showing one of the salii with the rod in his right hand. (*Vid.* Ancile.)

From apex was formed the epithet *apicatus*, applied to the flamen dialis by Ovid.[7]

*APH'ACE (ἀφάκη), a kind of pulse or vetch. Fuchsius and Matthiolus refer it to the *Vicia sepium*; Dalechamp to the *Vicia angustifolia*; Dodonæus and Stackhouse to the *Lathyrus aphace*. To this last Sprengel refers it in the first edition of his R. H. H., but in his edition of Dioscorides he hesitates as to whether it was the *Vicia Bithynica*, the *V. lutea*, or the *V. hybrida*.[8]

*APHAR'CE (ἀφάρκη), a plant mentioned by Theophrastus,[9] which Stackhouse suggests may be the *Rhamnus alaternus*, or Evergreen Privet. Sprengel, however, is in favour of the *Philyrea angustifolia*. Schneider remarks, that some of the characters given by Theophrastus are wanting in the *Philyrea*.[10]

ΑΦΕΤΟΙ ΗΜΕΡΑΙ (*ἀφετοὶ ἡμέραι*) were the days, usually festivals, on which the *βουλή* did not meet at Athens.[11]

*APHIA (*ἀφία*), a plant mentioned by Theophrastus, but of which nothing can be made satisfactorily, in consequence of the short notice given by him. Stackhouse suspects that it may be a false reading for *ἀρία*. In another place he suggests that it may be the *Caltha palustris*, or Marsh Marigold.[12]

1. (Lucilius, Sat. ix.—Compare Virgil, Æn., viii., 663.)—2. (Serv. in Virg., l c.)—3. (Festus, s. v. Offendices.)—4. (Scaliger in Fest., s. v. Apiculum.)—5. (Val. Max., i., 1.)—6. (Ant. Rom., ii.)—7. (Fast., iii., 369.)—8. (Dioscor., ii., 177.—Theophrast., H. P., viii., 8.—Adams, Append., s. v.)—9. (H. P., i. 9; vii., 3, &c.)—10. (Adams, Append., s. v.)—11. (Pollux, viii 95.—Demosth., c. Timocr., c 7, p. 708.—Xen., Rep. Athen. iii., 2, 8.—Aristoph., Thesmoph 79, 80.)—12. (Theophrast., H P., vii., 8.—Adams, Append., s

APHLASTON. (*Vid.* APLUSTRE.)

ΑΦΟΡΜΗΣ ΔΙΚΗ (*ἀφορμῆς δίκη*) was the action brought against a banker or money-lender (*τραπεζίτης*) to recover funds advanced for the purpose of being employed as banking capital. Though such moneys were also styled *παρακαταθήκαι*, or deposites, to distinguish them from the private capital of the banker (*ἰδία ἀφορμή*), there is an essential difference between the actions *ἀφορμῆς* and *παρακαταθήκης*, as the latter implied that the defendant had refused to return a deposite intrusted to him, not upon the condition of his paying a stated interest for its use, as in the former case, but merely that it might be safe in his keeping till the affairs of the plaintiff should enable him to resume its possession in security.[1] The former action was of the class *πρός τινα*, and came under the jurisdiction of the thesmothetæ. The speech of Demosthenes in behalf of Phormio was made in a *παραγραφή* against an action of this kind.

APHRACTUS (*ἄφρακτος ναῦς*), called also *navis aperta*, a ship which had no deck, but was merely covered with planks in the front and hinder part, as is represented in the following cut, taken from a coin of Corcyra.

The ships which had decks were called *κατάφρακτοι* and *tectæ* or *stratæ*.[2] At the time of the Trojan war, the Greek ships had no decks,[3] but were only covered over in the prow and stern, which covering Homer calls the *ἰκρία νηός*. Thus Ulysses, when preparing for combat with Scylla, says, Εἰς *ἴκρια νηὸς ἔβαινον* Πρώρης.[4] Even in the time of the Persian war, the Athenian ships appear to have been built in the same manner, since Thucydides expressly says that "these ships were not yet entirely decked."[5]

APHRODISIA (*Ἀφροδίσια*) were festivals celebrated in honour of Aphrodite in a great number of towns in Greece, but particularly in the island of Cyprus. Her most ancient temple was at Paphos, which was built by Aërias or Cinyras, in whose family the priestly dignity was hereditary.[6] No bloody sacrifices were allowed to be offered to her, but only pure fire, flowers, and incense;[7] and, therefore, when Tacitus[8] speaks of victims, we must either suppose, with Ernesti, that they were killed merely that the priests might inspect their intestines, or for the purpose of affording a feast to the persons present at the festival. At all events, however, the altar of the goddess was not allowed to be polluted with the blood of the victims, which were mostly he-goats. Mysteries were also celebrated at Paphos in honour of Aphrodite; and those who were initiated offered to the goddess a piece of money, and received in return a measure of salt and a phallus. In the mysteries themselves, they received instructions *ἐν τῇ τέχνῃ μοιχικῇ*. A second or new Paphos had been built, according to tradition, after the Trojan war, by the Arcadian Agapenor; and, according to Strabo,[1] men and women from other towns of the island assembled at New Paphos, and went in solemn procession to Old Paphos, a distance of sixty stadia: and the name of the priest of Aphrodite, *ἀγήτωρ*,[2] seems to have originated in his heading this procession. Aphrodite was worshipped in most towns of Cyprus, and in other parts of Greece, such as Cythera, Sparta, Thebes, Elis, &c.; and though no Aphrodisia are mentioned in these places, we have no reason to doubt their existence: we find them expressly mentioned at Corinth and Athens, where they were chiefly celebrated by the numerous prostitutes.[3] Another great festival of Aphrodite and Adonis, in Sestus, is mentioned by Musæus.[4]

*APIASTELLUM, the herb *Crow-foot*, *Gold Knap*, or *Yellow Craw*. It is the same with the *Batrachium* and *Apium rusticum*.[5] This same name is also applied sometimes to the *Briony*. Humelbergius, however, thinks that in this latter case. *Apiastellum* is corrupted from *Ophiostaphyle*, which last is enumerated by Dioscorides among the names of the *Briony*.[6]

*APIASTER, the Bee-eater, a species of bird. (*Vid.* MEROPS.)

*APIASTRUM. (*Vid.* MELISSOPHYLLUM.)

*ΑΠΙΟΝ (*ἄπιον*), the *Pyrus communis*, or Pear-tree.[7] (*Vid.* PYRUS.)

*ΑΠΙΟΣ (*ἄπιος*), a species of Spurge, the *Euphorbia apios*.[8]

*APIS (*μελίσσα* or *-ίττα*), the Bee. "The natural history of the common hive-bee (*Apis mellifica*) is so remarkable, that it need not excite surprise that the ancients were but imperfectly acquainted with it. Among the earliest of the observers of the bee may be enumerated Aristotle[9] and Virgil,[10] as also Aristomachus of Soli in Cilicia, and Philiscus the Thasian. Aristomachus, we are told by Pliny, attended solely to bees for fifty-eight years; and Philiscus, it is said, spent the whole of his time in forests, investigating their habits.[11] Both these observers wrote on the bee. Aristotle notices several other species besides the honey-bee, but in so brief a manner that they cannot be satisfactorily determined." The bee plays an important part among the religious symbols of antiquity, and there appears, according to some inquirers, a resemblance more than accidental between its Latin name and that of the Egyptian *Apis*.[12]

*ΑΠΙΟΝ (*σέλινον*), a well-known plant. Theophrastus speaks of several sorts: the *σέλινον ἥμερον*, which is generally thought to be our common *Parsley*; the *ἱππουρίς*, which seems to be what is now called *Alesanders*; the *ἐλειοσέλινον*, *Wild Celery* or *Smallage*; and the *ὀρεοσέλινον*, or Mountain-parsley. Virgil is generally thought by *Apium* to mean the first sort, that being principally cultivated in gardens. Martyn, however, thinks he means the *Smallage*, which delights in the banks of rivulets, and hence the language of the poet, "*viridis apio ripæ*," and "*potis gauderent rivis*." Fée also makes the Apium of Virgil the same with the *Apium graveolens*, L., or *ἐλειοσέλινον*. Our celery is that variety of the *A. graveolens* which is called *dulce* by Miller. The wild species has a bitter, acrid taste, and is unfit to eat.—According to the generality of writers, the term *apium* comes from *apis*, because bees are fond of this plant. A much better derivation, however, is from the Celtic *apon*,

1. (Herald., Animadv. in Salm., 182.)—2. (Compare Cic., Att., v., 11, 12, 13; vi., 8.—Liv., xxxi., 22.—Hirt., Bell. Alex., 11. 13.—Cæs., Bell. Civ., i., 56.—"Atque contexerant, ut essent ab ictu telorum remiges tuti," ii., 4.—Polyb., i., 26., § 15.)—3. (Οὐδὲ *τὰ πλοῖα κατάφρακτα ἔχοντας*, Thucyd., i., 10.)—4. (Od., xii., 229.)—5. (*οὔπω εἶχον διὰ πάσης καταστρώματα* Thucyd., i., 14.—*Vid.* Scheffer, de Militia Navali, ii., c. 5, p. 130.)—6. (Tacit., Hist., ii., 3.—Annal., iii., 62.)—7. (Virg., Æn., i., 116.)—8. (Hist., ii., 3.)

1. (xiv., p. 244, ed. Tauchnitz.)—2. (Hesych., s. v.)—3. (Athenæus, xiii., p. 574, 579; xiv., p. 659.)—4. (Hero et Leand., 42.)—5. (Apul., de Herb., c. 8.)—6. (Dioscor., v., 184.—Humelberg. in loc.)—7. (Dioscor., i., 167.)—8. (Dioscor., iv., 174.)—9. (H. A., v., 19.)—10. (Georg., iv.)—11. (Plin., H. N., xi., 9.)—12. (Creuzer, Symbolik, ii., 183; iii., 354; iv., 391. &c.)

"water." The French term *ache* comes from *aches*, in the same language, signifying "a brook."

APLUSTRE (ἄφλαστον), an ornament of wooden planks, which constituted the highest part of the poop of a ship.

The position of the aplustre is shown in the representations of ancient vessels in the articles ANCHORA and ANTENNA. The forms there exhibited show a correspondence in the general appearance and effect between the aplustre which terminated the stern, and the ἀκροστόλιον which advanced towards it, proceeding from the prow. (*Vid.* ACROSTOLION.) At the junction of the aplustre with the stern, on which it was based, we commonly observe an ornament resembling a circular shield: this was called ἀσπιδεῖον or ἀσπιδίσκη. It is seen on the two aplustria here represented.

In the history of the Argonautic expedition, a bird is described which perches on the aplustre of the ship Argo, and delivers oracular counsel.[1] Afterward, the extremities of this appendage to the stern are smashed by the collision of the Symplegades, while the body of the vessel narrowly escapes on its passage between those islands.[2]

In the battle at the ships related by Homer,[3] as they had their poops landward, and nearest to the Trojans, Hector takes a firm hold of one by its aplustre, while he incites his followers to bring fire and burn them. After the battle of Marathon, some similar incidents are mentioned by Herodotus,[4] especially the distinguished bravery of Cynægirus, brother of the poet Æschylus, who, having seized the aplustre of a Persian ship, had his hand cut off by a hatchet. In these cases we must suppose the aplustre to have been directed, not towards the centre of the vessel, but in the opposite direction.

The aplustre rose immediately behind the gubernator, who held the rudder and guided the ship, and it served in some degree to protect him from the wind and rain. The figure introduced in the article ANCHORA shows that a pole, spear, or standard (στηλίς, στυλίς) was sometimes erected beside the aplustre, to which a fillet or pennon (ταινία) was attached. This served both to distinguish and adorn the vessel, and also to show the direction of the wind. In the figure of a ship, sculptured on the column of Trajan, we see a lantern suspended from the aplustre so as to hang over the deck below the gubernator. In like manner, when we read in Virgil,[5] "*Puppibus et læti nautæ imposuere coronas*," we must suppose the garlands, dedicated to the domestic or marine divinities, and regarded as symbols of a prosperous voyage, to be attached to the aplustria; and to these and similar decorations, expressive of joy and hope, Gregory Nazianzen appears to allude in the phrase ἄνθεα πρύμνης,[1] and Apollonius Rhodius[2] in the expression ἀφλάστοιο κόρυμβα.

It is evident that the aplustre, formed of comparatively thin boards, and presenting a broad surface to the sky, would be very apt to be shaken by violent and contrary winds. Hence Rutilius, describing a favourable gale, says: "*Inconcussa vehit tranquillus aplustria flatus; Mollia securo vela rudente tremunt.*"

In consequence of its conspicuous position and beautiful form, the aplustre was often taken as the emblem of maritime affairs. It was carried off as a trophy by the conqueror in a naval engagement. Juvenal[3] mentions it among the decorations of a triumphal arch.

Neptune, as represented on gems and medals, sometimes holds the aplustre in his right hand; and

in the celebrated Apotheosis of Homer, now in the British Museum, the female who personates the Odyssey exhibits the same emblem in reference to the voyages of Ulysses.

APOB'ATE (ἀπο βάτης). (*Vid.* DESULTORES.)

APOKER'YXIS (ἀποκήρυξις) implies the method by which a father could at Athens dissolve the legal connexion between himself and his son. According to the author of the declamation on the subject (Ἀποκηρυττόμενος), which has generally been attributed to Lucian, substantial reasons were required to ensure the ratification of such extraordinary severity. Those suggested in the treatise referred to are, deficiency in filial attention, riotous living, and profligacy generally. A subsequent act of pardon might annul this solemn rejection; but if it were not so avoided, the son was denied by his father while alive, and disinherited afterward. It does not, however, appear that his privileges as to his tribe or the state underwent any alteration. The court of the archon must have been that in which causes of this kind were brought forward, and the rejection would be completed and declared by the voice of the herald. It is probable that an adoptive father also might resort to this remedy against the ingratitude of a son.[4]

APOCHEIROT'ONEIN (ἀποχειροτονεῖν). (*Vid.* ARCHAIRESIA.)

*APO'CYNON (ἀπόκυνον), a species of plant, which Matthiolus informs us he long despaired of discovering; but that, at last, he was presented with a specimen of a plant which he was satisfied was it. He refers to the *Cynanchus erectus*, L. Dodonæus confounds it with the *Periploca*, to which, as Miller remarks, it bears a striking resemblance. Stephens describes it as being frequent in Burgundy, having an ivy leaf, white flower, and fruit like a bean.[5]

1 (Apollon. Rhod., i. 1089.)—2. (Apollodor., i., 9, 22.—Apollon Rhod., ii., 601.—Val. Flacc. iv.)—3. (Il., xv., 716.)—4. (vi., 14.)—5. (Georg., i., 304.—Æn., iv., 418.)

1. (Carm. x., 5.)—2. (l. c.)—3. (x., 135.)—4. (Demosth. in Spud. 1029.—Petit., Leg. Att., 235.)—5. (Dioscor., iv., 91.—Ad[illegible] [illegible]end., s. v.)

APODEC'TÆ (*ἀποδέκται*) were public officers at Athens, who were introduced by Cleisthenes in the place of the ancient colacretæ (*κωλακρέται*). They were ten in number, one for each tribe, and their duty was to collect all the ordinary taxes, and distribute them to the separate branches of the administration which were entitled to them. They had the power to decide causes connected with the subjects under their management; though, if the matters in dispute were of importance, they were obliged to bring them for decision into the ordinary courts.[1]

APOG'RAPHE *ἀπογραφή*) is, literally, a "list or register;" but, in the language of the Attic courts, the terms *ἀπογράφειν* and *ἀπογράφεσθαι* had three separate applications: 1. *Ἀπογραφή* was used in reference to an accusation in public matters, more particularly when there were several defendants; the denunciation, the bill of indictment, and enumeration of the accused, would in this case be termed apographe, and differ but little, if at all, from the ordinary graphe.[2] 2. It implied the making of a solemn protest or assertion before a magistrate, to the intent that it might be preserved by him till it was required to be given in evidence.[3] 3. It was a specification of property, said to belong to the state, but actually in the possession of a private person; which specification was made with a view to the confiscation of such property to the state.[4]

The last case only requires a more extended illustration. There would be two occasions upon which it would occur: first, when a person held public property without purchase, as an intruder; and, secondly, when the substance of an individual was liable to confiscation in consequence of a judicial award, as in the case of a declared state debtor. If no opposition were offered, the *ἀπογραφή* would attain its object, under the care of the magistrate to whose office it was brought; otherwise a public action arose, which is also designated by the same title.

In a cause of the first kind, which is said in some cases to have also borne the name *πόθεν ἔχει τὰ χρήματα καὶ πόσα ταῦτα εἴη*, the claimant against the state had merely to prove his title to the property; and with this we must class the case of a person that impugned the *ἀπογραφή*, whereby the substance of another was, or was proposed to be, confiscated, on the ground that he had a loan by way of mortgage or other recognised security upon a portion of it; or that the part in question did not in any way belong to the state debtor, or person so muleted. This kind of opposition to the *ἀπογραφή* is illustrated in the speech of Demosthenes against Nicostratus, in which we learn that Apollodorus had instituted an *ἀπογραφή* against Arethusius, for non-payment of a penalty incurred in a former action. Upon this, Nicostratus attacks the description of the property, and maintains that three slaves were wrongly set down in it as belonging to Arethusius, for they were, in fact, his own.

In the second case, the defence could, of course, only proceed upon the alleged illegality of the former penalty; and of this we have an instance in the speech of Lysias for the soldier. There Polyænus had been condemned by the generals to pay a fine for a breach of discipline; and, as he did not pay it within the appointed time, an *ἀπογραφή* to the amount of the fine was directed against him, which he opposes, on the ground that the fine was illegal. The *ἀπογραφή* might be instituted by an Athenian citizen; but if there were no private prosecutor, it became the duty of the demarchi to proceed with it officially. Sometimes, however, extraordinary commissioners, as the *συλλογεῖς* and *ζητηταί*, were appointed for the purpose. The suits instituted against the *ἀπογραφή* belonged to the jurisdiction of the Eleven, and, for a while, to that of the Syndici.[1] The farther conduct of these causes would, of course, in a great measure, depend upon the claimant being or not being in possession of the proscribed property. In the first case the *ἀπογράφων*, in the second the claimant, would appear in the character of a plaintiff. In a case like that of Nicostratus above cited, the claimant would be obliged to deposite a certain sum, which he forfeited if he lost his cause (*παρακαταβολή*); in all, he would probably be obliged to pay the costs or court fees (*πρυτανεῖα*) upon the same contingency.

A private citizen, who prosecuted an individual by means of *ἀπογραφή*, forfeited a thousand drachmæ if he failed to obtain the votes of one fifth of the dicasts, and reimbursed the defendant his prytaneia upon acquittal. In the former case, too, he would probably incur a modified atimia, *i. e.*, a restriction from bringing such actions for the future.

ΑΠΟΛΕΙ'ΨΕΩΣ ΔΙ'ΚΗ (*ἀπολείψεως δίκη*). The laws of Athens permitted either the husband or the wife to call for and effect a separation. If it originated with the wife, she was said to leave her husband's house (*ἀπολείπειν*); if otherwise, to be dismissed from it (*ἀποπεμπέσθαι*). The dismissal of the wife seems to have required little, if any, formality; but, as in one instance we find that the husband called in witnesses to attest it, we may infer that their presence upon such an occasion was customary, if not necessary.[2] If, however, it was the wife that first moved in the matter, there were other proceedings prescribed by a law of Solon; and the case of a virtuous matron like Hipparete, driven, by the insulting profligacy of her husband Alcibiades, to appear before the archon sitting in his court, and there relate her wrongs and dictate their enrolment, must have been trying in the extreme. No *κύριος* was permitted to speak for her upon this occasion; for, until the separation was completed, her husband was her legal protector, and her husband was now her opponent.[3] Whether the divorce was voluntary or otherwise, the wife resorted to the male relative, with whom she would have remained if she had never quitted her maiden state; and it then became his duty to receive or recover from her late husband all the property that she had brought to him in acknowledged dowry upon their marriage. If, upon this, both parties were satisfied, the divorce was complete and final; if otherwise, an action *ἀπολείψεως* or *ἀποπέμψεως* would be instituted, as the case might be, by the party opposed to the separation. In this the wife would appear by her representative, as above mentioned; but of the forms of the trial and its results we have no information.

APOLLO'NIA (*Ἀπολλώνια*) is the name of a propitiatory festival solemnized at Sicyon in honour of Apollo and Artemis, of which Pausanias[4] gives the following account: Apollo and Artemis, after the destruction of the Python, had wished to be purified at Sicyon (*Ægialea*); but, being driven away by a phantom (whence, in aftertimes, a certain spot in the town was called *φόβος*), they proceeded to Carmanos in Crete. Upon this, the inhabitants of Sicyon were attacked by a pestilence, and the seers ordered them to appease the deities. Seven boys and the same number of girls were ordered to go to the river Sythas, and bathe in its waters; then to carry the statues of the two deities into the Temple of Peitho, and thence back to that of Apollo. Similar rites, says Pausanias, still continue to be observed; for, at the festival of Apollo, the boys go to the river Sythas, and carry the two deities into

1. (Pollux, Onom., viii., 97.—Etymolog. Mag.—Harpocrat.—Aristot., Pol., vi., 5, 4.—Demosth., c. Timocr., p. 750, 762.—Æsch., c. Ctes., p. 375.)—2. (Andoc., De Myst., 13.—Antiph., De Choreut., 783.)—3. (Demosth in Phænipp., 1040.)—4. (Lysias, De Aristoph. Bonis.)

1. (*Πρὸς τοῖς συνδίκοις ἀπογραφὰς ἀπογράφων* Lycurg., quoted by Harpocration.)—2. (Lysias in Alcib. 541 l. 7.)—3. (Plut. in Alc.)—4. (ii., 7, § 7.)

the Temple of Peitho, and thence back to that of Apollo.

Although festivals under the name of Apollonia, in honour of Apollo, are mentioned in no other place, still it is not improbable that they existed under the same name in other towns of Greece.

APOMOSʹIA (*ἀπωμοσία*) denoted the affidavit of the litigant who impugned the allegations upon which the other party grounded his petition for postponement of the trial. (*Vid.* Hypomosia.) If it were insisted upon, it would lead to a decision of the question of delay by the court before which the petition was preferred.[1]

ΑΠΟΠΕΜΨʹΕΩΣ ΔΙΚΗ. (*Vid.* ΑΠΟΛΕΙΨΕΩΣ ΔΙΚΗ.)

APOPHANʹSIS or APOPHʹASIS (*ἀπόφανσις* or *ἀπόφασις*) was used in several significations in the Attic courts. I. It signified the proclamation of the decision which the majority of the judges came to at the end of a trial. This proclamation appears to have been made by means of a herald.[2] II. It was used to signify the day on which the trial took place.[3] III. It was employed to indicate the account of a person's property, which was obliged to be given when an *ἀντίδοσις* was demanded. (*Vid.* Antidosis.)

APOPHʹORA (*ἀποφορά*), which properly means "produce or profit" of any kind, was used at Athens to signify the profit which accrued to masters from their slaves.[4] It thus signified the sum which slaves paid to their masters when they laboured on their own account, and the sum which masters received when they let out their slaves on hire, either for the mines or any other kind of labour, and also the money which was paid by the state for the use of the slaves who served in the fleet.[5] The term *ἀποφορά* was also applied to the money which was paid by the allied states to Sparta, for the purpose of carrying on the war against the Persians. When Athens acquired the supremacy, these moneys were called *φόροι*.

APOPHOREʹTA (*ἀποφόρητα*) were presents, which were given to friends at the end of an entertainment to take home with them. These presents appear to have been usually given on festival days, especially during the Saturnalia.[6]

ΑΠΟʹΦΡΑΔΕΣ ʽHʹΜΕΡΑΙ (*ἀποφράδες ἡμέραι*) were unlucky or unfortunate days, on which no public business, nor any important affairs of any kind, were transacted at Athens. Such were the last three days but one of every month,[7] and the twenty-fifth day of the month Thargelion, on which the plynteria were celebrated.[8]

APORRHAʹIDES (*ἀπορράϊδες*), a species of sea-animal noticed by Aristotle, belonging to the genus *Murex* according to Rondolet and Gesner. Linnæus calls it *Cochlea aporrhaïs*.[9]

APORRHEʹTA (*ἀπόρρητα*), literally "things forbidden," has two peculiar but widely different acceptations in the Attic dialect. In one of these it implies contraband goods, an enumeration of which, at the different periods of Athenian history, is given by Böckh;[10] in the other it denotes certain contumelious epithets, from the application of which both the living and the dead were protected by special laws.[11] Among these, *ἀνδρόφονος*, *πατραλοίας*, and *μητραλοίας* are certainly to be reckoned; and other words, as *ῥίψασπις*, though not forbidden *nominatim* by the law, seem to have been equally actionable. The penalty for using these words was a fine of 500 drachmæ,[2] recoverable in an action for abusive language. (*Vid.* Kakegorias.) It is surmised that this fine was incurred by Midias in two actions on the occasion mentioned by Demosthenes.[3]

ΑΠΟΣΤΑΣʹΙΟΥ ΔΙΚΗ (*ἀποστασίου δίκη*). This is the only private suit which came, as far as we know, under the exclusive jurisdiction of the polemarch.[4] It could be brought against none but a freedman (*ἀπελεύθερος*), and the only prosecutor permitted to appear was the citizen to whom he had been indebted for his liberty, unless this privilege was transmitted to the sons of such former master. The tenour of the accusation was, that there had been a default in duty to the prosecutor; but what attentions might be claimed from the freedman, we are not informed. It is said, however, that the greatest delict of this kind was the selection of a patron (*προστάτης*) other than the former master. If convicted, the defendant was publicly sold; but if acquitted, the unprosperous connexion ceased forever, and the freedman was at liberty to select any citizen for his patron. The patron could also summarily punish the above-mentioned delinquencies of his freedman by private incarceration without any legal award.[5]

APOSTʹOLEIS (*ἀποστολεῖς*) were ten public officers at Athens, whose duty was to see that the ships were properly equipped and provided by those who were bound to discharge the trierarchy. They had the power, in certain cases, of imprisoning the trierarchs who neglected to furnish the ships properly;[6] and they appear to have constituted a board in conjunction with the inspectors of the docks (*οἱ τῶν νεωρίων ἐπιμεληταί*) for the prosecution of all matters relating to the equipment of the ships.[7]

APOTHEʹCA (*ἀποθήκη*) was a place in the upper part of the house, in which the Romans frequently placed the earthen amphoræ in which their wines were deposited. This place, which was quite different from the *cella vinaria*, was above the *fumarium*, since it was thought that the passage of the smoke through the room tended greatly to increase the flavour of the wine.[8]

APOTHEOʹSIS (*ἀποθέωσις*), the enrolment of a mortal among the gods. The mythology of Greece contains numerous instances of the deification of mortals, but in the republican times of Greece we find few examples of such deification. The inhabitants of Amphipolis, however, offered sacrifices to Brasidas after his death;[9] and the people of Egeste built a *heroum* to Philippus, and also offered sacrifices to him on account of his personal beauty.[10] In the Greek kingdoms, which arose in the East on the dismemberment of the empire of Alexander, it does not appear to have been uncommon for the successor to the throne to have offered divine honours to the former sovereign. Such an apotheosis of Ptolemy, king of Egypt, is described by Theocritus in his 17th Idyl.[11]

The term apotheosis, among the Romans, properly signified the elevation of a deceased emperor to divine honours. This practice, which was common upon the death of almost all the emperors, appears to have arisen from the opinion, which was generally entertained among the Romans, that the souls or manes of their ancestors became deities; and, as it was common for children to worship the manes of their fathers, so it was natural for divine

1 (Pollux, viii., 56.)—2. (Ὅπόταν τὰς ψήφους ἀνακηρύττωσι τῶν κριτῶν. Lucian, pro Imagin., c. 29.)—3. (Demosth., c. Euerget., c. 13, p. 1153.—Lex. Rhet., p. 210.)—4. (*ἀποφορὰ ἐστὶ τὰ ἀπὸ τῶν δούλων τοῖς δεσπόταις παρεχόμενα χρήματα.* Ammonius.)—5. (Demosth., c. Aphob., i., c. 6, p. 819; c. Nicostr., c. 6, p. 1253.—Andoc., De Myster., c. 9, p. 19.—Xen., Rep. Ath., i., 11.)—6. (Suet., Vesp., 19.—Cal., 55.—Octav., 75.—Martial, xiv., 1, 7, 8.)—7. (Etymol. Mag.)—8. (Plut., Alcib., c 34.—Lucian, Pseudolog., c. 13.—Schömann, De Comit. Ath., p. 50.)—9. (Adams, Append., s. v.)—10. (Pub Econ. of Athens, i., p 76.) —11. (Meier, Att. Process, p. 482.)

1. (Lysias, c. Theomn., i., 353; ii., 377.—*Vid.* Herald., Animad. in Salmas., c. 13.)—2. (Isocr. in Loch., 396.)—3. (in Mid., 540, 543.—*Vid.* etiam Hudtwalcker, de Diætet., p 150.)—4 (Aristot., De Ath. Rep., quoted by Harpocrat.)—5. (Petit., Legg. Attic., p. 261.)—6. (Demosth., pro Cor., p. 262.)—7. (Demosth., c. Euerg., p. 1147.—Meier, Att. Process, p. 112.)—8 (Colum., i., 6, § 20.—Hor., Carm iii., 8, 11; Sat. ii., 5, 7.—Heindorff in loc.)—9. (Thucyd., v . . .—10. (Herod., v., 48.)—11. (Casaubon in Suet., Jul., 38.)

honours to be publicly paid to a deceased emperor, who was regarded as the parent of his country. This apotheosis of an emperor was usually called *consecratio;* and the emperor who received the honour of an apotheosis was usually said *in deorum numerum referri*, or *consecrari*. Romulus is said to have been admitted to divine honours under the name of Quirinus.[1]

None of the other Roman kings appears to have received this honour; and also in the republican times we read of no instance of an apotheosis. Julius Cæsar was deified after his death, and games were instituted to his honour by Augustus.[2] The ceremonies observed on the occasion of an apotheosis have been minutely described by Herodian[3] in the following passage: "It is the custom of the Romans to deify those of their emperors who die leaving successors, and this rite they call apotheosis. On this occasion a semblance of mourning, combined with festival and religious observances, is visible throughout the city. The body of the dead they honour after human fashion, with a splendid funeral; and, making a waxen image in all respects resembling him, they expose it to view in the vestibule of the palace, on a lofty ivory couch of great size, spread with cloth of gold. The figure is made pallid, like a sick man. During most of the day senators sit round the bed on the left side, clothed in black, and noble women on the right, clothed in plain white garments, like mourners, wearing no gold or necklaces. These ceremonies continue for seven days; and the physicians severally approach the couch, and, looking on the sick man, say that he grows worse and worse. And when they have made believe that he is dead, the noblest of the equestrian and chosen youths of the senatorial orders take up the couch, and bear it along the Via Sacra, and expose it in the old forum. Platforms, like steps, are built upon each side, on one of which stands a chorus of noble youths, and on the opposite a chorus of women of high rank, who sing hymns and songs of praise to the deceased, modulated in a solemn and mournful strain. Afterward they bear the couch through the city to the Campus Martius, in the broadest part of which a square pile is constructed entirely of logs of timber of the largest size, in the shape of a chamber, filled with fagots, and on the outside adorned with hangings interwoven with gold, and ivory images, and pictures. Upon this a similar but smaller chamber is built, with open doors and windows, and above it a third and fourth, still diminishing to the top, so that one might compare it to the lighthouses which are called Phari. In the second story they place a bed, and collect all sorts of aromatics and incense, and every sort of fragrant fruit, or herb, or juice; for all cities, and nations, and persons of eminence emulate each other in contributing these last gifts in honour of the emperor. And when a vast heap of aromatics is collected, there is a procession of horsemen and of chariots around the pile, with the drivers clothed in robes of office, and wearing masks made to resemble the most distinguished Roman generals and emperors. When all this is done, the others set fire to it on every side, which easily catches hold of the fagots and aromatics; and from the highest and smallest story, as from a pinnacle, an eagle is let loose, to mount into the sky as the fire ascends, which is believed by the Romans to carry the soul of the emperor from earth to heaven, and from that time he is worshipped with the other gods."

In conformity with this account, it is common to see on medals struck in honour of an apotheosis an altar with fire on it, and an eagle, the bird of Jupiter, taking flight into the air. The number of medals of this description is very numerous. We can, from these medals alone, trace the names of sixty individuals who received the honours of an apotheosis, from the time of Julius Cæsar to that of Constantine the Great. On most of them the word CONSECRATIO occurs, and on some Greek coins the word ΑΦΙΕΡΩΣΙΣ. The following woodcut is taken from an agate, which is supposed to represent the apotheosis of Germanicus.[1] In his left hand he holds the cornucopia, and Victory is placing a laurel crown upon him.

A very similar representation to the above is found on the triumphal arch of Titus, on which Titus is represented as being carried up to the skies on an eagle.

Many other monuments have come down to us which represent an apotheosis. Of these the most celebrated is the bas-relief in the Townley gallery in the British Museum, which represents the apotheosis of Homer. It is clearly of Roman workmanship, and is supposed to have been executed in the time of the Emperor Claudius. An interesting account of the various explanations which have been proposed of this bas-relief is given in the *Townley Gallery*, published by the Society for the Diffusion of Useful Knowledge, vol. ii., p. 119, &c.

There is a beautiful representation of the apotheosis of Augustus on an onyx-stone in the royal museum at Paris.

The wives, and other female relatives of the emperors, sometimes received the honour of an apotheosis. This was the case with Livia Augusta, with Poppæa the wife of Nero, and with Faustina the wife of Antoninus.[2]

For farther information on this subject, see Mencken, *Disputatio de Consecratione*, &c.; and Schœpflin, *Tractatus de Apotheosi*, &c., Argent., 1730

APPARITO'RES, the general name for the public servants of the magistrates at Rome, namely, the ACCENSI, CARNIFEX, COACTORES, INTERPRETES, LICTORES, PRÆCONES, SCRIBÆ, STATOR, STRATOR, VIATORES, of whom an account is given in separate articles. They were called apparitores because they were at hand to execute the commands of the magistrates.[3] Their service or attendance was called *apparitio*.[4] The servants of the military tribunes were also called apparitores. We read that the Emperor Severus forbade the military tribunes to retain the apparitores, whom they were accustomed to have.[5]

Under the emperors, the apparitores were divided into numerous classes, and enjoyed peculiar privileges, of which an account is given in *Just., Cod.* 12, *tit.* 52–59.

APPELLATIO (GREEK), (ἔφεσις or δικαδικία). Owing to the constitution of the Athenian tribunals, each of which was generally appropriated to its

1. (Plut., Rom., 27. 28.—Liv., i., 16.—Cic., De Rep., ii., 10.)
2. (Suet., Jul., 84.)—2 (iv., 3.)

1. (Montfaucon, Ant. Expl. Suppl., vol. v., p. 137.)—2 (Suet., Claud., 11.—Dion., lx., 5.—Tac., Ann., xvi., 21.—Capitolin., Anton. Philos., 26.)—3. ("Quod iis apparebant et præsto erant ad obsequium." Serv. in Virg., Æn., xii., 850.—Cic., pro Cluent., c. 53.—Liv., i., 8.)—4. (Cic., ad Fam., xiii., 54 ad Q. Fr., i., 1, 4.)—5. (Lamprid., Sev., c. 52.)

particular subjects of cognizance, and, therefore, could not be considered as homogeneous with, or subordinate to, any other, there was little opportunity for bringing appeals, properly so called. It is to be observed, also, that in general a cause was finally and irrevocably decided by the verdict of the dicasts (*δίκη αὐτοτελής*). There were, however, some exceptions, in which appeals and new trials might be resorted to.

A new trial to annul the previous award might be obtained, if the loser could prove that it was not owing to his negligence that judgment had gone by default, or that the dicasts had been deceived by false witnesses. (Compare ΕΡΗΜΟΣ ΔΙΚΗ, ΚΑΚΟΤΕΧΝΙΩΝ, and ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ ΔΙΚΑΙ.) And upon the expulsion of the thirty tyrants, a special law annulled all the judgments that had been given during the usurpation.[1] The peculiar title of the above-mentioned causes was *ἀνάδικοι δίκαι*, which was also applied to all causes of which the subject-matter was by any means again submitted to the decision of a court.

An appeal from a verdict of the heliasts was allowed only when one of the parties was a citizen of a foreign state, between which and Athens an agreement existed as to the method of settling disputes between individuals of the respective countries (*δίκαι ἀπὸ συμβόλων*). If such a foreigner lost his cause at Athens, he was permitted to appeal to the proper court in another state, which (*ἔκκλητος πόλις*) Bockh, Schömann, and Hudtwalcker suppose to have been the native country of the litigant. Platner, on the other hand, arguing from the intention of the regulation, viz., to protect both parties from the partiality of each other's fellow-citizens, contends that some disinterested state would probably be selected for this purpose. The technical words employed upon this occasion are *ἐκκαλεῖν*, *ἐκκαλεῖσθαι*, and *ἡ ἔκκλητος*, the last used as a substantive, probably by the later writers only, for *ἔφεσις*.[2] This, as well as the other cases of appeal, are noticed by Pollux[3] in the following words: "*Ἔφεσις* is when one transfers a cause from the arbitrators (*διαιτηταί*), or archons, or men of the township (*δημόται*), to the dicasts, or from the senate to the assembly of the people, or from the assembly to a court (*δικαστήριον*), or from the dicasts to a foreign tribunal; and the cause was then termed *ἐφέσιμος*. Those suits were also called *ἔκκλητοι δίκαι*. The deposite staked in appeals, which we now call *παραβόλιον*, is by Aristotle styled *παραβόλον*." The appeals from the diaitetæ are generally mentioned by Demosthenes;[4] and Hudtwalcker supposes that they were allowable in all cases except when the *μὴ οὖσα δίκη* was resorted to. (*Vid.* DIKE.)

It is not easy to determine upon what occasions an appeal from the archons could be preferred; for, after the time of Solon, their power of deciding causes had degenerated into the mere presidency of a court (*ἡγεμονία δικαστηρίου*), and the conduct of the previous examination of causes (*ἀνάκρισις*). It has been also remarked,[5] that upon the plaintiff's suit being rejected in this previous examination as unfit to be brought before a court, he would most probably proceed against the archon in the assembly of the people for denial of justice, or would wait till the expiration of his year of office, and attack him when he came to render the account of his conduct in the magistracy (*εὐθύναι*[6]). An appeal, however, from the archons, as well as from all other officers, was very possible, when they imposed a fine of their own authority, and without the sanction of a court; and it might also take place when the king archon had by his sole voice made an award of dues and privileges (*γέρα*) contested by two priesthoods or sacerdotal races.[1]

The appeal from the demotæ would occur when a person, hitherto deemed one of their members, had been declared by them to be an intruder, and no genuine citizen. If the appeal were made, the demotæ appeared by their advocate as plaintiff, and the result was the restitution of the franchise, or thenceforward the slavery of the defendant.

It will have been observed, that in the last three cases, the appeal was made from few, or single, or local judges to the heliasts, who were considered the representatives of the people or country. With respect to the proceedings, no new documents seem to have been added to the contents of the echinus upon an appeal; but the anacrisis would be confined merely to an examination, as far as was necessary, to those documents which had been already put in by the litigants.

There is some obscurity respecting the two next kinds of appeal that are noticed by Pollux. It is conjectured by Schömann[2] that the appeal from the senate to the people refers to cases which the former were, for various reasons, disinclined to decide, and by Platner,[3] that it occurred when the senate was accused of having exceeded its powers.

Upon the appeal from the assembly to court, there is also a difference of opinion between the two last-mentioned critics, Schömann[4] maintaining that the words of Pollux are to be applied to a voluntary reference of a cause by the assembly to the dicasts, and Platner suggesting the possible case of one that incurred a præjudicium of the assembly against him (*προβολή*, *καταχειροτονία*), calling upon a court (*δικαστήριον*) to give him the opportunity of vindicating himself from a charge that his antagonist declined to follow up. Platner also supposes the case of a magistrate summarily deposed by the assembly, and demanding to prove his innocence before the heliasts.

APPELLA'TIO (ROMAN). This word, and the corresponding verb *appellare*, are used in the early Roman writers to express the application of an individual to a magistrate, and particularly to a tribune, in order to protect himself from some wrong inflicted, or threatened to be inflicted. It is distinguished from *provocatio*, which in the early writers is used to signify an appeal to the populus in a matter affecting life. It would seem that the provocatio was an ancient right of the Roman citizens. The surviving Horatius, who murdered his sister, appealed from the duumviri to the populus.[5] The decemviri took away the provocatio; but it was restored by a lex consularis provocatione, and it was at the same time enacted that in future no magistrate should be made from whom there should be no appeal. On this Livy[6] remarks, that the plebes were now protected by the *provocatio* and the *tribunicium auxilium;* this latter term has reference to the appellatio, properly so called. Appius[7] applied (*appellavit*) to the tribunes; and when this produced no effect, and he was arrested by a viator, he appealed (*provocavit*). Cicero[8] appears to allude to the re-establishment of the provocatio, which is mentioned by Livy.[9] The complete phrase to express the provocatio is *provocare ad populum;* and the phrase which expresses the appellatio is *appellare ad*, &c. It appears that a person might *appellare* from one magistrate to another of equal rank; and, of course, from an inferior to a superior magistrate, and from one tribune to another.

When the supreme power became vested in the emperors, the terms provocatio and appellatio lost their original signification. In the Digest,[10] provo-

1. (Demosth., c. Timocr., 718, 8–19.)—2. (Harpocr.—Hudtw., De Diætet., 125.)—3. (viii., 62, 63.)—4. (c. Aphob., 862.—c. Beot., De Dote, 10.3, 1017, 1024.)—5. (Platner, Proc und Klag., i, 243)—6. (Antiph., De Choreut., 788.)

1. (Lex. Rhet., 219, 19.)—2. Att. Process, 771.)—3. (i., 427.—4. (Att. Process, 771.)—5. (Liv., i., 26.)—6. (iii., 55.)—7 (Liv., iii., 56.)—8. (De Orat., ii., 48.)—9 (iii., 55.)—10 (49 tit. 1, De Appellationibus

catio and appellatio are used indiscriminately, to express what we call an appeal in civil matters; but provocatio seems so far to have retained its original meaning as to be the only term used for an appeal in criminal matters. The emperor centred in himself both the power of the populus and the veto of the tribunes; but the appeal to him was properly in the last resort. Appellatio among the Roman jurists then, signifies an application for redress from the decision of an inferior to a superior, on the ground of wrong decision, or other sufficient ground. According to Ulpian,[1] appeals were common among the Romans, "on account of the injustice or ignorance of those who had to decide (*judicantes*), though sometimes an appeal alters a proper decision, as it is not a necessary consequence that he who gives the last gives also the best decision." This remark must be taken in connexion with the Roman system of procedure, by which such matters were referred to a judex for his decision, after the pleadings had brought the matter in dispute to an issue. From the emperor himself there was, of course, no appeal; and, by a constitution of Hadrian, there was no appeal from the senate to the emperor. The emperor, in appointing a judex, might exclude all appeal, and make the decision of the judex final. The appeal, or *libellus appellatorius*, showed who was the appellant, against whom the appeal was, and what was the judgment appealed from.

Appellatio also means to summon a party before a judex, or to call upon him to perform something that he has undertaken to do.[2] The debtor who was summoned (*appellatus*) by his creditor, and obeyed the summons, was said *respondere*.

APPLICATIO'NIS JUS. (*Vid.* Banishment.)

APPULEIA LEX. (*Vid.* Majestas.)

APRI'LIS. (*Vid.* Calendar, Roman.)

ΑΠΡΟΣΤΑΣΊΟΥ ΓΡΑΦΗ (*ἀπροστασίου γραφή*), an action brought against those metœci, or resident aliens, who had neglected to provide themselves with a patron (*προστάτης*), or exercised the rights of full citizens, or did not pay the *μετοίκιον*, a tax of twelve drachmæ exacted from resident aliens. Persons convicted under this indictment forfeited the protection of the state, and were sold as slaves.[3]

*APUS (*ἄπους*), a species of bird, called also *κύψελλος*.[4] It is thought to have been the same with the Swift, or *Hirundo apus*, L. Pennant, however, contends that the Cypsellus of Aristotle and Pliny was the *Procellaria pelagica*, or *Stormy Petrel*.[5]

AQUÆ DUCTUS usually signifies an artificial channel or water-course, by which a supply of water is brought from a considerable distance upon an inclined plane raised on arches, and carried across valleys and uneven country, and occasionally under ground, where hills or rocks intervene.

As nearly all the ancient aquæducts now remaining are of Roman construction, it has been generally imagined that works of this description were entirely unknown to the Greeks. This, however, is an error, since some are mentioned by Pausanias and others, though too briefly to enable us to judge of their particular construction; whether they consisted chiefly of subterraneous channels bored through hills, or, if not, by what means they were carried across valleys, since the use of the arch, which is said to have been unknown to the Greeks, was indispensable for such a purpose. Probably those which have been recorded—such as that built by Pisistratus at Athens, that at Megara, and the celebrated one of Polycrates at Samos[6]—were rather conduits than ranges of building like the Roman ones. Of the latter, few were constructed in the times of the Republic. We are informed by Frontinus that it was not until about B.C. 313 that any were erected, the inhabitants supplying themselves up to that time with water from the Tiber, or making use of cisterns and springs. The first aquæduct was begun by Appius Claudius the Censor, and was named, after him, the *Aqua Appia*.[1] In this aquæduct the water was conveyed from the distance of between seven and eight miles from the city, almost entirely under ground, since, out of 11,190 passus, its entire extent, the water was above ground only 60 passus before it reached the Porta Capena, and then was only partly carried on arches. Remains of this work no longer exist.

Forty years afterward (B.C. 273) a second aquæduct was begun by M. Curius Dentatus, by which the water was brought from the river Anio, 20 miles above Tibur (now Tivoli), making an extent of 43,000 passus, of which only 702 were above ground and upon arches. This was the one afterward known by the name of *Anio Vetus*, in order to distinguish it from another aquæduct brought from the same river, and therefore called *Anio Novus*. Of the Anio Vetus considerable remains may yet be traced, both in the neighbourhood of Tivoli and in the vicinity of the present Porta Maggiore at Rome. It was constructed of blocks of Peperino stone, and the water-course was lined with a thick coating of cement.

In B.C. 179, the censors M. Æmilius Lepidus and M. Flaccus Nobilior proposed that another aquæduct should be built; but the scheme was defeated, in consequence of Licinius Crassus refusing to let it be carried through his lands.[2] A more abundant supply of water being found indispensable, particularly as that furnished by the Anio Vetus was of such bad quality as to be almost unfit for drinking, the senate commissioned Quintus Marcius Rex, the prætor, who had superintended the repairs of the two aquæduets already built, to undertake a third, which was called, after him, the *Aqua Marcia*.[3] This was brought from Sublaqueum (Subiaco) along an extent of 61,710 passus; viz., 54,267 under ground, and 7443 above ground, and chiefly on arches; and was of such elevation that water could be supplied from it to the loftiest part of the Capitoline Mount. Of the arches of this aquæduct a considerable number are yet standing. Of those, likewise, called the *Aqua Tepula* (B.C. 127), and the *Aqua Julia* (B.C. 35), which are next in point of date, remains are still existing; and in the vicinity of the city, these two aquæducts and the Marcia were all united in one line of structure, forming three separate water-courses, one above the other, the lowermost of which formed the channel of the Aqua Marcia, and the uppermost that of the Aqua Julia, and they discharged themselves into one reservoir in common. The Aqua Julia was erected by M. Agrippa during his ædileship, who, besides repairing both the Anio Vetus and the Aqua Marcia, supplied the city with seven hundred wells (*lacus*), one hundred and fifty springs or fountains and one hundred and thirty reservoirs.

Besides repairing and enlarging the Aqua Marcia, and, by turning a new stream into it, increasing its supply to double what it formerly had been, Augustus built the aquæduct called *Alsietina*, sometimes called *Augusta* after its founder. The water furnished by it was brought from the Lake of Alsietinus, and was of such bad quality as to be scarcely fit for drinking; on which account it has been supposed that Augustus intended it chiefly for filling his naumachia, which required more water than could be spared from the other aquæducts, its basin being 1800 feet in length and 1200 in breadth. It was in the reign, too, of this emperor that M. Agrippa built the aquæduct called the *Aqua Virgo*, which

1. (Dig. 49. tit. 1.)—2. (Cic., ad Att., i., 8.)—3. (Phot., p. 478, Pors.—Bekker, Anecdot. Gr., p. 201, 434, 440.)—4. (Aristot., H A., ix 21.)—5. (British Zoology, p. 554.)—6. (Herod., iii., 60.)

1. (Liv., ix., 29.—Diod. Sic., xx., 36.)—2 (Liv xl., 51.)—3 (Plin., xxxvi., 24, § 9.)

name it is said to have obtained because the spring which supplied it was first pointed out by a girl to some soldiers who were in search of water. Pliny, however, gives a different origin to the name.[1] Its length was 14,105 passus, of which 12,865 were under ground; and, for some part of its extent above ground, it was decorated with columns and statues. This aquæduct still exists entire, having been restored by Nicholas V., although not completely until the pontificate of Pius IV., 1568, and it still bears the name of *Aqua Vergine*. A few years later, a second aquæduct was built by Augustus, for the purpose of supplying the Aqua Marcia in times of drought.

The two gigantic works of the Emperor Claudius, viz., the Aqua Claudia and Anio Novus, doubled the former supply of water; and although none of the later aquæducts rivalled the Marcia in the vastness and solidity of its constructions, they were of considerably greater extent. The Claudia had been begun by Caligula in the year A.D. 38, but was completed by his successor, and was, although less copious in its supply, not at all inferior to the Marcia in the excellence of its water. The other was, if not so celebrated for the quality of the water itself, remarkable for the quantity which it conveyed to the city, it being in that respect the most copious of them all. Besides which, it was by far the grandest in point of architectural effect, inasmuch as it presented, for about the extent of six miles before it reached the city, a continuous range of exceedingly lofty structure, the arches being in some places 109 feet high. It was much more elevated than any of the other aquæducts, and in one part of its course was carried over the Claudia. Nero afterward made additions to this vast work, by continuing it as far as Mount Cælius, where was a temple erected to Claudius.

The *Aqua Trajana*, which was the work of the emperor whose name it bears, and was completed A.D. 111, was not so much an entirely new and distinct aquæduct as a branch of the Anio Novus brought from Sublaqueum, where it was supplied by a spring of purer water than that of the Anio. It was in the time of this emperor, and of his predecessor Nerva, that the superintendence of all the aquæducts was held by Sextus Julius Frontinus, whose treatise *De Aquæductibus* has supplied us with the fullest information now to be obtained relative to their history and construction.

In addition to the aquæducts which have been already mentioned, there were others of later date: namely, the *Antoniana*, A.D. 212; the *Alexandrina*, A.D. 230; and the *Jovia*, A.D. 300; but these seem to have been of comparatively little note, nor have we any particular account of them.

The magnificence displayed by the Romans in their public works of this class was by no means confined to the capital; for aquæducts more or less stupendous were constructed by them in various and even very remote parts of the empire—at Nicomedia, Ephesus, Smyrna, Alexandrea, Syracuse, Metz, Nismes (the Pont du Gard), Lyons, Evora, Merida, and Segovia. That at Evora, which was built by Quintus Sertorius, is still in good preservation; and at its termination in the city has a very elegant *castellum* in two stories, the lower one of which has Ionic columns. Merida in Spain, the Augusta Emerita of the Romans, who established a colony there in the time of Augustus, has among its other antiquities the remains of two aquæducts, of one of which thirty-seven piers are standing, with three tiers of arches; while of the other there are only two which form part of the original constructions, the rest being modern. But that of Segovia, for which some Spanish writers have claimed an antiquity anterior to the sway of the Romans in Spain, is one of the most perfect and magnificent works of the kind anywhere remaining. It is entirely of stone, and of great solidity, the piers being eight feet wide and eleven in depth; and where it traverses a part of the city, the height is upward of a hundred feet, and it has two tiers of arches, the lowermost of which are exceedingly lofty.

1. (H. N., xxxi., 25.)

After this historical notice of some of the principal aquæducts both at Rome and in the provinces, we now proceed to give some general account of their construction. Before the mouth or opening into the aquæduct was, where requisite, a large basin (*piscina limosa*), in which the water was collected, in order that it might first deposite its impurities; and similar reservoirs were formed at intervals along its course. The *specus*, or water-channel, was formed either of stone or brick coated with cement, and was arched over at top, in order to exclude the sun, on which account there were apertures or vent-holes at certain distances; or where two or more such channels were carried one above the other, the vent-holes of the lower ones were formed in their sides. The water, however, besides flowing through the specus, passed also through pipes either of lead or burned earth (terra-cotta), which latter were used not only on account of their greater cheapness, but as less prejudicial to the freshness and salubrity of the water. As far as was practicable, aquæducts were carried in a direct line; yet they frequently made considerable turns and windings in their course, either to avoid boring through hills, where that would have been attended with too much expense, or else to avoid, not only very deep valleys, but soft and marshy ground.

In every aquæduct, the *castella* or reservoirs were very important parts of the construction; and besides the principal ones—that at its mouth and that at its termination—there were usually intermediate ones at certain distances along its course, both in order that the water might deposite in them any remaining sediment, and that the whole might be more easily superintended and kept in repair, a defect between any two such points being readily detected. Besides which, these castella were serviceable, inasmuch as they furnished water for the irrigation of fields and gardens, &c. The principal castellum or reservoir was that in which the aquæduct terminated, and whence the water was conveyed by different branches and pipes to various parts of the city. This far exceeded any of the others, not in magnitude alone, but in solidity of construction and grandeur of architecture. The remains of a work of this kind still exist in what are called the *Nove Sale*, on the Esquiline Hill at Rome; while the *Piscina Mirabile*, near Cuma, is still more interesting and remarkable, being a stupendous construction about 200 feet in length by 130 in breadth, whose vaulted roof rests upon forty-eight immense pillars, disposed in four rows, so as to form five aisles within the edifice, and sixty arches.

Besides the principal castellum belonging to each aquæduct (excepting the Alsietina, whose water was conveyed at once to the baths), there were a number of smaller ones—altogether, it has been computed, 247—in the different regions of the city, as reservoirs for their respective neighbourhoods.

The declivity of an aquæduct (*libramentum aquæ*) was at least the fourth of an inch in every 100 feet,[1] or, according to Vitruvius,[2] half a foot.

During the times of the Republic, the censors and ædiles had the superintendence of the aquæducts; but under the emperors particular officers were appointed for that purpose, under the title of *curatores*, or *præfecti aquarum*. These officers were first created by Augustus,[3] and were invested with considerable authority. They were attended outside the city by two lictors, three public slaves, a secretary, and other attendants.

In the time of Nerva and Trajan, about seven

1. (Plin., H. N., xxxi., 31.)—2. (viii., 7.)—3. (Suet. Aug., 37.)

employed architects and others were constantly employed, under the orders of the curatores aquarum, in attending to the aquæducts. The officers who had charge of these works were, 1. The *villici*, whose duty it was to attend to the aquæducts in their course to the city. 2. The *castellarii*, who had the superintendence of all the castella both within and without the city. 3. The *circuitores*, so called because they had to go from post to post, to examine into the state of the works, and also to keep watch over the labourers employed upon them. 4. The *silicarii*, or paviours. 5. The *tectores*, or plasterers. All these officers appear to have been included under the general term of aquarii.[1]

AQUÆ DUCTUS. (*Vid.* SERVITUTES.)

AQUÆ ET IGNIS INTERDICTIO. (*Vid.* BANISHMENT.)

AQUÆ HAUSTUS. (*Vid.* SERVITUTES.)

AQUÆ PLUVIÆ ARCENDÆ ACTIO. That water was called *aqua pluvia* which fell from the clouds, and the prevention of injury to land from such water was the object of this action. The action *aquæ pluviæ* was allowed between the owners of adjoining land, and might be maintained either by the owner of the higher land against the owner of the lower land, in case the latter, by anything done to his land, prevented the water from flowing naturally from the higher to the lower land, or by the owner of the lower land against the owner of the higher land, in case the latter did anything to his land by which the water flowed from it into the lower land in a different way from what it naturally would. In the absence of any special custom or law to the contrary, the lower land was subject to receive the water which flowed naturally from the upper land; and this rule of law was thus expressed: *aqua inferior superiori servit.* The fertilizing materials carried down to the lower land were considered as an ample compensation for any damage which it might sustain from the water. Many difficult questions occurred in the application to practice of the general rules of law as to aqua pluvia; and, among others, this question: What things done by the owners of the land were to be considered as preventing or altering the natural flow of the waters? The conclusion of Ulpian is, that acts done to the land for the purposes of cultivation were not to be considered as acts interfering with the natural flow of the waters. Water which increased from the falling of rain, or in consequence of rain changed its colour, was considered within the definition of aqua pluvia; for it was not necessary that the water in question should be only rain-water, it was sufficient if there was any rain-water in it. Thus, when water naturally flowed from a pond or marsh, and a person did something to exclude such water from coming on his land, if such marsh received any increase from rain-water, and so injured the land of a neighbour, the person would be compelled by this action to remove the obstacle which he had created to the free passage of the water.

This action was allowed for the special protection of land (*ager*): if the water injured a town or a building, the case then belonged to flumina and stillicidia. The action was only allowed to prevent damage, and, therefore, a person could not have this remedy against his neighbour, who did anything to his own land by which he stopped the water which would otherwise flow to his neighbour's land, and be profitable to it. The title in the Digest contains many curious cases, and the whole is well worth perusal.[2]

AQUA'RII were slaves who carried water for bathing, &c., into the female apartments.[3] The aquarii were also public officers who attended to the aquæducts. (*Vid.* AQUÆ DUCTUS.)

1. (Cic., ad Fam., viii., 6.—Cod. xii., tit. 42 or 43, s. 10.)—2. (Dig. 39, tit. 3.—Cic., pro Muræn., c. 10.—Topic., c. 9.—Boethius, Comment. in Cic., Top., iv., c. 9.)—3. (Juv., vi., 332.)

*AQUILA. I. A Roman military standard. (*Vid.* SIGNA MILITARIA.) II. The Eagle. The ancient naturalists have described several species. Aristotle divided the *Falconidæ* into Ἀετοί (Eagles), Ἱέρακες (Hawks), and Ἰκτῖνοι (Kites), with many subdivisions. M. Vigors is of opinion, that the division Ἱέραξ (Hierax) of Aristotle comprises all the Falconidæ of Vigors which belong to the stirpes or subfamilies of *Hawks*, *Falcons*, and *Buzzards*. Pliny separates the group into *Aquilæ* (Eagles) and *Accipitres*, a general term comprising, as used by him the rest of the *Falconidæ*. The subdivisions of both Aristotle and Pliny do not differ much from those of some of the modern zoologists.—We will now proceed to particulars. 1. The μόρφνος, called also πλάγγος or νηττοφόνος by Aristotle,[1] would appear to be that species of *Falco* which bears the English names of *Bald Buzzard* and *Osprey*, namely, the *Falco Haliætus*, L., or *Pandion Haliætus*, Savigny.[2] It would seem to be the περκνός of Homer.[3] 2. The περκνόπτερος, said by Aristotle to resemble the Vulture, was most probably that species of *Vulture* which gets the name of *Vulturine Eagle*. Its French name, according to Belon, is *Boudrée*. It is called also γρυπαιετός and ὀρειπέλαργος by Aristotle. 3. The ἁλιαίετος of Aristotle would appear to be the Osprey.[4] This bird is the "Nisus" of Virgil and Ovid. Naturalists have recently adopted the opinion that the Osprey is the same as the Sea-eagle. Its scientific name is *Pandion Haliætus*, Savigny. 4. The μελαναίετος of Aristotle, called also λαγωφόνος by him, is referred by Hardouin[5] to the small Black Eagle, which the late authorities on Ornithology hold to be only a variety of the Golden Eagle, or *Aquila Chrysaëtos*. It is deserving of remark, however, that the learned Gesner seems disposed to refer the μελαναίετος to the Erne, or *Aquila Albicilla* of late ornithologists. 5. The φήνη of Aristotle is undoubtedly the *Ossifraga* of Pliny, and the φῖνις of Dioscorides.[6] It is the *Falco Ossifragus*, L. 6. The πύγαργος is supposed by Hardouin to be the eagle called *Jean le blanc*. Turner suggests that it may have been the Erne, and Elliot the Ring-tail. All point to the same bird, namely, the *Haliætus Albicilla*, Savigny; for the Ring-tail is now held to be merely a variety of the Erne. The term πύγαργος signifies "White-tailed." 7. The species called γνήσιος by Aristotle is confidently referred by Hardouin to the Golden Eagle, which, as Buffon remarks, is the noblest and largest of the genus. It is the *Aquila Chrysaëtos*, Vigors.[7]

AQUILLIA LEX. (*Vid.* DAMNUM.)

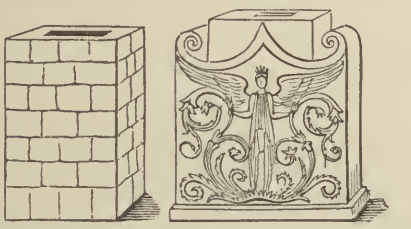
ARA (βωμός, θυτήριον), an altar.

Ara was a general term denoting any structure elevated above the ground, and used to receive upon it offerings made to the gods. *Altare*, probably contracted from *alta ara*, was properly restricted to the larger, higher, and more expensive structures. Hence Menalcas,[8] proposing to erect four altars, viz., two to Daphnis, and two, which were to be *high altars*, to Apollo, says, "*En quattuor aras: Ecce duas tibi, Daphni; duas, altaria, Phœbo.*" Servius, in his commentary on the passage, observes, that *altaria* were erected only in honour of the superior divinities, whereas *aræ* were consecrated not only to them, but also to the inferior, to heroes, and to demigods. On the other hand, sacrifices were offered to the infernal gods, not upon altars, but in cavities (*scrobes*, *scrobiculi*, *βόθροι*, *λάκκοι*) dug in the ground.[9] Agreeably to this distinction, we find that in some cases an altare was erected upon an ara, or even several high altars upon one of inferior elevation.

1. (H. A., ix., 22.)—2. (Willoughby's Ornithology, lib. ii., art. 5.)—3. (Il., xxiv., 316.)—4. (Gesner, de Aquilis.—Brooke's Nat. Hist., vol. ii., p. 4.)—5. (in Plin., H. N. x., 1.)—6. (ii., 58.)—7. (Adams, Append., s. v.)—8. (Virg., Ecl. v. 65.)—9. (Festus, s. v. Altaria.)

As in all the ancients almost every religious act was accompanied by sacrifice, it was often necessary to provide altars on the spur of the occasion, and they were then constructed of earth, sods, or stones, collected on the spot. Thus, "*Erexit subitus congestu cespitis aras.*"[1] Also, when Æneas and Turnus are preparing to fight in single combat, wishing to bind themselves by a solemn oath, they erect *aras gramineas*.[2] Availing himself of this practice, Telamon adroitly warded off the effects of the jealousy of Hercules, whose rage he had excited by making the first breach in the walls of Ilium, and thus appearing to surpass his companion in glory. Pursued by Hercules, who had already drawn his sword, and seeing his danger, he set about collecting the scattered stones; and when Hercules, on coming up, asked what he was about, he answered that he was preparing an altar to Ἡρακλῆς Καλλινίκος, and thus saved his life.[3]

When the occasion was not sudden, and especially if the altars were required to be of a considerable size, they were built with regular courses of masonry or brickwork, as is clearly shown in several examples on the column of Trajan at Rome. See the left-hand figure in the woodcut annexed.

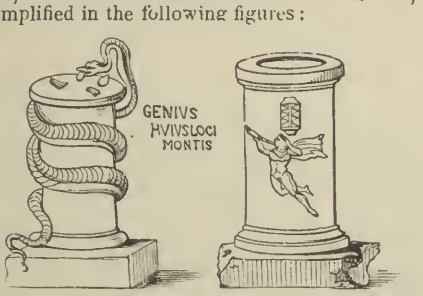


The first deviation from this absolute simplicity of form consisted in the addition of a base (*βάσις, κρηπίς*), and of a corresponding projection at the top, the latter (*ἐσχαρίς, βωμοῦ ἐσχάρα*[4]) being intended to hold the fire and the objects offered in sacrifice. These two parts are so common as to be almost uniform types of the form of an altar, and will be found in all the figures inserted underneath.

The altar on which the gods swore, when they leagued with Jupiter against the Titans, became a constellation consisting of four stars, two on the hreplace and two on the base.[5]

It appears, also, that a movable pan or brazier (*ἐπίπυρον*) was sometimes used to hold the fire.[6]

Altars were either square or round. The latter form, which was the less common of the two, is exemplified in the following figures:



That on the left hand is from a painting at Herculaneum. The altar is represented as dedicated to the genius of some spot on Mount Vesuvius. He appears in the form of a serpent,[7] and is partaking of the figs and fir-cones which have been offered to him on the altar. The right-hand figure represents an altar, which was found, with three others, at Antium.[1] It bears the inscription ARA VENTORVM. On it is sculptured the rostrum of a ship, and beneath this is a figure emblematic of the wind. He floats in free space, blows a shell, and wears a chlamys, which is uplifted by the breeze. In the second altar the *ἐσχαρίς* is distinguished by being hollow. Indeed altars, such as that on the left hand, were rather designed for sacrifices of fruits, or other gifts which were offered without fire, and they were therefore called *ἄπυροι*.

When the altars were prepared for sacrifice, they were commonly decorated with garlands or festoons. The leaves, flowers, and fruits of which these were composed were of certain kinds, which were considered as consecrated to such uses, and were called *verbenæ*.[2]

Theocritus[3] enumerates the three following, viz., the oak, the ivy, and the asphodel, as having been used on a particular occasion for this purpose.[4]

The altar represented in the next woodcut shows the manner in which the festoon of verbenæ was suspended. Other ancient sculptures prove that fillets were also used, partly because they were themselves ornamental, and partly for the purpose of attaching the festoons to the altar. Hence we read in Virgil,

> "*Effer aquam, et molli cinge hæc altaria vitta,*
> *Verbenasque adole pingues, et mascula tura.*"[5]

Altars erected to the manes were decked with dark blue fillets and branches of cypress.[6] Many altars which are still preserved have fillets, festoons, and garlands sculptured upon the marble, being designed to imitate the recent and real decorations.

Besides the imitation of these ornaments, the art of the sculptor was also exercised in representing on the sides of altars the implements of sacrifice, the animals which were offered, or which were regarded as sacred to the respective deities, and the various attributes and emblems of those deities. We see, for example, on altars dedicated to Jupiter the eagle and the thunderbolt; to Apollo, the stag, the raven, the laurel, the lyre or cithara; to Bacchus, the panther, the thyrsus, the ivy, Silenus, bacchanals; to Venus, the dove the myrtle; to Hercules, the poplar, the club, the labours of Hercules; to Sylvanus, the hog, the lamb, the cypress. Strabo says[7] that the principal altar of the Temple of Diana at Ephesus was almost covered with the works of Praxiteles. Some of the altars which still remain are wrought with admirable taste and elegance. We give, as a specimen of the elaborate style, the outline of an Etruscan altar, in contrast with the unadorned altar in our first woodcut.

Besides symbolical and decorative sculptures in bas-relief, ancient altars frequently present inscriptions, mentioning the gods to whom, and the worshippers by whom, they were erected and dedicated. For example, an altar in Montfaucon,[8] decorated with an eagle which grasps the thunderbolt, and with a club, encircled with a fillet, at each of the four corners, bears the following inscription, included within a wreath of leaves:

IOVI
OPT. MAX.
ET HERCVLI
INVICTO
C. TVTICANVS
CALLIAT.
EX VOTO

We select this example, because it illustrates the fact that the same altar was often erected in honour

1. (Lucan, ix., 988.)—2. (Virg., Æn., xii., 118.)—3. (Apollod., II., vi., 4.—*Vid.* etiam Hor., Carm. I., xix., 13.)—4. (Eurip., Andr., 1115.)—5. (Eratosth., Catast., 39.—Compare Hygin., Astron., ii., 39; Arat., 402; and Cicero's translation, De Nat Deor., ii., 44.)—6 (Heron., Spirit., 71.)—7. (Virg., Æn., v., 95.)

1. (Montfaucon, Ant. Expl., ii., pl. 51.)—2. (Hor., Carm. iv., 11.)—3. (xxvi., 3, 4.)—4. (*Vid.* etiam Terent., Andr., iv., 4, 5.—Donatus in loc.—"Coronatæ aræ," Propert., iii., 10.—"Nexæ ornatæ torquibus aræ," Virg., Georg., iv., 276.)—5. (Eclog viii., 64, 65.)—6. (Æn., iii., 64.)—7. (xiv., v. 23.)—8 (Ant Expl., ii., pl. 96.)

of more than one divinity. It was, however, necessary that such divinities should have something in common, so that they might be properly associated; and deities having this relation to one another were called *Dii communes*, *θεοὶ συμβώμοι*, *ὁμοβωμίοι*,[1] or *κοινοβωμίοι*.[2] At Olympia there were six altars, each sacred to two divinities, so as to make twelve gods in all.[3]

On the other hand, we find that it was not unusual to erect two or more altars to the same divinity, in the same spot and on the same occasion. We have already produced an example of this from Virgil's fifth eclogue; and the very same expression is in part repeated by him in the Æneid: "*En quattuor aras — Neptuno.*"[4] In Theocritus,[5] three bacchantes, having collected verbenæ, as we have before stated, erect twelve altars, viz., three to Semele and nine to Dionysus. But the most remarkable instances of this kind occurred when hecatombs were sacrificed; for it was then necessary that the number of altars should correspond to the multitude of the victims. A ceremony of this description, recorded by Julius Capitolinus, seems to have been designed in imitation of the practice of the heroic ages. He says that, when the head of the tyrant Maximin was brought to Rome, Balbinus, to express the general joy, built in one place 100 altars of turf (*aras cespititias*), on which were slain 100 hogs and 100 sheep. But a more distinct exhibition of the scene is given in the Iliad,[6] when the Greeks assembled at Aulis present a hecatomb. A beautiful plane-tree is seen beside a clear fountain; the chieftains and the priests are assembled under its wide-spreading branches; the spot is encircled with altars (*ἀμφὶ περὶ κρήνην*), and the victims are slain *along the altars* (*κατὰ βωμούς*).[7]

Vitruvius[8] directs that altars, though differing in elevation according to the rank of the divinities to whom they were erected, should always be lower than the statues (*simulacra*) before which they were placed. Of the application of this rule we have an example in a medallion on the arch of Constantine at Rome. See the annexed woodcut.

We see here Apollo with some of his attributes, viz., the stag, the tripod, the cithara, and plectrum.

1. (Thucyd., iii., 59.)—2. (Æschyl., Suppl., 225.)—3. (Scholiast in Pind., Olymp., v., 10.)—4 (Æn., v., 639.)—5. (l. c.) —6. (ii., 305–307.)—7 (Compare Num., xxiii., 1, "seven altars.") —8. (v., 9.)

The altar is about half as high as the pedestal of the statue, placed immediately in front of it, and adorned with a wreath of verbenæ. The statue stands in an *ἄλσος*, or grove of laurel. One of the sacrificers, probably the Emperor Trajan, appears to be taking an oath, which he expresses by lifting up his right hand and touching the altar with his spear. This sculpture also shows the appearance of the tripods, which were frequently used instead of altars, and which are explained under the article TRIPOS.

We have already had occasion to advert, in several instances, to the practice of building altars in the open air wherever the occasion might require, as on the side of a mountain, on the shore of the sea, or in a sacred grove. But those altars which were intended to be permanent, and which were, consequently, constructed with a greater expense of labour and of skill, belonged to temples; and they were erected either before the temple, as shown in the woodcut in the article ANTÆ, and beautifully exemplified in the remains of temples at Pompeii,[1] or within the cella of the temple, and principally before the statue of the divinity to whom it was dedicated. The altars in the area before the temple (*βωμοὶ προνάοι*[2]) were altars of burnt-offerings, at which animal sacrifices (*victimæ*, *σφάγια*, *ἱερεῖα*) were presented: only incense was burned, or cakes and bloodless sacrifices (*θυμιάματα*, *θύα*) offered on the altars within the building.

Altars were also placed before the doors of private houses. In the *Andria* of Terence,[3] a woman is asked to take the verbenæ from an altar so situated, in order to lay a child upon them before the door of the house. A large altar to Zeus the Protector stood in the open court before the door of Priam's palace in Ilium.[4] Hither, according to the poets, Priam, Hecuba, and their daughters fled when the citadel was taken; and hence they were dragged with impious violence by Neoptolemus, the son of Achilles, and some of them put to death. All altars were places of refuge. The supplicants were considered as placing themselves under the protection of the deities to whom the altars were consecrated; and violence to the unfortunate, even to slaves and criminals, in such circumstances, was regarded as violence towards the deities themselves.

As in the instance already produced, in which the gods conspired against the Titans, men likewise were accustomed to make solemn treaties and covenants, by taking oaths at altars. Thus Virgil represents the kings entering into a league before the altar of Jupiter, by immolating a sow, while they hold the pateras for libation in their hands.[5] The story of Hannibal's oath at the altar, when a boy, is well known.

Another practice, often alluded to, was that of touching altars in the act of prayer.[6] Marriages also were solemnized at the altars; and, indeed, for the obvious reason, that religious acts were almost universally accompanied by sacrifice as an essential part of them, all engagements which could be made more binding by sacred considerations were often formed between the parties before an altar.

*ARAB'ICA, called also *Arabicus lapis*, and *Arabica gemma*. It is spoken of by Dioscorides and Galen, and was probably a fine white marble.[7]

*ARACH'NE (*ἀράχνη* or *-ης*), the Spider, or genus *Aranea*, L. Several species are mentioned by Aristotle,[8] but so briefly that they cannot be satisfactorily ascertained. Dioscorides describes two species by the names of *ὅλκος* and *λύκος*.[9] The former of these, according to Sprengel, is the *Aranea retiaria*, and the

1. (Gell's Pompeiana, 1819, Plates 43, 62, 68.)—2. (Æschyl., Suppl., 497.)—3. (l. c.)—4. (Virg., Æn., ii., 500–525.—Heyne, Excurs., ad loc.)—5. (Æn., viii., 640.—Compare the last woodcut, and Æn., xii., 201.)—6. (Geor., Carm. III., xxiii., 17.)—7. (Dioscor., v., 149.—Plin., H. N. xxxvi., 41.)—8. (H. A., ix., 26.)—9. (ii., 68.)

latter the *Aranea domestica*. Sprengel is farther of opinion that no ancient author has noticed the *Aranea Tarantula*. But *vid.* PHALANGION.[1]

*ARACHID'NA (ἀράχιδνα), a species of Pea, the same, according to Stackhouse and Sprengel, with the *Lathyrus amphicarpus*. Stackhouse proposes to read ἀράκιδνα in the text of Theophrastus.[2]

*AR'ACUS (ἄρακος), a plant, which Sprengel, in the first edition of his R. H. H., marks as the *Lathyrus tuberosus;* but in his second, he inclines to the *Pisum arvense*. Stackhouse hesitates about acknowledging it as the *Vicia cracca*, or Tufted Vetch.[3]

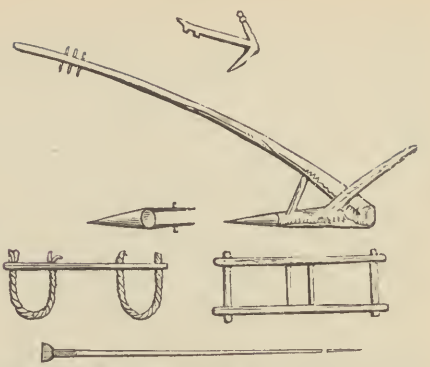
*ARA'NEA. (*Vid.* ARACHNE.)

ARA'TEIA (ἀράτεια), two sacrifies offered every year at Sicyon in honour of Aratus, the great general of the Achæans, who, after his death, was honoured by his countrymen as a hero, in consequence of the command of an oracle.[4] The full account of the two festive days is preserved in Plutarch's Life of Aratus.[5] The Sicyonians, says he, offer to Aratus two sacrifices every year, the one on the day on which he delivered his native town from tyranny, which is the fifth of the month of Daisius, the same which the Athenians call Anthesterion; and this sacrifice they call σωτήρια. The other they celebrate in the month in which they believe that he was born. On the first, the priest of Zeus offered the sacrifices; on the second, the priest of Aratus, wearing a white riband with purple spots in the centre, songs being sung to the guitar by the actors of the stage. The public teacher (γυμνασίαρχος) led his boys and youths in procession, probably to the heroum of Aratus, followed by the senators adorned with garlands, after whom came those citizens who wished to join the procession. The Sicyonians still observe, he adds, some parts of the solemnity, but the principal honours have been abolished by time and other circumstances.[6]

ARA'TRUM (ἄροτρον), a plough.

The Greeks appear to have had, from the earliest times, diversities in the fashion of their ploughs. Hesiod[7] advises the farmer to have always two ploughs, so that if one broke, the other might be ready for use; and they were to be of two kinds, the one called αὐτόγυον, because in it the plough-tail (γύης, *buris*, *bura*) was of the same piece of timber with the share-beam (ἔλυμα, *dens*, *dentale*) and the pole (ῥύμος, ἱστοβοεύς, *temo*); and the other called πηκτόν, *i. e.*, compacted, because in it the three above-mentioned parts, which were, moreover, to be of three different kinds of timber, were adjusted to one another, and fastened together by means of nails (γόμφοισιν[8]).

The method of forming a plough of the former kind was by taking a young tree with two branches proceeding from its trunk in opposite directions, so that while in ploughing the trunk was made to serve for the pole, one of the two branches stood upward and became the tail, and the other penetrated the ground, and, being covered sometimes with bronze or iron, fulfilled the purpose of a share. This form is exhibited in the uppermost figure of the annexed woodcut, taken from a medal. The next figure shows the plough still used in Mysia, as described and delineated by a late traveller in that country, Mr. C. Fellows. It is a little more complicated than the first plough, inasmuch as it consists of two pieces of timber instead of one, a handle (ἐχέτλη, *stiva*) being inserted into the larger piece at one side of it. Mr. Fellows[9] observes that each portion of this instrument is still called by its ancient Greek name, and adds, that it seems suited only to the light soil prevailing where he observed it; that it is



held by one hand only; that the form of the share (ὖννις) varies; and that the plough is frequently used without any share. "It is drawn by two oxen, yoked from the pole, and guided by a long reed or thin stick (κάτρινος), which has a spud or scraper at the end for cleaning the share." See the lowest figure in the woodcut.

Another recent traveller in Greece gives the following account of the plough which he saw in that country, a description approaching still nearer to the πηκτὸν ἄροτρον of Homer and Hesiod. "It is composed," says he, "of two curved pieces of wood, one longer than the other. The long piece forms the pole, and one end of it being joined to the other piece about a foot from the bottom, divides it into a share, which is cased with iron, and a handle. The share is, besides, attached to the pole by a short crossbar of wood. Two oxen, with no other harness than yokes, are joined to the pole, and driven by the ploughman, who holds the handle in his left hand, and the goad in his right."[1] A beautiful view of the plain of Elis, representing this plough in use, is given by Mr. S. Stanhope in his *Olympia*.[2]

The yoke and pole used anciently in ploughing did not differ from those employed for draught in general. Consequently, they do not here require any farther description. (*Vid.* JUGUM.)

To the bottom of the *pole*, in the compacted plough, was attached the *ploughtail*, which, according to Hesiod, might be made of any piece of a tree (especially the πρῖνος, *i. e.*, the ilex, or holm-oak), the natural curvature of which fitted it to this use. But in the time and country of Virgil, pains were taken to force a tree into that form which was most exactly adapted to the purpose.

"*Continuo in silvis magna vi flexa domatur*
In burim, *et curvi formam accipit ulmus aratri.*"[3]

The upper end of the buris being held by the ploughman, the lower part, below its junction with the pole, was used to hold the *share-beam*, which was either sheathed with metal, or driven bare into the ground, according to circumstances.

To these three continuous and most essential parts, the two following are added in the description of the plough by Virgil:

1. The *earth-boards* or *mould-boards*, rising on each side, bending outwardly in such a manner as to throw on either hand the soil which had been previously loosened and raised by the share, and adjusted to the share-beam, which was made double for the purpose of receiving them: "Binæ *aures*, duplici aptantur *dentalia* dorso." According to Palladius,[4] it was desirable to have ploughs both with earth-boards (*aurita*) and without them (*amplicia*).

2. The *handle*, which is seen in Mr. Fellows's woodcut, and likewise in the following representation of an ancient Italian plough. Virgil considers

1 (Adams, Append., s. v.)—2. (Theophrast., H. P., i., 6.—Adams, Append., s. v.)—3. (Theophrast., H. P., i 6.)—4. (Paus., ii., 9, § 4.)—5. (c. 53.)—6. (Wachsmuth, Hellen. Alterthum., ii., 2, p 105.)—7. (Op. et Dies, 432.)—8. (Compare Schol. in Apoll. Rhod., iii., 232.—Hom., Il., x., 353; xiii., 703; and Schol.

9 (Excursion in Asia Minor, 1838, p. 71.)

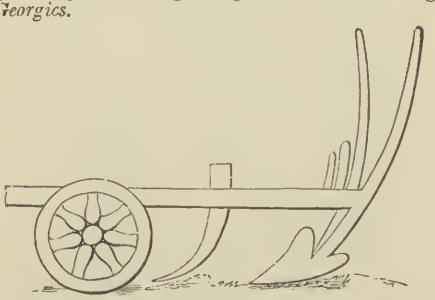
1. (Hobhouse, Journey through Albania, &c., vol. i., p 140.)—2 (p. 42.)—3 (Georg., i., 169, 170.)—4. (i., 43.)

this part as used to turn the plough at the end of the furrow: "*Stivaque, quæ currus a tergo torqueat imos.*" Servius, however, in his note on this line, explains *stiva* to mean "the handle by which the plough is directed." It is probable that, as the *dentalia*, *i. e.*, the two share-beams, which Virgil supposes, were in the form of the Greek letter A, which he describes by *duplici dorso*, the buris was fastened to the left share-beam, and the stiva to the right; so that, instead of the simple plough of the Greeks, that described by the Mantuan poet, and used, no doubt, in his country (see the following woodcut), was more like the modern Lancashire plough, which is commonly held behind with both hands. Sometimes, however, the stiva (*ἐχέτλη*[1]) was used alone and instead of the tail, as in the Mysian plough above represented. To a plough so constructed, the language of Columella was especially applicable: "*Arator stivæ pæne rectus innititur*;"[2] and the expressions of Ovid, "*Stivæque innixus arator*,"[3] and "*Inde premens stivam designat mœnia sulco.*"[4] In place of "*stiva*," Ovid also uses the less appropriate term "*capulus*:"[5] "*Ipse manu capulum prensi moderatus aratri.*" When the plough was held either by the stiva alone, or by the buris alone, a piece of wood (*manicula*[6]) was fixed across the summit, and on this the labourer pressed with both hands. Besides guiding the plough in a straight line, his duty was to force the share to a sufficient depth into the soil. Virgil alludes to this in the phrase "*Depresso aratro.*"[7]

The crossbar, which is seen in Mr. Fellows's drawing, and mentioned in Sir J. C. Hobhouse's description, and which passes from the pole to the share for the purpose of giving additional strength, was called *σπάθη*, in Latin *fulcrum*.

The coulter (*culter*[8]) was used by the Romans as it is with us. It was inserted into the pole so as to depend vertically before the share, cutting through the roots which came in its way, and thus preparing for the more complete loosening and overturning of the soil by the share.

About the time of Pliny, two small wheels (*rotæ*, *rotulæ*) were added to the plough in Rhætia; and Servius[9] mentions the use of them in the country of Virgil. The annexed woodcut shows the form of a wheel-plough, as represented on a piece of engraved jasper, of Roman workmanship. It also shows distinctly the coulter, the share-beam, the plough-tail, and the handle or *stiva*.[10] The plough corresponds in all essential particulars with that now used about Mantua and Venice, of which Martyn has given an engraving in his edition of Virgil's *Georgics*.



The Greeks and Romans usually ploughed their land three times for each crop. The first ploughing was called *proscindere*, or *novare* (*νεοῦσθαι*, *νειάζεσθαι*); the second, *offringere*, or *iterare*; and the third, *lirare*, or *tertiare*.[11] The field which underwent the "proscissio" was called *vervactum* or *novale* (*νεός*), and in this process the coulter was employed, because the fresh surface was entangled with numberless roots, which required to be divided before the soil could be turned up by the share.[1] The term "offringere," from *ob* and *frangere*, was applied to the second ploughing, because the long parallel clods already turned up were broken and cut across, by drawing the plough through them at right angles to its former direction.[2] The field which underwent this process was called *ager iteratus*—*δίπολος*.[3] After the second ploughing, the sower cast his seed. Also the clods were often, though not always, broken still farther by a wooden mallet, or by harrowing (*occatio*). The Roman ploughman then, for the first time, attached the earth-boards to his share (*tabula adnexa*[4]). The effect of this adjustment was to divide the level surface of the "ager *iteratus*" into ridges. These were called *porcæ*, and also *liræ*, whence came the verb *lirare*, to make ridges, and also *delirare*, to decline from the straight line.[5] The earth-boards, by throwing the earth to each side in the manner already explained, both covered the newly-scattered seed, and formed between the ridges furrows (*αὐλακες*, *sulci*) for carrying off the water. In this state the field was called *seges* and *τρίπολος*. The use of this last term by Homer and Hesiod proves that the triple ploughing was practised as early as their age.

When the ancients ploughed three times only, it was done in the spring, summer, and autumn of the same year. But, in order to obtain a still heavier crop, both the Greeks and the Romans ploughed four times, the proscissio being performed in the latter part of the preceding year, so that between one crop and another two whole years intervened.[6] A field so managed was called *τετράπολος*.[7]

When the ploughman had finished his day's labour, he turned the instrument upside down, and the oxen went home dragging its tail and handle over the surface of the ground—a scene exhibited to us in the following lines:

> "*Videre fessos vomerem inversum boves*
> *Collo trahentes languido!*"[8]

The Greeks and Romans commonly employed oxen in ploughing; but they also used asses for light soils.[9] The act of yoking together an ox and an ass, which was expressly forbidden by the law of Moses,[10] is made the ground of a ludicrous comparison by Plautus.[11] Ulysses, when he feigned madness in order to avoid going on the Trojan expedition, ploughed with an ox and a horse together.[12]

A line has been already quoted from Ovid's *Fasti*, which mentions the use of the plough by Romulus for marking the site of Rome. On this occasion a white bull and a white cow were yoked together: "*Alba jugum niveo cum bove vacca tulit.*"[13] Besides this ceremony at the foundation of cities or colonies, the plough was drawn over the walls when they were conquered by the Romans.[14]

ARBITER. (*Vid.* JUDEX.)

ARBITRARIA ACTIO. (*Vid.* ACTIO, p. 17.)

*ARBUTUM (*μιμαίκυλον* or *κόμαρον*), the fruit of the Wild Strawberry-tree, or *Arbutus*. It has very much the appearance of our strawberry, except that it is larger, and has not the seeds on the outside of the pulp, like that fruit. The arbute-tree grows plentifully in Italy, and the poets have supposed that the early race of men lived on acorns and the fruit of this tree before the discovery and

1. (Hes., Op. et Dies, 467.)—2. (l., 9.)—3. (Met., viii., 218.)—4. (Fast., iv., 825.)—5. (Epist. de Ponto, i., 8, 61.)—6. (Varro, De Ling. Lat., iv.)—7. (Georg., i., 45.)—8. (Plin., H. N., xviii., 48.)—9. (l. c.)—10. (Caylus, Rec. d'Ant., v., pl. 83. No. 6.)—11. (Arat., Dios., 321.—Ovid, Met., vii, 119.—Varro, De Re Rust., i., 29.—Colum., De Re Rust., ii., 4.)

1. (Plin., H. N., xviii., 49.)—2. (Plin, l. c.—Virg., Georg., i 97, 98.—Festus, s. v. Offringi.)—3. (Cic., De Orat., ii., 30.)—4 (Plin., l. c.)—5. (Col., l. c.)—6. (Theophrast., De Caus. Pl., iii., 5.—Virg., Georg., i., 47-49.)—7. (Theocr., xxv., 26.)—8. (Hor., Epod., ii., 63.)—9. (Varro, De Re Rust., ii., 6.—Plin., H. N., viii., 68.—Col., vii., 1.)—10. (Deut., xxii., 10.)—11. (Aul., ii., 2, 51-58.)—12. (Hygin., Fab., 95.)—13. (Compare Virg., Æn., v., 755.—Cic., Phil., ii, 40.)—14. (Hor., Od., i., 16, 20.)—Propert., iii., 7, 41.)

cultivation of corn. The berries of the arbute, however, are hardly eatable: when taken in too great quantities, they are said to be narcotic; and Pliny informs us that the term *unedo* was familiarly applied to the fruit of this tree, because it was unsafe to eat more than one (*unus*, "one," and *edo*, "to eat"[1]). The same writer[2] describes the fruit as indigestible and unwholesome, and yet, in the island of Corsica, an agreeable wine is said to be prepared from it. The term *unedo* was also given to the tree itself, and this is retained in the Linnæan nomenclature, *Arbutus unedo*. The peculiar properties ascribed to the fruit of the arbute-tree exist in several other plants of the same order. Their general qualities are said to be astringent and diuretic. The *Ledum palustre* renders beer heavy when used in the manufacture of that beverage; *Rhododendron ponticum* and *maximum*, *Kalmia latifolia*, and some others, are well known to be venomous. The honey which poisoned some of the soldiers in the retreat of the ten thousand through Pontus, was gathered by bees from the flowers of the *Azalea pontica*. The shoots of *Andromeda ovalifolia* poison goats in Nipal.[3] (*Vid.* ARBUTUS.)

*ARB'ŬTUS (κόμαρος), the Arbute or Wild Strawberry-tree, *Arbutus unedo*, L. Its fruit is called in Latin *arbutum*, in Greek κόμαρον and μιμαίκυλον, and in English the wild strawberry, from the resemblance it bears to that well-known berry. (*Vid.* ARBUTUM.) Virgil, in speaking of the Arbute-tree, uses the epithet *horrida*,[4] about the meaning of which commentators are not agreed.[5] The best opinion, however, is that which refers the term in question to the ruggedness of the bark, which is the sense in which Servius also seems to take it.[6] Fée, however, is for making the epithet apply to the rough, astringent taste of the arbute. In fact, the leaves, bark, and fruit afford a very strong astringent, and are used for this purpose in medicine.—There does not seem to be any notice of the *Fragaria vesca*, or Wood Strawberry, in the Greek classics. It is described by Pliny, and had been previously mentioned by Ovid.[7]

ARCA (κιβωτός), a chest or coffer, is used in several significations, of which the principal are,

I. A chest, in which the Romans were accustomed to place their money; and the phrase *ex arca solvere* had the meaning of paying in ready money. When Cicero presses Atticus to send him some statues from Greece, he says, "*Ne dubitaris mittere et arcæ nostræ confidito.*"[8] These chests were either made of or bound with iron or other metals.[9] The term arcæ was usually applied to the chests in which the rich kept their money, and was opposed to the smaller *loculi*,[10] *sacculus*,[11] and *crumena*.

II. The ARCA was frequently used in later times as equivalent to the *fiscus*, that is, the imperial treasury.[12]

III. The ARCA also signified the coffin in which persons were buried,[13] or the bier on which the corpse was placed previously to burial.[14]

IV. The ARCA was also a strong cell made of oak, in which criminals and slaves were confined.[15]

*ARKEUTHOS. (*Vid.* JUNIPERUS.)

AR'CERA was a covered carriage or litter, spread with cloths, which was used in ancient times in Rome to carry the aged and infirm. It is said to have obtained the name of arcera on account of its resemblance to an *arca*.[16]

1. (Plin., H. N., xix., 24.)—2. (xxiii., 8.)—3. (Lindley's Botany, p. 180.)—4. (Georg., ii., 69.)—5. (Fée, Flore de Virgile, p. xx., seq.)—6. (in Virg., l. c.—Martyn in Virg., Georg., ii., 69.)—7. (Adams, Append., s. v. κόμαρος.)—8. (Cic. ad At., i., 9.—Compare Colum., ix., 3. "Ea res arcam patrisfamilias exhaurit.")—9. (Juv., xi., 26 · xiv., 259.)—10. (Juv., i., 89.)—11. (Juv., xi., 26.)—12. (Symm., x., 33.—Compare Dig. 50, tit. 4, s. 1.)—13. (Aur. Vict., de Vir. Ill., c. 42.—Lucan, viii., 736.)—14. (Dig. 2, tit. 7, s. 7.)—15. (Cic., pro Milon., c. 22.—Festus, s. v. Robum)—16. (Varro de Ling. Lat., iv., 31.—Gell., xx., 1.)

ARCHAIRESIAI (ἀρχαιρεσίαι) were the assemblies of the people which were held for the election of those magistrates at Athens who were not chosen by lot. The principal public officers were chosen by lot (κληρωτοί), and the lots were drawn annually in the temple of Theseus by the thesmothetæ. Of those magistrates chosen by the general assembly of the people (χειροτονητοί), the most important were the strategi, taxiarchi, hipparchi, and phylarchi. The public treasurers (ταμίαι), and all the officers connected with the collection of the tribute, all ambassadors, commissioners of works, &c., were appointed in the same manner.

The people always met in the Pnyx for the election of these magistrates, even in later times, when it became usual to meet for other purposes in the Temple of Dionysus.[1] It is not certain at what time of the year they met for this purpose, nor who presided over the assembly, but most probably the archons. The candidates for these offices, especially for that of strategus, had recourse to bribery and corruption to a great extent, although the laws awarded capital punishment to that offence, which was called by the Athenians δεκασμός. The canvassing of the electors and the solicitation of their votes was called ἀρχαιρεσιάζειν. The magistrates who presided over the assembly mentioned the names of the candidates (προβάλλεσθαι[2]), and the people declared their acceptance or rejection of each by a show of hands. They never appear to have voted by ballot on these occasions.

Those who were elected could decline the office, alleging upon oath some sufficient reason why they were unable to discharge its duties, such as labouring under a disease, &c.: the expression for this was ἐξόμνυσθαι τὴν ἀρχήν, or τὴν χειροτονίαν.[3] If, however, an individual accepted the office to which he was chosen, he could not enter upon the discharge of his duties till he had passed his examination (δοκιμασία) before the thesmothetæ. If he failed in passing his examination (ἀποδοκιμασθῆναι), he incurred a modified species of ἀτιμία.[4] All public officers, however, were subject to the ἐπιχειροτονία, or confirmation of their appointment by each successive prytany at the commencement of its period of office, when any magistrate might be deprived of his office (ἀποχειροτονεῖσθαι). In the Attic orators, we not unfrequently read of individuals being thus deprived of their offices.[5] (*Vid.* ARCHON, p. 83.)

*ARKEION. (*Vid.* ARKTION.)

ARCHEION (ἀρχεῖον) properly means any public place belonging to the magistrates, but is more particularly applied to the archive office, where the decrees of the people and other state documents were preserved. This office is sometimes called merely τὸ δημοσίον.[6] At Athens the archives were kept in the temple of the mother of the gods (μήτρῳον), and the charge of it was intrusted to the president (ἐπιστάτης) of the senate of the Five Hundred.[7]

ARCHIATER (ἀρχίατρος, compounded of ἀρχός or ἄρχων, a chief, and ἰατρός, a physician), a medical title under the Roman emperors, the exact signification of which has been the subject of much discussion; for while some persons interpret it "the chief of the physicians" (*quasi* ἄρχων τῶν ἰατρῶν), others explain it to mean "the physician to the prince" (*quasi* τοῦ ἄρχοντος ἰατρός). Upon the whole, it seems much more probable that the former is the true meaning of the word, and for these reasons: 1. From its etymology it cannot

1. (Pollux, viii., 134.)—2. (Demosth., De Coron., p. 277)—3. (Demosth., περὶ Παραπρ., p. 379.)—4. (Demosth. in Aristog., i. p. 779.)—5. (*Vid.* Demosth., c. Timoth., p. 1187; c. Theocrin. p. 1330.—Diarch. in Philocl., c. 4.—Compare Schömann, de Comitiis Ath., p. 320 330.)—6. (Demosth., De Cor., p. 275.)—7. (Demosth., περὶ Παραπρ., p. 381. in Aristog., i., p. 799.—Paus. i., 3, § 4.)

possibly have any other sense, and of all the words similarly formed (*ἀρχιτέκτων*, *ἀρχιτρίκλινος*, *ἀρχιεπίσκοπος*, &c.) there is not one that has any reference to "*the prince*." 2. We find the title applied to physicians who lived at Edessa, Alexandrea, &c., where no king was at that time reigning. 3. Galen[1] speaks of Andromachus being appointed "*to rule over*" the physicians (*ἀρχειν*), *i. e.*, in fact, to be "archiater." 4. Augustine[2] applies the word to Æsculapius, and St. Jerome (metaphorically, of course) to our Saviour,[3] in both which cases it evidently means "the chief physician." 5. It is apparently synonymous with *protomedicus*, *supra medicos*, *dominus medicorum*, and *superpositus medicorum*, all which expressions occur in inscriptions, &c. 6. We find the names of several persons who were physicians to the emperor mentioned without the addition of the title *archiater*. 7. The archiatri were divided into *A. sancti palatii*, who attended on the emperor, and *A. populares*, who attended on the people; so that it is certain that *all* those who bore this title were not "physicians to the *prince*." The chief argument in favour of the contrary opinion seems to arise from the fact, that of all those who are known to have held the office of *A.*, the greater part certainly were physicians to the emperor as well; but this is only what might, *à priori*, be expected, viz., that those who had attained the highest rank in their profession would be chosen to attend upon the prince (just as in England the President of the College of Physicians is ex-officio physician to the sovereign).

The first person whom we find bearing this title is Andromachus, physician to Nero, and inventor of the Theriaca.[4] (*Vid.* Theriaca.) But it is not known whether he had at the same time any sort of authority over the rest of the profession. In fact, the history of the title is as obscure as its meaning, and it is chiefly by means of the laws respecting the medical profession that we learn the rank and duties attached to it. In after times (as was stated above) the order appears to have been divided, and we find two distinct classes of archiatri, viz., those of the palace and those of the people.[5] The A. sancti palatii were persons of high rank, who not only exercised their profession, but were judges on occasion of any disputes that might occur among the physicians of the place. They had certain privileges granted to them, *e. g.*, they were exempted from all taxes, and their wives and children also; were not obliged to lodge soldiers or others in the provinces; could not be put in prison, &c.; for, though these privileges seem at first to have been common to all physicians,[6] yet afterward they were confined to the A. of the palace and to those of Rome. When they obtained their dismissal from attendance on the emperor, either from old age or any other cause, they retained the title *ex-archiatri* or *ex-archiatris*.[7] The A. populares were established for the relief of the poor, and each city was to be provided with five, seven, or ten, according to its size.[8] Rome had fourteen, besides one for the vestal virgins, and one for the gymnasia.[9] They were paid by the government, and were therefore obliged to attend their poor patients gratis, but were allowed to receive fees from the rich.[10] The A. populares were not appointed by the governors of the provinces, but were elected by the people themselves.[11] The office appears to have been more lucrative than that of A. s. pal., though less honourable. In later times, we find in Cassiodorus[12] the title "*comes archiatrorum*," "count of the archiatri," together with an account of his duties by which it appears that he was the arbiter and judge of all disputes and difficulties, and ranked among the officers of the Empire as a *vicarius* or *dux*.[1]

ARCHIMI'MUS. (*Vid.* Mimus.)

ARCHITECTU'RA. (*Vid.* Amphitheatrum, Aquæ Ductus, Arcus, Basilica, Bath, House, Temple, &c.)

ARCHITHEO'ROS. (*Vid.* Theoria.)

ARCHON (*ἄρχων*). The government of Athens appears to have gone through the cycle of changes, which history records as the lot of many other states.[2] It began with monarchy; and, after passing through a dynasty and aristocracy, ended in democracy. (By dynasty is here meant that the supreme power, though not monarchical, was confined to one family.) Of the kings of Athens, considered as the capital of Attica, Theseus may be said to have been the first; for to him, whether as a real individual or a representative of a certain period, is attributed the union of the different and independent states of Attica under one head.[3] The last was Codrus, in acknowledgment of whose patriotism in meeting death for his country, the Athenians are said to have determined that no one should succeed him with the title of *βασιλεύς*, or king. It seems, however, equally probable, that it was the nobles who availed themselves of this opportunity to serve their own interests, by abolishing the kingly power for another, the possessors of which they called *ἄρχοντες*, or rulers. These for some time continued to be, like the kings of the house of Codrus, appointed for life: still an important point was gained by the nobles, the office being made *ὑπεύθυνος*, or accountable,[4] which, of course, implies that the nobility had some control over it; and perhaps, like the barons of the feudal ages, they exercised the power of deposition.

This state of things lasted for twelve reigns of archons. The next step was to limit the continuance of the office to ten years, still confining it to the Medontidæ, or house of Codrus, so as to establish what the Greeks called a dynasty, till the archonship of Eryxias, the last archon of that family elected as such. At the end of his ten years (B.C. 684), a much greater change took place: the archonship was made annual, and its various duties divided among a college of nine, chosen by suffrage (*χειροτονία*) from the Eupatridæ, or Patricians, and no longer elected from the Medontidæ exclusively. This arrangement continued till the timocracy established by Solon, who made the qualification for office depend not on birth, but property, still retaining the election by suffrage, and, according to Plutarch, so far impairing the authority of the archons and other magistrates as to legalize an appeal from them to the courts of justice instituted by himself.[5] The election by lot is believed to have been introduced by Cleisthenes (B.C. 508);[6] for we find this practice existing shortly after his time; and Aristotle expressly states that Solon made no alteration in the *αἱρεσις*, or mode of election, but only in the qualification for office. If, however, there be no interpolation in the oath of the Heliasts,[7] we are forced to the conclusion that the election by lot was as old as the time of Solon; but the authority of Aristotle and other evidence strongly incline us to some such supposition, or, rather, leave no doubt of its necessity. The last change is supposed to have been made by Aristeides,[8] who, after the battle of Platæa (B.C. 479),

1. (**De Ther.** ad Pis., c. 1.)—2. (De Civit. Dei, iii., 17.)—3. (xiii., Hom. in S. Luc.)—4. (Galen, l. c.—Erotian., Lex Voc. Hippocr., in Præf.)—5. (Cod. Theodos., xiii., t. t. 3, De Medicis et Professoribus.)—6. (Cod. Just., x., tit. 52, s. 6, Medicos et maxime Archiatros.)—7. (Constantin., Cod. x., tit. 52, leg. 6.)—8. (Dig. 27, tit. 1, s. 6.)—9. (Cod. Theodos., l. c.)—10. (Cod. Theodos., l. c.)—11. (Dig. 50, tit. 9, s. 1.)—12. (*Vid.* Meibom., Commen' in Cass. Formul. Archiatr., Helmst., 1668.)

1. (*Vid.* Le Clerc. and Sprengel, Hist. de la Med.)—2. (Vico, Scienza Nuova.—Phil. Mus., vol. ii., p. 627.—Arnold, Thucyd., Append.)—3. (Thucyd., ii., 15.)—4. (Paus., ii., 5, § 10.—Demosth., Neær., 1370.—Aristot., Polit., ii., 9.—Böckh, Pub. Econ of Athens, ii., p. 27, transl.)—5. ("Οσα ταῖς ἀρχαῖς ἔταξε κρίνειν δικοίως καὶ περὶ ἐκείνων, εἰς τὸ δικαστήριον, ἐφέσεις ἔδωκεν Plutarch, Solon., 18.)—6. (Herod., vi., c. 109.)—7. (Demosth Timocr., p. 747.)—8. (Γράψει ψήφισμα κοινὴν εἶναι τὴν πολιτείαν, καὶ τοὺς ἄρχοντας ἐξ Ἀθηναίων πάντων αἱρεῖσθαι. Plutarch, Arist.)

abolished the property qualification, throwing open the archonship and other magistracies to all the citizens, that is, to the Thetes as well as the other classes, the former of whom were not allowed by Solon's laws to hold any magistracy at all; in conformity with which, we find that, even in the time of Aristeides, the archons were chosen by lot from the wealthiest class of citizens (*οἱ πεντακοσιομέδιμνοι*[1]).

Still, after the removal of the old restrictions, some security was left to ensure respectability; for, previously to an archon entering on office, he underwent an examination, called the *ἀνάκρισις*,[2] as to his being a legitimate and a good citizen, a good son, and qualified in point of property: *εἰ ἔχει τὸ τίμημα*; was the question put. Now there are[3] strong reasons for supposing that this form of examination continued even after the time of Aristeides; and if so, it would follow that the right in question was not given to the Thetes promiscuously, but only to such as possessed a certain amount of property. But even if it were so, it is admitted that this latter limitation soon became obsolete; for we read in Lysias[4] that a needy old man, so poor as to receive a state allowance, was not disqualified from being archon by his indigence, but only by bodily infirmity; freedom from all such defects being required for the office, as it was in some respects of a sacred character. Yet, even after passing a satisfactory *ἀνάκρισις*, each of the archons, in common with other magistrates, was liable to be deposed, on complaint of misconduct made before the people, at the first regular assembly in each prytany. On such an occasion, the *ἐπιχειροτονία*, as it was called, took place; and we read[5] that, in one case, the whole college of archons was deprived of office (*ἀπεχειροτονήθη*) for the misbehaviour of one of their body: they were, however, reinstated, on promise of better conduct for the future. (*Vid.* ARCHAIRESIAI.)

With respect to the later ages of Athenian history, we learn from Strabo[6] that even in his day (*μέχρι νῦν*) the Romans allowed the freedom of Athens; and we may conclude that the Athenians would fondly cling to a name and office associated with some of their most cherished remembrances. That the archonship, however, though still in existence, was merely honorary, we might expect from the analogy of the consulate at Rome; and, indeed, we learn that it was sometimes filled by strangers, as Hadrian and Plutarch. Such, moreover, was the democratical tendency of the assembly and courts of justice established by Solon,[7] that, even in earlier times, the archons had lost the great political power which they at one time possessed,[8] and that, too, after the division of their functions among nine. They became, in fact, not, as of old, directors of the government, but merely municipal magistrates, exercising functions and bearing titles which we will proceed to describe.

It has been already stated that the duties of the single archon were shared by a college of nine. The first, or president of this body, was called *ἄρχων* by way of pre-eminence; or *ἄρχων ἐπώνυμος*, from the year being distinguished by and registered in his name. The second was styled *ἄρχων βασιλεύς*, or the king archon; the third, *πολέμαρχος*, or commander-in-chief; the remaining six, *θεσμοθέται*, or legislators. As regards the duties of the archons, it is sometimes difficult to distinguish what belonged to them individually and what collectively.[9] It seems, however, that a considerable portion of the judicial functions of the ancient kings devolved upon the *ἄρχων ἐπώνυμος*, who was also constituted a sort of state protector of those who were unable to defend themselves.[1] Thus he was to superintend orphans, heiresses, families losing their representatives (*οἶκοι οἱ ἐξερημούμενοι*), widows left pregnant, and to see that they were not wronged in any way. Should any one do so, he was empowered to inflict a fine of a certain amount, or to bring the parties to trial. Heiresses, indeed, seem to have been under his peculiar care; for we read[2] that he could compel the next of kin either to marry a poor heiress himself, even though she were of a lower class, or to portion her in marriage to another. Again, we find[3] that, when a person claimed an inheritance or heiress adjudged to others, he summoned the party in possession before the archon eponymus, who brought the case into court, and made arrangements for trying the suit. We must, however, bear in mind that this authority was only exercised in cases where the parties were citizens, the polemarch having corresponding duties when the heiress was an alien. It must also be understood that, except in very few cases, the archons did not decide themselves, but merely brought the causes into court, and cast lots for the dicasts who were to try the issue.[4] Another duty of the archons was to receive *εἰσαγγέλιαι*, or informations against individuals who had wronged heiresses, children who had maltreated their parents, guardians who had neglected or defrauded their wards.[5] Informations of another kind, the *ἔνδειξις* and *φάσις*, were also laid before the eponymus, though Demosthenes assigned the former to the thesmothetæ. The last office of the archon which we shall mention was of a sacred character; we allude to his superintendence of the greater Dionysia and the Thargelia, the latter celebrated in honour of Apollo and Artemis.

The functions of the *ἄρχων βασιλεύς* were almost all connected with religion: his distinguishing title shows that he was considered a representative of the old kings in their capacity of high-priest, as the *Rex Sacrificulus* was at Rome. Thus he presided at the Leuæan, or older Dionysia; superintended the mysteries and the games called *λαμπαδηφορίαι*, and had to offer up sacrifices and prayers in the Eleusinium, both at Athens and Eleusis. Moreover, indictments for impiety, and controversies about the priesthood, were laid before him; and, in cases of murder, he brought the trial into the court of the areiopagus, and voted with its members. His wife, also, who was called *βασίλισσα*, had to offer certain sacrifices, and therefore it was required that she should be a citizen of pure blood, without stain or blemish. His court was held in what was called *ἡ τοῦ βασιλέως στοά*.[6]

The polemarch was originally, as his name denotes, the commander-in-chief;[7] and we find him discharging military duties as late as the battle of Marathon, in conjunction with the ten *στρατηγοί*: he there took, like the kings of old, the command of the right wing of the army. This, however, seems to be the last occasion on record of this magistrate, appointed by lot, being invested with such important functions; and in after ages we find that his duties ceased to be military, having been in a great measure transferred to the protection and superintendence of the resident aliens, so that he resembled in many respects the prætor peregrinus at Rome. In fact, we learn from Aristotle, in his

1. (Plut., Arist., ad init.)—2. (Pollux, Onom., viii., 96.—Dinar., c. Aristog., p. 107; *τοὺς ἐννέα ἄρχοντας ἀνακρίνετε εἰ γονέας εὖ ποιοῦσιν.* Demosth., Eubul., 1320.)—3. (Schömann, De Comit. Ath., 296, transl.—Böckh, ii., 277.)—4. (*ὑπὲρ τοῦ Ἀδυνάτου*, p. 169.)—5. (Demosth., c. Theocr., 1330.—Pollux, viii., 95.—Harpocr. in *Κυρία ἐκκλησία*.)—6. (ix., c. 1.)—7. (Plut. in vita.)—8. (Thucyd., i., 126.)—9. (Schömann, 174, transl.)

1. (Demosth., Macar., *Νόμος*, p. 1076.—Pollux, viii, 89.)—2. (Demosth., Macar., p. 1052.)—3. (Id., p. 1056.—Pollux, Onom., viii., 52.)—4. (Demosth., c. Steph., 2, p. 1136.)—5. (*Κίκωσις ἐπικλήρου, γονέων, ὀρφανῶν.* Pollux, Onom., viii., 48, 49.—Demosth., Timocr., 707.—Schömann, 174.)—6. (Demosth., Lacr., 940.—Androt., 601.—Neæra, 1370.—Lysias, And., 103, where the duties are enumerated.—Elmsley ad Aristoph., Acharn., 1143, e scholia.—Clinton, F. H., 468, 4.—Harpocr. in *Ἐπιμεληταὶ τῶν μυστηρίων* Plato. Euthy. et Theæt., ad fin.—Pollux, Onom., viii., 90.)—7. (Herod., vi., 109, 111.—Pollux, Onom., viii., 91.)

"Constitution of Athens," that the polemarch stood in the same relation to foreigners as the archon to citizens.[1] Thus, all actions affecting aliens, the isoteles and proxeni, were brought before him previously to trial; as, for instance, the *δίκη ἀπροστασίου* against a foreigner for living in Athens without a patron; so was also the *δίκη ἀποστασίου* against a slave who failed in his duty to the master who had freed him. Moreover, it was the polemarch's duty to offer the yearly sacrifice to Artemis, in commemoration of the vow made by Callimachus at Marathon, and to arrange the funeral games in honour of those who fell in war. These three archons, the *ἐπώνυμος*, *βασιλεύς*, and *πολέμαρχος*, were each allowed two assessors to assist them in the discharge of their duties.

The thesmothetæ were extensively connected with the administration of justice, and appear to have been called legislators,[2] because, in the absence of a written code, they might be said to make laws, or *θεσμοί*, in the ancient language of Athens, though, in reality, they only declared and explained them. They were required to review, every year, the whole body of laws, that they might detect any inconsistencies or superfluities, and discover whether any laws which were abrogated were in the public records among the rest.[3] Their report was submitted to the people, who referred the necessary alterations to a legislative committee chosen for the purpose, and called *νομοθέται*.

The chief part of the duties of the thesmothetæ consisted in receiving informations, and bringing cases to trial in the courts of law, of the days of sitting in which they gave public notice.[4] They did not try them themselves, but seem to have constituted a sort of grand jury, or inquest. Thus they received *ἐνδείξεις* against parties who had not paid their fines, or owed any money to the state, and *ἐπαγγελίαι* against orators guilty of actions which disqualified them from addressing the people; and in default of bringing the former parties to trial, they lost their right of going up to the areiopagus at the end of their year of office.[5] Again, indictments for personal injuries (*ὑβρέως γραφαί*) were laid before them, as well as informations against olive growers, for rooting up more trees than was allowed to each proprietor by law.[6] So, too, were the indictments for bribing the Heliæa, or any of the courts of justice at Athens, or the senate, or forming clubs for the overthrow of the democracy, and against retained advocates (*συνήγοροι*) who took bribes either in public or private causes. Again, an information was laid before them if a foreigner cohabited with a citizen, or a man gave in marriage as his own daughter the child of another, or confined as an adulterer one who was not so. They also had to refer informations (*εἰσαγγελίαι*) to the people; and where an information had been laid before the senate, and a condemnation ensued, it was their duty to bring the judgment into the courts of justice for confirmation or revision.

A different office of theirs was to draw up and ratify the *σύμβολα*, or agreements with foreign states, settling the terms on which their citizens should sue and be sued by the citizens of Athens.[7] In their collective capacity, the archons are said to have had the power of death in case an exile returned to an interdicted place: they also superintended the *ἐπιχειροτονία* of the magistrates, held every prytany,[8] and brought to trial those whom the people deposed, if an action or indictment were the consequence of it. Moreover, they allotted the dicasts or jurymen, and probably presided at the annual election of the strategi and other military officers.

In concluding this enumeration of the duties of the archons, we may remark that it is necessary to be cautious in our interpretation of the words *ἀρχή* and *ἄρχοντες*: the fact is, that in the Attic orators they have a double meaning, sometimes referring to the archons peculiarly so called, and sometimes to any other magistracy. Thus, in Isæus,[1] we might, on a cursory perusal, infer, that when a testator left his property away from his heir-at-law, by what was technically called a *δόσις*,[2] the archon took the original will into custody, and was required to be present at the making of any addition or codicil to it. A more accurate observation proves that by *εἷς τῶν ἀρχόντων* is meant one of the *ἀστυνόμοι*, who formed a magistracy (*ἀρχή*) as well as the nine archons.

A few words will suffice for the privileges and honours of the archons.[3] The greatest of the former was the exemption from the trierarchies; a boon not allowed even to the successors of Harmodius and Aristogeiton. As a mark of their office, they wore a chaplet or crown of myrtle; and if any one struck or abused one of the thesmothetæ or the archon, when wearing this badge of office, he became *ἄτιμος*, or infamous in the fullest extent, thereby losing his civic rights. The archons, at the close of their year of service, were admitted among the members of the areiopagus. (*Vid.* AREIOPAGUS.) The principal authority on the subject of the archons and their duties is Julius Pollux, in a work called Ὀνομαστικόν: he was a professor of rhetoric at Athens in the time of the Emperor Commodus, A.D. 190, to whom he inscribed his work, and is generally believed to have borrowed his information from a lost treatise of Aristotle on the "Constitution of Athens." It is, however, necessary to consult the Attic orators, as will be seen from the references which are given in the course of this article. Among the modern writers, Böckh and Schömann are occasionally useful, though they give no regular account of the archonship.

ARCHO'NES (*ἀρχώνης*). The taxes at Athens were let out to contractors, and were frequently farmed by a company under the direction of an *ἀρχώνης*, or chief farmer, who was the person responsible to the state.[4]

ARCIFINIUS AGER. (*Vid.* AGRIMENSORES.)

*ARKTION and ARKEION (*ἄρκτιον* and *ἄρκειον*). There is great confusion of names and uncertainty in respect to these plants. Alston remarks that Dioscorides' description of the *ἀρκειον* agrees better with the character of the *Arctium Lappa*, or Burdock, than his description of the *ἄρκτιον*. Sprengel, accordingly, holds the former to be the *Arctium Lappa*, and suggests that the latter may be the *Verbascum ferrugineum*.[5]

*ARKTOS (*ἄρκτος*). I. The common Bear, or *Ursus Arctos*, L. The Greeks and Romans could scarcely be acquainted with the *U. maritimus*. The *ἄρκτος* of Aristotle is the ordinary Brown Bear, and the habits of the animal are well described by him: "The bear," observes this writer, "is an omnivorous animal, and, by the suppleness of its body, climbs trees, and eats the fruits, and also legumes. It also devours honey, having first broken up the hives; crabs, too, and ants it eats, and also preys upon flesh." Aristotle then describes how the animal attacks the stag, the boar, and even the bull.[6]—

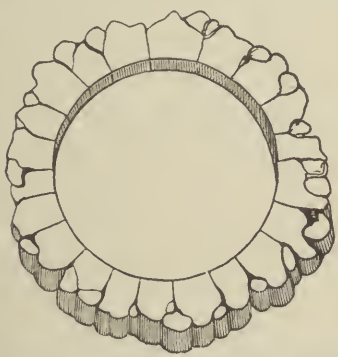
1. (Demosth., Lacr., 940.—Arist. ap. Harpocr., s. v. Polemarch.—Pollux, viii., § 92, 93.)—2. (Thirlwall, Hist. of Greece, vol. ii., p 17.)—3 (Æsch., c. Ctesiph., 59.)—4. (Pollux, Onom., viii., 87, 88.)—5. (Demosth., Mid., 529, 530.—Macar., 1075.—Timocr., 707.—Böckh, vol. i., p. 59; ii., p. 72, transl.—Æschin., Timarch., p. 5.)—6. (Demosth., c. Steph., ii., 1137.—Neæra, 1351, 1363, 1368.—Timocr., 720.—Pollux, viii., 88.—Schömann, 271.—Böckh, i., 259, 317.)—7. (Pollux, Onom., viii., 87.—Harpocr., s. v. *Κατα χειροτονία*.—Schömann, 224.—Demosth., Arist., 630.)—8 (*ἐπεσκεῖσθαι εἰ δοκεῖ καλῶς ἄρχειν.*)

1. (De Cleonymi Hæred.)—2. (Harpocr., s. v.—Isæus, *περὶ κλήρων.*)—3. (Böckh, ii., 322.—Demosth., Lep., 462, 464, 465.—Mid., 524.—Pollux, Onom., viii., 86.)—4. (Andoc., De Myst., p 65.—Böckh, Publ. Econ. of Ath., vol. ii., p. 26, 28, 53.)—5. (Dioscor., iv., 104, 105.—Adams, Append., s. v.)—6. (Aristot., H. A., viii., 5.—Penny Cyclop., vol iv., p. 84.)

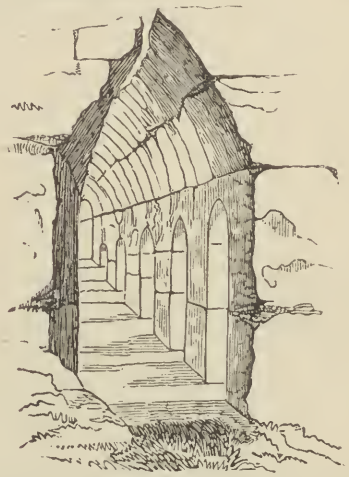
II. A crustaceous fish, described by Aristotle. Most probably the *Cancer Arctus*, or Broad Lobster of Pennant.[1]

ARCUS (also *fornix*[2] and *καμάρα*), an arch suspended over the head of an aperture, or carried from one side of a wall to another, and serving as the roof or ceiling to the space below. An arch is formed of a series of wedge-like stones or of bricks, supporting each other, and all bound firmly together by the pressure of the centre one upon them, which latter is therefore distinguished by the name of key-stone.

It would seem that the arch, as thus defined, and as used by the Romans, was not known to the Greeks in the early periods of their history, otherwise a language so copious as theirs, and of such ready application, would not have wanted a name properly Greek by which to distinguish it. The use of both arches and vaults appears, however, to have existed in Greece previously to the Roman conquest, though not to have been in general practice.[3] But the constructive principle by which an arch is made to hold together, and to afford a solid resistance against the pressure upon its circumference, was known to them even previously to the Trojan war, and its use is exemplified in two of the earliest buildings now remaining: the chamber built at Orchomenus by Minyas, king of Bœotia, described by Pausanias,[4] and the treasury of Atreus at Mycenæ.[5] Both these works are constructed under ground, and each of them consists of a circular chamber formed by regular courses of stones laid horizontally over each other, each course projecting towards the interior, and beyond the one below it, till they meet in an apex over the centre, which was capped by a large stone, and thus resembled the inside of a dome. Each of the horizontal courses of stones formed a perfect circle, or two semicircular arches joined together, as the subjoined plan of one of these courses will render evident.



It will be observed that the innermost end of each stone is bevelled off into the shape of a wedge, the apex of which, if continued, would meet in the centre of the circle, as is done in forming an arch; while the outer ends against the earth are left rough, and their interstices filled up with small irregular-shaped stones, the immense size of the principal stones rendering it unnecessary to continue the sectional cutting throughout their whole length. Indeed, if these chambers had been constructed upon any other principle, it is clear that the pressure of earth all round them would have caused them to collapse. The method of construction here described was communicated to the writer of the present article by the late Sir William Gell. Thus it seems that the Greeks did understand the constructive principle upon which arches are formed, even in the earliest times; although it did not occur to them to divide the circle by a diameter, and set the half of it upright to bear a superincumbent weight. But they made use of a contrivance, even before the Trojan war, by which they were enabled to gain all the advantages of our archway in making corridors, or hollow galleries, and which, in appearance, resembled the pointed arch, such as is now termed Gothic. This was effected by cutting away the superincumbent stones in the manner already described, at an angle of about 45° with the horizon. The mode of construction and appearance of the arches are represented in the annexed drawing of the walls of Tiryns, copied from Sir William Gell's Argolis. The gate of Signia (*Segni*) in Latium exhibits a similar example.



Of the different forms and curves of arches now in use, the only one adopted by the Romans was the semicircle; and the use of this constitutes one leading distinction between Greek and Roman architecture, for by its application the Romans were enabled to execute works of far bolder construction than those of the Greeks: to erect bridges and aquæducts, and the most durable and massive structures of brick. *(On the antiquity of the Arch among the Egyptians, Mr. Wilkinson has the following remarks: "There is reason to believe that some of the chambers in the pavilion of Remeses III., at Medcenet Haboo, were arched with stone, since the devices on the upper part of their walls show that the fallen roofs had this form. At Saggára, a stone arch still exists of the time of the second Psammiticus, and, consequently, erected 600 years before our era; nor can any one, who sees the style of its construction, for one moment doubt that the Egyptians had been long accustomed to the erection of stone vaults. It is highly probable that the small quantity of wood in Egypt, and the consequent expense of this kind of roofing, led to the invention of the arch. It was evidently used in their tombs as early as the commencement of the eighteenth dynasty, or about the year 1540 B.C.; and, judging from some of the drawings at Beni Hassan, it seems to have been known in the time of the first Osirtasen, whom I suppose to have been contemporary with Joseph."—*Manners and Customs of the Anc. Egyptians*, vol. ii., p. 116, 117, 1st series.)

ARCUS TRIUMPHALIS (a triumphal arch), an entire structure, forming a passage-way, and erected in honour of an individual, or in commemoration of a conquest. Triumphal arches were built across the principal streets of the city, and, according to the space of their respective localities, consisted of a single archway, or a central one for carriages, and two smaller ones on each side for

1 (Aristot., H. A., v., 15; viii., 7.)—2. (Virg., Æn., vi., 631. —Cic. in Verr., i., 7.)—3. (Mitford, Principles of Design in Architecture.)—4. (ix. 38.)—5. (Paus., ii., 16.)

foot-passengers, which sometimes have side communications with the centre. Those actually made use of on the occasion of a triumphal entry and procession were merely temporary and hastily erected, and, having served their purpose, were taken down again, and sometimes replaced by others of more durable materials.

Stertinius is the first upon record who erected anything of the kind. He built an arch in the Forum Boarium, about B.C. 196, and another in the Circus Maximus, each of which was surmounted by gilt statues.[1] Six years afterward, Scipio Africanus built another on the Clivus Capitolinus, on which he placed seven gilt statues and two figures of horses;[2] and in B.C. 121, Fabius Maximus built a fourth in the Via Sacra, which is called by Cicero[3] the *Fornix Fabianus*. None of these remain, the Arch of Augustus at Rimini being one of the earliest among those still standing.

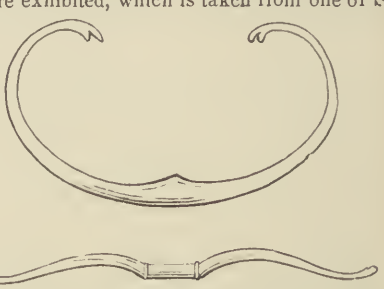
There are twenty-one arches recorded by different writers as having been erected in the city of Rome, five of which now remain: 1. *Arcus Drusi*, which was erected to the honour of Claudius Drusus on the Appian Way.[4] 2. *Arcus Titi*, at the foot of the Palatine, which was erected to the honour of Titus, after his conquest of Judæa, but does not appear to have been finished till after his death; since in the inscription upon it he is called *Divus*, and he is also represented as being carried up to heaven upon an eagle. The bas-reliefs of this arch represent the spoils from the Temple of Jerusalem carried in triumphal procession. This arch has only a single opening, with two columns of the Roman or Composite order on each side of it. 3. *Arcus Septimii Severi*, which was erected by the senate (A.D. 207) at the end of the Via Sacra, in honour of that emperor and his two sons, Caracalla and Geta, on account of his conquest of the Parthians and Arabians. 4. *Arcus Gallieni*, erected to the honour of Gallienus by a private individual, M. Aurelius Victor. 5. *Arcus Constantini*, which is larger and more profusely ornamented than the Arch of Titus. It has three arches in each front, with columns similarly disposed, and statues on the entablatures over them, which, with the other sculptured ornaments, originally decorated the Arch of Trajan.

ARCUS (*βιός*, *τόξον*), the bow used for shooting arrows. The bow is one of the most ancient of all weapons, and has been, from time immemorial, in general use over the globe, both among civilized and barbarous nations. Hence the Greeks and Romans ascribed to it a mythical origin, some saying that it was the invention of Apollo, who taught the use of it to the Cretans,[5] and others attributing the discovery either to Scythes the son of Jupiter, or to Perses the son of Perseus.[6] These several fables indicate nothing more than the very superior skill and celebrity of the Cretans, the Scythians, and the Persians in archery. The use of the bow is, however, characteristic of Asia rather than of Europe. In the Roman armies it was scarcely ever employed except by auxiliaries; and these auxiliaries, called *sagittarii*, were chiefly Cretans and Arabians.[7]

Likewise in the Grecian armies, archers acted only a subordinate though important part. Their position was in the rear; and, by taking advantage of the protection afforded by the heavy-armed soldiers, who occupied the front ranks, their skill was rendered very effective in the destruction of the enemy. Thus Homer[8] gives a long list of names in the Trojan army of men slain by the arrows of Teucer, the son of Telamon, who accomplished this object by sheltering himself under the ample shield of his brother Ajax.

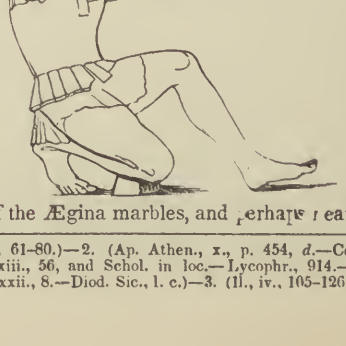
Among the Scythians and Asiatics, archery was universally practised, and became the principal method of attack. In the description given by Herodotus[1] of the accoutrements of the numerous and vast nations which composed the army of Xerxes, we observe that not only Arabians, Medes, Parthians, Scythians, and Persians, but nearly all the other troops without exception, used the bow, although there were differences characteristic of the several countries in respect to its size, its form, and the materials of which it was made. Thus the Indians and some others had bows, as well as arrows, made of a cane (*κάλαμος*), which was perhaps the bamboo.

Herodotus also alludes to the peculiar form of the Scythian bow. Various authorities conspire to show that it corresponded with the upper of the two figures here exhibited, which is taken from one of Sir



W. Hamilton's fictile vases. It shows the Scythian or Parthian bow unstrung, and agrees with the form of that now used by the Tartars, the modern representatives of the ancient Scythæ. In conformity with this delineation, an unlettered rustic, who had seen the name of Theseus (ΘΗCEYC), says that the third letter was like a Scythian bow.[2]

On the other hand, *the Grecian bow*, the usual form of which is shown in the lower of the preceding figures, has a double curvature, consisting of two circular portions united by the handle. The fabrication and use of bows of this kind are described by Homer[3] in the following manner: Pandarus, the Lycian archer, having obtained the long horns of a species of wild goat, had them smoothed and polished by a bowman (*κεραοξόος τέκτων*), fitted to one another at the base, and fastened together by means of a ring of gold (*χρυσέη κορώνη*). Preparing to shoot, he lowers his body (*ποτὶ γαίῃ ἀγκλίνας*. Compare the next woodcut). His companions cover him with their shields. Having fitted the arrow, he draws the string towards his breast (*νευρὴν μαζῷ πέλασεν*). The bow (*βιός*, as opposed to *νευρή*) twangs, the string resounds, and the arrow flies to reach its mark. We see this action exhibited in the following outline of a statue belonging to the



group of the Ægina marbles, and perhaps of early a

1. (Liv., xxxiii., 27.)—2. (Liv., xxxvii., 3.)—3. (In Verr., i., 4.)—4. (Suet., Claud., i.)—5. (Diod. Sic., v., 74.)—6. (Plin., H. N., vii., 56.)—7. (Liv., xxxvii., 40; xlii., 35.—Compare Xen., Anab., i., 2, § 9: *Κρῆτες τοξόται*.—Arrian, Exp. Al., i., 8, § 8: "Eurybotas, the Cretan, leader of the archers." *Εὐρυβώτας, ὁ Κρὴς ὁ τοξάρχης*.—8. (Il., viii., 266–315.)

1. (vii., 61–80.)—2. (Ap. Athen., x., p. 454, *d*.—Compare Theocr., xiii., 56, and Schol. in loc.—Lycophr., 914.—Amm. Marceli., xxii., 8.—Diod. Sic., l. c.)—3. (Il., iv., 105–126.)

old as the age of Homer himself.[1] The bow, placed in the hands of this statue, was probably of bronze, and has been lost.

It is evident that a bow, made and handled in the manner here described, could not be longer than three or four feet, and must have been far less powerful than the Scythian bow. On account of the material, it is often called by the classical authors a *horn* (κέρας,[2] *cornu*[3]).

This difference of size and form caused a difference also in the mode of drawing the bow. The Greek, with one knee on the ground, drew his right hand with the string towards his breast, as represented in the Æginetan statue, in Homer's account of Pandarus, and in Virgil's description[4] of Camilla; the Scythian, on the contrary, advancing boldly towards the enemy, and often on horseback, obliged by the length of his bow, which he held vertically, to avoid stooping and to elevate his left hand, drew the other up to his right ear, as is practised by our archers in the present day.[5] The Oriental arrow was long and heavy in proportion to the bow,[6] and was sent, as Procopius observes, with such force that no shield or thorax could resist it.

The bow was sometimes adorned with gold (whence *aureus arcus*[7]). The golden ring, or handle, has been already mentioned. Apollo is called by Homer "the god of the *silver* bow" (*ἀργυροτόξος*).

The bowstring was twisted, and was made either of thongs of leather (*νεῦρα βόεια*[8]), of horse-hair (*ἵππεια τρίχωσις*[9]), or of the hide, or perhaps the intestines, of the horse (*nervus equinus*[10]).

When not used, the bow was put into a case (*τοξοθήκη, γωρυτός. Corytus*), which was made of leather (*scorteum*[11]), and sometimes ornamented (*φαετνός*[12]). The bowcase is often repeated and very conspicuous in the sculptured bas-reliefs of Persepolis. Thus encased, the bow was either hung upon a peg[13] or carried on the shoulders.[14]

Among the Greek and Roman divinities, the use of the bow is attributed to Apollo, Diana, Cupid, and Hercules; and they are often represented armed with it in ancient works of art. (*Vid.* SAGITTA.)

ARDA'LION (*ἀρδάλιον* or *ἀρδάνιον*), also called *ὄστρακον* from the materials of which it was made, was a vessel of water, which stood before the door of a house in which there was a dead body, in order that those who had been with the corpse might purify themselves by sprinkling the water on their persons.[15]

*ARD'EA (*ἐρωδιός*), the Heron. Aristotle[16] describes three species: 1. The *ἐρωδιὸς πέλλος*, the *Ardea cinerea cristata*, L., or common Heron. 2. The *λευκός*, the *Ardea alba*, or Great Egret. 3. The *ἀστερίας*, the *Ardea stellaris*, or European Bittern. This last is remarkable for flying very high, and hence its name (*ἀστερίας, stellaris*), as if it flew up to the very stars. Its attitude also, when at rest, is very singular, the beak being raised up to the heavens.[17] Virgil's description of the soaring flight of this bird is admirably true to nature:

"*Notasque paludes*
Deserit, atque altam supra volat ardea nubem."[18]

There is a small species of heron which Gesner supposes may have been the *ἔλαφίς* of Oppian. Some late authors, however, would rather refer the *ἐλαφίς* to the Coot, or *Fulica atra*, L.[19]

A'REA (*ἄλως* or *ἀλωά*), the threshing-floor, was a raised place in the field, open on all sides to the wind. Great pains were taken to make this floor hard; it was sometimes paved with flint stones,[1] but more usually covered with clay and smoothed with a great roller.[2] It was also customary to cover it with lees of oil, which prevented insects injuring it, or grass growing upon it.[3] The grains of the corn were beaten out by the hoofs of cattle treading upon it, or by flails (*fustes*[4]).

AREIOP'AGUS (*ὁ Ἄρειος πάγος*, or Hill of Ares), at Athens, was a rocky eminence, lying to the west of, and not far from, the Acropolis. To account for the name, various stories were told. Thus, some said that it was so called from the Amazons, the daughters of Ares, having encamped there when they attacked Athens; others again, as Æschylus, from the sacrifices there offered to that god; while the more received opinion connected the name with the legend of Ares having been brought to trial there by Poseidon, for the murder of his son Halirrhothius.[5] To none, however, of these legends did the place owe its fame, but rather to the council (*Ἡ ἐν Ἀρείῳ πάγῳ βουλή*) which held its sittings there, and was sometimes called *Ἡ ἄνω βουλή*, to distinguish it from the senate of Five Hundred, which sat in the Cerameicus within the city. That it was a body of very remote antiquity, acting as a criminal tribunal, was evidently believed by the Athenians themselves. In proof of this, we may refer to the express assertions of the orators, and the legend of Orestes having been tried before the council for the murder of his mother: a trial which took place before Athena, and which Æschylus represents as the origin of the court itself. Again, we find that, even before the first Messenian war (B.C. 740) began, the Messenian king offered to refer the points in dispute to the Argive Amphictiony, or the Athenian Areiopagus;[6] a proof not only of the existence of the body, but also that it had already obtained considerable reputation for equity in its decisions; a reputation which it must have taken some time to establish.

There is sufficient proof, then, that the Areiopagus existed before the time of Solon, though he is admitted to have so far modified its constitution and sphere of duty that he might almost be called its founder. What that original constitution was must in some degree be left to conjecture, though there is every reason to suppose that it was aristocratical, the members being taken, like the Ephetæ, from the noble patrician families (*ἀριστινδήν*). We may remark that, after the time of Solon the Ephetæ, fifty-one in number, sat collectively in four different courts, and were charged with the hearing of such cases of accidental or justifiable homicide as admitted of or required expiation before the accused could resume the civil and religious rights he had lost: a resumption impossible in cases of wilful murder, the capital punishment for which could only be escaped by banishment for life, so that no expiation was required or given.[7] Now the Ephetæ formerly administered justice in five courts, and for this and other reasons it has been conjectured that they and the Areiopagus then formed one court, which decided in all cases of murder, whether wilful or accidental. In support of this view, it has been urged that the separation of functions was rendered necessary by that change of Solon which made the Areiopagus no longer an aristocratic body, while the Ephetæ remained so, and, as such, were competent to administer the rites of expiation, forming, as they did, a part of the sacred law of Athens, and therefore left in the hands of the old patricians, even after the loss of their political privileges. On this point we may remark, that the connexion insisted

1. (Compare Virg., Æn., xi., 858–862.)—2. (Anacreon, iii.—Hom., Od., xxi., 395.)—3. (Virg., Æn., xi., 859.)—4. (l. c.)—5. (Eustath. in Il., iv., p. 452.—Procop., Bell. Pers., I.)—6. (See Xen., as quoted under ANSA.)—7. (Virg., Æn., xi., 652.)—8. (Il., iv., 122.)—9. (Hesych.)—10. (Æn., ix., 622.)—11. (Festus.)—12. (Hom., Od., xxi., 55.)—13. (Od., l. c.)—14. (*τόξ' ὤμοισιν ἔχων*. Il., i., 45.—Æn., xi., 652.)—15. (Hesych., s. v.—Pollux, Onom., viii., 9.)—16. (Il. A., ix., 2.)—17. (Cuvier's Animal Kingdom, vol. i., p. 376, transl.)—18. (Georg., i., 364.)—19. (Adams, Append., s. v.)

1. (Colum., i., 6.)—2. (Virg., Georg., i., 178.)—3. (Cato, De Re Rust., 91, 129.)—4. (Colum., ii., 21.)—5. (Demosth., Aristog., p. 642.—Æschyl., Eumen., 659.)—6. (Paus., iv., 5, 1.—Thirlwall, Hist. Greece, vol. i., p. 345.)—7. (Müller, Eumen., 64.—Pollux, Onom., viii., 125.)

on may to a great extent be true; but that there was not a complete identity of functions is proved by Plutarch (*Solon*), in a quotation from the laws of Solon, showing that even before that legislator the Areiopagites and Ephetæ were in some cases distinct.

It has been observed, in the article ARCHON, that the principal change introduced by Solon in the constitution of Athens was to make the qualification for office depend, not on birth, but property; also that, agreeably to his reforms, the nine archons, after an unexceptionable discharge of their duties, "went up" to the Areiopagus, and became members of it for life, unless expelled for misconduct.[1]

The council then, after his time, ceased to be aristocratic in constitution; but, as we learn from Attic writers, continued so in spirit. In fact, Solon is said to have formed the two councils, the senate and the Areiopagus, to be a check upon the democracy; that, as he himself expressed it, "the state, riding upon them as anchors, might be less tossed by storms." Nay, even after the archons were no longer elected by suffrage, but by lot, and the office was thrown open by Aristeides to all the Athenian citizens, the "upper council" still retained its former tone of feeling. We learn, indeed, from Isocrates,[2] that no one was so bad as not to put off his old habits on becoming an Areiopagite; and, though this may refer to private rather than public conduct, we may not unreasonably suppose that the political principles of the younger would always be modified by the older and more numerous members: a modification which, though continually less in degree, would still be the same in direction, and make the Areiopagus what Pericles found it, a counteracting force to the democracy. Moreover, besides these changes in its constitution, Solon altered and extended its functions. Before his time it was only a criminal court, trying cases of "wilful murder and wounding, of arson and poisoning,"[3] whereas he gave it extensive powers of a censorial and political nature. Thus we learn that he made the council an "overseer of everything, and the guardian of the laws," empowering it to inquire how any one got his living, and to punish the idle.[4]

We learn from other authorities that the Areiopagites were "superintendents of good order and decency," terms rather unlimited and undefined, as it is not improbable Solon wished to leave their authority. There are, however, recorded some particular instances of its exertion.[5] Thus we find that they called persons to account for extravagant and dissolute living, and that, too, even in the later days of Athenian history. On the other hand, they occasionally rewarded remarkable cases of industry, and, in company with certain officers called *γυναικονόμοι* made domiciliary visits at private entertainments, to see that the number of guests was not too large, and also for other purposes. But their censorial and political authority was not confined to matters of this subordinate character. We learn from Aristotle,[6] that, at the time of the Median invasion, when there was no money in the public treasury, the Areiopagus advanced eight drachmæ a man to each of the sailors: a statement which proves that they had a treasury of their own, rather than any control over the public finances, as some have inferred from it.[7] Again we are told[8] that, at the time of the battle of Chæroneia, they seized and put to death those who deserted their country, and that they were thought by some to have been the chief preservation of the city.

It is probable that public opinion supported them in acts of this kind, without the aid of which they must have been powerless for any such objects. In connexion with this point, we may add that, when heinous crimes had notoriously been committed, but the guilty parties were not known, or no accuser appeared, the Areiopagus inquired into the subject, and reported (*ἀποφαίνειν*) to the demus. The report or information was called *ἀπόφασις*. This was a duty which they sometimes undertook on their own responsibility, and in the exercise of an old-established right, and sometimes on the order of the demus.[1] Nay, to such an extent did they carry this power, that on one occasion they apprehended an individual (Antiphon) who had been acquitted by the general assembly, and again brought him to a trial, which ended in his condemnation and death.[2] Again we find them revoking an appointment whereby Æschines was made the advocate of Athens before the Amphictyonic council, and substituting Hyperides in his room. In these two cases, also, they were most probably supported by public opinion, or by a strong party in the state.[3]

They also had duties connected with religion, one of which was to superintend the sacred olives growing about Athens, and try those who were charged with destroying them.[4] We read, too, that in the discharge of their duty as religious censors, they on one occasion examined whether the wife of the king archon was, as required by law, an Athenian; and finding she was not, imposed a fine upon her husband.[5] We learn from the same passage that it was their office generally to punish the impious and irreligious. Again we are told, though rather in a rhetorical way, that they relieved the needy from the resources of the rich, controlled the studies and education of the young, and interfered with and punished public characters as such.[6]

Independent, then, of its jurisdiction as a criminal court in cases of wilful murder, which Solon continued to the Areiopagus, its influence must have been sufficiently great to have been a considerable obstacle to the aggrandizement of the democracy at the expense of the other parties in the state. In fact, Plutarch[7] expressly states that Solon had this object in view in its reconstruction; and, accordingly, we find that Pericles, who never was an archon or Areiopagite, and who was opposed to the aristocracy for many reasons, resolved to diminish its power and circumscribe its sphere of action. His coadjutor in this work was Ephialtes, a statesman of inflexible integrity, and also a military commander.[8] They experienced much opposition in their attempts, not only in the assembly, but also on the stage, where Æschylus produced his tragedy of the Eumenides, the object of which was to impress upon the Athenians the dignity, the sacredness, and constitutional worth of the institution which Pericles and Ephialtes wished to reform. He reminds the Athenians that it was a tribunal instituted by their patron goddess Athena, and puts into her mouth a popular harangue full of warnings against innovations, and admonishing them to leave the Areiopagus in possession of its old and well grounded rights, that under its watchful guardianship they might sleep in security.[9] Still the opposition failed: a decree was carried, by which, as Aristotle says, the Areiopagus was "mutilated," and many of its hereditary rights abolished.[10] Cicero, who in one place speaks of the council as governing Athens, observes in another, that from that time all authority was vested in the ecclesia.

1. (Dinarc., c. Demosth., p. 97.—Plutarch, Vit. Sol.)—2. (Areiop., 147.)—3. (Pollux, Onom., viii., 117.—Demosth., Aris., 627.)—4. (Plutarch, Vit. Sol.—Isocr., Areiop., 147.)—5. (Athenæus, iv., p. 167, *c.*; 168, *b.*; ed. Dindorf., vi., 245, *c.*—Pollux, Onom., viii., 112.)—6. (Plutarch, Them., 10.—*Vid.* Böckh, Public Econ. of Athens, vol. i., p. 208, transl.)—7. (Thirlwall, Hist. Greece, vol. ii., App. 1.)—8. (Lycurg., c. Leoc., 154.)

1. (Dinarchus, c. Demosth., 97. — Schömann, De Comit. Athen., 217, transl.)—2. (Demosth., De Cor., 271, 272.—Dinarch., c. Demosth., p. 98.)—3. (Demosth., ibid.)—4. (Lysias, *περὶ Σήκου.*, 109–111.)—5. (Demosth., Neær., 1373.)—6. (Isocr., Areiop., p. 151.)—7. (Solon, Pericl.)—8. (Plutarch, Cim., Pericl.)—9. (Müller, Eumen., 35.)—10. (Aristot., Polit. ii. 9.—Cic., De Nat. Deor., ii., 29; De Rep., i., 27.)

and the state robbed of its ornament and honour. Plutarch[1] tells us that the people deprived the Areiopagus of nearly all its judicial authority (*τὰς κρίσεις πλὴν ὀλίγων ἁπάσας*), establishing an unmixed democracy, and making themselves supreme in the courts of justice, as if there had formerly been a superior tribunal. But we infer from another passage that the council lost considerable authority in matters of state; for we learn that Athens then entered upon a career of conquest and aggrandizement to which she had previously been a stranger; that, "like a rampant horse, she would not obey the reins, but snapped at Eubœa, and leaped upon the neighbouring islands." These accounts in themselves, and as compared with others, are sufficiently vague and inconsistent to perplex and embarrass; accordingly, there has been much discussion as to the precise nature of the alterations which Pericles effected; some, among whom we may mention Müller,[2] are of opinion that he deprived the Areiopagus of their old jurisdiction in cases of wilful murder; and one of his chief arguments is, that it was evidently the design of Æschylus to support them in this prerogative, which therefore must have been assailed. For a sufficient answer to this, we would refer our readers to Mr. Thirlwall's remarks,[3] merely stating, in addition, that Demosthenes[4] expressly affirms, that neither tyrant nor democracy had ever dared to take away from them this jurisdiction. In addition to which, it may be remarked, that the consequences ascribed to the innovation do not seem to us to indicate that the Areiopagus lost its authority as a criminal tribunal, but rather that it was shorn of its power as superintending the morals and conduct of the citizens, both in civil and religious matters, and as exercising some control over their decisions. Now an authority of the former kind seems far removed from any political influence, and the popular belief as to its origin would have made it a dangerous object of attack, to say nothing of the general satisfaction the verdicts had always given. We may observe, too, that one of the chief features of a democracy is to make all the officers of the state responsible; and that it is not improbable that one of the changes introduced by Ephialtes was to make the Areiopagus, like other functionaries, accountable to the demus for their administration, as, indeed, we know they afterward were.[5] This simple regulation would evidently have made them subservient, as they seem to have been, to public opinion; whereas no such subserviency is recorded in criminal matters, their tribunal, on the contrary, being always spoken of as most just and holy; so much so, that Demosthenes says[6] that not even the condemned whispered an insinuation against the righteousness of their verdicts. Indeed, the proceedings before the Areiopagus, in cases of murder, were, by their solemnity and fairness, well calculated to ensure just decisions. The process was as follows: The king archon[7] brought the case into court, and sat as one of the judges, who were assembled in the open air, probably to guard against any contamination from the criminal.[8] The accuser, who was said *εἰς Ἄρειον πάγον ἐπισκήπτειν*, first came forward to make a solemn oath (*διωμοσία*) that his accusation was true, standing over the slaughtered victims, and imprecating extirpation upon himself and his whole family were it not so. The accused then denied the charge with the same solemnity and form of oath. Each party then stated his case with all possible plainness, keeping strictly to the subject, and not being allowed to appeal in any way to the feelings or passions of the judges.[1] After the first speech,[2] a criminal accused of murder might remove from Athens, and thus avoid the capital punishment fixed by Draco's *Θεσμοί*, which on this point were still in force. Except in cases of parricide, neither the accuser nor the court had power to prevent this; but the party who thus evaded the extreme punishment was not allowed to return home;[3] and when any decree was passed at Athens to legalize the return of exiles, an exception was always made against those who had thus left their country.[4]

The reputation of the Areiopagus as a criminal court was of long continuance, as we may learn from an anecdote of Aulus Gellius, who tells us[1] that C. Dolabella, proconsul of the Roman province of Asia, referred a case which perplexed himself and his council to the Areiopagus (*ut ad judices graviores exercitatioresque*); they ingeniously settled the matter by ordering the parties to appear that day 100 years (*centesimo anno adesse*). They existed in name, indeed, till a very late period. Thus we find Cicero mentions the council in his letters;[6] and under the Emperors Gratian and Theodosius (A.D. 380), *Ῥούφιος Φῆστος* is called proconsul of Greece, and an Areiopagite.[7]

Of the respectability and moral worth of the council, and the respect that was paid to it, we have abundant proof in the writings of the orators, where, indeed, it would be difficult to find it mentioned except in terms of praise. Thus Lysias speaks of it as most righteous and venerable;[8] and so great was the respect paid to its members, that it was considered rude in the demus laughing in their presence, while one of them was making an address to the assembly on a subject they had been deputed to investigate. This respect might, of course, facilitate the resumption of some of their lost power, more especially as they were sometimes intrusted with inquiries on behalf of the state, as on the occasion to which we have just alluded, when they were made a sort of commissioners to inquire into the state of the buildings about the Pnyx, and decide upon the adoption or rejection of some proposed alterations. Isocrates, indeed, even in his time, when the previous inquiry or *δοκιμασία* had fallen into disuse, speaks well of their moral influence; but, shortly after the age of Demetrius Phalereus, a change had taken place; they had lost much of their respectability, and were but ill fitted to enforce a conduct in others which they did not observe themselves.

The case of St. Paul is generally quoted as an instance of their authority in religious matters; but the words of the sacred historian do not necessarily imply that he was brought before the council. It may, however, be remarked, that they certainly took cognisance of the introduction of new and unauthorized forms of religious worship, called *ἐπίθετα ἱερά*, in contradistinction to the *πάτρια* or older rites of the state.[9] There was also a tradition that Plato was deterred from mentioning the name of Moses as a teacher of the unity of the Godhead, by his fear of the Areiopagus.[10]

With respect to the number of the Areiopagus in its original form, a point of no great moment, there are various accounts; but it is plain that there could have been no fixed number when the archons became members of this body at the expiration of

1. (Cimon.)—2. (Eum., 371.)—3. (Hist. Greece, vol. iii., p. 24.)—4. (c. Arist., p. 641. For an able vindication of this statement of Demosthenes, the reader is referred to Hermann, Opusc., vol. iv., p. 299.)—5. (Æschin., c. Ctes., p. 56.—Böckh, Public Econ of Athens, vol. i., p. 353, transl.)—6. (Aristot., p. 641, 642.)—7. (Pollux, Onom., viii., 9, § 90.)—8. (Antiphon, De Cæde Herod., p. 130, 30.—Demosth., c. Arist., l. c.—Pollux, Onom., viii., 33.)

1. (*προοιμιάζεσθαι οὐκ ἐξὴν οὐδὲ οἰκτίζεσθαι*: Aristot., Rhet., i., 1.—Pollux, Onom., viii., 117.)—2. (*μετὰ τὸν πρότερον λόγον.*)—3. (*φεύγει ἀειφυγίαν.*)—4. (*οἱ ἐξ Ἀρείου πάγου φεύγοντες.*—*Vid.* Plato, Legg., ix., 11.)—5. (xii., 7.)—6. (ad Fam., xiii., 1; ad Att., v., 11.)—7. (Meursius, Areiop.)—8. (Andoc., 104.—Compare Æsch., c. Timarch., 12.—Isocr., Areiop., 148.—Athenæus, iv., p. 167.)—9. (Harpocr., s. v. *Ἐπίθετοι ἑορταί*. Schömann, De Comit. Ath. 286, transl.)—10. (Justin Martyr. Cohor. ad Græc., p. 22.)

their year of office. Lysias, indeed, speaks of them[1] as forming a part of the Areiopagus even during that time; a statement which can only be reconciled with the general opinion on the subject, by supposing that they formed a part of the council during their year of office, but were not permanent members till the end of that time, and after passing a satisfactory examination.

ARE'NA. (*Vid.* AMPHITHEATRUM.)

ARETALO'GI were persons whose occupation appears to have been to amuse the company at the Roman dinner-tables.[2] They seem to have been looked upon with some contempt, as Juvenal speaks of the *mendax aretalogus*.[3] Casaubon thinks that they were poor philosophers, of the Cynic and Stoic schools, who, being unable to procure followers, delivered their discourses on virtue and vice at the dinners of the rich, and that they were the same as those whom Seneca[4] calls *circulatores philosophos*.[5] Ruperti says that they were persons who boasted of their own valour (ἀρετή), like the *Miles gloriosus* of Plautus.[6] Turnebus takes the word to mean "sayers of pleasant things," from ἀρετός, *pleasant*.[7]

ARGE'I. We learn from Livy[8] that Numa consecrated places for the celebration of religious services, which were called by the pontifices "*argei*." Varro calls them the chapels of the argei, and says they were twenty-seven in number, distributed in the different districts of the city. We know but little of the particular uses to which they were applied, and that little is unimportant. Thus we are told that they were solemnly visited on the Liberalia, or festival of Bacchus; and also, that whenever the flamen dialis went (*ivit*) to them, he was to adhere to certain observances. They seem also to have been the depositaries of the topographical records. Thus we read in Varro, "*In sacreis Argeorum scriptum est sic: Oppius mons princeps*," &c., which is followed by a description of the neighbourhood. There was a tradition that these *argei* were named from the chieftains who came with Hercules, the Argive, to Rome, and occupied the Capitoline, or, as it was anciently called, Saturnian Hill. It is impossible to say what is the historical value or meaning of this legend; we may, however, notice its conformity with the statement that Rome was founded by the Pelasgians, with whom the name of Argos was connected.[9]

The name *argei* was also given to certain figures thrown into the Tiber from the Sublician bridge, on the Ides of May in every year. This was done by the pontifices, the vestals, the prætors, and other citizens, after the performance of the customary sacrifices. The images were thirty in number, made of bulrushes, and in the form of men (εἴδωλα ἀνθρείκελα). Ovid makes various suppositions to account for the origin of this rite; we can only conjecture that it was a symbolical offering to propitiate the gods, and that the number was a representative either of the thirty patrician curiæ at Rome, or perhaps of the thirty Latin townships.[10]

*ARGEMO'NE (ἀργεμώνη), a species of plant, which Dodonæus is almost disposed to regard as identical with the *Glaucium*, or Horned Poppy. Sprengel sets it down for the *Papaver argemone*. The paragraph in Dioscorides, in which the second species is described, would seem to be spurious. Pliny calls this plant *Argemonia*, and assigns it various curative properties in affections of the nervous system, gout, angina, &c.[11]

1. (περ. τοῦ Σηκοῦ, p. 110, 111.—*Vid.* Argum. Orat., c. Androt.)—2. (Suet., Octav., 74.)—3. (Sat. xv., 15, 16.)—4. (Ep. 29.)—5. (Casaub. in Suet., Octav., 74.)—6. (Ruperti in Juv., xv., 16.)—7. (Adversaria, x., 12.)—8. (i., 22.)—9. (Varro, De Ling. Lat., iv.—Ovid, Fast., iii., 791.—Aul. Gell., x., 15.—Niebuhr, Rom. Hist., i., p. 214, transl.)—10. (Varro, De Ling. Lat., vi.—Ovid, Fast., v., 621.—Dionys. Halicar., i., 19, 38.—Plutarch, Quæs. Rom., p. 102, Reiske.—Arnold, Rom. Hist., vol. i., p. 67.—Bunsen und Plattner, Beschreibung Roms, vol. i., p. 668–762.)—11. (Dioscor., ii., 209.—Adams, Append., s. v.)

ARGENTA'RII, bankers or money-changers at Rome. The public bankers, or *mensarii*, are to be distinguished from the *argentarii*. The highest class of mensarii, the *mensarii quinqueviri* or *triumviri*, were a sort of extraordinary magistrates, the office being generally filled by persons of high rank; their business was to regulate the debts of the citizens, and to provide and distribute specie on emergencies.[1] There were other mensarii, who stood lower than these, and whose office approximated to that of the argentarii; and still lower stood the *nummularii*, though these were also public functionaries. The argentarii, on the contrary, were private bankers, who did all kinds of broking, commission, and agency business for their customers. They are called *argentarii; argentea mensæ exercitores; argenti distractores; negotiatores stipis argentariæ*.[2] Their private character is clear, from what Ulpian says:[3] "*Tabernæ* (i. e., *argentariæ*) *publicæ sunt, quarum usus ad privatos pertinet*." Almost all money transactions were carried on through their intervention, and they kept the account-books of their customers. Hence all terms respecting the relation between debtor and creditor were borrowed from banking business: thus, *rationem accepti scribere* ("to put down on the debtor's side in the banker's book") means "to borrow money;" *rescribere*, "to pay it back again;" *nomen* (an item in the account) is "a debt," or even "a debtor," as when Cicero says,[4] "*Ego meis rebus gestis hoc sum assecutus ut bonum nomen existimer*."[5] On these books of account, which have given rise to the modern Italian system of book-keeping by double entry, see Pliny, *Hist. Nat.*, ii., 7.

The functions of the argentarii, besides their original occupation of money-changing (*permutatio argenti*), were as follows: 1. Attending public sales as agents for purchasers, in which case they were called *interpretes*.[6] 2. Assaying and proving money (*probatio nummorum*). 3. Receiving deposites, or keeping a bank in the modern sense of the word. If the deposite was not to bear interest, it was called *depositum*, or *vacua pecunia*;[7] if it was to bear interest, it was called *creditum*.[8] The argentarii were said not only *recipere*, but also *constituere*, so that an action *constitutæ pecuniæ* would lie against them.[9]

The shops of the bankers were in the cloisters round the forum: hence money borrowed from a banker is called *æs circumforaneum*; and the phrases *foro cedere* or *abire*, *foro mergi*, &c., mean "to become bankrupt." The argentarii at Rome were divided into corporations (*societates*), and formed a *collegium* like the mensarii and nummularii. The argentarius was necessarily a freeman.

ARGENTUM (ἄργυρος), silver. According to Herodotus,[10] the Lydians were the first people who put a stamp upon silver; but, according to the testimony of most ancient writers, silver money was first coined at Ægina, by order of Pheidon, about B.C. 869.[11] The silver coins of Greece may be divided into three kinds, which differ in appearance according to the age in which they were struck. The most ancient are very thick, and of rude workmanship; those of Ægina usually bear on the upper side the figure of a turtle or a tortoise, and on the under an indented mark, as if the coin at the time of striking the metal had been placed upon a puncheon, and had received a mark from the weight of the blow. The second kind, which appear to belong to the age of Pericles and Xenophon,

1. (Liv., xxiii., 21: "Propter penuriam argenti triumviri mensarii facti."—*Vid.* etiam Budæus, De Asse, v., p. 173.—Salmasius, De Modo Usur., p. 509.)—2. (Orelli, Inscript., n. 4060.)—3. (Dig. 18, tit. 1, s. 32.)—4. (ad Fam., v., 6.)—5. (*Vid.* Bentley's note on Horace, Epist. ii., i., 105.)—6. (Plaut., Curcul., iii., 1, 63, seq.)—7. (Plaut., Curcul., ii., 3, 66–69; iii., 66; iv., 3, 3.)—8. (Suet., Octav., 39.)—9. (*Vid.* Salmas., De Modo Usur., p. 722.)—10. (i., 94.)—11. (Ephorus, ap. Strab., viii., p. 376.—Æl., Var. Hist., xii., 10.—Pollux, Onom., ix., 83.—Anthon's Class. Dict., s. v. Phidon.)

are also of a thick form, but not so clumsy in appearance. The third, which belong to a later period, are broad and thin. The Greek coins, and especially the Athenian, are usually of very fine silver. Some writers have supposed that they are quite free from baser metal; but the experiments which have been made show that the finest possess a small quantity of alloy. Mr. Hussey[1] found, upon trial, that the most ancient Athenian coins contained about $\frac{1}{32}$ of the weight alloy, the second kind about $\frac{1}{16}$, and the more modern about $\frac{1}{12}$; the last of which is nearly the same alloy as in our own silver coin.

It was the boast of the Athenians that their coinage was finer than all other money in Greece, and Xenophon says that they exchanged it with profit in any market;[2] but this remark should probably be limited to the coinage of his own time. *(Mr. Hussey made his experiments with three Attic drachmæ of different ages: the first was a thick one of the rudest and earliest style; the second, a little later, but still of a thick form, with the head of Minerva, resembling that of the oldest coins, but not quite so clumsy; the third, of the latest kind, broad and thin, with the owl standing on the diota, the helmet of Minerva's head surmounted by a high crest, and with other characteristics of the later coinage of Athens. After stating the results, as given above, Mr. Hussey goes on to remark as follows: "Now, of these three drachmæ, the first and third are less fine than other Greek money. Out of nine trials of Greek and one of Roman silver, the third of the three Attic coins in question is considerably the lowest of all; and the first of them is likewise inferior to all but two. The second, on the contrary, is of finer standard than all, and therefore this alone can belong to the coinage of which Xenophon speaks. And, as the other two must be of different ages, the first belongs to an age earlier than Xenophon, the second to a later. Thus it appears that the coins to which the second drachma belongs, that is, the middling class of Attic silver, between the thickest and rudest of all, and the broad, thin pieces, may be set down as contemporary with Aristophanes and Xenophon: the very clumsy and ill-executed pieces, from which the first was taken, belong to an interior coinage of an earlier age; and the broad, thin coins to later times, when the money was, for Athens at least, considerably debased. The comparative value of these coins proves also that it was the practice among the Greeks to alloy their money, even where the currency had good credit and wide circulation; and, therefore, those writers are mistaken who have reckoned the worth of it as if it were all, without exception, fine silver. For, though it is conceivable that the alloy in the oldest coins is due to want of skill to refine the metal, yet, when the later coins are baser than the earlier, this can only be because they were intentionaliy alloyed."[3])

It has been already remarked under Æs, that silver was originally the universal currency in Greece, and that copper appears to have been seldom coined till after the time of Alexander the Great. Mr. Knight, however, maintains[4] that gold was coined first, because it was the more readily round and the more easily worked; but there are sufficient reasons for believing that, even as late as the commencement of the Peloponnesian war, the Athenians had no gold currency. (*Vid.* Aurum.) It may be remarked here, that all the words connected with money are derived from ἄργυρος, and not from χρυσός, as καταργυρόω, "to bribe with money;" ἀργυραμοιβός, "a money-changer," &c.; and ἄργυρος is itself not unfrequently used to signify money in general,[5] as *æs* is in Latin.

Silver was not coined at Rome till B.C. 268, five years before the first Punic war;[1] but the Roman coinage of silver never appears to have been so free from baser metal as the best Athenian coinage. Under the Emperor Gallienus, the coinage was so much debased that it contained $\frac{1}{5}$ silver and $\frac{4}{5}$ alloy. In the time of the Republic, the impression on silver coins was usually, on the obverse, the head of Rome with a helmet, the Dioscuri, or the head of Jupiter and on the reverse, carriages drawn by two or four animals (*bigæ, quadrigæ*), whence they were called respectively *bigati* and *quadrigati, sc. nummi*. (*Vid.* Bigatus.) The principal silver coins among the Greeks and Romans were respectively the drachma and denarius. (*Vid.* Drachma, Denarius.)

The Athenians obtained their silver from the silver mines at Laurion, which were generally regarded as the chief source of the wealth of Athens. We learn from Xenophon[2] that these mines had been worked in remote antiquity; and Xenophon speaks of them as if he considered them inexhaustible. In the time of Demosthenes, however, the profit arising from them had greatly diminished; and in the second century of the Christian æra they were no longer worked.[3] The ore from which the silver was obtained was called *silver earth* (ἀργυρῖτις γῆ, or simply ἀργυρῖτις[4]). The same term (*terra*) was also applied to the ore by the Romans, who obtained most of their silver from Spain.[5]

The relative value of gold and silver differed considerably at different periods in Greek and Roman history. Herodotus mentions it[6] as 1 to 13; Plato[7] as 1 to 12; Menander[8] as 1 to 10; and Livy[9] as 1 to 10, about B.C. 189. According to Suetonius,[10] Julius Cæsar, on one occasion, exchanged gold for silver in the proportion of 1 to 9; but the most usual proportion under the early Roman emperors was about 1 to 12; and from Constantine to Justinian about 1 to 14, or 1 to 15.[1]

*ARGENTUM VIVUM, Quicksilver or Mercury. It is first spoken of by Aristotle and Theophrastus under the name of fluid silver (ἄργυρος χυτός), and the mode of obtaining it is thus described by the latter: "This is procured when a portion of cinnabar is rubbed with vinegar in a brass mortar and with a brass pestle." All the modern processes, on the other hand, that are adopted for separating the mercury from the ore, depend upon the volatility of the metal, its conversion into vapour in distilling vessels or retorts, and its condensation by cold. The nature of this mineral, however, does not seem to have been much understood even four centuries later; for Pliny[12] distinguishes between quicksilver (*Argentum vivum*) and the liquid silver (*Hydrargyrus*) procured by processes which he describes from minium, or native cinnabar. This hydrargyrus he supposes to be a spurious imitation of quicksilver, and fraudulent substitute for it in various uses to which it was applied.[13] Dioscorides, however, who is generally supposed to have written about the same time with Pliny, means, according to Hill, by ὑδράργυρος καθ' ἑαυτόν the quicksilver that is sometimes found in a fluid state in the bowels of the earth. (*Vid.* Cinnabaris.)[14]

ΑΡΓΙΑΣ ΓΡΑΦΗ (ἀργίας γραφή), an action to which any Athenian citizen was liable, according to the old law, if he could not bring evidence that he had some lawful calling. The law was introduced by Draco, who made the penalty of conviction death; Solon re-enacted the law, substituting, however, for the capital punishment a fine of 100

1. 'Ancient Weights and Money, p. 45.)—2. (Aristoph., Ran., 732.—Xen., Vect., iii., 2.)—3. (Ancient Weights, &c., p. 45, 46, 47.)—4. (Prol. in Hom., § 59.)—5. (Soph. Antig., 295.)

1. (Plin., H. N., xxxiii., 13.)—2. (Vectig., iv., 2.)—3. (Paus., i., 1, § 1.—Böckh, On the Silver Mines of Laurion, in the second volume of the translation of the Public Economy of Athens.)—4. (Xen., Vectig., i., 5; iv., 2.)—5. (Plin., H. N., xxxiii., 31.)—6. (iii., 95.)—7. (Hipp., c. 6, p. 231.)—8. (ap. Poll., Onom., ix., 76.)—9. (xxxviii., 11.)—10. (Jul., 54.)—11. (Wurm, De Ponder., &c., p. 40, 41.)—12. (H. N., xxxiii, 20; xxxiii., 41.)—13. (Moore's Anc. Mineral., p. 21.)—14. (Hill's Theophrast., p. 235.)

drachmæ for the first conviction, and a loss of civic rights if the same person was convicted three times of indolence.[1] According to Julius Pollux,[2] Draco did not impose a severer punishment than *ἀτιμία*, and Solon did not punish it at all till the third offence.[3]

*ARGILLA, Potters' Clay, included frequently by the Latin writers under the general name of *Creta*. Thus Palladius says, "*Creta, quam argillam dicimus:*" and Columella, "*Creta, qua utuntur figuli, quamque nonnulli argillam vocant.*"[4] These writers speak repeatedly of "*creta figularis,*"[5] "*creta qua fiunt amphoræ.*"[6] Celsus, too, speaks of "*creta figularis,*"[7] and Vitruvius of "*vas ex creta factum, non coctum.*"[8] By the term *Creta*, therefore, was generally meant some whitish clay, such as potters' clay, pipe-clay, or fullers' earth. (*Vid.* CRETA.)

*ARGI'TIS, a species of wine, celebrated by Virgil[9] for its extraordinary durability, and procured from a small grape abounding in juice. It is believed to have been a white wine. If this conjecture be well founded, we may discover some analogy between it and the best growths of the Rhine, which are obtained from a small white grape, and are remarkable for their permanency.[10]

ΑΡΓΥΡΙΟΥ ΔΙΚΗ (*ἀργυρίου δίκη*) was a civil suit of the class *πρός τινα*, and within the jurisdiction of the thesmothetæ, to compel the defendant to pay moneys in his possession, or for which he was liable, to the plaintiff. This action is casually alluded to in two speeches of Demosthenes,[11] and is treated of at large in the speech against Callippus.

*ARGYRI'TIS (*ἀργυρῖτις*), a name given to the ore from which silver was obtained. (*Vid.* ARGENTUM.)

ARGUROKOPEI'ON (*ἀργυροκοπεῖον*), the place where money was coined, the mint. That at Athens appears to have been in or adjoining to the chapel (*ἡρῷον*) of a hero named Stephanephorus. In it were kept the standard weights for the coins.[12]

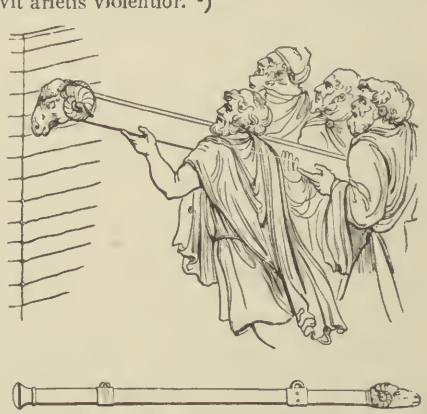
ARGYRAS'PIDES (*ἀργυράσπιδες*), a division of the Macedonian army, who were so called because they carried shields covered with silver plates. They were held in high honour by Alexander the Great, after whose death they went over to Antigonus.[13] Livy mentions them as the royal cohort in the army of Antigonus.[14] The Emperor Alexander Severus had in his army a body of men who were called *argyroaspides*.[15]

*AR'IA (*ἀρία*) a species of plant. Bauhin held it to be a kind of pear-tree, and Miller makes it to be that kind which gets the English name of White Beam-tree, namely, the *Pyrus Aria* of Hooker. But Schneider, upon the authority of Sibthorp, holds it to be a variety of the *Quercus Ilex*.[16]

ARIADNEI'A (*Ἀριάδνεια*), festivals solemnized in the island of Naxos in honour of Ariadne, who, according to one tradition, had died here a natural death, and was honoured with sacrifices, accompanied by rejoicings and merriment.[17] Another festival of the same name was celebrated in honour of Ariadne in Cyprus, which was said to have been instituted by Theseus in commemoration of her death in the month of Gorpiæus. The Amathusians called the grove in which the grave of Ariadne was shown, that of Aphrodite-Ariadne. This is the account given by Plutarch[18] from Pæon, an Amathusian writer.

1 (Lys., c. Nic., *ἀργίας*.—Ap. Diog. Laert. in Solone.—Harpocr., s. v. *Κηποί* et *πόταμος*.—Val. Max., ii., 6, 3.)—2. (Onom., viii., 6, § 42.)—3. (*Vid.* Taylor, Lect. Lysiac., p. 707, 708.)—4. (Pallad., i., 34, 3.—Colum., iii., 11, 9.)—5. (Colum., iii., 11, 9; vi., 17, 6; viii., 2, 3.—Veg., iii., 4.)—6. (Colum., xii., 4, 5.)—7. (6., 3.)—8. (viii., 1, 5.)—9. (Georg., ii., 99.)—10. (Henderson's Anc. Wines, p. 78.)—11. (in Bœot., 1002; in Olympiod., 1179.)—12. (Pollux, Onom., vii., 103.—Böckh, Pub. Econ. of Athens, vol. i., p. 194, transl.)—13. (Justin., xii., 7.—Curtius, iv., 13.—Plutarch, Eumen., 13, &c.)—14. (Liv., xxxvii., 40.)—15. (Lamprid., Alex. Sev., 50.)—16. (Theophrast., H. P., iv., 7.—Adams, Append. s. v.)—17. (Plutarch, Thes., 20.)—18. (Thes. 20.)

ARIES (*κριός*), the battering-ram, was used to shake, perforate, and batter down the walls of besieged cities. It consisted of a large beam, made of the trunk of a tree, especially of a fir or an ash To one end was fastened a mass of bronze or iron (*κεφαλή, ἐμβολή, προτομή*[1]), which resembled in its form the head of a ram; and it is evident that this shape of the extremity of the engine, as well as its name, was given to it on account of the resemblance of its mode of action to that of a ram butting with its forehead. The upper figure in the annexed woodcut is taken from the bas-reliefs on the column of Trajan at Rome. It shows the aries in its simplest state, and as it was borne and impelled by human hands, without other assistance. Even when the art of war was much advanced, the ram must have been frequently used in this manner, both whenever time was wanting for more complicated arrangements, and wherever the inequality of the ground rendered such arrangements impracticable. This sculpture shows the ram directed against the angle of a wall, which must have been more vulnerable than any other part. ("*Angularem* turrim ictus foravit arietis violentior."[2])



In an improved form, the ram was surrounded with iron bands, to which rings were attached, for the purpose of suspending it by ropes or chains from a beam fixed transversely over it. See the lower figure in the woodcut. By this contrivance the soldiers were relieved from the necessity of supporting the weight of the ram, and they could with ease give it a rapid and forcible motion backward and forward, so as to put the opposite wall into a state of vibration, and thus to shatter it into fragments.

The use of this machine was farther aided by placing the frame in which it was suspended upon wheels, and also by constructing over it a wooden roof, so as to form a "testudo" (*χελώνη κριοφόρος*[3]) which protected the besieging party from the defensive assaults of the besieged. Josephus informs us that there was no tower so strong, no wall so thick as to resist the force of this machine, if its blows were continued long enough.[4]

The beam of the aries was often of great length, *e. g.*, 80, 100, or even 120 feet. The design of this was both to act across an intervening ditch, and to enable those who worked the machine to remain in a position of comparative security. A hundred men, or even a greater number, were sometimes employed to strike with the beam.

The besieged had recourse to various contrivances in order to defend their walls and towers from the attacks of the aries. 1. They attempted, by throwing burning materials upon it, to set it on fire; and, to prevent this from being effected, it was covered with sackcloth (*δέρρει*,[5] *ciliciis*[6]) or with hides

1. (Josephus.—Suidas.)—2. (Amm. Marcell., xxiv., 2.)—3. (Appian, Bell. Mithrid.)—4. (Bell. Jud., iii.)—5. (Joseph., l. c.—6. (Veget., iv., 23.)

(*coriis bubulis*[1]), which were sometimes moistened (*humectis taurinis exuviis*[2]). 2. They threw down great stones, so as to break off the iron head of the ram.[3] 3. To accomplish the same purpose, they erected beams turning upon upright posts (*tollenones*); from the extremities of these beams they suspended masses of lead, trunks of trees, stones, or parts of columns. They then caused these ponderous bodies to fall repeatedly upon the head of the ram, while the opposite party attempted to defeat this effort by means similar to those mentioned under the article ANTENNA, viz., by the use of sickles fixed to the ends of long poles (*asseribus falcatis*[4]), and employed to cut the ropes by which the stones and other weights were suspended. 4. They caught the head of the ram in a noose (*laqueo*,[5] *βρόχοις*[6]), and were thus enabled to draw it on one side and avert its blows, or even to overturn it and prevent its action altogether.[7] 5. They seized the head with a large forceps armed with teeth, and called the wolf (*lupus*[8]), and they thus baffled the efforts of the besiegers in the same way as by using the noose. 6. They filled sacks with chaff, or stuffed them with other soft materials, and suspended them by ropes wherever the ram was expected to strike, so as to divert its blows and break their force, the besiegers meanwhile employing the sickles, as already mentioned, to cut the ropes.[9] This provision of sickles, in addition to the ram, belonged to the more complicated engine, called *testudo arietaria*.

The larger machines of this class were so constructed as to be taken to pieces in order to be conveyed from place to place, and were put together again when required for use.[10]

Virgil is certainly chargeable with an anachronism when he speaks of the aries as employed at the sieges of Ilium and of Laurentum.[11] Thucydides mentions the use of it by the Peloponnesians at the siege of Platæa.[12] But it first became an important military engine in the hands of the Macedonians and Carthaginians. (*Vid.* FALX, HELEPOLIS, TESTUDO.)

*ARIES (*κριός*), the ordinary ram. (*Vid.* OVIS.)

*ARI'ON (*ἀρείων* or *ἀρίων*), a shellfish noticed by Ælian. It is now applied to a genus of the class *Mollusca*, but was formerly placed under the *Limaces*.[13]

*ARIS'ARUM (*ἀρίσαρον*), a species of plant. Dodonæus makes out its alliance with the *Arum*, and, accordingly, modern botanists give it the name of *Arum arisarum*. Miller calls it Friar's Cowl in English.[14]

*ARISTOLOCH'IA (*ἀριστολοχία*), a species of plant, the modern Birthwort. There is some difficulty in recognising the three kinds described by the ancients. Adams thinks there is little reason for rejecting the *στρογγύλη* as being the *Aristolochia Rotunda*, and the *μακρά* as being the *Longa* of modern botanists; and yet Sprengel inclines to refer the one to the *A. pallida*, and the other to the *A. Cretica*, L. The *κληματῖτις* is unquestionably the *Aristolochia clematitis*, or Climbing Birthwort.[15] The Birthwort tribe possess in general tonic and stimulating properties. Pliny, among other complaints in which the aristolochia was found useful, notices severe dysenteries, difficulty of breathing, hip-gout, the sting of scorpions, &c.; and in Peru, at the present day, the *A. fragrantissima* (called in that country *Bejuca de la Estrella*, or Star-Reed) is highly esteemed as a remedy against dysenteries, malignant inflammatory fevers, colds, rheumatic pains, &c. The root is the part used.[16]

1. (Vitruv.)—2. (Amm. Marcell., xx., 7.)—3. (*ἀποῤῥῆξαι τὴν κεφαλὴν τοῦ μηχανήματος*: Joseph., l. c.)—4. (Liv., xxxviii., 5.)—5. (Veget., l. c.)—6. (Appian., l. c.)—7. (Amm. Marcell., xx., 11.)—8. (Veget., l. c.)—9. (Joseph., Veget., Appian., ll. cc.)—10. (Amm. Marcell., xx.)—11. (Æn., ii., 491; xii., 706.)—12. (ii., 76.)—13. (Adams, Append., s. v.)—14. (Dioscor., ii., 198.—Adams, Append., s. v.)—15. (Adams, Append., s. v.)—16. (Lindley's Botany, p. 71.)

ARMA, ARMATU'RA (*ἔντεα*, *τεύχεα*, Hom. *ὅπλα*), arms, armour.

There can be no doubt that, in the earliest times, the Greeks, as well as other nations, used stones and clubs for their weapons, and that they wore the skins of the wild beasts which they had slain, at once as proofs of their strength and prowess, and as a protection to their bodies. Hence Hercules was commonly represented clad in the spoils of the Nemean lion, as well as carrying a club.[1] The use of the goatskin for a similar purpose has been noticed under the article ÆGIS. Theocritus, in the following lines, describes the savage wrestler Amycus as wearing the skin of a lion, which was fastened over his breast by two of the paws, and depended from thence over his back:

Αὐτὰρ ὑπὲρ νώτοιο καὶ αὐχένος ἠωρεῖτο
Ἄκρων δέρμα λέοντος ἀφημμένον ἐκ ποδεώνων.

This mode of wearing the lion's skin is displayed in two small bronzes of very high antiquity, which have been published by Micali,[2] and which are copied in the annexed woodcut.

In the Homeric battles, we have some traces of the use of hides for defensive armour, as in the third book of the Iliad,[4] where Paris appears lightly armed with a bow and panther's skin upon his shoulders. In the Argonautic expedition, Ancæus, the Arcadian, always wore for the same purpose the shaggy hide of a bear, and Argus that of a black bull.[5] Even as late as the Messenian war, the mountaineers of Arcadia, serving under Aristodemus as light-armed soldiers, wore the skins both of sheep and goats, and also of bears, wolves, and other wild beasts.[6]

Nevertheless, the armour both of the Greek and Trojan armies, as represented by Homer, was complete and elaborate. In various passages he describes the entire suit of armour of some of his greatest warriors, viz., of Achilles, Patroclus, Agamemnon, Menelaus, and Paris;[7] and we observe that it consisted of the same portions which were used by the Greek soldiers ever after. Moreover, the order of putting them on is always the same. The heavy-armed warrior, having already a tunic around his body, and preparing for combat, puts on, first, his greaves (*κνημῖδες*, *ocreæ*); secondly, his cuirass (*θώραξ*, *lorica*), to which belonged the *μίτρη* underneath, and the zone (*ζώνη*, *ζωστῆρ*, *cingulum*) above; thirdly, his sword (*ξίφος*, *ensis*, *gladius*), hung on the left side of his body by means of a belt which

1. (*Vid.* Theocr., xxv., 279.)—2. (Id., xxii., 52.)—3. (Italia avanti il Dominio dei Romani, pl. xiv., fig. 3, and pl. xvi., 1, fig 7.)—4. (iii. 17.)—5. (Orph., Argon., 199.—Apoll. Rhod., i., 324—Schol. in loc.)—6. (Paus., iv., 11, § 1.)—7. (Il., iii., 328–339 iv., 132–138; xi., 15–45; xvi., 130–142; xix., 364–391.)

passed over the right shoulder; fourthly, the large round shield (*σάκος, ἀσπίς, clipeus, scutum*), supported in the same manner; fifthly, his helmet (*κόρυς, κυνεη, cassis galea*); sixthly and lastly, he took his spear (*ἔγχος, δόρυ, hasta*), or, in many cases, two spears (*δοῦρε δύω*). Virgil represents the outfit of a warrior as consisting of the same six portions, when he describes the armour made by Vulcan for Æneas, and brought to him by his mother.[1] The form and use of these portions are described in separate articles under their Latin names. The annexed woodcut exhibits them all in the form of a Greek warrior attired for battle, as shown in Hope's *Costume of the Ancients* (i., 70).

Those who were defended in the manner which has now been represented, are called by Homer *ἀσπισταί*, from their great shield (*ἀσπίς*); also *ἀγχεμάχοι*, because they fought hand to hand with their adversaries; but much more commonly *πρόμαχοι*, because they occupied the front of the army: and it is to be observed that these terms, especially the last, were honourable titles, the expense of a complete suit of armour (*πανοπλίη*[2]) being of itself sufficient to prove the wealth and rank of the wearer, while his place on the field was no less indicative of strength and bravery.

In later times, the heavy-armed soldiers were called *ὁπλῖται*, because the term *ὅπλα* more especially denoted the defensive armour, the shield and thorax. By wearing these they were distinguished from the light-armed, whom Herodotus,[3] for the reason just mentioned, calls *ἀνοπλοι*, and who are also denominated *ψιλοί* and *γυμνοί*, *γυμνῆται* or *γυμνῆτες*. Instead of being defended by the shield and thorax, their bodies had a much slighter covering, sometimes consisting of skins, as in the above-mentioned instance of the Arcadians, and sometimes of leather or cloth; and, instead of the sword and lance, they commonly fought with darts, stones, bows and arrows, or slings. Though greatly inferior in rank and prowess to the heavy-armed soldiery, it is probable that they often surpassed them in numbers; and by their agility, by their rapid movements from place to place, and by embracing every opportunity of assailing the enemy, coming towards the front under the protection of the heavy-armed, and again retreating for safety into the rear, they rendered important service to their employers.

We are justified in using the term "employers," because the light-armed were commonly attached in a subordinate capacity to individuals of the heavy-armed soldiery. In this manner the Helots were compelled to serve in the Spartan army. At the battle of Platæa, each Spartan had an appointment of no less than seven Helots to carry his arms, to protect him in danger, to assist him in conquering his opponent, and also to perform every menial service.[4] On the same occasion, as we are informed by Herodotus,[5] the other divisions of the Greek army had only one light-armed to one heavy-armed soldier. In after times, also, the Athenian hoplite had usually one attendant, and received as wages for both himself and his servant two drachmæ per day.[3]

Besides the heavy and light armed soldiers, the *ὁπλῖται* and *ψιλοί*, who, in general, bore towards one another the intimate relation now explained, another description of men, the *πελτασταί*, also formed a part of the Greek army, though we do not hear of them in early times. Instead of the large round shield, they carried a smaller one called the *πέλτη*, and in other respects their armour, though heavier and more effective than that of the *ψιλοί*, was much lighter than that of the hoplites. The weapon on which they principally depended was the spear.

The cities of Eubœa agreed to go to battle only as hoplites, discarding the use of light armour, depending on the sword and lance, and handling the latter as a pike.[4] The Eubœans were probably induced to form this agreement in consequence of the richness of their island in the ores of copper and iron. On the other hand, those nations which had neither mines, nor any considerable wealth of other kinds, could scarcely send any but light-armed soldiers, who commonly served as mercenaries.

The Romans legions consisted, as the Greek infantry for the most part did, of heavy and light armed troops (*gravis et levis armaturæ*). But they were not formed upon the same system of attaching individuals to one another, in the relation of the master or employer and his servant. At all events, this system did not prevail among the Romans to any extent; and when Virgil, in the *Æneid*, mentions the armour-bearer or squire (*armiger*), we must understand him to allude to the Grecian or Oriental practice, or to attribute such attendance and state to kings and generals only.

When a legion was drawn up in order of battle, the heavy-armed were posted in front in three divisions, viz., the *principes*, the *hastati*, and the *triarii*, and behind them were placed the light-armed in two divisions, called the *rorarii*, and the *accensi* or *velites*, the weight and strength of the arms decreasing gradually in these five divisions, until the rear consisted only of archers, slingers, and other troops, who might leave their place whenever occasion required, and make swift excursions for the purpose of attacking and annoying the enemy. Especially in commencing an engagement, the light-armed troops advanced to the front, strove to put the enemy to flight, and, if successful, pursued them. If, on the other hand, they were worsted, they retreated again in a body behind the heavy troops, on whom as the main stay of the army, depended the decision of the conflict. If the heavy-armed were victorious, the light-armed again rushed forward to aid in breaking the ranks of the enemy, and the pursuit was left to them and to the cavalry, while the principes, hastati, and triarii maintained their original position.[5]

1. (Æn., viii. 615–625.)—2. (Herod., i., 60.)—3. (ix., 62, 63.)

1. (Herod., ix., 10, 28–30.—Manso, Sparta, i., 1, p. 136, 137.)—2. (l. c.)—3. (Thucyd., iii. 17.)—4. (Strabo, x., 1, 12, 13.)—5. (Veget., De Re Milit., ii., 15–17.)

The annexed figure is taken from the arch of Septimius Severus at Rome. On comparing it with that of the Greek hoplite in the last woodcut, we perceive that, while the national character is displayed by a wide difference in the attitude and expression, the several parts of the armour correspond, excepting only that the Roman soldier wears a dagger (*μάχαιρα, pugio*) on his right side instead of a sword on his left, and, instead of greaves upon his legs, has *femoralia* and *caligæ*. All the essential parts of the Roman heavy armour (*lorica, ensis, clipeus, galea, hasta*) are mentioned together in an epigram of Martial,[1] and all except the spear in a well-known passage of St. Paul,[2] whose enumeration exactly coincides with the figures on the arch of Severus, and who makes mention, not of greaves, but of shoes or sandals for the feet.

The soft or flexible parts of the heavy armour were made of cloth or leather. The metal principally used in their formation was that compound of copper and tin which we call bronze, or, more properly, bell-metal. (*Vid.* Æs.) Hence the names for this metal (*χαλκός, æs*) are often used to mean *armour*, and the light reflected from the arms of a warrior is called *αὐγὴ χαλκείη* by Homer, and *lux aëna* by Virgil.[3] Instead of copper, iron afterward came to be very extensively used in the manufacture of arms, although articles made of it are much more rarely discovered, because iron is, by exposure to air and moisture, exceedingly liable to corrosion and decay. Gold and silver, and tin unmixed with copper, were also used, more especially to enrich and adorn the armour. When the Cyclopes, under the direction of Vulcan, make the suit for Æneas, as already mentioned, they employ these various metals:

> "*Fluit æs rivis, aurique metallum:*
> *Vulnificusque chalybs vasta fornace liquescit.*"

It cannot be supposed that the Roman soldiers could have acquired their high renown as conquerors without being regularly instructed in the use of arms. Vegetius accordingly, in his first book, devotes several chapters to an account of the exercises devised for this purpose. The recruits were provided with shields, spears, and other weapons of unusual size and weight, and in other respects expressly adapted for the discipline of the drill. The masters at arms were called *armidoctores* and *campidoctores* (*ὁπλοδιδακταί, ὁπλοδιδάσκαλοι*).

The armory or arsenal, in which arms of all kinds were kept, was called *armamentarium* (*ὁπλοθήκη, ὁπλοφυλάκιον*[1]). The marine arsenal at the Piræus, built by the architect Philo, was the glory of the Athenians.[2]

In rude states of society, when the spirit of violence rendered life and property insecure, both Grecians and the nations around, whom they called barbarians, constantly carried arms for their defence.[3] In the time of Thucydides[4] the Athenians had discontinued this practice, because the necessity for being always armed existed no longer; but they all bore spears and shields in the public processions.

ARMA'RIUM, originally a place for keeping arms, afterward a cupboard, in which were kept, not only arms, but also clothes, books, money, ornaments, images, pictures, and other articles of value. The armarium was generally placed in the atrium of the house.[5] The divisions of a library were called *armaria*.[6] We find *armarium distegum* mentioned as a kind of sepulchre in an inscription in Gruter.[7]

ARMAMENTA'RIUM. (*Vid.* Arma, p. 95.)

*ARMENI'ACA MALA (*μῆλα Ἀρμενίακα*), a fruit, which Dioscorides makes the same with the *præcocia* of the Romans. There seems little reason to doubt that it is identical with our *Apricot*.[8]

*ARMEN'IUM (Ἀρμένιον), a blue pigment called after the country whence it came. The kind which by Dioscorides is esteemed the best, appears to have been an earth; for he requires it to be smooth, friable, and free from stone. Adams makes it to have been an impure carbonate of copper, like the Lapis Lazuli. Hill, however, maintains that it was a yellow earth or ochre of copper. The *Armenium* must not be confounded with the *Lapis Armenius* (*Λίθος Ἀρμενιακός*), or Armenian stone, first noticed by Paulus Ægineta, and which is called *λίθος λαζούριος* by Myrepsus. Jameson says the Armenian stone of the ancients was a limestone impregnated with earthy azure copper, and in which copper and iron pyrites were sometimes disseminated.[9]

ARMILLA (*ψάλιον, ψέλιον*, or *ψέλλιον, χλιδών, ἀμφιδεᾶ*), a bracelet or armlet.

Among all the nations of antiquity, the Medes and Persians appear to have displayed the greatest taste for ornaments of this class. They wore not only armillæ on their wrists, and on the arm a little below the shoulder, but also earrings, collars or necklaces, and splendid turbans. These portions of their dress often consisted of strings of valuable pearls, or were enriched with jewels. They were intended to indicate the rank, power, and wealth of the wearer, and this use of them has continued through successive generations down to the present day.[10]

In Europe, golden armillæ were worn by the Gauls both on their arms and on their wrists.[11] The Sabines also wore ponderous golden armillæ on the left arm, about the time of the foundation of Rome;[12]

1. (ix., 97.) —2. (Eph., vi., 14–17.)—3. (Æn., ii., 470.)

1. (*Vid.* Liv., xxxi., 23.—Juv., xiii., 83.)—2. (Strab., ix., 1. 15. —Plin., H. N., vii., 38.—Val. Max., viii., 12.—Cic., De Orat., i., 14.)—3. (Thucyd., i., 6.)—4. (vi., 58.)—5. (Dig. 33, tit. 10, s. 3. —Cic., pro Cluent., c. 64.—Petron., Sat., 29.—Plin., H. N., xxix., 17, 32; xxxv., 2, 2.)—6. (Vitruv., vii., Præf.—Vopisc., Tac., 8.)—7. (p. 383, No. 4.)—8. (Dioscor., i, 165.—Hardouin in Plin., H. N., xv., 21.—Casiri, Biblioth. Hispan. Arab., vol. i., p. 330.—Gesner, Lex. Rusticum.)—9. (Dioscor., v., 105.—Vitruv., 7, 9.—Plin., H. N., xxxv., 28.—Adams, Append., s. v.—Moore's Anc. Mineral., p. 68, 69.)—10. (Herod., viii., 113; ix., 80.—Xen., Anab., i., 2, 27; i., 8, 29.—Cyrop., i., 3, 2, 3; vi., 4, 2, et alibi.—Chares Mytil., ap. Athen., iii., 14.—Diod. Sic., v., 45.—Corn. Nep., Dat., iii.—Amm. Marcell., xxiii., sub fin.—Compare Gen., xxiv., 22, 30, 47.—Ezek., xxiii., 42.—2 Sam., i., 10.—Wilkinson's Customs of Anc. Egypt, vol. iii., p. 374, 375.)—11. (Cl. Quadrig., ap. Aul. Gell., ix., 13. —*Περὶ τοῖς βραχίοσι καὶ τοῖς καρποῖς ψέλια*: Strabo, iv., 4, 5.)—12. (Liv., i., 11.—Flor., i., 1. —Val. Max., ix., 6, 1.)

and at the same early period, the Samians wore richly-ornamented armlets at the solemn festivals in honour of Juno.[1]

It does not appear that armillæ were subsequently worn among the Greeks by the male sex. But those ladies who aimed at elegance and fashion had both *armlets* (*περιβραχιόνια*[2]) and *bracelets* (*περικάρπια*, *περιχείρια*, *ἀκροχείρια*), of various materials, shapes, and styles of ornament. In a comedy of Plautus, formed upon a Greek model,[3] armillæ are mentioned as parts of female attire, and one kind is distinguished by the name of *spinter*. This term (*σφιγκτήρ*) is manifestly derived from *σφίγγω* (to compress), and its application is explained from the circumstance that the bracelet so denominated kept its place by compressing the arm of the wearer. The armilla was, in fact, either a thin plate of metal, or a wire of considerable thickness; and, although sometimes a complete ring, it was much more frequently made without having its ends joined; it was then curved, so as to require, when put on, to be slightly expanded by having its ends drawn apart from one another;[4] and, according to its length, it went once, twice, or thrice round the arm, or even a greater number of times. When it made several turns, it assumed the form so clearly defined by Homer in the expression *γναμπτὰς ἕλικας*, "twisted spirals;"[5] a form illustrated by numerous armillæ of gold and bronze in our collections of antiques, and exhibited very frequently on the Greek painted vases. (See the annexed woodcut, from Sir William Hamilton's great work, vol. ii., pl. 35.)

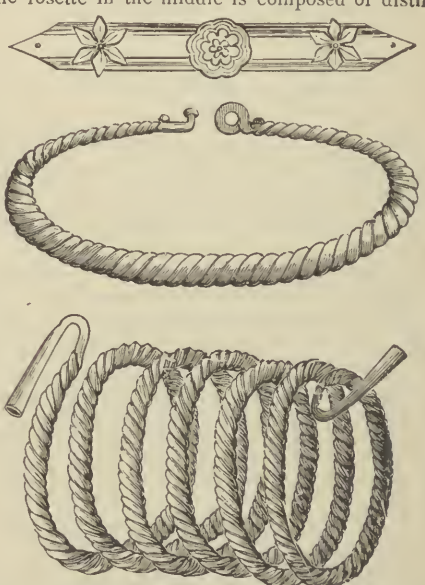
These spiral wires were sometimes engraved so as to exhibit the form of a serpent, and bracelets of this description were called *snakes* by the Athenian ladies.[6]

As in regard to the frontal (*vid.* AMPYX), so also in respect of armillæ, the Greeks conceived the attire of a goddess to resemble that of a lady of superior state and beauty. Hence they attributed these decorations to Aphrodite,[7] and traces of a metallic armlet are seen upon the celebrated marble statue of that divinity preserved at Florence. In the British Museum is an inscription,[8] found among the ruins of the Parthenon at Athens, which makes distinct mention of the *ἀμφιδεαῖ* upon both the arms of a golden Victory preserved in that temple.[9]

Among the Romans we most commonly read of armillæ as conferred upon soldiers for deeds of extraordinary merit.[1] (See the next woodcut.) An instance of this occurs in Livy,[2] where, after a victory, one of the consuls bestows golden crowns and bracelets upon two officers, four centurions, and a manipulus of hastati, and gives silver horns and bracelets to others, who were either foreigners, or younger and of inferior rank. Pliny says[3] that crowns and bracelets of gold were given to citizens, and not to foreigners. These military honours are enumerated in the inscriptions upon various ancient monuments raised to the memory of Roman officers and soldiers, stating that the emperor had presented them *torquibus, armillis, phaleris*, &c., and often recording the exact number of these several decorations.[4] The following form of words used in conferring them is preserved by Valerius Maximus:[5] "*Imperator te argenteis armillis donat.*"

The Roman females wore bracelets partly for use and partly for ornament. The use of them was to hold amulets. (*Vid.* AMULETUM.) Pliny gives a variety of directions respecting the remedies to be effected by inserting particular things in bracelets (*armillæ*,[6] *brachialia*[7]), and wearing them constantly upon the arm. On the same principle, the Emperor Nero, in compliance with the wishes of his mother, sometimes wore on his right arm the exuviæ of a serpent, enclosed in a golden armilla.[8]

As ornaments, armillæ were worn at Rome chiefly by women of considerable rank. The metallic band was, for this purpose, frequently enriched with precious stones and other beautiful objects. The presents of amber, *succina grandia*, mentioned by Juvenal[9] as sent to a lady on her birthday, were probably bracelets set with amber.[10] In the following woodcut, the first figure represents a gold bracelet discovered at Rome, on the Palatine Mount.[11] The rosette in the middle is composed of distinct



and very delicate leaves. The two starlike flowers on each side have been repeated where the holes for securing them are still visible. The second figure represents a gold bracelet found in Britain, and preserved in the British Museum. It appears to be

1. (Asii Samii Carm. a Bachio, p. 146.)—2. (Xen., Cyrop., vi., 4, 2.—Chariton, a Dorville, p. 110.)—3. (Men., iii., 3.)—4. (Isid., Orig., xix., 30.)—5. (Il., xviii., 401.)—6. (Mœris and Hesychius, s. v. *δφις*.)—7. (Plutarch, De Fort. Rom.)—8. (Elgin Coll., No. 267.)—9. (Böckh, Staatsh., ii., p. 291, 293.—Id., Corpus Inscr., i. p. 235.)

1. (Festus, s. v.—Isid., Orig., 1 c.)—2. (Liv., x., 44.)—3. (H. N., xxxiii., 10.)—4. (Bartholinus, De Armillis, p. 52, 92, Gruter.)—5. (viii., 14, 5.)—6. (H. N., xxviii., 9, 47.)—7. (Ib., 23, xxxii, 3.)—8. (Suet., Ner., 6.)—9. (ix., 50.)—10. ("gemmata dextrocheria:" Schol. in loc.)—11. (Caylus, Rec. d'Ant., t. v., pl. 93.)

made of two gold wires twisted together, and the mode of fastening it upon the arm by a clasp, is worthy of observation. It has evidently been a lady's ornament. Besides objects finely wrought in gold, and the most beautiful pearls and jewels, ladies' bracelets were also formed to display other exquisite works of art. Böttiger says[1] "it can scarcely be doubted that the most splendid gems, with figures cut in relief, were designed to be worn in bracelets by the empresses, and other women of high rank in Rome." The same author observes[2] "that the large bracelets, made with three or four coils, were intended as rewards for the soldiers," and that it would be ridiculous to suppose such massive ornaments to have been designed for women. A specimen of these ponderous and highly valuable armillæ is represented in the third of the preceding figures. The original, of pure gold, is more than twice the length of the figure, and was found in Cheshire.[3]

If bracelets were worn by a Caligula,[4] it was regarded as a sign of extravagance and effeminacy, being quite opposed to Roman ideas and customs. In general, the epithet *armillatus* denoted a servile or degraded condition.[5]

The terms *armilla* and *ψέλιον* are used for ornaments of the same kind as those already explained, which were worn upon the ankles, very commonly by Africans and Asiatics, rarely by Europeans.[6] A dog-collar is also called armilla (*armillatos canes*[7]), and an iron ring used by carpenters.[8]

ARMILUS'TRIUM, a Roman festival for the purification of arms. It was celebrated every year on the 14th before the calends of November (Oct. 19), when the citizens assembled in arms, and offered sacrifices in the place called Armilustrum, or Vicus Armilustri, in the 13th region of the city.[9]

*ARMORA'CIA (*ῥαφανίς*), Horseradish. (*Vid.* Raphanis.)

ARMY (GREEK). In the petty states of Greece, down to a period long subsequent to their establishment, a traveller, when beyond the walls of a town, was in constant danger of being surprised by an enemy, and often the labours of husbandry were carried on by men with arms in their hands.[10] This insecurity of liberty and life must have tended powerfully to have infused a martial spirit among the Greeks; and, though they may have borrowed the first principles of war from the nations of the East, it was among them that the organization of a military force, and the tactics of the field, were brought nearly to as high a degree of perfection as was consistent with the nature of the arms in use before the invention of gunpowder.

The attack on Thebes and the war of Troy are the earliest instances in the Grecian history of military actions performed on a considerable scale; and on the latter occasion (probably about B.C. 1184), an army of 100,000 men is supposed to have been assembled. It would seem that the troops of the different states engaged in this war were at first intermixed with each other; for, in the second book of the Iliad,[11] Nestor is represented as advising Agamemnon to divide the army into several bodies, according to the nations or tribes of which it was composed, and to place each division under its own prince. It is scarcely conceivable, however, that such a distribution did not always subsist when nations combined together for one object; and, as the ships of the several states appear to have been drawn up separately, probably the mixture of the troops was only an accidental circumstance, arising from the inactivity in which the army had for some time previously remained. It may be imagined, therefore, that the advice of Nestor was only intended as a regular notice for re-forming the army preparatory to inspection, and previously to a return to active service: be that as it may, the practice was afterward general, as well in the East as in the Greek states of Europe.

In the fourth book of the Iliad,[1] the arrangement of the army previously to an engagement is distinctly described. A line of war-chariots, in which the chiefs fought, formed the front; the heavy-armed foot were in the rear; and the middle space was occupied by archers or light-armed men, on whom less reliance could be placed. The warriors were protected by cuirasses, greaves, and helmets, all of bronze; they carried strong bucklers, and their offensive arms were javelins or pikes, and swords. The battle began by darts being thrown from the chariots as the latter advanced to break the ranks of the enemy: the chariots probably then fell into the intervals between the divisions of the troops who fought on foot; for the latter are said to have moved up in close order and engaged, shield touching shield, and lance opposed to lance, while the light-armed troops, now in the rear of all, or behind the chariots, discharged their arrows and stones over the heads of the combatants in front. The precept of Nestor, that the warriors should keep their ranks in action, according to the manner of their ancestors, indicates that a certain degree of regularity had long before been observed in the march of armies, or in the collisions of hostile troops.

On contemplating the account given by Homer, it must appear evident that the practice of war in his age differed from that which was followed by the Asiatics, Egyptians, and Greeks of a much later period, chiefly in the absence of cavalry: a circumstance which seems to prove that the art of horsemanship, though not wholly unknown, since Diomed rides on one of the horses which had been taken from the car of Rhesus,[2] must have been then very imperfect. The dense array in which the Greeks are represented as formed, in the fourth and thirteenth books of the Iliad, corresponds to that of the body of troops subsequently denominated a phalanx; and these are the first occasions on which great bodies of men are said to have been so drawn up. But, at the same time, it must be remarked, that though the poet seems in some passages to consider the compact arrangement of troops as a matter of great importance; yet the issue of the battle is almost always decided by the personal prowess of individual chieftains, who are able to put to flight whole troops of ordinary soldiers.

From a passage in the last book of the Iliad,[1] it appears that during the heroic ages, as they are called, every family in a state was obliged to furnish one man, or more, who were chosen by lot, when a chieftain intended to set out on a military expedition. While absent from home, the troops subsisted by supplies brought up from their own district, or raised in that of the enemy. In the manner last mentioned, and by the plunder obtained in piratical excursions to the neighbouring coasts, the Greek army supported itself during the ten years of the Trojan war.

When, after the return of the Heraclidæ, the states of Greece had acquired some stability, the great lawgivers of Sparta and Athens, while forming constitutions for their several people, are said to have made regulations for the military service. To the free citizens only was it thought proper to grant the honour of serving their country in complete armour; and we learn from Herodotus that slaves were made to act as light-armed troops. In the action at Platæa against Mardonius, the right wing of the Grecian army was composed of 10,000 La-

1. (Sabina, ii, 159.)—2. (p. 157.)—3. (Archæologia, xxvii., 409.)—4. (Suet., Cal., 52.)—5. (Suet., Ner., 30.—Mart., xi., 22.)—6. (Herod., iv., 168.)—7. (Propert., iv., 8, 24.)—8. (Vitruv., x., 6.)—9. (Festus, s. v.—Varro, De Ling. Lat., iv., 32; v., 3.—Liv., xxvii., 37.—P. Vict., De Regionibus, U. R.—Inscript. in Gruter, p. 250.)—10. (*πᾶσα γὰρ ἡ Ἑλλὰς ἐσιδηροφόρει*· Thucyd., i., 6.)—11. (l. 362.)

1. (l. 297–299.)—2. (Il., x., 513, 514.)—3. (l. 400.)

cedæmonians, of whom half were Spartans, and each of these was accompanied by seven Helots; the remaining 5000, who were furnished by the other towns of Laconia, were each accompanied by one Helot.[1] The employment of slaves in the ancient armies was, however, always considered as a dangerous measure; and it was apprehended, with reason, that they might turn against their masters, or desert to the enemy.

The organization of the Lacedæmonian army was more perfect than that of any other in Greece. It was based upon a graduated system of subordination, which gave to almost every individual a degree of authority, rendering the whole military force a community of commanders,[2] so that the signal given by the king ran in an instant through the whole army.[3] The foundation of this system is attributed to Lycurgus, who is said to have formed the Lacedæmonian forces into six divisions (*μόραι*). Each *μόρα* was commanded by a *πολέμαρχος*, under whom were four *λοχαγοί*, eight *πεντηκοστῆρες*, and sixteen *ἐνωμοτάρχοι*;[4] consequently, two *ἐνωμοτίαι* formed a *πεντηκοστύς*, two of these a *λόχος*, and four *λόχοι* made a *μόρα*. The regular complement of the enomotia appears to have been twenty-four men besides its captain. The lochus, then, consisted ordinarily of 100, and the mora of 400 men. The front row of the enomotia appears to have consisted of three men, and the ordinary depth of the line of eight men. The number of men in each enomotia was, however, not unfrequently increased. Thus, at the battle of Mantinea, another file was added; so that the front row consisted of four men and each enomotia consequently contained thirty-two men.[5] At the battle of Leuctra, on the contrary, the usual number of files was retained, but the depth of its ranks was increased from eight to twelve men, so that each enomotia contained thirty-six men.[6] In the time of Xenophon, the mora appears to have consisted usually of 600 men.[7] The numbers seem, however, to have fluctuated considerably, according to the greater or less increase in the number of the enomotia. Ephorus makes the mora to consist of 500 men, and Polybius[8] of 900.

At the battle of Mantinea there were seven lochi, and the strength of the lochus was doubled by being made to consist of four pentecostyes and eight enomotiæ.[9] Upon this account Dr. Arnold remarks:[10] "A question here arises why Thucydides makes no mention of the mora, which, according to Xenophon, was the largest division of the Lacedæmonian army, and consisted of four lochi; the whole Spartan people being divided into six moræ. The scholiast on Aristophanes[11] says that there were six lochi in Sparta, others say five, and Thucydides here speaks of *seven*; but I think he means to include the Brasidian soldiers and the neodamodes; and, supposing them to have formed together one lochus, the number of the regular Lacedæmonian lochi would thus be *six*. These lochi, containing each 512 men, are thus much larger than the regular mora, which contained only 400, and approach more nearly to the enlarged mora of 600 men, such as it usually was in active service in the time of Agesilaus. Was it that, among the many innovations introduced into Sparta after the triumphant close of the Peloponnesian war, the term lochus was henceforward used in the sense in which the other Greeks commonly used it, that is, as a mere military division, consisting properly of about 100 men; and that, to avoid confusion, the greater divisions, formerly called lochi, and whose number, as being connected with old traditions and political divisions, was not variable, were for the future called by the less equivocal name of moræ?"

To each mora of heavy-armed infantry there belonged a body of cavalry bearing the same name,[1] consisting at the most of 100 men, and commanded by the hipparmost (*ἱππαρμοστής*[2]). The cavalry is said, by Plutarch, to have been divided in the time of Lycurgus into oulami (*οὐλαμοί*) of fifty men each;[3] but this portion of the Lacedæmonian army was unimportant, and served only to cover the wings of the infantry. The three hundred knights forming the king's body-guard must not be confounded with the cavalry. They were the choicest of the Spartan youths, and fought either on horseback or on foot, as occasion required.

Solon divided the Athenian people into four classes, of which the first two comprehended those persons whose estates were respectively equivalent to the value of 500 and 300 of the Attic measures called medimni. These were not obliged to serve in the infantry or on board ship, except in some command; but they were bound to keep a horse for the public, and to serve in the cavalry at their own expense. The third class, whose estates were equivalent to 200 such measures, were obliged to serve in the heavy-armed foot, providing their own arms; and the people of the fourth class, if unable to provide themselves with complete armour, served either among the light-armed troops or in the navy. The ministers of religion, and persons who danced in the festival of Dionysus, were exempt from serving in the armies; the same privilege was also accorded to those who farmed the revenues of the state. There is no doubt that, among the Athenians, the divisions of the army differed from those which, as above stated, had been appointed by the Spartan legislator; but the nature of the divisions is unknown, and it can only be surmised that they were such as are hinted at in the Cyropædia. In that work, Xenophon, who, being an Athenian, may be supposed to have in view the military institutions of his own country, speaking of the advantages attending the subdivisions of large bodies of men, with respect to the power of re-forming those bodies when they happen to be dispersed, states[4] that the *τάξις* consists of 100 men, and the *λόχος* of twenty-four men (exclusive of their officer); and in another passage he mentions the *δεκάς*, or section of ten, and the *πεμπάς*, or section of five men. The *τάξις* seems to have been the principal element in the division of troops in the Athenian army, and to have corresponded to the Peloponnesian *λόχος*. The infantry was commanded by ten strategi (*Vid.* STRATEGI) and ten taxiarchs, and the cavalry by two hipparchs and ten phylarchs. These officers were chosen annually, and they appear to have appointed the subordinate officers of each *τάξις* or *λόχος*.

The mountainous character of Attica and the Peloponnesus is the reason that cavalry was never numerous in those countries. Previously to the Persian invasion of Greece, the number of horse-soldiers belonging to the Athenians was but ninety-six, each of the forty-eight naucrariæ (*ναυκραρίαι*), into which the state was divided, furnishing two persons; but soon afterward the body was augmented to 1200 *κατάφρακτοι*, or heavy-armed horsemen, and there was, besides, an equal number of *ἀκροβολισταί*, or archers, who fought on horseback. The horses belonging to the former class were covered with bronze or other metal, and they were ornamented with bells and embroidered clothing. Before being allowed to serve, both men and horses were subject to an examination before the hipparchs, and punishments were decreed against persons who should enter without the requisite qualifi-

1. (Herod., ix., 28.)—2. (*τὸ στρατόπεδον τῶν Λακεδαιμονίων ἄρχοντες ἀρχόντων εἰσί*: Thucyd., v., 66.)—3. (Heeren, Polit. Antiq., § 29.)—4. (Xen., De Rep. Laced., xi., 4.)—5. (Thucyd., v., 68.)—6. (Xen., Hellen., vi., 4, § 12.)—7. (Ibid., iv., 5, § 11, 12.)—8. (quoted by Plutarch, Pelop., 17.)—9. (Thucyd., v., 68.)—10 (Note on Thucyd., v., 68.)—11. (Lysistrat., 454.)

1. (Xen., De Rep. Laced., xi., 4.)—2. (Xen., Hellen., iv., 4, § 10; iv., 5, § 12.)—3. (Plut., Lycurg., 23.—4. (Ibid., 4.)

cations. It was also the duty of the hipparchs to train the cavalry in time of peace.[1]

Every free citizen of the Greek states was, according to Xenophon and Plutarch, enrolled for military service from the age of 18 or 20, to 58 or 60 years, and at Sparta, at least, the rule was common to the kings and the private people. The young men, previously to joining the ranks, were instructed in the military duties by the τακτικοί or public teachers, who were maintained by the state for the purpose; and no town in Greece was without its gymnasium or school. The times appointed for performing the exercises, as well in the gymnasium as in the camp, were early in the morning, and in the evening before going to rest. The first employment of the young soldiers was to guard the city; and in this duty they were associated with such veterans as, on account of their age, had been discharged from service in the field. At 20 years of age the Athenian recruit could be sent on foreign expeditions; but, among the Spartans, this was seldom done till the soldier was 30 years old. No man beyond the legal age could be compelled to serve out of his country, except in times of public danger; but mention is occasionally made of such persons being placed in the rear of the army during an action, and charged with the care of the baggage.[2] While the Athenians were engaged in an expedition against Ægina, the Peloponnesians sent a detachment of troops towards Megara, in expectation of surprising the place; but the young and the aged men who remained to guard Athens marched, under Myronides, against the enemy, and prevented the success of the enterprise.[3]

An attention to military duties, when the troops were encamped, was strictly enforced in all the Greek armies; but a considerable difference prevailed in those of the two principal states with respect to the recreations of the soldiers. The men of Athens were allowed to witness theatrical performances, and to have in the camp companies of singers and dancers. In the Lacedæmonian army, on the contrary, all these were forbidden; the constant practice of temperance, and the observance of a rigid discipline, being prescribed to the Spartan youth, in order that they might excel in war (which among them was considered as the proper occupation of freemen); and manly exercises alone were permitted in the intervals of duty. Yet, while encamped, the young men were encouraged to use perfumes, and to wear costly armour, though the adorning of their persons when at home would have subjected them to the reproach of effeminacy. On going into action, they crowned themselves with garlands, and marched with a regulated pace, a concert of flutes playing the hymn of Castor.[4]

The military service was not always voluntarily embraced by the Greek people, since it was found necessary to decree punishments against such as evaded the conscriptions. These consisted in a deprivation of the privileges of citizenship, or in being branded in the hand. Deserters from the army were punished with death; and at home, when a man absented himself from the ranks, he was made to sit three days in a public place in women's apparel. It was held to be highly disgraceful in a soldier if, after an action, he was without his buckler; probably because this implied that he, who ought to have maintained his post till the last moment, had made a precipitate retreat; a coward would throw away his buckler in order that he might run faster.

In the infancy of the Greek republics, while the theatre of war was almost at the gates of each city, the soldier served at his own expense in that class of troops which his fortune permitted him to join. Both at Athens and Sparta the ἱππεῖς, or horsemen, consisted of persons possessing considerable estates and vigour of body; each man furnished and maintained his own horse, and he was, besides, bound to provide at least one foot-soldier as an attendant. In the time of Xenophon, however, the spirit of the original institution had greatly declined; not only was the citizen allowed to commute his personal services for those of a horseman hired in his stead, but the purchase and maintenance of the horses, which were imposed as a tax on the wealthy, were ill executed; the men, also, who were least able in body, and least desirous of distinguishing themselves, were admitted into the ranks of the cavalry.

The distress occasioned by the long continuance of the Peloponnesian war having put it out of the power of the poorer citizens of Athens to serve the country at their own expense, Pericles introduced the practice of giving constant pay to a class of the soldiers out of the public revenue; and this was subsequently adopted by the other states of Greece. The amount of the pay varied, according to circumstances, from two oboli to a drachma.[1] The commanders of the λόχοι received double, and the strategi four times, the pay of a private foot-soldier.[2] A truce having been made between the Athenians and Argives, it was appointed that, if one party assisted another, those who sent the assistance should furnish their troops with provisions for thirty days; and it was farther agreed, that if the succoured party wished to retain the troops beyond that time, they should pay, daily, one drachma (of Ægina) for each horseman, and three oboli for a foot-soldier, whether heavy-armed, light-armed, or archer.[3] At Athens, by the laws of Solon, if a man lost a limb in war, one obolus was allowed him daily for the rest of his life at the public expense; the parents and children of such as fell in action were also provided for by the state. (*Vid.* Adunatoi.)

With the acquisition of wealth, the love of ease prevailed over that of glory; and the principal states of Greece, in order to supply the places of such citizens as claimed the privilege of exemption from military service, were obliged to take in pay bodies of troops which were raised among their poorer neighbours. The Arcadians, like the modern Swiss, were most generally retained as auxiliaries in the armies of the other Greek states. In earlier times, to engage as a mercenary in the service of a foreign power was considered dishonourable; and the name of the Carians, who are said to have been the first to do so, became on that account a term of reproach.

The strength of a Grecian army consisted chiefly in its foot-soldiers; and of these there were at first but two classes: the ὁπλῖται, who wore heavy armour, carried large shields, and in action used swords and long spears; and the ψιλοί, who were light-armed, having frequently only helmets and small bucklers, with neither cuirasses nor greaves, and who were employed chiefly as skirmishers in discharging arrows, darts, or stones. An intermediate class of troops, called πελτασταί, or targeteers, was formed at Athens by Iphicrates, after the Peloponnesian war:[4] they were armed nearly in the same manner as the ὁπλῖται, but their cuirasses were of linen instead of bronze or iron; their spears were short, and they carried small round bucklers (πέλται). These troops, uniting in some measure the stability of the phalanx with the agility of the light-armed men, were found to be highly efficient; and from the time of their adoption, they were extensively employed in the Greek armies. A band of club-men is mentioned by Xenophon among the Theban troops at the battle of Leuctra.

Scarlet or crimson appears to have been the general colour of the Greek uniform, at least in the

1. (*Vid.* Xenophon's treatise entitled Ἱππαρχικός.)—2. (Thucyd., v, 72.)—3. (Thucyd., i., 105.)—4. (Plutarch, Lycurg.)

1. (Thucyd., iii., 17.)—2. (Xen., Anab., vii., 6, § 1.)—3 (Thucyd., v., 47.)—4. (Xen., Hellen., iv., 4, § 16-18.)

days of Xenophon; for he observes[1] that the army of Agesilaus appeared all bronze and scarlet (*ἅπαντα μὲν χαλκὸν, ἅπαντα δὲ φοίνικα φαίνεσθαι*).

The oldest existing works which treat expressly of the constitution and tactics of the Grecian armies are the treatises of Ælian and Arrian, which were written in the time of Hadrian, when the art of war had changed its character, and when many details relating to the ancient military organizations were forgotten. Yet the systems of these tacticians, speaking generally, appear to belong to the age of Philip or Alexander; and, consequently, they may be considered as having succeeded those which have been indicated above.

Ælian makes the lowest subdivision of the army to consist of a *λόχος*, *δεκάς*, or *ἐνωμοτία*, which he says were then supposed to have been respectively files of 16, 12, or 8 men; and he recommends the latter. The numbers in the superior divisions proceeded in a geometrical progression by doubles, and the principal bodies were formed and denominated as follow: Four *λόχοι* constituted a *τετραρχία* (=64 men), and two of these a *τάξις* (=128 men). The latter doubled, was called a *σύνταγμα* or *ξεναγία* (=256 men), to which division it appears that five supernumeraries were attached; these were the crier, the ensign, the trumpeter, a servant, and an officer, called *οὐραγός*, who brought up the rear. Four of the last-mentioned divisions formed a *χιλιαρχία* (=1024 men), which, doubled, became a *τέλος*, and quadrupled, formed the body which was denominated a *φάλαγξ*. This corps would therefore appear to have consisted of 4096 men; but, in fact, divisions of very different strengths were at different times designated by that name. Xenophon, in the Cyropædia, applies the term *phalanges* to the three great divisions of the army of Crœsus, and in the Anabasis to the bodies of Greek troops in the battle of Cunaxa, as well as upon many other occasions. It is evident, therefore, that before the time of Philip of Macedon, *phalanx* was a general expression for any large body of troops in the Grecian armies. That prince, however, united under this name 6000 of his most efficient heavy-armed men, whom he called his companions; he subjected them to judicious regulations, and improved their arms and discipline; and from that time the name of his country was constantly applied to bodies of troops which were similarly organized.

The numerical strength of the phalanx was probably the greatest in the days of Philip and Alexander; and, if the tactics of Ælian may be considered applicable to the age of those monarchs, it would appear that the corps, when complete, consisted of about 16,000 heavy-armed men. It was divided into four parts, each consisting of 4000 men, who were drawn up in files generally 16 men deep. The whole front, properly speaking, consisted of two grand divisions; but each of these was divided into two sections, and the two middle sections of the whole constituted the centre, or *ὁμφαλός*. The others were designated *κέρατα*, or wings; and in these the best troops seem to have been placed. The evolutions were performed upon the enomoty, or single file, whether it were required to extend or to deepen the line; and there was an interval between every two sections for the convenience of manœuvring.[2]

The smallest division of the *ψιλοί*, or light troops, according to the treatise of Ælian, was the *λόχος*, which in this class consisted of eight men only; and four of these are said to have formed a *σύστασις*. The sections afterward increased by doubling the numbers in the preceding divisions up to the *ἐπίταγμα*, which consisted of 8192 men; and this was the whole number of the *ψιλοί* who were attached to a phalanx of heavy-armed troops.

The Greek cavalry, according to Ælian, was divided into bodies, of which the smallest was called *ἴλη*: it is said to have consisted of 64 men, though the term was used in earlier times for a party of horse of any number.[1] A troop called *ἐπιλαρχία* contained two *ἴλαι*: and a division subsequently called *ταραντιναρχία* (from Tarentum in Italy) was double the former. Each of the succeeding divisions was double that which preceded it; and one, consisting of 2048 men, was called *τέλος*: finally, the *ἐπίταγμα* was equal to two *τέλη*, and contained 4096 men. The troops of the division or class, called by Ælian Tarentines, are supposed to have been similar to those which also bore the names of *ἱππάχαι* and *ὑπασπισταί*, and which corresponded to the present dragoons, since they engaged either on horseback or on foot, being attended by persons who took care of the horses when the riders fought dismounted. Their armour was heavier than that of the common horsemen, but lighter than that of the *ὁπλῖται*; and their first establishment is ascribed to Alexander. It does not appear that war-chariots were used in Greece after the heroic ages; indeed, the mountainous nature of the country must have been unfavourable for their evolutions. In the East, however, the armies frequently coming to action in vast plains, not only did the use of chariots commence at a very early epoch but they continued to be employed till the conquest of Syria and Egypt by the Romans. Numerous chariots formed the front of the Persian line when Alexander overthrew the empire of Darius. Divisions of chariots were placed at intervals before the army of Molon, when he was defeated by Antiochus the Great;[2] and Justin relates[3] that there were 600 in the army which Mithradates (Eupator) drew up against that of Ariarathes. In the engagements with Darius and Porus, the troops of Alexander were opposed to elephants; and subsequently to the reign of that prince, those animals were generally employed in the Greek armies in Asia. They were arranged in line in front of the troops, and carried on their backs wooden turrets, in which were placed from 10 to 30 men, for the purpose of annoying the enemy with darts and arrows. They were also trained to act against each other: rushing together, they intertwined their trunks, and the stronger, forcing his opponent to turn his flank, pierced him with his tusks: the men, in the mean time, fighting with their spears.[4] Thus, at the battle of Raphea, between Antiochus and Ptolemy, one wing of the Egyptian army was defeated in consequence of the African elephants being inferior in strength to those of India. Elephants were also employed in the wars of the Greeks, Romans, and Carthaginians with each other.

The four chief officers of a phalanx were disposed in the following manner: The first with respect to merit was placed at the extremity of the right wing; the second, at the extremity of the left; the third was placed on the right of the left wing; and the fourth on the left of the right wing; and a like order was observed in placing the officers of the several subdivisions of the phalanx. The reason given by Ælian for this fanciful arrangement is, that thus the whole front of the line will be equally well commanded; since, as he observes, in every (arithmetical) progression, the sum of the extreme terms is equal to that of the mean terms: whatever may be the value of this reason, it must have been a difficult task to determine the relative merit of the officers with the precision necessary for assigning them their proper places in the series. Experienced soldiers were also placed in the rear of th

1. (Agesil., ii., 7.)—2. (Polyb., xi., ex. 3.)

1. (Xen., Anab., i., 2, § 16.)—2. (Polyb., v., 5.)—3. (xxxviii. 1.)—4. (Polyb. ., 5.)

phalanx; and Xenophon, in the Cyropædia, compares a body of troops thus officered to a house having a good foundation and roof.

Each soldier in the phalanx was allowed, when in open order, a space equal to four cubits (5½ or 6 feet) each way; when a charge was to be made, the space was reduced to two cubits each way, and this order was called *πύκνωσις*. On some occasions only one cubit was allowed, and then the order was called *συνασπισμός*, because the bucklers touched each other.

In making or receiving an attack, when each man occupied about three feet in depth, and the Macedonian spear, or *σάρισσα*, which was 18 or 20 feet long, was held in a horizontal position, the point of that which was in the hands of a front-rank man might project about 14 feet from the line; the point of that which was in the hands of a second-rank man might project about 11 feet, and so on. Therefore, of the sixteen ranks, which was the ordinary depth of the phalanx, those in rear of the fifth could not evidently contribute by their pikes to the annoyance of the enemy: they consequently kept their pikes in an inclined position, resting on the shoulders of the men in their front; and thus they were enabled to arrest the enemy's missiles, which, after flying over the front ranks, might otherwise fall on those in the rear. The ranks beyond the fifth pressing with all their force against the men who were in their front, while they prevented them from falling back, increased the effect of the charge, or the resistance opposed to that of the enemy;[1] and from a disposition similar to that which is here supposed in the Spartan troops at the battle of Platæa, the Persian infantry, ill armed, and unskilled in close action, are said to have perished in vast numbers in the vain attempt to penetrate the dense masses of the Greeks.

In action, it was one duty of the officers to prevent the whole body of the men from inclining towards the right hand; to this there was always a great tendency, because every soldier endeavoured to press that way, in order that he might be covered as much as possible by the shield of his companion; and thus danger was incurred of having the army outflanked towards its left by that of the enemy. A derangement of this nature occurred to the army of Agis at the battle of Mantinea.[2] Previously to an action, some particular word or sentence, *σύνθημα*, was given out by the commanders to the soldiers, who were enabled, on demanding it, to distinguish each other from the enemy.[3]

The Greek tactics appear to have been simple, and the evolutions of the troops such as could be easily executed: the general figure of the phalanx was an oblong rectangle, and this could, when required, be thrown into the form of a solid or hollow square, a rhombus or lozenge, a triangle, or a portion of a circle. On a march it was capable of contracting its front, according to the breadth of the road or pass, along which it was to move. If the phalanx was drawn up so that its front exceeded its depth, it had the name of *πλινθίον*; on the other hand, when it advanced in column, or on a front narrower than its depth, it was called *πύργος*. Usually, the opposing armies were drawn up in two parallel lines; but there was also an oblique order of battle, one wing being advanced near the enemy, and the other being kept retired; and this disposition was used when it was desired to induce an enemy to break his line. It is supposed to have been frequently adopted by the Thebans; and, at the battle of Delium, the Bœotians thus defeated the Athenians.[4] At the Granicus, also, Alexander, following it is said,[5] the practice of Epaminondas, did not attack at once the whole army of the enemy, but threw himself with condensed forces against the centre only of the Persian line.

Occasionally, the phalanx was formed in two divisions, each facing outward, for the purpose of engaging the enemy at once in front and rear, or on both flanks; these orders were called respectively *ἀμφίστομος* and *ἀντίστομος*. When the phalanx was in danger of being surrounded it could be formed in four divisions, which faced in opposite directions. At the battle of Arbela, the two divisions of Alexander's army formed a phalanx with two fronts; and here the attack was directed against the right wing only of the Persians.

The manœuvres necessary for changing the front of the phalanx were generally performed by countermarching the files, because it was of importance that the officers or file leaders should be in the front. When a phalanx was to be formed in two parallel lines, the leaders commonly placed themselves on the exterior front of each line, with the *οὐραγοί*, or rear-rank men, who were almost always veteran soldiers, in the interior; the contrary disposition was, however, sometimes adopted.

The phalanx was made to take the form of a lozenge, or wedge, when it was intended to pierce the line of an enemy. At the battle of Leuctra, the Lacedæmonians, attempting to extend their line to the right in order to outflank the Thebans, Epaminondas, or, rather, Pelopidas, attacked them while they were disordered by that movement. On this occasion, the Bœotian troops were drawn up in the form of a hollow wedge, which was made by two divisions of a double phalanx being joined together at one end.[1]

It may be said that, from the disposition of the troops in the Greek armies, the success of an action depended in general on a single effort, since there was no second line of troops to support the first in the event of any disaster. The dense order of the phalanx was only proper for a combat on a perfectly level plain; and even then the victory depended rather on the prowess of the soldier than on the skill of the commander, who was commonly distinguished from the men only by fighting at their head. But, when the field of battle was commanded by heights, and intersected by streams or defiles, the unwieldy mass became incapable of acting, while it was overwhelmed by the enemy's missiles: such was the state of the Lacedæmonian troops when besieged in the island of Sphacteria.[2] The cavalry attached to a phalanx, or line of battle, was placed on its wings, and the light troops were in the rear, or in the intervals between the divisions. An engagement sometimes consisted merely in the charges which the opposing cavalry made on each other, as in the battle between the Lacedæmonians and Olynthians.[3]

The simple battering-ram for demolishing the walls of fortresses is supposed to have been an invention of the earliest times: we learn from Thucydides[4] that it was employed by the Peloponnesians at the siege of Platæa; and, according to Vitruvius,[5] the ram, covered with a roof of hides or wood for the protection of the men, was invented by Cetras of Chalcedon, who lived before the age of Philip and Alexander. (*Vid.* Aries.) But we have little knowledge of what may be called the field-artillery of the Greeks at any period of their history. Diodorus Siculus mentions[6] that the *καταπέλτης*, or machine for throwing arrows, was invented or improved at Syracuse in the time of Dionysius; but whether it was then used in the attack of towns, or against troops in the field, does not appear; and it is not till about a century after the death of Alexander that we have any distinct intimation of such

1. (Polyb., xvii., ex. 3.)—2. (Thucyd., v., 71, 72.)—3. (Xen., Anab., i., 8, § 16.—Cyrop., i., 7, § 10.)—4. (Thucyd., iv., 96.)—5. (Arrian, Exp. Al., i., 15.)

1. (Xen., Hellen., vii., 5.)—2. (Thucyd., iv., 32.)—3. (Xen., Hell., v., 2.)—4. (ii., 76.)—5. (x., 19.)—6 (xiv., 42.)

machines being in the train of a Grecian army. According to Polybius,[1] there were with the troops of Machanidas many carriages filled with catapultæ and weapons; those carriages appear to have come up in rear of the Spartan army; but, before the action commenced, they were disposed at intervals along the front of the line, in order, as Philopœmen is said to have perceived, to put the Achæan phalanx in disorder by discharges of stones and darts. Against such missiles, as well as those which came from the ordinary slings and bows, the troops, when not actually making a charge, covered themselves with their bucklers; the men in the first rank placing theirs vertically in front, and those behind, in stooping or kneeling postures, holding them over their heads so as to form what was called a χελώνη (tortoise), inclining down towards the rear.

ARMY (ROMAN). The organization of the Roman army in early times was based upon the constitution of Servius Tullius, which is explained under the article Comitia Centuriata; in which an account is given of the Roman army in the time of the kings and in the early ages of the Republic. It is only necessary to observe here, that it appears plainly, from a variety of circumstances, that the tactics of the Roman infantry in early times were not those of the legion at a later period, and that the phalanx, which was the battle-array of the Greeks, was also the form in which the Roman armies were originally drawn up. (*Clipeis antea Romani usi sunt; deinde, postquam stipendiarii facti sunt, scuta pro clipeis fecere; et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies cœpit esse.*[2]) In Livy's description[3] of the battle which was fought near Vesuvius, we have an account of the constitution of the Roman army in the year B.C. 337; but, as this description cannot be understood without explaining the ancient formation of the army, we shall proceed at once to describe the constitution of the army in later times.

In the time of Polybius, which was that of Fabius and Scipio, every legion was commanded by six military tribunes; and, in the event of four new legions being intended to be raised, 14 of the tribunes were chosen from among those citizens who had carried arms in five campaigns, and 10 from those who had served twice as long. The consuls, after they entered upon their office, appointed a day on which all those who were of the military age were required to attend. When the day for enrolling the troops arrived, the people assembled at the Capitol;[4] and the consuls, with the assistance of the military tribunes, proceeded to hold the levy, unless prevented by the tribunes of the plebes.[5] The military tribunes, having been divided into four bodies (which division corresponded to the general distribution of the army into four legions), drew out the tribes by lot, one by one; then, calling up that tribe upon which the lot first fell, they chose (*legerunt*, whence the name *legio*) four young men nearly equal in age and stature. From these the tribunes of the first legion chose one; those of the second chose a second, and so on: after this four other men were selected, and now the tribunes of the second legion made the first choice; then those of the other legions in order, and, last of all, the tribunes of the first legion made their choice. In like manner, from the next four men, the tribunes, beginning with those of the third legion and ending with those of the second, made their choice. Observing the same method of rotation to the end, it followed that all the legions were nearly alike with respect to the ages and stature of the men. Polybius observes[1] that, anciently, the cavalry troops were chosen after the infantry, and that 20 horse were allowed to every 4000 foot; but he adds that it was then the custom to select the cavalry first, and to assign 300 of these to each legion. Every citizen was obliged to serve in the army, when required, between the ages of 17 and 46 years. Each foot-soldier was obliged to serve during twenty campaigns, and each horseman during ten. And, except when a legal cause of exemption (*vacatio*) existed, the service was compulsory: persons who refused to enlist could be punished by fine or imprisonment, and in some cases they might be sold as slaves.[2] The grounds of exemption were age,[3] infirmity, and having served the appointed time. The magistrates and priests were also exempted, in general, from serving in the wars; and the same privilege was sometimes granted by the senate or the people to individuals who had rendered services to the state.[4] In sudden emergencies, or when any particular danger was apprehended, as in the case of a war in Italy or against the Gauls, both of which were called *tumultus*,[5] no exemption could be pleaded, but all were obliged to be enrolled. (*Senatus decrevit, ut delectus haberetur, vacationes ne valerent.*[6]) Persons who were rated by the censors below the value of 400 drachmæ, according to Polybius, were allowed to serve only in the navy, and these men formed what was called the *legio classica*.

In the first ages of the Republic, each consul had usually the command of two Roman legions and two legions of allies; and the latter were raised in the states of Italy nearly in the same manner as the others were raised in Rome. The infantry of an allied legion was usually equal in number to that of a Roman legion, but the cavalry attached to the former was twice as numerous as that which belonged to the latter.[7] The regulation of the two allied legions was superintended by twelve officers called prefects (*præfecti*), who were selected for this purpose by the consuls.[8] In the line of battle the two Roman legions formed the centre, and those of the allies were placed, one on the right, and the other on the left flank; the cavalry was posted at the two extremities of the line; that of the allies in each wing, being on the outward flank of the legionary horsemen, on which account they had the name of Alarii. (*Vid.* Alarii.) A body of the best soldiers, both infantry and cavalry, consisting either of volunteers or of veterans selected from the allies, guarded the consul in the camp, or served about his person in the field; and these were called extraordinarii. (*Vid.* Extraordinarii.)

The number of men in a Roman legion varied much at different times. When Camillus raised ten legions for the war against the Gauls, each consisted of 4200 foot-soldiers and 300 horse-soldiers;[9] but, previously to the battle of Cannæ, the senate decreed that the army should consist of eight legions, and that the strength of each should be 5000 foot-soldiers.[10] According to Livy,[11] the legions which went to Africa with Scipio consisted each of 6200 foot-soldiers and 300 horse (though the best commentators suppose that 5200 foot-soldiers are meant); and during the second war in Macedonia, the consul Æmilius Paulus had two legions of 6000 foot each, besides the auxiliaries, for service in that country.[12] The strength of the

1. (xi., ex. 3.)—2. (Liv., viii., 8.—Compare Niebuhr, Rom. Hist., vol. i., p. 468.)—3. (viii., 8.)—4. (Liv., xxvi., 35.)—5. (Liv., iv., 1.)

1. (vi., ex. 2.)—2. (Liv., iv., 53; vii., 4.—Cic., pro Cæcin., 34.)—3. (Liv., xlii., 33.)—4. (Liv., xxxix., 19.—Cic., Phil., v., 19.—De Nat. Deor., ii., 2.)—5. (Cic., Phil., viii., 1.)—6. (Cic., ad Att., i., 19.—Phil., viii., 1.—Liv., vii., 11; viii., 20.)—7. (Liv., viii., 8; xxii., 36.)—8. (Polyb., vi., ex. 2.—Cæs., Bell Gall., i., 39; iii., 7.)—9. (Liv., vii., 25.)—10. (Polyb., iii., 12.)—11. (xxix., 24.)—12. (Liv., xlv., 21.)

legionary cavalry seems to have been always nearly the same.

The number of legions in the service of Rome went on increasing with the extent of its territory; and, after the Punic wars, when the state had acquired wealth by its conquests in the East, the military force became very considerable. Notwithstanding the losses sustained at the battle of Cannæ, we find that, immediately afterward, the Romans raised in the city four legions of infantry, with 1000 horsemen, besides arming 8000 slaves; the cities of Latium sent an equal force; and, supposing 10,000 men to have escaped from Cannæ, the whole would amount to above 50,000 men. In the second year after the battle, the Republic had on foot 18 legions;[1] and in the fourth year, 23 legions.[2] In the interview of Octavius with Antony and Lepidus, it was agreed that the two former should prosecute the war against Brutus and Cassius, each at the head of 20 legions, and that the other should be left with three legions to guard the city. At Philippi, Antony and Octavius had, in all, 19 legions, which are said to have been complete in number, and increased by supernumerary troops; and, therefore, their force must have amounted to at least 100,000 infantry. On the other hand, Brutus and Cassius had also an army of 19 legions to oppose them, with 20,000 cavalry from the eastern provinces According to Appian, Octavius, after the death of Lepidus, found himself master of all the western provinces, and at the head of 45 legions, together with 25,000 horse and 37,000 light-armed troops; and there were, moreover, the legions serving under Antony. Under Tiberius there were 25 legions even in time of peace, besides the troops in Italy and the forces of the allies.[3]

Besides being designated by numbers, the legions bore particular names. In a letter from Galba to Cicero,[4] mention is made of the *Martia legio* as being one of the veteran bodies engaged in an action between Antony and Pansa in the north of Italy.[5] And while Cæsar was carrying on the war in Gaul, he gave the freedom of the city to a number of the natives of that country, whom he disciplined in the Roman manner, and imbodied in a legion which he designated *alauda*; because the men wore on their helmets a crest of feathers, like those on the heads of certain birds.[6] The legions were also distinguished by the name of the place where they were raised or where they had served, as *Italica*, *Britannica*, *Parthica*, or by that of the emperor who raised them.

Tacitus, in the *Annals* and elsewhere, makes mention of bodies of troops called *vexillarii;* and, as no precise account is given of them, the place which they held in the Roman armies can only be known by conjecture. It appears, however, most probable, as Walch has observed in a note upon the *Agricola* of Tacitus,[7] that the vexillarii were those veterans who, after the time of Augustus, were released from their military oath, but were retained, till their complete discharge, under a flag (*vexillum*) by themselves, free from all military duties, to render their assistance in the more severe battles, guard the frontiers of the empire, and keep in subjection provinces that had been recently conquered. (*Exauctorari, qui senadena fecissent, ac retineri sub vexillo, ceterorum immunes, nisi propulsandi hostis.*[8]) There were a certain number of vexillarii attached to each legion; and, from a passage in Tacitus,[9] it would appear that they amounted to 500. They were sometimes detached from the legion, and sometimes those belonging to several legions seem to have been united in one body (*tredecim vexillariorum milia*[1]). (The *subsignani milites* in Tacitus may be looked upon as the same with the *vexillarii.*[2] In Livy the *triarii* are said to be *sub signis*,[3] where we perceive a close analogy between the old *triarii* and the *vexillarii* or *subsignani* of the age of Tacitus, although we must not suppose that the *vexillarii* were the same as the *triarii.*,

After the selection of the men who were to compose the legion, the military oath was administered: on this occasion, one person was appointed to pronounce the words of the oath, and the rest of the legionaries, advancing one by one, swore to perform what the first had pronounced. The form of the oath differed at different times: during the Republic, it contained an engagement to be faithful to the Roman senate and people, and to execute all the orders that should be given by the commanders.[4] Under the emperors, fidelity to the sovereign was introduced into the oath;[5] and, after the establishment of Christianity, the engagement was made in the name of the Trinity and the majesty of the emperor.[6] Livy says[7] that this military oath was first legally exacted in the time of the second Punic war, B.C. 216, and that, previously to that time, each decuria of cavalry and centuria of foot had only been accustomed to swear, voluntarily among themselves, that they would act like good soldiers.

The whole infantry of the legion was drawn up in three lines, each consisting of a separate class of troops. In the first were the *hastati*, so called from the *hasta*, or long spear which each man carried, but which was afterward disused:[8] these were the youngest of the soldiers. The second line was formed of the troops called *principes;* these were men of mature age, and from their name it would appear that anciently they were placed in the front line.[9] In the third line were the *triarii*, so called from their position; and these were veteran soldiers, each of whom carried two pilæ, or strong javelins, whence they were sometimes called *pilani*, and the hastati and principes, who stood before them, *antepilani.*

When vacancies occurred on service, the men who had long been in the ranks of the first, or inferior of these three classes, were advanced to those of the second; whence again, after a time, they were received among the triarii, or veteran troops. In a legion consisting of 4000 men, the number of the hastati was 1200; that of the principes was the same; but the triarii amounted to 600 only: if the strength of the legion exceeded 4000 men, that of the several bodies was increased proportionally, the number of the last class alone remaining the same.

The usual depth of each of the three bodies, or lines of troops in a legion, was ten men; an interval, equal to the extent of the manipulus, was left between every two of these divisions in the first and second lines, and rather greater intervals between those in the third line. Every infantry soldier of the legion was allowed, besides the ground on which he stood, a space equal to three feet, both in length of front and in the depth of the files, between himself and the next man, in order that he might have room for shifting the position of his buckler according to the action of his opponent, for throwing his javelin, or for using his sword with advantage.[10] The divisions of the second line were in general placed opposite the intervals of the first, and, in like manner, the divisions of the third were opposite the intervals in the second. At the battle

1. (Liv., xxiv., 11.)—2. (Liv., xxv., 3.)—3. (Tac., Ann., iv., 5.)—4. (ad Div., x., 30.)—5. (*Vid.* Cic., Phil., iii., 3.)—6. (Plin., H. N., xi., 44.)—7. (c. 18.)—8. (Tac., Ann., i., 36.—Compare i., 17, 26, 38. 39.) —9. (Ann., iii., 21.)

1. (Tac., Hist., ii., 83.)—2. (Hist., i., 70; iv., 33.)—3. (Liv., viii., 8.)—4. (Polyb., vi., ex. 2.)—5. (Tac., Hist., iv., 31.)—6. (Veget., De Re Milit., ii., 5.)—7. (xxii., 38.)—8. (Varro, De Ling. Lat., iv., 16.)—9. (Liv., viii., 8.)—10. (Polyb., xvii., ex 3.)

at Zama, however, the divisions of troops in the several lines were exactly opposite each other; but this was a deviation from the usual disposition, in order that the elephants of the Carthaginians might pass quite through to the rear. In an action, if the hastati were overpowered, they retired slowly towards the principes; and, falling into the intervals before mentioned, the two classes in conjunction continued the combat. In the mean time, the triarii, keeping one knee on the ground, covered themselves with their bucklers from the darts of the enemy; and, in the event of the first and second lines falling back, they united with them in making a powerful effort to obtain the victory.

The light-armed troops, bearing the name of *velites* and *ferentarii* or *rorarii*, did not form a part of the legion, but fought in scattered parties, wherever they were required. They carried a strong circular buckler three feet in diameter; the staff of their javelin was two cubits long, and about the thickness of a finger; and the iron was formed with a fine point, in order that it might be bent on the first discharge, and, consequently, rendered useless to the enemy.

The cavalry of the legion was divided into ten *turmæ*, each containing 30 men, and each turma into three *decuriæ*, or bodies of 10 men. Each horseman was allowed a space equal to five feet in length in the direction of the line. Each turma had three *decuriones*, or commanders of ten; but he who was first elected commanded the turma, and was probably called *dux turmæ*.[1]

In the time of the Republic, the six tribunes who were placed over a legion commanded by turns. (*Vid.* Tribuni Militum.) To every 100 men were appointed two centurions, the first of whom was properly so called; and the other, called *optio*, *uragus*, or *subcenturio*, acted as a lieutenant, being chosen for the purpose of doing the duty in the event of the sickness or absence of the former.[2] The optio appears to have been originally chosen by the tribune, but afterward by the centurion. (*Vid.* Centurio.) The centurio also chose the standard-bearer, or ensign of his century (*signifer* or *vexillarius*[3]). Each century was also divided into bodies of ten, each of which was commanded by a *decurio* or *decanus*. The first centurion of the triarii was called *primipilus*; he had charge of the eagle, and he commanded the whole legion under the tribunes.[4] The light-armed troops were also formed into bands or centuries, each of which was commanded by a centurion.

To Marius or Cæsar is ascribed the practice of drawing up the Roman army in lines by cohorts, which gradually led to the abandonment of the ancient division of the legion into manipuli (*Vid.* Manipuli), and of the distinctions of hastati, principes, and triarii. Each legion was then divided into ten cohorts, each cohort into three maniples, and each maniple into two centurics, so that there were thirty maniples and sixty centuries in a legion.[5] (*Cohors* or *chors*, the Greek χόρτος, originally signified an enclosure fo sheep or poultry, and was afterward used to designate the number of men which could stand within such an enclosure.) From a passage in Livy, it appears that very anciently the allies or auxiliaries of Rome were arranged by cohorts: a disposition which is again referred to in the 23d and 28th books of his history,[7] and in other places, whence it may be concluded that among those troops it was ordinarily adopted. But, in the Commentaries of Cæsar, the divisions of all the legions, whether Roman or allied, are alike designated cohorts, and the term is also applied to the body of men (*prætoria cohors*) which was particularly appointed to attend on the consul or commander; for Cæsar[1] tells his army, which had objected to march against Ariovistus, that if the other troops should refuse to follow him, he would advance with the tenth legion alone, and would make that legion his prætorian cohort.

It has been supposed that Marius, who, in order to recruit the forces of the Republic, was compelled to admit men of all classes indiscriminately into the ranks of the legions, diminished to two the three lines of troops in which the Roman armies had been previously drawn up for action; but, if such were the fact, the regulation could not have long remained in force, since Cæsar usually, as in the battle with the Helvetians,[2] formed his army in three lines; and at Pharsalia he appears to have had a reserve, which constituted a fourth, or additional line. It may be added, that the name of one, at least, of the three classes of legionary troops continued to be applied till near the end of the Republic; for, in the first book of the *Civil War*,[3] Cæsar, mentioning the loss of Q. Fulginus in an action against Afranius, designates him the first centurion of the hastati in the 14th legion.

The allied troops were raised and officered nearly in the same manner as those of the Roman legions, but probably there was not among them a division of the heavy-armed infantry into three classes. They were commanded by prefects (see page 102), who received their orders from the Roman consuls or tribunes. The troops sent by foreign states to the service of Rome were designated auxiliaries; and they usually, but not invariably, received their pay and clothing from the Republic.

According to Livy, the Roman soldiers at first received no pay (*stipendium*) from the state. It was first granted to the foot A.U.C. 347, in the war with the Volsci,[4] and, three years afterward, to the horse, during the siege of Veii. Niebuhr, however, brings forward sufficient reasons for believing that the troops received pay at a much earlier period, and that the ærarians (*vid.* Ærarii) had always been obliged to give pensions to the infantry, as single women and minors did to the knights; and he supposes that the change alluded to by Livy consisted in this, that every soldier now became entitled to pay, whereas previously the number of pensions had been limited by that of the persons liable to be charged with them.[5] Polybius[6] states the daily pay of a legionary soldier to have been two oboli, which were equal to 3½ ases, and in thirty days would amount to 100 ases. A knight's yearly pay amounted to 2000 ases; and, since the Roman year originally consisted of only ten months, his monthly pay amounted to 200 ases, which was double the pay of a foot-soldier. Polybius[7] informs us that a knight's pay was three times as much as that of a foot-soldier; but this was not introduced till A.U.C. 354, and was designed, as Niebuhr has remarked, as a compensation for those who served with their own horses, which were originally supplied by the state.[8] (Compare Æs Hordearium.) A centurion received double the pay of a legionary.

The pay of the soldiers was doubled by Julius Cæsar.[9] In the time of Augustus, the pay of a legionary was 10 ases a day,[10] which was increased still more by Domitian (*addidit quartum stipendium*

1. (Sall., Jug., 38.)—2. (Festus, s. v.—Veget., De Re Milit., ii., 7.)—3. (Liv., viii., 8; xxxv., 5.—Tacit., Ann., ii., 81.)—4. (Liv., xxv., 19.—Veg., ii., 8.—Cæs., Bell. Gall., ii., 25.)—5. ("In legione sunt centuriæ sexaginta, manipuli triginta, cohortes decem:" Cincius, ap. Aul. Gell., xvi. 4.)—6. (ii., 64).—7. (xxiii. 14. xxviii., 45.)

1. (Bell. Gall., i., 40.)—2. (Ibid., i., 24.)—3. (c. 46.)—4. (Liv., iv., 59.—5. (Rom. Hist., vol. ii., p. 438, transl.)—6. (vi., ex. 2 s. 3.)—7. (vi., ex. 2.)—8 (Liv. v., 12.)—9. (Suet., Jul., 26.)—10 (Tac., Ann., i., 17.)

militi[1]). Besides pay, the soldiers received a monthly allowance of corn, and the centurions double, and the horse triple, that of a legionary.[2]

The infantry of the allies was supplied with corn equal in quantity to that of the Roman legionaries, but their cavalry had less than was distributed to the Roman cavalry. These regulations subsisted only during the time of the Republic, or before the troops of the Italian cities were incorporated with those of Rome; and to the same age must be referred the orders of march and encampment described by Polybius. An account of the marching order of a Roman army is given under the article AGMEN.

No one order of battle appears to have been exclusively adhered to by the Romans during the time of the Republic, though, in general, their armies were drawn up in three extended lines of heavy-armed troops (*triplex acies*); the cavalry being on the wings, and the light troops either in front or rear, according to circumstances. At the battle of Cannæ, however, the infantry is said to have been drawn up in one line, and in close order. On this occasion, the Gauls and Spaniards, who were in the centre of the Carthaginian army, at first drove back the Romans; and the latter, drawing troops from their wings to strengthen their centre, formed there a sort of phalanx, whose charge succeeded so well that the enemy's line was broken; but, pressing forward too far, the wings of the latter closed upon the disordered troops, and nearly surrounded them. In the engagement with Labienus, the army of Cæsar, being attacked both in front and rear, was formed into two lines, which were faced in opposite directions; and, in the action with the Parthians, Crassus drew up the Roman army in one square body, having twelve cohorts on each of the four sides, with a division of cavalry between every two cohorts in each face.

The word of command was at first given aloud at the head of the army; but Æmilius Paulus changed this custom, and caused the tribune of the nearest legion to give it in a low voice to his primipilus, who transmitted it to the next centurion, and so on. It appears also that, anciently, the men on guard were at their posts during the whole day, and that, in consequence, they sometimes fell asleep leaning on their shields. Æmilius Paulus, in order to diminish the fatigue of the men and the chance of their sleeping, appointed that they should be relieved every six hours, and that they should go on guard without their shields. (*Vid.* CASTRA.)

The legion, during the continuance of the ancient discipline, was found to be more than equal to the phalanx of the Greeks for general service, and Polybius[3] has sufficiently accounted for the fact. This writer observes that, while the phalanx retained its form and power of action, no force was able to make any impression upon it, or support the violence of its attack; but he adds that the phalanx required that the field of battle should be a nearly level plain; even then the enemy might avoid it; and, by manœuvring on its flanks and rear, might cut off its supplies. On an action taking place, the commander of an army similar to that of the Romans had it in his power to lead on to the attack a portion only of its line, keeping the rest in reserve; in this case, whether the phalanx was broken by the legion, or the former broke through any part of the enemy's divisions, its peculiar advantages were lost; for there would always be left spaces into which the enemy might penetrate and disperse the troops, whose long spears were of no avail against men armed with javelins and strong swords. In this manner, Æmilius obtained a victory over Perseus at Pydna,[1] and Philip was defeated by Flaminius at the battle of Cynocephalæ.[2]

The severity of the Roman discipline may be said to have been occasionally relaxed, at least in the provinces, even during the Republic; for Scipio Æmilianus, when he went to command the army in Spain, found that the legionary soldiers used carts to carry a portion of the burdens which formerly they had borne on their own shoulders.[3] But, among the disorders which prevailed during the reigns of the successors of the Antonines, one of the greatest evils was the almost total neglect of warlike exercises among the troops which guarded the city of Rome. The legions on the frontiers alone, in those times, sustained their ancient reputation, and Severus, by their aid, ascended without difficulty the throne then occupied by the unworthy Julianus. The almost total abandonment of the ancient military institutions may be said to have taken place soon after the time of Constantine; for, according to Vegetius,[4] who lived in the reign of Valentinian II., the soldiers of that age were allowed to dispense with the helmet and cuirass, as being too heavy to be worn; and he ascribes their frequent defeats by the Goths to the want of the ancient defensive armour.

Vegetius has given a description of the legion, which, though said to accord with that of the ancients, differs entirely from the legions of Livy and Polybius. He considers it as consisting of ten cohorts, and states that it was drawn up in three lines, of which the first contained five cohorts; the troops of this line were called principes, and were heavy-armed men, each carrying five arrows, loaded at one end with lead, in the hollow of the shield, besides a large and small javelin. The second line, consisting of the troops called hastati, is said to have been formed by the remaining five cohorts. Behind these were placed the ferentarii (a sort of light-armed troops, who performed the duty of a forlorn-hope); the target-men, who were armed with darts, arrows, and swords; and besides these there were slingers, archers, and crossbow-men. In rear of all came the triarii, who were armed like the principes and hastati.[5] Now it was the general practice, during the Republic, to place the principes in the second line, in rear of the hastati; therefore, if the disposition given by Vegetius ever had a real existence, it can only be supposed to have been in an age preceding that to which the description given by Livy[6] refers, or it was an arrangement adopted on the occasion of some temporary reform which may have taken place under the emperors. What follows may, perhaps, be readily admitted to appertain to the Empire under the greatest of its princes. The first of the cohorts, which bore the name of *cohors milliaria*, was superior to the others, both with respect to the number and quality of the soldiers; it had, also, the charge of the eagle and the standard of the emperor. Its strength was 1105 foot-soldiers, and 132 cuirassiers on horseback, and its post was on the right of the first line. The remaining four cohorts of the first line contained each 555 infantry and 66 cavalry, and the five cohorts of the second line contained each the same number of infantry and cavalry. Thus the whole legion was composed of 6100 foot-soldiers and 726 horsemen, not including either the triarii or the light troops.

After the establishment of the imperial authority, the sovereign appointed some person of consular dignity to command each legion in the provinces; and this officer, as the emperor's lieutenant, had

1. (Suet., Dom., 7.) -2. (Polyb., vi., ex. 2.)—3. (xviii., ex. 3.)

1. (Liv., xliv., 41.)—2. (Polyb., xvii., ex. 3.)—3. (Liv., Epit. 57.) -4. (i., 16.)—5. (Veget., ii., 6, 15.) -6. (viii., 8.)

the title of *præfectus*, or *legatus legionis*.[1] The first appointment of this kind appears to have taken place in the reign of Augustus, and Tacitus mentions the existence of the office in the reign of Tiberius. The authority of the legatus was superior to that of the tribunes, who before were responsible only to the consul. In speaking of the officers of a legion, Vegetius[2] mentions two tribunes (probably meaning two classes of tribunes), of which the first, called tribunus major, received his commission from the emperor; the other, called tribunus minor, rose to that rank by merit or length of service. Subordinate to the tribunes were, in each cohort, the several centurions, who bore the general name of ordinarii.[3] To every hundred men there were probably, at one time, only the centurio, whose post was in front of the division, and the optio, who remained in the rear; but it appears that Augustus and Vespasian increased the number of officers of this class; for Vegetius observes that those whom these two emperors added to the ordinarii were called *Augustales* and *Flaviales*.[4] The decurions or decani were, as formerly, the leaders of files. According to Dion Cassius, seven cohorts of troops were instituted by Augustus for the defence of the city, and these bore the name of *vigiles*. It appears, however, that in the time of Tacitus they ceased to be considered as soldiers; for that writer takes no notice of them when, in enumerating the guards of Rome, he mentions three urban and nine prætorian cohorts.[5]

In a fragment of Arrian (the author of the work on the Tactics of the Greeks) we have a brief notice of the constitution of a Roman army during the reign of Hadrian, and the description will probably serve for any age between that time and the dissolution of the Empire. It was so regulated that, when drawn up in order of battle, the legions should be in one line eight deep, and no mention is made of any division of the troops into hastati, principes, and triarii. The first four ranks were armed with the pilum, and the others with slender pikes or javelins. The men in the front rank were to present their pila at the level of the enemy's horses' breasts, and those in the second, third, and fourth ranks were to stand ready to throw theirs. A ninth rank was to consist of archers, and behind all were the catapultæ for projecting darts and arrows, and balistæ for throwing stones, over the heads of the men in front. The cavalry were directed to be in the rear of the legions, probably in the event of being obliged to quit their stations on the wings. On the enemy making a charge, the second and third ranks were to close up to the first, and all these were to present their pila; the men in the fourth rank were to throw their weapons directly forward, and those in the rear were to discharge theirs over the heads of the others. The march of the army was made in one column. First came the Roman artillery, in two ranks; these were followed by archers on horseback and by the allied cavalry; then came the Armenian archers on foot, and half of the allied infantry, which was flanked by the cavalry of Achaia. The *élite* of the Roman cavalry marched at the head of the central division; after them came the ordinary cavalry, then the catapultæ and the light troops attached to the legions, followed by the legions themselves, in cohorts four men deep. At the head of the legion marched the præfect, his legate, the tribunes, and the centurions of the first cohort. The rear-guard consisted of the other half of the allied infantry and the baggage; and the whole was closed by the cavalry of the Getæ.

After the settlement of the Empire, Augustus united with the troops which, under the name of the prætorian cohort, had attended him as his guard two legions of infantry which had been raised in Italy, and placed the whole in garrison in the chief towns of that country, but never allowed more than three cohorts to be in one city.[1] Tiberius afterward assembled this body of men in a fortified camp at Rome,[2] but outside the walls of the city;[3] and there, during 300 years, they were at times the guards and the masters of the sovereign. In the time of Tiberius there were nine prætorian cohorts,[4] but their number was increased to sixteen under Vitellius, four of whom guarded the city.[5] When Severus had got possession of the Empire, subsequently to the murder of Pertinax by these prætorians, he disarmed the latter, and banished them from Rome; but such an institution was too convenient to be neglected by the despotic monarch of a vast empire, and he immediately drew from the legions of the frontiers the men most remarkable for their strength and courage.[6] With these he formed an army of 25,000 men, to whom he gave pay and privileges superior to those of the other troops; and their commander, the prætorian præfect, was made both the head of all the military force and the chief minister of the Empire. By the arrangements of Diocletian, a prætorian præfect was appointed, with both a military and a civil jurisdiction, in each of the four great provinces, Italy, Gaul, Illyria, and the East, into which the Empire was then divided; but a large body of guards, under the command of the præfect of Rome, continued to form the garrison of the city. Engaged in the cause of Maxentius, these troops, almost alone, withstood for a time the shock of Constantine's Gallic army, and most of them are said to have covered with their dead bodies the ground which they occupied when in line;[7] but, after the death of the former, the fortified camp of the prætorians was destroyed, and their institution was suppressed.[8]

The command of all the armies of the Empire was then committed by Constantine to two officers, who had the title of *magistri militum*; one of these was placed over the cavalry, and the other over the infantry, yet both commanded indifferently the troops of both classes in any one army.[9] On the division of the Empire their number was doubled; and in the reign of Constantius it was increased to eight. According to Vegetius,[10] the magister militum was a man of distinguished birth; but this writer observes that the troops were actually commanded by the præfectus legionis, who held an intermediate rank between the magister militum and the tribunes, who were placed over the cohorts.

The hope of preventing those acts of insubordination which had occurred among the legionary troops, appears to have induced Constantine, or his immediate successors, to diminish the strength of those bodies; and, from a computation founded on the number of the troops which garrisoned Amida when it was besieged by Sapor, it appears that a Roman legion could not then have consisted of more than 1500 men.[11] Of these comparatively small bodies there were about 132 in the whole Empire; they were, however, not only without the discipline which characterized the Roman line of battle in former times, but the progress of luxury had so far enervated the class of free citizens that a sufficient number could not be found to fill the ranks of the army. Slaves were admitted into every corps except the superior class of cavalry; and the boldest of the Franks and Goths were al-

1. (Tacit., Hist., i., 82.)—2. (n., 7.)—3. (ii., 8.)—4. (ii., 7.)—5. (Tacit., Ann., iv., 5.—Lips. in loc.)

1. (Suet., Octav., 49.)—2. (Suet., Tib., 37.)—3. (Suet., Ner. 48.)—4. (Tacit., Ann., iv., 5.)—5. (Tacit., Hist., ii., 93.)—6 (Dion., lxxiv., 2.)—7. (Panegr. Vet., x., 17.)—8. (Zosimus, lib ii.—Panegr. Vet., ix.)—9. (Zosimus, lib ii.)—10. (ii., 9.)—11 (Amm. Marcell., xix., 2, 5.

lowed, for the sake of their services, to attain the highest military posts. In this age appear the first indications of the feudal tenures; for the lands bestowed on the veterans, as the reward of valour, were granted on condition that the sons of those men should, like their fathers, serve the state in the wars.[1]

The reputation of the Roman arms was upheld for a time in the West by the troops under Aetius, and in the East by the martial virtues of Belisarius; and the last notice we have of an engagement sustained in the spirit of the ancient battles, is that given by Procopius, in his account of the Persian war,[2] when, describing an action on the Euphrates between the troops of that nation and those of Justinian, he says the latter presented a front which opposed to the assaults of the enemy's cavalry an impenetrable line of pikes, while the bucklers of the men protected them from the flights of arrows with which they would have otherwise been overwhelmed. From this time a Roman army began to assimilate to that of an Asiatic people; its strength consisting in its cavalry, which was armed with cuirass, helmet, and greaves, and which had acquired dexterity in the use of the javelin and bow; while the infantry, formed of men taken from the lowest rank in society, ill-armed and disciplined, served chiefly as artificers or labourers, or attendants on the horsemen, and in action only engaged with an infantry like themselves.

*ARN'ABO (*ἀρνάβω*), a medicinal substance noticed by Aëtius[3] and Paulus Ægineta.[4] It would appear that it is not noticed by the other medical authors, whether Greek, Roman, or Arabic, unless we are to suppose, with the commentators on Mesue, that it is the second *Zerumbeth* of Serapion, and the *Zarnabum* of Avicenna. If so, it must have been *Zcaaary*, for this is the Zerumbeth of Serapion.[5]

*ARNOGLOS'SOS (*ἀρνόγλωσσος* or *-ον*), the herb Plantain. Macer Floridus describes two species very distinctly, namely, the *Plantago major* and *lanceolata*. Adams sees no reason to doubt that these are the two species noticed by Dioscorides, although Sprengel hesitatingly refers them to the *P. Asiatica* and *maritima;* and Sibthorp marks the *ἀρνόγλωσσον μικρόν* as being the *P. lagopus*. Stackhouse recognises the *ἀ.* of Theophrastus as being the *P. major*, or the *Greater Plantain*.[6]

*ARON (*ἄρον*), a plant about which great uncertainty prevails. Woodville holds it to be the *Arum maculatum*, L., or the Wake-robin; but Alston says "the Wake-robin is not the *ἄρον*, but the *ἀρίσαρον Dioscoridis* in the opinion of many." "I cannot make out exactly," observes Adams, "what plant either Dodonæus or Matthiolus points to. Sprengel mentions that Ghinius referred it to the *Colocasia*, and Anguillara to the *Arum vulgare;* he himself is somewhat undecided as to the difference between the common *Arum* and the *Arum Dioscoridis*. Stackhouse, without attempting to account for the transposition of terms, decides that the *ἄρον* of Theophrastus is the *Arum Dracunculus*, or Little Dragon herb, and the *δρακόντιον* the *Arum maculatum*. I regret that, after consulting all the best authorities on this subject, I must leave it in so unsatisfactory a state."[7]

ARQUA'TUS, a person afflicted with the *arquatus morbus*,[8] or jaundice.[9] This disease (called also *ἴκτερος*, *aurigo*, *regius morbus*) derives its name from the yellow tint diffused over the body, imitating in a manner the colours of the rainbow.[1] It is sometimes spelled *arcuatus*, but less correctly, as (according to Nonius[2]) *arcus* signifies any arch, but *arquus* only the iris, or rainbow; as Lucretius,[3] "*Tum color in nigris existit nubibus arqui.*"

ARRA, AR'RABO, or ARRHA, AR'RHABO, is defined by Gaius[4] to be the "proof of a contract of buying and selling;" but it also has a more general signification. That thing was called arrha which the contracting parties gave to one another, whether it was a sum of money or anything else, as an evidence of the contract being made: it was no essential part of the contract of buying and selling, but only evidence of agreement as to price.[5] If the arrha was given as evidence of a contract absolutely made, it was called *arrha pacto perfecto data;* if it was given as evidence of a contract to be made at a future time, it was called *arrha pacto imperfecto data*. In the latter case, the party who refused to complete the contract lost the arrha which he had given; and when he had received an arrha, but given none, he was obliged to restore double the amount of the arrha. Yet the bare restoration of the arrha was sufficient, if both parties consented to put an end to the contract, or if performance of the contract was resisted by either party on sufficient grounds. In the former case, the arrha only served, if dispute arose, as evidence of the unalterable obligation of the contract, and a party to the contract could not rescind the contract even with the loss of the arrha, except by making out a proper case. Hence arose the division of the arrha into *confirmatoria* and *pœnitentialis*. If, in the former case, the contract was not completely performed, the arrha was restored, and the party who was in fault lost the arrha which he had given. But when the contract was completely performed, in all cases where the arrha was money, it was restored, or taken as part of the price, unless special customs determined otherwise; when the arrha was a ring, or any other thing, not money, it was restored. The recovery of the arrha was in all cases by a personal action.

The arrha in some respects resembles the deposite of money which a purchaser of land in England generally pays, according to the conditions of sale, on contracting for his purchase.

The term arrha, in its general sense of an evidence of agreement, was also used on other occasions, as in the case of betrothment (*sponsalia*). (*Vid.* MARRIAGE.) Sometimes the word arrha is used as synonymous with pignus,[6] but this is not the legal meaning of the term.[7]

ARRHEPHORIA ('Αρρηφόρια), a festival which, according to the various ways in which the name is written (for we find *ἑρσηφόρια* or *ἐρρηφόρια*), is attributed to different deities. The first form is derived from *ἄρρητα*, and thus would indicate a festival at which mysterious things were carried about. The other name would point to Erse or Herse, who was believed to be a daughter of Cecrops, and whose worship was intimately connected with that of Athena. But, even admitting the latter, we still have sufficient ground for believing that the festival was solemnized, in a higher sense, in honour of Athena.[8] It was held at Athens, in the month of

1. (Cod. Theodos., lib. vii.)—2. (i., 12.)—3. (xvi., 113.)—4. (Lib. vii.)—5. (Adams, Append., s. v.)—6. (Dioscor., ii., 152.—Theophrast., H. P., vii., 8.—Adams, Append., s. v.)—7. (Theophrast., H. P., i., 6.—Dioscor., ii., 198.)—8. (Cels., De Med., iii., 24.)—9. (Lucret., iv., 333.—"Lurida præterea fiunt quæcunque tuentur Arquati:" Varro, ap. Non. Marc., i., 151.—"Arquatis quæ lutea non sunt æque ut lutea videntur:" Plin., H. N., xx., 44.—Lucil., ap. Non. Marc., l. c.)

1. (Isid., Orig., iv., 8.—Non. Marc., v., 14: "In arqui similitudinem.")—2. (l. c.)—3. (vi., 525.)—4. (iii., 139.)—5. (Gaius, Dig. 18, tit. 1, s. 35.)—6. (Terent., Heautont., iii., 3, 42.)—7 (Thibaut, System des Pandekten Rechts, § 144.—Dig. 18, tit. 1, s. 35; tit. 3, s. 6; 14, tit. 3, s. 5, § 15; 19, tit. 1, s. 11, § 6.—Cod. 4, tit. 21, s. 17.—Gellius, xvii., 2.—Compare Bracton, ii., c. 27: "De acquirendo rerum dominio in causa emptionis," and what he says on the arrha, with the passage in Gaius already referred to.)—8. (Etymol. Mag., s. v. Ἀρρηφόροι.)

Skirophorion. Four girls, of between seven and eleven years,[1] were selected every year from the most distinguished families, two of whom superintended the weaving of the sacred peplus of Athena, which was begun on the last day of Pyanepsion;[2] the two others had to carry the mysterious and sacred vessels of the goddess. These latter remained a whole year on the Acropolis, either in the Parthenon or some adjoining building;[3] and, when the festival commenced, the priestess of the goddess placed vessels upon their heads, the contents of which were neither known to them nor to the priestess. With these they descended to a natural grotto within the district of Aphrodite, in the gardens. Here they deposited the sacred vessels, and carried back something else, which was covered, and likewise unknown to them. After this the girls were dismissed, and others were chosen to supply their place in the Acropolis. The girls wore white robes adorned with gold, which were left for the goddess; and a peculiar kind of cakes was baked for them. To cover the expenses of the festival, a peculiar liturgy was established, called *ἀρρηφορία*. All other details concerning this festival are unknown.

ARROGATIO. (*Vid.* ADOPTIO.)

*ARSEN'IKON (*ἀρσενικόν*) "does not mean what is commonly called *arsenic*, but the *sesqui-sulphuret of arsenic*, or *orpiment*." Celsus clearly indicates what it was when he says "*Auripigmentum, quod ἀρσενικόν a Græcis nominatur*."[4] In a word, it is yellow orpiment, and this latter name itself is merely a corruption from *auripigmentum*, or "paint of gold." "It was called," observes Dr. Moore, "*auripigmentum*, perhaps, not merely from its golden colour and the use to which it was applied, but because the ancients thought it really contained that metal. Pliny mentions, among other modes of obtaining gold, that of making it from orpiment; and says that Caligula ordered a great quantity of that substance to be reduced, and obtained excellent gold but in such small proportion as to lose by an experiment which was not afterward repeated.[5] Although no great reliance can be placed on this account, we are not, of necessity, to regard it as a fable; for the mass experimented on may have contained, as it is said this mineral sometimes does, a small portion of gold."[6] The arsenic of the ancients, then, was considerably different from our oxyde of arsenic, which is a factitious substance procured from cobalt by sublimation. The Arabian author Servitor, however, describes the process of subliming arsenic; and Avicenna makes mention of white arsenic, by which he no doubt meant sublimed arsenic, or the *Arsenicum album* of modern chymists. According to the analysis of Klaproth, yellow orpiment consists of 62 parts of arsenic and 38 of sulphur. The Greek name *ἀρσενικόν* (*masculine*) is said by some to have been given to it because of the potent qualities it was discovered to possess; qualities, however, which the arsenic of the shops exhibits in a more intense degree.[7] "Galen[8] says it was commonly called *ἀρσενικόν* in his time, but *ὑπὸ τῶν ἀττικίζειν τὰ πάντα βουλομένων*, 'by those who wished to make everything conform to the Attic dialect,' *ἀῤῥενικόν*." According to Pliny, orpiment was dug in Syria, for the use of painters, near the surface of the ground; Vitruvius[9] mentions Pontus as a locality, and Dioscorides[10] names Mysia as the country whence the best was brought; that of Pontus holding the second rank. The red sulphuret of arsenic was called Sandaracha, and the ancients appear to have been well acquainted with the kindred nature of both the yellow and red. (*Vid.* SANDARACHA.)

1. (*ἀῤῥηφόροι, ἑρσηφόροι, ἑῤῥηφόροι*: Aristoph., Lysist., 642.) 2. (Suid., s. v. *Χαλκεῖα*.)—3. (Harpocr., s. v. *Δειπνοφόρος*: [illegible], i., 27, § 4.)—4. (De Med., v, 5.)—5. (H. N., xxxiii., 4.) [illegible] (Anc. Mineralogy, p. 60.)—7. (Id. ib.)—8. (De Medicam. [illegible]*γένη*, iii., 2, p. 593, ed. Kühn.—Theophrastus has *ἀῤῥενικόν*, c. 71, 89, 90.)— 9. (vii., 7.)—10. (v., 121.—Moore, l. c.)

ARTABA (*ἀρτάβη*), a Persian measure of capacity, which contained, according to Herodotus,[1] 3 medimnus and 3 chœnices (Attic) = 102 Roman sextarii = 12 gallons 5·092 pints; but, according to Suidas, Hesychius, Polyænus,[2] and Epiphanius, it contained 1 Attic medimnus = 96 sextarii = 11 gallons 7·1456 pints. There was an Egyptian measure of the same name, of which there were two sorts, the old and the new artaba.[3] The old artaba contained 4½ Roman modii = 72 sextarii = 8 gallons 7·359 pints. It was about equal to the Attic metretes; and it was half of the Ptolemaic medimnus, which was to the Attic medimnus as 3 : 2. The later and more common Egyptian artaba contained 3⅛ modii = 53⅛ sextarii = 6 gallons 4·8586 pints.[4] It was equal to the Olympic cubic foot, and about half as large as the Persian artaba.[5]

ARTEMISIA (*Ἀρτεμίσια*), a festival celebrated at Syracuse in honour of Artemis Potamia and Soteira.[6] It lasted three days, which were principally spent in feasting and amusements.[7] Bread was offered to her under the name of *Λοχία*.[8] Festivals of the same name, and in honour of the same goddess, were held in many places in Greece; but principally at Delphi, where, according to Hegesander,[9] they offered to the god a mullet on this occasion, because it appeared to hunt and kill the seahare, and thus bore some resemblance to Artemis, the goddess of hunting. The same name was given to the festivals of Artemis in Cyrene and Ephesus, though in the latter place the goddess was not the Grecian Artemis, but a deity of Eastern origin.

*II. The name of an herb, commonly called *Mugwort*, or *Motherwort*. Dioscorides describes three species, the *πολύκλωνος*, *μονόκλωνος*, and *λεπτόφυλλος*. The first, according to Sprengel, is the *Artemisia arborescens*; the second, the *Artemisia spicata*; and the third, the *Artemisia campestris*. Dierbach seems to entertain much the same ideas regarding the species of wormwood comprehended under the *ἀρτεμισία* of Hippocrates. The Wormwood holds a prominent part in all the Herbals of antiquity, from Dioscorides to Macer Floridus.[10]

ARTE'RIA (*ἀρτηρία*), a word commonly (but contrary to all analogy) derived *ἀπὸ τοῦ ἀέρα τηρεῖν, ab aëre servando*; because the ancients, ignorant of the circulation of the blood, and finding the arteries always empty after death, supposed they were tubes containing air.[11] The word was applied to the trachea by Hippocrates[12] and his contemporaries, by whom the vessels now called *arteries* were distinguished from the *veins* by the addition of the word *σφύζω*. By later writers it is used to signify sometimes *the trachea*,[13] and in this sense the epithet *τρηχεῖα, aspera*, is occasionally added;[14] sometimes *an artery*,[15] in which sense the epithet *λεία, lævis*, is sometimes added, to distinguish it from the *trachea*; and sometimes, in the plural number, *the bronchia*.[16]

1. (i., 192.)—2. (Strat., iv., 3, 32.)—3. (Didymus, c. 19.)—4. (Rhemn. Fann., Carmen de Pond. et Mens., v., 89, 90.—Hieron., ad Ezech., 5.)—5. (Böckh, Metrolog. Untersuch., p. 242.—Wurm, de Pond., &c., p. 133.)—6. (Pind., Pyth., ii., 12.)—7 (Liv., xxv., 23.—Plut., Marcell., 18.)—8. (Hesych., s. v.)—9 (Athenæus, vii., p. 325.)—10. (Dioscor., iii., 116, 117.—Adams Append., s. v.)—11. (Cic., De Nat. Deor., ii., 55: "Sanguis per venas in omne corpus diffunditur, et spiritus per arterias."—Compare Seneca, Quæst. Nat., iii., 15, § 2.—Plin., H. N., xi., 88, 89 12. (Epidem., vii., 654, 663, ed. Kühn.)—13. (Aristot., H. A. i., 13, § 5.—Macrob., Saturn., vii., 15.—Arct., p. 24, ed. Kühn. 14. (Aret., p. 31.—Cic., De Nat. Deor., ii., 54.—Cels., De Med. iv., 1.)—15. (Cels., De Med., iv., 1, Art. quas *καρωτίδας* vocant.—Ibid., ii., 10.—Plin., H. N., xi., 88.—Aret., p. 31, 27, &c.)—16. (Auct. ad Herenn., iii., 12.—Aul. Gell., N. A. 26.—Aret., p. 25, &c.)

Notwithstanding the opinion of many of the ancients, that the arteries contained only air, it is certain that the more intelligent among them knew perfectly well, 1. That they contain blood,[1] and even that this is of a different nature from that which is in the veins.[2] Galen, from whom the last idea is obtained, calls the pulmonary artery φλὲψ ἀρτηριώδης, because it conveys venous blood, although it has the form and structure of an artery. 2 That the section of an artery is much more dangerous and more difficult to heal than that of a vein.[3] 3. That there is a pulsation in the arteries which does not exist in the veins, and of which the variations are of great value, both as assisting to form a correct diagnosis, and also as an indication of treatment.[4]

ARTOP'TA. (*Vid.* PISTOR.)

ARU'RA (ἄρουρα), a Greek measure of surface, which, according to Suidas, was the fourth part of the πλέθρον. The πλέθρον, as a measure of length, contained 100 Greek feet; its square, therefore, =10,000 feet, and therefore the arura =2500 Greek square feet.

Herodotus[5] mentions a measure of the same name, but apparently of a different size. He says that it is a hundred Egyptian cubits in every direction. Now the Egyptian cubit contained nearly 17¾ inches;[6] therefore the square of 100×17¾ inches, *i. e.*, nearly 148 feet, gives the number of square feet (English) in the arura, viz., 21,904.[7]

ARUSPEX (*Vid.* HARUSPEX.)

ARVA'LES FRATRES. The fratres arvales formed a college or company of twelve in number, and were so called, according to Varro,[8] from offering public sacrifices for the fertility of the fields (*sacra publica faciunt propterea, ut fruges ferant arva*). That they were of extreme antiquity is proved by the legend which refers their institution to Romulus, of whom it is said, that when his nurse Acca Laurentia lost one of her twelve sons, he allowed himself to be adopted by her in his place, and called himself and the remaining eleven "Fratres Arvales."[9] We also find a college called the *Sodales Titii*, and as the latter were confessedly of Sabine origin, and instituted for the purpose of keeping up the Sabine religious rites,[10] there is some reason for the supposition of Niebuhr,[11] that these colleges corresponded one to the other: the Fratres Arvales being connected with the Latin, and the Sodales Titii with the Sabine, element of the Roman state, just as there were two colleges of the *Luperci*, namely, the *Fabii* and the *Quinctilii*, the former of whom seem to have belonged to the Sabines.

The office of the fratres arvales was for life, and was not taken away even from an exile or captive. They wore, as a badge of office, a chaplet of ears of corn (*spicea corona*) fastened on their heads with a white band.[12] The number given by inscriptions varies, but it is never more than nine; though, according to the legend and general belief, it amounted to twelve. One of their annual duties was to celebrate a three days' festival in honour of Dea Dia, supposed to be Ceres, sometimes held on the XVI., XIV., and XIII., sometimes on the VI., IV., and III. Kal. Jun., *i. e.*, on the 17th, 19th, and 20th, or the 27th, 29th, and 30th of May. Of this the master of the college, appointed annually, gave public notice (*indicebat*) from the Temple of Concord on the Capitol. On the first and last of these days, the college met at the house of their president, to make offerings to the Dea Dia; on the second they assembled in the grove of the same goddess, about five miles south of Rome, and there offered sacrifices for the fertility of the earth. An account of the different ceremonies of this festival is preserved in an inscription, which was written in the first year of the Emperor Elagabalus (A.D. 218), who was elected a member of the college under the name of M. Aurelius Antoninus Pius Felix.[1] The same inscription contains the following song or hymn, which appears to have been sung at this festival from the most ancient times:

"*E nos, Lases, iuvate.*
Neve luerve, Marmar, sins incurrere in pleores
Satur furcre, Mars, limen sali, sta berber
Semunis alterni advocapit conctos.
E nos, Marmor, iuvato:
Triumpe, triumpe, triumpe, triumpe, triumpe.

Klausen, in his work on this subject,[2] gives the following translation of the above:

"*Age nos, Lares, juvate.*
Neve luem, Mars, sinas incurrere in plures:
Satur furcre, Mars, pede pulsa limen, sta verbere
Semones alterni advocabite cunctos.
Age nos, Mars, juvato:
Triumphe," &c.

But, besides this festival of the Dea Dia, the fratres arvales were required, on various occasions under the emperors, to make vows and offer up thanksgivings, an enumeration of which is given in Fabretti.[3] Strabo, indeed,[4] informs us that, in the reign of Tiberius, these priests (ἱερομνήμονες) performed sacrifices called the ambarvalia at various places on the borders of the ager Romanus, or original territory of Rome;[5] and among others, at Festi, a place between five and six miles from the city, in the direction of Alba. There is no boldness in supposing that this was a custom handed down from time immemorial, and, moreover, that it was a duty of this priesthood to invoke a blessing on the whole territory of Rome. It is proved by inscriptions that this college existed till the reign of the Emperor Gordian, or A.D. 325, and it is probable that it was not abolished till A.D. 400, together with the other colleges of the pagan priesthoods.

The private ambarvalia were certainly of a different nature from those mentioned by Strabo, and were so called from the victim (*hostia ambarvalis*), that was slain on the occasion, being led three times round the cornfields before the sickle was put to the corn. This victim was accompanied by a crowd of merry-makers (*chorus et socii*), the reapers and farm-servants dancing and singing, as they marched along, the praises of Ceres, and praying for her favour and presence, while they offered her the libations of milk, honey, and wine.[6] This ceremony was also called a *lustratio*,[7] or purification; and for a beautiful description of the holyday, and the prayers and vows made on the occasion, the reader is referred to Tibullus, lib. ii., eleg. i. It is, perhaps, worth while to remark that Polybius[8] uses language almost applicable to the Roman ambarvalia in speaking of the Mantineans, who, he says (specifying the occasion), made a purification, and carried victims round the city, and all the country: his words are, Οἱ Μαντινεῖς καθαρμὸν ἐποιήσαντο, καὶ σφάγια περιήνεγκαν τῆς τε πόλεως κύκλῳ καὶ τῆς χώρας πάσης.

There is, however, a still greater resemblance to

1. (Aret., p 295, 303, where arteriotomy is recommended.)—2. (Galen, De Usu Part. Corp. Huma., vii., 8.)—3. (Cels., De Med., ii., 10.)—4. (*Vid.* Galen, De Usu Puls., De Causis Puls., &c., De Ven. et Arteriar. Dissect.)—5. (ii., 168.)—6. (Hussey, Ancient Weights, &c.)—7. (Wurm, De Ponder., &c., p. 94.)—8. (De Ling. Lat., v., 85, ed. Müller.)—9. (Masurius Sabinus ap. Aul. Gell., vi., 7.)—10. (Tacit., Ann., i., 53.)—11. (Rom. Hist., i., p. 303, transl.)—12. (Plin., H. N., xviii., 2.)

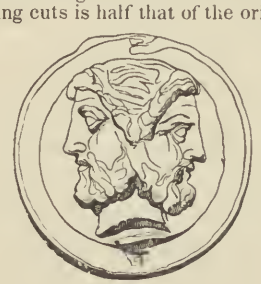
1. (Marini, Atti e Monumenti degli Arvali, tab. xli.—Orelli, Corp. Inscrip., nr. 2270.)—2. (De Carmine Fratrum Arvalium, p. 23.)—3. (Lex., s. v.)—4. (v., 3.)—5. (Arnold, Rom. Hist., i. p. 31.)—6. (Virg., Georg., i., 330.)—7. (Virg., Eclog., v, 83.)—8. (i., 21, § 9.)

the rites we have been describing, in the ceremonies of the rogation or gang week of the Latin Church. These consisted of processions through the fields, accompanied with prayers (*rogationes*) for a blessing on the fruits of the earth, and were continued during three days in Whitsun-week. The custom was abolished at the Reformation in consequence of its abuse, and the perambulation of the parish boundaries substituted in its place.[1]

*ARUNDO. (*Vid.* KAAAMOΣ.)

AS, or *Libra*, a pound, the unit of weight among the Romans. (*Vid.* LIBRA.)

AS, the unit of value in the Roman and old Italian coinages, was made of copper, or of the mixed metal called Æs. The origin of this coin has been already noticed under Æs. It was originally of the weight of a pound of twelve ounces, whence it was called *as libralis* and *æs grave*. The oldest form of it is that which bears the figure of an animal (a bull, ram, boar, or sow). The next and most common form is that described by Pliny,[2] as having the two-faced head of Janus on one side, and the prow of a ship on the other (whence the expression used by Roman boys in tossing up, *capita aut navim*[3]). The annexed specimen, from the British Museum, weighs 4000 grains: the length of the diameter in this and the two following cuts is half that of the original coins.



Pliny[4] informs us that, in the time of the first Punic war (B.C. 264–241), in order to meet the expenses of the state, this weight of a pound was diminished, and ases were struck of the same weight as the sextans (that is, two ounces, or one sixth of the ancient weight); and that thus the Republic paid off its debts, gaining five parts in six: that afterward, in the second Punic war, in the dictatorship of Q. Fabius Maximus (about B.C. 217), ases of one ounce were made, and the denarius was decreed to be equal to sixteen ases, the Republic thus gaining one half; but that, in military pay, the denarius was always given for ten ases: and that, soon after, by the Papirian law (about B.C. 191), ases of half an ounce were made. Festus, also,[5] mentions the reduction of the as to two ounces at the time of the first Punic war. There seem to have been other reductions besides those mentioned by Pliny, for there exist ases, and parts of ases, which show that this coin was made of 11, 10, 9, 8, 3, $1\frac{3}{4}$, $1\frac{1}{2}$ ounces; and there are copper coins of the Terentian family which show that it was depressed to $\frac{1}{18}$ and even $\frac{1}{60}$ of its original weight. Several modern writers have contended, chiefly from the fact of ases being found of so many different weights, that Pliny's account of the reductions of the coin is incorrect, and that these reductions took place gradually, in the lapse of successive centuries. But Böckh has shown[1] that there is no trace in early times of a distinction between the *æs grave* and lighter money; that the Twelve Tables know of no such distinction; that, even after the introduction of lighter money, fines and rewards were reckoned in *æs grave*; and that the style of the true Roman coins which still remain by no means proves that the heavier pieces are much older than those of two ounces, but rather the contrary. His conclusion is, that all the reductions of the weight of the as, from a pound down to two ounces, took place during the first Punic war. Indeed, if the reduction had been very gradual, it is impossible that the Republic could have made by it that gain which Pliny states to have been the motive for the step.

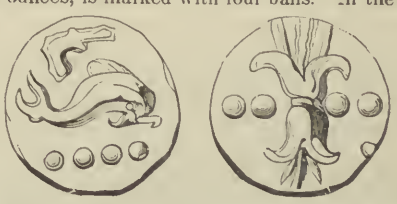
The value of the as, of course, varied with its weight. Some writers, indeed, suppose that a rise took place in the value of copper, which compensated for the reduction in the weight of the as; so that, in fact, the *as libralis* of Servius Tullius was not of much greater value than the lighter money of later times. But this supposition is directly contradicted by Pliny's account of the reduction in the weight of the as; and it would appear that the value of copper had rather fallen than risen at the time when the reduction took place.[2] Before the reduction to two ounces, ten ases were equal to the denarius = about $8\frac{1}{2}$ pence English. (*Vid.* DENARIUS.) Therefore the as = 3·4 farthings. By the reduction the denarius was made equal to 16 ases; therefore the as = $2\frac{1}{8}$ farthings.

The as was divided into parts, which were named according to the number of ounces they contained. They were the *deunx*, *dextans*, *dodrans*, *bes*, *septunx*, *semis*, *quincunx*, *triens*, *quadrans* or *teruncius*, *sextans*, *sescunx* or *sescuncia*, and *unxia*, consisting respectively of 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, $1\frac{1}{2}$, and 1 ounces. Of these divisions the following were represented by coins; namely, the *semis*, *quincunx*, *triens*, *quadrans*, *sextans*, and *uncia*. There is a solitary instance of the existence of the *dodrans*, in a coin of the Cassian family, bearing an S and three balls. We have no precise information as to the time when these divisions were first introduced, but it was probably nearly as early as the first coinage of copper money.

The *semis*, *semissis*, or *semi-as*, half the as, or six ounces, is always marked with an S to represent its value, and very commonly with heads of Jupiter, Juno, and Pallas, accompanied by strigils.

The *quincunx*, or piece of five ounces, is very rare. There is no specimen of it in the British Museum. It is distinguished by five small balls to represent its value.

The *triens*, the third part of the as, or piece of four ounces, is marked with four balls. In the annexed specimen from the British Museum, the balls



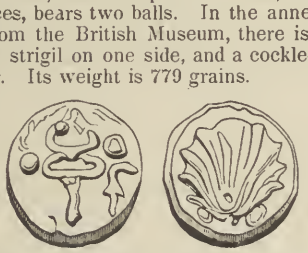
1. (Hooker, Eccl. Pol., v., 61, 62.—Wheatley, Com. Pray., v., 10.)—2. (H. N., xxxiii., 3.)—3. (Macrob., Sat., i., 7.)—4. (H. N., xxxiii, 13.)—5. (s. v. Servant Asses.)

1. (Metrolog. Untersuch., § 28.)—2. (Böckh, Metrolog. Untersuch., p. 346, 347.)

appear on both sides, with a thunderbolt on one side, and a dolphin, with a strigil above it, on the other Its weight is 1571 grains

The *quadrans* or *teruncius*, the fourth part of the as, or piece of three ounces, has three balls to denote its value. An open hand, a strigil, a dolphin, grains of corn, a star, heads of Hercules, Ceres, &c. are common devices on this coin. Pliny[1] says that both the triens and quadrans bore the image of a ship.

The *sextans*, the sixth part of the as, or piece of two ounces, bears two balls. In the annexed specimen from the British Museum, there is a caduceus and strigil on one side, and a cockle-shell on the other. Its weight is 779 grains.



The *uncia*, one ounce piece, or twelfth of the as, is marked by a single ball. There appear on this coin heads of Pallas, of Roma, and of Diana, ships, frogs, and ears of barley.

After the reduction in the weight of the as, coins were struck of the value of 2, 3, 4, and even 10 ases, which were called, respectively, *dussis* or *dupondius*, *tressis*, *quadrussis*, and *decussis*. Other multiples of the as were denoted by words of similar formation, up to *centussis*, 100 ases; but most of them do not exist as coins.

In certain forms of expression, in which *æs* is used for money without specifying the denomination, we must understand the as. Thus *deni æris*, *mille æris*, *decies æris*, mean, respectively, 10, 1000, 1,000,000 *ases*.

The word *as* was used also for any whole which was to be divided into equal parts; and those parts were called *unciæ*. Thus these words were applied not only to weight and money, but to measures of length, surface, and capacity, to inheritances, interest, houses farms, and many other things. Hence the phrases *hæres ex asse*, the heir to a whole estate; *hæres ex dodrante*, the heir to the ninth part, &c.[2] Pliny even uses the phrases *semissem Africæ*,[3] and *dodrantes et semiuncias horarum*.[4]

The as was also called, in ancient times, *assarius* (*sc. nummus*). and in Greek *τὸ ἀσσάριον*. According to Polybius,[5] the assarius was equal to half the obolus. On the coins of Chios we find *ἀσσάριον*, *ἀσσάριον ἥμισυ*, *ἀσσάρια δύω*, *ἀσσάρια τρία*.

*AS'ARUM (*ἄσαρον*), a plant. There can be no doubt, observes Adams, that it is the *Asarum Europæum*, or common Asarabacca. Dodonæus mentions that it had got the trivial name of *Baccar* in French, and hence supposes *Asarabacca* was a compound of the two terms. He denies, however, that it is the real *Baccharis* of the ancients. But Sprengel advocates this opinion, and mentions in confirmation of it, upon the authority of the *Flora Veronensis*, that the Asarabacca is called *bacchera* and *baccara* by the inhabitants of the district around Verona.[6] According to Sibthorp, it still grows in what was once the Laconian territory, and in the country around Constantinople.

ASBES'TOS or AMIAN'TUS (*ἄσβεστος*, *ἀμίαντος*). This mineral, which is generally white, and has sometimes a greenish hue, and which consists of soft flexible fibres, was obtained by the ancients from India, from the vicinity of Carpasus in Cyprus and from Carystus in Eubœa. In consequence of being found in the two latter localities, it was some times called "the flax of Carpasus" (*λίνον Καρπασίον*[1]), and also "the Carystian stone" (*λίθος Καρύστιος*[2]). It was well adapted for making the wicks of lamps, because it is indestructible by fire; and hence the Greeks, who used it for this purpose, gave it the name "asbestos," which means inextinguishable. Pausanias[3] mentions that the golden lamp which burned day and night in the temple of Athena Polias, at Athens, had a wick of this substance.

It was also spun and woven into cloth. Thus manufactured, it was used for napkins (*χειρεκμαγεῖα*,[4] *χειρόμακτρα*[5]), which were never washed, but cleansed in a much more effective manner, whenever they required it, by being thrown into the fire.

Another use to which asbestine cloth was applied, was to preserve the remains of dead bodies burned in the funeral pile. The corpse, having been wrapped in a cloth of this substance, was consumed with the exception of the bones, which were thus kept together and preserved from being mingled with the ashes of the wood. But the expense of this kind of cloth was so great, that it could only be used at the obsequies of persons of the most exalted rank. The testimony of Pliny, who alone has transmitted to us the knowledge of this species of posthumous luxury, has been corroborated by the discovery of pieces of the cloth in ancient Roman or Italian sepulchres. The most remarkable specimen of this kind was found at Rome, A.D 1702, in a marble sarcophagus. The scull and bones of the deceased were wrapped up in it. Its dimensions were about five feet by six and a half. Since its discovery, it has been carefully preserved in the Vatican Library; and Sir J. E. Smith, who saw it there, describes its appearance in the following terms:[6] "It is coarsely spun, but as soft and pliant as silk. Our guide set fire to one corner of it, and the very same part burned repeatedly with great rapidity and brightness without being at all injured."

Although asbestos is still found naturally associated with rocks of serpentine in Cornwall, and in many foreign countries, it is now scarcely used except for some philosophical purposes, and, if made into cloth, it is only in very small quantities, and as a matter of curiosity.—*II. The Greek medical writers use the term *ἄσβεστος* in a very different sense from the preceding. With them it indicates *Calx viva*, or Quicklime (*τίτανος* being understood). By Dioscorides it is more specially applied to the lime of sea-shells. "I am not aware," observes Adams, "that any Greek author uses the term *ἄσβεστος* in the sense in which it is employed by the Latin writers and by modern naturalists."[7]

*ASCALABO'TES (*ἀσκαλαβώτης*), a species of Lizard. Its Greek names are *ἀσκαλαβώτης*, *ἀσκάλαβος*, *γαλεώτης*, and *κωλώτης*, all of which appellations are given to one and the same animal, namely, the Spotted Lizard, the *Stellio* of the Latin writers, and the *Lacerta gecko* of Linnæus. The *Stellio* lived in walls, and was accustomed to run along these and on the roofs of houses.[8] It was considered the enemy of man, venomous and cunning. Hence the term *stellionatus*, denoting all kinds of fraud in bargaining, and the old English word *stellionate*, or *Fraud in the contract*. The *Stellio* is the *Tarentole*, or *Gecko tuberculeux* of the south of Europe. It must not be confounded with the *Lacerta stellio*, L.,

1. (H. N., xxxiii., 13.)—2. (*Vid.* Cic., pro Cæcina, c. 6.)—3. (H. N., xviii., 6.)—4. (H. N., ii., 14.)—5. (ii., 15.)—6. (Dioscor., i., 9.—Galen, De Simpl., vi.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 116.)

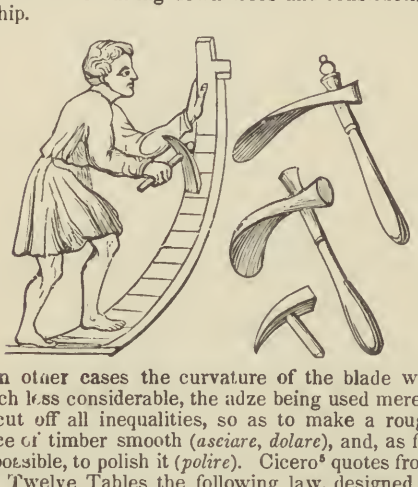
1. (Paus., i., 26, § 7.)—2. (Plut., De Orac. Def.)—3. (l. c.)—4. (Sotacus, ap. Ap. Dysc. H. Comment., c. 36.)—5. (Strabo, x.—Plut., l. c.—"Mappæ," Plin., H. N., xix., 4.)—6 (Tour on Continent. vol., ii., p. 201.)—7. (Dioscorides, v., 132.—Galen.—Aetius.—P. Ægin.—Oribasius: pluries.—Adams, Append., s. v.—8. (Aristoph., Nub., 170, &c.)

or the Stellio of the Levant. This misapplication of the term was first made by Belon. The *Lacerta stellio* is of an olive colour, shaded with black, and is very common throughout the Levant, and particularly in Egypt. The *L. gecko*, on the other hand, is a spotted lizard, and some of the species, the Platydactyli for instance, are painted with the most lively colours. The melancholy and heavy air of the Gecko, superadded to a certain resemblance which it bears to the salamander and the toad, have rendered it an object of hatred, and caused it to be considered as venomous, but of this there is no real proof.[1]

*ASC'ARIS (ἀσκαρίς), the small intestinal worm formed in children and in adults afflicted with certain diseases. It is the *Ascaris vermicularis*, L.[2]

ASCIA, *dim.* ASCIOLA (σκεπάρνον, σκεπάρνιον), an adze.

Muratori[3] has published numerous representations of the adze, as it is exhibited on ancient monuments. We select the three following, two of which show the instrument itself, with a slight variety of form, while the third represents a ship-builder holding it in his right hand, and using it to shape the rib of a vessel. The blade of the adze was frequently curved, as we see it in all these figures, in order that it might be employed to hollow out pieces of wood, so as to construct vessels either for holding water or for floating upon it. Calypso, in the *Odyssey*,[4] furnishes Ulysses both with an axe (πέλεκυς) and with "a well-polished adze," as the most necessary instruments for cutting down trees and constructing a ship.



In other cases the curvature of the blade was much less considerable, the adze being used merely to cut off all inequalities, so as to make a rough piece of timber smooth (*asciare*, *dolare*), and, as far as possible, to polish it (*polire*). Cicero[5] quotes from the Twelve Tables the following law, designed to restrain the expenses of funerals: *Rogum ascia ne polito.*

In using the adze, the shipwright or carpenter was always in danger of inflicting severe blows upon his own feet if he made a false stroke. Hence arose a proverb applied to those who were their own enemies, or did themselves injury: *Ipse mihi asciam in crus impegi.*[6] Another proverbial expression, derived from the use of the same tool, occurs in Plautus.[7] The phrase *Jam hoc opus est exasciatum* means, "This work is now *begun*," because the rough-hewing of the timber by means of the ascia, the formation of balks or planks out of the natural trunk or branches of a tree, was the first step towards the construction of an edifice. On the other hand, we read in Sophocles of a seat not even thus rough-hewn.[8] The expression used is equivalent to ἀξέστον πέτρον,[1] and denoted a rock in its natural state.

Both the substantive *ascia*, and the verb *asciare* derived from it, retain the same signification in modern Italian which they had in Latin, as above explained.

Vitruvius and Palladius[2] give directions for using the ascia in chopping lime and mixing it so as to make mortar or plaster. For this purpose we must suppose it to have had a blunt, unpolished blade, and a long handle. In fact, it would then resemble the modern hoe, as used either by masons and plasterers for the use just specified, or by gardeners or agriculturists for breaking the surface of the ground and eradicating weeds. Accordingly, Palladius,[3] in his enumeration of the implements necessary for tilling the ground, mentions hoes with rakes fixed to them at the back, *ascias in aversa parte referentes rastros.*

Together with the three representations of the ascia, we have introduced into the preceding woodcut the figure of another instrument, taken from a coin of the Valerian family.[4] This instrument was called Aciculus. It was chiefly used by masons, whence, in the ancient glossaries, *Aciscularius* is translated λατόμος, *a stone-cutter*. The aciculus, or pick, as shown in the above figure, was a little curved, and it terminated in a point in one direction, and was shaped like a hammer in the other. Its helve was inserted so that it might be used with the same kind of action as the adze. Also, as the substantive *ascia* gave origin to the verb *exasciare*, meaning to hew a smooth piece of wood out of a rough piece by means of the adze, so *aciculus* gave origin to *exacisculare*, meaning to hew anything out of stone by the use of the pick. Various monumental inscriptions, published by Muratori,[5] warn persons against opening or destroying tombs by this process.

*AS'KION (ἄσκιον), a species or variety of *Truffle*, mentioned by Theophrastus.[6]

*ASCLE'PIAS (ἀσκληπιάς), a plant, which Alston, Woodville, Billerbeck, and Sprengel agree in identifying with the *Asclepias vincetoxicum*, L., or officinal Swallow-wort. Stackhouse, however, prefers the *Thapsia Asclepinon*. It was used in cases of dropsy,[7] and took its name from Asclepiades, who first recommended its use.

ASCLEPIEI'A ('Ασκληπίεια) is the name of festivals which were probably celebrated in all places where temples of Asclepius (Æsculapius) existed. The most celebrated, however, was that of Epidaurus, which took place every five years, and was solemnized with contests of rhapsodists and musicians, and with solemn processions and games. 'Ασκληπίεια are also mentioned at Athens,[8] which were, probably, like those of Epidaurus, solemnized with musical contests. They took place on the eighth day of the month of Elaphebolion.

*ASC'YRON (ἄσκυρον), a plant. Dioscorides puts it beyond a doubt, that the ἄσκυρον is a species of *Hypericum*, or St. John's-wort; but which species it is cannot be satisfactorily determined. Sprengel, in the first edition of his R. H. H, prefers the *Hypericum Androsæmum*, or Tutsan; but in his edition of Dioscorides he hesitates between the *H. perforatum* and the *H. montanum*. Dodonæus is for the former, and Matthiolus for the latter. Adams thinks that the description of Dioscorides is more applicable to the *androsæmum* than to the *perforatum*.

1 (Cuvier's Anim. Kingd., vol. ii., p. 38, transl.)—2. (Adams, Append., s. v.)—3. (Ins. Vet. Thes., i., 534–536.)—4. (v., 237.)—5 (De Leg., ii., 23.)—6. (Petron., Sat., 74.)—7. (Asin., ii., 2, 32.)—8. (βάθρον ἀσκέπαρνον: Œd. Col., 101.)

1. (l. 19.)—2. (Vitruv., vii., 2.—Pallad., i., 14.)—3. (i., 43.)—4. (Phil. a Turre, Mon. Vet. Antii, c. 2.)—5. (l. c.)—6. (Theophrast., H. P., i., 10.)—7. (Theophrast., H. P., ix., 12.—Dioscor., iii., 96.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 61.)—8 (Æschines, c. Ctes., p. 455.—Böckh, Staatshaush., ii., 253.)—9. (Billerbeck, Flora Classica, p. 200.—Dioscor., iii., 162.—Adams, Append., s. v.)

The name *androsæmon* (*ἀνδρόσαιμον*) was given to this plant, because the bud, when indented with the nail, exudes a blood-red colour (*ἀνδρὸς αἷμα*, "huma..blood"). A species of balsamic oil was extracted from this plant. According to Sibthorp, the Ascyron is called at the present day *Βάλσαμον* by the monks of Mount Athos; *λειχηνόχορτον* in Zante, where it grows in the hedges; and *σκουδρίζα* in Laconia.

ASCO'LIA (*ἀσκώλια*) (the leaping upon the leather bag) was one of the many kinds of amusements in which the Athenians indulged during the Anthesteria and other festivals in honour of Dionysus. The Athenians sacrificed a he-goat to the god, made a bag out of the skin, smeared it with oil, and then tried to dance upon it. The various accidents accompanying this attempt afforded great amusement to the spectators. He who succeeded was victor, and received the skin as a reward.[1] The scholiast, however, erroneously calls the ascolia a festival; for, in reality, it only formed a part of one.[2]

ΑΣΕΒΕΙΑΣ ΓΡΑΦΗ (*ἀσεβείας γραφή*) was one of the many forms prescribed by the Attic laws for the impeachment of impiety. From the various tenour of the accusations still extant, it may be gathered that this crime was as ill-defined at Athens, and, therefore, as liable to be made the pretext for persecution, as it has been in all other countries in which the civil power has attempted to reach offences so much beyond the natural limits of its jurisdiction. The occasions, however, upon which the Athenian accuser professed to come forward, may be classed as, first, breaches of the ceremonial law of public worship; and, secondly, indications of that, which in analogous cases of modern times would be called heterodoxy or heresy. The former comprehended encroachment upon consecrated grounds, the plunder or other injury of temples, the violation of asylums, the interruption of sacrifices and festivals, the mutilation of statues of the gods, the introduction of deities not acknowledged by the state, and various other transgressions peculiarly defined by the laws of the Attic sacra, such as a private celebration of the Eleusinian mysteries and their divulgation to the uninitiated, injury to the sacred olive-trees, or placing a suppliant bough (*ἱκετηρία*) on a particular altar at an improper time.[3] The heretical delinquencies may be exemplified by the expulsion of Protagoras[4] for writing that "he could not learn whether the gods existed or not," in the persecution of Anaxagoras,[5] like that of Galileo in after times, for impugning the received opinions about the sun, and the condemnation of Socrates for not holding the objects of the public worship to be gods.[6] The variety of these examples will have shown that it is impossible to enumerate all the cases to which this sweeping accusation might be extended; and, as it is not upon record that religious Athens[7] was scandalized at the profane jests of Aristophanes, or that it forced Epicurus to deny that the gods were indifferent to human actions, it is difficult to ascertain the limits at which jests and skepticism ended, and penal impiety began.

With respect to the trial, any citizen that pleased *ὁ βουλόμενος*—which, however, in this, as in all other public actions, must be understood of those only who did not labour under an incapacitating disfranchisement (*ἀτιμία*)—seems to have been a competent accuser; but, as the nine archons and the areiopagites were the proper guardians of the sacred olives (*μορίαι, σηκοί*[1]), it is not impossible that they had also a power of official prosecution upon casually discovering any injury done to their charge.

The cases of Socrates, Aspasia, and Protagoras may be adduced to show that citizens, resident aliens, and strangers were equally liable to this accusation. And if a minor, as represented in the declamation of Antiphon, could be prosecuted for murder (*φόνου*), a crime considered by the early Greeks more in reference to its ceremonial pollution than in respect of the injury inflicted upon society, it can hardly be concluded that persons under age were incapable of committing or suffering for this offence.[2]

The magistrate who conducted the previous examination (*ἀνάκρισις*) was, according to Meier,[3] invariably the king archon, but whether the court into which he brought the causes were the areiopagus or the common heliastic court, of both of which there are several instances, is supposed[4] to have been determined by the form of action adopted by the prosecutor, or the degree of competency to which the areiopagus rose or fell at the different periods of Athenian history. From the *Apology of Socrates* we learn that the forms of the trial upon this occasion were those usual in all public actions (*vid.* GRAPHAI), and that, *generally*, the amount of the penalty formed a separate question for the dicasts after the conviction of the defendant. For some kinds of impiety, however, the punishment was fixed by special laws, as in the case of persons injuring the sacred olive-trees, and in that mentioned by Andocides.[5]

If the accuser failed to obtain a fifth of the votes of the dicasts, he forfeited a thousand drachmæ, and incurred a modified *ἀτιμία*. The other forms of prosecution for this offence were the *ἀπαγωγή*, *ἐφήγησις*,[7] *ἔνδειξις*,[8] *προβολή*,[9] and, in extraordinary cases, *εἰσαγγελία*;[10] besides these, Demosthenes mentions[11] two other courses that an accuser might adopt, *δικάζεσθαι πρὸς Εὐμολπίδας*, and *φράζειν πρὸς τὸν βασιλέα*, of which it is difficult to give a satisfactory explanation.

ASIAR'CHÆ (*ἀσιάρχαι*) were, in the Roman provinces of western Asia, the chief presidents of the religious rites, whose office it was to exhibit games and theatrical amusements every year, in honour of the gods and the Roman emperor, at their own expense, like the Roman ædiles. As the exhibition of these games was attended with great expense, wealthy persons were always chosen to fill this office; for which reason Strabo says that some of the inhabitants of Tralles, which was one of the most wealthy cities in Asia Minor, were always chosen asiarchs. They were ten in number, selected by the different towns of Asia Minor, and approved of by the Roman proconsul; of these, one was the chief asiarch, and frequently, but not always, resided at Ephesus. Their office only lasted for a year; but they appear to have enjoyed the title as a mark of courtesy for the rest of their lives.[12] This title also occurs in a Greek inscription at Assos in Mysia, copied by Mr. Fellows.[13] In the letter written by the Church of Smyrna respecting the martyrdom of Polycarp,[14] we read that Philip the asiarch was requested by the infuriated people to let loose a lion against Polycarp, which he said it was not lawful for him to do, as the exhibition of wild beasts (*κυνηγέσια*) had been finished. In another part of

1. (Schol. in Aristoph., Plut., 1130.—Virg., Georg., ii., 384.)—2. (*Vid.* Poll., Onom., ix., 121.—Hesych., s. v. 'Ασκωλιάζοντες.)—3. (Andoc., De Myst., 110.)—4. (Diog. Laert., IX., viii., 1.)—5. (Diog. Laert., II., iii., 9.)—6. (Xen., Apol. Socr.)—7. (Xen., Rep. Ath., iii., 8.)

1. (Lysias, Περὶ τοῦ Σηκοῦ, 282.)—2. (Antiph., Tetral., ii., p. 674.)—3. (Att. Process, 300, 304, n. 34.)—4. (Meier, Att. Process, 305.)—5. (De Myst., 110.)—6. (Demosth., c. Androt., 601, 626.)—7. (Meier, Att. Process, 246.)—8. (Andoc., De Myst., 8.)—9. (Libanius, Argum. ad Demosth., in Mid., 509, 10.)—10. (Andoc., De Myst., 43.)—11. (c. Androt., 601.)—12. (Strabo xiv., p. 649.—Acts, xix., 31.—Wetstein et Kuinoel in loc.)—13. (Excursion in Asia Minor, p. 49.)—14. (c. 12.)

this epistle Philip is called high-priest (*αρχιερεύς*), which appears to show that he must have been chief asiarch of the province.

ASILLA (*ἀσίλλα*) was a wooden pole or yoke, held by a man either on his two shoulders, or more commonly on one shoulder only, and used for carrying burdens.

The paintings in the ancient tombs of Egypt prove the general use of this implement in that country, especially for carrying bricks, water-pails to irrigate the gardens, and baskets with all kinds of provisions for the market. Mr. Burton found at Thebes a wooden yoke of this kind, with one of the leather straps belonging to it. The yoke (which is now in the British Museum) is about 3½ feet long, and the strap about 16 inches.[2]

We also find this instrument displayed in works of Grecian art. A small bronze lamp found at Stabiæ (see the annexed woodcut) represents a boy carrying two baskets suspended from a pole which rests upon his right shoulder. The two other representations here introduced, though of a fanciful or ludicrous character, show by that very circumstance how familiar the ancients must have been with the use of this piece of furniture. The first is from a beautiful sardonyx in the Florentine museum: it represents a grasshopper carrying two baskets, suspended each by three cords from the extremity of the yoke, and skilfully imitates the action of a man who is proceeding on a journey. The other is from a Greek painted vase,[3] and, under the disguise of a satyr, shows the mode in which lambs

and other viands were sometimes carried in preparing for a sacrifice to Bacchus. In the collection of antique gems at Berlin there are no less than four representations of men carrying burdens in this manner.[4]

Aristotle[5] has preserved an epigram of Simonides, which was probably inscribed upon the base of a statue erected at Olympia to the individual whom it celebrates. It begins thus:

Πρόσθε μὲν ἀμφ' ὤμοισιν ἔχων τρηχεῖαν ἀσίλλαν,
Ἰχθῦς ἐξ Ἀργοῦς εἰς Τεγέαν ἔφερον.

This poor man, who had formerly obtained his living by bearing "a rough yoke" upon his shoulders, to carry fish all the way from Argos to Tegea, at length immortalized himself by a victory at the Olympic games.[6]

1. (c. 21.)—2. (Wilkinson, Manners and Customs of Ancient Egypt, vol. ii., p. 5, 99, 137, 138.)—3. (Sir W. Hamilton's Vases, ii., 40.)—4. (Winckelmann, Pierres gravées du Baron de Stosch, p. 517.)—5. (Poet., c. 7.)—6. (Anthol. Græc., i., 80, ed. Jacobs.)

Aristophanes calls this implement *ἀνάφορον*: he introduces upon the stage a slave carrying a heavy load by means of it; and he describes the act of transferring it from one shoulder to another by the phrase *μεταβαλλόμενος τἀνάφορον*.[1]

*ASI'LUS, a species of Gadfly or Horsefly, accustomed to sting cattle. Virgil[2] makes it the same with the *οἶστρος* of the Greeks, and Varro[3] gives to it the name of *Tabanus*. Pliny,[4] on the other hand informs us that it was called both *tabanus* and *asilus*. As in Latin, so in Greek there are two names, *οἶστρος* and *μύωψ*. Bochart[5] and Aldrovandi[6] have proved very satisfactorily, that by the Greek poets and writers on Belles Lettres these two terms were used indiscriminately, but that Aristotle and other writers on matters of science apply the former (*οἶστρος*) to a species of gadfly, meaning, very probably, the *Œstrus bovis* or Breeze, and the latter to a species of horsefly, the *Tabanus bovinus*. This Adams considers the most satisfactory account of the matter; he deems it right, however, to mention, that Schneider, treating of the *μύωψ* of Ælian, professes himself unable to determine whether it was a species of *Œstrus*, *Tabanus*, or *Hippobosca*; and in another place he offers it as a conjecture, that the *οἶστρος* of Aristotle was a species of *Culex*, or gnat. It seems agreed that the Asilus of Virgil was the Breeze.[7] Martyn[8] gives a description of the *Asillo*, which he takes to be the same with the Asilus, from an Italian author. He represents it as "in shape somewhat resembling a wasp or wild bee. It has two membranaceous wings, with which it makes a loud whizzing. The belly is terminated by three long rings, one less than the other, from the last of which proceeds a formidable sting. This sting is composed of a tube, through which the egg is emitted, and of two augers, which make way for the tube to penetrate into the skin of the cattle. These augers are armed with little knives, which prick with their points and cut with their edges, causing intolerable pain to the animal that is wounded by them. But this pain is not all; for at the end of the sting, as at the end of a viper's tooth, and of the sting of wasps, bees, and hornets, issues forth a venomous liquor, which irritates and inflames the fibres of the wounded nerves, and causes the wound to become fistulous. This fistula seems to be kept open by the egg, after the manner of an issue. The egg is hatched within the fistula, and the worm continues there till it is ready to turn to a chrysalis, receiving its nourishment from the juice which flows from the wounded fibres. These worms remain for nine or ten months under the skin, and then, being arrived almost to perfection they come out of their own accord, and creep into some hole or under some stone, and there enter into the state of a chrysalis, in which condition they lie quiet for some time, and at last come forth in the form of the parent fly."

*ASINUS. (*Vid.* Onos.)

*ASPAL'ATHUS (*ἀσπάλαθος*), a species of thorny shrub, bearing a flower which some call the Rose of Jerusalem, or Lady's Rose. Much uncertainty, however, exists on this point. "The Aspalathus," says Charras,[9] "is the wood of a thorn-tree or bush, in virtues, taste, smell, and figure much resembling *Lignum aloes*." Matthiolus is at great pains to prove that it is not the *Santalum rubrum*. Sprengel, in the first edition of his R. H. H., holds it to be the *Genista aspalathoïdes*, but in his edition of Dioscorides he inclines to the *Cytisus laniger*,

1. (Ran., 8.—Eccles., 828.—Schol. in loc.)—2. (Georg., iii., 148.)—3. (De Re Rust., ii., 5.)—4. (H. N., xi., 21.)—5. (Hier., lib. iv., col. 546.)—6. (De Insect., lib. iii.)—7. (Adams, Append. s. v.—Ælian, N. A., vi., 37.—Aristot., H. A., i., 1.)—8. (Virg. Georg., iii., 148.)—9. (Royal Pharmacop., s. v.)

band. In the works of the Arabian writers on Husbandry, it is said that the Aspalathus has a purple flower and an acid taste, and has no fruit. According to Mæris Atticista, the Attics used *ἀσπάλαθοι* for *ἄκανθαι* of the other Greeks. We may conclude, then, that it was often applied loosely to all kinds of thorns.[1] The rind of the root of the Aspalathus yielded an aromatic oil.

*ASP A'LAX (*ἀστάλαξ*), a species of Mole, called *σπάλαξ* by Aristotle,[2] *σπάλωψ* by Aristophanes,[3] and *σφενεύς* by Lycophron.[4] It is generally set down as being the *Talpa Europea*, L., or common Mole; but it is deserving of remark, that Olivier, in his Travels, has described a species or variety of mole found in Asia Minor, which, Dr. Trail of Edinburgh thinks, answers better to Aristotle's description than the common mole. Aristotle was aware that the Mole is not blind, although it has very small eyes.[5]

*ASPAR'AGUS (*ἀσπάραγος* or *ἀσφάραγος*), the Asparagus, a well-known vegetable. Theophrastus[6] remarks that Asparagus has thorns in place of leaves, so that it is easy to perceive he means the *Asparagus aphyllus*, L. The wild Asparagus, called *ωνάκανθος* by the Greeks, and *corruda* by the Romans, was more used in medicine. The Greeks also applied the term *ἀσπάραγος* to all tender stalks or stems shooting up for the production of fruit or seed.[7]—The Attics wrote *ἀσφάραγος* with the aspirated letter, as the grammarians and also Galen inform us.[8] The common name at present in Greece is *σπαράγγι* or *σπαραγγία*.

*ASPHALT'US. (*Vid.* Bitumen.)

*ASPHOD'ELUS (*ἀσφόδελος*), a plant, called by Apuleius "*Hastula regia*," and hence its English name, "King's Spear." According to Sprengel, the *ἀσφόδελος* of Galen is the *Ornithogalum Stachyoides*; but that of Theophrastus and Dioscorides the *Asphodelus ramosus*, L. This is the famous herb which Homer represents as growing in the meads of Elysium. Eustathius[9] mentions that it was frequently planted in the neighbourhood of sepulchres. The common name of the *Ornithogalum* is the Star of Bethlehem.—The Asphodelus was used as a potherb in the time of Hesiod.[10] According to Sibthorp, the common name for this plant at the present day is *ἀσφόδελω*. In Laconia it is termed *σπουρδάκνλα*, in Attica *καραβούκι*.

*ASPIS (*ἀσπίς*), I. the Asp, a species of noxious serpent often mentioned by both Greek and Roman writers; and from the discrepances which are observable in the accounts given by different authors, it would seem that several different species of poisonous serpents were known to the ancients under this common name. Galen, in fact, and the other medical authorities, describe three varieties of the Asp, namely, the Ptyas, Chersæa, and Chelidonia.[11] Ælian, however, affirms that the Egyptians distinguished sixteen varieties of it.[12] "From various circumstances, and particularly from the description of Pliny,[13] it is evident that the most common and celebrated of the Asp species was that to which the modern Arabs give the name of *El Haje*, or *Haje Nascher*. This animal measures from three to five feet in length: it is of a dark green colour, marked obliquely with bands of brown; the scales of the neck, back, and upper surface of the tail are slightly carinated, and the tail is about one fourth part the length of the whole body. The *haje* is closely allied to the *cobra capello*, or spectacled snake of India, the chief apparent difference being its want of the singular yellow mark on the back of the neck, from which the latter species derives its name. In other respects these two serpents are nearly of the same size; they are equally venomous, and both have the power of swelling out the neck when irritated, and raising themselves upright upon their tails, to dart by a single bound upon their enemies. The poison of the Asp is of the most deadly nature. The habit which this serpent has of erecting itself when approached, made the ancient Egyptians imagine that it guarded the places which it inhabited. They made it the emblem of the divinity whom they supposed to protect the world; and, accordingly, they have represented it on their temples, sculptured on each side of a globe."[1]—II. (*Vid.* Clipeus.)

*ASPLE'NIUM (*ἀσπλήνιον*), a plant, which Sprengel follows Tragus in referring to the *Asplenium ceterach*, or, as he proposes to call it, *Gymnogramma ceterach*, our Spleenwort or Milkwaste. He admits that he could not ascertain the origin of the term *ceterach*. Miller, however, says "the word *ceterach* is Arabic."[2] The Asplenium took its name from its supposed utility in disorders of the spleen.

ASSA'RIUS NUMMUS. (*Vid.* As.)

ASSERES LECTICA'RII. (*Vid.* Lectica.)

ASSERTOR or ADSERTOR contains the same root as the verb *adserere*, which, when coupled with the word *manu*, signifies to lay hold of a thing, to draw it towards one. Hence the phrase *adserere in libertatem*, or *liberali adserere manu*, applies to him who lays his hand on a person reputed to be a slave, and *asserts* or maintains his freedom. The person who thus maintained the freedom of a reputed slave was called *adsertor*,[3] and by the laws of the Twelve Tables, it was enacted in favour of liberty, that such adsertor should not be called on to give security in the sacramenti actio to more than the amount of 1½ asses. The person whose freedom was thus claimed was said to be *adsertus*. The expressions *liberalis causa* and *liberalis manus*, which occur in classical authors in connexion with the verb *adserere*, will easily be understood from what has been said.[4] Sometimes the word *adserere* alone was used as equivalent to *adserere in libertatem*.[5]

The expression *asserere in servitutem*, to claim a person as a slave, occurs in Livy.[6]

ASSESSOR or ADSESSOR, literally one who sits by the side of another. The duties of an assessor, as described by Paulus,[7] related to "cognitiones, postulationes, libelli, edicta, decreta, epistolæ;" from which it appears that they were employed in and about the administration of law. The consuls, prætors, governors of provinces, and the judices, were often imperfectly acquainted with the law and the forms of procedure, and it was necessary that they should have the aid of those who had made the law their study. The præfectus prætorio and præfectus urbi, and other civil and military functionaries, had their assessors. An instance is mentioned by Tacitus[8] of the Emperor Tiberius assisting at the judicia (*judiciis adsidebat*), and taking his seat at the corner of the tribunal; but this passage cannot be interpreted to mean, as some persons interpret it, that the emperor sat there in the character of an assessor, properly so called: the remark of Tacitus shows that, though the emperor might have taken his seat under the name of assessor, he could be considered in no other light than as the head of the state.

1. (Dioscor., i., 19.—Theophrast., H. P., ix., 7.—Adams, Append. s. v.)—2. (II. A., iv., 7.)—3. (Acharn., 879.)—4. (Cassandr., 121.)—5. (Adams, Append., s. v.)—6. (II. P., i., 16.)—7. (Galen, de Alim. far., ii., 58.)—8. (Schneider, Gr. D. Wört., s. v.)—9. (In Od., xi., 538.)—10. (Op. et D., 41.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 92.)—11. (Theriaca ad Pisones.)—12. (N. A., x., 31.)—13. (H. N., viii., 35.)

1. (Penny Cyclopædia, vol. ii., p. 487.)—2. (Dioscorides, iii., 141.—Adams, Append., s. v.)—3. (Gaius, iv., 14.)—4. (Terent., Adelph., II., i., 40.—Plaut., Pœn., IV., ii., 83.—*Vid.* etiam Dig. 40, tit. 12, De liberali Causa.)—5. (Cic., pro Flacc., c. 17.)—6. (iii., 44; xxiv., 18.)—7. (Dig. 1, tit. 21, s. 1.)—8. (Ann., i., 75.)

The Emperor Alexander Severus gave the assessores a regular salary.[1] Freedmen might be assessores. In the later writers the assessores are mentioned under the various names of *conciliarii*, *juris studiosi*, *comites*, &c. The *studiosi juris*, mentioned by Gellius[2] as assistant to the judices (*quos adhibere in consilium judicaturi solent*), were the assessores. Sabinus, as it appears from Ulpian,[3] wrote a book on the duties of assessors. The assessors sat on the tribunal with the magistrate. Their advice or aid was given during the proceedings as well as at other times, but they never pronounced a judicial sentence. As the old forms of procedure gradually declined, the assessores, according to the conjecture of Savigny,[4] took the place of the judices.

*ASSIUS LAPIS (Ἄσσιος λίθος), a kind of stone, deriving its name from Assos, a city in the Troad. Such, at least, is the account of Pliny.[5] Dioscorides,[6] however, calls it Ἀσίος λίθος, and Celsus[7] *Lapis Asius*, the Asian Stone; the last-mentioned author appearing to derive its name from Asia generally. All these writers agree in classing it with the stones which, from their consuming the bodies of the dead enclosed within them, were called *sarcophagi* (σαρκόφαγοι). The Assian stone was characterized by a laminated structure, a saline efflorescence of a sharp taste, and its styptic properties.[8] Galen, in describing this stone, says that it is of a spongy substance, light and friable; that it is covered with a farinaceous kind of powder, called the Flower of the Assian stone; that the molecules of this flower are very penetrating; that they consume flesh; and that the stone has a similar property, but in a less degree. This efflorescence had, moreover, a saline taste. Galen adds, that it was of a yellow or whitish colour, and that, when mixed with resin of turpentine or with tar, it removed tubercles. Pliny repeats almost the same account.[9]

*ASTACUS (ἀστακός), a sea animal, described by Aristotle, Galen, Oppian, Ælian, and others. It belongs to the class *Crustacea*, and is called *Grammaro* by the Italians, *Homar* by the French, and *Craw-fish* by the English. It is the *Astacus fluvialis*, L. Cuvier has shown that it is the Elephantus of Pliny.[10]

*ASTER (ἀστήρ). I. A species of bird, most probably the *Fringilla rubra*, or Smaller Redpole.—II. The genus *Stella*, or Star-fish. It has been variously classed under Zoophyta, Mollusca, and Crustacea, by both ancient and modern naturalists.—III. One of the varieties of the Samian earth was also called by this name. (*Vid.* Samia Terra.)

*ASTER ATTICUS (Ἀστὴρ Ἀττικός), a plant. According to Apuleius, the *Asterion*, *Asteriscon*, *Aster Atticus*, and *Inguinalis*, are synonymous. Stackhouse and Schneider farther identify the ἀστερίσκος of Theophrastus with it. Martyn is at great pains to prove that the "*Amellus*" of Virgil is the Aster Atticus. Botanists accordingly give to the Italian blue Starwort the name of *Aster amellus*. The flower of the Aster has its leaves radiated like a star, whence its name (ἀστήρ, "a star"). This plant was employed in swellings of the groin, whence the names of *Inguinalis* and *Bubonium* that were sometimes applied to it. Another ancient appellation, *Amellus*, was derived from that of the river (the *Mela*, in Cisalpine Gaul) on the banks of which this plant grew very abundantly. The root of the Aster, cooked in old Aminæan wine, is mentioned by Columella as a good remedy for sickness among bees. The Aster grows in the valleys and on the hills of Italy and Sicily, frequently in a wild state. Sibthorp found it also near Athens.[1] It used to grow abundantly in Attica.

*ASTERIA, a gem, mentioned by Pliny, which came from India and from Carmania. It derived its name from its starlike lustre when exposed to the rays of the sun. Mineralogists make it to have been that variety of opal which is called girasole, from its reflecting a reddish light when turned towards the sun. Pliny describes it as difficult to engrave; "the difficulty," observes Dr. Moore, "arising probably, not from its hardness, but from the numerous minute fissures which traverse opal in all directions, and to which it is supposed to owe the playful variation of its colours."[2]

*ASTRIOS, a gem mentioned by Pliny, and which occurred in India and on the shores of Pallene, but of the best quality in Carmania. The Roman writer describes it as shining "from a point within it like a star, with the brightness of the full moon." Dr. Moore considers Werner's opinion the most probable, that it is the same with the moonstone of Ceylon.[3]

ASTRAGALUS, an astragal, one of the mouldings in architecture, more especially characteristic of the Ionic order.

The astragal is always found as the lowest member of the Ionic capital, forming the division between it and the fluted shaft of the column. Of this we have a beautiful example in the remains of the Temple of Bacchus at Teos, which, as we are informed by Vitruvius,[4] was built by Hermogenes of Alabanda, one of the most celebrated of the ancient architects, and of which he wrote a full description. One of the capitals of this temple is shown in the annexed woodcut. Above the astragal we see the echinus, and on each side of it the volute, to which is added an ornament in imitation of the aplustre of a ship. (*Vid.* Aplustre.)

The astragal was used with a beautiful effect not only in Ionic, but also in Corinthian buildings, to border or divide the three faces of the architrave; and it was admitted under an echinus to enrich the cornice. The lower figure in the woodcut shows a small portion of the astragal forming the upper edge of an architrave, which is now in the British Museum, and which was part of the Temple of Erechtheus at Athens. It is drawn of the same size as the marble itself. The term *astragalus*, employed by Vitruvius,[5] was no doubt borrowed from Hermogenes and other Greek writers on architecture. It denoted a bone in the foot of certain quadrupeds, the form and use of which are explained under the corresponding Latin term Talus. A number of

1. (Lamprid., Alex. Sev., 46.)—2. (xii., 13.)—3. (Dig. 47, tit. 10, s. 5.)—4. (Geschichte des Röm. Rechts im Mittelalter, i., 79.)—5. (Plin., H. N., xxxvi., 27.)—6. (v., 141, 142.)—7. (iv., 24.)—8. (Moore's Anc. Mineral., p. 127.)—9. (Galen, Sympt. Med. Fac., lib. ix.—10 (Adams, Append., s. v.)

1. (Dioscor., iv., 118.—Martyn in Virg., Georg., iv., 271.—Adams, Append., s. v.—Columella, ix., 13, 8.—Billerbeck, Flora Classica, p. 216.)—2. (Plin., H. N., xxxvii., 47.—Moore's Anc. Mineralogy, p. 171.)—3. (Plin., H. N., xxxvii., 48.—Jameson's Mineralogy, i., 362.—Moore's Anc. Mineral., p. 172.)—4. (iv., 3 1; vii., Præf 12, ed. Schneider.)—5. (iii. 5, 3; iv., 6, 2, 3.)

these bones, placed in a row, would present a succession of oval figures alternating with angular projections, which was probably imitated in this moulding by the inventors of the Ionic order. The moulding afterward retained the same name, notwithstanding great alterations in its appearance. Vitruvius speaks of the "astragali" in the base of the Ionic column. These were plain semicircular mouldings, each of which resembled the torus, except in being very much smaller. (*Vid.* SPIRA.)

ΑΣΤΡΑΤΕΙ'ΑΣ ΓΡΑΦΗ (*ἀστρατείας γραφή*) was the accusation instituted against persons who failed to appear among the troops after they had been enrolled for the campaign by the generals.[1] Any Athenian citizen of the military age seems to have been liable to be called upon for this service, with the exception of Choreutæ, who appear to have been excused when the concurrence of a festival and a campaign rendered the performance of both duties impossible,[2] and magistrates during their year of office, and farmers of the revenue, though the case cited in Demosthenes[3] suggests some doubts as to how far this last excuse was considered a sufficient plea. We may presume that the accuser in this, as in the similar action for leaving the ranks (*λειποταξίου*), was any citizen that chose to come forward (*ὁ βουλόμενος, οἷς ἔξεστι*), and that the court was composed of soldiers who had served in the campaign. The presidency of the court, according to Meier, belonged to the generals.[4] The defendant, if convicted, incurred disfranchisement —*ἀτιμία*,[5] both in his own person and that of his descendants; and there were very stringent laws to punish them if they appeared at the public sacra, to which even women and slaves were admitted.[6]

*ASTUR, the *Falco Palumbarius*, or Goshawk. (*Vid.* HIERAX.)

*ASTURCO, a jennet, or Spanish horse. (*Vid.* EQUUS.)

ASTYN'OMI (*ἀστυνόμοι*), or street police of Athens, were ten in number, five for the city, and as many for the Peiræus. Aristotle (as quoted by Harpocrat., *s. v.*) says that they had to attend to the female musicians, to the scavengers, and such like. In general, they had to take care of public decorum: thus they could punish a man for being indecently clad.[7] It would seem, from what Aristotle says,[8] and from the functions which Plato assigns to his *astynomi*,[9] that they had also the charge of the fountains, roads, and public buildings; and it is supposed that Plutarch's words,[10] *ὅτε τῶν Ἀθήνησιν ὑδάτων ἐπιστάτης ἦν*, mean "when he was *astynomus*." The *astynomi* and *agoranomi* divided between them most of the functions of the Roman ædiles. The astynomi at Thebes were called *τελέαρχοι*.[11] (*Vid.* AGORANOMI.)

ASY'LUM (*ἄσυλον*). In the Greek states, the temples, altars, sacred groves, and statues of the gods generally possessed the privilege of protecting slaves, debtors, and criminals, who fled to them for refuge. The laws, however, do not appear to have recognised the right of all such sacred places to afford the protection which was claimed, but to have confined it to a certain number of temples or altars, which were considered in a more especial manner to have the *ἀσυλία*, or *jus asyli*.[12] There were several places in Athens which possessed this privilege, of which the best known was the Theseum, or Temple of Theseus, in the city, near the gymnasium, which was chiefly intended for the protection of the ill-treated slaves, who could take refuge in this place, and compel their masters to sell them to some other person.[1] The other places in Athens which possessed the jus asyli were, the altar of pity, *ἐλέου βωμός*,[2] which was situated in the agora, and was supposed to have been built by Hercules;[3] the altar of Zeus *Ἀγοραῖος*; the altars of the twelve gods; the altar of the Eumenides on the Areiopagus; the Theseum in the Piræus; and the altar of Artemis at Munychia.[4] Among the most celebrated places of asylum in other parts of Greece, we may mention the Temple of Poseidon in Laconia, on Mount Tænarus;[5] the Temple of Poseidon in Calauria;[6] and the Temple of Athena Alea in Tegea.[7]

It would appear, however, that all sacred places were supposed to protect an individual to a certain extent, even if their right to do so was not recognised by the laws of the state in which they were situated. In such cases, however, as the law gave no protection, it seems to have been considered lawful to use any means in order to compel the individuals who had taken refuge to leave the sanctuary, except dragging them out by personal violence. Thus it was not uncommon to force a person from an altar or a statue of a god by the application of fire. We read in the *Andromache* of Euripides,[8] that Hermione says to Andromache, who had taken refuge at the statue of Thetis, *πῦρ σοὶ προσοίσω*: on which passage the scholiast remarks, "that it was the custom to apply fire to those who fled to an altar."[9] In the same manner, in the *Mostellaria* of Plautus,[10] Theuropides says to the slave Tranius, who had fled to an altar, "*Jam jubebo ignem et sarmenta, carnifex, circumdari.*"

In the time of Tiberius, the number of places possessing the jus asyli in the Greek cities in Greece and Asia Minor became so numerous as seriously to impede the administration of justice. In consequence of this, the senate, by the command of the emperor, limited the jus asyli to a few cities, but did not entirely abolish it, as Suetonius[11] has erroneously stated.[12]

The asylum which Romulus is said to have opened at Rome to increase the population of the city,[13] was a place of refuge for the inhabitants of other states rather than a sanctuary for those who had violated the laws of the city. In the republican and early imperial times, a right of asylum, such as existed in the Greek states, does not appear to have been recognised by the Roman law. Livy seems to speak of the right[14] as peculiar to the Greeks: "*Templum est Apollinis Delium—eo jure sancto quo sunt templa quæ asyla Græci appellant*" By a constitutio of Antoninus Pius, it was decreed that, if a slave in a province fled to the temples of the gods or the statues of the emperors to avoid the ill-usage of his master, the præses could compel the master to sell the slave;[15] and the slave was not regarded by the law as a runaway—*fugitivus*.[16] This constitutio of Antoninus is quoted in Justinian's Institutes,[17] with a slight alteration; the words *ad ædem sacram* are substituted for *ad fana deorum*, since the jus asyli was in his time extended to churches. Those slaves who took refuge at the statue of an

1. (Lys. in Alc., i., p. 121.)—2. (Petit., 664.)—3. (Neær., 1353, 24.)—4. (Att. Process, 363, 133.)—5. (Andoc., De Myst., 35.)—6. (Æsch. in Ctes., 73.—Demosth. in Timocr., 733, 11.)—7. (Diog. Laert., vi., 90.)—8. (Polit., vi., 8, § 4, 5.)—9. (Legg., vi., p. 763.)—10. (Themist., c. 31.)—11. (Plutarch, Reip. ger. Præcept., p. 811, B.)—12. ("Non fuit asylum in omnibus templis vel quibus consecrationis lege concessum esset:" Servius in Virg., Æn., ii., 761)

1. (Plutarch, Theseus, c. 36.—Schol. in Aristoph., Equit., 1309.—Hesych. et Suid., s. v. *Θησῆον*.)—2. (Pausan., i., 17, § 1.)—3. (Servius in Virg., Æn., viii., 342.)—4. (*Οὐχ ἑν Μουνυχίᾳ ἐκαθέζετο*: Demosth., De Cor., p. 262.—Petit., Legg. Att., p. 77-82.—Meier and Schömann, Att. Process, p. 404.)—5. (Thucyd., i., 128, 133.—Corn. Nep., Pausan., c. 4.)—6. (Plutarch, Demosth., c. 29.)—7. (Pausan., iii., 5, § 6.)—8. (l. 256.)—9. (Compare Eurip., Hercul. Fur., l. 242.)—10. (V., i., 65.)—11 (Tib., 37.)—12. (*Vid.* Tacit., Ann., iii., 60-63; iv., 14.—Ernesti Excurs. ad Suet., Tib., c. 37.)—13 (Liv., i., 8.—Virg., Æn., viii 342.—Dionys., ii., 15.)—14. (xxxv., 51.)—15 (Gaius, i., 53 6. (Dig. 21, tit. 1, s. 17, § 13.)—17. (tit. 8, s. 2.)

emperor were considered to inflict disgrace on their master, as it was reasonably supposed that no slave would take such a step unless he had received very bad usage from his master. If it could be proved that any individual had instigated the slave of another to flee to the statue of an emperor, he was liable to an action *corrupti servi*.[1] The right of asylum seems to have been generally, but not entirely, confined to slaves.[2]

The term *ἀσυλία* was also applied to the security from plunder (*ἀσυλία καὶ κατὰ γῆν καὶ κατὰ θάλασσαν*) which was sometimes granted by one state to another, or even to single individuals.[3]

ATELEI'A (*ἀτέλεια*), immunity from public burdens, was enjoyed at Athens by the archons for the time being; by the descendants of certain persons, on whom it had been conferred as a reward for great services, as in the case of Harmodius and Aristogeiton; and by the inhabitants of certain foreign states. It was of several kinds: it might be a general immunity (*ἀτέλεια ἁπάντων*), or a more special exemption, as from custom-duties, from the liturgies, or from providing sacrifices (*ἀτέλεια ἱερῶν*[4]). The exemption from military service was also called *ἀτέλεια*.[5]

ATELLA'NÆ FABULÆ. The Atellane plays were a species of farce or comedy, so called from Atella, a town of the Osci, in Campania. From this circumstance, and from being written in the Oscan dialect, they were also called *Ludi Osci*. Judging from the modern Italian character and other circumstances, it is not unreasonable to suppose that they were at first, and in their native country, rude improvisatory farces, without dramatic connexion, but full of raillery and wit, suggested by the contemporary events of the neighbourhood. However this may be, the "Atellane fables" at Rome had a peculiar and dramatic character. Thus Macrobius[6] distinguishes between them and the less elegant mimes of the Romans: the latter, he says, were acted in the Roman language, not the Oscan; they consisted of only one act, whereas the Atellane and other plays had five, with laughable exodia or interludes; lastly, as he thought, they had not the accompaniment of the flute-player, nor of singing, nor gesticulation (*motus corporis*). One characteristic of these plays was that, instead of the satyrs and similar characters of the Greek satyric drama, which they in some respects resembled, they had Oscan characters drawn from real life, speaking their language, and personating some peculiar class of people in a particular locality. Such, indeed, are the Harlequin and Pulcinello of the modern Italian stage, called maschere or masks, and supposed to be descended from the old Oscan characters of the Atellanæ. Thus, even now, zanni is one of the Harlequin's names, as sannio in the Latin farces was the name of a buffoon, who had his head shorn, and wore a dress of gay patchwork; and the very figure of Pulcinello is said to have been found in the stucco painting of Pompeii, in the old country of the Atellanæ.[7] On this subject Lady Morgan[8] speaks as follows: "The Pulcinello of Italy is not like the Polichinel of Paris, or the Punch of England; but a particular character of low comedy peculiar to Naples, as Pantalone is of Venice, Il Dottore of Bologna. Their name of Maschere comes from their wearing masks on the upper part of their faces. They are the remains of the Greek and Latin theatres, and are devoted to the depicting of national, or, rather, provincial absurdities and peculiarities." Again, at Cologne or Köln, famous for its connexion with the Romans, there still exists a puppet theatre (*Puppen Theater*), where droll farces are performed by dolls, and the dialogue, spoken in the patois or dialect of the country, and full of satirical local allusions, is carried on by persons concealed.[1]

These Atellane plays were not *prætextatæ*, *i. e.*, comedies in which magistrates and persons of rank were introduced; nor *tabernariæ*, the characters in which were taken from low life: "they rather seem to have been a union of high comedy and its parody." They were also distinguished from the mimes by the absence of low buffoonery and ribaldry, being remarkable for a refined humour, such as could be understood and appreciated by educated people. Thus Cicero[2] reproaches one of his correspondents for a coarseness in his joking, more like the ribaldry of the mimes than the humour of the Atellane fables, which in former times were the afterpiece in dramatic representations (*secundum Œnomaum Atticum, non ut olim solebat Atellanum, sed ut nunc fit, mimum introduxisti*). This statement of Cicero agrees with a remark of Valerius Maximus,[3] that these plays were tempered with an Italian severity of taste; and Donatus also[4] says of them, that they were remarkable for their antique elegance, *i. e.*, not of language, but of style and character. This suggests an explanation of the fact that Atellanæ were not performed by regular actors (*histriones*), but by Roman citizens of noble birth, who were not on that account subjected to any degradation, but retained their rights as citizens, and might serve in the army.[5] This was not the case with other actors, so that the profession was confined to foreigners or freedmen. Niebuhr, however, is of opinion, that all the three kinds of the Roman national drama, and not the Atellanæ only, might be represented by well-born Romans, without the risking of their franchise.[6]

The Oscan or Opican language, in which these plays were written, was spread over all the south of Italy; and as some inscriptions in it are intelligible to us, we cannot wonder that plays written in Oscan were understood by the more educated Romans. One peculiarity of it was the use of *p* for *qu*: thus, *pid* for *quid*.[7]

However, in one part of these plays, called the *canticum*,[8] the Latin language, and sometimes the Greek,[9] was used. Thus we are told[10] that one of these *cantica* opened with the words *Venit Io simius a villa*, "The baboon is come from his country-house;" and as Galba was entering Rome at the time, the audience caught up the burden of the song, joining in chorus. It might be thought that this is true only of the time of the emperors; but we find that, even before then, the Latin language was used, as in the instances given below, and that, too, in other parts besides the *canticum*. In connexion with this, it may be remarked, that, like everything else at Rome, the Atellanæ degenerated under the emperors, so as to become more like the mimes, till they were at last acted by common players.

They were written in verse, chiefly iambic, with many trisyllabic feet. Lucius Sulla, the dictator, is believed to have written plays of this sort from a statement in Athenæus,[11] that he wrote satirical comedies in his native, *i. e.*, the Campanian dialect.[12] Quintus Novius, who flourished about fifty years af-

1 (Dig. 47, tit. 11, s. 5.)—2. (Dig. 48, tit. 19, s. 28, § 7.)—3. (*Vid.* Böckh, Corp. Inscript., i., p. 725.)—4. (*Vid.* Demosth., c. Lept., § 105, Wolf.—Böckh, Corp. Inscript., i., p. 122.)—5. (Demosth., c. Neær., p. 1353, 23.)—6. (Saturn., lib. iii.)—7. (Schlegel on Dram. Lit., lect. viii.)—8. (Italy, c. 24.)

1. (Murray's Handbook.)—2. (ad Fam., ix., 16.)—3 (ii., 1.) 4. (Vita Terent.)—5. (Liv., vii., 2.)—6. (Hist. Rom., vol. i., p 520, transl.)—7. (Nieb., Hist. Rom., vol. i., p. 68.)—8. (Herm., Opusc., i., 295, De Fabula Togata.)—9. (Suet., Nero, c. 39)—10. (Suet., Galba, c. 13.)—11. (vi., p. 261.)—12. (Σατυρικαὶ κωμῳδίαι τῇ πατρίῳ φωνῇ: Herm., Opusc., v., De Fab Tog

ter Sulla's abdication, is said to have written about fifty Atellane plays; the names of some of these have come down to us, as *Macchus Exul*, or "Macchus in Exile;" *Gallinaria*, or the "Poulterer;" *Vindemiatores*, "the Vintagers;" *Surdus*, the "Deafman;" *Pareus*, the "Thrifty-man;" from this play has been preserved the line, "*Quod magnopere quæsiverunt id frunisci non queunt, Qui non parsit, apud se frunitus est.*" Fruniscor is the same as fruor.[1]

Lucius Pomponius, of Bononia, who lived about B.C. 90, wrote *Macchus Miles*, the *Pseudo-Agamemnon*, the *Bucco Adoptatus*, the *Æditumus* or *Saeristan*, &c. In the last the following verse occurred: "*Qui postquam tibi appareo, atque æditumor in templo tuo.*" Appareo here means "to attend upon." The Macchus was a common character in these plays, probably a sort of clown; the Bucco or Babbler was another.[2] These plays subsequently fell into neglect, but were revived by a certain Mummius, mentioned by Macrobius, who does not, however, state the time of the revival.

Subjoined is a specimen of Oscan, part of an inscription found at Bantia, in Lucania, with the Latin interpretation written underneath:

"In svæ pis ionc fortis meddis moltaum herest
Et si quis eum fortis magistratus multare volet,
Ampert mistreis alteis eituas moltas moltaum licitud
Una eum magistris altis ærarii multæ multare licito."

Herest is supposed to be connected with χαιρήσει, *meddis* with μέδων, *ampert* with ἀμφιπερί.

For additional specimens of Oscan, the reader is referred to Grotefend's *Rudimenta Linguæ Oscæ*, from which is taken the example given above, and also the interpretation of it. The fragments of Pomponius have been collected and edited by Munk.

ATHENÆ'UM, a school (*ludus*) founded by the Emperor Hadrian at Rome, for the promotion of literary and scientific studies (*ingenuarum artium*[3]), and called Athenæum from the town of Athens, which was still regarded as the seat of intellectual refinement.[4] The Athenæum appears to have been situated in the Capitol.[5] It was a kind of university; and a staff of professors, for the various branches of study, was regularly engaged. Under Theodosius II., for example, there were three orators, ten grammarians, five sophists, one philosopher, two lawyers or jurisconsults.[6] Besides the instruction given by these magistri, poets, orators, and critics were accustomed to recite their compositions there, and these prelections were sometimes honoured with the presence of the emperors themselves.[7] There were other places where such recitations were made, as the Library of Trajan (*vid.* BIBLIOTHECA); sometimes, also, a room was hired, and made into an auditorium, seats erected, &c. (*Vid.* AUDITORIUM.) The Athenæum seems to have continued in high repute till the fifth century. Little is known of the details of study or discipline in the Athenæum, but in a constitution of the year 370,[8] there are some regulations respecting students in Rome, from which it would appear that it must have been a very extensive and important institution. And this is confirmed by other statements contained in some of the Fathers and other ancient authors, from which we learn that young men from all parts, after finishing their usual school and college studies in their own town or province, used to resort to Rome, as a sort of higher university, for the purpose of completing their education.

*ATHERI'NA (ἀθερίνη), a species of small fish, supposed to be the *Atherina Hepsetus*, L., but uncertain. Pennant says it is common on the coast of Southampton, where it is called a smelt. It is about four inches long. The Atherina is mentioned by Aristotle and Oppian.[1]

ATHLE'TÆ (ἀθληταί, ἀθλητῆρες) were persons who contended in the public games of the Greeks and Romans for the prizes (ἆθλα, whence the name of ἀθληταί), which were given to those who conquered in contests of agility and strength. This name was, in the later period of Grecian history and among the Romans, properly confined to those persons who entirely devoted themselves to a course of training which might fit them to excel in such contests, and who, in fact, made athletic exercises their profession. The athletæ differed, therefore, from the agonistæ (ἀγωνισταί), who only pursued gymnastic exercises for the sake of improving their health and bodily strength, and who, though they sometimes contended for the prizes in the public games, did not devote their whole lives, like the athletæ, to preparing for these contests. In early times there does not appear to have been any distinction between the athletæ and agonistæ; since we find that many individuals, who obtained prizes at the great national games of the Greeks, were persons of considerable political importance, who were never considered to pursue athletic exercises as a profession. Thus we read that Phayllus of Crotona, who had thrice conquered in the Pythian games, commanded a vessel at the battle of Salamis;[2] and that Dorieus of Rhodes, who had obtained the prize in all of the four great festivals, was celebrated in Greece for his opposition to the Athenians.[3] But as the individuals who obtained the prizes in these games received great honours and rewards, not only from their fellow-citizens, but also from foreign states, those persons who intended to contend for the prizes made extraordinary efforts to prepare themselves for the contest; and it was soon found that, unless they subjected themselves to a severer course of training than was afforded by the ordinary exercises of the gymnasia, they would not have any chance of gaining the victory. Thus arose a class of individuals, to whom the term athletæ was appropriated, and who became, in course of time, the only persons who contended in the public games.

Athletæ were first introduced at Rome B.C. 186 in the games exhibited by Marcus Fulvius, on the conclusion of the Ætolian war.[4] Paullus Æmilius, after the conquest of Perseus, B.C. 167, is said to have exhibited games at Amphipolis, in which athletæ contended.[5] A *certamen athletarum*[6] was also exhibited by Scaurus in B.C. 59; and among the various games with which Julius Cæsar gratified the people, we read of a contest of athletæ which lasted for three days, and which was exhibited in a temporary stadium in the Campus Martius.[7] Under the Roman emperors, and especially under Nero, who was passionately fond of the Grecian games,[8] the number of athletæ increased greatly in Italy, Greece, and Asia Minor; and many inscriptions respecting them have come down to us, which show that professional athletæ were very numerous, and that they enjoyed several privileges. They formed at Rome a kind of corporation, and possessed a *tabularium* and a common hall—*curia athletarum*,[9] in which they were accustomed to deliberate on all matters which had a reference to the interests of the body. We find that they were called *Herculanei*, and also *xystici*, because they were ac-

1. (Aulus Gellius, xvii., 2.)—2. (Facciolati, s. v. Bucco and Macchus.)—3. (Aurelius Victor, c. 14, 2.)—4. (Dion, lxxiii., p. 838, E.)—5. (Cod. xi., tit. 18.)—6. (Dion, lxxiii., p. 838, E.)—7. (Lamprid., Alex., c. 35.)—8. (Cod. Theodos., xiv., p. 9, § 1.)

1. (Aristot., H. A., vi., 17; ix., 2.—Oppian, Hal., i.—Adams, Append., s. v.)—2. (Herod., viii., 47.—Paus., x., 9, § 1.)—3. (Paus., vi., 7, § 1, 2.)—4. (Liv., xxxix., 22.)—5. (Liv., xlv., 32.)—6. (Val. Max., ii., 4, § 7.)—7. (Suet., Jul., 39.)—8. (Tacit. Ann., xiv., 20.)—9. (Orelli, Inscrip., 2588.)

customed to exercise, in winter, in a covered place called xystus;[1] and that they had a president, who was called *xystarchus*, and also *ἀρχιερεύς*.

Those athletæ who conquered in any of the great national festivals of the Greeks were called *hieronicæ* (*ἱερονῖκαι*), and received, as has been already remarked, the greatest honours and rewards. Such a conqueror was considered to confer honour upon the state to which he belonged; he entered his native city in triumph, through a breach made in the walls for his reception, to intimate, says Plutarch, that the state which possessed such a citizen had no occasion for walls.[2] He usually passed through the walls in a chariot drawn by four white horses, and went along the principal street of the city to the temple of the guardian deity of the state, where hymns of victory were sung. Those games, which gave the conquerors the right of such an entrance into the city, were called *iselastici* (from *εἰσελαύνειν*). This term was originally confined to the four great Grecian festivals, the Olympian, Isthmian, Nemean, and Pythian; but was afterward applied to other public games, as, for instance, to those instituted in Asia Minor.[3] In the Greek states, the victors in these games not only obtained the greatest glory and respect, but also substantial rewards. They were generally relieved from the payment of taxes, and also enjoyed the first seat (*προεδρία*) in all public games and spectacles. Their statues were frequently erected at the cost of the state, in the most frequented part of the city, as the market-place, the gymnasia, and the neighbourhood of the temples.[4] At Athens, according to a law of Solon, the conquerors in the Olympic games were rewarded with a prize of 500 drachmæ; and the conquerors in the Pythian, Nemean, and Isthmian, with one of 100 drachmæ;[5] and at Sparta they had the privilege of fighting near the person of the king.[6] The privileges of the athletæ were preserved and increased by Augustus;[7] and the following emperors appear to have always treated them with considerable favour. Those who conquered in the games called iselastici received, in the time of Trajan, a sum from the state, termed *opsonia*.[8] By a rescript of Diocletian and Maximian, those athletæ who had obtained in the sacred games (*sacri certaminis*, by which is probably meant the *iselastici ludi*) not less than three crowns, and had not bribed their antagonists to give them the victory, enjoyed immunity from all taxes.[9]

The term athletæ, though sometimes applied metaphorically to other combatants, was properly limited to those who contended for the prize in the five following contests: 1. *Running* (*δρόμος, cursus*), which was divided into four different contests, namely, the *σταδιοδρόμος*, in which the race was the length of the stadium; the *διαυλοδρόμος*, in which the stadium was traversed twice; the *δολιχοδρόμος*, which consisted of several lengths of the stadium, but the number of which is uncertain; and the *ὁπλιτοδρόμος*, in which the runners wore armour. 2. *Wrestling* (*πάλη, lucta*). 3. *Boxing* (*πυγμή, pugilatus*). 4. The *pentathlum* (*πένταθλον*), or, as the Romans called it, *quinquertium*. 5. The *pancratium* (*παγκράτιον*). Of all these an account is given in separate articles. These contests were divided into two kinds: the *severe* (*βαρέα, βαρύτερα*) and the *light* (*κοῦφα, κουφότερα*). Under the former were included wrestling, boxing, and the exercises of the pancratium, which consisted of wrestling and boxing combined, and was also called pammachion.[10]

1 (Vitruv., vi., 10.)—2. (Suet., Ner., 25.—Plutarch, Symp., i., 5, § 2.)—3. (Plin., Ep., 119, 120.)—4. (Paus., vi., 13, § 1; vii., 17, § 3.)—5. (Diog. Laert., i., 55.—Plut., Sol., 23.)—6. (Plut., Lyc., 22.)—7. (Suet., Octav., 45.)—8. (Plin., Ep., 119, 120.—Compare Vitruv., ix., Præf.)—9. (Cod. x., tit. 53.)—10. (Plato, Euthyd., c. 3, p. 271.—Pollux, Onom., viii., 4.)

Great attention was paid to the training of the athletæ. They were generally trained in the *παλαῖστραι*, which, in the Grecian states, were distinct places from the gymnasia, though they have been frequently confounded by modern writers. Thus Pausanias informs us,[1] that near the gymnasium at Olympia there were palæstræ for the athletæ; and Plutarch expressly says[2] that the place in which the athletæ exercise is called a palæstra.[3] Their exercises were superintended by the gymnasiarch (*γυμνασιάρχης*), and their diet was regulated by the aliptes (*ἀλείπτης*). (*Vid.* Aliptæ.) According to Pausanias,[4] the athletæ did not anciently eat meat, but principally lived upon fresh cheese;[5] and Diogenes Laertius[6] informs us that their original diet consisted of dried figs,[7] moist or new cheese,[8] and wheat.[9] The eating of meat by the athletæ is said, according to some writers,[10] to have been first introduced by Dromeus of Stymphalus, in Arcadia; and, according to others, by the philosopher Pythagoras, or by an aliptes of that name.[11] According to Galen,[12] the athletæ, who practised the severe exercises,[13] ate pork and a particular kind of bread; and from a remark of Diogenes the Cynic,[14] it would appear that in his time beef and pork formed the ordinary diet of the athletæ. Beef is also mentioned by Plato[15] as the food of the athletæ; and a writer quoted by Athenæus[16] relates, that a Theban who lived upon goats' flesh became so strong that he was enabled to overcome all the athletæ of his time. At the end of the exercises of each day, the athletæ were obliged to take a certain quantity of food, which was usually called *ἀναγκοφαγία* and *ἀναγκοτροφία*, or *βίαιος τροφή*;[17] after which, they were accustomed to take a long sleep. The quantity of animal food which some celebrated athletæ, such as Milo, Theagenes, and Astydamas, are said to have eaten, appears to us quite incredible.[18] The food which they ate was usually dry, and is called by Juvenal[19] *coliphia*, on the meaning of which word see Ruperti, *ad loc.*

The athletæ were anointed with oil by the aliptæ previously to entering the palæstra and contending in the public games, and were accustomed to contend naked. In the description of the games given in the twenty-third book of the Iliad,[20] the combatants are said to have worn a girdle about their loins; and the same practice, as we learn from Thucydides,[21] anciently prevailed at the Olympic games, but was discontinued afterward.

For farther information on the athletæ, the reader is referred to the articles Isthmian, Nemean, Olympian, and Pythian Games; and to Krause's *Theagenes, oder wissensch. Darstellung der Gymnastik, Agonistik, und Festspicle der Hellenen* (Halle, 1835); and *Olympia, oder Darstellung der grossen Olympischen Spiele* (Vienna, 1838).

ATHLOTH'ETÆ. (*Vid.* Agonothetæ, Hellanodicæ.)

ATI'LIA LEX. (*Vid.* Tutor.)

ATI'MIA (*ἀτιμία*), or the forfeiture of a man's civil rights. It was either total or partial. A man was totally deprived of his rights, both for himself and for his descendants,[22] when he was convicted of murder, theft, false witness, partiality as arbiter, violence offered to a magistrate, and so forth. This highest degree of *ἀτιμία* excluded the person affected by it from the forum, and from all public assem-

1. (vi., 21, § 2.)—2. (Symp., ii., Quæst. 4.)—3. (*τὸν οὖν τόπον ἐν ᾧ γυμνάζονται πάντες οἱ ἀθληταὶ, παλαίστραν καλοῦσι.*)—4. (vi., 7, § 3.)—5. (*τυρὸν ἐκ τῶν ταλάρων.*)—6. (viii., 12, 13.)—7. (*ἰσχάσι ξηραῖς.*)—8. (*τυροῖς ὑγροῖς.*)—9. (*πυροῖς.*)—10. (Paus., l. c.)—11. (Diog. Laert., l. c.)—12. (De Val. Tuend., iii., 1.)—13. (*βαρεῖς ἀθληταί.*)—14. (Diog. Laert., vi., 49.)—15. (De Rep., i., 12, p. 338.)—16. (viii., 14, p. 402, c, *d*)—17. (Arist., Polit. viii., 4.)—18. (Athenæus, x., 1, 2, p. 412, 413.)—19. (ii., 53.)—20. (l. 685, 710.)—21. (i., 6.)—22. (*καθάπαξ ἄτιμος.* Demosth., Mid., c. 10.)

blies; from the public sacrifices, and from the law courts; or rendered him liable to immediate imprisonment if he was found in any of these places. It was either temporary or perpetual; and either accompanied or not with confiscation of property. Partial *ἀτιμία* only involved the forfeiture of some few rights, as, for instance, the right of pleading in court. Public debtors were suspended from their civic functions till they discharged their debt to the state. People who had once become altogether *ἄτιμοι* were very seldom restored to their lost privileges. There is a *locus classicus* on the subject of *ἀτιμία* in Andocides.[1] The converse term to *ἀτιμία* was *ἐπιτιμία*.

ATINIA LEX. (*Vid.* USUCAPIO.)

ATLANTES (*ἄτλαντες*), also called *Telamones*. Both these words are used, in a general sense, to signify anything which supports a burden, whether a man, an animal, or an inanimate object; but in architectural language they were specifically applied to designate those *muscular* figures which are sometimes fancifully used instead of *modillions* to support the *corona*, or upper member of a cornice: "*Nostri Telamones, Græci vero hos Atlantes vocant*," says Vitruvius.[2] The fable of Atlas, who bore the globe upon his shoulders, and of whom Homer says,

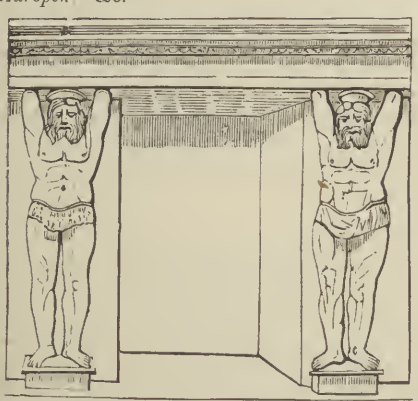
Ἔχει δέ τε κίονας αὐτὸς
μακρὰς, αἳ γαῖάν τε καὶ οὐρανὸν ἀμφὶς ἔχουσι,[3]

supplied an historical derivation for the name. They were distinguished from Caryatides, which are always represented as female figures in an erect position.

They were also applied as ornaments to the sides of a vessel, having the appearance of supporting the oars; as in the ship of Hiero, described by Athenæus,[4] in which instance he represents them as being six cubits in height, and sustaining the triglyphs and cornice.

Hence, too, the term came to be used in irony (*κατ' ἀντίφασιν*), to ridicule a person of very diminutive or deformed stature.

"*Nanum cujusdam Atlanta vocamus: Æthiopem cycnum; pravam extortamque puellam Europen*" &c.[5]



A representation of these figures is given in the preceding woodcut, copied from the *tepidarium* in the baths at Pompeii. They are placed round the sides of the chamber, and support a cornice, upon which the vaulting of the roof rests, thus dividing the whole extent of the walls into a number of small compartments, the uses of which are explained in the description of *tepidarium* in the article BATHS.

ATRACTYLIS (*ἀτρακτυλίς*), a species of thistle, called by some the Distaff-Thistle, from its resemblance to a distaff (*ἄτρακτος*), for which its stalk was often employed. It is not improbable, as Adams thinks, that it was applied to several sorts of thistles, a tribe still very difficult to classify and distinguish. Ruellius and Hermolaus make it out to be the *Cnicus sylvestris*, but this opinion is rejected by Matthiolus; and that of Fuchsius, who held it to be the *Carduus Benedictus*, does not seem less objectionable. Sprengel, in the first edition of his R. H. H., inclines to the *Carthamus Canatus*, and in the second to the *C. Creticus*; but in his edition of Dioscorides he proposes the *Carlina lanata*, L. Stackhouse hesitates about the *Atractylis gummifera*. The modern name in use among the Greeks is *ἀτράκτυλι* or *σταυράγκαθι*. Sibthorp found it in Southern Greece.[1]

ATRAMENTUM, a term applicable to any black colouring substance, for whatever purpose it may be used,[2] like the *μέλαν* of the Greeks.[3] There were, however, three principal kinds of atramentum: one called *librarium* or *scriptorium* (in Greek, *γραφικὸν μέλαν*), another called *sutorium*, the third *tectorium*. *Atramentum librarium* was what we call writing-ink.[4] *Atramentum sutorium* was used by shoemakers for dyeing leather.[5] This atramentum sutorium contained some poisonous ingredient, such as oil of vitriol; whence a person is said to die of atramentum sutorium, that is, of poison, as in Cicero.[6] *Atramentum tectorium* or *pictorium* was used by painters for some purposes, apparently[7] as a sort of varnish. The scholiast on Aristophanes[8] says that the courts of justice, or *δικαστήρια*, in Athens were called each after some letter of the alphabet: one alpha, another beta, a third gamma, and so on, and that against the doors of each *δικαστήριον*, the letter which belonged to it was written *πύῤῥῳ βάμματι*, in "red ink." This "red ink," or "red dye," could not, of course, be called atramentum. Of the ink of the Greeks, however, nothing certain is known, except what may be gathered from the passage of Demosthenes above referred to, which will be noticed again below. The ink of the Egyptians was evidently of a very superior kind, since its colour and brightness remain to this day in some specimens of papyri.[9] The initial characters of the pages are often written in *red* ink.[10] Ink among the Romans is first found mentioned in the passages of Cicero and Plautus above referred to. Pliny informs us how it was made. He says, "It was made of soot in various ways, with burned resin or pitch: and for this purpose," he adds, "they have built furnaces, which do not allow the smoke to escape. The kind most commended is made in this way from pine-wood: It is mixed with soot from the furnaces or baths (that is, the hypocausts of the baths: *vid.* BATH); and this they use *ad volumina scribenda*. Some also make a kind of ink by boiling and straining the lees of wine," &c. With this account the statements of Vitruvius[11] in the main agree. The black matter emitted by the cuttlefish (*sepia*), and hence itself called *sepia*, was also used for atramentum.[12] Aristotle, however, in treating of the cuttlefish,[13] does not refer to the use of the matter (*ὑγρόν*) which it emits, as ink.[14] Pliny observes[15] that an infusion of wormwood with ink preserves a manuscript from mice.[16]

1. (De Myst., c. 73, 76, p. 35.)—2. (Vitruv., vi., 10.)—3. (Od., i., 53.)—4. (v., 42.)—5. (Juv., Sat., viii., 32.)

1. (Dioscor., iii., 37.—Theophrast., H. P., vi., 4; ix., 1.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 211.)—2 (Plaut., Mostell., I., iii., 102.—Cic., De Nat. Deor., ii., 50.)—3 (Demosth., *περὶ Στεφ.*, § 313, Bekk.)—4. (*Vid.* Hor., Epist., II., i., 236.—Petron., Sat., c. 102.—Cic., ad Quint. fratr., ii., 15.)—5. (Plin., H. N., xxxiv., 12.)—6. (Ad Fam., ix., 21.)—7. (Plin. H. N., xxxv., 10.)—8. (Plut., v., 277.)—9. (British Museum Egyptian Antiq., vol. ii., p. 267.)—10. (Egypt. Antiq., ii 270 272.)—11. (vii., 10, 197.)—12. (Cic., De Nat. Deor., ii., 50.—Persius, Sat., iii., 12, 13.—Ausonius, iv., 76.)—13. (H. A.)—14 (*Vid.* Ælian, N. A., i., 34.)—15 (H. N., xxvii., 7.)—16 (*Vid* Isidor., xix., 17.)

On the whole, perhaps, it may be said that the inks of the ancients were more durable than our own; that they were thicker and more unctuous, in substance and durability more resembling the ink now used by printers. An inkstand was discovered at Herculaneum, containing ink as thick as oil, and still usable for writing.[1]

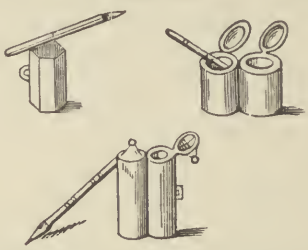
It would appear, also, that this gummy character of the ink, preventing it from running to the point of the pen, was as much complained of by the ancient Romans as it is by ourselves. Persius[2] represents a foppish writer sitting down to compose; but, as the ideas do not run freely,

"*Tum queritur, crassus calamo quod pendeat humor;*
Nigra quod infusa vanescat scipia lympha."

They also added water, as we do sometimes, to thin it. Mr. Lane[3] remarks that the ink of the modern Egyptians "is very thick and gummy."

From a phrase used by Demosthenes, it would appear as if the colouring ingredient was obtained by rubbing from some solid substance, perhaps much as we rub Indian ink. Demosthenes[4] is reproaching Æschines with his low origin, and says that, "when a youth, he was in a state of great want, assisted his father in his school, rubbed the ink (prepared the ink by rubbing, τὸ μέλαν τρίβων), washed down the forms, and swept the schoolroom," &c. It is probable that there were many ways of colouring ink, especially of different colours. Red ink (made of *minium*, vermilion) was used for writing the titles and beginnings of books,[5] so also was ink made of *rubrica*, "red ochre;"[6] and because the headings of *laws* were written with *rubrica*, the word rubric came to be used for the civil law.[7] So *album*, a white or whited table, on which the prætors' edicts were written, was used in a similar way. A person devoting himself to *album* and *rubrica* was a person devoting himself to the law. (*Vid.* Album.) There was also a very expensive red-coloured ink, with which the emperor used to write his signature, but which any one else was by an edict[8] forbidden to use, excepting the sons or near relatives of the emperor, to whom the privilege was expressly granted. But if the emperor was under age, his guardian used a green ink for writing his signature.[9] On the banners of Crassus there were *purple* letters, φοινικὰ γράμματα.[10] On pillars and monuments, letters of gold and silver, or letters covered with gilt and silver, were sometimes used, as appears from Cicero[11] and Suetonius.[12] In writing, also, this was done at a later period. Suetonius[13] says, that of the poems which Nero recited at Rome, one part was written in gold (or gilt) letters (*aureis litteris*), and consecrated to Jupiter Capitolinus.[14] This kind of illuminated writing was more practised afterward in religious compositions, which were considered as worthy to be written in letters of gold (as we say even now), and, therefore, were actually written so. Something like what we call sympathetic ink, which is invisible till heat, or some preparation be applied, appears to have been not uncommon. So Ovid[15] advises writing love-letters with fresh milk, which would be unreadable until the letters were sprinkled with coal-dust: "Tuta quoque est, fallitque oculos *c lacte recenti* Littera: *carbonis pulvere tange;* leges." Ausonius[16] gives the same direction ("*Lacte incide* notas; arescens charta tenebit Semper inadspicuas; *prodentur scripta favillis*"). Pliny suggests that the milky sap contained in some plants might be used in the same way.[2]

An inkstand (*atramentarium*, used only by later writers; in Greek, μελανδόχος[3]) was either single or double. The double inkstands were probably intended to contain both black and red ink, much in the modern fashion. They were also of various shapes, as, for example, round or hexagonal. They had covers to keep the dust from the ink. The preceding cuts represent inkstands found at Pompeii.



ATRIUM, called αὐλή by the Greeks and by Virgil,[4] and also μεσαύλιον, περίστυλον, περίστωον.

Two derivations of this word are given by the ancient writers. Festus and Varro refer it to the same origin: *Ab Atriæ populis, a quibus atriorum exempla desumpta fuerunt*;[5] but Servius, on the contrary,[6] derives the term *ab* atro, *propter fumum qui esse solebat in atriis;* a remark which explains the allusion of Juvenal,[7] *Fumosos equitum cum dictatore magistros*, since it was customary among the Romans to preserve the statues of their ancestors in the atrium, which were blackened by the smoke of the fires kept there for the use of the household.

Atrium is used in a distinctive as well as collective sense, to designate a particular part in the private houses of the Romans (*vid.* House), and also a class of public buildings, so called from their general resemblance in construction to the atrium of a private house. There is likewise a distinction between atrium and area; the former being an open area surrounded by a colonnade, while the latter had no such ornament attached to it. The atrium, moreover, was sometimes a building by itself, resembling, in some respects, the open basilica (*vid.* Basilica), but consisting of three sides. Such was the Atrium Publicum in the Capitol, which Livy informs us was struck with lightning B.C. 216.[8] It was at other times attached to some temple or other edifice, and in such case consisted of an open area and surrounding portico in front of the structure, like that before the Church of St. Peter in the Vatican.

Several of these buildings are mentioned by the ancient historians, two of which were dedicated to the same goddess, Libertas; and hence a difficulty is sometimes felt in deciding which of the two is meant when the atrium Libertatis is spoken of. The most celebrated, as well as the most ancient, was situated upon the Aventine Mount. Of this there is no doubt; for it is enumerated by Victor, in his catalogue of the buildings contained in the xiii. Regio, which comprises the Mons Aventinus, on which there was an ædes Libertatis built and dedicated by the father of Gracchus,[9] to which the atrium was attached either at the same time or shortly afterward; for Livy also states[10] that the hostages from Tarentum were confined *in atrio Libertatis*, which must refer to the atrium on the Aven-

1 (Winckelmann, vol. ii., p. 127.)—2. (Sat., iii., 12.)—3. (Mod. Egyptians, ii., p. 288, smaller edit.)—4. (περὶ Στεφ., § 313.)—5. (Ovid, Trist., i., 1, 7.)—6. (Sidonius, vii., 12.)—7. (Quintil., xii., 3.)—8. (Cod. i., tit. 23, s. 6.)—9. (Montfaucon, Palæog., p. 3.)—10. (Dion, xl., 18.)—11. (Verr., iv., 27.)—12. (Aug., c. 7.)—13. (Ner., c. 10.)—14. (Compare Plin., vii., 32.)—15. (Art. Am., iii., 627, &c.)—16. (Epist., xxiii., 21.)

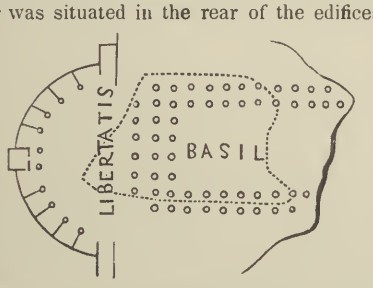
1. (xxvi., 8.)—2. (*Vid.* Caneparius, de Atramentis cujusque generis, Lond., 1660.)—3. (Pollux, Onom., x., 14.)—4. (Æn., iii., 354.)—5. (Varro, de Ling. Lat., vi., 33.)—6. (In Virg., Æn., iii., 353.)—7. (Sat., viii., 8.)—8. (Liv., xxiv., 10.)—9. (Liv., xxiv., 16.)—10. (xxv., 7.)

time, since their escape was effected by the corruption of the keepers of the temple (*corruptis ædituis duobus*). In this atrium there was a tabularium, where the legal tablets (*tabulæ*) relating to the censors were preserved.[1] The *Germanici milites* were also stationed at the same spot in the time of Galba,[2] as is apparent from a passage in Suetonius,[3] in which he says that they arrived too late to prevent the murder, which was perpetrated in the Forum, in consequence of their having missed their way and gone round about. This could not have happened had they come from the other atrium Libertatis, which was close to the Forum Romanum.

The examination of slaves, when accompanied by the torture, also took place, by a strange anomaly, *in atrio Libertatis*,[4] which must also be referred, for several reasons, to the atrium on the Aventine. Indeed, when the atrium Libertatis is mentioned without any epithet to distinguish it, it may safely be considered that the more celebrated one upon the Aventine is meant. It was repaired, or, more probably, rebuilt, by Asinius Pollio,[5] who also added to it magnificent library (*bibliothecæ*[6]), which explains the allusion of Ovid,[7]

> "*Nec me, quæ doctis patuerunt prima libellis,*
> *Atria Libertas tangere passa sua est.*"

The other atrium Libertatis is noticed by Cicero,[8] in which place the mention of the *Basilica Paulli* in conjunction with the word *forum* (*ut forum laxaremus et usque ad atrium Libertatis explicaremus*), has perplexed the commentators, and induced the learned Nardini to pronounce the passage inexplicable.[9] He affirms that this instance is the only one to be found, among all the writers of antiquity, in which mention is made of an atrium Libertatis distinct from that on the Aventine; and hence he is inclined to think that there was no other, and to alter the reading into *atrium Minervæ*, which is mentioned by P. Victor as being in this (the eighth) region. But in this he was mistaken, as is made evident by the subjoined fragment from a plan of Rome, discovered since the time of Nardini, which was executed upon a marble pavement during the reigns of Septimius Severus and Caracalla, and is now preserved in the museum of the Capitol at Rome, and termed *la Pianta Capitolina*. As the name is inscribed upon each of the buildings, no doubt can be felt as to their identity; and the forum to which Cicero alludes must be the Forum Cæsaris [10] for neither the writers of the Regiones, nor any of the ancient authors, ever mention a building of this kind in the Forum Romanum. The Forum of Cæsar was situated in the rear of the edifices on



the east side of the Roman Forum;[11] so that the atrium Libertatis would be exactly as represented upon the plan, behind the *Basilica Æmilia*, an elevation of which is given in the article Basilica; and, although the name of its founder is broken off, yet the open peristyles, without any surrounding wall, demonstrate what basilica was intended. Thus the passage of Cicero will be satisfactorily explained. In order to lay open the magnificent Basilica of Paullus to the Forum of Cæsar, he proposed to buy and pull down some buildings which obstructed the view, which would extend the small forum of Cæsar *usque ad Libertatis atrium*, by doing which he no doubt intended to court the favour of Cæsar, upon whose good-will he prides himself so much in the epistle.

The dotted lines represent a crack in the marble

The senate was held in early times *in atrio Palatii*.[1]

*ATT'AGEN (ἀτταγήν or ἀττάγας), the name of a bird mentioned by Aristotle, Aristophanes, Horace, and Martial. There have been various conjectures respecting it, some supposing it a pheasant, some a partridge, and others a woodcock. This last opinion is probably the most correct, although Adams inclines to agree with Pennant, that the Attagen was the same with the Godwit, or *Scolopax ægocephala*. Walpole,[2] on the other hand, thinks it was the *Tetrao Francolinus*. A writer, quoted by Athenæus,[3] describes the Attagen as being a little larger than a partridge, having its back marked with numerous spots of a reddish colour. Hence the name of this bird is humorously applied by Aristophanes[4] to the back of a runaway slave, scored by the lash. The same writer also informs us that the Attagen was highly esteemed by epicures.[5]

*ATTELEBUS (ἀττελέβος), generally taken for a species of Gnat, but referred by Stackhouse to the genus *Attelebus*, L., a class of insects that attack the leaves and most tender parts of plants.[6]

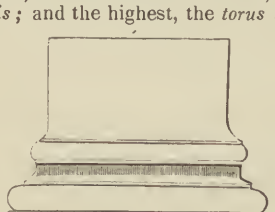
ATTHIS (ἀτθίς), a name given to any composition which treated of the history of Attica.[7] This name seems to have been used because Attica was also called Ἀτθίς.[8] Pausanias[9] calls his first book Ἀτθὶς συγγραφή, because it treats chiefly of Attica and Athens. The Atthides appear to have been not strictly historical; but also geographical, topographical, mythological, and archæological By preserving the local history, legends, traditions, and antiquities, and thus drawing attention to the ancient standing and renown of the country, and connecting the present with the past, they tended to foster a strong national feeling. From what Dionysius says,[10] it would appear that other districts had their local histories as well as Attica [11] The nature of the Ἀτθίδες we know only from a few fragments and incidental notices. The most ancient writer of these compositions would appear, according to Pausanias,[12] to have been Clitodemus—Κλειτόδημος or Κλείδημος (ὁπόσοι τὰ Ἀθηναίων ἐπιχώρια ἔγραψαν, ὁ ἀρχαιότατος). His Ἀτθίς was published about B.C. 378.[13] Probably Pausanias means that Clitodemus was the first *native Athenian* who wrote an Ἀτθίς, as Clinton observes, and not the first person; for Hellanicus, a native of Lesbos, had written one before him. Another writer of this class was Andron (Ἄνδρων), a native of Halicarnassus, as appears from Plutarch;[14] also Androtion—Ἀνδροτίων;[15] and Philochorus, who held the office of ἱεροσκόπος at Athens, B.C. 306.[16] His Ἀτθίς is quoted by the scholiast on Aristophanes[17] and Euripides.[18] Phanodemus, Demon, and Ister

1 (Liv., xliii., 16, where the word *ascenderunt* indicates that the atrium on the Aventine is meant.)—2. (Tacit., Hist., i., 3.)—3. (Galb., 20.)—4. (Cic., pro Mil., 22.)—5 (Suet., Octav., 29.)—6. (Plin., H. N., vii., 30; xxv., 2.—Ind., v., 4.)—7. (Trist., iii., 1, 71.)—8. (Ad Att., iv., 16.)—9 (Rom. Ant., v., 9.)—10. (Dion, xliii.—Suet., Jul., 26—Plin. H. N., xxxvi., 15.)—11. (Nardini, Rom. Ant., v., 9.)

1. (Serv. in Virg., Æn., xi., 235.)—2. (Memoirs, &c., vol. i., p. 262, in notis.)—3. (ix., 39.)—4. (Av., 761.)—5 (Ap. Athen., xiv., 652.)—6. (Aristot., H. A., v., 17.—Theophrast., H. P., iii., 4.)—7. (Strabo, ix., p. 392, B, ed. Casaub.)—8. (Strabo, p. 397, A.)—9. (vii., 20, 3.)—10. (De Thucyd. jud., v.)—11. (*Vid.* Thirlwall's Greece, vol. ii., p. 128.)—12. (x., 15.)—13. (Clinton, F. H., p. 373.)—14. (Vit. Thes., 24.)—15. (*Vid.* Schol. in Aristoph., Av., 13.—Nub., 549.)—16. (Clinton, 306, 3.)—17 (Vesp., 716.—Av., 767.)—18. (Orest., 371.)

were also writers of Ἀτθίδες. Their date is uncertain; but it appears that Demon was nearly contemporary with Philochorus, and that Ister flourished B.C. 246–221, in the reign of Ptolemæus Euergetes, and was, as Suidas asserts, a pupil of Callimachus. The fragments of Philochorus and Androtion have been edited by C. G. Siebelis (Leipsig, 1811); and those of Phanodemus, Demon, Clitodemus, and Ister also (Leipsig, 1812).

ATTICURGES (τὸ Ἀττικουργές), *in the Attic style*. Vitruvius,[1] when treating of the different constructions of doorways to sacred edifices, enumerates three, the Doric, Ionic, and Attic (*Atticurges*). He first gives an account of the Doric, then the Ionic, and, lastly, states that the Attic follows generally the same rules as the Doric; and then, having instanced the points of difference between these two orders, he concludes by saying that he has laid down all the rules necessary for the construction of the Doric, Ionic, and Corinthian orders (*Doricis, Ionicis, Corinthiisque operibus*), which would certainly seem to identify the Attic with the Corinthian. Pliny, however,[2] designates as Attic columns (*columnas Atticas*) those which have four angles and equal sides, *i. e.*, a square pilaster, such as the order of columns in the upper story of the Coliseum, which have Corinthian capitals; but the projection of their sides is not equal to the fronts. There is much difficulty involved in this consideration; for if the people of Attica had an order of their own, distinct from the Doric, which they commonly adopted, as the Tuscans, Ionians, and Corinthians had, it is singular that we should not have any account of its distinctive properties, and that Vitruvius himself should not have described it as exactly as he has the other three. The only way to solve the difficulty is to adopt the explanation of Pliny, and to conclude that the Athenians had no distinct order of their own, with a peculiar character in all its component parts; but that they adopted a column expressly Attic, *i. e.*, a square one, with a Corinthian capital and an *Attic base*, to the other parts and proportions of the Doric order. Thus Vitruvius may be reconciled with himself; for he only speaks of the Atticurges as used in doorways, where the square or Attic columns of Pliny would be admirably fitted for the upright jambs, which might be ornamented with a Corinthian capital and an Attic base, the proportions and component parts of which are enumerated by Vitruvius.[3] The lowest he terms *plinthus;* the one above that, *torus inferior;* the next three divisions, *scotia cum suis quadris;* and the highest, the *torus superior*.



AUCTIO signifies generally "an increasing, an enhancement," and hence the name is applied to a public sale of goods, at which persons bid against one another. The term *auctio* is general, and comprehends the species *bonorum emtio* and *sectio*. As a species, *auctio* signifies a public sale of goods by the owner or his agent, or a sale of goods of a deceased person for the purpose of dividing the money among those entitled to it, which was called *auctio hereditaria*.[4] The sale was sometimes conducted by an argentarius, or by a magister auctionis, and the time, place, and conditions of sale were announced either by a public notice (*tabula, album*, &c.) or by a crier (*præco*).

The usual phrases to express the giving notice of a sale are *auctionem proscribere, prædicare;* and to determine on a sale, *auctionem constituere*. The purchasers (*emtores*), when assembled, were sometimes said *ad tabulam adesse*. The phrases signifying to bid are *liceri, licitari*, which was done either by word of mouth, or by such significant hints as are known to all people who have attended an auction. The property was said to be knocked down (*addici*) to the purchaser, who either entered into an engagement to pay the money to the argentarius or magister, or it was sometimes a condition of sale that there should be no delivery of the thing before payment[1] (*Vid.* Actio.) An entry was made in the books of the argentarius of the sale and the money due, and credit was given in the same books to the purchaser when he paid the money (*expensa pecunia lata, acceptа relata*). Thus the book of the argentarius might be used as evidence for the purchaser, both of his having made a purchase, and having paid for the thing purchased. If the money was not paid according to the conditions of sale, the argentarius could sue for it.

The præco or crier seems to have acted the part of the modern auctioneer, so far as calling out the biddings[2] and amusing the company. Slaves, when sold by auction, were placed on a stone or other elevated thing, and hence the phrase *homo de lapide emtus*. It was usual to put up a spear, *hasta*, in auctions, a symbol derived, it is said, from the ancient practice of selling under a spear the booty acquired in war. By the auctio, the Quiritarian ownership in the thing sold was transferred to the purchaser. (*Vid.* Bonorum Emtio, Sectio.)

AUCTOR, a word which contains the same element as *aug-eo*, and signifies generally one who enlarges, confirms, or gives to a thing its completeness and efficient form. The numerous technical significations of the word are derived from this general notion. As he who gives to a thing that which is necessary for its completeness, may in this sense be viewed as the chief actor or doer, the word auctor is also used in the sense of one who originates or proposes a thing; but this cannot be viewed as its primary meaning. Accordingly, the word auctor, when used in connexion with lex or senatus consultum, often means him who originates and proposes, as appears from numerous passages.[3] When a measure was approved by the senate before it was confirmed by the votes of the people, the senate were said *auctores fieri*, and this preliminary approval was called *senatus auctoritas*.[4] In the passage of Livy,[5] there is an ambiguity in the use of the word, arising from the statement of the practice in Livy's time, and the circumstances of the peculiar case of the election of a king. The effect of what Livy states as to the election of Numa was a reservation of a veto: "Si dignum crearitis, patres *auctores* fient." The meaning, however, of the whole passage is clearly this: the patres gave permission to elect, and if the person elected should be approved by them, that was to be considered equivalent to their nomination.

In the imperial time, auctor is often said of the emperor (*princeps*) who recommended anything to the senate, and on which recommendation that body passed a senatus consultum.[6]

When the word auctor is applied to him who recommends, but does not originate a legislative

1. (iii., 3.)—2. (H. N., xxxvi., 23.)—3. (m., 3.)—4. (Cic., pro Cæcin., 5.)

1. (Gaius, iv., 126.)—2. (Cic., de Off., ii., 23.)—3. (Liv., vi., 36.—Cic., pro Dom., c. 30.)—4. (Cic., Brut., c. 14.)—5. (i., 17.)—6. (Gaius, i., 30, 80.—Sueton. Vesp., 11.)

measure, it is equivalent to *suasor*.[1] Sometimes both auctor and suasor are used in the same sentence, and the meaning of each is kept distinct.[2]

With reference to dealings between individuals, auctor has the sense of owner,[3] and is defined thus:[4] *Auctor meus a quo jus in me transit.* In this sense auctor is the seller (*venditor*), as opposed to the buyer (*emtor*): the person who joined the seller in a warranty, or as security, was called *auctor secundus*, as opposed to the seller, or *auctor primus*.[5] The phrase *a malo auctore emere*,[6] *auctorem laudare*[7] will thus be intelligible. The testator, with respect to his heir, might be called auctor.[8]

Consistently with the meanings of auctor as already explained, the notion of consenting, approving, and giving validity to a measure affecting a person's status clearly appears in the following passage.[9]

Auctor is also used generally to express any person under whose authority any legal act is done. In this sense, it means a tutor who is appointed to aid or advise a woman on account of the infirmity of her sex:[10] it is also applied to a tutor whose business it is to do or approve of certain acts on behalf of a ward (*pupillus*).

The term auctores juris is equivalent to jurisperiti;[11] and the law writers, or leaders of particular schools of law, were called *scholæ auctores*. It is unnecessary to trace the other significations of this word.

AUCTO'RITAS. The technical meanings of this word correlate with those of auctor.

The auctoritas senatus was not a senatus consultum; it was a measure, incomplete in itself, which received its completion by some other authority.

Auctoritas, as applied to property, is equivalent to legal ownership, being a correlation of auctor.[12] It was a provision of the laws of the Twelve Tables, that there could be no usucapion of a stolen thing,[13] which is thus expressed by Gellius in speaking of the Atinian law:[14] "*Quod subreptum erit ejus rei æterna auctoritas esto*;" the ownership of the thing stolen was still in the original owner.[15]

Auctoritas sometimes signifies a warranty or collateral security, and thus correlated to auctor secundus. Auctoritatis actio means the action of eviction.[16] The instrumenta auctoritatis are the proofs or evidences of title.

The auctoritas of the prætor is sometimes used to signify the judicial sanction of the prætor, or his order, by which a person, a tutor for instance, might be compelled to do some legal act,[17] or, in other words, "auctor fieri." The tutor, with respect to his wards, both male and female (*pupilli, pupillæ*), was said *negotium gerere*, and *auctoritatem interponere*: the former phrase is applicable where the tutor does the act himself; the latter, where he gives his approbation and confirmation to the act of his ward. Though an infant had not a capacity to do any act which was prejudicial to him, he had a capacity to receive or assent to anything which was for his benefit, and in such case the *auctoritas* of the tutor was not necessary.

The authority of decided cases was called *similiter judicatorum auctoritas*. The other meanings of auctoritas may be easily derived from the primary meaning of the word, and from the explanations here given.

AUDITO'RIUM, a place where poets, orators, and critics were *heard* recite their compositions. There were places used expressly for this purpose, as the Athenæum. (*Vid.* ATHEN.EUM.) Sometimes, also, a room was hired and converted to this object, by the erection of seats, and by other arrangements.[1] The term auditorium was also applied to a court, in which trials were *heard*.[2] Auditorium principis was the emperor's audience-chamber.[3]

*AVELLA'NA NUX, the Filbert, the fruit of the *Corylus Avellana*, or Hazelnut-tree. It is the κάρυον Ποντικόν or λεπτοκάρυον of Dioscorides.[4] According to Pliny,[5] the earlier form of the Latin name was *Abellina nux*, an appellation coming very probably from the Samnian city of Abellinum, where this species of nut is said to have abounded, or else from the Campanian city of Abella. Servius is in favour of the latter.[6] Pliny says the filbert came first from Pontus into Lower Asia and Greece, and hence one of its Greek names, as given above, κάρυον Ποντικόν.[7] Macrobius styles it also *nux Prænestina*,[8] but Pliny distinguishes between the *nuces Avellanæ* and *Prænestinæ*.[9] Theophrastus[10] speaks of two varieties of this kind of nut, the one round, the other oblong; the latter is referred by Sprengel to the *Corylus tubulosa*, Willd.[11]

*AUGI'TES (αὐγίτης), a species of gem deriving its name from its brilliancy (αὐγή). Pliny says it was thought by many to be different from the Callaïs, and hence the inference has been drawn that it was generally the same with the latter, which was probably turquoise.[12]

AUGUR meant a diviner by birds, but was sometimes applied in a more extended sense. The word seems to be connected with *augeo, auguro*, in the same manner as *fulgur* with *fulgeo* and *fulguro*. *Augeo* bears many traces of a religious meaning, to which it may have been at first restricted.[13] The idea of a second derivation from *avis*, confirmed by the analogy of *auspex* (*avispex*), may perhaps have limited the signification of augur. It is not improbable that this last etymology may be the true one; but if so, it is impossible to explain the second element of the word. "*Augur, quod ab avium garritu derivari grammatici garriunt*," says Salmasius.

The institution of augurs is lost in the origin of the Roman state. According to that view of the constitution which makes it come entire from the hands of the first king, a college of three was appointed by Romulus, answering to the number of the three early tribes. Numa was said to have added two,[14] yet, at the passing of the Ogulnian law (B.C. 300), the augurs were but four in number: whether, as Livy[15] supposes, the deficiency was accidental, is uncertain. Niebuhr supposes that there were four augurs at the passing of the Ogulnian law, two apiece for the Rhamnes and Tities. But it seems incredible that the third tribe should have been excluded at so late a period; nor does it appear how it ever obtained the privilege, as the additional augurs were elected from the plebs. By the law just mentioned, their number became nine, five of whom were chosen from the plebs. The dictator Sulla farther increased them to fifteen,[16] a multiple of their original number, which probably had a reference to the early tribes. This continued until the time of Augustus, who, among

1. (Cic., ad Att., i., 19.—Brutus, 25, 27.)—2. (Cic., Off., iii., 30.)—3. (Cic., pro Cæcin., 10.)—4. (Dig. 50, tit. 17, s. 175.)—5. (Dig. 19, tit. 1, s. 4, § 21; tit. 2, s. 4, § 51.)—6. (Cic., Verr., v., 22.)—7. (Gell., ii., 10.)—8. (Ex. Corp. Hermogen. Cod., tit. 11.)—9. (Cic., pro Dom., c. 29.)—10. (Liv., xxxiv., 2.—Cic., pro Cæcin., c. 25.—Gaius, i., 190, 195.)—11. (Dig. 1, tit. 2, s. 2, § 13.—Gellius, ii., c. 10.)—12. (Cic., Top., c. 4.—Pro Cæcin., c. 26.)—13. (Gaius, ii., 45.)—14. (xvii., 7.)—15. (Cic., Off., i., 12.—Dirksen, Uebersicht, &c., der Zwölf-Tafel Fragmente, p. 417.)—16. (Paulus, Sentent. Recept., lib. 2, tit. 17.)—17. (Gaius, i., 190.—Dig. 27, tit. 9, s. 5.

1. (Compare Plin., Ep., i., 13.—Tacitus, De Orat., c. 9, 89, 6—Suet., Tib., c., 11.)—2. (Paulus, Dig. 49, tit. 9, s. 1.)—3. (Ulpian, Dig. 4, tit. 4, s. 18.)—4. (i., 178.)—5. (II. N., xv., 22.)—6. (in Virg., Georg., ii., 65.)—7. (H. N., xv., 22.)—8. (Sat., ii., 14.)—9. (H. N., xvii., 13.)—10. (H. P., iii., 15.)—11. (Fée in Plin., H. N., xv., 22.)—12. (Moore's Anc. Mineral., p. 181.)—13. (Compare Ovid, Fast., i., 609.)—14. (Cic., De Rep., ii., 14.) 15. (x., 6.)—16. (Liv., Epit., 89.)

other extraordinary powers, had the right conferred on him of electing augurs at his pleasure, whether there was a vacancy or not, B.C. 29,[1] so that from this time the number of the college was unlimited.

According to Dionysius,[2] the augurs, like the other priests, were originally elected by the comitia curiata, or assembly of the patricians, in their curiæ. As no election was complete without the sanction of augury, the college virtually possessed a veto on the election of all its members. They very soon obtained the privilege of self-election (*jus co-optationis*), which, with one interruption, viz., at the election of the first plebeian augurs, they retained until B.C. 103, the year of the Domitian law. By this law it was enacted that vacancies in the priestly colleges should be filled up by the votes of a minority of the tribes, *i. e.*, seventeen out of thirty-five, chosen by lot. The Domitian law was repealed by Sulla, but again restored B.C. 63, during the consulship of Cicero, by the tribune T. Annius Labienus, with the support of Cæsar. It was a second time abrogated by Antony; whether again restored by Hirtius and Pansa, in their general annulment of the acts of Antony, seems uncertain. The emperors, as mentioned above, possessed the right of electing augurs at pleasure.

The augurship is described by Cicero, himself an augur, as the highest dignity in the state,[3] having an authority which could prevent the comitia from voting, or annul resolutions already passed, if the auspices had not been duly performed. The words *alio die* from a single augur might put a stop to all business, and a decree of the college had several times rescinded laws. Such exorbitant powers, as Cicero must have seen, depended for their continuance on the moderation of those who exercised them.

The augurs were elected for life, and, even if capitally convicted, never lost their sacred character.[4] They were to be free from any taint of disease while performing their sacred functions, which Plutarch[5] thought was designed to show that purity of mind was required in the service of the gods. When a vacancy occurred, the candidate was nominated by two of the elder members of the college,[6] the electors were sworn,[7] and the new member took an oath of secrecy before his inauguration. The only distinction among them was one of age, the eldest augur being styled *magister collegii*.[8] Among other privileges, they enjoyed that of wearing the purple *prætexta*, or, according to some, the *trabea*. On ancient coins they are represented wearing a long robe, which veiled the head and reached down to the feet, thrown back over the left shoulder. They hold in the right hand a *lituus* or curved wand, hooked at the end like a crosier, and sometimes have the *capis*,[9] or earthen water vessel, by their side.[10] On solemn occasions they appear to have worn a garland on the head.[11] Although many of the augurs were senators, their office gave them no place in the senate.[12] The manner of taking the auspices is described under Auspicium.

The chief duties of the augurs were to observe and report supernatural signs. They were also the repositories of the ceremonial law, and had to advise on the expiation of prodigies, and other matters of religious observance. The sources of their art were threefold: first, the formulas and traditions of the college, which in ancient times met on the nones of every month; secondly, the *augurales libri*, which were extant even in Seneca's time;[13] thirdly, the *commentarii augurum*, such as those of Messala and of Appius Clodius Pulcer, which seem to have been distinguished from the former as the treatises of learned men from received sacred writings. Other duties of the augurs were to assist magistrates and generals in taking the auspices At the passing of a *lex curiata*, three were required to be present, a number probably designed to represent the three ancient tribes.

One of the difficulties connected with this subject is to distinguish between the religious duties of the augurs and of the higher magistrates. Under the latter were included consul, prætor, and censor; the quæstor, as appears from Varro,[1] being obliged to apply for the auspices to his superior. A single magistrate had the power of proroguing the comitia by the formula *se de cœlo servare*. (*Vid.* Auspicium.) The law obliged him to give notice beforehand,[2] so that it can only have been a religious way of exercising a constitutional right. The *spectio*, as it was termed, was a voluntary duty on the part of the magistrate, and no actual observation was required On the other hand, the augurs were employed by virtue of their office: they declared the auspices from immediate observation, without giving any previous notice: they had the right of *nuntiatio*, not of *spectio*, at least in the comitia; in other words they were to report religies where they did, not to invent them where they did not, exist.

The college of augurs possessed far greater power in the earlier than in the later period of Roman history. The old legends delighted to tell of the triumphs of religion: its first kings were augurs,[3] and Romulus was believed to have founded the empire by a direct intimation from heaven. It seems natural that augury should have sprung up amid the simple habits of a rustic people, and hence we should be inclined to refer it to a Sabine rather than an Etruscan origin. That a learned system should be ingrafted on a more simple one, such as that of the ancient Sabines, seems surely far more probable than the reverse. Yet the prevalence of Etruscan influence, during the second and third centuries of Roman history, must have greatly modified the primitive belief. It might almost appear that the conflict between the old and new religion was hinted at in the story of Attus Nævius, especially when we remember that Tarquinius, whether of Latin or Etruscan origin, is undoubtedly the representative of an Etruscan period. The Romans themselves, as Müller admits, distinguished between their own rites of augury and Etruscan divination. The separate origin of the Roman religion is implied in the tradition that Numa was of Sabine birth, not to mention that many of the names used by the augurs (such as Sangualis avis, from the Sabine god Sancus, Titiæ aves, Sabinus cultus) bear traces of a Sabine origin. Such a view is not inconsistent with the incorporation of many parts of the Etruscan system, as the constitution of the college of augurs, or the divisions of the heavens.

Augury was one of the many safeguards which the wisdom of an oligarchy opposed to the freedom of the plebs.[4] Of the three comitia—curiata, centuriata, and tributa—the two former were subject to the auspices. As the favourable signs were known to the augurs alone, their scruples were a pretext for the government to put off an inconvenient assembly. Yet in early times the augurs were not the mere tools of the government, but formed by themselves, as is the case in almost all oligarchies, an important portion of the Roman state. The terrors of religion, which the senate and patricians used against the plebs, must often

1. (Dion, xlv., 20.)—2. (ii., 22.)—3. (De Leg., ii., 12.)—4. (Plin., Ep., iv., 8.)—5. (Quæst. Rom., 72.)—6. (Cic., Phil., ii., 2.)—7. (Cic., Brut., i.)—8. (Cic., De Senect., 18.)—9. (Liv., x., 7.)—10. (Goltzii, Icones.)—11. (Plut., Cæs., p 730.)—12. (Cic., ad Att., iv., 2.)—13 (Ep., 107.)

1. (Ling. Lat., vi., 9.)—2. (Cic., Phil., ii., 32.)—3 (Cic. De Div., i., 2.)—4. (Liv., vi., 41.)

have been turned against themselves, especially during the period when the college enjoyed an absolute control over the election of its own members. Under the kings, the story of Attus Nævius seems to testify the independence of the augurs. During many centuries their power was supported by the voice of public opinion. Livy tells us that the first military tribunes abdicated in consequence of a decree of the augurs; and, on another occasion, the college boldly declared the plebeian dictator, M. C. Marcellus, to be irregularly created.[1] It was urged by the patricians, and half believed by the plebeians themselves, that the auspices would be profaned by the admission of the plebs to the rights of intermarriage or the higher magistracies. With the consulship the plebeians must have obtained the higher auspices; yet, as the magistrates were, in a great measure, dependant on the augurs, the plebs would not be, in this respect, on a level with the patricians until the passing of the Ogulnian law. During the civil wars, the augurs were employed by both parties as political tools. Cicero[2] laments the neglect and decline of the art in his day. The college of augurs was finally abolished by the Emperor Theodosius;[3] but so deeply was the superstition rooted, that, even in the fourteenth century, a Christian bishop found it necessary to issue an edict against it.[4]

For a view of the Roman augurs, which derives them from Etruria, see Müller's *Etrusker*, iii., 5.

I. AUGUSTA'LES (sc. *ludi*, also called *Augustalia*, sc. *certamina*, *ludicra*, and by the Greek writers and in Greek inscriptions, Σέβαστα, Σεβάσμα, Αὐγουστάλια) were games celebrated in honour of Augustus at Rome and in other parts of the Roman Empire. After the battle of Actium, a quinquennial festival (*πανήγυρις πεντετῆρις*) was instituted; and the birthday (*γενέθλια*) of Augustus, as well as that on which the victory was announced at Rome, were regarded as festival days.[5] In the provinces, also, in addition to temples and altars, quinquennial games were instituted in almost every town.[6] On his return from Rome to Greece, in B.C. 19, after being absent from Italy for two years, the day on which he returned was made a festival, and called Augustalia.[7] The Roman equites were accustomed, of their own accord, to celebrate the birthday of Augustus in every alternate year;[8] and the prætors, before any decree had been passed for the purpose, were also in the habit of exhibiting games every year in honour of Augustus. According to Dion Cassius,[9] it was not till B.C. 11 that the augustalia were established by a decree of the senate; by which augustalia he appears, from the connexion of the passage, to mean the festival celebrated on the birthday of Augustus. This account seems, however, to be at variance with the statement of Tacitus, who speaks of the augustales as first commenced in the reign of Tiberius (*ludos Augustales tunc primum cœptos turbavit discordia*[10]), to reconcile which passage with the one quoted from Dion Cassius, Lipsius, without MS. authority, changed *cœptos* into *cœpta*; but Tacitus apparently uses this expression on account of the formal recognition of the games, which was made at the beginning of the reign of Tiberius,[11] and thus speaks of them as first established at that time. They were exhibited annually in the circus, at first by the tribunes of the plebes, at the commencement of the reign of Tiberius, but afterward by the prætor peregrinus.[12] These games continued to be exhibited in the time of Dion Cassius, that is, about A.D. 230.[13]

The augustales or augustalia at Neapolis (Naples) were celebrated with great splendour. They were instituted in the lifetime of Augustus,[1] and were celebrated every five years. According to Strabo,[2] who speaks of these games without mentioning their name, they rivalled the most magnificent of the Grecian festivals. They consisted of gymnastic and musical contests, and lasted for several days.[3] At these games the Emperor Claudius brought forward a Greek comedy, and received the prize.[4]

Augustalia (Σέβαστα) were also celebrated at Alexandrea, as appears from an inscription in Gruter;[5] and in this city there was a magnificent temple to Augustus (Σεβαστεῖον, *Augustale*). We find mention of Augustalia in numerous other places, as Pergamus, Nicomedia, &c.

II. AUGUSTA'LES were an order of priests in the municipia, who were appointed by Augustus, and selected from the libertini, whose duty it was to attend to the religious rites connected with the worship of the Lares and Penates, which Augustus put in places where two or more ways met (*in compitis*[6]). The name of this order of priests occurs frequently in inscriptions, from which we learn that the Augustales formed, in most municipia, a kind of corporation, of which the first six in importance had the title of *seviri*, and the remainder that of *compitales Larum Aug.*[7] It has been maintained by some modern writers that these augustales were civil magistrates; but there is good reason for believing that their duties were entirely of a religious nature. The office, which was called *Augustalitas*, was looked upon as honourable, and was much sought after by the more wealthy libertini; and it appears that the decuriones in the municipia were accustomed to sell the dignity, since we find it recorded in an inscription that the office had been conferred gratuitously upon an individual on account of the benefits which he had conferred upon the town (*ordo decurionum ob merita ejus honorem Augustalitatis gratuitum decrevit*[8]). The number of augustales in each municipium does not appear to have had any limitation; and it seems that, in course of time, almost all the respectable libertini in every municipium belonged to the order, which thus formed a middle class between the decuriones and plebs, like the equestrian order at Rome. We find in the inscriptions of many municipia that the decuriones, seviri or augustales, and plebs, are mentioned together, as if they were the three principal classes into which the community was divided.[9]

The augustales of whom we have been speaking should be carefully distinguished from the *sodales Augustales*, who were an order of priests instituted by Tiberius to attend to the worship of Augustus.[10] They were chosen by lot from among the principal persons of Rome, and were twenty-one in number, to which were added Tiberius, Drusus, Claudius, and Germanicus.[11] They were also called *sacerdotes Augustales*;[12] and sometimes simply *Augustales*.[13] It appears that similar priests were appointed to attend to the worship of other emperors after their decease; and we accordingly find, in inscriptions, mention made of the *sodales Flavii*, *Hadrianales*, *Æliani*, *Antonini*, &c.[14]

It appears that the *flamines Augustales* ought to be distinguished from the *sodales Augustales*. We find that flamines and sacerdotes were appointed

1. (Liv., viii., 23.)—2. (De Div., ii., 31, 34.)—3. (Zosim., lib. v.)—4. (Montfaucon, Supp., vol. i., 113.)—5. (Dion, li., 19.)—6. (Suet., Octav., 59.)—7. (Dion, liv., 10.)—8. (Suet., Octav., 57.)—9. (liv., 34.; -10. (Tacit., Ann., i., 54.)—11. (Tacit., Ann., i., 15.)—12. (Tacit., Ann., i., 15.—Dion, lvi., 46.)—13. (liv., 34.)

1. (Suet., Octav., 98.)—2. (v., p. 246.)—3. (Strabo, l. c.)—4. (Suet., Claud., 11.—Compare Dion, lx., 6.)—5. (316, 2.)—6. (Schol. in Hor., Sat., ii., iii., 281.)—7. (Orelli, Inscrip., 3959.—Compare Petron., Sat., c. 30.)—8. (Orelli, 3213.)—9. (Orelli, 3939.)—10. (Tacit., Ann., i., 54.—Compare Orelli, Inscrip., 2366, 2367, &c.)—11. (Tacit., l. c.)—12. (Tacit., Ann., ii., 83.)—13. (Tacit., Hist., ii., 95.)—14. (Orelli, Inscrip., 2371, &c.)

in the lifetime of Augustus to attend to his worship; but we have the express statements of Suetonius and Dion Cassius that this worship was confined to the provinces, and was not practised in Rome, or in any part of Italy, during the lifetime of Augustus.[1] Women even were appointed priestesses of Augustus, as appears from an inscription in Gruter:[2] this practice probably took its origin from the appointment of Livia, by a decree of the senate, to be priestess to her deceased husband.[3] It seems probable that the sodales Augustales were intrusted with the management of the worship, but that the flamines Augustales were the persons who actually offered the sacrifices and performed the other sacred rites. A member of the sodales Augustales was sometimes a flamen also (*Neroni Cæsari, flamini Augustali, sodali Augustali*[4]); and it is not improbable that the flamines were appointed by the sodales.

AUGUSTUS. (*Vid.* Calendar, Roman.)

AULÆUM. (*Vid.* Siparium, Tapes, Velum.)

*AULO'PIAS (*αὐλωπίας*), a large fish, of which Ælian gives an interesting account. Rondelet refers it to the genus *Labrus*, or Wrasse, but Adams thinks it much more probable that it was a species of *Squalus*, or Shark.

AULOS (*αὐλός*), a wind instrument played with the fingers. It consisted of several parts: *γλῶττις* or *γλῶττα*, the mouthpiece, which was taken off when not used, and kept in a case (*γλωττοκομεῖον*); *ὑπόγλωττις*, the under part of the mouthpiece, often put for the mouthpiece itself; *ὄλμοι*, pieces of wood or bone inserted in the *τρυπήματα* or openings, and pushed aside, or up and down, so as to narrow or extend the compass of the scale at pleasure; *ὑφόλμιον*, similar to *ὄλμος*, but inserted in the mouthpiece so as to lessen the power of the instrument when required: it is often confounded with *ὄλμος* and *γλῶττα*. *Βόμβυξ* appears to have been the same with *ὄλμος*: according to Hesychius, it was also a kind of *αὐλός*. *Φορβεία* was not a part of the *αὐλός*, but a strap fastened at the back of the head, with a hole in front fitting to the mouthpiece. (*Vid.* Phorbeia.[5]) For an account of the different sorts of *αὐλοί*, see Tibia; and for the character of flute music, and its adaptation to the different modes, see Musica.

AU'REUS. (*Vid.* Aurum.)

AURI'GA. (*Vid.* Circus.)

*AURIPIGMENTUM. (*Vid.* Arsenicum.)

AURUM (*χρυσός*), Gold. It is stated under Argentum, that as late as the commencement of the Peloponnesian war, the Athenians had no gold coinage. It would appear from a passage in the *Antigone*,[6] that in the time of Sophocles gold was rare at Athens. Indeed, throughout the whole of Greece, though gold was by no means unknown, it appears to have been obtained chiefly through the Greek cities of Asia Minor and the adjacent islands, which possessed it in abundance. The Homeric poems speak constantly of gold being laid up in treasuries, and used in large quantities for the purpose of ornament; but this is sufficiently accounted for by the fact that Homer was an Asiatic Greek. The chief places from which the Greeks procured their gold were India, Arabia, Armenia, Colchis, and Troas. It was found mixed with the sands of the Pactolus and other rivers.

Greek Gold Money.—The time when gold was first coined at Athens is very uncertain. Aristophanes speaks in the *Frogs* (406 B.C.) of *τὸ καινὸν χρυσίον*, "the new gold money,"[7] which he immediately afterward calls *πονηρὰ χαλκία*.[8] The scholiast on this passage states that in the preceding year the golden statues of Victory had been coined into money, and he quotes Hellanicus and Philochorus as authorities for this statement. It would appear from the language both of Aristophanes and the scholiast, and it is probable, from the circumstances of Athens at the time (it was the year before the battle of Ægospotami), that this was a greatly debased gold coinage, struck to meet a particular exigency. This matter is distinct from the general question respecting the Athenian gold coinage, for the Attic money was proverbial for its purity, and the grammarians, who state that Athens had a gold coinage at an early period, speak of it as very pure. There are other passages in Aristophanes in which gold money is spoken of, but in them he is referring to Persian money, which is known to have been imported into Athens before the Athenians had any gold coinage of their own; and even this seems to have been a rarity.[1] Demosthenes always uses *ἀργυρίον* for money, except when he is speaking of foreign gold. In the speech against Phormio, where he repeatedly uses the word *χρυσίον*, we are expressly told what was the money he referred to, namely, 120 staters of Cyzicus.[2] Isocrates, who uses the word in the same way, speaks in one passage of *buying* gold money (*χρυσωνεῖν*) in exchange for silver.[3] In many passages of the orators, gold money is expressly said to have been imported from Persia and Macedonia. If we look at the Athenian history, we find that the silver mines at Laurion were regarded as one of the greatest treasures possessed by the state; but no such mention is made of gold. Thucydides,[4] in enumerating the money in the Athenian treasury at the beginning of the Peloponnesian war, does not mention gold; and Xenophon speaks of the money of Athens in a manner which would lead us to suppose that it had no gold coinage in his time.[5] The mines of Scaptehyle, in Thrace, were indeed worked some years before this period,[6] but the gold procured from them does not appear to have been coined, but to have been laid up in the treasury in the form of counters (*φθοιδες*[7]). Foreign gold coin was often brought into the treasury, as some of the allies paid their tribute in money of Cyzicus. The gold money thus introduced may have been allowed to circulate, while silver remained the current money of the state.

The character of the Attic gold coins now in existence, and their small number (about a dozen), is a strong proof against the existence of a gold currency at Athens at an early period. There are three Attic staters in the British Museum, and one in the Hunterian Museum at Glasgow, which there is good reason to believe are genuine; their weights agree exactly with the Attic standard. In the character of the impression, they bear a striking resemblance to the old Attic silver; but they differ from it by the absence of the thick, bulky form, and the high relief of the impression which is seen in the old silver of Athens, and in the old gold coins of other states. In thickness, volume, and the depth of the die from which they were struck, they closely resemble the Macedonian coinage. Now, as upon the rise of the Macedonian empire, gold became plentiful in Greece, and was coined in large quantities by the Macedonian kings, it is not improbable that Athens, like other Grecian states, may have followed their example, and issued a gold coinage in imitation of her ancient silver. On the whole, it appears most probable that gold money

1. (Tacit., Ann., i., 10.—Suet., Octav., 52.—Dion, li., 20.)—2. (320, 10.)—3. (Dion, lvi., 46.)—4. (Orelli, Inscrip., 2366, 2368.)—5. (Hesych. in vocibus.—Pollux, Onom., iv., 67.—Salmas., Plin. Exer., p. 120, *a.* 6.—Bartholini, De Tibiis, p. 62.)—6 (v., 1038.)—7 (v., 719.)—8. (v., 724.)

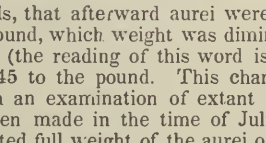
1. (*Vid.* Aristoph., Acharn., v., 102, 108.—Equit., v., 470 — Av., v., 574.) — 2. (p. 914. — Compare his speech, *πρὸς Λακρίτ.*, p. 935.) — 3. (Trapezit., p. 367.) — 4. (ii., 13.) — 5 (Vectigal, iv., 10.)—6. (Thucyd., iv., 105.)—7. (Böckh, Inscrip., vol. i., p. 145, 146.)

was not coined at Athens in the period between Pericles and Alexander the Great, if we except the solitary issue of debased gold in the year 407.

A question similar to that just discussed arises with respect to other Greek states, which we know to have had a silver currency, but of which a few gold coins are found. This is the case with Ægina, Thebes, Argos, Carystus in Eubœa, Acarnania, and Ætolia. But of these coins, all except two bear evident marks, in their weight or workmanship, of belonging to a period not earlier than Alexander the Great. There is great reason, therefore, to believe that no gold coinage existed in Greece Proper before the time of that monarch.

But from a very early period the Asiatic nations, and the Greek cities of Asia Minor and the adjacent islands, as well as Sicily and Cyrene, possessed a gold coinage, which was more or less current in Greece. Herodotus[1] says that the Lydians were the first who coined gold, and the stater of Crœsus appears to have been the earliest gold coin known to the Greeks. The Daric was a Persian coin. Staters of Cyzicus and Phocæa had a considerable currency in Greece. There was a gold coinage in Samos as early as the time of Polycrates.[2] The islands of Siphnus and Thasos, which possessed gold mines, appear to have had a gold coinage at an early period. In most of the coins of the Greek cities of Asia Minor the metal is very base. The Macedonian gold coinage came into circulation in Greece in the time of Philip, and continued in use till the subjection of Greece to the Romans. (*Vid.* Daricus, Stater.)

Roman Gold Money.—The standard gold coin of Rome was the *aureus nummus*, or *denarius aureus*, which, according to Pliny,[3] was first coined 62 years after the first silver coinage (*vid.* Argentum), that is, in the year 207 B.C. The lowest denomination was the *scrupulum*, which was made equal to 20 sestertii. The weight of the scrupulum, as determined by Mr. Hussey,[4] was 18·06 grs. In the British Museum there are gold coins of one, two, three, and four scrupula, the weights of which are 17·2, 34·5, 51·8, and 68·9 grains respectively. They bear a head of Mars on one side, and on the other an eagle standing on a thunderbolt, and beneath the inscription "Roma." The first has the mark xx (20 sestertii); the second, xxxx (40 sestertii): the third, lx (60 sestertii). Of the last we subjoin an engraving:



Pliny adds, that afterward aurei were coined of 40 to the pound, which weight was diminished, till, under Nero (the reading of this word is doubtful), they were 45 to the pound. This change is supposed, from an examination of extant specimens, to have been made in the time of Julius Cæsar. The estimated full weight of the aurei of 40 to the pound is 130·1 grains; of those of 45 to the pound, 115·64 grains. No specimens exist which come up to the 130·1 grains; the heaviest known is one of Pompey, which weighs 128·2 grains. The average of the gold coins of Julius Cæsar is fixed by Letronne at 125·35 grains, those of Nero, 115·39 grains. Though the weight of the aureus was diminished, its proportion to the weight of the denarius remained about the same, namely, as 2 : 1 (or rather, perhaps, as 2·1 : 1). Therefore, since the standard weight of the denarius, under the early emperors, was 60 grains, that of the aureus should be 120. The average weight of the aurei of Augustus, in the British Museum, is 121·26 grains: and as the weight was afterward diminished, we may take the average at 120 grains.

There seems to have been no intentional alloy in the Roman gold coins, but they generally contained a small portion of native silver. The average alloy is $\frac{1}{100}$.

The aureus of the Roman emperors, therefore, contained $\frac{120}{100} = \cdot 4$ of a grain of alloy, and, therefore, 119·6 grains of pure gold. Now a sovereign contains 113·12 grains of pure gold. Therefore the value of the aureus in terms of the sovereign is $\frac{119}{113} : \frac{6}{12} = 1 \cdot 0564 = 1l.\ 1s.\ 1d.$ and a little more than a halfpenny. This is its value according to the present worth of gold; but its current value in Rome was different from this, on account of the difference in the worth of the metal. The aureus passed for 25 denarii; therefore, the denarius being $8\frac{1}{2}d.$, it was worth $17s.\ 8\frac{1}{2}d.$ The ratio of the value of gold to that of silver is given in the article Argentum.

The following cut represents an aureus of Augustus in the British Museum, which weighs 121 grains:

Alexander Severus coined pieces of one half and one third of the aureus, called *semissis* and *tremissis*,[1] after which time the aureus was called *solidus*.

Constantine the Great coined aurei of 72 to the pound, at which standard the coin remained to the end of the Empire.[2]

AURUM CORONA'RIUM. When a general in a Roman province had obtained a victory, it was the custom for the cities in his own provinces, and for those from the neighbouring states, to send golden crowns to him, which were carried before him in his triumph at Rome.[3] This practice appears to have been borrowed from the Greeks; for Chares relates, in his history of Alexander,[4] that after the conquest of Persia, crowns were sent to Alexander which amounted to the weight of 10,500 talents. The number of crowns which were sent to a Roman general was sometimes very great. Cn. Manlius had 200 crowns carried before him in the triumph which he obtained on account of his conquest of the Gauls in Asia.[5] In the time of Cicero, it appears to have been usual for the cities of the provinces, instead of sending crowns on occasion of a victory, to pay money, which was called *aurum coronarium*.[6] This offering, which was at first voluntary, came to be regarded as a regular tribute, and seems to have been sometimes exacted by the governors of the provinces even when no victory had been gained. By a law of Julius Cæsar,[7] it was provided that the aurum coronarium should not be given unless a triumph was decreed; but under the emperors it was exacted on many other occasions, as, for instance, on the adoption of Antoninus Pius.[8] It continued to be collected, apparently as a part of the revenue, in the time of Valentinian and Theodosius.[9]

1. (i., 94.)—2. (Herod., iii., 56.)—3. (H. N., xxxiii., 13.)—4 (Ancient Weights and Money.)

1. (Lamprid., Alex. Sev., c. 39.)—2. (Cod. x., tit. 70, s. 5.—Hussey on Ancient Weights and Money.—Wurm, De Pond., &c.)—3. (Liv., xxxviii., 37; xxxix., 7.—Festus, s. v. Triumphales Coronæ.)—4. (ap. Athen. xii., p. 539, A.)—5. (Liv., xxxix., 7.)—6. (Cic., Leg. Agr., ii., 22.—Aul. Gell., v., 6.—Monum. Ancyr.)—7. (Cic. in Pis., c. 37.)—8. (Capitolin., Anton. Pius, c. 4.)—9. (Cod. x., tit. 74.)

Servius says[1] that aurum coronarium was a sum of money exacted from conquered nations, in consideration of the lives of the citizens being spared; but this statement does not appear to be correct.

AURUM LUSTRA'LE was a tax imposed by Constantine, according to Zosimus,[2] upon all merchants and traders, which was payable at every lustrum, or every four years, and not at every five, as might have been expected from the original length of the lustrum. This tax was also called *auri et argenti collatio* or *præstatio*, and thus, in Greek, *ἡ συντέλεια ἡ τοῦ χρυσαργύρου*.[3] It appears from an inscription in Gruter[4] that there was a distinct officer appointed to collect this tax (*auri lustralis coactor*).

AUSPI'CIUM originally meant a sign from birds. The word is derived from *avis*, and the root *spec*. As the Roman religion was gradually extended by additions from Greece and Etruria, the meaning of the word was widened, so as to include any supernatural sign. The chief difference between *auspicium* and *augurium* seems to have been, that the latter term is never applied to the *spectio* of the magistrate. (*Vid.* AUGUR.)

Whoever has thought on this part of the Roman religion cannot but feel astonished at its exceeding simplicity. The rudest observations on the instinct of birds, such as the country people make in all ages, were the foundation of the Roman belief. The system outlived the age for which it was adapted and in which it arose. Its duration may be attributed to its convenience as a political instrument: at length, as learning and civilization increased, it ceased to be regarded in any other light.

Yet, simple as the system appears, of its innumerable details only a faint outline can be given.[5] Birds were divided into two classes, *oscines* and *præpetes*; the former gave omens by singing, the latter by their flight and the motion of their wings. Every motion of every bird had a different meaning, according to the different circumstances or times of the year when it was observed. Many signs were supposed to be so obvious, that any, not blinded by fate, might understand them; and much was not reducible to any rule, the meaning of which could only be detected by the discrimination of augurs.

Another division of birds was into *dextræ* and *sinistræ*, about the meaning of which some difficulty has arisen, from a confusion of Greek and Roman notions in the writings of the classics. The Greeks and Romans were generally agreed that auspicious signs came from the east; but as the Greek priest turned his face to the north, the east was on his right hand; the Roman augur, with his face to the south, had the east on his left. The confusion was farther increased by the euphemisms common to both nations; and the rule itself was not universal, at least with the Romans: the jay when it appeared on the left, the crow on the right, being thought to give sure omens.[6]

The auspices were taken before a marriage,[7] before entering on an expedition,[8] before the passing of laws or election of magistrates, or any other important occasion, whether public or private. Candidates for public offices used to sleep without the walls on the night before the election, that they might take the auspices before daylight. In early times, such was the importance attached to them, that a soldier was released from the military oath if the auspices had not been duly performed.

The commander-in-chief of an army received the *auspicia*, together with the *imperium*, and a war was therefore said to be carried on *ductu et auspicio imperatoris*, even if he were absent from the army; and thus, if the legatus gained a victory in the absence of his commander, the latter, and not his deputy, was honoured by a triumph.

The ordinary manner of taking the auspices was as follows: The augur went out before the dawn of day, and, sitting in an open place, with his head veiled, marked out with a wand (*lituus*) the divisions of the heavens. Next he declared, in a solemn form of words, the limits assigned, making shrubs or trees, called *tesqua*,[1] his boundary on earth correspondent to that in the sky. The *templum augurale*, which appears to have included both, was divided into four parts: those to the east and west were termed *sinistræ* and *dextræ*; to the north and south, *anticæ* and *posticæ*. (*Vid.* AGRIMENSORES.) If a breath of air disturbed the calmness of the heavens (*si silentium non esset*[2]), the auspices could not be taken, and, according to Plutarch,[3] it was for this reason the augurs carried lanterns open to the wind. After sacrificing, the augur offered a prayer for the desired signs to appear, repeating, after an inferior minister, a set form: unless the first appearances were confirmed by subsequent ones, they were insufficient. If, in returning home, the augur came to a running stream, he again repeated a prayer, and purified himself in its waters; otherwise the auspices were held to be null.

Another method of taking the auspices, more usual on military expeditions, was from the feeding of birds confined in a cage, and committed to the care of the *pullarius*. An ancient decree of the college of augurs allowed the auspices to be taken from any bird.[4] When all around seemed favourable (*silentio facto, h. e. quod omni vitio caret*), either at dawn[5] or in the evening, the pullarius opened the cage, and threw to the chickens pulse, or a kind of soft cake. If they refused to come out,[6] or to eat, or uttered a cry (*occinerent*), or beat their wings, or flew away, the signs were considered unfavourable, and the engagement was delayed. On the contrary, if they ate greedily, so that something fell and struck the earth (*tripudium solistimum*,[7] *tripudium* quasi *terripavium*, *solistimum*, from *solum*, the latter part of the word probably from the root of *stimulo*), it was held a favourable sign. Two other kinds of *tripudia* are mentioned by Festus, the *tripudium oscinum*, from the cry of birds, and *sonivium*, from the sound of the pulse falling to the ground.[8]

The place where the auspices were taken, called *auguraculum*, *augurale*, or *auguratorium*, was open to the heavens: one of the most ancient of these was on the Palatine Hill, the regular station for the observations of augurs. Sometimes the auspices were taken in the Capitol, or in the pomœrium. In the camp, a place was set apart to the right of the general's tent.[9] On other occasions, when the auspices were taken without the walls, the augur pitched a tent after a solemn form: if he repassed the pomœrium without taking the auspices, it was necessary that the tent should be taken down and dedicated anew.[10]

The lex Ælia and Fufia provided that no assemblies of the people should be held, *nisi prius de cœlo servatum esset*.[11] It appears to have confirmed to the magistrates the power of *obnunciatio*, or of interposing a veto. (*Vid.* AUGUR.)

Auspicia were said to be *clivia*, prohibitory, *impe*

1. (In Virg., Æn., viii., 721.)—2. (ii., 38.)—3. (Cod. 11, tit. 1. —Cod. Theodos., 13, tit. 1.)—4. (p. 347, n. 4.)—5. (*Vid.* Niphus, De Auguriis —Bulengre, De Aug.—Dempster, Antiq. Rom., lib. iii.)—6. (Hor., Od., III., xxvii., 11–16.—Ep., I., vii., 52.—Virg., Æn., ii., 693.—Eclog., ix., 15.—Persius, Sat., v., 114.)—7. (Cic., De Div., i., 11.)—8 (Plut. Marc. Crass.)

1. (Varro, De Ling. Lat., vi., 4.)—2. (Cic., De Div., ii., 34.) —3. (Quæst. Rom.)—4. (Cic., De Div., ii., 34.)—5. (Liv., x., 40.)—6. (Val. Max., i., 4.)—7. (Cic., De Div., ii., 34.)—8. (Cic., Ep. ad Fam., vi., 6.—Serv. in Æn., iii., 90: "Tremere omnia visa repente.")—9. (Tacit., Ann., ii., 13.)—10. (Val. Max., i., 1.) —11. (Cic., Pro Sextio, c. 17.—Pro Vat., c. 9.)

rativa or *impetrita*, obtained by prayer, opposed to *oblativa*, spontaneous; *majora* those of the higher, *minora* of the inferior magistrates; *coacta*, when the chickens were starved by the pullarius into giving favourable signs;[1] *ex acuminibus*, from the brightness or sharpness of weapons, an art which Cicero[2] laments as lost in his own day; *juge auspicium*, from birds reappearing in pairs; *pedestre*, from animals; *cæleste* (*διοσημία*), from lightning, &c.; *præterniire*, before passing the borders (*διαβατήρια*); *perenne*, before crossing a river; *viale* (*εἰνόδιον*), an omen in the way.[3]

Augurium salutis was taken once during the year, and only in time of peace,[4] to inquire of the gods concerning the well-being of the state.

The *avis sangualis* (a kind of eagle, probably the osprey) was so called from the Sabine god Sancus, as were the *Titiæ aves*, according to Varro,[5] from the *sodales Titii*. Both were in high esteem with the augurs. The owl, the swallow, the jay, the woodpecker, were almost always inauspicious: the eagle, the bird of Jupiter, on the other hand, was generally a messenger of good, as also the heron. The crow, before a marriage, was considered an omen of matrimonial happiness.

The curious in such matters may find a vast number of similar particulars in Bulengre,[6] which is printed in the fifth volume of the *Thesaurus* of Grævius.

*AUSTERA'LIS, a plant mentioned by Apuleius, and the same with the *Sisymbrium*. (*Vid.* Sisymbrium.)

*AUTACHA'TES (*αὐταχάτης*), a species of Agate, which diffused, when burned, according to Pliny, a fragrance resembling that of myrrh. Salmasius conjectures *stactachates*, in the text of Pliny, for *autachates*: "*Stactachates sic dictus, quod stactæ odorem, id est myrrhæ, haberet ustus.*" He has no MS. authority, however, in his favour.[7]

AUTHEN'TICA. (*Vid.* Novellæ.)

AUTHEPSA (*αὐθέψης*), which literally means "self-boiling" or "self-cooking," was the name of a vessel, which is supposed by Böttiger to have been used for heating water, or for keeping it hot. Its form is not known for certain; but Böttiger[8] conjectures that a vessel, which is engraved in Caylus, is a specimen of an authepsa.[9]

Cicero[10] speaks of authepsæ among other costly Corinthian and Delian vessels. In later times they were made of silver.[11] Voss, in his commentary on Catullus,[12] compares this vessel with the Greek *ἱπνολέβης*, which occurs in Lucian[13] and Athenæus.[14]

ΑΥΤΟΜΟΛΙΑΣ ΓΡΑΦΗ (*αὐτομολίας γραφή*) was the accusation of persons charged with having deserted and gone over to the enemy during war. There are no speeches extant upon this subject. Petitus, however, collects[15] from the words of a commentator upon Demosthenes (Ulpian), that the punishment of this crime was death. Meier[16] awards the presidency of the court in which it was tried to the generals; but the circumstance of persons who left the city in times of danger, without any intention of going over to the enemy, being tried by the Areiopagus as traitors (*προδόται*[17]), will make us pause before we conclude that persons not enlisted as soldiers could be indicted of this offence before a military tribunal

AUTON'OMI (*αὐτονόμοι*) was the name given by the Greeks to those states which were governed by their own laws, and were not subject to any foreign power.[1] This name was also given to those cities subject to the Romans, which were permitted to enjoy their own laws, and elect their own magistrates (*Omnes, suis legibus et judiciis usa αὐτονομίαν adeptæ, revixerunt*[2]). This permission was regarded as a great privilege and mark of honour, and we accordingly find it recorded on coins and medals, as, for instance, on those of Antioch, ΑΝΤΙΟΧΕΩΝ ΜΗΤΡΟΠΟΛ. ΑΥΤΟΝΟΜΟΥ; on those of Halicarnassus, ΑΛΙΚΑΡΝΑΣΣΕΩΝ ΑΥΤΟΝΟΜΩΝ, and on those of many other cities.[3]

ΑΥΤΟΤΕΛΗΣ ΔΙΚΗ. (*Vid.* Dike.)

AUXILIA'RES. (*Vid.* Socii.)

AXAMEN'TA. (*Vid.* Salii.)

AXI'NE (*ἀξίνη*). (*Vid.* Securis.)

AX'ONES (*ἄξονες*) were wooden tablets of a square or pyramidal form, made to turn on an axis, on which were written the laws of Solon. They were at first preserved in the Acropolis, but were afterward placed, through the advice of Ephialtes, in the Agora, in order that all persons might be able to read them.[4] According to Aristotle,[5] they were the same as the *κύρβεις*. A small portion of them was preserved in the time of Plutarch (*l. c.*) in the Prytaneum.[6]

B.

BABYLO'NICUM, a Babylonian shawl. The splendid productions of the Babylonian looms, which appear, even as early as the days of Joshua, to have excited universal admiration,[7] were, like the shawls of modern Persia, adorned both with gold and with variously coloured figures. Hence Publius Syrus[8] compares a peacock's train to a figured Babyloni cum, enriched with gold (*plumato aurco Babylonicc*). Lucretius[9] and Martial[10] celebrate the magnificence of these textures, and Pliny[11] mentions the enormous prices of some which were intended to serve as furniture for triclinia (*tricliniaria Babylonica*). Nevertheless, Plutarch informs us, in his life of the elder Cato, that when one of these precious shawls (*ἐπίβλημα τῶν ποικίλων Βαβυλώνικον*) was bequeathed to him, he immediately gave it away. (*Vid.* Pallium, Peristroma, Stragulum.)

BACCA. (*Vid.* Inauris, Monile.)

*BACCAR or BACC'ARIS (*βάκκαρις*), a plant. "Even in ancient times," remarks Adams, "it was a matter of dispute what this was. Galen says that the term had been applied both to an herb and a Lydian ointment. Of modern authorities, some have supposed it to be *Clary*, some *Fox-glove*, and some *Avens*, or *Bennet*; but all these opinions are utterly at variance with its characters as given by Dioscorides.[12] Dr. Martyn remarks that many hold it to be spikenard, but he is rather inclined to identify it with the *Conyza* of the ancients.[13] Matthiolus, in like manner, and Bauhin, point to the *Conyza squarrosa*, L.; which I think the most probable conjecture that has been formed respecting it, though it does not satisfy Sprengel. Dierbach, however, contends for its being the *Gnaphalium sanguineum*, or Bloody Cudweed. Sprengel makes the '*Baccar*' of Virgil[14] to have been the *Valeriana Celtica*, Celtic Valerian."[15] A species of aromatic oil or unguent was made out of the root of the *Baccar*, called *βακχάρινον μύρον*.

1. (Cic., De Div., ii., 35.)—2. (De Div., ii., 30.)—3. (Hor., Od., III., xxvii., 1-7.)—4. (Dion, li., p. 457.)—5. (De Ling. Lat., iv., 15; the same with *titus*, a sort of dove.)—6. (De Auguriis, lib. ii.)—7. (Plin., H. N., xxxvii., 54.—Salmas. in loc.)—8. (Sabina, vol. ii., p. 30.)—9. (Recueil d'Antiquités, vol. ii., tab. 27.) -10. (Pro Rosc. Amer., c. 46.)—11. (Lamprid., Heliogab., 19; but the reading is doubtful.)—12. (p. 318.)—13. (Lexiph., 8.)—14. (Casaubon. Animadv. in Athen., iii., 20.)—15. (Leg. Att., 674.)—16. (Att. Process, 36[5].)—17. (Æsch. in Ctes., 106, Thyl.—Lycurg., c Leocrat.)

1. (Thucyd., v., 18, 27.—Xen., Hellen., v., 1, § 31.) –2. (Cic., ad Att., vi., 2.)—3. (Spanh., De Præst. et Usu Numism., p. 789, Amst., 1671.)—4. (Plut., Sol., 35.—Schol. in Aristoph., Av., 1360; and the authorities quoted in Petit., Leg Att., p. 178, and Wachsmuth, i., 1, p. 266.)—5. (ap. Plut., Sol., 25.)—6. (Compare Paus., i., 18, § 3.)—7. (Josh., vii., 21.)—8. (ap. Petron., c. 55.)—9. (iv., 1023.)—10. (viii., 28.)—11. (viii., 74.)—12. (iii., 44.)—13. (in Virg. Eclog., iv., 19.)—14. (Virg., l. c.)—15. (Adams, Append., s. v Billerbeck, Flora Classica, p. 215.)

BACCHANA'LIA. (*Vid.* DIONYSIA.)

BAC'ULUS, *dim.* BACILLUS, BACILLUM (*βάκτρον, σκῆπτρον*), a staff, a walking-stick.

The aid afforded by the *βάκτρον* to the steps of the aged is recognised in the celebrated enigma of the Sphinx, which was solved by Œdipus.[1] In his old age, Œdipus himself is represented asking his daughter for the same support: *Βάκτρα πρόσφερ', ὦ τέκνον.*[2] When, in Ovid's Metamorphoses, certain of the gods (viz., Minerva[3] and Vertumnus[4]) assume the garb of old women, they take the baculus to lean upon. On the other hand, an old man in Juvenal,[5] describing himself as still hale and vigorous, says that he walked without a stick (*nullo dextram subeunte bacillo*).

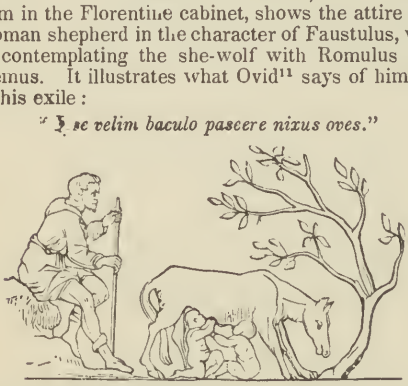
If the loss of sight was added to infirmity, the staff was requisite for direction as well as for support. To the blind seer Tiresias one was given, which served him instead of eyes (*μέγα βάκτρον,*[6] *σκῆπτρον*[7]). Homer represents him as carrying it even in Erebus.[8]

A dutiful and affectionate daughter is figuratively called the staff of her aged parents. Thus Hecuba describes Polyxena (*βάκτρον*[9]), and the same beautiful metaphor is applied to Antigone and Ismene, the daughters of Œdipus (*σκήπτρῳ*[10]).

The staff and wallet were frequently borne by philosophers, and were more especially characteristic of the Cynics. (*Vid.* PERA.)

The shepherds also used a straight staff as well as a crook. The annexed woodcut, taken from a gem in the Florentine cabinet, shows the attire of a Roman shepherd in the character of Faustulus, who is contemplating the she-wolf with Romulus and Remus. It illustrates what Ovid[11] says of himself in his exile:

"*Ut me velim baculo pascere nixus oves.*"



Among the gods, Æsculapius,[12] Janus,[13] and occasionally Somnus,[14] were represented as old men leaning on a staff.

It appears that the kings of Sparta carried a truncheon (*βακτηρία*) as the ensign of their authority.[15] On the occasion of one of them lifting it up in a threatening attitude, Themistocles returned the celebrated answer, "Strike, but hear." In reference to this custom, the truncheon (*baculus*) was carried in the hand by actors on the Roman stage.[16] The dicasts at Athens received, at the time of their appointment, a *βακτηρια* and *συμβόλον* as a mark of their authority.[17]

Crooked sticks were carried by men of fashion at Athens (*βακτηρίαι τῶν σκολιῶν ἐκ Λακεδαίμονος*[18]).

As *baculus* was a general term, its application in various specific senses is farther explained under LITUUS, PEDUM, SCEPTRUM, VIRGA.

BAKTE'RIA (*βακτηρία*). (*Vid.* BACULUS.)

1. (Apollodor., iii., 5.—Schol. in Eurip., Phœn., 50.)—2. (Eurip., Phœn., 1742.—Compare 1560.)—3. (vi., 27.)—4. (xiv., 655.)—5. (Sat., iii., 27.)—6. (Callim., Lav. Pall., 127.)—7. (Apollodor., iii., 6.)—8. (Od., xi., 91.)—9. (Eurip., Hec., 278.)—10. (Soph., Œd. Col., 844, 1105.)—11. (De Ponto, i., 8.)—12. (Ovid, Met., xv., 655.)—13. (Fast., i., 177.)—14. (Bas-relief in Villa Albani.)—15 (Thucyd., viii., 84.—Duker in loc.)—16. (Suet., Ner., 24.)—17. (Demosth., De Cor., p. 298.—Taylor in loc.)—18. (Theophrast., Char., 5.)

BÆBIA ÆMILIA LEX. (*Vid.* AMBITUS.)

*BALÆ'NA (*φάλαινα*), the Whale. After the conquest of Britain by the Romans, it is not improbable that they may have acquired some knowledge of the *Balæna mysticetus*, or Great Greenland Whale, and that it may be the *Balæna* of Britain to which Juvenal[1] alludes. The ancients were also acquainted with the *Balæna Physalus*, the Gibbar or fin-fish. (*Vid.* PHYSALUS.) There can be no doubt, however, that the *φάλαινα* of Aristotle and Ælian, as well as of Xenocrates and Galen, was the *Physeter microps*, L., the Cachalot or Spermaceti whale.[2]

*BAL'ANUS (*βάλανος*). I. A crustaceous fish described by Aristotle and Xenocrates, and which, according to Coray, is the *Lepas Balanus*, L., called in English the Barnacle.[3]

II. (*Βάλανος μυρεψική*), the *Nut-Ben*, from which a perfume was obtained by the ancients.[4] Dioscorides says, "It is the fruit of a tree resembling the Myrica, like what is called the Pontic bean, the inner part of which, when pressed, like bitter almonds, emits a liquid that is used for preparing many ointments." Moses Charras says of it, "The Nut-Ben, called by the Greeks *Balanus Myrepsica*, by the Romans *Glans Unguentaria*, affords its oil by pressing in the same manner as other fruits." The tree which furnishes the Nut-Ben has got the name of *Hyperanthera moringa*, Vahl., in English, the Smooth Bonduc-tree. "It is worthy of remark, that the Nut-Ben is called also *Myrobalanum* by the Greeks and Romans, a term which it is important that the reader should not confound with the Myrobalans of the Arabians and of the moderns. These are all stone-fruits got from the East. The only Greek authors who make mention of the latter are Actuarius, Zosimus Panopolita, and Myrepsus."[5]

BAL'ATRO, a professional jester, buffoon, or parasite.[6] In Horace,[7] Balatro is used as a proper name—Servilius Balatro. An old scholiast, in commenting on this word, derives the common word from the proper names; buffoons being called balatrones, because Servilius Balatro was a buffoon: but this is opposed to the natural inference from the former passage, and was said to get rid of a difficulty. Festus derives the word from blatea, and supposes buffoons to have been called balatrones, because they were dirty fellows, and were covered with spots of mud (*blateæ*), with which they got spattered in walking; but this is opposed to sound etymology and common sense. Another writer has derived it from barathrum, and supposes buffoons to have been called balatrones, because they, so to speak, carried their jesting to market, even into the very depth (*barathrum*) of the shambles (*barathrum macelli*[8]). According to some readings, Lucretius[9] has *barathro* in a similar sense to *balatro*. Perhaps balatro may be connected with *bala-re* (to bleat like a sheep, and hence) to speak sillily. It is probably connected with *blatero*, a busy-body.[10] Balatrones were paid for their jests, and the tables of the wealthy were generally open to them for the sake of the amusement they afforded the company.

*BAL'ERUS (*βάλερος*), a fish of the Carp species. Artedi supposes it a species of *Cyprinus*, called in French *Bordeliere*, and in German *Blick*.[11]

BALIS'TA, BALLIS'TA. (*Vid.* TORMENTUM.)

*BALLO'TE (*βαλλωτή*), a plant. Pliny[12] calls it "*porrum nigrum*," confounding, apparently, *πράσον* with *πράσιον*. In another place[13] he describes it as

1. (Sat., x., 14.)—2. (Aristot., H. A., i., 5; viii., 2.—Ælian, N. A., ii., 52; v., 48; ix., 50.—Adams, Append., s. v.)—3. (Adams, Append., s. v.)—4. (Hor., Od., iii., 29, 4.)—5. (Dioscor., iv., 157.—Paul. Ægin., vii.—Plin., H. N., xii., 21.—Adams, Append., s. v.)—6. (Hor., Sat., I., ii., 2.)—7. (Sat., II., viii., 21.)—8. (Hor., Ep., I., xv., 31.)—9. (iii., 966.)—10. (Aul. Gell., i., 15.)—11. (Aristot., H. A., viii., 20.—Adams, Append., s. v.)—12. (H. N., xxvii., 30.)—13 (H. N., xx., 89.)

a species of Horehound, under the name of "*Marrubium nigrum*," which, as Hardouin remarks, is evidently the *Ballote*.[1] Bauhin accordingly marks his sixth species of Marrubium, namely, his *Marrubium nigrum fœtidum*, as the *Ballote Dioscor.* Sprengel refers it to the *Ballote nigra*, L., to which Miller gives the English name of "stinking Black Horehound." Sibthorp, however, prefers a species of Dead Nettle, namely, the *Lamium Striatum*.[2]

BAL'NEUM. (*Vid.* Bath.)

*BAL'SAMUM (*βάλσαμον*), the Balsam-tree, and also the Balsam itself exuded from it. The latter, however, is more correctly called *Opobalsamum*. "Writers describe Opobalsamum," says Moses Charras, "as a thick, transparent juice or liquor, in smell resembling turpentine, but much more pleasing. It ought to distil, after incision made in the dog-days, from the branches of a shrub called *Balsamum*." Sprengel gives an interesting account of the Balsamum. He comes to the conclusion that the *Opobalsamum* is the product of two different species of shrub, namely, the *Amyrus Gilcadensis* and the *A. Opobalsamum*, which, however, are referred to the same species by Belon. The most celebrated balsam among the Romans was the one to which we are now referring, and which is known at the present day by the names of Balsam of Judæa, Mecca, Egypt, and Syria. "There are different kinds of this that now form objects of commerce; but the one which the Romans prized most, namely, that obtained from the *Amyrus Opobalsamum*, rarely reaches Europe, being nearly all consumed in the East. What is sold in the shops is an inferior kind of Balsam, obtained by decoction. The Arabs at the present day call the Amyrus Opobalsamum by the name of *bachâm*, which we may recognise as the *A. Gilcadensis* in the description given of their *balsân* or *balasân* by Avicenna and Abdoul-Latif."[3]

BAL'TEUS (*τελαμών*), a belt, a shoulder-belt, a baldric.

This part of the ancient armour was used to suspend the sword; and, as the sword commonly hung beside the left hip, its belt was supported by the right shoulder, and passed obliquely over the breast, as is seen in the beautiful cameo here introduced from the Florentine Museum. This figure, executed by Quintus, the son of Alexander, is supposed to represent Achilles, and may be compared with that of the Greek warrior in p. 94, which shows the sword-belt descending obliquely over the back.

The figure of the Roman in page 95, on the other hand, shows a belt passing over the left shoulder, as when it was used to support a dagger or other weapon hanging on the right side.

1. (In Plin., H. N., xx., 89.)—2. (Dioscor., iii., 108.—Adams, Apocnd., s. v.) —3. (Dioscor., i., 18.—Theophrast., ix., 1; ix., 6.)

In the Homeric times the Greeks also used a belt to support the shield, which, as well as the sword, was worn by them on the left side; and this second belt lay over the other, and was larger and broader than it (*τελαμὼν ἀσπίδος*;[1] *πλατέος τελαμῶνος*;[2] *ἀσπὶς σὺν τελαμῶνι*;[3] *Vid.* Ægis, p. 26). The two belts upon the breast of Ajax, the son of Telamon, who carried a remarkably heavy shield, are mentioned in the Iliad.[4] But, although he was saved by this double covering from being wounded by Hector's spear, yet the language of Homer[5] clearly implies that the practice alluded to was on the field of battle productive of great heat and annoyance; and this circumstance probably led to the disuse of the oppressive shield-belt, and to the invention of the Carian *ὄχανον* by which it was superseded. (*Vid.* Clipeus.) The ancient practice must also have occasioned some inconvenience in putting on the armour. The circumstance to which some of the Alexandrine critics objected, that Homer makes his heroes assume the shield before the helmet, may be explained from the impossibility of throwing the shield-belt over the lofty crest of the helmet, supposing the helmet to have been put on first; and yet a warrior, already encumbered with his large and ponderous shield, might have had some difficulty in putting on his helmet. The very early disuse of the shield-belt accounts for the fact, that, except in the case of the Ægis, which was retained on account of its mythological importance, this part of the ancient armour is never exhibited in paintings or sculptures. Even the author of the Shield of Hercules[6] supposes it to be omitted.

A third use of the balteus was to suspend the quiver, and sometimes, together with it, the bow. Hence Nemesianus, describing the dress of Diana, when she attires herself for the chase, says,

"*Corrugesque sinus gemmatus balteus artet.*"[7]

And a similar expression (*balteus et revocet volucres in pectore sinus*) is used by Livius Andronicus;[8] because the belt, besides fulfilling the purpose for which it was intended, of supporting the quiver, also confined the garments, and prevented them from being blown about by the wind. This belt passed over the right shoulder and under the left arm, in the same manner with the others.

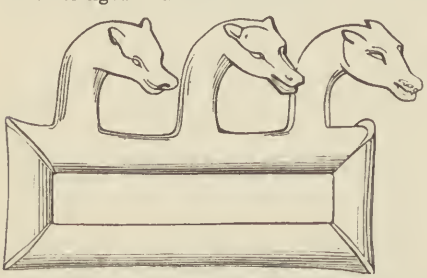
According to Theocritus, Amphitryon used a sword-belt made of cloth, linen being probably intended (*νεοκλώστω τελαμῶνος*[9]). More commonly the belt, whether employed to support the sword, the shield, or the quiver, was made of leather (*τελαμῶσι σκυτίνοισι*[10]). It was ornamented (*φαεινός*,[11] *Insignis balteus auro*[12]). That which Agamemnon wore with his shield was plated with silver, and on it was also displayed a serpent (*δράκων*[13]) wrought in blue steel. The three heads of the serpent (*κεφαλαὶ τρεῖς ἀμφιστρεφέες*) were turned back, so as to form hooks for fastening the two ends of the belt together. When, in the shades below, Ulysses meets Hercules armed with his bow and arrows (*vid.* Arcus), he wears on his breast a golden belt for suspending his quiver (*ἀορτὴρ χρύσεος τελαμώνι*[14]), on which are embossed both the animals of the chase and exhibitions of the slaughter of men. In a passage already quoted, Diana's belt is described as enriched with jewels. In like manner, Æneas gives as a prize in the games at his father's tomb a quiver full of arrows, with the belt belonging to it, which was covered with gold, and had a buckle, or rath-

1. (Il., ii., 388; iii., 334.—Schol. ad loc.)—2. (Il., v., 796-798.)—3. (Il., xvi., 803.)—4. (xiv., 404-406.)—5. (Il. cc.)—6. (l. 122-139.)—7. (Cyneg., 91.)—8. (ap. Terent. Maur.)—9. (Idyll., xxiv., 44.)—10. (Herod., i., 171.)—11. (Il., xii., 401.)—12 (Val. Flac., v., 139.)—13. (Il., xi., 39.)—14. (Od., xi., 609.)

ei, perhaps, a button (*fibula*), enriched with a gen..[1] We may presume that, in the sword-belt described by Valerius Flaccus,[2]

> "*Qua cærulus ambit*
> *Balteus, et gemini committunt ora dracones*,"

the faster..ng was made by the tasteful joining of the two dragons' heads. The annexed woodcut shows a bronze clasp, with three dragons' heads, which is in the collection of ancient armour at Goodrich Court, in Herefordshire, and which seems to have belonged to a Roman balteus.



A sword-belt enriched with gold, on which a celebrated sculptor had produced a representation of the Danaids murdering their husbands on the bridal night, gives occasion to the concluding incident of the Æneid.

That taste for richly-decorated sword-belts, the prevalence of which, in the Augustan age, may be inferred from the mention of them in the Æneid, did not decline under the succeeding emperors. It is, indeed, mentioned as an instance of the self-denial and moderation of Hadrian, that he had no gold on his belt.[3] But Pliny[4] records the common practice, in his time, of covering this part of the soldier's dress with *laminæ* of the precious metals; and of the great intrinsic value and elaborate ornament of those which were worn by persons attached to the court, we may form some judgment from the circumstance that the *baltearius*, or master of the belts, was a distinct officer in the imperial household. Spon, who has published an inscription from the family tomb of one of these officers,[5] remarks, that their business must have been to provide, prepare, and preserve all the belts in the *armamentarium*. This office will appear still more considerable from the fact that belts (*balteoli*) were occasionally given as military rewards, together with *torques* and *armillæ*.[6]

In a general sense, "balteus" was applied not only to the simple belt, or the more splendid baldric which passed over the shoulder, but also to the girdle (*cingulum*) which encompassed the waist (*Coxa munimen utraque*[7]). Hence the girdle of Orion, called ζώνη by Aratus, is rather incorrectly denominated balteus in the translations of that author by Germanicus and Avienus. The oblique arrangement of the balteus, in the proper sense of that term, is alluded to by Quinctilian in his advice respecting the mode of wearing the toga: *oblique ducitur, velut balteus*.[8]

Vitruvius applies the term "baltei" to the bands surrounding the volute on each side of an Ionic capital.[9] Other writers apply it to the large steps, presenting the appearance of parallel walls, by which an amphitheatre was divided into stories for the accommodation of different classes of spectators.[10] Vitruvius calls these divisions *præcinctiones*.[1] (*Via* AMPHITHEATRUM.) In the amphitheatre at Verona the baltei are found by measurement to be 2½ feet high, the steps which they enclose being one foot two inches high.

*BAMBAKION (βαμβάκιον), a term which occurs only in the works of Myrepsus, the last of the Greek physicians. It appears to be the seed of the *Gossypium*, or Cotton-plant.

BANISHMENT (GREEK), Φυγή. Banishment among the Greek states seldom, if ever, appears as a punishment appointed by law for particular offences. We might, indeed, expect this; for the division of Greece into a number of independent states would neither admit of the establishment of penal colonies, as among us, nor of the various kinds of exile which we read of under the Roman emperors. The general term φυγή (flight) was, for the most part, applied in the case of those who, in order to avoid some punishment or danger, removed from their own country to another. Proof of this is found in the records of the heroic ages, and chiefly where homicide had been committed, whether with or without malice aforethought. Thus[2] Patroclus appears as a fugitive for life, in consequence of manslaughter (ἀνδροκτασίη) committed by him when a boy, and in anger. In the same manner,[3] Theoclymenus is represented as a fugitive and wanderer over the earth, and even in foreign lands haunted by the fear of vengeance from the numerous kinsmen of the man whom he had slain. The duty of taking vengeance was in cases of this kind considered sacred, though the penalty of exile was sometimes remitted, and the homicide allowed to remain in his country on payment of a ποινή, the price of blood, or wehrgeld of the Germans,[4] which was made to the relatives or nearest connexions of the slain.[5] We even read of princes in the heroic ages being compelled to leave their country after the commission of homicide on any of their subjects;[6] and even though there were no relatives to succour the slain man, still deference to public opinion imposed on the homicide a temporary absence,[7] until he had obtained expiation at the hands of another who seems to have been called the ἀγνίτης, or purifier. For an illustration of this, the reader is referred to the story of Adrastus and Crœsus.[8]

In the later times of Athenian history, φυγή, or banishment, partook of the same nature, and was practised nearly in the same cases as in the heroic ages, with this difference, that the laws more strictly defined its limits, its legal consequences, and duration. Thus an action for wilful murder was brought before the Areiopagus, and for manslaughter before the court of the Ephetæ. The accused might, in either case, withdraw himself (φυγεῖν) before sentence was passed; but when a criminal evaded the punishment to which an act of murder would have exposed him had he remained in his own land, he was then banished forever (φεύγει ἀειφυγίαν), and not allowed to return home even when other exiles were restored upon a general amnesty, since, on such occasions, a special exception was made against criminals banished by the Areiopagus (οἱ ἐξ Ἀρείου πάγου φεύγοντες). A convicted murderer, if found within the limits of the state, might be seized and put to death,[9] and whoever harboured or entertained (ὑπεδέξατο) any one who had fled from his country (τῶν φευγόντων τινα) to avoid a capital punishment, was liable to the same penalties as the fugitive himself.[10]

1. (Æn., v., 311–313.)—2. (iii., 190.)—3. (Spartian., Hadr., 10.)—4. (H. N., xxxiii., 54.)—5. (Miscellan. Erud. Ant., p. 253.)—6. (Jul. Capitol., Maximin., 2.)—7. (Sil. Ital., x., 181.—Lucan, ii., 361.—Lydus, De Mag. Rom., ii., 13.—Corippus, i., 115.)—8. (Institut. Or., xi., 3.)—9. (De Arch., iii., 5, ed. Schneider.—Genelli, Briefe über Vitruv., ii., p. 35.)—10. (Calpurn., Eclog., vii., 47.—Tertullian, De Spectac., 3.)

1. (De Arch., v., 3, 8.)—2. (Il., xxiii., 88.)—3. (Hom., Od., xv., 275.)—4. (Tacit., Germ., 21.)—5. (Il., ix., 630.)—6. (Pausan., v., 376–381, ed. Schubart.)—7. (Od., xxiii., 119.—Schol. in loc.)—8. (Herod., 1, 35.)—9. (Demosth., c. Aristt., 629.—If (Demosth., c. Polycl., 1222, 2.)

Demosthenes[1] says that the word *φεύγειν* was properly applied to the exile of those who committed murder with malice aforethought, whereas the term *μεθίστασθαι* was used where the act was not intentional. The property, also, was confiscated in the former case, but not in the latter.

When a verdict of manslaughter was returned, it was usual for the convicted party to leave (*ἐξῆλθε*) his country by a certain road, and to remain in exile till he induced some one of the relatives of the slain man to take compassion on him (*ἕως ἂν αἰδέσηταί τινα τῶν ἐν γένει τοῦ πεπονθότος*). During his absence, his possessions were *ἐπίτιμα*, that is, not confiscated; but if he remained at home, or returned before the requirements of the law were satisfied, he was liable to be driven or carried out of the country by force.[2] It sometimes happened that a fugitive for manslaughter was charged with murder; in that case he pleaded on board ship, before a court which sat at Phreatto, in the Peiræus.[3]

We are not informed what were the consequences if the relatives of the slain man refused to make a reconciliation; supposing that there was no compulsion, it is reasonable to conclude that the exile was allowed to return after a fixed time. In cases of manslaughter, but not of murder, this seems to have been usual in other parts of Greece as well as at Athens.[4] Plato,[5] who is believed to have copied many of his laws from the constitution of Athens, fixes the period of banishment for manslaughter at one year, and the word *ἀπενιαυτισμός*, explained to mean a year's exile for the commission of homicide (*τοῖς φόνον δράσασι*), seems to imply that the custom was pretty general. We have, indeed, the authority of Xenophon[6] to prove that at Sparta banishment was the consequence of involuntary homicide, though he does not tell us its duration.

Moreover, not only was an actual murder punished with banishment and confiscation, but also a *τραῦμα ἐκ προνοίας*, or wounding with intent to kill, though death might not ensue.[7] The same punishment was inflicted on persons who rooted up the sacred olives at Athens,[8] and by the laws of Solon every one was liable to it who remained neuter during political contentions.[9]

Under *φυγή*, or banishment, as a general term, is comprehended ostracism: the difference between the two is correctly stated by Suidas, and the scholiast on Aristophanes,[10] if we are to understand by the former *ἀειφυγία*, or banishment for life. "*Φυγή* (say they) differs from ostracism, inasmuch as those who are banished lose their property by confiscation, whereas the ostracized do not; the former, also, have no fixed place of abode, no time of return assigned, but the latter have." This ostracism is supposed by some[11] to have been instituted by Cleisthenes after the expulsion of the Peisistratidæ; its nature and object are thus explained by Aristotle:[12] "Democratical states (he observes) used to ostracize, and remove from the city for a definite time, those who appeared to be pre-eminent above their fellow-citizens, by reason of their wealth, the number of their friends, or any other means of influence." It is well known, and implied in the quotation just given, that ostracism was not a punishment for any crime, but rather a precautionary removal of those who possessed sufficient power in the state to excite either envy or fear. Thus Plutarch[1] says it was a good-natured way of allaying envy (*φθόνου παραμυθία φιλάνθρωπος*) by the humiliation of superior dignity and power. The manner of effecting it was as follows: A space in the *ἀγορά* was enclosed by barriers, with ten entrances for the ten tribes. By these the tribesmen entered, each with his *ὄστρακον*, or piece of tile, on which was written the name of the individual whom he wished to be ostracized. The nine archons and the senate, *i. e.*, the presidents of that body, superintended the proceedings, and the party who had the greatest number of votes against him, supposing that this number amounted to 6000, was obliged to withdraw (*μεταστῆναι*) from the city within ten days; if the number of votes did not amount to 6000, nothing was done.[2] Plutarch[3] differs from other authorities in stating that, for an expulsion of this sort, it was not necessary that the votes given against any individual should amount to 6000 but only that the sum total should not be less than that number. All, however, agree, that the party thus expelled (*ὁ ἐκκηρυχθείς*) was not deprived of his property. The ostracism was also called the *κεραμικὴ μάστιξ*, or earthenware scourge, from the material of the *ὄστρακον* on which the names were written.

Some of the most distinguished men at Athens were removed by ostracism, but recalled when the city found their services indispensable. Among these were Themistocles, Aristeides, Cimon, and Alcibiades; of the first of whom Thucydides[4] states that his residence during ostracism was at Argos, though he was not confined to that city, but visited other parts of Peloponnesus. The last person against whom it was used at Athens was Hyperbolus, a demagogue of low birth and character; but the Athenians thought their own dignity compromised, and ostracism degraded by such an application of it, and accordingly discontinued the practice.[5]

Ostracism prevailed in other democratical states as well as Athens; namely, Argos, Miletus, and Megara: it was by some, indeed, considered to be a necessary, or, at any rate, a useful precaution for ensuring equality among the citizens of a state. But it soon became mischievous; for, as Aristotle[6] remarks, "Men did not look to the interests of the community, but used ostracisms for party purposes" (*στασιαστικῶς*).

From the ostracism of Athens was copied the petalism (*πεταλισμός*) of the Syracusans, so called from the *πέταλα*, or leaves of the olive, on which was written the name of the person whom they wished to remove from the city. The removal, however, was only for five years; a sufficient time, as they thought, to humble the pride and hopes of the exile. But petalism did not last long; for the fear of this "humbling" deterred the best qualified among the citizens from taking any part in public affairs, and the degeneracy and bad government which followed soon led to a repeal of the law, B.C. 452.[7]

In connexion with petalism, it may be remarked, that if any one were falsely registered in a demus or ward at Athens, his expulsion was called *ἐκφυλλοφορία*, from the votes being given by leaves.[8]

The reader of Greek history will remember that, besides those exiled by law, or ostracized, there was frequently a great number of political exiles in Greece; men who, having distinguished themselves as the leaders of one party, were expelled, or obli-

1. (c. Aris., 634.)—2. (Demosth., c. Aris., 634 and 644.)—3. (Demosth., c. Aris., 646.)—4. (Meursius, ad Lycophr., 282.—Eurip., Hipp., 37.—Schol. in loc.)—5. (Leg., ix., 865.)—6. (Anab., iv., 8, § 15.)—7. (Lysias, c. Simon., p. 100.—Demosth., c. Bœot., 1018, 10.)—8. (Lysias, *Ὑπὲρ Σηκοῦ Ἀπολογία*, 1083.)—9. (Meier. Hist. Juris Att., p. 97.—Aul. Gell., ii., 12.)—10. (Equit., 861.)—11. (Ælian, V. H., xiii., 23.—Diod. Sic., xi., 55.)
12. (Polit., iii., 8.)

1. (Peric., c. 10.)—2. (Schol. in Arist., Equit., 865.)—3. (Arist., c. 7.)—4. (i., 135.)—5. (Plut., Arist., c. 7.—Thucyd., viii., 73.)—6. (Polit., iii., 8.)—7. (Diod. Sic., xi., c. 87.—Niebuhr, Hist. Rom., i., 504, transl.)—8. (Meier, Hist. Juris Att. 83.—Lysias, c. Nicom., 844.)

ged to remove from their native city when the opposite faction became predominant. They are spoken of as *οἱ φεύγοντες* or *οἱ ἐκπεσόντες*, and as *οἱ κατελθόντες* after their return (*ἡ κάθοδος*), the word *κατάγειν* being applied to those who were instrumental in effecting it.[1]

BANISHMENT (ROMAN). In the later imperial period, *exsilium* was a general term used to express a punishment, of which there were several species. Paulus,[2] when speaking of those judicia publica, which are capitalia, defines them by the consequent punishment, which is death, or exsilium; and exsilium he defines to be *aquæ et ignis interdictio*, by which the *caput* or citizenship of the criminal was taken away. Other kinds of exsilium, he says, were properly called *relegatio*, and the relegatus retained his citizenship. The distinction between relegatio and exsilium existed under the Republic.[3] Ovid also[4] describes himself, not as *exsul*, which he considers a term of reproach, but as *relegatus*. Speaking of the emperor, he says,

"*Nec vitam, nec opes, nec jus mihi civis ademit;*"

and a little farther on,

"*Nil nisi me patriis jussit abire focis.*"[5]

Marcianus[6] makes three divisions of exsilium: it was either an interdiction from certain places named, and was then called *lata fuga* (a term equivalent to the *libera fuga* or *liberum exsilium* of some writers); or it was an interdiction of all places except some place named; or it was the *constraint* of an island (as opposed to *lata fuga*). Noodt[7] corrects the extract from Marcian thus: "Exsilium *duplex* est: aut certorum locorum interdictio, ut lata fuga; aut omnium locorum præter certum locum, ut insulæ vinculum," &c. The passage is evidently corrupt in some editions of the Digest, and the correction of Noodt is supported by good reasons. It seems that Marcian is here speaking of the two kinds of *relegatio*,[8] and he does not include the *exsilium*, which was accompanied with the loss of the *civitas*; for, if his definition includes all the kinds of *exsilium*, it is manifestly incomplete; and if it includes only *relegatio*, as it must do from the terms of it, the definition is wrong, inasmuch as there are only two kinds of *relegatio*. The conclusion is, that the text of Marcian is either corrupt, or has been altered by the compiler of the Digest.

Of *relegatio* there were two kinds: a person might be forbidden to live in a particular province, or in Rome, and either for an indefinite or a definite time; or an island might be assigned to the relegatus for his residence. Relegatio was not followed by loss of citizenship or property, except so far as the sentence of relegatio might extend to part of the person's property. The relegatus retained his citizenship, the ownership of his property, and the *patria potestas*, whether the relegatio was for a definite or an indefinite time. The relegatio, in fact, merely confined the person within, or excluded him from, particular places, which is according to the definition of Ælius Gallus,[9] who says that the punishment was imposed by a lex, senatus consultum, or the edictum of a magistratus. The words of Ovid express the legal effect of relegatio in a manner literally and technically correct.[10] The term relegatio is applied by Cicero[1] to the case of Titus Manlius, who had been compelled by his father to live in solitude in the country.

Deportatio in insulam, or *deportatio* simply, was introduced under the emperors in place of the aquæ et ignis interdictio.[2] The governor of a province (*præses*) had not the power of pronouncing the sentence of deportatio; but this power was given to the præfectus urbi by a rescript of the Emperor Severus. The consequence of deportatio was loss of property and citizenship, but not of freedom. Though the deportatus ceased to be a Roman citizen, he had the capacity to buy and sell, and do other acts which might be done according to the jus gentium. Deportatio differed from relegatio, as already shown, and also in being always for an indefinite time. The relegatus went into banishment; the deportatus was conducted to his place of banishment, sometimes in chains.

As the exsilium in the special sense, and the deportatio took away a person's civitas, it follows that, if he was a father, his children ceased to be in his power; and if he was a son, he ceased to be in his father's power; for the relationship expressed by the terms *patria potestas* could not exist when either party had ceased to be a Roman citizen.[3] Relegatio of a father or of a son, of course, had not this effect. But the interdict and the deportatio did not dissolve marriage.[4]

When a person, either parent or child, was condemned to the mines or to fight with wild beasts, the relation of the *patria potestas* was dissolved. This, though not reckoned a species of exsilium, resembled deportatio in its consequences.

It remains to examine the meaning of the term exsilium in the republican period, and to ascend, so far as we can, to its origin. Cicero[5] affirms that no Roman was ever deprived of his civitas or his freedom by a lex. In the oration *Pro Domo*[6] he makes the same assertion, but in a qualified way; he says that no special lex, that is, no *privilegium*, could be passed against the caput of a Roman citizen unless he was first condemned in a judicium. It was, according to Cicero, a fundamental principle of Roman law,[7] that no Roman citizen could lose his freedom or his citizenship without his consent. He adds, that Roman citizens who went out as Latin colonists could not become Latin unless they went voluntarily and registered their names: those who were condemned of capital crimes did not lose their citizenship till they were admitted as citizens of another state; and this was effected, not by depriving them of their civitas (*ademptio civitatis*), but by the interdictio tecti, aquæ et ignis. The same thing is stated in the oration *Pro Cæcina*,[8] with the addition, that a Roman citizen, when he was received into another state, lost his citizenship at Rome, because by the Roman law a man could not be a citizen of two states. This reason, however, would be equally good for showing that a Roman citizen could not become a citizen of another community. In the oration *Pro Balbo*,[9] the proposition is put rather in this form: that a Roman who became a citizen of another state *thereby* ceased to be a Roman citizen. It must not be forgotten, that in the oration *Pro Cæcina*, it is one of Cicero's objects to prove that his client had the rights of a Roman citizen: and in the oration *Pro Domo*, to prove that he himself had not been an exsul, though he was interdicted from fire and water within 400 miles of Rome.[10] Now,

1 (Meursius, Att. Lect., v., 18.—Wachsmuth, Hell. Alterth., i., § 65; ii., § 95 and 98.—Meier and Schömann, Att. Process, p. 741.—Schömann, De Comit. Athen., p. 264, transl.—Timæus, Lex Platon.—Böckh, ii., 129, transl.)—2. (Dig. 48, tit. 1, s. 2.)—3. (Liv., iii., 10; iv., 4.—Cic., pro P. Sext., 12.)—4. (Trist., v., 11.)—5. (Compare Trist., ii., 127.)—6. (Dig. 48, tit. 22, s. 5.)—7. (Op. Omn., i., 58.)—8. (Compare Ulpian, Dig. 48, tit. 22, s. 7.)—9. (Festus, s. v. Relegati.)—10. (Instances of relegatio occur in the following passages: Suet., Octav., 16.—Tib., 50.—Tacit., Ann., iii., 17, 68.—Suet., Claud., c. 23, which last, as the historian remarks, was a new kind of relegatio.)

1. (Off., iii., 31.)—2. (Ulpian, Dig. 48, tit. 13, s. 3; tit. 19, s. 2.)—3. (Gaius, i., 128.)—4. (Cod. 5, tit. 16, s. 24; tit. 17, s. 1.—Compare Gaius, i., 128, with the Institutes, i., tit. 12, in which the deportatio stands in the place of the aquæ et ignis interdictio of Gaius.)—5. (Pro Cæcin., c. 34.)—6 (c. 16, 17.)—7. (Pro Domo, c. 29.)—8. (c. 34.)—9. (c. 11.)—10 (Cic. ad Attic., iii., 4.)

as Cicero had been interdicted from fire and water, and as he evaded the penalty, to use his own words,[1] by going beyond the limits, he could only escape the consequences, namely, exsilium, either by relying on the fact of his not being received as a citizen into another state, or by alleging the illegality of the proceedings against him. But the latter is the ground on which he seems to maintain his case in the *Pro Domo:* he alleges that he was made the subject of a privilegium, without having been first condemned in a judicium.[2]

In the earlier republican period, a Roman citizen might have a right to go into exsilium to another state, or a citizen of another state might have a right to go into exsilium at Rome, by virtue of certain isopolitical relations existing between such state and Rome. (*Vid.* MUNICIPIUM.) This right was called jus exulandi with reference to the state to which the person came; with respect to his own state, which he left, he was exsul, and his condition was exsilium: with respect to the state which he entered, he was *inquilinus;* and at Rome he might attach himself (*applicare se*) to a quasi-patronus, a relationship which gave rise to questions involving the jus applicationis. The word *inquilinus* appears, by its termination *inus*, to denote a person who was one of a class, like the word *libertinus*. The prefix *in* appears to be the correlative of *ex* in *exsul*, and the remaining part *quil* is probably related to *col*, in *incola* and *colonus*.

The sentence of aquæ et ignis, to which Cicero adds[3] tecti interdictio, was equivalent to the deprivation of the chief necessaries of life, and its effect was to incapacitate a person from exercising the rights of a citizen within the limits which the sentence comprised. Supposing it to be true, that no Roman citizen could, in direct terms, be deprived of his civitas, it requires but little knowledge of the history of Roman jurisprudence to perceive that a way would readily be discovered of doing that indirectly which could not be done directly; and such, in fact, was the aquæ et ignis interdictio. The meaning of the sentence of aquæ et ignis interdictio is clear when we consider the symbolical meaning of the aqua et ignis. The bride, on the day of her marriage, was received by her husband with fire and water,[4] which were symbolical of his taking her under his protection and sustentation. Varro[5] gives a different explanation of the symbolical meaning of aqua et ignis in the marriage ceremony: *Aqua et ignis* (according to the expression of Festus) *sunt duo elementa quæ humanam vitam maxime continent.* The sentence of interdict was either pronounced in a judicium, or it was the subject of a lex. The punishment was inflicted for various crimes, as *vis publica, peculatus, veneficium*, &c. The Lex Julia *de vi publica et privata* applied, among other cases, to any person *qui receperit, celaverit, tenuerit*, the interdicted person;[6] and there was a clause to this effect in the lex of Clodius, by which Cicero was banished.

The sentence of the interdict, which in the time of the Antonines was accompanied with the loss of citizenship, could hardly have had any other effect in the time of Cicero. It may be true that exsilium, that is, the change of *solum* or ground, was not in direct terms included in the sentence of *aquæ et ignis interdictio:* the person might stay if he liked, and submit to the penalty of being an outcast, and being incapacitated from doing any legal act. Indeed, it is not easy to conceive that *banishment* can exist in any state, except such state has distant possessions of its own to which the offender can be sent. Thus banishment, as a penalty, did not exist in the old English law. When isopolitical relations existed between Rome and another state, exsilium might be the privilege of an offender. Cicero might then truly say that exsilium was not a punishment, but a mode of evading punishment;[1] and this is quite consistent with the interdict being a punishment, and having for its object the exsilium.

According to Niebuhr, the interdict was intended to prevent a person who had become an exsul from *returning* to Rome and resuming his citizenship; and the interdict was taken off when an exsul was recalled: an opinion in direct contradiction to all the testimony of antiquity. Farther, Niebuhr asserts that they who settled in an unprivileged place (one that was not in an isopolitical connexion with Rome) needed a decree of the people, declaring that their settlement should operate as a legal exsilium. And this assertion is supported by a single passage in Livy,[2] from which it appears that it was declared by a plebiscitum, that C. Fabius, by going into exile (*exulatum*) to Tarquinii, which was a municipium,[3] was legally in exile.

Niebuhr asserts that Cicero had not lost his franchise by the interdict, but Cicero says that the consequence of such an interdict was the loss of caput. And the ground on which he mainly attempted to support his case was, that the lex by which he was interdicted was in fact no lex, but a proceeding altogether irregular. Farther, the interdict did pass against Cicero, but was not taken off when he was recalled. It is impossible to caution the reader too much against adopting implicitly any thing that is stated in the orations *Pro Cæcina*, *Pro Balbo*, and *Pro Domo;* and, indeed, anywhere else, when Cicero has a case to support.

BAPHIUM (*βαφεῖον, φαρμακών*), an establishment for dyeing cloth, a dyehouse.

An apparatus for weaving cloth, and adapting it to all the purposes of life, being part of every Greek and Roman household, it was a matter of necessity that the Roman government should have its own institutions for similar uses; and the immense quantity of cloth required, both for the army and for all the officers of the court, made it indispensable that these institutions should be conducted on a large scale. They were erected in various parts of the empire, according to the previous habits of the people employed and the facilities for carrying on their operations. Tarentum, having been celebrated during many centuries for the fineness and beauty of its woollen manufactures, was selected as one of the most suitable places for an imperial baphium.[4] Traces of this establishment are still apparent in a vast accumulation near Taranto, called "Monte Testaceo," and consisting of the shells of the Murex, the animal which afforded the purple dye.

A passage in Ælius Lampridius[5] shows that these great dyehouses must have existed as early as the second century. It is stated that a certain kind of purple, commonly called "Probiana," because Probus, the superintendent of the dyehouses (*baphis præpositus*), had invented it, was afterward called "Alexandrina," on account of the preference given to it by the Emperor Alexander Severus. Besides the officer mentioned in this passage, who probably had the general oversight of all the imperial baphia, it appears that there were persons called procurators, who were intrusted with the direction of them in the several cities where they were established. Thus the *Notitia Dignitatum utriusque Imperii*, compiled about A.D. 426, mentions the

1. (Pro Cæcina, c. 34.)—2. (c. 17.)—3. (Pro Domo, c. 30.)—4. (Dig. 24, tit. 1, s. 66.)—5. (De Ling. Lat., iv.)—6. (Paulus, Sent. Recept., ad Schulting.)

1. (Pro Cæcina.)—2. (xxvi., 3.)—3. (Pro Cæcina, c. 4.)—4. (Compare Horat., Ep., II., ii., 207, with Servius in Virg., Georg. iv., 335.)—5. (Alex. Sev., c. 40.)

"procurator" of the dyehouses of Narbonne and Toulon.

We learn from the Codex Theodosianus that the dyehouses of Phœnice long retained their original superiority, and that dyers were sent to them from other places to be instructed in their art.

*BAPTES (*βάπτης*), a mineral mentioned by Pliny.[1] It is thought, from its description and its name, to have been amber, dyed or stained of some other than its natural colour.[2]

BAPTISTERIUM. (*Vid.* Bath.)

BARATHRUM. (*Vid.* Orygma.)

BARBA (*πώγων*, *γένειον*, *ὑπήνη*[3]), the beard. The fashions which have prevailed at different times and in different countries with respect to the beard have been very various. The most refined modern nations regard the beard as an encumbrance, without beauty or meaning; but the ancients generally cultivated its growth and form with special attention; and that the Greeks were not behindhand in this, any more than in other arts, is sufficiently shown by the statues of their philosophers. The phrase *πωγωνοτροφεῖν*, which is applied to letting the beard grow, implies a positive culture. Generally speaking, a thick beard, *πώγων βαθύς* or *δασύς*, was considered as a mark of manliness. The Greek philosophers were distinguished by their long beards as a sort of badge, and hence the term which Persius[4] applies to Socrates, *magister barbatus*. The Homeric heroes were bearded men; as Agamemnon, Ajax, Menelaus, Ulysses.[5] According to Chrysippus, cited by Athenæus,[6] the Greeks wore the beard till the time of Alexander the Great, and he adds that the first man who was shaven was called ever after *κόρσην*, "shaven" (from *κείρω*). Plutarch[7] says that the reason for the shaving was that they might not be pulled by the beard in battle. The custom of shaving the beard continued among the Greeks till the time of Justinian, and during that period even the statues of the philosophers were without the beard. The philosophers, however, generally continued the old badge of their profession, and their ostentation in so doing gave rise to the saying that a long beard does not make a philosopher (*πωγωνοτροφία φιλόσοφον οὐ ποιεῖ*), and a man whose wisdom stopped with his beard was called *ἐκ πώγωνος σοφός*. So Aulus Gellius[8] says, "*Video barbam et pallium, philosophum nondum video.*" Horace[9] speaks of "feeding the philosophic beard."[10] The Romans, in early times, wore the beard uncut, as we learn from the insult offered by the Gaul to Marcus Papirius,[11] and from Cicero;[12] and, according to Varro[13] and Pliny,[14] the Roman beards were not shaved till B.C. 300, when P. Ticinius Mæna brought over a barber from Sicily; and Pliny adds, that the first Roman who was shaved (*rasus*) every day was Scipio Africanus. His custom, however, was soon followed, and shaving became a regular thing. The lower orders, then as now, were not always able to do the same, and hence the jeers of Martial.[15] In the later times of the Republic, there were many who shaved the beard only partially, and trimmed it so as to give it an ornamental form; to them the terms *bene barbati*[16] and *barbatuli*[17] are applied. When in mourning, all the higher as well as the lower orders let their beards grow.

In the general way in Rome at this time, a long beard (*barba promissa*[18]) was considered a mark of slovenliness and *squalor*. The censors Lucius Veturius and P. Licinius compelled Marcus Livius, who had been banished, on his restoration to the city, to be shaved, and to lay aside his dirty appearance (*tonderi et squalorem deponere*), and then, but not till then, to come into the senate, &c.[1] The first time of shaving was regarded as the beginning of manhood, and the day on which this took place was celebrated as a festival.[2] There was no particular time fixed for this to be done. Usually, however, it was done when the young Roman assumed the toga virilis.[3] Augustus did it in his 24th year, Caligula in his 20th. The hair cut off on such occasions was consecrated to some god. Thus Nero put his up in a gold box, set with pearls, and dedicated it to Jupiter Capitolinus.[4] So Statius[5] mentions a person who sent his hair as an offering to Æsculapius Pergamenus, and requested Statius to write some dedicatory verses on the occasion. He sent the hair with a box set with precious stones (*cum gemmata pyxide*) and a mirror.

With the Emperor Hadrian the beard began to revive.[6] Plutarch says that the emperor wore it to hide some scars on his face. The practice afterward became common, and till the time of Constantine the Great the emperors appear in busts and coins with beards. The Romans let their beards grow in time of mourning; so Augustus did[7] for the death of Julius Cæsar, and the time when he had it shaved off he made a season of festivity.[8] The Greeks, on the other hand, on such occasions, shaved the beard close.[9] Strabo[10] says that the beards of the inhabitants of the Cassiterides were like those of goats. Tacitus[11] says that the Catti let their hair and beard grow, and would not have them cut till they had slain an enemy.

Barbers. The Greek name for a barber was *κουρεύς*, and the Latin *tonsor*. The term employed in modern European languages is derived from the low Latin *barbatorius*, which is found in Petronius. The barber of the ancients was a far more important personage than his modern representative. Men had not often the necessary implements for the various operations of the toilet: combs, mirrors, perfumes, and tools for clipping, cutting, shaving, &c. Accordingly, the whole process had to be performed at the barber's, and hence the great concourse of people who daily gossiped at the *tonstrina*, or barber's shop. Besides the duties of a barber and hairdresser, strictly so called, the ancient *tonsor* discharged other offices. He was also a nail-parer. He was, in fact, much what the English barber was when he extracted teeth, as well as cut and dressed hair. People who kept the necessary instruments for all the different operations, generally had also slaves expressly for the purpose of performing them. The business of the barber was threefold. First, there was the cutting of hair: hence the barber's question, *πῶς σε κείρω*.[12] For this purpose, he used various knives of different sizes and shapes, and degrees of sharpness: hence Lucian,[13] in enumerating the apparatus of a barber's shop, mentions *πλῆθος μαχαιριδίων* (*μάχαιρα*, *μαχαιρίς*, *κουρίς* are used also, in Latin *culter*); but scissors, *ψαλίς*, *διπλῆ μάχαιρα*[14] (in Latin *forfex*, *axicia*), were used too.[15] *Μάχαιρα* was the usual word. (Böttiger, however, says that two knives were merely used, forming a kind of scissors. The

1. (H. N., xxxvii., 55.)—2. (Moore's Anc. Mineral., p. 182.)—3. (Aristoph., Lysist., 1072.)—4. (Sat., iv., 1.)—5. (Il., xxii., 74; xiv., 516.—Od., xvi., 176.)—6. (xiii., 565, ed. Casaub.)—7. (Thes., c. 5.)—8. (ix., 2.)—9. (Sat., II., ii., 35.)—10. (Compare Quintil., xi., 1.)—11. (Liv., v., 41.)—12. (Pro Cœl., 14.)—13. (De Re Rust., ii., c. 11.)—14. (vii., 59.)—15. (vii., 95; xii., 59.)—16. (Cic., Catil., ii., 10.)—17. (Cic., Ep. ad Att., i., 14, 16.—Pro Cœl., 14.)—18. (Liv., xxvii., 34.)

1. (Liv., xxvii., 34.)—2. (Juv., Sat., iii., 186.)—3. (Suet., Calig., 10.)—4. (Suet., Ner., 12.)—5. (Præf. ad Silv., iii.)—6 (Dion, lxviii., p. 1132, c. 15.)—7. (Suet., Octav., c. 23.)—8 (Dion, xlviii., 34.—Compare Cic. in Verr., ii., 12.)—9. (*Vid.* Plutarch, Pelopid. and Alex.—Suet., Cal., 5.)—10. (i, p. 239.)—11. (Germ., c. 3.)—12. (Plut., De Garrul., 13.)—13. (Adv. Indoct., c. 29.)—14. (Pollux., Onom., ii., 32.)—15. (Compare Aristoph. Acharn., 848.—Lucian, Pis., c. 46.)

most elegant mode of cutting the hair was with the single knife, *μιᾷ μαχαίρᾳ*.[1]) Irregularity and unevenness of the hair was considered a great blemish, as appears generally, and from Horace ;[2] and, accordingly, after the hair-cutting, the uneven hairs were pulled out by tweezers, an operation to which Pollux[3] applies the term *παραλέγεσθαι*. So the hangers-on on great men, who wished to look young, were accustomed to pull out the gray hairs for them.[4] This was considered, however, a mark of effeminacy.[5] The person who was to be operated on by the barber had a rough cloth (*ὠμόλινον*, *involucre* in Plautus[6]) laid on his shoulders, as now, to keep the hairs off his dress, &c. The second part of the business was shaving (*radere*, *rasitare*, *ξυρεῖν*). This was done with a *ξυρόν*, a *novacula*,[7] a razor (as we, retaining the Latin root, call it), which he kept in a case, *ϑήκη*, *ξυροθήκη*, *ξυροδόκης*, "a razor-case."[8] Some, who would not submit to the operation of the razor, used instead some powerful depilatory ointments or plasters, as *psilothron*;[9] *acida Creta*;[10] *Venetum lutum*;[11] *dropax*.[12] Stray hairs which escaped the razor were pulled out with small pincers or tweezers (*volsellæ*, *τριχολάβιον*). The third part of the barber's work was to pare the nails of the hands, an operation which the Greeks expressed by the words *ὀνυχίζειν* and *ἀπονυχίζειν*.[13] The instruments used for this purpose were called *ὀνυχιστήρια*, *sc. μαχαίρια*.[14] This practice of employing a man expressly to pare the nails explains Plautus's humorous description of the miserly Euclio :

> "*Quin ipsi quidem tonsor ungues dempserat*,
> *Collegit*, *omnia abstulit præsegmina*."[15]

Even to the miser it did not occur to pare his nails himself, and save the money he would have to pay; but only to collect the parings, in hope of making something by them. So Martial, in rallying a fop, who had tried to dispense with the barber's services by using different kinds of plasters, &c., asks him,[16] *Quid facient ungues ?* What will your nails do? How will you get your nails pared? So Tibullus says,[17] *quid* (prodest) *ungues artificis docta subsecuisse manu* ; from which it appears that the person addressed was in the habit of employing one of the more fashionable tonsors. The instruments used are referred to by Martial.[18]

BAR'BITOS (*βάρβιτος* or *βάρβιτον*), a stringed instrument, called by Theocritus *πολύχορδος*.[19] The Æolic form *βάρμιτος*[20] led the grammarians to derive the word from *βαρύς* and *μίτος*, a thread or string; but according to Strabo,[21] who, if the reading be correct, makes it the same with *σαμβύκη*, it was of foreign origin. Pindar, in a fragment quoted by Athenæus, refers the invention of it to Terpander,[22] but in another place[23] it is ascribed to Anacreon. Dionysius[24] tells us that in his day it was not in use among the Greeks, but that the Romans, who derived it from them, still retained it at ancient sacrifices. It is impossible to determine its exact form with any certainty: later writers use the word as synonymous with *λύρα*. (*Vid.* Lyra.)

BARDOCUCUL'LUS. (*Vid.* Cucullus.)

*BASALT'ES, a species of marble, as Pliny[25] terms it, found in Æthiopia, of the colour and hardness of iron, whence its name, from an Oriental term *basalt*, signifying "iron." To what Eastern language this word belongs is not known; we may compare with it, however, the Hebrew *bazzel*. Pliny speaks of fine works of art in Egyptian basalt, and of these some have found their way to Rome, as the lions at the base of the ascent to the Capitol, and the Sphinx of the Villa Borghese.[1] Winckelmann distinguishes two kinds of this stone: the black, which is the more common sort, is the material of the figures just mentioned; the other variety has a greenish hue.[2] We must be careful not to confound the *basaltes* of the ancients with the modern *basalt*. The former was merely a species of syenite, commonly called basaltoid syenite, black Egyptian basalt, and "basalte antique." The basalt of the moderns is a hard, dark-coloured rock, of igneous origin.[3]

BASANISTAI. (*Vid.* Basanos.)

*BASANI'TES LAPIS (*βασανίτης λίθος*), called also *Basanos* and *Lapis Lydius*, the Touchstone. Its Greek and English names both refer to its office of trying metals by the touch. The appellation of "Lydian Stone" was derived from the circumstance of Lydia having been one of its principal localities. It was also obtained in Egypt, and, besides the use just mentioned, was wrought into various ornaments, as it still is at the present day. Other names for the Touchstone were *Chrysites*, from its particular efficacy in the trial of gold, and *Coticula*, because generally formed, for convenience' sake, into the shape of a small whetstone.[4] The Basanite or Touchstone differs but little from the common variety of silicious slate. Its colour is grayish or bluish black, or even perfectly black. If a bar of gold be rubbed against the smooth surface of this stone, a metallic trace is left, by the colour of which an experienced eye can form some estimate of the purity of the gold. This was the ancient mode of proceeding. In modern times, however, the judgment is still farther determined by the changes produced in this metallic trace by the application of nitric acid (aquafortis), which immediately dissolves those substances with which the gold may be alloyed. Basalt and some other varieties of argillite answer the same purpose. The touchstones employed by the jewellers of Paris are composed chiefly of hornblende. Brogniart calls it *Cornéenne Lydienne*.[5]

BAS'ANOS (*βάσανος*), the general term among the Athenians for the application of torture. By a decree of Scamandrius, it was ordained that no free Athenian could be put to the torture ;[6] and this appears to have been the general practice, notwithstanding the assertion of Cicero[7] to the contrary (*de institutis Atheniensium, Rhodiorum—apud quos liberi civesque torquentur*). The only two apparent exceptions to this practice are mentioned by Antiphon[8] and Lysias.[9] But, in the case mentioned by Antiphon, Böckh[10] has shown that the torture was not applied at Athens, but in a foreign country; and in Lysias, as it is a Platæan boy that is spoken of, we have no occasion to conclude that he was an Athenian citizen, since we learn from Demosthenes[11] that all Platæans were not necessarily Athenian citizens. It must, however, be observed, that the decree of Scamandrius does not appear to have interdicted the use of torture as a means of execution, since we find Demosthenes[12] reminding the

1 (Sabina, vol. ii., p. 60.)—2. (Sat., i., 3, 31.—Epist., i., 1, 94.)—3. (ii., 34.)—4. (Aristoph., Equit., 908.)—5. (Aul. Gell., vii, 12.—Cic., Pro Rosc. Com., 7.)—6. (Capt., II., ii., 17.)—7. (Lamprid., Heliog., c. 31.)—8. (Aristoph., Thesm., 220.—Pollux, Onom., ii., 32.—Petron., 94.)—9. (Plin., II. N., xxxii., 10, 47.)—10. (Martial, vi., 93, 9.)—11. (Plin., iii., 74.)—12. (Ib., iii., 74 ; x , 65.)—13. (Aristoph., Equit., 706.—Schol. in loc.—Theophrast., Charact., c. 26.—Pollux, Onom., ii., 146.)—14. (Pollux, Onom., x., 140)—15. (Aulul., ii., 4, 34.)—16. (Epig., iii., 74.)—17. (i., 8, 11.)—18. (Epig., xiv., 36: Instrumenta tonsoria.)—19. (xvi., 45.)—20 (Pollux, Onom., iv., 9.—Etym. Mag. in voce.)—21. (x., 471, c., ed. Casaub.)—22. (Athenæus, iv., p. 635, *a*.)—23. (Athen , iv., p. 175.)—24. (Ant. Rom., vii., 72.)—25. (H. N . xxxvi., 9.)

1. (Moore's Mineralogy, p. 82.)—2. (Winckelmann, Werke, vol. v., p. 110, 409, &c.)—3. (Fée in Plin., l. c.)—4. (Hill's Theophrastus, p. 189, in notis.)—5. (Cleaveland's Mineralogy, p 300.)—6. (Andoc., De Myst., 22.—Compare Lys., *περὶ τραυμ.*, 177.—c. Agorat., 462.)—7. (Orat. Prat., c. 34.)—8 (De Hcrod. cæd., 729.)—9. (c. Simon, 153.)—10. (Staatshaus. der Athener, i., p. 199 ; ii., p. 412.)—11. (c. Neær., 1381.)—12. (De Cor., 271.)

judges that they had put Antiphon to death by the rack (*στρεβλώσαντες*).[1]

The evidence of slaves was, however, always taken with torture, and their testimony was not otherwise received.[2] From this circumstance their testimony appears to have been considered of more value than that of freemen. Thus Isæus[3] says, "When slaves and freemen are at hand, you do not make use of the testimony of freemen; but, putting slaves to the torture, you thus endeavour to find out the truth of what has been done." Numerous passages of a similar nature might easily be produced from the orators.[4] Any person might offer his own slave to be examined by torture, or demand that of his adversary, and the offer or demand was equally called *πρόκλησις εἰς βάσανον* If the opponent refused to give up his slave to be thus examined, such a refusal was looked upon as a strong presumption against him. The *πρόκλησις* appears to have been generally made in writing,[5] and to have been delivered to the opponent in the presence of witnesses in the most frequented part of the Agora;[6] and as there were several modes of torture, the particular one to be employed was usually specified.[7] Sometimes, when a person offered his slave for torture, he gave his opponent the liberty of adopting any mode of torture which the latter pleased.[8] The parties interested either superintended the torture themselves, or chose certain persons for this purpose, hence called *βασανισταί*, who took the evidence of the slaves.[9] In some cases, however, we find a public slave attached to the court, who administered the torture;[10] but this appears only to have taken place when the torture was administered in the court, in presence of the judges.[11] This public mode of administering the torture was, however, certainly contrary to the usual practice.[12] The general practice was to read at the trial the depositions of the slaves, which were called *βασανοί*,[13] and to confirm them by the testimony of those who were present at the administration of the torture.

BASCAN'IA. (*Vid.* Fascinum.)

BASCAUDA, a British basket. This term, which remains with very little variation in the Welsh "basgawd" and the English "basket," was conveyed to Rome together with the articles denoted by it. We find it used by Juvenal[14] and by Martial[15] in connexions which imply that these articles were held in much esteem by the luxurious Romans. In no other manufacture did our British ancestors excel so as to obtain for their productions a similar distinction.[16] In what consisted the curiosity and the value of these baskets, we are not informed; but they seem to be classed among vessels capable of holding water.

BASILEIA (*Βασίλεια*) was the name of a festival celebrated at Lebadeia, in Bœotia, in honour of Trophonius, who had the surname of *Βασιλεύς*. This festival was also called Trophonia—*Τροφώνια*;[17] and was first observed under the latter name as a general festival of the Bœotians after the battle of Leuctra.[18]

BASILEUS (*βασιλεύς*), ANAX (*ἄναξ*), titles originally given to any persons in authority, and applied in the first instance indiscriminately, without any accurate distinction. In the government of Phæacia, which was a mixed constitution, consisting of one supreme magistrate, twelve peers or councillors, and the assembly of the people, each of the twelve who shared, as well as the one who nominally possessed the supreme power, is designated by the word *βασιλεύς*,[1] which title became afterward strictly appropriated in the sense of our term king; but *ἄναξ* continued long to have a much wider signification. In the Œdipus Tyrannus, the title *ἄναξ* is applied to Apollo,[2] to Tiresias,[3] to Creon and Œdipus,[4] and to the Chorus.[5] Isocrates[6] uses *βασιλεύς* in the sense of king, and *ἄναξ* as exactly synonymous with prince, calling the king's sons *ἄνακτες*, and his daughters *ἄνασσαι*. The title of basileus was applied to magistrates in some republican states, who possessed no regal power, but who generally attended to whatever was connected with the religion of the state and public worship. Thus the second archon at Athens had the title of basileus (*vid.* Archon), and we find magistrates with the same title in the republican states of Delphi,[7] Siphnos,[8] Chalcedon, Cyzicus, &c.[9]

After the introduction of the republican form of government into the Grecian communities, another term (*τύραννος*, *tyrannus*) came into use, in contradistinction to the other two, and was used to designate any citizen who had acquired and retained for life the supreme authority in a state which had previously enjoyed the republican form of government. The term tyrant, therefore, among the Greeks, had a different signification from its usual acceptance in modern language; and when used reproachfully, it is only in a political, and not a moral sense; for many of the Greek tyrants conferred great benefits upon their country.

BASIL'ICA (sc. *ædes*, *aula*, *porticus*—*βασιλική*, also *regia*[10]), a building which served as a court of law and an exchange, or place of meeting for merchants and men of business. The term is derived, according to Philander,[11] from *βασιλεύς*, a king, in reference to early times, when the chief magistrate administered the laws he made; but it is more immediately adopted from the Greeks of Athens, whose second archon was styled *ἄρχων βασιλεύς*, and the tribunal where he adjudicated *στοὰ βασίλειος*,[12] the substantive *aula* or *porticus* in Latin being omitted for convenience, and the distinctive epithet converted into a substantive. The Greek writers, who speak of the Roman basilicæ, call them sometimes *στοαὶ βασιλικαί*, and sometimes merely *στοαί*.

The first edifice of this description was not erected until B.C. 182;[13] for it is expressly stated by the historian that there were no basilicæ at the time of the fire, which destroyed so many buildings in the Forum, under the consulate of Marcellus and Lævinus, B.C. 212.[14] It was situated in the Forum adjoining the Curia, and was denominated Basilica Porcia, in commemoration of its founder, M. Porcius Cato. Besides this, there were twenty others, erected at different periods, within the city of Rome,[15] of which the following are the most frequently alluded to by the ancient authors: 1. *Basilica Sempronia*, constructed by Titus Sempronius, B.C. 171,[16] and supposed, by Donati and Nardini, to have been between the vicus Tuscus and the Velabrum. 2. *Basilica Opimia*, which was above the Comitium. 3. *Basilica Pauli Æmilii*, or *Basili-*

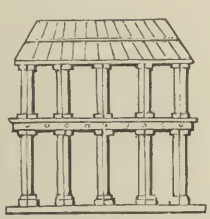
1 (Compare Plutarch, Phoc., c. 35.)—2. (Antiph., Tetral., i., p. 633.)—3. (De Ciron. Hered., 202.)—4. (Compare Demosth., c. Onetor., i., p. 874.—Antiphon, De Choreut., 778.—Lycurg., c. Leocr., 159–162.)—5. (Demosth., c. Pantaen., 978.)—6. (Demosth., c. Aphob., iii., 848.)—7. (Demosth., c. Steph., i., 1120.)—8 (Antiph., De Choreut., 777.)—9. (*ἑλόμενοι βασανιστὰς, ἐπηντήσαμεν εἰς τὸ Ἡφαιστεῖον*: Isocr., Trap., c. 9.—Compare Demosth., c. Pantaen., 978, 979.—Antiph., *Κατηγορία φαρμακ.*, 609)—10. (*παρέσται δὲ ἤδη ὁ δημιος, καὶ βασανιεῖ ἑαυτίον ὑμῶν*: Æsch., De Leg., 284, ed. Taylor.)—11. (Æsch., l. c.—Demosth., c. Everg., 1144.)—12. (*βασανίζειν οὐκ ἔστιν ἐναντίον ὑμῶν*: Demosth., c. Steph., i., 1106.)—13. (Harpocr., Suid., s. v.—Demosth., c. Nicostrat., 1254.)—14. (xii., 46.)—15. (xiv., 99.)—16. (Henry's Hist. of Britain, b. i., c. 6, p. 226.)—17. (Pellux, Onom., i., 1, § 37.)—18. (Diod. Sic., xv., 53.)

1. (Od., viii., 390.)—2. (l. 810.)—3. (l. 304.)—4. (l. 631.)—5 (l. 911.)—6. (Evag., vol. ii., p. 318, ed. Auger.)—7. (Plut., Quæst. Gr., vii., 177.)—8. (Isocr., Ægin., c. 17.)—9. (Wachsmuth, I., i., p. 148.)—10. (Stat., Silv., i., 1, 30.—Suet., Octav 31.)—11. (Comment. Vitruv.)—12. (Paus., i., 3, § 1.—Demosth. Aristogit., p. 776.)—13. (Liv., xxxix., 44.)—14. (Liv., xxvi., 27.)—15. (Pitisc., Lex. Ant., s. v. Basilica.)—16. (Liv., xl. v., 15.)

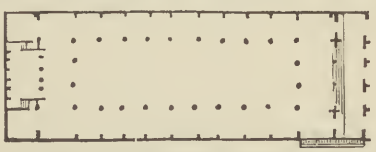
ca Æmilia, called also *Regia Pauli* by Statius.[1] Cicero[2] mentions two basilicæ of this name, of which one was built, and the other only restored, by Paulus Æmilius. Both these edifices were in the Forum, and one was celebrated for its open peristyle of Phrygian columns,[3] which Plutarch (*Cæs.*) states was erected by L. Æmilius Paulus during his consulship, at an expense of 1500 talents, sent to him by Cæsar from Gaul, as a bribe to gain him over from the aristocratical party. A representation of this is given below. 4. *Basilica Pompeii*, called also *regia*,[4] near the theatre of Pompey. 5. *Basilica Julia*, erected by Julius Cæsar, in the Forum, and opposite to the Basilica Æmilia. It was from the roof of this building that Caligula scattered money among the people for several successive days.[5] 6. *Basilica Caii et Lucii*, the grandsons of Augustus, by whom it was founded.[6] 7. *Basilica Ulpia* or *Trajani*, in the Forum of Trajan. 8. *Basilica Constantini*, erected by the Emperor Constantine, supposed to be the ruin now remaining on the Via Sacra, near the Temple of Rome and Venus, and commonly called the Temple of Peace. Of all these magnificent edifices, nothing now remains beyond the ground plan, and the bases and some portion of the columns and superstructure of the last two. The basilica at Pompeii is in better preservation; the external walls, ranges of columns, and tribunal of the judges being still tolerably perfect on the ground floor.

The Forum, or, where there was more than one, the one which was in the most frequented and central part of the city, was always selected for the site of a basilica; and hence it is that the classic writers not unfrequently use the terms *forum* and *basilica* synonymously, as in the passage of Claudian[7]—*Desuetaque cingit Regius auratis fora fascibus Ulpia lictor*, where the Forum is not meant, but the basilica which was in it, and which was surrounded by the lictors who stood *in* the Forum.[8]

Vitruvius[9] directs that the most sheltered part of the Forum should be selected for the site of a basilica, in order that the public might suffer as little as possible from exposure to bad weather, while going to, or returning from, their place of business; he might also have added, for their greater convenience while engaged within, since many of these edifices, and all of the more ancient ones, were entirely open to the external air, being surrounded and protected solely by an open peristyle of columns, as the annexed representation of the Basilica Æmilia, from a medal of Lepidus, with the inscription, clearly shows:

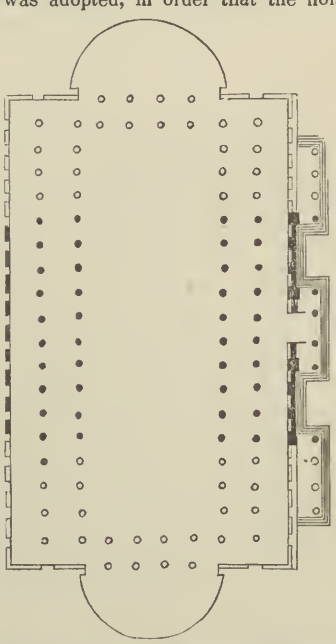


When, however, the Romans became wealthy and refined, and, consequently, more effeminate, a wall was substituted for the external peristyle, and the columns were confined to the interior; or, if used externally, it was only in decorating the πρόναος, or vestibule of entrance. This was the only change which took place in the form of these buildings from the time of their first institution until they were converted into Christian churches. The ground plan of all of them is rectangular, and their width not more than half, nor less than one third of the length;[1] but if the area on which the edifice was to be raised was not proportionably long, small chambers (*chalcidica*) were cut off from one of the ends,[2] which served as conveniences for the judges or merchants. This area was divided into three naves, consisting of a centre (*media porticus*) and two side aisles, separated from the centre one each by a single row of columns: a mode of construction particularly adapted to buildings intended for the reception of a large concourse of people. At one end of the centre aisle was the tribunal of the judge, in form either rectangular or circular, and sometimes cut off from the length of the grand nave (as is seen in the annexed plan of the basilica at Pompeii, which also affords an example of the chambers of the judices or chalcidica above mentioned), or otherwise thrown out from the posterior



wall of the building, like the tribune of some of the most ancient churches in Rome, and then called the hemicycle: an instance of which is afforded in the Basilica Trajani, of which the plan is given below. It will be observed that this was a most sumptuous edifice, possessing a double tribune, and double row of columns on each side of the centre aisle, dividing the whole into five naves.

The internal tribune was probably the original construction, when the basilica was simply used as a court of justice; but when those spacious halls were erected for the convenience of traders as well as loungers, then the semicircular and external tribune was adopted, in order that the noise and



confusion in the basilica might not interrupt the proceedings of the magistrates.[3] In the centre of this tribune was placed the curule chair of the prætor, and seats for judices, who sometimes amount

1. (l. c.)—2. (Ad Att., iv., 16.)—3. (Plin., H. N., xxxvi., 24, 1.—Appian, De Bell. Civ., lib. ii.)—4. (Suet., Octav., 31.)—5. (Suet., Calig., 37.)—6. (Suet., Octav., 29.)—7. (De Honor. Cons., vi., 645.)—8. (Fiscc., Lex Ant., l. c.—Nard., Rom. Ant., v., 9.)—9. (v. 1.)

1. (Vitruv., l. c.)—2. (Vitruv., l. c.)—3. (Vitruv., l. c.)

ea to the number of 180,[1] and the advocates; and round the sides of the hemicycle, called the wings (*cornua*), were seats for persons of distinction, as well as the parties engaged in the proceedings. It was in the wing of the tribune that Tiberius sat to overawe the judgment at the trial of Granius Marcellus.[2] The two side aisles, as has been said, were separated from the centre one by a row of columns, behind each of which was placed a square pier or pilaster (*parastata*[3]), which supported the flooring of an upper portico, similar to the gallery of a modern church The upper gallery was in like manner decorated with columns, of lower dimensions than those below; and these served to support the roof, and were connected with one another by a parapet wall or balustrade (*pluteus*[4]), which served as a defence against the danger of falling over, and screened the crowd of loiterers above (*subbasilicani*[5]) from the people of business in the area below.[6] This gallery reached entirely round the inside of the building, and was frequented by women as well as men, the women on one side and the men on the other, who went to hear and see what was going on.[7] The staircase which led to the upper portico was on the outside, as is seen in the plan of the Basilica of Pompeii. It is similarly situated in the Basilica of Constantine. The whole area of these magnificent structures was covered with three separate ceilings, of the kind called *testudinatum*, like a tortoise-shell; in technical language now denominated *coved*, an expression used to distinguish a ceiling which has the general appearance of a vault, the central part of which is, however, flat, while the margins incline by a cylindrical shell from each of the four sides of the central square to the side walls; in which form the ancients imagined a resemblance to the shell of a tortoise.

From the description which has been given, it will be evident how much these edifices were adapted, in their general form and construction, to the uses of a Christian church; to which purpose some of them were, in fact, converted, as may be inferred from a passage in Ausonius, addressed to the Emperor Gratianus: *Basilica olim negotiis plena, nunc votis pro tua salute susceptis.*[8] Hence the later writers of the Empire apply the term basilicæ to all churches built after the model just described; and such were the earliest edifices dedicated to Christian worship, which, with their original designation, continue to this day, being still called at Rome *basiliche*. A Christian basilica consisted of four principal parts: 1. Πρόναος, the vestibule of entrance. 2. Νεῶς, *navis*, and sometimes *gremium*, the nave or centre aisle, which was divided from the two side ones by a row of columns on each of its sides. Here the people assembled for the purposes of worship. 3. Ἄμβων (from ἀναβαίνειν, to ascend), *chorus* (the choir), and *suggestum*, a part of the lower extremity of the nave raised above the general level of the floor by a flight of steps. 4. Ἱερατεῖον, ἱερὸν βῆμα, *sanctuarium*, which answered to the tribune of the ancient basilica. In the centre of this sanctuary was placed the high altar, under a tabernacle or canopy, such as still remains in the Basilica of St. John of Lateran at Rome, at which the priest officiated with his face turned towards the people. Around this altar, and in the wings of the sanctuarium, were seats for the assistant clergy, with an elevated chair for the bishop at the bottom of the circle in the centre.[9]

1. (Plin., Ep., vi., 33.)—2. (Tacit., Ann., i., 75.)—3. (Vitruv., l. c.)—4. (Vitruv., l. c.)—5. (Plaut., Capt., IV., ii., 35.)—6. (Vitruv., l. c.)—7. (Plin., l. c.)—8. (Grat. Act. pro consulatu.)—9. (Theatr. Basil. Pisan., cura Josep. Marl. Canon., iii., p. 8.—Ciamp., Vet. Mon., i., ii., et De Sacr. Ed., passim.)

BASIL'ICA (Βασιλικαὶ Διατάξεις). About A.D. 876, the Greek emperor Basilius, the Macedonian, commenced this work, which was completed by his son Leo, the philosopher. Before the reign of Basilius, there had been several Greek translations of the Pandect, the Code, and the Institutes; but there was no authorized Greek version of them. The numerous Constitutions of Justinian's successors, and the contradictory interpretations of the jurists, were a farther reason for publishing a revised Greek text under the imperial authority. This great work was called Basilica, or Βασιλικαὶ Διατάξεις: it was revised by the order of Constantinus Porphyrogeneta, about A.D. 945. The Basilica comprised the Institutes, Pandect, Code, the Novellæ, and the imperial Constitutions subsequent to the time of Justinian, in a Greek translation. in sixty books, which are subdivided into titles. The publication of this authorized body of law in the Greek language led to the gradual disuse of the original compilation of Justinian in the East.

The arrangement of the matter in the Basilica is as follows: All the matter relating to a given subject is selected from the Corpus Juris; the extracts from the Pandect are placed first under each title, then the constitutions of the Code, and next in order the provisions contained in the Institutes and the Novellæ, which confirm or complete the provisions of the Pandect. The Basilica does not contain all that the Corpus Juris contains; but it contains numerous fragments of the opinions of ancient jurists, and of imperial Constitutions, which are not in the Corpus Juris.

The Basilica was published, with a Latin version, by Fabrot, Paris, 1647, seven vols. fol. Fabrot published only thirty-six books complete, and six others incomplete: the other books were made up from an extract from the Basilica and the scholiasts. Four of the deficient books were afterward found in MS., and published by Gerhard Meerman, with a translation by M. Otto Reitz, in the fifth volume of his Thesaurus Juris Civilis et Canonici; and they were also published separately in London in 1765, folio, as a supplement to Fabrot's edition. A new critical edition, by the brothers Heimbach, was commenced in 1833, and is now in progress.

*BASILISCUS (βασιλίσκος), the Basilisk, sometimes called Cockatrice, from the vulgar belief in modern times, that it is produced from the egg of a cock. "Nicander describes it," observes Dr. Adams, "as having a small body, about three palms long, and of a shining colour. All the ancient authors speak with horror of the poison of the Basilisk, which they affirm to be of so deadly a nature as to prove fatal, not only when introduced into a wound, but also when transmitted through another object. Avicenna relates the case of a soldier, who, having transfixed a basilisk with a spear, its venom proved fatal to him, and also to his horse, whose lip was accidentally wounded by it. A somewhat similar story is alluded to by Lucan.[1] Linnæus, regarding, of course, all the stories about the Basilisk as utterly fabulous, refers this creature, as mentioned by the ancients, to the *Lacerta Iguana*. I cannot help thinking it very problematical, however, whether the *Iguana* be indeed the Basilisk of the ancients. Calmet supposes the Scriptural basilisk to be the same with the *Cobra di Capello*, but I am not aware of its being found in Africa. The serpent which is described under the name of *Buskah* by Jackson, would answer very well in most respects to the ancient descriptions of the Basilisk."[2]

BASTER'NA, a kind of litter (*lectica*) in which women were carried in the time of the Roman em-

1. (Phars., ix., 726.)—2. (Jackson's Account of Morocco, p. 109.—Adams, Appendix, s. v.)

pelors. It appears to have resembled the lectica (*vid.* LECTICA) very closely; and the only difference apparently was, that the lectica was carried by slaves, and the basterna by two mules. Several etymologies of the word have been proposed. Salmasius supposes it to be derived from the Greek σαστάζω.[1] A description of a basterna is given by a poet in the Latin Anthology.[2]

BATHS.—Βαλανεῖον, *Balneārium*, *Balneum*, *Balineum*, *Balneæ*, *Balineæ*, and *Thermæ*. These words are all commonly translated by our general term bath or baths; but in the writings of the earlier and better authors they are used with a nice discrimination. *Balneum* or *balineum*, which is derived from the Greek βαλανεῖον,[3] signifies, in its primary sense, a bath or bathing-vessel, such as most persons of any consequence among the Romans possessed in their own houses; in which sense it is used by Cicero,[4] *balineum calefieri jubebo*, and from that it came to signify the chamber which contained the bath[5] (*labrum si in balineo non est*), which is also the proper translation of the word *balnearium*. The diminutive *balneolum* is adopted by Seneca[6] to designate the bath-room of Scipio, in the villa at Liternum, and is expressly used to characterize the unassuming modesty of republican manners, as compared with the luxury of his own times. But when the baths of private individuals became more sumptuous, and comprised many rooms instead of the one small chamber described by Seneca, the plural *balnea* or *balinca* was adopted, which still, in correct language, had reference only to the baths of private persons. Thus Cicero terms the baths at the villa of his brother Quintus[7] *balnearia*. *Balneæ* and *balineæ*, which, according to Varro,[8] have no singular number, were the public baths. (*Balnea* is, however, used in the singular, to designate a private bath, in an inscription quoted by Reinesius.[9]) Thus Cicero[10] speaks of *balneas Senias*, *balneas publicas*, and *in vestibulo balnearum*,[11] and Aulus Gellius[12] of *balneas Sitias*. But this accuracy of diction is neglected by many of the subsequent writers, and particularly by the poets, among whom *balnea* is not uncommonly used in the plural number to signify the public baths, since the word *balneæ* could not be introduced in an hexameter verse. Pliny also, in the same sentence, makes use of the neuter plural *balnea* for public, and of *balneum* for a private bath.[13] *Thermæ* (from θέρμη, warmth) mean, properly, warm springs or baths of warm water, but came afterward to be applied to the structures in which the baths were placed, and which were both hot and cold. There was, however, a material distinction between the *balneæ* and *thermæ*, inasmuch as the former was the term used under the Republic, and referred to the public establishments of that age, which contained no appliances for luxury beyond the mere convenience of hot and cold baths, whereas the latter name was given to those magnificent edifices which grew up under the Empire, and which comprised within their range of buildings all the appurtenances belonging to the Greek gymnasia, as well as a regular establishment appropriated for bathing; which distinction is noticed by Juvenal:[14]

> "*Dum petit aut thermas, aut Phœbi balnea.*"

Subsequent writers, however, use these terms without distinction. Thus the baths erected by Claudius Etruscus, the freedman of the Emperor Claudian, are styled by Statius[1] *balnea*, and by Martial *Etrusci thermulæ*. In an epigram, also, by Martial,[3] "*subice balneum thermis*," the terms are not applied to the whole building, but to two different chambers in the same edifice.

Bathing was a practice familiar to the Greeks of both sexes from the earliest times, both in fresh water and salt, and in the natural warm springs as well as vessels artificially heated. Thus Nausicaë, daughter of Alcinous, king of Phæacia, goes out with her attendants to wash her clothes, and, after the task is done, she bathes herself in the river.[4] Ulysses, who is conducted to the same spot, strips and takes a bath, while she and her servants stand aside.[5] Europa also bathes in the river Anaurus,[6] and Helen and her companions in the Eurotas.[7] Warm springs were also resorted to for the purpose of bathing. The Ἡράκλεια λουτρά shown by Vulcan or Minerva to Hercules are celebrated by the poets. Pindar speaks of the hot bath of the nymphs —θερμὰ Νυμφᾶν λουτρά,[8] and Homer[9] celebrates one of the streams of the Scamander for its warm temperature. The artificial warm bath was taken in a vessel called ἀσάμινθος by Homer,[10] because it diminished the uncleanliness of the skin, and ἔμβασις by Athenæus.[11] It would appear, from the description of the bath administered to Ulysses in the palace of Circe, that this vessel did not contain water itself, but was only used for the bather to sit in while the warm water was poured over him, which was heated in a large caldron or tripod, under which the fire was placed, and, when sufficiently warmed, was taken out in other vessels, and poured over the head and shoulders of the person who sat in the ἀσάμινθος.[12] Where cleanliness merely was the object sought, cold bathing was adopted, which was considered as most bracing to the nerves;[13] but, after violent bodily fatigue or exertion, warm water was made use of, in order to refresh the body and relax the overtension of the muscles.[14] Thus the ἀσάμινθος is prepared for Peisistratus and Telemachus in the palace of Menelaus,[15] and is resorted to by Ulysses and Diomed, when they return with the captured horses of Rhesus.[16]

> Ἐς ῥ' ἀσαμίνθους βάντες ἐϋζέστας λούσαντο.

From which passage we also learn that the vessel was of polished marble, like the basins (*labra*) which have been discovered in the Roman baths. Andromache, in the 22d book of the *Iliad*, prepares a hot bath for Hector against his return from battle; and Nestor, in the 14th, orders Hecamede to make ready the warm bath (θερμὰ λοετρά); and the Phæacians are represented as being addicted to the vanities of dress, warm baths, and sexual indulgence.[17]

> Εἵματά τ' ἐξημοιβὰ, λοετρά τε θερμὰ, καὶ εὐναί.

It was also customary for the Greeks to take two baths in succession, first cold and afterward warm; thus, in the passage of the *Iliad* just referred to, Ulysses and Diomed both bathe in the sea, and afterward refresh themselves with a warm bath (ἀσάμινθος) upon returning to their tents. The custom of plunging into cold water after the warm bath mentioned by Aristides,[18] who wrote in the second century, does not refer to the Greeks of this early age, but to those who lived after the subjugation of their country by the Romans, from whom the habit was most probably borrowed.

After bathing, both sexes anointed themselves,

1. (Salmas., ad Lamprid., Heliog., c. 21.)—2. (iii., 183.)—3. (Varro, De Ling. Lat., ix., 68, ed. Müller.)—4. (ad Att., ii., 3.)—5. (Cic., ad Fam., xiv., 20.)—6. (Ep., 86.)—7. (ad Q. Fratr., iii., 1, § 1.)—8. (De Ling. Lat., viii., 25; ix., 41, ed. Müller.)—9. (Inscr., xi., 115.)—10. (Pro Cœl., 25.)—11. (Ib., 26.)—12. (iii., 1; x., 3.) -13. (Ep., ii., 17.)—14. (Sat. viii., 233.)

1. (Sylv., i., 5, 13.)—2. (vi., 42.)—3. (ix., 76.)—4. (Od., vi., 58, 65.)—5. (Od., vi., 210-224.)—6. (Mosch., Id., ii., 31.)—7. (Theocr., Id., vii., 22.)—8. (Olymp., xii., 27.)—9. (Il., xxii., 149.)—10. (παρὰ το τὴν ἄσην μινύθειν.—Phavorinus, *s. v.* ἀσάμινθος.)—11. (1, c. 19, p. 24.)—12. (Od., x., 359-365.)—13. (μάλιστα τοῖς νεύροις πρόσφορος: Athen., l. c.)—14. (Id. ibid.)—15 (Od., iv. 48.)—16 (Il., x., 576.)—17. (Od., viii., 248.)—18 (Tom. i., Orat. 2, Sacr. Serm., p. 515.)

the women[1] as well as men, in order that the skin might not be left harsh and rough, especially after warm water.[2] Oil (*ἔλαιον*) is the only ointment mentioned by Homer as used for this purpose, and Pliny[3] says that the Greeks had no better ointment at the time of the Trojan war than oil perfumed with herbs. In all the passages quoted above, the bathers anoint themselves with clear pure oil (*λίπ' ἐλαίῳ*); but in the 23d book of the Iliad,[4] Venus anoints the body of Hector with oil scented with roses (*ἐλαίῳ ῥοδόεντι*), and, in the 14th book of the same poem,[5] Juno anoints herself with oil "ambrosial, sweet, and odoriferous" (*ἀμβροσίον, ἑδανὸν, τεθυμμένον*): and elsewhere the oil is termed *ἐνώδες*, sweet-smelling, upon which epithet the commentators and Athenæus[6] remark that Homer was acquainted with the use of more precious ointments, but calls them oil with an epithet to distinguish them from common oil. The ancient heroes, however, never used precious unguents (*μύρα*).

Among the Greeks as well as Romans, bathing was always a preliminary to the hour of meals. Indeed, the process of eating seems to have followed as a matter of course upon that of bathing; for even Nausicaë and her companions, in the passage referred to above, immediately after they had bathed and anointed themselves, sat down to eat by the river's side while waiting for the clothes to dry.[7]

The Lacedæmonians, who considered warm water as enervating and effeminate, used two kinds of baths, namely, the cold daily bath in the Eurotas, which Agesilaus also used,[8] and a dry sudorific bath in a chamber heated with warm air by means of a stove;[9] and from them the chamber used by the Romans for a similar purpose was termed *Laconicum*.[10]

Thus it seems clear that the Greeks were familiar with the use of the bath, both as a source of health and pleasure, long before it came into general practice among the Romans, although they had no public establishments expressly devoted to the purpose of the same magnificence as the Romans had; in which sense the words of Artemidorus[11] may be understood, when he says, "They were unacquainted with the use of baths" (*βαλανεῖα οὐκ ᾔδεισαν*); for it appears that the Athenians, at least, had public baths (*λουτρῶνες*) attached to the gymnasia, which were more used by the common people than by the great and wealthy, who had private baths in their own houses.[12]

The Romans, as well as Greeks, resorted to the rivers, in the earlier periods of their history, from motives of health or cleanliness, and not of luxury; for, as the use of linen was little known in those ages,[13] health as well as comfort rendered frequent ablutions necessary. Thus we learn from Seneca[14] that the ancient Romans washed their legs and arms daily, and bathed their whole body once a week.

It is not recorded at what precise period the use of the warm bath was first introduced among the Romans; but we learn from Seneca[15] that Scipio had a warm bath in his villa at Liternum, which, however, was of the simplest kind, consisting of a simple chamber, just sufficient for the necessary purposes, and without any pretension to luxury. It was "small and dark," he says, "after the manner of the ancients." This was a bath of warm *water;* but the practice of heating an apartment with warm air by flues placed immediately under it, so as to produce a vapour bath, is stated by Valerius Maximus[1] and by Pliny[2] to have been invented by Sergius Orata, who lived in the age of Crassus, before the Marsic war. The expression used by Valerius Maximus is *balnea pensilia*, and by Pliny *balineas pensiles*, which is differently explained by different commentators; but a single glance at the plans inserted below will be sufficient in order to comprehend the manner in which the flooring of the chambers was *suspended* over the hollow cells of the hypocaust, called by Vitruvius *suspensura caldariorum*,[3] so as to leave no doubt as to the precise meaning of the invention, which is more fully exemplified in the following passage of Ausonius:[4]

"*Quid (memorem) quæ sulphurea substructa crepidine fumant*
Balnea, ferventi cum Muleiber haustus operto,
Volvit anhelatas tectoria per cava flammas,
Inclusum glomerans æstu exspirante vaporem?"

By the time of Cicero, the use of baths, both public and private, of warm water and hot air, had obtained very generally, and with a considerable degree of luxury, if not of splendour, as may be collected from a letter to his brother,[5] in which he informs him that he had given directions for removing the vapour bath (*assa*) into the opposite angle of the undressing-room (*apodyterium*), on account of the flue being placed in an injudicious situation; and we learn from the same author that there were baths at Rome in his time—*balneas Senias*[6]—which were open to the public upon payment of a small fee.[7]

In the earlier ages of Roman history, a much greater delicacy was observed with respect to promiscuous bathing, even among the men, than was usual among the Greeks; for, according to Valerius Maximus,[8] it was deemed indecent for a father to bathe in company with his own son after he had attained the age of puberty, or a son in-law with his father-in-law: the same respectful reserve being shown to blood and affinity as was paid to the temples of the gods, towards whom it was considered as an act of irreligion even to appear naked in any of the places consecrated to their worship.[9] But virtue passed away as wealth increased; and, when the thermæ came into use, not only did the men bathe together in numbers, but even men and women stripped and bathed promiscuously in the same bath. It is true, however, that the public establishments often contained separate baths for both sexes adjoining to each other,[10] as will be seen to have been also the case at the baths of Pompeii. Aulus Gellius[11] relates a story of a consul's wife who took a whim to bathe at Teanum (Teano), a small provincial town of Campania, in the men's baths (*balneis virilibus*); probably because, in a small town, the female department, like that at Pompeii, was more confined and less convenient than that assigned to the men; and an order was consequently given to the quæstor, M. Marius, to turn the men out. But whether the men and women were allowed to use each other's chambers indiscriminately, or that some of the public establishments had only one common set of baths for both, the custom prevailed under the Empire of men and women bathing indiscriminately together.[12] This custom was forbidden by Hadrian[13] and by M. Aurelius Antoninus;[14] and Alexander Severus prohibited any baths, common to both sexes (*balnea mixta*), from being opened in Rome.[15]

1. (Od., vi., 96.)—2. (Athen., l. c.)—3. (H. N., xiii., 1.)—4. (l. 186.)—5. (l. 172.)—6. (xv., 11.)—7. (Od., vi., 97.)—8. (Xen., Hellen., v., 4, § 28.—Plut., Alc., 23.)—9. (Dion, liii., p. 615 ed. Hannov., 1606.)—10. (Compare Strabo, iii., p. 413, ed. Siebenkees.—Casaub. in loc.)—11. (i., 66.)—12. (Xen., De Rep. Ath., ii., 10.)—13. (Fabr., Descr. Urb. Rom., c. 18.)—14. (Ep. 86.)—15. (l. c.)

1. (ix., 1.)—2. (H. N., ix., 79.)—3. (v., 11.)—4. (Mosell., 337.)—5. (ad Q. Fratr., iii., 1, § 1.)—6. (Pro Cœl., 25.)—7. (Ib., 26.)—8. (ii., 1, 7.)—9. (Compare Cic., De Off., i., 35.—De Orat., ii., 55.)—10. (Vitruv., v., 10.—Varro, De Ling. Lat., ix., 68.)—11. (x., 3.)—12. (Plin., H. N., xxxiii., 54.)—13. (Spart., Hadr., c. 1.)—14. (Capitolin., Anton. Philosoph., c. 23.)—15. (Lamprid., Alex. Sev., c. 42.)

When the public baths (*balneæ*) were first instituted, they were only for the lower orders, who alone bathed in public; the people of wealth, as well as those who formed the equestrian and senatorian orders, using private baths in their own houses. But this monopoly was not long enjoyed; for, as early even as the time of Julius Cæsar, we find no less a personage than the mother of Augustus making use of the public establishments,[1] which were probably, at that time, separated from the men's; and, in process of time, even the emperors themselves bathed in public with the meanest of the people. Thus Hadrian often bathed in public among the herd (*cum omnibus*[2]); and even the virtuous Alexander Severus took his bath among the populace in the thermæ he had himself erected, as well as in those of his predecessors, and returned to the palace in his bathing-dress;[3] and the abandoned Gallienus amused himself by bathing in the midst of the young and old of both sexes—men, women, and children.[4]

The baths were opened at sunrise and closed at sunset; but, in the time of Alexander Severus, it would appear that they were kept open nearly all night; for he is stated[5] to have furnished oil for his own thermæ, which previously were not opened before daybreak (*ante auroram*), and were shut before sunset (*ante vesperum*); and Juvenal[6] includes in his catalogue of female immoralities, that of taking the bath at night (*balnea nocte subit*), which may, however, refer to private baths.

The price of a bath was a quadrant, the smallest piece of coined money from the age of Cicero downward,[7] which was paid to the keeper of the bath (*balneator*); and hence it is termed by Cicero, in the oration just cited, *quadrantaria permutatio*, and by Seneca,[8] *res quadrantaria*. Children below a certain age were admitted free.[9]

"*Nec pueri credunt, nisi qui nondum æris lavantur.*"

Strangers also, and foreigners, were admitted to some of the baths, if not to all without payment, as we learn from an inscription found at Rome, and quoted by Pitiscus.[10]

L. OCTAVIO. L. F. CAM.
RUFO. TRIB. MIL. . . . . .
QUI LAVATIONEM GRATUITAM MUNICIPIBUS,
INCOLIS
HOSPITIBUS ET ADVENTORIBUS.

The baths were closed when any misfortune happened to the Republic;[11] and Suetonius says that the Emperor Caligula made it a capital offence to indulge in the luxury of bathing upon any religious holyday.[12] They were originally placed under the superintendence of the ædiles, whose business it was to keep them also in repair, and to see that they were kept clean and of a proper temperature.[13] In the provinces, the same duty seems to have devolved upon the quæstor, as may be inferred from the passage already quoted from Aulus Gellius.[14]

The time usually assigned by the Romans for taking the bath was the eighth hour, or shortly afterward.[15]

"*Octavam poteris servare; lavabimur una;*
Scis, quam sint Stephani balnea juncta mihi."

Before that time none but invalids were allowed to bathe in public.[16] Vitruvius reckons the best hours adapted for bathing to be from midday until about sunset.[17] Pliny took his bath at the ninth hour in summer, and at the eighth in winter;[18] and Martia. speaks of taking a bath, when fatigued and weary at the tenth hour, and even later.[1]

When the water was ready and the baths prepared, notice was given by the sound of a bell—*æs thermarum*.[2] One of these bells, with the inscription Firmi Balneatoris, was found in the thermæ Diocletianæ, in the year 1548, and came into the possession of the learned Fulvius Ursinus.[3]

While the bath was used for health merely or cleanliness, a single one was considered sufficient at a time, and that only when requisite. But the luxuries of the Empire knew no such bounds, and the daily bath was sometimes repeated as many as seven and eight times in succession—the number which the Emperor Commodus indulged himself with.[4] Gordian bathed seven times a day in summer, and twice in winter; the Emperor Gallienus six or seven times in summer, and twice or thrice in winter.[5] Commodus also took his meals in the bath;[6] a custom which was not confined to a dissolute emperor alone, for Martial[7] attacks a certain Æmilius for the same practice, which passage, however, is differently interpreted by some commentators.

It was the usual and constant habit of the Romans to take the bath after exercise, and previously to their principal meal (*cœna*); but the debauchees of the Empire bathed also after eating, as well as before, in order to promote digestion, so as to acquire a new appetite for fresh delicacies. Nero is related to have indulged in this practice,[8] which is also alluded to by Juvenal.[9]

Upon quitting the bath, it was usual for the Romans, as well as Greeks, to be anointed with oil; to which custom both Pompey and Brutus are represented by Plutarch as adhering. But a particular habit of body, or tendency to certain complaints, sometimes required this order to be reversed; for which reason Augustus, who suffered from nervous disorders, was accustomed to anoint himself before bathing;[10] and a similar practice was adopted by Alexander Severus.[11] The most usual practice, however, seems to have been to take some gentle exercise (*exercitatio*) in the first instance, and then, after bathing, to be anointed either in the sun, or in the tepid or thermal chamber, and finally to take their food.

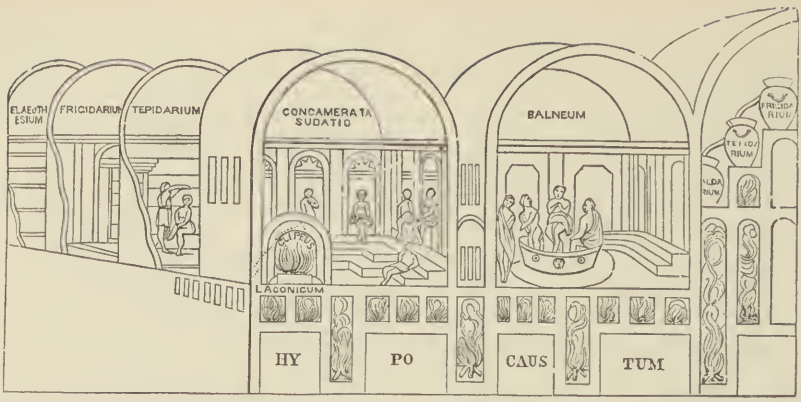
The Romans did not content themselves with a single bath of hot or cold water, but they went through a course of baths in succession, in which the agency of air as well as water was applied. It is difficult to ascertain the precise order in which the course was usually taken, if, indeed, there was any general practice beyond the whim of the individual. Under medical treatment, of course the succession would be regulated by the nature of the disease for which a cure was sought, and would vary, also, according to the different practice of different physicians. It is certain, however, that it was a general practice to close the pores and brace the body after the excessive perspiration of the vapour bath, either by pouring cold water over the head, or by plunging at once into the *piscina*, or into a river, as the Russians still do,[12] and as the Romans sometimes did, as we learn from Ausonius.

"*Vidi ego defessos multo sudore lavacri*
Fastidisse lacus, et frigora piscinarum,
Ut vivis fruerentur aquis; mox amne *refotos*
Plaudenti gelidum flumen pepulisse natatu."[13]

Musa, the physician of Augustus, is said to have

1. (Suet., Octav., 94.)—2. (Spart., Hadr., c. 17.)—3. (Lamprid., Alex. Sev., c. 42.)—4. (Trebell. Pollio, De Gallien. duob., c. 17.)—5. (Lamprid., Alex. Sev., l. c.)—6. (Sat., vi., 419.)—7. (Cic., Pro Cœl., 26.—Hor., Sat., I., iii., 137.—Juv., Sat., vi., 447.)—8. (Ep., 86.)—9. (Juven., Sat., ii., 152.)—10. (Lex. Ant.)—11. (Fabr., Descr. Urb. Rom., c. 18.)—12. (Ib.)—13. (Ib.—Sen., Ep., 86.)—14. (x., 3.)—15. (Mart., Ep., x., 48; xi., 52.)—16 (Lamprid., Alex. Sev., 24.)—17. (v., 10.)—18 (Ep., iii., 1, 8.)

1. (Epigr., iii., 36; x., 70.)—2. (Mart., Ep., xiv., 163.)—3. (Append. ad Ciaccon., De Triclin.)—4. (Lamprid., Commod., c. 2.)—5. (Capitol., Gall., c. 17.)—6. (Lamprid., l. c.)—7. (Epigr., xii., 19.)—8. (Suet., Nero, 27.)—9. (Sat., i., 142.)—10 (Suet., Octav., 82.)—11. (Lamprid., Alex. Sev., l. c.)—12. (Tooke's Russia.)—13. (Mosell., 341.)



introduced this practice,[1] which became quite the fashion, in consequence of the benefit which the emperor derived from it, though Dion[2] accuses him of having artfully caused the death of Marcellus by an improper application of the same treatment. In other cases it was considered conducive to health to pour warm water over the head before the vapour bath, and cold water immediately after it;[3] and at other times a succession of warm, tepid, and cold water was resorted to.

The two physicians, Galen and Celsus, differ in some respects as to the order in which the baths should be taken; the former recommending first the hot air of the Laconicum (*ἀέρ. θερμῷ*), next the bath of warm water (*ὕδωρ θερμόν* and *λοῦτρον*), afterward the cold, and, finally, to be well rubbed;[4] while the latter recommends his patients first to sweat for a short time in the tepid chamber (*tepidarium*) without undressing; then to proceed into the thermal chamber (*calidarium*), and, after having gone through a regular course of perspiration there, not to descend into the warm bath (*solium*), but to pour a quantity of warm water over the head, then tepid, and finally cold; afterward to be scraped with the strigil (*perfricari*), and finally rubbed dry and anointed.[5] Such, in all probability, was the usual habit of the Romans when the bath was resorted to as a daily source of pleasure, and not for any particular medical treatment; the more so, as it resembles, in many respects, the system of bathing still in practice among the Orientals, who, as Sir W. Gell remarks, "succeeded by conquest to the luxuries of the enervated Greeks and Romans."[6]

In the passage quoted above from Galen, it is plain that the word *λοῦτρον* is used for a warm bath, in which sense it also occurs in the same author. Vitruvius,[7] on the contrary, says that the Greeks used the same word to signify a cold bath (*frigida lavatio, quam Græci λοῦτρον vocitant*). The contradiction between the two authors is here pointed out, for the purpose of showing the impossibility, as well as impropriety, of attempting to fix *one* precise meaning to each of the different terms made use of by the ancient writers in reference to their bathing establishments.

Having thus detailed from classical authorities the general habits of the Romans in connexion with their system of bathing, it now remains to examine and explain the internal arrangements of the structures which contained their baths, which will serve as a practical commentary upon all that has been said. Indeed, there are more ample and better materials for acquiring a thorough insight into Roman manners in this one particular, than for any other of the usages connected with their domestic habits Lucian, in the treatise which is inscribed *Hippias*, has given a minute and interesting description of a set of baths erected by an architect of that name, which it is to be regretted is much too long for insertion in this place, but which is well worth perusal; and an excavation made at Pompeii between the years 1824, '25, laid open a complete set of public baths (*balneæ*), with many of the chambers, even to the ceilings, in good preservation, and constructed in all their important parts upon rules very similar to those laid down by Vitruvius.

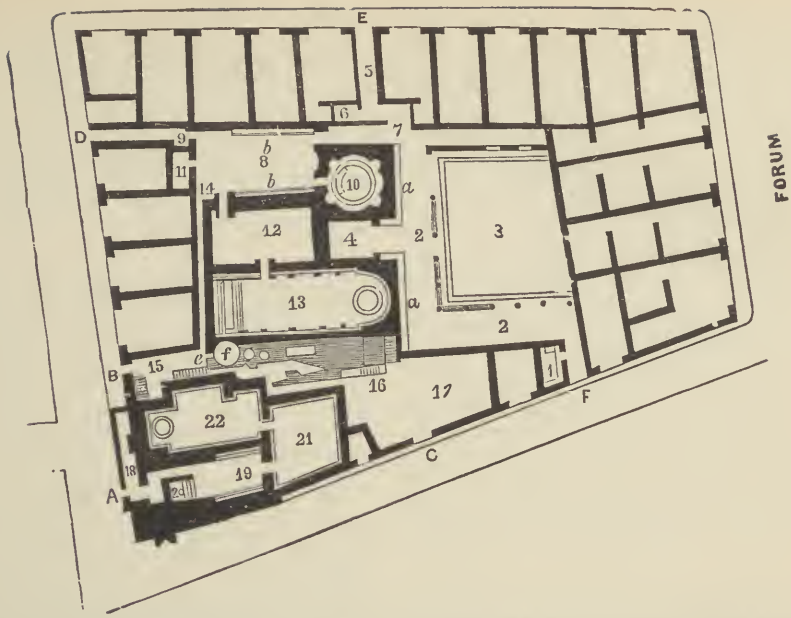
In order to render the subjoined remarks more easily intelligible, the preceding woodcut is inserted, which is taken from a fresco painting upon the walls of the thermæ of Titus at Rome.

The woodcut on the following page represents the ground-plan of the baths of Pompeii, which are nearly surrounded on three sides by houses and shops, thus forming what the Romans termed an *insula*.

The whole building, which comprises a double set of baths, has six different entrances from the street, one of which, A, gives admission to the smaller set only, which were appropriated to the women, and five others to the male department; of which two, B and C, communicate directly with the furnaces, and the other three, D, E, F, with the bathing apartments, of which F, the nearest to the Forum, was the principal one; the other two, D and E, being on opposite sides of the building, served for the convenience of those who lived on the north and east sides of the city. To have a variety of entrances (*ἐξόδοις πολλαῖς τεθυρωμένον*) is one of the qualities enumerated by Lucian necessary to a well-constructed set of baths.[1] Passing through the principal entrance F, which is removed from the street by a narrow footway surrounding the *insula* (the outer curb of which is marked upon the plan by the thin line drawn round it), and after descending three steps, the bather finds upon his left hand a small chamber (1), which contained a convenience (*latrina*[2]), and proceeds into a covered portico (2), which ran round three sides of an open court—*atrium* (3), and these together formed the vestibule of the baths—*vestibulum balnearum*,[3] in which the servants belonging to the establishment, as well as such of the slaves and attendants of the great and wealthy whose services were not required in the interior, waited. There are seats for their accommodation placed underneath the portico (*a*, *a*). This compartment answers exactly to the first, which is described by Lucian.[4] Within this court

1. (Plin., H. N., xxv., 38.)—2. (liii., p. 517.)—3. (Plin., H. N., xxviii., 14.—Celsus, De Med., i., 3.)—4. (Galen, De Methodo Medendi, x., 10, p. 708, 709, ed. Kühn.)—5. (Cels., De Med., i., 1)—6. (Gell's Pompeii, vol. 1, p. 86, ed. 1832.)—7. (v., 11.)

1. (Hippias, 8.)—2. (*Latrina* was also used, previously to the time of Varro, for the bathing-vessel, *quasi lavatrina*.—Varro De Ling. Lat., ix., 68, ed. Müller.—Compare Lucil., ap. Non. c. 3, n. 131.)—3. (Cic., Pro Cœl., 26.)—4. (l. c., 5.)



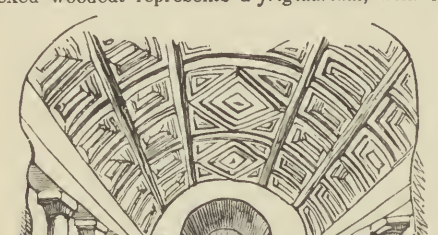
the keeper of the baths (*balneator*), who exacted the *quadrans* paid by each visiter, was also stationed; and, accordingly, in it was found the box for holding the money. The room (4) which runs back from the portico might have been appropriated to him; or, if not, it might have been an *œcus* or *exedra*, for the convenience of the better classes while awaiting the return of their acquaintances from the interior, in which case it will correspond with the chambers mentioned by Lucian,[1] adjoining to the servants' waiting-place (*ἐν ἀριστερᾷ δὲ τῶν ἐς τροφὴν παρεσκευασμένων οἰκημάτων*). In this court likewise, as being the most public place, advertisements for the theatre, or other announcements of general interest, were posted up, one of which, announcing a gladiatorial show, still remains. (5) Is the corridor which conducts from the entrance E into the same vestibule. (6) A small cell of similar use as the corresponding one in the opposite corridor (1). (7) A passage of communication which leads into the chamber (8), the *frigidarium*, which also served as an *apodyterium* or *spoliatorium*, a room for undressing; and which is also accessible from the street by the door D, through the corridor (9), in which a small niche is observable, which probably served for the station of another *balneator*, who collected the money from those entering from the north street. Here, then, is the centre in which all the persons must have met before entering into the interior of the baths; and its locality, as well as other characteristic features in its fittings up, leave no room to doubt that it served as an undressing-room to the *balneæ Pompeianæ*. It does not appear that any general rule of construction was followed by the architects of antiquity with regard to the locality and temperature best adapted for an apodyterium. The word is not mentioned by Vitruvius, nor expressly by Lucian; but he says enough for us to infer that it belonged to the *frigidarium* in the baths of Hippias.[2] "After quitting the last apartment, there is a sufficient number of chambers for the bathers to undress, in the centre of which is an *œnus*, containing three baths of cold water." Pliny the younger says that the *apodyterium* at one of his own villas adjoined the *frigidarium*,[3] and it is plain, from a passage already quoted, that the *apodyterium* was a warm apartment in the baths belonging to the villa of Cicero's brother Quintus (*assa in alterum apodyterii angulum promovi*), to which temperature Celsus also assigns it. In the thermæ at Rome, each of the hot and cold departments had probably a separate *apodyterium* attached to it; or, if not, the ground-plan was so arranged that one *apodyterium* would be contiguous to, and serve for both or either; but where space and means were circumscribed, as in the little city of Pompeii, it is more reasonable to conclude that the *frigidarium* served as an *apodyterium* for those who confined themselves to cold bathing, and the *tepidarium* for those who commenced their ablutions in the warm apartments. The bathers were expected to take off their garments in the *apodyterium*, it not being permitted to enter into the interior unless naked.[1] They were then delivered to a class of slaves called *capsarii* (from *capsa*, the small case in which children carried their books to school), whose duty it was to take charge of them. These men were notorious for dishonesty, and leagued with all the thieves of the city, so that they connived at the robberies they were placed there to prevent. Hence the expression of Catullus, "*O furum optume balneariorum!*"[2] and Trachilo, in the Rudens of Plautus,[3] complains bitterly of their roguery, which, in the capital, was carried to such an excess that very severe laws were enacted against them, the crime of stealing in the baths being made a capital offence.

To return into the chamber itself: it is vaulted and spacious, with stone seats along two sides of the wall (*b*, *b*), and a step for the feet below, slightly raised from the floor (*pulvinus et gradus*[4]). Holes can still be seen in the walls, which might have served for pegs on which the garments were hung when taken off; for in a small provincial town like Pompeii, where a robbery committed in the baths could scarcely escape detection, there would be no necessity for *capsarii* to take charge of them. It was lighted by a window closed with glass, and ornamented with stucco mouldings and painted yellow. A section and drawing of this interior is giv

1 (Ep., v., 5.)—2. (Ep., v., 6.)

1 (Cic., Pro Cœl., 26.)—2. (Carm., xxxiii., 1.)—3. (Il., xxxii. 51.)—4. (Vitruv., v., 10.)

en in Sir W. Gell's *Pompeii*. There are no less than six doors to this chamber; one led to the entrance E, another to the entrance D, a third to the small room (11), a fourth to the furnaces, a fifth to the tepid apartment, and the sixth opened upon the cold bath (10), named indifferently by the ancient authors, *natatio*, *natatorium*, *piscina*, *baptisterium*, *puteus*, λοῦτρον. The word *baptisterium*[1] is not a bath sufficiently large to immerse the whole body, but a vessel or *labrum*, containing cold water for pouring over the head.[2] The bath, which is coated with white marble, is 12 feet 10 inches in diameter, and about three feet deep, and has two marble steps to facilitate the descent into it, and a seat surrounding it at the depth of 10 inches from the bottom, for the purpose of enabling the bathers to sit down and wash themselves. The ample size of this basin explains to us what Cicero meant when he wrote, "*Latiorem piscinam voluissem, ubi jactata brachia non offendcrentur.*" It is probable that many persons contented themselves with the cold bath only, instead of going through the severe course of perspiration in the warm apartments; and as the *frigidarium* alone could have had no effect in baths like these, where it merely served as an *apodyterium*, the *natatio* must be referred to when it is said that at one period cold baths were in such request that scarcely any others were used.[3] There is a platform or ambulatory (*schola*[4]) round the bath, also of marble, and four niches of the same material disposed at regular intervals round the walls, with pedestals, for statues probably, placed in them; according to Sir W. Gell,[5] with seats, which he interprets *scholæ*, for the accommodation of persons waiting an opportunity to bathe; but a passage of Vitruvius,[6] hereafter quoted, seems to contradict this use of the term: and seats were placed in the *frigidarium* adjoining, for the express purpose of accommodating those who were obliged to wait for their turn. The ceiling is vaulted, and the chamber lighted by a window in the centre. The annexed woodcut represents a *frigidarium*, with its



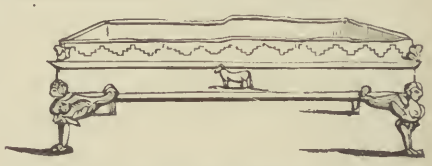
cold bath[7] at one extremity, supposed to have formed a part of the Formian villa of Cicero, to whose age the style of construction, and the use of the simple Doric order, undoubtedly belong. The bath itself, into which the water still continues to flow from a neighbouring spring, is placed under the alcove, and the two doors on each side opened into small chambers, which probably served as *apodyteria*. It is still to be seen in the gardens of the Villa Caposeli, at Mola di Gaeta, the site of the ancient Formiæ.

1. (Plin., Ep., v., 6.)—2. (Compare also Plin., Ep., xvii., 2.)—3. (Gell's Pompeii, l. c.)—4. (Vitruv., v. 10.)—5. (l. c.)—6. (v. 10.)—7. (*puteus*: Plin., Ep., v., 6.)

In the cold bath of Pompeii the water ran into the basin through a spout of bronze, and was carried off again through a conduit on the opposite side. It was also furnished with a waste-pipe under the margin to prevent it from running over. No. 11 is a small chamber on the side opposite to the *frigidarium*, which might have served for shaving (*tonstrina*), or for keeping unguents or *strigiles*; and from the centre of the side of the *frigidarium*, the bather, who intended to go through the process of warm bathing and sudation, entered into (12) the *tepidarium*.

This chamber did not contain water either at Pompeii or at the baths of Hippias, but was merely heated with warm air of an agreeable temperature, in order to prepare the body for the great heat of the vapour and warm baths; and, upon returning, to obviate the danger of a too sudden transition to the open air. In this respect it resembles exactly the tepid chamber described by Lucian,[1] which he says was of a moderate and not oppressive heat, adjoining to which he places a room for anointing (*οἶκος ἀλείψασθαι προσηνῶς παρεχόμενος*).

In the baths at Pompeii this chamber served likewise as an *apodyterium* for those who took the warm bath; for which purpose the fittings up are evidently adapted, the walls being divided into a number of separate compartments or recesses for receiving the garments when taken off, by a series of figures of the kind called *Atlantes* or *Telamones*, which project from the walls, and support a rich cornice above them. One of these divisions, with the *Telamones*, is represented in the article Atlantes. Two bronze benches were also found in the room, which was heated as well by its contiguity to the hypocaust of the adjoining chamber, as by a brazier of bronze (*foculus*), in which the charcoal ashes were still remaining when the excavation was made. A representation of it is given in the annexed woodcut. Its whole length was seven feet, and its breadth two feet six inches.



In addition to this service, there can be little doubt that this apartment was used as a depository for unguents and a room for anointing (*ἀλειπτήριον*, *unctuarium*, *elæothesium*), the proper place for which is represented by Lucian[2] as adjoining to the *tepidarium*, and by Pliny[3] as adjoining to the hypocaust; and for which purpose some of the niches between the *Telamones* seem to be peculiarly adapted. In the larger establishments, a separate chamber was allotted to these purposes, as may be seen by referring to the drawing taken from the Thermæ of Titus; but, as there is no other spot within the circuit of the Pompeian baths which could be applied in the same manner, we may safely conclude that the inhabitants of this city were anointed in the *tepidarium*, which service was performed by slaves called *unctores* and *aliptæ*. (*Vid.* Aliptæ.) For this purpose the common people used oil simply or sometimes scented; but the more wealthy classes indulged in the greatest extravagance with regard to their perfumes and unguents. These they either procured from the *elæothesium* of the baths, or brought with them in small glass bottles (*ampullæ olcariæ*), hundreds of which have been discovered in different excavations made in various parts of

1. (l. c., 6.)—2. (l. c.)—3. (Ep., v., 17.)

Italy. (*Vid.* Ampulla.) The fifth book of Athenæus contains an ample treatise upon the numerous kinds of ointments used by the Romans; which subject is also fully treated by Pliny.[1]

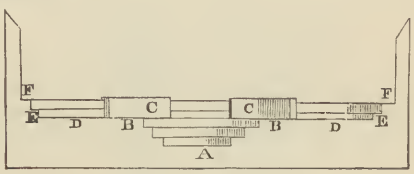
Caligula is mentioned by Suetonius[2] as having invented a new luxury in the use of the bath, by perfuming the water, whether hot or cold, by an infusion of precious odours, or, as Pliny relates the fact,[3] by anointing the walls with valuable unguents; a practice, he adds, which was adopted by one of the slaves of Nero, that the luxury should not be confined to royalty (*ne principale vidcatur hoc bonum*).

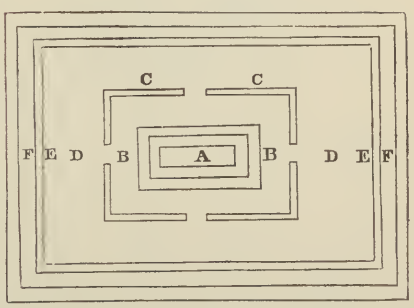
From this apartment, a door, which closed by its own weight, to prevent the admission of cold air, opened into No. 13, the thermal chamber, or *concamerata sudatio* of Vitruvius;[4] and which, in exact conformity with his directions, contains the warm bath—*balneum*, or *calda lavatio*,[5] at one of its extremities, and the semicircular vapour, or *Laconicum*, at the other; while the centre space between the two ends, termed *sudatio* by Vitruvius,[6] and *sudatorium* by Seneca, is exactly twice the length of its width, according to the directions of Vitruvius. The object in leaving so much space between the warm bath and the *Laconicum* was to give room for the gymnastic exercises of the persons within the chamber, who were accustomed to promote a full flow of perspiration by rapid movements of the arms and legs, or by lifting weights; which practice is alluded to by Juvenal:[7]

"*Magno gaudet sudare tumultu,*
Quum lassata gravi ccciderunt brachia massa."

In larger establishments, the conveniences contained in this apartment occupied two separate cells, one of which was appropriated to the warm bath, which apartment was then termed *caldarium*, *cella caldaria*, or *balneum*, and the other which comprised the Laconicum and sudatory—*Laconicum sudatioque*,[8] which part *alone* was then designated under the name of *concamerata sudatio*. This distribution is represented in the painting on the walls of the Thermæ of Titus; in which there is also another peculiarity to be observed, viz., the passage of communication (*intercapedo*) between the two chambers, the flooring of which is suspended over the hypocaust. Lucian informs us of the use for which this compartment was intended, where he mentions as one of the characteristic conveniences in the baths of Hippias, that the bathers need not retrace their steps through the whole suite of apartments by which they had entered, but might return from the thermal chamber by a shorter circuit through a room of gentle temperature (*δι'ἠρέμα θερμοῦ οἰκήματος*[9]), which communicated immediately with the *frigidarium*.

The warm-water bath, which is termed *calda lavatio* by Vitruvius,[10] *balineum* by Cicero,[11] *piscina* or *calida piscina* by Pliny[12] and Suetonius,[13] as well as *labrum*[14] and *solium* by Cicero,[15] appears to have been a capacious marble vase, sometimes standing upon the floor, like that in the picture from the Thermæ of Titus; and sometimes either partly elevated above the floor, as it was at Pompeii, or entirely sunk into it, as directed by Vitruvius.[16] The term *labrum* is generally used of a bath containing warm water, and *piscina* of one which contains cold; but the real distinction seems to be that the latter was larger than the former, as in the words of Cicero already quoted, "*latiorem piscinam voluisem.*" Pliny[1] uses the term *piscina* for a pond or tank in the open air (which was probably the accurate and genuine sense of the word); which, from being exposed to the heat of the sun, possessed a higher temperature than the cold bath, which last he distinguishes in the same sentence by the word *putcus*, "a well," which probably was that represented in the drawing from the bath at Mola.[2] Mæcenas is said, by Dion,[3] to have been the first person who made use of a *piscina* of warm water, called by Dion *κολυμβήθρα*.[4]—The words of Vitruvius,[5] in speaking of the warm-water bath, are as follows: "The bath (*labrum*) should be placed underneath the window, in such a position that the persons who stand around may not cast their shadows upon it. The platform which surrounds the bath (*scholæ labrorum*) must be sufficiently spacious to allow the surrounding observers, who are waiting for their turn, to stand there without crowding each other. The width of the passage or channel (*alveus*), which lies between the parapet (*pluteus*) and the wall, should not be less than six feet, so that the space occupied by the seat and its step below (*pulvinus et gradus inferior*) may take off just two feet from the whole width." The subjoined plans, given by Marini, will explain his meaning.





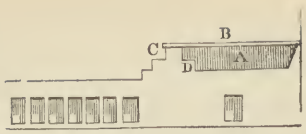
A, *labrum*, or bath; B, *schola*, or platform; C, *pluteus*, or parapet; D, *alveus*, passage between the *pluteus* and wall; F, *pulvinus*, or seat; and E, the lower step (*gradus inferior*), which together take up two feet.

The warm bath at Pompeii is a square basin of marble, and is ascended from the outside by two steps raised from the floor, which answered to the parapet or *pluteus* of Vitruvius. Around ran a narrow platform (*schola*); but which, in consequence of the limited extent of the building, would not admit of a seat (*pulvinus*) all round it. On the interior, another step, dividing equally the whole length of the cistern, allowed the bathers to sit down and wash themselves. The annexed section will render this easily intelligible.

A, *labrum*; B, *schola*; C, *pluteus*; D, the step on the inside, probably called *solium*, which word is sometimes apparently used to express the bath itself; and Cicero[6] certainly makes use of the term

1. (H. N., xiii.)—2. (Cal., 37.)—3. (l. c.)—4. (v., 11.)—5. (Vitruv., l. c.)—6. (l. c.)—7. (Sat., vi., 420.)—8. (Vitruv., l. c.)—9 (l. c., 7.)—10. (l. c.)—11. (ad Att., ii., 3.)—12. (Ep., ii., 17.)—13. (Nero, 27.)—14. (Cic., ad Fam., xiv., 16.)—15. (in Pison 27.)—16. (v., 10.)

1. (Ep., v., 6.)—2. ("Si natare *latius* aut tepidius velis, in area *piscina* est, in proximo *puteus*, ex quo possis rursus adstringi si pœniteat teporis.")—3. (lib. lv.)—4. (*πρῶτός τε κολυμβήθραν θερμοῦ ὕδατος ἐν τῇ πόλει κατεσκ ὐασε.*)—5. (v., 10.)—6. (In Pison., 27.)



to express a vessel for containing liquids. But the explanation given above is much more satisfactory, and is also supported by a number of passages in which it is used. It is adopted by Fulv. Ursinus,[1] who represents the *solium*, in a drawing copied from Mercurialis,[2] as a portable bench or seat, placed sometimes within and sometimes by the side of the bath. Augustus is represented[3] as making use of a wooden *solium* (quod ipse Hispanico verbo *duretam* vocabat); in which passage it is evident that a seat was meant, upon which he sat to have warm water poured over him. In the women's baths of the opulent and luxurious capital, the *solia* were sometimes made of silver.[4]

We now turn to the opposite extremity of the chamber which contains the *Laconicum* or vapour bath, so called because it was the custom of the Lacedæmonians to strip and anoint themselves without using warm water after the perspiration produced by their athletic exercises;[5] to which origin of the term Martial also alludes:[6]

> "*Ritus si placcant tibi Laconum,*
> *Contentus potes arido vapore*
> *Cruda Virgine Martiave mergi.*"

By the terms *Virgine* and *Martia* the poet refers to the *Aqua Virgo* and the *Aqua Martia*, two streams brought to Rome by the aqueducts.) (*Vid.* AQUÆDUCTUS.

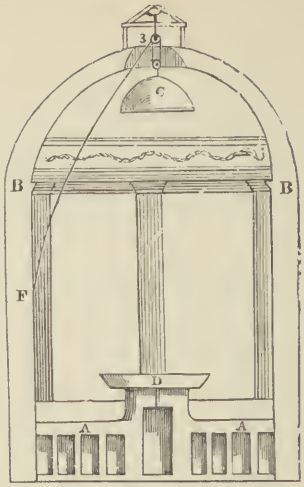
It is termed *assa* by Cicero,[7] from ἄζω, to dry; because it produced perspiration by means of a dry, hot atmosphere; which Celsus[8] consequently terms *sudationes assas*, "dry sweating," which, he afterward adds,[9] was produced by dry warmth (*calore sicco*). It was called by the Greeks πυριατήριον,[10] from the fire of the hypocaust, which was extended under it; and hence by Alexander Aphrodis., ξηρὸν θολόν, "a dry vaulted chamber."

Vitruvius says that its width should be equal to its height, reckoning from the flooring (*suspensura*) to the bottom of the thole (*imam curvaturam hemisphærii*), over the centre of which an orifice is left, from which a bronze shield (*clipeus*) was suspended. This regulated the temperature of the apartment, being raised or lowered by means of chains to which it was attached. The form of the cell was required to be circular, in order that the warm air from the hypocaust might encircle it with greater facility.[11] In accordance with these rules is the Laconicum at Pompeii, a section of which is given below, the clipeus only being added in order to make the meaning more clear.

A. The suspended pavement. *suspensura;* B, the junction of the hemisphærium with the side walls, *ima curvatura hemisphærii;* C, the shield, *clipeus;* E and F, the chains by which it is raised and lowered; D, a *labrum*, or flat marble vase, like those called *tazze* by the Italians, into which a supply of water was introduced by a single pipe running through the stem. Its use is not exactly ascertained in this place, nor whether the water it contained was hot or cold.

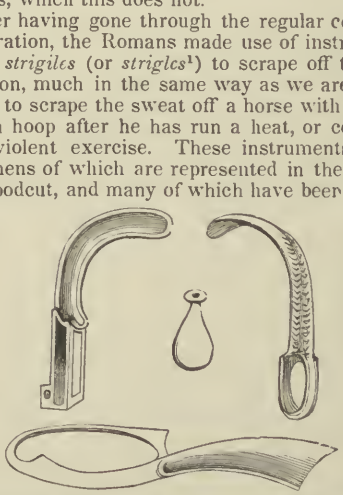
It would not be proper to dismiss this account of the *Laconicum* without alluding to an opinion adopted by some writers, among whom are Galiano and

1. (Append. in Ciaccon., De Triclin.)—2. (De Art. Gymn.)—3. (Suet., Octav., 82.)—4. (Plin., H. N., xxxiii., 54.)—5. (Dion, lii., p. 516.)—6. (Epigr., VI., xlii., 16.)—7. (Ad Quint. Fratr., iii., 1, § 1.)—8. (iii., cap. ult.)—9. (xi., 17.)—10. (Voss., Lex. Etym., s. v.)—11. (Vitruv., v., 10.—See also Athenæus, xi., p. 104.)



Cameron, that the *Laconicum* was merely a small cupola, with a metal shield *over* it, rising above the flooring (*suspensura*) of the chamber, in the manner represented by the drawing from the Thermæ of Titus, which drawing has, doubtless, given rise to the opinion. But it will be observed that the design in question is little more than a section, and that the artist may have resorted to the expedient in order to show the apparatus belonging to one end of the chamber, as is frequently done in similar plans, where any part which required to be represented upon a larger scale is inserted in full development within the general section; for in none of the numerous baths which have been discovered in Italy or elsewhere, even where the pavements were in a perfect state, has any such contrivance been observed. Besides which, it is manifest that the *clipeus* could not be raised or lowered in the design alluded to, seeing that the chains for that purpose could not be reached in the situation represented, or, if attained, could not be handled, as they must be red-hot from the heat of the hypocaust, into which they were inserted. In addition to which, the remains discovered tally exactly with the directions of Vitruvius, which this does not.

After having gone through the regular course of perspiration, the Romans made use of instruments called *strigiles* (or *striglcs*[1]) to scrape off the perspiration, much in the same way as we are accustomed to scrape the sweat off a horse with a piece of iron hoop after he has run a heat, or comes in from violent exercise. These instruments, some specimens of which are represented in the following woodcut, and many of which have been discovered among the ruins of the various baths of antiquity, were made of bone, bronze, iron, and silver; all corresponding in form with the epithet of Mar-



1. (Juv., Sat., iii., 263.)

nal, "*curvo* distringere ferro."[1] The poorer classes were obliged to scrape themselves, but the more wealthy took their slaves to the baths for the purpose; a fact which is elucidated by a curious story related by Spartian.[2] The emperor, while bathing one day, observing an old soldier, whom he had formerly known among the legions, rubbing his back, as the cattle do, against the marble walls of the chamber, asked him why he converted the wall into a strigil; and learning that he was too poor to keep a slave, he gave him one, and money for his maintenance. On the following day, upon his return to the bath, he found a whole row of old men rubbing themselves in the same manner against the wall, in the hope of experiencing the same good fortune from the prince's liberality; but, instead of taking the hint, he had them all called up, and told them to scrub one another.

The strigil was by no means a blunt instrument; consequently, its edge was softened by the application of oil, which was dropped upon it from a small vessel called *guttus* (called also *ampulla*, *λήκυθος*, *μυροθήκιον*, *ἐλαιοφόρον*[3]. *Vid.* AMPULLA.) This had a narrow neck, so as to discharge its contents drop by drop, from whence the name is taken. A representation of a guttus is given in the preceding woodcut. Augustus is related to have suffered from an over-violent use of this instrument.[4] Invalids and persons of a delicate habit made use of sponges, which Pliny says answered for towels as well as strigils. They were finally dried with towels (*lintea*), and anointed.[5]

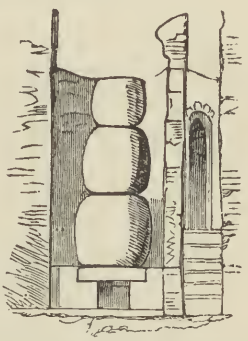
The common people were supplied with these necessaries in the baths, but the more wealthy carried their own with them, as we infer from Persius:[6]

"*I, puer, et strigiles Crispini ad balnea defer.*"

Lucian[7] adds also soap and towels to the list.

After the operation of scraping and rubbing dry, they retired into, or remained in, the *tepidarium* until they thought it prudent to encounter the open air. But it does not appear to have been customary to bathe in the water, when there was any, which was not the case at Pompeii, nor in the baths of Hippias,[8] either of the *tepidarium* or *frigidarium*; the temperature only of the atmosphere in these two chambers being of consequence to break the sudden change from the extreme of hot to cold.

Returning now back into the frigidarium (8), which, according to the directions of Vitruvius,[9] has a passage (14) communicating with the mouth of the furnace (*e*), which is also seen in the next woodcut under the boilers, called *præfurnium*, *propnigeum*,[10] *προπνιγεῖον* (from *πρό*, before, and *πνιγεύς*, a furnace), and passing down that passage, we reach the chamber (15) into which the præfurnium projects, and which has also an entrance from the street at B. It was appropriated to the use of those who had charge of the fires (*fornacatores*). There are two staircases in it; one of which leads to the roof of the baths, and the other to the coppers which contained the water. Of these there were three: one of which contained the hot water—*caldarium* (sc. vas or ahenum); the second the tepid—*tepidarium*; and the last the cold—*frigidarium*. The warm water was introduced into the warm bath by means of a conduit pipe, marked on the plan, and conducted through the wall. Underneath the *caldarium* was placed the furnace (*furnus*[11]), which served to heat the water, and give out streams of warm air into the hollow cells of the *hypocaustum* (from *ὑπό*, *under*, and *καίω*, *to burn*). It passed from the furnace under the first and last of the caldrons by two flues, which are marked upon the plan. These coppers were constructed in the same manner as is represented in the engraving from the Thermæ of Titus; the one containing hot water being placed immediately over the furnace; and, as the water was drawn out from thence, it was supplied from the next, the *tepidarium*, which was already considerably heated, from its contiguity to the furnace and the hypocaust below it, so that it supplied the deficiency of the former without materially diminishing its temperature; and the vacuum in this last was again filled up from the farthest removed, which contained the cold water received directly from the square reservoir seen behind them; a principle which has at length been introduced into the modern bathing establishments, where its efficacy, both in saving time and expense, is fully acknowledged. The boilers themselves no longer remain, but the impressions which they have left in the mortar in which they were imbedded are clearly visible, and enable us to ascertain their respective positions and dimensions, the first of which, the *caldarium* is represented in the annexed cut.



Behind the coppers there is another corridor (16), leading into the court or atrium (17) appropriated to the servants of the bath, and which has also the convenience of an immediate communication with the street by the door at C.

We now proceed to the adjoining set of baths, which were assigned to the women. The entrance is by the door A, which conducts into a small vestibule (18), and thence into the *apodyterium* (19), which, like the one in the men's baths, has a seat (*pulvinus* et *gradus*) on either side built up against the wall. This opens upon a cold bath (20), answering to the *natatio* of the other set, but of much smaller dimension, and probably similar to the one denominated by Pliny[1] *puteus*. There are four steps on the inside to descend into it. Opposite to the door of entrance into the *apodyterium* is another doorway which leads to the *tepidarium* (21), which also communicates with the thermal chamber (22), on one side of which is a warm bath in a square recess, and at the farther extremity the *Laconicum* with its *labrum*. The floor of this chamber is suspended, and its walls perforated for flues, like the corresponding one in the men's baths.

The comparative smallness and inferiority of the fittings-up in this suite of baths has induced some Italian antiquaries to throw a doubt upon the fact of their being assigned to the women; and among these the Abbate Iorio[2] ingeniously suggests that they were an old set of baths, to which the larger ones were subsequently added when they became too small for the increasing wealth and population of the city. But the story, already quoted, of the

1. (Epigr., xiv., 51.)—2. (Hadrian, c. 17.)—3. (Ruperti in Juv., Sat., iii., 262.)—4. (Suet., Octav., 30.)—5. (Juv., Sat., iii., 262.—Apuleius, Met., lib. ii.—Plin., H. N., xxxi., 47.)—6. (Sat., v., 126.)—7. (Lexiph., vol. ii, p. 320, ed. Reiz.)—8. (Lucian, l. c.)—9. (v., 11.)—10. (Plin., Ep., ii., 17.)—11. (Hor., Ep., i., 11, 12.)

1. (l. c.)—2. (Plan de Pompeii.)

consul's wife who turned the men out of their baths at Teanum for her convenience, seems sufficiently to negative such a supposition, and to prove that the inhabitants of ancient Italy, if not more selfish, were certainly less gallant than their successors. In addition to this, Vitruvius expressly enjoins that the baths of the men and women, though separate, should be contiguous to each other, in order that they might be supplied from the same boilers and hypocaust;[1] directions which are here fulfilled to the letter, as a glance at the plan will demonstrate.

It does not enter within the scope of this article to investigate the source from whence, or the manner in which, the water was supplied to the baths of Pompeii. But it may be remarked that the suggestion of Mazois, who wrote just after the excavation was commenced, and which has been copied from him by the editor of the volumes on Pompeii published by the Society for the Diffusion of Useful Knowledge, was not confirmed by the excavation; and those who are interested in the matter may consult the fourth appendix to the *Plan de Pompeii*, by the Abbate Iorio.

Notwithstanding the ample account which has been given of the plans and usages respecting baths in general, something yet remains to be said about that particular class denominated Thermæ; of which establishments the baths, in fact, constituted the smallest part. The thermæ, properly speaking, were a Roman adaptation of the Greek gymnasium, or palæstra (*vid.* PALÆSTRA), as described by Vitruvius;[2] both of which contained a system of baths in conjunction with conveniences for athletic games and youthful sports, exedræ in which the rhetoricians declaimed, poets recited, and philosophers lectured, as well as porticoes and vestibules for the idle, and libraries for the learned. They were decorated with the finest objects of art, both in painting and sculpture, covered with precious marbles, and adorned with fountains and shaded walks and plantations, like the groves of the Academy. It may be said that they began and ended with the Empire, for it was not until the time of Augustus that these magnificent structures were commenced. M. Agrippa is the first who afforded these luxuries to his countrymen, by bequeathing to them the thermæ and gardens which he had erected in the Campus Martius.[3] The Pantheon, now existing at Rome, served originally as a vestibule to these baths; and, as it was considered too magnificent for the purpose, it is supposed that Agrippa added the portico and consecrated it as a temple, for which use it still serves. It appears from a passage in Sidonius Apollinaris,[4] that the whole of these buildings, together with the adjacent Thermæ Neronianæ, remained entire in the year A.D. 466. Little is now left beyond a few fragments of ruins, and the Pantheon. The example set by Agrippa was followed by Nero, and afterward by Titus; the ruins of whose thermæ are still visible, covering a vast extent, partly under ground and partly above the Esquiline Hill. Thermæ were also erected by Trajan, Caracalla, and Diocletian, of the last two of which ample remains still exist; and even as late as Constantine, besides several which were constructed by private individuals, P. Victor enumerates sixteen, and Panvinus[5] has added four more.

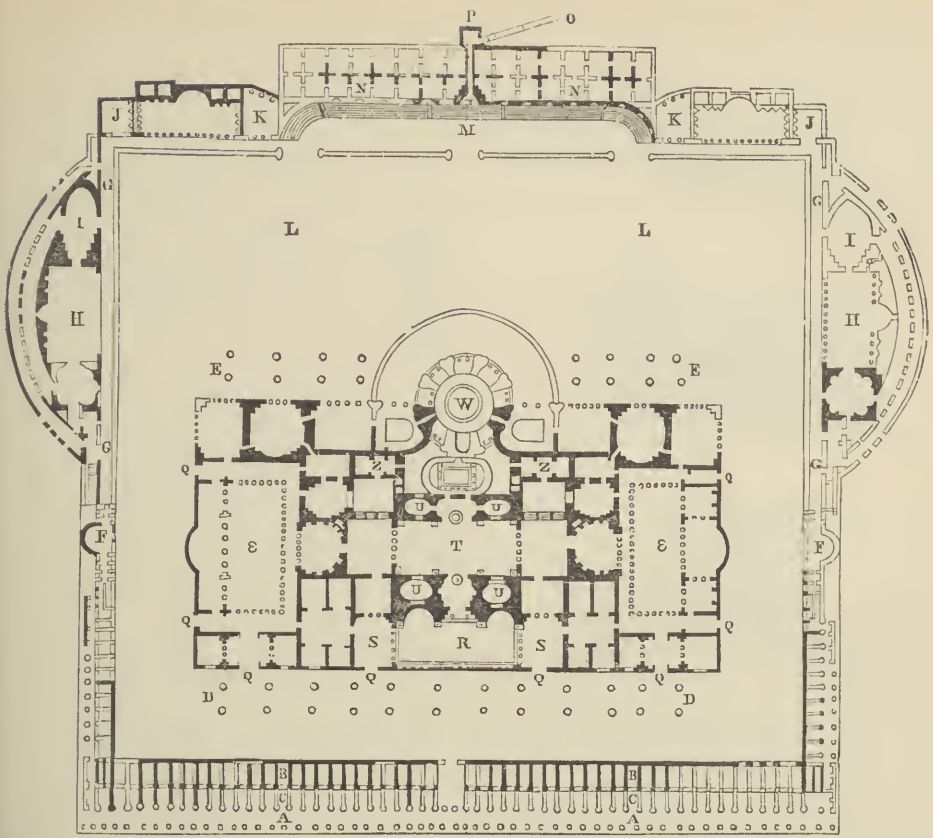
Previously to the erection of these establishments for the use of the population, it was customary for those who sought the favour of the people to give them a day's bathing free of expense. Thus, according to Dion Cassius,[6] Faustus, the son of Sulla, furnished warm baths and oil gratis to the people for one day; and Augustus, on one occasion, furnished warm baths and barbers to the people for the same period free of expense,[1] and at another time for a whole year to the women as well as men.[2] From thence it is fair to infer that the quadrant paid for admission into the *balneæ* was not exacted at the *thermæ*, which, as being the works of the emperors, would naturally be opened with imperial generosity to all, and without any charge, otherwise the whole city would have thronged to the establishment bequeathed to them by Agrippa; and in confirmation of this opinion, it may be remarked, that the old establishments, which were probably erected by private enterprise,[3] were termed *meritoriæ*.[4] Most, if not all, of the other regulations previously detailed as relating to the economy of the baths, apply equally to the thermæ: but it is to these establishments especially that the dissolute conduct of the emperors, and other luxurious indulgences of the people in general, detailed in the compositions of the satirists and later writers, must be considered to refer.

Although considerable remains of the Roman thermæ are still visible, yet, from the very ruinous state in which they are found, we are far from being able to arrive at the same accurate knowledge of their component parts, and the usages to which they were applied, as has been done with respect to the *balneæ*; or, indeed, to discover a satisfactory mode of reconciling their constructive details with the description which Vitruvius has left of the baths appertaining to a Greek palæstra, or the description given by Lucian of the baths of Hippias. All, indeed, is doubt and guess-work; each of the learned men who have pretended to give an account of their contents differing in almost all the essential particulars from one another. And yet the great similarity in the ground-plan of the three which still remain cannot fail to strike even a superficial observer; so great, indeed, that it is impossible not to perceive at once that they were all constructed upon a similar plan. Not, however, to dismiss the subject without enabling our readers to form something like a general idea of these enormous edifices, which, from their extent and magnificence, have been likened to provinces (*in modum provinciarum exstructæ*[5]), a ground-plan of the Thermæ of Caracalla is annexed, which are the best preserved among those remaining, and which were, perhaps, more splendid than all the rest. Those apartments, of which the use is ascertained with the appearance of probability, will be alone marked and explained. The dark parts represent the remains still visible, the open lines are restorations.

A, Portico fronting the street made by Caracalla when he constructed his thermæ. B, Separate bathing-rooms, either for the use of the common people, or, perhaps, for any persons who did not wish to bathe in public. C, Apodyteria attached to them. D, D, and E, E, the porticoes.[6] F, F, Exedræ, in which there were seats for the philosophers to hold their conversations.[7] G, Hypæthræ, passages open to the air: *Hypæthræ ambulationes* quas Græci *περιδρόμιδας*, nostri xystos appellant.[8] H, H, Stadia in the palæstra—*quadrata sive oblonga.*[9] I, I, Possibly schools or academies where public lectures were delivered. J, J, and K, K, Rooms appropriated to the servants of the baths (*balneatores*). In the latter are staircases for ascending to the principal reservoir. L, Space occupied by walks and shrubberies—*ambulationes inter platanones.*[10] M, The arena or stadium in which the youth performed their ex-

1. (Vitr., v., 10.)—2. (v., 11.)—3. (Dion, liv., tom. i., p. 759.—Plin., H. N., xxxvi., 64).—4. (Carm. xxiii., 495.)—5. (Urb Rom. Descript., p. 106.)—6. (xxxvii., p. 143.)

1. (Id., liv., p. 755.)—2. (Id., xlix., p. 600.)—3 (Compare Plin., H. N., ix., 79.)—4. (Plin., Ep., ii., 17.)—5. (Amm. Marcell., xvi., 6.)—6. (Vitruv., v., 11.)—7. (Vitruv . . c.—Cic., De Orat., ii., 5.)—8. (Vitr : ·, l. c.)—9. (Vitruv .. c.)—10 (Vitruv., l. c.)



ercises, with seats for the spectators,[1] called the *theatridium*. N, N, Reservoirs, with upper stories, sectional elevations of which are given in the two subsequent woodcuts. O, Aquæduct which supplied the baths. P, The cistern or piscina. This external range of buildings occupies one mile in circuit.

We now come to the arrangement of the interior, for which it is very difficult to assign satisfactory destinations. Q represents the principal entrances, of which there were eight. R, the *natatio, piscina*, or cold-water bath, to which the direct entrance from the portico is by a vestibule on either side marked S, and which is surrounded by a set of chambers which served most probably as rooms for undressing (*apodyteria*), anointing (*unctuaria*), and stations for the *capsarii*. Those nearest to the peristyle were, perhaps, the *conisteria*, where the powder was kept which the wrestlers used in order to obtain a firmer grasp upon their adversaries:

"*Ille cavis hausto spargit me pulvere palmis,*
Inque vicem fulvæ tactu flavescit arenæ."[2]

The inferior quality of the ornaments which these apartments have had, and the staircases in two of them, afford evidence that they were occupied by menials. T is considered to be the *tepidarium*, with four warm baths (U, U, U, U) taken out of its four angles, and two *labra* on its two flanks. There are steps for descending into the baths, in one of which traces of the conduit are still manifest. Thus it would appear that the centre part of this apartment served as a *tepidarium*, having a *balneum* or *talda lavatio* in four of its corners. The centre part, like that also of the preceding apartment, is supported by eight immense columns.

The apartments beyond this, which are too much dilapidated to be restored with any degree of certainty, contained, of course, the laconicum and sudatories, for which the round chamber W, and its appurtenances seem to be adapted, and which are also contiguous to the reservoirs, Z, Z.[1]

ε, ε probably comprised the *ephebia*, or places where the youth were taught their exercises, with the appurtenances belonging to them, such as the *sphæristerium* and *corycæum*. The first of these takes its name from the game at ball, so much in favour with the Romans, at which Martial's friend was playing when the bell sounded to announce that the water was ready.[3] The latter is derived from *κώρυκος*, a sack,[3] which was filled with bran and olive husks for the young, and sand for the more robust, and then suspended at a certain height, and swung backward and forward by the players.[4]

The chambers also on the other side, which are not marked, probably served for the exercises of the palæstra in bad weather.[5]

These baths contained an upper story, of which nothing remains beyond what is just sufficient to indicate the fact. They have been mentioned and eulogized by several of the Latin authors.[6]

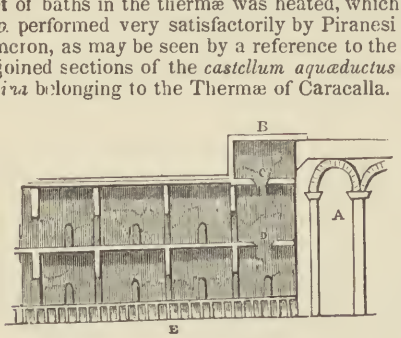
It will be observed that there is no part of the bathing department separated from the rest which could be assigned for the use of the women exclusively. From this it must be inferred either that both sexes always bathed together promiscuously

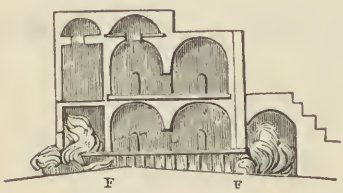
1. (Vitruv., 1 c.)—2. (Ovid, Met., ix., 35.—*Vid.* etiam Salmas., ad Tertull., Pall., p. 217.—Mercurial., De Arte Gymn., i., 8.)

1. (Vitruv., v., 11.)—2. (Mart., Ep., xiv., 163.)—3. (Hesych., s. v.)—4. (Aulis, De Gymn. Const., p. 9.—Antill., ap. Oribas., Coll. Med., 6.)—5. (Vitruv., v., 11.)—6. (Spartian., Caracall., c. 9.—Lamprid., Heliogab., c. 17.—Alex. Sev., c. 25.—Eutrop., viii., 11.—Olymp., ap. Phot., p. 114, ed. Aug. Vindel., 1601.)

in the thermæ, or that the women were excluded altogether from these establishments, and only admitted to the *balneæ*.

It remains to explain the manner in which the immense body of water required for the supply of a set of baths in the thermæ was heated, which has been performed very satisfactorily by Piranesi and Cameron, as may be seen by a reference to the two subjoined sections of the *castellum aquæductus* and *fornax* belonging to the Thermæ of Caracalla.





A, arches of the aquæduct which conveyed the water into the *piscina* B, from whence it flowed into the upper range of cells through the aperture at C, and thence again descended into the lower ones by the aperture at D, which were placed immediately over the hypocaust E, the præfurnium of which is seen in the transverse section at F, in the lower cut. There were thirty-two of these cells arranged in two rows over the hypocaust, sixteen on each side, and all communicating with each other; and over these a similar number similarly arranged, which communicated with those below by the aperture at D. The parting walls between these cells were likewise perforated with flues, which served to disseminate the heat all round the whole body of water. When the water was sufficiently warm, it was turned on to the baths through pipes conducted likewise through flues in order to prevent the loss of temperature during the passage, and the vacuum was supplied by tepid water from the range above, which was replenished from the piscina; exactly upon the principle represented in the drawing from the Thermæ of Titus, ingeniously applied upon a much larger scale.

BATIL'LUS (*ἄμη*), a shovel. Pliny mentions the use of iron shovels, when heated, in testing silver and verdigris.[1] Horace ridicules the vain pomposity of a municipal officer in the small town of Fundi, who had a shovel of red-hot charcoal carried before him in public for the purpose of burning on it frankincense and other odours (*prunæ batillum*[2]). Varro points out the use of the shovel in the poultry-yard (*cum batillo circumire, ac stercus tollere*[3]). The same instrument was employed, together with the spade, for making roads and for various agricultural operations (*ἄμαι*[4]). "Hamæ" are also mentioned as utensils for extinguishing fires. These may have been wooden shovels, used for throwing water, as we now see them employed in some countries which abound in pools and canals.[5]

1. (Plin., H. N., xxxiii., 44; xxxiv., 26.)—2. (Sat., I., v., 36.)—3. (De Re Rust., iii., 6.)—4. (Xen., Cyrop., vi., 2.—Brunck, Anal., ii., p. 53.—Geoponica, ii., 22.)—5. (Juv., xiv., 305.)

*BATIS (*βατις*), a species of fish. It is the *Raia batis*, L.; called in French *Coliart*, in English the *Flair* or *Skate*.[1]

*BATOS (*βάτος*), a plant or shrub, the species of which, as described by Theophrastus,[2] are thus arranged by Stackhouse: The first, or *ὀρθοφυής*, is the *Rubus fruticosus*, or Common Bramble. The second, or *χαμαίβατος*, is the *R. Chamæmorus*, or Cloud-berry (called in Scotland the Avron). The third, or *κυνόσβατος*, is the *R. idæus*, or Raspberry. Sprengel agrees with almost all the authorities, that the *βάτος*, properly speaking, of Dioscorides and Galen, is the *Rubus fruticosus;* and the *ἰδαία*, the *Rubus idæus*. It may be proper to remark, that by the poets, *βάτος* is often applied to any thorny shrub. Thus, in the following epigram, it is applied to the stem of the rose:

"Τὸ *ῥόδον ἀκμάζει βαιὸν χρόνον, ἦν δὲ παρέλθῃ*
Ζητῶν εὑρήσεις οὐ ῥόδον ἀλλὰ βάτον."[3]

*BATRACHI'UM (*βατράχιον*), a plant of which Apuleius says, "*Nascitur sæpe in Sardinia.*" Hence Schulze, who is otherwise undecided respecting it, holds it to be identical with the "*Sardoa herba*" of Virgil and others, namely, a species of the *Ranunculus*, or Crow-foot. Sprengel refers the first species of Dioscorides to the *Ranunculus Asiaticus*, the second to the *R. lanuginosus;* the third to the *R. muricatus;* and the fourth to the *R. aquatilus*, upon the authority of Sibthorp.[4]

*BATRACHUS (*βάτραχος*), I. The Frog, called in Latin *Rana*. The name was applied to several species of the genus *Rana*. "The common frogs of Greece," observes Dodwell, "have a note totally different from that of the frogs of the northern climates, and there cannot be a more perfect imitation of it than the *Brekekekex koax koax* of Aristophanes."—The *Rana arborea*, according to the same traveller, is of a most beautiful light-green colour, and in its form nearly resembles the common frog, but is of a smaller size; it has also longer claws, and a glutinous matter at its feet, with which it attaches itself with great facility to any substance that comes in its way. It lives chiefly on trees, and jumps with surprising agility from branch to branch. Its colour is so nearly identified with that of the leaves, that it is very difficult to distinguish the one from the other. Its eyes are of a most beautiful vivacity, and it is so extremely cold that, when held in the hand, it produces a chilly sensation like a piece of ice. Its song is surprisingly loud and shrill, and in hot days almost as incessant and tiresome as that of the tettix. These animals are more common in Leucadia than in other parts of Greece.[5]

II. A species of fish, called in English the Toad-fish, Frog-fish, and Sea-devil. It is the *Lophius piscatorius*, L.; in French, *Bandroic;* in Italian, *Martino pescatore*. Aristotle calls it the *βάτραχος ἁλίας*, Ælian the *β. ἁλιεύς*. By Ovid it is termed *Rana;* by Pliny, *Rana*, and also *Rana piscatrix;* and by Cicero, *Rana marina*. Schneider, in his commentary on Aristotle, states that the *βάτραχος* of Oppian would appear to be the *Lophius barbatus*, and that of Ælian the *L. vespertilio*.[6]

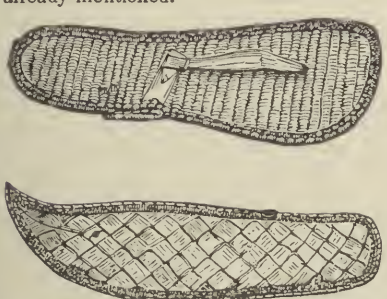
BAXA or BAXEA, a sandal made of vegetable leaves, twigs, or fibres. According to Isidore,[7] this kind of sandal was worn on the stage by comic, while the cothurnus was appropriate to tragic actors. When, therefore, one of the characters in

1. (Aristot., H. A., i., 5, &c.—Ælian, N. A., xvi., 13.)—2. (H. P., i., 2, 8, 15, 16; iii., 18.—Dioscor., iv., 37, 38.)—3. (Anthol. Græc., *ἀόεσπ.*, 39.)—4. (Dioscor., ii., 206.—Bauhin, Pinax, v., 3.—Martyn, ad Virg., Eclog., vii., 41.—Adams, Append., s. v.)—5. (Dodwell's Tour, vol. ii., p. 44, 45.)—6. (Aristot., H. A., ix., 37.—Ælian, N. A., ix., 24; xiii., 1.—Ovid, Hal., 126.—Plin., H. N., ix., 24; xxv., 10.—Cic., Nat. Deor., ii., 49.)—7. (Orig., xix., 33.)

Plautus[1] says, "*Quî extergentur baxeæ?*" we may suppose him to point to the sandals on his feet.

Philosophers also wore sandals of this description, at least in the time of Tertullian[2] and Apuleius,[3] and probably for the sake of simplicity and cheapness.

Isidore adds that baxeæ were made of willow (*ex salice*), and that they were also called *calones;* and he thinks that the latter term was derived from the Greek *καλον*, wood. It is probable that in Spain they were made of Spanish broom (*spartum*[4]). From numerous specimens of them discovered in the catacombs, we perceive that the Egyptians made them of palm-leaves and papyrus.[5] They are sometimes observable on the feet of Egyptian statues. According to Herodotus, sandals of papyrus (*ὑποδήματα βύβλινα*[6]) were a part of the required and characteristic dress of the Egyptian priests. We may presume that he intended his words to include not only sandals made, strictly speaking, of papyrus, but those also in which the leaves of the date-palm were an ingredient, and of which Apuleius makes distinct mention, when he describes a young priest covered with a linen sheet and wearing sandals of palm (*linteis amiculis intectum, pedesque palmeis baxeis indutum*[7]). The accompanying woodcut shows two sandals exactly answering to this description, from the collection in the British Museum. The upper one was worn on the right foot. It has a loop on the right side for fastening the band which went across the instep. This band, together with the ligature connected with it, which was inserted between the great and the second toe, is made of the stem of the papyrus, undivided and unwrought. The lower figure shows a sandal in which the portions of the palm-leaf are interlaced with great neatness and regularity, the sewing and binding being effected by fibres of papyrus. The three holes may be observed for the passage of the band and ligature already mentioned.



It appears that these vegetable sandals were sometimes ornamented, so as to become expensive and fashionable; for Tertullian says, "*Soccus et baxa quotidie deaurantur.*"[8] The making of them, in all their variety, was the business of a class of men called *baxiarii;* and these, with the *solearii*, who made other kinds of sandals, constituted a corporation or college at Rome.[9]

*BDELLA (*βδέλλα*), the common Leech, or *Hirudo domestica.* The application of leeches is often recommended by Galen and the medical authors subsequent to him. The poet Oppian alludes to the medicinal use of the leech, and describes very graphically the process by which it fills itself with blood.[10]

*BDELLIUM (*βδέλλιον*), commonly called a gum, but in reality a gum-resin, the origin of which is a subject of doubt. It would appear that there are two, if not more, kinds of bdellium, the source of one of which seems to be ascertained; the others are matters of controversy. The *Bdellium* of the ancients came from India, Arabia, Babylonia, and Bactriana. The last was the best.[1] It still comes, though not exclusively, from Asia. Adanson states that he saw in Africa the substance exude from a thorny species of *Amyris*, called by the natives *Niouttout.* From its resemblance to myrrh, the analogy is in favour of its being obtained from an *Amyris* or *Balsamodendron.* The opinion of its being obtained from a palm, either the *Leontarus domestica* (Gærtn.) or the *Borassus flabelliformis*, is very improbable. The Sicilian bdellium is produced by the *Drucus Hispanicus* (Decand.), which grows on the islands and shores of the Mediterranean. The Egyptian bdellium is conjectured to be produced by the *Borassus flabelliformis* already alluded to. Dioscorides and Galen describe two kinds of bdellium, the second of which is *Benzoin*, according to Hardouin and Sprengel.

II. A substance mentioned in the second chapter of Genesis,[2] and which has given rise to a great diversity of opinion. The Hebrew name is *bedolah*, which the Septuagint renders by *ἄνθραξ*, "carbuncle;" the Syriac version, "beryll" (reading *berolah*[3]); the Arabic, "pearls;" Aquila, Theodotion, and Symmachus, "Bdellium;" while some are in favour of "crystal," an opinion which Reland, among others, maintains.[4] There is nothing, however, of so much value in bdellium as to warrant the mention of this in the account of a particular region; it is more than probable, on the contrary, that pearls are meant, as expressed by the Arabic version. This view of the subject was maintained by many of the Jewish rabbins, and, among others, by Benjamin of Tudela. Bochart also advocates it with great learning; and it derives great support from another passage in the Sacred Writings, where Manna is compared with *Bdellium.* As the Manna is said to have been white and round, these two characteristics give rise at once to a resemblance between it and pearls.[5]

ΒΕΒΑΙΩ΄ΣΕΩΣ ΔΙΚΗ (*βεβαιώσεως δίκη*), an action to compel the vendor to make a good title, was had recourse to when the right or possession of the purchaser was impugned or disturbed by a third person. A claimant under these circumstances, unless the present owner were inclined to fight the battle himself (*αὐτομαχεῖν*), was referred to the vendor as the proper defendant in the cause (*εἰς πρατῆρα ἀνάγειν*). If the vendor were then unwilling to appear, the action in question was the legal remedy against him, and might be resorted to by the purchaser even when the earnest only had been paid.[6] From the passages in the oration of Demosthenes against Pantænetus that bear upon the subject, it is concluded by Heraldus[7] that the liability to be so called upon was inherent in the character of a vendor, and, therefore, not the subject of specific warranty or covenants for title. The same critic also concludes, from the glosses of Hesychius and Suidas, that this action might in like manner be brought against a fraudulent mortgager.[8] If the claimant had established his right, and been, by the decision of the dicasts, put in legal possession of the property, whether movable or otherwise, as appears from the case in the speech against Pantænetus, the ejected purchaser was entitled to sue for reim-

1. (Men., II., iii., 40.)—2. (De Pallio, p. 117, ed. Rigalt.)—3. (Met., ii. and xi.)—4. (Plin., H. N., xix., 7.)—5. (Wilkinson's Manners and Customs, &c., vol. iii., p. 336.)—6. (ii., 37.)—7. (Met., ii.)—8. (De Idol., c. 8, p. 89.)—9. (Marini, Atti degli Fratri Arv., p. 12.)—10. (Halieut., ii., 600.—Adams, Append., v.)

1. (Plin., H. N., xii., 9.—Peripl. Mar. Erythr., p. 21, 22, 28, 29.—Ctesias, Indic., 19.—Bähr in loc., p. 318.)—2. (v., 12.)—3. (Bochart, Hieroz., P. ii., col. 674.)—4. (Dissert. Miscell. P. i., p. 27, seqq.—Rosenmüller, ad Gen., l. c.)—5. (Bochart, l. c.)—6. (Harpocrat., s. v. *αὐτομαχεῖν, βεβαίωσις.*)—7. (Animadv. in Salm., iv., 3, 6.)—8. (Animadv. in Salm., iv. 3 in fin.)

pursement from the vendor by the action in question.[1] The cause is classed by Meier[2] among the *δίκαι πρός τινα*, or civil actions that fell within the cognizance of the thesmothetæ.

*BEL'ONE (*βελόνη*), the Gar-fish or Horn-fish, the *Esox Belone*, L. It is called Durio in Athenæus; *βελόνη θαλαττία* by Ælian;[3] *βαφίς* by Oppian;[4] and *Acus sive Belone* by Pliny,[5] who elsewhere says, "*Belone quæ aculeati vocantur.*"[6] The Belone gets its name from its long and slender shape, like a needle." The bones of this fish are remarkable for their colour, which is a beautiful green, not arising either from cooking or the spinal marrow, as some have believed. There is a long dissertation on this fish in the *Addenda* to Schneider's edition of Ælian, and in Gesner, *De Aquatilibus*.[7]

*BECHION. (*Vid.* BHXION.)

*BEMA (*βῆμα*). (*Vid.* Ecclesia.)

BENDIDEI'A (*Βενδίδεια*), a Thracian festival in honour of the goddess *Βένδις*, who is said to be identical with the Grecian Artemis[8] and with the Roman Diana. The festival was of a bacchanalian character.[9] From Thrace it was brought to Athens, where it was celebrated in the Peiræus, according to the scholiast on Plato,[10] on the nineteenth, or, according to Aristoteles Rhodius and others, *οἱ ὑπομνηματισταί*, referred to by Proclus,[11] on the twentieth, of the month Thargelion, before the Panathenæa Minora.[12] Herodotus[13] says that he knows that the Thracian and Pæonian women, when they sacrifice to the royal Artemis, never offer the victims without a wheat-stalk (*ἄνευ πυρῶν καλάμης*). This was probably at the *Βενδίδεια*. The Temple of *Βένδις* was called *Βενδίδειον*.[14]

BENEFI'CIUM ABSTINENDI. (*Vid.* Heres.)

BENEFI'CIUM, BENEFICIA'RIUS. The word beneficium is equivalent to feudum or fief in the writers on the feudal law, and is an interest in land, or things inseparable from the land, or things immovable.[15] The beneficiarius is he who has a beneficium. The term benefice is also applied to an ecclesiastical preferment.[16]

The term beneficium is of frequent occurrence in the Roman law, in the sense of some special privilege or favour granted to a person in respect of age, sex, or condition. But the word was also used in other senses, and the meaning of the term, as it appears in the feudal law, is clearly derivable from the signification of the term among the Romans of the later republican and earlier imperial times. In the time of Cicero, it was usual for a general or a governor of a province to report to the treasury the names of those under his command who had done good service to the state: those who were included in such report were said *in beneficiis ad ærarium deferri*.[17] *In beneficiis* in these passages may mean that the persons so reported were considered as persons who had deserved well of the state, and so the word *beneficium* may have reference to the services of the individuals; but as the object for which their services were reported was the benefit of the individuals, it seems that the term had reference also to the reward, immediate or remote, obtained for their services. The honours and offices of the Roman state, in the republican period, were called the beneficia of the Populus Romanus.

Beneficium also signified any promotion conferred on, or grant made to soldiers, who were thence called beneficiarii: this practice was common, as we see from inscriptions in Gruter,[1] in some of which the beneficiarius is represented by the two letters B. F. In this sense we must understand the passage of Cæsar[2] when he speaks of the *magna beneficia* and the *magnæ clientelæ* of Pompey in Citerior Spain. Beneficiarius is also used by Cæsar[3] to express the person who had received a beneficium. It does not, however, appear from these passages what the beneficium actually was It might be any kind of honour, or special exemption from service.[4]

Beneficiarius is opposed by Festus[5] to munifex, in the sense of one who is released from military service, as opposed to one who is bound to do military service.

It appears that grants of land and other things made by the Roman emperors were called beneficia, and were entered in a book called *Liber Beneficiorum*.[6] The secretary or clerk who kept this book was called *a commentariis beneficiorum*, as appears from an inscription in Gruter.[7]

*BER'BERI (*βέρβερι*), according to Rondelet, the *Concha margaritifera*, or Mother of Pearl, meaning, as Adams supposes, the *Avicula margaritifera* of later naturalists.[8] Eustathius makes it an Indian name. It appears to be connected in some way with the commerce of the Eastern region, or seacoast, termed Barbaria.[9]

*BERRIKOK'KA (*βερίκοκκα*), a synonyme of the *Malum Armeniacum*, or Apricot.

*BERYLLUS (*βήρυλλος*), the Beryl, a precious stone, forming a sub-species of emerald. The Romans would appear to have been in the habit of studding their cups with beryls, and hence Juvenal says, "*et inæquales beryllo Vitro tenet phialas.*"[10] The affinity between the beryl and the emerald was not unknown to the ancients, and hence Pliny remarks, "Beryls appear to many to have the same, or, at least, a like nature with emeralds."[11] According to this writer, they came from India, and were rarely found in other countries. At the present day, however, the finest beryls are obtained from Dauria, on the frontiers of China. They occur, also, in the Uralian Mountains, and other parts of Siberia, in France, Saxony, the United States, and Brazil, especially the latter.[12] The normal type of the Beryl, as of the emerald, is the hexaëdral prism, more or less modified; the pointing, however, is not always complete.[13] Pliny seems to regard this crystalline form of the stone as the result of the lapidary's art; he adds, however, that some suppose the Beryl to be naturally of that shape. The same writer enumerates eight different kinds: "The best were those of a pure sea-green, our *aqua marina*, or, as the French term it, *Berii aiguc-marine*. The next in esteem were called *Chrysoberyls*, and are somewhat vaguely described as '*paullo pallidiorcs, sed in aureum colorem excunte fulgore.*' This was probably the yellow emerald, such as occurs in Auvergne, or at Haddam in Connecticut. The third was called *Chrysoprase*, and would seem to have been, in fact, as Pliny says some considered it, a mineral *proprii generis*, different from the Bery.. It resembled in colour the juice of the leak, but with somewhat of a golden tinge, and hence its name. Although we are uncertain as to the mineral here described, yet it is not improbable that it was the same now called Chrysoprase, and to which Lel

1. (Pollux, Onom., viii., 6.)—2. (Att. Process, 526.)—3. (N. A., ix., 60.)—4. (Hal., i.)—5. (H. N., ix., 51.)—6. (H. N., xxxii., 11.)—7. (Adams, Append., s. v.)—8. (Hesych., s. v. Βένδις.)—9. (Strabo, x., p. 470, *d.*)—10. (Repub., i., p. 354, s. 24, ed. Bekk.)—11. (Comm. in Plat., Tim., lib. i.)—12. (Clinton, F. H., p. 333, 334.)—13. (iv., 33, sub fin.)—14. (Xen., Hellen., ii., 4, § 11.—Liv., xxxviii, 41.)—15. (Feud., lib. ii., tit. 1.)—16. (Ducange, Gloss.)—17 (Cic., Pro Arch., c. 5.—Ep. ad Fam., v., 20.)

1. (Ii., 4; cxxx., 5.)—2. (Bell. Civ., ii., 18.)—3. (Bell. Civ i., 75.)—4. (Bell. Civ., iii., 88.—Suet., Tib., 12.)—5. (s. v.)—6 (Hyginus, De Limitibus Constit., p. 193, Goes.)—7. (DLXXVIII., 1.)—8. (Casaubon in Athen., p. 177.—Adams, Append., s. v.)—9. (Athenæus, iii., p. 93, B.—Eustath. in Il., 9, 402, p. 759, 50—Vincent's Anc. Commerce, vol. ii., p. 123.)—10. (Sat., v., 38.)—11. (H. N., xxxvii., 20.)—12. (Cleaveland's Mineralogy, vol. i., p. 317.)—13 (Fée in Plin.,)

man was the first in modern times who gave the ancient name. The fourth variety of Beryl was of a colour approaching the hyacinth; the fifth were termed *aëroïdes;* the sixth were of a wax, the seventh of an olive colour. The last variety spoken of by Pliny resembled crystal, but contained hairy threads and impurities. These were probably such crystals of quartz as are often found, rendered partly opaque by chlorite, or penetrated by capillary crystals of epidote, actinolite, or other minerals. Pliny observes that the Indians stained rock-crystal in such a way as to counterfeit other gems, and especially the Beryl."[1]

BESTIA'RII (*θηριομάχοι*) were persons who fought with wild beasts in the games of the circus. They were either persons who fought for the sake of pay (*auctoramentum*[2]), and who were allowed arms, or they were criminals, who were usually permitted to have no means of defence against the wild beasts.[3] The bestiarii, who fought with the beasts for the sake of pay, and of whom there were great numbers in the latter days of the Republic and under the Empire, are always spoken of as distinct from the gladiators, who fought with one another.[4] It appears that there were schools in Rome, in which persons were trained to fight with wild beasts (*scholæ bestiarum* or *bestiariorum*[5]).

*BETA (*τεῦτλος, -ον, -ιον, -ις*, or *σεῦτλον*), the Beet, or *Beta vulgaris*. The Greeks distinguished two kinds of this vegetable by means of their colour, namely, the Black and the White Beet, the latter of which was also called the Sicilian. The white was preferred to the other. The Romans had also two kinds, in name at least, the vernal and autumnal, taking their names from the periods when they were sown. The largest beets were procured around Circeii.[6]

*BETTONI'CA and BRETTANI'CA (*βεττονική* and *βρεττανική*), a species of plant, commonly called "the Betony." "It is almost incredible," observes Adams, "how much of confusion and mistake has ariser about these terms. With respect to the Betonica of Paul of Ægina, the most probable opinion is that held by Bauhin, namely, that it was either the *Veronica officinalis*, common male Speedwell, or the *V. serpyllifolia*, or smooth Speedwell. In Miller's *Gardener's Dictionary*, the former of these, and in the *Northern Flora* of Dr. Murray, the latter, gets the additional name of 'Paul's Betony.' The *βεττονική*, which was merely a synonyme of the *κέστρον*, was most probably either the *Betonica officinalis*, or, as Sprengel rather thinks, the *B. alopecuros*. We now come to the *Βρεττανική* of Dioscorides. This he describes as resembling wild Dock (*λαπάθῳ ἀγρίῳ*), but having a larger and rougher leaf. He ascribes to it, also, a styptic power, which rendered it well adapted for affections of the mouth and fauces. Paul of Ægina, in like manner, compares his *βρεττανική* to the wild Dock, and commends it for the cure of mortifications of the mouth, by which he no doubt means Scurvy. This is the plant upon the uses of which a small work was written by Antonius Musa, physician to Augustus. This Libellus was published at Zurich, A.D. 1537, with notes by Humelbergius. It is a tract, however, of little value, either in a philological or scientific point of view; and, indeed, there is much reason to doubt the genuineness of the work which we possess. Munting, in a very learned work, '*De Vera Antiquorum Herba Brittanica*,' gives an interesting exposition of the opinions entertained by modern authorities on Botany respecting this herb. He shows that it has been referred to the *Cochlearia, Anagallis, Consolida, Veronica, Prunella*, &c. The most probable opinion, however, he thinks, is that it was some species of Dock or *Rumex*. Sprengel, too, inclines to the same opinion, that it was either the *Rumex hydrolapathum* or *Aquaticus*, L. In confirmation of this view of the matter, it may be proper to mention that the Brettanica is noticed under the name of 'the black Dock' by Aëtius." Another form of the ancient name is *Vettonica*, derived, according to Pliny, from the circumstance of the Vettones in Spain having discovered this herb. Its uses and virtue in medicine were almost countless, so that a proverb has arisen among the Italians respecting it: "*aver piu virtu che la bettonica*," "to possess more virtue than the bettonica."[1]

*BH'XION (*βήχιον*), a plant, which Woodville, Sprengel, Dierbach, and nearly all the commentators agree is the *Tussilago farfara*, or Colt's-foot Galen says it derived its name from its being believed to possess the property of aiding coughs and difficulty of breathing (*βήξ, -ηχός*, being the Greek term for a cough[2]). A patent medicine, prepared from the Colt's-foot, is, according to Adams, much cried up in England at the present day as a cure for coughs.[3]

BIAI'ΩN ΔIKH (*βιαίων δίκη*). This action might be brought whenever rapes of free persons, or the illegal and forcible seizure of property of any kind, were the subject of accusation; and we learn from Demosthenes[4] that it came under the jurisdiction of the Forty. According to Plutarch,[5] the law prescribed that ravishers should pay a fine of 100 drachmæ; but other accounts merely state generally that the convict was mulcted in a sum equal to twice that at which the damages were laid (*διπλῆν τὴν βλάβην ὀφείλειν*[6]); and the plaintiff in such case received one half of the fine, and the state, as a party mediately injured, the other. To reconcile these accounts, Meier[7] supposes the rape to have been estimated by law at 100 drachmæ, and that the plaintiff fixed the damages in reference to other injuries simultaneous with, or consequent upon, the perpetration of the main offence. With respect to aggressions upon property, the action *βιαίων* is to be distinguished from *ἐξούλης*, in that the former implies the employment of actual violence, the latter merely such detention of property as amounted to violence in the contemplation of law,[8] as, for instance, the non-payment of damages and the like, to the successful litigant after an award in his favour by a court of justice.[9]

BIB'ASIS (*βίβασις*) was a kind of gymnastic dance, much practised among the Spartans, by both men and women. The dance consisted in springing rapidly from the ground, and striking the feet behind; a feat of which a Spartan woman in Aristophanes[10] prides herself. The number of successful strokes was counted, and the most skilful received prizes. We are told by a verse which has been preserved by Pollux,[11] that a Laconian girl had danced the bibasis a thousand times, which was more than had ever been done before.[12] The bibasis appears to have been nearly the same as the *ῥαθαπυγίζειν*, which Pollux[13] explains by *σιμῷ τῷ ποδὶ τὸν γλουτὸν παίειν*, on the meaning of which see Hesychius.[14]

1 (Moore's Anc. Mineral., p. 151.)—2. (Compare Manil., iv., 225.)—3. (Cic., Pro Sextio, 64.—Sen., De Benef., ii., 19.—Ib., Epist., 70.—Tertull., Apol., 9.)—4. (Cic. in Vatin., 17.—Ad Quint. Fr., ii., 6, § 5.)—5. (Tertull., Apol., 35.)—6. (Plin., H. N., xix., 8.)

1. (Dioscor., iv., 1.—Paul. Ægin., ii., 3.—Adams, Append., s v.)—2. (*βήχιον ὠνόμασται μὲν οὕτως ἀπὸ τοῦ πεπίστευσθαι βηχάς τε καὶ ὀρθοπνοίας ὠφελεῖν.*)—3. (Dioscor., iii., 116.—Adams, Append., s. v.)—4. (c. Pantæn., 976, 11.—Compare Harpocrat., s v.)—5. (Solon, 23.)—6. (Lys., De Cæde Eratosth., 33.—Demosth., c. Mid., 528, 20.)—7. (Att. Process, p. 545.)—8. (Meier, Att Process, p. 546.)—9. (Demosth., c. Mid., 540, 24.)—10. (Lysistr., 28.)—11. (iv., 102.)—12. (Müller, Dorians, iv., 6, § 8, p. 351 352, transl.)—13. (ix., 126.)—14. (s. v.—Schol. in Aristoph., Equit., 792.—Eustath. in Il. p. 861: in Od., p. 1818.)

BIBLIOPO'LA, a bookseller,[1] *βιβλιοπώλης*,[2] also called *librarius*,[3] in Greek also *βιβλίων κάπηλος*, or *βιβλιοκάπηλος*.[4] The shop was called *apotheca* (*ἀποθήκη*), or *taberna libraria*,[5] or merely *libraria*.[6] The Romans had their Paternoster Row; for the bibliopolæ or librarii lived mostly in one street, called Argiletum, to which Martial alludes[7] when addressing his book on the prospect of the criticism it would meet with:

"Argiletanas *mavis habitare* tabernas,
Quum tibi, parve liber, scrinia nostra vacent."

Another favourite quarter of the booksellers was the Vicus Sandalarius.[8] There seems also to have been a sort of bookstalls by the temples of Vertumnus and Janus, as we gather from Horace's address to his book of Epistles:[9]

"*Vertumnum Janumque, liber, spectare videris.*"

Again, Horace[10] prides himself on his books not being to be seen at the common shops and stalls, to be thumbed over by every passer-by:

"*Nulla taberna meos habeat, neque pila libellos;*
Queis manus insudet vulgi, Hermogenisque Tigelli."

Booksellers were not found at Rome only, though they were, of course, rare in smaller cities. Pliny[11] says he had not supposed that there were any booksellers at Lugdunum, but finds that there were, and that they even had his works on sale. Martial, in an amusing epigram,[12] tells a person called Quintus, who had asked him by a broad hint to give him a copy of his works, that he could get one at Tryphon's, the bookseller:

"*Exigis ut donem nostros tibi, Quinte, libellos,*
Non habeo, sed habet bibliopola Tryphon."

The booksellers not only sold books; they transcribed them also, and employed persons for the purpose; but they did not consider themselves answerable always for the correctness of the copy.[13] Sometimes the author revised it to oblige a friend who might have bought it.[14]

On the shop-door or the pillar, as the case might be, there was a list of the titles of books on sale; allusion is made to this by Martial[15] and by Horace.[16]

The remuneration of authors must have been very small, if we are to judge from the allusions of Martial, who says, for example, that a nice copy of his first book of Epigrams might be had for five denarii.[17] Pliny the elder, however, when in Spain, was offered as much as four hundred thousand sesterces for his *Commentarii Electorum*.[18]

Books then, as now, often found their way into other shops besides book-shops, as waste paper; and schoolboys had frequently to go, for example, to the fishmonger's to see if he had the book they wanted.[19] Mice, moths, beetles, and so forth, found plenty of food in musty unused books.[20]

BIBLIOTHE'CA (*βιβλιοθήκη*, or *ἀποθήκη βιβλίων*), primarily, the place where a collection of books was kept; secondarily, the collection itself.[21] Little as the states of antiquity dealt with the instruction of the people, public collections of books appear to have been very ancient. That of Pisistratus was intended for public use;[22] it was subsequently removed to Persia by Xerxes. About the same time, Polycrates, tyrant of Samos, is said to have founded a library. In the best days of Athens even private persons had large collections of books; the most important of which we know anything belonged to Euclid, Euripides, and Aristotle.[1] Strabo says[2] that Aristotle was the first who, to his knowledge, made a collection of books, and taught the Egyptian kings the arrangement of a library. The most important and splendid public library of antiquity was that founded by the Ptolemies at Alexandrea, begun under Ptolemy Soter, but increased and rearranged in an orderly and systematic manner by Ptolemy Philadelphus, who also appointed a fixed librarian, and otherwise provided for the usefulness of the institution. The library of the Ptolemies contained, according to Aulus Gellius,[3] 700,000 volumes; according to Josephus, 500,000; and according to Seneca,[4] 400,000. The different reckoning of different authors may be in some measure, perhaps, reconciled by supposing that they give the number of books only in a part of the library; for it consisted of two parts, one in the quarter of the city called Brucheion, the other in the part called Serapeion. Ptolemy Philadelphus bought Aristotle's collection to add to the library, and Ptolemy Euergetes continued to add to the stock. A great part of this splendid library was consumed by fire in the siege of Alexandrea by Julius Cæsar: some writers say that the whole was burned; but the discrepancy in the numbers stated above seems to confirm the opinion that the fire did not extend so far. At any rate, the library was soon restored, and continued in a flourishing condition till it was destroyed by the Arabs A.D. 640.[5] Connected with the greater division of the library, in the quarter of Alexandrea called Brucheion, was a sort of college, to which the name of Mouseion (or Museum) was given. Here many favoured literati pursued their studies, transcribed books, and so forth; lectures also were delivered. (*Vid.* AUDITORIUM.) The Ptolemies were not long without a rival in zeal. Eumenes, king of Pergamus, became a patron of literature and the sciences, and established a library, which, in spite of the prohibition against exporting papyrus issued by Ptolemy, who was jealous of his success, became very extensive, and perhaps next in importance to the library of Alexandrea. It remained, and probably continued to increase, till Antonius made it a present to Cleopatra.[6]

The first public library in Rome was that founded by Asinius Pollio,[7] and was in the atrium Libertatis (*vid.* ATRIUM) on Mount Aventine.[8] Julius Cæsar had projected a Greek and Latin library, and had commissioned Varro to take measures for the establishment of it; but the scheme was prevented by his death.[9] The library of Pollio was followed by that of Augustus, in the Temple of Apollo on Mount Palatine,[10] and another, bibliothecæ Octavianæ (so called from Augustus's sister Octavia), in the theatre of Marcellus.[11] There were also libraries on the Capitol,[12] in the Temple of Peace,[13] in the palace of Tiberius,[14] besides the Ulpian library, which was the most famous, founded by Trajan,[15] called Ulpian from his own name, Ulpius. This library was attached by Diocletian as an ornament to his thermæ.[16]

Private collections of books were made at Rome soon after the second Punic war. The zeal of Cicero, Atticus, and others in increasing their libraries is well known.[17] It became, in fact, the fashion

1. (Martial, Ep., iv., 71; xiii., 3.)—2. (Pollux, Onom., xiii., 93.)—3. (Cic., De Leg., ii., 20.)—4. (Lucian, adv. Indoct., 24.)—5. (Cic., Phil., ii., 9.)—6. (Aul. Gell., v., 4.)—7. (Ep., i., 4.)—8. (Aul. Gell., xviii., 4.—Galen, De Lib. su., iv., p. 361.)—9. (Ep. I., xx., 1.)—10. (Sat., I., iv., 71.)—11. (Ep., ix., 11.)—12. (iv., 72.)—13. (Mart., ii., 8.)—14. (Mart., vii., 11, 16.)—15. (i., 118.)—16. (Ep. ad Pis., 372.—Sat., I., iv., 71.)—17. (Compare i., 67; xiii., 3.)—18. (Plin., Epist., iii., 5.)—19. (Mart., vi., 60, 7.)—20. (*Vid.* Juv., Sat., iii., 207.—Mart., iii., 2; xiii., 1.)—21. (Festus, s. v.)—22. (Aul. Gell., v., 17.—Athenæus, i., p. 3.)

1. (Athen., i., c. 2.)—2. (xiii., 1.)—3. (vi., 17.)—4. (De Tranq. An., c. 9.)—5. (*Vid.* Gibbon, c. 51.)—6. (Plut., Anton.)—7. (Plin., H. N., vii., 30.—Isid., Orig., vi., 5, 1.)—8. (Ovid, Trist., III., 1., 71.—Martial, xii., 3, 5.)—9. (Suet., Jul., 44.)—10. (Suet., Octav., 29.—Dion, lxiii., 1.)—11. (Plut., Marcell.—Ovid, Trist., III., i. 60, 69.)—12. (Suet., Dom. 20.)—13. (Aul. Gell., xvi., 18.)—14. (Aul. Gell., xiii., 18.)—15. (Aul. Gell., xi., 17.—Dion, lxviii., 16.)—16. (Vopisc., Prob., 2.)—17. (Cic., ad Att., i., 7, 10; iv., 5; ad Quint. Fratr., iii.)

to have a room elegantly furnished as a library, and reserved for that purpose.[1] However ignorant or unstudious a person might be, it was fashionable to appear learned by having a library, though he might never even read the titles of the books. Seneca[2] condemns the rage for mere book-collecting, and rallies those who were more pleased with the outside than the inside. Lucian wrote a separate piece to expose this common folly (*πρὸς ἀπαίδευτον καὶ πολλὰ βιβλία ὠνούμενον*).

A library generally had an eastern aspect: "*Usus enim matutinum postulat lumen: item in bibliotheeis libri non putrescent.*"[3]

In Herculaneum a library fully furnished was discovered. Round the walls it had cases containing the books in rolls (*vid.* LIBER); these cases were numbered. It was a very small room; so small that a person, by stretching out his arms, could touch both sides of it. The cases were called either *armaria*,[4] or *loculamenta*,[5] or *foruli*,[6] or *nidi*.[7] Asinius Pollio had set the fashion in his public library of adorning the room with the portraits and busts of celebrated men, as well as statues of Minerva and the Muses. This example was soon followed in the private libraries of the rich.[8] Martial[9] sends to his brother Turanius a copy of some verses, which he sent with a bust of himself to Avitus, who wished to have a bust of Martial in his library. So, in the library which Hadrian founded at Athens, there were *οἰκήματα ἀγάλμασι κεκοσμημένα καὶ γραφαῖς· κατάκειται δὲ ἐς αὐτὰ βιβλία*.[10] The charge of the libraries in Rome was given to persons called *librarii*. (*Vid.* LIBRARIUS.)

BI'KOS (*βίκος*), the name of an earthen vessel in common use among the Greeks.[11] Hesychius[12] defines it as a *στάμνος* with handles. It was used for holding wine,[13] and salted meat and fish.[14] Herodotus[15] speaks of *βίκους φοινικηΐους κατάγουσι οἶνον πλέους*, which some commentators interpret by "vessels made of the wood of the palm-tree full of wine." But as Eustathius[16] speaks of *οἶνον φοινικίνου βίκος*, we ought probably to read in Herodotus *βίκους φοινικηΐον*, κ. τ. λ., "vessels full of palm wine."

BIDENS. (*Vid.* RASTRUM.)

BIDENTAL, the name given to a place where any one had been struck by lightning (*fulguritus*[17]), or where any one had been killed by lightning and buried. Such a place was considered sacred. Priests, who were called bidentales (i. e., *sacerdotes*), collected the earth which had been torn up by the lightning, and everything that had been scorched, and burned it in the ground with a sorrowful murmur.[18] The officiating priest was said *condere fulgur*;[19] he farther consecrated the spot by sacrificing a two-year-old sheep (*bidens*), whence the name of the place and of the priest, and also erected an altar, and surrounded it with a wall or fence. It was not allowable to tread on the place,[20] or to touch it, or even to look at it.[21] Sometimes a bidental which had nearly fallen to decay from length of time, was restored and renovated;[22] but to remove the bounds of one (*movere bidental*), or in any way to violate its sacred precincts, was considered as sacrilege.[23] From the passage in Horace, it appears to have been believed, that a person who was guilty of profaning a bidental would be punished by the gods with phrensy; and Seneca[1] mentions another belief of a similar kind, that wine which had been struck by lightning would produce in any one who drank it death or madness. Persons who had been struck by lightning (*fulguriti*) were not removed, but were buried on the spot.[2]

BIDIÆI (*βιδιαῖοι*), called in inscriptions *βίδεσι* or *βίδνοι*, were magistrates in Sparta, whose business was to inspect the gymnastic exercises. Their house of meeting (*ἀρχεῖον*) was in the marketplace.[3] They were either five[4] or six in number,[5] and had a president, who is called in inscriptions *πρέσβυς βιδέων*.[6] Böckh conjectures that *βίδεοι* or *βίδνοι* is the Laconian form for *ἴδνοι* or *Fίδνοι*, and signifies witnesses and judges among the youth.[7]

Valkenaer[8] supposes that the bidiæi were the same as the *νομοφύλακες*, and that we ought to read in Pausanias,[9] *καὶ νομοφυλάκων καλουμένων βιδιαίων*, instead of *καὶ νομοφυλάκων καὶ καλουμένων βιδιαίων*: but the inscriptions given by Böckh show that the bidiæi and *νομοφύλακες* were two separate classes of officers.

BIGA or BIGÆ, in Greek *συνωρία* or *συνωρίς* (*bijuge currieulum*[10]), a vehicle drawn by two horses or other animals. This kind of turn-out is said by Pliny (*bigas primum Phrygum junxit natio*[11]) to have been invented by the Phrygians. It is one of the most ancient kinds, and in Homer by far the most common (*δίζυγοι ἵπποι*[12]). Four-horse chariots are also mentioned.[13] Pliny[14] mentions a chariot drawn by six horses. This was the largest number usual under the emperors;[15] but Suetonius speaks of one which Nero drove at the Olympic games, drawn by ten horses.[16] The name biga was applied more to a chariot used in the circus, or in processions or triumphs, and on other public occasions, than to the common vehicles of every-day life.[17] The form of the higa resembled that of the Greek *ἅρμα* or *δίφρος*, being a rather short carriage on two wheels, open above and behind, upon which the driver usually stood to guide the horses. See the cut in the next article. (*Vid.* BIGATUS.)

BIGATUS (*i. e., nummus*), a silver denarius, on which the representation of a biga was stamped.[18] This was an ancient stamp on Roman money, as we learn incidentally from Tacitus, who says[19] that the Germans, although mostly practising barter, still had no objection to old and well-known coins (*pecuniam veterem et diu notam*), such as bigati. Bigati were also called *argentum bigatum*.[20] The value was different at different times. (*Vid.* DENARIUS.) A denarius, on which the representation of a quadriga was stamped, was in the same manner called *Quadrigatus*. The annexed cuts, representing a bigatus and quadrigatus, are taken from coins in the British Museum.

BIPA'LIUM. (*Vid.* PALA.)

1 (Becker, Gallus, i., 160.)—2. (De Tranq. An., 9.)—3. (Vitruv., vi., 7.)—4. (Plin., Ep., ii., 17.—Vopisc., Tacit., 8.)—5. (Seneca, De Tranq. An., 9.)—6 (Juv., Sat., iii., 219.)—7. (Mart., i., 118, 15; vii., 17, 5.)—8. (Juv., Sat., ii., 7; iii., 219.—Plin., Ep., iii., 7; iv., 28.—Cic., ad Fam., vii., 23.—Plin., H. N., xxxv., 2.—Suet., Tib., 70.—Mart., ix., Ep. ad Turan.)—9. (Ep., ix., 1.)—10. (Paus., i., 18, § 9.)—11. (Pollux, Onom., vi., 14; vii., 162; x., 73.)—12. (s. v.)—13. (Xen., Anab., i., 9, § 25.)—14 (Athenæus, iii., p. 116, F.)—15. (i., 194.)—16. (in Od., p. 1445.)—17. (Festus, s. v.)—18. (Lucan, i., 606.)—19. (Juv., Sat., vi., 587.—Compare Orelli, Inscr. Lat., i., p. 431, No. 2482.)—20. (Persius, Sat., ii., 27.)—21. (Amm. Marcell., xxiii., 5.)—22. (Orelli, Inscr Lat., i., p. 431, No. 2483.)—23. (Hor., Ep. ad Pis., 471)

1. (Nat. Quæst., ii., 53.)—2. (Pers., Sat., ii., 27.—Plin., H. N., xi., 54.)—3. (Paus., iii., 11, § 2.)—4. (Paus., l. c.)—5. (Böckh, Corp. Inscrip., No. 1271, 1364.)—6. (Böckh, Corp. Inscrip., p. 611.)—7. (Compare Müller, Dorians, iii., 7, § 8, p. 152, 133, transl.)—8. (in Herod., vi., 57.)—9. (l. c.)—10. (Suet., Calig., c. 19.)—11. (vii., 56.)—12. (Il., v., 195.)—13. (Compare Il., viii., 185.—Od., xiii., 81.—Virg., Georg., iii., 18.)—14. (H. N., xxxiv., 5.)—15. (Isidor., Orig., xviii., 36.)—16. (Ner., c. 24.)—17 (Compare Suet., Tib., c. 26.—Domit., c. 4.)—18. (Plin., H. N., xxxiii., 3.—Liv., xxiii., 15; xxxvi., 40.)—19. (Germ c. 5.)—20 (Liv., xxxiii., 23, 27; xxxiv., 46; xxxvi. 21)

BIPENNIS. (*Vid.* SECURIS.)

BIRE'MIS was used in two significations. I. It signified a ship with two banks of oars, an explanation of the construction of which is given in the article NAVIS. Such ships were called *δίκροτα* by the Greeks which term is also used by Cicero (*Ipse Domitius dona plane habet dicrota*[1]) and Hirtius (*Capit ex eo prælio penterem unam, triremes duas, dicrotas octo*[2]). II. It signified a boat rowed by two oars,[3] in which sense it must be used by Horace when he says:

> '*Tunc me, biremis præsidio scaphæ,*
> *Tutum per Ægeos tumultus*
> *Aura feret, geminusque Pollux.*'[4]

BIRRHUS (*βίῤῥος, βῆρος*), a cape or hood, which was worn out of doors over the shoulders, and was sometimes elevated so as to cover the head. On the former account it is classed by an ancient grammarian with the *lacerna*, and on the latter with the cowl, or *cucullus*.[5] It had a long nap (*amphiballus*, i. e., *amphimallus*, *villosus*[6]), which was commonly of sheep's wool, more rarely of beaver's wool (*birrhus eastoreus*[7]). In consequence of its thickness, it was also rather stiff (*byrrhum rigentem*[8]). According to the materials of which it was made, it might be either dear,[9] or so cheap as to be purchased by the common people.

These garments, as well as lacernæ, were woven at Canusium in Apulia; and probably their name (*byrrhus*, i. e., *πύῤῥος*) was derived from the red colour of the wool for which that district was celebrated. They were also made in different parts of Gaul, especially among the Atrebates.[10] Soon afterward they came into general use, so that the birrhus is mentioned in the edict of Diocletian, published A.D. 303, for the purpose of fixing a maximum of prices for all the articles which were most commonly used throughout the Roman empire.

*BISON (*βίσων*), "the name of a sub-genus of the genus *bos* ('ox'), comprehending two living species, one of them the European, now become very scarce, and verging towards extinction; the other the American, and, notwithstanding the advances of man, still multitudinous. A good deal of conflicting opinion has thrown some obscurity over the European species. Pennant, in his 'British Zoology,' after stating his belief that the ancient wild cattle of Britain were the *Bisontes jubati* of Pliny, thus continues: 'The Urus of the Hercynian forest, described by Cæsar, was of this kind, the same which is called by the modern Germans *Aurochs*, i. e., *Bos sylvestris*.' This opinion is not correct. Though there are parts of Cæsar's description applicable to the European Bison, there is one striking characteristic which forbids us to conclude that Cæsar's Urus was identical with it. A glance at the European Bison will convince us that it could never have afforded the horns whose amplitude Cæsar celebrates. In the *Archæologia* (vol. iii., p. 15) it is stated, that the Borstal horn is supposed to have belonged to the bison or buffalo. That it might have belonged to a buffalo is not impossible; but that it did not belong to a bison is sufficiently clear, from the following description: 'It is two feet four inches long on the convex bend, and twenty three inches on the concave. The inside at the large end is three inches diameter, being perforated there so as to leave the thickness of only half an inch for about three inches deep; but farther on it is thicker, being not so much or so neatly perforated.' Such a horn might indeed have crowned the head of Cæsar's Urus, a species which Cuvier believes to be extinct. Cæsar's Urus, then, was not, as it would appear, the European Bison. There can be little doubt that the *Bison jubatus* of Pliny,[1] which he seems to distinguish from the *Urus*, was the *European Bison*, or *Aurochs*; and though, in the fifteenth chapter of the eighth book, he mentions the tradition of a wild beast in Pæonia, called a *Bonasus*, after he has dismissed his *Bisontes jubati*, and with every appearance of a conclusion on his part that the *Bonasus* and Bison were not identical, his own description, when compared with that of Aristotle,[2] will leave little doubt that the *Bison jubatus* and Bonasus of Pliny and others, the *Βόνασσος* or *Βόνασος* of Aristotle (for the word is written both ways), and the *Βίσων* of Oppian, were no other than the *European Bison*, the *Aurochs* (Auerochs) of the Prussians, the *Zubr* of the Poles, the *Taurus Pæonius*, &c., of Jonston and others, *l'Aurochs* and *le Bonasus* of Buffon, *Bos Urus* of Boddært, and *Bos Bonasus* of Linnæus. Cuvier considers it as certain, that the European Bison, the largest, or, at least, the most massive of all existing quadrupeds after the rhinoceros, an animal still to be found in some of the Lithuanian forests, and perhaps in those of Moldavia, Wallachia, and the neighbourhood of the Caucasus, is a distinct species, which man has never subdued. Following out this subject with his usual industry and ability, that great naturalist goes on to state, that if Europe possessed a *Urus*, a *Thur* of the Poles, different from the *Bison* or the *Aurochs* of the Germans, it is only in its remains that the species can be traced; such remains are found, in the skulls of a species of ox, different from the *Aurochs*, in the superficial beds of certain districts. This, Cuvier thinks, must be the Urus of the ancients, the original of our domestic Ox; the stock, perhaps, whence our wild cattle descended; while the *Aurochs* of the present day is nothing more than the Bison or Bonasus of the ancients, a species which has never been brought under the yoke.—The elevated ridge of the spine on the shoulders, long legs, a woolly fur, and the residence in mountain forests, cause the Bison to approach nearer the Damaline and Catoblepine genera than the Buffaloes."[3] For some remarks on the knowledge possessed by the ancients of the latter, consult article BUBALIS.

BISSEXTUM. (*Vid.* CALENDAR, ROMAN.)

BISSEXTUS, or BISSEXTILIS ANNUS. (*Vid.* CALENDAR, ROMAN.)

*BITUMEN, a Latin word used by Tacitus, Pliny, and other Roman writers, to indicate a species of mineral pitch or oil. The term appears to have some analogy with the Greek *πίσσα, πίττα*, "pitch," its earlier form having probably been "*pitumen*." The corresponding Greek word is *ἄσφαλτος* (in modern Latin *asphaltum*), for which no satisfactory derivation has been assigned. The most approved kind of Bitumen was the Jewish, from Lake Asphaltites (Dead Sea); but Bitumen in various states, from that of fluid transparent naphtha, to that of dry, solid, black asphaltum, was well known and much used among the ancients. They appear to have employed both Maltha and melted Asphaltum as a cement in the construction of buildings, &c. Thus the bricks of which the walls of Babylon were constructed were cemented by a bitumen, which was found abundantly in that vicinity on springs, or floating on the river Is, which fell into the Euphrates. Asphaltum or Maltha, either pure or mixed with a liquid extracted from the cedar was employed by the Egyptians in embalming dead

1 (Ad Att., xvi, 4, § 4.)—2. (Bell. Alex., c. 47.)—3. (Lucan, viii., 362; x., 56.)—4. (Od., iii., xxix., 62.—Scheffer, De Militia Navali, ii., c. 2, p. 68.)—5. (Schol. in Juv., viii., 145.—Schol in Pers., i., 54.)—6. (Papias, &c., ap. Adelung, Glossar. Mediæ, vol. i., p. 220, 693.)—7. (Claudian, Epigr., 37.)—8. (Sulp Sev., Dial., 14.)—9. (Claudian, l. c.—"pretiosum:" Augustin., Serm.)—10. (Vopisc., Car., c. 20.)

1. (H. N., viii., 15; xxviii., 10.)—2. (H. A., ii., 2.)—3. (Penny Cyclopæd., iv., p. 461.)

bodies.[1] In Syria, Asphaltum was dug from quarries in a solid state.[2] In Zante (the ancient Zacynthus) there is a pitch spring, which we know to have been at work for above 2000 years.[3] At Agrigentum, in Sicily, a species of liquid bitumen was burned in lamps as a substitute for oil.[4] The principal ingredient in the celebrated Greek fire is supposed by Klaproth to have been some variety of Asphaltum.—*Bitumen* is now employed as a generic term, comprehending several inflammable bodies of different degrees of consistency, namely, Naphtha, Petroleum, Mineral Tar, Mineral Pitch, and Asphaltum. From the description of ἄσφαλτος given by Dioscorides, it would appear that he applied the term not only to the *Bitumen solidum*, or *Asphaltum*, of Wallerus, but likewise to the more liquid sorts of bitumen.[5]

ΒΛΑΒΗΣ ΔΙΚΗ (*βλάβης δίκη*). This action was available in all cases in which one person had sustained a loss by the conduct of another; and from the instances that are extant, it seems that whether the injury originated in a fault of omission or commission, or impaired the actual fortune of the plaintiff or his prospective advantage, the action would lie, and might be maintained, against the defendant. It is, of course, impossible to enumerate all the particular cases upon which it would arise, but the two great classes into which *βλάβαι* may be divided are the *ἔνθεσμοι* and the *ἄθεσμοι*. The first of these will include all causes arising from the nonfulfilment of a contract to which a penal bond was annexed, and those in which the law specified the penalty to be paid by the defendant upon conviction; the second, all injuries of property which the law did not specify nominatim, but generally directed to be punished by a fine equal to twice the estimated damage if the offence was intentional, if otherwise by a bare compensation.[6] Besides the general word *βλάβης*, others more specific, as to the nature of the case, are frequently added to the names of actions of this kind, as *ἀνδραποδων*, *τετραπόδων*, *μετωλλικη*, and the like. The declaration of the plaintiff seems always to have begun with the words Ἔλαψέ *με*, then came the name of the defendant, and next a description of the injury, as *οὐκ ἀποδιδοὺς ἐμοὶ τὸ ἀργύριον* in Demosthenes.[7] The proper court was determined by the subject of litigation; and when we consider that the damage done by Philocleon to the cake-woman's basket,[8] and suppositious testimony given in the name of another, thereby rendering such person liable to an action, *ψευδομαρτυριῶν*,[9] were equally *βλάβαι* at Attic law, the variety of the actions, and, consequently, of the jurisdictions under which they fell, will be a sufficient excuse for the absence of farther specification upon this point.

*BLATTA (*σίλφη*), a name given by the Latin writers to an insect of the family of the Orthoptera, and of which they were acquainted with several kinds. From their shunning the light, Virgil[10] has given them the epithet of *Lucifugæ*. Our cockroach belongs to the Blattæ, being the *Blatta Americana*. Pliny[11] mentions several medical applications of Blattæ, after having been either triturated or boiled in oil. They were found serviceable in complaints of the ear, in cases of leprosy, and in removing warts. Schneider supposes the *σίλφη* of Lucian to belong to the class *Lepisma*, L. The *σίλφη* of Dioscorides would seem to be the *Blatta Orientalis*.[12]

1. (Cleaveland's Mineralogy, vol. ii., p. 491.)—2. (Vitruv., viii., 3–8.)—3. (Herod., iv., 195.)—4. (Dioscor., i., 99.)—5. (Adams, Append., s. v. *ἄσφαλτος*.)—6. (Meier, Att. Process, p. 188, seqq.; 475, seqq.—Demosth., c. Mid., 528.)—7. (Pro Phorm., 950, 21.)—8. (Aristoph., Vesp.)—9. (Demosth., c. Aphob., iii., 849, 20.)—10. (Georg., iv., 243.)—11. (xxix., 39.)—12. (Dioscor., M. M. ii., 38.—Lucian, adv. Indoct., 18.—Adams, Append., s. v. *σίλφη*.)

*BLENNUS (*βλέννος*), called by Pliny *Blennius* the Blenny or Butterfly-fish (*Blennius ocularis*, L.). It is about seven inches long, and has a slimy mucus smeared over the skin, to which it owes its name, from the Greek *βλέννα*, "mucus," "slime." Athenæus says it resembles the Gudgeon. Several of the Blenny kind are viviparous.[1]

*BLETON, BLITON, or BLITION (*βλῆτον*, *βλίτον*, *βλίτιον*), the herb *Blite* or *Blites*, a kind of beet. Stackhouse and Dierbach agree with the older commentators, that it is the *Amaranthus Blitum*; and Sprengel inclines to this opinion in his notes to Dioscorides, although in his History of Medicine he had set it down as the *Blitum capitatum*.[2] The insipidity of the Blitum gave rise to an adage directed against the feeble in intellect, or the tame and spiritless in disposition.

*BOA. (*Vid.* Draco.)

BOËDROMIA (*Βοηδρόμια*, *ἡ* and *τά*), a festival celebrated at Athens on the seventh day of the month of Boëdromion, in honour of Apollo Boëdromius.[3] The name Boëdromius, by which Apollo was called in Bœotia and many other parts of Greece,[4] seems to indicate that by this festival he was honoured as a martial god, who, either by his actual presence or by his oracles, afforded assistance in the dangers of war. The origin of the festival is, however, traced by different authors to different events in Grecian story. Plutarch[5] says that Theseus, in his war against the Amazons, did not give battle till after he had offered a sacrifice to Phobos; and that, in commemoration of the successful battle which took place in the month of Boëdromion, the Athenians, down to his own time, continued to celebrate the festival of the Boëdromia. According to Suidas, the Etymol. Magn., and Euripides,[6] the festival derived its name and origin from the circumstance that when, in the reign of Erechtheus, the Athenians were attacked by Eumolpus, Xuthus or (according to Philochorus in Harpocration, *s. v.*) his son Ion came to their assistance, and procured them the victory. Respecting the particulars of this festival, nothing is known except that sacrifices were offered to Artemis.

BOËDROMION. (*Vid.* Calendar, Greek.)

BOETHE'TICE. (*Vid.* Medicina.)

BŒOTARCH (*Βοιωτάρχης* or *Βοιωτάρχος*). The Bœotians in ancient times occupied Arne in Thessaly.[7] Sixty years after the taking of Troy they were expelled by the Thessalians, and settled in the country then called Cadmeïs, but afterward Bœotia. This country, during their occupation of it, was divided into several states, containing each a principal city, with its *ξυντελεῖς* or *ξύμμοροι* (inhabitants of the same *μοῖρα* or district) living around it. Of these greater states, with dependant territories, there seem to have been in former times fourteen, a number which frequently occurs in Bœotian legends.[8] The names are differently given by different writers on the subject; we know, however, for certain, that they formed a conspiracy called the Bœotian league, with Thebes at its head, the dependancies of which city formed about a third part of the whole of Bœotia. These dependant towns or districts were not immediately connected with the national confederacy, but with the neighbouring chief city, as Cynoscephalæ was with Thebes. In fact, they were obliged to furnish troops and money, to make up the contingent furnished by the state to which they belonged, to the general confederacy.[9] Of the independent states, Thucydides[10]

1. (Pliny, H. N., xxxii., 9.—Athenæus, vii., c. 83.—Cuvier, An. King, vol. ii., p. 173.)—2. (Theophrast., H. P., vii., 1.—Dioscor., *i.*, 143.)—3. (Müller, Dorians, ii., 8, § 5.)—4. (Paus., ix., 17, § 1.—Callim., Hymn. Apoll., 69.)—5 (Thes., 27.)—6 (Ion., 59.)—7. (Thucyd., i., 12.)—8. (Paus., ix., 3, § 1.)—9 (Arnold, Thucyd., iv., 76.)—10. (iv., 93.)

mentions seven by name; and gives us reasons for concluding that, in the time of the Peloponnesian war, they were ten or twelve in number, Thebes being the chief. Platæa had withdrawn from them, and placed itself under the protection of Athens as early as B.C. 519; and in B.C. 374, Thespiæ, another member of the league, was destroyed by the Thebans.[1]

Each of the principal towns of Bœotia seems to have had its *δῆμος* and *βουλή*.[2] The *βουλή* was presided over by an archon, who probably had succeeded to the priestly functions of the old kings, but possessed little, if any, executive authority. The polemarchs, who, in treaties and agreements, are mentioned next to the archon, had some executive authority, but did not command forces; *e. g.*, they could imprison,[3] and they directed the levies of troops. But, besides the archon of each separate state, there was an archon of the confederacy—*ἄρχων ἐν κοινῷ Βοιωτῶν*, most probably always a Theban.[4] His name was affixed to all alliances and compacts which concerned the whole confederacy, and he was president of what Thucydides[5] calls the four councils, who directed the affairs of the league (*ἅπαν τὸ κῦρος ἔχουσι*). On important questions they seem to have been united; for the same author speaks of them as *ἡ βουλή*, and informs us that the determinations of the Bœotarchs required the ratification of this body before they were valid. We will now explain who these Bœotarchs were. They were properly the military heads of the confederacy, chosen by the different states; but we also find them discharging the functions of an executive in various matters. In fact, they are represented by Thucydides[6] as forming an alliance with foreign states; as receiving ambassadors on their return home; as negotiating with envoys from other countries; and acting as the representatives of the whole league, though the *βουλή* refused to sanction the measures they had resolved on in the particular case to which we are now alluding. Another instance in which the Bœotarchs appear as executive is their interference with Agesilaus, on his embarking from Aulis for Asia (B.C. 396), when they prevented him offering sacrifice as he wished.[7] Still the principal duty of the Bœotarchs was of a military nature: thus they led into the field the troops of their respective states; and when at home, they took whatever measures were requisite to forward the military operations of the league or of their own state: for example, we read of one of the Theban Bœotarchs ordering the Thebans to come in arms to the ecclesia for the purpose of being ready to attack Platæa.[8] Each state of the confederacy elected one Bœotarch, the Thebans two;[9] although on one occasion, *i. e.*, after the return of the exiles with Pelopidas (B.C. 379), we read of there being three at Thebes.[10] The total number from the whole confederacy varied with the number of the independent states. Mention is made of the Bœotarchs by Thucydides,[11] in connexion with the battle of Delium (B.C. 424). There is, however, a difference of opinion with respect to his meaning: some understand him to speak of eleven, some of twelve, and others of thirteen Bœotarchs. Dr. Arnold is disposed to adopt the last number; and we think the context is in favour of the opinion that there were then thirteen Bœotarchs, so that the number of free states was twelve. At the time of the battle of Leuctra (B.C. 371), we find seven Bœotarchs mentioned;[1] on another occasion, when Greece was invaded by the Gauls (B.C. 279), we read of four. Livy[2] states that there were twelve; but, before the time (B.C. 171) to which his statement refers, Platæa had been reunited to the league. Still the number mentioned in any case is no test of the actual number, inasmuch as we are not sure that all the Bœotarchs were sent out by their respective states on every expedition or to every battle.

The Bœotarchs, when engaged in military service, formed a council of war, the decisions of which were determined on by a majority of votes, the president being one of the two Theban Bœotarchs who commanded alternately.[3] Their period of service was a year, beginning about the winter solstice; and whoever continued in office longer than his time, was punishable with death both at Thebes and in other cities.[4] Epaminondas and Pelopidas did so on their invasion of Laconia (B.C. 369), but their eminent services saved them; in fact, the judges did not even come to a vote respecting the former (*οὐδὲ ἀρχὴν περὶ αὐτοῦ θέσθαι τὴν ψῆφον*[5]). At the expiration of the year, a Bœotarch was eligible to office a second time, and Pelopidas was repeatedly chosen.[6] From the case of Epaminondas and Pelopidas, who were brought before Theban judges (*δικασταί*) for transgression of the law which limited the time of office, we may conclude that each Bœotarch was responsible to his own state alone, and not to the general body of the four councils.

Mention is made of an election of Bœotarchs by Livy.[7] He farther informs us that the league (*concilium*) was broken up by the Romans B.C. 171.[8] Still it must have been partially revived, as we are told of a second breaking up by the Romans after the destruction of Corinth, B.C. 146.[9]

*BOCA or BOCE (*βώκη*, Aristot.: *βώξ*, Oppian · *βοώψ*, Athenæus), a small fish not exceeding a palm in length; but, according to Willoughby, its flesh is wholesome and pleasant. Oppian makes mention of two species. Rondelet conjectures that the second was a species of *Mæna*, meaning, as Adams supposes, the *Sparus Mæna*.

*BOITOS (*βοίτος*), a species of fish, mentioned by Aristotle.[10] It is supposed to be the *Cottus Gobio*, the Bull-head, or Miller's thumb. According to Artedi, an old MS. in the Vatican reads *κοίτος*.[11]

*BOLBOI (*βολβοί*), a general name for bulbous roots.[12] With regard to the *βολβὸς ἐδώδιμος*, Adams remarks as follows in his Commentary on Paul of Ægina: "It is not well ascertained what the esculent bulbi of the ancients were. Hardouin conjectures that they were a delicious kind of onions. Matthiolus and Nonnius are wholly undecided. Sprengel inclines, with Dalechamp and Sibthorp, in thinking that they were a species of Muscari, or Musk Hyacinth. The account of them given by Serapion, who calls them '*Cepæ sine tunicis*,' agrees better with the conjecture of Hardouin. Eustathius also says that the Bulbus was a wild onion."[13] The *βολβὸς ἐμετικός* is referred by Matthiolus to the *Muscari Moschatum*; by Dodonæus to the *Narcissus Jonquilla*; by Lonicer to the *Scilla bifolia*; by Sibthorp to the *Ornithogalum stychyoïdes*; and by Camerarius to the *Narcissus poeticus*. Sprengel rather inclines to the opinion of Dodonæus. Dierbach holds the *βολβός* of Hippocrates to be the *Hyacin-*

1 (Clinton, F. H., pt. ii., p. 396. — Thucyd., iii., 55.) — 2. (Xen., Hell., v., 2, § 29.—Böckh, Corp. Inscr.)—3. (Xen., Hell., l. c.) —4. (Böckh, Inscr., 1593.) — 5. (v., 38.)—6. (v., 38.)—7. (Plut., Ages., 6.—Xen., Hell., iii., 4, § 4.) — 8. (Paus., ix., 1, § 3.)—9. (Thucyd., ii., 2; iv., 91; vii., 30.— Diod. Sic., xv., 51.) —10. (Plut., Pelop., 13.)—11. (iv., 91.1

1. (Diod. Sic., xv., 52, 53.—Paus., ix., 13, § 3.)—2. (xlii., 43.) —3. (Thucyd., iv., 91.—Diod. Sic., xv., 51.)—4. (Plut., Pelop., 24.—Paus., ix., 14, § 3.)—5. (Paus., l. c.)—6. (Plut., Pelop.)—7. (xxxiii., 27; xlii., 44.)—8. (Compare Polyb., xxviii., 2. § 10; *τὸ Βοιωτῶν ἔθνος κατελύθη*.)—9. (Paus., vii., 16, § 6.)—10. (H. A., iv., 8.)—11. (Adams, Append., s. v.)—12. (Theophrast., H. P., i., 69; vii., 13; viii., 8.—Dioscor., ii., 200, 201.)—13 (and H. xxi., 1.—Comment. in Paul. Ægin., p. 98.)

thus comosus. Stackhouse hesitates between a species of Garlic and one of Squills. The truth of the matter would appear to be, that, as various bulbous roots are possessed of emetic powers, the term was applied in a loose manner by the ancients. Dioscorides and most of the medical authorities state that the esculent Bulbus is aphrodisiacal.[1]

BOMBYL'IUS (*βομβύλιος*), a drinking-vessel with a very narrow mouth, whence it is called *σύστομος* or *στενόστομος*.[2] The name is supposed to have been formed from the noise which water or any liquid makes in passing through a narrow opening (*βομβοῦν ἐν τῇ πόσει*[3]).

*BOMBYL'IUS (*βομβύλιος*), a species of insect, of the order *Diptera*, distinguished chiefly by having a long proboscis, with which they sip the sweets from flowers. In their flight they emit a humming sound, whence their name, from *βομβέω*, "to hum." Aristotle would appear to have been well acquainted with the three species which modern naturalists have named *Bombylius major*, *B. minor*, and *B. medius*. These, however, must not be confounded with the *Bombyx mori*, or Silkworm.

BOMBYX. (*Vid.* Serica.)

BO'MOS. (*Vid.* Ara.)

BONA. The word bona is sometimes used to express the whole of a man's property;[4] and in the phrases bonorum emtio, cessio, possessio, usufructus, the word "bona" is equivalent to property. It expresses all that a man has, whether as owner or merely as possessor, and everything to which he has any right. But the word bona is simply the property as an object; it does not express the nature of the relation between it and the person who has the ownership or the enjoyment of it, any more than the words "all that I have," "all that I am worth," "all my property," in English show the legal relation of a man to that which he thus describes. It is of some importance to understand the nature of the legal expression *in bonis*, as opposed to dominium, or *Quiritarian ownership*, and the nature of the distinction will be easily apprehended by any person who is slightly conversant with English law.

"There is," says Gaius,[5] "among foreigners (*peregrini*) only one kind of ownership (*dominium*), so that a man is either the owner of a thing or he is not. And this was formerly the case among the Roman people; for a man was either owner ex jure Quiritium, or he was not. But afterward the ownership was split, so that now one man may be the owner (*dominus*) of a thing ex jure Quiritium, and yet another may have it in bonis. For instance, if, in the case of a res mancipi, I do not transfer it to you by mancipatio, nor by the form in jure cessio, but merely deliver it to you, the thing, indeed, becomes your thing (*in bonis*), but it will remain mine ex jure Quiritium, until by possession you have it by usucapion. For when the usucapion is once complete, from that time it begins to be yours absolutely (*pleno jure*), that is, it is yours both in bonis, and also yours ex jure Quiritium, just as if it had been mancipated to you, or transferred to you by the in jure cessio." In this passage Gaius refers to the three modes of acquiring property which were the peculiar rights or privileges of Roman citizens, mancipatio, in jure cessio, and usucapion, which are also particularly enumerated by him in another passage.[6]

From this passage it appears that the ownership of certain kinds of things among the Romans, called res mancipi (*vid.* Mancipium), could only be transferred from one person to another with certain formalities, or acquired by usucapion. But if it was clearly the intention of the owner to transfer the ownership, and the necessary forms only were wanting, the purchaser had the thing in bonis, and he had the enjoyment of it, though the original owner was still *legally* the owner, notwithstanding he had parted with the thing.

It thus appears that Quiritarian ownership of res mancipi originally and properly signified that ownership of a thing which the Roman law recognised as such; it did not express a compound, but a simple notion, which was that of absolute ownership. But when it was once established that one man might have the Quiritarian ownership, and another the enjoyment, and the sole right to the enjoyment of the same thing, the complete notion of Quiritarian ownership became a notion compounded of the strict legal notion of ownership, and that of the right to enjoy, as united in the same person. And as a man might have both the Quiritarian ownership and the right to the enjoyment of a thing, so one might have the Quiritarian ownership only, and another might have the enjoyment of it only. This bare ownership was sometimes expressed by the same terms (*ex jure Quiritium*) as the ownership which was complete, but sometimes it was appropriately called *nudum jus Quiritium*,[1] and yet the person who had such bare right was still called *dominus*, and by this term he is contrasted with the *usufructuarius* and the *bonæ fidei possessor*.

The historical origin of this notion, of the separation of the ownership from the right to enjoy a thing, is not known, but it may be easily conjectured. When nothing was wanting to the transfer of ownership but a compliance with the strict legal form, we can easily conceive that the Roman jurists would soon get over this difficulty. The strictness of the old legal institutions of Rome was gradually relaxed to meet the wants of the people, and in the instance already mentioned, the jurisdiction of the prætor supplied the defects of the law. Thus, that interest which a man had acquired in a thing, and which only wanted certain forms to make it Quiritarian ownership, was protected by the prætor The prætor could not give Quiritarian ownership, but he could protect a man in the enjoyment of a thing—he could maintain his possession: and this is precisely what the prætor did with respect to those who were possessors of public land; they had no ownership, but only a possession, in which they were protected by the prætor's interdict. (*Vid.* Agrariæ Leges.)

That which was in bonis, then, was that kind of interest or ownership which was protected by the prætor, which interest may be called bonitarian or beneficial ownership, as opposed to Quiritarian or bare legal ownership. It does not appear that the word dominium is ever applied to such bonitarian ownership, except it may be in one passage of Gaius,[2] the explanation of which is not free from difficulty.

That interest called in bonis, which arose from a bare tradition of a res mancipi, was protected by the exceptio and the actio utilis in rem.[3] Possessio is the general name of the interest which was thus protected. The person who had a thing in bonis and ex justa causa, was also entitled to the actio Publiciana in case he lost the possession of the thing before he had gained the ownership by usucapion.[4]

The phrases bonorum possessio, bonorum possessor, might then apply to him who has had a res mancipi transferred to him by tradition only; but the phrase applies also to other cases, in which the

1. (Adams, Append., s. v.)—2. (Pollux, Onom., x., 68.)—3. (Pollux, vi., 98.—Hesych., s. v.—*Vid.* Casaub. in Athen., p. 456, 784.)—4. (Paulus, Recept. Sentent., v., 6, 16.—Dig. 37, tit. 1, s. 3; 50. tit. 16, s. 49.)—5. (ii., 40.)—6. (ii., 65.)

1. (Gaius, iii., 100.)—2 (i., 54.)—3. (Dig. 41, tit. 1, s. 52.)—4. (Gaius, iv., 36.)

prætor, by the help of fictions, gave to persons the beneficial interest to whom he could not give the ownership. When the prætor gave the goods of the debtor to the creditor, the creditor was said *in possessionem rerum*, or *bonorum debitoris mitti*.[1] (*Vid.* BONORUM EMTIO, BONORUM POSSESSIO.)

As to things nec mancipi, the ownership might be transferred by bare tradition or delivery, and such ownership was Quiritarian, inasmuch as the Roman law required no special form to be observed in the transfer of the ownership of res nec mancipi. Such transfer was made according to the jus gentium (in the Roman sense of that term).[2]

On this subject the reader may consult a long essay by Zimmern, *Ueber das Wesen des sogenannten bonitarischen Eigenthums*.[3]

BONA CADU'CA. *Caducum* literally signifies that which falls: thus *glans caduca*, according to Gaius,[4] is the mast which falls from a tree. Caducum, in its general sense, might be anything without an owner, or what the person entitled to neglected to take;[5] but the strict legal sense of caducum and bona caduca is that stated by Ulpian,[6] which is as follows:

If a thing is left by testament to a person who has then a capacity to take it by the jus civile, but from some cause does not take it, that thing is called *caducum:* for instance, if a legacy was left to an unmarried person, or a Latinus Junianus, and the unmarried person did not, within a hundred days, obey the law by marrying, or if, within the same time, the Latinus did not obtain the Jus Quiritium, the legacy was *caducum*. Or if a *heres ex parte*, or a legatee, died after the death of the testator, and before the opening of the will, the thing was *caducum*. The thing which failed to come to a person in consequence of something happening in the life of the testator, was said to be *in causa caduci;* that which failed of taking effect between the death of the testator and the opening of the will, was called simply *caducum*.

The law above alluded to is the Lex Julia et Papia Poppæa, which is sometimes simply called Julia, or Papia Poppæa. This law, which was passed in the time of Augustus (B.C. 9), had the double object of encouraging marriages and enriching the treasury—*ærarium*,[7] and contained, with reference to these two objects, a great number of provisions. Martial[8] alludes to a person who married in order to comply with the law.

That which was caducum, came, in the first place, to those among the heredes who had children; and if the heredes had no children, it came among those of the legatees who had children. The law gave the jus accrescendi, that is, the right to the caducum as far as the third degree of consanguinity, both ascending and descending,[9] to those who were made heredes by the will. Under the provisions of the law, the caducum, in case there was no prior claimant, belonged to the ærarium; or, as Ulpian[10] expresses it, if no one was entitled to the bonorum possessio, or if a person was entitled, but did not assert his right, the bona became public property (*populo deferuntur*), according to the Lex Julia caducaria; but by a constitution of the Emperor Antoninus Caracalla, it was appropriated to the fiscus: the jus accrescendi above mentioned was, however, still retained. The lawyers, however (*viri prudentissimi*), by various devices, such as substitutions, often succeeded in making the law of no effect.

1. (Dig. 42, tit. 5, s. 14, &c.)—2. (Gaius, ii., 26, 41, 20.—Ulp., Frag., i., 16.)—3. (Rheinisch Museum, für Jurispr., iii., 3.)—4. (Dig. 50, tit. 16, s 30.)—5. (Cic., Orat., iii., 31.—Phil., x., 5.)—6 (Frag., xvii.)—7. (Tacit., Ann., iii., 25.)—8. (Ep., v., 75.)—9 (Ulp., Frag., xviii.)—10. (xxviii., 7.)

He who took the portion of a heres, which became caducum, took it by universal succession: in the case of a legacy, the caducum was a singular succession. But he who took an hereditas caduca, took it with the bequests of freedom, of legacies, and fidei commissa with which it was burdened: if the legata and fidei commissa became caduca, all charges with which they were burdened became caduca also. In the time of Constantine, both the cœlebs and the orbus, or childless person (who was under a limited incapacity), obtained the full legal capacity of taking the inheritance.[1] Justinian[2] put an end to the caducum, with all its legal consequences. In this last-mentioned title (*De Caducis tollendis*) it is stated both that the name and the thing (*nomen et materia caducorum*) had their origin in the civil wars, that many provisions of the law were evaded, and many had become obsolete.[3] As to the Dos Caduca, see DOS.

BONA FIDES. This term frequently occurs in the Latin writers, and particularly in the Roman jurists. It can only be defined with reference to things opposed to it, namely, mala fides, and dolus malus, both of which terms, and especially the latter, are frequently used in a technical sense. (*Vid.* DOLUS MALUS.)

Generally speaking, bona fides implies the absence of all fraud, and unfair dealing or acting. In this sense, bona fides, that is, the absence of all fraud, whether the fraud consists in simulation or dissimulation, is a necessary ingredient in all contracts.

Bona fide possidere applies to him who has acquired the possession of a thing under a good title, as he supposes. He who possessed a thing bona fide, had a capacity of acquiring the ownership by usucapion, and had the protection of the actio Publiciana. Thus a person who received a thing either mancipi or nec mancipi, not from the owner, but from a person whom he believed to be the owner, could acquire the ownership by usucapion.[4] A thing which was *furtivia* or *vi possessa*, or the res mancipi of a female who was in the tutela of her agnati, unless it was delivered by her under the auctoritas of her tutor, was not subject to usucapion, and therefore, in these cases, the presence or absence of bona fides was immaterial.[5] A person who bought from a pupillus without the auctoritas of his tutor, or with the auctoritas of a person whom he knew not to be the tutor, did not purchase bona fide; that is, he was guilty of a legal fraud. A sole tutor could not purchase a thing bona fide from his pupillus; and if he purchased it from another, to whom a non bona fide sale had been made, the transaction was null.[6]

A *bona fide possessor* was also protected as to property acquired for him by another person.[7]

In various actions arising out of mutual dealings, such as buying and selling, lending and hiring, partnership, and others, bona fides is equivalent to æquum and justum; and such actions were sometimes called bonæ fidei actiones. The formula of the prætor, which was the authority of the judex, empowered him in such cases to inquire and determine *ex bona fide*, that is, according to the real merits of the case.[8]

BONA RAPTA. The *actio vi bonorum raptorum* was granted by the prætor against those who had by force carried off a man's property. The offence was, in fact, a species of furtum. If the person injured brought his action within one year after the

1. (Cod. viii., 58.)—2. (Cod. vi., 51.)—3. (Gaius, ii., 207; iii 144, 286.—Lipsius, Excurs. ad Tacit., Ann., iii., 25.—Marezoll, Lehrbuch der Institut. des Röm. Rechts.)—4. (Gaius, ii., 43.—Ulp., Frag., xix., s. 8.)—5. (Gaius. i., 192; ii., 45, &c.—Cic., ad Att., i., 5.—Pro Flacco, c. 34.)—6. (Dig. 26, tit. 8.)—7. (Savigny, Das Recht des Besitzes, p. 314, &c.)—8. (Gaius, iv., 62 — Cic., Off., iii., 17.—Topic., c. 17. — Brissonius, De Formulis, &c., lib. v.)

time when he was first able to bring his action, he might recover fourfold: if after the year, he only recovered the value of the goods. If a slave was the offender, the owner of the goods had a *noxalis actio* against the master.[1]

BONA VACAN'TIA was originally the property which a person left at his death without having disposed of it by will, and without leaving any *heres*. Such property was open to occupancy, and so long as the strict laws of inheritance existed, such an event must not have been uncommon. A remedy was, however, found for this by the bonorum possessio of the prætor.

It does not appear that the state originally claimed the property of a person who died intestate and without *hœredes legitimi*. The claim of the state to such property seems to have been first established by the Lex Julia et Papia Poppæa. (*Vid.* BONA CADUCA.) The state, that is, in the first instance the ærarium, and afterward the fiscus, did not take such property as heres, but it took it *per universitatem*. In the later periods of the Empire, in the case of a soldier dying without heredes, the legion to which he belonged had a claim before the fiscus; and various corporate bodies had a like preference in the case of a member of the corporation dying without heredes.[2]

BONO'RUM CESS'IO. There were two kinds of bonorum cessio, *in jure* and *extra jus*. The in jure cessio is treated under its proper head.

The *bonorum cessio extra jus* was introduced by a Julian law, passed either in the time of Julius Cæsar or Augustus, which allowed an insolvent debtor to give up his property to his creditors. The debtor might declare his willingness to give up his property by letter or by a verbal message. The debtor thus avoided the infamia consequent on the bonorum emtio, which was involuntary, and he was free from all personal execution. He was also allowed to retain a small portion of his property for his support. An old gloss describes the bonorum cessio thus: "*Cedere bonis est ab universitate rerum suarum recedere.*"

The property thus given up was sold, and the proceeds distributed among the creditors. The purchaser, of course, did not obtain the Quiritarian ownership of the property by the act of purchase. If the debtor subsequently acquired property, this also was liable to the payment of his old debts, with some limitations, if they were not already fully satisfied.

The benefit of the lex Julia was extended by the imperial constitutions to the provinces.

The history of the bonorum cessio does not seem quite clear. The Julian law, however, was not the oldest enactment which relieved the person of the debtor from being taken in execution. The lex Pœtelia Papiria (B.C. 327) exempted the person of the debtor (*nisi qui noxam meruisset*), and only made his property (*bona*) liable for his debts. It does not appear from the passage in Livy[3] whether this was a bonorum cessio in the sense of the bonorum cessio of the Julian law, or only a bonorum emtio with the privilege of freedom from arrest. The Tablet of Heraclea[4] speaks of those *qui in jure bonam copiam jurabant*; a phrase which appears to be equivalent to the bonorum cessio, and was a declaration on oath *in jure*, that is, before the prætor, by the debtor that his property was sufficient to pay his debts. But this was still accompanied with infamia. So far as we can learn from Livy, no such declaration of solvency was required from the debtor by the Pœtelia lex. The Julian law rendered the process of the cessio bonorum more simple, by making it a procedure extra jus, and giving farther privileges to the insolvent. Like several other Julian laws, it appears to have consolidated and extended the provisions of previous enactments.[1]

BONO'RUM COLLA'TIO. By the strict rules of the civil law, an emancipated son had no right to the inheritance of his father, whether he died testate or intestate. But, in course of time, the prætor granted to emancipated children the privilege of equal succession with those who remained in the power of the father at the time of his death; and this grant might be either *contra tabulas* or *ab intestato*. But this favour was granted to emancipated children only on condition that they should bring into one common stock with their father's property, and for the purpose of an equal division among all the father's children, whatever property they had at the time of the father's death, and which would have been acquired for the father in case they had still remained in his power. This was called bonorum collatio. It resembles the old English hotchpot, upon the principle of which is framed the provision in the statute 22 and 23 Charles II., c. 10, s 5, as to the distribution of an intestate's estate.[2]

BONO'RUM EM'TIO ET EMTOR. The expression bonorum emtio applies to a sale of the property either of a living or of a dead person. It was in effect, as to a living debtor, an execution. In the case of a living person, his goods were liable to be sold if he concealed himself for the purpose of defrauding his creditors, and was not defended in his absence; or if he made a bonorum cessio according to the Julian law; or if he did not pay any sum of money which he was by judicial sentence ordered to pay, within the time fixed by the laws of the Twelve Tables[3] or by the prætor's edict. In the case of a dead person, his property was sold when it was ascertained that there was neither heres nor bonorum possessor, nor any other person entitled to succeed to it. In this case the property belonged to the state after the passing of the Lex Julia et Papia Poppæa. If a person died in debt, the prætor ordered a sale of his property on the application of the creditors.[4] In the case of the property of a living person being sold, the prætor, on the application of the creditors, ordered it to be possessed (*possideri*) by the creditors for thirty successive days, and notice to be given of the sale. The creditors were said *in possessionem rerum debitoris mitti*: sometimes a single creditor obtained the possessio. When several creditors obtained the possessio, it was usual to intrust the management of the business to one of those who was chosen by a majority of the creditors. The creditors then met and chose a magister, that is, a person to sell the property,[5] or a curator bonorum if no immediate sale was intended. The purchaser, *emtor*, obtained by the sale only the bonorum possessio: the property was his in bonis until he acquired the Quiritarian ownership by usucapion. The foundation of this rule seems to be, that the consent of the owner was considered necessary in order to transfer the ownership. Both the bonorum possessores and the emtores had no legal rights (*directæ actiones*) against the debtors of the person whose property was possessed or purchased, nor could they be legally sued by them; but the prætor allowed *utiles actiones* both in their favour and against them.[6]

BONO'RUM POSSES'SIO is defined by Ulpian[7] to be "the right of suing for or retaining a patrimo-

1. (Gaius, iii., 209.—Dig. 47, tit. 8.)—2. (Marezoll, Lehrbuch der Institut. des Röm. Rechts.)—3. (viii., 28.)—4. (Mazocchi, p. 423.)

1. (Gaius, iii., 28.—Dig. 42, tit. 3.—Cod. vii., tit. 71.)—2. (Dig. 36, tit. 6.—Cod. vi., tit. 20.)—3. (Aul. Gell., xv., 13; xx., 1.)—4. (Gaius. ii., 154, 167.)—5. (Cic., ad Att., i., 9; vi., 1.—Pro Quincto., c. 15.)—6. (Gaius, iii., 77; iv., 35, 65, and 111.—Dig. 1, tit. 1, 5.)—7. (Dig. 37, tit. 1, § 3.)

ny or thing which belonged to another at the time of his death." The strict laws of the Twelve Tables as to inheritance were gradually relaxed by the prætor's edict, and a new kind of succession was introduced, by which a person might have a bonorum possessio who could have no hereditas or legal inheritance.

The bonorum possessio was given by the edict both *contra tabulas*, *secundum tabulas*, and *intestati*.

An emancipated son had no legal claim on the inheritance of his father; but if he was omitted in his father's will or not expressly exheredated, the prætor's edict gave him the bonorum possessio contra tabulas, on condition that he would bring into hotchpot (*bonorum collatio*) with his brethren who continued in the parent's power, whatever property he had at the time of the parent's death. The bonorum possessio was given both to children of the blood (*naturales*) and to adopted children, provided the former were not adopted into any other family, and the latter were in the adoptive parent's power at the time of his death. If a freedman made a will without leaving his patron as much as one half of his property, the patron obtained the bonorum possessio of one half, unless the freedman appointed a son of his own blood as his successor.

The bonorum possessio secundum tabulas was that possession which the prætor gave, conformably to the words of the will, to those named in it as heredes, when there was no person entitled to make a claim against the will, or none who chose to make such a claim. It was also given secundum tabulas in cases where all the requisite legal formalities had not been observed, provided there were seven proper witnesses to the will.

In the case of intestacy (*intestati*), there were seven degrees of persons who might claim the bonorum possessio, each in his order, upon there being no claim of a prior degree. The first three classes were children, *legitimi heredes* and *proximi cognati*. Emancipated children could claim as well as those who were not emancipated, and adoptive as well as children of the blood; but not children who had been adopted into another family. If a freedman died intestate, leaving only a wife (in manu) or an adoptive son, the patron was entitled to the bonorum possessio of one half of his property.

The bonorum possessio was given either *cum re* or *sine re*. It was given *cum re* when the person to whom it was given thereby obtained the property or inheritance. It was given *sine re* when another person could assert his claim to the inheritance by the jus civile: as, if a man died intestate, leaving a *suus heres*, the grant of the bonorum possessio would have no effect; for the heres could maintain his legal right to the inheritance. Or, if a person who was named heres in a valid will was satisfied with his title according to the jus civile, and did not choose to ask for the bonorum possessio (which he was entitled to if he chose to have it), those who would have been heredes in case of an intestacy might claim the bonorum possessio, which, however, would be unavailing against the legal title of the testamentary heres, and, therefore, *sine re*.

Parents and children might claim the bonorum possessio within a year from the time of their being able to make the claim; others were required to make the claim within a hundred days. On the failure of such party to make his claim within the proper time, the right to claim the bonorum possessio devolved on those next in order, through the seven degrees of succession.

He who received the bonorum possessio was not thereby made *heres*, but he was placed *heredis loco*; for the prætor could not make a heres. The property of which the possession was thus given was only in bonis, until, by usucapion, the possession was converted into Quiritarian ownership (*dominium*). All the claims and obligations of the deceased person were transferred with the bonorum possessio to the possessor or prætorian heres: and he was protected in his possession by the interdictum quorum bonorum. The benefit of this interdict was limited to cases of bonorum possessio, and this was the reason why a person who could claim the inheritance in case of intestacy by the civil law, sometimes chose to ask for the bonorum possessio also. The prætorian heres could only sue and be sued in respect of the property by a legal fiction. He was not able to sustain a *directa actio*; but, in order to give him this capacity, he was, by a fiction of law, supposed to be what he was not, *heres*; and he was said *ficto se herede agere*, or *intendere*. The actions which he could sustain or defend were *actiones utiles*.[1] A good general view of the bonorum possessio is given by Marezoll, *Lehrbuch der Institutionen des Röm. Rechts*, § 174.

*BONASSUS (*βόνασσος*), a quadruped, the same with the Bison. (*Vid.* Bison.)

*BOSCAS (*βοσκάς*), the Wild Duck, *Anas Boscas*, L. (*Vid.* Anas.)

*BOSTRYCHI'TES (*βοστρυχίτης*), a stone resembling a lock of female hair.[2] It is supposed to have been amianthus.[3]

*BOS (*βοῦς*), a generic term, applied to several varieties of the ox and cow, namely, of the *Bos Taurus*, L. "The immense advantages derived from the domesticated ox in the beginning of human civilization," observes Lieut. Col. Smith, "may be gathered from the conspicuous part its name and attributes perform in the early history of mankind. We find the Bull among the signs of the Zodiac; it typifies the sun in more than one system of mythology; it was personally worshipped among the Egyptians, and is still venerated in India. The Cow is repeatedly a mystical type of the earth in the mystical systems of ancient Greece, or a form of Bhavani with the Hindus. The Vedas consider it the primordial animal, the first created by the three kinds of gods who were directed by the Supreme Lord to furnish the earth with animated beings. The Ox first enabling man to till the ground, was a direct cause of private territorial property, and of its consequences, wealth, commerce, leisure, and learning; he was no less the means of abstracting mankind from the necessity of shedding blood, and thus he became the emblem of justice, the vehicle of Siva. This merited consideration we see dexterously used by ancient legislators, to soften the brutality of human manners, either by forbidding the flesh as food in those countries where his acknowledged utility was counteracted by obstacles in the increase, or by commanding the frequent use of sacrifices by a proper slaughter, and where *fire* and salt should be employed to check a horrid species of massacre and practice of devouring the flesh in a raw state.—The words *Thur*, *Tur*, *Toor*, *Tier*, *Deer*, *Stier*, *Steer*, in the northern dialects of Europe, in their early and in their latest acceptations, are direct names of well-known ruminants; but in proportion as we pursue the root towards its origin in Central Asia, we find that the parent language of the Gothic and Sclavonian, as well as those of the Hellenic and other tongues, unite in fixing it upon a larger bovine animal, perfectly applicable to that known in Cæsar's Commentaries by the name of *Urus*, implying, as some think, primæval, ancient, sylvan, fierce, mysterious; still retained in the Teutonic *ur* and its numerous ad-

1. (Gaius, iii., 25–38; iv., 34.—Ulp., Fragm., tit. 28, 29.—Dig. 37, tit. 4, s. 19; tit. 11.—Dig. 38, tit. 6.)—2. (Plin., H. N. xxxvii., 10.)—3. (Moore's Anc. Mineral., p. 182.)

junets. We here find the root of the denomination of several regions in which the parent race of the Tauri, or the Urus, has existed or still resides. Thus, Turan, of Eastern Persia; Turan, south of the Caucasus; the present Turcomania; the Thurgaw; the Canton of Uri; the Thuringian forest; the Tauric Chersonese; the Tauri, a Sarmatian tribe; the Taurini, inhabiting Italy, near the present Turin, &c. In most of these countries the gigantic Urus has left his remains, or the more recent Urus has been known to herd. The appellations *ox* and *cow* also afford matter for speculation: the former has been regarded by some as a title of power, and they connect it with the proper name Ochus in ancient Persia (*Ochi* or *Achi*), equivalent to '*dignus*,' or '*majestate dignus*.' Okous, 'a bull,' is a common name among the Curds and other Caucasian tribes; while, on the other hand, the appellations *βοῦς*, *bos*, the Arabic *bakr*, as also Koe, Kuhe, Cow, Gaw, and Ghai, are all evidently from a common root descriptive of the voice of cattle.—It has been conjectured that the original domestication of the common Ox (*Bos Taurus*) took place in Western Asia, and was performed by the Caucasian nations, who thereby effected a leading cause of that civilization which their descendants carried westward and to the southeast, where the genuine Taurine races, not multiplying or yielding equal returns to human industry and human wants, have caused the veneration in which they are held, and necessitated the prohibition of feeding on their flesh. It is to these circumstances, also, that we may refer the domestication of the Buffalo, whose strength and habits were suited to supply the deficiencies of the Ox; and a similar effect has since operated in Egypt; for, from the period of the introduction of the Buffalo into that country, domestic cattle are not only fewer, but far from deserving the commendations bestowed upon them by the ancients."[1]

"The character of domestic oxen is absolutely the same as the fossil, and the wild breeds differ only in the flexures of the hams and in external appearance, occasioned by the variations of climate, food, and treatment. The hunched races of Africa may be regarded as introduced with the Arabian invasions after the Hegira; for in the numerous representations of Taurine animals, sacred victims, or in scenes of tillage upon the monuments of ancient Egypt, none occur. The breeds of the Kisguise and Calmuc Tartars, those of Podolia and the Ukraine, of European Turkey, and the Roman States, are among the largest known. They are nearly all distinguished by ample horns spreading sideways, then forward and upward, with dark points: their colour is a bluish ash, passing to black. That in the Papal dominions is not found represented on the ancient bas-reliefs of Rome, but was introduced most probably by the Goths, or at the same time with the Buffalo. Italy possesses another race presumed to have existed in ancient times, valued for its fine form and white colour: it is not so large, but the horns are similarly developed. Tuscany produces this race, and droves of them have been transported to Cuba, and thence to Jamaica. Ancient Egypt nourished a large white breed, which, however, is not the most common upon the monuments of that country, where the cattle are usually represented with large, irregular marks of black or brown upon a white ground."[2]

As regards the origin of our domestic Ox from the Urus of antiquity, consult remarks under the articles Bison and Urus.

*BOS MARI'NUS (*βοῦς θαλάττιος*), a species of large fish, the *Raia Oxyrynchus*, L., called in English the Sharp-nosed Ray. The French name is *Aiene*. The *λειόβατος* of Aristotle is a variety of it.

BOONAI (*Βοῶναι*) were persons in Athens who purchased oxen for the public sacrifices and feasts. They are spoken of by Demosthenes[1] in conjunction with the *ἱεροποιοί* and those who presided over the mysteries, and are ranked by Libanius[2] with the sitonæ, generals, and ambassadors. Their office is spoken of as honourable by Harpocration,[3] but Pollux[4] includes them among the inferior offices, or offices of service (*ὑπηρεσίαι*[5]).

BOREASMOI or BOREASMOS (*Βορεασμοί* or *Βορεασμός*), a festival celebrated by the Athenians in honour of Boreas,[6] which, as Herodotus[7] seems to think, was instituted during the Persian war, when the Athenians, being commanded by an oracle to invoke their *γαμβρὸς ἐπίκουρος*, prayed to Boreas. The fleet of Xerxes was soon afterward destroyed by a north wind, near Cape Sepias, and the grateful Athenians erected to his honour a temple on the banks of the Ilissus. But, considering that Boreas was intimately connected with the early history of Attica, since he is said to have carried off and married Oreithyia, daughter of Erechtheus,[8] and that he was familiar to them under the name of *brother-in-law*, we have reason to suppose that even previous to the Persian wars certain honours were paid to him, which were, perhaps, only revived and increased after the event recorded by Herodotus. The festival, however, does not seem ever to have had any great celebrity, for Plato[9] represents Phædrus as unacquainted even with the site of the Temple of Boreas. Particulars of this festival are not known, except that it was celebrated with banquets.

Pausanias[10] mentions a festival celebrated with annual sacrifices at Megalopolis in honour of Boreas, who was thought to have been their deliverer from the Lacedæmonians.[11]

Ælian[12] says that the Thurians also offered an annual sacrifice to Boreas, because he had destroyed the fleet with which Dionysius of Syracuse attacked them; and adds the curious remark, that a decree was made which bestowed upon him the right of citizenship, and assigned to him a house and a piece of land. This, however, is perhaps merely another way of expressing the fact that the Thurians adopted the worship of Boreas, and dedicated to him a temple, with a piece of land.

BOTANOMANTEI'A. (*Vid.* Divinatio.)

BOT'ULUS (*ἀλλᾶς*, *φύσκη*), a sausage, was a very favourite food among the Greeks and Romans. The *tomaculum* was also a species of sausage, but not the same as the botulus, for Petronius[13] speaks of *tomacula cum botulis*. The sausages of the ancients, like our own, were usually made of pork,[14] and were cooked on a gridiron or frying-pan, and eaten warm (*fuerunt et tomacula supra craticulam argentcam ferventia*[15]). They were sold in the streets and in the baths, and the botularius was accustomed to cry out his sausage for sale.[16]

Sausages were also made with the blood of animals, like our black-puddings;[17] and Tertullian[18] informs us that, among the trials to which the heathens exposed Christians, one was to offer them such sausages (*botulos cruore distentos*), well knowing that the act by which they thus tempted them to transgress was forbidden by the Christian laws.[19]

BOUAI. (*Vid.* Agele.)

1. (Griffith's Cuvier, vol. iv., p. 411, seqq.)—2. (Griffith's Cuvier, vol. iv., p. 419.)

1. (c. Mid., p. 570.)—2. (Declam., viii.)—3. (s. v.)—4. (Onom., viii., 114.)—5. (Böckh, Publ. Econ. of Athens, vol. i., p. 289, transl.)—6. (Hesych., s. v.)—7. (vii., 189.)—8. (Herod., l. c.—Paus., i., 19, § 6.)—9. (Phædr., p. 229.)—10. (viii., 36, § 4.)—11. (Compare Ælian, Var. Hist., xii., 61.)—12. (l. c.)—13. (c. 49.)—14. (Juv., Sat., x., 355.)—15. (Petron., c. 31.)—16. (Martial, I., xlii., 9.—Sen., Ep., 56.)—17. (Aristoph., Equit., 208.—Tertull., Apol., 9.)—18. (l. c.)—19. (Becker, Gallus, i, p. 244.

BOYΛΗ (ἡ τῶν πεντακοσίων). In the heroic ages, represented to us by Homer, the *βουλή* is simply an aristocratical council of the elders among the nobles, sitting under their king as president, who, however, did not possess any greater authority than the other members, except what that position gave him. The nobles, thus assembled, decided on public business and judicial matters, frequently in connexion with, but apparently not subject to, nor of necessity controlled by, an *ἀγορά*, or meeting of the freemen of the state.[1] This form of government, though it existed for some time in the Ionian, Æolian, and Achæan states, was at last wholly abolished. Among the Dorians, however, especially with the Spartans, this was not the case; for it is well known that they retained the kingly power of the Heracleidæ, in conjunction with the *γερουσία* (*vid.* GEROUSIA), or assembly of elders, of which the kings were members. At Athens, on the contrary, the *βουλή* was a representative, and in most respects a popular body (*δημοτικόν*), the origin, nature, and duties of which we proceed to describe.

Its first institution is generally attributed to Solon. There are, however, strong reasons for supposing that, as in the case of the areiopagus, he merely modified the constitution of a body which he found already existing. In the first place, it is improbable, and, in fact, almost inconsistent with the existence of any government, except an absolute monarchy, to suppose that there was no such council. Besides this Herodotus[2] tells us that in the time of Cylon (B.C. 620), Athens was under the direction of the presidents of the Naucraries (*ναυκραρίαι*), the number of which was forty-eight, twelve out of each of the four tribes. Moreover, we read of the case of the Alcmæonidæ being referred to an aristocratical tribunal of 300 persons, and that Isagoras, the leader of the aristocratic party at Athens, endeavoured to suppress the council, or *βουλή*, which Cleisthenes had raised to 600 in number, and to vest the government in the hands of 300 of his own party.[3] This, as Mr. Thirlwall[4] remarks, can hardly have been a chance coincidence: and he also suggests that there may have been two councils, one a smaller body, like the Spartan *γερουσία*, and the other a general assembly of the eupatrids; thus corresponding, one to the senatus, the other to the comitia curiata, or assembly of the burghers at Rome. But, be this as it may, it is admitted that Solon made the number of his *βουλή* 400, taking the members from the first three classes, 100 from each of the four tribes. On the tribes being remodelled by Cleisthenes (B.C. 510), and raised to ten in number, the council also was increased to 500, fifty being taken from each of the ten tribes. It is doubtful whether the *βουλευταί*, or councillors, were at first appointed by lot, as they were afterward; but as it is stated to have been Solon's wish to make the *βουλή* a restraint upon the people, and as he is, moreover, said to have chosen (*ἐπιλεξάμενος*[5]) 100 members from each of the tribes, it seems reasonable to suppose that they were *elected*, more especially when there is no evidence to the contrary.[6] It is at any rate, certain that an election, where the eupatrids might have used influence, would have been more favourable to Solon's views than an appointment by lot. But, whatever was the practice originally, it is well known that the appointment was in after times made by lot, as is indicated by the title (*οἱ ἀπὸ τοῦ κυάμου βουλευταί*), suggested by the use of beans in drawing the lots.[7] The individuals thus appointed were required to submit to a scrutiny, or *δοκιμασία*, in which they gave evidence of being genuine citizens (*γνήσιοι ἐξ ἀμφοῖν*), of never having lost their civic rights by *ἀτιμία*, and also of being under 30 years of age. (*Vid.* DOKIMASIA.) They remained in office for a year, receiving a drachma (*μισθὸς βουλευτικός*) for each day on which they sat:[1] and independent of the general account, or *εὐθύναι*, which the whole body had to give at the end of the year, any single member was liable to expulsion for misconduct by his colleagues.[2]

This senate of 500 was divided into ten sections of fifty each, the members of which were called prytanes (*πρυτανεῖς*), and were all of the same tribe; they acted as presidents both of the council and the assemblies during 35 or 36 days, as the case might be, so as to complete the lunar year of 354 days ($12 \times 29\frac{1}{2}$). Each tribe exercised these functions in turn and the period of office was called a prytany (*πρυτανεία*). The turn of each tribe was determined by lot, and the four supernumerary days were given to the tribes which came last in order.[3] Moreover, to obviate the difficulty of having too many in office at once, every fifty was subdivided into five bodies of ten each; its prytany also being portioned out into five periods of seven days each: so that only ten senators presided for a week over the rest, and were thence called *πρόεδροι*. Again, out of these proedri an *ἐπιστάτης* was chosen for every day in the week, to preside as a chairman in the senate and the assembly of the people; during his day of office he kept the public records and seal.[4]

The prytanes had the right of convening the council and the assembly (*ἐκκλησία*). The duty of the proedri and their president was to propose subjects for discussion, and to take the votes both of the councillors and the people; for neglect of their duty they were liable to a fine.[5] Moreover, whenever a meeting, either of the council or the assembly, was convened, the chairman of the proedri selected by lot nine others, one from each of the non-presiding tribes: these also were called proedri, and possessed a chairman of their own, likewise appointed by lot from among themselves. On their functions, and the probable object of their appointment, some remarks are made in the latter part of this article.

We now proceed to speak of the duties of the senate as a body. It is observed under AREIOPAGUS that the chief object of Solon in forming the senate and the areiopagus was to control the democratical powers of the state; for this purpose Solon ordained that the senate should discuss and vote upon all matters before they were submitted to the assembly, so that nothing could be laid before the people on which the senate had not come to a previous decision. This decision or bill was called *προβούλευμα*, and if the assembly had been obliged either to acquiesce in any such proposition, or to gain the consent of the senate to their modification of it, the assembly and the senate would then have been almost equal powers in the state, and nearly related to each other, as our two houses of Parliament. But, besides the option of adopting or rejecting a *προβούλευμα*, or *ψήφισμα* as it was sometimes called, the people possessed and exercised the power of coming to a decision completely different from the will of the senate, as expressed in the *προβούλευμα*. Thus, in matters relating to peace and war, and confederacies, it was the duty of the senators to watch over the interests of the state,

1. (Il., ii., 53, 143; xviii., 503.—Od., ii., 239.)—2. (v., 71.)—3. (Herod., v., 72.—Plut., Sol., 12.)—4. (Hist. of Greece, ii., 81.)—5 (Plut., Sol., 19.)—6 (Thirlwall's Hist. of Greece, ii., 82.)—7 (Thucyd., viii., 63.)

1. (Böckh, i., 310, transl.)—2. (Harpocr., s. v. 'Εκφυλλοφορία.—Æsch., c. Ctes., p. 56, ed. Bekk.)—3. (Clinton, F. H., vol. ii., p. 346.)—4. (Suid.—Harpocr.)—5. (Demosth., c. Timocr., 703-707.)

and they could initiate whatever measures, and come to whatever resolutions they might think necessary; but on a discussion before the people it was competent for any individual to move a different or even contrary proposition. To take an example: In the Eubœan war (B.C. 350), in which the Thebans were opposed to the Athenians, the senate voted that all the cavalry in the city should be sent out to assist the forces then besieged at Tamynæ; a *προβούλευμα* to this effect was proposed to the people, but they decided that the cavalry were not wanted, and the expedition was not undertaken. Other instances of this kind occur in Xenophon.[1]

In addition to the bills which it was the duty of the senate to propose of their own accord, there were others of a different character, viz., such as any private individual might wish to have submitted to the people. To accomplish this, it was first necessary for the party to obtain, by petition, the privilege of access to the senate (*πρόσοδον γράψασθαι*), and leave to propose his motion; and if the measure met with their approbation, he could then submit it to the assembly.[2] Proposals of this kind, which had the sanction of the senate, were also called *προβουλεύματα*, and frequently related to the conferring of some particular honour or privilege upon an individual. Thus the proposal of Ctesiphon for crowning Demosthenes is so styled, as also that of Aristocrates for conferring extraordinary privileges on Charidemus, an Athenian commander in Thrace. Any measure of this sort, which was thus approved of by the senate, was then submitted to the people, and by them simply adopted or rejected; and "it is in these and similar cases that the statement of the grammarians is true, that no law or measure could be presented for ratification by the people without the previous approbation of the senate, by which it assumed the form of a decree passed by that body."[3]

In the assembly the bill of the senate was first read, perhaps by the crier, after the introductory ceremonies were over; and then the proedri put the question to the people, whether they approved of it, or wished to give the subject farther deliberation.[4] The people declared their will by a show of hands (*προχειροτονία*). Sometimes, however, the bill was not proposed and explained by one of the proedri, but by a private individual—either the original applicant for leave to bring forward the measure, or a senator distinguished for oratorical power. Examples of this are given by Schömann.[5] If the *προβούλευμα* of the senate were rejected by the people, it was, of course, null and void. If it happened that it was neither confirmed nor rejected, it was *ἐπέτειον*, that is, only remained in force during the year the senate was in office.[6] If it was confirmed it became a *ψήφισμα*, or decree of the people, binding upon all classes. The form for drawing up such decrees varied in different ages. Before the archonship of Eucleides (B.C. 403), they were generally headed by the formula, *Ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ*: then the tribe was mentioned in whose prytany the decree was passed; then the names of the *γοαμματεύς* or scribe, and chairman; and, lastly, that of the author of the resolution. Examples of this form occur in Andocides;[7] thus: *Ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ, Αἰαντὶς ἐπρυτάνευε, Κλεογένης ἐγραμμάτευε, Βοηθὸς ἐπεστάτει, τάδε Δημόφανος συνέγραψεν.*[8] From the archonship of Eucleides till about B.C. 325, the decrees commence with the name of the archon; then come the day of the month, the tribe in office, and, lastly, the name of the proposer. The motive for passing the decree is next stated; and then follows the decree itself, prefaced with the formula *δεδόχθαι τῇ βουλῇ καὶ τῷ δήμῳ*. The reader is referred to Demosthenes, *De Corona*, for examples. After B.C. 325, another form was used, which continued unaltered till the latest times.[1] We will here briefly state the difference between the *νόμοι* and *ψηφίσματα*: it is as follows: The former were constitutional laws; the latter, decrees of the people on particular occasions.[2]

Mention has just been made of the *γραμματεύς*, whose name was affixed to the *ψηφίσματα*, as in the example given above: it may be as well to explain that this functionary was a clerk chosen by lot by the senate in every prytany, for the purpose of keeping the records, and resolutions passed during that period; he was called the clerk according to the prytany (*ὁ κατὰ πρυτανείαν*), and the name of the clerk of the first prytany was sometimes used to designate the year.[3]

With respect to the power of the senate, it must be clearly understood that, except in cases of small importance, they had only the right of originating, not of finally deciding on public questions. Since, however, the senators were convened by the prytanes every day, except on festivals or *ἀφετοὶ ἡμέραι*,[4] it is obvious that they would be fit recipients of any intelligence affecting the interests of the state, and it is admitted that they had the right of proposing any measure to meet the emergency; for example, we find that Demosthenes gives them an account of the conduct of Æschines and himself, when sent out as ambassadors to Philip, in consequence of which they propose a bill to the people Again, when Philip seized on Elateia (B.C. 338), the senate was immediately called together by the prytanes to determine what was best to be done.[4] But, besides possessing the initiatory power of which we have spoken, the senate was sometimes delegated by the people to determine absolutely about particular matters, without reference to the assembly. Thus we are told[6] that the people gave the senate power to decide about sending ambassadors to Philip, and Andocides[7] informs us that the senate was invested with absolute authority[8] to investigate the outrages committed upon the statues of Hermes previously to the sailing of the Sicilian expedition.

Sometimes, also, the senate was empowered to act in conjunction with the nomothetæ (*συννομοθετεῖν*), as on the revision of the laws after the expulsion of the Thirty by Thrasybulus and his party, B.C. 403.[9] Moreover, it was the province of the senate to receive *εἰσαγγελίαι*, or informations of extraordinary crimes committed against the state, and for which there was no special law provided. The senate in such cases either decided themselves, or referred the case to one of the courts of the heliæa, especially if they thought it required a higher penalty than it was competent for them to impose, viz., 500 drachmæ. It was also their duty to decide on the qualification of magistrates, and the character of members of their own body. (*Vid.* Dokimasia.) But, besides the duties we have enumerated, the senate discharged important functions in cases of finance. All legislative authority, indeed, in such matters rested with the people, the amount of expenditure and the sources of revenue being determined by the decrees which they passed; but the administration was intrusted to the senate, as the

1. (Hellen., i., 7, § 9; vii., 1, § 2.)—2. (Demosth., c. Timocr., 715.)—3. (Schömann, De Ath. Com., p. 103, transl.)—4. (Aristoph., Thesm., 290.)—5. (De Ath. Com., p. 106, transl.)—6. (Demosth., c. Arist., 651.)—7. (De Myst., p. 13.)—8. (Compare Thucyd., iv., 118.)

1. (Schömann, p. 136, transl.)—2. (Thucyd., iii., 36, ed. Arnold.)—3. (Pollux, Onom., viii., 98.—Böckh, vol. i., p. 250, transl.)—4. (Pollux, viii., 95.)—5. (Demosth., De Fals. Leg., 346.—De Cor., 284.)—6 (Demosth., De Fals. Leg., 389.)—7. (De Myst.)—8. (*ἦν γὰρ αὐτοκράτωρ.*)—9 (Andocid., De Myst., p. 12.—Demosth., c. Timocr., p. 708.)

executive power of the state, and responsible (*ὑπεύθυνος*) to the people. Thus Xenophon[1] tells us that the senate was occupied with providing money, with receiving the tribute, and with the management of naval affairs and the temples; and Lysias[2] makes the following remark: "When the senate has sufficient money for the administration of affairs, it does nothing wrong; but when it is in want of funds, it receives informations, and confiscates the property of the citizens." The letting of the duties (*τελῶναι*) was also under its superintendence, and those who were in possession of any sacred or public moneys (*ἱερα καὶ ὁσια*) were bound to pay them into the senate-house; and in default of payment, the senate had the power of enforcing it, in conformity with the laws for the farming of the duties (*οἱ τελωνικοὶ νόμοι*). The accounts of the moneys that had been received, and of those still remaining due, were delivered to the senate by the apodectæ, or public treasurers. (*Vid.* APODECTÆ.) "The senate arranged, also, the application of the public money, even in trifling matters, such as the salary of the poets, the superintendence of the cavalry maintained by the state, and the examination of the infirm (*ἀδύνατοι*) supported by the state, are particularly mentioned among its duties; the public debts were also paid under its direction. From this enumeration we are justified in inferring that all questions of finance were confided to its supreme regulation."[3] Another very important duty of the senators was to take care that a certain number of triremes was built every year, for which purpose they were supplied with money by the state; in default of so doing, they were not allowed to claim the honour of wearing a crown or chaplet (*στέφανος*) at the expiration of their year of office.[4]

It has been already stated that there were two classes or sets of proedri in the senate, one of which, amounting to ten in number, belonged to the presiding tribe; the other consisted of nine, chosen by lot by the chairman of the presiding proedri from the nine non-presiding tribes, one from each, as often as either the senate or the people were convened. It must be remembered that they were not elected as the other proedri, for seven days, but only for as many hours as the session of the senate, or meeting of the people, lasted. Now it has been a question what were the respective duties of these two classes: but we have no hesitation in stating our conviction that it was the proedri of the *presiding* tribe who proposed to the people in assembly the subjects for discussion; recited, or caused to be recited, the previous bill (*προβούλευμα*) of the senate; officiated as presidents in conjunction with their *ἐπιστάτης*, or chairman, and discharged, in fact, all the functions implied by the words *χρηματίζειν πρὸς τὸν δῆμον*. For ample arguments in support of this opinion, the reader is referred to Schömann.[5] It does indeed appear, from decrees furnished by inscriptions and other authorities, that in later times the proedri of the *nine* tribes exercised some of those functions which the orations of Demosthenes and his contemporaries justify us in assigning to the proedri of the presiding tribe. It must, however, be remarked, that all such decrees were passed after B.C. 308, when there were twelve tribes; and that we cannot, from the practice of those days, arrive at any conclusions relative to the customs of former ages.

If it is asked what, then, were the duties of these proedri in earlier times, the answer must be in a great measure conjectural; but the opinion of Schömann on this point seems very plausible. He observes that the prytanes had extensive and important duties intrusted to them; that they were all of one tribe, and therefore closely connected; that they officiated for thirty-five days as presidents of the representatives of the other tribes; and that they had ample opportunities of combining for the benefit of their own tribe at the expense of the community. To prevent this, and watch their conduct whenever any business was brought before the senate and assembly, may have been the reason for appointing, by lot, nine other quasi-presidents, representatives of the non-presiding tribes, who would protest and interfere, or approve and sanction, as they might think fit. Supposing this to have been the object of their appointment in the first instance, it is easy to see how they might at least have been united with the proper proedri in the performance of duties originally appropriated to the latter.

In connexion with the proedri, we will explain what is meant by the phrase *ἡ προεδρεύουσα φυλή*. Our information on this subject is derived from the speech of Æschines against Timarchus, who informs us that, in consequence of the unseemly conduct of Timarchus on one occasion before the assembly, a new law was passed, in virtue of which a tribe was chosen by lot to keep order, and sit as presidents under the *βῆμα*, or platform on which the orators stood. No remark is made on the subject to warrant us in supposing that senators only were elected to this office; it seems more probable that a certain number of persons was chosen from the tribe on which the lot had fallen, and commissioned to sit along with the prytanes and the proedri, and that they assisted in keeping order. We may here remark, that if any of the speakers (*ῥήτορες*) misconducted themselves either in the senate or the assembly, or were guilty of any act of violence to the *ἐπιστάτης*, after the breaking up of either, the proedri had the power to inflict a summary fine, or bring the matter before the senate and assembly at the next meeting, if they thought the case required it.[1]

The meetings of the senate were, as we learn from various passages of the Attic orators, open to strangers; thus Demosthenes[2] says that the senate-house was, on a particular occasion, full of strangers (*μεστὸν ἦν ἰδιωτῶν*): in Æschines[3] we read of a motion "that strangers do withdraw" (*μεταστησάμενος τοὺς ἰδιώτας*[4]). Nay, private individuals were sometimes, by a special decree, authorized to come forward and give advice to the senate.[5] The senate-house was called *τὸ βουλευτήριον*, and contained two chapels, one of *Ζεὺς βουλαῖος*, another of *Ἀθηνᾶ βουλαία*, in which it was customary for the senators to offer up certain prayers before proceeding to business.[6]

The prytanes also had a building to hold their meetings in, where they were entertained at the public expense during their prytany. This was called the *πρυτανεῖον*, and was used for a variety of purposes. (*Vid.* PRYTANEION.) Thucydides,[7] indeed, tells us that, before the time of Theseus, every city of Attica had its *βουλεύτηριον* and *πρυτανεῖον*: a statement which gives additional support to the opinion that Solon did not originate the senate at Athens.

The number of tribes at Athens was not always ten; an alteration took place in B.C. 306, when Demetrius Poliorcetes had liberated the city from the usurpation of Cassander. Two were then added, and called Demetrias and Antigonis, in honour of Demetrius and his father.[8] It is evident that

1. (De Rep. Ath., iii., 2.)—2. (c. Nicom., 185.)—3. (Böckh, vol. i., p. 208, transl.)—4. (Arg. Orat., c. Androt.)—5. (De Ath. Com. p. 83, transl.)

1. (Æsch., c. Timarch., 5.)—2. (De Fals. Leg., 346.)—3. (c. Ctes., 71, 20.)—4. (Dobree, Advers., i., 542.)—5. (Andoc., De Myst.)—6. (Antiph., De Chor., p. 787.)—7. (ii., 15.)—8. (Clinton, F. H., ii., 343.)

this change, and the consequent addition of 100 members to the senate, must have varied the order and length of the prytanes. The tribes just mentioned were afterward called Ptolemaïs and Attalis; and in the time of Hadrian, who beautified and improved Athens,[1] a thirteenth was added, called from him Hadrianis. An edict of this emperor has been preserved, which proves that even in his time the Athenians kept up the show of their former institutions.

ΒΟΥΛΕΥΣΕΩΣ ΓΡΑΦΗ (*Βουλεύσεως γραφή*), an impeachment for conspiracy. *Βουλεύσεως*, being in this case the abbreviated form of *ἐπιβουλεύσεως*, is the name of two widely different actions at Attic law. The first was the accusation of conspiracy against life, and might be instituted by the person thereby attacked, if competent to bring an action; otherwise, by his or her legal patron (*κύριος*). In case of the plot having succeeded, the deceased might be represented in the prosecution by near kinsmen (*οἱ ἐντὸς ἀνεψιότητος*), or, if they were incompetent, by the *κύριος*, as above mentioned.[2] The criminality of the accused was independent of the result of the conspiracy,[3] and the penalty, upon conviction, was the same as that incurred by the actual murderers.[4] The presidency of the court, upon a trial of this kind, as in most *δίκαι φονικαί*, belonged to the king archon,[5] and the court itself was composed of the ephetæ, sitting at the Palladium, according to Isæus and Aristotle, as cited by Harpocration, who, however, also mentions that the Areiopagus is stated by Dinarchus to have been the proper tribunal.

The other action, *βουλεύσεως*, was available upon a person finding himself wrongfully inscribed as a state debtor in the registers or rolls, which were kept by the different financial officers. Meier,[6] however, suggests that a magistrate that had so offended would probably be proceeded against at the *εὐθύναι*, or *ἐπιχειροτονίαι*, the two occasions upon which the public conduct of magistrates was examined, so that, generally, the defendant in this action would be a private citizen, that had directed such an insertion at his own peril. From the passage in Demosthenes, it seems doubtful whether the disfranchisement (*ἀτιμία*) of the plaintiff as a state debtor was in abeyance while this action was pending. Demosthenes at first asserts,[7] but afterward[8] *argues* that it was not See, however, Meier,[9] and Böckh's note.

There is no very obvious distinction laid down between this action and *ψευδεγγραφῆς*: but it has been conjectured by Suidas, from a passage in Lycurgus, that the latter was adopted when the defendant was a debtor to the state, but found his debt wrongly set down, and that *βουλεύσεως* was the remedy of a discharged debtor again registered for the debt already paid.[10] If the defendant lost his cause, his name was substituted for that of the plaintiff.[11] The cause was one of the *γραφαὶ ἰδίαι* that came under the jurisdiction of the thesmothetæ.[12]

BOULEUTER'ION. (*Vid.* Boule.)

BRACÆ or BRACCÆ (*ἀναξυρίδες*), trousers, pantaloons.

These, as well as various other articles of armour and of dress (*vid.* Acinaces, Arcus, Armilla), were common to all the nations which encircled the Greek and Roman population, extending from the Indian to the Atlantic Ocean. Hence Aristagoras, king of Miletus, in his interview with Cleomenes, king of Sparta, described the attire of a large portion of them in these terms: "They carry bows and a short spear, and go to battle in trousers and with hats upon their heads."[1] Hence, also, the phrase *Braccati militis arcus*, signifying that those who wore trousers were in general armed with the bow.[2] In particular, we are informed of the use of trousers or pantaloons among the following nations: 1. The Medes and Persians (*περὶ τὰ σκέλεα ἀναξυρίδας*[3]). 2. The Parthians and Armenians.[4] 3. The Phrygians.[5] 4. The Sacæ (*ἀναξυρίδας ἐνδεδύκεσαν*[6]). 5. The Sarmatæ (*Sarmaticæ braccæ*[7]). 6. The Dacians and Getæ.[8] 7. The Teutones.[9] 8. The Franks (*ἀναξυρίδας, οἱ μὲν λινᾶς, οἱ δὲ σκυτίνας, διαζωννύμενοι τοῖς σκέλεσι περιαμπίσχονται*[10]). 9. The Belgæ (*ἀναξυρίσι χρῶνται περιτεταμέναις*[11]). 10. The Britons (*veteres braccæ Britonis pauperis*[12]). 11. The Gauls (*Gallia Bracata*, now Provence;[13] *sagatos bracatosque*;[14] *χρῶνται ἀναξυρίσι, ἃς ἐκεῖνοι βράκας προσαγορεύουσι*[15]).

The Gallic term "brakes," which Diodorus Siculus has preserved in the last-cited passage, also remains in the Scottish "hreeks" and the English "breeches." Corresponding terms are used in all the northern languages.[16] Also the Cossack and Persian trousers of the present day differ in no material respect from those which were anciently worn in the same countries.

In conformity with the preceding list of testimonies, the monuments of every kind which contain representations of the nations included in it, exhibit them in trousers, thus clearly distinguishing them from Greeks and Romans. An example is seen in the annexed group of Sarmatians, taken from the column of Trajan.

The proper braccæ of the eastern and northern nations were loose (*κεχαλασμέναι*;[17] *laxæ*[18]), and they are therefore very aptly, though ludicrously, described in Euripides as "variegated bags" (*τοὺς ϑυλάκους τοὺς ποικίλους*[19]). To the Greeks they must have appeared highly ridiculous, although Ovid mentions the adoption of them by the descendants of some of the Greek colonists on the Euxine.[20]

Trousers were principally woollen; but Agathias states[21] that in Europe they were also made of linen and of leather; probably the Asiatics made them of cotton and of silk. Sometimes they were striped (*virgatæ*[22]), ornamented with a woof of various col-

1. (Pausan., i., 18, § 6.)—2. (Meier, Att. Process, 164.)—3. (Harpocrat.)—4. (Andoc., De Myst., 46, 5.)—5. (Meier, Att. Process, 312.)—6. (Att. Process, 339.)—7. (c. Aristog., i., 778, 19.)—8. (792, 1.)—9. (Att. Process, 340.)—10. (Petit, Leg. Att., 467.)—11. (Demosthenes, c Aristog., 792.)—12. (Att. Process, l. c.)

1. (Herod., v., 49.)—2. (Propert., iii., 3, 17.)—3. (Herod, vii., 61, 62.—Xen., Cyrop., viii., 3, 13.—Diod. Sic., xvii., 77.—"Persica bracca:" Ovid, Trist., v., 11, 34.—"Braccati Medi:" Pers., Sat., iii., 53.)—4. (Arrian, Tact., p. 79.)—5. (Val. Flacc., vi., 230.)—6. (Herod., vii., 64.)—7. (Val. Flacc., v., 424.—Lucan, i., 430.)—8. (Ovid, Trist., iii., 10, 19; v., 8, 49.)—9. (Propert., iv., 11.)—10. (Agath., Hist., ii., 5.) -11. (Strab., iv., 4, 3)—12 (Mart., xi., 22.)—13. (Pomp. Mela, ii., 5, 1.)—14. (Cic., Pro M. Font., 11.)—15. (Diod. Sic., Iv., 30.)—16. (Ihre, Glossar. Suio Goth., v. Brackor.)—17. (Arrian.)—18. (Ovid and Lucan, ll. cc.)—19. (Cyclops, 182.)—20. (Trist., v., 11, 34.)—21. (l. c.)—22. (Propert., iv., 11, 43.)

ours,[1] or embroidered.[2] They gradually came into use at Rome under the emperors. Severus wore them, and gave them as presents to his soldiers,[3] but the use of them was afterward restricted by Honorius.

BRACHIA'LE. (*Vid.* ARMILLA.)

BRASIDEI'A (Βρασίδεια), a festival celebrated at Sparta in honour of their great general Brasidas, who, after his death, received the honours of a hero.[4] It was held every year with orations and contests, in which none but Spartans were allowed to partake.

Brasideia were also celebrated at Amphipolis, which, though a colony of Athens, transferred the honour of κτίστης from Hagnon to Brasidas, and paid him heroic honours by an annual festival with sacrifices and contests.[5]

*BRASSI'CA (κράμβη), the Cabbage. Some varieties of this plant have been cultivated from the very earliest times of which we have any record. But the migrations and changes of the best sorts have not been traced; neither is it at all probable that the varieties which the ancients enjoyed have descended to us unaltered. Three kinds of cabbage were known to the Romans in the time of Cato:[6] the first had a large stalk, and leaves also of considerable size; the second had crisped leaves; the third, which was the least esteemed, had small-sized leaves and a bitterish taste. According to Columella, the brassica or cabbage was a favourite edible with the Romans, and in sufficient plenty to be even an article of food for slaves. It was sown and cut all the year round; the best time, however, for planting it was after the autumnal equinox. When it had been once cut after this, it put forth young and tender shoots the ensuing spring. Apicius, however, the famous gourmand, disdained to employ these, and inspired the young prince Drusus with the same dislike towards them, for which, according to Pliny,[7] he was reproved by his father Tiberius. This same writer mentions various kinds, of which the most esteemed was that of Aricia, with numerous and very thick leaves. Cato's second kind, the *Olus Apianum* (more correctly *Apiacon*), is the *Brassica viridis crispa* of Bauhin. The *Olus Aricium* is the *Brassica oleracea gongyloïdes*, L.; the *Brassica Halmyridia* is thought to have been the *Crambe maritima*; some, however, are in favour of the *Convolvulus soldanella*. "It is uncertain," observes Beckmann, "whether we still possess that kind of cabbage which the ancients, to prevent intoxication, ate raw like salad."[8] Of red cabbage no account is to be found in any ancient author. The ancient Germans, and, in fact, all the northern nations of Europe, cultivated the cabbage from very remote times. The Saxon name for February is *sprout-kale*, and that is the season when the sprouts from the old stalks begin to be fit for use. The Saxons must of course, therefore, have been familiar with the culture of cabbage or kale, as it is not at all probable that they invented the name after their settlement in Britain. We nowhere find among the Greeks and Romans any traces of that excellent preparation of cabbage called by the Germans *sour-kraut*, though the ancients were acquainted with the art of preparing turnips in the same manner.[9] Whether *sour-kraut* be a German invention appears somewhat doubtful, if the statement of Belon be correct, who informs us that the Turks in his time were accustomed to pickle cabbage for winter food.[1]

*BRATHY (βράθυ), the Savine, or *Juniperus Sabina*, L. According to Pliny, there were two kinds, the one resembling the tamarisk, the other the cypress; and hence some called the latter the Cretan cypress. The two species described by Dioscorides are hence supposed by Sprengel to be the *tamariscifolia* and *cypressifolia*.

BRAURO'NIA (Βραυρώνια), a festival celebrated in honour of Artemis Brauronia, in the Attic town of Brauron,[2] where, according to Pausanias,[3] Orestes and Iphigenia, on their return from Tauria, were supposed by the Athenians to have landed, and left the statue of the Taurian goddess.[4] It was held every fifth year, under the superintendence of ten ἱεροποιοί;[5] and the chief solemnity consisted in the circumstance that the Attic girls between the ages of five and ten years, dressed in crocus-coloured garments, went in solemn procession to the sanctuary,[6] where they were consecrated to the goddess. During this act the ἱεροποιοί sacrificed a goat, and the girls performed a propitiatory rite in which they imitated bears. This rite may have simply arisen from the circumstance that the bear was sacred to Artemis, especially in Arcadia;[7] but a tradition preserved in Suidas[8] relates its origin as follows: In the Attic town of Phanidæ a bear was kept, which was so tame that it was allowed to go about quite freely, and received its food from and among men. One day a girl ventured to play with it, and, on treating the animal rather harshly, it turned round and tore her to pieces. Her brothers, enraged at this, went out and killed the bear. The Athenians now were visited by a plague; and when they consulted the oracle, the answer was given that they would get rid of the evil which had befallen them if they would compel some of their citizens to make their daughters propitiate Artemis by a rite called ἀρκτεύειν, for the crime committed against the animal sacred to the goddess. The command was more than obeyed; for the Athenians decreed that from thenceforth all women, before they could marry, should have once taken part in this festival, and have been consecrated to the goddess. Hence the girls themselves were called ἄρκτοι, the consecration ἀρκτεία, the act of consecrating ἀρκτεύειν, and to celebrate the festival ἀρκτεύεσθαι.[9] But as the girls, when they celebrated this festival, were nearly ten years old, the verb δεκατεύειν was sometimes used instead of ἀρκτεύειν According to Hesychius, whose statement, however, is not supported by any other ancient authority, the Iliad was recited on this occasion by rhapsodists.

There was also a quinquennial festival called Brauronia, which was celebrated by men and dissolute women, at Brauron, in honour of Dionysus.[10] Whether its celebration took place at the same time as that of Artemis Brauronia (as has been supposed by Müller,[11] in a note, which has, however, been omitted in the English translation) must remain uncertain, although the very different characters of the two festivals incline us rather to believe that they were not celebrated at the same time.

BREVIA'RIUM or BREVIA'RIUM ALARICIA'NUM. Alaric the Second, king of the Visigoths, who reigned from A.D. 484 to A.D. 507, in the

1. (Eurip., l. c.—Xen., Anab., i., 5, § 8.—"Picto subtemine:" Val. Flacc., vi., 230.)—2. (Virg., Æn., xi., 777.)—3. (Lampr., Al. Sev., 40.)—4. (Paus., iii., 14, § 1.—Arist., Eth. Nic., v., 7.)—5. (Thucyd., v., 11.)—6. (Plin., H. N., xix., 8.—Fée, ad loc.)—7. (Plin., l. c.)—8. (Niclas, in Geopon., v., 11, 3, p. 345.)—9. (Library of Ent. Knowl., vol. xv., p. 258.—Columella, xii., 54.—Pallad., Decem., 5, p. 1011.—Nicander, ap. Athen., iv., p. 133.)

1. (Bellonii Observ. Itiner., iii., 27, p. 186.—Beckmann, Hist. Invent., vol. iv., p. 265, seqq.)—2. (Herod., vi., 138.)—3. (i., 23, § 9; 33, § 1; iii., 16, § 6; viii., 46, § 2.)—4. (*Vid.* Müller, Dorians, i., 9, § 5 and 6.)—5. (Pollux, Onom., viii., 9, 31.)—6. (Suidas, s. v. Ἄρκτος.—Schol. in Aristoph., Lysistr., 646.)—7. (Müller, Dorians, ii., 9, § 3.)—8. (s. v. Ἄρκτος.)—9. (Hesych.—Harpocrat.—Schol. in Aristoph., l. c.)—10. (Aristoph., Pax, 870.—Schol. in loc.—Suid., s. v. Βραυρών.)—11. (Dorians, ii., 9, § 5.)

twenty-second year of his reign (A.D. 506) commissioned a body of jurists, probably Romans, to make a selection from the Roman laws and the Roman text-writers, which should form a code for the use of his Roman subjects. The code, when made, was confirmed by the bishops and nobility; and a copy, signed by Anianus, the referendarius of Alaric, was sent to each comes, with an order to use no other law or legal form in his court (*ut in foro tuo nulla alia lex neque juris formula proferri vel recipi præsumatur*). The signature of Anianus was for the purpose of giving authenticity to the official copies of the code; a circumstance which has been so far misunderstood that he has sometimes been considered as the compiler of the code. This code has no peculiar name, so far as we know: it was called Lex Romana, and, at a later period, frequently Lex Theodosii, from the title of the first and most important part of its contents. The name Breviarium, or Breviarium Alaricianum, does not appear before the sixteenth century.

The following are the contents of the Breviarium, with their order in the code: 1. Codex Theodosianus, xvi. books. 2. Novellæ of Theodosius II., Valentian III., Marcian, Majorian, Severus. 3. The Institutions of Gaius. 4. Pauli Receptæ Sententiæ, v. books. 5. Codex Gregorianus, 13 titles. 6. Codex Hermogenianus, 2 titles. 7. Papinianus, lib. i., Responsorum.

The code was thus composed of two kinds of materials, imperial constitutions, which, both in the code itself, and the commonitorium or notice prefixed to it, are called *Leges;* and the writings of Roman jurists, which are called *Jus*. Both the Codex Gregorianus and Hermogenianus, being compilations made without any legal authority, are included under the head of Jus. The selections are extracts, which are accompanied with an interpretation, except in the case of the Institutions of Gaius; as a general rule, the text, so far as it was adopted, was not altered. The Institutions of Gaius, however, are abridged or epitomized, and such alterations as were considered necessary for the time are introduced into the text: this part of the work required no interpretation, and, accordingly, it has none.

This code is of considerable value for the history of Roman law, as it contains several sources of the Roman law which otherwise are unknown, especially Paulus and the first five books of the Theodosian Code. Since the discovery of the Institutions of Gaius, that part of this code is of less value.

The author of the Epitome of Gaius in the Breviarium paid little attention to retaining the words of the original, and a comparison of the Epitome and the MS. of Gaius is therefore of little advantage in this point of view. The Epitome is, however, still useful in showing what subjects were discussed in Gaius, and thus filling up (so far as the material contents are concerned) some of the lacunæ of the Verona MS.

A complete edition of this code was undertaken by Sichard, in his Codex Theodosianus, Basileæ, 1528, small folio. The whole is contained in the edition of the Theodosian Code by Cujacius, Lugd., 1566, folio. The Theodosian Code and the Novellæ alone are contained in the editions of Marville and Ritter; the remainder is contained in Schulting, *Jurisprudentia Vetus Ante-Justinianea*, Lugd. Bat., 1717. The whole, together with the fragments of Ulpian and other things, is contained in the *Jus Civile Antejustinianeum*, Berlin, 1815.[1]

BRIDGE (*γέφυρα, pons*). The most ancient bridge upon record, of which the construction has been described, is the one erected by Nitocris over the Euphrates at Babylon.[1] It was in the nature of a drawbridge, and consisted merely of stone piers without arches, but connected with one another by a framework of planking, which was removed at night to prevent the inhabitants from passing over from the different sides of the river to commit mutual depredations. The stones were fastened together by iron cramps soldered with lead, and the piers were built while the bed of the river was free from water, its course having been diverted into a large lake, which was again restored to the usual channel when the work had been completed.[2] Compare the description given by Diodorus Siculus,[3] who ascribes the work to Semiramis.

Temporary bridges constructed upon boats, called *σχεδίαι*,[4] were also of very early invention. Darius is mentioned as having thrown a bridge of this kind over the Thracian Bosporus;[5] but we have no details respecting it beyond the name of its architect, Mandrocles of Samos.[6] The one constructed by order of Xerxes across the Hellespont is more celebrated, and has been minutely described by Herodotus.[7] It was built at the place where the Chersonese forms almost a right angle, between the towns of Sestos and Madytus on the one side, and Abydos on the other. The first bridge which was constructed at this spot was washed away by a storm almost immediately after it was completed,[8] and of this no details are given. The subsequent one was executed under the directions of a different set of architects.[9] Both of them appear to have partaken of the nature of *suspension* bridges, the platform which formed the passage-way being secured upon enormous cables formed by ropes of flax (*λευκολίνου*) and papyrus (*βυβλίνων*) twisted together, and then stretched tight by means of windlasses (*ὄνοι*) on each side.

The bridges hitherto mentioned cannot be strictly denominated Greek, although the architects by whom the last two were constructed were natives of the Greek islands. But the frequent mention of the word in Homer proves that they were not uncommon in Greece, or, at least, in the western part of Asia Minor, during his time. The Greek term for a permanent bridge is *γέφυρα*, which the ancient etymologists connected with the Gephyræi (*Γεφυραῖοι*), a people whom Herodotus[10] states to have been Phœnicians, though they pretended to have come from Eretria; and the etymologists accordingly tell us that the first bridge in Greece was built by this people across the Cephissus; but such an explanation is opposed to sound etymology and common sense. As the rivers of Greece were small, and the use of the arch known to them only to a limited extent (*vid.* Arcus), it is probable that their bridges were built entirely of wood, or, at best, were nothing more than a wooden platform supported upon stone piers at each extremity, like that of Nitocris described above. Pliny[11] mentions a bridge over the Achoron 1000 feet in length, and also says[12] that the island Eubœa was joined to Bœotia by a bridge; but it is probable that both these works were executed after the Roman conquest.

In Greece also, as well as in Italy, the term *bridge* was used to signify a roadway raised upon piers or arches to connect the opposite sides of a ravine, even where no water flowed through it.[13]

The Romans were undoubtedly the first people who applied the arch to the construction of bridges, by which they were enabled to erect structures of great beauty and solidity, as well as utility; for by

1. (Savigny, Geschichte des Röm. Rechts in Mittelalter, ii., § 8.—Gaius, Præfatio Privæ Editioni Præmissa.)

1. (Herod., i., 186.)—2. (Herod., l. c.)—3. (ii., vol. i., p. 124, ed. Wesseling.)—4. (Hesych., s. v.—Herod., vii., 36.—Æsch., Pers., 69, ed. Blomf. et Gloss.)—5. (Herod., iv., 83, 85.)—6. (Herod., iv., 87, 88.)—7. (vii., 36.)—8. (Herod., vii., 34.)—9. (Id., 36.)—10. (v., 57.)—11. (H. N., iv., 1.)—12. (iv., 21.)—13. (*τὴν γέφυραν, ἢ ἐπὶ τῷ νάπει ἦν*: Xen., Anab., vi.. 5, § 22.)

this means the openings between the piers for the convenience of navigation, which in the bridges of Babylon and Greece must have been very narrow, could be extended to any necessary span.

The width of the passage-way in a Roman bridge was commonly narrow, as compared with modern structures of the same kind, and corresponded with the road (*via*) leading to and from it. It was divided into three parts. The centre one, for horses and carriages, was denominated *agger* or *iter*; and the raised footpaths on each side (*decursoria*), which were enclosed by parapet walls similar in use and appearance to the *pluteus* in the basilica. (*Vid.* Basilica, p. 142.)

Eight bridges across the Tiber are enumerated by P. Victor as belonging to the city of Rome. Of these, the most celebrated, as well as the most ancient, was the Pons Sublicius, so called because it was built of wood; *sublicæ*, in the language of the Formiani, meaning wooden beams.[1] It was built by Ancus Marcius, when he united the Janiculum to the city,[2] and became renowned from the well-known feat of Horatius Cocles in the war with Porsenna.[3] In consequence of the delay and difficulty then experienced in breaking it down, it was reconstructed without nails, in such a manner that each beam could be removed and replaced at pleasure.[4] It was so rebuilt by the pontifices,[5] from which fact, according to Varro,[6] they derived their name; and it was afterward considered so sacred, that no repairs could be made in it without previous sacrifice conducted by the pontifex in person.[6] In the age of Augustus it was still a wooden bridge, as is manifest from the epithet used by Ovid:[8]

"*Tum quoque priscorum Virgo simulacra virorum*
Mittere robореo *scirpea ponte solet*;"

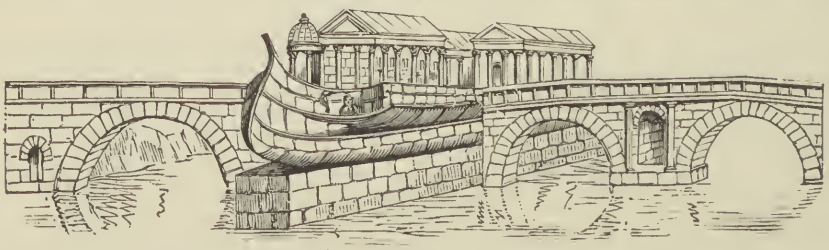
in which state it appears to have remained at the time of Otho, when it was carried away by an inundation of the Tiber.[9] In later ages it was also called *Pons Æmilius*, probably from the name of the person by whom it was rebuilt; but who this Æmilius was is uncertain. It may have been Æmilius Lepidus the triumvir, or probably the Æmilius Lepidus who was censor with Munatius Plancus, under Augustus, ten years after the *Pons Sublicius* fell down, as related by Dion Cassius.[10] We learn from P. Victor, in his description of the Regio xi., that these two bridges were one and the same: "Æmilius qui ante sublicius." It is called Æmilian by Juvenal[11] and Lampridius,[2] but is mentioned by Capitolinus[3] as the *Pons Sublicius*; which passage is alone sufficient to refute the assertion of some writers, that it was built of stone at the period when the name of Æmilius was given to it.[4]

This bridge was a favourite resort for beggars, who used to sit upon it and demand alms.[5] Hence the expression of Juvenal,[6] *aliquis de ponte*, for a beggar.[7]

It was situated at the foot of the Aventine, and was the bridge over which C. Gracchus directed his flight when he was overtaken by his opponents.[8]

II. Pons Palatinus formed the communication between the Palatine and its vicinities and the Janiculum, and stood at the spot now occupied by the "Ponte Rotto." It is thought that the words of Livy[9] have reference to this bridge. It was repaired by Augustus.[10]

III., IV. Pons Fabricius and Pons Cestius were the two which connected the Insula Tiberina with the opposite sides of the river; the first with the city, and the latter with the Janiculum. Both are still remaining. The Pons Fabricius was originally of wood, but was rebuilt by L. Fabricius, the *curator viarum*, as the inscription testifies, and a short time previous to the conspiracy of Catiline;[11] which passage of Dion Cassius, as well as the words of the scholiast on Horace,[12] warrant the assumption that it was then first built of stone. It is now called "Ponte quattro capi." The Pons Cestius is by some authors supposed to have been built during the reign of Tiberius by Cestius Gallus, the person mentioned by Pliny,[13] though it is more reasonable to conclude that it was constructed before the termination of the Republic, as no private individual would have been permitted to give his own name to a public work under the Empire.[14] The inscriptions now remaining are in commemoration of Valentinianus, Valens, and Gratianus, the emperors by whom it was restored. Both these bridges are represented in the annexed woodcut: that on the right hand is the Pons Fabricius, and is curious as being one of the very few remaining works which bear the date of the Republic; the Pons Cestius, on the left, represents the efforts of a much later age; and, instead of the buildings now seen upon the island, the temples which originally stood there, as well as the island itself, have been restored.



V. Pons Janiculensis, which led direct to the Janiculum. The name of its founder and period of its construction are unknown; but it occupied the site of the present "Ponte Sisto," which was built by Sixtus IV. upon the ruins of the old bridge.

VI. Pons Vaticanus, so called because it formed the communication between the Campus Martius and Campus Vaticanus. When the waters of the Tiber are very low, vestiges of the piers are still discernible at the back of the Hospital of San Spirito. By modern topographists this bridge is often called "Pons Triumphalis," but without any classical authority; the inference, however, is not improbable, because it led directly from the Campus to the Clivus Cinnæ (now Monte Mario), from which the triumphal processions descended.

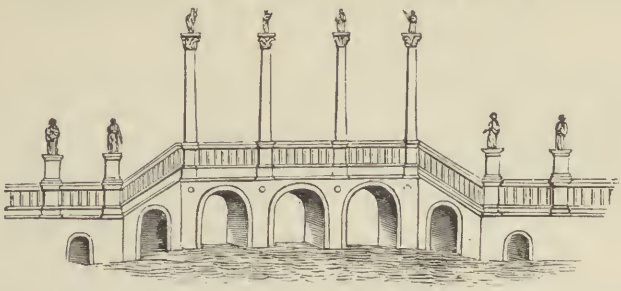
VII. Pons Ælius, built by Hadrian, which led from the city to the Mausoleum (*vid.* Mausoleum) of that emperor, now the bridge and castle of St. An-

1 (Festus, s. v. Sublicium.)—2. (Liv., i., 33.—Dionys. Hal., iii., p 183.)—3. (Liv., ii., 10.—Val. Max., iii., 2, 1.—Dionys. Hal., v., p. 295, seq.)—4. (Plin., H. N., xxxvi., 23.)—5. (Dionys. Hal., p. 183.)—6. (De Ling. Lat., v., 83.)—7. (Dionys. Hal., iii., l. c.)—8. (Fast., v., 621.)—9. (Tacit., Hist., i. 86, who calls it Pons Sublicius.)—10. (p. 423, c.)

1. (Sat., vi., 32.)—2. (Heliog., c. 17.)—3. (Antonin. Pius, c. 8.)—4. (Nardini, Rom. Ant., viii., 3.)—5. (Senec., De Vit. Beat., c. 25.)—6. (xiv., 134.)—7. (Compare also Sat., iv., 116.)—8 (Plut., Gracch., p. 842, c.—Compare Val. Max., iv., 7, 2.—Ovid, Fast., vi., 477.)—9. (xl., 51.)—10. (Inscrip. ap. Grut., p. 160 n. 1.)—11. (Dion, xxxvii., p. 50.)—12. (Sat., II., iii., 36.)—13 (H. N., x., 60.—Tacit., Ann., vi., 31.)—14. (Nardini, l. c.)

gelo A representation of this bridge is given in the following woodcut, taken from a medal still extant. It affords a specimen of the style employed at the period when the fine arts are considered to have been at their greatest perfection at Rome.

VIII. Pons Milvius, on the Via Flaminia, now



Ponte Molle, was built by Æmilius Scaurus the censor,[2] and is mentioned by Cicero[3] about 45 years after its formation. Its vicinity was a favourite place of resort for pleasure and debauchery in the licentious reign of Nero.[4] Upon this bridge the ambassadors of the Allobroges were arrested by Cicero's retainers during the conspiracy of Catiline.[5] Catulus and Pompey encamped here against Lepidus when he attempted to annul the acts of Sulla.[6] And, finally, it was at this spot that the battle between Maxentius and Constantine, which decided the fate of the Roman Empire, took place (A.D. 312).

The Roman bridges without the city were far too many to be enumerated here. They formed one of the chief embellishments in all the public roads; and their frequent and stupendous remains, still existing in Italy, Portugal, and Spain, attest, even to the present day, the scale of grandeur with which their works of national utility were always carried on. Subjoined is a representation of the bridge at Ariminum (*Rimini*), which remains entire, and was commenced by Augustus and terminated by Tiberius, as we learn from the inscription, which is still extant. It is introduced in order to give the reader an idea of the style of art during the age of Vitruvius, that peculiar period of transition between the austere simplicity of the Republic and the profuse magnificence of the Empire.

The bridge thrown across the Bay of Baiæ by Caligula,[7] the useless undertaking of a profligate prince, does not require any farther notice; but the bridge which Trajan built across the Danube, which is one of the greatest efforts of human ingenuity, must not pass unmentioned. A full account of its construction is given by Dion Cassius,[8] and it is also mentioned by Pliny.[9] The form of it is given in the following woodcut, from a representation of it on the column of Trajan at Rome, which has given rise to much controversy, as it does not agree in many respects with the description of Dion Cassius. The inscription, supposed to have belonged to this bridge, is quoted by Leunclavius[10] and by Gruter.[11]

Sub jugum ecce rapitur et Danuvius.

It will be observed that the piers only are of stone, and the superstructure of wood.

The Conte Marsigli, in a letter to Montfaucon, gives the probable measurements of this structure, from observations made upon the spot, which will serve as a faithful commentary upon the text of Dion. He considers that the whole line consisted of 23 piers and 22 arches, making the whole bridge about 3010 feet long, and 48 in height, which are much more than the number displayed upon the column. But this is easily accounted for without impairing the authority of the artist's work. A fewer number of arches were sufficient to show the general features of the bridge, without continuing the monotonous uniformity of the whole line, which would have produced an effect ill adapted to the

purposes of sculpture. It was destroyed by Hadrian,[12] under the pretence that it would facilitate the incursions of the barbarians into the Roman territories, but in reality, it is said, from jealousy and despair of being able himself to accomplish any equally great undertaking, which is supposed to be confirmed by the fact that he afterward put to death the architect, Artemidorus, under whose directions it was constructed.

The Romans also denominated by the name of *pontes* the causeways which in modern language are termed "viaducts." Of these, the *Pons ad Nonam*, now called Ponte Nono, near the ninth mile from Rome, on the *Via Prænestina*, is a fine specimen.

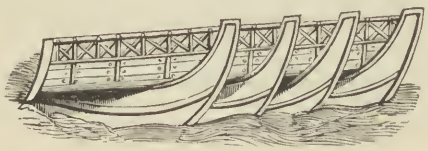
Among the bridges of temporary use, which were

1. (Spart., Hadr., c. 19.—Dion, lxix., 797, E.)—2 (Aur. Vict., De Viris Illustr., c. 27, § 8.)—3 (in Cat., iii., 2.)—4. (Tacit., Ann., xiii., 47.)—5. (Cic. in Cat., iii., 2.)—6. (Florus, iii., 23.)—7. (Dion, lix., 652, E.—Suet., Calig., 19.)—8. (lxviii., 776, 8.)—9. (Ep., viii., 4.—Compare Procopius, De Ædificiis.)—10. (n. 1041 6.)—11. (n. 448 3.)—12. (Dion. l. c.)

1. (Giornale de' Litterati d'Italia. tom. xxii., p. 116.)

made for the immediate purposes of a campaign, the most celebrated is that constructed by Julius Cæsar over the Rhine within the short period of ten days. It was built entirely of wood, and the whole process of its construction is minutely detailed by its author.[1] An elevation of it is given by Palladio, constructed in conformity with the account of Cæsar, which has been copied in the editions of Oudendorp and the Delphin.

Vegetius,[2] Herodian,[3] and Lucan[4] mention the use of casks (*dolia, cupæ*) by the Romans, to support rafts for the passage of an army; and Vegetius[5] says that it was customary for the Roman army to carry with them small boats (*monoxuli*) hollowed out from the trunk of a tree, together with planks and nails, so that a bridge could be constructed and bound together with ropes upon any emergency without loss of time. Pompey passed the Euphrates by a similar device during the Mithradatic war.[6] The annexed woodcut, taken from a bas-relief on the column of Trajan, will afford an idea of the general method of construction and form of these bridges, of which there are several designs upon the same monument, all of which greatly resemble each other.

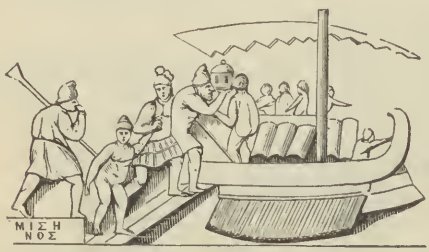


When the Comitia were held, the voters, in order to reach the enclosure called *scptum* and *ovile*, passed over a wooden platform, elevated above the ground, which was called *Pons Suffragiorum*, in order that they might be able to give their votes without confusion or collusion.

Pons is also used to signify the platform (*ἐπιβάθρα, ἀποβάθρα*) used for embarking in, or disembarking from, a ship.

> "*Interea Æneas socios de puppibus altis*
> *Pontibus exponit.*"[7]

The method of using these *pontes* is represented in the annexed woodcut, taken from a very curious intaglio, representing the history of the Trojan war, discovered at *Bovillæ* towards the latter end of the 17th century, which is given by Fabretti, *Syntagma de Column. Trajani*, p. 315.



*BROMOS (*βρῶμος* or *βρόμος*), a plant, which Dierbach makes to be the *Avena sativa*, "Oats." Stackhouse, however, is in favour of the *Secale Cereale*, and Sprengel of the *Avena fatua*, or "wild Oats."

BRONZE (*χαλκός, æs*), a compound of copper and tin. Other metals are sometimes combined with the above; but the most ancient bronzes, properly so called, are found to consist of those two ingredients. In the article on Æs, some farther particulars are supplied respecting the different compositions of *bronze* and *brass*. The distinctive terms should always be observed in speaking of these substances, as the indiscriminate use of them has led to great error and confusion in describing works of art.

There can be no question as to the remote antiquity of metallurgy; though at what precise period the various metals were known, in what order they were discovered, and by what processes extracted —either simply, or by reducing their ores when they were found in that state, there are no satisfactory means of judging. In the twenty-eighth chapter of the book of Job we read, "Surely there is a vein for the silver, and a place for gold where they fine it. Iron is taken out of the earth, and brass (copper) is molten out of the stone." This passage, taken as a whole, and supported as it is by various intimations throughout the Pentateuch, shows that at this early period greater advances had been made in mining and the metallurgic arts than is usually supposed. There is the same dearth of exact information on the practice of the metal-founders and workers of the archaic ages, even after the different substances were known, and objects of imitative art had been executed in them.

The most ancient Greek bronzes extant are composed simply of copper and tin; and it is remarkable how nearly the relative proportions of the metals agree in all the specimens that have been analyzed. Some bronze nails from the ruins of the Treasury of Atreus at Mycenæ; some ancient coins of Corinth; a very ancient Greek helmet, on which is a boustrophedon inscription, now in the British Museum; portions of the breastplates of a piece of armour called the Bronzes of Siris, also preserved in our national collection; and an antique sword found in France, produced in 100 parts,

87·43 and 88	copper
12·53 and 12	tin
99·96	100

At a later period than that to which some of the above works may be referred, the composition of bronze seems to have been a subject to which the greatest attention was paid; and the addition of a variety of metals seems to have been made to the original (if it may be so called) combination of copper and tin. The few writers on art whose evidence has reached our times, make particular mention of certain of these bronzes, which, notwithstanding the changes they underwent by the introduction of novel elements, were still ranked under the words *χαλκός* and *æs*. That which appears to have held the first place in the estimation of the ancients was the *æs Corinthiacum*, which some pretended was an alloy made accidentally, in the first instance, by the melting and running together of various metals (especially *gold* and *bronze*), at the burning of Corinth by Lucius Mummius, about 146 B.C. This account is obviously incorrect, as some of the artists whose productions are mentioned as composed of this highly valued metal lived long before the event alluded to. Pliny[1] particularizes three classes of the Corinthian bronze. The first, he says, was white (*candidum*), the greater proportion of *silver* that was employed in its composition giving it a light colour. In the second sort or quality *gold* was introduced, in sufficient quantity to impart to the mixture a strong yellow or gold tint. The third was composed of equal proportions of the different metals. The next bronze of note among the ancient Greek sculptors is distinguished by the title of *hepatizon*, which it seems it acquired from its colour, which bore some resem

1. (De Bell. Gall., iv., 17.)—2. (iii., 7.)—3. (viii., 4, 8.)—4. (iv., 420.)—5. (l. c.)—6. (Florus, iii., 5.)—7. (Virg., Æn., x.,

1. (P. N., xxxiv., 3.)

blance to that of the *liver* (ἧπαρ). Pliny says it was inferior to the Corinthian bronze, but was greatly preferred to the mixtures of Delos and Ægina, which for a long period had a high reputation, and were much sought after. The colour of the bronze called *hepatizon* must have been very similar to that of the *cinque cento* bronzes—a dull, reddish brown. The next ancient bronze in order of celebrity seems to have been the *æs Deliacum*. Its reputation was so great that the island of Delos became the mart to which all who required works of art in metal crowded, and led, in time, to the establishment there of some of the greatest artists of antiquity. Next to the Delian, or, rather, in competition with it, the *æs Ægincticum* was esteemed. We are told that no metal was produced naturally in Ægina, but the founders and artists there were so skilful in their composition of bronze, that the island acquired great celebrity on that account. Two of the most distinguished among the sculptors of ancient times, Myron and Polycletus, contemporaries of Phidias, not only showed their rivalry in producing the finest works of art, but also in the choice of the bronze they used. Myron, we are informed, always preferred the Delian, while Polycletus adopted the Æginetan mixture—*emulatio autem et in materia fuit.*[1] From a passage in Plutarch, it has been supposed that this far-famed Delian bronze was of a light and somewhat sickly tint.[2] Plutarch says that in his time its composition was unknown.

Of some of the other bronzes enumerated in the writings of the ancients, little or nothing is known beyond the titles. Three of these are the *æs Demonnesium*,[3] the *æs nigrum*,[4] and the Tartessian bronze (Ταρτήσσιος χαλκός) mentioned by Pausanias.[5]

Before quitting the subject of mixtures of metals, it may be right to allude to a composition mentioned by Pliny[6] under the title of *aurichalcum*, written also *orichalcum*, which some writers have supposed was an established bronze composed of *gold* and *bronze*, or, at least, of *gold* and *copper*. It is possible there may have been a factitious substance so designated; but the true meaning of the word appears to be *mountain-metal*, from the Greek words ὄυρος or ὄρος, *a mountain*, and χαλκός: and the accidental similarity of sound has doubtless led modern writers into error respecting the meaning of the first two syllables, and into the belief that it was intended to designate the combination of the two metals alluded to. Reference to the passage in Pliny will make this clear to the reader. He says distinctly it was not found in his time, the mines which produced it being exhausted.

Although, strictly speaking, it does not belong to the subject, a mixture, which was employed and much esteemed by the ancients, may be mentioned in this place. It was called *electrum*, and was composed of *gold* and *silver* in certain proportions. It was, in all probability, only used for extraordinary purposes. Thus Helen is said to have dedicated, in the Temple of Minerva at Lindus, a cup made of *electrum*, of the exact size and form of one of her own breasts (*Minervæ templum habet Lindos. . . . . in quo Helena sacravit calicem ex electro. Adjicit historia, mammæ suæ mensura*[7]).

The ancients were partial to polychromic sculpture, as is evident from the variety of colours and materials they employed even in the best period of Greek art, namely, the age of Pericles, when Phidias, Ageladas, Myron, Polycletus, Alcamenes, and Pythagoras, were in the zenith of their glory. This taste was carried into metal-works, and seems, if the accounts that have been brought down to us are to be credited, to have existed in very early times. This is not the place to discuss the genuineness of the passage in Homer in which mention is made of the shield of Achilles. It is only necessary here to state, that in one of its compartments, oxen, sheep, and various other objects were represented, and that they were distinguished by variety of colours. Pliny[1] says that the artist Aristonidas made a statue of Athamas, in which he proposed to himself the difficult task of producing the effect of shame, or blushing, by using a mixture of iron with the bronze in which the work was executed (*Æs ferrumque miscuit, ut rubigine ejus per nitorem æris relucente exprimeretur verecundiæ rubor*). Plutarch tells us that a statuary called Silanio or Silanion made statue of Jocasta dying, and so composed his metals that a pallid appearance or complexion was produced. This, it is said, was effected by the introduction of silver. Callistratus speaks of a statue of Cupid by Praxiteles, and another of Occasion (Καιρός), represented under the form of a youth; also one of Bacchus by Praxiteles; all of which were remarkable for the colour of the bronze imitating the appearance of nature. A bronze relievo of the battle of Alexander and Porus is also referred to for its truth of effect, produced by the blending of colours, and which rendered it worthy to be compared with the finest pictures.

With the very limited data we possess, it is impossible to offer much conjecture upon these statements, or to say how much or how little they are to be relied upon. Some of the accounts are most probably inventions of the fancy; some of them may be founded on facts greatly overcharged, the effects described being produced by overlaying the metal with colour, or in some cases, perhaps, by what is now called plating. A slight acquaintance with the nature of metal, and the processes of founding, will be sufficient to convince any one of the impracticability of effecting (at least by melting the materials together, and so producing variety of tints) what it is pretended was done in some of the instances referred to.

The earliest mode of working in metal among the Greeks seems to have been with the hammer; by beating out lumps of the material into the form proposed, and afterward fitting the pieces together by means of pins or keys. It was called σφυρήλατον, from σφῦρα, a hammer. Pausanias[2] describes this process in speaking of a very ancient statue of Jupiter at Sparta, the work of Learchus of Rhegium. With respect to its supposed antiquity, Pausanias can only mean that it was very ancient, and of the archaic *style* of art. The term *sphurelata* is used by Diodorus Siculus in describing some very ancient works which are said to have decorated the celebrated gardens and palace of Ninus and Semiramis at Babylon. Pliny[3] mentions a statue of Diana Anaïtis worked in the same way; and, that there may be no douht that it was of *solid hammer-work*, he uses two expressions to convey his meaning. The statue was of gold, and the passage describing it has given rise to much discussion: "*Aurea statua prima nulla inanitate, et antequam ex ære aliqua illo modo fieret quam vocant* holosphyraton, *in templo Anaïtidis posita dicitur.*" A statue of Dionysius by Onassimedes, of solid bronze, is mentioned by Pausanias[4] as existing at Thebes in his time. The next mode, among the Greeks, of executing metal-works seems to have been by plating upon a nucleus, or general form, of wood: a practice which was employed also by the Egyptians, as is proved by a specimen of their art preserved in the British

1. (Plin., H. N., xxxiv., 2.)—2. (*Vid.* Quatremère de Quincy, Jupiter Olympien.—Plut., De Pyth. Orac.)—3. (Pollux.—Hesych.)—4. (Philostrat.)—5. (vi., 19, § 2.)—6. (H. N., xxxiv., 2.)—7. (Plin., H. N. xxxiii., 23.)

1. (xxxiv., 40.)—2. (iii., 17, § 6.)—3. (H. N., xxxiii. 21) 4. (ix., 12, § 3.)

Museum. The subject is a small head of Osiris and the wood is still remaining within the metal. It is probable that the terms *holosphyraton* and *sphyraton* were intended to designate the two modes of hammer-work; the first on a solid mass, and the other hammering out plates.

It is extremely difficult to determine at what date the casting of metal was introduced. That it was known at a very early period there can be no doubt, although it may not have been exercised by statuaries in European Greece till a comparatively late date. The art of founding may be divided into three classes or stages. The first is the simple melting of metals; the second, casting the fused metals into prepared forms or moulds; and the third, casting into a mould, with a core or internal nucleus, by which the metal may be preserved of a determined thickness. The first stage must have been known at a period of which we have no record beyond that intimation especially alluded to in Job, which establishes the fact that some of the processes of metallurgy were well known when that book was composed. The earliest works of art described as of hammer-work were probably executed in lumps of metal that had already undergone this simple preparation. The casting of metal into moulds must also have been practised very early. There are no means of knowing of what material or composition the forms or moulds were made, but in all probability clay (dried, and then perhaps baked) was employed for the purpose. The circumstance of a spot where clay abounded having been chosen for the founding of the bronze works for the Temple of Solomon supports this supposition. Of course, all the earliest works produced in this stage of the art must have been solid. The third process, that of casting into a mould with a core, was an important step in the statuary's art. Unfortunately, there is no record of the time, nor of the mode in which this was effected by the ancients, unless we consider the statements of Pausanias of sufficient authority for the date of the various discoveries among the Greeks. His account would imply that the art of casting was not known before the time of Theodorus of Samos, who probably lived between eight and seven hundred years before our era.[1] Herodotus,[2] Pliny,[3] and Pausanias make honourable mention of Rhœcus and Theodorus. Pausanias says[4] that they first invented *casting in bronze* (*διέχεαν χαλκὸν καὶ ἀγάλματα ἐχωνεύσαντο*). Pliny, who seems to have written down whatever he heard, says,[5] "*In Samo primos omnium 'plasticen' invenisse Rhœcum et Theodorum*;" but he proves the incorrectness of this statement by recording an instance of the proficiency of Theodorus in his art, when he says "He cast a bronze statue of himself, holding in one hand a file (in allusion, probably, to his profession), and in the other a quadriga of such small dimensions that a fly might cover it with its wings:" an example of practical skill that at once places him in a much more advanced rank in his art than the inventor of its first and most simple process could have attained.

The ancients used something answering the purpose of a solder for fastening the different pieces of metal together; but it is difficult to determine whether the term *κόλλησις* means a solder or only a species of glue. Pausanias distinctly speaks of it as something different from nails or cramps, and gives us the name of its inventor, Glaucus of Chios. He is speaking of a vase of iron, which he says was the work Γλαύκου ..... *τοῦ Χίου, σιδήρου κόλλησιν ἀνδοὸς εὑρόντος ..... μόνη δὲ ἡ κόλλα συνέχει τε, καὶ ἔστιν αὕτη τῷ σιδήρῳ δεσμός.*[1] Pliny, in like manner speaks of a solder under the title of *plumbum argentarium.*[2] Many of the works in the British Museum, as well as in other collections, show the points of junction of the various pieces of which the objects are composed; but how they were fastened together is a matter of doubt, the rust that has accumulated, both within and without, quite precluding the possibility of minute and satisfactory examination. Some of them appear to have been fit tet together somewhat in the manner called *dove tailing*, and then *pinned*; but whether they were then soldered, or merely beaten together with the hammer, and then worked over to make the surface entire, cannot be determined. The modern practice of burning the parts together seems, as far as there are opportunities of judging, to have been quite unknown to the ancients.

The finest collection of ancient bronzes is in the Museo Borbonico at Naples. They have been found chiefly in the ruins of Herculaneum and Pompeii, and among them are some examples of great skill and beauty. A few of the heads offer peculiarities in the treatment of the hair, the small corkscrew curls, and the ends of the beards being formed of separate pieces of metal fastened on. Several of the statues have the eyes of paste and of stones, or sometimes of a different metal from the material of the rest of the work. Silver was often united with bronze. Cicero mentions a statue of "*Apollo æneus, cujus in femore litterulis minutis argenteis nomen Myronis erat inscriptum.*"[3] In a bronze statue of a youth, in the collection at Paris, are the remains of a Greek inscription in silver letters. They are inserted into the left foot. The Museo Borbonico possesses some examples of inlaid silver-work. There are also instances of it in the collection of bronzes in the British Museum.

The names of few sculptors, or, rather, statuaries of celebrity, have reached us who were not chiefly distinguished for the excellence of their works in bronze. Theodorus of Samos has already been mentioned; Gitiadas of Sparta and Glaucias of Ægina may be added as holding an eminent place among the earlier artists in bronze. A list of the statuaries of Greece who excelled in works in metal would almost be a history of sculpture. It will be enough to state that Ageladas, the master of Phidias, Phidias, Alcamenes, Agoracritus, Polycletus, Myron, Praxiteles, and Lysippus exercised, and contributed to bring to perfection, this branch of art. Bronze-casting seems to have declined in Greece soon after the time of Alexander the Great, about 330 B.C. The accounts given of the number of works executed about that period almost exceed belief. Lysippus alone is said, according to Pliny, to have produced above 600, or, according to another reading, above 1500.[4]

The Romans were never distinguished for the cultivation of the arts of design; and, when statues were required by them in the earlier period of their history, they were obliged to call in the aid of Etruscan artists. Afterward, as their empire was extended, the city was filled with the works of the best schools of Greece, and numbers of artists of that country, no longer able to find employment at home, established themselves in the capital of the West. Zenodorus is said to have executed some magnificent works in the time of Nero; and the remains of art of the time of Trajan, Hadrian, and the Antonines, prove that artists of great skill were living at the date of those emperors. Many of the

1. (Paus., iii., 12, § 8.)—2. (i., 51; iii., 41, 60.)—3. (H. N., xxxv., 43, &c.)—4. (viii., 14, § 5.)—5. (l. c.)

1. (x., 16, § 1.—Compare Herodotus, i., 25, who speaks of *ὑποκρητηρίδιον σιδήρεον κολλητόν*.)—2. (H. N., xxxiv., 17.)—3. (Verr., iv., 43.)—4. (Plin., H. N., xxxiv., 17.—Sillig, Cat. Artif., s. v. Lysippus.)

examples of bronze works that have reached us exhibit signs of having been gilt, and the writers of antiquity refer occasionally to the practice. It does not seem to have been employed till taste had much deteriorated; probably when the value and richness of the material were more highly estimated than the excellence of the workmanship. Nero commanded a statue of Alexander, the work of Lysippus, to be gilt; but Pliny[1] tells us it was found to injure the beauty and effect of the work, and the gold was removed.

The greatest destruction, at one time, of ancient works of art is supposed to have occurred at the taking of Constantinople, in the beginning of the thirteenth century. The collection of statues had been made with great care, and their number had accumulated to an amount which seems quite surprising when it is considered how long a time had elapsed since art had been encouraged or protected. At the period alluded to we are told that some of the finest works of the ancient masters were purposely destroyed; either in mere wantonness, or with the view of turning the material into money, or for sale to the metal founders for the value of the bronze. Among the few works saved from this devastation are the celebrated bronze horses which now decorate the exterior of St. Mark's Church at Venice. They have been ascribed, but without sufficient authority, to Lysippus.

Before taking leave of the subject of metal-working, it may be right to add a few words upon *toreutic* art (*τορευτική*). From the difference of opinion that exists among antiquaries and scholars, it is easier to say what it is not than what it is. Some believe it to be equivalent to the *cælatura* of the Latins, which seems to mean *chasing*. Others suppose it means the art of turning, from *τόρνος*: and others think it applies to works in relievo, from *τορός*, clear, distinct. Some believe it is the art of uniting two or more metals; and others, that it is the union of metal with any other material. Millingen, who is one of the best authorities on such subjects, says, "The art of working the precious metals either separately, or uniting them with other substances, was called *toreuticè*. It was known at a very early epoch, as may be inferred from the shield of Achilles, the ark of Cypselus, and other productions of the kind."[2] There is an example of this kind of work, noticed by the above writer, in the British Museum. It is not cast, but consists of very thin laminated plates of silver, beaten or punched out, and chased. The relief is bold, and the accessories are of sheet gold, overlaid.

*BRUCUS or BRUCHUS (*βροῦκος, βροῦχος*), a very formidable species of locust, described by Theophrastus[3] as the most destructive of their kind. The term, however, does not appear to have been very well defined by the Greek writers.[4] The *Bruchus* in the Linnæan system is an insect that commits great ravages on the different grains of the majority of leguminous plants, and of some kernel fruits, and particularly on beans, lentils, vetches, and pease.[5] The *βροῦχος* of the ancients appears to have been the same with the *Cossus* of Pliny and Festus.[6]

*BRYON (*βρύον*), a term used in a variety of senses: 1. As applied to the germe of a flower by Theophrastus.[7] 2. To the male Catkins by the same writer.[8] 3. To the flowers or corollæ by the same,[9] and also by Nicander.[10] 4. To the sea-algæ by Theophrastus.[1] 5. To the *Usnea* by Dioscorides, Galen and Paulus Ægineta.[2] The term *Usnea* is borrowed from the Arabian medical authors, and applied to a genus of Lichens. 6. To the grape of the white poplar.[3] 7. To a kind of shrub like lettuce.[4]

*BRYONIA (*βρωνία*), a species of wild vine, Bryony. The name *βρωνία* was applied to two kinds of vine, the *ἄμπελος λευκή*, or white vine (the *Bryonia alba* of Pliny), and the *ἄμπελος μέλαινα*, or black vine (*Bryonia nigra*). The term, however, is more properly applied to the latter of the two. It is the same with the *Tamus Communis*, L.[5]

*BU'BALIS or BU'BALUS (*βούβαλις* or *-υς*), I. names first applied by Aristotle[6] and his successors to a species of Antelope, most probably the Stag-like Antelope. "How these writers," observes Lieutenant-colonel Smith, "came to designate such an animal by an appellation which is symphonic with that of the *Buffalo* in all the dialects of Northern and Central Asia, cannot be explained but by the supposition that Aristotle gave that name in consequence of some imperfect information which he may have obtained on this subject through the Macedonian invaders of Eastern Persia. It is worthy of remark, however, that in the case of those animals of a large size that used, until of late, to be classed with the antelope, the more equivocal characteristic approximates them to the Bovine nearly as much as to the Caprine nature. Hence the naturalists of the present day have found it necessary to interpose a new genus, the characters of which should embrace the evanescent distinctions of Antelope, Capra, and Ovis, together with the incipient characters which show the approximation to Bos. This is the *Genus Damalis*. The native names of the animals thus generically separated, import that they are considered distinct from the Antelope in their own countries; and although no great stress should usually be laid upon local names, yet it would be treating the knowledge and experience of the resident nations with an indiscriminating indifference, if, upon inquiry, it should be found that, from the earliest antiquity to the present time, every people who have intimate knowledge of the animals under consideration should agree in bestowing one generical designation upon them, and yet that such designation should be rejected by systematic writers for one less analogous. Such, however, is the case with the groups of animals before us, which, whether they be Indian or African, have in their local names either something that shows their separation from Antelope, or, what is more common, a generic indication, which proves them to be regarded as more nearly allied to Bos than to Capra. Where the Persian, Arabo-Indee, and Eastern and Western Arabic are concerned, it appears that all the species we are about to enumerate will be found designated by the generical word *Ghau*, 'ox' or 'cow;' *Bakr*, 'oxen,' 'cows,' in the Arabic, or *Bakrah* in the Persian. The appellation given by Aristotle may, after these remarks, be easily traced to its source."[7]

*II. The Buffalo. "The name *Bubalis* is asserted to have been transferred from the Antelope Bubalis of authors (*Genus Damalis*) to the animals of the Buffalo group, during the sixth century of the Roman Empire. It is true, as Buffon maintains, that Aristotle, Pliny, and Oppian did not know the Buffalo by the name of *Bubalis*, but it cannot be denied that, in the age of Martial,[8] this name was vaguely applied even to the Urus, and consequent-

1. (H. N., xxxiv., 19, § 6.)—2. (Millingen, Anc. ined. Monuments, pl. xiv.—Winckelmann, Storia delle Arti del Disegno.—Quatremère de Quincy, Jup. Olymp.)—3. (De Animal. rep. app., § 4, p. 833, ed. Schneid.)—4. (Adams, Append., s. v.)—5. (Griffith's Cuvier, vol. xv., p. 64.)—6. (Plin., H. N., xxx., 12.—Fest., s. v.)—7. (H. P., i., 1.)—8. (H. P., i., 2.)—9. (H. P., iii., 7.)—10 (Theriac. v., 71.)

1. (H. P., iv., 6.)—2. (Dioscor., i., 20.—Galen, De Simpl., vi.—Paul Ægin., vii., 3.)—3. (Plin., H. N., xii., 28.)—4. (Plin., H. N., xiii., 25.)—5. (Plin., H. N., xxiii., 1.—Fée in Plin., l. c.)—6. (Aristot., H. A., iii., 6.)—7. (Smith in Griffith's Cuvier, vol. iv., p. 343.)—8. (De Spect. Ep., 23.)

ty, that the vulgar were already familiarized with it as early as the time of the Flavian line. Now the Bubalis of Aristotle must have been a rare animal, which certainly bore no such *Greek* name in its native regions, and therefore the word itself originated and became common in some other way. The learned among the ancients were as liable to misapply appellations of strange animals as the moderns, and the Arachosian oxen of Aristotle may have been known to the Greek soldiers of Alexander by another name; indeed, by the name which it appears the Buffalo bore among the northern nations of Central Asia from the earliest periods; a name which, although it has the sound of a Greek compound, is nevertheless of genuine Turanian origin. It is composed of the syllable *Bu*, 'ox,' joined to a distinctive epithet. Taking the Tartaric to be the root, we find that nearly all the dialects of ancient Turan, Cheen, and the posterior Sclavonic, designate both the Buffalo and the Bull by the words *Busan*, *Buka*, *Busum*, *Buja*, *Buha*, *Bucha*, *Buga*, *Bujan*. *Buwol* is the modern Russian, *Bawol* the Polish, *Buwal* Bohemian, and *Bial* Hungarian. In most of the countries where the above dialects are spoken, the Buffalo is nearly as common as the domestic ox, and, moreover, some of these dialects were spoken by the very nations who introduced the animal into Western Asia, Africa, and Europe. From a careful consideration of the whole subject, the presumption will be found to be fairly established, that the nations who invaded the Roman and Byzantine empires brought with them the very animal whose name had reached Europe, perhaps by means of the Greek followers of the Seleucian dynasty, and that the word *Bubalis* is the true name of the Buffalo, as clearly as Urus and Bison are derived from the Teutonic *Aurochs* (*Uroks*) and *Wisend*. Aristotle and others evidently knew the Buffalo (*βόες ἄγριοι ἐν Ἀραχώτοις*, *Bos Indicus*, or Arachosian Ox). It is described as differing from the Ox as the Wild Boar does from the Hog; to be black, powerful, with the nose turned up, and the horns bent outward. In that period, the species was not found farther west than Northeastern Persia. Paul Warnefried, surnamed Diaconus, fixes the appearance of Buffaloes in Italy in the reign of Aigilulf, or the close of the sixth century, that is, in the year 596. But we may reasonably look for their appearance in the east of Europe to an earlier date. If the myriads of Attila's forces drawn out of Eastern and Central Asia, were supported by droves of cattle bearing grain (buck-weed), as is still done with buffaloes in common trade, and by the nomad equestrian nations, who lead or follow these animals in their native regions, there is no reason for us to conclude that the Arachosian Buffalo was not in their herds; or if it could be proved that the power of the Huns did not extend into the northern provinces of Persia or Chorasmia, the Avars and Bulgarians may be regarded as the conductors of that species to the valley of the Danube, Thrace, and Illyricum. This was probably during the reign of Marcian, or about 453, and the subsequent introduction of the animals into Italy might result from causes not connected with the migrations of barbarians."[1]

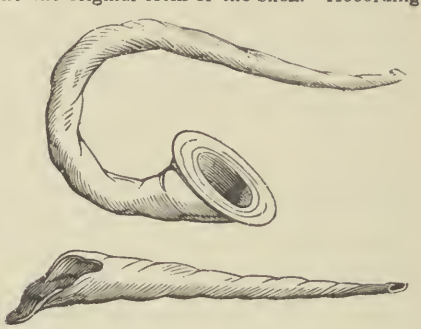
*BUBO, the Horned Owl. (*Vid* Glaux.)

BUC'CINA (*βυκάνη*), a kind of horn-trumpet, anciently made out of a shell. It is thus happily described by Ovid:

> "*Cava buccina sumitur illi*
> *Tortilis, in latum quæ turbine crescit ab imo:*
> *Buccina, quæ in medio concepit ut aëra ponto,*
> *Littora voce replet sub utroque jacentia Phœbo.*"[2]

1. (Smith in Griffith's Cuvier, vol. iv., p. 378, seqq.)—2. (Met., [illegible]., 335.,

The musical instrument *buccina* nearly resembles in shape the shell *buccinum*, and, like it, might almost be described from the above lines (in the language of conchologists) as spiral and gibbous. The two drawings in the annexed woodcut agree with this account. In the first, taken from a frieze,- the *buccina* is curved for the convenience of the performer, with a very wide mouth, to diffuse and increase the sound. In the next, a copy of an ancient sculpture taken from Blanchini's work,[3] it still retains the original form of the shell. According to



Hyginus,[3] the *buccina* was invented by Tyrrhenus, a son of Hercules, which, if the tradition were of any value, would refer this, as well as many other musical instruments in use among the Romans, to an Etruscan origin. Propertius[4] testifies to its being a very ancient instrument. Athenæus[5] mentions a kind of shell called *κῆρυξ* (according to Casaubon, the shell of the murex), probably from its sonorous qualities.

The inscriptions quoted by Bartholini[6] seem to prove that the *buccina* was distinct from the *cornu*; but it is often confounded with it.[7] The buccina seems to have been chiefly distinguished by the twisted form of the shell, from which it was originally made. In later times it was carved from horn, and perhaps from wood or metal, so as to imitate the shell.

The *buccina* was chiefly used to proclaim the watches of the day[8] and of the night, hence called *buccina prima*, *secunda*, &c.[9] It was also blown at funerals, and at festive entertainments both before sitting down to table and after.[10] Macrobius[11] tells us that tritons holding *buccinæ* were fixed on the roof of the temple of Saturn.

According to Festus,[12] *buccina* is derived from the Greek *βυκίανον*, a word not found in the lexicons, or, as others say, from the Hebrew *buk*, a trumpet. Varro considers it as formed by Onomatopœia from *bou*, in allusion to its sound. It is more probably derived from *buccinum*, the name of a shellfish.

The sound of the *buccina* was called *buccinus*, and the musician who played it *buccinator* (in Greek *βυκανητής*).

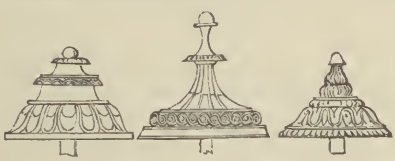
*BU'CERAS (*βουκέρας*), the herb Fenugreek, *Trigonella fœnum Græcum*. The name is derived from *βοῦς*, "an ox," and *κέρας*, "a horn," the seed resembling the horn of an ox. Other appellations for this same plant, as given by Dioscorides and Pliny, are *telis*, *carphos*, *ægoccras*, *ceratitis*, *lotus*, and *itasis*. The Roman writer gives a long account of its several uses in the healing art, especially in female complaints.[13]

*BUFO, the Toad. (*Vid.* Phrynos.)

1. (Burney's History of Music, vol. i., pl 6.)—2. (De Musicis Instrum. Veterum, p. 15, pl. 2, 18.)—3. (Fab., 273.)—4. (Eleg., iv., 1.)—5. (iii., p. 86.)—6. (De Tibiis, p. 226.)—7. (Æn., vii., 519.)—8. (Senec., Thyest., 798.)—9. (Polyb., xiv., 3.—Liv., xxvi., 15.—Sil. Ital., vii., 154.—Propert., IV., iv., 63.—Cic., Pro Muræn., 9.)—10. (Tacit., Ann., xv., 30.)—11. (i., 8.)—12. (s. v.)—13. (Theophrast., C. P., v., 13; vi., 14.—Dioscor., ii., 124.—Plin., H. N., xxiv., ult.)

*BUGLOSSA and BUGLOSSOS (*βούγλωσσος* or *-ον*), the herb Bugloss or Ox-tongue, deriving its name from the likeness its leaf bears to the tongue of the ox (*βοῦς*, "an ox," and *γλῶσσα*, "the tongue"). Owing to the natural resemblance which runs through the genera of *Anchusa*, *Borrago*, and *Lycopsis*, there is some difficulty in deciding exactly to what genus and species the *βούγλωσσος* of the ancients should be referred. Sibthorp and Sprengel prefer the *Anchusa Italica*, or Italian Alkanet.[1]—II. The Sole. (*Vid.* Solea.)

BULLA, a circular plate or boss of metal, so called from its resemblance in form to a bubble floating upon water. Bright studs of this description were used to adorn the sword-belt (*aurea bullis cingula*;[2] *bullis asper balteus*[3]). Another use of them was in doors, the parts of which were fastened together by brass-headed, or even by gold-headed nails.[4] The magnificent bronze doors of the Pantheon at Rome are enriched with highly-ornamented bosses, some of which are here shown.



The golden bosses on the doors of the Temple of Minerva at Syracuse were remarkable both for their number and their weight.[5]

We most frequently read, however, of bullæ as ornaments worn by children suspended from the neck, and especially by the sons of the noble and wealthy. Such a one is called *hæres bullatus* by Juvenal.[6] His bulla was made of thin plates of gold. Its usual form is shown in the annexed woodcut, which represents a fine bulla preserved in the British Museum, and is of the size of the original.

The bulla was worn by children of both sexes for ornament, as a token of paternal affection and a sign of high birth;[7] and, as it was given to infants, it sometimes served, like other ornaments or playthings (*crepundia*), to recognise a lost child.[8] Probably, also, it contained amulets.[9]

Instead of the bulla of gold, boys of inferior rank, including the children of freedmen, wore only a piece of leather (*lorum*;[10] *nodus tantum et signum de paupere loro*;[11] *libertinis scortea*[12]).

1. (Dioscor., iv., 126.—Plin., H. N., xxv., 8.)—2. (Virg., Æn., ix., 359.)—3. (Sid. Apoll., Carm. 2.)—4. (Plaut., Asin., II., iv., 20.)—5. (Cic., Verr., II., iv., 56.)—6. (Sat., xiv., 4.)—7. (Cic., Verr., II., i., 58.)—8. (Plaut., Rud., IV., iv., 127.)—9. (Macrob., i., 6.)—10 (Plin., H. N., xxxiii., 4.)—11. (Juv., Sat., v., 165.)—12 (Ascon. Ped. in Cic., l. c.)

On arriving at adolescence, the bulla was laid aside, together with the prætexta, and it was often consecrated, on this occasion, to the Lares, or to some divinity.[1]

Valerius Maximus[2] mentions a *statua bullata*, and examples of boys represented with the bulla are not unfrequent in statues, on tombs, and in other works of art.[3]

*BUMAMMA, a kind of large grape, so called because formed and swelling out like an udder or teat (from *βοῦ*, an intensive particle, and *mamma*, "a dug" or "breast"). The Greek form of the name is *Bumastus*, *βούμαστος*, from *βοῦ*, and *μαστός*, "a breast" or "dug." Varro[4] and Macrobius[5] employ *Bumamma*; Virgil[6] and Pliny,[7] *Bumastus*.

*BUMASTUS. (*Vid.* Bumamma.)

*BU'NIAS (*βουνιάς*), a species of plant, the wild Narew. "The term Bunias," remarks Adams, "occurs first in Nicander, and that it is synonymous with the Gongylis is declared by Galen and Paulus Ægineta; and, farther, that it was the *Brassica Napobrassica*, L., or wild Narew, is admitted by all the late authorities on classical botany, with the exception of Dierbach, who most unaccountably contends that it is the *Brassica Olracea*, or Sea-cabbage."[8]

*BU'NION (*βούνιον*), a plant of the family of the *Umbelliferæ*. The preponderance of authority is in favour of its being the *Bunium bulbocastanum*, or Earth-nut, a plant having a bulbous root, round, and good to eat. The term *βολβοκάστανον* occurs in the medical works of Alexander Trallianus. The *Ψευδοβούνιον* was taken for the *Barbarea vulgaris* by Dodonæus and Bauhin; but Sprengel contends that these authorities were in error, and holds it to be the *Pimpinella tenuis*, Sieb.[9]

*BUPRESTIS (*βούπρηστις*), an insect treated of by all the ancient writers on Toxicology. It proves fatal to cattle when eaten among the grass, producing a burning sensation, whence it derives its name (*βοῦς*, "an ox" or "cow," and *πρήθω*, "to inflame"). Belon mentions that he found in Greece a species of *Cantharis*, which corresponded with the ancient description of the Buprestis. "In fact," says Adams, "there is every reason to identify it with the *Meloe vesicatoria*, often mistaken for the Spanish fly." The Buprestis of the ancients must not be confounded with the Buprestis of Linnæus.[10]

BURIS. (*Vid.* Aratrum, p. 79.)

BUSTUA'RII. (*Vid.* Bustum.)

BUSTUM. It was customary among the Romans to burn the bodies of the dead before burying them. When the spot appointed for that purpose adjoined the place of sepulture,[11] it was termed *bustum*,[12] and hence that word is said by Cicero[13] to be synonymous with *τύμβος*. when it was separate from it, it was called *ustrina*.[14]

There was a Bustum at Rome, in the centre of the Campus Martius, connected with the mausoleum of Augustus, where the remains of that emperor and many of his family were burned and buried. It is described by Strabo,[15] who says that it was of white stone surrounded by an iron railing, and planted on the inside with poplars.[16] In the year 1777, several blocks of *travertine* stone (*λίθου λευκοῦ*[17]) were discovered in the space before the Church of San Carlo at Corso, upon which were inscribed the names of several members of the family of Au-

1. (Pers., v., 31.)—2. (III., i., 1.)—3. (Spon, Misc., p. 299.—Middleton, Ant. Mon., tab. 3.)—4. (R. R., ii., 5.)—5. (Sat., ii., ult.)—6. (Georg., ii., 102.)—7. (H. N., xiv., 1.)—8. (Commentary on Paul of Ægina, p. 98.—Compare Append., s. v.)—9. (Dioscor., iv., 122.—Alex. Trall., vii., 2.—Adams, Append., s. v.)—10. (Plin., H. N., xxx., 4; xxxi., 10.—Adams, Append., s. v.)—11. (Tacit., Ann., ii., 73, 83.—Cic., Philipp., i., 2.)—12. (Festus, s. v.)—13. (De Leg., ii., 26.)—14. (Festus, s. v.)—15. (v., p. 170.)—16 (Compare Herodian, iv., p. 88, ed. Steph.)—17. (Strabo l. c.)

gustus, with the words HIC CREMATUS EST, which identifies that locality with the *bustum* of Augustus. The blocks are now preserved at the Vatican.

From this word three others derive their significations:

I. BUSTUARII, gladiators, who were hired to fight round the burning pyre of the deceased, in consequence of the belief that the Manes were gratified by blood.[1]

II. BUSTUARIÆ, women of abandoned character, *inter busta ac monumenta prostantes*.[2]

III. BUSTI RAPI,[3] persons suffering the extreme of poverty; so called because they satisfied their cravings by snatching from the flames of the funeral pyre the bread and other eatables which the superstition of the living dedicated to the dead.[4]

Bustum is also used for the hollow space on the top of an altar in which the fire was kindled.[5]

*BUTY'RUM (*βούτυρον*), Butter. "This substance," observes Beckmann, "though commonly used at present in the greater part of Europe, was known very imperfectly to the ancients; to some, indeed, it was not known at all. The translators of the Hebrew writings seem to have thought that they found it mentioned in Scripture,[6] but those best acquainted with Biblical criticism unanimously agree that the word *chamea* signifies milk or cream, or sour thick milk, and that, at any rate, it does not mean butter. The word plainly alludes to something liquid, as it appears that *chamea* was used for washing the feet, that it was drunk, and that it had the power of intoxicating; and we know that mare's milk, when sour, will produce the like effect. We can imagine streams of milk, but not streams of butter. This error has been occasioned by the seventy interpreters, who translate the Hebrew word by the term *boutyron* (*βούτυρον*). These translators, who lived two hundred years after Hippocrates, might, as Michaëlis remarks, have been acquainted with butter, or have heard of it; but it is highly probable that they meant cream, and not our usual butter."

"The oldest mention of butter, though dubious and obscure, is in the account given of the Scythians by Herodotus.[7] According to the historian, they poured the milk of mares into wooden vessels, caused it to be violently stirred or shaken by their blind slaves, and thus separated the part that arose to the surface, which they considered more valuable and more delicious than that which was collected below it. Herodotus here evidently speaks of the richest part of the milk being separated from the rest by shaking; and that what he alludes to here was actually butter, would plainly appear from comparing with what he says the much clearer account of his contemporary Hippocrates. 'The Scythians,' remarks this latter writer, 'pour the milk of their mares into wooden vessels, and shake it violently; this causes it to foam, and the fat part, which is light, rising to the surface, becomes what is called butter (*ὃ βούτυρον καλοῦσι*).' Mention of butter occurs several times, in fact, in the writings of Hippocrates,[8] and he prescribes it externally as a medicine; he gives it, however, another name, *pikerion* (*πικέριον*), which seems to have been in use among the Greeks earlier than the former, and to have been afterward neglected. That this word signified *butter*, and was no longer employed in the time of Galen, appears from his translating it, in his explanation of the obsolete expressions of Hippocrates, by the word *boutyron* (*βούτυρον*).[1] It was, even before that period, explained in the same manner by Erotian, in his Dictionary of the words used by that Greek physician; and he remarks from an ancient writer, that the Phrygians called butter *πικέριον* (*pikerion*), and that the Greeks seem to have borrowed the word from that people.[2] The poet Anaxandrides, who lived soon after Hippocrates, describing the wedding of Iphicrates, who married the daughter of Cotys, king of Thrace, and the Thracian entertainment given on that occasion, says that the Thracians ate butter, which the Greeks at that time considered a wonderful kind of food.[3] It is very remarkable, that the word for butter does not occur in Aristotle, and that he even scarcely alludes to that substance, though we find in his works some very proper information respecting milk and cheese, which seems to imply careful observation. At first he gives only two component parts, the watery and caseous; but he remarks afterward, for the first time, in a passage where one little expects it, that in milk there is also a fat substance, which, under certain circumstances, is like oil.[4] In Strabo there are three passages that refer to this subject, but from which little information can be obtained. This author says that the Lusitanians used butter instead of oil;[5] he mentions the same circumstance respecting the Ethiopians;[6] and he relates in another place, that elephants, when wounded, drank this substance in order to make the darts fall from their bodies.[7] The use of butter by the Ethiopians or Abyssinians is confirmed by Ludolfus.[8] Ælian also states that the Indians anointed the wounds of their elephants with butter. Aristotle, however, makes the wounded elephants drink oil, and not butter;[9] but the difficulty may easily be obviated by supposing the butter spoken of by Strabo to have been in a liquid state.—We are told by Plutarch that a Spartan lady paid a visit to Berenice, the wife of Deiotarus, and that the one smelled so much of sweet ointment, and the other of butter, that neither of them could endure the other.[10] Was it customary, therefore, at that period, for people to perfume themselves with butter?'

"The remarks of Dioscorides and Galen on the present subject are of much more importance. The former says that good butter was prepared from the fattest milk, such as that of sheep or goats, by shaking it in a vessel till the fat was separated. To this butter he ascribes the same effects, when used externally, as those produced by our butter at present. He adds also, and he is the first writer that makes the observation, that fresh butter might be melted, and poured over pulse and vegetables instead of oil, and that it might be employed in pastry in the room of other fat substances.[11] Galen, who distinguishes and confirms, in a more accurate manner, the healing virtues of butter, expressly remarks that cow's milk produces the fattest butter; that butter made from sheep's or goat's milk is less rich; and that ass's milk yields the poorest. He expresses his astonishment, therefore, that Dioscorides should say that butter was made from the milk of sheep and goats. He assures us that he had seen it made from cow's milk, and he believes it had thence acquired its name.[12] This derivation of the term *boutyron*, from *βοῦς*, 'a cow,' and *τυρός*,

1. (Serv. in Æn., x., 519.—Compare Hor., Sat., II., iii., 85.—Flor., iii., 20.)—2. (Mart., III., xciii., 15; I., xxxv., 8.—Kirchman, De Fun. Rom., iii., 22.)—3. (Plaut., Pseud., I., iii., 127.)—4. (Compare Terent., Eun., III., ii., 38.—Lucil., Sat., xxvii., 22, p. 71, ed. Dousa.—Catull., lix., 2.)—5. (Turneb., Advers., xix., 21.)—6. (Gen., xviii., 8.—Deuteron., xxxii., 14.—Judges, v., 25.—2 Samuel, xvii., 29.—Job, xx., 17.—Id., xxix., 6, &c.—Compare Bochart, Hieroz., ii., 45, col. 473.)—7. (iv., 2.)—8. (De Morb., lib iv., ed. 1595, fol. v., p. 67.—De Nat. Mul., sect. v., p. 137.—De Morb. Mul., 2, sect. v., p. 191, 235, &c.)

1. (ed. Basil., fol. v., p. 715.)—2. (Erot., Lex.—Fabric., Bibl. Græc., iv., p. 571.)—3. (Athenæus, iv., p. 131)—4. (H. A., iii. 20.)—5. (iii., p. 155.)—6. (xvii., p. 1176.)—7 (xv., p 1031.)—8 (Hist. Æthiop., iv., 4, 13.)—9. (Ælian, N. A., xiii., 7.—Aristot., H. A., viii., 31.)—10. (Adv. Colotem., p. 1109.)—11. (Mat. Med., ii., 81, p. 107.)—12. (De Simpl. Med. Facult., lib. x., p. 151.)

'cheese,' 'coagulated milk,' was a favourite with the Greek and Roman writers, but is altogether erroneous. The term is of foreign origin, and the reader may see some curious speculations on this subject in the Vorhalle of Ritter, who seeks to connect the name with the mythology of *Boudha*, and with the germe of civilization introduced into the West by the sacerdotal colonies from India.[1]

"From what has thus far been said, it would appear that butter must have been very little known to, or used by, the Greeks and Romans, till the time of Galen, that is, at the end of the second century. It appears, also, that when they had learned the art of making it, they employed it only as an ointment in their baths, and particularly in medicine. Pliny recommends it, mixed with honey, to be rubbed over children's gums, in order to ease the pain of teething, and also for ulcers in the mouth.[2] The Romans, in general, seem to have used butter for anointing the bodies of their children, to render them pliable;[3] and we are told that the ancient Burgundians smeared their hair with it.[4] If we except the passage of Dioscorides already referred to, we find no proof whatever that it was used by the Greeks or Romans in cookery, or the preparation of food. No notice is taken of it by Apicius; nor is it mentioned by Galen for any other but medical purposes. This is easily accounted for by the ancients having entirely accustomed themselves to the use of oil; and, in like manner, butter at present is very little employed in Italy, Spain, Portugal, and the southern parts of France. One chief cause of this is the difficulty of preserving it for any length of time in warm countries; and it would seem that among the ancients in the south of Europe it was rather in an oily state, and almost liquid. The Northern nations, in modern times, cut, knead, and spread butter; the ancients poured it out as one pours out oil. Galen, for example, tells us, that to make soot of butter (which was used in curing inflammations of the eyes, and other disorders), the butter must be poured into a lamp." For more information on this subject, the reader is referred to *Beckmann's History of Inventions*.[5]

BUXUM properly means the wood of the Box-tree, but was given as a name to many things made of this wood. According to Strabo,[6] the best box-trees grew in the district of Amastriane, in Paphlagonia, and especially in the neighbourhood of Cytorus. Pliny[7] also names the Gallic, Pyrenæan, Bercyntian, Corsican, and Macedonian box-wood.

The tablets used for writing on, and covered with wax (*tabulæ ceratæ*), were usually made of this wood. Hence we read in Propertius,

"*Vulgari buxo sordida cera fuit.*"[8]

These *tabellæ* were sometimes called *cerata buxa*. In the same way the Greek *πυξιον*, formed from *πύξος*, "box-wood," came to be applied to any tablets, whether they were made of this wood or any other substance; in which sense the word occurs in the Septuagint (*τὰ πυξία τὰ λίθινα*[9]).

Tops were made of box-wood (*volubile buxum*;[10] *buxum torquere flagello*[11]); and also all wind instruments, especially the flute, as is the case in the present day (*Phrygiique foramine buxi*[12]). Combs, also, were made of the same wood; whence Juvenal[13] speaks of *caput intactum buxo*.[14]

*BUXUS (*πύξος*), the Box-tree, or *Buxus Sempervirens*, L. The Box loves cold and mountainous situations; the places most famed for its growth are mentioned in the beginning of the previous article. "Box-wood is an unique among timber, and combines qualities which are not found existing together in any other kind. It is as close and heavy as ebony; not very much softer than *lignum vitæ*, it cuts better than any other wood; and, when an edge is made of the ends of the fibres, it stands better than lead or tin, nay, almost as well as brass. Like holly, the Box is very retentive of its sap, and warps when not properly dried; though, when sufficiently seasoned, it stands well. Hence, for the wooden part of the finer tools, for everything that requires strength, beauty, and polish in timber, there is nothing equal to it. This will explain why so many different articles among the ancients were made of this wood. (*Vid.* Buxum.) There is one purpose for which box, and box alone, is properly adapted, and that is the process of xylography, or engraving on wood."

*BYBLUS (*βύβλος*), the plant from which the Egyptians formed paper, the *Cyperus Papyrus*. (*Vid.* Papyrus.)

BYSSUS (*βύσσος*). It has been a subject of some dispute whether the byssus of the ancients was cotton or linen. Herodotus[1] says that the mummies were wrapped up in *byssine sindon* (*σινδόνος βυσσίνης τελαμῶσι*), which Rosellini and many modern writers maintain to be cotton. The only decisive test, however, as to the material of mummy-cloth, is the microscope; and from the numerous examinations which have been made, it is quite certain that the mummy-cloth was made of flax, and not of cotton; and, therefore, whenever the ancient writers apply the term byssus to the mummy cloth, we must understand it to mean linen.[2]

The word byssus appears to come from the Hebrew *butz* (בּוּץ), and the Greeks probably got it through the Phœnicians.[3] Pausanias[4] says that the district of Elis was well adapted for growing byssus, and remarks that all the people whose land is adapted for it sow hemp, flax, and byssus. In another passage[5] he says that Elis is the only place in Greece in which byssus grows, and remarks that the byssus of Elis is not inferior to that of the Hebrews in fineness, but not so yellow (*ξανθή*). The women in Patræ gained their living by making head-dresses (*κεκρύφαλοι*), and weaving cloth, from the byssus grown in Elis.[6]

Among later writers, the word byssus may, perhaps, be used to indicate either cotton or linen cloth. Böttiger[7] supposes that the byssus was a kind of muslin, which was employed in making the celebrated Coan garments. It is mentioned in the Gospel of St. Luke[8] as part of the dress of a rich man: *Ἐνεδιδύσκετο πορφύραν καὶ βύσσον*.[9] It was sometimes dyed of a purple or crimson colour (*βύσσινον· πορφυροῦν*[10]). Pliny[11] speaks of it as a species of flax (*linum*), and says that it served *mulierum māxime deliciis*. Pollux,[12] also, says that it was a kind of *λίνον* grown in India; but he appears to include cotton under this term.

C., K., &c.

CABEIRIA (*Καβείρια*), mysterics, festivals and orgies solemnized in all places in which the Pelasgian Cabiri, the most mysterious and perplexing deities of Grecian mythology, were worshipped, but especially in Samothrace, Imbros, Lemnos, Thebes, Anthedon, Pergamus, and Berytos.[13] Lit-

1. (Vorhalle, p. 121.)—2. (H. N., xxviii., 19.)—3. (Tertull., Adv. Marcion., iii., 13.)—4. (Sidon. Apoll., carm. 12.)—5. (vol. ii., p. 372, seqq.)—6. (xvi., 28.)—7. (H. N., xvi., 28.)—8 (III., xxii., 8.)—9. (Exod., xxiv., 12.—Compare Is., xxx., 8.—Hab., ii., 2.)—10. (Virg., Æn., vii., 382.)—11. (Pers., iii., 51.)—12. (Ovid, Ep. ex Pont., I., i., 45.—Compare Met., xii., 158.—Fast., vi., 976.—Virg., Æn., ix., 619.)—13. (Sat., xiv., 194.)—14. (Compare Ovid, Fast., vi., 229: "Detonsos crines depexere buxo.")

1. (ii., 86.)—2. (Egyptian Antiquities, vol. ii, p. 182–196, Lond., 1836.)—3. (*Vid.* Gesenius, Thesaurus.)—4. (vi., 26, § 4—5. (v., 5, § 2.)—6. (Paus., vii., 21, § 7.)—7. (Sabina, ii., p. 105—8. (xvi., 9.)—9. (Compare Rev., xviii., 12.)—10. (Hesych.)—11. (H. N., xix., 4.)—12. (Onom., vii., 75.)—13. (Paus., ix., 25 § 5; iv., 1, § 5; iv., 22, § 5; ix., 4, § 6.—Euseb., Præp. Evang., p. 31.)

tle is known respecting the rites observed in these mysteries, as no one was allowed to divulge them. Diagoras is said to have provoked the highest indignation of the Athenians by his having made these and other mysteries public.[2] The most celebrated were those of the island of Samothrace, which, if we may judge from those of Lemnos, were solemnized every year, and lasted for nine days. The admission was not confined to men, for we find instances of women and boys being initiated.[3] Persons on their admission seem to have undergone a sort of examination respecting the life they had led hitherto,[4] and were then purified of all their crimes, even if they had committed murder.[5] The priest who undertook the purification of murderers bore the name of *κοίης*. The persons who were initiated received a purple riband, which was worn around their bodies as an amulet to preserve them against all dangers and storms of the sea.[6]

Respecting the Lemnian Cabiria, we know that their annual celebration took place at night,[7] and lasted for nine days, during which all the fires of the island which were thought to be impure were extinguished, sacrifices were offered to the dead, and a sacred vessel was sent out to fetch new fire from Delos. During these sacrifices the Cabiri were thought to be absent with the sacred vessel; after the return of which the pure fire was distributed, and a new life began, probably with banquets.[8]

The great celebrity of the Samothracian mysteries seems to have obscured and thrown into oblivion those of Lemnos, from which Pythagoras is said to have derived a part of his wisdom.[9] Concerning the celebration of the Cabiria in other places, nothing is known, and they seem to have fallen into decay at a very early period.

*CACALI'A (*κακαλία*), a plant mentioned by Dioscorides, Pliny, and others. It is supposed by Sprengel to be the *Mercurialis tomentosa*. Sibthorp and Fée, however, are undecided, though the latter inclines somewhat to the *Cacalia petasites sive albifrons*.

KAKHΓΟΡΙΑΣ ΔΙΚΗ (*κακηγορίας δίκη*) was an action for abusive language in the Attic courts, called, in one passage of Demosthenes,[11] *κακηγορίου δίκη*, and also called *λοιδορίας δίκη* (*διώκων λοιδορίας*[12]), and *κακολογίας δίκη*. This action could be brought against an individual who applied to another certain abusive epithets, such as *ἀνδρόφονος*, *πατραλοίας*, &c., which were included under the general name of *ἀπόῤῥητα*. (*Vid.* APORRHETA.) It was no justification that these words were spoken in anger.[13] By a law of Solon, it was also forbidden to speak evil of the dead; and if a person did so, he was liable to this action, which could be brought against him by the nearest relative of the deceased.[14] If an individual abused any one who was engaged in any public office, the offender not only suffered the ordinary punishment, but incurred the loss of his rights as a citizen (*ἀτιμία*), since the state was considered to have been insulted.[15]

If the defendant was convicted, he had to pay a fine of 500 drachmæ to the plaintiff.[16] Plutarch, however, mentions that, according to one of Solon's laws, whoever spoke evil of a person in the temples, courts of justice, public offices, or at public festivals, had to pay five drachmæ; but, as Platner[1] has observed, the law of Solon was probably changed, and the heavier fine of 500 drachmæ substituted in the place of the smaller sum. Demosthenes, in his oration against Meidias,[2] speaks of a fine of 1000 drachmæ; but this is probably to be explained by supposing that Demosthenes brought two actions *κακηγορίας*, one on his own account, and the other on account of the insults which Meidias had committed against his mother and sister.[3]

This action was probably brought before the thesmothetæ,[4] to whom the related *ὕβρεως γραφή* belonged.

KAKOΛΟΓΙΑΣ ΔΙΚΗ. (*Vid.* KAKHΓΟΡΙΑΣ ΔΙΚΗ.)

KAKOΤΕΧΝΙΩΝ ΔΙΚΗ (*κακοτεχνιῶν δίκη*) corresponds in some degree with an action for subornation of perjury. It might be instituted against a party to a previous suit, whose witnesses had already been convicted of falsehood in an action *ψευδομαρτυριῶν*.[5] It has been also surmised that this proceeding was available against the same party when persons had subscribed themselves falsely as summoners in the declaration or indictment in a previous suit;[6] and if Plato's authority with respect to the terms of Attic law can be considered conclusive, other cases of conspiracy and contrivance may have borne this title.[7] With respect to the court into which these causes were brought, and the advantages obtained by the successful party, we have no information.[8]

KAKO'SIS (*κάκωσις*), in the language of the Attic law, does not signify every kind of ill-treatment, but

1. The ill-treatment of parents by their children (*κάκωσις γονέων*). 2. Of women by their husbands (*κάκωσις γυναικῶν*). 3. Of heiresses (*κάκωσις τῶν ἐπικλήρων*). 4. Of orphans and widows by their guardians or any other persons (*κάκωσις τῶν ὀρφανῶν καὶ χηρευσουσῶν γυναικῶν*).

1. *Κάκωσις γονέων* was committed by those who struck their parents, or applied abusive epithets to them, or refused them the means of support when they were able to afford it, or did not bury them after their death, and pay them proper honours.[9] It was no justification for children that their parents had treated them badly. If, however, they were illegitimate, or had not received a proper education from their parents, they could not be prosecuted for *κάκωσις*.[10]

2. *Κάκωσις γυναικῶν* was committed by husbands who ill-treated their wives in any manner, or had intercourse with other women,[11] or denied their wives the marriage duties; for, by a law of Solon, the husband was bound to visit his wife three times every month, at least if she was an heiress.[12] In the comedy of Cratinus, called the "Wine Flask" (Πυτίνη), Comedy was represented as the wife of Cratinus, who brought an action against him because he neglected her, and devoted all his attention to the wine flask.[13]

3. *Κάκωσις τῶν ἐπικλήρων* was committed by the nearest relatives of poor heiresses, who neither married them themselves, nor gave them a dowry in order to marry them to persons of their own rank in life;[14] or, if they married them themselves, did not perform the marriage duties.[15]

4. *Κάκωσις τῶν ὀρφανῶν καὶ χηρευσουσῶν γυναι-*

1. (Strabo, x., p. 365, ed. Tauchnitz.—Apollon. Rhod., i., 917. —Orph., Argon., 469.—Val. Flacc., ii., 435.)—2. (Athenag., Leg., ii., 5.)—3. (Schol. in Eurip., Phœn., 7.—Plut., Alex., 2.—Donatus in Terent., Phorm., i., 15.)—4. (Plut., Laced. Apophth. Antalcid., p. 141, ed. Tauchnitz.—5. (Liv., xlv., 5.—Schol. in Theocr., ii., 12.—Hesych., s. v. *Κοίης*.)—6. (Schol. in Apollon., l. c.—Diod. Sic., v., 49.)—7. (Cic., De Nat. Deor., i., 42.)—8. (Schol. in Apollon. Rhod., i., 608.)—9. (Iamblich., Vit. Pythag., c. 151.—Compare Müller's Prolegomena, p. 150.)—10. (Dioscor., iv., 121.—Plin., H. N., xxv., 11.)—11. (c. Mid., 544.)—12. (Aristoph., Vesp., 1246.)—13. (Lys., c. Theomn., i., p. 372, 373.) —14. (Demosth., c. Leptin., 488.—c. Bœot., 1022.—Plut., Sol., c. 21.)—15. (Demosth., c. Mid., 524.)—16. (Isocr., c. Loch., 396. Lys., c. Theomn., 354.)

1. (Process bei den Attikern, ii., 192.)—2. (543.)—3. (Hudtwalcker, Diætet., 150.)—4. (Demosth., c. Mid., 541.)—5. (Harpocr., s. v.—Demosth., c. Ev. and Mnes., 1 39, 11.)—6. (Meier, Att. Process, 385.)—7. (Plato, Leg., x 936, E.)—8. (Meier, Att. Process, 45, 386.)—9. (Aristoph., Ar., 757, 1356.—Suid., s. v. *Πελαργικὸς Νόμος*.)—10. (Meier, Att. Process, p. 288.)—11 (Diog. Laert., iv., 17.—Compare Plut., Alcib., 8.)—12. (Plut., Sol., c. 20.—Erotic., c. 23.)—13. (Schol. in Aristoph., Equ it., 399.) —14. (Demosth., c. Macart., 1076.—Harpocr., s. v. *Ἐπίδικος Θῆτες*.—Suid., Phot., s. v. *Θητεύς*.)—15. (Plut., Sol., c. 20

ων was committed by those who injured in any way either orphans or widows, both of whom were considered to be in an especial manner under the protection of the state.[1] The speech of Isæus on the Inheritance of Hagnias, is a defence against an εἰσαγγελία κακώσεως of this kind.

All these cases of κάκωσις belonged to the jurisdiction of the chief archon (ἄρχων ἐπώνυμος). If a person wronged in any way orphans, heiresses, or widows, the archon could inflict a fine upon them himself; or, if he considered the person deserving of greater punishment, could bring him before the heliæa.[2] Any private individual could also accuse parties guilty of κάκωσις by means of laying an information (εἰσαγγελία) before the chief archon, though sometimes the accuser proceeded by means of a regular indictment (γραφή), with an ἀνάκρισις before the archon.[3] Those who accused persons guilty of κάκωσις incurred no danger, as was usually the case, if the defendant was acquitted, and they did not obtain the fifth part of the votes of the dicasts.[4]

The punishment does not appear to have been fixed for the different cases of κάκωσις, but it was generally severe. Those found guilty of κάκωσις γόνεων lost their civil rights (ἀτιμία), but were allowed to retain their property (οὗτοι ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον[5]); but if the κάκωσις consisted in beating their parents, the hands of the offenders might even be cut off.[6]

*CACTUS (κάκτος), a species of plant. Sprengel inclines to the opinion that it was the kind of artichoke called Cardoon, namely, the *Cinara cardunculus*. Stackhouse suggests that it was the *Cactus opuntia*, or Indian Fig. The locality of the κάκτος of Theophrastus does not suit well with either of these plants. Schneider proposes the *Acarna cancellata*. Sprengel's opinion is, perhaps, after all, the more correct one, and is advocated by Fée. Pliny describes the Cactus as growing only in Sicily.[7]

CADA'VER. (*Vid.* FUNUS.)

CADISKOI or CADOI, also CADDISKOI (καδίσκοι, κάδοι, καδδίσκοι[8]), were small vessels or urns, in which the counters or pebbles of the dicasts were put, when they gave their votes on a trial.[9] There were, in fact, usually two καδίσκοι: one, that in which the voting pebble was put; this was made of copper: the other, that in which the other pebble, which had not been used, was put; this was made of wood.[10] Those who did not vote at all put both their pebbles into the latter, which was called the ἄκυρος καδίσκος, while the other was called κύριος καδίσκος. After all had voted, the presiding officer emptied the counters or pebbles from the metal urn, the κύριος καδίσκος, and counted them on a table, and judgment was then given accordingly.[11] The pebbles were distinguished from one another by proper marks. Formerly only one urn had been used; and the dicasts kept the counter which they did not use.[12] This vessel was called also ἀμφορεύς Sometimes, also, the dicasts had only one counter each, and there were two καδίσκοι, one for acquitting, the other for condemning.[13]

When there were several contesting parties, there were several καδίσκοι, according to the number of the parties; as in Demosthenes[14] there were four. The dicasts then had either one pebble, which they put into the καδίσκος of the party in whose favour they meant to vote; or they had as many pebbles as there were καδίσκοι (but only one favourable one among them), which they put in according to their opinion.[1] The pebble was dropped into the urn through a long tube, which was called κημός.[2] The noise which the pebble made in striking against the bottom of the καδίσκος was represented by the syllable κόγξ.[3]

*CADMEIA or CAD'MIA (Καδμεία or -μία), a species of earth, as the ancients termed it; more correctly, however, Calamine, or an ore of zinc. Geoffroy says, "The dealers in metals call by the name of Cadmia the *Lapis Calaminaris*, used in making copper into brass." Dr. Kidd calls it a native oxyde of zinc. According to Dr. Hill, the *Cadmia factitia* of the ancients was a recrement of copper, produced in the furnaces where that metal was separated from its ore. According to Sprengel, the kind called βοτρυῖτις, or clustered Cadmia, was our Tutty; it consists of zinc with a small proportion of copper. The καπνιτής, or Smoky Cadmia, according to Dr. Hill, was a fine powder collected at the mouths of the furnaces. The πλακιτής, or Crust-like Cadmia, was the coarsest and heaviest of all.[4] "With Cadmia (or an ore of zinc)," observes Dr. Moore, "the ancients were well acquainted, though they are commonly supposed not to have known zinc itself, except as combined with copper in the form of brass. But a passage in Strabo authorizes the belief that they also knew this metal in its separate state. The geographer says,[5] that near Andeira, a town of Troas, is found a stone, which, being burned, becomes iron, and distils false silver (ἀποστάζει ψευδάργυρον) when heated in a furnace together with a certain earth, which, receiving the addition of copper, forms the alloy that some call brass (ὀρείχαλκον). He adds respecting this *false silver*, which was probably our zinc, that it occurs also near Tmolus. Stephanus states the same thing in somewhat clearer words, and refers to both Theopompus and Strabo as authorities.—This earth, which is supposed to derive its name, *Cadmia*, from Cadmus, son of Agenor,[6] who first introduced at Thebes the making of brass,[7] is spoken of by Aristotle,[8] who informs us that the Mossynœcians had anciently prepared a brass of a pale colour and superior lustre, mixing it not with tin, but with a certain earth found among them. Theophrastus alludes to the same, but without naming it. Pliny[9] repeatedly speaks of Cadmia, but it is evident that he does not always mean one and the same thing. Cadmia seems to have signified with him not only our Calamine, but a copper ore which contained zinc; and the same name was extended to what the Germans call *offenbruch*, 'furnace-calamine;' which, in melting ores that contain zinc, or in making brass, falls to the bottom of the furnace, and contains more or less of calcined zinc."[10]

CADU'CEUS (κηρύκειον, κηρύκιον,[11] κηρυκήϊον[12]) was the staff or mace carried by heralds and ambassadors in time of war.[13] This name is also given to the staff with which Hermes or Mercury is usually represented, as is shown in the following figure of Hermes, taken from an ancient vase, which is given in Millin's *Peintures de Vases antiques*.[14]

The caduceus was originally only an olive-branch

1. (Demosth., c. Macart., 1076.—ὁ ἄρχων, ὅστις ἐπεμελεῖτο τῶν χηρῶν καὶ τῶν ὀρφανῶν: Ulpian., ad. Demosth., c. Timocr.) —2. (Demosth., c. Macart., 1076, Lex.)—3. (Demosth., c. Pantænæt., 980.)—4. (Harpocr., s. v. Εἰσαγγελία.)—5. (Andoc., De Myst., 36. — Xen., Mem., ii., 2, § 13.) — 6. (Meursius, Them. Attic., i., 2.)—7. (Theophrast., H. P., vi., 4. — Theocr., Id., x., 4.—Adams, Append., s. v.)—8. (Pollux, Onom., x., 15–20.)—9. (Harpocr., s. v.) — 10. (Isæus, De Hagn. Hered., § 281. — Lycurg., c. Leocrat., 240.)—11. (Meier, Att. Process, p. 720–724.)—12. (Pollux, Onom., viii., 125.) — 13. (Meier, Att. Process, p. 724.)—14 (c. Macart, p. 1053, 10, ed. Bekker.)

1. (Meier, Att. Process.)—2. (Photius, s. v.—Pollux, Onom., x., 15.)—3. (Philol. Museum, vol. i., p. 425, note.)—4. (Dioscor., v., 85. — Paul. Ægin., vii., 3.—Adams, Append., s. v.) — 5. (p. 610.) — 6. (Hardouin, ad Plin., vol. ix., p. 195.) — 7. (Hygin., Fab., 272.)—8. (Op., vol. i., p. 1155, B.)—9. (H. N., xxxiv., 1, xxxiv., 10, &c.)—10. (Moore's Anc. Mineral., p. 49, seqq.)—11 (Thucyd., i. 53.)—12. (Herod., ix., 100.) — 13. (Pollux, Onom., viii., 138.)—14. (vol. i., pl. 70.)

with the *στέμμασιν*, which were afterward formed into snakes.[1] Later mythologists invented tales about these snakes. Hyginus tells us that Mercury once found two snakes fighting, and divided them with his wand; from which circumstance they were used as an emblem of peace.[2]

From caduceus was formed the word caduceator, which signified a person sent to treat of peace.[3] Thus Aulus Gellius[4] tells us that Q. Fabius sent to the Carthaginians a spear and a caduceus as the emblems of war or peace (*hastam et caduceum, signa duo belli aut pacis*). The persons of the caduceatores were considered sacred.[5]

It would appear, however, that the Roman ambassadors did not usually carry the caduceus, since Marcian[6] informs us that the Roman ambassadors carried vervain (*segmina*) that no one might injure them, in the same manner as the Greek ambassadors carried the cerycia (*κηρύκια*).

CADU'CUM. (*Vid.* Bona Caduca.)

CADUS (*κάδος, κάδδος*), a large earthen vessel, which was used for several purposes among the ancients. Wine was frequently kept in it; and we learn from an author quoted by Pollux, that the amphora was also called cadus.[7] The vessel used in drawing water from wells was called cadus,[8] or *γαυλός*.[9] The name of cadus was sometimes given to the vessel or urn in which the counters or pebbles of the dicasts were put when they gave their vote on a trial, but the diminutive *καδίσκος* was more commonly used in this signification. (*Vid.* Cadiskoi.)

*CÆ'CUBUM VINUM, a name given to a wine which was at one time the best growth of the Falernian vineyards. "Formerly," says Pliny,[10] "the Cæcuban wine, which came from the poplar marshes of Amyclæ, was most esteemed of all the Campanian wines; but it has now lost its repute, partly from the negligence of the growers, and partly from the limited extent of the vineyard, which has been nearly destroyed by the navigable canal that was begun by Nero from Avernus to Ostia." The Cæcuban is described by Galen[11] as a generous, durable wine, but apt to affect the head, and ripening only after a long term of years. In another place[12] he remarks that the Bithynian white wine, when very old, passed with the Romans for Cæcuban, but that, in this state, it was generally bitter and unfit for drinking. From this analogy we may conclude that, when new, it belonged to the class of rough, sweet wines. It appears to have been one of Horace's favourite wines, of which he speaks, in general, as having been reserved for important festivals. After the breaking up of the principal vineyards which supplied it, this wine would necessarily become very scarce and valuable.[1]

CÆLATU'RA. (*Vid.* Bronze, p. 173.)

*CÆPA or CÆPE (*κρόμμυον*), the Onion, or *Allium Cepa*, L. The Greeks had numerous kinds, or, rather, varieties of this vegetable, which are mentioned by Dioscorides.[2] The Romans, on the other hand, had two principal kinds, the *Pallacana* and the *Condimentarium*, the latter of which was subdivided into many species. The *Pallacana* (*cæpa*) had hardly any head, and consisted principally of a long stem: it admitted of being often cut. The *Condimentarium* (*cæpe*), so called because it could be potted and kept for use, was likewise termed *Capitatum*, from its exuberant head. — "Though the history of the onion can be but imperfectly traced in Europe, there is no doubt as to its great antiquity in Africa, since there is evidence to show that this bulb was known and much esteemed in Egypt 2000 years before Christ. Juvenal,[3] indeed, says that the Egyptians were forbidden to eat the onion, this vegetable having been deified by them. The prohibition, however, seems only to have extended to the priests, who, according to Plutarch,[4] 'abstained from most kinds of pulse;' and the abhorrence felt for onions, according to the same author, was confined to the members of the sacerdotal order. That onions were cultivated in Egypt, is proved," continues Wilkinson, "from the authority of many writers, as well as from the sculptures; their quality was renowned in ancient, and has been equally so in modern times; and the Israelites, when they left the country, regretted the 'onions,' as well as the cucumbers, the melons, the leeks, the garlic, and the meats they 'did eat' in Egypt. Among the offerings presented to the gods, both in the tombs and temples, onions are introduced, and a priest is frequently seen holding them in his hand, or covering an altar with a bundle of their leaves and roots. Nor is it less certain that they were introduced at private as well as public festivals, and brought to table with gourds, cucumbers, and other vegetables; and if there is any truth in the notion of their being forbidden, we may conclude that this was entirely confined to the priestly order. The onions of Egypt were mild and of an excellent flavour, a character enjoyed by them at the present day; and they were eaten crude as well as cooked, by persons both of the higher and lower classes. It is difficult, however, to say if they introduced them to table like the cabbage, as a *hors d'œuvre* to stimulate the appetite, which Socrates recommends in the Banquet of Xenophon. On this occasion, some curious reasons for their use are brought forward by different members of the party. Nicerates observes that onions relish well with wine, and cites Homer in support of his remark; Callias affirms that they inspire courage in the hour of battle; and Charmides suggests their utility in deceiving a jealous wife, who, finding her husband return with his breath smelling of onions, would be induced to believe he had not saluted any one while from home."[5]

CÆRITUM TABULÆ. The inhabitants of Cære obtained from the Romans, in early times, the Ro-

1. (Müller, Archæologie der Kunst, p. 504.) — 2. (Compare Plin., H. N., xxix., 3)—3. (Liv., xxxii., 32.—Nep., Hannib., c. 11.—Amm. Marcell., xx., 7.) — 4. (x., 27.)—5. (Cato, ap. Fest., s. v —Cic., De Orat., 1, 46.)—6. (Dig. 1, tit. 8, s. 8.) — 7. (Pollux, Onom., x., 70, 71.—Suid., s. v. *κάδος*.)—8. (*ἐκ τῶν φρεάτων τοὺς κάδους ξυλλαμβάνειν*: Aristoph., Eccles., 1003.—Pollux, Onom., x., 31.)—9. (Suid., s. v. *γαυλός*.)—10. (H. N., xiv., 6.) —11. (Athenæus, i., 21.)—12. (Oribasius, v., 6.)

1. (Henderson's Hist. Anc. Wines, p. 85, 87.)—2. (ii., 180.)—3. (Sat., xiv., 9.)—4. (Is. et Os., 5 et 8.)—5. (Wilkinson's Manners and Customs Anc. Egypt. vol. ii. p. 373, seq.)

man franchise, but without the *suffragium*.[1] Some ancient writers thought that the Cærites originally had the full franchise, and were afterward deprived of the suffragium.[2] The names of the citizens of Cære were kept at Rome in lists called *tabulæ Cæritum*, in which the names of all other citizens who had not the suffragium appear to have been entered in later times. All citizens who were degraded by the censors to the rank of ærarians were classed among the Cærites; and hence we find the expressions of *ærarium facere*[3] and *in tabulas Cæritum referri*[4] used as synonymous. (*Vid.* Ærarii.)

*CALAMINTHE (*καλαμίνθη*), a shrub, which Sprengel, in the first edition of his R. H. H., makes to be the *Melissa Cretica;* but in his second, the *Thymus nepeta*, or *Catmint*. In his edition of Dioscorides he calls the first species the *Melissa Cretica;* the second, the *Thymus nepeta*, Scop.; and the third, the *Melissa altissima*.[5]

CALAMISTRUM, an instrument made of iron, and hollow like a reed (*calamus*), used for curling the hair. For this purpose it was heated, the person who performed the office of heating it in wood-ashes (*cinis*) being called *ciniflo* or *cinerarius*.[6]

This use of heated irons was adopted very early among the Romans,[7] and became as common among them as it has been in modern times.[8] In the age of Cicero, who frequently alludes to it, the Roman youths, as well as the matrons, often appeared with their hair curled in this manner (*calamistrati*). We see the result in many antique statues and busts.

CAL'AMUS (Κάλαμος[9]), a sort of reed which the ancients used as a pen for writing.[10] The best sorts were got from Ægypt and Cnidus.[11] So Martial,[12]

"*Dat chartis habiles calamos Memphitica tellus.*"

When the reed became blunt, it was sharpened with a knife, *scalprum librarium*;[13] and to a reed so sharpened the epithet *temperatus*, used by Cicero, probably refers,[14] "*calamo et atramento temperato res agetur.*" One of the inkstands given under the article Atramentum has a calamus upon it. The calamus was split like our pens, and hence Ausonius[15] calls it *fissipes*, or cloven-footed.

*ΚΑΛ'ΑΜΟΣ *ἀρωματικός*. Sprengel feels little hesitation in deciding that this is the *Acorus Calamus*, or Sweet Flag. Schneider states that Stackhouse, in the second edition of his work, is disposed to refer the *κάλαμος εὔοσμος* of Theophrastus to the same. The term *ἐπίγειος* also occurs in Theophrastus. (*Vid.* Saccharum.[16])

*ΚΑΛ'ΑΜΟΣ *φραγμίτης*. All agree that this is the *Arundo phragmitis*, L., or common Reed. Sprengel refers the *κάλαμος χαρακίας* of Theophrastus to the same.[17]

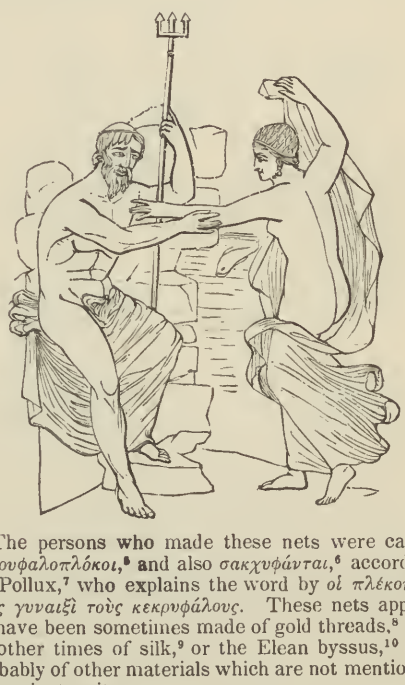
*ΚΑΛ'ΑΜΟΣ *αὐλητικός*, the same as the *δόναξ*, and, consequently, the *Arundo donax*.[18] (*Vid.* Donax.)

*ΚΑΛ'ΑΜΟΣ *ὁ ναστός*. The early commentators on Dioscorides have settled the identity of this with the *τοξικός* of Theophrastus; and Sprengel refers it very properly, as Adams thinks, to the *Arundo arenaria*, or sea-side Reed.[19]

*ΚΑΛ'ΑΜΟΣ *ὁ Ἰνδικός*, most probably the Bamboo Cane, or *Bambusa Arundinacea*. Mention of the Bamboo Cane is made by Herodotus, and also by Ctesias. (*Vid.* Saccharum.) The *Κάλαμος Ἰνδικὸς ἀπολελιθωμένος* of Theophrastus, or petrified *Calamus Indicus*, was one of the starry-surfaced fossil Coralloids. "It was not named so without reason," observes Hill, "for the specimen which I have of it very prettily and exactly resembles that body."[1]

*CALCIFRAGA. (*Vid.* Empetron.)

CALANTICA or CALVA'TICA, a head-dress. This word is sometimes given as answering to the Greek *κεκρύφαλος*, but the Latin *reticulum* (*quod capillum contineret, dictum a rete reticulum*[2]) corresponds better to *κεκρύφαλος*, which was a caul or coif of network for covering the hair, and was worn by women during the day as well as the night. This kind of covering for the head was very ancient, for it is mentioned by Homer,[3] and it also appears to have been commonly used. It occurs in several paintings found at Pompeii, from one of which the following cut is taken, representing Neptune and a nymph, on whose head this kind of net work appears.[4]



The persons who made these nets were called *κεκρυφαλοπλόκοι*,[5] and also *σακχυφάνται*,[6] according to Pollux,[7] who explains the word by *οἱ πλέκοντες ταῖς γυναιξὶ τοὺς κεκρυφάλους*. These nets appear to have been sometimes made of gold threads,[8] and at other times of silk,[9] or the Elean byssus,[10] and probably of other materials which are not mentioned by ancient writers.

The head-dress made of close materials must be distinguished from the *κεκρύφαλος* or *reticulum*. The former was called *mitra* or *calantica*, which words are said to be synonymous,[11] though in a passage in the Digest[12] they are mentioned together as if they were distinct. Such head-dresses frequently occur in paintings on vases. Their forms are very various, as the two following woodcuts, taken from Millin, *Peintures de Vases Antiques*,[13] will show.

The first is an exact copy of the painting on the vase, and represents a man and a woman reclining on a couch, with a small figure standing by the woman's side, the meaning of which is not quite clear.

The next woodcut only contains a part of the

1. (Gell., xvi., 13.—Strabo, v., p. 220.)—2. (Schol. in Hor., Epist., I., vi., 63.)—3. (Gell., iv., 12.)—4. (Gell., xvi., 13.)—5. (Dioscor., iii., 37.—Theophrast., C. P., ii., 16.—Adams, Append., s. v.)—6. (Hor., Sat., I., ii., 98.—Heindorf, ad loc.)—7. (Plaut., Asin., III., iii., 37.)—8. (Virg., Æn., xii., 100.—Servius.—Heyne ad loc.)—9. (Pollux, Onom., x., 15.)—10. (Cic., ad Att., vi., 8.—Hor., Ep. ad Pis., 447.)—11. (Plin., H. N., xvi., 36, 64.)—12. (xiv., 38.)—13. (Tacit., Ann., v., 8.—Suet., Vitell., 2.)—14. (Cic., ad Q. Fratr., ii., 15.)—15. (vii., 49.)—16. (Dioscor., i., 17.—Theophrast., H. P., iv., 11.)—17. (Dioscor., i., 114.—Theophrast., H. P., iv., 12.)—18. (Theophrast., H. P., iv., 12.)—19. (Dioscor., i., 114.—Theophrast., H. P., iv., 11.)

1. (Theophrast., H. P., iv., 11.—Id., De Lapid., 68.—Adams, Append., s. v.)—2. (Varro, De Ling. Lat., v., 29.)—3. (Il., xxii., 469.)—4. (Museo Borbonico, vol. vi., pl. 18.)—5. (Pollux, Onom., vii., 179.)—6. (Demosth., c. Olympiod., c. 3, p. 1170.)—7. (Onom., x., 192.)—8. (Petron, c. 67.—Juv., ii., 96.)—9 (Salmas., Exerc. ad Solin., p. 392.)—10. (Paus., vii., 21, § 7.)—11 (Serv., ad Æn., ix., 616.)—12. (34, tit. 2. s. 25, § 10.)—13. (vol. i., pl. 59; vol. ii., pl. 43.)

original painting, which consists of many other female figures, engaged in the celebration of certain mysteries.

The mitra was originally the name of an eastern head-dress, and is sometimes spoken of as characteristic of the Phrygians.[1] Pliny[2] says that Polygnotus was the first who painted Greek women *mitris versicoloribus*.

It appears from a passage in Martial[3] (*fortior intortus servat vesica capillos*) that a bladder was sometimes used as a kind of covering for the hair.

CAL'ATHUS, dim. CALATHIS'CUS (*κάλαθος, καλαθίσκος*), also called ΤΑ'ΛΑΡΟΣ, usually signified the basket in which women placed their work, and especially the materials for spinning. Thus Pollux[4] speaks of both *τάλαρος* and *κάλαθος* as *τῆς γυναικωνίτιδος σκεύη*: and in another passage[5] he names them in connexion with spinning, and says that the *τάλαρος* and *καλαθίσκος* were the same. These baskets were made of osiers or reeds; whence we read in Pollux[6] *πλέκειν ταλάρους καὶ καλαθίσκους*, and in Catullus,[7]

"*Ante pedes autem candentis mollia lanæ*
Vellera virgati custodibant calathisci."

They appear, however, to have been made in earlier times of more valuable materials, since we read in Homer[8] of a silver *τάλαρος*. They frequently occur in paintings on vases, and often indicate, as Böttiger[9] has remarked, that the scene represented takes place in the gynæconitis, or women's apartments. In the following woodcut, taken from a painting on a vase,[10] a slave, belonging to the class called quasillariæ, is presenting her mistress with the calathus, in which the wool was kept for embroidery, &c.

Baskets of this kind were also used for other purposes,[1] such as for carrying fruits, flowers, &c.[12]

1. (Virg., Æn., ix., 616, seq.)—2. (Il. N., xxxv., 35.)—3. (VIII., xxxiii., 19.)—4. (x., 125.)—5. (vii., 29.)—6. (vii., 173.)—7. (lxiv., 319.)—8. (Od., iv., 125.)—9. (Vasengem., iii., 44.)—10. (Millin, Peintures de Vases Antiques, vol. i., pl. 4.)—11. (Böttiger, Sabina, vol. ii., p. 252, 258.)—12. (Ovid, Art. Am., i., 264.)

The name of calathi was also given to cups for holding wine.[1]

Calathus was properly a Greek word, though used by the Latin writers. The Latin word corresponding to it was *qualus*,[2] or *quasillus*.[3] From *quasillus* came *quasillaria*, the name of the slave who spun, and who was considered the meanest of the female slaves (*Convocat omnes quasillarias, familiæque sordissimam partem*[4]).

CALCAR, a spur, that is, a goad attached to the heel (*calx*) in riding on horseback, and used to urge on the horse to greater swiftness.[5]

The early adoption of this contrivance by the Romans appears from the mention of it in Plautus[6] and Lucretius.[7] It is afterward often alluded to by Cicero,[8] Ovid,[9] Virgil,[10] and subsequent Roman authors. On the other hand, we do not find that the Greeks used spurs, and this may account for the fact that they are seldom, if ever, seen on antique statues.

The spurs of a cock are called *calcaria*.

CALCEUS (dim. CALCEOLUS), CALCEAMEN, CALCEAMENTUM (*ὑπόδημα, πέδιλον*), a shoe or boot, anything adapted to cover and preserve the feet in walking.

The use of shoes was by no means universal among the Greeks and Romans. The Homeric heroes are represented without shoes when armed for battle. (*Vid.* ARMA, BALTEUS.) According to the institutions of Lycurgus, the young Spartans were brought up without wearing shoes (*ἀνυποδησία*[12]), in order that they might have the full use of their feet in running, leaping, and climbing. Socrates, Phocion, and Cato frequently went barefoot (*ἀνυπόδητος*,[13] *pede nudo*[14]). The Roman slaves had no shoes (*nudo talo*[15]), their naked feet being marked with chalk or gypsum. The covering of the feet was removed before reclining at meals. (*Vid.* CŒNA.) To go barefoot also indicated haste, grief, distraction of mind, or any violent emotion, as when the chorus of Oceanides hasten to the fettered Prometheus (*ἀπέδιλος*[16]); when Venus goes in quest of Adonis (*ἀσάνδαλος*[17]), and when the vestals flee from Rome with the apparatus of sacred utensils.[18] For similar reasons, sorceresses go with naked feet when intent upon the exercise of magical arts[19] (*nuda pedem*,[20] *pedibus nudis*[21]), although sometimes one foot only was unshod (*unum exuta pedem vinclis*[22]), and is so painted on fictile vases. That it was a very rare thing at Rome to see a respectable female out of doors without shoes, is clear from the astonish-

1. (Virg., Ecl., v., 71.)—2. (Hor., Carm., III., xii., 4.)—3. (Festus, s. v. Calathus.—Cic., Philip., iii., 4.—Prop., IV., vii., 37.)—4. (Petron., c. 132.—Compare Tibull., IV., x., 3, and Heyne in loc.)—5. (Isidor., Orig., xx., 16.)—6. (Asin., III., iii., 118.)—7. (v., 1074.)—8. (De Orat., iii., 9.—Ep. ad Att., vi., 1.)—9. (Ep. ex Ponto, ii., 6, 38; iv., 2, 35.)—10. ("ferrata calce:" Virg., Æn., xi., 714.)—11. (Col., De Re Rust., viii., 2.)—12. (Xen., Rep. Lac., 2.)—13. (Aristoph., Nub., 103, 362.—Xen., Mem., i., 6, § 2.—Plut., Phoc.—Id., Cat.)—14 (Epist., I., xix., 12.)—15. (Juv., vii., 16.)—16. (Æsch., Prom. Vinct., 135, ed Blomf.)—17. (Bion, i., 21.)—18. (Flor., i., 13.)—19. (Sen., Medea, iv., 2, 14.)—20. (Ovid, Met., vii., 183.)—21. (Hor. Sat., I., viii. 24.)—22. (Virg., Æn., iv., 518.)

ment experienced by Ovid, until he was informed of the reason of it, in a particular instance.

"*Huc pede matronam vidi descendere nudo:*
Obstupui tacitus, sustinuique gradum."

The feet were sometimes bare in attendance on funerals. Thus the remains of Augustus were collected from the pyra by noblemen of the first rank with naked feet.[1] A picture found at Herculaneum exhibits persons with naked feet engaged in the worship of Isis;[2] and this practice was observed at Rome in honour of Cybele.[3] In case of drought, a procession and ceremonies, called Nudipedalia, were performed with a view to propitiate the gods by the same token of grief and humiliation.[4]

The idea of the defilement arising from contact with anything that had died, led to the entire disuse of skin or leather by the priests of Egypt. Their shoes were made of vegetable materials (*calceos ex papyro*[5]). (*Vid.* Baxa.)

Those of the Greeks and Romans who wore shoes, including generally all persons except youths, slaves, and ascetics, consulted their convenience, and indulged their fancy, by inventing the greatest possible variety in the forms, colours, and materials of their shoes. Hence we find a multitude of names, the exact meaning of which it is impossible to ascertain, but which were often derived either from the persons who were supposed to have brought certain kinds of shoes into fashion, or from the places where they were procured. We read, for example, of "shoes of Alcibiades;" of "Sicyonian," and "Persian," which were ladies' shoes;[6] of "Laconian," which were men's shoes;[7] and of "Cretan," "Milesian," and "Athenian" shoes.

The distinctions depending upon form may be generally divided into those in which the mere sole of a shoe was attached to the sole of the foot by ties or bands, or by a covering for the toes or the instep (*vid.* Solea, Crepida, Soccus); and those which ascended higher and higher, according as they covered the ankles, the calf, or the whole of the leg. To calceamenta of the latter kind, *i. e.*, to shoes and boots as distinguished from sandals and slippers,

the term "calceus" was applied in its proper and restricted sense.

1. (Suet., Octav., 100.)—2. (Ant. d'Ercol., ii., 320.)—3. (Prudent., Peris., 154.)—4. (Tertull., Apol., 40.)—5. (Mart. Capell., 2.)—6. (Cic., De Orat., i., 54.—Hesych.)—7. (Aristoph., Thes., 149.)

Besides the difference in the intervals to which the calceus extended from the sole upward to the knee, other varieties arose from its adaptation to particular professions or modes of life. Thus the caliga was principally worn by soldiers; the pero by labourers and rustics; and the cothurnus by tragedians, hunters, and horsemen.

Understanding "calceus" in its more confined application, it included all those more complete coverings for the feet which were used in walking out of doors or in travelling. As most commonly worn these probably did not much differ from our shoes, and are exemplified in a painting at Herculaneum,[1] which represents a female wearing bracelets, a wreath of ivy, and a panther's skin, while she is in the attitude of dancing and playing on the cymbals. Her shoes are yellow, illustrating the fact that they were worn of various colours, especially by females. (*Vid.* preceding woodcut.) The shoe-ties (*corrigiæ*) are likewise yellow. These shoes appear light and thin, corresponding to the dress and attitude of the wearer. On the other hand, a marble foot in the British Museum exhibits the form of a man's shoe. Both the sole and the upper leather are thick and strong. The toes are uncovered, and a thong passes between the great and the second toe, as in a sandal

For an example of calcei reaching to the middle of the leg, see the figure of Orestes in Amentum (p. 47). In the Panathenaic frieze of the Parthenon, boots much like his, but reaching still higher, are worn by many of the Athenian horsemen. They are fastened tightly below the knee, and fit closely in every part, showing how completely the sculptor avoided the reproach of making the foot "float" in the shoe (*natare*,[2] *ἔνεον ἐν ταῖς ἐμβάσιν*[3]). In many statues the flaps are produced by turning down the head and claws of the quadruped out of whose hide the boot was made. We often see it laced in front. (*Vid.* Cothurnus.)

Upon no part of their dress did the ancients bestow greater attention than upon this. Theophrastus[4] considers it as a proof of rusticity to wear shoes larger than the foot.[5] If, on the one hand, Ovid[6] advises the lover, "*Nec vagus in lata pes tibi pelle natet*," we find Quintilian, on the other hand, laying down similar maxims for the statesman and the orator.[7] Overnicety produced the inconvenience of pinching shoes,[8] especially when they were pointed at the toes and turned upward (*uncinati*). Besides the various and splendid colours of the leather, the patterns still existing on marble statues show that it was cut in a very elaborate manner. When Lucullus triumphed after his victories in Asia, he displayed fine shoes from Syria, painted with spots in imitation of jewels.[9] Real gems and gold were added by some of the emperors, especially Heliogabalus, who wore beautiful cameos on his boots and shoes, but with the natural effect of exciting ridicule rather than admiration.[10]

The form and colour of the calceus were also

1. (Ant. d'Ercol., i., tav. 21.)—2. (Ovid.)—3. (Aristoph. Equit., 321.)—4. (Char., 4.)—5. (Compare Hor., Sat., I., iii., 32.)—6. (De Art. Am., i., 516.)—7. (Ins. Or., xi., 3, p. 439, ed. Spalding.)—8. (Hor., Ep., I., x., 43.)—9 (Serv. in Æn., iv., 261.)—10 (Lamprid., Heliog., 23.—Alex Sev., 4.)

among the insignia of rank and office. Those who were elevated to the senate wore high shoes like buskins, fastened in front with four black thongs (*nigris pellibus*[1]), and adorned with a small crescent.[2] Hence Cicero,[3] speaking of the assumption of the senatorial dignity by Asinius, says *mutavit calceos*. Another man, in similar circumstances, was told that his nobility was in his heels.[4] Among the calcei worn by senators, those called *mullei*, from their resemblance to the scales of the red mullet,[5] were particularly admired; as well as others called *alutæ*, because the leather was softened by the use of alum.[6]

CALCULA'TOR (λογιστής) signifies a keeper of accounts in general, but was also used in the signification of a teacher of arithmetic; whence Martial[7] classes him with the *notarius*, or writing-master. The name was derived from *calculi*, which were commonly used in teaching arithmetic, and also in reckoning in general. (*Vid.* Abacus, No. VI.) Among the Greeks the λογιστής and γραμματιστής appear to have been usually the same person.

In Roman families of importance there was a *calculator* or account-keeper,[8] who is, however, more frequently called by the name of *dispensator* or *procurator*, who was a kind of steward.[9]

CALCULI were little stones or pebbles, used for various purposes; such, for example, as the Athenians used in voting (*vid.* Cadiskoi), or such as Demosthenes put in his mouth when declaiming, in order to mend his pronunciation.[10] Calculi were used in playing a sort of draughts. (*Vid.* Latrunculi.) Subsequently, instead of pebbles, ivory, or silver, or gold, or other men (as we call them) were used, but still called calculi. The calculi were *bisolores*.[11] Calculi were also used in reckoning, and hence the phrases *calculum ponere*,[12] *calculum subducere*.[13] (*Vid.* Abacus, No VI.)

CALDA. (*Vid.* Calida.)

CALDA'RIUM. (*Vid.* Baths, p. 149.)

CALENDAR (GREEK). The Greek year was divided into twelve lunar months, depending on the actual changes of the moon. The first day of the month (νουμηνία) was not the day of the conjunction, but the day on the evening of which the new moon first appeared; consequently full moon was the middle of the month, and is called διχόμηνις, or "the divider of the month."[14] The lunar month consists of 29 days and about 13 hours; accordingly, some months were necessarily reckoned at 29 days, and rather more of them at thirty days. The latter were called *full* months (πλῆρεις), the former *hollow* months (κοῖλοι). As the twelve lunar months fell short of the solar year, they were obliged every other year to interpolate an intercalary month (μὴν ἐμβολιμαῖος) of 30 or 29 days. The ordinary year consisted of 354 days, and the interpolated year, therefore, of 384 or 383. This interpolated year (τριέτηρις) was seven days and a half too long; and, to correct the error, the intercalary month was from time to time omitted. The Attic year began with the summer solstice: the following is the sequence of the Attic months, and the number of days in each: Hecatombæon (30), Metageitnion (29), Boedromion (30), Pyanepsion (29), Mæmacterion (30), Poseideon (29), Gamelion (30), Anthesterion (29), Elaphebolion (30), Munychion (29), Thargelion (30), Scirophorion (29). The intercalary month was a second Poseideon inserted in the middle of the year. Every Athenian month was divided into three decads. The days of the first decad were designated as ἱσταμένου or ἀρχομένου μηνός, and were counted on regularly from 1 to 10; thus δευτέρα ἀρχομένου or ἱσταμένου is "the second day of the month." The days of the second decad were designated as ἐπὶ δέκα, or μεσοῦντος, and were counted on regularly from the 11th to the 20th day, which was called εἰκας. There were two ways of counting the days of the last decad: they were either reckoned onward from the 20th (thus πρώτη ἐπὶ εἰκάδι was the 21st), or backward from the last day, with the addition φθίνοντος, πανομένου, λήγοντος, or ἀπίοντος; thus the 21st day of a hollow month was ἑνάτη φθίνοντος—of a full month, δεκάτη φθίνοντος. The last day of the month was called ἕνη καὶ νέα, "the old and new," because, as the lunar month really consisted of more than 29 and less than 30 days, the last day might be considered as belonging equally to the old and new month.[1]

The first calendars of the Greeks were founded on rude observations of the rising and setting of certain fixed stars; as Orion, the Pleiades, Arcturus, &c. The earliest scientific calendar, which superseded these occasional observations, was that of Meton. He observed that 235 lunar months correspond very nearly to 19 solar years. Accordingly, he introduced a cycle of 19 years, or 6940 days, distributed into months, so that they corresponded to the changes of the moon throughout the whole period. This cycle was called the year of Meton (Μέτωνος ἐνιαυτός), and the calendar based upon it was published at Athens in Ol. 86, 4. The calendar commenced with the month Scirophorion (16th July, B.C. 432). This cycle of 19 years was an extension of the octaeteris of Cleostratus, which contained 8 years, or 99 months, or 2922 days. Three of the months in the octaëteris were interealary, occurring in the third, fifth, and eighth years of the cycle. If Meton had reckoned every month full, his cycle would have contained 7050 days, or 7050 —6940=110 days too much; consequently, it was necessary to take 110 hollow months in each cycle. Dividing 7050 by 110 we get the quotient 64, which denotes the interval between every two successive days to be rejected (ἡμέραι ἐξαιρέσιμοι). Meton's canon begins with two full months, and then we have hollow and full months alternately; but, after the interchange has taken place eight times, two full months come together, because there must be 17 full months in every 32. The Metonic cycle was corrected in Ol. 110, by Callippus of Cyzicus. Meton had made the solar year $\frac{1}{76}$ of a day too long. Callippus accordingly assumed a 4×19=76 years' cycle omitting one day, or 27759 days. The epoch of this cycle is 28th June, B.C. 330, Ol. 112, 3. A farther correction of the Metonic cycle was introduced by Hipparchus, the celebrated astronomer, as even Callippus had still left the solar year too long by $\frac{1}{300}$ of a day; he therefore assumed a cycle of 4× 4×19=4×76 years wanting one day, or 111035 days. This period of 304 years, with 112 intercalary months, is called the year of Hipparchus.

Separate years were designated at Athens by the name of the chief archon, hence called ἄρχων ἐπώνυμος, or "the name-giving archon," at Sparta by the first of the ephors; at Argos, by the priestess of Juno, &c. The method of reckoning by Olympiads was brought into use by Timæus of Tauromenium about Ol. 130. As this clumsy method of reckoning is still found in books, it will be right to give the rules for converting Olympiads into the year B.C., and *vice versa*.

1 (Hor., Sat., I., vi., 27.—Heindorf in loc.)—2. (Mart., ii., 29.—Juv., vii., 192.)—3. (Phil., xiii., 13.)—4. (Philostr., Her., viii.)—5. (Isidor., Orig., xix., 14.)—6. (Mart., Juv., ll. cc.—Lydus, De Mag., i., 32.—Ovid, De Art. Am., iii., 271.)—7. (x., 62.)—8. (Dig. 38, tit. i., s. 7.)—9. (Cic., ad Att., xi., 1.—Plin., Ep., viii., 19.—Suet., Gal., c. 12.—Vesp., c. 22.)—10. (Cic., De Orat., i., 61.)—11. (Sidon., Epist., viii., 12.—Ovid, Trist., ii., 477.—Mart., xiv., 17, 2; xiv., 20.)—12. (Colum., iii., 3.)—13. (Cic., De Fin., v., 19, &c.)—14. (Gund., Olymp., iii., 34.)

1. (*Vid.* Aristoph., Nub., 1131, &c.)

I. To find the year B.C., given the *n*th year of Ol. *p*, take the formula 781—(4 *p*+*n*). If the event happened in the second half of the Attic year, this must be farther reduced by 1; for the Attic year, as mentioned above, commenced with the summer solstice. Thus Socrates was put to death in Thargelion of Ol. 95, 1. Therefore in B.C. ([781—(4×95+1)]—1)=(781—381)—1=400—1=399.

II. To find the Olympiad, given the year *n* B.C., take the formula $\frac{781-n}{4}$. The quotient is the Ol., and the remainder the current year of it; if there is no remainder, the current year is the 4th of the Olympiad. If the event happened in the second half of the given year, it must be increased by 1. Thus, to take the event just mentioned, Socrates was put to death $\frac{781-(399+1)}{4}=\frac{781-400}{4}$=Ol. 95, 1. Demosthenes was born in the summer of 382, therefore in $\frac{781-382}{4}=\frac{399}{4}$=Ol. 99, 3.

On the Greek calendar in general, the reader may consult Ideler's *Handbuch der Mathematischen and Technischer. Chronologie*, Th. i., p. 227–392.

CALENDÆ. (*Vid.* CALENDAR, ROMAN.)

CALENDAR (ROMAN), Calendarium, or, rather, Kalendarium.

The Year of Romulus.—The name of Romulus is commonly attached to the year which is said to have prevailed in the earliest times of Rome; but tradition is not consistent with regard to the form of it. The historians Licinius Macer and Fenestella maintained that the oldest year consisted of twelve months, and that it was already in those days an *annus vertens*, that is, a year which coincided with the period of the sun's course. Censorinus, however, in whose work this statement occurs,[1] goes on to say that more credit is due to Graccanus, Fulvius (Nobilior), Varro, and others, according to whom the Romans, in the earliest times, like the people of Alba from whom they sprung, allotted to the year but ten months. This opinion is supported by Ovid in several passages of his Fasti;[2] by Gellius,[3] Macrobius,[4] Solinus,[5] and Servius.[6] Lastly, an old Latin year of ten months is implied in the fact, that at Laurentum[7] a sacrifice was offered to Juno Kalendaris on the first of every month except February and January. These ten months were called Martius, Aprilis, Maius, Junius, Quinctilis, Sextilis, September, October, November, December. That March was the first month in the year is implied in the last six names; and even Plutarch, who ascribes twelve months to the Romulian year,[8] places Januarius and Februarius at the end. The fact is also confirmed by the ceremony of rekindling the sacred fire in the Temple of Vesta on the first day of March, by the practice of placing fresh laurels in the public buildings on that day, and by many other customs recorded by Macrobius.[9] With regard to the length of the months, Censorinus, Macrobius, and Solinus agree in ascribing thirty-one days to four of them, called *pleni menses*; thirty to the rest, called *cavi menses*. The four longer months were Martius, Maius, Quinctilis, and October; and these, as Macrobius observes, were distinguished in the latest form of the Roman calendar by having their nones two days later than any of the other months. The symmetry of this arrangement will appear by placing the numbers in succession: 31, 30; 31, 30; 31, 30, 30; 31; 30, 30. Ovid, indeed, appears to speak of the months as coinciding with the lunar period:

"*Annus erat decimum cum luna recleverat annum*,"

but the language of a poet must not be pressed too closely. On the other hand, Plutarch, in the passage already referred to, while he assigns to the old year twelve months and 365 days, speaks of the months as varying without system between the limits of twenty and thirty-five days. Such an irregularity is not incredible, as we find that even when Censorinus wrote (A.D. 238), the Alban calendar gave 36 days to March, 22 to May, 18 to Sextilis, and 16 to September; while at Tusculum Quinctilis had 36 days, October 32; and again, at Aricia, the same month, October, had no less than 39.[1] The Romulian year, if we follow the majority of authors, contained but 304 days; a period differing so widely from the real length of the sun's course, that the months would rapidly revolve through all the seasons of the year. This inconvenience was remedied, says Macrobius,[2] by the addition of the proper number of days required to complete the year; but these days, he goes on to say, did not receive any name as a month. Servius speaks of the intercalated period as consisting of two months, which at first had no name, but were eventually called after Janus and Februus. That some system of intercalation was employed in the Romulian year was also the opinion of Licinius Macer.[3] This appears to be all that is handed down with regard to the earliest year of the Romans.

As a year of ten months, i. e., 304 days, at once falls greatly short of the solar year, and contains no exact number of lunations, some have gone so far as to dispute the truth of the tradition in whole or part, while others have taxed their ingenuity to account for the adoption of so anomalous a year. Puteanus,[4] calling to mind that the old Roman or Etruscan week contained eight days, every eighth day being specially devoted to religious and other public purposes, under the name of *nonæ* or *nundinæ*, was the first to point out that the number 304 is a precise multiple of eight. To this observation, in itself of little moment, Niebuhr has given some weight, by farther noticing that the 38 nundines in a year of 304 days tally exactly with the number of *dies fasti* afterward retained in the Julian calendar. Another writer, Pontedera, observed that 304 bore to 365 days nearly the ratio of 5 to 6, six of the Romulian years containing 1824, five of the longer periods 1825 days; and Niebuhr,[5] who is a warm advocate of the ten-month year, has made much use of this consideration. He thus explains the origin of the well-known quinquennial period called the lustrum, which Censorinus[6] expressly calls an *annus magnus*, that is, in the modern language of chronology, a cycle. Moreover, the year of ten months, says the same writer,[7] was the term for mourning, for paying portions left by will, for credit on the sale of yearly profits; most probably for all loans; and it was the measure for the most ancient rate of interest. (*Vid.* INTEREST OF MONEY.) Lastly, he finds in the existence of this short year the solution of certain historical difficulties. A peace, or, rather, truce with Veii was concluded in the year 280 of Rome, for 40 years. In 316, Fidenæ revolted and joined Veii, which implies that Veii was already at war with Rome; yet the Veientines are not accused of having broken their oaths.[8] Again, a twenty years truce, made in 329, is said by Livy to have expired in 347.[9] These facts are explained by supposing the years in question to have been those of ten months; for 40 of these are equal to 33⅓ ordinary

1. (De Die Natali, c. 20.—Compare also the beginning of c. 19.)—2. (i., 27, 43; iii., 99, 119, 151.)—3. (Noct. Att., iii., 16.)—4 (Saturn., i., 12.)—5. (Polyh., i.)—6. (in Virg., Georg., i., 43.)—7 (Macrob., 15.)—8. Numa, c. 18.)—9. (i., 12.)

1. (Censorinus, c. 22.)—2. (i., 13.)—3. (Macrob., i., 13.)—4. (De Nundinis in Grævius's Thesaurus, vol viii.)—5. (Rom Hist., vol. i., p. 271.)—6. (c. 18.)—7. (p. 279.)—8. (Liv., . ., 17—9. (iv., 58.)

years, 20 to $16\frac{2}{3}$; so that the former truce terminated in 314, the latter in 346. Similarly, the truce of eight years concluded with the Volscians in 323, extended, in fact, to no more than $6\frac{2}{3}$ full years; and hence the Volscians resumed the war in 331, without exposing themselves to the charge of perjury.

These ingenious, and, perhaps, satisfactory speculations of the German critic, of course imply that the decimestrial year still survived long after the regal government had ceased; and, in fact, he believes that this year and the lunar year, as determined by Scaliger's proposed cycle of 22 years, coexisted from the earliest times down to a late period. The views of Niebuhr do not require that the months should have consisted of 31 or 30 days; indeed, it would be more natural to suppose that each month, as well as the year, contained a precise number of eight-day weeks; eight of the months, for instance, having four such weeks, the two others but three. Even in the so-called calendar of Numa we find the Etruscan week affecting the division of the month, there being eight days between the nones and ides, from which circumstances the nones received their name; and, again, two such weeks from the ides to the end of the month, and this whether the whole month contained 31 or 29 days.

The Year of Numa.—Having described the Romulian year, Censorinus[1] proceeds thus: "Afterward, either by Numa, as Fulvius has it, or, according to Junius, by Tarquin, there was instituted a year of twelve months and 355 days, although the moon in twelve lunations appears to complete but 354 days. The excess of a day was owing either to error, or, what I consider more probable, to that superstitious feeling, according to which an odd number was accounted full (*plenus*) and more fortunate. Be this as it may, to the year which had previously been in use (that of Romulus) one-and-fifty days were now added; but, as these were not sufficient to constitute two months, a day was taken from each of the before-mentioned hollow months, which, added thereto, made up 57 days, out of which two months were formed, Januarius with 29, and Februarius with 28 days. Thus all the months henceforth were full, and contained an odd number of days, save Februarius, which alone was hollow, and hence deemed more unlucky than the rest." In this passage it is fitting to observe, that the terms *pleni* and *cavi menses* are applied in a sense precisely opposite to the practice of the Greek language in the phrases *μῆνες πληρεῖς* and *κοῖλοι*. The mysterious power ascribed to an odd number is familiar from the *Numero deus impare gaudet* of Virgil. Pliny also[2] observes, "*Impares numeros ad omnia vehementiores credimus.*" It was, of course, impossible to give an odd number of days, at the same time, to the year on the one hand, and to each of the twelve months on the other; and yet the object was in some measure effected by a division of February itself into 23 days, and a supernumerary period of five days. (See the mode of intercalation below.) The year of Numa, then, according to Censorinus, contained 355 days. Plutarch tells us that Numa estimated the anomaly of the sun and moon, by which he means the difference between twelve lunations and the sun's annual course, at eleven days, *i. e.*, the difference between 365 and 354 days. Macrobius, too, says that the year of Numa had at first 354, afterward 355 days.[3]

Twelve lunations amount to 354 days, 8h., 48′ 38″, so that the so-called year of Numa was a tolerably correct lunar year, though the months would have coincided more accurately with the single lunations if they had been limited to 30 and 29 days, instead of 31, 29, and 28 days. That it was, in fact, adapted to the moon's course, is the concurrent assertion of ancient writers, more particularly of Livy, who says: "(*Numa*) *omnium primum ad cursum lunæ in duodecim mensis describit annum.*" Unfortunately, however, many of the same writers ascribe to the same period the introduction of such a system of intercalation as must at once have dislocated the coincidence between the civil month and the lunar period. At the end of two years the year of Numa would have been about 22 days in arrear of the solar period, and, accordingly, it is said an intercalary month of that duration, or else of 23 days, was inserted at or near the end of February, to bring the civil year into agreement with the regular return of the seasons. Of this system of intercalation a more accurate account shall presently be given. But there is strong reason for believing that this particular mode of intercalation was not contemporary in origin with the year of Numa.

In antiquarian subjects it will generally be found that the assistance of etymology is essential; because the original names that belong to an institution often continue to exist, even after such changes have been introduced, that they are no longer adapted to the new order of things; thus they survive as useful memorials of the past. In this way we are enabled, by the original meaning of words, aided by a few fragments of a traditional character, to state that the Romans in early times possessed a year which altogether depended upon the phases of the moon. The Latin word *mensis*,[1] like the Greek *μήν* or *μείς*, and the English *month*, or German *monath*, is evidently connected with the word *moon*. Again, while in the Greek language the name *νουμηνία* (new moon), or *ἕνη καὶ νέα*, given to the first day of a month, betrays its lunar origin, the same result is deduced from the explanation of the word *kalendæ*, as found in Macrobius.[2] "In ancient times," says that writer, "before Cn. Flavius the scribe, against the pleasure of the patricians, made the fasti known to the whole people (the end of the 4th century B.C.), it was the duty of one of the pontifices minores to look out for the first appearance of the new moon, and, as soon as he descried it, to carry word to the rex sacrificulus. Then a sacrifice was offered by these priests; after which, the same pontifex, having summoned the plebs (*calata plebe*) to a place in the Capitol near the Curia Calabria, which adjoins the Casa Romuli, there announced the number of days which still remained to the nones, whether five or seven, by so often repeating the word *καλῶ*." There was no necessity to write this last word in Greek characters, as it belonged to the old Latin. In fact, in this very passage it occurs in both *calata* and *calabra*; and again, it remained to the latest times in the word *nomenclator*. In regard to the passage here quoted from Macrobius, it must be recollected that, while the moon is in the immediate vicinity of the sun, it is impossible to see it with the naked eye, so that the day on which it is first seen is not of necessity the day of the actual conjunction. We learn elsewhere, that, as soon as the pontifex discovered the thin disc, a hymn was sung, beginning *Jana novella*, the word Jana[3] being only a dialectic variety of Diana, just as Diespiter or Diupiter corresponds to Jupiter; and other examples might readily be given, for the change occurs in almost every word which has the syllables *de* or *di* before a vowel. Again, the consecration of the kalends to

1 (c. 20.)—2. (H. N., xxviii., 5.)—3. (Compare Liv., i., 19.—Ovid, Fast., i., 43; iii., 151.—Aurel. Vict., c. 3.—Florus, i., 2. Solinus, c. 1.)

1. (Varro, De Ling. Lat., vi., or, in the old editions, v., 54.)—2. (i., 15.)—3. (Macrob., Sat., i., 9.—Varro, De Re Rust., i., 37.)

Juno is referred by the latter writer to the fact that the months originally began with the moon, and that Juno and Luna are the same goddess; and the poet likewise points at the same connexion in his explanation of Juno's epithet Lucina. Moreover, at Laurentum, Juno was worshipped as Juno Kalendaris. Even so late as 448 B.C., strictly lunar months were still in use; for Dionysius[2] says that Appius, in that year, received the consular authority on the ides of May, being the day of full moon; for at that time, he adds, the Romans regulated their months by the moon. In fact, so completely was the day of the month which they called the ides associated with the idea of the full moon, that some derived the word *ἀπὸ τοῦ εἴδους, quod eo die plenam speciem lunæ demonstret.*[3] Quietly to insert the idea of *plenam* when the Greek word signified merely *speciem*, is in accordance with those loose notions which prevailed in all ancient attempts at etymology. But, though the derivation is of course groundless, it is of historical value, as showing the notion connected with the term ides.

For the same reason, probably, the ides of March were selected for the sacrifice to the goddess Anna Perenna, in whose name we have nothing more than the feminine form of the word *annus*, which, whether written with one *n* or two, whether in its simple form *annus* or diminutive *annulus*, still always signifies *a circle*. Hence, as the masculine form was easily adopted to denote the *period* of the sun's course, so the feminine, in like manner, might well be employed to signify, first, the moon's revolution, and then the moon herself. The tendency among the Romans to have the same word repeated, first as a male, and then as a female deity, has been noticed by Niebuhr; and there occurs a complete parallel in the name **Dianus**, afterward Janus, for the god of *dies*, or light, the sun; Diana, afterward Jana, for the goddess of light, the moon, to say nothing of the words Jupiter and Juno. That the month of March should have been selected arose from its being the first of the year, and a sacrifice to the moon might well take place on the day when her power is fully displayed to man. The epithet Perenna itself means no more than *ever-circling*. Nay, Macrobius himself[4] connects the two words with *annus*, when he states the object of the sacrifice to be, *ut annare perennareque commode liceat.*

Another argument in favour of the lunar origin of the Roman month is deducible from the practice of counting the days backward from the kalends, nones, and ides; for the phrases will then amount to saying, "It wants so many days to the new moon, to the first quarter, to full moon." It would be difficult, on any other hypothesis, to account for the adoption of a mode of calculation, which, to our notions, at least, is so inconvenient; and, indeed, it is expressly recorded that this practice was derived from Greece, under which term the Athenians probably are meant; and by these we know that a strictly lunar year was employed down to a late period.[5]

But perhaps the most decisive proof of all lies in the simple statement of Livy,[6] that Numa so regulated his lunar year of twelve months by the insertion of intercalary months, that at the end of every *nineteenth* year it again coincided with the same point in the sun's course from which it started. His words are, "*Quem (annum) intercalaribus mensibus interponendis ita dispensavit ut vicesimo anno ad metum eandem solis unde orti sunt, plenis annorum omnium spatiis, dies congruerent.*" We quote the text, because editors, in support of a theory, have taken the liberty of altering it by the insertion of the word *quarto*, forgetting, too, that the words *quarto et vicesimo anno* signify, not *every twenty-fourth year*, which their theory requires, but every *twenty-third*, according to that peculiar error of the Romans which led them to count both the extremes in defining the interval from one point to another, and which still survives in the medical phrases *tertian* and *quartan ague*, as well as in the French expressions *huit jours* for *a week*, and *quinze jours* for *a fortnight*. Accordingly, it is not doing violence to words, but giving the strict and necessary meaning to them, when, in our own translation of the passage in Livy, we express *vicesimo anno* by *every nineteenth year.*

Now 19 years, it is well known, constitute a most convenient cycle for the conjunction of a lunar and solar year. A mean lunation, or synodic month, according to modern astronomy, is 29d., 12h., 44′ 3″ and a mean tropical year 365d., 5h., 48′ 48″. Hence it will be found that 235 lunations amount to 6939d., 16h., 31′ 45″, while 19 tropical years give 6939d., 14h., 27′ 12″, so that the difference is only 2h., 4′ 33″. Although it was only in the second century B.C. that Hipparchus gave to astronomical observations a nicety which could pretend to deal with seconds (his valuation of the synodic month was 29d., 12h., 44′ 3½″), yet, even in the regal period of Rome, the Greek towns in the south of Italy must already have possessed astronomers, from whom the inhabitants of Latium could have borrowed such a rough practical knowledge of both the moon and sun's period as was sufficient to show that at the end of 19 solar years the moon's age would be nearly what it was at the commencement; and it should be recollected that the name of Numa is often connected by tradition with the learning of Magna Græcia. At any rate, a cycle of 19 years was introduced by Meton, at Athens, in the year 432 B.C.; and the knowledge of it among the learned may probably have preceded, by a long period, its introduction into popular use, the more so as religious festivals are generally connected with the various divisions of time, and superstition, therefore, would be most certainly opposed to innovations of this nature. How the Romans may have intercalated in their 19 lunar years the seven additional months which are requisite to make up the whole number of 235 (=12×19+7) lunations, is a subject upon which it would be useless to speculate. From a union of these various considerations, it must be deemed highly probable that the Romans at one period possessed a division of time dependant upon the moon's course.

Year of the Decemviri (so called by Ideler).—The motives which induced the Romans to abandon the lunar year are nowhere recorded, nor, indeed, the date of the change. We have seen, however, that even in the year 448 B.C., the year was still regulated by the moon's course. To this must be added, that, according to Tuditanus and Cassius Hemina, a bill on the subject of intercalation was brought before the people by those decemviri who added the two new tables to the preceding Ten,[2] that is, in the year 450 B.C. That the attention of these decemviri was called to the calendar is also proved by the contents of the Eleventh Table, wherein it is decreed that "the festivals shall be set down in the calendars." We have the authority of Varro, indeed, that a system of intercalation already existed at an earlier date; for he says that there was a very ancient law engraved on a bronze pillar by L. Pinarius and Furius in their consulate *cui mentio intercalaris ascribitur.* We add the last words in

1. (Ovid, Fast., i., 55; vi., 39.—Macrob., Sat., i., 9, 15.)—2. (Antiq. Rom., x., 59.)—3 (Macrob., ib.)—4 (c. 12.)—5. (Macrob., 16.)—6. (i., 19.)

1 (Ptolem., Almag., iv., 2.)—2. (Macrob., c. 13.)

Latin from the text of Macrobius,[1] because their import is doubtful. If we are right in interpreting them thus, "the date upon which is expressed by a month called *intercalary*," all that is meant may be one of the intercalary lunations, which must have existed even in the old lunar year. At the period of the decemviral legislation there was probably instituted that form of the year of 354 days, which was corrected by the short intercalary month called Mercedonius or Mercidinus; but so corrected as to deprive the year and month of all connexion with the moon's course. The length of the several ordinary months was probably that which Censorinus has erroneously allotted to the months of Numa's lunar year, viz.:

Martius	31 days.	September	29 days.
Aprilis	29 "	October	31 "
Maius	31 "	November	29 "
Junius	29 "	December	29 "
Quinctilis	31 "	Januarius	29 "
Sextilis	29 "	Februarius	28 "

Such, at any rate, was the number of days in each month immediately prior to the Julian correction; for both Censorinus and Macrobius say that Cæsar added two days to Januarius, Sextilis, and December, and one to Aprilis, Junius, September, and November. Hence Niebuhr appears to have made an error when he asserts[2] that July acquired two more days at the reformation of the calendar, and founds thereon a charge of carelessness against Livy. That November had but 29 days prior to the correction—in other words, that the XVII. Kal. Dec. immediately followed the Idus Nov., appears likewise, from a comparison of Cicero's letters to Tiro;[3] for he reaches Corcyra a. d. V. Id. Nov., and on the XV. Kal. Dec. complains, "*Septumum jam diem enebamur.*" The seven days in question would be IV. Id., III. Id., Prid. Id., Id. Nov, XVII. Kal. Dec., XVI. Kal. Dec., XV. Kal. Dec. That the place of the nones and ides was in each month the same before the Julian correction as afterward, is asserted by Macrobius.

The main difficulty is with regard to the mode of intercalation. Plutarch, we have already observed, speaks of an intercalation, by him referred to Numa, of 22 days in alternate years in the month of February. Censorinus, with more precision, says that the number of days in each intercalation was either 22 or 23, and Macrobius agrees with him in substance. Of the point at which the supernumerary month was inserted, the accounts are these: Varro[4] says the twelfth month was February; and when intercalations take place, the last five days of this month are removed. Censorinus agrees herewith, when he places the intercalation generally (*potissimum*) in the month of February, between the Terminalia and the Regifugium, that is, immediately after the day called by the Romans a. d. VI. Kal. Mart., or by us the 23d of February. This, again, is confirmed by Macrobius. The setting aside of the last five days agrees with the practice which Herodotus ascribes to the Egyptians, of considering the five days over the 360 as scarcely belonging to the year, and not placing them in any month. So completely were these five days considered by the Romans to be something extraneous, that the soldier appears to have received pay only for 360 days. For in the time of Augustus the soldier received *deni asses* per day, *i. e.*, $\frac{10}{16}$ of a denarius; but Domitian[5] *addidit quartum stipendium aureos ternos.* Thus, as 25 denarii made an aureus, the annual pay prior to Domitian was $\frac{360\times10}{16}$ denarii, or $\frac{360\times10}{16\times25}$ aurei $=9$ aurei, and thus the addition of three aurei was precisely a fourth more. Lastly, the festival Terminalia, as its name implies, marked the end of the year; and this, by-the-way, again proves that March was originally the first month.

The intercalary month was called Μερκίδινος, οι Μερκηδόνιος.[1] We give it in Greek characters, because it happens somewhat strangely that no Latin author has mentioned the name, the term mensis interkalaris or interkalarius supplying its place. Thus, in the year of intercalation, the day after the ides of February was called, not, as usual, a. d. XVI. Kalendas Martius, but a. d. XI. Kalendas interkalaris. So, also, there were the Nonæ interkalares and Idus interkalares, and after this last came either a. d. XV. or XVI. Kal. Mart., according as the month had 22 or 23 days; or, rather, if we add the five remaining days struck off from February, 27 or 28 days. In either case the Regifugium retained its ordinary designation a. d. VI. Kal. Mart.[2] When Cicero writes to Atticus, "*Accepi tuas litteras a. d. V. Terminalia*" (*i. e.*, Feb. 19), he uses this strange mode of defining a date, because, being then in Cilicia, he was not aware whether any intercalation had been inserted that year. Indeed, he says, in another part of the same letter, "*Ea sic observabo, quasi intercalatum non sit.*"

Besides the intercalary month, mention is occasionally made of an intercalary day. The object of this was solely to prevent the first day of the year, and perhaps also the nones, from coinciding with the nundinæ, of which mention has been already made.[3] Hence, in Livy,[4] "*Intercalatum eo anno, postridie Terminalia intercalares fuerunt.*" This would not have been said had the day of intercalation been invariably the same; and, again, Livy,[4] "*Hoc anno intercalatum est. Tertio die post Terminalia Calendæ intercalares fuere,*" *i. e.*, two days after the Terminalia, so that the dies intercalaris was on this occasion inserted, as well as the month so called. Nay, even after the reformation of the calendar, the same superstitious practice remained. Thus, in the year 40 B.C., a day was inserted for this purpose, and afterward an omission of a day took place, that the calendar might not be disturbed.[6]

The system of intercalating in alternate years 22 or 23 days, that is, of ninety days in eight years, was borrowed, we are told by Macrobius, from the Greeks; and the assertion is probable enough, first, because from the Greeks the Romans generally derived all scientific assistance; and, secondly, because the decemviral legislation was avowedly deduced from that quarter. Moreover, at the very period in question, a cycle of eight years appears to have been in use at Athens, for the Metonic period of 19 years was not adopted before 432 B.C. The Romans, however, seem to have been guilty of some clumsiness in applying the science they derived from Greece. The addition of ninety days in a cycle of eight years to a lunar year of 354 days would, in substance, have amounted to the addition of $11\frac{1}{4}$ $(=90\div8)$ days to each year, so that the Romans would virtually have possessed the Julian calendar. As it was, they added the intercalation to a year of 355 days; and, consequently, on an average, every year exceeded its proper length by a day, if we neglect the inaccuracies of the Julian calendar. Accordingly, we find that the civil and solar years were greatly at variance in the year 564 A.U.C. On the 11th of Quinctilis in that year, a remarkable

1 (c. 13.)—2. (ii., 531, note 1179.)—3. (ad Fam., xvi., 7, 9.)—4 (De Ling. Lat., vi., 55.)—5 (Sue't., Dom., 7.)

1. (Plutarch, Numa, 19.—Cæs., 59.)—2. (*Vid.* Ascon., ad Orat. pro Milon.—Fast. Triumphal., 493 A.U.C.)—3. (Macrob., c. 1)—4. (xlv., 44.)—5 (xliii., 11.)—6. (Dion. xlviii., 33.)

eclipse of the sun occurred.[1] This eclipse, says Ideler, can have been no other than the one which occurred on the 14th of March, 190 B C. of the Julian calendar, and which at Rome was nearly total. Again, the same historian[2] mentions an eclipse of the moon, which occurred in the night between the 3d and 4th of September, in the year of the city 586. This must have been the total eclipse in the night between the 21st and 22d of June, 168 B.C.

That attempts at legislation for the purpose of correcting so serious an error were actually made, appears from Macrobius, who, aware himself of the cause of the error, says that, by way of correction, in every third octoennial period, instead of 90 intercalary days, only 66 were inserted. Again, it appears that M. Acilius Glabrio, in his consulship 169 B.C., that is, the very year before that in which the above-mentioned lunar eclipse occurred, introduced some legislative measure upon the subject of intercalation.[3] According to the above statement of Macrobius, a cycle of 24 years was adopted, and it is this very passage which has induced the editors of Livy to insert the word *quarto* in the text already quoted.

As the festivals of the Romans were for the most part dependant upon the calendar, the regulation of the latter was intrusted to the college of pontifices, who in early times were chosen exclusively from the body of patricians. It was, therefore, in the power of the college to add to their other means of oppressing the plebeians, by keeping to themselves the knowledge of the days on which justice could be administered, and assemblies of the people could be held. In the year 304 B.C., one Cn. Flavius, a secretary (*scriba*) of Appius Claudius, is said fraudulently to have made the *Fasti* public.[4] It appears, however, from the last passage, that Atticus doubted the truth of the story. In either case, the other privilege of regulating the year by the insertion of the intercalary month gave them great political power, which they were not backward to employ. Everything connected with the matter of intercalation was left, says Censorinus,[5] to the unrestrained pleasure of the pontifices; and the majority of these, on personal grounds, added to or took from the year by capricious intercalations, so as to lengthen or shorten the period during which a magistrate remained in office, and seriously to benefit or injure the farmer of the public revenue. Similar to this is the language employed by Macrobius,[6] Ammianus,[7] Solinus,[8] Plutarch,[9] and their assertions are confirmed by the letters of Cicero, written during his proconsulate in Cilicia, the constant burden of which is a request that the pontifices will not add to his year of government by intercalation.

In consequence of this license, says Suetonius,[10] neither the festivals of the harvest coincided with the summer, nor those of the vintage with the autumn. But we cannot desire a better proof of the confusion than a comparison of three short passages in the third book of Cæsar's *Bell. Civ.*,[11] "*Pridie nonas Januarias navis solvit*,[12] *jamque hiems adpropinquabat*,[13] *multi jam menses transierant et hiems jam præcipitaverat.*"

Year of Julius Cæsar.—In the year 46 B.C., Cæsar, now master of the Roman world, crowned his other great services to his country by employing his authority, as pontifex maximus, in the correction of this serious evil. For this purpose he availed himself of the services of Sosigenes the peripatetic, and a *scriba* named M. Flavius, though he himself too, we are told, was well acquainted with astronomy, and, indeed, was the author of a work of some merit upon the subject, which was still extant in the time of Pliny. The chief authorities upon the subject of the Julian reformation are Plutarch,[1] Dio Cassius,[2] Appian,[3] Ovid,[4] Suetonius,[5] Pliny, Censorinus,[7] Macrobius,[8] Ammianus Marcellinus,[9] Solinus.[10] Of these, Censorinus is the most precise. "The confusion was at last," says he, "carried so far, that C. Cæsar, the pontifex maximus, in his third consulate, with Lepidus for his colleague inserted between November and December two intercalary months of 67 days, the month of February having already received an intercalation of 23 days, and thus made the whole year to consist of 445 days. At the same time, he provided against a repetition of similar errors by casting aside the intercalary month, and adapting the year to the sun's course. Accordingly, to the 355 days of the previously existing year, he added ten days, which he so distributed between the seven months having 29 days, that January, Sextilis, and December received two each, the others but one; and these additional days he placed at the end of the several months, no doubt with the wish not to remove the various festivals from those positions in the several months which they had so long occupied. Hence, in the present calendar, although there are seven months of 31 days, yet the four months which from the first possessed that number are still distinguishable by having their nones on the seventh, the rest having them on the fifth of the month. Lastly, in consideration of the quarter of a day, which he considered as completing the true year, he established the rule, that at the end of every four years a single day should be intercalated where the month had been hitherto inserted, that is, immediately after the Terminalia; which day is now called the Bissextum."

This year of 445 days is commonly called by chronologists the year of confusion; but by Macrobius, more fitly, the last year of confusion. The kalends of January, of the year 708 A.U.C., fell on the 13th of October, 47 B.C. of the Julian calendar; the kalends of March, 708 A.U.C., on the 1st of January, 46 B.C.; and, lastly, the kalends of January, 709 A.U.C., on the 1st of January, 45 B.C. Of the second of the two intercalary months inserted in this year after November, mention is made in Cicero's letters.[11]

It was probably the original intention of Cæsar to commence the year with the shortest day. The winter solstice at Rome, in the year 46 B.C., occurred on the 24th of December of the Julian calendar. His motive for delaying the commencement for seven days longer, instead of taking the following day, was probably the desire to gratify the superstition of the Romans, by causing the first year of the reformed calendar to fall on the day of the new moon. Accordingly, it is found that the mean new moon occurred at Rome on the 1st of January, 45 B.C., at 6h. 16′ P.M. In this way alone can be explained the phrase used by Macrobius: "*Annum civilem Cæsar, habitis ad lunam dimensionibus constitutum, edicto palam proposito publicavit.*" This edict is also mentioned by Plutarch where he gives the anecdote of Cicero, who, on being told by some one that the constellation Lyra would rise the next morning, observed, "Yes, no doubt, in obedience to the edict."

The mode of denoting the days of the month will

1 (Liv., xxxvii., 4.)—2. (xliv., 37.)—3. (Macrob., c. 13.)—4. (Liv., xi., 46.—Cic., Pro Muræn., c. 11.—Plin., H. N., xxxiii., 1.—Val. Max., ii., 5.—Aul. Gell., vi., 9.—Macrob., i., 15.—Pomponius, De Origine Juris, in the Digests, 1, tit. 2.—Cicero, ad Att., vi., 1.)—5 (c. 20.)—6. (i., 14.)—7. (xxvi., 1.)—8. (c. 1.)—9. (Jul., 59.)—10. (Jul 40.)—11 (c 6)—12. (c. 9.)—13. (c. 25.)

1 (Cæs., c. 59.)—2. (xliii., 26.)—3. (De Bell. Civ., ii., ad ext.)—4. (Fasti, iii., 155.)—5 (Jul., c. 40.)—6. (H. N., xviii., 57.) -7. (c. 20.)—8. (Sat., i., 14)—9. (xxvi., 1.)—10. (i., 45.)—11. (Ad Fam., vi., 14.)

cause no difficulty, if it be recollected that the kalends always denote the first of the month, that the nones occur on the seventh of the four months March, May, Quinctilis or July, and October, and on the fifth of the other months; that the ides always fall eight days later than the nones; and, lastly, that the intermediate days are in all cases reckoned backward, upon the Roman principle already explained of counting both extremes.

For the month of January the notation will be as follows:

1 Kal. Jan.	17 a. d. XVI. Kal. Feb.
2 a. d. IV. Non. Jan.	18 a. d. XV. Kal. Feb.
3 a. d. III. Non. Jan.	19 a. d. XIV. Kal. Feb.
4 Prid. Non. Jan.	20 a. d. XIII. Kal. Feb.
5 Non. Jan.	21 a. d. XII. Kal. Feb.
6 a. d. VIII. Id. Jan.	22 a. d. XI. Kal. Feb.
7 a. d. VII. Id. Jan.	23 a. d. X. Kal. Feb.
8 a. d. VI. Id. Jan.	24 a. d. IX. Kal. Feb.
9 a. d. V. Id. Jan.	25 a. d. VIII. Kal. Feb.
10 a. d. IV. Id. Jan.	26 a. d. VII. Kal. Feb.
11 a. d. III. Id. Jan.	27 a. d. VI. Kal. Feb.
12 Prid. Id. Jan.	28 a. d. V. Kal. Feb.
13 Id. Jan.	29 a. d. IV. Kal. Feb.
14 a. d. XIX. Kal. Feb.	30 a. d. III. Kal. Feb.
15 a. d. XVIII. Kal. Feb.	31 Prid. Kal. Feb.
16 a. d. XVII. Kal. Feb.	

The letters *a. d.* are often, through error, written together, and so confounded with the preposition *ad*, which would have a different meaning, for *ad kalendas* would signify *by*, i. e., *on or before the kalends*. The letters are in fact an abridgment of *ante diem*, and the full phrase for "on the second of January" would be *ante diem quartum nonas Januarias*. The word *ante* in this expression seems really to belong in sense to *nonas*, and to be the cause why *nonas* is an accusative. Hence occur such phrases as[1] *in ante diem quartum Kal. Decembris distulit*, "he put it off to the fourth day before the kalends of December,"[2] *Is dies erat ante diem V. Kal. Apr.*, and *ante quem dicm iturus sit*, for *quo die*.[3] The same confusion exists in the phrase *post paucos dies*, which means "a few days after," and is equivalent to *paucis post diebus*. Whether the phrase *Kalendæ Januarii* was ever used by the best writers is doubtful. The words are commonly abbreviated; and those passages where Aprilis, Decembris, &c., occur, are of no avail, as they are probably accusatives. The *ante* may be omitted, in which case the phrase will be *die quarto nonarum*. In the leap year (to use a modern phrase), the last days of February were called,

Feb. 23. a. d. VII. Kal. Mart.
Feb. 24. a. d. VI. Kal. Mart. posteriorem.
Feb. 25. a. d. VI. Kal. Mart. priorem.
Feb. 26. a. d. V. Kal. Mart.
Feb. 27. a. d. IV. Kal. Mart.
Feb. 28. a. d. III. Kal. Mart.
Feb. 29. Prid. Kal. Mart.

In which the words *prior* and *posterior* are used in reference to the retrograde direction of the reckoning. Such, at least, is the opinion of Ideler, who refers to Celsus in the Digests.[4]

From the fact that the intercalated year has two days called *ante diem sextum*, the name of bissextile has been applied to it. The term *annus bissextilis*, however, does not occur in any writer prior to Beda, but, in place of it, the phrase *annus bissextus*.

It was the intention of Cæsar that the bissextum should be inserted *peracto quadriennii circuitu*, as Censorinus says, or *quinto quoque incipiente anno*, to use the words of Macrobius. The phrase, however, which Cæsar used seems to have been *quarto quoque anno*, which was interpreted by the priests to mean every third year. The consequence was, that in the year 8 B.C., the Emperor Augustus, finding that three more intercalations had been made than was the intention of the law, gave directions that for the next twelve years there should be no bissextile

The services which Cæsar and Augustus had conferred upon their country by the reformation of the year seems to have been the immediate causes of the compliments paid to them by the insertion of their names in the calendar. Julius was substituted for Quinctilis, the month in which Cæsar was born, in the second Julian year, that is, the year of the dictator's death;[1] for the first Julian year was the first year of the *corrected* Julian calendar, that is, 45 B.C. The name Augustus, in place of Sextilis, was introduced by the emperor himself, at the time when he rectified the error in the mode of intercalating,[2] *anno Augustano xx.* The first year of the Augustan era was 27 B.C., viz., that in which he first took the name of Augustus, *se vii. et M. Vipsanio Agrippa coss.* He was born in September, but gave the preference to the preceding month, for reasons stated in the senatus consultum, preserved by Macrobius.[3] "Whereas the Emperor Augustus Cæsar, in the month of Sextilis, was first admitted to the consulate, and thrice entered the city in triumph, and in the same month the legions from the Janiculum placed themselves under his auspices, and in the same month Egypt was brought under the authority of the Roman people, and in the same month an end was put to the civil wars; and whereas, for these reasons, the said month is, and has been, most fortunate to this empire, it is hereby decreed by the senate that the said month shall be called Augustus." "A plebiscitum to the same effect was passed on the motion of Sextus Pacuvius, tribune of the plebs."

The month of September in like manner received the name of Germanicus from the general so called, and the appellation appears to have existed even in the time of Macrobius. Domitian, too, conferred his name upon October, but the old word was restored upon the death of the tyrant.

The Fasti of Cæsar have not come down to us in their entire form. Such fragments as exist may be seen in Gruter's *Inscriptiones*, or more completely in Foggini's work, *Fastorum Anni Romani . . reliquiæ*. See also some papers by Ideler in the *Berlin Transactions* for 1822 and 1823.

The Gregorian Year.—The Julian calendar supposes the mean tropical year to be 365d. 6h.; but this, as we have already seen, exceeds the real amount by 11′ 12″, the accumulation of which, year after year, caused, at last, considerable inconvenience. Accordingly, in the year 1582, Pope Gregory the XIIIth., assisted by Aloysius, Lilius, Christoph Clavius, Petrus Ciaconius, and others, again reformed the calendar. The ten days by which the year had been unduly retarded were struck out by a regulation that the day after the fourth of October in that year should be called the fifteenth; and it was ordered that, whereas hitherto an intercalary day had been inserted every four years, for the future three such intercalations in the course of four hundred years should be omitted, viz., in those years which are divisible without remainder by 100, but not by 400. Thus, according to the Julian calendar, the years 1600, 1700, 1800, 1900 and 2000 were to have been bissextile; but, by the regulation of Gregory, the years 1700, 1800, and 1900, were to receive no intercalation, while the years 1600 and 2000 were to be bissextile as before. The bull which effected this change was issued Feb. 24, 1582. The fullest account of this correction is to be found in the work of Clavius, entitled *Roman*

1. (Cic., Phil., iii., 8.)—2. (Cæs., Bell. Gall., i., 6.)—3 (Cæs., Bell. Civ., i., 11.)—4. (50, tit. 16, s. 98.)

1. (Censorinus c. 22.)—2. (Suet., Octav., c. 31.)—3. (c. 12.)

Calendarii a Gregorio XIII. P.M. restituti Explicatio. As the Gregorian calendar has only 97 leap-years in a period of 400 years, the mean Gregorian year is $(303\times365+97\times366)\div400$, that is, 365d., 5h., 49′ 12″, or only 24″ more than the mean tropical year. This difference, in sixty years, would amount to 24′, and in 60 times 60, or 3600 years, to 24 hours, or a day. Hence the French astronomer, Delambre, has proposed that the years 3600, 7200, 10,800, and all multiples of 3600, should not be leap-years. The Gregorian calendar was introduced into the greater part of Italy, as well as in Spain and Portugal, on the day named in the bull. Into France, two months after, by an edict of Henry III., the 9th of December was followed by the 20th. The Catholic parts of Switzerland, Germany, and the Low Countries adopted the correction in 1583, Poland in 1586, Hungary in 1587. The Protestant parts of Europe resisted what they called a papistical invention for more than a century. At last, in 1700, Protestant Germany, as well as Denmark and Holland, allowed reason to prevail over prejudice, and the Protestant cantons of Switzerland copied their example the following year.

In England, the Gregorian calendar was first adopted in 1752, and in Sweden in 1753. In Russia, and those countries which belong to the Greek Church, the Julian year, or *old style* as it is called, still prevails.

In this article free use has been made of Ideler's work *Lehrbuch der Chronologie*. For other information connected with the Roman measurement of time, see Clepsydra, Dies, Hora, Horologia, Lustrum, Nundinæ, Sæculum, Sidera.

The following Calendar, which gives the rising and setting of the stars, the Roman festivals, &c., is taken from an article on the Roman Calendar in Pauly's *Real-Encyclopädie der classischen Alterthumswissenschaft*. It has been principally compiled from Ovid's Fasti, Columella, and Pliny's Natural History. The letter O. signifies Ovid, C. Columella, P. Pliny; but when C. is placed immediately after the date, it signifies a day on which the Comitia were held.

JANUARIUS.

A.	1	Jan. Kal.	F.
B.	2	IV.	F.
C.	3	III.	C. Cancer occidit.
D	4	Prid.	C. Cæsari Delphinus matutino exoritur. Pl.
E.	5	Non.	F. Lyra oritur. O. et P. tempestatem significat. O. Atticæ et finitimis regionibus aquila vesperi occidit.
F.	6	VIII.	F.
G.	7	VII.	C.
H	8	VI.	C. Delphini vespertino occasu continui dies hiemant Italiæ. Pl.
A.	9	V.	Agon. Delphinus oritur. O.
B.	10	IV.	En. Media hiems. O.
C.	11	III.	Car. Np.
D.	12	Prid.	C.
E.	13	Id.	Np.
F.	14	XIX.	En. Dies vitios. ex SC.
G.	15	XVIII.	Car. Tempestas incerta. C.
H.	16	XVII.	C. Sol in Aquarium transit, Leo mane incipit occidere; africus, interdum auster cum pluvia. C.
A	17	XVI.	C. Sol in Aquario. O. et P. Cancer desinit occidere: hiemat. C.
B	18	XV.	C. Aquarius incipit oriri, ventus africus tempestatem significat. C.
C.	19	XIV.	C.
D.	20	XIII.	C.
E.	21	XII.	C.
F.	22	XI.	C. Fidicula vesperi occidit, dies pluvius. C.
G.	23	X.	Lyra occidit. O.
H.	24	IX.	C. Leonis, quæ est in pectore, clara stella occidit. O. Ex occasu pristini sideris significat tempestatem, interdum etiam tempestas. C.
A.	25	VIII.	C. Stella regia appellata Tuberoni in pectore Leonis occidit matutino. P.
B.	26	VII.	C.
C.	27	VI.	C. Leonis, quæ est in pectore, clara stella occidit, nonnunquam significatur hiems bipartita. C.
D.	28	V.	C. Auster, aut africus, hiemat: pluvius dies. C.
E.	29	IV.	F.
F.	30	III.	N. Delphinus incipit occidere, item Fidicula occidit. C.
G	31	Prid.	C. Eorum, quæ supra sunt, siderum occasus tempestatem facit: interdum tantummodo significat. C.

FEBRUARIUS.

H.	1	Feb. Kal.	N. Fidis incipit occidere, ventus eurinus et interdum auster cum grandine est. C.
A.	2	IV.	N. Lyra et medius leo occidunt. O.
B.	3	III	N. Delphinus occidit. O. Fidis tota et Leo medius occidit. Corus aut septentrio, nonnunquam favonius. C.
C.	4	Prid.	N. Fidicula vesperi occidit. P.
D.	5	Non.	Aquarius oritur, zephyrus flare incipit. O. Mediæ partes Aquarii oriuntur, ventosa tempestas. C.
E.	6	VIII.	N.
F.	7	VII.	N. Calisto sidus occidit: favonii spirare incipiunt. C.
G.	8	VI.	N. Ventosa tempestas. C.
H.	9	V.	N. Veris initium. O.
A.	10	IV.	N.
B.	11	III.	N. Arctophylax oritur. O.
C.	12	Prid.	N.
D.	13	Id.	Np.
E.	14	XVI.	N Corvus, Crater, et Anguis oriuntur. O. Vesperi Crater oritur venti mutatio. C.
F.	15	XV.	Luper. Np. Sol in Pisces transitum facit: nonnunquam ventosa tempestas.
G.	16	XIV.	En. Venti per sex dies vehementius flant. Sol in Piscibus. O.
H.	17	XIII.	Quir. Np. Favonius vel auster cum grandine et nimbis ut et sequenti die. C.
A.	18	XII.	C.
B.	19	XI.	C.
C.	20	X.	C. Leo desinit occidere; venti septentrionales. qui dicuntur ornithiæ, per dies triginta esse solent: tum et hirundo advenit. C.
D.	21	IX.	Feral. F. Arcturus prima nocte oritur: frigidus dies: aquilone. vel coro, interdum pluvia. C.
E.	22	VIII.	C. Sagitta crepusculo incipit oriri; variæ tempestates: halcyonei dies vocantur. C.
F.	23	VII.	Ter. Np. Hirundinum adventus. O. Ventosa tempestas. Hirundo conspicitur. C. Arcturi exortus vespertinus P.
G.	24	VI.	Regif. N.
H.	25	V.	C.
A.	26	IV.	En

B. 27 III. Eq. Np.
C. 28 Prid. C.

MARTIUS.

D. 1 Mart. Kal. Np.
E. 2 VI. F.
F. 3 V. C. Alter e Piscibus occidit. O.
G. 4 IV. C.
H. 5 III. C. Arctophylax occidit. Vindemiator oritur. O. Cancer oritur Cæsari. P.
A. 6 Prid. Np. Hoc die Cæsar Pontifex Maximus factus est.
B. 7 Non. F. Pegasus oritur. O.
C. 8 VIII. F. Corona oritur. O. Piscis aquilonius oritur. P.
D. 9 VII. C. Orion exoritur. In Attica Milvius apparere servatur. P.
E. 10 VI. C.
F. 11 V. C.
G. 12 IV. C.
H. 13 III. En.
A. 14 Prid. Eq. Np.
B. 15 Id. Np. Nepa incipit occidere, significat tempestatem. C. Scorpius occidit Cæsari. P.
C. 16 XVII. F. Scorpius medius occidit. O. Nepa occidit, hiemat. C.
D. 17 XVI. Lib. Np. Milvius oritur. O. Sol in Arietem transitum facit. Favonius vel corus. C.
E. 18 XV. N. Sol in Ariete. O. Italiæ Milvius ostenditur. P.
F. 19 XIV. Quin. N.
G. 20 XIII. C.
H. 21 XII. C. Equus occidit mane. C. P. septentrionales venti C.
A. 22 XI. N.
B. 23 X. Tubil. Np. Aries incipit exoriri, pluvius dies, interdum ningit. C.
C. 24 IX. Q. Rex C. F. Hoc et sequenti die æquinoctium vernum tempestatem significat. C.
D. 25 VIII. C. Æquinoctium vernum. O. P.
E. 26 VII. C.
F. 27 VI. Np. Hoc die Cæsar Alexandriam recepit.
G. 28 V. C.
H. 29 IV. C.
A. 30 III. C.
B. 31 Prid. C.

APRILIS.

C. 1 Apr. Kal. N. Scorpius occidit. O. Nepa occidit mane, tempestatem significat. C.
D. 2 IV. C. Pleiades occidunt. C.
E. 3 III. C. In Attica Vergiliæ vesperi occultantur. C.
F. 4 Prid. C. Ludi Matr. Mag Vergiliæ in Bœotia occultantur vesperi. P.
G. 5 Non. Ludi. Favonius aut auster cum grandine. C. Cæsari et Chaldæis Vergiliæ occultantur vesperi. Ægypto Orion et Gladius ejus incipiunt abscondi. P.
H. 6 VIII. Np Ludi. Vergiliæ vesperi celantur. Interdum hiemat. C.
A. 7 VII. N. Ludi. Hoc die et duobus sequentibus austri et africi, tempestatem significant. C.
B. 8 VI. N. Ludi. Significatur imber Libræ occasu. P.
C. 9 V. N. Ludi.
D. 10 IV. N. Ludi in Cir.
E. 11 III N. Ludi.

F. 12 Prid. N. Ludi Cereri. Suculæ celantur hiemat. C.
G. 13 Id. Np Ludi. Libra occidit: hiemat. C
H. 14 XVIII. N. Ludi. Ventosa tempestas et imbres, nec hoc constanter. C
A. 15 XVII. Ford. Np. Lud.
B. 16 XVI. N. Ludi. Suculæ occidunt vesperi Atticæ. P.
C. 17 XV. N. Ludi. Sol in Taurum transitum facit, pluviam significat. C. Suculæ occidunt vesperi Cæsari, hoc est palilicium sidus. P.
D. 18 XIV. N. Ludi. Suculæ se vesperi celant: pluviam significat. C. Ægypto suculæ occidunt vesperi. P.
E. 19 XIII. Cer. N. Ludi in Cir. Sol in tauro. O.
F. 20 XII. N. Assyriæ Suculæ occidunt vesperi. C.
G. 21 XI. Par. Np. Ver bipartitur, pluvia et nonnunquam grando. C.
H. 22 X. N. Vergiliæ cum Sole oriuntur. Africus vel auster: dies humidus. C.
A. 23 IX. Vin. Np. Prima nocte Fidicula apparet: tempestatem significat. C.
B. 24 VIII. C. Palilicium sidus oritur Cæsari. P.
C. 25 VII. Rob. Np. Medium ver, Aries occidit, tempestatem significat, Canis oritur. O. Hœdi exoriuntur. P.
D. 26 VI. F. Bœotiæ et Atticæ Canis vesperi occultatur. Fidicula mane oritur. P.
E. 27 V. C. Assyriæ Orion totus absconditur P.
F. 28 IV. Np. Ludi flor. Auster fere cum pluvia. C.
G. 29 III. C. Ludi. Mane Capra exoritur, austrinus dies, interdum pluviæ C. Assyriæ totus Canis absconditur. P.
H. 30 Prid. C. Ludi. Canis se vesperi celat, tempestatem significat.

MAIUS.

A. 1 Mai. Kal. N. Capella oritur. C.
B. 2 VI. F. Comp. Argestes flare incipit. Hyades oriuntur. O. Sucula cum Sole exoritur, septentrionales venti. C. Suculæ matutino exoriuntur. P.
C. 3 V. C. Centaurus oritur. O. Centaurus totus apparet, tempestatem significat. C.
D. 4 IV. C.
E. 5 III. C. Lyra oritur. O. Centaurus pluviam significat. C.
F. 6 Prid. C. Scorpius medius occidit. O. Nepa medius occidit, tempestatem significat. C.
G. 7 Non. N. Vergiliæ exoriuntur mane; favonius. C.
H. 8 VIII. F. Capella pluvialis oritur Cæsari. Ægypto vero eodem die Canis vesperi occultatur. P.
A. 9 VII. Lem. N. Æstatis initium, favonius aut corus, interdum etiam pluvia. C.
B. 10 VI. C. Vergiliæ totæ apparent; favonius aut corus: interdum et pluviæ C. Vergiliarum exortus. C.
C. 11 V. Lem. N. Orion occidit. O. Arcturi occasus matutinus Cæsari tempestatem significat. P.
D. 12 IV. Np. Ludi Mart. in Circ.
E. 13 III. Lem. N. Pleiades oriuntur. Æstatis initium. O. Fidis mane oritu

significat tempestatem. C. Fidiculæ exortus. P.
F. 14 Prid. C. Taurus oritur. O.
G. 15 Id. Np. Fidis mane exoritur, auster, aut euro-notus interdum, dies humidus. C.
H 16 XVII. F.
A. 17 XVI. C. Hoc et sequenti die euro-notus vel auster cum pluvia. C.
B. 18 XV. C.
C. 19 XIV. C. Sol in Geminis. O. et C
D. 20 XIII. C.
E. 21 XII. Agon. Np. Canis oritur. O. Suculæ exoriuntur, septentrionales venti : nonnunquam auster cum pluvia. C. Capella vesperi occidit et in Attica Canis. P.
F. 22 XI. N. Hoc et sequenti die Arcturus mane occidit ; tempestatem significat. C. Orionis Gladius occidere incipit. P.
G. 23 X. Tub. Np.
H 24 IX. Q. Rex. C. F.
A. 25 VIII. C. Aquila oritur. O. Hoc die et biduo sequenti Capra mane exoritur, septentrionales venti. C.
B. 26 VII. C. Arctophylax occidit. O.
C. 27 VI C. Hyades oriuntur.
D. 28 V. C.
E. 29 IV. C.
F. 30 III. C.
G 31 Prid. C

JUNIUS.

H. Jun. Kal. N. Aquila oritur. O. Hoc et sequenti Aquila oritur ; tempestas ventosa et interdum pluvia. C.
A. 2 IV. F. Mart. Car. Monet. Hyades oriuntur, dies pluvius. O. Aquila oritur vesperi. P.
B. 3 III. C. Cæsari et Assyriæ Aquila vesperi oritur. P.
C. 4 Prid. C.
D. 5 Non.
E. 6 VIII. N Arcturus matutino occidit. P.
F. 7 VII. N. Arctophylax occidit. O. Arcturus occidit, favonius aut corus. C.
G. 8 VI. N. Menti. in capit. Delphinus vesperi exoritur. P.
H. 9 V. Vest. N. Fer.
A. 10 IV. N. Delphin. vesperi oritur. O. et C. et P. Favonius, interdum rorat. C.
B. 11 III. Matr. N.
C. 12 Prid. N.
D. 13 Id. N. Calor incipit. C.
E. 14 XVIII. N.
F. 15 XVII. Q. St. D. F. Hyades oriuntur. O. Gladius Orionis exoritur. P.
G. 16 XVI. C. Zephyrus flat. Orion oritur. O.
H 17 XV. C. Delphinus totus apparet. O.
A 18 XIV. C.
B 19 XIII. C. Minervæ in Aventino. Sol in Cancro. O. et C. In Ægypto Gladius Orionis oritur.
C. 20 XII. C. Summano ad Circ. Max. Ophiuchus oritur. O.
D 21 XI. C. Anguifer, qui a Græcis dicitur Ὀφιοῦχος, mane occidit, tempestatem significat. O.
E. 22 X. C.
F. 23 IX. C.
G 24 VIII. C. Hoc et biduo sequenti solstitium, favonius et calor. C. Longissima dies totius anni et nox brevissima solstitium conficiunt. P
H. 25 VII. C.
A. 26 VI. C. Orionis Zona oritur : solstitium O. Orion exoritur Cæsari. P
B. 27 V. C.
C. 28 IV. C.
D. 29 III. C Ventosa tempestas. C.
E. 30 Prid. F.

JULIUS.

F. 1 Jul. Kal. N. Favonius vel auster et calor. C
G. 2 VI. N.
H. 3 V. N.
A. 4 IV. Np. Corona occidit mane. C. Zona Orionis Assyriæ oritur. P. Ægypto Procyon matutino oritur. P.
B. 5 III. Popl. N. Chaldæis Corona occidit matutino. Atticæ Orion eo die ex oritur.
C. 6 Prid. N. Ludi Apollin. Cancer medius occidit, calor. C.
D. 7 Non. N. Ludi.
E. 8 VIII. N. Ludi. Capricornus medius occidit. C.
F. 9 VII. N. Ludi. Cepheus vesperi exoritur, tempestatem significat. C.
G. 10 VI. C. Ludi. Prodromi flare incipiunt C.
H. 11 V. C. Ludi.
A. 12 IV. Np. Ludi.
B. 13 III. C. Ludi in Cir.
C. 14 Prid. C. Merk. Ægyptiis Orion desinit ex oriri. P.
D. 15 Id. Np. Merk. Procyon exoritur mane, tempestatem significat. C.
E. 16 XVII. F. Merk.
F. 17 XVI. C. Assyriæ Procyon exoritur. P.
G. 18 XV. C. Merk.
H. 19 XIV. Lucar. Np. Merk.
A. 20 XIII. C. Ludi Vict. Cæsar. Sol in Leonem transitum facit, favonius. C. Aquila occidit. P.
B. 21 XII. C. Lucar. Ludi.
C. 22 XI. C. Ludi.
D. 23 X. Nept. Ludi. Prodromi in Italia sentiuntur. P.
E. 24 IX. N. Ludi. Leonis in pectore clara stella exoritur, interdum tempestatem significat. C.
F. 25 VIII. Fur. Np. Ludi. Aquarius incipit occidere clare : favonius, vel auster. C.
G. 26 VII. C. Ludi. Canicula apparet ; caligo æstuosa. C.
H. 27 VI. C. In Circ. Aquila exoritur. C.
A. 28 V. C. In Circ.
B. 29 IV. C. In Circ. Leonis in pectore claræ stellæ exoriuntur, interdum tempestatem significat. C.
C. 30 III. C. In Circ. Aquila occidit, significat tempestatem. C.
D. 31 Prid. C.

AUGUSTUS.

E. 1 Aug. Kal. N. Etesiæ. C.
F. 2 IV. C. Fer.
G. 3 III. C.
H. 4 Prid. C. Leo medius exoritur ; tempestatem significat. C.
A. 5 Non. F.
B. 6 VIII. F. Arcturus medius occidit P.
C. 7 VII. C. Aquarius occidit medius, nebulosus æstus. C.
D. 8 VI. C. Vera ratione autumni initium Fidiculæ occasu P
E. 9 V. Np.
F. 10 IV. C.

G. 11 III. C. Fidicula occasu suo autumnum inchoat Cæsari. P.
H. 12 Prid. C. Fidis occidit mane et autumnus incipit. C. Atticæ Equus oriens tempestatem significat et vesperi Ægypto et Cæsari Delphinus occidens. P.
A 13 Id Np. Delphini occasus tempestatem significant C.
B 14 XIX F. Delphini matutinus occasus tempestatem significat. C.
C 15 XVIII. C.
D. 16 XVII C.
E. 17 XVI Port. Np.
F. 18 XV C. Merk.
G. 19 XIV. Vin. F. P.
H. 20 XIII. C. Sol in Virginem transitum facit, hoc et sequenti die tempestatem significat, interdum et tonat. Eodem die Fidis occidit. C.
A. 21 XII. Cons. Np.
B. 22 XI. En. Cæsari et Assyriæ Vindemiator oriri mane incipit. P.
C. 23 X. Volc. Np. Fidis occasu tempestas plerumque oritur, et pluvia. C.
D. 24 IX. C.
E. 25 VIII. Opic. Np.
F. 26 VII. C. Vindemiator exoritur mane, et Arcturus incipit occidere, interdum pluvia. C.
G. 27 VI. Volt. Np.
H. 28 V. Np. H. D. Ara Victoriæ in Curia dedicata est. Sagitta occidit: Etesiæ desinunt. P.
A. 29 IV. F.
B. 30 III. F. Humeri Virginis exoriuntur. Etesiæ desinunt flare, et interdum hiemat. C.
C. 31 Prid. C. Andromeda vesperi oritur, interdum hiemat. C.

SEPTEMBER.

D. 1 Sept. Kal. N.
E. 2 IV. N. Hoc die Fer. Nep. Piscis austrinus desinit occidere, calor. C.
F. 3 III. Np.
G. 4 Prid. C. Ludi Romani.
H. 5 Non. F. Ludi. Vindemiator exoritur. Atticæ Arcturus matutino exoritur et Sagitta occidit mane. P.
A. 6 VIII. F. Ludi.
B. 7 VII. C. Ludi. Piscis aquilonius desinit occidere et Capra exoritur, tempestatem significat. C.
C. 8 VI. C. Ludi.
D. 9 V. C. Ludi. Cæsari Capella oritur vesperi. P.
E. 10 IV. C. Ludi.
F. 11 III. C. Ludi. Favonius aut africus. Virgo media exoritur. C.
G. 12 Prid. N. Ludi. Arcturus oritur medius vehementissimo significatu terra marique per dies quinque. P.
H. 13 Id. Np. Ex pristino sidere nonnunquam tempestatem significat. C.
A. 14 XVIII. F. Equor. Prob.
B. 15 XVII. N. Ludi Rom. in Circ.
C. 16 XVI. C. In Circ. Ægypto Spica, quam tenet Virgo, exoritur matutino Etesiæque desinunt. P.
D. 17 XV. C. In Circ. Arcturus exoritur, favonius aut africus, interdum eurus. C.
E. 18 XIV. C. In Circ. Spica Virginis exoritur, favonius aut corus C. Spica Cæsari oritur. P.

F. 19 XIII. C. In Circ. Sol in Libram transitum facit. Crater matutino tempore apparet. C.
G. 20 XII. C. Merk.
H. 21 XI. C. Merk. Pisces occidunt mane Item Aries occidere incipit, favonius aut corus interdum auster cum imbribus. C. Cæsari commissura Piscium occidit. P.
A. 22 X. C. Merk. Argo navis occidit, tempestatem significat, interdum etiam pluviam. C.
B. 23 IX. Np. Merk. H. D. Augusti natalis Ludi Cir. Centaurus incipit mane oriri, tempestatem significat, interdum et pluviam. C.
C. 24 VIII. C. Æquinoctium autumnale hoc die et biduo sequenti notat Columella, Plinius hoc die
D. 25 VII. C.
E. 26 VI. C.
F. 27 V. Hoedi exoriuntur, favonius, nonnunquam auster cum pluvia. C.
G. 28 IV. Virgo desinit oriri, tempestatem significat. C. Capella matutina exoritur, consentientibus, quod est rarum, Philippo, Calippo, Doritheo, Parmenisco, Conone, Critone, Democrito, Eudoxo, Ione. P.
H. 29 III. F. Hoedi oriuntur iisdem consentientibus. P.
A. 30 Prid. C.

OCTOBER.

B. 1 Oct. Kal. N. Tempestatem significat. C.
C. 2 VI. F.
D. 3 V. C.
E. 4 IV. C. Auriga occidit mane. Virgo desinit occidere: significat nonnunquam tempestatem. C.
F. 5 III. C. Corona incipit exoriri, significat tempestatem. C.
G. 6 Prid. C. Hoedi oriuntur vesperi. Aries medius occidit: aquilo C.
H. 7 Non. F.
A. 8 VIII. F. Coronæ clara stella exoritur. C. Cæsari fulgens in Corona stella oritur. P.
B. 9 VII. F.
C. 10 VI. C. Vergiliæ exoriuntur vesperi; favonius et interdum africus cum pluvia. C.
D. 11 V. Meditr.
E. 12 IV. Aug. Np.
F. 13 III. Pont. Np. Hoc et sequenti die Corona tota mane exoritur, auster hibernus et nonnunquam pluvia. C. Vergiliæ vesperi oriuntur. P.
G. 14 Prid. En.
H. 15 Id. Np. Hoc die et sequenti biduo interdum tempestas, nonnunquam rorat C. Corona tota oritur. P.
A. 16 XVII. F.
B. 17 XVI. C.
C. 18 XV. C.
D. 19 XIV. Arm. Np. Sol in Scorpionem transitum facit. C.
E. 20 XIII. C. Hoc et sequenti die Solis exortu Vergiliæ incipiunt occidere, tempestatem significat. C.
F. 21 XII. C
G. 22 XI. C.
H. 23 X. C.
A. 24 IX. C.
B. 25 VIII. C.

C 26 VII. C. Nepæ frons exoritur, tempestatem significat. C.
D. 27 VI. C. Suculæ vesperi exoriuntur. P.
E 28 V. C. Vergiliæ occidunt, hiemat cum frigore et gelicidiis. C.
F 29 IV. C. Arcturus vesperi occidit, ventosus dies. C.
G 30 III. C. Hoc et sequenti die Cassiope incipit occidere, tempestatem significat. C.
A 31 Prid C. Cæsari Arcturus occidit, et Suculæ exoriuntur cum Sole. P.

NOVEMBER.

A 1 Nov. Kal. N. Hoc die et postero caput Tauri occidit, pluviam significat. P.
B. 2 IV. . . . . Arcturus occidit vesperi. P.
C 3 III. . . . . Fidicula mane exoritur, hiemat et pluit. C
D 4 Prid. . . . .
E. 5 Non. F.
F. 6 VIII. F. Ludi. Fidiculæ sidus totum exoritur, auster, vel favonius, hiemat. C.
G. 7 VII. C. Ludi.
H 8 VI. C. Ludi. Stella clara Scorpionis exoritur, significat tempestatem, hiemat. C.
A. 9 V. C. Ludi. Hiemis initium, auster aut eurus, interdum rorat. C. Gladius Orionis occidere incipit. P.
B 10 IV. C. Ludi.
C 11 III. C. Ludi. Vergiliæ occidunt. P.
D 12 Prid. C. Ludi.
E 13 Id. Np. Epul. Indict. Dies incertus, sæpius tamen placidus. C.
F 14 XVIII. F.
G 15 XVII. C. Ludi. Pleb. in Circ.
H 16 XVI. C. In Circ. Fidis exoritur mane, auster, interdum aquilo magnus. C.
A. 17 XV. C. In Circ. Aquilo, interdum auster cum pluvia. C.
B. 18 XIV. C. Merk. Sol in Sagittarium transitum facit. Suculæ mane oriuntur, tempestatem significat. C.
C. 19 XIII. C. Merk.
D. 20 XII. C. Merk. Tauri cornua vesperi occidunt, aquilo frigidus et pluvia. C.
E. 21 XI. C. Sucula mane occidit, hiemat. C.
F. 22 X. C. Lepus occidit mane, tempestatem significat. C.
G. 23 IX. C.
H. 24 VIII. C.
A. 25 VII. C. Canicula occidit Solis ortu, hiemat. C.
B. 26 VI. C.
C. 27 V. C.
D. 28 IV. C.
E. 29 III. C.
F. 30 Prid. C. Totæ suculæ occidunt, favonius aut auster, interdum pluvia. C.

DECEMBER.

G. 1 Dec. Kal. N. Dies incertus, sæpius tamen placidus.
H. 2 IV. . . . .
A 3 III. . . . .
B 4 Prid . . . .
C 5 Non. F.
D 6 VIII . . Sagittarius medius occidit, tempestatem significat. C.
E 7 VII C. Aquila mane oritur. Africus, interdum auster, irrorat. C.
F. 8 VI. C.
G 9 V. C.
H 10 IV. C.
A. 11 III. Agon. Np. Corus vel septentrio interdum auster cum pluvia C.
B. 12 Prid. En.
C. 13 Id. Np. Scorpio totus mane exoritur hiemat. C.
D. 14 XIX. F.
E. 15 XVIII. Cons. Np.
F. 16 XVII. C.
G. 17 XVI. Sat. Np. Feriæ Saturni. Sol in Capricornum transitum facit, brumale solstitium ut Hipparcho placet. C.
H. 18 XV. C. Ventorum commutatio. C
A. 19 XIV. Opal. Np.
B. 20 XIII. C.
C. 21 XII. Div. Np.
D. 22 XI. C.
E. 23 X. Lar. Np. Capra occidit mane, tempestatem significat. C.
F. 24 IX. C. Brumale solstitium, sicut Chaldæi observant, significat. C.
G. 25 VIII. C.
H. 26 VII. C.
A. 27 VI. C. Delphinus incipit oriri mane, tempestatem significat. C.
B. 28 V. C.
C. 29 IV. F. Aquila occidit, hiemat. C.
D. 30 III. F. Canicula occidit vesperi, tempestatem significat. C.
E. 31 Prid. C. Tempestas ventosa. C.

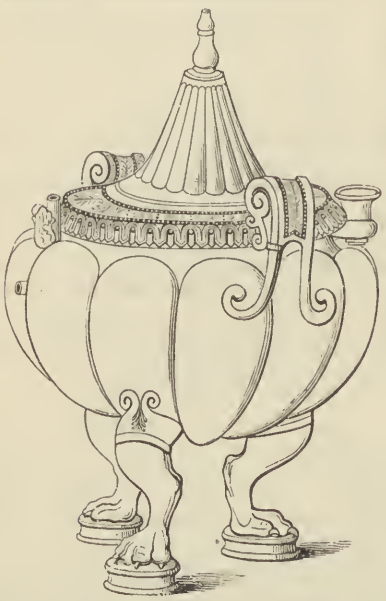
EXPLANATION OF ABBREVIATIONS.

A, B, C, D, E, F, G, H. These letters are found in all the old calendars, and no doubt were used for the purpose of fixing the *nundines* in the week of eight days; precisely in the same way in which the first seven letters are still employed in ecclesiastical calendars to mark the days of the Christian week.

Agon., *Agonalia.*—Arm., *Armilustrum*, Varro.—Apollin., *Apollinares.*—August., *Augustalia.*—C., *Comitialis, Comitiavit.*—Cæs., *Cæsaris.*—Capit., *Capitolio.*—Car., *Carmentalia.*—Car., *Carnæ.*—Cer., *Cerealia*, Varro.—Cir. and Circ., *Circenses, Circo.*—Comp., *Compitalia.*—Con., *Consualia*, Plutarch.—Div., *Divalia*, Festus.—Eid., *Eidus.*—En., *Endotercisus*, that is, *intercisus.*—Epul., *Epulum.*—Eq., *Equiria*, Varro, Ovid, Festus.—Equor. prob., *Equorum probandorum*, Valer. Max. (lib. 2.)—F., *Fastus.*—F. p., *Fastus primo.*—Fp., *Fas Prætori.*—Fer., *Feriæ.*—Fer. *or* Feral., *Feralia.*—Flor., *Floralia*, Ovid, Pliny.—Font., *Fontanalia*, Varro.—Ford., *Fordicidia*, Varro.—H. D., *Hoc Die.*—Hisp., *Hispaniam vicit.*—Id., *Idus.*—Indict., *Indictum.*—Kal., *Kalendæ.*—Lar., *Larentalia*, Varro, Ovid, Plutarch.—Lem., *Lemuria*, Varro, Ovid.—Lib., *Liberalia*, Varro.—Lud., *Ludi.*—Luper., *Lupercalia*, Varro.—Mart., *Marti*, Ovid.—Mat., *Matri Matutæ*, Ovid.—Max., *Maximum.*—Medit., *Meditrinalia*, Varro.—Merk., *Merkatus.*—Monet., *Monetæ.*—N., *Nefastus.*—N. F., *Nefas.*—Np., *Nefastus primo.*—Nept., *Neptunalia, Neptuno.*—Non., *Nonæ.*—Opal., *Opalia*, Varro.—Opic., *Opiconsiva*, Varro.—Par., *Parilia*, Varro, Ovid, Festus.—Pleb., *Plebeii, Plebis.*—Poplif., *Poplifugium.*—Port., *Portunalia.*—Pr., *Prætori.*—Prob., *Probandorum.*—Q., *Quando.*—Q. Rex c. F., *Quando rex comitiavit fas*, Varro, Festus.—Q. St. d., *Quando stercus defertur*, Varro, Ovid, Festus.—Quin., *Quinquatrus*, Varro.—Quir., *Quirinalia.*—Regif., *Regifugium*, or, according to Ovid, the 23d of February.—Rob., *Robigalia*, Varro.—Satur., *Saturnalia*, Macrobius.—St., *Stercus.*—Ter., *Terminalia.*—Tubil., *Tubilustrum*, Varro, Ovid, Festus.—Vest., *Vestæ.*—Vict., *Victoria.*—Vin., *Vinalia*, Varro.—Volc., *Volcanalia*, Varro.—Vol., *Volturnalia*, Varro.

CALIDA, or CALDA, the warm drink of the Greeks and Romans, which consisted of warm wa-

ter mixed with wine, with the addition, probably, of spices. This was a very favourite kind of drink with the ancients, and could always be procured at certain shops or taverns called *thermopolia*,[1] which Claudius commanded to be closed at one period of his reign.[2] The vessels in which the wine and water was kept hot appear to have been of a very elegant form, and not unlike our tea-urns both in appearance and construction. A representation of one of these vessels is given in the *Museo Borbonico*,[3] from which the following woodcut is taken. In the



middle of the vessel there is a small cylindrical furnace, in which the wood or charcoal was kept for heating the water; and at the bottom of this furnace there are four small holes for the ashes to fall through. On the right-hand side of the vessel there is a kind of cup, communicating with the part surrounding the furnace, by which the vessel might be filled without taking off the lid; and on the left-hand side there is, in about the middle, a tube with a cock for drawing off the liquid. Beneath the conical cover, and on a level with the rim of the vessel, there is a movable flat cover, with a hole in the middle, which closes the whole urn except the mouth of the small furnace.

Though there can be no doubt that this vessel was used for the purpose which has been mentioned, it is difficult to determine its Latin name; but it was probably called *authepsa*. (*Vid.* Authepsa.) Pollux[4] mentions several names which were applied to the vessels used for heating water, of which the ὑπολέβης, which also occurs in Lucian,[5] appears to answer best to the vessel which has been described above.[6]

*CALIDRIS (*καλίδρις*), the name of a bird mentioned by Aristotle. Belon conjectures that it was a bird called *Chevalier* by the French. The term *Calidris* is now applied to the Red-shank.

CA'LIGA, a strong and heavy sandal worn by the Roman soldiers.

Although the use of this species of calceamentum extended to the centurions, it was not worn by the superior officers. Hence the common soldiers, including centurions, were distinguished by the name of *caligati*.[1] Service in the ranks was also designated after this article of attire. Thus Marius was said to have risen to the consulship *a caliga*, i. e., from the ranks,[2] and Ventidius *juventam inopem in caliga militari tolerasse*.[3] The Emperor Caligula received that cognomen when a boy, in consequence of wearing the caliga, and being inured to the life of a common soldier.[4] Juvenal expressed his determination to combat against vice as a soldier, by saying he would go in *caligæ* (*veniam caligatus*[5])

The triumphal monuments of Rome show most distinctly the difference between the caliga of the common soldier (*vid.* Arma, p. 95) and the calceus worn by men of higher rank. (*Vid.* Abolla, p. 11; Ara, p. 78.)

The sole of the caliga was thickly studded with hob-nails (*clavi caligarii*[6]); a circumstance which occasioned the death of a brave centurion at the taking of Jerusalem. In the midst of victory his foot slipped, as he was running over the marble pavement (*λιθόστρωτον*) of the temple, and, unable to rise, he was overpowered by the Jews who rushed upon him.[7] The use of hob-nails (*εἰς τὰ ὑποδήματα ἥλους ἐγκροῦσαι*) was regarded as a sign of rusticity by the Athenians.[8]

The "caliga speculatoria,"[9] made for the use of spies (*speculatores*), was probably very strong, thick, and heavy, and hence very troublesome (*molestissima*[10]).

The making and sale of caligæ, as well as of every other kind of shoe, was a distinct trade, the person engaged in it being called "*caligarius*," or "*sutor caligarius*."[11] After the decline of the Roman Empire, the caliga, no longer worn by soldiers was assumed by monks and ascetics.

*CALLIO'NYMUS (*καλλιώνυμος*), a species of fish, so called by Aristotle.[12] Ælian[13] gives the name as *καλλυώνυμος*; Athenæus,[14] *οὐρανοσκόπος*, with which Galen agrees; Oppian,[15] *ἡμεροκοίτης*; and Pliny,[16] *Uranoscopus*. It is the Star-gazer, the *Uranoscopus scaber*, L., called in French *Rat*, and in Italian *Boca in Capo*, according to Rondelet and Schneider.[17] The eyes of this fish are placed in the upper part of its head.

CALLISTEIA (*καλλιστεῖα*), a festival, or, perhaps, merely a part of one, held by the women of Lesbos, at which they assembled in the sanctuary of Hera, and the fairest received the prize of beauty.[18]

A similar contest of beauty, instituted by Cypselus, formed a part of a festival celebrated by the Parrhasians in Arcadia, in honour of the Eleusinian Demeter. The women taking part in it were called *Χρυσοφόροι*.[19]

A third contest of the same kind, in which, however, men only partook, is mentioned by Athenæus[20] as occurring among the Eleans. The fairest man received as a prize a suit of armour, which he dedicated to Athena, and was adorned by his friends with ribands and a myrtle wreath, and accompanied to the temple. From the words of Athenæus,[21] who, in speaking of these contests of beauty, mentions Tenedos along with Lesbos, we must infer that in the former island also Callisteia were celebrated.

CALO'NES were the slaves or servants of the Roman soldiers, so called from carrying wood (*κᾶλα*)

1. (Plaut., Cur., II., iii., 13.—Trin., IV. iii., 6.—Rud., II., vi., 48.)—2. (Dion, lx., 6.)—3. (vol. iii., pl. 63.)—4. (x., 66.)—5. (Lexiph., 8.)—6. (Böttiger, Sabina, ii., p. 34.—Becker, Gallus, v., p. 175.)

1. (Suet., Octav., 25.—Vitell., 7.)—2. (Sen., De Benef., v. 16.)—3. (Plin., H. N., vii., 44.)—4. (Tacit., Ann., 1.—Suet. Calig., 9.)—5. (Sat., iii., 306.)—6. (Plin., H. N., xxxiv., 41 ix., 18.—Juv., Sat., iii., 232; xvi., 25.)—7. (Joseph., Bell. Jud., vi., 1, p. 1266, ed. Hudson.)—8. (Theophr., Char., 4.)—9. (Suet. Calig., 52.)—10. (Tertull., De Corona, p. 100, ed. Rigalt.)—11. (Spon., Misc. Erud. Ant., p. 220.)—12. (H. A., ii., 15; viii., 13.)—13. (N. A., xiii., 4.)—14. (viii., p. 356.)—15. (Halieut., ii., 200, seqq.)—16. (H. N., xxxii., 7.)—17. (Schneider, Excurs., ii., ad Ælian, N. A., p. 573, seqq.—Adams, Append., s. v.)—18. (Schol. ad Il., x., 140.—Suidas, s. v.—Anthol. Gr. vi., No. 292.—Athen., xii., p. 610.)—19. (Athen., xiii., p. 609 –20. (l. c.—Compare Etymol. Mag., s. v.)—21. (xiii., p. 610.)

for their use. Thus says Festus "*Calones militum servi, quia ligneas clavas gerebant, quæ Græci κᾶλα vocabant.*" So, also, Servius:[1] "*Calas dicebant majores nostri fustes, quos portabant servi sequentes dominos ad prælia*" From the same word κᾶλον comes καλόποους, a shoemaker's last.[2] These calones are generally supposed to have been slaves, and almost formed a part of the army, as we may learn from many passages in Cæsar: in fact, we are told by Josephus that, from living always with the soldiers, and being present at their exercises, they were inferior to them alone in skill and valour. The word calo, however, was not confined to this signification, but was also applied to farm-servants, instances of which usage are found in Horace.[3]

In Cæsar this term is generally found by itself; in Tacitus it is coupled and made almost identical with lixa. Still the calones and lixæ were not the same: the latter, in fact, were freemen, who merely followed the camp for the purposes of gain and merchandise, and were so far from being indispensable to an army that they were sometimes forbidden to follow it (*ne lixæ sequerentur exercitum*[4]). Thus, again, we read of the "*lixæ mercatoresque, qui plaustris merces portabant,*"[5] words which plainly show that the lixæ were traders and dealers. Livy also[6] speaks of them as carrying on business. The term itself is supposed to be connected with lixa, an old word signifying water, inasmuch as the lixæ supplied this article to the soldiers: since, however, they probably furnished ready-cooked provisions to the soldiers, it seems not unlikely that *their* appellation may have some allusion to this circumstance.[7]

CALʹOPUS, CALOPODʹIUM. (*Vid.* FORMA.)

CALUʹMNIA. *Calumniari* is defined by Marcian,[8] "*Falsa crimina intendere;*" a definition which, as there given, was only intended to apply to criminal matters. The definition of Paulus[9] applies to matters both criminal and civil: "*Calumniosus est qui sciens prudensque per fraudem negotium alicui comparat.*" Cicero[10] speaks of "calumnia," and of the "*nimis callida et malitiosa juris interpretatio,*" as things related. Gaius says, "*Calumnia in adfectu est, sicut furti crimen;*" the criminality was to be determined by the intention.

When an accuser failed in his proof, and the *reus* was acquitted, there might be an inquiry into the conduct and motives of the accuser. If the person who made this judicial inquiry (*qui cognovit*) found that the accuser had merely acted from error of judgment, he acquitted him in the form *non probasti;* if he convicted him of evil intention, he declared his sentence in the words *calumniatus es,* which sentence was followed by the legal punishment.

According to Marcian, as above quoted, the punishment for calumnia was fixed by the lex Remmia, or, as it is sometimes, perhaps incorrectly, named, the lex Memmia.[11] But it is not known when this lex was passed, nor what were its penalties. It appears from Cicero[12] that the false accuser might be branded on the forehead with the letter K, the initial of Kalumnia; and it has been conjectured, though it is a mere conjecture, that this punishment was inflicted by the lex Remmia.

The punishment for calumnia was also exsilium, relegatio in insulam, or loss of rank (*ordinis amissio*); but probably only in criminal cases, or in matters relating to status.[13]

1. (Ad Æn., vi., l.)—2. (Plato, Symp.)—3. (Epist., I., xiv., 42.—Sat., I., vi., 103.)—4. (Sall., Bell. Jug., c. 45.)—5. (Hirtius, De Bell. Afric., c. 75.)—6. (v., 8.)—7. (*Vid.* Sall., l. c.)—8. (Dig. 48, tit. 16, s. 1.)—9. (Sentent. Recept., i., tit. 5.)—10. (De Off., i., 10.)—11. (Val. Max., iii., 7, 9.)—12. (Pro Sext.—Rosc. Amerino, c. 20.)—13. (Paulus, Sentent. Recept., v., 1, 5 v., 4, 11.)

In the case of actiones, the calumnia of the actor was checked by the calumniæ judicium, the judicium contrarium, the jusjurandum calumniæ, and the restipulatio, which are particularly described by Gaius.[1] The defendant might in all cases avail himself of the calumniæ judicium, by which the plaintiff, if he was found to be guilty of calumnia, was mulcted to the defendant in the tenth part of the value of the object-matter of the suit. But the actor was not mulcted in this action, unless it was shown that he brought his suit without foundation, knowingly and designedly. In the contrarium judicium, of which the defendant could only avail himself in certain cases, the rectitude of the plaintiff's purpose did not save him from the penalty. Instead of adopting either of these modes of proceeding, the defendant might require the plaintiff to take the oath of calumnia, which was to the effect, "*Se non calumniæ causa agere.*" In some cases the defendant also was required by the prætor to swear that he did not dispute the plaintiff's claim, *calumniæ causa.* Generally speaking, if the plaintiff put the defendant to his oath (*jusjurandum ei deferebat*), the defendant might put the plaintiff to his oath of calumny.[2] In some actions, the oath of calumny on the part of the plaintiff was a necessary preliminary to the action. In all judicia publica, it seems that the oath of calumnia was required from the accuser.

If the restipulationis pœna was required from the actor, the defendant could not have the benefit of the calumniæ judicium, or of the oath of calumny; and the judicium contrarium was not applicable to such cases.

Persons who for money either did or neglected to do certain things, calumniæ causa, were liable to certain actions.[3]

CAʹMARA (καμάρα) or CAMERA is used in two different senses:

I. It signifies a particular kind of arched ceiling in use among the Romans,[4] and, most probably, common also to the Greeks, to whose language the word belongs. It was formed by semicircular bands or beams of wood, arranged at small lateral distances, over which a coating of lath and plaster was spread, and the whole covered in by a roof, resembling in construction the hooped awnings in use among us,[5] or like the segment of a cart-wheel, from which the expression *rotatio camararum* is derived.[6] Subsequently to the age of Augustus, it became the fashion to line the *camaræ* with plates of glass; hence they are termed *vitreæ.*[7]

II. Small boats used in early times by the people who inhabited the shores of the Palus Mæotis, capable of containing from twenty-five to thirty men, were termed καμάραι by the Greeks.[8] They were made to work fore and aft, like the fast-sailing proas of the Indian seas, and continued in use until the age of Tacitus, by whom they are still named *camaræ,*[9] and by whom their construction and uses are described.[10]

*CAMELOPARDʹALIS (καμηλοπάρδαλις), the Camelopard or Giraffe, the *Giraffa Camelopardalis,* L. "The name Giraffa," observes Lt. Col. Smith, "is derived from the Arabic *Zuraphahta,* which is itself corrupted from *Amharir Zirataka;* and the Romans, who had seen this animal several times exhibited from the period when Julius Cæsar first displayed one to the people, described it under the name of Camelopardalis, on account of its similarity to the Camel in form, and to the Panther or

1. (iv., 174–181.)—2. (Dig. 12, tit. 2, s. 37.)—3. (Dig. 3, tit. 6.)—4. (Cic., ad Quint. Fratr., iii., 1, § 1.—Propert., III., ii., 10.—Plin., H. N., xxxvi., 64.)—5. (Vitruv., vii., 3.)—6. (Salmas. in Spart., Hadr., c. 10.)—7. (Plin., l. c.—Compare Statius, Sylv., I., iii., 53.)—8. (Strabo, xi., p. 388, ed. Siebenkees.)—9. (Hist. iii., 47.)—10. (Compare Gell. x., 25

Pardalis in spots. This beautiful animal is noticed by Oppian,[1] Diodorus Siculus,[2] Horace,[3] Strabo,[4] and Pliny;[5] but the first satisfactory description is found in the *Æthiopica* of Heliodorus.[6] Schneider follows Pallas in referring the *πάρδιον* of Aristotle[7] to this same animal. Modern naturalists have known the Giraffe only since Mr. Patterson, Col. Gordon, and M. le Vaillion found it in South Africa; but as the Romans were acquainted with the animal, it must have existed to the north of the equinoctial line. It would appear, moreover, that a variety or second species is found in Central Africa; for Park, in describing his escape from captivity among the Moors, noticed an animal of a gray colour, which he refers to the Camelopardalis. Lt. Col Smith considers this animal as the wild Camel of the mountains, the existence of which has been attested by several negroes brought from the interior, and in the Prænestine Mosaics, where two spotted Camelopardales are seen together; a larger animal is likewise represented, with short horns, but without spots, and the name TABOUC written over. In a drawing of the same mosaic, the word appears to be partly effaced, but to have been PAΦOUC. It is remarkable, that while the spotted figures are without a name, the animal in question, occupying that part of the picture which designates the Cataracts of the Nile, should be called by the Ethiopian appellation of the Camelopard, which, according to Pliny, was *Nabis*, resembling the Hottentot *Naip;* or, by the second reading, be like the Arabic, or one of its dialects.—The absence of the Giraffe from Europe for three centuries and a half naturally induced a belief that the descriptions of this animal were fabulous, or nearly so, and that a creature of such extraordinary height and apparent disproportions was not to be found among the actual works of nature. This skepticism was first shaken by Le Vaillant, the traveller, and is now completely removed."[8]

*CAME'LUS (*κάμηλος*), the Camel. As Buffon remarks, Aristotle has correctly described the two species of Camel, which he calls the Bactrian and the Arabian, the former being the *Camelus Bactrianus*, L., or the Camel with two hunches, one on the shoulders, and the other on the croup; and the latter, the *Camelus Dromedarius*, L., or the species with only one hunch, and of which the Dromedary, properly so called, is a breed. The Dromedary of the Greeks is the Mahairy, and is the most celebrated for speed. "The name by which these animals are generally known in Europe is evidently derived from an Eastern root, namely, *Djemel* of the Arabs, *Gamal* or *Gimal* of the Hebrews, and points out the quarter where they have been domesticated from a period anterior to all historical documents. Although the Greek and Roman writers take universally as little notice of the Camel as an inhabitant of Northwestern Africa or Egypt, as they speak repeatedly of him in Syria, Arabia, and the rest of Western Asia, we may easily infer, from a consideration of the peculiar structure of this animal, that the predestined habitation of the genus was on the sandy deserts of the Zahara, as well as the plains of Arabia, Persia, the Indies, and Southern Tartary. The silence of profane writers, however, is compensated by the Sacred Writings. In Genesis, the King of Egypt is mentioned as having bestowed Camels upon Abram; consequently, their presence in the valley of the Nile is established before the era of the earliest Greek or Roman writers. And yet it is a singular fact, that the Camel is not represented in the hieroglyphics, either in domestic scenes or in subjects relating to religion. In all obvious cases, the intelligence of man may be considered as acting in unison with the intentions of Nature; now, as this sagacity to appreciate his own interests had already, in the earliest ages, carried the Camel over India, China, and Middle Russia, it is certainly rather surprising that the Romans, in their frequent wars in Northern Africa, should not have found them of sufficient importance to be mentioned, till Procopius first notices camel-riding Moors in arms against Solomon, the lieutenant of Belisarius: from that period, and most particularly during the progress of the sword of the Koran to Morocco, the Camel is the most striking, and considered the most useful animal in the country. It is probable that this animal increased in proportion as agriculture diminished; at least the two facts are coeval. With the Koran, also, the Camel first crossed the Bosporus, and spread with the Turks over their present dominions in Europe."[1]

*CAMM'ARUS (*κάμμαρος* or *-ις*), a variety of the *Caris*, or *Squilla*, acording to Athenæus. It is the common Lobster, the *Cammarus* of Pliny, and the *Cancer Cammarus* of Linnæus. Aristotle, in the second chapter of the fourth book of his "History of Animals," gives a most faithful and elaborate account of the species, which is still an inhabitant of the Mediterranean.[2]

CAMI'NUS. (*Vid.* House.)

CAMPESTRE (sc. *subligar*) was a kind of girdle or apron, which the Roman youths wore round their loins when they exercised naked in the Campus Martius.[3] The campestre was sometimes worn in warm weather in place of the tunic under the toga (*campestri sub toga cinctus*[4]).

CAMPIDOCTO'RES were persons who taught soldiers their exercises.[5] In the times of the Republic, this duty was discharged by a centurion, or a veteran soldier of merit and distinction (*Exercitationibus nostris non veteranorum aliquis, cui decus, muralis aut civica, sed Græculus magister assistit*[6])

CAMPUS MARTIUS. The term *campus* belongs to the language of Sicily, in which it signified a hippodrome or race-course (*καμπός, ἱππόδρομος Σικελοῖς*[7]); but among the Romans it was used to signify an open plain, covered with herbage, and set apart for the purpose of exercise or amusement. Eight of these plains are enumerated by P. Victor as appertaining to the city of Rome; among which the most celebrated was the Campus Martius, so called because it was consecrated to the god Mars.[8] Some difference exists between Livy and Dionysius Halicarnassus respecting the period at which this consecration took place. The former states[9] that, upon the expulsion of the Tarquins, the people took possession of their property (*ager Tarquiniorum*), situate between the city and the Tiber, and assigned it to the god of war, by whose name it was *subsequently* distinguished; whereas the latter says[10] that the *ager Tarquiniorum* had been usurped from that divinity, to whom it belonged of old, and appropriated by the Tarquins, so that it was only *restored* to its original service upon their expulsion, which gains confirmation from a law of Numa, quoted by Festus,[11] "*Secunda spolia in Martis aram in campo Solitaurilia utra volucrit cædito.*"[12]

From the greater extent and importance of this plain beyond all the others, it was often spoken of as *the* plain, *κατ' ἐξοχήν*, without any epithet to dis-

1. (Cyneg., iii.)—2. (ii., 51.)—3. (Epist., II., i., 195.)—4. (xvii., p. 774, 826, ed. Cas.)—5. (H. N., viii., 27.—Compare Geopon., xvi., 22.)—6. (x., 27.)—7. (H. A., ii., 2.)—8. (Griffith's Cuvier vol. iv., p 151 seqq.—Smith's Supplement.)

1. (Griffith's Cuvier, vol. iv., p. 37.—Smith's Supplement.)—2. (Adams, Append., s. v.)—3. (Augustin., De Civ. Dei., xiv., 17.)—4. (Ascon., ad Cic., pro Scauro, p. 30, ed. Orelli.—Hor., Epist., I., xi., 18.)—5. (Veget., i., 13.)—6. (Plin., Paneg., 13.)—7. (Hesych.)—8. (Liv., ii., 5.)—9. (l. c.)—10 (v., p. 276, ed 1704.)—11. (s. v. Opima.)—12. (Compare Liv., , 44.)

anguish it, as in the passage of Festus just cited ;[1] and, therefore, whenever the word is so used, it is the Campus Martius which is to be understood as always referred to.

The general designation Campus Martius comprised two plains, which, though generally spoken of collectively, are sometimes distinguished.[2] The former of these was the so-called ager Tarquinius, to which Juvenal[3] refers, *inde Superbi Totum regis agrum ;* the other was given to the Roman people by the vestal virgin Caia Taratia or Suffetia,[4] and is sometimes called *Campus Tiberinus*,[5] and sometimes *Campus Minor*.[6]

It is difficult to determine the precise limits of the Campus Martius, but in general terms it may be described as situated between the *Via Lata* and *Via Flaminia* on the north, the *Via Recta* on the south ; as bounded by the Tiber on the west, and the Pantheon and gardens of Agrippa towards the east ; and the *Campus Minor*, or *Tiberinus*, occupied the lower portion of the circuit towards the *Via Recta*, from the Pons Ælius to the Pons Janiculensis. (*Vid.* BRIDGE.)[7]

That the Campus Martius was originally *without* the city is apparent, first, from the passages of Livy and Dionysius above referred to ; secondly, from the custom of holding the Comitia Centuriata there, which could not be held within the *Pomœrium ;* hence the word *campus* is put for the comitia,[8] which also explains the expression of Cicero,[9] *fors domina campi*, and of Lucan,[10] *venalis campus*, which means "a corrupt voter ;" thirdly, because the generals who demanded a triumph, not being allowed to enter the city, remained with their armies in the Campus Martius ; and, finally, because it was not lawful to bury within the city, whereas the monuments of the illustrious dead were among the most striking ornaments with which it was embellished.[11] (*Vid.* BUSTUM.) But it was included in the city by Aurelian when he enlarged the walls.[12]

The principal edifices which adorned this famous plain are described by Strabo,[13] and are amply treated of by Nardini.[14] It was covered with perpetual verdure,[15] and was a favourite resort for air, exercise, or recreation, when the labours of the day were over.[16] Its ample area was crowded by the young, who there initiated themselves in all warlike and athletic exercises, and in the games usual to the palæstra ; for which purpose the contiguous Tiber rendered it peculiarly appropriate in early times, before public baths were established.[17] Hence *campus* is used as "a field" for any exercise, mental or bodily.[18] Wooden horses were also kept in the Campus Martius, under porticoes in winter, and in the open plain during summer, in order to give expertness in mounting and dismounting ; a necessary practice when stirrups were not in use.[19] Horse-races (*equiria*) also took place here, unless when the campus was overflowed, upon which occasions they were removed to the Campus Martialis on the Cælian.[20]

CAMPUS SCELERA'TUS was a spot within the walls, and close by the Porta Collina, where those of the vestal virgins who had transgressed their vows were entombed alive, from which circumstance it takes its name.[1] As it was unlawful to bury within the city, or to slay a vestal, whose person, even when polluted by the crime alluded to, was held sacred, this expedient was resorted to in order to elude the superstition against taking away a consecrated life, or giving burial within the city.[2]

CAN'ABOS or CINN'ABOS (*κάναβος* or *κίνναβος*) was a figure of wood, in the form of a skeleton, round which the clay or plaster was laid in forming models. Figures of a similar kind, formed to display the muscles and veins, were studied by painters in order to acquire some knowledge of anatomy.[3]

CANA'LIS, which means properly a pipe or gutter for conveying water, is also used in three specific significations :

I. To designate a particular part of the Forum Romanum.[4]

"*In foro infimo boni homines atque dites ambulant ; In medio* propter canalem, *ibi ostentatores meri.*"

The immediate spot so designated is not precisely known ; but we can make an approximation which cannot be far from the truth. Before the *Cloacæ* were made, there was a marshy spot in the Forum called the Lacus Curtius ;[5] and as the Cloaca Maxima was constructed for the purpose of draining off the waters which flowed down from the Palatine Hill into the Forum, it must have had a mouth in it, which was probably near the centre. The "kennel," therefore, which conducted the waters to this embouchure, was termed *Canalis in Foro ;* and because the idle and indigent among the lower classes were in the habit of frequenting this spot, they were named CANALICOLÆ.[6] The canalis appears to have had gratings (*cancelli*) before it, to which Cicero[7] refers when he says, that after the tribune P. Sextus had arrived at the Columna Menia, "*tantus est ex omnibus spectaculis usque a Capitolio, tantus ex fori cancellis plausus excitatus ;*" by which he means all classes, both high and low : the upper, who sat between the Columna Menia and the Capitol ; and the lower, who were stationed near the *cancelli* of the canalis. In the modern city of Rome, the foul waters empty themselves into the sewers through an archway nearly six feet high, the mouth of which is closed by an iron grating called *cancello*, so that the passer-by is annoyed by the effluvia exhaling from them ; which, we learn from a passage in Tertullian,[8] was also the case in the ancient city.

II. CANALIS is used by Vitruvius[9] to signify the channel which lies between the volutes of an Ionic capital, above the cymatium or echinus, which may be understood by referring to the representation of an Ionic capital given in the article ASTRAGALUS.

III. In reference to aquæducts, CANALIS is used by Frontinus[10] for a conduit of water running parallel to the main course (*specus*), though detached from it. Accurately speaking, it therefore means a pipe of lead or clay,[11] or of wood,[12] attached to the aquæduct, which brought a stream of water from the same source, but for some specific use, and not for general distribution ; though the word is sometimes used for a watercourse of any kind.

CAN'ATHRON (*κάναθρον*), a carriage, the upper part of which was made of basket-work, or, more properly, the basket itself, which was fixed in the carriage.[13] Homer calls this kind of basket *πείσινος*.[14]

1. (Propert., ii., 16, 34.—Ovid, Fast., vi., 237.—Liv., xl., 45.—Lucan, i., 180.—Hor., Carm., III., i., 10.—Cic., Cat., i., 5.—De Off., i., 29.)—2. (Strabo, v., 8.)—3. (Sat., vi., 525.)—4. (Aul. Gell., vi., 7 —Plin., H. N., xxxiv., 11.)—5. (Gell. et Plin., ll. cc.)—6. (Catull., Iv , 3.)—7. (Nardini, Rom. Ant., vi., 5.—Donat., De Urbe Rom , i., 8.)—8. (Cic., De Orat., iii., 42.)—9. (in Pis , 2.)—10. (l. c.)—11. (Strabo, l. c.—Plut., Pomp., p. 647, D.—Appian, Bell. Civ., i., p. 418.—Suet., Aug., c. 100.—Claud., c. 1.)—12. (Nardini, Rom. Ant., i., 8.)—13. (v., 8.)—14. (Rom. Ant., vi., 5–9.)—15. (Hor., Carm., III., vii., 25.)—16. (Hor., Epist., I., vii., 59.)—17. (Strabo, l. c.—Veget., i., 10.)—18. (Cic., De Off., i., 18.—Acad., ii., 35.—Pro Muræn., 8)—19. (Veget . i., 23)—20. (Festus, s. v)

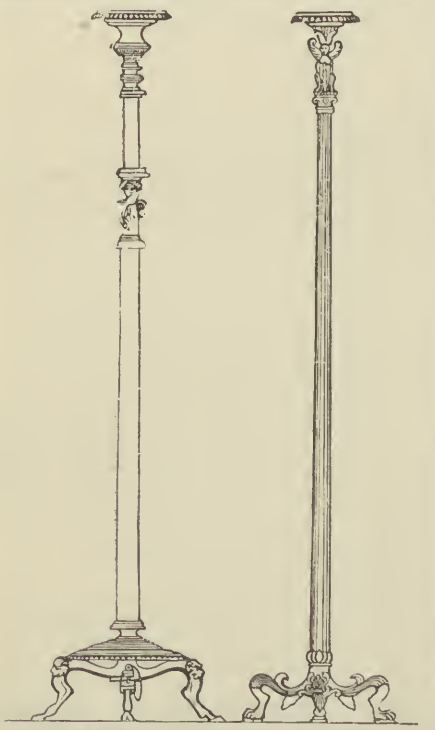
1. (Liv., viii., 15.)—2. (Compare Festus, s. v. Frobrum.)—3 (Aristot., H. A., iii., 5.—Id., De Gen. An., ii., 6.—Pollux, Onom., vii., 164 ; x., 189.—Suid. et Hesych., s. v.—Müller, Archæol. der Kunst, § 305, n. 7.)—4. (Plaut., Curcul., IV., i., 14.)—5. (Varro, De Ling. Lat., v., 149, ed. Müller.)—6. (Festus, s. v —Compare Aul. Gel., iv., 20.)—7. (Pro Sext., 58.)—8. (De Pall., c. 5, —9. (iii., 3, p. 97, ed. Bipont.)—10. (c. 67.)—11. (Vitruv., viii 7.)—12. (Palladio, ix., 11.)—13. (Xen., Ages., viii., 7.—Plut., Ages., c. 19.)—14. (Il., xxiv., 190, 267.—Eustath., ad loc.—Compare Sturz, Lex. Xenoph , s. v. *κάναθρον*.—Scheffer, De Re Vehic., p. 68)

CANCER, the Crab. (*Vid.* CARCINUS.)

CANDE'LA, a candle, made either of wax (*cerea*) or tallow (*sebacea*), was used universally by the Romans before the invention of oil lamps (*lucernæ*).[1] They used for a wick the pith of a kind of rush called *scirpus*.[2] In later times candelæ were only used by the poorer classes; the houses of the more wealthy were always lighted by lucernæ.[3]

CANDELA'BRUM was originally used as a candlestick, but was afterward used to support lamps (λυχνοῦχος), in which signification it most commonly occurs. The candelabra of this kind were usually made to stand upon the ground, and were of a considerable height. The most common kind were made of wood;[4] but those which have been found in Herculaneum and Pompeii are mostly of bronze. Sometimes they were made of the more precious metals, and even of jewels, as was the one which Antiochus intended to dedicate to Jupiter Capitolinus.[5] In the temples of the gods and palaces there were frequently large candelabra made of marble, and fastened to the ground.[6]

There is a great resemblance in the general plan and appearance of most of the candelabra which have been found. They usually consist of three parts: 1. the foot (βάσις); 2. the shaft or stem (καυλός); 3. the plinth or tray (δισκός), large enough for a lamp to stand on, or with a socket to receive a wax candle. The foot usually consists of three lions' or griffins' feet, ornamented with leaves; and the shaft, which is either plain or fluted, generally ends in a kind of capital, on which the tray rests for supporting the lamp. Sometimes we find a figure between the capital and the tray, as is seen in the candelabrum on the right hand in the annexed woodcut, which is taken from the *Museo Borbonico*,[7] and represents a candelabrum found in Pompeii. The



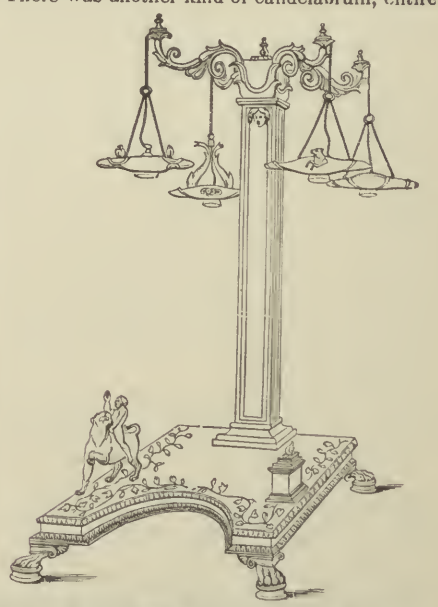
one on the left hand is also a representation of a candelabrum found in the same city,[1] and is made with a sliding shaft, by which the light might be raised or lowered at pleasure.

The best candelabra were made at Ægina and Tarentum.[2]

There are also candelabra of various other forms, though those which have been given above are by far the most common. They sometimes consist of a figure supporting a lamp,[3] or of a figure, by the side of which the shaft is placed with two branches, each of which terminates in a flat disc, upon which

a lamp was placed. A candelabrum of the latter kind is given in the preceding woodcut.[4] The stem is formed of a liliaceous plant; and at the base is a mass of bronze, on which a Silenus is seated, engaged in trying to pour wine from a skin which he holds in his left hand, into a cup in his right.

There was another kind of candelabrum, entirely



different from those which have been described, which did not stand upon the ground, but was pla

1. (Varro, De Ling. Lat., v., 34.—Martial, xiv., 43.—Athen., xv., p. 700.)—2. (Plin., H. N., xvi., 70.)—3. (Juv., Sat., iii., 287.)—4. (Cic., ad Quint. Fratr., iii., 7.—Martial, xiv., 44.—Petron., c. 95.—Athen., xv., p. 700.)—5. (Cic., Verr., iv., 28.)—6. (Museo, Pio-Clem., iv., 1, 5; v., 1, 9.)—7. (iv., pl. 57.)

1. (Mus. Borb., vi., pl. 61.)—2. (Plin., H. N., xxxiv., 6.)—3. (Mus. Borb., vii., pl. 15.)—4. (Mus. Borb., iv., pl. 59.)

ced upon the table. These candelabra usually consist of pillars, from the capitals of which several lamps hang down, or of trees, from whose branches lamps also are suspended. The preceding woodcut represents a very elegant candelabrum of this kind, found in Pompeii.[1]

The original, including the stand, is three feet high. The pillar is not placed in the centre, but at one end of the plinth, which is the case in almost every candelabrum of this description yet found. The plinth is inlaid in imitation of a vine, the leaves of which are of silver, the stem and fruit of bright bronze. On one side is an altar with wood and fire upon it, and on the other a Bacchus riding on a tiger.

CANDYS (*κάνδυς*), a gown worn by the Medes and Persians over their trousers and other garments.[2] It had wide sleeves, and was made of woollen cloth, which was either purple or of some other splendid colour. In the Persepolitan sculptures, nearly all the principal personages are clothed in it. The three here shown are taken from Sir R. K. Porter's Travels.[3]

We observe that the persons represented in these sculptures commonly put their hands through the sleeves (*διειρκότες τὰς χεῖρας διὰ τῶν κανδύων*), but sometimes keep them out of the sleeves (*ἔξω τῶν χειρίδων*); a distinction noticed by Xenophon.[4] The Persian candys, which Strabo[5] describes as a "flowered tunic with sleeves," corresponded to the woollen tunic worn by the Babylonians over their linen shirt (*εἰρίνεον κιθῶνα ἐπενδύνει*;[6] *ἐπενδύτης ἐρεοῦς*[7]). A gown of the same kind is still worn by the Arabians, Turks, and other Orientals, and by both sexes.

CANE'PHOROS (*κανηφόρος*). When a sacrifice was to be offered, the round cake (*τροχία φθοΐς*;[8] *πόπανον*,[9] *ὀλή, mola salsa*), the chaplet of flowers, the knife used to slay the victim, and sometimes the frankincense, were deposited in a flat circular basket (*κάνεον, canistrum*), and this was frequently carried by a virgin on her head to the altar. The practice was observed more especially at Athens. When a private man sacrificed, either his daughter or some unmarried female of his family officiated as his canephoros;[10] but in the Panathenaia, the Dionysia, and other public festivals, two virgins of the first Athenian families were appointed for the purpose. Their function is described by Ovid in the following lines:

> "*Illa forte die castæ de more puellæ*
> *Vertice supposito festas in Palladis arces*
> *Pura coronatis portabant sacra canistris.*"[11]

That the office was accounted highly honourable appears from the fact that the resentment of Harmodius, which instigated him to kill Hipparchus, arose from the insult offered by the latter in forbidding the sister of Harmodius to walk as canephoros in the Panathenaic procession.[1] An antefixa in the British Museum (see woodcut) represents the two canephoræ approaching a candelabrum. Each of them elevates one arm to support the basket, while

she slightly raises her tunic with the other. This attitude was much admired by ancient artists. Pliny[2] mentions a marble canephoros by Scopas, and Cicero[3] describes a pair in bronze, which were the exquisite work of Polycletus. (*Vid.* CARYATIS.)

*CAN'CAMUM (*κάνκαμον*), a substance mentioned by Dioscorides,[4] and which Paul of Ægina[5] describes as the gum of an Arabian tree, resembling myrrh, and used in perfumes. Avicenna calls it a gum of a horrid taste. Alston remarks that "some have taken *Lacea* to be the *Cancamum Dioscoridis*; but *it* seems to have been unknown to the ancient Greeks." Upon the whole, Sprengel inclines to the supposition that it may have been a species of the *Amyris Kataf.*[6]

CANIC'OLÆ. (*Vid.* CANALIS.)

*CANIC'ULA. (*Vid.* SIRIUS.)

*CANIS (*κύων*), the Dog. "The parent-stock of this faithful friend of man must always remain uncertain. Some zoologists are of opinion that the breed is derived from the wolf; others, that it is a familiarized jackal: all agree that no trace of it is to be found in a primitive state of nature. That there were dogs, or, rather, animals of the canine form, in Europe long ago, we have evidence from their remains; and that there are wild dogs we also know. India, for example, affords many of them, living in a state of complete independence, and without any indication of a wish to approach the dwellings of man. These dogs, however, though they have been accurately noticed by competent observers, do not throw much light upon the question. The most probable opinion is that advanced by Bell, in his 'History of British Quadrupeds.' This author thus sums up: 'Upon the whole, the argument in favour of the view which I have taken, that the wolf is probably the original of all the canine races, may be stated as follows. the structure of the animal is identical, or so nearly so as to afford the strongest *à priori* evidence in its favour. The Dog must have been derived from an animal susceptible of the highest degree of domestication, and capable of great affection for mankind; which has been abundantly proved of the wolf. Dogs having returned to a wild state, and continued in that condition through many generations, exhibit characters which approximate more and more to those of the wolf, in proportion as the influence of domestication ceases to act. The two animals, moreover, will breed together, and produce fertile young; and the period of gestation is the same. The period at which the domestication of the Dog first took place is wholly lost in the mist of antiquity. The earliest mention of it in the

1. (Mus. Borb., ii., pl. 13.)—2. (Xen., Cyr., i., 3, § 2.—Anab., i., 5, § 8.—Diod. Sic., xvii., 77.)—3. (vol. i., pl. 49.)—4. (Cyrop., viii., 3, § 10, 13.)—5. (xv., 3, 19.)—6. (Herod., i., 195.)—7. (Strabo, xvi., 1, 20.)—8. (Addæi Epigr., Brunck, ii., 241.)—9. (Ælian, V. H., xi., 5.)—10. (Aristoph., Acharn., 241-252.)—11. (Met., iii., 713-715.)

1. (Thucyd., vi., 56.—Ælian, V. H., xi., 8.)—2. (H. N. xxxvi., 4, 7.)—3. (Verr., II., iv., 3.)—4. (i., 23.)—5. (vi., 3.—6. (Adams, Append., s. v.)

Scriptures occurs during the sojourn of the Israelites in Egypt: 'But against Israel shall not a dog move his tongue.' It is again mentioned in the Mosaic law in a manner which would seem to show that dogs were the common scavengers of the Israelitish camp, as they still are in many cities of the East: 'Neither shall ye eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs.' A similar office seems to be repeatedly alluded to in the course of the Jewish history. The Dog was considered by the Jews as eminently an unclean animal, and was the figure selected for the most contemptuous insults. It is impossible not to be struck with the similarity which exists in the feelings of many Oriental nations at the present day, among whom the very phraseology of the Scriptures is, with little modification, applied to a similar purpose.[1] The Dog was held in great veneration in many parts of Egypt, particularly at the city of Cynopolis, where it was treated with divine honours. According to Plutarch, however, the animal lost this high rank by reason of its eating the flesh of Apis, after Cambyses had slain the latter and thrown it out, on which occasion no other animal would taste or even come near it. But considerable doubt has been thrown on this story, and the idea seems so nearly connected, as Wilkinson remarks, with the group of the god Mithras, where the dog is represented feeding on the blood of the slaughtered ox, that there is reason to believe the story derived its origin from the Persian idol. The Egyptians, as appears from the monuments, had several breeds of dogs: some solely used for the chase; others admitted into the parlour, or selected as the companions of their walks; and some, as at the present day, chosen on account of their peculiar ugliness. The most common kinds were a sort of fox-dog and a hound; they had also a short-legged dog, not unlike our turnspit, which was a great favourite in the house. The fox-dog appears to have been the parent-stock of the modern red wild dog of Egypt, which is so common at Cairo and other towns of the lower country."[2]—The *Albanian* Dog has been noticed by historians, naturalists, and poets, ever since Europe first began to be raised into consequence and importance. A supernatural origin and infallible powers have been attributed to it. Diana is said to have presented Procris with a dog which was always sure of its prey, and to this animal the canine genealogists of antiquity attributed the origin of the celebrated race of the southeast of Europe, particularly of Molossus and Sparta. The very fine breed of dogs now found very plentifully in this corner of Europe, particularly in Albania, accords with the descriptions existing of its progenitors, indigenous in the same countries, and does not seem to have degenerated. The Mastiff (*Canis Anglicus*, L.) is another fine and powerful species. This breed was assiduously fostered by the Romans while they had possession of Britain, and many of them were exported to Rome, to combat wild animals in the amphitheatre. The *catuli Melitæi* were a small species, or a kind of lap-dog. The modern Maltese dog is a small species of the Spaniel, and so, perhaps, was the ancient.[3]

*CANNA, a Cane or Reed. (*Vid.* Calamus.)

*CANN'ABIS (*κάνναβις*), Hemp. The *κάνναβις ἥμερος* of Dioscorides and Galen is evidently the *Cannabis sativa*, or Hemp. Sprengel agrees with C. Bauhin, that the *κάνναβις ἀγρία*, is the *Althæa cannabina*.[4]

*CANTH'ARIS (*ὁ ἀνθαρίς*). From the ancient authorities having stated of the *κανθαρίς* that it is found among grain (Nicander applies to it the epithet *σιτηφάγος*), it has been inferred that it could not have been what is now called the *Cantharis*, or Spanish Fly, since this latter is found principally upon the ash, the privet, and the elder, and seldom or never among grain. Sprengel thinks it probable that Dioscorides[1] was acquainted with two species of Cantharides; the one he pronounces to be the *Mylabris Dioscoridis* (the same, probably, as the *Mylabris cichorii* of Latreille and Wilson); the other he is confident was not the *Lytta vesicatoria*, and he hesitates whether to call it the *Meloë proscarabæus*. Stackhouse, again, suggests that the *κανθαρίς* of Theophrastus[2] was the *Curculio granarius*. "To me it now appears," observes Adams, "that the common *κανθαρίς* of the Greeks was the *Mylabris cichorii*. It is still extensively used in the East for making blistering plasters."[3]

CAN'THARUS (*κάνθαρος*). I. was a kind of drinking-cup, furnished with handles (*cantharus ansa*[4]). It is said by some writers to have derived its name from one Cantharus, who first made cups of this form.[5] The cantharus was the cup sacred to Bacchus,[6] who is frequently represented on ancient vases holding it in his hand, as in the following woodcut, which is taken from a painting on an ancient vase.[7]

*II. Cantharus was also the name of a fish, which Ælian calls *κάνθαρος θαλάττιος* It is the *Sparus cantharus*, L. Its flesh is like that of the Gilt-head in taste and other qualities.[8]

*III. Cantharus, the Beetle. (*Vid.* Scarabæus.)

CAN'TICUM. In the Roman theatre, between the first and second acts, flute music appears to have been introduced,[9] which was accompanied by a kind of recitative, performed by a single actor, or, if there were two, the second was not allowed to speak with the first. Thus Diomedes[10] says, "*In canticis una tantum debet esse persona, aut si duæ fuerint, ita debent esse, ut ex occulto una audiat nec colloquatur, sed secum, si opus fuerit, verba faciat.*" In

1. (Penny Cyclopædia, vol. i., p. 57, seqq.)—2. (Wilkinson, Manners and Customs, &c., vol. iii., p. 32.)—3. (Griffith's Cuvier, vol. ii., p. 327.)—4. (Dioscor., iii., 155.—Adams, Append., s. v.)

1. (ii., 64.)—2. (H. P., viii., 10.)—3. (Adams, Append., s. v.)—4. (Virg., Eclog., vi., 17.)—5. (Athen., xi., p. 474, e.—Pollux, Onom., vi., 96.—Plin., H. N., xxxiv., 19, § 25.)—6. (Macrob., Sat., v., 21.—Plin., H. N., xxxiii., 53.)—7. (Millingen, Peintures Antiques, pl. 53.)—8. (Aristot., H. A., viii., 13.—Adams, Append., s. v.)—9. (Plaut., Pseudol., I., v., 160 & 10. (Vii., p. 489 ed. Putsch.)

the canticum, as violent gesticulation was required, it appears to have been the custom, from the time of Livius Andronicus, for the actor to confine himself to the gesticulation, while another person sang the recitative.[1] The canticum always formed a part of a Roman comedy. Diomedes observes that a Roman comedy consists of two parts, dialogue and canticum (*Latinæ comœdiæ duobus tantum membris constant, diverbio et cantico*). Wolf[2] endeavours to show that cantica also occurred in tragedies and the Atellanæ fabulæ. There can be no doubt that they did in the latter; they were usually composed in the Latin, and sometimes in the Greek language, whereas the other parts of the Atellane plays were written in Oscan. (*Vid.* Atellanæ Fabulæ.)

CAPELEI'ON. (*Vid.* Caupona.)

*CAPER (*τράγος*), the he-Goat. *Capra* is the name for the female, to which *αἴξ* corresponds in Greek. The generic appellation in the Linnæan system is *Capra hircus*. The ancients were likewise acquainted with the wild Goat, or *Capra ibex*; it is supposed to be the *Ako* or *Akko* of Deuteronomy,[3] and the *τραγέλαφος* of the Septuagint and of Diodorus Siculus.[4] Among the Egyptians, the Goat was regarded as the emblem of the generative principle, and was held sacred in some parts of the land. The Ibex, or wild goat of the Desert, however, was not sacred. It occurs sometimes in astronomical subjects, and is frequently represented among the animals slaughtered for the table and the altar, both in the Thebaid and in Lower Egypt.[5] - It is a fact of a singular nature," observes Lt. Col. Smith, "that, as far as geological observations have extended over fossil organic remains, among the multitude of extinct and existing genera, and species of mammiferous animals, which the exercised eye of comparative anatomists has detected, no portions of Caprine or Ovine races have yet been satisfactorily authenticated; yet, in a wild state, the first are found in three quarters of the globe, and perhaps in the fourth; and the second most certainly exists in every great portion of the earth, New-Holland, perhaps, excepted. It would almost seem as if this class of animals were added by Providence to the stock of other creatures for the express purpose of being the instruments which should lead man to industry and peace; at least such an effect may, in a great measure, be ascribed to them; and, if not the first companion, the Goat may nevertheless be regarded as the earliest passive means by which mankind entered upon an improving state of existence. The skins of these animals were probably among the first materials employed for clothing. Afterward the long hair of the goat was mixed up with the short and soft fur of other animals, and, united with the gum of trees or animal glue, manufactured into that coarse but solid felt known in Northern Asia from the earliest ages, and noticed by historians and poets. It was probably of this material that the black war-tunics of the Cimbri were made, in their conflicts with Marius; and we know it was the winter dress of the auxiliary cohorts, and even of the Roman legions in Britain, at least to the period of Constantine. But, long before this era, the gradual advance of art was felt, even in the depth of Northern Europe, the distaff had reached the Scandinavian nations; and the thread, at first platted into ribands, afterward enlarged, and wrought like matting into a kind of thrum, was at length woven into narrow, and, last of all, into broad pieces of cloth. In the riband plat (*i. e.*, plaid) we see the origin of the check dresses common to most nations of northern latitudes during their incipient state of civilization; for these were made by platting the ribands into broader and warmer pieces. The stripes, almost universal in the South, were the same plats sewed together. That goat's ha was the chief ingredient among the Scandinavians, is proved by their divinities being dressed in *Geita Kurtlu*. The domestic goat in the north and west of the Old World preceded sheep for many ages, and predominated while the country was chiefly covered with forests; nor is there evidence of wool-bearing animals crossing the Rhine or the Upper Danube till towards the subversion of the Roman Empire"[1]

*CAPHU'RA (*καφουρά*), the Camphor-tree. Symeon Seth is the first Greek who makes mention of the Camphor-tree, or *Laurus Camphora*, L. He describes it as a very large tree, growing in India, the wood of which is light and ferulaceous. Camphor was first introduced into medical practice by the Arabians.

CAPILLUS. (*Vid.* Coma.)

CAPISTRUM (*φορβειά*), a halter, a tie for horses, asses, or other animals, placed round the head or neck, and made of osiers or other fibrous materials. It was used in holding the head of a quadruped which required any healing operation,[2] in retaining animals at the stall,[3] or in fastening them to the yoke, as shown in the woodcut Aratrum (p. 79). In representations of Bacchanalian processions, the tigers or panthers are attached to the yoke by capistra made of vine-branches. Thus we read of the *vite capistratæ tigres* of Ariadne,[4] and they are seen on the bas-relief of a sarcophagus in the Vatican representing her nuptial procession. See the annexed woodcut.

In ploughing fields which were planted with vines or other trees, the halter had a small basket attached to it, enclosing the mouth, so as to prevent the ox from cropping the tender shoots (*fiscellis capistrari*[5]). Also, when goatherds wished to obtain milk for making cheese, they fastened a muzzle or capistrum, armed with iron points, about the mouth of the kid, to prevent it from sucking.[6]

Bands of similar materials were used to tie vines to the poles (*pali*) or transverse rails (*juga*) of a trellis.[7]

The term *φορβειά* was also applied to a contrivance used by pipers (*αὐλητα!*) and trumpeters to compress their mouths and cheeks, and thus to aid them in blowing. (*Vid.* Chirionota.) This was said to be the invention of Marsyas.[8]

CAPITA'LIS. (*Vid.* Caput.)

CA'PITE CENSI. (*Vid.* Caput.)

1. (Liv., viii., 2.—Lucian, De Saltat., c. 30.—Isidor., Orig., xviii., 44.)—2. (De Canticis, p. 11.)—3. (xiv., 4.)—4. (ii., 51.)—5 (Wilkinson, Manners and Customs of Anc. Egyptians, vol. v., p. 190.)

1. (Griffith's Cuvier, vol. iv., p. 294, seqq.)—2. (Columella, vi., 19.)—3. (Varro, De Re Rust., ii., 6.)—4. (Ovid, Epist., ii., 80.—Sidon. Apoll., carm. xxii., 23.)—5. (Plin., H. N., xvii., 49 § 2.—Cato, De Re Rust., 54.)—6. (Virg., Georg., iii., 399.)—7 (Columella, iv., 20; xi., 2.)—8. (Simonides, Brunck Analect., i. 122.—Sophocles. ap. Cic. ad Att., ii., 16.—Aristoph., Av., 862 —Vesp., 580.—Equit., 1147.—Schol. ad ll.)

CA'PITIS DEMINU'TIO. (*Vid.* CAPUT.)

CAPITO'LIUM. This word is used in different significations by the Latin writers, the principal of which are the following:

1. CAPITOLIUM, a small temple (*sacellum*[1]), supposed to have been built by Numa, and dedicated to Jupiter, Juno, and Minerva,[2] situated in the Regio ix. on the Esquiline, near to the spot which was afterward the Circus of Flora.[3] It was a small and humble structure, suited to the simplicity of the age in which it was erected,[4] and was not termed capitolium until after the foundation of the one mentioned below, from which it was then distinguished as the *Capitolium vetus*.[5] Martial[6] alludes to it under the name of *antiquum Jovem*.

II. CAPITOLIUM, the Temple of Jupiter Optimus Maximus, in the Regio viii. on the Mons Tarpeius,[7] so called from a human head being discovered in digging the foundations.[8] Martial distinguishes very clearly this temple from the one mentioned above:

> "*Esquiliis domus est, domus est tibi colle Dianæ;*
> *Inde novum, veterem prospicis inde, Jovem.*"[9]

Tarquinius Priscus first vowed during the Sabine war to build this temple, and commenced the foundations.[10] It was afterward continued by Servius Tullius, and finally completed by Tarquinius Superbus out of the spoils collected at the capture of Suessa Pometia,[11] but was not dedicated until the year B.C. 507, by M. Horatius.[12] It was burned down during the civil wars, at the time of Sulla, B.C. 83,[13] and rebuilt by him, but dedicated by Lutatius Catulus, B.C. 69.[14] It was again burned to the ground by the faction of Vitellius, A.D. 70,[15] and rebuilt by Vespasian; upon whose death it was again destroyed by fire, and sumptuously rebuilt for the third time by Domitian.[16]

The Capitolium contained three temples within the same peristyle, or three cells parallel to each other, the partition walls of which were common, and all under the same roof.[17] In the centre was the seat of Jupiter Optimus Maximus,[18] called *cella Jovis*,[19] and hence he is described by Ovid[20] as "*media* qui sedet æde Deus." That of Minerva was on the right;[21] whence, perhaps, the allusion of Horace,[22] "*Proximos* illi tamen occupavit Pallas *honores*;" and that of Juno upon the left; but compare Livy,[23] "Jupiter Optimus Maximus, Juno regina, et Minerva," and Ovid,[24] which passages are considered by some writers to give Juno the precedence over Minerva. The representation of the Capitolium in the next woodcut is taken from a medal.

The exact position occupied by this temple has been the subject of much dispute. Some writers consider it to have been upon the north, and some upon the south point of the Mons Capitolinus; some, that it stood upon a different summit from the *arx*, or fortress, with the *intermontium* between them others, that it was within the *arx*, which is again referred by some to that side of the mount which overhangs the Tiber, and by others to the opposite acclivity. The reader will find the subject fully discussed in the following works: Marlian., *Urb Rom. Topogr.*, ii., 1, 5.—Donat., *De Urb. Rom.*—Lucio Mauro, *Antichità di Roma.*—Andreas Fulvio, *Id.*—Biondo, *Roma Restaurat.*—Nardini, *Roma Antica*, v., 14.—Bunsen and Plattner, *Beschreibung Roms.*—Niebuhr, *Hist. Rom.*, vol. i., p. 502, transl.

III. CAPITOLIUM is sometimes put for the whole mount, including both summits, as well as the *intermontium*, which was originally called Mons Saturnius,[1] and afterward Mons Tarpeius,[2] from the virgin Tarpeia, who was killed and buried there by the Sabines; and, finally, Mons Capitolinus, for the reason already stated; and, when this last term became usual, the name of Tarpeia was confined to the immediate spot which was the scene of her destruction,[3] viz., the rock from which criminals were cast down. This distinction, pointed out by Varro, is material; because the epithet Tarpeian, so often applied by the poets to Jupiter, has been brought forward as a proof that the temple stood upon the same side as the rock, whereas it only proves that it stood upon the Tarpeian or Capitoline Mount. At other times *capitolium* is used to designate one only of the summits, and that one apparently distinct from the arx;[4] which obscurity is farther increased, because, on the other hand, *arx* is sometimes put for the whole mount,[5] and at others for one of the summits only.[6]

There were three approaches from the Forum to the Mons Capitolinus. The first was by a flight of 100 steps (*centum gradus*[7]), which led directly to the side of the Tarpeian Rock. The other two were the *clivus Capitolinus* and *clivus Asyli*,[8] one of which entered on the north, and the other on the south side of the intermontium, the former by the side of the Carceres Tulliani, the latter from the foot of the Via Sacra, in the direction of the modern accesses on either side of the Palazzo de' Consultori; but which of these was the clivus Capitolinus and which the clivus Asyli, will depend upon the disputed situation of the arx and Temple of Jupiter Optimus Maximus.

The epithets *aurea*[9] and *fulgens*[10] are illustrative of the materials with which the Temple of Jupiter O. M. was adorned: its bronze gates,[11] and gilt ceilings and tiles.[12] The gilding of the latter alone cost 12,000 talents.[13]

IV. CAPITOLIUM is also used to distinguish the chief temples in other cities besides Rome.[14]

CAPIT'ULUM. (*Vid.* COLUMNA.)

*CAP'NIOS or CAPNOS (κάπνιος or καπνός), a plant which all the authorities agree in referring to the *Fumaria officinalis*, or common Fumitory. Sibthorp is the only exception, who prefers the *F. parviflora*, Lam. It is the *Fel terræ* of Scribonius Largus.[15] The juice of this plant was used, according to Pliny, in the cure of ophthalmia.[16] It derives its name from its juice, when spread over the eyes, af-

1. (Varro, De Ling. Lat., v., 158.)—2. (Varro, l. c.)—3. (Varro, l. c.—Notit. Imp. c.—P. Victor.)—4. (Val. Max., iv., 4, § 11.)—5. (Varro, l. c.)—6. (Epigr., V. xxii., 4.)—7. (Livy, i., 55.)—8. (Dionys., iv., p. 217.—Liv., l. c.—Varro, De Ling. Lat., v., 41.—Serv., ad Virg., Æn., viii., 345.)—9. (Epigr., VII., lxxiii.)—10. (Liv., i., 38.—Tacit., Hist., iii., 72.—Compare Plin., H. N., iii., 9.)—11. (Tacit., l. c.—Liv., i., 55.)—12. (Liv., ii., 8.)—13. (Tacit., l. c.—Plin., H. N., xiii., 27.—Plut., Sull., c. 27.)—14. (Tacit., l. c.—Plin., H. N., xix., 6.—Liv., Epit., 98.)—15. (Tacit., l. c.—Plin., H. N., xxxiv., 17.)—16. (Suet., Dom., c. 5.)—17. (Dionys., iv., p. 248.)—18. (Dionys., l. c.)—19. (Gell., vii., 1, 2.—Liv., x., 23.)—20. (Ex Pont., iv., 9, 32.)—21. (Liv., vii., 3.)—22. (Carm., I., xii., 19.)—23. (iii., 17.)—24. (Trist., ii., 289, 293.)

1. (Varro, De Ling. Lat., v., 42.)—2. (Id., v., 41.—Dionys., iii., p. 193; iv., p. 247.)—3. (Varro, l. c.)—4. (Dionys., x., p. 611.—Liv., i., 33; ii., 8.—Aul. Gell., v., 12.)—5. (Liv., v., 40.)—6. (Compare Liv., ii., 49; iii., 15; v., 41.—Flor., iii., 21.—Virg., Æn., viii., 652.—Serv., ad Virg., l. c.)—7. (Tacit., Hist. iii., 71.)—8. (Tacit., l. c.)—9. (Virg., Æn., viii., 348.)—10. (Hor., Carm., III., iii., 43.)—11. (Liv., x., 23.)—12. (Plin., H. N., xxxiii., 18.)—13. (Plut., Poplic., p. 104.)—14. (Sil. Ital., xi. 267.—Plaut., Curc., II., ii., 19.—Suet., Tiber., 40.)—15. (Adams, Append., s. v.)—16. (H. N., xxv., 13.)

fecting them like smoke (*καπνός*). Its flower is purple. The modern Greeks call this plant *κάπνο* and *καπνόγορτο*. Sibthorp found it growing very abundantly in cultivated places.[1]

*CAPPARIS (*κάππαρις*), a plant which Sprengel, Stackhouse, and Schneider agree in referring to the *Capparis Spinosa*, L., or Thorny Caper-bush. Sibthorp, however, is in favour of a variety of the *C. Spinosa*, to which he gives the name of *Capparis ovata*.[2] Dioscorides mentions several kinds from different countries, all differing in their qualities. The best came from Caria, the next in the order of merit from Phrygia.[3]

*CAPRA, the she-Goat, the *αἴξ* of the Greeks. (*Vid.* CAPER.)

*CAPREA, a wild she-Goat, or, rather, a species of wild goat generally. Pliny[4] speaks of it as being possessed of a very keen sight, which may, perhaps, identify it with the *Dorcas*, or Gazelle. Cuvier, however, makes Pliny's *Caprea* the same with the *Cervus Capreolus*, L., or Roebuck. (*Vid.* DORCAS.[5])

*CAPRIFICATIO, the process of caprification, or a ripening of figs on the domestic tree by means of insects found on the wild fig. The process is described briefly by Eustathius,[6] and more at large by Pliny.[7] The former, speaking of the wild fig-trees, says that what are called *ψῆνες* ("little gnats") pass from them into the fruit of the domestic fig, and strengthen it to such a degree as to prevent its falling off from the tree. The latter remarks that the wild fig-tree engenders small gnats (*culices*), which, when the natal tree decays, and fails to afford them nutriment, betake themselves to the domestic tree, and, penetrating by their bites into the fruit of this, introduce, along with themselves, the heat of the sun, which causes the fruit into which they have entered to ripen. These insects consume, also, the milky humour in the young fruit, the presence of which would make them ripen more slowly. The process of caprification, as given by modern authorities, is as follows: "The operation is rendered necessary by the two following facts, namely, that the cultivated fig bears, for the most part, female flowers only, while the male flowers are abundant upon the wild fig-tree; and, secondly, that the flower of the fig is upon the inside of the receptacle which constitutes the fruit. It is hence found necessary to surround the plantations and gardens containing the figs with branches and limbs bearing male flowers from the wild fig-tree, thus preparing the way for the fertilizing the female flowers in the garden: and from these wild flowers the fertilizing pollen is borne to the other figs upon the wings and legs of small insects which are found to inhabit the fruit of the wild fig."[8]

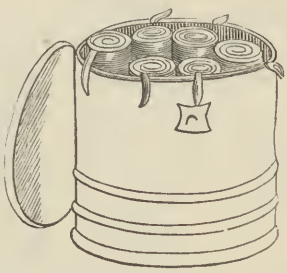
*CAPRIFI'CUS (*ἐρινεός, ἐρινός*), the wild fig-tree, the *Ficus Carica*, L. (*Vid.* SYCE, and CAPRIFICATIO.)

*CAPRIMULGUS. (*Vid.* AIGOTHELAS.)

*CAPROS (*κάπρος*), I. the wild Boar, called by the Romans *Aper*. (*Vid.* SUS.) The flesh of this animal was highly esteemed by that people, and it was customary to serve up whole ones at table. Hence the boar was termed *cœnæ caput*, or, as we would say, the "head dish;" hence, also, the language of Juvenal in speaking of the wild boar, "*animal propter convivia natum*," "an animal born for the sake of banquets."[9]

*II. A species of fish, the *Zeus Aper* of Linnæus, called in Italian *Riondo*, and in French *Sauglier*. It is a small yellowish fish, inhabiting the Mediterranean, and is the same with the *perca pusilla* of Brunnich.[1]

CAPSA (*dim.* CAPSULA), or SCRINIUM, was the box for holding books among the Romans. These boxes were usually made of beech-wood,[1] and were of a cylindrical form. There is no doubt respecting their form, since they are often placed by the side of statues dressed in the toga. The following woodcut, which represents an open capsa with six rolls of books in it, is from a painting at Pompeii.



There does not appear to have been any difference between the capsa and the scrinium, except that the latter word was usually applied to those boxes which held a considerable number of rolls (*scrinia da magnis*[3]). Boxes used for preserving other things besides books were also called capsæ,[4] while in the scrinia nothing appears to have been kept but books, letters, and other writings.

The slaves who had the charge of these book-chests were called *capsarii*, and also *custodes scriniorum*; and the slaves who carried, in a capsa behind their young masters, the books, &c., of the sons of respectable Romans, when they went to school, were also called capsarii (*Quem sequitur custos angustæ vernula capsæ*[5]). We accordingly find them mentioned together with the pædagogi (*constat quosdam cum pædagogis et capsariis uno prandio necatos*[6]).

When the capsa contained books of importance, it was sealed or kept under lock and key;[7] whence Horace[8] says to his work, "*Odisti claves, et grata sigilla pudico.*"[9]

CAPSA'RII, the name of three different classes of slaves:

1. Of those who took care of the clothes of persons while bathing in the public baths. (*Vid.* BATHS, p. 147.) In later times they were subject to the jurisdiction of the præfectus vigilum.[10] 2. Of those who had the care of the capsæ, in which books and letters were kept. (*Vid.* CAPSA.) 3. Of those who carried the books, &c., of boys to school. (*Vid.* CAPSA.)

CAP'SULA. (*Vid.* CAPSA.)

CA'PULUS (*κώπη, λαβή*), the hilt of a sword. This was commonly made of wood or horn, but sometimes of ivory[11] or of silver,[12] which was either embossed[13] or adorned with gems (*capulis radiantibus enses*).[14] Philostratus[15] describes the hilt of a Persian acinaces, which was made of gold set with beryls, so as to resemble a branch with its buds. These valuable swords descended from father to son.[16] When Theseus for the first time appears at Athens before his father Ægeus, he is known by the carving upon the ivory hilt of his sword, and it

1. (Billerbeck, Flora Classica, p. 178.)—2. (Dioscor., ii., 94.—Theophrast., II. P., i., 3.—Ætius, i., 184.—Adams, Append., s. v.)—3. (Billerbeck, Flora Classica, p. 136.)—4. (H. N., xi., 37.)—5. (Griffith's Cuvier, vol. v., p. 314.)—6. (Comment. in Il., ri., 433.)—7. (H. N., xv., 19.)—8. (Encyclopædia Americana, vol. v., p. 115.)—9. (Sat., i., 141.)

1. (Aristot., H. A., ii., 13.—Adams, Append., s. v.)—2. (H N., xvi., 84.)—3. (Mart., i., 3.)—4. (Plin., II. N., xv., 18, § 4.—Mart., xi., 8.)—5. (Juv., Sat., x., 117.)—6. (Suet., Ner., 36.)—7. (Mart., i., 67.)—8. (Epist., I., xx., 3.)—9. (Becker, Gallus, i., 191.—Böttiger, Sabina, i., 102.)—10. (Dig. 1, tit. 15, s. 3.)—11 (Spartian., Hadr., 10, *ἐλεφαντοκώπος*.)—12. (*ἀργυρέη κώπη* Hom., Il., i., 219.)—13. (Plin., H N., xxxiii., 12.)—14. (Claud De Laud. Stil., ii., 88.)—15. (Imag., ii., 9.)—16. (Claud., l. c.)

thus saved from being poisoned by the aconite which Medea has administered.[1]

The handles of knives were made of the same materials, and also of amber.[2] Of the beautiful and elaborate workmanship sometimes bestowed on knife-handles, a judgment may be formed from the three specimens here introduced.[3]

The term *capulus* is likewise applied to the handle of a plough by Ovid, as quoted in ARATRUM, p. 80.

CAPUT, the head. The term "head" is often used by the Roman writers as equivalent to "person" or "human being."[4] By an easy transition, it was used to signify "life:" thus, *capite damnari*, *plecti*, &c., are equivalent to capital punishment.

Caput is also used to express a man's *status*, or civil condition; and the persons who were registered in the tables of the censor are spoken of as *capita*, sometimes with the addition of the word *civium*, and sometimes not.[5] Thus to be registered in the census was the same thing as *caput habere*: and a slave and a filius familias, in this sense of the word, were said to have no *caput*. The sixth class of Servius Tullius comprised the proletarii and the capite censi, of whom the latter, having little or no property, were barely rated as so many *head* of citizens.[6]

He who lost or changed his status was said to be *capite minutus*, *deminutus*, or *capitis minor*.[7] The phrase *se capite deminuere* was also applicable in case of a voluntary change of status.[8]

Capitis minutio is defined by Gaius[9] to be *status permutatio*. A Roman citizen possessed *libertas*, *civitas*, and *familia*: the loss of all three, or of libertas and civitas (for civitas included familia), constituted the maxima capitis deminutio. This capitis deminutio was sustained by those who refused to be registered at the census, or neglected the registration, and were thence called *incensi*. The *incensus* was liable to be sold, and so to lose his liberty; but this being a matter which concerned citizenship and freedom, such penalty could not be inflicted directly, and the object was only effected by the fiction of the citizen having himself abjured his freedom. (*Vid.* BANISHMENT, p. 136.) Those who refused to perform military service might also be sold.[10] A Roman citizen who was taken prisoner by the enemy lost his civil rights, together with his liberty, but he might recover them on returning to his country. (*Vid.* POSTLIMINIUM.) Persons condemned to ignominious punishments, as to the mines, sustained the maxima capitis deminutio. A free woman who cohabited with a slave, after notice given to her by the owner of the slave, became an ancilla, by a senatus consultum passed in the time of Claudius.[1]

The loss of *civitas* only, as when a man was interdicted from fire and water, was the media capitis deminutio. (*Vid.* BANISHMENT.)

The change of familia by adoption, and by the in manum conventio, was the minima capitis deminutio. A father who was adrogated suffered the minima capitis deminutio, for he and his children were transferred into the power of the adoptive father. A son who was emancipated by his father also sustained the minima capitis deminutio; the cause of which could not be the circumstance of his being freed from the patria potestas, for that made the son a liberum caput; but the cause was, or was considered to be, the form of sale by which the emancipation was effected.

A judicium capitale, or pœna capitalis, was one which affected a citizen's caput.

CAPUT. (*Vid.* INTEREST OF MONEY.)

CAPUT EXTORUM. The Roman soothsayers (*haruspices*) pretended to a knowledge of coming events from the inspection of the entrails of victims slain for that purpose. The part to which they especially directed their attention was the liver, the convex upper portion of which seems to have been called the *caput extorum*.[2] Any disease or deficiency in this organ was considered an unfavourable omen; whereas, if healthy and perfect, it was believed to indicate good fortune. The haruspices divided it into two parts, one called *familiaris*, the other *hostilis*: from the former they foretold the fate of friends, from the latter that of enemies. Thus we read[3] that the head of the liver was mutilated by the knife of the operator on the "familiar" part (*caput jecinoris a familiari parte cæsum*), which was always a bad sign. But the word "caput" here seems of doubtful application; for it may designate either the convex upper part of the liver, or one of the prominences of the various lobes which form its lower and irregularly concave part. It is, however, more obvious and natural to understand by it the upper part, which is formed of two prominences, called the great and small, or right and left lobes. If no caput was found, it was a bad sign (*nihil tristius accidere potuit*); if well defined, or double, it was a lucky omen.[4]

*CARA, a plant. (*Vid.* CAREUM.)

*CAR'ABUS (κάραβος), a crustaceous animal, of which there is frequent mention in the classics. It is the *Locusta* of Pliny, in French *langouste*. There is some difficulty, remarks Adams, in determining to what species of *Cancer* it applies. Schneider thinks it was certainly not the *Cancer homarus*; and he is not quite satisfied that it was the *C. cle phas*.[5]

CARACA'LLA was an outer garment used in Gaul, and not unlike the Roman lacerna. (*Vid.* LACERNA.) It was first introduced at Rome by the Emperor Aurelius Antoninus Bassianus, who compelled all the people that came to court to wear it, whence he obtained the surname of Caracalla. This garment, as worn in Gaul, does not appear to have reached lower than the knee, but Caracalla lengthened it so as to reach the ankle. It afterward became common among the Romans, and garments of this kind were called caracallæ Antonianæ

1. (Ovid, Met., vii., 423.)—2. (ἐξ οὗ καὶ λαβαὶ μαχαίραις γίνονται: Eustath. in Dionys., 293.)—3. (Montfaucon, Antiq. Expliquée, iii., 122, pl. 61.)—4. (Cæs., Bell. Gall., iv., 15.)—5. (Liv., iii., 24; x., 47.)—6. (Gell., xvi., 10.—Cic., De Repub., ii., 22.)—7. (Hor., Carm., III., v., 42.)—8. (Cic., Top., c. 4.)—9. (Dig. 4 tit. 5, § 1.)—10. (Cic., Pro Cæcina, 34.—Ulp., Fragm., xi., 11.)

1. (Ulp., Frag., xi., 11.—Compare Tacit., Ann., xii., 53, and Suet., Vesp., 11.)—2. (Plin., H. N., xi., 37, s. 73.)—3. (Liv., viii., 9.)—4. (Cic., De Div., ii., 12, 13.—Liv., xxvii., 26.)—5. (Schneider, ad Aristot., H. A., iv., 3.—Adams, Append., s. v.)—6. (Aurel. Vict., Epit., 21.)

to distinguish them from the Gallic caracallæ.[1] It usually had a hood to it, and came to be worn by the clergy. Jerome[2] speaks of "*pallioli m miræ pulchritudinis in modum caracallarum sed absque cucullis*"

CARBA'TINA. (*Vid.* PERO.)

*CARBUNC'ULUS (*ἄνθραξ*), the Carbuncle, a precious stone, deriving its name, both in Greek and Latin, from its resemblance to a small ignited coal. The ancients called by these two names all the red transparent gems, which have since been distinguished by the different appellations of Ruby, Garnet, &c., all of which they regarded merely as species of the Carbuncle. Theophrastus and Strabo enumerate the Carthaginian and Garamantian carbunculi among those most in repute. "Those carbuncles," observes Dr. Moore, "which Pliny calls Alabandic, because they were cut and polished at Alabanda, were precious garnets, still called by some mineralogists Alabandines or Alamandines. What he afterward says of Alabandic carbuncles, which were darker coloured and rougher than others, may be explained by supposing that near Alabanda both precious and common garnets were obtained." The term *Carbunculus* was also applied to a species of black marble, on account of its likeness to a quenched coal, and out of which mirrors were sometimes made.[3]

CARCER. Carcer (*kerker*, Ger., *γοργύρα*, Greek) is connected with *ἕρκος* and *εἴργω*, the guttural being interchanged with the aspirate Thus also Varro,[4] "*Carcer a coercendo quod prohibentur exire.*"

CARCER (GREEK). Imprisonment was seldom used among the Greeks as a legal punishment for offences; they preferred banishment to the expense of keeping prisoners in confinement. We do, indeed, find some cases in which it was sanctioned by law; but these are not altogether instances of its being used as a punishment. Thus the farmers of the duties, and their bondsmen, were liable to imprisonment if the duties were not paid by a specified time; but the object of this was to prevent the escape of defaulters, and to ensure regularity of payment.[5] Again, persons who had been mulcted in penalties might be confined till they had paid them.[6] The *ἄτιμοι* also, if they exercised the rights of citizenship, were subject to the same consequences.[7] Moreover, we read of a *δεσμός* for theft; but this was a *προστίμημα*, or additional penalty, the infliction of which was at the option of the court which tried the case; and the *δεσμός* itself was not an imprisonment, but a public exposure in the *ποδοκάκκη*, or stocks, for five days and nights—the *τὸ ἐν ξύλῳ δεδέσθαι*. We may here observe, that in most cases of theft the Athenians proceeded by "civil action;" and if the verdict were against the defendant (*εἴ τις ἰδίαν δίκην κλοπῆς ἁλοίη*), he had to pay, by way of reparation, twice the value of the stolen property: this was *required by law*. The *προστίμημα* was at the *discretion of the court*.[8] Still the idea of imprisonment *per se*, as a punishment, was not strange to the Athenians. Thus we find that Plato[9] proposes to have three prisons: one of these was to be a *σωφρονιστήριον*, or penitentiary; another a place of punishment—a sort of penal settlement away from the city.

The prisons in different countries were called by different names: thus there was the *Ἀναγκαῖον*, in Bœotia; the *Κεάδας*, at Sparta; the *Κέραμος*, at Cyprus; the *Κῶς*, at Corinth; and, among the Ionians, the *γοργύρα*, as at Samos.[1] The prison at Athens was in former times called *δεσμωτήριον*, and afterward, by a sort of euphemism, *οἴκημα*. It was chiefly used as a guardhouse, or place of execution, and was under the charge of the public officers called the eleven, *οἱ ἕνδεκα*. One gate in the prison, through which the condemned were led to execution, was called *τὸ Χαρωνεῖον*.[2]

The Attic expression for imprisonment was *δεῖν*. Thus, in the oath of the *βουλευταί*, or senators, occurs the phrase *οὐδὲ δήσω Ἀθηναίων οὐδένα*. Hence we have the phrase *ἀδέσμος φυλακή*,[3] the "libera custodia" of the Romans, signifying that a party was under strict surveillance and guard, though not confined within a prison.

CARCER (ROMAN). A carcer or prison was first built at Rome by Ancus Marcius, overhanging the Forum.[4] This was enlarged by Servius Tullius, who added to it a souterrain or dungeon, called from him the Tullianum. Sallust[5] describes this as being twelve feet under ground, walled on each side, and arched over with stonework. For a long time this was the only prison at Rome,[6] being, in fact, the "Tower," or state prison of the city, which was sometimes doubly guarded in times of alarm, and was the chief object of attack in many conspiracies.[7] Varro[8] tells us that the Tullianum was also named "Lautumiæ," from some quarries in the neighbourhood; or, as others think, in allusion to the "Lautumiæ" of Syracuse, a prison cut out of the solid rock. In later times the whole building was called the "Mamertine." Close to it were the Scalæ Gemoniæ, or steps, down which the bodies of those who had been executed were thrown into the Forum, to be exposed to the gaze of the Roman populace.[9] There were, however, other prisons besides this, though, as we might expect, the words of Roman historians generally refer to this alone. One of these was built by Appius Claudius, the decemvir, and in it he was himself put to death.[10]

The carcer of which we are treating was chiefly used as a place of confinement for persons under accusation, till the time of trial; and also as a place of execution, to which purpose the Tullianum was specially devoted. Thus Sallust[11] tells us that Lentulus, an accomplice of Catiline, was strangled there. Livy also[12] speaks of a conspirator being *delegatus in Tullianum*, which in another passage[13] is otherwise expressed by the words *in inferiorem demissus carcerem, necatusque.*

The same part of the prison was also called "robur," if we may judge from the words of Festus. "*Robur in carcere dicitur is locus, quo præcipitatu. maleficorum genus.*" This identity is farther shown by the use made of it; for it is spoken of as a place of execution in the following passages: "*In robore et tenebris exspirare.*"[14] "*Robur et saxum* (sc. Tarpeium) *minitari.*"[15] So also we read of the "*catenas —et Italum robur.*"[15]

CAR'CERES. (*Viv.* CIRCUS.)

*CARCHAR'IAS (*καρχαρίας*), a species of fish, called in English the White Shark, and in French *Requin*. The scientific name is *Squalus carcharias*, L., or *Carcharias vulgaris*, Cuvier. The Carcharias is the same with the *Lamia* of Aristotle,[17] Galen, and Pliny;[18] the *λάμνη* of Oppian; the *κυὼν θαλάττιος* ("sea-dog") of Ælian;[19] and the *κάρχαρος κυών* of Lycophron.[20] It has also been called by some

1 (Aurel. Vict., De Cæs., 21.—Spartian., Sev., 21.—Anton., Car., 9.)—2. (Ep., 128.)—3. (Theophrast., De Lapid., c. 31, 32. —Hill, ad loc.—Moore's Anc. Mineral., p. 156.—Adams, Append., s. v.)—4. (De Ling. Lat., iv., 32.)—5. (Böckh, ii., 57, transl.)—6. (Demosth., c. Mid., 529, 26.)—7. (Demosth., c. Timocr., 732, 17.)—8. (Demosth., c. Timocr., 736.)—9 (Leg., x., 15.)

1. (Herod., iii., 145.—Pollux, Onom., ix., 45.)—2. (Pollux, Onom., viii., 103.—Wachsmuth, Hellen. Alterth., ii., I, § 95, 98.) —3. (Thucyd., iii., 34.)—4. (Liv., i., 33.)—5. (Cat., 55.)—6. (Juv., Sat., iii., 312.)—7. (Liv., xxvi., 27; xxxii., 26.)—8. (l. c.) —9. (Cramer, Anc. Italy, i., 430.)—10. (Liv., iii., 57.—Plin., H. N., vii., 36.)—11. (l. c.)—12. (xxix., 22.)—13. (xxxiv., 44.) —14. (Liv., xxxviii., 59.—Sallust, l. c.)—15. (Tacit., Ann., iv., 29.)—16. (Hor., Carm., II., xiii., 18.)—17. (II. A., v., 5.)—18. (H. N., ix., 24.)—19. (N. A., i., 17.)—20. (Cassand., 34.)

Piscis Jonæ, from its having been supposed to be the fish which swallowed Jona.[1]

CARCHE'SIUM (*καρχήσιον*), a beaker or drinking-cup, which was used by the Greeks in very early times, so that one is said to have been given by Jupiter to Alcmena on the night of his visit to her.[2] It was slightly contracted in the middle, and its two handles extended from the top to the bottom.[3] It was much employed in libations of blood, wine, milk, and honey.[4] The annexed woodcut represents a magnificent carchesium, which was presented by Charles the Simple to the Abbey of St. Denys. It was cut out of a single agate, and richly engraved with representations of bacchanalian subjects. It held considerably more than a pint, and its handles were so large as easily to admit a man's hand.

The same term was used to designate the tops of a ship, that is, the structure surrounding the mast immediately above the yard (*vid.* ANTENNA), into which the mariners ascended in order to manage the sail, to obtain a distant view, or to discharge missiles (*hic summi supcrat carchcsia mali*[5]). This was probably called "carchesium" on account of its resemblance in form to the cup of that name. The ceruchi or other tackle may have been fastened to its lateral projections, which corresponded to the handles of the cup (*summitas mali, per quam funes trajiciunt*;[6] *foramina, quæ summo mali funes rccipiunt*[7]). Pindar[8] calls the yard of a ship "the *yoke* of its carchesium," an expression well suited to the relative position of the parts.

The carchesia of the three-masted ship built for Hiero II. by Archimedes were of bronze. Three men were placed in the largest, two in the next, and one man in the smallest. Breastworks (*θωράκια*) were fixed to these structures, so as to supply the place of defensive armour; and pulleys (*τροχηλαι, trochlcæ*) for hoisting up stones and weapons from below.[9] The continuation of the mast above the carchesium was called "the distaff" (*ἠλακάτη*), corresponding to our topmast or topgallant-mast.[10] This part of an ancient vessel was sometimes made to produce a gay and imposing effect when seen from a distance (*lucida qua splendent summi carchesia mali*[11]). The carchesium was sometimes made to turn upon its axis (*versatile*[12]), so that by means of its apparatus of pulleys it served the purposes of a crane.

*CARCINIUM (*καρκίνιον*), according to Pennant, a species of shellfish, the same with the *Cancer Bernardus*, Linn., or Hermit-crab. It is more correct, however, to say that the Greeks applied the name *Carcinion* generically to the parasite crustacea which lodge themselves in the empty shells of the mollusca, and which the Latins designated by the synonymous appellation of *Cancelli*. Aldrovandus, Gesner, Rondelet, Swammerdam, and other modern naturalists, preserve this last denomination; but Fabricius has bestowed that of *Pagurus* upon this genus, a name by which the ancients designated a sort of crab, or one of the brachyurous crustacea. Aristotle mentions the fact, now so well established, that the shell serving as an habitation to the *Carcinion* or *Pagurus* was not of its own formation; that it had possessed itself of it after the death of the molluscous animal which had formed it; and that its body was not adherent to it, as is that of the last-mentioned animal.[1]

*CAR'CINUS (*καρκίνος*), the genus *Cancer* or *Crab*, of which many species are described by Aristotle. According to Pennant, Aristotle notices the Velvet-crab, or *Cancer velutinus*, L.[2] The *καρκίνος ποτάμιος* belongs to the genus *Thelphusa*. "This species of crab enjoyed a great celebrity among the Greeks, and we see it on the coins of Agrigentum in Sicily, where it is represented with so much truth that it is impossible to mistake it. Particular mention is made of this *crustaccum* in the writings of Pliny, Dioscorides, Nicander, and others. It is the *Grancio* or *Granzo* of the Italians. It was believed that the ashes of this species were useful, from their desiccative qualities, to those who had been bitten by a mad dog, either by employing those ashes alone, or mixed with incense and gentian. According to Ælian, the fresh-water crabs, as well as the tortoises and crocodiles, foresaw the inundations of the Nile, and, about a month previously to that event, resorted to the most elevated situations in the neighbourhood. The kind of crustacea termed by modern naturalists *Ocypode* is probably the same of which Pliny makes mention, and which the Greeks, by reason of the celerity of its movements, designated as the *Hippeus* ('Ιππεύς), or "Horseman." —With regard to the *Cancer Pinnotheres*, or small Crab, *vid.* PINNOPHYLAX.[3]

*CARDAM'INE (*καρδαμίνη*), the second species of *Σισύμβριον*. The term is applied by modern botanists to a genus closely allied to the Cresses. (*Vid.* SISYMBRIUM.)[4]

*CARDAMO'MUM, according to Pliny,[5] a species of aromatic shrub, producing a seed or grain of the same name with the parent plant. This seed was used in unguents. The Roman writer mentions four kinds of this seed: the first, which was the best, was of a very bright green, and hard to break up; the second was of a whitish-red colour; the third, smaller, and of a darker hue; the fourth and worst, of different colours, having little odour, and very friable. The Cardamomum had a fragrance resembling that of *Costus*, or Spikenard. The Cardamomum of the shops at the present day appears to be the same with that of the ancients, and is the fruit or seed of the *Amomum Cardamomum*. It comes, not from Arabia, as Pliny says the ancient kinds did, but from India; and, indeed, it was in this way the Greeks and Romans actually obtained theirs, by the Red Sea, and the overland trade through Arabia. Only three kinds are known at the present day, the large, medium, and small sized. M. Bonastre thinks that *cardamomum* means "amomum in husks," or "husk-amomum" (*amome à siliqucs*), the Egyptian term *kardh* meaning, as he says, "a husk." Other etymologists, however, make the term in question come from *καρδία*, "a heart," and *ἄμωμον*, and consider it to mean "strengthening, exhilarating, or cardiac amomum."[6]

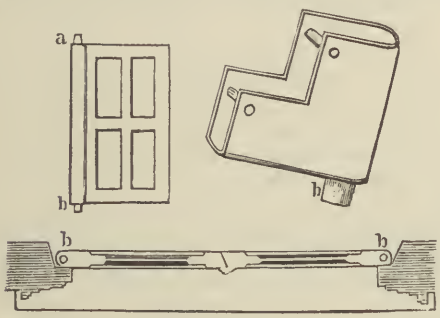
1 (Adams, Append., s. v.)—2. (Pherecydes, p. 97–100, ed. Sturz.)—3. (Athenæus, xi., 49.—Macrob., Sat., v., 21.)—4. (Sapphc, Frag.—Virg., Georg., iv., 380.—Æn., v., 77.—Ovid, Met., vii., 246—Stat., Achill., ii., 6.—Athenæus, v., 28.)—5. (Lucil., Sat., iii.—Eurip., Hec., 1237.—Schol., ad loc.)—6. (Serv. in Æn., v., 77.)—7. (Nonius, s. v.)—8. (Nem., v., 94, —9. (Moschion, ap. Athen., v., 43.)—10. (Apollon. Rhod., i., 565.—Schol., ad loc.—Athenæus, xi., 49.)—11. (Catullus, ap. Non —Apuleius, Met., xi.)—12. (Vitruv., x 2, 10.—Schneider, ad loc.)

1. (Griffith's Cuvier, vol. xiii., p. 304.)—2. (Adams, Append., s. v.)—3. (Griffith's Cuvier, vol. xiii., p. 278, seqq.)—4. (Adams Append., s. v.)—5. (H. N., xii., 13.—6 'Fée, ad Plin., l. c.)

*CARD'AMUM (*κάρδαμον*), a species of plant. Schneider remarks that Sprengel holds it to be the *Lepidium sativum*, or cultivated Pepper-wort; Stackhouse, however, is for the *Sisymbrium nasturtium*, or Water-cress; while Coray thinks it is either the *Lepidium perfoliatum*, or *Orientale*, Tournefort. "There can be little doubt," observes Adams, "that it was a sort of Cress, but the species cannot be determined with any degree of certainty."[1]

CARDO (*θαιρός, στρυφεύς, στρόφιγξ, γίγγλυμος*), a hinge, a pivot.

The first figure in the annexed woodcut is designed to show the general form of a door, as we find it with a pivot at the top and bottom (*a, b*) in ancient remains of stone, marble, wood, and bronze. The second figure represents a bronze hinge in the Egyptian collection of the British Museum: its pivot (*b*) is exactly cylindrical. Under these is drawn the threshold of a temple, or other large edifice, with the plan of the folding-doors. The pivots move in holes fitted to receive them (*b, b*), each of



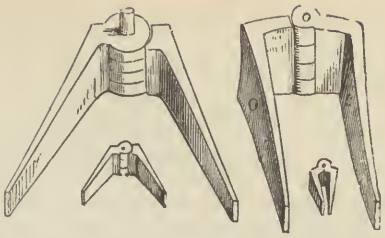
which is in an angle behind the antepagmentum (*marmore ferratus stridens in limine cardo*[2]). This representation illustrates the following account of the breaking down of doors: "*Januæ evulsis* funditus *cardinibus prosternuntur.*"[3] When Hector forces the gate of the Grecian camp, he does it by breaking both the hinges (*ἀμφοτέρους θαιρούς*[4]), *i. e.*, as explained by the scholiasts, the pivots (*στρόφιγγας*) at the top and bottom. (*Vid.* CATARACTA.)

According to the ancient lexicons, "cardo" denoted not only the pivot, but sometimes the socket (*foramen*) in which it turned. On this assumption we may vindicate the accuracy of such expressions as *Postes a cardine vellit*, and *Emoti procumbunt cardine postes*;[5] *θαιρῶν ἐξερύσαντες.*[6] In these instances, "postis" appears to have meant the upright pillar (*a, b*) in the frame of the door. The whole of this "post," including the pivots, appears to be called *στροφεύς* and "cardo" by Theophrastus and Pliny, who say that it was best made of elm, because elm does not warp, and because the whole door will preserve its proper form, if this part remains unaltered.[7]

To prevent the grating or creaking noise[8] (*stridor*,[9] *strepitus*[10]) made by opening a door, lovers and others who had an object in silence (*cardine tacito*[11]) poured water into the hole in which the pivot moved.[12]

The Greeks and Romans also used hinges exactly like those now in common use. Four Roman hinges of bronze, preserved in the British Museum, are shown in the following woodcut.

The proper Greek name for this kind of hinge was *γίγγλυμος*: whence Aristotle[13] applies it to the



joint of a bivalve shell; and the anatomists call those joints of the human body *ginglymoid* which allow motion only in one plane, such as the elbow joint. Of this kind of hinge, made by inserting a pin through a series of rings locking into one another, we have examples in helmets and cuirasses.[1]

The form of the door above delineated makes it manifest why the principal line laid down in surveying land was called "cardo" (*vid.* AGRIMENSORES);[2] and it farther explains the application of the same term to the North Pole, the supposed pivot on which the heavens revolved.[3] The lower extremity of the universe was conceived to turn upon another pivot, corresponding to that at the bottom of the door;[4] and the conception of these two principal points in geography and astronomy led to the application of the same term to the east and west also.[5] Hence our "four points of the compass" are called by ancient writers *quatuor cardines orbis terrarum*, and the four principal winds, N., S., E., and W., are the *cardinales venti.*[6]

The fundamental idea of the pivots which served for hinges on a door may be traced in the application of the same terms to various contrivances connected with the arts of life, more especially to the use of the tenon (*cardo, στρόφιγξ*) and mortise (*foramen, βάσις*) in carpentry;[7] *tignum cardinatum*;[8] *cardines securiculati*,[9] *i. e.*, dove-tailed tenons, called *securiculati* because they had the shape of an axe (*securicula*). We also find these terms applied to the pivot which sustained and moved the hand on the dial (*orbis*) of an anemoscope;[10] to the pins at the two ends of an axle, on which it revolves;[11] and to cocks used for drawing fluids through pipes (*bronze cock in the Museum at Naples*[12]).

Lastly, "cardo" is used to denote an important conjuncture or turn in human affairs,[13] and a definite age or period in the life of man (*turpes extremi cardinis annos*[14]).

*CARDUE'LIS, a small bird, feeding among thistles, whence its Latin name, from *carduus*, "a thistle." It appears to be the same with the *Acanthis* of Aristotle.[15] (*Vid.* ACANTHIS.)

*CARD'UUS, the Thistle, of which several kinds were known to the ancients. The *λευκάκανθος* of Theophrastus[16] (*ἄκανθα λευκή* of Dioscorides[17]) is the *Carduus lucographus* of modern botanists: the *ἄκανθα χαλκεία* is the *Carduus cyanoïdes*, L. The *κίρσιον* of Dioscorides, so called because reputed to heal in varicose complaints (*κιρσός, varix*), is the *C. Marianus*, or St. Mary's Thistle. The modern Greek name is *κουφάγκαθο*. Sibthorp found it in the Peloponnesus, in Cyprus, and around Constantinople. It grows wild, according to Billerbeck, throughout Europe.[18] The *σκόλυμος* is a species of

1. (Adams, Append., s. v.)—2. (Ciris, 222.—Eurip., Phœn., 114-116.—Schol. ad loc.)—3. (Apuleius, Met., i.)—4. (Il., xii., 459.)—5. (Virg., Æn., ii., 480, 493.)—6. (Quint., Smyrn., x., 388.)—7. (Theophrast., H. P., v., 3, 5.—Plin., H. N., xvi., 77.)—8. (Virg., Æn., i., 449.)—9. (Ovid, Met., xi., 608.)—10. (Id. ib., xiv., 782.)—11. (Tibull., I., vi., 20.—Propert., I., xvi., 25.)—12 (Plaut., Curcul., I., iii., 1-4.)—13. (H. A., iv., 4.)

1. (Bronzes of Siris in Brit. Museum.—Xen., De Re Equestr., xii., 6.)—2. (Festus, s. v. Decumanus.—Isid., Orig., xv., 14.)—3. (Varro, De Re Rust., i., 2.—Ovid, Ep. Ex Pont., ii., 10, 45.)—4. (Cic., De Nat. Deor., ii., 41.—Vitruv., vi., 1; ix., 1.)—5. (Lucan, v., 71.)—6. (Servius, ad Æn., i., 85.)—7. (Josephus, Ant. Jud., III., vi., 3.)—8. (Vitruv., x., 15.)—9. (x., 10.)—10 (Varro, De Re Rust., iii., 5.)—11. (Vitruv., x., 32.,—12. (Schol ad Aristoph., Av., 450.)—13. (Virg., Æn., i., 672.)—14. (Lucan, vii., 381.)—15. (H. A., ix., 1.)—16. (H. P., vi., 4.) 17 (iii., 14.—Sprengel, R. H. H., vol. i., p. 185.)— 18. (Flora Classica, p. 208.)

edible thistle, and, according to Sibthorp, is the same with the *Scolymus Hispanicus;* Schneider, however, is in favour of the *Cynara cardunculus*, or Cardon Artichoke.[1] (*Vid.* ACANTHA.)

*CAR'EUM (*κάρος*), the plant called *Carroway*, the *Carum carui*, L. It took its name from the country of Caria, where the best grew,[2] and the name is, in fact, an adjective, there being an ellipsis of *cuminum;* for the *Careum* is, in truth, the *Cuminum sylvestre*. Billerbeck thinks[3] that the *Chara* or *Cara* which the soldiers of Cæsar[4] ate with milk, and which they also made up into bread during the scarcity of provisions which prevailed in the camp of the latter at Dyrrhachium, was no other than the root of the Careum. Cuvier,[5] however, with more appearance of reason, declares for a species of wild cabbage (*une espece de chou sauvage*), of which Jacquin has given a description under the title of *Crambe Tartaria*. The *Chara* of modern botanists is quite different from this, being a small aquatic herb.

*CAREX, a species of Rush. The *Carex* is mentioned by Virgil[6] with the epithet *acuta*, and Martyn[7] remarks of it as follows: "This plant has so little said of it, that it is hard to ascertain what species we are to understand by the name. It is called 'sharp' by Virgil, which, if it be meant of the end of the stalk, is no more than what Ovid has said of the *Juncus*, or common Rush. It is mentioned also in another passage of Virgil,[8] '*tu post carecta latebas*,' from which we can gather no more than that these plants grew close enough together for a person to conceal himself behind them. Catullus mentions the *Carex* together with Fern, and tells what season is best to destroy them. Since, therefore, it is difficult to determine what the *Carex* is from ancient authorities, we must depend upon the account of Anguillara, who assures us that, about Padua and Vincenza, they call a sort of rush *Careze*, which seems to be the old word *Carex* modernized. Caspar Bauhin says it is that sort of rush which he has called *Juncus acutus panicula sparsa*. It is, therefore, our common hard rush, which grows in pastures and by waysides in a moist soil. It is more solid, hard, and prickly at the point than our common soft rush, which seems to be what the ancients called *Juncus*."[9]

*CARIS (*καρίς*), a sea-animal of the class *Crustacea*. According to Adams, it is the *Squilla* of Cicero and Pliny,[10] a term that has been retained in the Linnæan nomenclature. It is the *Cancer squilla*, L. The larger kind of Squilla, he adds, is called White Shrimp in England; the smaller, Prawn. The *καρὶς κυφή* of Aristotle is a variety of the *Cancer squilla*, called in French *Crevette*. In the systems of Latreille and Fleming, the term *Carides* is applied to a subdivision of the Crustacea. In these systems, the Prawn gets the scientific name of *Palæmon serratus*, the common Shrimp that of *Crangon vulgaris*."[11]

CARINA. (*Vid.* NAVIS.)

CARMENTA'LIA. Carmenta, also called Carmentis, is fabled to have been the mother of Evander, who came from Pallantium in Arcadia and settled in Latium; he was said to have brought with him a knowledge of the arts, and the Latin alphabetical characters as distinguished from the Etruscan.[12] In honour of this Carmenta, who was supposed to be more than human,[13] were celebrated the Carmentalia,[14] even as early as the time of Romulus, if we may believe the authority of Plutarch.[1] These were feriæ stativæ, *i. e.*, annually held on a certain day, the 11th of January; and an old calendar[2] assigns to them the four following days besides; of this, however, there is no confirmation in Ovid.[3] A temple was erected to the same goddess at the foot of the Capitoline Hill, near the Porta Carmentalis, afterward called Scelerata.[4] The name Carmenta is said to have been given to her from her prophetic character, carmens or carmentis being synonymous with vates. The word is, of course, connected with carmen, as prophecies were generally delivered in verse. Her Greek title was *Θέμις*.[5] Plutarch[6] tells us that some supposed Carmenta to be one of the Fates who presided over the birth of men: we know, moreover, that other divinities were called by the same name; as, for instance, the Carmenta Postverta and Carmenta Prorsa were invoked in cases of childbirth; for farther information with respect to whom, see Aul. Gell., xvi, 6; Ovid, *Fast.*, i., 634.

CARNEIA (*Καρνεῖα*), a great national festival, celebrated by the Spartans in honour of Apollo Carneios, which, according to Sosibius,[7] was instituted Olymp. 26, although Apollo, under the name of Carneios, was worshipped in various places of Peloponnesus, particularly at Amyclæ, at a very early period, and even before the Dorian migration.[8] Wachsmuth,[9] referring to the passage of Athenæus above quoted, thinks that the Carneia had long before been celebrated; and that when, in Olymp. 26, Therpander gained the victory, musical contests were only added to the other solemnities of the festival. But the words of Athenæus, who is the *only* authority to which Wachsmuth refers, do not allow of such an interpretation, for no distinction is there made between earlier and later solemnities of the festival, and Athenæus simply says the institution of the Carneia took place Olymp. 26 (*Ἐγένετο δὲ ἡ θέσις τῶν Καρνείων κατὰ τὴν ἑκτην καὶ εἰκοστὴν Ὀλυμπιάδα, ὡς Σωσίβιός φησιν, ἐν τῷ περὶ χρόνων*). The festival began on the seventh day of the month of Carneios=Metageitnion of the Athenians, and lasted for nine days.[10] It was, as far as we know, a warlike festival, similar to the Attic Boëdromia. During the time of its celebration, nine tents were pitched near the city, in each of which nine men lived in the manner of a military camp, obeying in everything the commands of a herald. Müller also supposes that a boat was carried round, and upon it a statue of the Carneian Apollo (*Ἀπόλλων στεμματίας*), both adorned with lustratory garlands, called *δίκηλον στεμματιαῖον*, in allusion to the passage of the Dorians from Naupactus into Peloponnesus.[11] The priest conducting the sacrifices at the Carneia was called *Ἀγητής*, whence the festival was sometimes designated by the name *Ἀγητόρια* or *Ἀγητόρειον*;[12] and from each of the Spartan tribes five men (*Καρνεᾶται*) were chosen as his ministers, whose office lasted four years, during which period they were not allowed to marry.[13] Some of them bore the name of *Σταφυλοδρόμοι*.[14] Therpander was the first who gained the prize in the musical contests of the Carneia, and the musicians of his school were long distinguished competitors for the prize at this festival.[15] and the last of this school who engaged in the contest was Periclei-das.[16] When we read in Herodotus[17] and Thucyd-

1. (Billerbeck, l. c., and p. 205.)—2. (Plin., H. N., xix., 8.—Billerbeck, Flora Classica, p. 29.)—3. (F. C., p. 80.)—4. (Bell. Civ., iii., 48.)—5. (ad Cæs., l. c., Lemaire's ed.)—6. (Georg., iii., 231.)—7. (ad Virg., l. c.)—8. (Eclog., iii., 20.)—9. (Martyn, l. c.)—10. (Cic., De Nat. Deor., ii., 48.—Plin., H. N., ix., 42.)—11. (Adams, Append., s. v.)—12. (Niebuhr, Rom. Hist., i., p. 87, transl.—Tacit., Ann., xi., 14.)—13. (Liv., i., 71.)—14. (Varro, De Ling. Lat., v.)

1. (Romul., c. 21.)—2. (Grut., p. 133.)—3. (Fast., i., 467.)—4. (Liv., ii., 49.)—5. (Dionys., i., 31.)—6. (l. c.)—7. (ap. Athen. xiv., p. 635.)—8. (Muller's Dorians, i., 3, § 8, and ii., 8, § 15)—9. (Hellen. Alterthumsk., ii., 2, p. 257.)—10. (Athenæus, iv., p 141.—Eustath. ad Il., xxiv., sub fin.—Plut., Symp., viii., 1.)—11. (Dorians, i., 3, § 8, note *s.*)—12. (Hesych., s. v. *Ἀγητόρειον*.)—13. (Hesych., s. v. *Καρνεάται.*)—14. (Hesych., s v.—Compare Bekker, Anecdot., p. 205.)—15. (Müller, Dor., iv., 6, § 3.)—16. (Plut., De Mus., 6.)—17 (vi. 106; vii., 206.)

ides[1] that the Spartans, during the celebration of this festival, were not allowed to take the field against an enemy, we must remember that this restriction was not peculiar to the Carneia, but common to all the great festivals of the Greeks; traces of it are found even in Homer.[2]

Carneia were also celebrated at Cyrene,[3] in Thera,[4] in Gythion, Messene, Sicyon, and Sybaris.[5]

CARNIFEX, the public executioner at Rome, who executed slaves and foreigners,[6] but not citizens, who were punished in a manner different from slaves. It was also his business to administer the torture. This office was considered so disgraceful, that he was not allowed to reside within the city,[7] but lived without the Porta Metia or Esquilina,[8] near the place destined for the punishment of slaves,[9] called Sestertium under the emperors.[10]

It is thought by some writers, from a passage in Plautus,[11] that the carnifex was anciently keeper of the prison under the triumviri capitales; but there does not appear sufficient authority for this opinion.[12]

*CAROTA, the wild Carrot, called by the Greeks *δαῦκος*. (*Vid.* DAUCUS.)

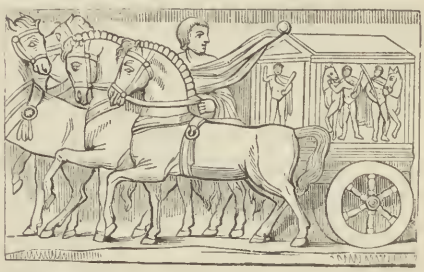
CARPENTUM, a cart; also a rectangular two-wheeled carriage, enclosed, and with an arched or sloping cover overhead.

The carpentum was used to convey the Roman matrons in the public festal processions;[13] and, as this was a high distinction, the privilege of riding in a carpentum on such occasions was allowed to particular females by special grant of the senate. This was done on behalf of Agrippina (*τῷ καρπεντῷ ἐν ταῖς πανηγύρεσι χρῆσθαι*[14]), who availed herself of the privilege so far as even to enter the Capitol in her carpentum.[15] A medal was struck (see woodcut) to commemorate this decree of the senate in her favour. When Claudius celebrated his triumph at Rome, he was followed by his empress Messalina in her carpentum.[16]

This carriage contained seats for two, and sometimes for three persons, besides the coachman.[17] It was commonly drawn by a pair of mules (*carpentum mulare*[18]), but more rarely by oxen or horses, and sometimes by four horses like a quadriga. For grand occasions it was very richly adorned. Agrippina's carriage, as above represented, shows painting or carving on the panels, and the head is supported by Caryatides at the four corners.

The convenience and stateliness of the carpentum were also assumed by magistrates, and by men of luxurious habits, or those who had a passion for driving.[19]

When Caligula instituted games and other solemnities in honour of his deceased mother Agrippina, her carpentum went in the procession.[1] This practice, so similar to ours of sending carriages to a funeral, is evidently alluded to in the alto-relievo here represented, which is preserved in the British Museum. It has been taken from a sarcophagus, and exhibits a close carpentum drawn by four horses. Mercury, the conductor of ghosts to Hades, appears on the front, and Castor and Pollux, with their horses, on the side panel.



The coins of Ephesus show a carpentum, proving that it was used to add to the splendour of the processions in honour of Diana. It probably carried a statue of the goddess, or some of the symbols of her attributes and worship.

Carpenta, or covered carts, were much used by our ancestors the Britons, and by the Gauls, the Cimbri, the Allobroges, and other northern nations.[2] These, together with the carts of the more common form, including baggage-wagons, appear to have been comprehended under the term *carri* or *carra*, which is the Celtic name with a Latin termination. The Gauls and Helvetii took a great multitude of them on their military expeditions; and, when they were encamped, arranged them in close order, so as to form extensive lines of circumvallation.[3]

The agricultural writers use "carpentum" to denote either a common cart[4] or a cart-load, e. g., xxiv. *stercoris carpenta*.[5]

*CARPE'SIUM (*καρπήσιον*), an aromatic sometimes used in place of Cassia. Galen describes it as resembling Valerian. Some of the earlier commentators, and, as it would appear, the Arabian physicians also, supposed it Cubebs; but this opinion is rebutted by Matthiolus and C. Bauhin. Dr. Hill says of it, "If the Arabians were acquainted with our Cubebs at all, it appears that, not knowing what the *Carpesium* and *Ruscus* were, they ignorantly attributed the virtues ascribed by the Greeks to their medicines to the Cubebs."[6]

*CARPI'NUS, a species of Maple, called also the Hornbeam, or Yoke-elm. It is a tree that loves the mountains, and is described by Pliny as having its wood of a red colour and easy to cleave, and covered with a livid and rugged bark. It was called *Zygia* (*ζυγία*) by the Greeks, because often used to make yokes (*ζυγά*) for oxen. The scientific name is *Carpinus betulus*.[7]

ΚΑΡΠΟΥ ΔΙ'ΚΗ (*καρποῦ δίκη*), a civil action under the jurisdiction of the thesmothetæ, might be instituted against a farmer for default in payment of rent.[8] It was also adopted to enforce a judicial award when the unsuccessful litigant refused to surrender the land to his opponent,[9] and might be used to determine the right to land,[10] as the judgment would determine whether the plaintiff could claim rent of the defendant.

1 (v. 54, and in other places.)—2. (Od., xxi., 258, &c.)—3. (Callim., Hymn. in Apoll., 72, seq.)—4. (Callim., l. c.—Pindar, Pyth., v., 99, seq.)—5. (Paus., iii., 21, 7, and 24, 5; iv., 33, 5; ii., 10, 2.—Theocrit., v., 83.—Compare Müller's Orchomenus, p. 327.)—6. (Plaut., Bacch., IV., iv., 37.—Capt., V., iv., 22.)—7. (Cic., Pro Rabir., 5.)—8. (Plaut., Pseud., I., iii., 98.)—9. (Plaut., Cas., II., vi., 2.—Tacit., Ann., xv., 60.—Hor., Epod., v., 99.)—10. (Plut., Galb., 20.)—11. (Rud., III., vi., 19.)—12. (Lipsius, Excurs. ad Tacit., Ann., ii., 32.)—13. (Liv., v., 25.—Isid., Orig., xx., 12.)—14. (Dion Cass., lx.)—15. (Tacit., Ann., xii., 42.)—16. (Suet., Claud., 17.)—17. (Liv., i., 34.)—18. (Lamprid., Heliog., 4.)—19. (Juv., Sat., viii., 146–152.)

1. (Suet., Calig., 15.)—2. (Florus, i., 18; iii., 2, 3, and 10.)—3. (Cæs., Bell. Gall., i., 24, 26.)—4. (Veget., Mulomed., iii., Præf.)—5. (Pallad., x., 1.)—6. (Paul. Ægin., vii., 3.—Adams, Append., s. v.)—7. (Plin., H. N., xvi., 15, 18, 40.—Compare Vitruv., ii., 9.)—8. (Meier, Att. Process, 531.)—9. (Hudtwalcker, 144.—Meier, Att. Process, 750.)—10. (Harpocrat., s. v. and *Οὐσίας δίκη*.)

CARR'AGO, a kind of fortification, consisting of a great number of wagons placed round an army. It was employed by barbarous nations, as, for instance, the Scythians,[1] Gauls (*vid.* CARPENTUM), and Goths.[2]

Carrago also signifies sometimes the baggage of an army.[3]

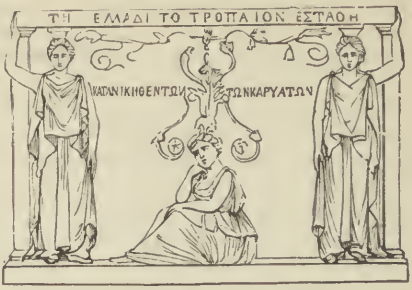
CARRU'CA was a carriage, the name of which only occurs under the emperors. It appears to have been a species of rheda (*vid.* RHEDA), whence Martial, in one epigram,[4] uses the words as synonymous It had four wheels, and was used in travelling. Nero is said never to have travelled with less than 1000 carrucæ.[5] These carriages were sometimes used in Rome by persons of distinction, like the carpenta (*vid.* CARPENTUM), in which case they appear to have been covered with plates of bronze, silver, and even gold, which were sometimes ornamented with embossed work. Alexander Severus allowed senators at Rome to use carrucæ and rhedæ plated with silver;[6] and Martial[7] speaks of an *aurea carruca* which cost the value of a farm. We have no representations of carriages in ancient works of art which can be safely said to be carrucæ, but we have several delineations of carriages ornamented with plates of metal.[8] Carrucæ were also used for carrying women, and were then, as well, perhaps, as in other cases, drawn by mules,[9] whence Ulpian[10] speaks of *mulæ carrucariæ*.

CARRUS. (*Vid.* CARPENTUM.)

CAR'YA or CARYA'TIS (Καρύα or Καρυατίς), a festival held at Caryæ, in Laconia, in honour of Artemis Caryatis.[11] It was celebrated every year by Lacedæmonian maidens (Καρυατίδες) with national dances of a very lively kind,[12] and with solemn hymns.

CARYA'TIS (καρυᾶτις), pl. CARYA'TIDES. From the notices and testimonies of ancient authors, we may gather the following account: That Caryæ was a city (*civitas*) in Arcadia, near the Laconian border; that its inhabitants joined the Persians after the battle of Thermopylæ;[13] that on the defeat of the Persians the allied Greeks destroyed the town, slew the men, and led the women into captivity; and that, as male figures representing Persians were afterward employed with an historical reference instead of columns in architecture (*vid.* ATLANTES, PERSÆ), so Praxiteles and other Athenian artists employed female figures for the same purpose, intending them to express the garb, and to commemorate the disgrace of the Caryatides, or women of Caryæ.[14] This account is illustrated by a bas-relief with a Greek inscription, mentioning the conquest of the Caryatæ, which is preserved at Naples, and copied in the following woodcut.

In allusion to the uplifted arm of these marble statues, a celebrated parasite, when he was visiting in a ruinous house, observed, "Here we must dine with our left hand placed under the roof, like Caryatides." (*Vid.* CARPENTUM.) The Caryatides executed by Diogenes of Athens, and placed in the Pantheon at Rome, above the sixteen columns which surrounded the interior, may have resembled those which are represented in a similar position in one of the paintings on the walls of the baths of Titus.[15] It is proper to observe that Lessing, and various writers after him, treat the preceding account as fabulous.



After the subjugation of the Caryatæ, their territory became part of Laconia. The fortress (χωρίον[1]) had been consecrated to Artemis,[2] whose image was in the open air, and at whose annual festival (Καρυᾶτις ἑορτή[3]) the Laconian virgins continued, as before, to perform a dance of a peculiar kind, the execution of which was called καρυατίζειν. Blomfield thinks that the Caryatides in architecture were so called from these figures resembling the statue of Ἄρτεμις Καρυᾶτις, or the Laconian virgins who celebrated their annual dance in her temple.[4]

*CAR'YON (κάρυον), the Walnut. "By itself," observes Adams, "the κάρυον is undoubtedly to be generally taken for the *Juglans regia*, or common Walnut. I am farther disposed to agree with Stackhouse in holding the κάρυα Εὐβοϊκά, Περσικά, and Βασιλικά as mere varieties of the same. The κάρυον Ποντικόν or λεπτο-κάρυον, of Dioscorides and Galen, is as certainly the *Nux Avellana*, or Filbert being the fruit of the *Corylus Avellana*, or Hazel nut."[5] (*Vid.* AVELLANÆ NUCES.)

*CARIOPHYLL'ON (καρυόφυλλον), Cloves or the flower-buds of the *Cariophyllus aromaticus* (*Eugenia Caryophyllata* of the London Dispensary). They are first noticed by Paul of Ægina.[6] Symeon Seth[7] likewise gives a short account of cloves. There is no mention of the clove in the works of Dioscorides, Galen, Oribasius, or Aëtius, but it is regularly noticed in the Materia Medica of all the Arabian physicians.[8]

*CASIA or CASSIA (κασία, κασσία[9]), Cassia. Moses Charras says of it, "The tree called Cassia is almost like that which bears the Cinnamon. These two barks, though borne by different trees, are boiled and dried after the same manner, and their taste and scent are almost alike" "I can see no difficulty," observes Adams, "about recognising it as the *Laurus Cassia*." Stackhouse, however, prefers the *Laurus gracilis*, but upon what authority he does not explain. The κασία σύριγξ and ξυλοκασία are thus explained by Alston: "The *Cassia lignea* of the ancients was the larger branches of the cinnamon-tree cut off with their bark, and sent together to the druggists; their *Cassia fistula*, or *Syrinx*, was the same cinnamon in the bark only, as we now have it stripped from the tree, and rolled up into a kind of *Fistulæ*, or pipes." The Greeks then were unacquainted with our *Cassia fistula*, which was first introduced into medical practice by the Arabians.[10]

*CASSIT'EROS. (*Vid.* PLUMBUM.)

*CASTA'NEA (καστανέα, καστάνια, or κάστανα, the Chestnut-tree, or *Fagus Castanea*, L. Its fruit was called by the Latin writers *Castanea nux*, and

1. (Trebell. Poll., Gallien., 13.)—2. (Amm. Marcell., xxxi., 20.—Compare Veget., iii., 10.)—3. (Trebell. Poll., Claud., 8.—Vopisc., Aurelian, 11.)—4. (iii., 47.)—5. (Suet., Ner., 30.)—6. (Lamp., Alex. Sev., 43.)—7. (iii., 72.)—8. (See Inghirami, Monum. Etrusch., iii., 18, 23.—Millingen, Uned. Mon., ii., 14.)—9. (Dig. 34, tit. 2, s. 13.)—10. (Dig. 21, tit. 1, s. 38, § 8.)—11. (Hesych., s. v. Καρύαι.)—12. (Paus., iii., 10, § 8; iv., 16, § 5.—Pollux, Onom., iv., 104.)—13. (Herod., viii., 26.—Vitruv., i., 1, 5.)—14. (Vitruv., l. c.—Plin., H. N., xxxvi., 45 and 11.)—15. (Descr. des Bains de Titus, pl. 10.—Wolf and Buttmann's Museum, I, tab. 3, fig. 5.)

1. (Steph. Byz.)—2. (Diana Caryatis.—Serv. in Virg., Eclog., viii., 30.)—3. (Hesych.)—4. (Mus. Crit., vol. ii., p. 402.—Paus., iii., 10, 8; iv., 16, 5.—Lucian, De Salt.—Plutarch, Artax.)—5 (Theophr., iii., 2.—Dioscor., i., 178 —Adams, Append., s. v.)—6 (vii., 3.) — 7. (De Aliment.) — 8. (Adams, Append., s. v.)—9 (Theophr., H. P., ix., 4.—Dioscor. i., 12.)—10. (Serapion, Fol. cxxii.—Adams, Append., s. v.)

also simply *Castanea*. Among the Greeks, on the other hand, chestnuts had various names. They are called Διὸς βάλανοι by Theophrastus;[1] Σαρδίαναι βάλανοι by Dioscorides and Galen; λόπιμα κάρυα by Nicander;[2] and κάρυα simply by Xenophon,[3] who mentions that the nation of the Mosynœci lived entirely on them.[4] The Chestnut-tree is generally considered to be a native of Asia, in many parts of which it is to be found in situations where it is not very likely to have been planted. Tradition says that it was brought from Asia Minor, and soon spread over all the warmer parts of Europe. In the southern parts of the latter continent, chestnuts grow so abundantly as to form a very large portion of the food of the common people, who, besides eating them both raw and roasted, form them into puddings, and cakes, and even bread.[5] The name *Castanea* is derived by Vossius from that of the town of Castanæa in Thessaly, where this tree grew very abundantly. This etymology, however, is more than doubtful.

CASSIA LEX. (*Vid.* Tabellaria.)

CASSIS. (*Vid.* Galea, Rete.)

CASTELLUM AQUÆ, a reservoir, or building constructed at the termination of an aquæduct, when it reached the city walls,[6] for the purpose of forming a head of water, so that its measure might be taken, and thence distributed through the city in the allotted quantities. The more ancient name in use, when the aquæducts were first constructed, was *dividiculum*.[7]

The *castella* were of three kinds, public, private, and domestic.

I. Castella Publica. Those which received the waters from a public duct to be distributed through the city for public purposes: 1. *Castra*, the prætorian camps. 2. The fountains and pools in the city (*lacus*). 3. *Munera*. under which head are comprised the places where the public shows and spectacles were given, such as the circus, amphitheatres, naumachiæ, &c. 4. *Opera publica*, under which were comprised the baths, and the service of certain trades—the fullers, dyers, and tanners—which, though conducted by private individuals, were looked upon as public works, being necessary to the comforts and wants of the whole community. 5. *Nomine Cæsaris*, which were certain irregular distributions for particular places, made by order of the emperors. 6. *Beneficia Principis*, extraordinary grants to private individuals by favour of the sovereign. Compare Frontinus, § 3, 78, in which the respective quantities distributed under each of these denominations are enumerated.

II. Castella Privata. When a number of individuals, living in the same neighbourhood, had obtained a grant of water, they clubbed together and built a *castellum*,[8] into which the whole quantity allotted to them collectively was transmitted from the *castellum publicum*. These were termed *privata*, though they belonged to the public, and were under the care of the *curatores aquarum*. Their object was to facilitate the distribution of the proper quantity to each person, and to avoid puncturing the main pipe in too many places;[9] for when a supply of water from the aquæducts was first granted for private uses, each person obtained his quantum by inserting a branch pipe, as we do, into the main; which was probably the custom in the age of Vitruvius, as he makes no mention of private reservoirs. Indeed, in early times,[10] all the water brought to Rome by the aquæducts was applied to public purposes exclusively, it being forbidden to the citizens to divert any portion of it to their own use, except such as escaped by flaws in the ducts or pipes, which was termed *aqua caduca*.[1] But as even this permission opened a door for great abuses from the fraudulent conduct of the *aquarii*, who damaged the ducts for the purpose of selling the *aqua caduca*, a remedy was sought by the institution of *castella privata*, and the public were henceforward forbidden to collect the *aqua caduca*, unless permission was given by special favour (*beneficium*) of the emperor.[2] The right of water (*jus aquæ impetratæ*) did not follow the heir or purchaser of the property, but was renewed by grant upon every change in the possession.[3]

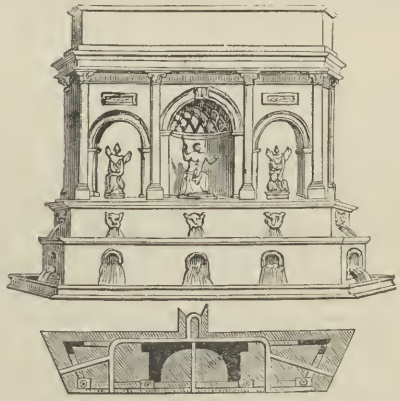
III. Castella Domestica, leaden cisterns, which each person had at his own house to receive the water laid on from the *castellum privatum*. These were, of course, private property.

The number of public and private *castella* in Rome at the time of Nerva was 247.[4]

All the water which entered the *castellum* was measured, at its ingress and egress, by the size of the tube through which it passed. The former was called *modulus acceptorius*, the latter *erogatorius*. To distribute the water was termed *crogare;* the distribution, *erogatio;* the size of the tube, *fistularum*, or *modulorum capacitas*, or *lumen*. The smaller pipes, which led from the main to the houses of private persons, were called *punctæ;* those inserted by fraud into the duct itself, or into the main after it had left the castellum, *fistulæ illicitæ*.

The *erogatio* was regulated by a tube called *calix*, of the diameter required, attached to the extremity of each pipe where it entered the castellum; it was probably of lead in the time of Vitruvius, such only being mentioned by him; but was made of bronze (*æncus*) when Frontinus wrote, in order to check the roguery of the aquarii, who were able to increase or diminish the flow of water from the reservoir by compressing or extending the lead. Pipes which did not require any *calix* were termed *solutæ*.

The subjoined plans and elevation represent a ruin still remaining at Rome, commonly called the "Trophies of Marius," which is generally considered to have been the castellum of an aquæduct It is now much dilapidated, but was sufficiently entire about the middle of the sixteenth century, as may be seen by the drawing published by Gamucci,[6] from which this restoration is made. The trophies,



then remaining in their places, from which the monument derives its modern appellation, are now placed on the Capitol. The ground-plans are given

1. (H. P., iii., 8.)—2. (Ap. Athen., ii., 43.)—3. (Anab., v., 4, 18.)—4. (Adams, Append., s. v.)—5. (Library of Ent. Knowledge, vol. ii., pt. 1, p. 92.)—6. (Vitruv., viii., 7.)—7. (Festus, s. v.)—8. Senatus consult. ap. Frontin. § 106.)—9. (Frontin., § 27.)—10 (Front., § 94.)

1. (Front., § 94.)—2. (Front., § 111.)—3. (Front., § 107.)—4. (Front., § 78.)—5. (Antichità di Roma, iii., p. 100.)

from an excavation made some years since by the students of the French Academy; they explain part of the internal construction, and show the arrangement adopted for disposing of the superfluous water of an aquæduct,[1] and how works of this nature were made to contribute to the embellishment and comforts of the city. The general stream of water is first divided by the round projecting buttress into two courses, which subdivide themselves into five minor streams, and finally fall into a reservoir in the manner directed by Vitruvius,[2] "*immissarium ad recipiendum aquam castello conjunctum.*" Thus the structure affords also an example of that class of fountains designated by the Romans *emissaria*.

*CASTOR (*κάστωρ*), the Beaver, or *Castor Fiber*. It is also called *κύων ποτάμιος*. The *κάστορος ὄρχις*, or *καστόριον*, is Castor, but this substance is not the testicles of the animal, as was generally supposed by the ancients, but a peculiar gland, placed in the groin of the beaver of both sexes. The ancients had a story prevalent among them, that the Beaver, when closely pursued, bit off its testicles, and, leaving these to the hunters, managed in this way to escape.[3]

*CASTOR'EUM. (*Vid.* Castor.)

CASTRA. The system of encampment among the Romans, during the later ages of the Republic, was one of singular regularity and order; but any attempt to trace accurately the steps by which it reached this excellence, would be an unprofitable task, in which we shall not engage. We may, however, observe, that in the earlier wars of Rome with the neighbouring petty states, the want of a regular camp would seldom be felt, and that the later form of encampment, which was based upon the constitution of the legion, would not have been applicable to the Roman army under the kings and in the first ages of the Republic, when it was arranged as a phalanx. We read, indeed, of *stativa castra*, or stationary camps, in the wars with the Æqui and Volsci, and of winter-quarters being constructed for the first time at the siege of Veii (B.C. 404–395[4]), and it is not improbable that the great Samnite war (B.C. 343–290) led to some regular system of encampment. This was followed by the campaigns against Pyrrhus (B.C. 280–275), whose superior tactics and arrangement of his forces were not likely to be lost upon the Romans. The epoch of the first Punic war (B.C. 264–241), in which Rome had to contend against various mercenary forces, was succeeded by the long struggle against the Cisalpine Gauls, and in both these contests the Romans found ample opportunities for improving themselves in the art of war. The second Punic war followed (B.C. 218 201), in which Hannibal was their adversary and teacher. After its conclusion, their military operations were no longer confined to Italy, but directed against more distant enemies, the Macedonian and Syrian kings (B.C. 200–192). These, of course, required a longer absence from home, and often exposed them to enemies of superior forces, so that it became necessary to protect themselves, both in the field and in the camp, by superiority in discipline and skill. Shortly after these times flourished Polybius, the historian of Megalopolis (a friend and companion of Scipio Africanus the younger), who expresses his admiration of the Roman system of encampment, and tells his readers that it is well worthy of their attention and study.[5] His description of the Roman camp of his day is remarkably clear; we proceed to give it with the accompanying plan.

A, prætorium. B, tents of the tribunes. C tents of the præfecti sociorum. D, street 100 feet wide. E, F, G, and H, streets 50 feet wide. L, select foot and volunteers. K, select horse and volunteers. M, extraordinary horse of the allies. N, extraordinary foot of the allies. O, reserved for occasional auxiliaries. Q, the street called Quintana, 50 feet wide. V., P., Via Principalis, 100 feet wide.

N.B. The position assigned to the præfecti sociorum is doubtful.

The duty of selecting a proper situation for the camp (*castra metari*) devolved upon one of the tribunes and a number of centurions who were specially appointed for that purpose, and sent in advance whenever the army was about to encamp; they were called metatores, from their office. After fixing on a proper locality, they then chose and distinguished with a white flag a place for the prætorium (A) or general's tent — prætor being the old name of the consul.[1] This was fixed, if possible on an elevation, so as to secure an extensive prospect, and afford every convenience for giving orders. About it was measured out a square, each side of which was 100 feet distant from the white flag, and therefore 200 feet in length, so that the whole area amounted to four plethra, or 40,000 square feet. (*Vid.* Arura.) The two legions of the consular army were arranged on that side of the prætorium which commanded the best supply of forage and water, and which we may call the front, in the following manner:

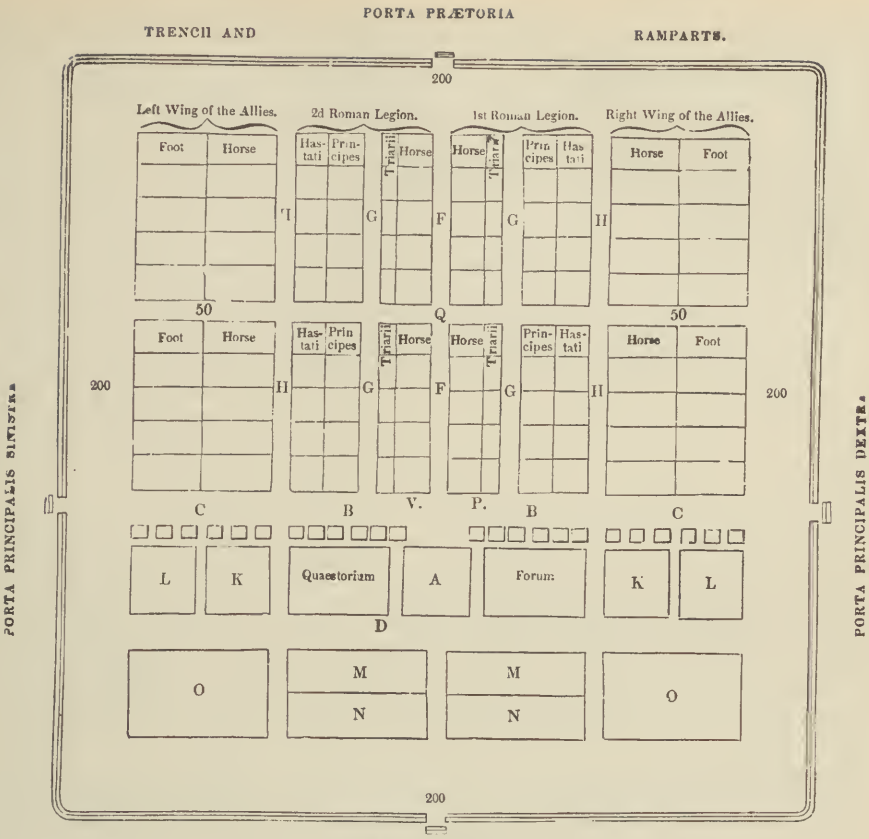
Fifty feet distant from the line of the front side of the square just mentioned, and parallel to it, were arranged the tents (B) of the twelve tribunes of the two legions. The intermediate space of fifty feet in breadth was appropriated to their horses and baggage; and their tents were arranged at such intervals one from the other as to cover the line of the legions whose encampment they faced. On the right and left of, and in the same line with the tents of the tribunes, seem to have been placed those of the præfecti sociorum (C), covering and fronting the flank of the allies, as the former did that of the legions. The spaces lying immediately behind the tents of the tribunes, to the right and left of the prætorium, were occupied by the forum and quæstorium; the former a sort of market-place, the latter appropriated to the quæstor and the camp stores under his superintendence.

On the sides of, and facing the forum and quæstorium, were stationed select bodies of horse (K), taken from the extraordinaries (*ἐπίλεκτοι τῶν ἀπολέκτων,*) with mounted volunteers, who served out of respect to the consul, and were stationed near him, not only in the camp, but also on the line of march and elsewhere, so that they were always ready to do any service for him as well as the quæstor.

Behind, and parallel to these, but facing the sides of the camp, were posted similar bodies of foot-soldiers (L). Again, parallel with the line of the tribunes' tents, and stretching behind the prætorium, the quæstorium, and the forum, ran a street or via (D), 100 feet broad, from one side of the camp to the other. Along the upper side of this street was ranged the main body of the "extraordinary" horse (M), parallel to and fronting the line of the tribunes' tents: they were separated into two equal parts by a street fifty feet broad (E), perpendicular to their front, and leading from the prætorium to the higher or back gate of the camp, the Porta Decumana. At the back of this body of cavalry was posted a similar body of infantry (N), selected from the allies, and facing the opposite way, *i. e.*, towards the ram-

1. (Compare Plin., H. N., xxxvi., 24, 3.)—2. (viii., 7.)—3. (Aristot., H. A., viii., 7—Adams, Append., s. v. *κύων ποτάμιος.*)—4. (Liv., iii., 2; v., 2.)—5. (Hist., vi., 24, ed. Gron.)

1. (Niebuhr, Hist. Rom., i. 520, transl.)



part of the camp. The vacant spaces (O) on each side of these troops were reserved for "foreigners" (ἀλλόφυλοι) and occasional auxiliaries.

The upper part of the camp, which we have just described, formed about a third of the whole, the remaining two thirds being appropriated to the main body of the forces, both legionary and allied, whose arrangement we now proceed to explain. The lower part of the camp was divided from the upper by a street, called the Via Principalis (V. P.), 100 feet broad, running parallel to and in front of the tribunes' tents: this was cut at right angles by another road (F), 50 feet broad, parallel to the length of the camp, and dividing the lower part into two equal spaces. On each side of this street (F) were ranged the horse of the two legions, the ten turmæ of each being on different sides, and facing each other: the turma consisted of 30 men, and occupied a square whose side was 100 feet long. At the back of these turmæ, and facing the contrary way, namely, towards the sides of the camp, stood the triarii, each maniple corresponding to a turma, and occupying a rectangle 100 feet in length by 50 in width. These dimensions would, of course, vary according to the component parts of the legion. Opposite to the two lines of triarii, but separated from them by a wide street (G), also 50 feet wide, stood the principes; they were double the triarii in number, and had a square, whose side was 100 feet, appropriated to each maniple. Behind these again, and in close contact with them, stood the ten maniples of the hastati, with their backs turned the opposite way, having the same space for each maniple as the principes. As the whole legion was divided into thirty maniples of foot, ten of each class, the whole arrangement was therefore perfectly symmetrical, the fifty-feet roads of which we have spoken commencing from the Via Principalis, and terminating in the open space by the ramparts. The whole legionary army thus formed a square, on each side of which were encamped the allies at a distance of 50 feet from the hastati, and presenting a front parallel to theirs. The allied infantry was equal in number to that of the legions, the cavalry twice as great: a portion of each (a third part of the latter and about a fifth of the former) was posted as "extraordinaries" in the upper part of the camp; so that, to make the line of the allies coterminous with that of the legion, it was necessary to give the former a greater depth of encampment. The cavalry of the allies faced the hastati, and the infantry at their back fronted the ramparts. The several front lines of the legionaries and allies were bisected by a road parallel to the Via Principalis, and called the Quintana (Q), from its dividing the ten maniples into two sets of five each: it was 50 feet in breadth.

Between the ramparts and the tents was left a vacant space of 200 feet on every side, which was useful for many purposes: thus it served for the reception of any booty that was taken, and facilitated the entrance and exit of the army. Besides this, it was a security against firebrands or missiles that might be thrown into the camp, as it placed the tents and the soldiers out of their reach.

From the description we have given, the reader will perceive that the camp was a square in form, divided into two parts by the Via Principalis, the

lower portion being cut lengthways by five streets, and crossways by one: so that, as Polybius remarks, the whole was not unlike a city, with rows of houses on each side of the streets.

The arrangements we have explained were adapted for a regular consular army; but in case there was a greater number than usual of allies, they had assigned to them either the empty space about the prætorium, increased by uniting the forum and quæstorium, or an additional row of tents on the sides of the Roman legions, according as they were fresh comers, or had been in the camp from its first formation. If four legions or two consular armies were united and enclosed by the same ramparts, their two camps then formed an oblong rectangle, the back of each single camp being turned to the other, and joined at the parts where the "extraordinaries" were posted, so that the whole perimeter was three halves of, and the length twice that of, the single camp.

The camp had four gates, one at the top and bottom, and one at each of the sides; the top or back gate (*ab tergo*, or *maxime aversa ab hoste*[1]) was called the Decuman; the bottom or the front gate was the Prætorian; the gates of the sides were the Porta Principalis Dextra and the Porta Principalis Sinistra. The whole camp was surrounded by a trench (*fossa*), generally nine feet deep and twelve broad, and a rampart (*vallum*) made of the earth that was thrown up (*agger*), with stakes (*valli*) fixed at the top of it. The labour of this work was so divided that the allies completed the two sides of the camp along which they were stationed, and the two Roman legions the rest; the centurions and tribunes superintended the work performed by the Romans, the præfects of the allies seem to have done the same for them.

We will now speak of the discipline of the camp. After choosing the ground (*loca capere*), the proper officers marked, by flags and other signals, the principal points and quarters; so that, as Polybius observes, the soldiers, on arriving at the place, proceeded to their respective stations like troops entering a well-known city, and passing through the streets to their several quarters. The tribunes then met, and administered to all, freemen as well as slaves, an oath to the effect "that they would steal nothing from the camp, and bring whatever they might find to the tribunes." After this, two maniples were chosen from the principes and hastati of each legion, to keep clean and in good order the Via Principalis, a place of general resort. The remaining eighteen maniples of the principes and hastati were assigned by lot, three to each of the six tribunes, and had to perform for them certain duties, such as raising their tents, levelling and paving the ground about them, and fencing in their baggage when necessary. These three maniples also supplied two regular guards of four men each, part of whom were posted in front of the tribunes' tents, part at the back by the horses. The triarii and velites were exempt from this duty; but each maniple of the former had to supply a guard of men to the turma of horse that was at their back; their chief duty was to look after the horses, though they also attended to other things. Moreover, each of the thirty maniples of foot kept guard in turn about the consul, both as a protection and a guard of honour. The general arrangements of the camp were under the direction of two of the tribunes, who were appointed by lot from each legion, and acted for two months. The præfects of the allies took their turn of authority in the same way, but, in all probability, over their own troops only.

We may now observe, that every morning at daybreak the centurions and horsemen presented themselves to the tribunes. The latter then went to the consul and received his orders, which were conveyed through the former to the soldiers. The watchword for the night, marked on a four-cornered piece of wood, and therefore called *tessera*, was given out in the following way: A soldier in every tenth maniple, posted farthest off from the tribune's tent, was exempted from guard duty, and presented himself at sunset before the tribune, from whom he received the tessera; he returned with it to his own tent, and, in the presence of witnesses, gave it to the centurion of number nine; it was passed on by him to the centurion of number eight, and so on, till it came back to the tribune. Besides the guards (*excubiæ*) of the tribunes, &c., which we have already mentioned, there were also several night watches (*vigiliæ*): thus there were generally three about the quæstorium, and two for each of the legati; each division (*τάγμα*) also set a watch for itself. The velites were stationed by the walls of the rampart, and supplied the posts or pickets at the gates (*stationes ante portas agebant*).

We will now describe the arrangements for the inspection of the night-watches, first observing that the night was divided into four, each of three hours' length; the arrangements were as follows: The soldiers of the watch-companies, supplied by the different maniples who were to furnish the guards during the first watch of the night, received from the tribune a number of small tablets (*ξυλήφια*) with certain marks upon them, and then went to their respective posts. The duty of visiting these posts and making the nightly rounds of inspection, devolved upon the horsemen. Four of these, who were selected for this duty every day, according to a regular cycle, received from the tribune written instructions as to the time when they were to visit each post, and the number of posts to be visited: they were called circuitores (*περίπολοι*), and, in the time of Vegetius, circitores. After receiving their orders, they went and posted themselves by the first maniple of the triarii, the centurion of which was required to see that the hours of the watch were properly given by the sound of the trumpet: then, when the time came, the circuitor of the first watch proceeded on his rounds to all the posts; if he found the guards awake and on duty, he took their tablets; if he found them asleep, or any one absent from his post, he called upon the friends who accompanied him to witness the fact, and so passed on to the next post. The same was done by the circuitores of the other watches. The next morning, all the inspectors appeared before the tribunes, and presented the tablets they had received; any guard whose tablet was not produced, was required to account for it. If the fault lay with the circuitor, he was liable to a stoning, which was generally fatal. A regular system of rewards and punishments was established in the camp, after describing which, Polybius gives the following comparison between the methods of encampment among the Romans and Greeks.

The latter, he says, endeavoured to avail themselves of the natural advantages afforded by any ground they could seize upon, thus avoiding the trouble of intrenchment, and securing, as they thought, greater safety than any artificial defence would have given them. The consequence of this was, that they had no regular form of camp, and the different divisions of an army had no fixed place to occupy.

In describing the Roman camp and its internal arrangements, we have confined ourselves to the information given by Polybius, which, of course, ap-

1. (Veget., i., 23.)

plies only to his age, and to armies constituted like those he witnessed. When the practice of drawing up the army according to cohorts, ascribed to Marius or Cæsar (*vid.* ARMY, p. 104), had superseded the ancient division into maniples, and the distinction of triarii, &c., the internal arrangements of the camp must have been changed accordingly. So, also, was the outward form; for we learn from Vegetius, who lived in the reign of the Emperor Valentinian (A.D. 385), that camps were made square, round, or triangular, to suit the nature of the ground, and that the most approved form was the oblong, with the length one third greater than the breadth.[1] He also distinguishes between camps made only for a night or on a march, and those which were stativa, or built strongly for a stationary encampment. Another author also[2] alludes to places in the camp which Polybius does not mention, *e. g.*, the *valetudinarium*, or infirmary; the *veterinarium*, or farriery; the *fabrica*, or forge;[3] the *tabulinum*, or record-office. Besides this, we read of a great variety of troops under the emperors which did not exist under the Republic, and, of course, had their respective stations assigned them in the camp.

In closing this article, we will mention some points, a previous notice of which would have interrupted the order of description

We learn from Tacitus[4] that a part of the prætorium was called the augurale, the auguries being there taken by the general.

The quæstorium, in former times, seems to have been near the back gate, or Porta Decumana, hence called quæstoria.[5] The same author[6] tells us that the tribunes formerly inspected (*circumibant*) the night-watches. In the principia, or its immediate neighbourhood, was erected the tribunal of the general, from which he harangued the soldiers.[7] The tribunes administered justice there.[8] The principal standards, the altars of the gods, and the images of the emperors, were also placed there.[9]

From the stationary camps, or castra stativa, arose many towns in Europe;[10] in England, especially those whose names end in cester or chester. Some of the most perfect of those which can be traced in the present day are at Ardoch and Strathern, in Scotland. Their form is generally oblong.

The castella of the Romans in England were places of very great strength, built for fixed stations. Burgh Castle in Suffolk, the ancient Garanomium, and Richborough Castle, the Rutupiæ of the Romans, near Sandwich in Kent, are still standing; they seem to have been built nearly on the model of the castra. For information on the Roman stations in this country, the reader is referred to General Roy's *Military Antiquities in Great Britain*.

CATAGRAPHA. (*Vid.* PICTURA.)

CATALO'GIA. (*Vid.* ANALOGIA.)

CATALO'GION. (*Vid.* CAUPONA.)

CATAI'TYX. (*Vid.* GALEA.)

CATA'LOGOS, the catalogue of those persons in Athens who were liable to regular military service. At Athens, those persons alone who possessed a certain amount of property were allowed to serve in the regular infantry, while the lower class, the thetes, had not this privilege. (*Vid.* CENSUS.) Thus the former are called *οἱ ἐκ καταλόγου στρατεύοντες*, and the latter *οἱ ἔξω τοῦ καταλόγου*.[11] Those who were exempted by their age from military service are called by Demosthenes[12] *οἱ ὑπὲρ τὸν κατάλογον*. It appears to have been the duty of the generals (*στρατηγοί*) to make out the list of persons liable to service (*vid.* ΑΣΤΡΑΤΕΙΑΣ ΓΡΑΦΗ), in which duty they were probably assisted by the demarchi, and sometimes by the *βουλευταί*.[1]

ΚΑΤΑΛΥΣΕΩΣ ΤΟΥ ΔΗΜΟΥ ΓΡΑΦΗ (*Καταλύσεως τοῦ δήμου γραφή*) was an action brought against those persons who had altered, or attempted to alter, the democratical form of government at Athens. A person was also liable to this action who held any public office in the state after the democracy had been subverted.[2] This action is closely connected with the *προδοσίας γραφὴ* (*ἐπὶ προδοσίᾳ τῆς πολέως, ἢ ἐπὶ καταλύσει τοῦ δήμου*[3]), with which it appears in some cases to have been almost identical. The form of proceeding was the same in both cases, namely, by *εἰσαγγελία*. In the case of *καταλύσεως τοῦ δήμου*, the punishment was death; the property of the offender was confiscated to the state, and a tenth part dedicated to Athena.[4]

CATAL'USIS. (*Vid.* CAUPONA.)

*CATANANKE (*κατανάγκη*). "There are few plants in the *Materia Medica* of the ancients," observes Adams, "about which there is such a diversity of opinion. It will be sufficient to mention that Sprengel, upon the whole, inclines to the opinion that the first species is the *Ornithopus compressus*, and the other the *Astragalus magniformis* Herit."

CATAPHRACTA. (*Vid.* LORICA.)

CATAPHRA'CTI (*κατάφρακτοι*). This word was used in two different significations:

I. It was the name of the heavy-armed cavalry, the horses of which were also covered with defensive armour,[5] whence they are called by Pollux[6] *περιπεφραγμένοι*. The armour of the horses consisted either of scale armour, or of plates of metal, which had different names, according to the parts of the body which they protected. Pollux[7] speaks of the *προμετωπίδιον*, *παρώπιον*, *παρήϊον*, *προστερνίδιον*, *παραπλευρίδιον*, *παραμηρίδιον*, *παρακνημίδιον* Among many of the Eastern nations, who placed their chief dependance upon their cavalry, we find horses protected in this manner; but among the Romans we do not read of any troops of this description till the later times of the Empire, when the discipline of the legions was destroyed, and the chief dependance began to be placed on the cavalry. When Postumus leaves Rome for the Eastern wars, Galla prays,

> "*Neve tua Medæ lætentur cæde sagittæ,*
> *Ferreus armato neu cataphractus equo.*"[8]

This species of troops was common among the Persians from the earliest times, from whom it was adopted by their Macedonian conquerors.[9] In the army of Cyrus, Xenophon says[10] that the horses were protected by coverings for the forehead and chest (*προμετωπιδίοις καὶ προστερνιδίοις*); and the same was the case with the army of Artaxerxes, when he fought with his younger brother)[11]. Troops of this description were called *clibanarii* by the Persians (*cataphracti equites, quos clibanarios dictitant Persæ*[12]) We first read of cataphracti in the Roman army in the time of Constantine.[13]

II. The term CATAPHRACTI was applied to ships which had decks, in opposition to aphracti. (*Vid.* APHRACTUS.)

CATAPIRA'TER (*καταπειρατηρία*, *βολίς*), the lead used in sounding, or fathoming the depth of water in navigation.

1. (Veget., iii., 8.)—2. (Hyginus, De Castramet.)—3. (Cic., Ep. ad Fam., iii., 8.)—4. (Ann., ii., 13; xv., 30.)—5. (Liv., x., 32; xxxiv., 47.)—6. (xxviii., 24.)—7. (Tacit., Ann., i., 67.—Hist., ii., [illegible] (Liv., xxviii., 24.)—9. (Tacit., Ann., i., 39; iv., 2.—Hist., l. c.)—10. (Casaub. ad Sueton., Octav., 18.)—11. (Xen., Hellen., ii. 3, 20.)—12. (De Synt., p. 167, c. 2.)

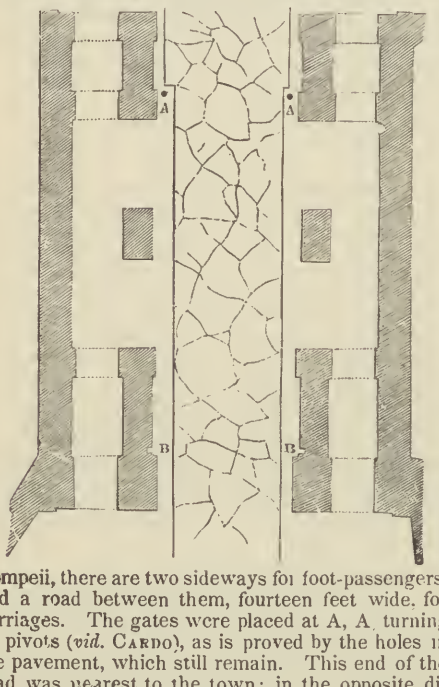
1. (Demosth., c. Polycl., p. 1208.)—2. (Andoc., De Myst., 48.)—3. (Demosth., c. Timocr., 748.)—4 (Andoc., De Myst., 48.)—5. (Serv. ad Virg., Æn., xi., 771.)—6. (Onom., i., 140.)—7. (l. c.)—8. (Propert., III., x., 11.)—9. (Liv., xxxv., 48; xxxvii., 40.)—10. (Cyrop., vi., 4, 1.)—11. (Xen., Anab., i., 8, 7.)—12. (Amm Marcell., xvi., 10.—Compare Lamprid Alex. Sev., 56.)—13 (Amm. Marcell., l. c.)

The mode of employing this instrument appears to have undergone no change for more than two thousand years, and is described with exactness in the account of St. Paul's voyage and shipwreck at Melite.[1] A cylindrical piece of lead was attached to a long line, so as to admit of being thrown into the water in advance of the vessel, and to sink rapidly to the bottom, the line being marked with knots at each fathom to measure the depth.[2] By smearing the bottom of the lead with tallow (*unctum*[3]), specimens of the ground were brought up, showing whether it was clay,[4] gravel, or hard rock.

CATAPUL'TA. (*Vid.* TORMENTUM.)

CATARA'CTA (*καταῤῥάκτης*), a portcullis, so called, because it fell with great force and a loud noise.

According to Vegetius,[5] it was an additional defence, suspended by iron rings and ropes before the gates of a city, in such a manner that, when the enemy had come up to the gates, the portcullis might be let down so as to shut them in, and to enable the besieged to assail them from above. In the accompanying plan of the principal entrance to



Pompeii, there are two sideways for foot-passengers, and a road between them, fourteen feet wide, for carriages. The gates were placed at A, A, turning on pivots (*vid.* CARDO), as is proved by the holes in the pavement, which still remain. This end of the road was nearest to the town; in the opposite direction, the road led into the country. The portcullis was at B, B, and was made to slide in grooves cut in the walls. The sideways, secured with smaller gates, were roofed in, whereas the portion of the main road between the gates (A, A) and the portcullis (B, B) was open to the sky. When, therefore, an attack was made, the assailants were either excluded by the portcullis, or, if they forced their way into the barbican, and attempted to break down the gates, the citizens, surrounding and attacking them from above, had the greatest possible facilities for impeding and destroying them. Vegetius speaks of the "cataracta" as an *ancient* contrivance; and it appears to have been employed by the Jews at Jerusalem as early as the time of David.[6]

A sluice constructed in a watercourse, and made to rise and fall like a portcullis, was called by its name (*cataractis aquæ cursum temperare*[1]). Rutilius[2] mentions the use of such sluices in salt-works (*Vid.* SALINÆ.)

The term "cataractæ" was also applied to those natural channels which were obstructed by rocky barriers, producing a rapid and violent descent of the water, as in the celebrated "cataracts" of the Nile.

*CATARACTES (*καταράκτης*), the name of a bird mentioned by Aristotle.[3] Schneider (who reads *καταῤῥάκτης*) pronounces it, upon the authority of Œdmann, to be the *Pelecanus bassanus*, L., or the Gannet. In Scotland it is known by the name of the Solan Goose.[4]

ΚΑΤΑΣΚΟΠΗΣ ΓΡΑΦΗ (*κατασκοπῆς γραφή*), an action brought against spies at Athens. (Ἂν μὲν ἅρα πεπερί τις φέρῃ πριάμενος, Στρεβλοῦν γράφουσι τοῦτον ὡς κατάσκοπον.[5]) If a spy was discovered, he was put to the rack in order to obtain information from him, and afterward put to death.[6] It appears that foreigners only were liable to this action, since citizens who were guilty of this crime were liable to the *προδοσίας γραφή*.

CATEN'GYAN (*κατεγγυᾶν*). (*Vid.* ENGYE.)

CATEGORI'A (*κατηγορία*). (*Vid.* GRAPHE.)

CATEI'A, a missile used in war by the Germans, Gauls, and some of the Italian nations,[7] supposed to resemble the ACLIS.[8] It probably had its name from *cutting;* and, if so, the Welsh terms *catai*, a weapon, *cateia*, to cut or mangle, and *catau*, to fight, are nearly allied to it.

CATELLA. (*Vid.* CATENA.)

CATE'NA, dim. CATELLA (*ἅλυσις*, dim. *ἁλύσιον*, *ἁλυσίδιον*), a chain.

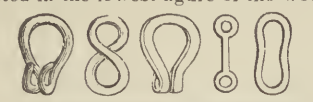
Thucydides[9] informs us that the Platæans made use of "long iron chains" to suspend the beams which they let fall upon the battering-rams of their assailants. (*Vid.* ARIES.) Under the Romans, prisoners were chained in the following manner: The soldier who was appointed to guard a particular captive had the chain fastened to the wrist of his left hand, the right remaining at liberty. The prisoner, on the contrary, had the chain fastened to the wrist of his right hand. Hence *dextras inserere catenis* means to submit to captivity:[10] *leviorem in sinistra catenam.*[11] The prisoner and the soldier who had the care of him (*custos*) were said to be *tied* to one another (*alligati;*[12] *latro et colligatus*[13]). Sometimes, for greater security, the prisoner was chained to two soldiers, one on each side of him (*ἁλύσεσι δυσί*[14]). If he was found guiltless, they broke or cut asunder his chains (*πελέκει διέκοψε τὴν ἁλύσιν*[15]). Instead of the common materials, iron or bronze, Antony, having got into his power Artavasdes, king of the Armenians, paid him the pretended compliment of having him bound with chains of gold.[16]

Chains which were of superior value, either on account of the material or the workmanship, are commonly called *catellæ* (*ἁλύσια*), the diminutive expressing their fineness and delicacy as well as their minuteness. The specimens of ancient chains which we have in bronze lamps, in scales (*vid.* LIBRA), and in ornaments for the person, especially necklaces (*vid.* MONILE), show a great variety of elegant and ingenious patterns. Besides a plain cir-

1. (Acts, xxvii., 28.)—2. (Isid., Orig., xix., 4.—Eustath. in D., v., 296.)—3. (Lucilius, ap. Isid., l. c.)—4. (Herod., ii., 5.)—5. (De Re Mil., iv., 4.)—6. (Vulgat. xxiv., 7, 9.—Compare Jer., xx., 2, Sept.

1. (Plin., Epist., x., 69.)—2. (Itin., i., 481.)—3. (H. A., ix., 13.)—4. (Adams, Append., s. v.)—5. (Antiphanes, ap. Athen., ii., 66, D, where *γράφουσι* signifies, as it does frequently, "accuse.")—6. (Antiphanes, l. c.—Demosth., De Cor., 272.—Æschin., c. Ctesiph., 616.—Plut., Vit. dec. Orat., p. 848, A.)—7. (Virg., Æn., vii., 741.—Val. Flacc., vi., 83.— Aul. Gell., x., 25.)—8. (Servius in Æn., l. c.—Isid., Orig., xviii., 7.)—9. (ii., 76.)—10. (Stat., Theb., xii., 460.)—11. (Seneca, De Tranquill., i., 10.)—12. (Sen., l. c.)— 3. (Augustine.)—14. (Acts, xii., 6, 7, xxi., 33.)—15. (Joseph. Bell. Jud., v., 10.)—16. (Velleius Paterculus, ii., 82.)

cle or oval, the separate link is often shaped like the figure 8, or is a bar with a circle at each end, or assumes other forms, some of which are here shown. The links are also found so closely entwined, that the chain resembles platted wire or thread, like the gold chains now manufactured at Venice. This is represented in the lowest figure of the woodcut.



These valuable chains were sometimes given as rewards to the soldiers;[1] but they were commonly worn by ladies, either on the neck (*περὶ τὸν τράχηλον ἁλύσιον*[2]), or round the waist;[3] and were used to suspend pearls, or jewels set in gold, keys, lockets, and other trinkets.

CATERVA'RII. (*Vid.* GLADIATORES.)

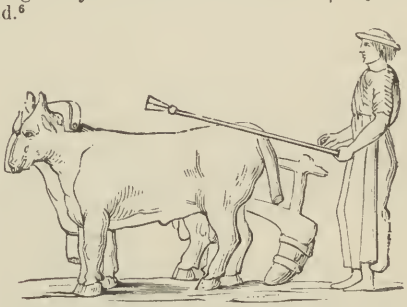
CA'THEDRA, a seat; but the term was more particularly applied to the soft seats used by women, whereas *sella* signified a seat common to both sexes (*inter femineas cathedras*[4]). The cathedræ were, no doubt, of various forms and sizes; but they usually appear to have had backs to them, as is the case in the one represented in the annexed woodcut, which is taken from Sir William Hamilton's work on Greek vases. On the cathedra is seated a bride, who is being fanned by a female slave with a fan made of peacock's feathers

Women were also accustomed to be carried abroad in these cathedræ instead of in lecticæ, which practice was sometimes adopted by effeminate persons of the other sex (*sexta cervice feratur cathedra*[5]). The word cathedra was also applied to the chair or pulpit from which lectures were read.[6]

*CATO'BLEPAS (*κατωβλέπας* or *τὸ κάτω βλέπον*) a wild animal dwelling in Æthiopia, near the sources of the Nile. Pliny[7] describes it as of moderate size in every respect except the head, which is so heavy that the creature bears it with difficulty. Hence it holds the head always towards the ground; and from the circumstance of its thus always looking downward, it gets the name of Catoblepas (*κάτω*, "downward," and *βλέπω*, "to look"). It is well for the human race, it seems, that the animal has this downcast look, since otherwise it would annihilate them all; for no one, says Pliny can catch its eye without expiring on the spot. Ælian[1] makes the Catoblepas resemble a bull, but with a more fierce and terrible aspect. Its eyes, according to him, are red with blood, but are smaller than those of an ox, and surmounted by large and elevated eyebrows. Its mane rises on the summit of the head, descends on the forehead, and covers the face, giving an additional terror to its aspect. It feeds, the same authority informs us, on deadly herbs, which render its breath so poisonous, that all animals which inhale it, even men themselves, instantly perish. Modern naturalists have formed the *Genus Catoblepas*, in one of the species of which they place the *Gnu*, an animal that may possibly have given rise to some of these marvellous tales. Indeed, no other creature but the *Gnu* could well give rise to so many singular ideas. There is none that has an air so extraordinary, and, at the same time, so mournful, by reason, principally, of its long white eyebrows, and the hair, or, rather, mane on its snout, a characteristic not found in any other species of Antelope.[2]

*CATOCHI'TIS (*κατοχίτης λίθος*), a species of gem or stone found in Corsica, and adhering to the hand like gum. It is thought to have been either amber, or some variety of bitumen.[3]

CAT'RINOS (*κάτρινος*) is a genuine Greek word, with an exact and distinct signification, although it is found in no lexicon, and only in two authors, viz., Mr. Charles Fellows, as quoted in ARATRUM, p. 79, who gives the figure of the agricultura implement which it denoted, with the name written over the implement, from a very ancient MS. of Hesiod's Works and Days.[4] It is doubtful whether the *κάτρινος* had a Latin name; for Pliny[5] describes it by a periphrasis: "Purget vomerem subinde *stimulus cuspidatus rallo*." But his remark proves that it was used in Italy as well as in Greece, and coincides with the accompanying representation, from a very ancient bronze of an Etruscan ploughman driving his yoke of oxen with the *κάτρινος* in his hand.[6]



It cannot be doubted that, if the traveller were to visit the remote valleys of Greece and Asia Minor and take time to study the language and habits of the people, he would find many other curious and instructive remains of classical antiquity, which are preserved in no other way.

*CATUS. (*Vid.* FELIS.)

*CAU'CALIS, a species of plant mentioned by Dioscorides, Galen, and others. The account which they give of it answers very well to the characters of the *Caucalis*, L., or Hedge Parsley. Sprengel accordingly refers it to the *Caucalis maritima*, Lam. Sibthorp, however, prefers the *Tordylium officinale*, an opinion in which Billerbeck appears to coincide.[7]

1. (Liv., xxxiv., 31.)—2. (Menander, p. 92, ed. Mein.)—3. (Plin., H. N., xxxiii., 12.)—4. (Mart., iii., 63; iv., 79.—Hor., Sat., I., x., 91.—Propert., IV., v., 37.)—5. (Juv., Sat., i., 65.—Compare ix., 51.)—6. (Juv., Sat., vii., 203.—Mart., i., 77.—Compare, on this subject, Böttiger, Sabina, i., p. 35.—Scheffer, De Re Vehic., ii., 4.—Ruperti, ad Juv., i., 65.)—7. (H. N., viii. 21.)

1. (N. A., vii., 5.)—2. (Griffith's Cuvier, vol. iv., p. 266.—G. Cuvier, ad Plin., l. c.)—3. (Plin., H. N., xxxvii., 10.—Moore's Anc. Mineral., p. 182.)—4. (Callæogr. Gr., p. 9.)—5. (H. N., xviii., 49, 2.)—6. (Micali, Italia avanti il Dom. dei Rom., t. I., p. 7. (Dioscor., ii., 168.—Galen, De Simpl., vii.—Theophrast. H. P., vii., 7.—Adams, Append., s. v.)

*CAUDA EQUI'NA. (*Vid.* Hippouris.)

CAVÆDIUM. (*Vid.* House.)

CAVEA. (*Vid.* Theatrum.)

CAUPO'NA was used in two different significations:

1. It signified an inn, where travellers obtained food and lodging; in which sense it answered to the Greek words *πανδοκεῖον*, *καταγώγιον*, and *κατάλυσις*.

2. It signified a shop where wine and ready-dressed meat were sold, and thus corresponded to the Greek *καπηλεῖον*. The person who kept a caupona was called *caupo*.

It has been maintained by many writers that the Greeks and Romans had no inns for the accommodation of persons of any respectability, and that their cauponæ and *πανδοκεῖα* were mere houses of shelter for the lowest classes. That such, however, was not the case, an attentive perusal of the classical authors will sufficiently show; though it is, at the same time, very evident that their houses of public entertainment did not correspond, either in size or convenience, to similar places in modern times. It is also true that the hospitality of the ancients rendered such houses less necessary than in modern times; but they nevertheless appear to have been very numerous in Greece. The public ambassadors of Athens were sometimes obliged to avail themselves of the accommodation of such houses,[1] as well as private persons.[2] In addition to which, it may be remarked, that the great number of festivals which were celebrated in the different towns of Greece, besides the four great national festivals, to which persons flocked from all parts of Greece, must have required a considerable number of inns to accommodate strangers, not only in the places where the festivals were celebrated, but also on the roads leading to those places.

Among the Romans, the want of such houses of public entertainment would be less felt than among the Greeks; because, during the latter days of the Republic and under the emperors, most Romans of respectability had friends or connexions in the principal cities of Europe and Asia, who could accommodate them in their own houses. They were, however, frequently obliged to have recourse to the public inns.[3]

An inn was not only called caupona, but also *taberna* and *taberna diversoria*,[4] or simply *diversorium* or *deversorium*.

It has been already remarked that caupona also signified a place where wine and ready-dressed provisions were sold,[5] thus corresponding to the Greek *καπηλεῖον*. In Greek *κάπηλος* signifies, in general, a retail trader, who sold goods in small quantities, whence he is sometimes called *παλιγκάπηλος*, and his business *παλιγκαπηλεύειν*.[6] The word *κάπηλος*, however, is more particularly applied to a person who sold ready-dressed provisions, and especially wine in small quantities, as plainly appears from a passage in Plato.[7] When a retail dealer in other commodities is spoken of, the name of his trade is usually prefixed; thus we read of *προβατοκάπηλος*,[8] *ὅπλων κάπηλος*,[9] *ἀσπίδων κάπηλος*,[10] *βιβλιοκάπηλος*, &c. In these *καπηλεῖα* only persons of the very lowest class were accustomed to eat and drink (*ἐν καπηλείῳ δὲ φαγεῖν ἢ πιεῖν οὐδεὶς οὐδ' ἂν οἰκέτης ἐπιεικὴς ἐτόλμησε*[11]).

In Rome itself there were, no doubt, inns to accommodate strangers; but these were probably only frequented by the lower classes, since all persons in respectable society could easily find accommodation in the houses of their friends. There were, however, in all parts of the city, numerous houses where wine and ready-dressed provisions were sold. The houses where persons were allowed to eat and drink were usually called popinæ, and not cauponæ; and the keepers of them, popæ. They were principally frequented by slaves and the lower classes,[1] and were, consequently, only furnished with stools to sit upon instead of couches, whence Martial[2] calls these places *sellariolas popinas*. This circumstance is illustrated by a painting found at Pompeii in a wine-shop, representing a drinking-scene. There are four persons sitting on stools round a tripod table. The dress of two of the figures is remarkable for the hoods, which resemble those of the capotes worn by the Italian sailors and fishermen of the present day. They use cups made of horn instead of glasses, and, from their whole appearance, evidently belong to the lower orders. Above them are different sorts of eatables hung upon a row of pegs.

The thermopolia, which are spoken of in the article Calida, appear to have been the same as the popinæ. Many of these popinæ seem to have been little better than the *lupanaria* or brothels; whence Horace[3] calls them *immundas popinas*. The wine-shop at Pompeii, where the painting described above was found, seems to have been a house of this description; for behind the shop there is an inner chamber painted with every species of indecency.[4] The *ganeæ*, which are sometimes mentioned in connexion with the popinæ,[5] were brothels, whence they are often classed with the *lustra*.[6] Under the emperors many attempts were made to regulate the popinæ, but apparently with little success. Tiberius forbade all cooked provisions to be sold in these shops;[7] and Claudius commanded them to be shut up altogether.[8] They appear, however, to have been soon opened again, if they were ever closed; for Nero commanded that nothing should be sold in them but different kinds of cooked pulse or vegetables;[9] and an edict to the same effect was also published by Vespasian.[10]

All persons who kept inns, or houses of public entertainment of any kind, were held in low estimation, both among the Greeks and Romans.[11] They appear to have fully deserved the bad reputation which they possessed; for they were accustomed to cheat their customers by false weights and measures, and by all the means in their power, whence Horace calls them *perfidos*[12] and *malignos*.[13]

CAUSÆ PROBA'TIO. (*Vid.* Civitas.)

CAUSIA (*καυσία*), a hat with a broad brim, which was made of felt, and worn by the Macedonians

1. (Æschin., De Fals. Leg., p. 273.)—2. (Cic., De Div., i., 27.—Inv., ii., 4.)—3. (Hor., Epist., I., xi., 12.—Cic., Pro Cluent., 59.—Phil., ii., 31.)—4. (Plaut., Menæchm., II., iii., 81.)—5. (Mart., i., 57; ii., 48.)—6. (Demosth., c. Dionysodor., p. 1285.—Aristoph., Plut., 1156.—Pollux, Onom., vii., 12.)—7. (Gorg., c. 156, p. 518.)—8. (Plutarch, Peric., 24.)—9. (Aristoph., Pax., 1175.)—10. (Id., 439.)—11. (Isocr., Areiop., c. 18.)

1. (Cic., Pro Mil., 24.)—2. (v., 70.)—3. (Sat., II., iv., 62.)—4. (Gell's Pompeiana, vol. ii., p. 10.)—5. (Suet., Tib., 34.)—6. (Liv., xxvi., 2.—Cic., Phil., xiii., 11.—Pro Sext., 9.)—7. (Suet., Tib., 34.)—8. (Dion Cass., lx., 6.)—9. (Suet., Ner., 16.—Dion Cass., lxii., 14.)—10. (Dion Cass., lxvi., 10.)—11. (Theophr., Char., 6.—Plat., Legg., xi., p. 918, 919.)—12. (Sat., I., ix., 29.)—13. (Sat., I., v., 4.—Zell, Die Wirthshäuser d. Alten.—Stockmann, De Popinis.—Becker, Gallus, i., p. 227–236.)

kings.[1] Its form is seen in the annexed figures, which are taken from a

medal of Alexander I. of Macedon. The Romans adopted it from the Macedonians,[2] and more especially the Emperor Caracalla, who used to imitate Alexander the Great in his costume.[3]

CAU'TIO, CAVE'RE. These words are of frequent occurrence in the Roman classical writers and jurists, and have a great variety of significations, according to the matter to which they refer. Their general signification is that of security given by one person to another, or security which one person obtains by the advice or assistance of another. The general term (cautio) is distributed into its species according to the particular kind of the security, which may be by satisdatio, by a fidejussio, and in various other ways. The general sense of the word cautio is accordingly modified by its adjuncts, as cautio fidejussoria, pigneraticia, or hypothecaria, and so on. Cautio is used to express both the security which a magistratus or a judex may require one party to give to another, which applies to cases where there is a matter in dispute of which a court has already cognizance; and also the security which is a matter of contract between parties not in litigation. The words cautio and cavere are more particularly used in the latter sense.

If a thing is made a security from one person to another, the cautio becomes a matter of pignus or of hypotheca; if the cautio is the engagement of a surety on behalf of a principal, it is a cautio fidejussoria.[4]

The cautio was most frequently a writing, which expressed the object of the parties to it; accordingly, the word cautio came to signify both the instrument (*chirographum* or *instrumentum*) and the object which it was the purpose of the instrument to secure.[5] Cicero[6] uses the expression *cautio chirographi mei*. The phrase *cavere aliquid alicui* expressed the fact of one person giving security to another as to some particular thing or act.[7]

Ulpian[8] divides the prætoriæ stipulationes into three species, judiciales, cautionales, communes; and he defines the cautionales to be those which are equivalent to an action, and are a good ground for a new action, as the stipulationes de legatis, tutela, ratam rem habere, and damnum infectum. Cautiones then, which were a branch of stipulationes, were such contracts as would be ground of actions. The following examples will explain the passage of Ulpian.

In many cases a heres could not safely pay legacies, unless the legatee gave security (*cautio*) to refund in case the will under which he claimed should turn out to be bad.[9] The Cautio Muciana was the engagement by which the heres bound himself to fulfil the conditions of his testator's will, or to give up the inheritance. The heres was also, in some cases, bound to give security for the payment of legacies, or the legatee was entitled to the Bonorum Possessio. Tutores and curatores were required to give security (*satisdare*) for the due administration of the property intrusted to them, unless the tutor was appointed by testament, or unless the curator was a curator legitimus.[1] A procurator who sued in the name of an absent party might be required to give security that the absent party would consent to be concluded by the act of his procurator;[2] this security was a species satisdationis, included under the genus cautio.[3] In the case of damnum infectum, the owner of the land or property threatened with the mischief might call for security on the person threatening the mischief.[4]

If a vendor sold a thing, it was usual for him to declare that he had a good title to it, and that, if any person recovered it from the purchaser by a better title, he would make it good to the purchaser; and in some cases the cautio was for double the value of the thing.[5] This was, in fact, a warranty.

The word cautio was also applied to the release which a debtor obtained from his creditor on satisfying his demand: in this sense cautio is equivalent to a modern receipt; it is the debtor's security against the same demand being made a second time.[6] Thus cavere ab aliquo signifies to obtain this kind of security. A person to whom the usus fructus of a thing was given might be required to give security that he would enjoy and use it properly, and not waste it.[7]

Cavere is also applied to express the professional advice and assistance of a lawyer to his client for his conduct in any legal matter.[8]

The word cavere and its derivatives are also used to express the provisions of a law by which anything is forbidden or ordered, as in the phrase "*Cautum est lege, principalibus constitutionibus*," &c. It is also used to express the words in a will by which a testator declares his wish that certain things should be done after his death. The preparation of the instruments of cautio was, of course, the business of a lawyer.

It is unnecessary to particularize farther the species of cautio, as they belong to their several heads in the law.

CE'ADAS or CAI'ADAS (κεάδας or καιάδας) was a deep cavern or chasm, like the *βάραθρον* at Athens, into which the Spartans were accustomed to thrust persons condemned to death.[9]

*CEBLE'PYRIS (κεβλήπυρις), a species of bird, mentioned by Aristophanes. It is probably, according to Adams, the Red-pole, or *Fringilla Linaria*, L.[10]

CEDIT DIES. (*Vid.* LEGATUM.)

*CEDRUS (κέδρος and κεδρίς), the Cedar, as we commonly translate it. According to the best botanical writers, however, the κέδρος of the Greeks and *Cedrus* of the Romans was a species of Juniper. The Cedar of Lebanon seems to have been but little known to the Greek and Roman writers. Theophrastus, according to Martyn, appears to speak of it in the ninth chapter of the fifth book of his History of Plants, where he says that the cedars grow to a great size in Syria, so large, in fact, that three men cannot encompass them. These large Syrian trees are probably the Cedars of Lebanon, which Martyn believes Theophrastus had only heard of, and which he took to be the same with the Lycian cedars, only larger; for in the twelfth chapter of the third book, where he de-

1 (Val Max., v., 1, 4.—Paus., ap. Eustath. ad Il., ii., 121.)—2 (Plaut., Mil. Glor., IV., iv., 42.—Pers., I., iii., 75.—Antip. Thess. in Brunckii Analect., ii., 111.)—3. (Herodian, IV., viii., 5.)—4. (Dig. 37, tit. 6, s. 1, § 9.)—5. (Dig. 47, tit. 2, s. 27.)—6. (Ep. ad Fam., vii., 18.)—7. (Dig. 29, tit. 2, s. 97.)—8. (Dig. 46, tit. 5.) (Dig. 5, tit. 3, s. 17.)

1. (Gaius, i., 199.)—2. (Id., iv., 99.)—3. (Dig. 46, tit. 8, s. 3, 13, 18, &c.)—4. (Cic., Top., 4.—Gaius, iv., 31.—Dig. 43, tit. 8, s. 5.)—5. (Dig. 21, tit. 2, s. 60.)—6. (Cic., Brut., 5.—Dig. 46, tit. 3, s. 89, 94.)—7. (Dig. 7, tit. 9.)—8. (Cic., Ep. ad Fam., iii., 1; vii., 6.—Pro Muræna, c. 10.)—9. (Thucyd., i., 134.—Strab., viii., p. 367.—Paus., iv., 18, § 4.—Suidas, s. v. Βάραθρον, Καιάδας, Κεάδας.)—10. Aristoph., Aves, 301.—Adams. Append., s. v.)

scribes the Cedar particularly, he says the leaves are like those of Juniper, but more prickly; and adds that the berries are much alike. The cedar described by Theophrastus, therefore, cannot, as Martyn thinks, be that of Lebanon, which bears cones, and not berries. He takes it rather for a sort of Juniper, called *Juniperus major bacca rufescente* by Bauhin, *Oxycedrus* by Parkinson, and *Oxycedrus Phœnicea* by Gerard.[1] Dioscorides[2] describes two species, of which the first, or large Cedar, is referred by Sprengel to the *Juniperus Phœnicea*, and the smaller to the *Juniperus communis*. Stackhouse, on the other hand, refers the common κέδρος of Theophrastus to the *Juniperus Oxycedrus*, and the κεδρίς to the *Juniperus Sabina*, or Savin. The Cedar of Lebanon, so celebrated in Scripture, is a Pine, and is hence named *Pinus Cedrus* by modern botanists. The κεδρίς of the medical authors is, according to Adams, the resin of the Juniper. Nicander calls it κέδροιο ἀκενθίς.[3]

*CELASTRUM (κήλαστρον), a species of plant, about which the botanical writers are much divided in opinion. Sprengel marks it, in the first edition of his R. H. H., as the *Ligustrum vulgare*, or Privet, and in the second as the *Ilex Aquifolium*, or Holly. Stackhouse calls it the *Celastrus*. Clusius and Bauhin are in favour of the *Rhamnus alaternus*, or ever-green Privet, an opinion which Billerbeck also espouses, and which probably is the true one.[4]

CECRYPH'ALOS (κεκρύφαλος). (*Vid.* Calantica.)

CE'LERES, according to Livy,[5] were three hundred Roman knights whom Romulus established as a body-guard; their functions are expressly stated by Dionysius of Halicarnassus.[6] There can be little doubt but that the *celeres*, or "horsemen" (like the Greek κέλητες),[7] were the patricians or burghers of Rome, the number 300 referring to the number of the patrician houses; "for," as Niebuhr remarks,[8] "since the tribunate of the celeres is said to have been a magistracy and a priestly office, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had any such body-guard, it must assuredly have been formed out of the numerous clients residing on their demesnes." We know that the patrician tribes were identical with the six *equestrian* centuries founded by L. Tarquinius,[9] and that they were incorporated as such in the centuries.[10] It is obvious, therefore, that these *horsemen*, as a class, were the patricians in general, so called because they could keep horses or fought on horseback, and thus the name is identical with the later Latin term *equites*, and with the Greek ἱππῆς, ἱππόδαμοι, ἱππεβόται.[11]

CELLA. In its primary sense *cella* means a storeroom of any kind: "*Ubi quid conditum esse volebant, a celando cellam appellarunt.*"[12] Of these there were various descriptions, which took their distinguishing denominations from the articles they contained; and among these the most important were: 1. *Penuaria* or *penaria*, "*ubi penus*,"[13] where all the stores requisite for the daily use and consumption of the household were kept;[14] hence it is called by Plautus *promptuaria*.[15] 2. *Olearia*, a repository for oil, for the peculiar properties of which consult Vitruvius,[16] Cato,[17] Palladius,[18] and Columella.[19] 3. *Vinaria*, a wine-store, which was situate at the top of the house.[1] Our expression *to bring up the wine*, the Latin one is bring *down*.[2] The Romans had no such places as wine *cellars*, in the notion conveyed by our term, that is, underground cells; for when the wine had not sufficient body to be kept in the *cella vinaria*, it was put into casks or pig skins, which were buried in the ground itself.[3] For an account of the *cellæ vinariæ*, consult Pliny,[4] Vitruvius,[5] and Columella.[6]

The slave to whom the charge of these stores was intrusted was called *cellarius*,[7] or *promus*,[8] or *condus*, "quia *promit* quod *conditum est*,"[9] and sometimes *promus-condus* and *procurator peni*.[10] This answers to our butler and housekeeper.

Any number of small rooms clustered together like the cells of a honeycomb[11] were also termed *cellæ*; hence the dormitories of slaves and menials are called *cellæ*,[12] and *cellæ familiaricæ*,[13] in distinction to a bedchamber, which was *cubiculum*. Thus a sleeping-room at a public house is also termed *cella*.[14] For the same reason, the dens in a brothel are *cellæ*.[15] Each female occupied one to herself,[16] over which her name was inscribed;[17] hence *cella inscripta* means a brothel.[18] *Cella ostiarii*,[19] or *janitoris*,[20] is the porter's lodge.

In the baths, the *cella caldaria*, *tepidaria*, and *frigidaria* were those which contained respectively the warm, tepid, and cold bath. (*Vid.* Baths.)

The interior of a temple, that is, the part included within the outside shell, σηκός (see the lower woodcut in Antæ), was also called *cella*. There was sometimes more than one *cella* within the same peristyle or under the same roof; in which case they were either turned back to back, as in the Temple of Rome and Venus, built by Hadrian on the Via Sacra, the remains of which are still visible, or parallel to each other, as in the Temple of Jupiter Optimus Maximus in the Capitol. In such instances, each cell took the name of the deity whose statue it contained, as *Cella* Jovis, *Cella* Junonis, *Cella* Minervæ. (*Vid.* Capitolium.)

CELLA'RIUS. (*Vid.* Cella.)

*CENCHRIS (κεγχρίς), a species of Hawk, answering to the modern Kestrel, or *Falco tinnunculus*. (*Vid.* Hierax.)

*CENCHROS (κέγχρος), I. A species of Grain, the same, according to the best authorities, with *Panicum miliaccum*, or Millet.[21] — II. Called also Cenchri'nes (κεγχρίνης), a species of Serpent, which some confound with the ἀκοντίας, but which Gesner regards as a different kind. "It is more probable, however," says Adams, "that both were mere varieties of the *Coluber berus*, or Viper. I may mention here, moreover, that the *C. berus* and the *C. prester* are the only venomous serpents which we have in Great Britain, and that many naturalists hold them to be varieties of the same species."[22]

CENOTA'PHIUM. A cenotaph (κενός and τάφος) was an empty or honorary tomb, erected as a memorial of a person whose body was buried elsewhere, or not found for burial at all.

Thus Virgil speaks of a "tumulus inanis" in honour of Hector,

"*Manesque vocabat*
Hectoreum ad tumulum, viridi quem cespite inanem;
Et geminas, causam lacrymis, sacraverat aras."[23]

1. (Martyn, ad Virg., Georg., ii., 443.)—2. (i., 106.)—3. (Theophrast., l. c.—Celsius, Hierobot., i., p. 82.—Nicand., Ther., 585.—Adams, Append., s. v.)—4. (Theophrast., H. P., i., 3, 9; iii., 3, &c.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 53.)—5. (i., 15.)—6. (ii., p. 262, &c.)—7. (*Vid.* Virg., Æn., xi., 603.)—8. (Hist. Rom., i., p. 325.)—9. (Niebuhr, Hist. Rom., i., p. 391, &c.)—10. (Niebuhr, Hist. Rom., i., p. 427.)—11. (*Vid.* Herod., v., 77.)—12. (Varro, De Ling. Lat., v., 162, ed. Müller.)—13. (Varro, l. c.)—14. (Suet., Octav., c. 6.)—15. (Amph., I., i., 4.)—16. (vi., 9.)—17 (De Re Rust., c. 13.)—18. (i., 20.)—19. (xii., 50.)

1. (Compare Plin., Epist., ii., 17, with Hor., Carm., III., xxviii., 7.)—2. (Hor. ad Amphoram, Carm., III., xxi., 7: "Descende, Corvino jubente.")—3. (Plin., H. N., xiv., 27.)—4. (l. c.)—5. (i., 4, p. 25, ed. Bipont.—Id., vi., 9, p. 179.)—6. (Colum., i., 6.)—7. (Plaut., Capt., IV., ii., 115.—Senec., Ep., 122.)—8. (Colum., xii., 3.)—9. (Compare Horat., Carm., I., ix., 7; III., xxi., 8.)—10. (Plaut., Pseud., II., ii., 14.)—11. (Virg., Georg., iv., 164.)—12. (Cic., Phil., ii., 27.—Columella, i., 6.)—13. (Vitruv., vi., 10, p. 182.)—14. (Petron., c. 55.)—15. (Petron., c. 8.—Juv., Sat., vi., 128.)—16. (Ibid., 122.)—17. (Seneca, Controv., i., 2.)—18. (Mart., xi., 45, 1.)—19. (Vitruv., vi., 10.—Petron., c. 29.)—20. (Suet., Vitell., c. 16.)—21. (Theophrast., viii., 9.—Dioscor., ii., 119.)—22. (Adams, Append. s. v.)—23. (Æn., iii., 303.—Compare Thucyd., ii., 34.)

Cenotaphia were considered as *religiosa*, and therefore *divini juris*, till a rescript of the emperors Antoninus and Verus, the divi fratres, pronounced them not to be so.[1]

CENSO'RES, two magistrates of high rank in the Roman Republic. They were first created B.C. 442, and were a remarkable feature in the constitution then established. They were elected by the curiæ and confirmed by the centuries; and thus were not merely elected from, but also by the patricians. At first they held their office for five years; but Mamercus Æmilius, the dictator, passed a law in B.C. 433, by which the duration of the office was limited to 18 months, the election still taking place, as before, at intervals of five years, so that the office was vacant for three years and a half at a time. The censors were always patricians of consular rank till B.C. 350, when a plebeian, C. Marcius Rutilius, who had also been the first plebeian dictator, was elected to the office. Subsequently, the censors might be, both of them, plebeians, and even persons who had not filled the consulship or prætorship might be elected to this magistracy; but this was very uncommon,[2] and was put a stop to after the second Punic war. The censorship was merged in the imperial rank. The duties of the censors were, at the first, to register the citizens according to their orders, to take account of the property and revenues of the state and of the public works, and to keep the land-tax rolls. In fact, they constituted an exchequer-chamber and a board of works.[3] It was the discretionary power with which they were invested that gave them their high dignity and influence. As they drew up the lists of Roman citizens, according to their distribution as senators, equites, members of tribes, and ærarians, and as their lists were the sole evidence of a man's position in the state, it of course rested with them to decide all questions relative to a man's political rank. And thus we find that, in effect, they could, if they saw just cause, strike a senator off the list, deprive an eques of his horse, or degrade a citizen to the rank of the ærarians. The offences which rendered a man liable to these degradations were, ill treatment of his family, extravagance, following a degrading profession, or not properly attending to his own, or having incurred a *judicium turpe*.[4] The power of the censors even extended to a man's property. Every citizen was obliged to give in to the censors a minute and detailed account of his property, which was taken down in writing by the notaries, so that, as Niebuhr says, there must have been an enormous quantity of such documents and reports in the register-office.[5] But the censors had unlimited power in estimating the value or fixing the taxable capital: thus cases are known in which they rated the taxable value of some articles of property, as high-priced slaves, at ten times the purchase-money.[6] And they not only did that, but even fixed the rate to be levied upon it. The censors also managed the farming of the *vectigalia* or standing revenues, including the state monopoly on salt, the price of which was fixed by them.[7] They also agreed with contractors for the necessary repairs of the public buildings and roads. The care of the temples, &c., devolved on the prætor urbanus when there was no censor; but there does not appear to be any reason for concluding, with Niebuhr,[8] that the offices of prætor and censor were ever combined. The censor had all the ensigns of consular dignity except the lictors, and wore a robe entirely scarlet.[9] If a censor died in office, he was not replaced, and his colleague resigned.[1] A censor's funeral was always very magnificent.[2] (For farther details with regard to the censors, see Niebuhr, *Hist. Rom.*, ii., p. 324, &c., and Arnold, *Hist Rom.*, i., p. 346, &c.)

1. (Heinecc., Ant. Rom., ii., 1.)—2. (Niebuhr, Hist. Rom., iii., p. 345.)—3. (Niebuhr, Hist. Rom., ii., p. 395.)—4. (Cic., Pro Cluent., 42.—Gaius, iv., § 182.)—5. (Hist. Rom., iii., p. 350.)—6 (Liv., xxxi., 44.)—7. (Liv., xxix., 37.)—8. (Hist. Rom., iii. p. 356.)—9 (Polybius, vi., 53.)

CENSUS, or register of persons and property, constituted a man's actual claim to the rights of citizenship both in Greece and at Rome.

I. The Census at Athens seems to date from the constitution of Solon. This legislator made four classes (*τιμήματα*, *τέλη*). 1. *Pentacosiomedimni*, or those who received 500 measures, dry or liquid, from their lands. 2. *Knights*, who had an income of 300 measures. 3. *Zeugitæ*, whose income was 150 measures. 4. *Thetes*, or *capite censi*. The word *τίμημα*, as used in the orators, means the valuation of the property; *i. e.*, not the capital itself, but the *taxable* capital.[3] Now if the valuation of the *income* was that given in the distribution of the classes just mentioned, it is not difficult to get at the valuation of the capital implied. Solon reckoned the dry measure, or medimnus, at a drachma.[4] Now it is probable that the income was reckoned at a twelfth part of the value of the land, on the same principle which originated the *unciarium fœnus*, or $8\frac{1}{3}$ per cent. at Rome;[5] if so, the landed property of a *pentacosiomedimnus* was reckoned at a talent, or $12\times500=6000$ drachmas; that of a *knight* at $12\times300=3600$ dr.; and that of a *zeugites* at $12\times150=1800$ drachmas. In the first class the whole estate was considered as taxable capital; but in the second only $\frac{5}{6}$ths, or 3000 drachmas; and in the third, $\frac{5}{9}$ths, or 1000 drachmas; to which Pollux alludes when he says, in his blundering way, that the first class expended one talent on the public account; the second, 30 minas; the third, 10 minas; and the thetes, nothing. In order to settle in what class a man should be entered on the register (*ἀπογραφή*), he returned a valuation of his property, subject, perhaps, to the check of a counter-valuation (*ὑποτίμησις*). The valuation was made very frequently; in some states, every year, in others, every two or four years.[6] The censors, who kept the register at Athens, were probably at first the naucrari, but afterward the demarchs performed the office of censor. Although this institution of Solon's seems particularly calculated for the imposition of the property-tax (*εἰσφορά*), Thucydides,[7] speaking of the year 428 B.C., says that it was then that the Athenians first raised a property-tax of 200 talents. It seems, however, that the amount of the tax constituted its singularity; for certainly property-taxes were common not only in Athens, but in the rest of Greece, before the Peloponnesian war,[8] and Antipho expressly says that he contributed to *many* of them.[9] In the archonship of Nausinicus (Olym. 100, 3; B.C. 378) a new valuation of property took place, and classes (*συμμορίαι*) were introduced expressly for the property-taxes. The nature of these classes, our knowledge of which principally depends on a note of Ulpian,[10] is involved in considerable obscurity.[11] Thus much, however, may be stated, that they consisted of 1200 individuals, 120 from each of the ten tribes, who, by way of a sort of liturgy, advanced the money for others liable to the tax, and got it from them by the ordinary legal processes. In a similar manner classes were subsequently formed for the discharge of another and more serious liturgy, the trierarchy; and the strategi, who nominated the trierarchs, had also to form

1. (Liv., xxiv., 43.)—2. (Tacit., Ann., iv., 15.)—3. (Böckh, Pub. Econ. of Athens, ii., p. 270.)—4. (Plut., Sol., 23.)—5. (Niebuhr, Hist. Rom., iii., p. 66.)—6. (Aristot., Pol., v., 8.)—7. (iii., 19.)—8. (Thucyd., i., 141.)—9. (Tetral., i., *β*. 12.—*Vid.* Tittmann, Darstell. d. Griech. Staatsverf., p. 41.)—10. (ad Demosth., Olynth., ii., p. 33, E.)—11. (*Vid.* the discussion in Böckh's Public Economy of Athens, ii., p. 285–307.)

the symmoriæ for the property taxes.[1] What we have here said of the census at Athens renders it unnecessary to speak of the similar registrations in other states of Greece. When the constitution essentially depended on this distribution according to property, it was called a timocracy, or aristocracy of property (*τιμοκρατία, ἀπὸ τιμημάτων πολιτεία*).

II. The CENSUS at Rome took place every five years, and was attended by a general purification, whence this period of time got the name of a *lustrum*. The census was performed in the Campus, where the censors sat in their curule chairs, and cited the people to appear before them, and give an account of their property. When the census was finished, one of the censors offered an expiatory sacrifice (*lustrum condidit*) of swine, sheep, and bullocks (hence called *suovetaurilia*), by which the city was supposed to be purified. The census originated, like that of Athens, in a distribution of the citizens into classes at the comitia centuriata, which distribution is attributed to Servius Tullius. (*Vid.* COMITIUM.) But this old constitution was never completely established, was very soon overthrown, and only gradually and partially restored. There was a considerable difference between the modes of valuation at Rome and Athens. In the latter city, as we have seen, the whole property was valued; but the taxable capital seldom amounted to more than a part of it, being always much smaller in the case of the poorer classes. Whereas at Rome only *res mancipi* were taken into the account, estates in the public domains not being returned to the censors,[2] and some sorts of property were rated at many times their value; nor was any favour shown to the poorer classes when their property, however small, came within the limits of taxation. The numbers of persons included in the censuses which have come down to us, comprehend not only the Roman citizens, but also all the persons connected with Rome in the relation of isopolity; they refer, however, only to those of man's estate, or able to bear arms.[3]

*CENTAUREA or -EUM (*κενταύριον* and *-ις*), the herb Centaury, so called from the Centaur Chiron, who was fabled to have been thereby cured of a wound accidentally inflicted by an arrow of Hercules.[4] It was also, from this circumstance, styled *Chironia* and *Χείρωνος ῥίζα*.[5] There are two kinds of Centaury, the greater and the less, which have no other similitude than in the bitterness of their taste. The less is also called *λιμναῖον*,[6] from its loving moist grounds. "It grows wild in England," says Martyn, "in many places, and is the best known. The greater is cultivated in gardens."[7] The *κενταύριον μέγα* is referred by Sprengel and Matthiolus to the *Centaurea Centaurium*, L., and *κ. μικρόν* to the *Erythrea Centaurium*, Pers. Stackhouse makes the *κ.* of Theophrastus to be the *Centaurea Centaurium*.[8] The less is called in Greece, at the present day, *Θερμόχορτον*. Sibthorp found it everywhere in Greece in the level country.[9]

*CENTRISCUS (*κεντρίσκος*), a species of fish mentioned by Theophrastus. According to Willoughby, it was a species of *Gasterosteus*, called in English Sticklebach or Barnstackle.[10]

*CENTRITE (*κεντρίτη*), a species of fish mentioned by Ælian, and called *κεντρίνη* by Athenæus and Oppian. It is the *Squalus Centrina*, in Italian *Pesce porco*. Rondelet says it has some resemblance to a sow, and delights in filth.[11]

*CENTROMYRRHINE (*κεντρομυρρίνη*), the *Ruscus Aculeatus*, common Knee-holly, or Butcher's Broom. The Greek name means "prickly myrtle." Another appellation is *Oxymyrsine* (*ὀξυμυρσίνη*), or "sharp-pointed myrtle." Dioscorides, again, describes this same plant under the name of *μυρσίνη ἀγρία*, or "wild myrtle." He says the leaves are like those of myrtle, but broader, pointed like a spear, and sharp. The fruit is round, growing on the middle of the leaf, red when ripe, and having a bony kernel. Many stalks rise from the same root, a cubit high, bending, hard to break, and full of leaves. The root is like that of dog's grass, of a sour taste, and bitterish. "The Butcher's Broom is so called," observes Martyn, "because our butchers make use of it to sweep their stalls. It grows in woods and bushy places. In Italy they frequently make brooms of it."[1]

CENTUMVIRI. The origin, constitution, and powers of the court of centumviri are exceedingly obscure, and it seems almost impossible to combine and reconcile the various passages of Roman writers, so as to present a satisfactory view of this subject. The essay of Hollweg, *Ueber die Competenz des Centumviralgerichts*,[2] and the essay of Tigerström, *De Judicibus apud Romanos*, contain all the authorities on this matter; but these two essays by no means agree in all their conclusions.

The centumviri were judices, who resembled other judices in this respect, that they decided cases under the authority of a magistratus; but they differed from other judices in being a definite body or collegium. This collegium seems to have been divided into four parts, each of which sometimes sat by itself. The origin of the court is unknown; but it is certainly prior to the Lex Æbutia, which put an end to the legis actiones, except in the matter of Damnum Infectum, and in the causæ centumvirales.[3] According to Festus,[4] three were chosen out of each tribe, and, consequently, the whole number out of the 35 tribes would be 105, who in round numbers were called the hundred men; and as there were not 35 tribes till 241 B.C., it has been sometimes inferred that to this time we must assign the origin of the centumviri. But, as it has been remarked by Hollweg, we cannot altogether rely on the authority of Festus, and the conclusion so drawn from his statement is by no means necessary. If the centumviri were chosen from the tribes, this seems a strong presumption in favour of the high antiquity of the court.

The proceedings in this court, in civil matters, were per legis actionem, and by the sacramentum. The process here, as in the other judicia privata, consisted of two parts, *in jure*, or before the prætor, and *in judicio*, or before the centumviri. The prætor, however, did not instruct the centumviri by the formula, as in other cases, which is farther explained by the fact that the prætor presided in the judicia centumviralia.[5]

It seems pretty clear that the powers of the centumviri were limited to Rome, or, at any rate, to Italy. Hollweg maintains that their powers were also confined to civil matters; but it is impossible to reconcile this opinion with some passages,[6] from which it appears that crimina came under their cognizance. The substitution of *aut* for *ut* in the passage of Quintilian,[7] even if supported by good MSS., as Hollweg affirms, can hardly be defended.

The civil matters which came under the cognizance of this court are not completely ascertained.

1. (Demosth., ad Bœot., p. 997, 1.)—2. (Niebuhr, Hist. Rom., i., p. 446.)—3. (*Vid.* Niebuhr, Hist. Rom., ii., p. 76.)—4. (Plin., H. N., xxv., 6.)—5. (Nicand., Ther., 500.)—6. (Dioscor., iii., 8, 9.)—7. (ad Virg., Georg., iv., 270.)—8. (Adams, Append., s. v.)—9. (Billerbeck, Flora Classica, p. 52.)—10. (Adams, Append., s. v.)—11. (Ælian, N. A., i., 55; ii. 8.—Adams, Append., s. v.)

1. (Theophrast., H. P., iii., 17.—Martyn, ad Virg., Georg., ii., 413.)—2. (Zeitschrift, &c., v., 358.)—3. (Gaius, iv., 31.—Gell., xvi., 10.)—4. (s. v. Centumviralia Judicia.)—5. (Plin., Epist. v., 21.)—6. (Ovid, Trist., ii., 91.—Phædr., III., x., 35, &c.)—7. (Inst., iv., 1, 57.)

Many of them (though we have no reason for saying all of them) are enumerated by Cicero in a well-known passage.[1] Hollweg mentions that certain matters only came under their cognizance, and that other matters were not within their cognizance; and, farther, that such matters as were within their cognizance were also within the cognizance of a single judex. This writer farther asserts that actiones in rem, or vindicationes of the old civil law (with the exception, however, of actiones præjudiciales or status quæstiones), could alone be brought before the centumviri; and that neither a personal action, one arising from contract or delict, nor a status quæstio, is ever mentioned as a causa centumviralis. It was the practice to set up a spear in the place where the centumviri were sitting, and, accordingly, the word hasta, or hasta centumviralis, is sometimes used as equivalent to the words judicium centumvirale.[2] The spear was a symbol of quiritarian ownership: for "a man was considered to have the best title to that which he took in war, and, accordingly, a spear is set up in the centumviralia judicia."[3] Such was the explanation of the Roman jurists of the origin of an ancient custom, from which, it is argued, it may at least be inferred, that the centumviri had properly to decide matters relating to quiritarian ownership, and questions connected therewith.

It has been already said that the matters which belonged to the cognizance of the centumviri might also be brought before a judex; but it is conjectured by Hollweg that this was not the case till after the passing of the Æbutia Lex. He considers that the court of the centumviri was established in early times, for the special purpose of deciding questions of quiritarian ownership; and the importance of such questions is apparent, when we consider that the Roman citizens were rated according to their quiritarian property; that on their rating depended their class and century, and, consequently, their share of power in the public assemblies. No private judex could decide on a right which might thus indirectly affect the caput of a Roman citizen, but only a tribunal elected out of all the tribes. Consistently with this hypothesis, we find not only the rei vindicatio within the jurisdiction of the centumviri, but also the hereditatis petitio and actio confessoria. Hollweg is of opinion that, with the Æbutia Lex, a new epoch in the history of the centumviri commences; the legis actiones were abolished, and the formula (*vid.* Actio) was introduced, excepting, however, as to the *causæ centumvirales*.[4] The formula is in its nature adapted only to personal actions, but it appears that it was also adapted by a legal device to vindicationes; and Hollweg attributes this to the Æbutia Lex, by which he considers that the twofold process was introduced: 1. per legis actionem apud centumviros; 2. per formulam or per sponsionem before a judex. Thus two modes of procedure in the case of actiones in rem were established, and such actions were no longer exclusively within the jurisdiction of the centumviri.

Under Augustus, according to Hollweg, the functions of the centumviri were so far modified, that the more important vindicationes were put under the cognizance of the centumviri, and the less important were determined per sponsionem and before a judex. Under this emperor the court also resumed its former dignity and importance.[5]

The younger Pliny, who practised in this court,[6] makes frequent allusions to it in his letters.

1. (De Orat., i., 38.)—2. (Suet., Octav., 36.—Quintil., Inst., v., 2, § 1.)—3. (Gaius, iv., 16.)—4. (Gaius, iv., 30, 31.—Gell., xvi., 10.)—5. (Plin. De Caus. Corrupt. Eloq., c. 38.)—6. (Epist., vi., 33.)

The foregoing notice is founded on Hollweg's ingenious essay; his opinions on some points, however, are hardly established by authorities. Those who desire to investigate this exceedingly obscure matter may compare the two essays cited at the head of this article.

CENTURIA. (*Vid.* Centurio, Comitium.)

CENTURIO, the commander of a company of infantry, varying in number with the legion. If Festus may be trusted, the earlier form was *centurionus*, like *decurio, decurionus*. Quintilian[1] tells us that the form *chenturio* was found on ancient inscriptions, even in his own times.

The century was a military division, corresponding to the civil one *curia;* the *centurio* of the one answered to the *curio* of the other. From analogy, we are led to conclude that the century originally consisted of thirty men, and Niebuhr thinks that the influence of this favoured number may be traced in the ancient array of the Roman army. In later times the legion (not including the *velites*) was composed of thirty maniples or sixty centuries:[2] as its strength varied from about three to six thousand, the numbers of a century would vary in proportion from about fifty to a hundred.

The duties of the centurion were chiefly confined to the regulations of his own corps, and the care of the watch.[3] He had the power of granting *vacationes munerum*, remission of service to the private soldiers, for a sum of money. The exactions on this plea were one cause of the sedition in the army of Blæsus, mentioned by Tacitus.[4] The *vitis* was the badge of office with which the centurion punished his men.[5] The short tunic, as Quintilian[6] seems to imply, was another mark of distinction: he was also known by letters on the crest of the helmet.[7] The following woodcut, taken from a bas-relief at Rome, represents a centurio with the vitis in one of his hands.

The centurions were usually elected by the military tribunes,[8] subject, probably, to the confirmation of the consul. There was a time, according to Polybius,[9] when desert was the only path to military rank; but, under the emperors, centurionships were given away almost entirely by interest or personal friendship. The father in Juvenal[10] awakes his son with *Vitem posce libello*, "petition for the rank of centurion;" and Pliny[11] tells us that he had made a similar request for a friend of his own, "*Huic ego ordines impetraveram.*"[12] Dio Cassius,[13] when he makes Mæcenas advise Augustus to fill up the senate, ἐκ τῶν ἀπ' ἀρχῆς ἑκατονταρχησάντων, seems to imply that some were appointed to this

1. (i., 5, 20.)—2. (Tacit., Ann., i., 32.)—3. (Tacit., Ann., xv 30.)—4. (Ann., i., 17.)—5. (Juv., Sat., viii., 247.—Plin., H. N., xiv., 1.)—6. (xi., 139.)—7 (Veget., ii., 13.)—8. (Liv., xlii., 34.) —9. (vi., 24.)—10. (Sat., xiv., 193.)—11. (Epist., vi., 25.)—12 (Compare Vegetius, ii., 3.)— 13. (lii., p. 481, c.)

rank at once, without previously serving in a lower capacity.

Polybius, in the fragments of the 6th book, has left an accurate account of the election of centurions. "From each of the divisions of the legion," *i. e.*, hastati, principes, triarii, "they elect ten men in order of merit to command in their own division. After this, a second election of a like number takes place, in all sixty, who are called centurions (*ταξίαρχοι*, i. c., *ordinum ductores*). The centurions of the first election usually command the right of the maniple; but if either of the two is absent, the whole command of the maniple devolves on the other. All of them elect their own *uragi* (*optiones*), and two standard-bearers for each maniple.[1] He who is chosen first of all is admitted to the councils of the general (*primipilus*)."

From the above passage (which is abridged in the translation), it appears that the centurion was first chosen from his own division. He might, indeed, rise from commanding the left of the maniple to command the right, or to a higher maniple, and so on, from cohort to cohort, until the first centurion of the *principes* became *primipilus*;[2] but it was only extraordinary service which could raise him at once to the higher rank. Thus Livy,[3] "*Hic me imperator dignum judicavit, cui primum hastatum prioris centuriæ assignaret*," *i. e.*, "appointed me to be first centurion (*sc. of the right century*) in the first maniple of hastati."

The *optiones*, according to Festus, were originally called *accensi*: they were the lieutenants of the centurion (probably the same with the *succenturiones* of Livy); and, according to Vegetius,[4] his deputies during illness or absence. Festus confirms the account of Polybius, that the optiones were appointed by their centurions, and says that the name was given them "*ex quo tempore quem velint permissum est centurionibus optare*."

The *primipilus* was the first centurion of the first maniple of the triarii, also called "princeps centurionum," *primi pili centurio*.[5] He was intrusted with the care of the eagle,[6] and had the right of attending the councils of the general.

> "*Ut locupletem aquilam tibi sexagesimus annus Afferat*,"

says Juvenal, hyperbolically (for military service expired with the fiftieth year), intimating that the rewards were large for those who could wait for promotion. The *primipili* who were honourably discharged were called *primipilares*.

The pay of the centurion was double that of an ordinary soldier. In the time of Polybius,[7] the latter was about ten denarii, or seven shillings and a penny per month, besides food and clothing. Under Domitian we find it increased above tenfold. Caligula cut down the pensions of retired centurions to six thousand sesterces, or 45*l.* 17*s.* 6*d.*, probably about one half.[8]

*CEPA. (*Vid.* CÆPA.)

*CEPÆA (*κηπαία*), a species of plant, which Stephens seeks to identify with the Water Purslain, but which Sprengel holds to be the same with the *Sedum Cepæa*, one of the Houseleek tribe. In this latter opinion Billerbeck coincides. Some, however, have supposed the Cepæa to be the *Anagallis aquatica* (*Veronica anagallis*), or Water Speedwell.[9] The Cepæa is called *κρομμύον* by the modern Greeks.[10]

*CEPHALUS (*κέφαλος*), the Mullet. Linnæus and several of his successors have confounded all the European mullets under a single species, the *Mugil Cephalus*. According to this view of the subject, the *χέλλων*, *νήστις*, *μύξινος*, and *φέραιος* of Athenæus[1] must have been merely varieties of it. Cuvier, however, admits several species, placing the *M. Cephalus*, or common Mullet, at the head. "The genus Mugil," observes Griffith, "is supposed to derive its name from the contraction of two Latin words signifying 'very agile' (*multum agilis*). The hearing of the common Mullet is very fine, as has been noticed by Aristotle. It appears to be of a stupid character, a fact which was known in the time of Pliny, since that author tells us that there is something ludicrous in the disposition of the mullets, for if they are afraid they conceal their heads, and thus imagine that they are entirely withdrawn from the observation of their enemies. The ancients had the flesh of the Mullet in great request, and the consumption of it is still very considerable in most of the countries of Europe. According to Athenæus, those mullets were formerly in very high esteem which were taken in the neighbourhood of Sinope and Abdera; while, as Paulus Jovius informs us, those were very little prized which had lived in the salt marsh of Orbitello, in Tuscany, in the lagunes of Ferrara and Venice, in those of Padua and Chiozzi, and such as came from the neighbourhood of Commachio and Ravenna. All these places, in fact, are marshy, and the streams by which they are watered are brackish, and communicate to the fish which they support the odour and the flavour of the mud."[2] The ancients believed the Mullet to be a very salacious kind of fish, which circumstance may, perhaps, have given rise to the custom alluded to by Juvenal.[3]

*CEPHEN (*κηφήν*), the Drone, or male Bee. The opinion that the male bee and drone were identical was maintained by some of the ancient naturalists also, but was not generally received. For a full exposition of the ancient opinions on this subject, see Aldrovandus.[4]

*CEP'PHOS (*κέπφος*), a species of Bird. Erasmus and others take it for the Gull or Sea-mew; but, as Adams remarks, Aristotle distinguishes between it and the *λάρος*. It may, however, as the latter thinks, have been the species of Gull called Dung-hunter, or *Larus parasiticus*, L. Ray makes it the *Cataracta cepphus*.[5]

*CERACHA'TES (*κηραχάτης*), an agate of the colour of wax (*κηρός*), mentioned by Pliny. (*Vid.* ACHATES.)

*CERASTES (*κεραστής*), the Horned Serpent, so called, according to Isidorus, because it has horns on its head like those of a ram. Dr. Harris thinks that it was a serpent of the viper kind. It is the *Shephephon* of the Hebrews. "Sprengel," remarks Adams, "holds it to be the same as the Hæmorrhus, referring both to the *Coluber Cerastes*, L.; and, from the resemblance of the effects produced by the sting of the Hæmorrhus, and of the Cerastes, as described by Dioscorides, Aëtius, and Paulus Ægineta, I am disposed to adopt this opinion, although unsupported by the other authorities." (*Vid.* AMORRHUS.)[6]

*CER'ASUS (*κέρασος*), the Cherry-tree, or *Prunus Cerasus*, L. According to some authorities, it derived its name from the city of Cerasus in Pontus, where it grew very abundantly;[7] while others make the city to have been called after the tree.[8] Lucullus, the Roman commander, is said

1. (*Vid.* Liv., viii, 8.)—2. (Veget., ii., 8.)—3. (xlii., 34.)—4. (ii., 7.)—5. (Liv. x., 27.)—6. (Juv., Sat., xiv., 197.)—7. (Polyb., vi., 37.)—8. (Suet., Calig., 44.)—9. (Dioscor., iii., 157.—Alston, Mat Med.—Adams, Append., s v.)—10. (Billerbeck, Flora Classica, p 115.)

1. (vii., c. 77, seqq.)—2. (Griffith's Cuvier, vol. x., p. 365.)—3. (Sat., x., 317.)—4. (Adams, Append., s. v.)—5. (Aristot., H. A. viii., 5.—Adams, Append., s. v.)—6. (Isidor., Orig., xii., 4, 18—Harris, Nat. Hist. of Bible, p. 1.—Adams, Append., s. v.)—7. (Serv. ad Virg., Georg., ii., 18.—Isidor., Orig., xvii., 7, 46.—Plin., H. N., xv., 25.)—8. (Broukhus. ad Propert., iv., 2, 25.)

to have first brought the Cherry-tree into Italy,[1] and hence the terms *cerasus* and *cerasum* (the latter signifying the fruit) were introduced into the Roman tongue. Servius, indeed, says[2] that cherries were known before this in Italy; that they were of an inferior quality, and were called *corna*; and that, subsequently, this name was changed into *cornu-cerasa*. Pliny, on the other hand, expressly denies that cherries were known in Italy before the time of Lucullus.[3] In Greece, however, they were known at a much earlier period, having been described by Theophrastus[4] and the Siphnian Diphylus.[5] This latter writer, who is quoted by Athenæus, speaks of cherries as being stomachic, though not very nutritive. He makes the very red kind, and another called the Milesian, to have been the best, and to have been also good diuretics. Pliny enumerates various species of cherries, such as the Apronian, of a very red colour; the Lutatian, of a very dark hue; the round or Cæcilian; and the Junian, of an agreeable flavour, but so tender that they had to be eaten on the spot, not bearing transportation to any distance from the parent tree. The best kind of all, however, were the Duracinian, called in Campania the Plinian. The Cherry-tree could never be acclimated in Egypt.[6] According to modern travellers, the hills near the site of ancient Cerasus are still covered with cherry-trees, growing wild.[7]

*CERATIA (*κεράτια*), the Carob-tree, or *Ceratonia siliqua*. "Horace," observes Adams, "speaks of Carob-nuts as being an inferior kind of food; and so also Juvenal and Persius. It has been conjectured that it was upon Carobs, and not upon Locusts, that John the Baptist fed in the wilderness. This point is discussed with great learning by Olaus Celsius, in his *Hierobotanicon*. To me it appears that the generally received opinion is the more probable one in this case."[8]

*CERAU'NION (*κεραύνιον*), a variety of the Truffle, or *Tuber Cibarium*.[9]

*CERCIS (*κερκίς*), according to Stackhouse, the Judas-tree, or *Cercis siliquastrum*. Schneider, however, rather inclines to the Aspen-tree, or *Populus tremula*.[10]

*CERCOPITHE'CUS (*κερκοπίθηκος*), a species of Monkey, with a long tail, from which circumstance the Greek name has originated (*κέρκος*, "a tail," and *πίθηκος*, "a monkey").[11] Pliny describes the animal as having a black head, a hairy covering resembling that of an ass, and a cry different from that of other apes. Hardouin refers it to the Marmot, but this is very improbable. Cuvier[12] states, that among the monkeys in India there are some with long tails, grayish hair, and the face black; as, for example, the *Simia entellus* and the *Simia faunus*. None, however, are found, according to him, in this same country with grayish hair, and the whole head black.[13] On the other hand, Wilkinson[14] states that Pliny's description of the Cercopithecus, with a black head, accords with one species of monkey still found in Ethiopia. The Cercopithecus was worshipped, according to Juvenal,[15] in Thebes, the old Egyptian capital, and, as Wilkinson states, would seem to have been embalmed, not only in that city, but also in other places in Egypt. It was frequently represented as an ornament in necklaces, in common with other animals, flowers, and fanciful devices; and the neck of a bottle was sometimes decorated with two sitting monkeys.

CEREA'LIA. This name was given to a festival celebrated at Rome in honour of Ceres, whose wanderings in search of her lost daughter Proserpine were represented by women, clothed in white, running about with lighted torches.[1] During its continuance, games were celebrated in the Circus Maximus,[2] the spectators of which appeared in white;[3] but on any occasion of public mourning, the games and festivals were not celebrated at all, as the matrons could not appear at them except in white.[4] The day of the Cerealia is doubtful; some think it was the ides, or 13th of April; others the 7th of the same month.[5]

CEREVI'SIA, CERVI'SIA (*ζῦθος*), ale or beer, was almost or altogether unknown to the ancient, as it is to the modern, inhabitants of Greece and Italy. But it was used very generally by the surrounding nations, whose soil and climate were less favourable to the growth of vines (*in Gallia, aliisque provinciis*[6]). According to Herodotus,[7] the Egyptians commonly drank "barley-wine," to which custom Æschylus alludes (*ἐκ κριθῶν μέθυ*:[8] *Pelusiaci pocula zythi*[9]). Diodorus Siculus[10] says that the Egyptian beer was nearly equal to wine in strength and flavour. The Iberians, the Thracians, and the people in the north of Asia Minor, instead of drinking their ale or beer out of cups, placed it before them in a large bowl or vase (*κρατῆρ*), which was sometimes of gold or silver. This being full to the brim with the grains as well as the fermented liquor, the guests, when they pledged one another, drank together out of the same bowl by stooping down to it; although, when this token of friendship was not intended, they adopted the more refined method of sucking up the fluid through tubes of cane.[11] The Suevi, and other northern nations, offered to their gods libations of beer, and expected that to drink it in the presence of Odin would be among the delights of Valhalla.[12] *Βρῦτον*, one of the names for beer,[13] seems to be an ancient passive participle, from the root signifying to *brew*.

*"For an account of the ancient Ales," says Adams, "consult Zosimus Panopolita, *de Zythorum confectione* (Salisbech, 1814, ed. Gruner). The word *ζῦθος* is derived from *ζέω*, *ferveo*. Ale is called *οἶνος κρίθινος* and *οἶνος ἐκ κριθῶν* by Herodotus and Athenæus; *πῖνον* by Aristotle; *βρῦτον* by Theophrastus, Æschylus, Sophocles, &c.; *φούκας* by Symeon Seth; but its first and most ancient name was *ζῦθος* or *ζύθιον*. Various kinds of Ale are mentioned by ancient authors: 1. The *Zythus Hordeaceus*, or Ale from barley; of which the *πῖνον*, *βρῦτον*, the *Curmi*, *Curma*, *Corma*, and *Curmon*, mentioned by Sulpicius and Dioscorides; the *Cerevisia*, a term of Celtic origin, applied to an ale used by the Gauls (compare the Welsh *crw*); the *φούκας* of Seth; the *Alfoca* and *Fuca* of the Arabs, noticed by Symeon Seth, Rhases, and Haly Abbas, are only varieties.—2. The *Zythus triticeus*, or Ale from wheat. To this belong the *Cœlia* or *Ceria* of Pliny, Florus, and Orosius, and the *Corma* of Athenæus[14]—3. The *Zythus succedaneus*, prepared from grain of all kinds, oats, millet, rice, panic, and spelt; also from services[15]—4. The *Zythus Dizythium*, or Double Beer, called by Symeon Seth *φούκας σὺν ἀρτύ-*

1. (Isid., l. c.—Serv., l. c.—Plin., l. c.)—2. (l. c.)—3. (l. c.)—4. (H. P., iii., 15.)—5. (ap. Athen., ii., p. 51, *a*.)—6. (Plin., l. c.)—7. (Tournefort, Voyage du Levant, vol. iii., p. 65.)—8. (Dioscor., i., 158.—Horat., Epist., II., i., 123.—Juv., Sat., xi., 59.—Pers., Sat., iii., 55.—Adams, Append., s. v.)—9. (Theophr., H. P., i., 9.)—10. (Theophr., H. P., iii., 14.)—11. (H. N., viii., 21.)—12. (ad Plin., l. c.)—13. (Cuvier, l. c.)—14. (Manners and Customs of the Egyptians, vol. v., p. 132.)—15. (Sat., xv., 4.)

1. (Ovid, Fast., iv., 494.)—2. (Tacit., Ann., xv., 53.)—3. (Ovid, Fast., iv., 620.)—4. (Liv., xxii., 56; xxxiv., 6.)—5. (Ovid, Fast., iv., 389.)—6. (Plin., H. N., xxii., 82.—Theophrast., De Caus Plant., vi., 11.—Diod. Sic., iv., 2; v., 26.—Strab., XVII., ii., 5.—Tacit., Germ., 23.)—7. (ii., 77.)—8 (Suppl. 954.)—9. (Colum., x., 116.)—10. (i., 20, 34.)—11. (Archil., Frag., p. 67, ed. Liebel.—Xen., Anab., iv., 5, 26.—Athenæus, i., 28.—Virg., Georg. iii., 380,—Servius, ad loc.)—12. (Keysler, Antiq. Septent., p. 150-156.)—13. (Archil., l. c.—Hellanicus, p. 91, ed. Sturtz.—Athenæus, x., 67.)—14. (iv., 26, 3.)—15. (Virg., Georg., i. 380.)

μισι (*Phucas compositus*). This was a stronger kind of Ale, the composition of which is unknown. It does not appear that the ancients were acquainted with the use of hops (*humulus lupulus*) in the composition of their ales."[1]

*CERINTHA or -E (κηρίνθη), a plant, which Stackhouse and Sprengel agree in identifying with the Honey-wort, or *Cerinthe aspera*. Virgil speaks of it as "*Cerinthæ ignobile gramen*,"[2] which Martyn explains by saying that it grows common in Italy. It is, in fact, met everywhere in Italy and Sicily. Philargyrius says it derives its name from Cerinthus, a city of Bœotia, where it grew, in ancient times, in great plenty; the better derivation, however, is that which deduces it from κηρίον, "a honey-comb," because the flower abounds with a sweet juice like honey. The bees were very fond of it.[3] It must not be confounded, however, with the κήρινθος or ἐριθάκη mentioned by Aristotle, which is nothing more than *bees'-bread*, being composed of the pollen of vegetables kneaded with honey. Botanical writers speak of two kinds of Cerintha, the Greater and the Less, the latter of which is the τηλέφιον of Dioscorides. Sibthorp found this in Greece in the cultivated grounds, and particularly among the vines in the spring, according in this with the account given by Dioscorides.[4]

CE'RNERE HEREDITA'TEM. (*Vid.* Heres.)

CERO'MA (κήρωμα) was the oil mixed with wax (κηρός) with which wrestlers were anointed. After they had been anointed with this oil, they were covered with dust or a soft sand; whence Seneca[5] says, "*A ecromate nos haphe* (ἀφή) *except in crypta Neapolitana.*"

Ceroma also signified the place where wrestlers were anointed (the *elæothesium*[6]), and also, in later times, the place where they wrestled. This word is often used in connexion with *palæstra*,[7] but we do not know in what respect these places differed. Seneca[8] speaks of the ceroma as a place which the idle were accustomed to frequent, in order to see the gymnastic sports of boys (*qui in ceromate spectator puerorum rixantium sedet*). Arnobius[9] informs us that the ceroma was under the protection of Mercury.

CERTA'MINA. (*Vid.* Athletæ.)

CERTI, INCERTI ACTIO, is a name which has been given by some modern writers, perhaps without good reason, to those actions in which a determinate or indeterminate sum, as the case may be, is mentioned in the formula (*condemnatio certæ pecuniæ vel incertæ*[10]).

CERYKEION (κηρύκειον). (*Vid.* Caduceus.)

CERU'CHI (κεροῦχοι), the ropes which supported the yard of a ship, passing from it to the top of the mast. The woodcut, p. 62, shows a vessel with two ceruchi. In other ancient monuments we see four, as in the annexed woodcut, taken from one of the pictures in the MS. of Virgil, which was given by Fulvius Ursinus to the Vatican library. (*Vid.* Antenna, Carchesium.)

*CERVUS, the Stag. (*Vid.* Elaphus.)

*CERUSSA (ψιμύθιον), White Lead, or *Plumbi sub-carbonas*. The ancient Ceruse, like the modern, was prepared by exposing lead to the vapours of vinegar. The ancient process is minutely described by Theophrastus:[1] "Lead is placed in earthen vessels over sharp vinegar, and after it has acquired a sort of rust of some thickness, which it commonly does in ten days, they open the vessels, and scrape from it a kind of mould. They then place the lead over the vinegar again, repeating again and again the same method of scraping it till it is wholly dissolved. What has been scraped off they then beat to powder and boil for a long time; and what at last subsides to the bottom of the vessel is the ceruse." Similar processes are described by Dioscorides and Vitruvius. "The substance spoken of by Pliny," remarks Dr. Moore, "as a native ceruse, found at Smyrna on the farm of Theodotus, appears to have been that grecnish earth mentioned by Vitruvius as occurring in many places, but the best near Smyrna and called by the Greeks Θεοδότιον, from the name of the person, Theodotus, upon whose farm it was first discovered. From the fact that this greenish earth was regarded as a sort of ceruse, we might infer that the ceruse of the ancients was not always of a very pure white."[2]

*CE'RYLUS (κήρυλος), a species of Bird; the same, according to Suidas and Tzetzes[3] with the male King-fisher. Ælian and Moschus, however, as Adams remarks, appear to consider it a different bird. Gesner and Schneider are undecided.[4]

CERYX (κήρυξ). (*Vid.* Caduceus, Fetialis.)

*CERYX (κήρυξ), "A genus of *Testacea*, now placed," remarks Adams, "in the *Mollusca* by naturalists. It is the *Murex* of the older authorities. The two principal species are the *Buccinum* and *Purpura*, which Sprengel refers to the *Buccinum harpa*, L., and *B. lapillus*. Dr. Coray remarks, that the Greek writers often make no distinction between the κήρυξ and the πορφύρα, but modern naturalists distinguish between the *Murex* and the *Purpura*." (*Vid.* Murex.)[5]

CE'SSIO BONO'RUM. (*Vid.* Bonorum Cessio.)

CE'SSIO IN JURE. (*Vid.* In Jure Cessio.)

CESTIUS PONS. (*Vid.* Bridge, p. 174.)

*CESTRUM (κέστρον), I. a species of Betony. Sprengel, in his R. H. H., was inclined to make it the *Betonica officinalis*; but in his edition of Dioscorides he adopts the opinion of Dalechamp, who proposed the *Betonica alopecurus*. Dioscorides describes it as growing in very cold places, and Sibthorp accordingly found the *B. alopecurus* growing plentifully on Parnassus, one of the coldest regions of Livadia.[6]—II. (*Vid.* Pictura.)

CESTUS was used in two significations:

I. Cestus signified the thongs or bands of leather which were tied round the hands of boxers in order to render their blows more powerful. These bands of leather, which were called ἱμάντες, or ἱμάντες πυκτικοί, in Greek, were also frequently tied round the arm as high as the elbow, as is shown in the following statue of a boxer, the original of which is in the Louvre at Paris.[7]

The cestus was used by boxers from the earliest times. When Epeius and Euryalus, in the *Iliad*,[8]

1. (Adams, Append., s. v.)—2. (Georg., iv., 63.)—3. (Martyn ad Virg., l. c.)—4. (Billerbeck, Flora Classica, p. 40.)—5. (Ep., 57.)—6. (Vitruv., v., 11.)—7. (Plin., H. N., xxxv., 2.)—8. (De Brev. Vit, 12.)—9. (Adv. Gent., iii., 23.)—10. (Gaius, iv., 49, &c.)

1. (De Lapid., 101.)—2. (Anc. Mineral., 69.)—3. (ad Lycophr., 749.)—4. (Adams, Append., s. v.)—5. (Aristot., H. A. iv., 2; v., 10.—Adams, Append., s. v.)—6. (Dioscor., iv., I.—Adams, Append., s. v.)—7. (*Vid.* Clarac, Musée d. Sculpt. Ant. et Mod., vol. iii., pl. 327, n. 2042.)—8 (xxiii., 684.)

prepare themselves for boxing, they put on their hands thongs made of ox-hide (*ἱμάντας εὐτμήτους βοὸς ἀγραύλοιο*); but it should be recollected that the cestus, in heroic times, appears to have consisted merely of thongs of leather, and differed materially from the frightful weapons, loaded with lead and iron, which were used in later times. The different kinds of cestus were called by the Greeks in later times *μειλίχαι*, *πτεῖραι βοείαι*, *σφαῖραι*, and *μύρμηκες*: of which the *μειλίχαι* gave the softest blows, and the *μύρμηκες* the most severe. The *μειλίχαι*, which were the most ancient, are described by Pausanias[1] as made of raw ox-hide cut into thin pieces, and joined in an ancient manner; they were tied under the hollow or palm of the hand, leaving the fingers uncovered. The athletæ in the palæstræ at Olympia used the *μειλίχαι* in practising for the public games (*ἱμάντων τῶν μαλακωτέρων*[2]); but in the games themselves they used those which gave the severest blows.

The cestus used in later times in the public games was, as has been already remarked, a most formidable weapon. It was frequently covered with knots and nails, and loaded with lead and iron; whence Virgil,[3] in speaking of it, says,

"*Ingentia septem*
Terga boum plumbo insuto ferroque rigebant."

Statius[4] also speaks of *nigrantia plumbo tegmina*. Such weapons, in the hands of a trained boxer, must have frequently occasioned death. The *μύρμηκες* were, in fact, sometimes called *γνιοτόροι*, or "limb-breakers." Lucilius[5] speaks of a boxer whose head had been so battered by the *μύρμηκες* as to resemble a sieve.

Figures with the cestus frequently occur in ancient monuments. They appear to have been of various forms, as appears by the following specimens, taken from ancient monuments, of which drawings are given by Fabretti.[6]

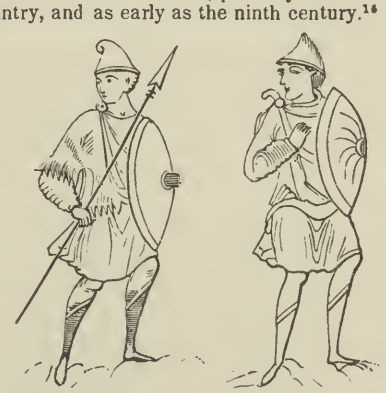
1 (viii., 40, § 3.)—2. (Paus., vi., 23, § 3.)—3. (Æn., v., 405.)—4. (Theb., vi., 732.)—5. (Anth., xi., 78, vol. ii., p. 344, ed. W.)—6. (De Column. Traj., p. 261.)

II. CESTUS also signified a band or tie of any kind;[1] but the term was more particularly applied to the zone or girdle of Venus, on which was represented everything that could awaken love.[2] When Juno wished to win the affections of Jupiter, she borrowed this cestus from Venus;[3] and Venus herself employed it to captivate Mars.[4]

The scholiast on Statius[5] says that the cestus was also the name of the marriage-girdle, which was given by the newly-married wife to her husband; whence unlawful marriages were called *incestæ*. This statement is confirmed by an inscription quoted by Pitiscus,[6] in which a *matrona* dedicates her cestus to Venus.

*CETE (*κῆτη*), a plural term of the neuter gender, of Greek origin, and applied generally to any very large kind of fishes. Adams, in his remarks upon the word *κῆτος*, observes as follows: "This term is applied in a very general sense to all fishes of a very large size, such as the Whale, the Balance-fish, the Dolphin, the Porpoise, the great Tunnies, all sorts of Sharks, and also the Crocodile, the Hippopotamus, and some others which cannot be satisfactorily determined. It is deserving of remark in this place, that, although the ancients ranked the *Cetacea* with *Fishes*, they were aware that Whales, Seals, Dolphins, and some others are viviparous, and respire air like the *Mammalia*. With regard to the *ἠγέμων τῶν κητῶν*, which is described in a very graphic style by Oppian, the most probable opinion is that it was the *Gasterosteus ductor*, L., or Pilot-fish."[7]

CETRA or CÆTRA (*καίτρεα*[8]), a target, *i. e.*, a small round shield, made of the hide of a quadruped.[9] It formed part of the defensive armour of the Osci.[10] (*Vid.* ACLIS.) It was also worn by the people of Spain and Mauritania.[11] By the latter people it was sometimes made from the skin of the elephant.[12] From these accounts, and from the distinct assertion of Tacitus[13] that it was used by the Britons, we may with confidence identify the cetra with the target of the Scottish Highlanders, of which many specimens of considerable antiquity are still in existence. It is seen "covering the left arms"[14] of the two accompanying figures, which are copied from a MS. of Prudentius, probably written in this country, and as early as the ninth century.[15]



It does not appear that the Romans ever wore the cetra. But Livy compares it to the *pelta* of the Greeks and Macedonians, which was also a small light shield (*cetratos, quos peltastas vocant*[16]).

1. (Varro, De Re Rust., i. 8.)—2. (Il., xiv., 214.—Val. Flacc., vi., 470.)—3. (Il., l. c.)—4. (Mart., vi., 13; xiv., 206, 207.)—5 (Theb., ii., 283; v., 63.)—6. (s. v. Cestus.)—7. (Galen, De Alim. Facult.—Ælian, N. A., ix., 49; ii, 13.—Adams, Append., s. v.)—8. (Hesych.)—9. (Isid., Orig., xviii., 12.—Q. Curtius, iii., 4.—Varro, ap. Nonium.)—10. (Virg., Æn., vii., 732.)—11. (Isid., l. c.—Servius in Virg., l. c.—Cæs., Bell. Civ., i., 39.)—12 (Strab., xvii., 3, 7.)—13. (Agric., 36.)—14 (Virgil, l. c.)—15 (Cod. Cotton. Cleop., c. 8.)—16. (xxxi., 36.)

*CHALBA'NE (*χαλβάνη*) appears to have been the well-known Gum-resin, which exudes from the *Bubon Galbanum*. Pliny, in describing it, says, "*Quod maxime laudant, cartilaginosum, purum, ad similitudinem Hammoniaci.*"[1] In the Edinburgh Dispensary it is said that "Galbanum agrees in virtue with gum Ammoniacum." Hence Adams concludes that the ancient Galbanum was identical with the modern.[2]

*CHALCANTHUS (*χάλκανθος*), according to Pliny,[3] the same with the "*Atramentum sutorium*" of the Romans, so called because used to blacken leather. The account of the Roman writer is as follows: "*Græci cognationem æris nomine fecerunt et atramento sutorio, appellant enim Chalcanthum. Color est cærulcus perquam spectabili nitore, vitrumque esse creditur.*" From this language of Pliny there can be no doubt that Hardouin was correct in making it to be Copperas, or Blue Vitriol (*chalcanthus*, i. e., *flos æris*). "Yet," continues Adams, "both Sprengel, in his edition of Dioscorides,[4] and Dr. Milligan, in his Annotations on Celsus, call it a natural solution of sulphate of copper in water. The quotation from Pliny proves that it was a vitriol, the word vitriol being, in fact, formed from *vitrum*. And, farther, Dioscorides' description of its formation agrees very well with Jameson's account of the origin of copperas. The ancients, however, as Dr. Hill states, were also acquainted with a factitious vitriol, which they called *Pectum* and *Ephthum*, obtained by boiling some of the vitriolic ores in water."[5]

CHALKEIA (*χαλκεῖα*), a very ancient festival celebrated at Athens, which at different times seems to have had a different character, for at first it was solemnized in honour of Athena, surnamed Ergane, and by the whole people of Athens, whence it was called Ἀθήναια or Πάνδημος.[6] At a later period, however, it was celebrated only by artisans, especially smiths, and in honour of Hephæstus, whence its name was changed into Χαλκεῖα.[7] It was held on the 30th day of the month of Pyanepsion.[8] Menander had written a comedy called Χαλκεῖα, a fragment of which is preserved in Athenæus.[9]

CHALCI'DICUM. A variety of meanings have been attached to this word, which is not of unfrequent occurrence in inscriptions, and in the Greek and Latin writers.[10]

The meager epitome of Festus informs us merely that it was a sort of edifice (*genus ædificii*), so called from the city of Chalcis, but what sort is not explained; neither do the inscriptions or passages cited below give any description from which a conclusion respecting the form, use, and locality of such buildings can be positively affirmed.

Chalcidica were certainly appurtenances to some *basilicæ*,[11] in reference to which the following attempts at identification have been suggested: 1. A mint attached to the basilica, from *χαλκός* and *δίκη*, which, though an ingenious conjecture, is not supported by sufficient classical authority. 2. That part of a basilica which lies across the front of the tribune, corresponding to the nave in a modern church, of which it was the original, where the lawyers stood, and thence termed *navis causidica*.[12] 3. An apartment thrown out at the back of a basilica either on the ground-floor or at the extremity of the upper gallery, in the form of a balcony.[1] Internal chambers on each side of the tribune for the convenience of the *judices*, as in the basilica of Pompeii. (*Vid.* Basilica, p. 141)[2] 5. The vestibule of a basilica, either in front or rear; which interpretation is founded upon an inscription discovered at Pompeii, in the building appropriated to the fullers of cloth (*fullonica*):

Eumachia. L. F. Sacerd. Pub. * * * *
* * * * * * Chalcidicum. Cryptam Porticus
* * * Sua. Pequnia. fecit. eademque. dedicavit.

By comparing the plan of the building with this inscription, it is clear that the chalcidicum mentioned can only be referred to the vestibule. Its decorations likewise corresponded in richness and character with the vestibule of a basilica described by Procopius,[3] which is twice designated by the term *χαλκῆ*.[4] The vestibule of the basilica at Pompeii is shown upon the plan on page 141.

In another sense the word is used as a synonyme with *cænaculum*. "Scribuntur Dii vestri in tricliniis cœlestibus atque in *chalcidicis* aureis cœnitare."[5] These words, compared with Homer,

Γρηῢς δ' εἰς ὑπερῷ' ἀνεβήσατο καγχαλόωσα.

and the translation of *ὑπερῷον* by Ausonius,[7]

"Chalcidicum *gressu nutrix superabat anili*,"

together with the known locality of the ancient *cænacula*, seem fully to authorize the interpretation given.[6]

Finally, the word seems also to have been used in the same sense as *mænianum*, a balcony.[9]

CHALCIOE'CIA (*χαλκιοίκια*), an annual festival, with sacrifices, held at Sparta in honour of Athena, surnamed Χαλκίοικος, *i. e.*, the goddess of the brazen-house.[10] Young men marched on the occasion in full armour to the temple of the goddess; and the ephors, although not entering the temple, but remaining within its sacred precincts, were obliged to take part in the sacrifice.[11]

*CHALCIS (*χαλκίς*), I. a species of Bird, described as inhabiting mountains, rarely seen, and of a copper colour (from which comes the name, or else from its shrill cry[12]). It was probably one of the Falcon tribe, and is considered by some identical with the *πτύγξ*, but it cannot be satisfactorily determined what kind of bird it really was. Another name for this bird is *κύμινδις*, in Homer and Ionic authors. Both names occur in the 14th book of the Iliad,[13] where it is noted that *χαλκίς* is the older name. The cry of the bird is represented by *κικκαβαῦ*.[14]

II. A species of Lizard,[15] so called from having copper-coloured streaks on the back. It is termed in Greek, not only *χαλκίς*, but also *σαῦρα Χαλκιδική*. Some of the ancient authorities call it *σήψ*,[16] and the French naturalists describe it under the name of *Le Seps*, but, according to Buffon, improperly. It is the *Chalcis Vittatus*, L. Cuvier thinks it very probable that the ancients designated by this name the *Seps* with three toes of Italy and Greece. The Abbé Bonneterre says of it, "I regard the lizard called *Chalcis* by Linnæus as forming a variety of the *Seps*." Buffon remarks, "It appears to bear a strong affinity to the viper, and, like that animal its bite may be dangerous." Dr. Brookes says

1. (Il. N., xii., 25.)—2. (Adams, Append., s. v.)—3. (H. N., xxxiv., 32.)—4 (v., 114.)—5. (Adams, Append., s. v.)—6. (Suidas, s. v.—Etymol. Magn.—Eustath. ad Il., ii., p. 284, 36.)—7. (Pollux, vii., 105.)—8. (Suidas.—Harpocrat.—Eustath., l. c.)—9. (xi., p. 502.)—10. (Inscrip. ap. Grut., p. 232.—Ap. Muratori, p. 469, 480.—Dion Cass., li., 22.—Hygin., Fab., 184.—Auson., Perioch. Odyss., xxiii.—Arnob., Advers. Gent., iii., p. 105, 149.

Vitruv. v., 1, ed. Bipont.—Festus, s. v.)—11. (Vitruv., l. c.)—12 (Barbar and Philand., ad Vitruv., l. c.—Donat., De Urb. Rom., iv., 2.)

1. (Galiano and Stratico, ibid.)—2 (Marquez, Delle Case de Romani.—Rhode ad Vitruv., l. c.)—3. (De Ædific. Justin. 10.)—4. (Bechi, del Chalcidico e della Crypta di Eumachia. Marini ad Vitruv., v., 2.)—5. (Arnobius, p. 149.)—6. (Od., xxiii. 1.)—7. (Perioch., xiii., Odyss.)—8. (Turneb, Advers., xvi. 34.—Salmas. in Spart., Pescen. Nigr., c. 12, p. 677.)—9. (Isid. Orig.—Reinesius, Var. Lect., iii., 5.)—10. (Paus., iii., 17, § 3. seqq.; x., 5, § 5.—Göller ad Thucyd., i., 128.)—11 (Polyb., iv. 35, § 2)—12. (Proclus ad Cratyl., xxxviii.)—13. (v., 291.)—14 (Comic. ap. Plat., Cratyl., p. 270, ed. Francof.—Donnegan, Lex. ed. 1842, s. v.)—15. (Aristot., H. A., viii, 23)—16 (Schol. in Nicandr., Theriac., v., 817.)

"The Seps or the Chalcidian Lizard of Aldrovandus, is rather a serpent than a lizard, though it has four small legs, and paws divided into feet."[1]

III. A species of Fish,[2] incorrectly made by some to be the *Clupea Harengus*, L., or Herring. It is, in fact, the *Clupea finta*, Cuv., belonging, however, to the great Herring tribe. The ancients speak of their *Chalcis* as resembling the *Thryssæ* and Sardines. According to them, it moved in large numbers, and inhabited not only the sea, but also fresh water. "We find nothing," observes Griffith, "in the writings of the Greeks and Romans, which appears to indicate that these nations were acquainted with the Herring. The fishes of the Mediterranean must, in fact, have been nearly the only species of the class which they could observe or procure with facility, and the Herrings are not among the number of these. This fish, therefore, is neither the *halec* or *hælex*, nor the *mænis*, nor the *bucomænis*, nor the *genis* of Pliny. The *μαινίς* of Aristotle, named *alec* by Gaza, and the *mæna* of Pliny, belong to the *menides* of the animal kingdom."[3]

*CHALCI'TIS (*χαλκῖτις*), called also *Sori* and *Misy* (*σῶρι*, *μίσυ*[4]), a fossil substance impregnated with a salt of copper, and used by the ancients as a styptic application. Dioscorides says, "the best *Chalcitis* resembles copper, is brittle, free from stones, not old, and having oblong and shining veins." "Sprengel thinks," observes Adams, "that there is a difference between the Chalcitis of Pliny and that of Dioscorides. The latter he looks upon to be a sulphate of iron; the other an arseniate of copper. In his History of Medicine, he calls the *χάλκανθος*, Blue Vitriol; the *χαλκῖτις*, Red Vitriol; and the *μίσυ*, Yellow Vitriol.[5] The following account of these substances is from a person who appears to have been well acquainted with them. '*Chalcitis*, *Misy*, and *Sori* are fossil substances, very much resembling each other both in original and virtues. Galen says he found these things in the mines, lying in long strata upon each other, the lowest stratum being *Sori*, the middle the *Chalcitis*, and the uppermost the *Misy*. These fossil substances are now rarely found in apothecaries' shops, being to be had nowhere else but in Cyprus, Asia Minor, or Egypt.'"[6] According to Dr. Hill, the Chalcitis is properly a mixed ore of cupreous and ferruginous vitriols, still very frequent in Turkey, where it is used as an astringent and styptic. The *Misy*, he says, differs from it in containing no cupreous vitriol, but only that of iron. The *Sori*, called *Rusma* by the moderns, he says, is an ore of vitriol of copper, and contains no iron.[7]

*CHALCOS (*χαλκός*), the same with the *Æs* of the Romans, and, therefore, a sort of Bronze. (*Vid.* Æs.) The term, however, is often applied to native copper.[8] Dr. Watson has made it appear that the *Orichalcum* (*ὀρείχαλκον*) was brass, or a mixture of copper and zinc, made by the union of *æs* and *Cadmia*.[9] The *χαλκὸς κεκαυμένος* of Dioscorides, according to Geoffroy, is copper calcined in a reverberatory furnace. The *χαλκὸς σκωρία*, *Squama æris*, or flakes of copper, he adds, is little else than the *æs ustum*, being only the particles of burned copper which fly off when it is hammered. The *ἄνθος χαλκοῦ*, or *Flos æris*, was fine granulated copper.[10] The following is Geoffroy's description of it, which, says Adams, is, in fact, little more than a translation of Dioscorides' account of the process. "It is nothing but copper reduced to small grains like millet-seed, which is done by pouring cold water upon melting copper, which thereupon flies everywhere into grains." From this description of it, remarks Adams, it will appear that the following account of the *Flos æris*, given by Kidd, is inaccurate, and we give it merely to caution the reader not to be misled even by such a high authority: "In the spontaneous formation of sulphate of iron, the pyrites first loses its splendour, then swells and separates into numerous fissures. After this, its surface is partially covered with a white effloresecing powder, which is the *Flos æris* of Pliny."[1]

*CHALCOPHO'NOS (*χαλκόφωνος*), a dark kind of stone, sounding, when struck, like brass. Tragœdians were recommended to carry one. It was probably a species of clink-stone.[2]

*CHALCOSMARAG'DUS (*χαλκοσμάραγδος*), according to Pliny, a species of Emerald, with veins of a coppery hue. It is supposed to have been *Dioptase* (Achirite) in its gang of copper pyrites.[3]

*CHALYBS (*χάλυψ*), Steel, so called, because obtained of an excellent quality from the country of the Chalybes. "The Indian Steel, mentioned by the author of the Periplus, was probably," observes Dr. Moore, "of the kind still brought from India under the name of *wootz*; and the *ferrum candidum*, of which Quintus Curtius says the Indians presented to Alexander a hundred talents, may have been the same; for *wootz*, when polished, has a silvery lustre. The Parthian Steel ranks next with Pliny, and these two kinds only '*mera acie temperantur*.' Daimachus, a writer contemporary with Alexander the Great, speaks of four different kinds of steel, and the purposes to which they were severally suited. These kinds were the Chalybdic, the Sinopic, the Lydian, and the Lacedæmonian. The Chalybdic was best for carpenters' tools; the Lacedæmonian for files, and drills, and gravers, and stone-chisels; the Lydian, also, was suited for files, and for knives, and razors, and rasps."[4] According to Tychsen,[5] nothing occurs in the Hebrew text of the Scriptures relative to the hardening of iron, and the quenching of it in water. Iron (*barzel*) often occurs, and in some passages, indeed, Steel may, he thinks, be understood under this name. For example, in Ezekiel,[6] *ferrum fabrefactum*, or, according to Michaelis and others, sabre-blades from Usal (Sanaa in Yemen). A pretty clear indication of steel is given in Jeremiah,[7] "Iron from the North," which is there described as the hardest. It appears that the Hebrews had no particular name for Steel, which they perhaps comprehended, as the same writer conjectures, under the term *barzel*, or distinguished it only by the epithet "Northern." Among the Greeks, Steel was used as early as the time of Homer, and, besides *Chalybs*, it was very commonly called *stomōma* (*στόμωμα*), which, however, did not so much denote Steel itself as the steeled part of the instrument. *Adamas*, also, was frequently used to indicate Steel. (*Vid.* Adamas.) "The Romans," observes Beckmann,[8] "borrowed from the Greeks the word *chalybs*; and, in consequence of a passage in Pliny, many believe that they gave also to Steel the name of *acies*, from which the Italians made their *acciajo*, and the French their *acier*. The word *acies*, however, denoted properly the steeled or cutting part only of an instrument. From this, in later times, was formed *aciarium*, for the Steel which gave the instrument its sharpness, and also *aciare*, 'to steel.' The preparation by fusion, as practised by the Chalybes, has been twice described

1. (Adams, Append., s. v.)—2. (Aristot., iv., 9.—Ælian, N. A., x., 11.)—3. (Griffith's Cuvier, vol. x., p. 478.)—4. (Dioscor., v., 115.—Plin., H. N., xxxiv., 29.)—5. (Sprengel, Hist. Med., v., 4.)—6. (Geoffroy's Works.)—7. (Adams, Append., s. v.)—8. (Diod. Sic., i., 33.)—9. (Chemical Essays.—Bostock's Translation of the 33d Book of Pliny.)—10. (Hill's Hist. of the Materia Medica.)

1. (Kidd's Mineralogy.—Adams, Append., s. v.)—2. (Plin., H. N., xxxvii., 10.—Moore's Anc Mineralogy, p 182.)—3. (Plin., H. N., xxxvii, 5.—Fée, ad loc.)—4. (Anc. Mineral., p. 43.)—5. (Beckmann, Hist. of Inv., vol. iv., p. 236, in notis.) 6. (xxvii., 19.)—7 (xv., 12.)—8 (Hist. of Inv., vol. iv., p. 240.)

by Aristotle. The Steel of the ancients, however, in consequence of not being cemented, suffered itself to be hammered, and was not nearly so brittle as the hardest steel with which we are acquainted at present. On the other hand, the singular method of preparing steel employed by the Celtiberians in Spain, deserves to be here described. According to the account of Diodorus[2] and Plutarch,[3] the iron was buried in the earth, and left in that situation till the greater part of it was converted into rust. What remained without being oxydated was afterward forged and made into weapons, and particularly swords, with which they could cut asunder bones, shields, and helmets. The art of hardening steel by immersing it suddenly, when red hot, into cold water, is very old; Homer says, that when Ulysses bored out the eye of Polyphemus with a burning stake, it hissed in the same manner as water, when the smith immerses in it a piece of red-hot iron in order to harden it.[4] Sophocles uses the comparison of being hardened like immersed iron;[5] and Salmasius[6] quotes a work of some old Greek chemist, who treats of the method of hardening iron in India. It is also a very ancient opinion, that the hardening depends chiefly on the nature of the water. Many rivers and wells were therefore in great repute, so that steel-works were often erected near them, though at a considerable distance from the mines. The more delicate articles of iron were not quenched in water, but in oil."[7]

CHALKOUS. (*Vid.* Æs.)

*CHAMÆAC'TE (χαμαιάκτη), the Dwarf-elder. (*Vid.* Acte.)

*CHAMÆ'DRYS (χαμαίδρυς), the Wall Germander, or *Teucrium Chamædrys*. Apuleius makes the *Chamædrys* a synonyme of the *Teucrium*.[8]

*CHAMÆCER'ASUS (χαμαικέρασος), supposed by Sprengel to be the Lily of the Valley, or *Convallaria majalis*.[9]

*CHAMÆ'LEON (χαμαιλέων), I. a species of plant, so called from the changeable colour of its leaves. Gesner and Humelbergius, according to Adams, can only refer it in general terms to the Thistle tribe. Stephens, Schulze, and Stackhouse hold that the χαμαιλέων λευκός is the *Carlina acaulis*, and Adams thinks that the description of the χαμαιλεων by Dioscorides agrees very well with the Carline thistle. Yet Sprengel, although formerly an advocate of this opinion, and Dierbach, both incline to think it the *Acarna gummifera*, Willd. Sprengel and Stackhouse agree in referring the χαμαιλέων μέλας to the *Carthamus corymbosus*.[10]

II. The Chamæleon, or *Chamæleo Ægyptius*, L. The ancient naturalists describe this species of lizard accurately, and mention, in particular, its remarkable property of changing colour.[11] These colours, in fact, change with equal frequency and rapidity; but it is by no means true, as stated by Suidas and Philo, that the animal can assimilate its hue to that of any object it approaches. Neither is it true, as asserted by Ovid[12] and Theophrastus, that it lives upon air and dew, for it eats flies. In the Latin translation of Avicenna it is called *Alharbe*. "It was believed, in the time of Pliny, that no animal was so timid as the Chamæleon; and, in fact, not having any means of defence supplied by nature, and being unable to secure its safety by flight, it must frequently experience internal fears and agitations more or less considerable. Its epidermis is transparent; its skin is yellow, and its blood of a lively violet blue. From this it results, that when any passion or impression causes a greater quantity of blood to pass from the heart to the surface of the skin, and to the extremities, the mixture of blue violet, and yellow produces, more or less, a number of different shades. Accordingly, in its natural state, when it is free and experiences no disquietude, its colour is a fine green, with the exception of some parts, which present a shade of reddish brown or grayish white. When in anger its colour passes to a deep blue green, to a yellow green, and to a gray more or less blackish. If it is unwell, its colour becomes yellowish gray, or that sort of yellow which we see in dead leaves. Such is the colour of almost all the chamæleons which are brought into cold countries, and all of which speedily die. In general, the colours of the Chamæleons are much the more lively and variable as the weather is warmer, and as the sun shines with greater brilliancy. All these colours grow weaker during the night."[1]

*CHAMÆME'LON (χαμαίμηλον), the herb Chamomile. The Greek name means "ground apple," from the peculiar apple-perfume of the flowers. The term comprehends the *Anthemis nobilis*, and probably some other species of Chamomile.[2] In modern Cyprus this plant is called παπούνι. It is frequently met with in the islands, and flowers early in the spring, according to Sibthorp.[3]

*CHAMÆ'PITYS (χαμαιπίτυς), the herb Ground-pine. (*Vid.* Abiga.)

*CHAMELÆA (χαμέλαια). "Dodonæus states correctly," observes Adams, "that Serapio and Avicenna confounded both the *Chamelæa* and *Chamæleon* together, under the name of *Mazerion*; and it must be admitted, that the learned commentators on the Arabian medical authors have not been able entirely to remove this perplexity. According to Sibthorp, the *Daphne oleoides* is the species which has the best claim to be identified with the ancient *Chamelæa* Matthiolus, and the writer of the article on Botany in the *Encyclopedie Methodique*, refer it to the *Cneorum tricoccon*."[4]

*CHARAD'RIUS (χαράδριος), the name of a sea-bird described by Aristotle[5] and Ælian.[6] It is supposed to have been the Dalwilly, or Ring Plover, the *Charadrius hiaticula*, L. Mention is also made of it by Plato, Aristophanes, and Plutarch. The scholiast on Plato says that the sight of it was believed to cure the jaundice.[7]

*CHELIDON'IUM (χελιδόνιον), a plant of which two kinds are mentioned, the *Chelidonium majus*, or Greater Celandine, and the *C. minus*, or *Ranunculus ficaria*, the Figwort, popularly called the Lesser Celandine, under which name, says Adams, it has been celebrated by the muse of Wordsworth.[8]

*CHELI'DON (χελιδών), I. the Swallow. (*Vid.* Hirundo.) II. The Flying-fish, or *Trigla volitans*, L.[9]

*CHELO'NE (χελώνη), the Tortoise. (*Vid.* Testudo.)

CHARIS'TIA. The charistia (from χαρίζομαι, to grant a favour or pardon) was a solemn feast, to which none but relatives and members of the same family were invited, in order that any quarrel or disagreement which had arisen among them might be made up, and a reconciliation effected.[10] The day of celebration was the viii. Cal. Mart., or the 19th of February, and is thus spoken of by Ovid:

1. (Beckmann ad Aristot., Auscult. Mirab., c. 49, p. 94.)—2. (v., 33.)—3. (De Garrul., ed. Francof., 1620, ii., p. 510.)—4. (Od., ix., 391.)—5. (Ajax, 720.)—6. (Exerc., Plin., p. 763.)—7. (Adams, Append., s. v.—Beckmann, l. c.)—8. (Dioscor., iii., 102.—Theophrast., H. P., ix., 9.)—9. (Adams, Append., s. v.)—10. (Dioscor., iii., 10.—Theophrast., H. P., vi., 4.) —11 (Aristot., H. A., ii., 7.)—12. (Met., xv., 411.)

1. (Griffith's Cuvier, vol. ix., p. 235.)—2. (Dioscor., iii., 144. —Adams, Append., s. v.)—3. (Billerbeck, Flora Græca, p. 220.) —4. (Dioscor., iii., 169.—P. Ægin., vii., 3.—Adams, Append. s. v.)—5. (Hist., viii., 5.)—6. (N. A., xvii., 12.)—7. (Adams Append., s. v.,—8. (Theophr., H. P., vii., 15.—Dioscor., ii., 211 —Adams, Append., s. v.)—9. (Aristot., H. A., iv., 9.—Ælian N. A., ii., 50; xii., 59—Adams, Append. s. v.)—10. (Val. Max. ii., 1, § 8.—Mart., ix., 55.)

"Prex ma cognati dixere charistia cari,
Et venit ad socias turba propinqua dapes."[1]

CHEIRONO'MIA (*χειρονομία*), a mimetic movement of the hands, which formed a part of the art of dancing among the Greeks and Romans. The word is also used in a wider sense, both for the art of dancing in general, and for any signs made with the hands in order to convey ideas. In gymnastics it was applied to a certain kind of pugilistic combat.[2]

CHEIROTONEIN CHEIROTONIA (*χειροτονεῖν, χειροτονία*). In the Athenian assemblies two modes of voting were practised, the one by pebbles (*vid.* PSEPHIZESTHAI), the other by a show of hands (*χειροτονεῖν*). The latter was employed in the election of those magistrates who were chosen in the public assemblies (*vid.* ARCHAIRESIAI), and who were hence called *χειροτονητοί*, in voting upon laws, and in some kinds of trials on matters which concerned the people, as upon *προβολαί* and *εἰσαγγελίαι*. We frequently find, however, the word *ψηφίζεσθαι* used where the votes were really given by show of hands.[3]

The manner of voting by a show of hands is said by Suidas[4] to have been as follows: The herald said, "Whoever thinks that Midias is guilty, let him lift up his hand." Then those who thought so stretched forth their hands. Then the herald said again, "Whoever thinks that Midias is not guilty, let him lift up his hand;" and those who were of this opinion stretched forth their hands. The number of hands was counted each time by the herald; and the president, upon the herald's report, declared on which side the majority voted (*ἀναγορεύειν τὰς χειροτονίας*[5]).

It is important to understand clearly the compounds of this word. A vote condemning an accused person is *καταχειροτονία*; one acquitting him, *ἀποχειροτονία*;[6] *ἐπιχειροτονεῖν* is to confirm by a majority of votes;[7] *ἐπιχειροτονία τῶν νομῶν* was a revision of the laws, which took place at the beginning of every year; *ἐπιχειροτονία τῶν ἀρχῶν* was a vote taken in the first assembly of each prytania on the conduct of the magistrates; in these cases, those who voted for the confirmation of the law, or for the continuance in office of the magistrate, were said *ἐπιχειροτονεῖν*, those on the other side, *ἀποχειροτονεῖν*;[8] *διαχειροτονία* is a vote for one of two alternatives;[9] *ἀντιχειροτονεῖν*, to vote against a proposition. The compounds of *ψηφίζεσθαι* have similar meanings.[10]

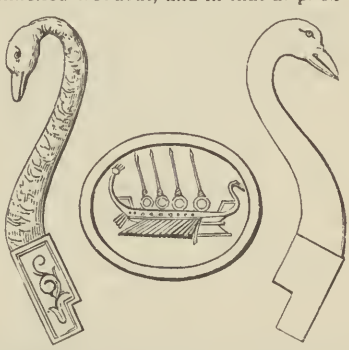
CHEIROTONE'TOI. (*Vid.* ARCHAIRESIAI.)

CHELIDO'NIA (*χελιδόνια*), a custom observed in the island of Rhodus in the month of Boëdromion, the time when the swallows returned. During that season, boys, called *χελιδονισταί*, went from house to house collecting little gifts, ostensibly for the returning swallows (*χελιδονίζειν*), and singing a song which is still extant.[11] It is said to have been introduced by Cleobulus of Lindus at some period when the town was in great distress. The chelidonia, which have sometimes been called a festival, seem to have been nothing but a peculiar mode of begging, which, on the occasion of the return of the swallows, was carried on by boys in the manner stated above. Many analogies may still be observed in various countries at the various seasons of the year.

CHEME (*χήμη*), a Greek liquid measure, the capacity of which (as is the case with most of the smaller measures) is differently stated by different authorities. There was a small cheme, which contained two cochlearia or two drachmæ, and was the seventy-second part of the cotyle, =·0068 of a pint English.[1] The large cheme was to the small in the proportion of 3 to 2. Other sizes of the cheme are mentioned, but they differ so much that we cannot tell with certainty what they really were.[2]

*CHENALO'PEX (*χηναλώπηξ*), a species of aquatic fowl. (*Vid.* ANAS.)

CHENI'SCUS (*χηνίσκος*) was a name sometimes given to the *ἀκροστόλιον* of a ship, because it was made in the form of the head and neck of a goose (*χήν*) or other aquatic bird. This ornament was probably adopted as suitable to a vessel which was intended to pursue its course, like such an animal, over the surface of the water.[3] We are informed that a ship was sometimes named "The Swan" (*κύκνος*), having a swan carved upon the prow.[4] Though commonly fixed to the prow, the cheniscus sometimes adorned the stern of a ship. It was often gilt.[5] A cheniscus of bronze is preserved in the Royal Library at Paris.[6] Not unfrequently we find the cheniscus represented in the paintings found at Herculaneum, and on antique gems. Examples are seen in the annexed woodcut, and in that at p. 62



*CHENOPOD'IUM (*χηνοπόδιον*) and CHEN O PUS (*χηνόπους*), a species of plant, commonly called the Goosefoot. Dioscorides[7] and Pliny[8] mention two kinds, the wild and domestic (*sylvestre* and *sativum*), the former of which is the same with the *ἀτράφαξις* or *ἀτράφαξυς*, the latter the *Atriplex hortensis*, or Orach (the *χρυσολάχανον* of Theophrastus[9]). The modern Greeks use the *Chenopodium* as a good remedy for wounds, and call it *πανάκια*.[10] The *Chenopodium botrys* has a balsamic perfume, and yields an essential oil, which renders it tonic and antiscorbutic. Sibthorp found it between Smyrna and Brousa, on the banks of the streams.[11] The seed resembles a cluster of grapes, and has a vinous smell, whence the name *botrys* (*βότρυς*, "a cluster"). The most important property possessed by the Goosefoot tribe is the production of soda, which some of them yield in immense quantities.[12]

CHERNIPS, CHERNIBON (*χέρνιψ, χέρνιβον*, from *χεῖρ* and *νίπτω*), signifies the water used for ablution and purification, or the vessel which contained it.[13]

A marble vase containing lustral water was placed at the door of both Greek and Roman temples, which was applied to several purposes. The priest stood at the door with a branch of laurel[14] or olive

1 (Fast., ii., 617.)—2. (Athen., xiv., 27, p. 629, *b.*—Hesych., vol. ii., p. 1547, ed. Alberti.—Ælian, V. H., xiv., 22.—Dio Cass., xxxvi., 15.—Paus., vi., 10, § 1.)—3. (*Vid.* Lysias, c. Eratosth., p. 124, 16, and p. 127, 8, ed. Steph.—Demosth., Olynth., , p. 9.)—4. (s. v. *Κατεχειροτόνησεν.*)—5. (Æsch., c. Ctes., § 2.) - 8 (Demosth., c. Midias, p. 516, 553, 583.)—7. (Demosth., De Cor., p. 235, 261.)—8. (Demosth., c. Timocr., p. 706.—Harpocrat. and Suidas, s. v. *Κυρία ἐκκλησία.*—Demosth., c. Theocrin., p. 1330.)—9. (Demosth., c. Androtion., p. 596.—c. Timocr., p. 707.—c. Near., p. 1346.)—10. (Schömann, De Comitiis Atheniensium, p. 120, 125, 231, 251, 330.)—11. (Athenæus, viii., p. 360.—Compare Ilgen, Opusc. Phil., i., p. 164, and Eustath. ad Od., xxii., sub fin.)

1. (Rhemn. Fann., v., 77.)—2. (Hussey, Anc. Weights, Money, &c.—Wurm, De Pond., &c.)—3. (Etym. Mag.)—4. (Nicostratus, ap. Athen., xi., 48.—Etym. Mag., s. v. *Κύκνος.*)—5. (Lucian, Ver. Hist., 41.—Jup. Trag., 47.)—6. (Millin, Dict. des Beaux Arts.)—7. (ii., 145.)—8. (H. N., xx., 20.)—9. (H. P. vii., 1.)—10. (Billerbeck, Flora Græca, p. 62.)—11 (Billerbeck l. c.)—12. (Lindley's Botany, p. 165.)—13. (Pharorinus.—Etym. Mag., s. v. *Λέβης.*—Hesych.—14. (Ovid, Fast., v., 679.)

tree' in his hand, which he dipped into the water, and sprinkled as a purification over all who entered. Instead of these branches, the Romans used an instrument called *aspergillum* for the purpose, the form of which is frequently met with upon medals and bas-reliefs.

Another Greek rite was performed by the priest taking a burning torch from the altar, which he dipped into the lustral water (*χέρνιψ*), and then sprinkled it over the by-standers.[2] Water was also sprinkled over the head of the victim as an initiation to the sacrifice; hence the expression *χέρνιβας νέμειν*,[3] "to perform a sacrifice," and *λαίτην ἀμφὶ σὴν χερνίψομαι*.[4]

The vessel which the Romans used was of the kind called *labrum*,[5] resembling those still employed for a somewhat similar purpose in the Roman churches, one of which is shown in the Laconicum at Pompeii. (*Vid.* Baths, p. 150.)

But the word, as its etymology indicates, is of a more domestic origin; and, in reference to the custom, common to both nations, of washing their hands before meals, is used with the same double meaning above mentioned.[6] In the first passage cited from Homer, *χέρνιψ* is put for the water itself; in the second, *χέρνιβον* is used for the vessel which receives it. In both instances the water is poured out of a jug (*πρόχοος*), and the two together correspond with our term a basin and ewer.

*CHERNI'TES (*χερνίτης*), a species of Stone, which Pliny,[7] after Theophrastus,[8] says was very like ivory, and in a coffin of which the body of Darius lay. The French commentators on Pliny make it and the *porus*, mentioned by the same writers as resembling in colour and hardness Parian marble, to have been varieties of calcareous tufa ("carbonate de chaux sédimentaire, ou craie grossière et compacte, chloriteuse, renfermant des silex blonds et des gryphites").[9]

CHEROS'TAI. (*Vid.* Heres.)

*CHERSY'DRUS (*χέρσυδρος*), a species of Snake, living, as the name imports, both on land and in the water (*χέρσος*, "land," *ὕδωρ*, "water"). A good description of its form and nature is given by Virgil.[10] According to the poet, it was marked with large spots on the belly. Under the head of *Chersydrus*, at the present day, Cuvier ranks the *Oularlimpé* (*Acrochordus Fasciatus*, Sh.), a very venomous serpent which inhabits the bottoms of the rivers of Java.

*CHIA TERRA (*Χία γῆ*), a species of Earth obtained from the island of Chios. The ancients used it internally as an astringent; but its chief use was as a cosmetic, it being highly valued for cleansing the skin and removing wrinkles. Galen says it was an earth of a white colour, but not a bright, clear white, and that it was brought in flat pieces; and Dioscorides says it was whitish, but tending to ash colour.[11] "Like the Selinasian and Pnigitic earths," observes Adams, "it is an argil more or less pure."

CHIRAMA'XIUM (*χειραμάξιον*, from *χείρ* and *ἅμαξα*, a sort of easy-chair or "go-cart," used for invalids and children.[12] It differed from the *sella gestatoria*, which answers to our sedan-chair, in which the person was carried by his slaves or servants, since it went upon wheels, though moved by men instead of animals. Doubts are entertained whether this small vehicle was drawn or propelled, as it is observed that men draw from the neck and shoulders,[1] and push with their hands, which latter method is clearly the one intended by Aurelian, "vehiculo *manibus acto*."

CHIRIDO'TA (*χειριδωτός*, from *χειρίς*, *manica*), a tunic with sleeves. The tunic of the Egyptians, Greeks, and Romans was originally without sleeves (*vid.* Exomis), or they only came a little way down the arm. On the other hand, the Asiatic and Celtic nations wore long sleeves sewed to their tunics, together with trousers as the clothing of their lower extremities, so that these parts of attire are often mentioned together.[3] (Woodcuts, pages 15, 171.) The Greeks also allowed tunics with sleeves to females (woodcut, p. 188), although it was considered by the Latins indecorous when they were worn by men.[4] Cicero mentions it as a great reproach to Catiline and his associates that they wore long shirts with sleeves (*manicatis et talaribus tunicis*[5]). Caligula, nevertheless, wore sleeves, together with other feminine ornaments (*manuleatus*[6]). Sleeves were worn on the stage by tragic actors (*χειρίδες*[7]); and they were used by shepherds and labourers, who had no upper garment, as a protection against the severities of the weather (*pellibus manicatis*[8]). (*Vid.* woodcuts, p. 112, 132.)

All the woodcuts already referred to show the sleeves of the tunic coming down to the wrist. We now insert from an Etruscan vase the figure of a woman, whose sleeves reach only to the elbow, and who wears the *capistrum* to assist her in blowing the *tibiæ pares*.[9] (*Vid.* Manica, Tunica.)

CHIRO'GRAPHUM (*χειρόγραφον*) meant first, as its derivation implies, a handwriting or autograph. In this its simple sense, *χείρ* in Greek and *manus* in Latin are often substituted for it.

Like similar words in all languages, it acquired several technical senses. From its first meaning was easily derived that of a signature to a will or other instrument, especially a note of hand given by a debtor to his creditor. In this latter case it did not constitute the legal obligation (for the debt might be proved in some other way); it was only a proof of the obligation.

According to Asconius,[10] *chirographum*, in the sense of a note of hand, was distinguished from *syngrapha*; the former was always given for money actually lent, the latter might be a mere sham agreement (something like a bill of accommodation,

1. (Virg., Æn., vi., 230.)—2. (Athen., ix., 76.—Eurip., Herc. Fur., 931.)—3. (Soph., Œd. T., 240.)—4. (Eurip., Iph. Taur., 622.)—5. (Liv., xxxvii., 3.)—6. (Hom., Od., i., 136.—Il., xxiv., 304.—Æsch., Agam., 1004.—Choëph., 653.—Athenæus, ix., 80; and compare Virg., Æn., i., 701.)—7. (H. N., xxxvi., 28.)—8. (De Lapid., c. 15.)—9. (ad Plin., l. c.)—10. (Georg., iii., 425.)—11 (Hill's Hist. of Fossils, &c., p. 40.)—12. (Petron., c. 28.—Compare Aurelian, Med. t., 5; ii., 1.)

1. (Virg., Æn., ii., 236.)—2. (Il. cc.)—3. (Herod., vii., 61.—Strabo, xv., 3, 19.—*Γαλατικῶς ἀναξυρίσι καὶ χειριδωτῷ ἀνεσκευασμένος*: Plutarch, Otho, 6.)—4. (Aul. Gell., vii., 12.—Virg., Æn., ix., 616.)—5. (Orat. in Cat., ii., 10.)—6. (Sueton., Calig., 52.)—7. (Lucian, Jov. Trag.)—8. (Column., i., 8; xi., 1.)—9. (Hamilton, Ant. Etrusq., t. ii., p. 113.)—10. (in Verr., iii., 36.)

though with a different object) to pay a debt which had never been actually incurred. The *chirographum* was kept by the creditor, and had only the debtor's signature; the *syngrapha*, on the contrary, was signed and kept by both parties.

In the Latin of the middle ages,[1] *chirographum* was used to signify tribute collected under the signmanual of a person in authority, similar to the briefs and benevolences of former times in our own country. It was also used,[2] till very lately, in the English law for an indenture. Duplicates of deeds were written on one piece of parchment, with the word *chirographum* between them, which was cut in two in a straight or wavy line, and the parts given to the care of the persons concerned. By the Canonists, Blackstone remarks, the word *syngrapha* or *syngraphus* was employed in the same way, and hence gave its name to these kinds of writing.

CHIRU'RGIA (χειρουργία). The practice of surgery was for a long time considered by the ancients to be merely a part of a physician's duty; but, as it is now almost universally allowed to be a separate branch of the profession, it will perhaps be more convenient to treat of it under a separate head. It will not be necessary to touch upon the disputed questions, which is the *more ancient*, or which is the *more honourable* branch of the profession; nor even to try to give such a definition of the word *chirurgia* as would be likely to satisfy both the physicians and surgeons of the present day; it will be sufficient to determine the sense in which the word was used by the *ancients*; and then, adhering closely to that meaning, to give an account of this division of the science and art of medicine, as practised among the Greeks and Romans, referring to the article MEDICINA for farther particulars.

The word chirurgia is derived from χειρ, the hand, and ἔργον, a work, and is explained by Celsus[3] to mean that part of medicine *quæ manu curat*, "which cures diseases by means of the hand;" in Diogenes Laërtius[4] it is said to cure διὰ τοῦ τέμνειν καὶ καίειν, "by cutting and burning;" nor (as far as the writer is aware) is it ever used by ancient authors in any other sense. Omitting the fabulous and mythological personages, Apollo, Æsculapius, Chiron, &c., the only certain traditions respecting the state of surgery before the establishment of the republics of Greece, and even until the time of the Peloponnesian war, are to be found in the Iliad and Odyssey. There it appears that surgery was almost entirely confined to the treatment of wounds; and the imaginary power of enchantment was joined with the use of topical applications.[5] The Greeks received surgery, together with the other branches of medicine, from the Egyptians; and, from some observations made by the men of science who accompanied the French expedition to Egypt in 1798, it appears that there are documents fully proving that in very remote times this extraordinary people had made a degree of progress of which few of the moderns have any conception: upon the ceilings and walls of the temples at Tentyra, Karnac, Luxor, &c., basso-relievos are seen, representing limbs that have been cut off with instruments very analogous to those which are employed at the present day for amputations. The same instruments are again observed in the hieroglyphics, and vestiges of other surgical operations may be traced, which afford convincing proofs of the skill of the ancient Egyptians in this branch of medical science.[6]

The earliest remaining surgical writings are those of Hippocrates, who was born, according to Clinton,[1] Ol. 80, 1, B.C. 460, and died Ol. 105, 4, B.C. 357. Among his reputed works there are ten treatises on this subject, viz.: 1. Κατ' Ἰητρεῖον, *De Officina Medici*; 2. Περὶ Ἀγμῶν, *De Fracturis*; 3. Περὶ Ἄρθρων, *De Articulis*; 4. Μοχλικός, *Vectiarius*; 5. Περὶ Ἑλκῶν, *De Ulceribus*; 6. Περὶ Συρίγγων, *De Fistulis*; 7. Περὶ Αἱμορροΐδων, *De Hæmorrhoïdibus*; 8. Περὶ τῶν ἐν Κεφαλῇ Τρωμάτων, *De Capitis Vulneribus*; 9. Περὶ Ἐγκατατομῆς Ἐμβρύου, *De Resectione Fœtus*; and, 10. Περὶ Ἀνατομῆς, *De Corporum Resectione*. Of these it should be remarked, that only the eighth is considered undoubtedly genuine; though the first, second, third, and fourth, if not written by Hippocrates himself, appear to belong to a very early age.[2] Hippocrates far surpassed all his predecessors (and, indeed, most of his successors) in the boldness and success of his operations; and, though the scanty knowledge of anatomy possessed in those times prevented his attaining any very great perfection, still we should rather admire his genius, which enabled him to do so much, than blame him because, with his deficient information, he was able to do no more. The scientific skill in reducing fractures and luxations displayed in his works, *De Fracturis*, *De Articulis*, excites the admiration of Haller,[3] and he was most probably the inventor of the *ambe*, an old chirurgical machine for dislocations of the shoulder, which, though now fallen into disuse, for a long time enjoyed a great reputation. In his work *De Capitis Vulneribus* he gives minute directions about the time and mode of using the trephine, and warns the operator against the probability of his being deceived by the sutures of the cranium, as he confesses happened to himself.[4] On this Celsus remarks. "*More scili cet magnorum virorum, et fiduciam magnarum rerum habentium. Nam levia ingenia, quia nihil habent, nihil sibi detrahunt: magno ingenio, multaque nihilominus habituro, convenit etiam simplex veri, erroris confessio; præcipucque in eo ministerio, quod utilitatis causa posteris traditur; ne qui decipiantur eadem ratione, qua quis ante deceptus est.*"[5] The author of the Oath, commonly attributed to Hippocrates, binds his pupils not to perform the operation of lithotomy, but to leave it to persons accustomed to it (ἐργάτῃσ. ἀνδράσι πρήξιος τῆσδε); from which it would appear as if certain persons confined themselves to particular operations. Avenzoar also, in his work entitled *Teiser*, "*Rectificatio Regiminis*," refused to perform this operation; but in his case it was from religious motives, and because, being a Jew, he thought it unlawful to look upon another's nakedness.

The names of several persons are preserved who practised surgery as well as medicine in the times immediately succeeding those of Hippocrates; but, with the exception of some fragments inserted in the writings of Galen, Oribasius, Aëtius, &c., all their writings have perished. Archagathus deserves to be mentioned, as he is said to have been the first foreign surgeon that settled at Rome, A.U.C. 535, B.C. 219.[6] He was at first very well received, the *jus Quiritium* was conferred upon him, a shop was bought for him at the public expense, and he received the honourable title of *Vulnerarius*. This, however, on account of his frequent use of the knife and cautery, was soon changed by the Romans (who were unused to such a mode of practice) into that of *Carnifex*. Asclepiades, who lived about the middle of the seventh century A.U.C., is said to have been the first person who proposed the

1. (*Vid.* Du Fresne, s. v.)—2. (*Vid.* Blackstone, b. ii., c. 20.)—3. (De Med., lib. vii., Præfat.)—4. (De Vit. Philos., in., 1, § 85.)—5. (Il., iii., 218; xi., 515, 828, 843, &c.)—6. (Larrey, quoted in Cooper's Surg. Dict.)

1. (Fasti Hellen.)—2. (*Vid.* Fabric., Bibl. Gr.)—3. (Biblioth Chirurg.)—4. (De Morb. Vulgar., lib. v., p. 561, ed. Kühn.)—5 (De Med., viii., 4, p. 467, ed. Argent.)—6. (Cassius Hemina, ap Plin., H. N., xxix., 6.)

operation of bronchotomy, though he himself never performed it ;[1] and Ammonius of Alexandrea, surnamed Λιθοτόμος, who is supposed to have lived rather later, is celebrated in the annals of surgery for having been the first to propose and to perform the operation of *Lithotrity*, or breaking a calculus in the bladder, when found to be too large for safe extraction. Celsus has minutely described his mode of operating,[2] which very much resembles that lately introduced by Civiale and Heurteloup, and which proves that, however much credit they may deserve for bringing it again out of oblivion into public notice, the praise of having originally thought of it belongs to the ancients. "A hook," says Celsus, "is to be so insinuated behind the stone as to resist and prevent its recoiling into the bladder, even when struck ; then an iron instrument is used, of moderate thickness, flattened towards the end, thin, but blunt ; which, being placed against the stone, and struck on the farther end, cleaves it ; great care being taken, at the same time, that neither the bladder itself be injured by the instruments, nor the fragments of the stone fall back into it." Avenzoar also[3] mentions this mode of getting rid of a calculus, though he does not describe the operation so minutely as Celsus. The next surgical writer after Hippocrates, whose works are still extant, is Celsus, who lived at the beginning of the first century A.D., and who has given up the last four books of his work, *De Medicina*, and especially the seventh and eighth, entirely to surgical matters. It appears plainly from reading Celsus, that, since the time of Hippocrates, surgery had made very great progress, and had, indeed, reached a high degree of perfection. He is the first author who gives directions for the operation of lithotomy,[4] and the method described by him (called *the apparatus minor*, or *Celsus's method*) continued to be practised till the commencement of the sixteenth century. It was performed at Paris, Bordeaux, and other places in France, upon patients of all ages, even as late as a hundred and fifty years ago ; and a modern author[5] recommends it always to be preferred on boys under fourteen.[6] He describes[7] the operation of *Infibulatio*, which was so commonly performed by the ancients upon singers, &c., and is often alluded to in classical authors.[8] He also describes[9] the operation alluded to by St. Paul,[10] περιτετμημένος τις ἐκλήθη : μὴ ἐπισπάσθω. Compare Paulus Ægineta,[11] who transcribes from Antyllus a second method of performing the operation. See also Parkhurst's *Lexicon*, and the references there given.

The following description, given by Celsus, of the necessary qualifications of a surgeon, deserves to be quoted : "A surgeon," says he,[12] "ought to be young, or, at any rate, not very old ; his hand should be firm and steady, and never shake ; he should be able to use his left hand with as much dexterity as his right ; his eyesight should be acute and clear ; his mind intrepid, and so far subject to pity as to make him desirous of the recovery of his patient, but not so far as to suffer himself to be moved by his cries ; he should neither hurry the operation more than the case requires, nor cut less than is necessary, but do everything just as if the other's screams made no impression upon him." The reading of Targa's edition, *misericors*, has been followed in this passage of Celsus, though *immis ericors* will also admit of a very good sense ; for as Richerand has observed,[1] Celsus did not mean by it that a surgeon ought to be quite insensible to pity ; but that, during the performance of an operation, this passion ought not to influence him, as all emotion would then be weakness.

Perhaps the only surgical remark worth quoting from Aretæus, who lived in the first century A.D., is, that he condemns the operation of bronchotomy, and thinks "that the wound would endanger an inflammation, cough, and strangling ; and that, if the danger of being choked could be avoided by this method, yet the parts would not heal, as being cartilaginous."[2]

Omitting Scribonius Largus, Moschion, and Soranus, the next author of importance is Cælius Aurelianus, who is supposed to have lived about the beginning of the second century A.D., and in whose works there is a good deal relating to surgery, though nothing that can be called original. He rejected as absurd the operation of bronchotomy.[3] He mentions a case of ascites that was cured by paracentesis,[4] and also a person who recovered after being shot through the lungs by an arrow.[5]

Galen, the most voluminous, and, at the same time, the most valuable medical writer of antiquity, is less celebrated as a surgeon than as an anatomist and physician. He appears to have practised surgery at Pergamus ; but, upon his removal to Rome (A.D. 165), he confined himself entirely to medicine, following, as he says himself,[6] the custom of the place. This would seem also to have been the custom among the Arabians, as Avenzoar says[7] that a physician ought *to be able* to perform operations, but should not do so except in cases of necessity. Galen's writings prove, however, that he did not entirely abandon surgery. His Commentaries on the Treatise of Hippocrates, *De Officina Medici*, and his treatise Περὶ τῶν Ἐπιδέσμων, *De Fasciis*, show that he was well versed even in the minor details of the art. He appears also to have been a skilful operator, though no great surgical inventions are attributed to him. His other surgical writings consist of Commentaries on Hippocrates, *De Fracturis* and *De Articulis ;* besides a good deal of the matter of his larger works, *De Methodo Medendi* and *De Compositione Medicamentorum*.

Antyllus, who lived some time between Galen and Oribasius, is the earliest writer whose directions for performing bronchotomy are still extant, though the operation (as was stated above) was proposed by Asclepiades about three hundred years before Only a few fragments of the writings of Antyllus remain, and among them the following passage is preserved by Paulus Ægineta :[8] "Our best surgeons have described this operation, Antyllus particularly, thus : 'We think this practice useless, and not to be attempted where all the arteries and the lungs are affected (by the word ἀρτηρίαι here, he means the *bronchia*, or ramifications of the *trachea*. *Vid.* Arteria) ; but when the inflammation lies chiefly about the throat, the chin, and the tonsils which cover the top of the windpipe, and the artery is unaffected, this experiment is very rational, to prevent the danger of suffocation. When we proceed to perform it, we must cut through some part of the windpipe, below the larynx, about the third or fourth ring ; for to cut quite through would be dangerous. This place is the most commodious, because it is not covered with any flesh, and because it has no vessels near it. Therefore, bend-

1. (Cæl. Aurel., De Morb. Acut., i., 14 ; iii., 4.)—2. (De Med., vii., 26, ◊ 3, p. 436.)—3. (p. 29, ed. Venet., 1549.)—4. (De Med., vii., 26, ◊ 2, p. 432.)—5. (Allan on Lithotomy, p. 12.)—6. (Cooper's Dict. of Pract. Surg., art. Lithotomy.)—7. (vii., 25, ◊ 3, p. 428.)—8. (Juv., Sat., vi., 73, 379.—Seneca, apud Lactant., Divin. Inst., i., 16.—Mart., Epigr., vii., 82, 1 ; ix., 28, 12 ; xiv., 215, 1.—Tertull., De Corona Mil., 11.)—9. (vii., 25, ◊ 1, p. 427.)—10. (1 Corinth., vii., 18.)—11. De Re Med. vi. 53.)—12. (lib. vii., Præfat.)

1. (Nosogr. Chir., vol. i., p. 42, edit. 2.)—2. (De Morb. Acut. Cur., i., 7, p. 227, ed. Kühn.)—3. (De Morb. Chron., iii., 4.)—4. (Ibid., iii., 8.)—5. (Ibid., iii., 12.)—6. (De Meth. Med., vi., 20.)—7. (p. 31.)—8. (De Re Med., vi., 53.)

ing the head of the patient backward so that the windpipe may come more forward to the view, we make a transverse section between two of the rings, so that in this case, not the cartilage, but the membrane which encloses and unites the cartilages together, is divided. If the operator be a little fearful, he may first divide the skin, extended by a hook; then, proceeding to the windpipe, and separating the vessels, if any are in the way, he must make the incision.' Thus far Antyllus, who thought of this way of cutting, by observing (when it was, I suppose, cut by chance) that the air rushed through it with great violence, and that the voice was interrupted. When the danger of suffocation is over, the lips of the wound must be united by suture, that is, by sewing the skin, and not the cartilage; then proper vulnerary medicines are to be applied. If these do not agglutinate, an incarnant must be used. The same method must be used with those who cut their throat with a design of committing suicide." This operation appears to have been very seldom, if ever, performed by the ancients upon a human being. Avenzoar[1] tried it upon a goat, and found it might be done without much danger or difficulty; but he says he should not like to be the first to try it upon a man.

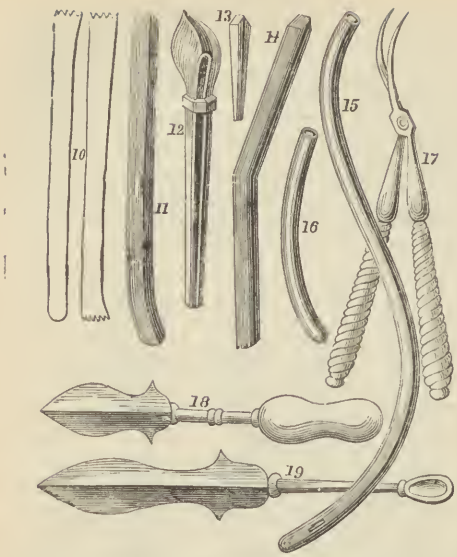
Oribasius, physician to the Emperor Julian (A.D. 361), professes to be merely a compiler; and though there is in his great work, entitled Συναγωγαὶ Ἰατρικαί, *Collecta Medicinalia*, much surgical matter, there is nothing original. The same may be said of Aëtius and Alexander Trallianus, both of whom lived towards the end of the sixth century A.D., and are not famous for any surgical inventions. Paulus Ægineta has given up the fifth and sixth books of his work, *De Re Medica*, entirely to surgery, and has inserted in them much useful matter, the fruits chiefly of his own observation and experience. He was particularly celebrated for his skill in midwifery and female diseases, and was called on that account, by the Arabians, *Al-Kawabeli*, "the Accoucheur."[2] Two pamphlets were published in 1768 at Göttingen, 4to, by Rud. Aug. Vogel, entitled *De Pauli Æginetæ Meritis in Medicinam, imprimisque Chirurgiam.* Paulus Ægineta lived probably towards the end of the seventh century A.D., and is the last of the ancient Greek and Latin medical writers whose surgical works remain. The names of several others are recorded, but they are not of sufficient eminence to require any notice here. For farther information on the subject both of medicine and surgery, see MEDICINA; and for the legal qualifications, social rank, &c., both of physicians and surgeons, among the ancient Greeks and Romans, see MEDICUS.

The surgical instruments, from which the accompanying engravings are made, were found by a physician of Petersburg, Dr. Savenko, in 1819, at Pompeii, in Via Consularis (*Strada Consulare*), in a house which is supposed to have belonged to a surgeon. They are now preserved in the museum at Portici. The engravings, with an account of them by Dr. Savenko, were originally published in the *Revue Médicale* for 1821, vol. iii., p. 427, &c. They were afterward inserted in Froriep's *Notizen aus dem Gebiete der Natur-und-Heilkunde* for 1822, vol. ii., n. 26, p. 57, &c. The plate containing these instruments is wanting in the copy of the *Revue Médicale* in the library of the College of Surgeons, so that the accompanying figures are copied from the German work, in which some of them appear to be drawn very badly. Their authenticity was at first doubted by Kühn,[3] who thought they were the same that had been described by Bayard in his *Catal. Antiq. Monument. Herculani effos.*, Nap., 1754, fol., n. 236–294; when, however, his dissertation was afterward republished,[1] he acknowledged himself to be completely satisfied on this point, and has given, in the tract referred to, a learned and ingenious description of the instruments and their supposed uses, from which the following account is chiefly abridged. It will, however, be seen at once that the form of most of them is so simple, and their uses so obvious, that very little explanation is necessary.

1, 2. Two probes (*specillum*, μήλη) made of iron; the larger six inches long, the smaller four and a half. 3. A cautery (*καυτήριον*) made of iron, rather more than four inches long. 4, 5. Two lancets (*scalpellum*, σμίλη), made of copper, the former two inches and a half long, the other three inches. It seems doubtful whether they were used for bloodletting, or for opening abscesses, &c. 6. A knife apparently made of copper, the blade of which is two inches and a half long, and in the broadest part one inch in breadth; the back is straight and thick, and the edge much curved; the handle is so short that Savenko thinks it must have been broken. It is uncertain for what particular purpose it was used: Kühn conjectures that (if it be a surgical instrument at all) it may have been made with such a curved edge, and such a straight thick back, that it might be struck with a hammer, and so amputate fingers, toes, &c. 7. Another knife, apparently made of copper, the blade of which is of a triangular shape, two inches long, and in the broadest part eight lines in breadth; the back is straight and one line broad, and this breadth continues all the way to the point, which, therefore, is not sharp, but guarded by a sort of button. Kühn thinks it may have been used for enlarging wounds, &c., for which it would be particularly fitted by its blunt point and broad back. 8. A needle, about three inches long, made of iron. 9. An elevator (or instrument for raising depressed portions of the scull), made of iron, five inches long, and very much resembling those made use of at the present day. 10–14. (*vid. next cut*) Different kinds of forceps (*vulsella*). No. 10 has the two sides separated from each other, and is five inches long. No. 11 is also five inches long. No. 12 is three inches and a half long. The sides are narrow at the point of union, and become broader by degrees towards the other end, where, when closed, they form a kind of arch. It should be noticed that it is furnished with a movable ring, exactly like the tenaculum forceps employed at the present day. No. 13 was used for

1. (p 15.)—2. (Abulpharaj, Hist. Dynast., p. 181, ed. Pococke.)- 3. (De Instrum Chirurg., Veteribus cognitis, et nuper effossis, Lips., 1823, 4to.)

1. (Opusc. Academ. Med. et Philolol., Lips., 1827, 1828, 8vo vol. ii., p. 309.)—2. (De Med., vii., 26, § 1, p. 429.)



pulling out hairs by the roots (*τριχολαβίς*). No. 14 is six inches long, and is bent in the middle. It was probably used for extracting foreign bodies that had stuck in the œsophagus (or gullet), or in the bottom of a wound. 15. A male catheter (*æneа fistula*), nine inches in length. The shape is remarkable, from its having the double curve like the letter S, which is the form that was reinvented in the last century by the celebrated French surgeon, J. L. Petit. 16. Probably a female catheter, four inches in length. Celsus thus describes both male and female catheters:[1] "The surgeon should have three male catheters (*æneas fistulas*), of which the longest should be fifteen, the next twelve, and the shortest nine inches in length; and he should have two female catheters, the one nine inches long, the other six. Both sorts should be a little curved, but especially the male; they should be perfectly smooth, and neither too thick nor too thin." 17. Supposed by Froriep to be an instrument for extracting teeth (*ὀδοντάγρα*[2]); but Kühn, with much more probability, conjectures it to be an instrument used in amputating part of an enlarged uvula, and quotes Celsus,[3] who says that "no method of operating is more convenient than to take hold of the uvula with the forceps, and then to cut off below it as much as is necessary." 18, 19. Probably two spatulæ.

CHITON (*χιτών*). (*Vid.* TUNICA.)

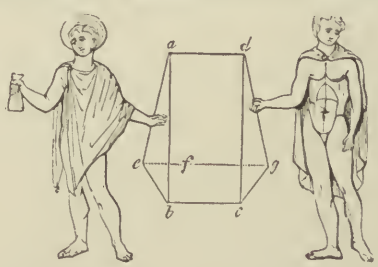
CHITON'IA (*χιτώνια*), a festival celebrated in the Attic town of Chitone in honour of Artemis, surnamed Chitona or Chitonia.[4] The Syracusans also celebrated a festival of the same name, and in honour of the same deity, which was distinguished by a peculiar kind of dance, and a playing on the flute.[5]

*CHIUM MARMOR (*Χίος λίθος*), a species of Marble obtained from the island of Chios. Hill describes it as "a very fine and elegantly-smooth stone, of a close, compact texture, very heavy, and of a fine glossy black, perfectly smooth where broken, but dull and absolutely destitute of splendour." It is capable, according to the same authority, of receiving the highest polish of perhaps any of the marbles. It was famous among the ancients for making reflecting mirrors, for which the high polish of which it is susceptible rendered it peculiarly proper. The Chian marble would appear to have been of the Obsidian kind, and it is, in fact, sometimes called "*Lapis Obsidianus Antiquorum.*"[1] The name *Obsidianus* would seem to have been a corruption from *Opsianus* (*ὀψιανὸς, ἀπὸ τῆς ὄψεως*).[2]

*CHIUM VINUM (*Χίος οἶνος*), Chian Wine, a Greek wine made in the island of Chios (the modern Scio). It is described by some writers as a thick, luscious wine; and that which grew on the craggy heights of Ariusium, extending three hundred stadia along the coast, is extolled by Strabo as the best of all Greek wines. From Athenæus we learn that the produce of the Ariusian vineyards was usually divided into three distinct species: a dry wine, a sweetish wine, and a third sort of a peculiar quality, thence termed *αὐτόκρατον*. All of them seem to have been excellent of their kind, and they are frequently alluded to in terms of the highest commendation. The Phanean, which is extolled by Virgil as the king of wines, was also the product of the same island. The Saprian wine, so remarkable for its exquisite aroma, was probably Chian matured by great age.[3]

CHLAINA (*χλαῖνα*). (*Vid.* LÆNA.)

CHLAMYS (*χλαμύς, dim. χλαμύδιον*), a scarf. This term, being Greek, denoted an article of the *amictus*, or outer raiment, which was, in general, characteristic of the Greeks, and of the Oriental races with which they were connected, although both in its form and in its application it approached very much to the *lacerna* and *paludamentum* of the Romans, and was itself, to some extent, adopted by the Romans under the emperors. It was for the most part woollen; and it differed from the blanket (*ἱμάτιον*), the usual amictus of the male sex, in these respects, that it was much smaller; also finer, thinner, more variegated in colour, and more susceptible of ornament. It moreover differed in being oblong instead of square, its length being generally about twice its breadth. To the regular oblong, *a, b, c, d* (see woodcut), gores were added, either in the form of a right-angled triangle, *c e f*, producing the modification *a, e, g, d*, which is exemplified in the annexed figure of Mercury, or of an obtuse-angled



triangle, *a, e, b*, producing the modification *a, e, b, c, g, d*, which is exemplified in the figure of a youth from the Panathenaic frieze in the British Museum. These gores were called *πτερύγες, wings*, and the scarf with these additions was distinguished by the epithet of Thessalian or Macedonian.[4] Hence the ancient geographers compared the form of the inhabited earth (*ἡ οἰκουμένη*) to that of a chlamys.[5]

The scarf does not appear to have been much worn by children, although one was given, with its brooch, to Tiberius Cæsar in his infancy.[6] It was generally assumed on reaching adolescence, and was worn by the ephebi from about seventeen to

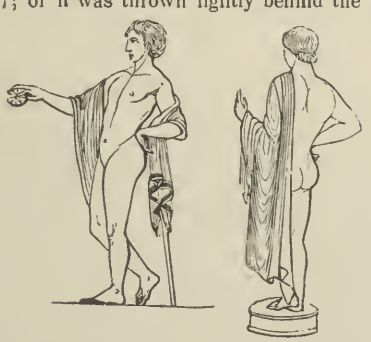
1. (De Med., vii., 26, § 1, p. 429.)—2. (Pollux, Onom., iv., § 181.)—3. (De Med., vii., 12, § 3, p. 404.)—4. (Schol. ad Callim., Hymn. in Artem., 78.)—5 (Athenæus, xiv., p. 629.—Steph. Byz., s. v. Χιτώνη.)

1. (History of Fossils, &c., p. 466.)—2. (Id. ib.)—3. (Henderson's History of Wines, p. 77.)—4. (Etym. Mag.—Lucian, Dial. Mort.)—5. (Strabo, ii., 5.—Macrobius, De Somn. Scip., ii.)—6 (Suet., Tib., 6.)

anty years of age.[1] It was also worn by the military, especially of high rank, over their body-armour (woodcut, p. 133[2]), and by hunters and travellers, more particularly on horseback.[3]

The scarfs worn by youths, by soldiers, and by hunters differed in colour and fineness, according to their destination, and the age and rank of the wearer. The *χλαμὺς ἐφηβική* was probably yellow or saffron-coloured, and the *χλαμὺς στρατιωτική*, scarlet. On the other hand, the hunter commonly went out in a scarf of a dull, unconspicuous colour, as best adapted to escape the notice of wild animals.[4] The more ornamental scarfs, being designed for females, were tastefully decorated with a border (*limbus*,[5] *mæander*[6]); and those worn by Phœnicians, Trojans, Phrygians, and other Asiatics were also embroidered, or interwoven with gold.[7] Actors had their chlamys ornamented with gold.[8] Demetrius, the son of Antigonus, imitating the utmost splendour of the Asiatics, wore a scarf in which were represented in gold thread the stars and the twelve signs of the zodiac.[9]

The usual mode of wearing the scarf was to pass one of its shorter sides (*a*, *d*) round the neck, and to fasten it by means of a brooch (*fibula*), either over the breast (woodcuts, p. 47 186), in which case it hung down the back, reaching to the calves of the legs, as in the preceding figure of the young Athenian, or even to the heels;[10] or over the right shoulder, so as to cover the left arm, as is seen in the preceding figure of Mercury, in the woodcut to Causia, and in the well-known example of the Belvidere Apollo. In other instances it was made to depend gracefully from the left shoulder, of which the bronze Apollo in the British Museum (see the annexed woodcut) presents an example (*puer nudus, nisi quod ephebica chlamyde sinistrum tegebat humerum*); or it was thrown lightly behind the back,



and passed over either one arm or shoulder, or over both (see the second figure in the last woodcut, taken from Hamilton's Vases, i., 2); or, lastly, it was laid upon the throat, carried behind the neck, and crossed so as to hang down the back, as in the figure of Achilles (p. 133), and sometimes its extremities were again brought forward over the arms or shoulders. In short, the remains of ancient art of every description show in how high a degree the scarf contributed, by its endless diversity of arrangement, to the display of the human form in its greatest beauty; and Ovid has told us how sensible the ephebi were of its advantages in the following account of the care bestowed upon this part of his attire by Mercury:

1. (Philemon, p 367, ed. Meineke —"Ephebica chlamyde:" Apuleius, Met., x.—Heliod., Æth., i.—Plutarch, De Mul. Virt. —Pollux, Onom., x., 164.)—2. (Ælian, V. H., xiv., 10.—Theorit., Orat., x.—Plaut., Pseud., II., iv., 45.—Epid., III., iii., 55.) —3. (Plaut., Pœn., III., iii., 6, 31.)—4. (Pollux, Onom., v., 18.) —5. (Virg., Æn., iv., 137.)—6. (Virg., Æn., v., 251.)—7. (Virg., ll. cc.; iii., 483, 484, xi., 775.—Ovid, Met., v., 51.—Val. Flacc., vi., 228.)—8. (Pollux, Onom., iv., 116.)—9 (Athenæus, xii., p. 535 F.; 536, A.)—10 (Apuleius, Met. x —11. (Apuleius, x.)

"Chlamydemque, ut pendeat apte,
Collocat: ut limbus, totumque appareat aurum.[1]

The aptitude of the scarf to be turned in every possible form round the body, made it useful even for defence. The hunter used to wrap his chlamys about his left arm when pursuing wild animals, and preparing to fight with them.[2] Alcibiades died fighting with his scarf rolled round his left hand instead of a shield.[3] The annexed woodcut exhibits a fig

ure of Neptune armed with the trident in his right hand, and having a chlamys to protect the left. It is taken from a medal which was struck in commemoration of a naval victory obtained by Demetrius Poliorcetes, and was evidently designed to express his sense of Neptune's succour in the conflict. When Diana goes to the chase, as she does not require her scarf for purposes of defence, she draws it from behind over her shoulders, and twists it round her waist, so that the belt of her quiver passes across it, as shown in the statues of the goddess in the Vatican (see woodcut), and described by Nemesianus. (*Vid.* Balteus.)

It appears from the bas-reliefs on marble vases that dancers took hold of one another by the chlamys, as the modern Greeks still do by their scarfs or handkerchiefs, instead of taking one another's hands. In like manner, Mercury, when he is conducting Plutus in the dark, bids him to take hold of his chlamys in order to follow his steps.[4] The scarf admitted also of being used to recline upon. Thus Endymion is represented, both in ancient paintings and sculptures, and in the description of Lucian,[5] sleeping on his chlamys, which is spread upon a rock. (*Vid.* Pileus.)

Among the Romans, the scarf came more into use under the emperors. Caligula wore one enriched with gold.[6] Alexander Severus, when he was in the country or on an expedition, wore a scarf dyed with the coccus (*chlamyde coccinea*[7]).

CHLOEIA or CHLOIA (Χλόεια or Χλοιά), a festival celebrated at Athens in honour of Demeter Chloë, or simply Chloë, whose temple stood near the Acropolis.[8] It was solemnized in spring, on the sixth of Thargelion, when the blossoms began to appear (hence the names *χλόη* and *χλόεια*), with the sacrifice of a ram, and much mirth and rejoicing.[9]

*CHLOREUS or CHLORION (*χλωρεύς, χλωρίων*), two names belonging, probably, to one and the same bird, the Golden Oriole, or *Oriolus galbula*, L. Ælian errs when he calls the female *χλωρίς* and the male *χλωρίων*, and his error is supposed to have arisen from his copying Aristotle carelessly.[10]

1. (Met., ii., 735.)—2. (Pollux, Onom., v., 18.—*περιελίξαντα ὃ ἀμπέχεται περὶ τὴν χεῖρα*: Xen., Cyneg., vi., 17.)—3. (Plut., Alcib.)—4. (Lucian, Timon, 30.)—5. (Dial., vol. i., p. 232, ed Hemsterh.)—6. (Suet., Calig., 19.)—7. (Lamprid., Al. Sev., 40. —Compare Matt., xxvii, 28, 31.)—8. (Hesych., s. v. Χλοιά.— Athen., xiv., p. 618.—Sophocl., Œd. Col., 1600, with the scholiast.—Paus., i., 22, § 3.)—9. (Eupolis, ap. Schol. ad Soph., Œd. Col., l. c.)—10. (Aristot., H. A., ix., 2.—Ælian, N. A., iv., 47 —Adams, Append. s. v.)

*CHLORIS (*χλωρίς*) the name of a Bird described by Aristotle. Gesner, upon the authority of Turner, holds it to be the Greenfinch, or *Fringilla chloris*, Temminck.[1]

CHOES (*Χόες*). (*Vid.* Dionysia.)

CHŒNIX (*χοῖνιξ*), a Greek measure of capacity, the size of which is differently given; it was probably of different sizes in the several states. Pollux,[2] Suidas, Cleopatra, and the fragments of Galen,[3] make it equal to three cotylæ (=1·4866 pints English); another fragment of Galen[4] and other authorities[5] make it equal to four cotylæ (=1·9821 pints English); Rhemnius Fannius[6] and another fragment of Galen[7] make it eight cotylæ (=3·9641 pints English).[8]

*ΧΟΙΡΟΣ ΠΟΤΑΜΙΟΣ (*χοίρος ποτάμιος*), a species of Fish, probably the Ruffe, or *Perca cernua*, L. It is a small fish, of good flavour; rather olive, and spotted with brown.[9]

CHORA'GUS, a person who had to bear the expenses of the choragia, one of the regularly-reeurring state burdens (*ἐγκύκλιοι λειτουργίαι*) at Athens. Originally (as is shown in the artiele Chorus) the ehorus consisted of all the inhabitants in the state. With the improvement of the arts of musie and daneing, the distinction of speetators and performers arose; it beeame more a matter of art to sing and danee in the chorus; paid performers were employed; and at last the duties of this branch of worship devolved upon one person, seleeted by the state to be their representative, who defrayed all the expenses whieh were incurred on the different occasions. This person was the ehoragus. It was the duty of the managers of a tribe (*ἐπιμεληταὶ φυλῆς*) to whieh a choragy had come round, to provide a person to perform the duties of it; and the person appointed by them had to meet the expenses of the chorus in all plays, tragic or comic (*τραγῳδοῖς, κωμῳδοῖς*), and satirieal; and of the lyrie ehoruses of men and boys, the pyrrhichistæ, eyelian daneers, and flute-players (*χορηγεῖν ἀνδράσι, or ἀνδρικοῖς χοροῖς, παιδικοῖς χοροῖς, πυρριχισταῖς, κυκλίῳ χορῷ, αὐληταῖς ἀνδράσιν*), &e. He had first to colleet his chorus, and then to proeure a teaeher (*χοροδιδάσκαλος*), whom he paid for instructing the choreutæ. The choragi drew lots for the first choice of teachers; for as their credit depended upon the suecess of their ehorus in the dramatie or lyric eontests, it was of great importanee to them whose assistanee they secured.[10] When the chorus was composed of boys, the choragus was oeeasionally allowed to press children for it, in case their parents were refraetory.[11] The chorus were generally maintained, during the period of their instruetion, at the expense of the ehoragus, and he had also to provide sueh meat and drink as would contribute to strengthen the voice of the singers (*Οἱ δὲ χορηγοὶ τοῖς χορευταῖς ἐγχέλια καὶ θριδάκια καὶ σκελλίδας καὶ μυελὸν παρατιθέντες, εὐώχουν ἐπὶ πολὺν χρόνον, φωνασκουμένους καὶ τρυφῶντας*[12]). The expenses of the different ehoruses are given by Lysias[13] as follow: Chorus of men, 20 minæ; with the tripod, 50 minæ; pyrrhic ehorus, 8 minæ; pyrrhie ehorus of boys, 7 minæ; tragie ehorus, 30 minæ; eomie, 16 minæ; eyelian chorus, 300 minæ. Aeeording to Demosthenes,[14] the chorus of flute-players cost a great deal more than the tragic chorus. The choragus who exhibited the best musical or theatrieal entertainment, reeeived as a prize a tripod, which he had the expense of consecrating, and sometimes he had also to build the monument on which it was placed. There was a whole street at Athens formed by the line of these tripod-temples, and ealled "The Street of the Tripods." The laws of Solon prescribed 40 as the proper age for the ehoragus, but this law was not long in force.

On the subject of the choragia, see Böekh's *Publ. Econ. of Athens*, ii, p 207, &e.

CHORE'GIA (*χορηγία*). (*Vid.* Choragus.)

ΧΩ'ΡΙΟΥ ΔΙΚΗ (*χωρίου δίκη*), a suit to recover land, was a diadicasia within the jurisdiction of the thesmothetæ. The parties to a suit of this kind were neeessarily either Athenian eitizens, or sueh favoured aliens as had had the power of acquiring real property in Attiea (*γῆς καὶ οἰκίας ἔγκτησις*) bestowed upon them by special grant of the people. Of the speeches of Isæus and Lysias in causes of this kind, the names are all that survive.

CHORUS (*χορός*), a band of singers and dancers, engaged in the public worship of some divinity. This is, however, only the seeondary meaning of the Greek word. The word *χορός*, which is conneeted with *χῶρος, χῶρα*,[1] properly denoted the market-plaee, where the chorus met. Thus Homer ealls the daneing-plaee the *χορός*; *λειήναν δὲ χορὸν*:[2] *πέπληγον δὲ χορὸν θεῖον ποσίν*:[3] *ὅθι τ' Ἠοῦς ἠριγενείης οἰκία καὶ χοροὶ εἰσι*:[4] *ἔνθα δ' ἔσαν Νυμφέων καλοὶ χοροὶ ἠδὲ θόωκοι*.[5] Now the daneing-plaee for the public chorus in a Greek town would naturally be the largest space which they had, *i. e.*, the market-place, whieh was called by the more general name of "the plaee" or "the space" (*χορός*). Thus the *ἀγορά* at Sparta was called the *χορός*.[6] And *εὐρύχορος* is a eommon epithet of a large city: thus Sparta[7] and Athens[8] are both ealled *εὐρύχορος*, which either meant "having a wide chorus or market," or, generally, "extensive' (*εὐρύχωρος*), as when it is applied as an epithet to *Ἀσία* in Pindar.[9] Thus, also, the king says to the ehorus, in the *Suppliees* of Æschylus,[10] *λαῶν ἐν χώρῳ τάσσεσθε*.

This explanation of the word *χορός* is important, from its connexion with the idea of a primitive ehorus. In the oldest times the ehorus consisted of the whole population of the eity, who met in the public place to offer up thanksgivings to their eountry's god, by singing hymns and performing corresponding danees. The hymn, however, was not sung by the chorus, but some poet or musician sang or played the hymn, and the daneers, who formed the ehorus, only allowed their movements to be guided by the poem or the tune. The poet, therefore, was said to "lead off the dance" (*ἐξάρχειν μολπῆς*), and this was said not merely of the poet,[11] but also of the principal daneers;[12] and even the leader of a game at ball is said *ἄρχεσθαι μολπῆς*. From this it will be seen that the words *μέλπεσθαι* and *μολπή*, when used in speaking of the old chorus, imply the regular, graeeful movements of the daneers;[13] and the *eumolpids* were not singers of hymns, but daneers in the ehorus of Demeter and Dionysus. This old *chorus*, or the *chorus proper*, was always aeeompanied by the *cithara*, the *lyre*, or the *phorminx*, whieh were different kinds of stringed instruments; when the accompaniment was the *flute*, it was not a ehorus, but an *ἀγλαΐα* or a *κῶμος*, a much more riotous affair, which was always rather of the nature of a proeession than of a danee, and in which there was often no *exarchus*, but every one joined into the song or cry of joy at his pleasure. Sueh a

1. (Aristot., H. A., viii., 5.—Adams, Append., s. v.)—2. (iv., 23.)—3 (c. 7 and 9.)—4. (c. 5.)—5. (Paueton, Metrolog., p. 233.)—6. (v., 69.)—7. (c. 8.)—8. (Wurm, De Pond. et Mens., &e., p. 132, 142, 199.—Hussey on Anc. Meney and Measures, p. 209 and 214.)—9. (Ælian, N. A., xiv., 23.)—10. (Demosth., c. Mid., p. 519.)—11. (Antiphon., De Choreuta, p. 767, 768.)—12. (Plutarch, De Glor. Ath., p. 349, A.)—13. (Ἀπολ. ὑπερδ., p. 696.)—14 (Mid., p. 565.)

1. (New Cratylus, p. 361.)—2. (Od., viii., 260.)—3. (l., 264.)—4. (xii., 4.)—5. (l., 318.)—6. (Pausan., iii., 11, § 9.)—7. (Anaxandrides, ap. Athen., p. 131, C.)—8. (Oracul. ap. Demosth. Mid., p. 531.)—9. (Od., vii., 18.)—10. (v., 976.)—11 (See the passages quoted in the Theatre of the Greeks, 4th edition, p 21.)—12. (Il., xviii., 604.)—13. (Il., xvi., 182.—Hymn. Pyth. Apoll., 19.)

comus was the hymenæal or bridal procession, though this seems to have been a mixture of the *chorus* and the *comus*, for the harp and a chorus of damsels are mentioned in the descriptions of it by Homer and Hesiod. The former merely says,[1] "A loud *hymenæus* arose; young men skilled in the dance moved around; and among them flutes and harps resounded" (*αὐλοὶ, φόρμιγγές τε*). Hesiod's description is much more elaborate:[2] "The inhabitants (of the fortified city which he is describing) were enjoying themselves with festivities and dances (*ἀγλαΐαις τε χοροῖς τε*): *the men*, (*i. e.*, the *κῶμος*) were conducting the bride to her husband on the well-wheeled mule-car; and a loud *hymenæus* arose; from afar was seen the gleam of burning torches carried in the hand of slaves; *the damsels* (*i. e.*, the *χορός*) were moving forward in all joy and festivity (*ἀγλαΐῃ τεθαλνῖαι*); and they were both attended by sportive choruses. The one chorus, consisting of *men* (the *κῶμος*), were singing with youthful voices to the shrill sound of the *pipe* (*i. e.*, *σύριγξ*); the other, consisting of the damsels (the *χορός*), were leading up the cheerful chorus (*i. e.*, were *dancing*) to the notes of the *harp* (*φόρμιγξ*)." This account of the *hymenæus* is immediately followed by a description of the *comus* proper, *i. e.*, a riotous procession after a banquet. "On another side, some young men were moving on in the *comus* (*ἐκώμαζον*) to the sound of the flute; some were amusing themselves with singing and dancing; others moved on laughing, each of them accompanied by a *flute*-player (*ὑπ' αὐλητῆρι ἕκαστος*). The whole city was filled with joy, and choruses, and festivity" (*θαλίαι τε χοροί τε ἀγλαΐαι τε*).

The chorus received its first full development in the Doric states, and in them it was particularly connected with their military organization. The Dorian chorus was composed of the same persons who formed their battle-array: the best dancers and the best fighters were called by the same name (*πρυλέες*); the back rows in each were called "unequipped" (*ψιλεῖς*), and the figures of the dance were called by the same name as the evolutions of the army.[3] The Doric deity was Apollo; consequently, we find the Doric chorus, which was properly accompanied by the lyre, and of which the lyric poetry of the Greeks was the legitimate offspring, immediately connected with the worship of Apollo, the inventor of the lyre. The three principal Doric choruses were the *pyrrhic*, the *gymnopædic*, and the *hyporchematic*. These were afterward transferred to the worship of Bacchus, and appear as the three varieties of the dramatic chorus, which celebrated the worship of that divinity: the *emmeleia*, or *tragic* dance, corresponded to the *gymnopædic*, the *comic* dance to the *hyporchemic*, and the *satyric* to the *pyrrhic*. All these dances were much cultivated and improved by Thaletas, who introduced a combination of the song and dance for the whole chorus, of which Lucian speaks when he says, by way of contrast to the pantomimic dancers of more modern times:[4] Πάλαι μὲν γὰρ οἱ αὐτοὶ καὶ ᾖδον καὶ ὠρχοῦντο, "in older times the same performers both sang and danced." This extension of the song of the *exarchus* to the whole chorus seems to have given rise almost naturally to the division of the chorus into strophes and antistrophes, which Stesichorus farther improved by the addition of an epode, thus breaking through the monotonous alternation of strophe and antistrophe by the insertion of a stanza of a different measure. This improvement is referred to in the proverb, Οὐδὲ τὰ τρία Στησιχόρου γιγνώσκεις. The choruses of Stesichorus consisted of combinations of rows of eight dancers; and, from his partiality to the number 8, we have another proverb, the *πάντα ὄκτω* of the grammarians.

The most important event in the history of Greek choral poetry was the adaptation of the dithyramb, or old Bacchic song, to the system of Doric choruses; for it was to this that we owe the Attic drama. The dithyramb was originally of the nature of a *κῶμος*: it was sung by a band of revellers to a flute accompaniment; and in the time of Archilochus had its leader, for that poet says that "he knows how to *lead off* the dithyramb, the beautiful song of Dionysus, when his mind is inflamed with wine:"[1]

Ὡς Διωνυσοῖ' ἄνακτος καλὸν ἐξάρξαι μέλος
οἶδα διθύραμβον οἴνῳ συγκεραννωθεὶς φρένας.

Arion, the celebrated player on the cithara, was the first to practise a regular chorus in the dithyramb, and to adapt it to the cithara. This he did at Corinth, a Doric city; and therefore we may suppose that he subjected his dithyramb to all the conditions of Doric choral poetry. The dithyramb was danced round a blazing altar by a chorus of 50 men or boys; hence it was called a *circular chorus* (*κύκλιος χορός*); the dithyrambic poet was called *κυκλιοδιδάσκαλος*, and Arion is said to have been the son of *Cycleus*.

Aristotle tells us that tragedy arose from the recitations of the leaders of the dithyramb (*ἀπὸ τῶν ἐξαρχόντων τῶν διθυράμβων*[2]); and we know from Suidas that Arion was *the inventor of the tragic style* (*τραγικοῦ τρόπου εὑρετής*[3]). This latter statement seems to refer to the fact that Arion introduced satyrs into the dithyramb; for the satyrs were also called *τράγοι*,[4] so that *τραγῳδιά*, "the song of the satyrs," is the same as "the satyric drama." This tragic or satyric drama arose from the leaders of the dithyrambic chorus, as arranged by Arion. If we examine the use made of this dithyrambic chorus by Æschylus, we shall easily see what is the meaning of Aristotle's statement. In the tragic trilogies of Æschylus we find a chorus and two actors. As tragedy arose from the leaders of the dithyramb, the first beginning would be when the poet Thespis, as leader of his dithyrambic chorus, either made long Epic or narrative speeches, or conversed with his chorus. The improvement of Æschylus, then, was to introduce a dialogue between two of the *exarchi*, who would thus become *actors*. Consequently, we should expect that in the time of Æschylus the dithyrambic chorus of 50 would be succeeded by a tragic chorus of 48, and two actors. And this we find to be the case. If we examine the extant trilogy—the *Orestea*—we find that the *Agamemnon* has a chorus of 12 old men; the *Choëphoræ*, a chorus of either 12 or 15 women; and the *Eumenides*, a chorus of 15 furies: this would leave 9 or 6 for the chorus of the satyric drama appended to the trilogy, according as we take the smaller or greater number for the chorus in the *Choëphoræ*. It seems more probable that we should take the larger number; for it is probable that, in most cases, Æschylus would divide the main chorus of 48 into four subchoruses of 12; for 24 was the number of the comic chorus, and as comedies were acted in single plays, it is not unlikely that they would assign to a comic poet double the chorus used by the tragedian in his single plays, or half his whole chorus. If so, the satyric drama might, as less important, be contented with half the ordinary tragic chorus, when the exigencies of the piece rendered it desirable to increase the chorus from 12 to 15 in one or more of the individual plays.

1. (Il., xviii., 492.)—2. (Scut. Herc., 270.)—3. (Müller's Dor. iii., 12, § 10; iv. 6, § 4.)—4. (De Saltat., c. 30.)

1. (Athenæus, p. 628, A.)—2. (Poet., 4.)—3. (Compare Herod., i., 23.)—4. (Hesych., s. v. Τράγους.)

Besides, if the chorus of Stesichorus, which was antistrophic, and therefore quadrangular, consisted of 48, as it is not improbable, and this chorus of 48 was divided into rows of eight (as in *πάντα ὄκτω*), six would be an element of the regular chorus, and, therefore, a fit number to represent its least important part. See on this subject Müller,[1] from whose view the account here given differs in some particulars.

The tragic chorus, though quadrangular, still mustered around the *thymele*, or altar of Bacchus in the theatre, thereby showing some last traces of its dithyrambic origin; and though the lyre was its general accompaniment, it did not by any means repudiate the flute, the old accompaniment of the dithyramb. When the chorus consisted of 15, it entered the orchestra either in ranks three abreast, or in files five abreast; in the former case it was said to be divided *κατὰ ζυγά*, in the latter *κατὰ στοίχους*. No doubt a similar distinction was made in the case of the chorus of 12.

The expense of the chorus, as it is stated in the article CHORAGUS, was defrayed by the choragus, who was assigned to the poet by the archon. In the case of a dramatic chorus, the poet, if he intended to represent at the Lenæa, applied to the king archon; if at the great Dionysia, to the chief archon, who "gave him a chorus" if his play was thought to deserve it; hence *χορὸν διδόναι* signifies "to praise or approve a poet."[2] The successful poet was said to "receive the chorus."[3] The comic dance was not at first thought worthy of a public chorus, but the chorus in that species of drama was at first performed by amateurs (*ἐθελονται*[4]), as was also the case with the dithyramb in later times.[5]

CHOUS or CHOEUS (*χοῦς*, or *χοεύς*), a Greek measure of liquids, which is stated by all the authorities to be equal to the Roman congius, and to contain six *ξέσται* or sextarii (=5·9471 pints English). Suidas alone makes a distinction between the *χοῦς* and the *χοεύς*, making the former equal to two sextarii, and the latter equal to six. Now when we remember that the *χοῦς* was commonly used as a drinking vessel at Athenian entertainments;[6] that, on the day of the *χόες* (*vid.* DIONYSIA), a prize was given to the person who first drank off his *χοῦς*; and that Milo of Croton is said to have drunk three *χόες* of wine at a draught,[7] it is incredible that, in these cases, the large *χοῦς* mentioned above could be meant. It seems, therefore, probable that there was also a smaller measure of the same name, containing, as Suidas states, two sextarii, =1·9823 pints English. At first it was most likely the common name for a drinking vessel. According to Crates,[8] the *χοῦς* had originally a similar form to the Panathenaic amphoræ, and was also called *πελίκη*.[9]

ΧΡΕΟΥΣ ΔΙΚΗ (*χρέους δίκη*), a simple action for debt, was, like most of the other cases arising upon an alleged breach of contract, referred to the jurisdiction of the thesmothetæ when the sum in question amounted to more than ten drachmæ. If otherwise, it fell under the cognizance of those itinerant magistrates, who were originally thirty in number, and styled, accordingly, *οἱ τριάκοντα*: but afterward, in consequence of the odium attached to this name, which had also served to designate the oligarchic tyrants, received an accession of ten colleagues and a corresponding change of title.[10] If the cause could be classed among the *ἐμμηνοι δίκαι*, as, for instance, when the debt arose upon a mercantile transaction, the thesmothetæ would still have jurisdiction in it, though one of the parties to the suit were an alien; otherwise it seems that when such a person was the defendant, it was brought into the court of the polemarch.[1] If the cause were treated as a *δίκη Ἐμπορική*, as above mentioned, the plaintiff would forfeit a sixth part of the sum contested upon failing to obtain one fifth of the votes of the dicasts;[2] but we are not informed whether this regulation was applicable, under similar circumstances, in all prosecutions for debt. The speech of Demosthenes against Timotheus was made in a cause of this kind.

*CHROMIS or CHREMPS (*χρόμις*, *χρώμις*, or *χρέμψ*), a species of Fish, the same with the *Sparus Chromis*, L., and called in French *Marron*. Rondelet says it is a small fish, and little esteemed. According to Cuvier, it is a chestnut-brown fish, taken by thousands in the Mediterranean. The fishermen on the coast of Genoa call it *Castagno*, on account of its chestnut colour. The *Chromis Nilotica*, on the other hand, is of an agreeable flavour, and is considered the best fish in the Nile.[3]

*CHRYS'ALIS or CHRYSALLIS, a name applied to the first apparent change of the cruca, or maggot, of any species of insect. In a special sense, it denotes the "tomb of the caterpillar and the cradle of the butterfly." The name has reference to the golden colour (*χρυσός*, "gold") which the chrysalis generally assumes.[4]

*CHRYSANTH'EMUM (*χρυσάνθεμον*), the Corn Marygold, or *Chrysanthemum coronarium*. The Greek name has reference to its golden-hued flowers. Another appellation is *βούφθαλμον*, though this in strictness belongs to the Ox-eyed Daisy, or *Chrysanthemum leucanthemum*. Fée thinks that Virgil means the *C. coronarium* by the *Chrysanthus* of which he speaks in the Culex.[5] The modern Greeks call this plant Τζιτζιμβόλα, and in the Archipelago Μανταλίνα. Sibthorp found it among the villages, and by the margins of roads.[6]

*CHRYSELECTRUM (*χρυσήλεκτρον*), a variety of Amber. Fourcroy calls it "transparent amber of a golden yellow colour."[7]

*CHRYSELECTRUS (*χρυσήλεκτρος*), a name applied to the Indian Chrysoliths (Yellow Sapphire, or Oriental Topaz), having a foil of brass laid under them, and hence approaching in their colour to amber, or electrum.[8]

CHRYSE'NDETA, costly dishes used by the Romans at their entertainments. They are mentioned several times by Martial,[9] and, from the epithet *flava* which he applies to them, as well as from the analogy of the name, they appear to have been of silver, with golden ornaments. Cicero[10] mentions vessels of this kind. He calls their golden ornaments in general *sigilla*, but again distinguishes them as *crustæ* and *emblemata*;[11] the former were probably embossed figures or chasings fixed on to the silver, and the latter inlaid or wrought into it.[12] The embossed work appears to be referred to by Paullus (*cymbia argentcis crustis illigata*[23]), and the inlaid ornaments by Seneca (*argentum, in quod solidi auri cælatura descenderit*[14]).

*CHRYSI'TES (*χρυσίτης*), another name for the Basanites lapis, or Touchstone, from its use in testing gold.[15]

1. (Eumeniden, § 1, &c.)—2. (Plato, Rep., p. 383, C.)—3. (Aristoph., Ran., 94. —4. (Aristot., Poet., 5.)—5. (*Vid.* Aristot., Probl., xv, 9.—Rhet., iii., 9.)—6. (Aristoph., Acharn., v., 1086, ed. Dind.)—7. (Athen., lib. x.)—8. (Athen., xi., p. 496.)—9. (Pollux, Onom., x., 73.—Wurm, De Pond., &c., p. 127, 136, 141, 198.—Hussey on Anc. Money, Measures, &c., p. 211-213.) —10. (Pollux, Onom., viii., 100.)

1. (Meier, Att. Proc., 55.)—2. (Suid., s. v. Ἐπωβελία.)—3 (Aristot., H. A., iv., 8.—Ælian, N. A., ix., 17.—Ovid, Hal., 121 —Plin., H. N., ix., 16.—Adams, Append., s. v.)—4. (Plin., H. N., xi., 32, 35.)—5. (v., 404.)—6. (Billerbeck, Flora Classica, p. 219.)—7. (Fourcroy's Chemistry, c. 14.—Adams, Append., s. v. —8. (Plin., H. N., xxxvii., 9.)—9. (ii., 43, 11; vi., 94; xiv., 97.)—10. (Verr., iv., 21-23.)—11. (c. 23.)—12. (Compare c. 24.)—13 (Dig. 34, tit. 2, s. 33.)—14. (Ep., v.)—15. (Plin., H. N., xxxvii. 99.)

*CHRYSI'TIS (*χρυσῖτις*), supposed to have been the yellow oxide of lead, used as a pigment by the ancients, and forming one of the three varieties of litharge (*λιθάργυρος*) described by Dioscorides[1] and Pliny.[2] Its name was, in all likelihood, derived from its yellow and shining colour, resembling that of gold.[3]

*CHRYSOCO'LLA (*χρυσοκόλλα*). "The ancients," remarks Adams, "applied this term to two distinct substances: First, to a mineral called *Chrysocolla* by Aiken, *Malachite* by Kidd, and *Copper Green* by Jameson and Cleaveland. It consists almost entirely of oxide of copper and silex.—Second, to a factitious substance prepared from soda and copper in the manner described by Pliny.[4] It is often confounded with the *Borax*, or *Sodæ Boras* of the moderns, from its being used like *Borax* in soldering gold. There is much misapprehension in the descriptions of the ancient Chrysocolla given by Matthiolus, Agricola, Milligan, and most of the modern commentators, which it is proper to caution the student of ancient science not to be misled by."[5]

*CHRYSOC'OME (*χρυσοκόμη*), a species of Toadflax, the *Linaria Linosyris* of Bauhin, which is the same with the *Chrysocome Linosyris*, L. Pliny says it wants a proper appellation in the Latin language. Anguillara and Matthiolus were unable to determine what kind of plant it was.[6]

*CHRYSO'LITHUS (*χρυσόλιθος*), a Precious Stone, the same with the modern Topaz. Its prevailing colour is yellow, whence the ancient appellation. The *ψευδοχρυσόλιθος* was stained crystal.[7] "The name *Chrysolithus*," remarks Dr. Moore, "appears to have been applied somewhat loosely by the ancients, as the modern term is, to a great variety of minerals. The Chrysolites obtained from Ethiopia were '*aureo fulgore translucentes*;' but to these were preferred the Indian, which may have been the yellow sapphire, or Oriental topaz. The best were set open. Underneath others a foil of brass was laid. These were called *chryselectri*, whose colour approached to that of amber (electrum). Those of Pontus might be distinguished by their lightness. They were, perhaps, yellow quartz, the Bohemian topaz; or yellow fluor spar, the false topaz, whose specific gravities are to that of the Oriental topaz as three and four respectively to five. The Chrysolite obtained in Spain, from the same locality with rock-crystal, we may suppose was yellow quartz. Such as had a white vein running through them, called hence *leucochrysi*, were probably agate; yellow quartz with a vein of chalcedony; and the *capniæ* we may translate smoke-topaz. Some resembled glass of a bright saffron colour; and those made of glass could not be distinguished by the sight, but might be detected by the touch (of the tongue, no doubt), as being warmer."[8]

*CHRYSOME'LUM (*χρυσόμηλον*), according to Billerbeck, the sweet Orange, and not a species of Quince, as it is sometimes styled. It is a variety of the *Citrus Aurantium*, L.[9]

*CHRYSO'PIS (*χρυσωπίς*), a species of Precious Stone, having, according to Pliny, the appearance of gold. Dalecamp takes it for Hyacinth.[10]

*CHRY'SOPHRYS (*χρυσόφρυς*), a large species of Fish, answering to the Gilt Head or Gilt Poll, the *Sparus aurata*, L. The Greek name, which means 'golden eyebrow,' was given to it on account of a crescent-shaped band of a golden hue extending from one eye to the other. Du Hamel says its flesh is delicate, but rather dry; according to Xenocrates, it is firm and nutritious. "With the exception of the bright band between the eyes, we can find nothing in the Chrysophrys of the ancients," observes Griffith, "that is absolutely characteristic of the modern fish of the same name; though, at the same time, we find nothing which can give rise to exclusion. According to Aristotle, the chrysophrys has two pairs of fins; its pyloric appendages are few in number; it remains close to the coasts, and in salt marshes or pools; it spawns in summer, and deposites its eggs at the mouths of rivers; the great heats oblige it to conceal itself; the cold also causes it to suffer; it is carnivorous, and the fishermen take it by striking it with a trident while asleep. Ælian tells us that it is the most timid of fishes: some branches of poplar, implanted in the sand during a reflux, so terrified the chrysophrys which were brought back by the flood, that on the succeeding reflux they did not dare to move, and suffered themselves to be taken by the hand. That the *Aurata* of the Latins was the same fish as the Chrysophrys of the Greeks, is evident from a passage in Pliny, which is manifestly taken from Aristotle, and where the first word is put as a translation of the second. Columella tells us that the *Aurata* was of the number of those fishes which the Romans brought up in their *vivaria*; and even the inventor of *vivaria*, Sergius Orata, appears to have derived from this fish the surname which he bore, and which he left to his branch of the family. It was, above all, the Aurata of the Lucrine lake that the Romans esteemed; and Sergius, who obtained nearly entire possession of that lake, in all probability introduced the species there."[11]

*CHRYSOPRA'SIUS LAPIS (*χρυσοπρασος*), the Chrysoprase, a precious stone, resembling in colour the juice of the leek (*πράσον*), but with somewhat of a golden tinge (*χρύσος*, "gold"), whence the name given it. What is now called Chrysoprase, however, by Jameson and Aiken, could hardly, as Adams thinks, have been known to the ancients, since it is found only in Lower Silesia. It is composed almost entirely of silex, with a small admixture of nickel, to which it owes its colour. The Chrysoprase of the ancients, on the other hand, was most probably a variety of the Prasius.[12]

CHTHONI'A (*Χθόνια*), a festival celebrated at Hermione in honour of Demeter, surnamed Chthonia. The following is the description of it given by Pausanias:[13] "The inhabitants of Hermione celebrate the Chthonia every year, in summer, in this manner: They form a procession, headed by the priests and magistrates of the year, who are followed by men and women. Even for children it is customary to pay homage to the goddess by joining the procession. They wear white garments, and on their heads they have chaplets of flowers, which they call *κοσμοσάνδαλοι*, which, however, from their size and colour, as well as from the letters inscribed on them, recording the premature death of Hyacinthus, seem to me to be hyacinths. Behind the procession there follow persons leading by strings an untamed heifer, just taken from the herd, and drag it into the temple, where four old women perform the sacrifice, one of them cutting the animal's throat with a scythe. The doors of the temple, which during this sacrifice had been shut, are thrown open, and persons especially appointed for the purpose lead in a second heifer, then a third and a fourth, all of which are sacrificed by the matrons in the manner described. A curious circumstance in this solemnity is, that all the heifers must fall on the same side on which the first fell." The splendour and rich offerings of this festival are also mentioned

1. (v., 102.)—2. (H. N., xxxiii., 35.)—3. (Moore's Anc. Mineralogy, p. 61.)—4. (H. N., xxxiii., 29.)—5. (Adams, Append., s. v.)—6. (Dioscor., &c., 55.—Adams, Append., s. v.)—7. (Diod. Sic., ii., 51.)—8. (Anc. Mineral., p. 170.)—9. (Billerbeck, Flora Classica, p. 132.)—10. (Plin., H. N., xxxvii., 10.)

1. (Aristot., H. N., i., 5.—Ælian, N. A., xiii., 28.—Cuvier, An. King., vol x., p. 163, 312, ed. Griffith.)—2. (Adams, Append., s. v.)—3. (ii., 35, § 4.)

by Ælian,[1] who, however, makes no mention of the matrons of whom Pausanias speaks, but says that the sacrifice of the heifers was performed by the priestess of Demeter.

The Lacedæmonians adopted the worship of Demeter Chthonia from the Hermioneans, some of whose kinsmen had settled in Messenia;[2] hence we may infer that they celebrated either the same festival as that of the Hermioneans, or one similar to it.

CHYTRA (*χύτρα*), an earthen vessel for common use, especially for cooking. It was commonly left unpainted, and hence all unprofitable labour was described by the proverb *χύτραν ποικίλλειν*.[3]

*CICA'DA (*τέττιξ*), a species of Insect, frequently mentioned by the classical writers. According to Dodwell,[4] it is formed like a large fly, with long transparent wings, a dark brown back, and a yellow belly. It is originally a caterpillar, then a chrysalis, and is converted into a fly late in the spring. Its song is much louder and shriller than that of the grasshopper, as Dodwell terms the latter. This writer says that nothing is so piercing as their note; nothing, at the same time, so tiresome and inharmonious; and yet the ancient writers, and especially the poets, praise the sweetness of their song; and Plutarch[5] says they were sacred to the Muses. According to Ælian,[6] only the male Cicada sings, and that in the hottest weather. This is confirmed by the discoveries of modern naturalists. The Cicada is extremely common in the south of Italy. It is found also in the United States, being called in some parts "the Harvest-fly," and in others, very erroneously, "the Locust." The Cicada has a sucker instead of a mouth, by which it lives entirely on liquids, such as dew and the juices of plants. The song of the Cicada, as it has been called, is made by the males for the purpose of calling to their females in the season of reproduction, and it is made by the action of certain muscles upon two membranes, turned in the form of a kettle-drum, and lodged in the cavity of the belly. Several species of *Cicada* are described by Aristotle,[7] Suidas, and Ælian,[8] but more especially two, namely, *οἱ μεγάλοι τέττιγες*, *οἱ ᾄδοντες*, called also *ἄχεται*, and *οἱ μικροί*, called also *τεττιγονία*. The former would appear to be the *Cicada plebeia*, the latter the *Cicada orni*. This insect is called *Cicale* in Italian, and *Cigale* in French. "The Tettix," observes Kirby, "seems to have been the favourite of every Grecian bard, from Homer and Hesiod to Theocritus. Supposed to be perfectly harmless, and to live only on the dew, they were addressed by the most endearing epithets, and were regarded as all but divine. So attached, indeed, were the Athenians to these insects, that they were accustomed to fasten golden images of them in their hair, implying, at the same time, a boast, that they themselves, as well as the Cicadæ, were '*terræ filii*,' or children of the earth."[9] Anacreon, in one of his odes,[10] says of the Tettix, that old age wastes it not away. In this he has reference to the fable of Tithonus, the favourite of Aurora, who, having wished for immortality, without having asked, at the same time, for perpetual youth, became so decrepit, that Aurora, out of compassion, changed him into a tettix, because this insect, as the ancients believed, laid aside its skin every summer, and thus renewed its youth. The truth is, the Tettix or Cicada, like all the other species of the Gryllus, though existing but for a single season since it dies at the close of the summer, casts its skin in the same manner as the caterpillar, and deposites in the fields a membrane so accurately true to its entire shape, that it is often mistaken, at first sight, for the Tettix itself. The belief that this insect was indigenous, or, in other words, sprang from the very earth, appears to have arisen from the circumstance of large numbers being seen immediately after showers, though not visible previously.

*CICER. (*Vid.* Erebinthus.)

*CICHORIUM. (*Vid.* Intybum.)

*CICI (*κίκι*), a plant, the same as the *Palma Christi* or *Ricinus communis*. "This plant," observes Woodville, speaking of the Palma Christi, "appears to be the *κίκι*, or *κρότων* of Dioscorides, who observes that the seeds are powerfully cathartic: it is also mentioned by Aëtius, Paulus Ægineta, and Pliny."[1]

*CICO'NIA, the Stork. (*Vid.* Pelargos.)

*CICU'TA, Hemlock. (*Vid.* Conion.)

CI'DARIS. (*Vid.* Tiara.)

CILI'CIUM (*δέρρις*), a Haircloth. The material of which the Greeks and Romans almost universally made this kind of cloth, was the hair of goats. The Asiatics made it of camel's-hair. Goats were bred for this purpose in the greatest abundance, and with the longest hair, in Cilicia; and from this country the Latin name of such cloth was derived. Lycia, Phrygia, Spain, and Libya also produced the same article. The cloth obtained by spinning and weaving goat's-hair was nearly black, and was used for the coarse habits which sailors and fishermen wore, as it was the least subject to be destroyed by being wet; also for horse-cloths, tents, sacks, and bags to hold workmen's tools (*fabrilia vasa*), and for the purpose of covering military engines, and the walls and towers of besieged cities, so as to deaden the force of the ram (*vid.* Aries), and to preserve the woodwork from being set on fire.[2]

Among the Orientals, sackcloth, which was with them always haircloth, was worn to express mortification and grief. After the decline of the Roman power, it passed from its other uses to be so employed in Europe also. Monks and anchorites almost universally adopted the cilicium as fit to be worn for the sake of humiliation, and they supposed their end to be more completely attained if this part of their raiment was never washed. Hence Jerome,[3] describing the life of the monk Hilarion, says of his hair shirt, "*Saccum, quo semel fucrat indutus, nunquam lavans, et superfluum esse dicens, munditias in cilicio quærerc.*"

*CIMEX (*κόρις*), the Bug, under which name many species are included by the ancients, which modern naturalists have distinguished from one another. Aristotle makes the *κόρις* to be engendered by the vapory secretions from the skins of animals. Pliny,[4] after calling the *Cimex* "*animal fœdissimum, et dictu quoque fastidiendum*" (where he evidently alludes to the *Cimex lectularius*, or bedbug), goes on to state some marvellous uses of this insect in the healing art. It was considered an excellent remedy against the bite of serpents, and especially of asps: fumigations made with *cimices* caused leeches to loosen their hold; and if any animal had swallowed leeches in drinking, *cimices*, taken internally, served as a cure. They were good for weak eyes when mixed with salt and the milk of a female, and for complaints of the ear

1. (H. A., xi, 4.)—2. (Paus., iii., 14, § 5.)—3. (Athen., ix., p. 407.—Suidas, s. v. Χύτρα and Ὄνου πόκαι.—Panofka, Recherches, &c., i., 28.)—4. (Travels in Greece, vol. ii., p. 45.)—5. (Symnos. Probl., 8.) -6. (N. A., xi., 26.)—7. (H. A., iv., 9.)—8. (N. A., x., 44.)—9. (Griffith's Cuvier, vol. xv, p. 254.)—10. (Od. xliii., 15, ed. Fischer.)

1. (Dioscor., iv., 161.—Adams, Append., s. v.)—2. (Aristot. H. A., viii., 28.—Ælian, N. A., xvi., 30.—Varro, De Re Rust. ii. 11.—Virg., Georg., iii., 322.—Avieni, Ora Marit., 218-221.—Vegetius, Ars. Vet., i., 42.)—3. (Epist., lib. iii.)—4. (H. N. xxix. 4.

when mingled wit honey and oil of roses. Numerous other medical virtues were ascribed to them, which, like the preceding, were purely fabulous, although Guettard, in modern times, recommends them in hysterical cases.[1]

*CIMOLIA TERRA (Κιμολία γῆ), Cimolian Earth, so called from the island Cimolus, one of the Cyclades, whence it was principally obtained, although found also in other of the adjacent islands, particularly Siphnus. It was used by the ancients in cleaning their clothes, pretty much in the same way as fuller's earth is now employed. The ancients used it likewise in medicine: Galen speaks of it as good in St. Anthony's fire;[2] and Dioscorides[3] highly commends it, mixed with vinegar, in swellings, inflammations, and many other external affections. The ancient writers mention two kinds of Cimolian Earth, a white and a purplish. Galen says that the white kind was dry, and the purple fattish, and that the purple was accounted the better of the two. Dioscorides says that the purple kind was cold to the touch, a particular very observable in steatites. "Many authors," remarks Sir John Hill, "have ranked Cimolian Earth among the clays, and Tournefort makes it a chalk; but it appears to me to have been neither of these, but properly and distinctly a marl. Many have imagined our fuller's earth to have been the Cimolian of the ancients, but erroneously; the substance which comes nearest it of all the now known fossils, is the steatite of the soap rock of Cornwall."[4]

*CIN'ARA (κινάρα), the Artichoke. The *Cinara scolymus*, our common artichoke, is described in distinct terms in Columella, and he is the only ancient author that has done so.[5]

CI'NCIA LEX, or MUNERA'LIS. This lex was a plebiscitum passed in the time of the tribune M. Cincius Alimentus (B.C. 204), and entitled *De Donis et Muneribus*.[6] One provision of this law, which forbade a person to take anything for his pains in pleading a cause, is recorded by Tacitus,[7] "*Ne quis ob causam orandam pecuniam donumve accipiat.*" In the time of Augustus, the lex Cincia was confirmed by a senatus consultum,[8] and a penalty of four times the sum received was imposed on the advocate. This fact of confirmation will explain a passage in Tacitus.[9] The law was so far modified in the time of Claudius, that an advocate was allowed to receive ten sestertia; if he took any sum beyond that, he was liable to be prosecuted for repetundæ (*repetundarum tenebatur*[10]). (*Vid.* REPETUNDÆ.) It appears that this permission was so far restricted in Trajan's time, that the fee could not be paid till the work was done.[11]

So far the Cincian law presents no difficulty; but it appears that the provisions of the law were not limited to the case already stated. They applied, also, to gifts in general; or, at least, there were enactments which did limit the amount of what a person could give, and also required gifts to be accompanied with certain formalities; and it does not seem possible to refer these enactments to any other than the Cincian law. The numerous contradictions and difficulties which perplex this subject are, perhaps, satisfactorily reconciled and removed by the following conjecture of Savigny:[12] "Gifts which exceeded a certain amount were only valid when made by mancipatio, in jure cessio, or by tradition: small gifts, consequently, were left to a person's free choice, as before; but large gifts (except in the case of near relatives) were to be accompanied with certain formalities." The object of the law, according to Savigny, was to prevent foolish and hasty gifts to a large amount, and, consequently, was intended, among other things, to prevent fraud. This was effected by declaring that certain forms were necessary to make the gift valid, such as mancipatio and in jure cessio, both of which required some time and ceremony, and so allowed the giver opportunity to reflect on what he was doing. These forms, also, could not be observed, except in the presence of other persons, which was an additional security against fraud. It is true that this advantage was not secured by the law in the case of the most valuable of things, *nec mancipi*, namely, money, for the transferring of which bare tradition was sufficient; but, on the other hand, a gift of a large sum of ready money is one that people of all gifts are least likely to make. The lex, however, was a complete protection against simple stipulations; that is, mere promises to give without an actual completion of the promise at the time.

Savigny concludes, and principally from a passage in Pliny's letters,[1] that the Cincian law originally contained no exception in favour of relatives, but that all gifts above a certain amount required the formalities already mentioned. The Emperor Antoninus Pius introduced an exception in favour of parents and children, and also of collateral kinsmen. It appears that this exception was subsequently abolished,[2] but was restored by Constantine (A.D. 319) so far as it was in favour of parents and children; and so it continued as long as the provisions of the Cincian law were in force.

As to the amount beyond which the law forbade a gift to be made, except in conformity to its provisions, see Savigny, *Zeitschrift*, &c., iv., p. 36.

The matter of the lex Cincia is also discussed in an elaborate essay by Hasse,[3] which, together with the essay of Savigny, will furnish the reader with all the necessary references and materials for investigating this obscure subject. Anything farther on the matter would be out of place here.

In every system of jurisprudence, some provisions seem necessary on the subject of gifts. In our own system gifts are valid as against the giver; and though the general rule be that an agreement to give cannot be enforced, this rule is subject to exceptions in the case of persons standing in a certain relation to the giver.

It might be conjectured that one object of the Cincian law was to prevent debtors from cheating their creditors by gifts of their property, or by pretended gifts; but perhaps it would be difficult to establish this point satisfactorily in the present state of our knowledge on this subject.

CINCTUS GABI'NUS. (*Vid.* TOGA.)

CI'NGULUM. (*Vid.* ZONA.)

CINERA'RIUS. (*Vid.* CALAMISTRUM.)

CI'NERES. (*Vid.* FUNUS.)

CI'NIFLO. (*Vid.* CALAMISTRUM.)

*CINNAB'ARIS (κιννάβαρις, or -ι), Cinnabar Martyn[4] writes thus concerning it: "*Minium* is the native Cinnabar, or ore out of which the quicksilver is drawn. *Minium* is now commonly used to designate *red lead*; but we learn from Pliny that the *Minium* of the Romans was the *Miltos* or *Cinnabari* of the Greeks." Woodville says of it, "the Cinnabaris and Sanguis Draconis seem to have signified the same thing with the Greeks." Adanis thinks that the ancients had three kinds of Cinnabar: 1st, the Vegetable Cinnabar, or Sanguis Draconis, being the resin of the tree called *Dracæna Draco*; 2d, the Native Cinnabar, or Sulphuret of Quicksilver; and, 3d,

1. (Plin., ed. Panckouck. vol. xvii., p. 346.)—2. (Galen, De simpl., ix.)—3. (v., 175.)—4. (History of Fossils, &c., p. 36.)—5. (Dioscor., iii., 10.—Adams, Append., s. v.)—6. (Cic., De Orat., ii., 71.—Ad Att., i., 20.)—7. (Ann., xi., 5.)—8. (Dion Cass., liv., 18.)—9. (Ann., xiii., 42.)—10. (Tacit., Ann., xi., 7.)—11. (Plin., Ep., v., 21.)—12. (Ueber die Lex Cincia, Zeitschrift, &c., iv.)

1. (x., 3.)—2. (Cod. Hermog., vi., 1.)—3. (Rheinisches Museum, 1827.)—4. (ad Virg., Eclog., x., 27.)

the Sil Atticum, or Factitious Cinnabar, which was very different from ours, being a preparation of a shining arenaceous substance.[1]

*CINNAMO'MUM (*κιννάμωμος*), the Cinnamon-tree, and also Cinnamon itself.[2] It is supposed by many that the *κιννάμωμος* of the ancients was the *Laurus Cinnamomum*. The only objection to this opinion, as Adams remarks, is, that the latter is a native of Ceylon (the ancient Taprobane), and that it is scarcely to be believed that they could have been so familiar with a production of that island, as it appears they were with their own Cinnamon. Yet, notwithstanding this, many of the authorities, as, for example, Sprengel and Dierbach, hold it to be the *Laurus Cinnamomum*. It is probable, however, that the *Laurus Cassia* was often confounded with it.[3] Various kinds of cinnamon are mentioned by ancient writers, such as the *μόσυλον*, which was the best, of a dark wine colour, sometimes of a dark gray, the bark smooth, the branches small and slender, and having many knots; pungent in taste, and, when warmed, somewhat saltish: the *ὀρεινόν*, or mountain Cinnamon; the *μέλαν*, or "black;" the *λευκόν*, or "white;" the *ὑπόκιρρον*, or "yellowish;" to which some add the xylo-cinnamomum and the pseudo-cinnamomum. The main difference between the *κιννάμωμος* and *κασσία* appears to have been, that the former far surpassed the latter in odour and taste; and, in fact, Galen remarks that the highest kind of cassia did not differ much from the lowest kind of cinnamon. The best cinnamon was obtained from the nest of a species of thrush (*Turdus Zeilonicus*), which always built with it, and hence was called *κινναμωλόγος*, or "cinnamon-collector."[4] (*Vid.* Casia.)

CIPPUS was a low column, sometimes round, but more frequently rectangular. Cippi were used for various purposes; the decrees of the senate were sometimes inscribed upon them; and, with distances engraved upon them, they also served as milestones. They were, however, more frequently employed as sepulchral monuments.[5] Several of such cippi are in the Townly collection in the British Museum, one of which is given in the woodcut annexed. The inscription is to the memory of

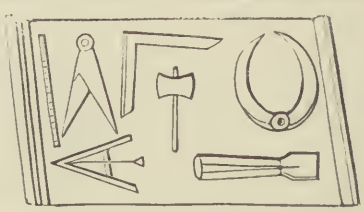
Viria Primitiva, the wife of Lucius Virius Helius, who died at the age of eighteen years, one month, and twenty-four days. Below the tablet, a festoon of fruits and flowers is suspended from two rams' heads at the corners; and at the lower corners are two sphinxes, with a head of Pan in the area between them.

On several cippi we find the letters S. T. T. L., that is, *Sit tibi terra levis*, whence Persius, in the passage already referred to, says, "*Non levior cippus nunc imprimit ossa.*"

It was also usual to place at one corner of the burying-ground a cippus, on which the extent of the burying-ground was marked, towards the road (*in fronte*), and backward to the fields (*in agrum*[1]).

CIRCE'NSES LUDI. (*Vid.* Circus.)

CI'RCINUS (*διαβήτης*), a Compass. The compass used by statuaries, architects, masons, and carpenters, is often represented on the tombs of such artificers, together with the other instruments of their profession or trade. The annexed woodcut is cop-



ied from a tomb found at Rome.[2] It exhibits two kinds of compasses, viz., the common kind used for drawing circles and measuring distances, and one with curved legs, probably intended to measure the thickness of columns, cylindrical pieces of wood, or similar objects. The common kind is described by the scholiast on Aristophanes,[3] who compares its form to that of the letter A. The mythologists supposed this instrument to have been invented by Perdix, who was the nephew of Dædalus, and, through envy, thrown by him over the precipice of the Athenian acropolis.[4] Compasses of various forms were discovered in a statuary's house at Pompeii

CIRCITO'RES. (*Vid.* Castra, p. 222.)

CIRCUMLI'TIO. (*Vid.* Pictura.)

CIRCUMLU'VIO. (*Vid.* Alluvio.)

CIRCUITO'RES. (*Vid.* Castra, p. 222.)

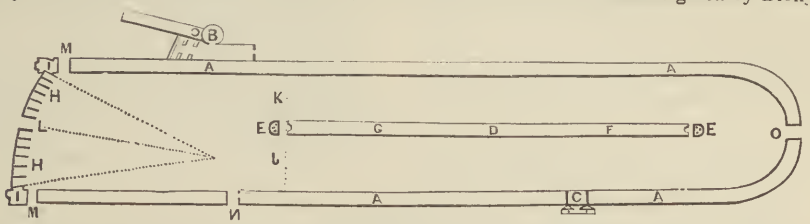
CIRCUS. When Tarquinius Priscus had taken the town of Apiolæ from the Latins, as related in the early Roman legends, he commemorated his success by an exhibition of races and pugilistic contests in the Murcian valley, between the Palatine and Aventine Hills; around which a number of temporary platforms were erected by the patres and equites, called *spectacula*, *fori*, or *foruli*, from their resemblance to the deck of a ship; each one raising a stage for himself, upon which he stood to view the games.[5] This course, with its surrounding scaffoldings, was termed circus; either because the spectators stood round to see the shows, or because the procession and races went round in a circuit.[6] Previously, however, to the death of Tarquin, a permanent building was constructed for the purpose, with regular tiers of seats, in the form of a theatre.[7] To this the name of Circus Maximus was subsequently given, as a distinction from the Flaminian and other similar buildings, which it surpassed in extent and splendour; and hence, like the Campus Martius, it is often spoken of as *the* Circus, without any distinguishing epithet.

Of the Circus Maximus scarcely a vestige now

1. (Dioscor., v. 109.—Paris Pharm., vol. i., p. 72.—Adams, Append., s. v.)—2. (Dioscor., i., 13.—Galen, De Simpl., vii.—Theophr., iv., 4.)—3. (Adams, Append., s. v.)—4. (Plin., H. N., x., 33.—Aristot., H. A., ix., 13.—Ælian, N. A., ii., 34; xvii., 21 - Billerbeck, Flora Classica, p. 104.)—5 (Pers., Sat., i., 36.)

1. (Hor., Sat., I., viii., 12.)—2. (Gruter, Corp. Inscript., t. i., part ii., p. 644.)—3. (Nub., 178.)—4. (Ovid, Met., viii., 241-251.)—5. (Liv., i., 35.—Festus, s. v. Forum.—Dionys., iii., p. 192 &c.)—6. (Varro, De Ling. Lat., v., 153, 154, ed. Müller.)—7 (Compare Liv. and Dionys., ii. cc.)

remains beyond the palpable evidence of the site it occupied, and a few masses of rubble-work in a circular form, which may be seen under the walls of some houses in the *Via de' Cerchi*, and which retain traces of having supported the stone seats[1] for the spectators. This loss is, fortunately, supplied by the remains of a small circus on the Via Appia, commonly called the Circus of Caracalla, the ground-plan of which, together with much of the superstructure, remains in a state of considerable preservation. The ground-plan of the circus in question is represented in the annexed woodcut; and may be safely taken as a model of all others since it agrees in every main feature, both of general outline and individual parts, with the description of the Circus Maximus given by Dionysius.[1]



Around the double lines (A, A) were arranged the seats (*gradus*, *sedilia*, *subsellia*), as in a theatre, termed, collectively, the *cavea*, the lowest of which were separated from the ground by a *podium*, and the whole divided longitudinally by *præcinctiones*, and diagonally into *cunei*, with their *vomitoria* attached to each. Towards the extremity of the upper branch of the *cavea*, the general outline is broken by an outwork (B), which was probably the *pulvinar*, or station for the emperor, as it is placed in the best situation for seeing both the commencement and end of the course, and in the most prominent part of the circus.[2] In the opposite branch is observed another interruption to the uniform line of seats (C), betokening also, from its construction, a place of distinction, which might have been assigned to the person at whose expense the games were given (*editor spectaculorum*).

In the centre of the area was a low wall (D), running lengthways down the course, which, from its resemblance to the position of the dorsal bone in the human frame, was termed *spina*.[3] It is represented in the woodcut subjoined, taken from an ancient bas-relief.

At each extremity of the spina were placed, upon a base (E, E), three wooden cylinders, of a conical shape, like cypress-trees (*metasque imitata cupressus*[4]), which were called *metæ*—the goals. Their situation is distinctly seen in the preceding woodcut, but their form is more fully developed in the one annexed, copied from a marble in the British Museum.[4]

The most remarkable object upon the *spina* were two columns (F) supporting seven conical balls, which, from their resemblance to eggs, were called *ova*.[5] These are seen in the woodcut representing the spina. Their use was to enable the spectators to count the number of rounds which had been run; for which purpose they are said to have been first introduced by Agrippa,[6] though Livy speaks of them long before.[7] They are, therefore, seven in number, such being the number of the circuits made in each race; and, as each round was run, one of the *ova* was put up[8] or taken down, according to Varro.[9] An egg was adopted for this purpose in honour of Castor and Pollux.[10] At the other extremity of the spina were two similar columns (G), represented also in the woodcut over the second chariot, sustaining seven dolphins, termed *delphinæ*, or *delphinarum columnæ*,[11] which do not appear to have been intended to be removed, but only placed there as corresponding ornaments to the *ova*; and the figure of the dolphin was selected in honour of Neptune.[12] In the Lyons mosaic, subsequently to be noticed, the *delphinæ* are represented as fountains spouting

1. (Dionys., l. c.)—2 (Ovid, Met., x., 106.—Compare Plin., H. N., xvi., 77.)

1. (iii., p. 192.)—2. (Suet., Claud., 4.)—3. (Cassiodor., Var. Ep., iii., 51.)—4. (Chamber I., No. 60.)—5. (Varro, De Re Rust., i., 2, § 11.—Liv., xli., 27.)—6. (Dion Cass., xlix., p. 600.)—7. (xli., 27.)—8. (Cassidor., Var. Ep., iii., 51.)—9. (De Re Rust., i., 2, § 11.)—10. (Tertull., De Spectac., c. 8.)—11. (Juv., Sat., vi., 590.)—12 (Tertull., l. c.)

crater; but in a bas-relief of the Palazzo Barberini,[1] a ladder is placed against the columns which support the dolphins, apparently for the purpose of ascending to take them up and down. Some writers suppose the columns which supported the *ova* and *delphinæ* to be the *phalæ* or *falæ* which Juvenal mentions.[2] But the *phalæ* were not columns, but towers, erected, as circumstances required, between the *metæ* and *euripus*, or extreme circuit of the area, when sham-fights were represented in the circus.[3] Besides these, the *spina* was decorated with many other objects, such as obelisks, statues, altars, and temples, which do not appear to have had any fixed locality.

It will be observed in the ground-plan that there is a passage between the *metæ* and *spina*, the extreme ends of the latter of which are hollowed out into a circular recess: and several of the ancient sculptures afford similar examples. This might have been for performing the sacrifice, or other offices of religious worship, with which the games commenced; particularly as small chapels can still be seen under the *metæ*, in which the statues of some divinities must have been placed. It was probably under the first of these spaces that the altar of the god *Consus* was concealed,[4] which was excavated upon each occasion of these games.[5]

At the extremity of the circus in which the two horns of the *cavea* terminate, were placed the stalls for the horses and chariots (H, H), commonly called *carceres* at, and subsequently to, the age of Varro; but more anciently the whole line of buildings which confined this end of the circus was termed *oppidum*, because, with its gates and towers, it resembled the walls of a town,[6] which is forcibly illustrated by the circus under consideration, where the two towers (I, I) at each end of the *carceres* are still standing. The number of *carceres* is supposed to have been usually twelve,[7] as they are in this plan; but in the mosaic discovered at Lyons, and published by Artaud,[8] there are only eight. This mosaic has several peculiarities. Most of the objects are double. There is a double set of *ova* and *delphinæ*, one of each sort at each end of the *spina*; and eight chariots, that is, a double set for each colour, are inserted. They were vaults, closed in front by gates of open woodwork (*cancelli*), which were opened simultaneously upon the signal being given,[9] by removing a rope (ὑσπληγξ[10]) attached to pilasters of the kind called *Hermæ*, placed for that purpose between each stall; upon which the gates were immediately thrown open by a number of men, probably the *armentarii*, as represented in the following woodcut, taken from a very curious marble in the Museo Borgiano at Velletri; which also represents most of the other peculiarities above mentioned as appertaining to the carceres.

In the mosaic of Lyons the man is represented apparently in the act of letting go the rope (ὑσπληγξ, in the manner described by Dionysius.[1] The cut below, which is from a marble in the British Museum,[2] represents a set of four *carceres*, with their *Hermæ* and *cancelli* open, as left after the chariots

had started, in which the gates are made to open inward.

The preceding account and woodcuts will be sufficient to explain the meaning of the various words by which the *carceres* were designated in poetical language, namely, *claustra*,[3] *crypta*,[4] *fauces*,[5] *ostia*,[6] *fores carceris*,[7] *repagula*,[8] *limina equorum*.[9]

It will not fail to be observed that the line of the *carceres* is not at a right angle with the *spina*, but forms the segment of a circle, the centre of which is a point on the right hand of the arena; the reason for which is obviously that all the chariots might have, as nearly as possible, an equal distance to pass over between the *carceres* and mouth of the course. Moreover, the two sides of the circus are not parallel to each other, nor the *spina* to either of them; but they are so planned that the course diminishes gradually from the mouth at (J), until it reaches the corresponding line at the opposite side of the *spina* (K), where it is narrower by thirty-two feet. This might have proceeded from economy, or be necessary in the present instance on account of the limited extent of the circus; for as all the four or six chariots would enter the mouth of the course nearly abreast, the greatest width would be required at that spot; but as they got down the course, and one or more took the lead, the same width would be no longer necessary.

The *carceres* were divided into two sets of six each, accurately described by Cassiodorus[10] as *bissena ostia*, by an entrance in the centre (L), called *Porta Pompæ*; because it was the one through which the Circensian procession entered, and which, it is inferred from a passage in Ausonius,[11] was always open, forming a thoroughfare through the circus. Besides this entrance, there were four others, two at the termination of the seats between the *cavea* and the *oppidum* (M, M), another at (N), and the fourth at (O), under the vault of which the fresco decorations are still visible. This is supposed to be the *Porta Triumphalis*, to which its situation seems adapted. One of the others was the *Porta Libitinensis*,[12] so called because it was the one through which the dead bodies of those killed in the games were carried out.[13]

Such were the general features of a circus, as far as regards the interior of the fabric. The area had also its divisions appropriated to particular purposes, with a nomenclature of its own attached to each. The space immediately before the *oppidum* was termed *circus primus*; that near the *meta prima*, *circus interior* or *intimus*,[14] which latter spot, in the Circus Maximus, was also termed *ad Murcim* or *ad*

1. (Fabretti, Syntagm. de Column. Trajani, p. 144.)—2. (l. c.) 3. (Compare Festus, s. v. Phalæ.—Servius, ad Virg., Æn., ix., 705.—Ruperti, ad Juv., l. c.)—4. (Tertull., De Spectac., c. 5.) 5. (Dionys., ii., p. 97.)—6. (Festus, s. v.—Varro, De Ling. Lat., v., 153.)—7. (Cassiodor., Var. Ep., iii., 51.)—8. (Description d'un Mosaique, &c., Lyons, 1806.)—9. (Dionys., iii., p. 192.—Cassiodor., l. c.—Compare Sil. Ital., xvi., 316.)—10. (Dionys., l. c.—Compare Schol. ad Theocrit., Idyll., viii., 57.)

1. (l. c.)—2. (Chamber XI., No. 10.)—3. (Stat., Theb., vi. 399.—Hor., Epist., I., xiv., 9.)—4. (Sidon., Carm., xxiii., 319.)—5. (Cassiodor., Var. Ep., iii., 51.)—6. (Auson., Epist., xviii. 11.)—7. (Ovid, Trist., V., ix., 29.)—8. (Id., Met., ii., 155.—Sil. Ital., xvi., 318.)—9. (Id., xvi., 317.)—10. (l. c.)—11. (Epist. xviii., 12.)—12. (Lamprid., Commod., 16.)—13. (Dion Cass. lxxii., p. 1222.)—14. (Varro, De Ling. Lat., v., 154.)

Murciam, from the altar of Venus Murtia or Murcia, placed there.[1] The term *arena* belongs to an amphitheatre; and it is therefore probable that it was applied in the circus to the large open space between the *carceres* and *prima meta*, when the circus was used for the exhibition of athletic games, for which the locality seems best adapted; but in Silius Italicus[2] it is put for the part down the *spina*. When the circus was used for racing, the course was termed *spatium*[3] or *spatia*, because the match included more than one circuit.[4] It is also called *campus*,[5] and poetically *æquor*.[6]

At the entrance of the course, exactly in the direction of the line (J, K), were two small pedestals (*hermuli*) on each side of the *podium*, to which was attached a chalked rope (*alba linea*[7]), for the purpose of making the start fair, precisely as is practised at Rome for the horse-races during Carnival. Thus, when the doors of the *carceres* were thrown open, if any of the horses rushed out before the others, they were brought up by this rope until the whole were fairly abreast, when it was loosened from one side, and all poured into the course at once. In the Lyons mosaic the *alba linea* is distinctly traced at the spot just mentioned, and one of the chariots is observed to be upset at the very place, while the others pursue their course. A second *alba linea* is also drawn across the course, exactly half way down the *spina*, the object of which has not been explained by the publisher of the mosaic. It has been observed that this is a double race; and as the circus represented was probably too narrow to admit of eight chariots starting abreast, it became necessary that an *alba linea* should be drawn for each set; and, consequently, one in advance of the other. The writer has often seen the accident alluded to above happen at Rome, when an over-eager horse rushes against the rope and gets thrown down. This line, for an obvious reason,[8] was also called *calx* and *creta*,[9] from whence comes the allusion of Persius,[10] *cretata ambitio*. The *metæ* served only to regulate the turnings of the course; the *alba linea* answered to the starting and winning post of modern days: "peracto legitimo cursu *ad cretam* stetere."[11] Hence the metaphor of Cicero,[12] "quasi decurso spatio ad carceres a *calce* revocari;" and of Horace,[13] "mors *ultima linea* rerum."[14]

From this description the Circus Maximus differed little, except in size and magnificence of embellishment. But as it was used for hunting wild beasts, Julius Cæsar drew a canal, called Euripus, ten feet wide, around the bottom of the *podium*, to protect the spectators who sat there,[15] which was removed by Nero,[16] but subsequently restored by other princes.[17] It possessed also another variety in three open galleries or balconies, at the circular end, called *meniana* or *mœniana*.[18] The numbers which the Circus Maximus was capable of containing are computed at 150,000 by Dionysius,[19] 260,000 by Pliny,[20] and 385,000 by P. Victor,[21] all of which are probably correct, but have reference to different periods of its history. Its very great extent is indicated by Juvenal.[22] Its length in the time of Julius Cæsar was three stadia, the width one, and the depth of the buildings occupied half a stadium, which is included in the measurements given by Dionysius,[2] and thus exactly accounts for the variation in his computation.

When the Circus Maximus was permanently formed by Tarquinius Priscus, each of the thirty curiæ had a particular place assigned to it;[3] which separation of the orders is considered by Niebuhr to account for the origin and purpose of the Circus Flaminius, which he thinks was designed for the games of the commonalty, who in early times chose their tribunes there, on the Flaminian Field.[4] Be that as it may, in the latter days of the Republic these invidious distinctions were lost, and all classes sat promiscuously in the circus.[5] The seats were then marked off at intervals by a line or groove drawn across them (*linea*), so that the space included between the two lines afforded sitting-room for a certain number of spectators. Hence the allusion of Ovid:[6]

"*Quid frustra refugis? cogit nos linea jungi.*"

As the seats were hard and high, the women made use of a cushion (*pulvinus*) and a footstool (*scamnum, scabellum*[7]), for which purpose the railing which ran along the upper edge of each *præcinctio* was used by those who sat immediately above it.[8] But under the emperors, when it became necessary to give an adventitious rank to the upper classes by privileges and distinctions, Augustus first, then Claudius, and finally Nero and Domitian, again separated the senators and equites from the commons.[9] The seat of the emperor, *pulvinar*,[10] *cubiculum*,[11] was most likely in the same situation in the Circus Maximus as in the one above described. It was generally upon the *podium*, unless when he *presided* himself, which was not always the case;[12] but then he occupied the elevated tribunal of the president (*suggestus*), over the *Porta Pompæ*. The consuls and other dignitaries sat above the carceres,[13] indications of which seats are seen in the first woodcut on page 254. The rest of the *oppidum* was probably occupied by the musicians and persons who formed part of the *pompa*.

The exterior of the Circus Maximus was surrounded by a portico one story high, above which were shops for those who sold refreshments.[14] Within the portico were ranges of dark vaults which supported the seats of the *cavea*. These were let out to women of the town.[15]

The Circensian games (*Ludi Circenses*) were first instituted by Romulus, according to the legends, when he wished to attract the Sabine population to Rome, for the purpose of furnishing his own people with wives,[16] and were celebrated in honour of the god Consus, or Neptunus Equestris, from whom they were styled *Consuales*.[17] But after the construction of the Circus Maximus they were called indiscriminately *Circenses*,[18] *Romani*, or *Magni*.[19] They embraced six kinds of games: I. Cursus · II. Ludus Trojæ; III. Pugna Equestris; IV Certamen Gymnicum; V. Venatio; VI. Naumachia. The last two were not peculiar to the circus, but were exhibited also in the amphitheatre, or in buildings appropriated for them.

The games commenced with a grand procession (*Pompa Circensis*), in which all those who were about to exhibit in the circus, as well as persons of

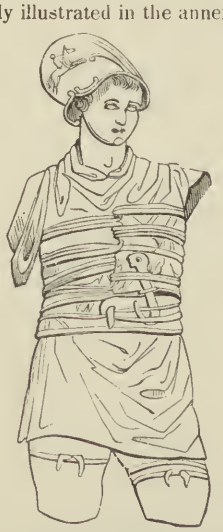
1. (Compare Apuleius, Met., vi., p. 395, ed. Oudendorp.—Tertull., de Spectac., 8.—Müller, ad Varron., l. c.)—2. (xvi., 115.)—3. (Juv., Sat., vi., 582.)—4. (Virg., Æn., v., 316, 325, 327.—Georg., i., 513.—Stat., Theb., vi., 594.—Hor., Epist., I., xiv., 9.—Compare Sil. Ital., xvi., 336.)—5. (Sil. Ital., xvi., 391.)—6. (Id., 414.)—7. (Cassiodor., l. c.)—8. (Plin., H. N., xxxv., 58.)—9. (Cic., De Am., 27.—Seneca, Epist., 108.)—10. (Sat., v., 177.)—11. (Plin., H. N., viii. 65, and compare xxxv., 58.)—12. (Senect., 23.)—13. (Epist., I., xvi., 79.)—14. (Compare Lucret., vi., 92.)—15. (Dionys., iii., p. 192.—Suet., Jul., 39.)—16. (Plin., H. N., viii., 7.)—17. (Lamprid., Heliogab., 23.)—18. (Suet., Cal., 18.)—19. (iii., p. 192.)—20 (H. N., xxxvi., 24.)—21 (Regio xi.)—22. (Sat., xi., 195.)

1. (Plin., l. c.)—2. (iii, p. 192.)—3. (Dionys., iii., p. 192.)—4. (Hist. Rom., vol. i., p. 426, transl.)—5. (Suet., Octav., 44.)—6. (Amor., III., ii, 19.—Compare Ovid, Art. Amat., i., 141.) 7. (Ovid, Art. Amat., i., 169, 162.)—8. (Ovid, Amor., III, ii, 64.)—9. (Suet., Octav., 44.—Claud., 21.—Nero, 11.—Domit., 8.)—10. (Suet., Octav., 45.—Claud., 4.)—11. (Id., Nero, 12.)—12. (Suet., Nero, l. c.)—13. (Sidon., Carm., xxiii., 317.)—14. (Dionys., iii., p. 192.)—15. (Juv., Sat., iii., 65.—Lamprid., Heliogab., 26.)—16. (Val. Max., ii., 4, § 3.)—17. (Liv., i., 9.)—18. (Servius ad Virg., Georg., iii., 18.)—19. (Liv., i., 35.)

distinction, bore a part. The statues of the gods formed the most conspicuous feature in the show, and were paraded upon wooden platforms, called *fercula* and *thensæ*.[1] The former were borne upon the shoulders, as the statues of saints are carried in modern processions;[2] the latter drawn along upon wheels, and hence the *thensa* which bore the statue of Jupiter is termed *Jovis plaustrum* by Tertullian,[3] and Διὸς ὄχος by Dion Cassius.[4] The former were for painted images, or those of light material, the latter for the heavy statues. The whole procession is minutely described by Dionysius.[5]

I. Cursus, the races. The carriage usually employed in the circus was drawn by two or four horses (*biga*, *quadriga*). (*Vid.* Biga, Bigatus.)

The usual number of chariots which started for each race was four. The drivers (*aurigæ*, *agitatores*) were also divided into four companies, each distinguished by a different colour, to represent the four seasons of the year, and called a *factio*:[6] thus *factio prasina*, the green, represented the spring, whence[7] "Eventum *viridis* quo colligo *panni*;" *factio russata*, red, the summer; *factio veneta*, azure, the autumn; and *factio alba* or *albata*, white, the winter.[8] Originally there were but two factions, *albata* and *russata*,[9] and, consequently, only two chariots started at each race. Domitian subsequently increased the whole number to six, by the addition of two new factions, *aurata* and *purpurea*;[10] but this appears to have been an exception to the usual practice, and not in general use. The driver stood in his car within the reins, which went round his back. This enabled him to throw all his weight against the horses, by leaning backward; but it greatly enhanced his danger in case of an upset, and caused the death of Hippolytus.[11] To avoid this peril, a sort of knife or bill-hook was carried at the waist for the purpose of cutting the reins in a case of emergency, as is seen in some of the ancient reliefs, and is more clearly illustrated in the annexed woodcut,



copied from a fragment formerly belonging to the Villa Negroni, which also affords a specimen of the dress of an *auriga*. The torso only remains of this statue, but the head is supplied from another antique, representing an auriga, in the Villa Albani.

When all was ready, the doors of the carceres were flung open, and the chariots were formed abreast of the *alba linea* by men called *moratores*, from their duty; the signal for the start was then given by the person who presided at the games, sometimes by sound of trumpet,[1] or more usually by letting fall a napkin,[2] whence the Circensian games are called *spectacula mappæ*.[3] The origin of this custom is founded on a story that Nero, while at dinner, hearing the shouts of the people, who were clamorous for the course to begin, threw down his napkin as the signal.[4] The *alba linea* was then cast off, and the race commenced, the extent of which was seven times round the *spina*,[5] keeping it always on the left.[6] A course of seven circuits was termed *unus missus*, and twenty-five was the number of races run in each day, the last of which was called *missus ærarius*, because in early times the expense of it was defrayed by a collection of money (*æs*) made among the people.[7] Upon one occasion Domitian reduced the number of circuits from seven to five, in order to exhibit 100 *missus* in one day.[8] The victor descended from his car at the conclusion of the race, and ascended the *spina*, where he received his reward (*bravium*, from the Greek βραβεῖον[9]): this consisted of a considerable sum of money,[10] and accounts for the great wealth of the charioteers to which Juvenal alludes, and the truth of which is testified by many sepulchral inscriptions.

A single horseman, answering to the κέλης of the Greeks, attended each chariot, the object of which seems to have been twofold; to assist his companion by urging on the horses, when his hands were occupied in managing the reins, and, if necessary, to ride forward and clear the course, as seen in the cut from the British Museum representing the *meta* which duty Cassiodorus[11] assigns to him, with the title of *equus desultorius*. Other writers apply that term to those who practised feats of horsemanship in the circus, leaping from one to another when at their speed.[12] In other respects, the horse-racing followed the same rules as the chariots.

The enthusiasm of the Romans for these races exceeded all bounds. Lists of the horses (*libella*), with their names and colours, and those of the drivers, were handed about, and heavy bets made upon each faction;[13] and sometimes the contests between two parties broke out into open violence and bloody quarrels, until at last the disputes which originated in the circus had nearly lost the Emperor Justinian his crown.[14]

II. Ludus Trojæ, a sort of sham-fight, said to have been invented by Æneas, performed by young men of rank on horseback,[15] often exhibited by Augustus and succeeding emperors,[16] which is described by Virgil.[17]

III. Pugna Equestris et Pedestris, a representation of a battle, upon which occasions a camp was formed in the circus.[18]

IV. Certamen Gymnicum. *Vid.* Athletæ, and the references to the articles there given.

V. (*Vid.* Venatio.) VI. (*Vid.* Naumachia.)

The pompa circensis was abolished by Constantine, upon his conversion to Christianity and the

1. (Suet., Jul., 76.)—2. (Cic., De Off., i., 36.)—3. (De Spectac., 7.)—4. (p. 608.)—5. (vii., 457, 458.—Compare Ovid, Amor., III., ii., 43, &c.)—6. (Festus, s. v.)—7. (Juv., Sat., xi., 196.)—8. (Tertull., De Spectac., 9.—Compare authorities quoted by Ruperti, ad Juv., vii., 112.)—9. (Tertull., l. c.)—10. (Suet., Dom., 7.)—11. (Eurip., Hippol., 1230, ed Monk.—Compare Ovid, Met., xv., 524.)

1. (Ovid, Met., x., 652.—Sidon., Carm., xxiii., 541.)—2 ("mappa," Suet., Ner., 22.—Mart., Ep., XII., xxix., 9.)—3 (Juv., Sat., xi., 191.)—4. (Cassiodor., Var. Ep., iii., 51.)—5. (Varro, ap. Gell., III., x., 6.)—6. (Ovid, Amor., III., ii., 72.—Sil. Ital., xvi., 362.)—7. (Servius ad Virg., Georg., iii., 18.—Compare Dion Cass., lix., p. 908.)—8. (Suet., Dom., 4.)—9. (1 Corinth., ix., 24.)—10. (Juv., Sat., vii., 113, 114, 243.—Suet., Claud., 21.)—11. (Var. Ep., iii., 51.)—12. (Compare Suet., Jul., 39.—Cic., Pro Muræn., 27.—Dionys., p. 462.—Punvin. De Lud. Circens., i., 9.)—13. (Ovid, Art. Amat., i., 167, 168.—Juv., Sat. xi., 200.—Mart., Ep., XI., i., 15.)—14. (Gibbon, c. 40.)—15. (Tacit., Ann., xi., 11.)—16. (Suet., Octav., 43.—Nero, 7.)—17. (Æn v., 553, &c.)—18. (Suet., Jul., 39.—Dom., 4.)

other games of the circus by the Goths (A.D. 410); but the chariot races continued at Constantinople until that city was besieged by the Venetians (A.D. 1204).[1]

CIRCUMVALLA'TIO. (*Vid.* VALLUM.)

*CIRIS, a species of Lark, according to some, while others think it is a solitary bird with a purple crest, which continually haunts the rocks and shores of the sea. The poets fabled that Scylla, daughter of Nisus, was changed into this bird.[2]

*CIRSIUM (*κίρσιον*). Sprengel, upon the whole, inclines to the opinion that this is the Slender Thistle, or *Carduus tenuiflorus*.[3] (*Vid.*, however, CARDUUS.)

*CIS (*κίς*), an insect mentioned by Theophrastus[4] as injurious to grain. Aldrovandus decides that it is the same with the *Curculio*, which infests wheat and barley, meaning, no doubt, the *Curculio granarius*, L., or Weevil. The *τρώξ* was a species of *Curculio* which infests pulse: Scaliger remarks that it is also called *μίδας* by Theophrastus.[5]

CI'SIUM, a gig, *i. e.*, a light open carriage with two wheels, adapted to carry two persons rapidly from place to place. Its form is sculptured on the monumental column at Igel, near Treves (see woodcut). It had a box or case, probably under the seat.[6] The cisia were quickly drawn by mules (*cisi volantis*[7]). Cicero mentions the case of a messenger who travelled 56 miles in 10 hours in such vehicles, which were kept for hire at the stations along the great roads; a proof that the ancients considered six Roman miles per hour as an extraordinary speed.[8] The conductors of these hired gigs were called *cisiarii*, and were subject to penalties for careless or dangerous driving.[9]

*CISSA or CITTA (*κίσσα, κίττα*), a species of Bird, which Hardouin and most of the earlier commentators hold to be the Magpie, or *Corvus Pica*, L. Schneider, however, thinks the Jay, or *Corvus glandularius*, more applicable to the *κίσσα* of Aristotle. The latter is certainly the bird described by Pliny under this name.[10]

*CISSE'RIS (*κίσσηρις*), Pumice. Theophrastus[11] was well aware that Pumice is formed by the action of fire. He speaks of various kinds, specifying particularly the pumices of Nisyrus and Melos; the former of which, however, are not genuine pumices, according to Hill, but Tophi. The island of Melos has always been known to abound with pumices, and those of the very finest kind. This appears to have been the case even in the time of Theophrastus, as appears by his description of their being light and sandy, or easily rubbed into powder.[12]

*CI'SSOS or CI'TTOS (*κίσσος, κίττος*), the common Ivy, or *Hedera helix*. The three species of it described by Dioscorides[13] and other ancient writers are now looked upon as mere varieties. Theophrastus,[14] for example, says that the three principal sorts are the white, the black, and that which is called *helix* (*ἕλιξ*). The black is our common ivy, and the helix seems to be only the same plant before it has become capable of bearing fruit. "That the *helix* is the ivy in its barren state," observes Martyn, "is plain from the account which Theophrastus gives of it: he says the leaves are angular, and more neat than those of ivy, which has them rounder and more simple. He adds, moreover, that it is barren. As for the white ivy, it seems to be unknown to us. Some, indeed, imagine it to be that variety of which the leaves are variegated with white. But Theophrastus expressly mentions the whiteness of the fruit. Pliny[1] has confounded the ivy with the *cistus*, being deceived by the similarity of the two names, that of ivy being *κίσσος* or *κίττος*, and that of the *cistus*, *κίστος*." Fée[2] thinks that the white ivy is the *Azarina* of the Middle Ages; in other words, the *Antirrhinum asarinum*, L. Sprengel, on the other hand, makes it the same with the helix; "*solet enim*," he observes, "*quandoque folia habere nervis albis pallentia.*"—The botanists of the Middle Ages established as a species of Ivy, under the name of *arborea*, a variety which the moderns merely distinguish by the epithet "*corymbosa.*" It is the same with that of which Virgil speaks in the third Eclogue, and in the second book of the Georgics,[3] and which is also described with as much elegance as precision in a passage of the Culex.[4] The *Hedera nigra* of the seventh and eighth Eclogues[5] is the same which the ancients termed "*Dionysia*," from its being sacred to Bacchus. It is the *Hedera poetica* of Bauhin. The epithet *nigra* has reference to the dark hue of the berries and the deep green colour of the leaves.[6] Sibthorp, speaking of the *Hedera helix*, as found at the present day in Greece, remarks, "This tree hangs as a curtain in the picturesque scenery of the marble caves of Pendeli. The leaves are used for issues."[7]

CISTA (*κίστη*) was a small box or chest, in which anything might be placed; but the term was more particularly applied, especially among the Greeks, to the small boxes which were carried in procession in the festivals of Demeter and Dionysus. These boxes, which were always kept closed in the public processions, contained sacred things connected with the worship of these deities.[8]

In the representations of the Dionysian processions, which frequently form the subject of paintings on ancient vases, women carrying cistæ are

constantly introduced. From one of these paintings, given by Millin in his *Peintures de Vases Antiques*, the preceding woodcut is taken; and a similar figure from the same work is given on page 188

1. (Nieupoort, Rit. Rom., iv., 5, § 2.)—2. (Martyn ad Virg., Georg., i., 405.—Ovid, Met., viii., 150.)—3. (Dioscor., iv., 117.—Adams, Append., s. v.)—4. (C. Pl., iv., 15.)—5. (Adams, Append., s. v.)—6. (Festus, s. v. Ploxinum.)—7. (Virg., Catal., viii., 3.—Cic., Phil., ii., 31.)—8. (Pro Roscio Amer., 7.)—9. (Ulpian, xiii.)—10. (Aristot., H. A., ix., 14.—Adams, Append., s. v.) 11 (De Lapid., c. xxxiii., &c.)—12. (Hill ad Theophrast. l. c.) -13 (v., 124.)--14 (H P., i., 3; iii. 18.)

1. (H. N., xvi., 34.)—2. (Flore de Virgile, p. lxiv.)—3. (Ecl. ogue., iii., 39.—Georg., ii., 258.)—4. (v., 140.)—5. (vii., 38; viii. 12.)—6. (Fée, Flore de Virgile, p. lxiii.)—7 (Walpole's Memoirs, vol. i., p 240.)—8. (Ovid, De Art. Amat., ii., 609.—Catull., lxiv. 260.—Tibull., I., vii., 48.)

*CISTHUS or CISTUS (*κίσθος*, *κίστος*). The common *κίστος* of the Greeks was either the *Cistus Creticus* or *C. ladaniferus*. This is the tree which produces the famous gum Ladanum. (*Vid.* Ladanum.) Sibthorp makes the *κίστος θῆλυς* of Dioscorides to be the *Cistus salvifolius*.[1]

CISTOPHORUS (*κιστοφόρος*), a silver coin, which is supposed to belong to Rhodes, and which was in general circulation in Asia Minor at the time of the conquest of that country by the Romans.[2] It took its name from the device upon it, which was either the sacred chest (*cista*) of Bacchus, or, more probably, a flower called *κιστός*. Its value is extremely uncertain, as the only information we possess on the subject is in two passages of Festus, which are at variance with each other, and of which certainly one, and probably the other, is corrupt.[3] Mr. Hussey (p. 74, 75), from existing coins which he takes for cistophori, determines it to be about $\frac{4}{5}$ of the later Attic drachma, or Roman denarius of the Republic, and worth in our money about 7¼*d.*

CITHARA. (*Vid.* Lyra.)

*CITRUS (*κιτρία* or *κιτρέα*), the Citron-tree. For a long period, as Fée remarks,[4] the Citron was without any specific name among both the Greeks and Romans. Theophrastus merely calls it *μηλέα Μηδικὴ ἢ Περσική*. Pliny[5] styles it the Median or Assyrian Apple-tree, "*Malus Medica sive Assyriaca.*" At a later period, *μηλέα Περσική* became a name appropriated to the Peach-tree, while "*malus Assyriaca*" ceased to be used at all: the designation of the Citron-tree then became more precise, under the appellation of *malus Medica* or *Citrus* (*μηλέα Μηδικὴ*, *κιτρία*). Of all the species of "*Citrus*," that which botanists term, *par excellence*, the Citron-tree of Media, was probably the first known in the West. Virgil[6] gives a beautiful description of it, styling the fruit "*felix malum.*" This epithet *felix* is meant to indicate the "happy" employment of the fruit as a means of cure in cases of poisoning, as well as on other occasions; while the *tristes succi* indicate, according to Fée, the bitter savour of the rind, for it is of the rind that the poet here points out, as he thinks, the medical use: he makes no allusion to the refreshing effects of the citron, but only to its tonic action; and this latter could not refer to the juice, the properties of which were not as yet well known. Some commentators think that, when Josephus speaks of the apple of Persia, which in his time served as "*hadar*," he means the citron. This, however, cannot be correct. It would seem that he merely refers to a remarkable and choice kind of fruit, which was to be an offering to the Lord; so that *hadar* cannot be the Hebrew for the citron-tree or its produce.[7] Neither is there any ground for the belief that the Jews in the time of Moses were acquainted with this tree.[8]—Virgil[9] says that the fruit of the citron was a specific against poison, and also that the Medes chewed it as a corrective of fetid breaths, and as a remedy for the asthma. Athenæus[10] relates a remarkable story of the use of citrons against poison, which he had from a friend of his who was governor of Egypt. This governor had condemned two malefactors to death by the bite of serpents. As they were being led to execution, a person, taking compassion on them, gave them a citron to eat. The consequence of this was, that though they were exposed to the bite of the most venomous serpents, they received no injury. The governor, being surprised at this extraordinary result, inquired of the soldier who guarded them what they had eaten or drunk that day, and being informed that they had only eaten a citron, he ordered that the next day one of them should eat citron and the other not. He who had not tasted the citron died presently after he was bitten; the other remained unhurt!—Palladius[1] seems to have been the first who cultivated the citron with any success in Italy. He has a whole chapter on the subject of this tree. It seems, by his account, that the fruit was acrid, which confirms what Theophrastus and Pliny have said of it, that it was not esculent. It may have been meliorated by culture since his time.[2]

CIVILE JUS. (*Vid.* Jus Civile.)

CIVILIS ACTIO. (*Vid.* Actio, p. 17.)

CIVIS. (*Vid.* Civitas.)

CIVITAS (GREEK) (*Πολιτεία*). In the third book of the Politics, Aristotle commences his inquiry into the nature of states with the question, "What constitutes a citizen?" (*πολίτης*.) He defines a citizen to be one who is a partner in the legislative and judicial power (*μέτοχος κρίσεως καὶ ἀρχῆς*). No definition will equally apply to all the different states of Greece, or to any single state at different times; the above seems to comprehend more or less properly all those whom the common use of language entitled to the name.

A state in the heroic ages was the government of a prince; the citizens were his subjects, and derived all their privileges, civil as well as religious, from their nobles and princes. Nothing could have been farther from the notions of those times than the ideas respecting the natural equality of freemen which were considered self-evident axioms in the democracies of an after period. In the early governments there were no formal stipulations; the kings were amenable to the gods alone. The shadows of a council and assembly were already in existence, but their business was to obey. Community of language, of religion, and of legal rights, as far as they then existed, was the bond of union; and their privileges, such as they were, were readily granted to naturalized strangers. Upon the whole, as Wachsmuth has well observed, the notion of citizenship in the heroic age only existed so far as the condition of aliens or of domestic slaves was its negative.

The rise of a dominant class gradually overthrew the monarchies of ancient Greece. Of such a class, the chief characteristics were good birth and the hereditary transmission of privileges, the possession of land, and the performance of military service. To these characters the names *γάμοροι*, *ἱππεῖς*, *εὐπατρίδαι*, &c., severally correspond. Strictly speaking, these were the only citizens; yet the lower class were quite distinct from bondmen or slaves. It commonly happened that the nobility occupied the fortified towns, while the *δῆμος* lived in the country and followed agricultural pursuits: whenever the latter were gathered within the walls, and became seamen or handicraftsmen, the difference of ranks was soon lost, and wealth made the only standard. The quarrels of the nobility among themselves, and the admixture of population arising from immigrations, all tended to raise the lower orders from their political subjection. It must be remembered, too, that the possession of domestic slaves, if it placed them in no new relation to the governing body, at any rate gave them leisure to attend to the higher duties of a citizen, and thus served to increase their political efficiency.

During the convulsions which followed the heroic ages, naturalization was readily granted to all who desired it; as the value of citizenship increased, it

1. (Theophrast., vi., 2.—Dioscor., i., 128.—Adams, Append., s. v.)—2. (Liv., xxxvii., 46, 58; xxxix., 7.—Cic. ad Att., ii., 6; xi., 1.)—3. (Festus, s. v. Euboicum Talentum, and Talentorum noni., &c.—*Vid.* Müller's notes.)—4. (Flore de Virgile, p. cvi.)—5. (H. N., xv., 14.)—6. (Georg., ii., 126, seqq.)—7. (Fée, l. c.)—8. (Fée l. c.)—9. (l. c.)—10. (lib. iii., c. 28.)

1. (Martyn ad Virg., Georg., ii., 134.)—2. (Martyn, l. c.)

was, of course, more sparingly bestowed. The ties of hospitality descended from the prince to the state, and the friendly relations of the Homeric heroes were exchanged for the *προξενίαι* of a later period. In political intercourse, the importance of these last soon began to be felt, and the *πρόξενος* at Athens, in after times, obtained rights only inferior to actual citizenship. (*Vid.* PROXENOS.) The isopolite relation existed, however, on a much more extended scale Sometimes particular privileges were granted: as *ἐπιγαμία*, the right of intermarriage; *ἔγκτησις*, the right of acquiring landed property; *ἀτέλεια*, immunity from taxation, especially *ἀτέλεια μετοικίου*, from the tax imposed on resident aliens. All these privileges were included under the general term *ἰσοτέλεια* or *ἰσοπολίτεια*, and the class who obtained them were called *ἰσοτελεῖς*. They bore the same burdens with the citizens, and could plead in the courts or transact business with the people without the intervention of a *προστάτης*.[1] If the right of citizenship was conferred for services done to the state, the rank termed *προεδρία* or *εὐεργεσία* might be added. Naturalized citizens, even of the highest grade, were not precisely in the same condition with the citizen by birth, although it is not agreed in what the difference consisted. Some think that they were excluded from the assembly,[2] others that they were only ineligible to offices, or, at any rate, to the archonship.

The candidate on whom the citizenship was to be conferred was proposed in two successive assemblies, at the second of which at least six thousand citizens voted for him by ballot: even if he succeeded, his admission, like every other decree, was liable during a whole year to a *γραφὴ παρανόμων*. He was registered in a phyle and deme, but not enrolled in the phratria and genos; and hence it has been argued that he was ineligible to the office of archon or priest, because unable to participate in the sacred rites of *Ἀπόλλων Πατρῷος* or *Ζεὺς Ἕρκειος*.

The object of the phratriæ (which were retained in the constitution of Clisthenes, when their number no longer corresponded to that of the tribes) was to preserve purity and legitimacy of descent among the citizens. Aristotle says[3] that for practical purposes it was sufficient to define a citizen as the son or grandson of a citizen, and the register of the phratriæ was kept chiefly as a record of the citizenship of the parents. If any one's claim was disputed, this register was at hand, and gave an answer to all doubts about the rights of his parents or his own identity. Every newly-married woman, herself a citizen, was enrolled in the phratriæ of her husband, and every infant registered in the phratria and genos of its father. All who were thus registered must have been born in lawful wedlock, of parents who were themselves citizens; indeed, so far was this carried, that the omission of any of the requisite formalities in the marriage of the parents, if it did not wholly take away the rights of citizenship, might place the offspring under serious disabilities. This, however, was only carried out in its utmost rigour at the time when Athenian citizenship was most valuable. In Solon's time, it is not certain that the offspring of a citizen and of a foreign woman incurred any civil disadvantage; and even the law of Pericles,[4] which exacted citizenship on the mother's side, appears to have become obsolete very soon afterward, as we find it re-enacted by Aristophon in the archonship of Euclides, B.C. 403.[5]

1. (Böckh, Public Econ. of Athens, ii., p. 316, 318.—Niebuhr, Hist. Rom., ii., p. 50.—Hermann, Manual., c. vi.)—2. (Niebuhr, Hist. Rom., ii., p. 50.)—3. (Pol., iii., 2.)—4. (Plut., Pericl., c. 37.)—5. (Athenæus, xiii., p. 577, 6.)

It is evident, then, from the very object of the phratriæ, why the newly-admitted citizen was not enrolled in them. As the same reason did not apply to the children, these, if born of women who were citizens, were enrolled in the phratria of their maternal grandfather.[1] Still an additional safeguard was provided by the registry of the deme. At the age of sixteen, the son of a citizen was required to devote two years to the exercises of the gymnasia, at the expiration of which term he was enrolled in his deme; and, after taking the oath of a citizen, was armed in the presence of the assembly. He was then of age, and might marry; but was required to spend two years more as a *περίπολος* in frontier service before he was admitted to take part in the assembly of the people. The admission into the phratria and deme were alike attended with oaths and other solemn formalities: when a *δοκιμασία* or general scrutiny of the claims of citizens took place, it was intrusted to both of them; indeed, the registry of the deme was the only check upon the naturalized citizen.

These privileges, however, were only enjoyed while the citizen was *ἐπίτιμος*: in other words, did not incur any sort of *ἀτιμία*. *Ἀτιμία* was of two sorts, either partial or total. In the former case, the rights of citizenship were forfeited for a time or in a particular case; as when public debtors, for instance, were debarred from the assembly and courts until the debt was paid;[2] or when a plaintiff was subjected to *ἀτιμία*, and debarred from instituting certain public suits if he did not obtain a fifth part of the votes.[3] Total *ἀτιμία* was incurred for the worse sort of crimes, such as bribery, embezzlement, perjury, neglect of parents, &c.[4] It did not affect the property of the delinquent, but only deprived him of his political rights: perhaps it did not contain any idea even of dishonour, except in so far as it was the punishment of an offence. The punishment did not necessarily extend to the family of the offender, although in particular cases it may have done so.[5]

Recurring, then, to Aristotle's definition, we find the essential properties of Athenian citizenship to have consisted in the share possessed by every citizen in the legislature, in the election of magistrates, in the *δοκιμασία*, and in the courts of justice.

The lowest unity under which the citizen was contained was the *γένος* or clan; its members were termed *γεννῆται* or *ὁμογάλακτες*. Thirty *γένη* formed a *φρατρία*, which latter division, as was observed above, continued to subsist long after the four tribes, to which the twelve phratries anciently corresponded, had been done away by the constitution of Clisthenes. There is no reason to suppose that these divisions originated in the common descent of the persons who were included in them, as they certainly did not imply any such idea in later times. Rather they are to be considered as mere political unions, yet formed in imitation of the natural ties of the patriarchal system.

If we would picture to ourselves the true notion which the Greeks imbodied in the word *πόλις*, we must lay aside all modern ideas respecting the nature and object of a state. With us, practically, if not in theory, the *essential* object of a state hardly embraces more than the protection of life and property. The Greeks, on the other hand, had the most vivid conception of the state as a whole, every part of which was to co-operate to some great end, to which all other duties were considered as subordinate. Thus the aim of democracy was said to be liberty; wealth, of oligarchy; and education, of ar-

1. (Isæus, De Apol. Hæred., c. 15.)—2. (Hermann, Manual, § 124.)—3. (Böckh, Publ. Econ. of Athens, ii., p. 111.)—4 (Andoc., p. 10, 22.)—5. (Demosth., c Mid., c. 32.)

istocracy. In all governments the endeavour was to draw the social union as close as possible, and it seems to have been with this view that Aristotle laid down a principle which answered well enough to the accidental circumstances of the Grecian states, that a πόλις must be of a certain size (Οὐ γὰρ ἐκ δέκα μυριάδων πόλις ἔτι ἐστίν[1]).

This unity of purpose was nowhere so fully carried out as in the government of Sparta; and, if Sparta is to be looked upon as the model of a Dorian state, we may add, in the other Dorian governments. Whether Spartan institutions in their essential parts were the creation of a single mastermind, or the result of circumstances modified only by the genius of Lycurgus, their design was evidently to unite the governing body among themselves against the superior numbers of the subject population. The division of lands, the syssitia, the education of their youth, all tended to this great object. The most important thing, next to union among themselves, was to divide the subject class, and, accordingly, we find the government conferring some of the rights of citizenship on the Helots. Properly speaking, the Helots cannot be said to have had any political rights; yet, being serfs of the soil, they were not absolutely under the control of their masters, and were never sold out of the country even by the state itself. Their condition was not one of hopeless servitude; a legal way was open to them, by which, through many intermediate stages they might attain to liberty and citizenship.[2] Those who followed their masters to war were deemed worthy of especial confidence; indeed, when they served among the heavy-armed, it seems to have been usual to give them their liberty. The δεσποσιοναῦται, by whom the Spartan fleet was almost entirely manned, were freedmen, who were allowed to dwell where they pleased, and probably had a portion of land allotted them by the state. After they had been in possession of their liberty for some time, they appear to have been called νεοδαμώδεις,[3] the number of whom soon came near to that of the citizens. The μόθωνες or μόθακες (as their name implies) were also emancipated Helots; their descendants, too, must have received the rights of citizenship, as Callicratidas, Lysander, and Gylippus were of Mothacic origin.[4] We cannot suppose that they passed necessarily and of course into the full Spartan franchise; it is much more probable that at Sparta, as at Athens, intermarriage with citizens might at last entirely obliterate the badge of former servitude.

The perioeci are not to be considered as a subject class, but rather as a distinct people, separated by their customs as well as by their origin from the genuine Spartans. It seems unlikely that they were admitted to vote in the Spartan assembly; yet they undoubtedly possessed civil rights in the communities to which they belonged,[5] and which would hardly have been called πόλεις unless they had been in some sense independent bodies. In the army they commonly served as hoplites, and we find the command at sea intrusted to one of this class.[6] In respect of political rights, the perioeci were in the same condition with the plebeians in the early history of Rome, although in every other respect far better off, as they participated in the division of lands, and enjoyed the exclusive privilege of engaging in trade and commerce.

What confirms the view here taken is the fact that, as far as we know, no individual of this class was ever raised to participate in Spartan privileges.

Nothing, however, can be more erroneous than to look upon them as an oppressed race. Even their exclusion from the assembly cannot be viewed in this light; for, had they possessed the privilege, their residence in the country would have debarred them from its exercise. It only remains to consider in what the superiority of the genuine Spartan may have consisted. In the first place, besides the right of voting in the assembly and becoming a candidate for the magistracies, he was possessed of lands and slaves, and was thus exempt from all care about the necessaries of life; secondly, on the field of battle he always served among the hoplites; thirdly, he participated in the Spartan education, and in all other Dorian institutions, both civil and religious. The reluctance which Sparta showed to admit foreigners was proportioned to the value of these privileges: indeed Herodotus[1] says that Sparta had only conferred the full franchise in two instances. In legal rights all Spartans were equal; but there were yet several gradations, which, when once formed, retained their hold on the aristocratic feelings of the people.[2] First, as we should naturally expect, there was the dignity of the Heraclide families; and, connected with this, a certain pre-eminence of the Hyllean tribe. Another distinction was that between the ὅμοιοι and ὑπομείονες, which in later times appears to have been considerable. The latter term probably comprehended those citizens who, from degeneracy of manners or other causes, had undergone some kind of civil degradation. To these the ὅμοιοι were opposed, although it is not certain in what the precise difference consisted. It need hardly be added, that at Sparta, as elsewhere, the union of wealth with birth always gave a sort of adventitious rank to its possessor.

All the Spartan citizens were included in the three tribes, Hylleans, Dymanes or Dymanatæ, and Pamphilians, each of which were divided into ten obes or phratries. Under these obes there must undoubtedly have been contained some lesser subdivision, which Müller, with great probability, supposes to have been termed τριακάς. The citizens of Sparta, as of most oligarchical states, were landowners, although this does not seem to have been looked upon as an essential of citizenship.

It would exceed the limits of this work to give an account of the Grecian constitutions, except so far as may illustrate the rights of citizenship. What perversions in the form of government, according to Greek ideas, were sufficient to destroy the essential notion of a citizen, is a question which, following Aristotle's example,[3] we may be content to leave undecided. He who, being personally free, enjoyed the fullest political privileges, participated in the assembly and courts of judicature, was eligible to the highest offices, and received all this by inheritance from his ancestors, most entirely satisfied the idea which the Greeks expressed in the word πολίτης.

CIVITAS (ROMAN). Civitas means the whole body of cives or members of any given state. It is defined by Cicero[4] to be "concilium cœtusque hominum *jure* sociati." A civitas is, therefore, properly a political community, sovereign and independent. The word civitas is frequently used by the Roman writers to express the rights of a Roman citizen, as distinguished from those of other persons not Roman citizens, as in the phrases *dare civitatem, donare civitate, usurpare civitatem.*

If we attempt to distinguish the members of any given civitas from all other people in the world, we can only do it by enumerating all the rights and duties of a member of this civitas, which are not

1. (Pol., vii., 4.—Nic. Eth., ix., 10.)—2. (Müller, Dorians, iii., 3, § 5.)—3. (Thucyd., vii., 58.)—4. (Müller, Dorians, ii., 3, § 6.)—5. (Müller, Dorians, iii., 2, § 4.)—6. (Thucyd., viii., 22.)

1. (ix., 35.)—2. (Müller, Dorians, iii. c. 5, § 7.)—3. (Pol., iii. 5.)—4. (Somn. Scip., c. 3.)

rights and duties of a person who is not a member of this civitas. If any rights and duties which belong to a member of this civitas, and do not belong to any person not a member of this civitas, are omitted in the enumeration, it is an incomplete enumeration; for the rights and duties not expressly included must be assumed as common to the members of this civitas and to all the world. Having enumerated all the characteristics of the members of any given civitas, we have then to show how a man acquires them, and the notion of a member of such civitas is then complete.

Some members of a political community (*cives*) may have more political rights than others; a principle by the aid of which Savigny[1] has expressed briefly and clearly the distinction between the two great classes of Roman citizens under the Republic: "In the free Republic there were two classes of Roman citizens, one that had, and another that had not, a share in the sovereign power (*optimo jure, non optimo jure cives*). That which peculiarly distinguished the higher class was the right to vote in a tribe, and the capacity of enjoying magistracy (*suffragium et honores*)." According to this view, the jus civitatis comprehended that which the Romans called jus publicum, and also, and most particularly, that which they called jus privatum. The jus privatum comprehended the jus connubii and jus commercii, and those who had not these had no citizenship. Those who had the jus suffragiorum and jus honorum had the complete citizenship, or, in other words, they were optimo jure cives. Those who had the privatum, but not the publicum jus, were citizens, though citizens of an inferior class. The jus privatum seems to be equivalent to the jus Quiritium, and the civitas Romana to the jus publicum. Accordingly, we sometimes find the jus Quiritium contrasted with the Romana civitas.[2] Livy[3] says that, until B.C. 188, the Formiani, Fundani, and Arpinates had the civitas without the suffragium.

Ulpian[4] has stated, with great clearness, a distinction, as existing in his time among the free persons who were within the political limits of the Roman state, which it is of great importance to apprehend clearly. The distinction probably existed in an early period of the Roman state, and certainly obtained in the time of Cicero. There were three classes of such persons, namely, cives, Latini, and peregrini. Gaius[5] points to the same division where he says that a slave, when made free, might become a civis Romanus or a Latinus, or might be in the number of the peregrini dediticii, according to circumstances. *Civis*, according to Ulpian, is he who possesses the complete rights of a Roman citizen. *Peregrinus* was incapable of exercising the rights of commercium and connubium, which were the characteristic rights of a Roman citizen; but he had a capacity for making all kinds of contracts which were allowable by the jus gentium. The *Latinus* was in an intermediate state; he had not the connubium, and, consequently, had not the patria potestas, nor rights of agnatio; but he had the commercium, or the right of acquiring quiritarian ownership, and he had also a capacity for all acts incident to quiritarian ownership, as vindicatio, in jure cessio, mancipatio, and testamenti factio, which last comprises the power of making a will in Roman form, and of becoming heres under a will. These were the general capacities of a Latinus and peregrinus; but a Latinus or a peregrinus might obtain by special favour certain rights which he had not by virtue of his condition only. The legitima hereditas was not included in the testamenti factio for the legitima hereditas presupposed agnatio, and agnatio presupposed connubium.

According to Savigny, the notion of civis and civitas had its origin in the union of the patricii and the plebes as one state. The peregrinitas, in the sense above stated, originated in the conquest of a state by the Romans, when the conquered state did not obtain the civitas; and he conjectures that the notion of peregrinitas was applied originally to all citizens of foreign states who had a fœdus with Rome.

The rights of a Roman citizen were acquired in several ways, but most commonly by a person being born of parents who were Roman citizens. A pater familias, a filius familias, a mater familias, and filia familias, were all Roman citizens, though the first only was sui juris, and the rest were not. If a Roman citizen married a Latina or a peregrina, believing her to be a Roman citizen, and begot a child, this child was not in the power of his father, because it was not a Roman citizen; but the child was either a Latinus or a peregrinus, according to the condition of his mother; and no child followed the condition of his father unless there was connubium between his father and mother. By a senatus consultum, the parents were allowed to prove their mistake (*causam erroris probare*); and, on this being done, both the mother and the child became Roman citizens, and, as a consequence, the son was in the power of the father.[1] Other cases relating to the matter, called causæ probatio, are stated by Gaius,[2] from which it appears that the facilities for obtaining the Roman civitas were gradually extended.[3]

A slave might obtain the civitas by manumission (*vindicta*), by the census, and by a testamentum, if there was no legal impediment; but it depended on circumstances, as already stated, whether he became a civis Romanus, a Latinus, or in the number of the peregrini dediticii. (*Vid.* MANUMISSIO.)

The civitas could be conferred on a foreigner by a lex, as in the case of Archias, who was a civis of Heraclea, a civitas which had a fœdus with Rome, and who claimed the civitas Romana under the provisions of a lex of Silvanus and Carbo, B.C. 89.[4] By the provisions of this lex, the person who chose to take the benefit of it was required, within sixty days after the passing of the lex, to signify to the prætor his wish and consent to accept the civitas (*profiteri*). Cicero[5] speaks of the civitas being given to all the Neapolitani; and in the oration *Pro Balbo*[6] he alludes to the Julian lex (B.C. 90), by which the civitas was given to the socii and Latini; and he remarks that a great number of the people of Heraclea and Neapolis made opposition to this measure, preferring their former relation to Rome as civitates fœderatæ (*fœderis sui libertatem*) to the Romana civitas. The lex of Silvanus and Carbo seems to have been intended to supply a defect in the Julia lex, and to give the civitas, under certain limitations, to foreigners who were citizens of fœderate states (*fœderatis civitatibus adscripti*). Thus the great mass of the Italians obtained the civitas, and the privileges of the former civitates fœderatæ were extended to the provinces, first to part of Gaul, and then to Sicily, under the name of Jus Latii or Latinitas. This Latinitas gave a man the right of acquiring the Roman citizenship by having exercised a magistratus in his own civitas; a privilege which belonged to the fœderatæ civitates of Italy before they obtained the Roman

1. (Geschichte des Röm. Rechts im Mittelalter, c. ii., p. 22.)—2. (Plin., Ep., x., 4, 22.—Ulp., Frag., tit. 3, § 2.)—3. (xxxviii., 36.)—4. (Frag., tit. 5, § 4; 19, § 4; 20, § 8; 11, § 6.)—5 (i., 12.)

1. (Gaius, i., 67.)—2. (i., 29, &c.; i., 66, &c.)—3 (See also Ulpian, Fragm., tit. 3, "De Latinis.")—4. (Cic., Pro Arch. 4.)—5. (Ep. ad Fam., xiii., 30.)—6 (c. 7.)

civitas. It probably also included the Latinitas of Ulpian, that is, the commercium or individual privilege.[1]

With the establishment of the imperial power, the political rights of Roman citizens became insignificant, and the commercium and the more easy acquisition of the rights of citizenship were the only parts of the civitas that were valuable. The constitution of Antoninus Caracalla, which gave the civitas to all the Roman world, applied only to communities, and not to individuals; its effect was to make all the cities in the empire municipia, and all Latini into cives. The distinction of cives and Latini, from this time forward, only applied to individuals, namely, to freedmen and their children. The peregrinitas, in like manner, ceased to be applicable to communities, and only existed in the dediticii as a class of individuals. The legislation of Justinian finally put an end to what remained of this ancient division into classes, and the only division of persons was into subjects of the Cæsar and slaves.

The origin of the Latinitas of Ulpian is referred by Savigny, by an ingenious conjecture, to the year B.C. 209, when eighteen of the thirty Latin colonies remained true to Rome in their struggle against Hannibal, while twelve refused their aid. The disloyal colonies were punished; and it is a conjecture of Savigny, and, though only a conjecture, one supported by strong reasons, that the eighteen loyal colonies received the commercium as the reward of their loyalty, and that they are the origin of the Latinitas of Ulpian. This conjecture renders intelligible the passage in Cicero's oration,[2] in which he speaks of nexum and hereditas as the rights of the twelve (eighteen?) colonies.

The word civitas is often used by the Roman writers to express any political community, as Civitas Antiochiensium, &c.

(Savigny, *Zeitschrift*, v., &c., *Ueber die Entstehung*, &c., *der Latinität*; Heinecc., *Syntagma*, *ed.* Haubold, *Epicrisis*; Rosshirt, *Grundlinien des Röm. Rechts*, *Einleitung*; and *vid.* BANISHMENT, and CAPUT.)

CLARIGA'TIO. (*Vid.* FETIALES.)

CLASSES. (*Vid.* CAPUT, COMITIA.)

CLA'SSICUM. (*Vid.* CORNU.)

CLAVA'RIUM. (*Vid.* CLAVUS.)

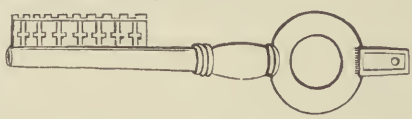
CLAVIS (*κλείς*, *dim.* *κλειδίον*), a Key. The key was used in very early times, and was probably introduced into Greece from Egypt; although Eustathius[3] states that in early times all fastenings were made by chains, and that keys were comparatively of a much later invention, which invention he attributes to the Laconians. Pliny[4] records the name of Theodorus of Samos as the inventor, the person to whom the art of fusing bronze and iron is ascribed by Pausanias. (*Vid.* BRONZE, p. 178)

We have no evidence regarding the materials of which the Greeks made their keys, but among the Romans the larger and coarser sort were made of iron. Those discovered at Pompeii and elsewhere are mostly of bronze, which we may assume to be of a better description, such as were kept by the mistress (*matrona*) of the household. In ages still later, gold and even wood are mentioned as materials from which keys were made.[5]

Among the Romans the key of the house was consigned to the porter (*janitor*[6]), and the keys of the other departments in the household to the slave upon whom the care of each department devolved,[7] upon a knowledge of which custom the point of the epigram in Martial[1] turns.

When a Roman woman first entered her husband's house after marriage, the keys of the stores were consigned to her. Hence, when a wife was divorced, the keys were taken from her;[2] and when she separated from her husband, she sent him back the keys.[3] The keys of the wine-cellar were, however, not given to the wife, according to Pliny,[4] who relates a story, upon the authority of Fabius Pictor, of a married woman being starved to death by her relatives for having picked the lock of the closet in which the keys of the cellar were kept.

The annexed woodcut represents a key found at Pompeii, and now preserved in the Museum at Naples, the size of which indicates that it was used as a door-key. The tongue, with an eye in it, which projects from the extremity of the handle, served to suspend it from the porter's waist.



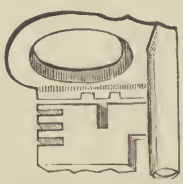
The expression *sub clavi esse*[5] corresponds with the English one, "to be under lock and key;" but *clavis* is sometimes used by the Latin authors to signify the bolt it shoots.[6]

The city gates were locked by keys,[7] like those of our own towns during the Middle Ages.

Another sort of key, or, rather, a key fitting an other sort of lock, which Plautus calls *clavis Laconica*,[8] is supposed to have been used with locks which could only be opened from the inside, such as are stated to have been originally in use among the Egyptians and Laconians (*οὐ γάρ, ὡς νῦν, ἐκτὸς ἦσαν αἱ κλεῖδες, ἀλλ' ἔνδον τὸ παλαιὸν παρ' Αἰγυπτίοις, καὶ Λάκωσι*[9]). These are termed *κλειδία κρυπτά* by Aristophanes,[10] because they were not visible on the outside, and in the singular, *clausa clavis*, by Virgil;[11] but the reading in this passage is very doubtful.[12] Other writers consider the *κλειδία κρυπτά* and *claves Laconicæ* to be false keys, such as we now call "skeletons," and the Romans, in familiar language, *adulterinæ*;[13] wherein consists the wit of the allusion in Ovid,

"*Nomine cum doceat, quid agamus, adultera clavis.*"[14]

The next woodcut represents one of two similarly formed keys, which were discovered in Holland, and published by Lipsius.[15] It has no handle to act as a lever, and, therefore, could not have been made



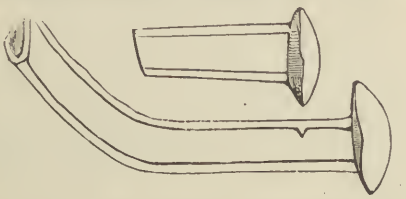
for a lock with wards, which cannot be turned without a certain application of force; but, by inserting the thumb or forefinger into the ring, it would be amply sufficient to raise a latch or push back a bolt; and thus one sort, at least, of the keys termed *κρυπταί* seems to be identified with the "latch-keys" in use among us; for, when placed in the keyhole (*clavi immittendæ foramen*[16]), it would be almost en-

1 (Strab., v., 187, ed. Casaub.)—2. (Pro Cæcina, 35.)—3. (ad Hom., Od., ix.)—4 (H. N., vii., 57.)—5. (Augustin., De Doctrin. Christ., iv., 2)—6. (Apuleius, Met., i., p. 53, ed. Oudendorp.—Chrysost., Serm. 172.)—7. (Senec., De Ira, ii., 25)

1. (v., 35.)—2. (Cic., Philipp., ii., 28.)—3. (Ambros., Epist. vi., 3.)—4. (H. N., xiv., 14.)—5. (Varro, De Re Rust., i., 22.)—6. (Tibull., I., vi., 34; II., iv., 31.)—7. (Liv., xxvii., 24.)—8. (Most., II., i., 57.)—9. (Theon. ad Aratum, 192.)—10. (Thesmoph., 421, ed. Brunck.)—11. (Moret., 15.)—12. (Heyne, ad loc.)—13. (Sall., Jugurth., 12.)—14. (Art. Amat., iii., 643.)—15. (Excurs. ad Tac., Ann., ii., 2.)—16. (Apul., iv., p. 259, ed Oudendorp.)

rely buried in it, the ring only, which lies at right angles to the wards, and that scarcely, being visible without.

CLAVUS (ἧλος, γόμφος), a Nail. In the subterraneous chamber at Mycenæ,[1] supposed to be the treasury of Atreus (a view of which is given in Sir W. Gell's Itinerary of Greece (plate vi.), the stones of which the cylindrical dome is constructed are perforated by regular series of bronze nails, running in perpendicular rows, and at equal distances, from the top to the bottom of the vault. It is supposed that they served to attach thin plates of the same metal to the masonry, as a coating for the interior of the chamber; and hence it is that these subterranean works, which served for prisons as well as treasuries, like the one in which Danaë is said to have been confined, were called by the poets brazen chambers.[2] Two of these nails are represented in the annexed woodcut, of two thirds the real size; they consist of 88 parts of copper to 12 of tin.



The writer was present at the opening of an Etruscan tomb at Cære, in the year 1836, which had never been entered since the day it was closed up. The masonry of which it was constructed was studded with nails exactly similar in make and material to those given above, upon which were hung valuable ornaments in gold and silver, entombed, according to custom, with their deceased owner.

Nails of this description were termed *trabales* and *talnlares*[3] by the Romans, because they were used, in building, to join the larger beams (*trabes*) together. Hence the allusion of Cicero,[4] "Ut hoc beneficium *clavo trabali* figeret;" and Horace arms Necessitas with a nail of the same kind,[5] or of adamant,[6] wherewith to rivet, as it were, irrevocably the decrees of Fortune. Thus Atropos is represented in the subjoined woodcut, taken from a cup found at

Perugia, upon which the story of Meleager and Atalanta is imbodied,[7] with a hammer in her right hand, driving a nail which she holds against the wall with her left.

The next cut represents a nail of Roman workmanship,[1] which is highly ornamented and very curious. Two of its faces are given, but the pattern varies on each of the four.

It is difficult to say to what use this nail was applied. The ornamented head shows that it was never intended to be driven by the hammer; nor would any part but the mere point, which alone is plain and round, have been inserted into any extraneous material. It might possibly have been used for the hair, in the manner represented in the woodcut on page 21.

Bronze nails were used in ship-building,[2] and to ornament doors, as exhibited in those of the Pantheon at Rome; in which case the head of the nail was called *bulla*, and richly ornamented, of which specimens are given at page 181.

The soles of the shoes worn by the Roman soldier were also studded with nails, thence called "*clavi* caligarii." (*Vid.* CALIGA). These do not appear to have been hob-nails, for the purpose of making the sole durable, but sharp-pointed ones, in order to give the wearer a firmer footing on the ground; for so they are described by Josephus,[3] Ὑποδήματα πεπαρμένα πυκνοῖς καὶ ὀξέσιν ἥλοις. The men received a donative for the purpose of providing themselves with these necessaries, which was thence called *clavarium*.[4]

CLAVUS ANNA'LIS. In the early ages of Rome, when letters were yet scarcely in use, the Romans kept a reckoning of their years by driving a nail, on the ides of each September, into the side wall of the temple of Jupiter Optimus Maximus, which ceremony was performed by the prætor Maximus.[5] In after ages this practice fell into disuse, though the ignorant peasantry seem to have retained the custom, as a method of marking dates, down to a very late period.[6] Upon some occasions a dictator was created to drive the nail; but then it was not for the mere purpose of marking the year, but from a superstitious feeling that any great calamity, which happened at the time to afflict the city, would be stayed if the usual ceremony was performed by another than the usual officer.[7]

CLAVUS GUBERNA'CULI, the handle or shaft of a rudder,[8] which Vitruvius[9] appropriately terms "*ansa gubernaculi, quod οἴαξ a Græcis appellatur.*" The rudder itself is *gubernaculum*; in Greek, πηδάλιον. Both the words are accurately distinguished by Virgil,[10]

"*Ipse gubernaculo rector subit, ipse magister.*
Hortaturque viros, clavumque ad littora torquet,"

and by Cicero.[11] But it is sometimes used for the rudder itself, as, for instance, by Ennius:

"*Ut clavum rectum tencam, navemque guber-nem.*"[12]

Οἴαξ is also used in both senses, and in the same way.[13] The true meaning of the word will be understood by referring to the woodcut at page 58 in which a ship with its rudder is represented: the

1. (Paus., ii., 16, § 5.)—2. (Hor., Carm., III., xvi., 1.)—3. (Petron., 75.)—4. (Verr., vi., 21.)—5. (Carm., I., xxxv., 18.)—6. (Id., III., xxiv., 5.)—7. (Vermiglioli, Antic. Inscriz. di Perugia, tav. t. D. 43.)

1. (Caylus, Recueil d'Antiq., tom. v., pl. 96.)—2. (Veget., iv. 34.)—3. (Bell. Jud., VI., i., 7.)—4. (Tacit., Hist., iii., 50.)—5. (Festus, s. v. Clav. Annal.—Liv., vii., 3.—Cic. ad Att., v., 15.)—6. (Petron., c. 135.)—7. (Liv., vii., 3; viii., 18; ix. 28.)—8. (Serv. ad Virg., Æn., v., 177.)—9. (x., 8.)—10. (Æn., v., 176.)—11. (Pro Sext., 9.)—12. (Compare Cic. ad Fam., ix., 15.)—13. (Thomas Magist., s. v.)

pole by which it is fastened to the ship's side is the *clavus*. (*Vid.* GUBERNACULUM.)

CLAVUS LATUS, CLAVUS ANGUSTUS. The meaning of these words has given rise to much difference of opinion among modern writers. Scaliger[1] considered the clavus to have been an ornament detached from the dress, and worn round the neck like a *bulla*. (*Vid.* BULLA.) Ferrarius supposed it to be a scarf or band thrown over the shoulders, the ends of which hung down in front. Some writers consider it to have been a round boss or buckle, resembling the head of a nail, fastened to the front part of the tunic which covered the chest; others the hem of the dress either at the edges or at the bottom; and others, again, the dress itself checkered with stripes of purple, or with ornaments resembling nails, either sewn on to, or woven in, the fabric, such as in modern language would be termed figured.[2]

It is a remarkable circumstance, that not one of the ancient statues, representing persons of senatorian, consular, or equestrian rank, contain the slightest trace in their draperies of anything resembling the accessories above enumerated; some indications of which would not have been constantly omitted, if the *clavus* had been a thing of substance either affixed to the dress or person. But if it formed only a distinction of colour, without producing any alteration in the form or mass of the material wherewith the garment was made, such as a mere streak of purple interwoven in the fabric, or embroidered or sewed on it, it will be evident to any person conversant with the principles of art, that the sculptor, who attends only to form and mass, would never attempt to express the mere accidents of colour; and consequently, that such a clavus would not be represented in sculpture. But in painting, which long survived the sister art, we do find examples in some works executed at a very late period, some of which are subsequently inserted, in which an ornament like the clavus, such as it is implied to be by the words of Horace,[3] *latum demisit pectore clavum*, seems evidently to have been represented.

The most satisfactory conclusion, therefore, seems to be, that the *clavus* was merely a band of purple colour,[4] hence called *lumen purpuræ*,[5] either sewed to the dress[6] or interwoven in the fabric.[7]

CLAVUS LATUS. The clavus worn by the Romans was of two fashions, one broad and the other narrow, denominated respectively *clavus latus* and *clavus angustus*.[8] The vest which it distinguished properly and originally was the tunic (*vid.* TUNICA), called therefore *tunica laticlavia* and *tunica angusticlavia*;[9] and hence the word *clavus* is sometimes used separately to express the garment itself.[10] The former was a distinctive badge of the senatorian order,[11] and hence it is used to signify the senatorial dignity,[12] and *laticlavius* for the person who enjoys it.[13] It consisted in a single broad band of purple colour, extending perpendicularly from the neck down the centre of the tunic, in the manner represented in the annexed woodcut, which is copied from a painting of Rome personified, formerly belonging to the Barberini family, the execution of which is of a very late period.

The position of the band in the centre of the chest is identified with the latus clavus, because *μεσοπόρφυρα*,[1] in the Septuagint, is translated in the Vulgate *tunica clavatæ purpuræ*; and the converse, *χιτῶνα πορφυροῦν μεσόλευκον*,[2] is thus interpreted by Quintus Curtius,[3] "*Purpureæ tunicæ medium album intextum erat.*" In distinction to the angustus clavus, it is termed *purpura major*,[4] *purpura latior*,[5] and the garment it decorated, *tunica potens*,[6] or *χιτὼν πλατυσήμος*.[7]

The tunica laticlavia was not fastened round the waist like the common tunic which is worn by the centurion (p. 231), but left loose, in order that the clavus might lie flat and conspicuously over the chest,[8] which accounts for the allusion of Sylla, when he termed Julius Cæsar *malc præcinctum purum*; for we are informed by Suetonius[1] that he was the only person ever known to wear a girdle to his laticlave.

It seems to be generally admitted that the latus clavus was not worn in childhood, that is, with the toga prætexta; but it is not so clear whether, during the earlier ages of the Republic, it was assumed with the toga virilis, or only upon admission into the senate. Probably the practice was different at different periods.[10]

The right of wearing the latus clavus was also given to the children of equestrians,[11] at least in the time of Augustus, as a prelude to entering the senate-house. This, however, was a matter of personal indulgence, and not of individual right; for it was granted only to persons of very ancient family and corresponding wealth,[12] and then by special favour of the emperor.[13] In such cases the latus clavus was assumed with the toga virilis, and worn until the age arrived at which the young equestrian was admissible into the senate, when it was relinquished and the angustus clavus resumed, if a disinclination on his part, or any other circumstances, prevented him from entering the senate, as was the case with Ovid:[14]

> "*Curia restabat; clavi mensura coacta est;*
> *Majus erat nostris viribus illud opus.*"

But it seems that the latus clavus could be again resumed if the same individual subsequently wished to become a senator,[15] and hence a fickle character is designated as one who is always changing his clavus:[16]

1. (ad Varron., De Ling. Lat., viii.)—2. (Ferrarius, De Re Vestiaria, iii., 12.—Rubenius, Id., i., 1.)—3. (Sat., I., vi., 28.)—4. (Acro in Hor., Sat., I., v., 35, "Latum clavum purpuram dixit")—5. (Stat., Sylv., IV., v., 42.—Quintil., viii., 5, 28.)—6. (Hor., Ep. ad Pis., 16.)—7. (Festus, s. v. Clavat.—Quintil., l. c.—Vetus Lexicon Græc. Latin., *Πορφύρα ἐνυφασμένη*, Clavus.—Hesych., *Παρύφη, ἡ ἐν τῷ χιτῶνι πορφύρα.*)—8. (Pitisc., Lex. Antiq.)—9. (Val. Max., v., 1, 7.)—10. (Suet., Jul., 45.)—11. (Acro, l. c.—Ovid, Trist., IV., x., 35.)—12. (Suet., Tib., 35.—Vesp., 2, 4.)—13. (Suet., Octav., 38.)

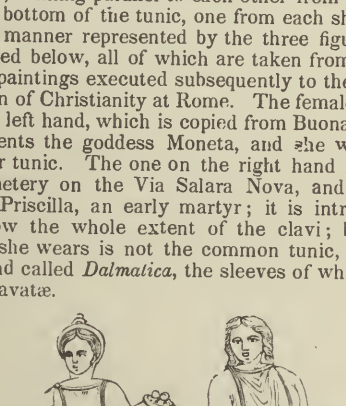
1. (Esai., iii., 21.)—2. (Xen., Cyrop., viii., 3, § 13.)—3. (III., iii., 28.)—4. (Juv., Sat., i., 106.)—5. (Plin., H. N., xxxiii., 7.)—6. (Stat., Sylv., V., ii., 29.)—7. (Diod. Sic., Eclog. 36, p. 535, ed. Wesseling.—Strab., iii., 5, p. 448, ed. Siebenk.)—8. (Quintil., xi., 3, 138.)—9. (Jul., 45.)—10. (Compare Suet., Octav., 38, 94.)—11. (Ovid, Trist., IV., x., 29.)—12. (Stat., Sylv., iv., 8, 59.—Dig. 24, tit. 1, s. 42.)—13. (Suet., Vesp., 2.—Tacit., Ann., xvi. 17.—Plin., Epist., ii., 9.)—14. (Compare Trist., IV., x., 27, with 35.)—15. (Hor., Sat., I., vi., 25.)—16. (Hor., Sat., II., vi., 19.

"*Vixit inæqualis, clavum mutabat in horas.*"

The latus clavus was also worn by the priests of Saturn at Carthage,[1] and by the priests of Hercules at Cadiz;[2] and napkins were sometimes so decorated,[3] as well as table-cloths, and coverlets (*toralia*) for the couches upon which the ancients reclined at their meals.[4]

The latus clavus is said to have been introduced at Rome by Tullus Hostilius, and to have been adopted by him after his conquest of the Etrusc ans;[5] nor does it appear to have been confined to any particular class during the earlier periods, but to have been worn by all ranks promiscuously.[6] It was laid aside in public mourning.[7]

CLAVUS ANGUSTUS. This ornament is not found, any more than the latus clavus, upon any of the works executed before the decline of the arts; and therefore the same difficulties occur in attempting to define its form and fashion. That it was narrower than the other is evident from the name alone, as well as from other epithets bestowed upon it—"*pr per* clavus,"[8] "*arctum* purpuræ lumen;"[9] and that it was of a purple colour, attached to a tunic girt at the waist, is also evident from the passages of Statius and Quinctilian[10] already cited. There is, moreover, reason for supposing that the angustus clavus consisted in two narrow stripes instead of one broad one; for it is observed that the word clavus is always used in the singular number when the tunica laticlavia is referred to, whereas the plural number (*clavi*) is often met with in reference to the angusticlavia; as in the passage of Quinctilian just mentioned, *purpura* is applied to the former, and *purpuræ* to the latter of these garments. It seems, therefore, probable that the angusticlave was distinguished by two narrow purple stripes, running parallel to each other from the top to the bottom of the tunic, one from each shoulder, in the manner represented by the three figures introduced below, all of which are taken from sepulchral paintings executed subsequently to the introduction of Christianity at Rome. The female figure on the left hand, which is copied from Buonarotti,[11] represents the goddess Moneta, and she wears a regular tunic. The one on the right hand is from a cemetery on the Via Salara Nova, and represents Priscilla, an early martyr; it is introduced to show the whole extent of the clavi; but the dress she wears is not the common tunic, but of the kind called *Dalmatica*, the sleeves of which are also clavatæ.



The next figure is selected from three of a similar kind, representing Shadrach, Meshach, and Abednego, from the tomb of Pope Callisto on the Via Appia; all three wear the ordinary tunic girt at the waist, as indicated by Quinctilian, but with long sleeves, as was customary under the Empire, and the stripes are painted in purple; so that we may fairly consider it to afford a correct example of the tunica angusticlavia.

This decoration belonged properly to the equestrian order,[1] for, though the children of equestrians, as has been stated, were sometimes honoured by permission to wear the latus clavus at an early age, they were obliged to lay it aside if they did not enter the senate when the appointed time arrived, which obligation appears to have been lost sight of for some time after the Augustan period; for it is stated by Lampridius[2] that Alexander Severus distinguished the equites from the senatores by the character of their clavus, which must be taken as a recurrence to the ancient practice, and not an innovation then first adopted.

*CLEMATIS or CLEMATITIS (κληματίς, κληματῖτις), a species of plant, commonly identified with the Winter-green or Periwinkle. Dioscorides[3] mentions two kinds: the first of these Sprengel refers to the Periwinkle, namely, *Vinca major* or *minor*; the other, which is properly called κλεματῖτις, he is disposed to follow Sibthorp in referring to the *Clematis cirrhosa*. The term κληματίς is derived from κλῆμα, "a tendril" or "clasper," and has reference to the climbing habits of the plant. The epithets δαφνοειδής ("laurel-like") and σμυρνοειδής ("myrrh-like") are sometimes given to the κληματίς, as well as that of πολυγονοειδής, "resembling πολύγονον, or Knot-grass."[4] Pliny derives the Latin name *vinca* from *vincire*, "to bind" or "encompass," in allusion to the Winter-green's encircling or twining around trees.[5] The same writer alludes to various medical uses of this plant, in cases of dysentery, fluxions of the eyes, hæmorrhoïdes, the bite of serpents, &c. It is found sometimes with white flowers, less frequently with red or purple ones.[6] The name of this plant in modern Greece is ἀγριολίτζα. Sibthorp found it in Elis and Argolis.[7]

CLEPSYDRA. (*Vid.* HOROLOGIUM.)

CLERUCHI (κληροῦχοι). Athenian citizens who occupied conquered lands were termed κληροῦχοι, and their possession κληρουχία. The earliest example to which the term, in its strict sense, is applicable, is the occupation of the domains of the Chalcidian knights (ἱπποβόται) by four thousand Athenian citizens, B.C. 506.[8]

In assigning a date to the commencement of this system of colonization, we must remember that the principle of a division of conquered land had existed from time immemorial in the Grecian states. Nature herself seemed to intend that the Greek should rule and the barbarian obey; and hence, in the case of the barbarian, it wore no appearance of

1. (Tertull., De Pall., c. 4.)—2. (Sil. Ital., iii., 27.)—3. (Mart., Ep., IV., xlvi., 17.—Petron., 32.)—4. (Amm. Marcell., XVI., viii., 8.)—5. (Plin., H. N., ix., 63.)—6. (Plin., H. N., xxxiii., 7.)—7. (Liv., ix., 7.)—8. (Stat., Sylv., V., ii., 18.)—9. (Id., IV., v., 42.)—10. (XI., iii., 138.)—11. (Osservazioni sopra alcun Frammenti di Vasi antichi di Vetro, Tav. xxix., fig 1.)

L

1. (Paterc., ii., 88.—Lamprid., Alex. Sev., 27.)—2. (l. c.)—3. (iv., 7.)—4. (Dioscor., l. c.—Billerbeck, Flora Classica, p. [illegible])—5. (H. N., xxi., 27.—Apul., De Herb., 58.)—6. (Billerbeck, [illegible])—7. (Billerbeck, l. c.)—8. (Herod., v., 77.)

harshness. Such a system, however, was more rare between Greek and Greek. Yet the Dorians, in their conquest of the Peloponnese, and still more remarkably in the subjugation of Messenia, had set an example. In what, then, did the Athenian κληρουχίαι differ from this division of territory, or from the ancient colonies? In the first place, the name, in its technical sense, was of later date, and the Greek would not have spoken of the κληρουχίαι of Lycurgus, any more than the Roman of the "Agrarian laws" of Romulus or Ancus. Secondly, we should remember that the term was always used with a reference to the original allotment: as the lands were devised or transferred, and the idea of the first division lost sight of, it would gradually cease to be applied. The distinction, however, between κληροῦχοι and ἄποικοι was not merely one of words, but of things The only object of the earlier colonies was to relieve surplus population, or to provide a home for those whom internal quarrels had exiled from their country. Most usually they originated in private enterprise, and became independent of, and lost their interest in, the parent state. On the other hand, it was essential to the very notion of a κληρουχία that it should be a public enterprise, and should always retain a connexion more or less intimate with Athens herself. The word κληρουχία, as Wachsmuth has well observed, conveys the notion of property to be expected and formally appropriated, whereas the ἄποικοι of ancient times went out to conquer lands for themselves, not to divide those which were already conquered.

The connexion with the parent state subsisted, as has just been hinted, in all degrees. Sometimes, as in the case of Lesbos,[1] the holders of land did not reside upon their estates, but let them to the original inhabitants, while themselves remained at Athens. The condition of these κληροῦχοι did not differ from that of Athenian citizens who had estates in Attica. All their political rights they not only retained, but exercised as Athenians; in the capacity of landholders of Lesbos they could scarcely have been recognised by the state, or have borne any corporate relation to it. Another case was where the κληροῦχοι resided on their estates, and either with or without the old inhabitants, formed a new community. These still retained the rights of Athenian citizens, which distance only precluded them from exercising: they used the Athenian courts; and if they or their children wished to return to Athens, naturally and of course they regained the exercise of their former privileges. Of this we have the most positive proof:[2] as the sole object of these κληρουχίαι was to form outposts for the defence of Athenian commerce, it was the interest of the parent state to unite them by a tie as kindly as possible; and it cannot be supposed that individuals would have been found to risk, in a doubtful enterprise, the rights of Athenian citizens.

Sometimes, however, the connexion might gradually dissolve, and the κληροῦχοι sink into the condition of mere allies, or separate wholly from the mother-country. In Ægina, Scione, Potidæa, and other places, where the original community was done away, the colonists were most completely under the control of Athens. Where the old inhabitants were left unmolested, we may conceive their admixture to have had a twofold effect: either the new-comers would make common cause with them, and thus would arise the alienation alluded to above, or jealousy and dread of the ancient inhabitants might make the colonists more entirely dependant on the mother state. It seems impossible to define accurately when the isopolite relation with Athens may have ceased, although such cases undoubtedly occurred.

A question has been raised as to whether the κληροῦχοι were among the Athenian tributaries Probably this depended a good deal upon the prosperity of the colony. We cannot conceive that colonies which were established as military outposts in otherwise unfavourable situations, would bear such a burden: at the same time, it seems improbable that the state would unnecessarily forego the tribute which it had previously received, where the lands had formerly belonged to tributary allies.

It was to Pericles Athens was chiefly indebted for the extension and permanence of her colonial settlements. His principal object was to provide for the redundancies of population, and raise the poorer citizens to a fortune becoming the dignity of Athenian citizens. It was of this class of persons the settlers were chiefly composed; the state provided them with arms, and defrayed the expenses of their journey. The principle of division doubtless was, that all who wished to partake in the adventure applied voluntarily; it was then determined by lot who should or should not receive a share. Sometimes they had a leader appointed, who, after death, received all the honours of the founder of a colony (οἰκιστής).

The Cleruchiæ were lost by the battle of Ægospotami, but partially restored on the revival of Athenian power. For a full account of them, see Wachsmuth, *Historical Antiquities*, § 56, 6; Böckh, *Public Econ. of Athens*, iii., 18; and the references in Herman's *Manual*, vi., 117.

CLETE'RES or CLET'ORES (κλητῆρες or κλήτορες). The Athenian summoners were not official persons, but merely witnesses to the prosecutor that he had served the defendant with a notice of the action brought against him, and the day upon which it would be requisite for him to appear before the proper magistrate, in order that the first examination of the case might commence.[1] In Aristophanes[2] we read of one summoner only being employed, but two are generally mentioned by the orators as the usual number.[3] The names of the summoners were subscribed to the declaration or bill of the prosecutor, and were, of course, essential to the validity of all proceedings founded upon it. What has been hitherto stated applies in general to all causes, whether δίκαι or γραφαί: but in some which commenced with an information laid before magistrates, and an arrest of the accused in consequence (as in the case of an ἔνδειξις or εἰσαγγελία), there would be no occasion for a summons, nor, of course, witnesses to its service. In the εὐθῦναι and δοκιμασίαι also, when held at the regular times, no summons was issued, as the persons whose character might be affected by an accusation were necessarily present, or presumed to be so; but if the prosecutor had let the proper day pass, and proposed to hold a special εὐθύνη at any other time during the year in which the defendant was liable to be called to account for his conduct in office (ὑπεύθυνος), the agency of summoners was as requisite as in any other case. Of the δοκιμασίαι, that of the orators alone had no fixed time; but the first step in the cause was not the usual legal summons (πρόσκλησις), but an announcement from the prosecutor to the accused in the assembly of the people.[4]

In the event of persons subscribing themselves falsely as summoners, they exposed themselves to

1. (Thucyd., iii., 50.)—2. (*Vid.* Böckh, Pub. Econ., vol. ii., p. 76, transl.)

1. (Harpocrat.)—2. (Nubes, 1246.—Vesp., 1408.)—3. (Demosth., c. Nicost., 1251, 5.—Pro Coron., 244, 4.—c. Bret., 1017, 6.)—4. (Meier, Att. Process, 212, 575.)

an action (ψευδοκλητείας) at the suit of the party aggrieved.

*CLETHRA (κλήθρα), the Alder. (*Vid.* Alnus.)

CLIBANA'RII. (*Vid.* Cataphracti.)

CLIENS is said to contain the same element as the verb *cluere*, to "hear" or "obey," and is accordingly compared by Niebuhr with the German word *hoeriger*, "a dependant."

In the time of Cicero, we find patronus in the sense of adviser, advocate, or defender, opposed to cliens in the sense of the person defended, or the consultor; and this use of the word must be referred, as we shall see, to the original character of the patronus.[1] The relation of a master to his liberated slave (*libertus*) was expressed by the word patronus, and the libertus was the cliens of his patronus. Any Roman citizen who wanted a protector might attach himself to a patronus, and would thenceforward be a cliens. Distinguished Romans were also sometimes the patroni of states and cities, which were in a certain relation of subjection or friendship to Rome; and in this respect they may be compared to colonial agents, or persons among us who are employed to look after the interests of the mother-country, except that among the Romans such services were never remunerated directly, though there might be an indirect remuneration.[2] This relationship between patronus and cliens was indicated by the word clientela,[3] which also expressed the whole body of a man's clients.[4] In the Greek writers on Roman history, patronus is represented by προστάτης, and cliens by πελάτης.

The clientela, but in a different form, existed as far back as the records or traditions of Roman history extend; and the following is a brief notice of its origin and character, as stated by Dionysius,[5] in which the writer's terms are kept:

Romulus gave to the εὐπατρίδαι the care of religion, the honores (ἄρχειν), the administration of justice, and the administration of the state. The δημοτικοί (whom, in the preceding chapter, he has explained to be the πληθεῖοι) had none of these privileges, and they were also poor; husbandry and the necessary arts of life were their occupation. Romulus thus intrusted the δημοτικοί to the safe keeping of the πατρίκιοι (who are the εὐπατρίδαι), and permitted each of them to choose his patron. This relationship between the patron and the client was called, says Dionysius, patronia.[6]

The relative rights and duties of patrons and clients were, according to Dionysius, the following:

The patron was the legal adviser of the cliens; he was the client's guardian and protector, as he was the guardian and protector of his own children; he maintained the client's suit when he was wronged, and defended him when another complained of being wronged by him: in a word, the patron was the guardian of the client's interests, both private and public. The client contributed to the marriage portion of the patron's daughter, if the patron was poor, and to his ransom, or that of his children, if they were taken prisoners; he paid the costs and damages of a suit which the patron lost, and of any penalty in which he was condemned; he bore a part of the patron's expenses incurred by his discharging public duties, or filling the honourable places in the state. Neither party could accuse the other, or bear testimony against the other, or give his vote against the other. This relationship between patron and client subsisted for many generations, and resembled in all respects the relationship by blood. It was the glory of illustrious families to have many clients, and to add to the number transmitted to them by their ancestors. But the clients were not limited to the δημοτικοί: the colonies, and the states connected with Rome by alliance and friendship, and the conquered states, had their patrons at Rome; and the senate frequently referred the disputes between such states to their patrons, and abided by their decision.

The value of this passage consists in its containing a tolerably intelligible statement, whether true or false, of the relation of a patron and client. What persons actually composed the body of clients, or what was the real historical origin of the clientela, is immaterial for the purpose of understanding what it was. It is clear that Dionysius understood the Roman state as originally consisting of patricii and plebeii, and he has said that the clients were the plebs. Now it appears, from his own writings and from Livy, that there were clientes who were not the plebs, or, in other words, clientes and plebs were not convertible terms. This passage, then, may have little historical value as explaining the origin of the clients; and the statement of the clientela being voluntary is improbable. Still something may be extracted from the passage, though it is impossible to reconcile it altogether with all other evidence. The clients were not servi: they had property of their own, and freedom (*libertas*). Consistently with this passage, they might be Roman citizens, enjoying only the commercium and connubium, but not the suffragium and honores, which belonged to their patroni. (*Vid.* Civitas.) It would also be consistent with the statement of Dionysius, that there were free men in the state who were not patricii, and did not choose to be clientes; but if such persons existed in the earliest period of the Roman state, they must have laboured under great civil disabilities, and this, also, is not inconsistent with the testimony of history, nor is it improbable. Such a body, if it existed, must have been powerless; but such a body might in various ways increase in numbers and wealth, and grow up into an estate, such as the plebs afterward was. The body of clientes might include freedmen, as it certainly did: but it seems an assumption of what requires proof to infer (as Niebuhr does) that, because a patronus could put his freedman to death, he could do the same to a client; for this involves a tacit assumption that the clients were originally slaves; and this may be true, but it is not known. Besides, it cannot be true that a patron had the power of life and death over his freedman, who had obtained the civitas, any more than he had over an emancipated son. The body of clientes might, consistently with all that we know, contain peregrini, who had no privileges at all; and it might contain that class of persons who had the commercium, if the commercium existed in the early ages of the state. (*Vid.* Civitas.) The latter class of persons would require a patronus, to whom they might attach themselves for the protection of their property, and who might sue and defend them in all suits, on account of the (here assumed) inability of such persons to sue in their own name in the early ages of Rome. (*Vid.* Banishment.)

The relation of the patronus to the cliens, as represented by Dionysius, has an analogy to the patria potestas, and the form of the word patronus is consistent with this.

It is stated by Niebuhr, that "if a client died without heirs, his patron inherited; and this law extended to the case of freedmen; the power of the patron over whom must certainly have been founded originally on the general patronal right." This statement, if it be correct, would be consistent with the quasi patria potestas of the patronus.

1. (Ovid, Art. Am., i., 88.—Hor., Sat., I., i., 10.—Epist., I., v., 31; II., i., 104.)—2. (Cic., Div., 20.—Pro Sulla, c. 21.—Tacit., Or., 36.)—3. (Cic. ad Att., xiv., 12.)—4. (Tacit., Ann., xiv., 61.)—5. (Antiq. Rom., ii., 9.)—6. (Compare Cic., Rep., ii., 9.)

But if a cliens died *with* heirs, could he make a will? and if he died *without* heirs, could he not dispose of his property by will? and if he could not make, or did not make a will, and had heirs, who must they be? must they be *sui heredes*? had he a familia, and, consequently, agnati? (*vid.* Cognati) had he, in fact, that connubium, by virtue of which he could acquire the patria potestas? He might have all this consistently with the statement of Dionysius, and yet be a citizen *non optimo jure*; for he had not the honores and the other distinguishing privileges of the patricii, and, consistently with the statement of Dionysius, he could not vote in the comitia curiata. It is not possible to prove that a cliens had all this, and it seems equally impossible, from existing evidence, to show what his rights really were. So far as our extant ancient authorities show, the origin of the clientela, and its true character, were unknown to them. This seems certain; there was a body in the Roman state, at an early period of its existence, which was neither patrician nor client, and a body which once did not, but ultimately did, participate in the sovereign power: but our knowledge of the true status of the ancient clients must remain inexact, for the want of sufficient evidence in amount, and sufficiently trustworthy.

It is stated by Livy[1] that the clientes had votes in the comitia of the centuries: they were therefore registered in the censors' books, and could have quiritarian ownership. (*Vid.* Centumviri.) They had, therefore, the commercium, possibly the connubium, and certainly the suffragium. It may be doubted whether Dionysius understood them to have the suffragium at the comitia centuriata; but, if such was the legal status of a cliens, it is impossible that the exposition of their relation to the patricians, as given by some modern writers, can be altogether correct.

It would appear, from what has been stated, that patronus and patricius were originally convertible terms at least until the plebs obtained the honores. From that time, many of the reasons for a person being a cliens of a patricius would cease; for the plebeians had acquired political importance, had become acquainted with the laws and the legal forms, and were fully competent to advise their clients. This change must have contributed to the destruction of the strict old clientela, and was the transition to the clientela of the later ages of the Republic.[2]

Admitting a distinction between the plebs and the old clientes to be fully established, there is still room for careful investigation as to the real status of the clientes, and of the composition of the Roman state before the estate of the plebs was made equal to that of the patricians.

This question is involved in almost inextricable perplexity, and elements must enter into the investigation which have hitherto hardly been noticed. Any attempt to discuss this question must be prefaced or followed by an apology.

CLIENTE'LA. (*Vid.* Cliens.)

CLI'MAX. (*Vid.* Tormentum.)

*CLINOPOD'IUM (*κλινοπόδιον*), a plant deriving its name from the resemblance which its round flower bears to the foot of a couch (*κλίνη*, "a couch," and *ποῦς*, *-όδος*, "a foot.") It is most probably the *Clinopodium vulgare*, or Field Basil, as Bauhin and others think. According to Prosper Alpinus, however, it is the same as the *Satureia Græca*. Sibthorp found it on the mountains of Greece and in the island of Crete.[3]

CLI'PEUS (*ἀσπίς*), the large shield worn by the Greeks and Romans, which was originally of a circular form and is said to have been first used by Prœtus and Acrisius of Argos,[1] and therefore is called *clipeus Argolicus*,[2] and likened to the sun (Compare, also, *ἀσπίδα πάντοσ' ἴσην*,[3] *ἀσπίδας εὐ κύκλους*.[4]) But the clipeus is often represented in Roman sculpture of an oblong oval, which makes the distinction between the common buckler and that of Argos.

It was sometimes made of osiers twisted together,[5] and therefore is called *ἰτέα*,[6] or of wood. The wood or wicker was then covered over with oxhides of several folds deep,[7] and finally bound round the edge with metal.[8]

The outer rim is termed *ἄντυξ*,[9] *ἴτυς*,[10] *περιφέρεια*, or *κύκλος* (*vid.* Antyx).[11] In the centre was a projection called *ὀμφαλός* or *μεσομφάλιον*, *umbo*, which served as a sort of weapon by itself (*cunctos umbone repellit*[12]), or caused the missiles of the enemy to glance off from the shield. It is seen in the next woodcut, from the column of Trajan. A spike, or some other prominent excrescence, was sometimes placed upon the *ὀμφαλός*, which was called the *ἐπομφάλιον*.

In the Homeric times the Greeks used a belt to support the shield; but this custom was subsequently discontinued in consequence of its great inconvenience (*vid.* Balteus, p. 133), and the following method was adopted in its stead: A band of metal, wood, or leather, termed *κανών*, was placed across the inside from rim to rim, like the diameter of a circle, to which were affixed a number of small iron bars, crossing each other somewhat in the form of the letter X, which met the arm below the inner bend of the elbow joint, and served to steady the orb. This apparatus, which is said to have been invented by the Carians,[13] was termed *ὄχανον* or *ὀχανη*. Around the inner edge ran a leather thong (*πόρπαξ*), fixed by nails at certain distances, so that it formed a succession of loops all round, which the soldier grasped with his hand (*ἐμβαλὼν πόρπακι γενναίαν χέρα*[14]). The annexed woodcut, which shows the whole apparatus, will render this account intelligible. It is taken from one of the terra cotta vases published by Tischbein.[15]

1. (ii., 56.)—2. (Hugo, Lehrbuch, &c., i., 458.)—3. (Dioscor., iii., 99.—Billerbeck, Flora Classica, p. 154.)

1. (Paus., ii., 25, 6.)—2. (Virg., Æn., iii., 637.)—3. (Hom. Il., iii., 347; v., 453.)—4. (Il., xiv., 428.)—5. (Virg., Æn., vii., 632; viii., 625.)—6. (Eurip., Supp., 697.—Troad, 1201.—Cyclops, 7.)—7. (Virg., Æn., xii., 925.)—8. (Hom., Il., xii., 295.—Liv., xlv., 33.)—9. (Il., xviii., 479.)—10. (Eurip., Troad, 1205.)—11. (Il., xi., 33.)—12. (Mart., Ep., III., xlvi., 5.)—13. (Herod., i., 171.)—14. (Eurip. Hel. 1306.)—15. (vol. iv., tab 20.)

At the close of a war it was customary for the Greeks to suspend their shields in the temples, when the πόρπακες were taken off, in order to render them unserviceable in case of any sudden or popular outbreak; which custom accounts for the alarm of Demosthenes, in the Knights of Aristophanes,[1] when he saw them hanging up with their handles on.

According to Livy,[2] when the census was instituted by Servius Tullius, the first class only used the *clipeus*, and the second were armed with the *scutum* (*vid.* SCUTUM); but after the Roman soldier received pay, the *clipeus* was discontinued altogether for the Sabine *scutum*.[3] Diodorus Siculus[4] asserts that the original form of the Roman shield was square, and that it was subsequently changed for that of the Tyrrhenians, which was round.

The Roman shields were emblazoned with various devices, the origin of armorial bearings, such as the heroic feats of their ancestors;[5] or with their portraits,[6] which custom is illustrated by the preceding beautiful gem from the antique, in which the figure of Victory is represented inscribing upon a *clipeus* the name or merits of some deceased hero.

Each soldier had also his own name inscribed upon his shield, in order that he might readily find his own, when the order was given to unpile arms; and sometimes the name of the commander under whom he fought.[7]

The *clipeus* was also used to regulate the temperature of the vapour bath. (*Vid.* BATHS, p. 150.)

CLITE'LLÆ, a pair of panniers, and therefore only used in the plural number.[8] In Italy they were commonly used with mules or asses,[9] but in other countries they were also applied to horses, of which an instance is given in the annexed woodcut from the column of Trajan; and Plautus[10] figuratively describes a man upon whose shoulders a load of any kind, either moral or physical, is charged as *homo clitellarius*.

A particular spot in the city of Rome, and certain parts of the Via Flaminia, which, from their undulations in hill and valley, were thought to resemble the flowing line of a pair of panniers, were also termed clitellæ.[11]

CLOA'CA. The term cloaca is generally used by the historians in reference only to those spacious subterraneous vaults, either of stone or brick, through which the foul waters of the city, as well as all the streams brought to Rome by the aquæ-ducts, finally discharged themselves into the Tiber but it also includes within its meaning any smaller drain, either wooden pipes or clay tubes,[12] with which almost every house in the city was furnished, to carry off its impurities into the main conduit.[13] The whole city was thus intersected by subterranean passages, and is therefore designated by Pliny[14] as *urbs pensilis*.

The most celebrated of these drains was the *Cloaca Maxima*, the construction of which is ascribed to Tarquinius Priscus,[15] and which was formed to carry off the waters brought down from the adjacent hills into the Velabrum and valley of the Forum. The stone of which it is built is a mark of the great antiquity of the work; it is not the peperino of Gabii and the Alban Hills, which was the common building-stone in the time of the Commonwealth; but it is the "tufa litoide" of Brocchi, one of the volcanic formations which is found in many places in Rome, and which was afterward supplanted in public buildings by the finer quality of the peperino.[16] This cloaca was formed by three tiers of arches, one within the other, the innermost of which is a semicircular vault of 18 Roman palms, about 14 feet in diameter, each of the hewn blocks being 7½ palms long and 4⅙ high, and joined together without cement. The manner of construction is shown in the annexed woodcut, taken on the spot, where a part of it is uncovered near the arch of Janus Quadrifrons.

The mouth where it reaches the Tiber, nearly opposite to one extremity of the *insula Tiberina*,

1. (v., 859.)—2. (i., 43.)—3. (Liv., viii., 8.—Compare ix., 19.—Plutarch, Rom., 21, p. 123.)—4. (Eclog., xxiii., 3.)—5. (Virg., Æn., viii., 658.—Sil. Ital., viii., 386.)—6. (Id., xvii., 398.)

1. (Veget., ii., 17.)—2. (Hirt., Bell. Alex., 58.)—3. (Hor. Sat., I., v., 47.—Plaut., Most., III., ii., 91.)—4. (Hor., l. c.—Plaut., ib., 93.)—5. (ib., 94.)—6. (Festus., s. v.)—7. (Ulpian, Dig. 43. tit. 23, s. 1.)—8. (Strab., v., 8, p. 167, ed. Siebenk.)—9. (H. N., xxxvi., 24, 3.)—10. (Liv., i., 38.—Plin.—Dionys.—Il cc.)—11 (Arnold, Hist. Rom., vol. i., p. 52.)

still remains in the state referred to by Pliny.[1] It is represented in the annexed woodcut, with the adjacent buildings as they still exist, the modern fabrics only which encumber the site being left out.

The passages in Strabo and Pliny which state that a cart (*ămaxa, vehes*) loaded with hay could pass down the Cloaca Maxima, will no longer appear incredible from the dimensions given of this stupendous work; but it must still be borne in mind that the vehicles of the Romans were much smaller than our own. Dion Cassius also states[2] that Agrippa, when he cleansed the sewers, passed through them in a boat, to which Pliny[3] probably alludes in the expression *urbs subter navigata*; and their extraordinary dimensions, as well as those of the embouchures through which the waters poured into them (*vid.* CANALIS), are still farther testified by the exploits of Nero, who threw down the sewers the unfortunate victims of his nightly riots.[4]

The *Cloaca Maxima* formed by Tarquin extended only from the Forum to the river, but was subsequently continued as far up as the Subura, of which branch some vestiges were discovered in the year 1742.[5] This was the *crypta Suburæ* to which Juvenal refers.[6]

The expense of cleansing and repairing these cloacæ was, of course, very great, and was defrayed partly by the treasury, and partly by an assessment called *cloacarium*.[7] Under the Republic, the administration of the sewers was intrusted to the censors; but under the Empire, particular officers were appointed for that purpose, *cloacarum curatores*, mention of whom is found in inscriptions,[8] who employed condemned criminals in the task.[9]

ΚΛΟΠΗΣ ΔΙΚΗ (*κλοπῆς δίκη*), the civil action for theft, was brought in the usual manner before a Diætetes or a court, the latter of which Meier[10] infers to have been under the presidency of the thesmothetæ, whether the prosecutor preferred his accusation by way of *γραφή* or *δίκη*. We learn from the law quoted by Demosthenes,[1] that the criminal, upon conviction, was obliged to pay twice the value of the theft to the plaintiff if the latter recovered the specific thing stolen; that, failing of this, he was bound to reimburse him tenfold, that the court might inflict an additional penalty, and that the criminal might be confined in the stocks (*ποδοκάκκη* five days and as many nights. In some cases, a person that had been robbed was permitted by the Attic law to enter the house in which he suspected his property was concealed, and institute a search for it (*φωρᾶν*);[2] but we are not informed what powers he was supplied with to enforce this right. Besides the above-mentioned action, a prosecutor might proceed by way of *γραφή*, and, when the delinquent was detected in the act, by *ἀπαγωγή* or *ἐφήγησις*. To these, however, a penalty of 1000 drachmæ was attached in case the prosecutor failed in establishing his case; so that a diffident plaintiff would often consider them as less eligible means of obtaining redress.[3] In the aggravated cases of stealing in the daytime property of greater amount than 50 drachmæ, or by night anything whatsoever (and upon this occasion the owner was permitted to wound, and even kill the depredator in his flight), the most trifling article from a gymnasium, or anything worth 10 drachmæ from the ports or public baths, the law expressly directed an *ἀπαγωγή* to the Eleven, and, upon conviction, the death of the offender.[4] If the *γραφή* were adopted, it is probable that the punishment was fixed by the court; but both in this case, and in that of conviction in a *δίκη*, besides restitution of the stolen property, the disfranchisement (*ἀτιμία*) of the criminal would be a necessary incident of conviction.[5]

*CLYM'ENON (*κλύμενον*), a plant, about which the authorities are much at variance. Sprengel, in his edition of Dioscorides, adheres to the opinion of Fabius Columna, who held it to be the *Scorpiurus vermiculatus*. Sibthorp, however, contends for the *Convolvulus sepium*, or Great Bindweed.[6]

*CLUP'EA, a very small species of Fish, found, according to Pliny,[7] in the Po, and which, as he informs us, destroys a large kind of fish named Attilus (a species of sturgeon), by attaching itself to a vein in the throat of the latter. Pliny very probably refers to one of those numerous parasitical animals which attach themselves to the branchiæ of other fishes, and suck their blood; perhaps to a species of small lamprey.[8] In modern ichthyology, the name *Clupea* has been assigned by Linnæus to the whole herring family.[9]

CNAPHOS (*κνάφος*). (*Vid.* TORMENTUM.)

*CNEO'RUM (*κνέωρον*), according to Stackhouse and Sprengel, the *Daphne Cneorum*. Galen makes it the same with the *κνῆστρον* of Hippocrates. Two kinds are mentioned by the ancient writers, the white and black, of which the former was the more remarkable for its perfume. The *Cneorum* is the *Casia* spoken of in the Georgics of Virgil among the food for bees. The whole question is fully discussed by Martyn.[10]

*CNICUS or CNECUS (*κνίκος, κνῆκος*), a species of plant, which some have taken for the *Carduus Benedictus*, but which the commentator on Mesue, the translator of Avicenna, Dodonæus, Ailstin, and

1. (l. c.)—2. (xlix., 43.)—3. (H. N., xxxvi., 24, 3.)—4. (Suet., Nero, 26.—Compare Dionys., x., 53.—Cic., Pro Sext., 35.)—5. (Venuti, Antichità di Roma, tom. i., p. 98.—Ficoroni, Vestigie di Roma, p. 74, 75.)—6. (Sat., v., 106.)—7. (Ulpian, Dig. 7, tit. 1, s. 27, § 3.)—8. (ap. Grut., p. cxcvii., 5; p. cxcviii., 2, 3, 4, 5; p. cclii., 1.—Ulpian, Dig. 43, tit. 23, s. 2.)—9. (Plin., Epist., x., 41.)—10. (A t. Process, 67.)

1. (c. Timocr., 733.)—2. (Aristoph., Nubes, 497.—Plato, De Leg., xii., 954.)—3. (Demosth., c. Androt., 601.)—4. (Demosth., c. Timocr., 736, 1.)—5. (Meier, Att. Process, 358.)—6. (Dioscor., iv., 13.—Adams, Append., s. v.)—7. (H. N., ix., 15.)—8. (Plin., ed. Panckoucke, vol. vii., p. 161.)—9. (Griffith's Cuvier, vol. x., p. 43[4].)—10. (Theophrast., H. P., i., 10; vi., 1, &c.—Martyn ad Virg., Georg., ii 213.)

Sprengel, concur in setting down for the *Carthamus tinctorius*, or Bastard Saffron.[1]

*CNIDE (*κνίδη*). (*Vid.* ACALEPHE.)

*CNIPS or SCNIPS (*κνίψ, σκνίψ*), a numerous genus of insects, which prey upon the leaves of trees. They form the *Aphis*, L. The Cnips is often confounded with the *κώνωψ*.[2]

*CNIPOL'OGUS (*κνιπολόγος*), the name of a bird briefly noticed by Aristotle.[3] According to Gesner, it is the white Wagtail, or *Motacilla alba*. Aristotle describes it as of an ashy colour (*σποδοειδής*), and marked with spots (*κατάστικτος*), and as having a little cry (*φωνεῖ δὲ μικρόν*). This account suits very well the *Motacilla A.*, and its cry of *guit, guit*. It is ranked by the Greek naturalists among the *σκνιποφάγα*, and the Motacilla, it is well known, makes as much havoc among flies, gnats, and smaller insects as either the fly-catchers or swallows.[4]

COA VESTIS, the Coan robe, is mentioned by various Latin authors, but most frequently and distinctly by the poets of the Augustan age.[5] From their expressions we learn that it had a great degree of transparency, that it was remarkably fine, that it was chiefly worn by women of loose reputation, and that it was sometimes dyed purple and enriched with stripes of gold. It has been supposed to have been made of silk, because in Cos silk was spun and woven at a very early period, so as to obtain a high celebrity for the manufactures of that island.[6] The annexed woodcut is from a painting

discovered at Pompeii.[7] It represents a lady wearing a tunic of almost perfect transparency, so as to correspond to the description of the Coa vestis. Her headdress is of the kind called *κεκρύφαλος* in Greek, and *reticulum* in Latin, which also occurs in a figure on page 187.

COA'CTOR. This name was applied to collectors of various sorts, *e. g.*, to the servants of the publicani, or farmers of the public taxes, who collected the revenues for them;[8] also to those who collected the money from the purchasers of things sold at a public auction. Horace[9] informs us that his father was a coactor of this kind. Moreover, the servants of the money-changers were so called, from collecting their debts for them.[10] The "coactores agminis" were the soldiers who brought up the rear of a line of march.

*COC'ALIS (*κόκαλις τοῦ σίτου*), the *Agrostemma Githago*. Its English name, Corn-Cockle, is evidently derived from the ancient appellation as Adams remarks.[1]

*COCCUM, or COCCI GRANUM, a name given by the ancients to what they conceived to be a species of grain, producing a bright scarlet or crimson colour, but which modern naturalists have discovered to be a kind of insect (kermes). The *Quercus coccifera* is the tree that principally engenders them, and it is from their name (*coccum, coccus*) that the term *cochineal* has been derived. The *coccus* of the ancients came from Portugal, Sardinia, Asia Minor, and Africa.[2]

*COCCYG'EA (*κοκκυγέα*), a species of plant mentioned by Theophrastus, and which, according to Schneider, has been generally taken for the *Rhus cotinus*, L. It appears from Sibthorp that the modern Greeks make a flame-red colour from it.[3]

*COCCYME'LEA (*κοκκυμηλέα*), a kind of Plum Isidorus says, "*Coccymela, quam Latini ob colorem prunum vocant, cujus genera Damascena melior.*" Sprengel refers that of Dioscorides to the *Prunus insitiicia*, or Bullace-tree, a well-known species of plum. Sibthorp's authority is in favour of the *Prunus domestica*. The Damask plums, or *τὰ κατὰ τὴν Δαμασκηνόν*, of Galen, are much commended by ancient authors.[4]

*COCCYX (*κόκκυξ*). I. The Cuckoo, or *Cuculus canorus*. Its history is correctly given by Aristotle.[5] "If we consult the ancients, and even some modern naturalists," observes Griffith, "we shall find stories of the greatest absurdity connected with the name of the cuckoo. It would seem that everything the most monstrous in fable, or the most odious and criminal in the history of mankind, had been carefully sought out, and attributed to these inoffensive birds: and this, because men could not discover the secret springs which Nature has employed to give to this species manners, habits, and a model of life altogether opposite to those of others, and the union of which fixes on the cuckoos a distinguishing character from all other known animals."[6] The ancients held the flesh of the cuckoo in high estimation, as do also the modern Italians.

*II. A species of Fish, the same with the *Trigla Cuculus*, L. It is the Red Gurned, or Rotchet; in French, *Rouget* or *Rofait*.[7]

*COCCO'NES (*κόκκωνες*), the seed of the *Punica granata*, or Pomegranate.[8]

*COCH'LEA (*κοχλίας*), the Snail, a genus of Mollusca. Of snails there are three sorts, the Sea, the River, and the Land. The last are the *Helices*, one of which, the *Helix pomatia*, or edible snail, was much used by the Greeks and Romans as an article of food. The ancients, as Adams remarks, must have been also well acquainted with the *Helix fruticum* and the *H. arbustorum*.[9] "The uses of the *Helices*, or Snails," observes Griffith, "are not very numerous. It appears, however, that the larger species, and especially the garden-snails (*H. pomatia*, L.), serve for the aliment of man in many countries. The Romans, according to Pliny,[10] consumed great quantities of them; and they must have been in great estimation for the table, since that author has thought fit to give, in his Natural History, the name of him who first turned his attention to the rearing of these animals in sorts of parks or depôts, and of fattening them with particular substances. The best came from the island of Astypalæa,

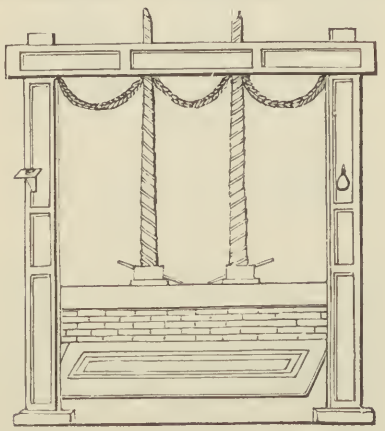
1. (Theophrast., i., 13; vi., 4.—Dioscor., iv., 187.—Adams, Append., s. v.)—2. (Theophrast., H. P., iv., 7.—Adams, Append., s. v.)—3. (H. A., viii., 5.)—4. (Compare Griffith's Cuvier, vol. vii., p. 52.)—5. (Tibull., ii., 4; ii., 6.—Propert., i., 2; ii., 1; iv., 2; iv., 5.—Hor., Carm., IV., xiii., 13.—Sat., I., ii., 101.—Ovid, Ars Am., ii., 298.)—6. (Aristotle, H. A., v., 19.)—7. (Mus. Borbonico, viii., 5.)—8. (Cic., Pro Rab. Post., 11.)—9. (Sat., I., vi., 86.)—10. (Cic., Pro Cluent., 64.)

1. (Myrepsus, iv., 2.—Adams, Append., s. v.)—2. (Theophrast., H. P., iii., 16.—Dioscor., iv., 48.—Plin., H. N., xvi., 12.)—3. (Theophrast., iii., 16.—Adams, Append., s. v.)—4. (Theophrast., i., 11.—Dioscor., i., 174.—Geopon., x., 73.—Adams, Append., s. v.)—5. (Aristot., ix., 20.)—6. (Griffith's Cuvier, vol. vii., p. 520.)—7. (Aristot., H. A., iv., 9.—Ælian, N. A. x., 11.—Adams, Append., s. v.)—8. (Harpocr., Morb. Mulier, I. 9.—Adams, Append., s. v.)—10. (H. N., ix., 56.)

one of the Cyclades; the smallest from Reate, in the Sabine territory, and the largest from Illyria. The Romans also greatly esteemed the snails of Sicily, of the Balearic Isles, and of the island of Caprea They shut them up in sorts of warrens, and fattened them there with cooked meat, flour, &c. It was Fulvius Hirpinus who first conceived the idea of this, a short time previous to the civil war between Pompey and Cæsar. He carefully separated each species, and succeeded in obtaining individuals whose shells contained *octoginta quadrantes*, about ten quarts. All this history is taken from Pliny; but there would appear to be some confusion in it, especially with regard to the size produced by education; for Varro,[1] after whom he writes, says the same only concerning the African species, which naturally attained to these dimensions. It does not appear that this mode of educating snails was practised for any great length of time, for Macrobius says nothing about it."[2]

CO'CHLEA (*κοχλίας*), which properly means a snail, was also used in several other significations.

I. It signified a screw, one of the mechanical powers, so named from its spiral form, which resembles the worming of a shell. The woodcut annexed represents a clothes-press, from a painting



on the wall of the Chalcidicum of Eumachia, at Pompeii, which is worked by two upright screws (*cochleæ*) precisely in the same manner as our own linen presses.

A screw of the same description was also used in oil and wine presses.[3] The thread of the screw, for which the Latin language has no appropriate term, is called *περικόχλιον* in Greek.

II. Cochlea was also the name of a spiral pump for raising water, invented by Archimedes,[4] from whom it has ever since been called the Archimedean screw. It is described at length by Vitruvius.[5]

A pump of this kind was used for discharging the bilge-water in the ship of Hiero, which was built under the directions of Archimedes.[6]

III. Cochlea was also the name of a peculiar kind of door, through which the wild beasts passed from their dens into the arena of the amphitheatre.[7] It consisted of a circular cage, open on one side like a lantern, which worked upon a pivot and within a shell, like the machines used in the convents and foundling hospitals of Italy, termed *rote*, so that any particular beast could be removed from its den into the arena merely by turning it round, and without the possibility of more than one escaping at the same time; and therefore it is recommended by Varro[1] as peculiarly adapted for an aviary, so that the person could go in and out without affording the birds an opportunity of flying away. Schneider,[8] however, maintains that the *cochlea* in question was nothing more than a portcullis (*cataphracta*, raised by a screw, which interpretation does not appear as probable as the one given above.

CO'CHLEAR (*κοχλιάριον*) was a kind of spoon which appears to have terminated with a point at one end, and at the other was broad and hollow like our own spoons. The pointed end was used for drawing snails (*cochleæ*) out of their shells and eating them, whence it derived its name; and the broader part for eating eggs, &c. Martial[9] mentions both these uses of the cochlear:

"*Sum cochleis habilis nec sum minus utilis ovis.*"[10]

Cochlear was also the name given to a small measure like our spoonful. According to Rhemnius Fannius, it was $\frac{1}{24}$ of the cyathus.

CODEX is identical with *caudex*, as *Claudius* and *Clodius*, *claustrum* and *clostrum*, *cauda* and *coda*. Cato[5] still used the form *caudex* in the same sense in which afterward *codex* was used exclusively.[6] The word originally signified the trunk or stem of a tree,[7] and was also applied to designate anything composed of large pieces of wood, whence the small fishing or ferry boats on the Tiber, which may originally have been like the Indian canoes, or were constructed of several roughly-hewn planks nailed together in a rude and simple manner, were called *naves caudicariæ*, or *codicariæ*, or *caudiceæ*.[8] The surname of Caudex given to Appius Claudius must be traced to this signification. But the name codex was especially applied to wooden tablets bound together and lined with a coat of wax, for the purpose of writing upon them; and when, at a later age, parchment, or paper, or other materials were substituted for wood, and put together in the shape of a book, the name of codex was still applied to them.[9] In the time of Cicero we find it also applied to the tablet on which a bill was written; and the tribune Cornelius, when one of his colleagues forbade his bill to be read by the herald or scribe, read it himself (*legit codicem suum*[10]). At a still later period, during the time of the emperors, the word was used to express any collection of laws or constitutions of the emperors, whether made by private individuals or by public authority. See the following articles.

CODEX GREGORIA'NUS and HERMOGENIA'NUS. It does not appear quite certain if this title denotes one collection or two collections. The general opinion, however, is, that there were two codices, compiled respectively by Gregorianus and Hermogenianus, who are sometimes, though, as it seems, incorrectly, called Gregorius and Hermogenes. The codex of Gregorianus consisted of thirteen books at least, which were divided into titles The fragments of this codex begin with constitutions of Septimius Severus, and end with Diocletian and Maximian. The codex of Hermogenianus, so far as we know it, is only quoted by titles, and it also contains constitutions of Diocletian and Maximian; it may, perhaps, have consisted of one book only, and it may have been a kind of supplement or continuation to, or an abridgment of, the other. The name Hermogenianus is always placed after that of Gregorianus when this code is quoted. According

(Varro, R. R., iii., 14.)—2. (Griffith's Cuvier, vol. xii., p. 399.)—3. (Vitruv., vi., 9, p. 180, ed. Bipont.—Palladius, IV., x., 10; II., xix., 1.)—4. (Diod. Sic., i., 34; v., 37.—Compare Strab., xvii., 30.)—5. (x., 11.)—6. (Athen., v., 43.)—7 (Varro, R. R., iii., 5, § 3.)

1. (l. c.)—2. (in Ind. Script. R. R., s. v. Cavea.)—3. (xiv., 121.)—4. (Compare Plin., H. N., xxviii., 4.—Petron., 33.)—5 (ap. Front., Epist. ad M. Anton., i., 2.)—6. (Compare Ovid, Met., xii., 432.)—7. (Virg., Georg., ii., 30.—Columella, xii., 19.—Plin., H. N., xvi., 30.)—8. (Fest. and Varro, ap. Nonium, xiii., 12.—Gellius, x., 25.)—9. (Cic., Verr., ii., 1, 36.—Dig. 32, tit 1, s 52.—Sueton., Octav., 101.)—10. (*Vid.* Cic. in Vat., 2.—Ascon. Ped. in Argum. ad Cornel., p. 58, ed. Orelli.)

to the Consultationes, the Codex of Hermogenianus also contained constitutions of Valens and Valentinian II., which, if true, would bring down the compiler to a time some years later than the reign of Constantine the Great, under whom it is generally assumed that he wrote. These codices were not made by imperial authority, so far as we know: they were the work of private individuals, but apparently soon came to be considered as authority in courts of justice, as is shown indirectly by the fact of the Theodosian and Justinian Codes being formed on the model of the Codex Gregorianus and Hermogenianus.[1]

CODEX JUSTINIANE'US. In February of the year A.D. 528, Justinian appointed a commission, consisting of ten persons, to make a new collection of imperial constitutions. Among these ten were Tribonianus, who was afterward employed on the Digesta and the Institutiones, and Theophilus, a teacher of law at Constantinople. The commission was directed to compile one code from those of Gregorianus, Hermogenianus, and Theodosius, and also from the constitutions of Theodosius made subsequently to his code, from those of his successors, and from the constitutions of Justinian himself. The instructions given to the commissioners empowered them to omit unnecessary preambles, repetitions, contradictions, and obsolete matter; to express the laws to be derived from the sources above mentioned in brief language, and to place them under appropriate titles; to add to, take from, or vary the words of the old constitutions, when it might be necessary, but to retain the order of time in the several constitutions, by preserving the dates and the consuls' names, and also by arranging them under their several titles in the order of time. The collection was to include rescripts and edicts, as well as constitutiones properly so called. Fourteen months after the date of the commission, the code was completed and declared to be law, under the title of the Justinianeus Codex; and it was declared that the sources from which this code was derived were no longer to have any binding force, and that the new code alone should be referred to as of legal authority.[2]

The Digest or Pandect, and the Institutiones, were compiled after the publication of this code, subsequently to which, fifty decisiones and some new constitutiones also were promulgated by the emperor. This rendered a revision of the Code necessary; and, accordingly, a commission for that purpose was given to Tribonianus Dorotheus, a distinguished teacher of law at Berytus in Phœnicia, and three others. The new code was promulgated at Constantinople on the 16th of November, 534, and the use of the decisiones, the new constitutiones, and of the first edition of the Justinianeus Codex, was forbidden. The second edition (*secunda edito, repetita prælectio, Codex repetitæ prælectionis*) is the code that we now possess, in twelve books, each of which is divided into titles. It is not known how many books the first edition contained. The constitutiones are arranged under their several titles, in the order of time and with the names of the emperors by whom they were respectively made, and their dates.

The constitutions in this code do not go farther back than those of Hadrian, and those of the immediate successors of Hadrian are few in number; a circumstance owing, in part, to the use made of the earlier codes in the compilation of the Justinian Code, and also to the fact of many of their earlier constitutions being incorporated in the writings of the jurists, from which alone any knowledge of many of them could be derived.[1]

The constitutions, as they appear in this code, have been in many cases altered by the compilers, and, consequently, in an historical point of view, the Code is not always trustworthy. This fact appears from a comparison of this code with the Theodosian code and the Novellæ. The order of the subject matter in this Code corresponds, in a certain way, with that in the Digest. Thus the seven parts into which the fifty books of the Digest are distributed, correspond to the first nine books of the Code. The matter of the last three books of the Code is hardly treated of in the Digest. The matter of the first book of the Digest is placed in the first book of the Code, after the law relating to ecclesiastical matters, which, of course, is not contained in the Digest; and the three following books of the first part of the Digest correspond to the second book of the Code. The following books of the Code, the ninth included, correspond respectively, in a general way, to the following parts of the Digest. Some of the constitutions which were in the first edition of the Code, and are referred to in the Institutiones, have been omitted in the second edition.[2] Several constitutions, which have also been lost in the course of time, have been restored by Charondas, Cujacius, and Contius, from the Greek version of them. For the editions of the Code, see CORPUS JURIS.[3]

CODEX THEODOSIA'NUS. In the year 429, Theodosius II., commonly called Theodosius the Younger, appointed a commission, consisting of eight persons, to form into a code all the edicts and leges generales from the time of Constantine, and according to the model of the Codex Gregorianus and Hermogenianus (*ad similitudinem Gregoriani et Hermogeniani Codicis*). In 435, the instructions were renewed or repeated; but the commissioners were now sixteen in number. Antiochus was at the head of both commissions. It seems, however, to have been originally the design of the emperor, not only to make a code which should be supplementary to, and a continuation of, the Codex Gregorianus and Hermogenianus, but also to complete a work on Roman law from the classical jurists, and the constitutions prior to those of Constantine. However this may be, the first commission did not accomplish this, and what we now have is the code which was compiled by the second commission. This code was completed, and promulgated as law in the Eastern Empire in 438, and declared to be the substitute for all the constitutions made since the time of Constantine. In the same year (438) the Code was forwarded to Valentinian III., the son-in-law of Theodosius, by whom it was laid before the Roman senate, and confirmed as law in the Western Empire. Nine years later, Theodosius forwarded to Valentinian his new constitutions (*novellæ constitutiones*), which had been made since the publication of the Code; and these, also, were in the next year (448) promulgated as law in the Western Empire. So long as a connexion existed between the Eastern and Western Empires, that is, till the overthrow of the latter, the name Novellæ was given to the constitutions subsequent to the Code of Theodosius. The latest of these Novellæ that has come down to us is one of the time of Leo and Anthemius, De Bonis Vacantibus, A.D. 468.

The Codex Theodosianus consists of sixteen books, the greater part of which, as well as his No-

1. (Zimmern, Geschichte des Römischen Privatrechts, Heidelb., 1826.—Hugo, Lehrbuch der Geschichte des Röm. Rechts, Berlin 1832.—Frag. Cod. Greg. et Hermog., in Schulting's Jurisprudentia Vet., &c., and in the Jus Civile Antejustin., Berol., 1815.)—2. (Constit. de Justin. Cod. Confirmando.)

1. (Constit. de Emendatione Cod. Dom. Justin.)—2. (Instit. 2, tit. 20, s. 27; 4, tit. 6, s. 24.)—3. (Zimmern, &c.—Hugo, Lehrbuch der Geschichte des Röm. Rechts, &c.)

vellæ, exist in their genuine state. The books are divided into titles, and the titles are subdivided into sections or laws. The valuable edition of J. Gothofredus (6 vols. fol., Lugd., 1665, re-edited by Ritter, Lips., 1736–1745, fol.) contains the Code in its complete form, except the first five books and the beginning of the sixth, for which it was necessary to use the epitome contained in the Breviarium (*vid.* Breviarium). This is also the case with the edition of this code contained in the *Jus Civile Antejustiniancum*. But the recent discovery of a MS. of the Breviarium at Milan by Clossius, and of a Palimpsest of the Theodosian Code at Turin by Peyron, has contributed largely both to the critical knowledge of the other parts of this code, and has added numerous genuine constitutions to the first five books, particularly to the first. Hänel's discoveries, also, have added to our knowledge of the later books.

The extract or epitome of the first five books in the Breviarium is very scanty; 262 laws, or fragments of laws, were omitted, which the discoveries of Clossius and Peyron have reduced to 200.

The Novellæ Constitutiones anterior to the time of Justinian are collected in six books in the *Jus Civile Antejustinianeum*.

The commission of Theodosius was empowered to arrange the constitutiones according to their subject, and under each subject according to the order of time; to separate those which contained different matter, and to omit what was not essential or superfluous. The arrangement of the Theodosian Code differs in the main from that of the Code of Justinian, which treats of jus ecclesiasticum in the beginning, while that of Theodosius in the first book treats chiefly of offices; and the second, third, fourth, and beginning of the fifth book treat of jus privatum. The order here observed, as well as in the Code which it professed to follow as a model, was the order of the prætorian edict, and of the writers on the edict. The eighth book contains the laws as to gifts, the penalties of celibacy, and that relating to the jus liberorum. The ninth book begins with crimes. The laws relating to the Christian Church are contained in the sixteenth and last book. It is obvious, from the circumstances under which the Theodosian and Justinian Codes were compiled, and from a comparison of them, that the latter was greatly indebted to the former. The Theodosian Code was also the basis of the edict of Theodoric, king of the Ostrogoths; it was epitomized, with an interpretation, in the Visigoth Lex Romana (*vid.* Breviarium); and the Burgundian Lex Romana, commonly called Papiani Liber Responsorum, was founded upon it.

CODICI'LLUS. (*Vid.* Testamentum.)

COE'MPTIO. (*Vid.* Marriage.)

CŒNA. As the Roman meals are not always clearly distinguished, it will be convenient to treat of all under the most important one. The following article is designed to give a short account of the familiar day of the Romans. No one who remembers the changes which custom has brought about in our own country during the last century, will expect the same description of domestic manners to apply to any considerable period of time. It will suffice to take the ordinary life of the middle ranks of society in the Augustan age, noticing incidentally the most remarkable deviations, either on the side of primitive simplicity or of late refinement.

The meal with which the Roman sometimes began the day was the *jentaculum*, a word derived, as Isidore would have us believe, *a jejunio solvendo*, and answering to the Greek ἀκρατισμός. Festus tells us that it was also called *prandicula* or *silatum*. Though by no means uncommon, it does not appear to have been usual, except in the case of children, or sick persons, or the luxurious, or, as Nonius adds,[1] of labouring men. An irregular meal (if we may so express it) was not likely to have any very regular time: two epigrams of Martial, however, seem to fix the hour at about three or four o'clock in the morning.[2] Bread, as we learn from the epigram just quoted, formed the substantial part of this early breakfast, to which cheese,[3] or dried fruit, as dates and raisins,[4] was sometimes added. The *jentaculum* of Vitellius[5] was doubtless of a more solid character; but this was a case of monstrous luxury.

Next followed the *prandium* or luncheon, with persons of simple habits a frugal meal:

> "*Quantum interpellet inani*
> *Ventre diem durare.*"[6]

As Horace himself describes it in another place,[7]

> "*Cum sale panis*
> *Latrantem stomachum bene lenict,*"

agreeably with Seneca's account,[8] "*Panis deinde siccus et sine mensa prandium, post quod non sunt lavandæ manus.*" From the latter passage we learn incidentally that it was a hasty meal, such as sailors[9] and soldiers[10] partook of when on duty, without sitting down. The *prandium* seems to have originated in these military meals, and a doubt has been entertained whether in their ordinary life the Romans took food more than once in the day. Pliny[11] speaks of Aufidius Bassus as following the *ancient* custom in taking luncheon; but again,[12] in describing the manners of an oldfashioned person, he mentions no other meal but the *cœna*. The following references[13] seem to prove that luncheon was a usual meal, although it cannot be supposed that there were many who, like Vitellius, could avail themselves of all the various times which the different fashions of the day allowed ("*epulas trifariam semper, interdum quadrifariam dispertiebat, in jentacula et prandia, et cœnas, comissationesque; facile omnibus sufficiens, vomitandi consuetudine*"[14]). It would evidently be absurd, however, to lay down uniform rules for matters of individual caprice, or of fashion at best.

The *prandium*, called by Suetonius[15] *cibus meridianus*, was usually taken about twelve or one o'clock.[16] For the luxurious palate, as we gather incidentally from Horace's Satires, very different provision was made from what was described above as his own simple repast. Fish was a requisite of the table:[17]

> "*Foris est promus, et atrum*
> *Defendens pisces hyemat mare;*"

to which the choicest wines, sweetened with the finest honey, were to be added:

> "*Nisi Hymettia mella Falerno*
> *Ne biberis diluta;*"

which latter practice is condemned by the learned gastronomer,[18] who recommends a weaker mixture,

> "*Leni præcordia mulso*
> *Prolueris melius,*"

and gravely advises to finish with mulberries fresh gathered in the morning.[19]

The words of Festus, "*cœna apud antiquos dicebatur quod nunc prandium*," have given much trouble

1. (De Re Cib., i., 4.)—2. (Mart., Epigr., xiv., 233; viii., 67, 9.)—3. (Apul., Met., i., p. 110, ed. Francof, 1621.)—4. (Suet., Octav., 76.)—5. (Suet., Vit., c. 7, c. 13.)—6. (Hor., Sat., I., vi., 127, 128.)—7. (Sat., II., ii., 17.)—8. (Ep., 84 1—9. (Juv., Sat., vi., 101.)—10. (Liv., xxviii., 14.)—11. (Ep., iii., 5.)—12. (Ep., iii., 1.)—13. (Sen., Ep., 87.—Cic., Ep. ad Att., v., 1.—Mart., vi. 64.)—14. (Suet., Vit., 13.)—15. (Aug., 78.)—16. (Suet., Cal., 58—Claud., 34.)—17. (Sat., II., ii., 16.)—18. (Sat., II., iv., 26)—19. (Ibid., 21–23.—*Vid.* Tate's Horace, 2d ed p 97-106.)

to the critics, perhaps needlessly, when we remember the change of hours in our own country. If we translate *cœna*, as, according to our notions, we ought to do, by "dinner," they describe exactly the alteration of our own manners during the last century. The analogy of the Greek word δεῖπνον, which, according to Athenæus, was used in a similar way for ἄριστον, also affords assistance. Another meal, termed *merenda*, is mentioned by Isidore and Festus, for which several refined distinctions are proposed; but it is not certain that it really differed from the *prandium*.

The table, which was made of citron, maple-wood, or even of ivory,[1] was covered with a *mantele*, and each of the different courses, sometimes amounting to seven,[2] served upon a *ferculum* or waiter. In the "munda supellex" of Horace, great care was taken.

> "*Ne turpe toral, ne sordida mappa*
> *Corruget nares; ne non et cantharus et lanx*
> *Ostendat tibi te.*"[3]

And on the same occasion, the whole dinner, which consisted of vegetables, was served up on a single platter.[4]

To return to our description, the dinner usually consisted of three courses: first, the *promulsis* or *antecœna*,[5] called also *gustatio*,[6] made up of all sorts of stimulants to the appetite, such as those described by Horace,

> "*Rapula, lactucæ, radices, qualia lassum*
> *Pervellunt stomachum, siser, alec, fœcula Coa.*"[7]

Eggs also[8] were so indispensable to the first course that they almost gave a name to it (*ab ovo Usque ad mala*). In the *promulsis* of Trimalchio's supper[9]—probably designed as a satire on the Emperor Nero—an ass of Corinthian brass is introduced, bearing two panniers, one of white, the other of black olives, covered with two large dishes inscribed with Trimalchio's name. Next come dormice (*glires*) on small bridges sprinkled with poppy-seed and honey, and hot sausages (*tomacula*) on a silver gridiron (*craticula*), with Syrian prunes and pomegranate berries underneath. These, however, were imperial luxuries; the frugality of Martial only allowed of lettuce and Sicenian olives; indeed, he himself tells us that the *promulsis* was a refinement of modern luxury.[10] Macrobius[11] has left an authentic record of a *cœna pontificum*,[12] given by Lentulus on his election to the office of flamen, in which the first course alone was made up of the following dishes: Several kinds of shell-fish (*echini, ostreæ crudæ, pelorides, spondyli, glycomarides, muricespurpuræ, balani albi et nigri*), thrushes, asparagus, a fatted hen (*gallina altilis*), beccaficoes (*ficedulæ*), nettles (*urticæ*), the haunches of a goat and wild boar (*lumbi capragini, aprugni*), rich meats made into pasties (*altilia ex farina involuta*), many of which are twice repeated in the inventory.

It would far exceed the limits of this work even to mention all the dishes which formed the second course of a Roman dinner, which, whoever likes, may find minutely described in Bulengerus.[13] Of birds, the Guinea-hen (*Afra avis*), the pheasant (*Phasiana*, so called from Phasis, a river of Colchis), and the thrush, were most in repute; the liver of a capon steeped in milk (Pliny), and beccaficoes (*ficedulæ*) dressed with pepper, were held a delicacy.[14] The peacock, according to Macrobius,[15] was first introduced by Hortensius the orator, at an inaugural supper, and acquired such repute among the Roman gourmands as to be commonly sold for fifty denarii. Other birds are mentioned, as the duck (*anas*[1]), especially its head and breast; the woodcock (*attagen*), the turtle, and flamingo (*phœnicopterus*[2]), the tongue of which, Martial tells us, especially commended itself to the delicate palate. Of fish, the variety was perhaps still greater: the charr (*scarus*), the turbot (*rhombus*), the sturgeon (*acipenser*), the mullet (*mullus*), were highly prized, and dressed in the most various fashions. In the banquet of Nasidienus, an eel is brought, garnished with prawns swimming in the sauce.[3] Of solid meat, pork seems to have been the favourite dish, especially sucking-pig;[4] the paps of a sow served up in milk (*sumen*[5]), the flitch of bacon (*petaso*[6]), the womb of a sow (*vulva*[7]), are all mentioned by Martial. Boar's flesh and venison were also in high repute, especially the former, described by Juvenal[8] as *animal propter convivia natum*. Condiments were added to most of these dishes: such were the *muria*, a kind of pickle made from the tunny-fish;[9] the *garum sociorum*, made from the intestines of the mackerel (*scomber*), so called because brought from abroad; *alec*, a sort of brine; *fæx*, the sediment of wine, &c., for the receipts of which we must again refer the reader to Catius's learned instructer.[10] Several kinds of *fungi*[11] are mentioned, truffles (*boleti*), mushrooms (*tuberes*), which either made dishes by themselves, or formed the garniture for larger dishes.

It must not be supposed that the *artistes* of imperial Rome were at all behind ourselves in the preparation and arrangements of the table. In a large household, the functionaries to whom this important part of domestic economy was intrusted were four, the butler (*promus*), the cook (*archimagirus*), the arranger of the dishes (*structor*), and the carver (*carptor* or *scissor*). Carving was taught as an art, and, according to Petronius,[12] performed to the sound of music, with appropriate gesticulations,

> "*Neque enim minimo discrimine refert*
> *Quo vultu lepores et quo gallina secetur.*"[13]

In the supper of Petronius, a large round tray (*ferculum, repositorium*) is brought in, with the signs of the zodiac figured all round it, upon each of which the *artiste* (*structor*) had placed some appropriate viand: a goose on Aquarius; a pair of scales, with tarts (*scriblitæ*) and cheesecakes (*placentæ*) in each scale, on Libra, &c. In the middle was placed a hive supported by delicate herbage. Presently four slaves come forward, dancing to the sound of music, and take away the upper part of the dish; beneath appear all kinds of dressed meats: a hare with wings, to imitate Pegasus, in the middle; and four figures of Marsyas at the corners, pouring hot sauce (*garum piperatum*) over the fish that were swimming in the Euripus below. So entirely had the Romans lost all shame of luxury, since the days when Cincius, in supporting the Fannian law, charged his own age with the enormity of introducing the *porcus Trojanus* (a sort of pudding stuffed with the flesh of other animals[14]).

The bellaria or dessert, to which Horace alludes when he says of Tigellius *ab ovo Usque ad mala citaret*, consisted of fruits (which the Romans usually ate uncooked), such as almonds (*amygdalæ*), dried grapes (*uvæ passæ*), dates (*palmulæ, laryotæ, dactyli*); of sweetmeats and confections, called *edulia mellita, dulciaria*, such as cheesecakes (*cupediæ, crustula, liba, placentæ, artologani*), almond-cakes (*coptæ*), tarts

1. (Juv., Sat., xi.)—2. (Juv., Sat., i., 95.)—3. (Ep., I., v., 22-24.)—4. (v., 2.)—5. (Cic., Ep. ad Fam., ix., 20.)—6. (Petron., Sat., 31.)—7. (Sat., II., viii., 8, 9.)—8. (Cic., Ep. ad Fam., ix., 20—Hor., Sat., I., iii., 6.)—9. (Petron., 31.)—10. (Ep., XIII., xiv., 1.)—11. (Sat., ii., 9.)—12. (*Vid.* Hor., Carm., II., xiv., 28.)—13. (De Conviviis, ii. and iii.)—14. (Mart., iii., 5.)—15. (Sat., ii., 9.)

1. (Mart., xiii., 52.)—2. (Mart., xiii., 71.)—3. (Mart., Xenia, xiii.)—4. (Mart., xiii., 41.)—5. (Ibid., Ep., 44.)—6. (Ep., 55.)—7. (Ep., 56.)—8. (Sat., i., 141.)—9. (Mart., xiii., 103.)—10 (Hor., Sat., II., iv.)—11. (Ibid., v., 20.)—12. (35, 36.)—13 (Juv Sat., v., 121.)—14. (Macrob., Sat., ii., 2.)

(*scriblitæ*), whence the maker of them was called *pistor dulciarius, placentæ ius, libarius*, &c.

We will now suppose the table spread and the guests assembled, each with his *mappa* or napkin,[1] and in his dinner-dress, called *cœnatoria* or *cubitoria*, usually of a bright colour,[2] and variegated with flowers. First they took off their shoes for fear of soiling the couch,[3] which was often inlaid with ivory or tortoise-shell, and covered with cloth of gold. Next they lay down to eat,[4] the head resting on the left elbow, and supported by cushions.[5] There were usually, but not always, three on the same couch,[6] the middle place being esteemed the most honourable. Around the tables stood the servants (*ministri*), clothed in a tunic,[7] and girt with napkins:[8] some removed the dishes and wiped the tables with a rough cloth (*gausape*[9]); others gave the guests water for their hands, or cooled the room with fans.[10] Here stood an Eastern youth[11] behind his master's couch, ready to answer the noise of the fingers (*digiti crepitus*[12]), while others bore a large platter (*mazonomum*) of different kinds of meat to the guests.[13]

Whatever changes of fashion had taken place since primitive times, the cœna in Cicero's day[14] was at all events an evening meal. It was usual to bathe about two o'clock and dine at three, hours which seem to have been observed, at least by the higher classes, long after the Augustan age.[15] When Juvenal mentions two o'clock as a dinner hour, he evidently means a censure on the luxury of the person named,[16]

"*Exul ab octava Marius bibit.*"

In the banquet of Nasidienus, about the same hour is intended when Horace says to Fundanius,

"*Nam mihi quærenti convivam dictus here illic*
De medio potare die."

Horace and Mæcenas used to dine at a late hour, about sunset.[17] Perhaps the various statements of classical authors upon this subject can only be reconciled by supposing that with the Romans, as with ourselves, there was a great variety of hours in the different ranks of society.

Dinner was set out in a room called *cœnatio* or *diæta* (which two words perhaps conveyed to a Roman ear nearly the same distinction as our dining-room and parlour). The *cœnatio*, in rich men's houses, was fitted up with great magnificence.[18] Suetonius[19] mentions a supper-room in the Golden Palace of Nero, constructed like a theatre, with shifting scenes to change with every course. The garret of the poor man was termed *cœnaculum*.[20] In the midst of the cœnatio were set three couches (*triclinia*), answering in shape to the square, as the long semicircular couches (*sigmata*) did to the oval tables. An account of the disposition of the couches, and of the place which each guest occupied, is given in the article TRICLINIUM.

The Greeks and Romans were accustomed, in later times, to recline at their meals; though this practice could not have been of great antiquity in Greece, since Homer never describes persons as reclining, but always as sitting at their meals. Isidore of Seville[21] also attributes the same practice to the ancient Romans. Even in the time of the early Roman emperors, children in families of the highest rank used to *sit* together at an inferior table, while their fathers and elders reclined on couches at the upper part of the room.[1]

Roman ladies continued the practice of sitting at table, even after the recumbent position had become common with the other sex.[2] It appears to have been considered more decent, and more agreeable to the severity and purity of ancient manners, for women to sit, more especially if many persons were present. But, on the other hand, we find cases of women reclining, where there was conceived to be nothing bold or indelicate in their posture. In some of the bas-reliefs, representing the visit of Bacchus to Icarus, Erigone, instead of sitting on the couch, reclines upon it in the bosom of her father. In Juvenal[3] a bride reclines at the marriage-supper on the bosom of her husband, which is illustrated by the following woodcut, taken from Montfaucon.[4]

It seems intended to represent a scene of perfect matrimonial felicity. The husband and wife recline on a sofa of rich materials. A three-legged table is spread with viands before them. Their two sons are in front of the sofa, one of them sitting, in the manner above described, on a low stool, and playing with the dog. Several females and a boy are performing a piece of music for the entertainment of the married pair.

Before lying down, the shoes or sandals were taken off, and this was commonly done by the attendants.[5] In all the ancient paintings and bas-reliefs illustrative of this subject, we see the guests reclining with naked feet; and in those which contain the favourite subject of the visit of Bacchus to Icarus, we observe a faun performing for Bacchus this office. The following woodcut, taken from a terra

cotta in the British Museum, representing this subject, both shows the naked feet of Icarus, who has partly raised himself from his couch to welcome his

1. (Mart., xii., 29.)—2. (Petron., c. 21.)—3. (Mart., iii., 30.)—4. (Hor., Sat., I., iv., 39.)—5. (Mart., iii., Ep. 8.)—6. (Hor., Sat., I., iv., 86.)—7. (Hor., Sat., II., vi., 107.)—8. (Suet., Cal., 26.)—9. (Hor., Sat., II., viii., 11.)—10. (Mart., iii., 82.)—11. (Juv., Sat., v., 55.)—12. (Mart., vi., 89.)—13. (Hor., Sat., II., viii., 86.)—14 (Ep. ad Att., ix., 7.)—15. (Mart., IV., viii., 6; XI., liii, 3 - Cic. ad Fam., ix., 26.—Plin., Ep., iii., 1.)—16. (Sat., i. 49, 50.)—17. (Hor., Sat., II., vii., 33.—Ep., I., v., 3.)—18 (Sen., Ep., 90.)—19. (Nero, 31.)—20. (Juv., Sat., x., 17.—Hor. Ep., I., i., 91.)- 21. (Orig., xx., 11.)

1. (Tacit., Ann., xiii., 16.—Suet., Aug., 65.—Claud., 32.)—2. (Varro, ap. Isid., Orig., xx., 11.—Val. Max., ii., 1, 3.)—3. (Sat., ii., 120.)—4. (Ant. Expl. Suppl., iii., 66.)—5. (Terent. Heaut., I., i., 72.)

guest, and also that Bacchus has one of his feet already naked, while the faun is in the act of removing the shoe from the other.

For an account of Greek meals, see the article DEIPNON.

CŒNA'CULUM. (*Vid.* CŒNA.)

CŒNA'TIO. (*Vid.* CŒNA.)

COGNA'TI. The following passage of Ulpian[1] will serve as the best introduction to the meaning of this term, while it shows on what occasions questions involving cognatio and agnatio arose:

"The hereditates of intestate ingenui belong in the first place to their sui heredes, that is, children who are in the power of the parent, and those who are in the place of children (as grandchildren, for instance); if there are no sui heredes, it belongs to the consanguinei, that is, brothers and sisters by the same father (it was not necessary that they should be by the same mother); if there are no consanguinei, it belongs to the remaining and nearest agnati, that is, to the cognati of the male sex, who trace their descent through males, and are of the same familia. And this is provided by the following law of the Twelve Tables: '*Si intestato moritur cui suus heres nec escit, agnatus proximus familiam habeto.*'"

The foundation of cognatio is a legal marriage. The term cognatus (with some exceptions) comprehends agnatus: an agnatus may be a cognatus, but a cognatus is only an agnatus when his relationship by blood is traced through males.

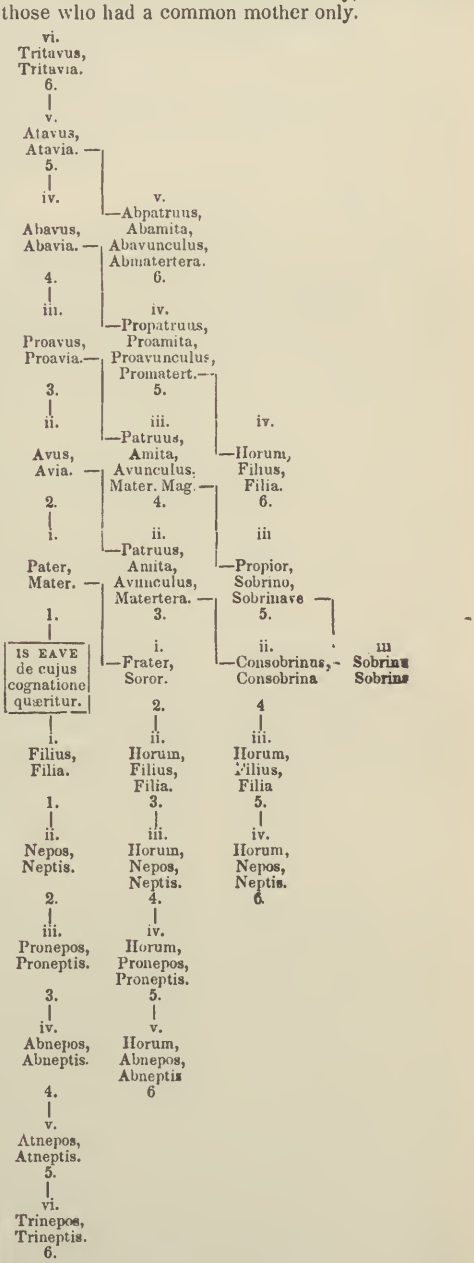
The following will give a correct notion of agnatus and cognatus. Familia means all those free persons who are in the power of the same paterfamilias, or head of a familia; and in this sense familia signifies all the agnati, or all those who are united in one body by the common bond of the patria potestas. The cognatio, as already said, was the relationship of blood which existed between those who were sprung from a common pair, and it therefore (with some exceptions) contained the agnatio. But legitimate grandchildren of sons who were not emancipated were also in the patria potestas, consequently formed part of the familia, and were agnati. Adopted children were also in the father's power, and, consequently, were agnati, though they were not cognati. The paterfamilias maintained his power over his familia so long as he lived, except over those who were emancipated, or passed into another familia, or in any way sustained a deminutio capitis. On his death, the common bond of the patria potestas was dissolved, and his sons became respectively heads of families; that is, of persons who were in their power, or, with respect to one another, were agnati. But all these persons continued to be members of the same familia; that is, they were still agnati, and, consequently, the agnatio subsisted among persons so long as they could trace back their descent through males to one common paterfamilias.

Agnati, then, are those "who would be in the patria potestas, or *in jus*, as a wife in *manus viri*, or in the manus of a son who is in the father's power, if the paterfamilias were alive; and this is true whether such persons ever were actually so or not."[2]

We must suppose, then, in order to obtain a clear notion of agnatio, that if the person from whom the agnati claim a common descent were alive, and they were all in his power, or in his manus, or in the manus of those who are in his power, they would all be agnati. In order, then, that agnatio may subsist between persons, the person from whom the descent is claimed must have lost his patria potestas by death only, and not by any capitis deminutio, and, consequently, not by any of his children passing into any other patria potestas, or into the manus viri, which would, in effect, be passing into another agnatio; for a person could not at the same time be an agnatus of two altogether different families. Accordingly, adoption destroyed agnatio, and the emancipation of a son by his father took away all his rights of agnatio, and his former agnati lost all their rights against him.

"The patricians, as *gentiles*, gained what others lost as agnati, and they kept as gentiles what they themselves lost as agnati; and this strict doctrine of the complete loss of the agnatio appears, therefore, to have originated with them."[1]

Persons of the same blood by both parents were sometimes called germani; and consanguinei were those who had a common father only, and uterini those who had a common mother only.



1 (Frag., tit. 26, § 1.)– 2. (Hugo, Lehrbuch, &c.)

1. (Hugo, Lehrbuch, &c.)

This table shows all the degrees of cognatio in the Roman law, and, of course, also the degrees of agnatio. The degree of relationship of any given person in this stemma, to the person with respect to whom the relationship is inquired after (*is cave*, &c.), is indicated by the figures attached to the several words. The Roman numerals denote the degree of cognatio in the canon law, and the Arabic numerals the degrees in the Roman or civil law. The latter mode of reckoning is adopted in England, in ascertaining the persons who are entitled as next of kin to the personal estate of an intestate. It will be observed, that in the canon law, the number which expresses the collateral degree is always the greater of the two numbers (when they are different) which express the distance of the two parties from the common ancestor; but in the civil law, the degree of relationship is ascertained by counting from either of the two persons to the other through the common ancestor. All those words on which the same Roman or the same Arabic numerals occur, represent persons who are in the same degree of cognatio, according to these respective laws, to the person *is cave*, &c.[1]

CO'GNITOR. (*Vid.* Actio.)

COGNO'MEN. (*Vid.* Nomen.)

COHORS. (*Vid.* Army, Roman, p. 104.)

*COIX (κόϊξ), a species of Egyptian Palm-tree, of the leaves of which matting and baskets were made. Stackhouse sets it down for the *Coïx lachryma Jobi*. Bauhin mentions that some had taken it for a species of *Lithospermum*. The term κύκας in Theophrastus, out of which some would make the *Cycas revoluta*, or Japanese Sago-palm, is merely the accusative plural for κοΐκας, from κόϊξ, just as some read *cycas* for *coïcas* in Pliny.[2]

*COL'CHICUM (κολχικόν), the Meadow Saffron, or *Colchicum Autumnale*. Pliny[3] merely mentions it as a poisonous plant, but Alexander of Tralles, a physician of the sixth century, prescribes it in cases of gout, in which, as also in the rheumatism and neuralgic affections, it is still found a valuable medicine at the present day. The celebrated specific for gout, known by the name of *Eau Medicinale d'Hyssop*, is said to be the vinous infusion of Colchicum. Indeed, the vinous infusion of this plant has been recommended in cases of gout by Sir Everard Home. It very rarely fails in such complaints to break up the paroxysm, sometimes acting on the bowels, at other times on the kidneys and skin, and often without any apparent accompanying effect. It is but right to state, however, that the most judicious writers on gout consider it a dangerous medicine ultimately.[4] (*Vid.* Ephemeron and Hermodactylus.)

COLLA'TIO BONO'RUM. (*Vid.* Bonorum Collatio.)

COLLE'GIUM. The persons who formed a collegium were called collegæ or sodales. The word collegium properly expressed the notion of several persons being united in any office or for any common purpose;[5] it afterward came to signify a body of persons, and the union which bound them together. The collegium was the ἑταιρία of the Greeks.

The legal notion of a collegium was as follows: A collegium or corpus, as it was also called, must consist of three persons at least.[6] Persons who legally formed such an association were said *corpus habere*, which is equivalent to our phrase of being incorporated; and in later times they were said to be *corporati*, and the body was called a *corporatio*. Those who farmed the public revenues mines, or salt-works (*salinæ*) might have a corpus. The power of forming such a collegium or societas (for this term also was used) was limited by various leges, senatus consulta, and imperial constitutions.[1] Associations of individuals, who were entitled to have a corpus, could hold property in common; they could hold it, as the Roman jurists remark, just as the state held property (*res communes*). These collegia had a common chest, and could sue and be sued by their syndicus or actor. Such a body, which was sometimes also called a universitas, was a legal unity. That which was due to the body was not due to the individuals of it, and that which the body owed was not the debt of the individuals. The common property of the body was liable to be seized and sold for the debts of the body. The collegium or universitas was governed by its own regulations, which might be any regulations that the body agreed upon, provided they were not contrary to law: this provision, as Gaius conjectures,[2] was derived from a law of Solon, which he quotes. The collegium still subsisted, though all the original members were changed: it had, as our law expresses it, perpetual succession. Thus it appears that the notion of a collegium is precisely that of our modern incorporations, the origin of which is clearly traceable to these Roman institutions.

A lawfully constituted collegium was legitimum. Associations of individuals, which affected to act as collegia, but were forbidden by law, were called illicita.

It does not appear how collegia were formed, except that some were specially established[3] by legal authority.[4] Other collegia were probably formed by voluntary associations of individuals, under the provisions of some general legal authority, such as those of the publicani. This supposition would account for the fact of a great number of collegia being formed in the course of time, and many of them being occasionally suppressed as not legitima.

Some of these corporate bodies resembled our companies or guilds; such were the fabrorum, pistorum, &c., collegia. Others were of a religious character; such as the pontificum, augurum, fratrum arvalium collegia. Others were bodies concerned about government and administration; as tribunorum plebis,[5] quæstorum, decurionum collegia. The titles of numerous other collegia may be collected from the Roman writers and from inscriptions.

According to the definition of a collegium, the consuls, being only two in number, were not a collegium, though each was called collega with respect to the other, and their union in office was called collegium. It does not appear that the Romans ever called the individual who, for the time, filled an office of perpetual continuance, a universitas or collegium: a kind of contradiction in terms, which it has been reserved for modern times to introduce, under the name of a corporation sole. But the notion of a person succeeding to all the property and legal rights of a predecessor was familiar to the Romans in the case of a heres, who was said to take *per universitatem*, and the same notion, no doubt, always existed with respect to individuals who held any office in perpetual succession.

According to Ulpian, a universitas, though reduced to a single member, was still considered a universitas; for the individual possessed all the rights which once belonged to the body, and the name by which it was distinguished.

When a new member was taken into a collegi-

1. (Hugo, Lehrbuch, &c.—Marezoll, Lehrbuch, &c.—Dig. 38, tit. 10, De Gradibus, &c.—Ulp., Frag., ed. Böcking.)—2 (Theophrast., H. P., i., 16; ii., 8.—Plin., H. N., xiii., 4.—Billerbeck, Flora Classica, p. 228.)—3. (H. N., xxviii., 9.)—4. (Macauley, Med. Dict., p. 137.)—5. (Liv., x., 13, 22.—Tacit Ann., iii., 31.)—6. (Dig. 50, tit. 16, s. 85.)

1. (Dig. 3, tit. 4.)—2. (Dig. 47, tit. 22.)—3. (Liv., v., 50, 52.)—4. (Liv., v., 50, 52.—Suet., Aug., 42.—Octav., 32.—Dig. 3, tit. 4, s. 1.)—5. (Liv., 42, 32.)

ani, he was said *co-optari*, and the old members were said with respect to him, *recipere in collegium*. The mode of filling up vacancies would vary in different collegia. The statement of their rules belongs to the several heads of AUGUR, &c., which are treated of in this work.

Civitates, and res publicæ (civil communities), and municipia (in the later sense of the term) were viewed, in a manner, as corporations, though they were not so called: they could have property in common, and in some respects act as corporations; but they do not seem ever to have been legally considered as corporations, because they consisted of an indeterminate number of individuals.

According to Pliny,[1] res publicæ and municipia could not take as heres; and the reason given is, that they were a corpus incertum, and so could not *cernere hereditatem;* that is, do those acts which a heres must do in order to show that he consents to be a heres. Universitates, generally, are also considered by modern writers to be within this rule, though they are clearly not within the reason of it; for a collegium, which consisted of a determined number of individuals, was no more a corpus incertum than any other number of ascertained individuals, and all that could possibly be required of them would be the consent of all. Municipia could, however, acquire property by means of other persons, whether bond or free;[2] and they could take fideicommissa under the senatus consultum Aproniaunm which was passed in the time of Hadrian, and extended to licita collegia in the time of M. Aurelius.[3] By another senatus consultum, the liberti of municipia might make the municipes their heredes. The gods could not be made heredes, except such deites as possessed this capacity by special senatus consulta or imperial constitutions, such as Jupiter Tarpeius, &c.[4] By a constitution of Leo,[5] civitates could take property as heredes. In the time of Paulus (who wrote between the time of Caracalla and Alexander Severus), civitates could take legacies of particular kinds.

Though civitates within the Roman Empire could not receive gifts by will, yet independent states could receive gifts in that way, a case[6] which furnishes no objections to the statement above made by Pliny and Ulpian. In the same way, the Roman state accepted the inheritance of Attalus, king of Pergamus, a gift which came to them from a foreigner. The Roman lawyers considered such a gift to be accepted by the jus gentium.

*COLOCA'SIA and -IUM (*κολοκασία* and *-ιον*), the edible root of the Egyptian Bean (*κύαμος ὁ Αἰγύπτιος*). It grew, according to Dioscorides,[7] chiefly in Egypt, but was found also in the lakes of Asia. "It has leaves," says the same authority, "as large as a petasus; a stalk a cubit in length, and of the thickness of a finger; a rosaceous flower twice as large as a poppy. When the flower goes off, it bears husks like little bags, in which a small bean appears beyond the lid, in the form of a bottle, which is called *ciborion* or *cibotion* (*κιβώριον ἢ κιβώτιον*), *i. e.*, a little coffer or ark, because the bean is sown on the moist earth, and so sinks into the water. The root is thicker than a reed; it is eaten both raw and boiled, and is called *Colocasia*. The bean is eaten green, and when it is dried it turns black, and is larger than the Greek Bean."[8] Theophrastus, in the account which he gives of the Egyptian Bean, does not in the least hint, as Martyn remarks, that any part of the plant was called *Colocasia;* Pliny,[9] however, agrees with Dioscorides in making them the same. He mentions the stalk as the part that is eaten; says the Egyptians used the leaves to drink out of; and adds, that in his time it was planted in Italy. "Prosper Alpinus, in his work *De Plantis Ægypti*, assures us that the modern Ægyptian name of this plant is *Culcas*, which the Greek writers might easily change to the more agreeable sound of Colocasia. He says no plant is better known, or is in more use among them, the root of it being eaten as commonly as turnips among us. The Colocasia began to be planted in Italy in Virgil's time; and when the fourth Eclogue of that poet (in which mention is made of it) was written, it was a rarity newly brought from Ægypt, and therefore the Mantuan bard speaks of its growing commonly in Italy as one of the glories of the golden age which was now expected to return."[1] For farther information respecting the Colocasia, the reader is referred to Fée's *Flore de Virgile*. According to this last-mentioned writer, the ancients frequently confounded the *Nymphæa Lotus* and the *Arum Colocasia* under the common name of *Colocasium*.

*COLOCYNTHE (*κολοκύνθη*, *-θα*, and *-τη*), the Gourd. "Even in the days of Athenæus,"[2] says Adams, "the *savans* complained of the difficulty of distinguishing the summer fruits from one another, owing to the confusion of names which had taken place among the authors who had treated of them. Thus Nicander applied the term *σικύα* to what was the *κολόκυνθα* of later writers; and it is farther deserving of remark, that Galen applies the term *σίκυος* to the *κολόκυνθα* of Dioscorides, *i. e.*, to the *Cucumis sativus*, or common Cucumber, and, consequently, his (Galen's) *κολοκύνθη* was the *Cucurbita*, or Gourd. In this sense I am inclined to think the terms *σίκυος* and *κολοκύνθη* are generally used by the writers on Dietetics, namely, the former is the Cucumber, and the latter the Gourd of English gardeners.[3] Theophrastus did not define accurately the character of his *κολοκύνθη*, and, indeed, according to Athenæus, he described several species of it. I can scarcely believe, however, that he generally applied it to the *Cucumis Colocynthis*, i. e., the Coloquintida, or Bitter Apple, as Stackhouse represents."[4]

*COLOCYNTHIS (*κολοκυνθίς*), I. The Bitter Apple (Coloquintida), or *Cucumis Colocynthis*.[5]—II. The common Cucumber, or *Cucumis sativus*.[6]

*COLIAS (*κολίας*), the name of a small Fish, mentioned by Pollux, Aristotle, Athenæus, and Ælian. It would appear to have been a variety of the Mackerel, or *Scomber scomber*.[7]

*COLOIOS (*κολοίος*). (*Vid.* GRACULUS.)

COLO'NI. (*Vid.* PRÆDIUM.)

COLO'NIA. This word contains the same element as the verb *colere*, "to cultivate," and as the word *colonus*, which probably originally signified a "tiller of the earth." The English word colony, which is derived from the Latin, perhaps expresses the notion contained in this word more nearly than is generally the case in such adopted terms.

A kind of colonization seems to have existed among the oldest Italian nations, who, on certain occasions, sent out their superfluous male population, with arms in their hands (*ἱερὰ νεότης*), to seek for a new home.[8] But these were, apparently, mere bands of adventurers, and such colonies rather resembled the old Greek colonies than those by which Rome extended her dominion and her name.

Colonies were established by the Romans as far back as the annals or traditions of the city extend,

1. (Ep., v., 7.—Ulp., Frag., tit. 22, s. 5.)—2. (Dig. 41, tit. 2, s. 1, § 22.)—3. (Dig. 34, tit. 5, s. 21.)—4. (Ulp., Fragm., tit. 22, s. 6.)—5. (Cod. 6, tit. 24, s. 12.)—6. (Tacit., Ann., iv., 43.)—7. (i. 126.)—8. (H. P., iv., 4.)—9. (H. N., xxi., 15.)

1. (Virgil, Eclog., iv., 20.—Martyn, ad loc.)—2. (ix., c. 14.)—3. (Adams, Commentary on Paul of Ægina, p. 103.)—4. (Adams, Append., s. v.)—5. (Dioscor., iv., 175.—Galen, De Simpl. vii.)—6. (Hippocr., Affect.)—7. (Adams, Append., s. v.)—8. (Dionys. Hal., Antiq. Rom., i., 16.)

and the practice was continued, without intermission, during the Republic and under the Empire. Sigonius[1] enumerates six main causes or reasons which, from time to time, induced the Romans to send out colonies; and these causes are connected with many memorable events in Roman history. Colonies were intended to keep in check a conquered people, and also to repress hostile incursions, as in the case of the colony of Narnia,[2] which was founded to check the Umbri; and Minturnæ and Sinuessa,[3] Cremona and Placentia,[4] which were founded for similar purposes. Cicero[5] calls the old Italian colonies the "propugnacula imperii;" and in another passage[6] he calls Narbo Martius Narbonne), which was in the provincia Gallia, "Colonia nostrorum civium, specula populi Romani et propugnaculum." Another object was to increase the power of Rome by increasing the population.[7] Sometimes the immediate object of a colony was to carry off a number of turbulent and discontented persons. Colonies were also established for the purpose of providing for veteran soldiers, a practice which was begun by Sulla, and continued under the emperors: these coloniæ were called militares.

It is remarked by Strabo,[8] when speaking of the Roman colonies in the north of Italy, that the ancient names of the places were retained, and that, though the people in his time were all Roman, they were called by the names of the previous occupiers of the soil. This fact is in accordance with the character of the old Roman colonies, which were in the nature of garrisons planted in conquered towns, and the colonists had a portion of the conquered territory (usually a third part) assigned to them. The inhabitants retained the rest of their lands, and lived together with the new settlers, who alone composed the proper colony.[9] The conquered people must at first have been quite a distinct class from, and inferior to, the colonists. The definition of a colonia by Gellius[10] will appear, from what has been said, to be sufficiently exact: "*Ex civitate quasi propagatæ—populi Romani quasi effigies parvæ simulacraque.*"

No colonia was established without a lex, plebiscitum, or senatus consultum; a fact which shows that a Roman colony was never a mere body of adventurers, but had a regular organization by the parent state. According to an ancient definition quoted by Niebuhr,[11] a colony is a body of citizens, or socii, sent out to possess a commonwealth, with the approbation of their own state, or by a public act of that people to whom they belong; and it is added, those are colonies which are founded by public act, not by any secession. Many of the laws which relate to the establishment of coloniæ were leges agrariæ, or laws for the division and assignment of public lands, of which Sigonius has given a list in his work already referred to.

When a law was passed for founding a colony, persons were appointed to superintend its formation (*coloniam deducere*). These persons varied in number, but three was a common number (*triumviri ad colonos deducendos*[12]). We also read of duumviri, quinqueviri, vigintiviri for the same purpose. The law fixed the quantity of land that was to be distributed, and how much was to be assigned to each person. No Roman could be sent out as a colonist without his free consent, and when the colony was not an inviting one, it was difficult to fill up the number of volunteers.[13]

1 (De Antiquo Jure Italiæ, p. 215, &c.)—2. (Liv., x., 10.)—3. (x., 21.)—4. (xxxvii., 46.)—5. (2 De Leg. Agr., c. 27.)—6. (Pro Font., c. 1.)—7. (Liv., xxvii., 9.)—8. (p. 216, ed. Casaub.)—9. (Dionys., Antiq. Roman., ii., 53.)—10. (xvi., 13.)—11. (Serv. ad Æn., i., 12.)—12. (Liv., xxxvii., 46.)—13. (Liv., x., 21.)

Roman citizens who were willing to go out as members of a colony gave in their names at Rome. Cicero[1] says that Roman citizens who chose to become members of a Latin colony must go voluntarily (*auctores facti*), for this was a capitis deminutio, and in another passage[2] he alleges the fact of Roman citizens going out in Latin colonies as a proof that loss of civitas must be a voluntary act. It is true that a member of a Roman colony would sustain no capitis deminutio, but in this case, also, there seems no reason for supposing that he ever joined such a colony without his consent.

The colonia proceeded to its place of destination in the form of an army (*sub vexillo*), which is indicated on the coins of some coloniæ. An urbs, if one did not already exist, was a necessary part of a new colony, and its limits were marked out by a plough, which is also indicated on ancient coins. The colonia had also a territory, which, whether marked out by the plough or not,[3] was at least marked out by metes and bounds. Thus the urbs and territory of the colonia respectively corresponded to the urbs Roma and its territory. Religious ceremonies always accompanied the foundation of the colony, and the anniversary was afterward observed. It is stated that a colony could not be sent out to the same place to which a colony had already been sent in due form (*auspicato deducta*). This merely means that, so long as the colony maintained its existence, there could be no new colony in the same place; a doctrine that would hardly need proof, for a new colony implied a new assignment of lands; but new settlers (*novi adscripti*) might be sent to occupy colonial lands not already assigned.[4] Indeed, it was not unusual for a colony to receive additions;[5] and a colony might be re-established, if it seemed necessary from any cause; and under the emperors such re-establishment might be entirely arbitrary, and done to gratify personal vanity, or from any other motive.[6]

The commissioners appointed to conduct the colony had apparently a profitable office, and the establishment of a new settlement gave employment to numerous functionaries, among whom Cicero enumerates apparitores, scribæ, librarii, præcones, architecti. The foundation of a colony might then, in many cases, not only be a mere party measure, carried for the purpose of gaining popularity, but it would give those in power an opportunity of providing places for many of their friends.

A colonia was a part of the Roman state, and it had a republica; but its relation to the parent state might vary. In Livy[7] the question was, whether Aquileia should be a colonia civium Romanorum or a Latina colonia; a question that had no reference to the persons who should form the colony, but to their political rights with respect to Rome as members of the colony. The members of a Roman colony (*colonia civium Romanorum*) must, as the term itself implies, have always had the same rights, which, as citizens, they would have had at Rome. They were, as Niebuhr remarks, in the old Roman colonies, "the populus; the old inhabitants, the commonalty." These two bodies may, in course of time, have frequently formed one; but there could be no political union between them till the old inhabitants obtained the commercium and connubium, in other words, the civitas; and it is probable that, among the various causes which weakened the old colonies, and rendered new supplies of colonists necessary, we should enumerate the want of Roman women; for the children of a Roman were

1. (Pro Dom., c. 30.)—2. (Pro Cæcin., 33.)—3. (Cic., Phil., ii., 40.)—4. (Cic., Phil., ii., 40.)—5. (Tacit., Ann., xiv., 27.)—6. (Tacit., Ann., xiv., 27, Puteoli; and the note in Oberlin's Tacitus.)—7. (xxxix., 55.)

not Roman citizens unless his wife was a Roman, or unless she belonged to a people with which there was connubium.

It is important to form a precise notion of the relation of an ancient Roman colonia to Rome. That the colonists, as already observed, had all the rights of Roman citizens, is a fact capable of perfect demonstration; though most writers, following Sigonius, have supposed that Roman citizens, by becoming members of a Roman colony, lost the suffragium and honores, and did not obtain them till after the passing of the Julian law. Such an opinion is inconsistent with the notion of Roman citizenship, which was a personal, not a local right; and it is also inconsistent with the very principle of Roman polity apparent in the establishment of Roman colonies. Farther, the loss of the suffragium and honores would have been a species of capitis deminutio; and it is clear, from what Cicero says of the consequences of a Roman voluntarily joining a Latin colony, that no such consequences resulted from becoming a member of a Roman colony. If a Roman ever became a member of a Roman colony without his consent, it must have been in the early ages of the state, when the colonies still retained their garrison character, and to join a colony was a kind of military service; but such a duty to protect the state, instead of implying any loss of privilege, justifies quite a different conclusion.

It is somewhat more difficult to state what was the condition of those conquered people among whom the Romans sent their colonists. They were not Roman citizens, nor yet were they socii; still they were, in a sense, a part of the Roman state, and in a sense they were cives, though certainly they had not the suffragium, and, perhaps, originally not the connubium. It is probable that they had the commercium, but even this is not certain. They might be a part of the Roman civitas without being cives, and the difficulty of ascertaining their precise condition is increased by the circumstance of the word civitas being used loosely by the Roman writers. If they were cives in a sense, this word imported no privilege; for it is certain that, by being incorporated in the Roman state as a conquered people, they lost all power of administering their own affairs, and obtained no share in the administration of the Roman state; they had not the honourable rank of socii, and they were subject to military service and taxation. They lost all jurisdictio, and it is probable that they were brought entirely within the rules and procedure of the Roman law, so far as that was practicable. Even the commercium and connubium with the people of their own stock were sometimes taken from them,[1] and thus they were disunited from their own nation, and made a part of the Roman state. So far, then, was the civitas (without the suffragium) from being always a desirable condition, as some writers have supposed, that it was, in fact, the badge of servitude; and some states even preferred their former relation to Rome to being incorporated with it as complete citizens. It appears that, in some cases at least, a præfectus juri dicundo was sent from Rome to administer justice among the conquered people, and between them and the coloni. It appears, also, to be clearly proved, by numerous instances, that the condition of the conquered people among whom a colony was sent was not originally always the same; something depended on the resistance of the people, and the temper of the Romans at the time of the conquest or surrender. Thus the conquered Italian towns might originally have the civitas in different degrees, until they finally obtained the complete civitas by receiving the suffragium; some of them obtained it before the social war, and others by the Julian law.

The nature of a Latin colony will appear sufficiently from what is said here, and in the article Civitas.

Besides these coloniæ there were coloniæ Italici juris, as some writers term them; but which, in fact, were not colonies. Sigonius, and most subsequent writers, have considered the jus Italicum as a personal right, like the civitas and Latinitas; but Savigny has shown it to be quite a different thing. The jus Italicum was granted to favoured provincial cities; it was a grant to the community, not to the individuals composing it. This right consisted in quiritarian ownership of the soil (commercium), and its appurtenant capacity of mancipatio, usucapion, and vindicatio, together with freedom from taxes; and also in a municipal constitution, after the fashion of the Italian towns, with duumviri, quinquennales, ædiles, and a jurisdictio. Many provincial towns, which possessed the jus Italicum, have on their coins the figure of a standing Silenus,

IMP. M. IVL. PHILIPP.
Philip, A.D. 243–249.

ÆL. MVNICIP. CO.
Cœla or Cœlos (Plin., iv, 11, 12) in the Thracian Chersonesus.

with the hand raised, which was the peculiar symbol of municipal liberty. Pliny[1] has mentioned several towns that had the jus Italicum; and Lugdunum, Vienna (in Dauphiné), and colonia Agrippinensis had this privilege. It follows, from the nature of this privilege, that towns which had the Latinitas or the civitas, which was a personal privilege, might not have the jus Italicum; but the towns which had the jus Italicum could hardly be any other than those which had the civitas or Latinitas, and we cannot conceive that it was ever given to a town of Peregrini.

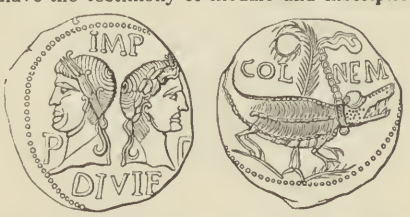
The colonial system of Rome, which originated in the earliest ages, was peculiarly well adapted to strengthen and extend her power: "By the colonies the empire was consolidated, the decay of population checked, the unity of the nation and of the language diffused."[2] The countries which the Romans conquered within the limits of Italy were inhabited by nations that cultivated the soil and had cities. To destroy such a population was not possible nor politic; but it was a wise policy to take part of their lands, and to plant bodies of Roman citizens, and also Latinæ coloniæ, among the conquered people. The power of Rome over her colonies was derived, as Niebuhr has well remarked, "from the supremacy of the parent state, to which the colonies of Rome, like sons in a Roman family, even after they had grown to maturity, continued unalterably subject." In fact, the notion of the patria potestas will be found to lie at the foundation of the institutions of Rome.

The difficulty which the Republic had in maintaining her colonies, especially in the north of Italy, appears from numerous passages; and the difficulty was not always to protect them against hostile aggression, but to preserve their allegiance to the Roman state. The reasons of this difficulty will sufficiently appear from what has been said.

1. (Liv., ix., 43; viii., 14.)

1. (iii., 3 and 21.)—2. (Machiavelli, cited by Niebuhr.)

The principles of the system of colonization were fully established in the early ages of Rome; but the colonies had a more purely military character, that is, were composed of soldiers, in the latter part of the Republic and under the earlier emperors, at which time, also, colonies began to be established beyond the limits of Italy, as in the case of Narbonne, already mentioned, and in the case of Nemausus (Nîmes), which was made a colony by Augustus, an event which is commemorated by medals,[1] and an extant inscription at Nîmes. In addition to the evidence from written books of the numerous colonies established by the Romans in Italy, and subsequently in all parts of the Empire, we have the testimony of medals and inscriptions,



in which COL., the abbreviation of colonia, indicates this fact. The prodigious activity of Rome in settling colonies in Italy is apparent from the list given by Frontinus,[2] most of which appear to have been old towns, which were either walled when the colony was founded, or strengthened by new defences.

Colonies were sometimes established under the Empire with circumstances of great oppression, and the lands were assigned to the veterans without strict regard to existing rights.

Under the emperors, all legislative authority being then virtually in them, the foundation of a colony was an act of imperial grace, and often merely a title of honour conferred on some favoured spot. Thus M. Aurelius raised to the rank of colonia the small town (vicus) of Halale, at the foot of Taurus, where his wife Faustina died.[3] The old military colonies were composed of whole legions, with their tribunes and centurions, who, being united by mutual affection, composed a political body (*respublica*); and it was a complaint in the time of Nero, that soldiers, who were strangers to one another, without any head, without any bond of union, were suddenly brought together on one spot, "*numerus magis quam colonia.*"[4] And on the occasion of the mutiny of the legions in Pannonia, upon the accession of Tiberius, it was one ground of complaint, that the soldiers, after serving thirty or forty years, were separated, and dispersed in remote parts; where they received, under the name of a grant of lands (*per nomen agrorum*), swampy tracts and barren mountains.[5]

It remains briefly to state what was the internal constitution of a colonia.

In the later times of the Republic, the Roman state consisted of two distinct organized parts, Italy and the Provinces. "Italy consisted of a great number of republics (in the Roman sense of the term), whose citizens, after the Italian war, became members of the sovereign people. The communities of these citizens were subjects of the Roman people, yet the internal administration of the communities belonged to themselves. This free municipal constitution was the fundamental characteristic of Italy; and the same remark will apply to both principal classes of such constitutions, municipia and coloniæ. That distinction which made a place into a prætectura is mentioned afterward, and fora, conciliabula, castella, are merely smaller communities, with an incomplete organization."[1] As in Rome, so in the colonies, the popular assembly had originally the sovereign power; they chose the magistrates, and could even make laws.[2] When the popular assemblies became a mere form in Rome, and the elections were transferred by Tiberius to the senate, the same thing happened in the colonies, whose senates then possessed whatever power had once belonged to the community.

The common name of this senate was ordo decurionum; in later times, simply ordo and curia; the members of it were decuriones or curiales. Thus, in the later ages, curia is opposed to senatus, the former being the senate of a colony, and the latter the senate of Rome. But the terms senatus and senator were also applied to the senate and members of the senate of a colony, both by historians, in inscriptions, and in public records; as, for instance, in the Heracleotic Tablet, which contained a Roman lex. After the decline of the popular assemblies, the senate had the whole internal administration of a city, conjointly with the magistratus; but only a decurio could be a magistratus, and the choice was made by the decuriones. Augustus seems to have laid the foundation for this practical change in the constitution of the colonies in Italy. All the citizens had the right of voting at Rome, but such a privilege would be useless to most of the citizens, on account of their distance from Rome. Augustus[3] devised a new method of voting: the decuriones sent the votes in writing, and under seal, to Rome; but the decuriones only voted. Though this was a matter of no importance after Tiberius had transferred the elections at Rome from the popular assemblies to the senate, this measure of Augustus would clearly prepare the way for the pre eminence of the decuriones, and the decline of the popular power.

The highest magistratus of a colonia were the duumviri[4] or quattuorviri, so called, as the number might vary, whose functions may be compared with those of the consulate at Rome before the establishment of the prætorship. The name duumviri seems to have been the most common. Their principal duties were the administration of justice, and, accordingly, we find on inscriptions "Duumviri J. D." (*juri dicundo*), "Quattuorviri J. D." They were styled magistratus pre-eminently, though the name magistratus was properly and originally the most general name for all persons who filled similar situations. The name consul also occurs in inscriptions to denote this chief magistracy; and even dictator and prætor occur under the Empire and under the Republic. The office of the duumviri lasted a year. Savigny shows that under the Republic the jurisdictio of the duumviri in civil matters was unlimited, and that it was only under the Empire that it was restricted in the manner which appears from the extant Roman law.

In some Italian towns there was a præfectus juri dicundo; he was in the place of, and not coexistent with, duumviri. The duumviri were, as we have seen, originally chosen by the people; but the præfectus was appointed annually in Rome,[5] and sent to the town called a præfectura, which might be either a municipium or a colonia, for it was only in the matter of the præfectus that a town called a præfectura differed from other Italian towns. Arpinum is called both a municipium and a præfectura;[6] and Cicero, a native of this place, obtained the highest honours that Rome could confer.

1. (Rasche, Lexicon Rei Numariæ.)—2. (De Coloniis.)—3. (Jul Capitol., M. Ant. Philos., c. 26.)—4. (Tacit., Ann., xiv., 27.)—5. (Tacit., Ann., i., 17.)

1. (Savigny.)—2. (Cic., De Leg., iii., 16.)—3. (Sueton., c. 16.)—4. (Cic., Agr. Leg., ii., 34.)—5. (Liv., xxvi., 16.)—6. (Cic., Ep. ad Fam., xiii., 11.—Festus, s. v. Præfectura.)

The censor, curator, or quinquennalis, all which names denote the same functionary, was also a municipal magistrate, and corresponded to the censor at Rome, and in some cases, perhaps, to the quæstor also. Censors are mentioned in Livy[1] as magistrates of the twelve Latin colonies. The quinquennales were sometimes duumviri, sometimes quattuorviri; but they are always carefully distinguished from the duumviri and quattuorviri J. D.; and their functions are clearly shown by Savigny to have been those of censors. They held their office for one year, and during the four intermediate years the functions were not exercised. The office of censor or quinquennalis was higher in rank than that of the duumviri J. D., and it could only be filled by those who had discharged the other offices of the municipality.

For a more complete account of the organization of these municipalities, and of their fate under the Empire, the reader is referred to an admirable chapter in Savigny,[2] from which the above brief notice is taken.

The terms municipium and municipes require explanation in connexion with the present subject, and the explanation of them will render the nature of a præfectura still clearer. One kind of municipium was a body of persons who *were not*[3] Roman citizens, but possessed all the rights of Roman citizens except the suffragium and the honores. But the communities enumerated as examples of this kind of municipium are the Fundani, Formiani, Cumani, Acerrani, Lanuvini, and Tusculani, which were conquered states,[4] and received the civitas without the suffragium; and all these places received the complete civitas before the social war, or, as Festus expresses it, "Post aliquot annos cives Romani effecti sunt." It is singular that another ancient definition of this class of municipia says, that the persons who had the rights of Roman citizens, except the honores, *were* cives; and among such communities are enumerated the Cumani, Acerrani, and Atellani. This discrepancy merely shows that the later Roman writers used the word civis in a very loose sense, which we cannot be surprised at, as they wrote at a time when these distinctions had ceased. Another kind of municipium was, when a civitas was completely incorporated with the Roman state; as in the case of the Anagnini,[5] Cærites, and Aricini, who completely lost all internal administration of their cities; while the Tusculani and Lanuvini retained their internal constitution, and their magistrate called a dictator. A third class of municipia was those whose inhabitants possessed the full privileges of Roman citizens, and also the internal administration of their own cities, as the Tiburtes, Prænestini, Pisani, Urbinates, Nolani, Bononienses, Placentini, Nepesini, Sutrini, and Lucrenses (Lucenses?). The first five of these were civitates sociorum, and the second five coloniæ Latinæ; they all became municipia, but only by the effect of the Julia Lex, B C. 90.

It has also been already said that a præfectura was so called from the circumstance of a præfectus J. D. being sent there from Rome. Those towns in Italy were called præfecturæ, says Festus, "In quibus et jus dicebatur et nundinæ agebantur, et erat quædam earum respublica, neque tamen magistratus suos habebant; in quas legibus præfecti mittebantur quotannis, qui jus dicerent." Thus a præfectura had a respublica, but no magistratus. He then makes two divisions of præfecturæ. To the first division were sent four præfecti chosen at Rome (*populi suffragio*); and he enumerates ten places in Campania to which these quattuorviri were sent, and among them Cumæ and Acerra, which were municipia; and Volturnum, Liternum, and Puteoli, which were Roman colonies established after the second Punic war. The second division of præfecturæ comprised those places to which the prætor urbanus sent a præfectus every year namely, Fundi, Formiæ, Cære, Venafrum, Allifæ, Privernum, Anagnia, Frusino, Reate, Saturnia, Nursia, Arpinum, aliaque complura Only one of them, Saturnia, was a colony of Roman citizens;[1] the rest are municipia. It is the conclusion of Zumpt, that all the municipia of the older period, that is, up to the time when the complete civitas was given to the Latini and the socii, were præfecturæ, and that some of the colonies of Roman citizens were also præfecturæ. Now as the præfectus was appointed for the purpose of administering justice (*juri dicundo*), and was annually sent from Rome, it appears that this was one among the many admirable parts of the Roman polity for maintaining harmony in the whole political system by a uniformity of law and procedure. The name præfectura continued after the year B.C. 90; but it seems that, in some places at least, this functionary ceased to be sent from Rome, and various præfecturæ acquired the privilege of having magistratus of their own choosing, as in the case of Puteoli, B.C 63.[2] The first class or kind of præfecti, the quattuorviri who were sent into Campania, was abolished by Augustus, in conformity with the general tenour of his policy, B.C. 13. After the passing of the Julia Lex de Civitate, the cities of the socii which received the Roman civitas still retained their internal constitution; but, with respect to Rome, were all included under the name of municipia: thus Tibur and Præneste, which were Latinæ civitates, then became Roman municipia. On the other hand, Bononia and Luca, which were originally Latinæ coloniæ, also became Roman municipia in consequence of receiving the Roman civitas, though they retained their old colonial constitution and the name of colonia. Thus Cicero[3] could with propriety call Placentia a municipium, though in its origin it was a Latin colonia; and in the oration *Pro Sext.*[4] he enumerates municipia, coloniæ, and præfecturæ as the three kinds of towns or communities under which were comprehended all the towns of Italy. The testimony of the Heracleotic tablet is to the like effect; for it speaks of municipia, coloniæ, and præfecturæ as the three kinds of places which had a magistratus of some kind, to which enumeration it adds fora and conciliabula, as comprehending all the kinds of places in which bodies of Roman citizens dwelt.

It thus appears that the name municipium, which originally had the meanings already given, acquired a narrower import after B C. 90, and in this narrower import signified the civitates sociorum and coloniæ Latinæ, which then became complete members of the Roman state. Thus there was then really no difference between these municipia and the coloniæ, except in their historical origin, and in their original internal constitution. The Roman law prevailed in both.

The following recapitulation may be useful: The old Roman colonies (*civium Romanorum*) were placed in conquered towns, and the colonists continued to be Roman citizens. These colonies were near Rome, and few in number. Probably some of the old Latinæ coloniæ were established by the Romans in conjunction with other Latin states (*Antium*) After the conquest of Latium, Latinæ coloniæ were established by the Romans in various parts of Italy.

1. (xxix., 15.)—2. (Geschichte des Röm. Rechts, &c., i., 16, &c.)—3 (Festus, s. v. Municipium.)—4. (Liv., viii., 14 v. 5 (Liv., ix 23.)

1. (Liv., xxxix., 55.)—2. (Cic., De Leg. Agr., ii., c 31.) —3 (in Pis., c. 23.)—4. (c. 14.)

These colonies should be distinguished from the colonies civium Romanorum, inasmuch as they are sometimes called coloniæ populi Romani, though they were not coloniæ civium Romanorum.[1] Roman citizens who chose to join such colonies, gave up their civic rights for the more solid advantage of a grant of land.

When Latin colonies began to be established, few Roman colonies were founded until after the close of the second Punic war (B.C. 201), and these few were chiefly maritime colonies (*Anxur*, &c.). These Latin colonies were subject to and part of the Roman state; but they had not the civitas: they had no political bond among themselves; but they had the administration of their internal affairs. As to the origin of the commercium, Savigny's conjecture has been already stated. (*Vid.* Civitas.) The colonics of the Gracchi were Roman colonies; but their object, like that of subsequent Agrarian laws, was merely to provide for the poorer citizens: the old Roman and the Latin colonies had for their object the extension and conservation of the Roman Empire in Italy. After the passing of the Lex Julia, which gave the civitas to the socii and the Latin colonies, the object of establishing Roman and Latin colonies ceased; and military colonies were thenceforward settled in Italy, and, under the emperors, in the provinces. These military colonies had the civitas, such as it then was; but their internal organization might be various.

It would require more space than is consistent with the limits of this work to attempt to present anything like a complete view of this interesting subject. The following references, in addition to those already given, will direct the reader to abundant sources of information: Sigonius, *De Jure Antiquo*, &c.; Niebuhr, *Roman History;* Savigny, *Ueber das Jus Italicum, Zeitschr.*, vol. v.; *Tabulæ Heraclcenses. Mazochi*, Neap., 1754; Savigny, *Der Römische Volksschluss der Tafel von Heraclea;* and Rudorff, *Ucber die Lex Mamilia de Coloniis, Zcitsch.*, vol. ix.; Rudorff, *Das Ackergcsetz von Sp. Thorius*, and Puchta, *Ucber den Inhalt der Lex Rubria de Gallia Cisalpina, Zeitschr.*, vol. x.

Since this article was written, and after part of it was printed, the author has had the opportunity of reading two excellent essays: *De Jure et Condicione Coloniarum Populi Romani Quæstio historica*, Madvigii *Opuscula, Haunia*, 1834; and *Ucber den Unterschicd den Bcnennungcn Municipium, Colonia, Præfectura*, Zumpt, *Berlin*, 1840. With the help of these essays, he has been enabled to make some important additions. But the subject is incapable of a full exposition within narrow limits, as the historical order is to a certain extent necessary, in order to present a connected view of the Roman colonial system. The essay of Madvig has established beyond all dispute several most important elements in this inquiry; and, by correcting the errors of several distinguished writers, he has laid the foundation of a much more exact knowledge of this part of the Roman polity.

Greek Colonies. The usual Greek words for a colony are *ἀποικία* and *κληρουχία*. The latter word, which signified a division of conquered lands among Athenian citizens, and which corresponds in some respects to the Roman *colonia* and our notions of a modern colony, is explained in the article Cleruchi.

The earlier Greek colonies, called *ἀποικίαι*, were usually composed of mere bands of adventurers, who left their native country, with their families and property, to seek a new home for themselves. Some of the colonies, which arose in consequence of foreign invasion or civil wars, were undertaken without any formal consent from the rest of the community; but usually a colony was sent out with the approbation of the mother-country, and under the management of a leader (*οἰκιστής*) appointed by it. But whatever may have been the origin of the colony, it was always considered, in a political point of view, independent of the mother-country (called by the Greeks *μητρόπολις*), and entirely emancipated from its control. At the same time, though a colony was in no political subjection to its parent state, it was united to it by the ties of filial affection; and, according to the generally received opinions of the Greeks, its duties to the parent state corresponded to those of a daughter to her mother.[1] Hence, in all matters of common interest, the colony gave precedence to the mother state; and the founder of the colony (*οἰκιστής*), who might be considered as the representative of the parent state, was usually worshipped, after his death, as a hero.[2] Also, when the colony became in its turn a parent, it usually sought a leader for the colony which it intended to found from the original mother-country;[3] and the same feeling of respect was manifested by embassics which were sent to honour the principal festivals of the parent state,[4] and also by bestowing places of honour and other marks of respect upon the ambassadors and other members of the parent state, when they visited the colony at festivals and similar occasions.[5] The colonists also worshipped in their new settlement the same deities as they had been accustomed to honour in their native country; the sacred fire, which was constantly kept burning on their public hearth, was taken from the Prytaneum of the parent city; and, according to one account, the priests who ministered to the gods in the colony were brought from the parent state.[6] In the same spirit, it was considered a violation of sacred ties for a mother-country and a colony to make war upon one another.[7]

The preceding account of the relations between the Greek colonies and the mother-country is supported by the history which Thucydides gives us of the quarrel between Corcyra and Corinth. Corcyra was a colony of Corinth, and Epidamnus a colony of Corcyra; but the leader (*οἰκιστής*) of Epidamnus was a Corinthian, who was invited from the metropolis Corinth. In course of time, in consequence of civil dissensions and attacks from the neighbouring barbarians, the Epidamnians apply for aid to Corcyra, but their request is rejected. They next apply to the Corinthians, who took Epidamnus under their protection, thinking, says Thucydides, that the colony was no less theirs than the Corcyræans': and also induced to do so through hatred of the Corcyræans, because they neglected them though they were colonists; for they did not give to the Corinthians the customary honours and deference in the public solemnities and sacrifices that the other colonies were wont to pay to the mother-country. The Corcyræans, who had become very powerful by sea, took offence at the Corinthians receiving Epidamnus under their protection, and the result was a war between Corcyra and Corinth. The Corcyræans sent ambassadors to Athens to ask assistance; and in reply to the objection that they were a colony of Corinth, they said "that every colony, as long as it is treated kindly, respects the mother-country; but when it is injured, is alienated from it; for colonists are not sent out as subjects, but that they may have equal rights with those that remain at home."[8]

1. (Dionys. Hal., Ant. Rom., iii., 7.—Polyb., xii., 10, § 3)—2. (Herod. vi., 38.—Thucyd., v., 11.—Diod. Sic., xi., 66; xx., 102.)—3. (Thucyd., i., 24.)—4. (Diod. Sic., xii., 30.—Wesseling, ad loc.)—5. (Thucyd., i., 25.)—6. (Schol. ad Thucyd., i., 25.—Compare Tacit., Ann., ii., 54.)—7. (Herod., viii., 92.—Thucyd., i., 38.)—8. (Thucyd., i., 34.)

1. (Liv., xxvii., 9; xxix., 15.)

it is true that ambitious states, such as Athens, sometimes claimed dominion over other states on the ground of relationship; but, as a general rule, colonies may be regarded as independent states, attached to their metropolis by ties of sympathy and common descent, but no farther. The case of Potidæa, to which the Corinthians sent annually the chief magistrates (*δημιουργοί*), appears to have been an exception to the general rule.[1]

COLO'RES. The Greeks and Romans had a very extensive acquaintance with colours as pigments. Book vii. of Vitruvius, and several chapters of books xxxiii., xxxiv., and xxxv. of Pliny's Natural History, contain much interesting matter upon their nature and composition; and these works, together with what is contained in book v. of Dioscorides. and some remarks in Theophrastus,[2] constitute the whole of our information of any importance upon the subject of ancient pigments. From these sources, through the experiments and observations of Sir Humphrey Davy[3] on some remains of ancient colours and paintings in the baths of Titus and of Livia, and in other ruins of antiquity, we are enabled to collect a tolerably satisfactory account of the colouring materials employed by the Greek and Roman painters.

The painting of the Greeks is very generally considered to have been inferior to their sculpture; this partially arises from very imperfect information, and a very erroneous notion respecting the resources of the Greek painters in colouring. The error originated apparently with Pliny himself, who says,[4] "*Quatuor coloribus solis immortalia illa opera fecere, ex albis Melino, ex silaceis Attico, ex rubris Sinopide Pontica, ex nigris atramento, Apellcs, Echion, Melanthius, Nicomachus, clarissimi pictores;*" and[5] "*Legentes meminerint omnia ea quatuor coloribus facta.*" This mistake, as Sir H. Davy has supposed, may have arisen from an imperfect recollection of a passage in Cicero,[6] which, however, directly contradicts the statement of Pliny: "*In pictura Zeuxim et Polygnotum, et Timanthem, et eorum, qui non sunt usi plusquam quattuor coloribus, formas et lineamenta laudamus: at in Echione, Nicomacho, Protogene, Apelle jam perfecta sunt omnia.*" Here Cicero extols the design and drawing of Polygnotus, Zeuxis, and Timanthes, and those who used but four colours; and observes in contradistinction, that in Echion, Nicomachus, Protogenes, and Apelles, all things were perfect. But the remark of Pliny, that Apelles, Echion, Melanthius, and Nicomachus used but four colours, including both black and white to the exclusion of all blue (unless we understand by "*ex nigris atramento*" black and indigo), is evidently an error, independently of its contradiction to Cicero; and the conclusion drawn by some from it and the remark of Cicero, that the early Greek painters were acquainted with but four pigments, is equally without foundation. Pliny himself speaks of two other colours, besides the four in question, which were used by the earliest painters; the *testa-trita*[7] and *cinnabaris* or vermilion, which he calls also minium.[8] He mentions also[9] the Eretrian earth used by Nicomachus, and the *elephantium*, or ivory-black, used by Apelles,[10] thus contradicting himself when he asserted that Apelles and Nicomachus used but four colours. The above tradition, and the *simplex color* of Quintilian,[11] are our only authorities for defining any limits to the *use* of colours by the early Greeks as applied to painting; but we have no authority whatever for supposing that they were limited in any remarkable way in their *acquaintance* with them. That the painters of the earliest period had not such abundant resources in this department of art as those of the later, is quite consistent with experience, and does not require demonstration, but to suppose that they were confined to four pigments, is quite a gratuitous supposition, and is opposed to both reason and evidence. (*Vid.* PICTURA.)

Sir H. Davy also analyzed the colours of the so-called "Aldobrandini marriage," all the reds and yellows of which he discovered to be ochres; the blues and greens, to be oxides of copper; the blacks, all carbonaceous; the browns, mixtures of ochres and black, and some containing oxide of manganese; the whites were all carbonates of lime.

The reds discovered in an earthen vase containing a variety of colours were, red oxide of lead (*minium*), and two iron ochres of different tints, a dull red, and a purplish red nearly of the same tint as prussiate of copper; they were all mixed with chalk or carbonate of lime. The yellows were pure ochres with carbonate of lime, and ochre mixed with minium and carbonate of lime. The blues were oxides of copper with carbonate of lime. Sir H. Davy discovered a frit, made by means of soda, and coloured with oxide of copper, approaching ultramarine in tint, which he supposed to be the frit of Alexandrea; its composition, he says, was perfect: "that of imbodying the colour in a composition resembling stone, so as to prevent the escape of elastic matter from it, or the decomposing action of the elements; this is a species of artificial lapis-lazuli, the colouring matter of which is naturally inherent in a hard silicious stone."

Of greens there were many shades, all, however, either carbonate or oxide of copper, mixed with carbonate of lime. The browns consisted of ochres calcined, and oxides of iron and of manganese, and compounds of ochres and blacks. Sir H. Davy could not ascertain whether the lake which he discovered was of animal or of vegetable origin; if of animal, he supposed that it was very probably the Tyrian or marine purple. He discovered also a colour which he supposed to be black wad, or hydrated binoxide of manganese; also, a black colour composed of chalk, mixed with the ink of the sepia officinalis, or cuttle-fish. The transparent blue glass of the ancients he found to be stained with oxide of cobalt, and the purple with oxide of manganese.

The following list, compiled from the different sources of our information concerning the pigments known to the ancients, will serve to convey an idea of the great resources of the Greek and Roman painters in this department of their art; and which, in the opinion of Sir H. Davy, were fully equal to the resources of the great Italian painters in the sixteenth century:

RED. The ancient reds were very numerous. *Κιννάβαρι, μίλτος, cinnabaris*, cinnabar, vermilion, bisulphuret of mercury, called also by Pliny and Vitruvius *minium*.

The *κιννάβαρι Ἰνδικόν, cinnabaris Indica*, mentioned by Pliny and Dioscorides, was what is vulgarly called dragon's-blood, the resin obtained from various species of the calamus palm.

Μίλτος seems to have had various significations; it was used for *cinnabaris, minium*, red lead, and *rubrica*, red ochre. There were various kinds of *rubricæ*, the Cappadocian, the Egyptian, the Spanish, and the Lemnian; all were, however, red iron oxides, of which the best were the Lemnian, from the isle of Lemnos, and the Cappadocian, called by the Romans rubrica Sinopica, by the Greeks *Σινωπίς*, from Sinope in Paphlagonia, whence it was first brought. There was also an African rubrica called *cicerculum*.

1. (Thucyd., i., 56.)—2. (De Lapidibus.)—3. (Phil. Trans. of the Royal Society, 1815.)—4. (xxxv., 32.)—5. (xxxv., 36.)—6. (Brutus, c. 18.)—7. (xxxv., 5.)—8. (xxxiii., 36.)—9. (xxxv., 21.)—10. (xxxv., 25.)—11. (Orat. Inst. xii. 10.)

Minium, red oxide of lead, red lead, was called by the Romans *cerussa usta*, and, according to Vitruvius, *sandaracha*; by the Greeks, *μίλτος*, and, according to Dioscorides,[1] *σανδαράκη*. Pliny tells us that it was discovered through the accidental calcination of some *cerussa* (white lead) by a fire in the Piræus, and was first used as a pigment by Nicias of Athens, about 330 B.C.

The Roman sandaracha seems to have had various significations, and it is evidently used differently by the Greek and Roman writers. Pliny speaks of different shades of sandaracha, the pale or massicot (yellow oxide of lead), and a mixture of the pale with minium; it apparently also signified realgar or the red sulphuret of arsenic: there was also a compound colour of equal parts of sandaracha and rubrica calcined, called sandyx, *σάνδυξ*. Sir H. Davy supposed this colour to approach our crimson in tint; in painting it was frequently glazed with purple, to give it additional lustre.

Pliny speaks of a dark ochre from the isle of Syros, which he calls Syricum; but he says also that it was made by mixing sandyx with rubrica Sinopica.

Yellow. Yellow ochre, hydrated peroxide of iron, the *sil* of the Romans, the *ὤχρα* of the Greeks, formed the base of many other yellows, mixed with various colours and carbonate of lime. Ochre was procured from different parts; the Attic was considered the best; it was first used in painting, according to Pliny, by Polygnotus and Micon, at Athens, about 460 B.C.

'Αρσενικόν, *auripigmentum*, orpiment (yellow sulphuret of arsenic), was also an important yellow; but it has not been discovered in any of the ancient paintings. (*Vid.* Arsenicon.) The sandaracha has been already mentioned.

Green. *Chrysocolla*, *χρυσόκολλα*, which appears to have been green carbonate of copper or malachite (green verditer), was the green most approved of by the ancients; its tint depended upon the quantity of carbonate of lime mixed with it.

Pliny mentions various kinds of verdigris (diacetate of copper), *ærugo*. *ἰός*, *ἰὸς χαλκοῦ*, *cypria ærugo*, and *æruca*, and a particular preparation of verdigris called *scolecia*. Sir H. Davy supposes the ancients to have used, also, acetate of copper (distilled verdigris) as a pigment. Besides the above were several green earths, all cupreous oxides: *Theodotion* (*Θεοδότιον*), so called from being found upon the estate of Theodotius, near Smyrna; *Appianum*; and the *creta viridis*, common green earth of Verona.

Blue. The ancient blues were also very numerous; the principal of these was *cæruleum*, *κύανος*, azure, a species of verditer or blue carbonate of copper, of which there were many varieties. It was generally mixed with carbonate of lime. Vitruvius and Pliny speak of the Alexandrean, the Cyprian, and the Scythian; the Alexandrean was the most valued, as approaching nearest to ultramarine. It was made also at Pozzuoli by a certain Vestorius, who had learned the method of its preparation in Egypt; this was distinguished by the name of *cælon*. There was also a washed cæruleum called *tomentum*, and an inferior description of this called *tritum*.

It appears that ultramarine (lapis-lazuli) was known to the ancients under the name of *Armenium*, 'Αρμένιον, from Armenia, whence it was procured. Sulphuret of sodium is the colouring principle of lapis-lazuli, according to M. Gmelin of Tübingen.

Indigo, *Indicum*, 'Ινδικόν, was well known to the ancients.

Cobalt. The ancient name for this mineral is not known; but it has been supposed to be the *χαλκός* of Theophrastus, which he mentions was used for staining glass. No cobalt, however, has been discovered in any of the remains of ancient painting.

Purple. The ancients had also several kinds of purple, *purpurissum*, *ostrum*, *hysginum*, and various compound colours. The most valuable of these was the *purpurissum*, prepared by mixing the *creta argentaria* with the purple secretion of the murex (*πορφύρα*).

Hysginum, *ὕσγινον* (*ὕσγη*, woad?), according to Vitruvius, is a colour between scarlet and purple.

The Roman *ostrum* was a compound of red ochre and blue oxide of copper.

Vitruvius mentions a purple which was obtained by cooling the *ochra usta* with wine vinegar.

Rubiæ radix, madder-root.

Brown. *Ochra usta*, burned ochre. The browns were ochres calcined, oxides of iron and of manganese, and compounds of ochres and blacks.

Black, *atramentum*, *μέλαν*. The ancient blacks were mostly carbonaceous. The best for the purposes of painting were *elephantinum*, *ἐλεφάντινον*, ivory-black; and *tryginum*, *τρύγινον*, vine-black, made of burned vine twigs. The former was used by Apelles, the latter by Polygnotus and Micon.

The *atramentum Indicum*, mentioned by Pliny and Vitruvius, was probably the Chinese Indian ink. The blacks from sepia, and the black woad, have been already mentioned.

White. The ordinary Greek white was *melinum*, *μηλιάς*, an earth from the Isle of Melos; for fresco painting, the best was the African *parætonium*, *παραιτόνιον*, so called from the place of its origin on the coast of Africa, not far from Egypt. There was also a white earth of Eretria, and the annularian white, *creta annularia* or *anulare*, made from the glass composition worn in the rings of the poor.

Carbonate of lead or white lead, *cerussa*, *ψιμύθιον*, was apparently not much used by the ancient painters; it was nowhere found among the Roman ruins.

Sir H. Davy is of opinion that the azure, the red and yellow ochres, and the blacks, have not undergone any change of colour whatever in the ancient fresco paintings; but that many of the greens, which are now carbonate of copper, were originally laid on in a state of acetate.

Pliny divides the colours into *colores floridi* and *colores austeri*;[1] the colores floridi were those which, in his time, were supplied by the employer to the painter, on account of their expense, and to secure their being genuine; they were minium, Armenium, cinnabaris, chrysocolla, Indicum, and purpurissum; the rest were the austeri.

Both Pliny[2] and Vitruvius[3] class the colours into natural and artificial; the natural are those obtained immediately from the earth, which, according to Pliny, are Sinopis, rubrica, parætonium, melinum, Eretria, and auripigmentum; to these Vitruvius adds ochra, sandaracha, minium (*vermilion*), and chrysocolla, being of metallic origin. The others are called artificial, on account of requiring some particular preparation to render them fit for use.

To the above list of colours more names might still be added; but, being for the most part merely compounds or modifications of those already mentioned, they would only take up space, without giving us any additional insight into the resources of the ancient painters; those which we have already enumerated are sufficient to form an infinite variety of colour, and conclusively prove that the ancient painters, if they had not more, had at least equal

1. (v., 122.)

1. (xxxv., 12 —2. (xxxv., 12.)—3. (vii., 7)

resources in this most essential branch of painting with the artists of our own times.

COLO'SSUS (*κολοσσός*). The origin of this word is not known, the suggestions of the grammarians being either ridiculous, or imperfect in point of etymology [1] It is, however, very ancient, probably of Ionic extraction, and rarely occurs in the Attic writers.[2] It is used both by the Greeks and Romans to signify a statue larger than life,[3] and thence a person of extraordinary stature is termed *colosseros*;[4] and the architectural ornaments in the upper members of lofty buildings, which require to be of large dimensions in consequence of their remoteness, are termed *colossicotera* (*κολοσσικώτερα*[5]). Statues of this kind, simply colossal, but not preposterously large, were too common among the Greeks to excite observation merely from their size, and are, therefore, rarely referred to as such, the word being more frequently applied to designate those figures of gigantic dimensions (*moles statuarum, turribus pares*[6]) which were first executed in Egypt, and of which some specimens may be seen in the British Museum.

Among the colossal statues of Greece, the most celebrated was the bronze *colossus* at Rhodes, dedicated to the sun, which was commenced by Chares of Lindus, a pupil of Lysippus, and terminated, at the expiration of twelve years, by Laches, of the same place, at a cost of 300 talents. Its height was 90 feet according to Hyginus,[7] 70 cubits according to Pliny, or 105 according to Festus. It was thrown down by an earthquake fifty-six years after its erection.[8] It is to this statue that Statius refers [9]

Another Greek colossus, the work of Calamis, which cost 500 talents, and was twenty cubits high, dedicated to Apollo, in the city of Apollonia, was transferred from thence to the Capitol by M. Lucullus.[10] Some fragments in marble, supposed to have belonged to this statue, are still preserved in the courtyard of the Museo Capitolino.

There were two colossal statues in bronze, of Greek workmanship, at Tarentum: one of Jupiter; the other and lesser one of Hercules, by Lysippus, which was transplanted to the Capitol by Fabius Maximus.[11]

Among the works of this description made expressly by or for the Romans, those most frequently alluded to are the following: 1. A statue of Jupiter upon the Capitol, made by order of Sp. Carvilius, from the armour of the Samnites, which was so large that it could be seen from the Alban Mount.[12] 2. A bronze statue of Apollo at the Palatine Library,[13] to which the bronze head now preserved in the Capitol probably belonged. 3. A bronze statue of Augustus, in the Forum, which bore his name.[14] 4. The colossus of Nero, which was executed by Zenodorus in marble, and therefore quoted by Pliny in proof that the art of casting metal was then lost. Its height was 110 or 120 feet.[15] It was originally placed in the vestibule of the domus aurea,[16] at the bottom of the Via Sacra, where the basement upon which it stood is still to be seen, and from it the contiguous amphitheatre is supposed to have gained the name of "Colosseum." Twenty-four elephants were employed by Hadrian to remove it, when he was about to build the Temple of Rome.[17] Having suffered in the fire which destroyed the Golden House, it was repaired by Vespasian, and by him converted into a statue of the Sun.[1] 5. An equestrian statue of Domitian, of bronze gilt, which was placed in the centre of the Forum.[2]

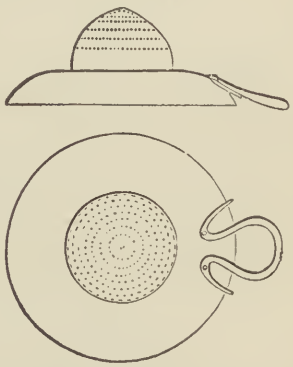
*COLO'TES (*κωλώτης*), another name for the *ἀσκαλαβώτης*, or Spotted Lizard. (*Vid.* ASCALABOTES.) Aristotle, however, in one part,[3] would seem to apply it to some other animal than this. Some have taken it for a bird; while Scaliger rather thinks it was a species of *Scarabæus*.[4]

*COLOU'TEA (*κολουτέα*), a plant, which has been referred to the genus *Colutea*, L., or Bladder-Senna. Three species are described by Theophrastus, namely, *Ἰδαία, περὶ Λιπάραν*, and *φρυγανώδης*.[5]

*COL'UBER, a species of Serpent, considered by some to be the same with the *Boas* of Pliny. (*Vid* DRACO.)

*COLUMBA, the Pigeon. (*Vid.* PERISTERA.)

COLUM (*ἠθμός*), a strainer or colander. Various specimens of this utensil have been found at Pompeii. The annexed woodcut shows the plan and profile of one which is of silver.[6]



Wine-strainers (*ἠθάνια*) were also made of bronze,[7] and their perforations sometimes formed an elegant pattern. The poor used linen strainers;[8] and, where nicety was not required, they were made of broom or of rushes.[9] The Romans filled the strainer with ice or snow (*cola nivaria*) in order to cool and dilute the wine at the same time that it was cleared. The bone of the nose, which is minutely perforated for the passage of the olfactory nerves, was called *ἠθμός*, the ethmoid bone, from its exact resemblance to a strainer.

COLUMBA'RIUM, a Dovecote or Pigeon-house The word occurs more frequently in the plural number, in which it is used to express a variety of objects, all of which, however, derive their name from their resemblance to a dovecote.

I. In the singular, COLUMBARIUM means one of those sepulchral chambers formed to receive the ashes of the lower orders, or dependants of great families; and in the plural, the niches in which the cinerary urns (*ollæ*) were deposited. Several of these chambers are still to be seen at Rome. One of the most perfect of them, which was discovered in the year 1822, at the villa Rufini, about two miles beyond the Porta Pia, is represented in the annexed woodcut.

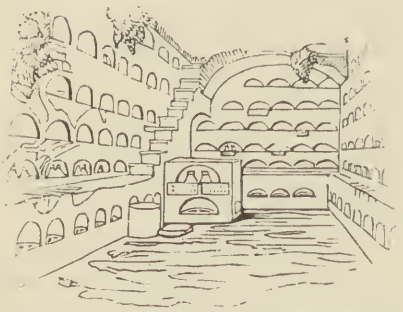
Each of the niches contained a pair of urns, with the names of the persons whose ashes they contained inscribed over them. The use of the word, and

1. (Etym. Mag., p. 526, 16.—Festus, s. v.)—2. (Blomf., Gloss. ad Æsch., Agamemnon, 406.)—3. (Hesych., s. v.—Æsch., Agam., 406.—Schol. ad Juv., Sat., viii., 230.)—4. (Suet., Calig. 35.)—5. (Vitruv., iii., 3, p. 98, ed. Bipont.—Compare Id., x., 4.)—6. (Plin., H. N., xxxiv., 18.)—7. (Fab., 233.)—8. (Plin., H. N., xxxiv., 18.—Polyb., v., 88.—Festus, s. v.)—9. (Sylv., I., i., 103.)—10. (Strab., vii., 6, § 1.—Plin., l. c.—P. Victor, Regio viii.)—11. (Strab., v., 3, § 1.—Plin., l. c.—Plutarch, Fab., xxii., p. 722, ed. Reiske.)—12. (Plin., l. c.)—13. (Plin., l. c.)—14. (Mart., Ep., vii., 44, 7.)—15. (Plin., l. c.—Suet., Nero, 31.)—16. (Mart., Spect., ii., 1.—Ep., i., 71, 7.—Dion Cass., lxvi., 15.)—17. (Spart., Hadr., 19.)

1. (Hieronym. in Hab., c. 3.—Suet., Vesp., 18.—Plin., l. c.—Compare Lamprid., Commod., 17.—Dion Cass., lxxii., 15.)—2. (Stat., Sylv., I., i., 1.—Mart., Ep., i., 71, 6.)—3. (H. A., ix., 2.)—4. (Adams, Append., s. v.)—5. (Theophrast., H. P., iii., 14, 17.—Adams, Append., l. c.)—6. (Mus. Borb. T., viii., 14, fig. 4, 5.)—7. (Athen.)—8. (Mart., xiv., 104.)—9. (Colum., De Re Rust., x i., 19.)

mode of occupation, is testified in the following inscription:

L. Abucius Hermes in hoc ordine ab imo ad summum columbaria ix. ollæ xviii. sibi posterisque suis.



II. In a machine used to raise water for the purpose of irrigation, as described by Vitruvius,[2] the vents through which the water was conveyed into the receiving trough were termed Columbaria. This will be understood by referring to the woodcut at p 65. (*Vid.* Antlia.) The difference between that representation and the machine now under consideration consisted in the following points: The wheel of the latter is a solid one (*tympanum*) instead of radiated (*rota*), and was worked as a treadmill, by men who stood upon platforms projecting from the flat sides instead of being turned by a stream. Between the intervals of each platform a series of grooves or channels (*columbaria*) were formed in the sides of the tympanum, through which the water taken up by a number of scoops placed on the outer margin of the wheel, like the jars in the cut referred to, was conducted into a wooden trough below (*labrum ligneum suppositum*[3]).

III. The cavities into which the extreme ends of the beams upon which a roof is supported (*tignorum cubilia*), and which are represented by triglyphs in the Doric order, were termed Columbaria by the Roman architects;[4] that is, while they remained empty, and until filled up by the head of the beam.[5]

COLUMNA (*κιών, dim. κιονίς, κιόνιον, κιονίσκος· στύλος, dim. στυλίς, στυλίσκος*), a Pillar or Column.

The use of the trunks of trees placed upright for supporting buildings, unquestionably led to the adoption of similar supports wrought in stone. Among the agricultural Greeks of Asia Minor, whose modes of life appear to have suffered little change for more than two thousand years, Mr. Fellows observed an exact conformity of style and arrangement between the wooden huts now occupied by the peasantry, of one of which he has given a sketch[6] (see woodcut),

and the splendid tombs and temples, which were hewn out of the rock, and constructed at the expense of the most wealthy of the ancient inhabitants. We have also direct testimonies to prove that the ancients made use of wooden columns in their edifices. Pausanias[1] describes a very ancient monument in the market-place at Elis, consisting of a roof supported by pillars of oak. A temple of Juno at Metapontum was supported by pillars made from the trunks of vines.[2] In the Egyptian architecture, many of the greatest stone columns are manifest imitations of the trunk of the palm.[3]

As the tree required to be based upon a flat square stone, and to have a stone or tile of similar form fixed on its summit to preserve it from decay, so the column was made with a square base, and was covered with an *abacus*. (*Vid.* Abacus.) Hence the principal parts of which every column consists are three, the base, the shaft, and the capital.

In the Doric, which is the oldest style of Greek architecture, we must consider all the columns in the same row as having one common base (*podium*), whereas in the Ionic and Corinthian each column has a separate base, called *σπεῖρα*. (*Vid.* Spira.) The capitals of these two latter orders show, on comparison with the Doric, a yet greater degree of complexity and a much richer style of ornament; and the character of lightness and elegance is farther obtained in them by their more slender shaft, its height being much greater in proportion to its thickness. Of all these circumstances, some idea may be formed by the inspection of the three accompanying specimens of pillars, selected from each of the principal orders of ancient architecture. The first is from a column of the Parthenon at Athens, the capital of which is shown on a larger scale at p. 9. The second is from the temple of Bacchus at Teos, the capital of which is introduced at p. 116. The third is from the remains of the temple of Jupiter at Labranda.

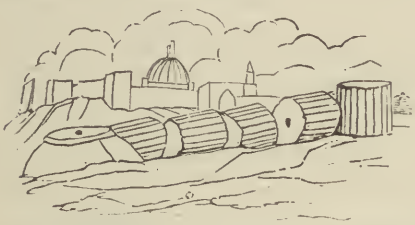
In all the orders, the shaft (*scapus*) tapers from the bottom towards the top, thus imitating the natural form of the trunk of a tree, and at the same time conforming to a general law in regard to the attainment of strength and solidity in all upright bodies. The shaft was, however, made with a slight swelling in the middle, which was called the *entasis*. It was, moreover, almost universally, and from the earliest times, channelled or fluted, *i. e.*, the outside was striped with incisions parallel to the axis.[4] These incisions, called *striæ*, were always worked with extreme regularity. The section of them by a plane parallel to the base was, in the Ionic and Corinthian orders, a semicircle; in

1. (Spon., Misc. Ant. Erudit., ix., p. 287.)—2. (x., 9.)—3. (Vitruv., l. c.)—4. (Vitruv., iv., 2, p. 110, ed. Bipont.)—5. (Marquez, Dell' Ordine Dorico, vii., 37.)—6. (Journal, p. 234.)

1. (vi., 24, § 7.)—2. (Plin., H. N., xxiv., 1.)—3 (Herod., ii., 169.)—4. (Vitruv., iv., 4.)

the Doric, it was an arc much less than a semicircle. Their number was 20 in the columns of the Parthenon above represented; in other instances, 24, 28, or 32.

The capital was commonly wrought out of one block of stone, the shaft consisting of several cylindrical pieces fitted to one another. When the column was erected, its component parts were firmly joined together, not by mortar or cement, but by iron cramps fixed in the direction of the axis. The annexed woodcut is copied from an engraving in Swinburne's Tour in the Two Sicilies,[1] and represents a Doric column, which has been thrown prostrate in such a manner as to show the capital lying separate, and the five drums of the shaft, each four feet long, with the holes for the iron cramps by which they were united together.



Columns of an astonishing size were nevertheless erected, in which the shaft was one piece of stone. For this purpose it was hewn in the quarry into the requisite form,[2] and was then rolled over the ground, or moved by the aid of various mechanical contrivances, and by immense labour, to the spot where it was to be set up. The traveller now sometimes views with wonder the unfinished pillars, either occupying their original site in the quarry, or left after having performed one half their journey, while he finds other shafts arranged in their intended position, and consisting each of a single piece of marble, alabaster, porphyry, jasper, or granite, which is either corroded by time, or retains its polish and its varied and beautiful colours, according to the situation in which it has been placed, or the durability of its substance. The mausoleum of the Emperor Adrian, a circular building of such dimensions that it serves as the fortress of modern Rome, was surrounded by forty-eight lofty and most beautiful Corinthian pillars, the shaft of each pillar being a single piece of marble. About the time of Constantine, some of these were taken to support the interior of a church dedicated to St. Paul, which a few years ago was destroyed by fire. The interest attached to the working and erection of these noble columns, the undivided shafts of which consisted of the most valuable and splendid materials, led munificent individuals to employ their wealth in presenting them to public structures Thus Crœsus contributed the greater part of the pillars to the temple at Ephesus.[3] In the ruins at Labranda, now called Jackly, in Caria, tablets in front of the columns record the names of the donors, as is shown in the specimen of them above exhibited.

*"The capitals used in the architecture of the Greeks," observes Stuart,[4] "though with numberless minute variations of ornaments and proportions, arrange themselves into three general classes, and offer the most obvious distinction between the orders. The Doric capital, which preserves more of the primitive type than any other, is extremely plain, but its simplicity is not without beauty. It consists of a broad and massy abacus, an ovolo under the abacus, from three to five fillets under the ovolo, and under these a neck called the frieze of the capital. In the Ionic capital there is great invention, and a particular character is displayed; indeed, so much so, that it never fails to distinguish itself, even on the most slight and careless observation. It consists of a small and moulded abacus, below which depend to the right and left two spiral volutes; it has also an echinus, which is not unfrequently enriched, and a bead. The Corinthian capital is most richly ornamented, and differs extremely from the others. In this the abacus is hollowed, forming a quadrilateral figure with concave sides, the angles of which are generally truncated. Sometimes the abacus is enriched, but more frequently ornamented with a flower in the middle. Below the abacus the capital has the form of a vase or bell, surrounded with two tiers of the leaves of the acanthus, or, rather, of leaves resembling those of a species of the acanthus plant. Under each angle of the abacus springs a volute, and under the flower in the centre of the abacus there are cauliculi. With regard to the Tuscan capital, there are no authenticated remains of the order; and the precepts of Vitruvius on this head are so very obscure that the modern compilers of systems of architecture have, of course, varied exceedingly in their designs; the order, therefore, that passes under this name must be regarded rather as a modern than an ancient invention. It has been made to differ from the modern Doric by an air of poverty and rudeness, by the suppression of parts and mouldings. But, though the Tuscan capital is plain and simple in the highest degree, it well becomes that column whose character is strength. The Composite capital is formed by a union of the Ionic and Corinthian. It consists of a vase or bell, a first and second row of acanthus leaves, with some small shoots, a fillet, astragal, ovolo, four volutes, and a hollowed abacus with a flower in its centre."

Columns were used in the interior of buildings, to sustain the beams which supported the ceiling As both the beams and the entire ceiling were often of stone or marble, which could not be obtained in pieces of so great a length as wood, the columns were in such circumstances frequent in proportion, not being more than about ten or twelve feet apart. The opisthodomos of the Parthenon of Athens, as appears from traces in the remaining ruins, had four columns to support the ceiling. A common arrangement, especially in buildings of an oblong form, was to have two rows of columns parallel to the two sides, the distance from each side to the next row of columns being less than the distance between the rows themselves. This construction was adopted not only in temples, but in palaces (οἶκοι), *i. e.*, in houses of the greatest size and splendour The great hall of the palace of Ulysses in Ithaca, that of the King of the Phæacians, and that of the palace of Hercules at Thebes,[1] are supposed to have been thus constructed, the seats of honour both for the master and mistress, and for the more distinguished of their guests, being at the foot of certain pillars.[2] In these regal halls of the Homeric æra, we are also led to imagine the pillars decorated with arms. When Telemachus enters his father's hall, he places his spear against a column, and "within the polished spear-holder," by which we must understand one of the striæ or channels of the shaft.[3] Around the base of the columns, near the entrance, all the warriors of the family were accustomed to incline their spears; and from the upper part of the same they suspended their bows and quivers on nails or hooks.[4] The minstrel's lyre hung upon its peg from

1. (vol. ii., p 301.)—2. (Virg., Æn., i., 428.)—3. (Herod., i., 92.)—4. (Dictionary of Architecture, vol. i., s. v Capital.)

1. (Eurip., Herc. Fur., 975–1013.)—2. (Od., vi., 307; viii., 66 473; xxiii., 90.)—3. (Od., i., 127–129 · xvii., 29.—Virg. Æn xii., 92.)—4. (Hom., Hymn. in Ap., 8.)

another column nearer the top of the room.[1] The columns of the hall were also made subservient to less agreeable uses. Criminals were tied to them in order to be scourged or otherwise tormented.[2] According to the description in the Odyssey, the beams of the hall of Ulysses were of silver-fir; in such a case, the apartment might be very spacious without being overcrowded with columns.[3] Such, likewise, was the hall of the palace of Atreus at Mycenæ: "*Fulget turbæ caput Immane tectum, cujus auratas trabes Variis columnæ nobiles maculis ferunt.*"[4]

Rows of columns were often employed within a building to enclose a space open to the sky. Beams supporting ceilings passed from above the columns to the adjoining walls, so as to form covered passages or ambulatories (*στοαί*). Such a circuit of columns was called a *peristyle* (*περίστυλον*), and the Roman *atrium* was built upon this plan. The largest and most splendid temples enclosed an open space like an atrium, which was accomplished by placing one peristyle upon another. In such cases, the lower rows of columns being Doric, the upper were sometimes Ionic or Corinthian, the lighter being properly based upon the heavier.[5] A temple so constructed was called *hypæthral* (*ὕπαιθρος*).

On the outside of buildings columns were by no means destitute of utility. But the chief design in erecting them was the attainment of grandeur and beauty; and, to secure this object, every circumstance relating to their form, proportions, and arrangement was studied with the utmost nicety and exactness. Of the truth of this observation, some idea may be formed from the following list of terms, which were employed to distinguish the different kinds of temples.[6]

I. Terms describing the number and arrangement of the columns.

1. Ἄστυλος, *astyle*, without any columns.[7]

2. Ἐν παραστάσι, *in antis*, with two columns in front between the antæ.[8] (Woodcut, p. 61.)

3. Πρόστυλος, *prostyle*, with four columns in front.

4. Ἀμφιπρόστυλος, *amphiprostyle*, with four columns at each end.

5. Περίπτερος or ἀμφικίων,[9] *peripteral*, with columns at each end and along each side, the side being about twice as many as the end columns, including two divisions, viz.:

a. Ἑξάστυλος, *hexastyle*, with six columns at each end, and either nine or eleven at each side, besides those at the angles. Example, the Theseum at Athens.

b. Ὀκτάστυλος, *octastyle*, with eight columns at each end, and fifteen at each side, besides those at the angles. Example, the Parthenon at Athens.

6. Δίπτερος, *dipteral*, with two ranges of columns (*πτερά*) all round, the one within the other.

7. Ψευδοδίπτερος, *pseudodipteral*, with one range only, but at the same distance from the walls of the cella as the outer range of a *δίπτερος*.

8. Δεκάστυλος, *decastyle*, with ten columns at each end, which was the case only in hypæthral temples.[10]

II. Terms describing the distance of the columns from one another, and from the walls of the cella.

1. Πυκνόστυλος, *pycnostyle*, the distance between the columns a diameter of a column and half a diameter.

2. Σύστυλος, *systyle*, the distance between the columns two diameters of a column.

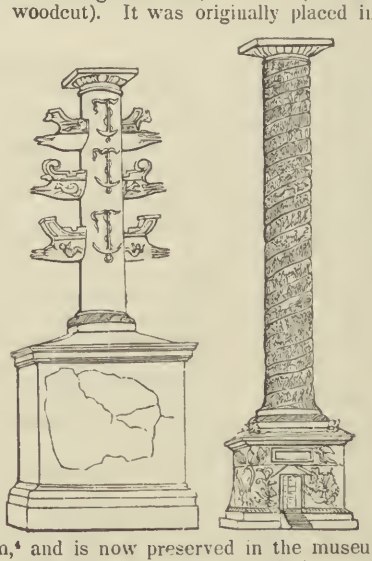
3 Εὔστυλος, *eustyle*, the distance between the columns two diameters and a quarter, except in the centre of the front and back of the building, where each intercolumniation (*intercolumnium*) was three diameters, called eustyle, because it was best adapted both for beauty and convenience.

4. Διάστυλος, *diastyle*, the intercolumniation, or distance between the columns, three diameters.

5. Ἀραιόστυλος, *aræostyle*, the distances excessive, so that it was necessary to make the epistyle (*ἐπιστύλιον*), or architrave, not of stone, but of timber.

Columns in long rows were used to convey water in aqueducts,[1] and single pillars were fixed in harbours for mooring ships.[2] Some of these are found yet standing.

Single columns were also erected to commemorate persons or events. Among these, some of the most remarkable were the *columnæ rostratæ*, called by that name because three ship-beaks proceeded from each side of them, and designed to record successful engagements at sea (*navali surgentes æri columnæ*[3]). The most important and celebrated of those which yet remain is one erected in honour of the consul C. Duillius, on occasion of his victory over the Carthaginian fleet, B.C. 261 (see the annexed woodcut). It was originally placed in the



Forum,[4] and is now preserved in the museum of the Capitol. The inscription upon it, in great part effaced, is written in obsolete Latin, similar to that of the Twelve Tables.[5] When statues were raised to ennoble victors at the Olympic and other games, or to commemorate persons who had obtained any high distinction, the tribute of public homage was rendered still more notorious and decisive by fixing their statues upon pillars. They thus appeared, as Pliny observes,[6] to be raised above other mortals.

But columns were much more commonly used to commemorate the dead. For this purpose they varied in size, from the plain marble pillar bearing a simple Greek inscription,[7] to those lofty and elaborate columns which are now among the most wonderful and instructive monuments of ancient Rome. The column on the right hand, in the last woodcut, exhibits that which the senate erected to the honour of the Emperor Trajan, and crowned with his colossal statue in bronze. In the pedestal is a door, which leads to a spiral staircase for ascending to

1. (Od., viii., 67.—Pind., Ol., i., 17.) —2. (Soph., Ajax, 108. —Lobeck, ad loc.—Diog. Laert., viii., 21.—Hesiod., Theog., 521.) —3 (Od., xix., 38; xxii., 176 193.)—4. (Sen., Thyest., iv., 1.)

5 (Paus., viii., 45, § 4.)—6 (Vitruv., iii., 2, 3.)—7. (Leonidas Tar. in Brunck. Analect., i., 237.—Plin., H. N., xxxiv., 8.) —8. (Pind., Ol., vi., 1.) —9. (Soph., Antig., 285.)—10. (Vitruv., iv., 1.)

1. (Crates, ap. Athen., vi., 94.)—2. (Od., xxii., 466.)—3. (Virg., Georg., iii., 29.—Servius, ad loc.)—4. (Plin., H. N., xxxiv., 11.) —5. (Quintil., i., 7.)—6. (H. N., xxxiv., 12.)—7. (Leon. Tar. in Brunck. Anal., i., 239.)

the summit Light is admitted to the staircase through numerous apertures. A spiral bas-relief is folded round the pillar, which represents the emperor's victories over the Dacians, and is one of the most valuable authorities for archæological inquiries. Including the statue, the height of this monument, in which the ashes of the emperor were deposited, was not less than 130 feet. A similar column, erected to the memory of the Emperor Marcus Aurelius, remains at Rome, and is commonly known by the appellation of the Antonine column. After the death of Julius Cæsar, the people erected to his memory a column of solid marble, 20 feet high, in the Forum, with the inscription PARENTI PATRIÆ.[1] Columns still exist at Rome, at Constantinople, and in Egypt, which were erected to other emperors.

COMA (*κόμη*), the hair of the head. Besides this general term, there are various other words, both in Greek and Latin, signifying the hair, each of which acquires its distinctive meaning from some physical property of the hair itself, or from some peculiarity in the mode of arranging it, the principal of which are as follow: 1. *Ἔθειρα*,[2] a head of hair when carefully dressed.[3] 2. *Χαίτη*, properly the mane of a horse or lion, is used to signify long flowing hair.[4] 3. *Φόβη*, when accurately used, implies the hair of the head in a state of disorder incident to a person under a sense of fear.[5] 4. *Πλοκάς*, from *πείκω* or *πέκω*,[6] the hair when combed and dressed.[7] 5. *Θρίξ*, a general term for hair, from the plural of which the Romans borrowed their word *tricæ*:[8] *τρίγωσις* and *τρίχωμα* are used in the same sense.[9] 6. *Κόρση* (Att. *κόρδη*), from the old word *κόρ*, the head,[10] signifies properly the hair on the top of the head; and hence a particular fashion of arranging the hair among the Greek women was termed *κόρυμβος*;[11] or, when worn in the same style by the men, it was designated by another derivative from the same word, *κρώβυλος*.[12] To produce this effect, the hair was drawn up all round the head from the front and back, and fastened in a bow on the top, as exemplified in the two following busts, one of the Apollo Belvidere, the other of Diana, from the British Museum.[13]

Instead of a band, the people of Athens fastened the bow with an ornamental clasp, fashioned like a grasshopper, to show that they were aborigines.[14] *Κρώβυλος* is also used for a cap of network, like that represented at p. 187, 271. (*Vid.* CALANTICA.) 7. *Μαλλός*, which properly means wool, was also used for the short, round, curly hair, which resembles the fleece of a lamb, such as is seen in some of the early Greek sculptures, particularly in the heads of Hercules, one of which is subjoined from a specimen in the British Museum.[1]

8. *Κέρας* (*κέρα ἀγλαέ*[2]), a term used when the hair was combed up from the temples on each side, so as to give it the appearance of two horns, as is seen in the heads of fawns and satyrs, and in the bust of Jupiter introduced below. 9. *Κίκιννος*,[3] *πλόκμος*,[4] *χλιδαί*,[5] the hair which falls in ringlets, either natural or artificial, which was sometimes called *βόστρυχος* and *πλόκαμος*.[6] All these terms, when strictly appropriated, seem to designate that singular style of *coiffure* which is observable in Etruscan and early Greek works, and common to both sexes, as is seen in the casts from the temple of Jupiter Panhellenius in the British Museum.

Besides the generic *coma*, the Romans made use of the following terms, expressive of some peculiar qualities in the hair, or particular mode of arrangement: 1. *Capillus*, according to the old etymologists, *quasi capitis pilus*. 2. *Crinis*, the hair when carefully dressed.[7] 3. *Cæsaries*, which is said, though without much probability, to be connected with *cædo*, the hair of the male sex, because they wore it short, whereas the women did not. 4. *Cincinnus*, *κίκιννος*,[8] the hair when platted and dressed in circles, like the head on page 21 (*vid.* Acus), as it is still worn by the women of Mola di Gaieta (*Formiæ*). Martial[9] terms these circles *annuli*, and Claudian[10] *orbes*. 5. *Cirrus*, a lock of curly hair The locks which fell over the forehead were termed *capronæ*,[11] quasi *a capite pronæ*,[12] *προκόμιον*;[13] those which fell from the temples over the ears, *antiæ*.[14] Both the *antiæ* and *capronæ* are accurately traced in the figure of Cupid bending his bow, in the British Museum, from which the following woodcut is taken.[15]

All the Greek divinities are distinguished by a characteristic *coiffure*, modified in some respects as the arts progressed, but never altered in character from the original model; so that any person tolerably conversant with the works of Greek art may almost invariably recognise the deity represented from the disposition of the hair. We proceed to specify some of the principal ones.

The head of the lion is the type upon which that

1 (Suet., Jul., 85.)—2. (Hom., Il., xvi., 795.)—3. (Schol. ad Theocr., Idyll., i., 34.)—4. (Hom., Il., xxiii., 141.)—5. (Soph., Œd. Col., 1465.—Antig., 419.)—6. (Hesych.)—7. (Aristoph., Thesm., 547.)—8. (Nonius, s. v.)—9. (Æsch., Sept. c. Theb., 663.—Eurip., Iph. Taur., 73.)—10. (Blomf., Gloss. ad Æsch., Pers., 664.)—11. (Thucyd., i., 6.)—12. (Schol. ad Thucyd., l. c.)—13. (Chamber xii., No. 19.)—14. (Thucyd., i., 6.—Virg., Ciris, 128.)

1. (Chamber ii., No. 12.)—2. (Schol. ad Il., xi., 385.—Compare Juv., Sat., xiii., 165.—Virg., Æn., xii., 89.)—3. (Aristoph., Vesp., 1069.)—4. (Il., xvii., 52.)—5. (Soph., Electr., 52.)—6. (Pollux, Onom., ii., 28.)—7. (Hor., Carm., I., xv., 20.)—8. (Cic., c. Pison., 11.—Plaut., Truc., 11., ii., 32.)—9. (Ep., ii., 60, 2.)—10. (Proserp., xxxv., 15.)—11. (Apul., Met., i., p. 14, ed. Oudendorp.)—12. (Nonius, s. v.—Lucil., Sat., xv.)—13. (Pollux Onom., vii., 95; x., 170.)—14 (Apul., l. c.—Isidor., Orig., xix 31.)—15. (Chamber vi. No 22.—Compare xi., 23.)

of Jupiter is formed, particularly in the disposition of the hair, which rises from the forehead, and falls back in loose curls down the sides of the face, until it forms a junction with the beard. This is illustrated by the next two woodcuts, one of which is from a statue of Jupiter in the Vatican, supposed to be a copy of the Phidian Jove; and the other is a lion's head, from the British Museum.[1] The same

disposition of the hair is likewise preserved in all the real or pretended descendants from Jupiter, such as Æsculapius, Alexander, &c.

Pluto or Serapis has the hair longer, straighter, and lower over the forehead, in order to give severity to the aspect, and with the modius on his head, as represented in the next drawing, from the British Museum.[2] The modius is decorated with an olive branch, for oil was used instead of wine in sacrifices to Pluto.[3]

The hair of Neptune is cut finer and sharper than that of Jupiter. It rises from the forehead, and then falls down in flakes, as if wet, in the manner represented in the following head, from the British Museum.[4]

Apollo is usually represented with the *κρώβυλος*; but when the hair is not tied up on the top of the head, it is always long and flowing over the neck and shoulders, as represented in the next woodcut,

1 (Chamber ii., No. 13.)—2. (Chamber vii., No 68.)—3. (Virg., Æn., vi., 254)—4. (Chamber xi., No. 27.)

from a very beautiful and early Greek sculpture in

the British Museum.[1] Hence he is called *intonsus* and *ἀκερσεκόμης*.[2]

Bacchus also wears his hair unshorn; for he, as well as Apollo, is typical of perpetual youth:

> "*Solis æterna est Phœbo Bacchoque juventas,*
> *Nam decet* intonsus *crinis utrumque Deum.*"[3]

In the mature age of Greek art, Mercury has short curly hair, as represented by the head on the left hand in the woodcut below, from a statue in the Vatican, which was for a long time falsely ascribed to Antinous; but in very early Greek works he is

represented with braided hair, in the Etruscan style, and a sharp-pointed beard (see the right hand woodcut, from an altar in the museum of the Capitol at Rome), whence he is termed *σφηνοπώγων*.[4]

Hercules has short, crisp hair, like the curls between the horns of a bull, the head of which animal formed the model for his, as is exemplified in the subjoined drawings, one being the head of the Farnese Hercules, the other that of a bull, from a bas-relief at Rome, in which all the characteristics of Hercules, the small head, thick neck, and particular form of the hair, are strongly preserved.

The hair of Juno is parted from the front, and on the top of the head is a kind of diadem, called in Latin *corona*, and in Greek *σφενδόνη*, from its resemblance to a sling, the broad part of which is placed above the forehead, while the two lashes act as bands to confine the hair on the sides of the head, and fasten it behind,[5] in the manner represented in the next woodcut, from the British Museum.[6]

1. (Chamber iv., No. 2.)—2. (Hom., Hymn. ad Apoll., 134.—Compare 450.)—3. (Tibull., I., iv., 38.—Compare Eurip., Bacch., 455.—Seneca, Hippol., 752—Id., Œd., 416.)—4. (Pollux, Onom., iv., 143, 145.—Compare Paus., viii., 22, § 2.)—5 (Eustath. ad Dionys. Perieget., v., 7.)—6. (Chamber xi., No. 1.)

Pallas is rarely seen without her helmet; but when portrayed with her head uncovered, the hair is tied up in a knot at some distance from the head, and then falls from the band in long parallel curls.

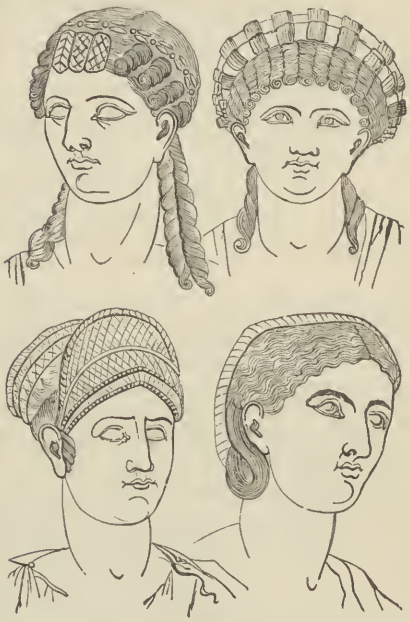
Venus and Diana are sometimes adorned with the *κόρυμβος* (woodcut, p. 291); but both these divinities are more frequently represented with their hair dressed in the simple style of the young Greek girls,[1] whose hair is parted in front, and conducted round to the back, so as to conceal the upper part of the ears. It is then tied in a plain knot at the nape of the neck, or, at other times, though less frequently, at the top of the head; both of which fashions are represented in the two woodcuts subjoined, one, that on the left, a daughter of Niobe, and the other from a bas-relief at Rome.

For the other styles of Venus and Diana, see the Venus di Medici, and British Museum, Chamber ii., No. 8; iii., 13; iv., 11; xii., 19; and Venus of the central saloon: the other ornaments sometimes seen in statues of Diana are works of a later age.

Fair hair was much esteemed both by the Greeks and Romans; hence, in some of the statues, the hair was gilt, remains of which are discernible in the Venus di Medici, and in the Apollo of the Capitol; and both sexes dyed their hair when it grew gray.[2]

False hair, or wigs, *φενάκη, πηνίκη, κόμαι προσθέται, τριχες προσθέται, galerus*, were also worn by the people of both countries.[3]

In very early times the Romans wore their hair long, as was represented in the oldest statues during the age of Varro,[4] and hence the Romans of the Augustan age designated their ancestors *intonsi*[5] and *capillati*.[6] But this fashion did not last after the year B.C. 300, as appears by the remaining works of art. The women, too, dressed their hair with simplicity, at least until the time of the emperors, and probably much in the same style as those of Greece; but at the Augustan period a variety of different head-dresses came into fashion, many of which are described by Ovid.[7] Four specimens of different periods are given below. The first head on the left represents Octavia, the niece of Augustus, from the museum in the Capitol at Rome; the next, Messalina, fifth wife of the Emperor Claudius; the one below, on the left, Sabina, the wife of Hadrian; and the next, Plautilla, the wife of Caracalla, which three are from the British Museum.[1]



Both countries had some peculiar customs connected with the growth of their hair, and illustrative of their moral or physical conditions. The Spartans combed and dressed their heads with especial care when about to encounter any great danger, in which act Leonidas and his followers were discovered by the spies of Xerxes before the battle of Thermopylæ.[2] The sailors of both nations shaved off their hair after an escape from shipwreck or other heavy calamity, and dedicated it to the gods.[3] In the earlier ages, the Greeks of both sexes cut their hair close in mourning;[4] but, subsequently, this practice was more exclusively confined to the women, the men leaving theirs long and neglected,[5] as was the custom among the Romans.[6]

In childhood, that is, up to the age of puberty, the hair of the males was suffered to grow long among both nations, when it was clipped and dedicated to some river or deity, from thence called *κουροτρόφος* by the poets,[7] and, therefore, to cut off the hair means to take the toga virilis.[8] At Athens this ceremony was performed on the third day of the festival Apaturia, which is therefore termed *κουρεῶτις*.

In both countries the slaves were shaved as a mark of servitude.[9]

The vestal virgins also cut their hair short upon taking their vows; which rite still remains in the Papal Church, in which all females have their hair cut close upon taking the veil.

1. (Compare Paus., viii., 20, § 2; x., 25, § 2.)—2. (Aristoph., Eccles., 736.—Mart., Epig., iii., 43.—Propert., II., xviii., 24, 28.) —3. (Pollux, Onom., ii., 30; x., 170.—Etymol. Mag., s. v. *Διαπηνικίζω* and *Φενακισθέντες*.—Xen., Cyrop., i., 3, § 2.—Polyb., iii., 78.—Juv., Sat., vi., 120.)—4. (De Re Rust., II., xi., 10.)—5. (Ovid, Fast., ii., 30.)—6. (Juv., Sat., vi. 30.)—7 (Art. Am., iii., 136, &c.)

1. (Chamber vi., Nos. 65, 58, 39.)—2. (Herod., vii., 209.)—3. (Anthol., Epigr. Lucian, 15.—Juv., Sat., xii., 81.)—4. (Cæs., iv., 198.—Il., xxiii., 141.—Soph., Aj., 1174.—Eurip., Electr., 148, 241, 337.—Phœn., 383.—Iph. Aul., 1448.—Troad, 484.—Helen., 1096, 1137, 1244.)—5. (Plutarch, Quæst. Rom., p. 82, ed. Reiske.) —6. (Ovid, Epist., x., 137.—Virg., Æn., iii., 65; xi., 35.)—7 (Anthol., Epig. Antiph. Th., 21.—Mart., Epig., I., xxxii., I. IX., xvii., I.)—8. (Id., IX., xxxvii., II.)—9. (Aristoph., Aves 911.—Plaut., Amph., I., i., 306.—Compare Lucan, i., 442.—Polyb., Eclog., xcvii.—Appian, Mithradat., p 296, ed. Tollius.)

*COM'AROS (*κόμαρος*), the wild Strawberry-tree, or *Arbutus Unedo*. (*Vid.* ARBUTUS.)

*COMBRE'TUM, a plant mentioned by Pliny,[1] who makes it closely resemble the *Bacchar*. Modern botanists, however, taking Pliny's own description as their guide, do not agree with him in opinion on this head. Cæsalpinus makes the *Combretum* (written sometimes *Combetum*) to be the same with a species of rush, called in Tuscany *Herba luziola*, and which has been referred to the *Luzcola maxima*, L.[2]

*COME (*κομή*), a plant, the same with the *τραγοπώγων*, or *Crocifolium Tragopogon*, so called from its leaves resembling those of the *Crocus*. Sibthorp found it growing in Cyprus.[3]

COMES. The word *comes* had several meanings in the Latin of the Middle Ages, for which the reader is referred to Du Fresne's Glossary and Supplement, *s. v.* In classical writers, and even to the end of the fourth century, its senses are comparatively few.

First it signified a mere attendant or companion, distinguished from *socius*, which always implied some bond of union between the persons mentioned. Hence arose several technical senses of the word, the connexion of which may be easily traced.

It was applied to the attendants on magistrates, in which sense it is used by Suetonius.[4] In Horace's time[5] it was customary for young men of family to go out as *contubernales* to governors of provinces and commanders-in-chief, under whose eye they learned the arts of war and peace. This seems to have led the way for the introduction of the *comites* at home, the maintenance of whom was, in Horace's opinion,[6] one of the miseries of wealth. Hence a person in the suite of the emperor was termed *comes*. As all power was supposed to flow from the imperial will, the term was easily transferred to the various offices in the palace and in the provinces (*comites palatini*, *provincialcs*). About the time of Constantine it became a regular honorary title, including various grades, answering to the *comites ordinis primi*, *secundi*, *tertii*. The power of these officers, especially the provincial, varied with time and place; some presided over a particular department with a limited authority, as we should term them, *commissioners*; others were invested with all the powers of the ancient proconsuls and prætors.

The names of the following officers explain themselves: *Comes Orientis* (of whom there seem to have been two, one the superior of the other), *comes Egypti*, *comes Britanniæ*, *comes Africæ*, *comes rei militaris*, *comes portuum*, *comes stabuli*, *comes domesticorum equitum*, *comes clibanarius*, *comes limitcæ vestis or vestiarii* (master of the robes). In fact, the emperor had as many *comites* as he had duties: thus, *comes consistorii*, the emperor's privy-councillor; *comes largitionum privatarum*, an officer who managed the emperor's private revenue, as the *comes largitionum sacrarum* did the public exchequer. The latter office united, in a great measure, the functions of the ædile and quæstor. The four *comites commerciorum*, to whom the government granted the exclusive privilege of trading in silk with barbarians, were under his control.

COMISSA'TIO (derived from *κῶμος*[7]), the name of a drinking entertainment, which took place after the cœna, from which, however, it must be distinguished. Thus Demetrius says to his guests, after they had taken their cœna in his own house, "*Quin commissatum ad fratrem imus?*"[8] and when Habinnas comes to Trimalchio's house after taking his cœna elsewhere, it is said that "*Comissator intravit.*"[1] It appears to have been the custom to partake of some food at the comissatio,[2] but usually only as a kind of relish to the wine.

The comissatio was frequently prolonged to a late hour at night;[3] whence the verb *comissari* means "to revel,"[4] and the substantive *comissator* a "reveller" or "debauchee." Hence Cicero[5] calls the supporters of Catiline's conspiracy *comissatores conjurationis*.[6]

COMI'TIA, or public assemblies of the Roman people (from *com-co* for *coeo*), at which all the most important business of the state was transacted, such as the election of magistrates, the passing of laws, the declaration of war, the making of peace, and, in some cases, the trial of persons charged with public crimes. There were three kinds of *comitia*, according to the three different divisions of the Roman people.

I. The COMITIA CURIATA, or assembly of the *curiæ*, the institution of which is assigned to Romulus.

II. The COMITIA CENTURIATA, or assembly of the centuries, in which the people gave their votes according to the classification instituted by Servius Tullius.

III. The COMITIA TRIBUTA, or assembly of the people according to their division into the local tribes. The first two required the authority of the senate, and could not be held without taking the auspices; the *comitia tributa* did not require these sanctions. We shall consider the three assemblies separately.

I. COMITIA CURIATA. This primitive assembly of the Romans originated at a time when there was no second order of the state. It was a meeting of the *populus*, or original burgesses, assembled in their tribes of houses, and no member of the *plebs* could vote at such a meeting. The ancient *populus* of Rome consisted of two tribes: the *Ramnes* or *Ramnenses*, and the *Titienses* or *Tities*, called after the two patronymic heroes of the state, *Romus*, *Romus*, or *Romulus*, and *Titus Tatius*; to which was subsequently added a third tribe, the *Luceres* or *Lucerenses*. Of these last Festus says, in a passage of some interest and importance, "*Luceresc et Luceres, quæ pars tertia populi Romani est distributa a Tatio et Romulo, appellati sunt a Lucero, Ardeæ rege, qui auxilio fuit Romulo adversus Tatium bellanti.*" From which it may be inferred, that as the *Tities* were Sabines, and the *Ramnes* the Romans proper, so the *Luceres* were Latins or of a Tyrrhenian stock. It will be observed, also, that in this passage of Festus the name of Tatius is placed first; so, also, in the same author[7] we have, "*Quia civitas Romana in sex est distributa partis, in primos secundosque Titienses, Ramnes, Luceres.*" This seems to point to a tradition rather inconsistent with the supposed precedency of "the haughty Ramnes" (*celsi Ramnes*[8]).

The different nations of antiquity had each of them their own regulative political number, or numerical basis; and as 3×4 was this basis with the Ionian tribes, so 3×10 seems to have been the basis of the Roman state-system.[9] The Athenian solar year consisted of 365 days; the Roman cyclic year of 304; and 360, the number of the houses or clans at Athens, bears the same relation to the former year that 300, the number of Roman houses, does to the latter. The three original tribes of the *populus* or *patres* were divided into 30 *curiæ*, and

1. (H. N., xxi., 6.)—2. (Plin., ed. Panckoucke, vol. xiii., p. 458.)—3. (Billerbeck, Flora Classica, p. 201.)—4. (Jul., 42.)—5 (Epist., I., viii., 2.)—6. (Sat., I., vi., 101.)—7. (Varro, De Ling. Lat., vii., 89, ed. Müller.)—8. (Liv., xl., 7.)

1. (Petron., 65.)—2. (Suet., Vitell., 13.)—3. (Suet., Tit., 7.)—4. (Hor., Carm., IV., i., 11.)—5. (Ep. ad Att., i., 16.)—6 (Becker, Gallus, vol. ii., p. 235.)—7. (s. v. Sex Vestæ Sacerdotes.)—8. (Niebuhr, Hist. Rom., i., p. 300.)—9 (*Vid.* New Cratylus, p. 186.)

each of these into ten houses; and this number of the houses also corresponded to the number of councillors who represented them in the senate. The division into houses was so essential to the patrician order, that the appropriate ancient term to designate that order was a circumlocution, *the patrician gentes* (*gentes patriciæ*). "*Plebes dicitur*," according to Capito, "*in qua gentes civium patriciæ non insunt.*"[1] The derivation of *curia* from *cura*, which is given by Festus and Varro, is altogether inadmissible. It is obvious that *curia* means "the assembly of the *master*-burgesses," "the free householders," "the *patroni*;" the word contains the same element as the Greek κύριος, κοῦρος, κουρίδιος, κόρος, κοίρανος, κύρβας, &c.,[2] which element also appears in the Latin *quirites*, *curiates*, *curiatii*, &c. The word *quirites* appears to be nearly identical with κούρητες, which signifies "noble warriors;" as in Homer,[3] κρινάμενος κούρητας ἀριστῆας Παναχαιῶν. The same root is also contained in the Sanscrit *çûras*, "a hero." In the same way as the Greeks used κύριος of the head of a family, the Romans spoke of the free burgess and his wife as *patronus* and *matrona* in reference to their children, servants, and clients.[4] These last, so called from *cluere*—the *clientes*, the *hörigern*, the "hearers" or dependants—were probably, in the first instance, aliens, natives of cities having an isopolitan relation with Rome, who had taken up their franchise there by virtue of the *jus exsulandi* and the *jus applicationis*; and most likely their relation to the *patronus*, or man of the *curiæ*, was analogous to that subsisting between the resident alien and his προστάτης in a Greek state. These clients belonged to the gentes of their patrons; as, however, the clients and the descendants of freedmen were classed among the ærarians in reference to the franchise at the *comitia majora*, it is exceedingly improbable that they would vote with their *patroni* at the *comitia curiata*. From the number of houses which they contained, the patrician tribes were called centuries;[5] and the three new centuries formed by Tarquinius were tribes of houses who voted in the *comitia curiata* like the original patricians. They were united with the old tribes under the name of the *sex suffragia*, or "the six votes"—"*Sex suffragia appellantur in equitum centuriis, quæ sunt adfectæ ei numero centuriarum, quas Priscus Tarquinius rex constituit.*"[6] But the number of *curiæ* continued the same, according to one or other of the following solutions which Niebuhr has suggested: 1. The 300 houses may have been still complete, and 300 new houses were admitted into the tribes, so as to assign 20 houses to each curia; the number of the curiæ continuing unaltered. but 5 curiæ instead of 10 being reckoned to the century. 2. But more probably the houses had fallen short. Suppose there were now only 5 to the curia. Then, if the 150 houses were collected into half the number of curiæ, the remaining 15 curiæ might be filled up with newly-adopted houses, the ancient proportion of 10 houses to a curia remaining undisturbed. "This latter hypothesis," says Niebuhr,[7] "is confirmed, and almost established, by the statement that Tarquinius doubled the senate, raising the number from 150 to 300; only here two changes are confounded, between which a considerable interval would probably elapse." Although the number of patrician curiæ remained unchanged by this measure of Tarquinius, it seems indubitable that it was considered as an increase in the number of the patrician tribes of houses, as, indeed, the name implies, and as Festus,[8] quoted above, most expressly states; the new and old tribes being distinguished as *first* and *second* Tities, Ramnes, and Luceres.

The *comitia curiata*, which were thus open to the original burgesses alone, were regarded as a meeting principally for the sake of confirming some ordinance of the senate: a *senatus consultum* was an indispensable preliminary; and with regard to elections and laws, they had merely the power of confirming or rejecting what the senate had already decreed.[1] The two principal reasons for summoning the *comitia curiata* were, either the passing of a *lex curiata de imperio*, or the elections of priests. The *lex curiata de imperio*, which was the same as the *auctoritas patrum*,[2] was necessary in order to confer upon the dictator, consuls, and other magistrates the *imperium*, or military command; without this they had only a *potestas*, or civil authority, and were not allowed to meddle with military affairs. And thus Livy makes Camillus speak of the *comitia curiatu*, *quæ rem militarem continent*, as distinguished from the "*comitia centuriata, quibus consules tribunosque militares creatis.*"[3] The *comitia curiata* were also held for the purpose of carrying into effect the form of adoption called *adrogatio*, for the confirmation of wills, and for the ceremony called the *detestatio sacrorum*. They were held in that part of the Forum which was called *comitium*, and where the tribunal (*suggestum*) stood. The patrician magistrates properly held the comitia curiata; or, if the question to be proposed had relation to sacred rights, the pontifices presided. They voted, not by houses, but by *curiæ*; this was probably the reason why Tarquinius was careful not to alter the number of the curiæ when he increased the number of the tribes. In after times, when the meetings of the comitia curiata were little more than a matter of form, their suffrages were represented by the thirty lictors of the *curiæ*, whose duty it was to summon the *curiæ* when the meetings actually took place, just as the classes in the *comitia centuriata* were summoned by a trumpeter (*cornicen* or *classicus*). Hence, when the comitia curiata were held for the inauguration of a flamen, for the making of a will, &c., they were called specially the *comitia calata*, or "the summoned assembly."

II. The Comitia Centuriata, or, as they were sometimes called, the *comitia majora*, were a result of the constitution generally attributed to Servius Tullius, the sixth king of Rome. The object of this legislator seems to have been to unite in one body the *populus* or patricians—the old burgesses of the three tribes, and the *plebs* or pale-burghers—the commonalty who had grown up by their side, and to give the chief weight in the state to wealth and numbers rather than to birth and family pretensions. With a view to this, he formed a plan, by virtue of which the people would vote on all important occasions according to their equipments when on military service, and according to the position which they occupied in the great phalanx or army of the city: in other words, according to their property; for it was this which enabled them to equip themselves according to the prescribed method. In many of the Greek states the heavy-armed soldiers were identical with the citizens possessing the full franchise; and instances occur in Greek history when the privileged classes have lost their prerogatives, from putting the arms of a full citizen into the hands of the commonalty; so that the principle which regulated the votes in the state by the arrangement of the army of the state, was not peculiar to the constitution of Servius. This arrangement considered the whole state as forming a reg

1. (Gellius, x., 20.—Niebuhr, i., p. 316.)—2. (New Cratylus, p. 410.)—3. (Il., xix., 193.)—4 (Niebuhr, i., p. 317.)—5. (Compare Livy, i., 13, with x., 6.)—6. (Festus.)—7 (i., p. 393.)—8. (s. v. Sex Vestæ Sacerdotes.)

1. (See the passage quoted by Niebuhr, ii., p. 179.)—2. (Niebuhr, i., p. 331.)—3. (Liv., v., 52.)

tar army, with its cavalry, heavy-armed infantry, reserve, carpenters, musicians, and baggage-train. The cavalry included, first, the six equestrian centuries, or the *sex suffragia*, which made up the body of the *populus*, and voted by themselves in the *comitia curiata*; to which were added twelve centuries of plebeian knights, selected from the richest members of the commonalty. The foot-soldiers were organized in the following five classes: 1. Those whose property was at least 100,000 *asses*, or pounds' weight of copper. They were equipped in a complete suit of bronze armour. In order to give their wealth and importance its proper political influence, they were reckoned as forming 80 centuries, namely, 40 of young men (*juniores*) from 17 to 45, and 40 of older men (*seniores*) of 45 years and upward. 2. Those whose property was above 75,000 and under 100,000 *asses*, and who were equipped with the wooden *scutum* instead of the bronze *clipeus*, but had no coat of mail. They made up 20 centuries, 10 of *juniores* and 10 of *seniores*. 3. Those whose property was above 50,000 *asses* and below 75,000, and who had neither coat of mail nor greaves. They consisted of the same number of centuries as the second class, similarly divided into *juniores* and *seniores*. 4. Those whose property was above 25,000 *asses* and below 50,000, and who were armed with the pike and javelin only. This class also contained 20 centuries. 5. Those whose property was between 12,500 and 25,000 *asses*, and who were armed with slings and darts. They formed 30 centuries. The first four classes composed the phalanx, the fifth class the light-armed infantry. Those citizens whose property fell short of the qualification for the fifth class were reckoned as supernumeraries. Of these there were two centuries of the *accensi* and *velati*, whose property exceeded 1500 *asses*; one century of the *proletarii*, whose property was under 1500 *asses* and above 375; and one century of the *capite-censi*, whose property fell short of 375 *asses*. All these centuries were classed according to their property: but, besides these, there were three centuries which were classed according to their occupation: the *fabri*, or carpenters, attached to the centuries of the first class; the *cornicines*, or horn-blowers, and the *tubicines* or *liticines*, the trumpeters, who were reckoned with the fourth class. Thus there would be in all 195 centuries, 18 of cavalry, 140 of heavy infantry, 30 of light infantry, four of reserve and camp-followers, and three of smiths and musicians. In voting, it was intended to give the first class and the knights a preponderance over the rest of the centuries, and this was effected as we have just mentioned; for the first class, with the knights and the fabri, amounted to 99 centuries, and the last four classes, with the supernumeraries and musicians, to 96 centuries, who were thus outvoted by the others, even though they themselves were unanimous. See the remarkable passage from Cicero,[1] most ingeniously restored by Niebuhr.[2] Even if we suppose that the *fabri* were expected to vote rather with the lower classes than with the first class to which they were assigned, the first class, with the knights, would still have a majority of one century. The same principle was observed when the army was serving in the field. As the centuries of *seniores* consisted of persons beyond the military age, the *juniores* alone are to be taken into the account here. The first class sent its 40 centuries of *juniores*, of which 30 formed the *principes*, and 10 were posted among the *triarii*, who, as Niebuhr suggests, probably owed their name to the fact that they were made up out of all the three heavy-armed classes; the second and third classes furnished 20 centuries apiece, i. e. twice the number of their junior votes, and 10 from each class stood among the *triarii*, the rest being *hastati* with shields; the fourth class supplied 10 centuries, the number of its junior votes, who formed the *hastati* without shields; the fifth class furnished 30 centuries, twice the number of its junior votes, who formed the 30 centuries of *rorarii*. To these were added 10 *turmæ* of cavalry, or 300 men. This was the division and arrangement of the army as a legion. But when it was necessary to vote in the camp, they would, of course, revert to the principles which regulated the division of the classes for the purpose of voting at home, and would reunite the double contingents. In this way, we have 85 centuries of junior votes, or 90 with the five unclassed centuries; that is to say, we have again 3×30, the prevailing number in Roman institutions. Of these, the first class with the *fabri* formed 41 centurics, leaving 49 for the other centuries; but with the first class the 10 *turmæ* of the cavalry would also be reckoned as ten centuries, and the first class would have 51, thus exceeding the other moiety by 2.

Such were the principles of the classification of the centuries, as it has been developed by Niebuhr. Their *comitia* were held in the *Campus Martius* without the city, where they met as the *exercitus urbanus*, or army of the city; and, in reference to their military organization, they were summoned by the sound of the horn, and not by the voice of the lictors, as was the case with the *comitia curiata*.

On the connexion of this division into centuries with the registration of persons and property, see Censors and Census. The general causes of assembling the *comitia centuriata* were, to create magistrates, to pass laws, and to decide capital causes when the offence had reference to the whole nation, and not merely to the rights of a particular order. They were summoned by the king, or by the magistrates in the Republic who represented some of his functions, that is, by the dictator, consuls, prætors, and, in the case of creating magistrates, by the interrex also. The prætors could only hold the comitia in the absence of the consuls, or, if these were present, only with their permission. The consuls held the comitia for the appointment of their successors, of the prætors, and of the censors. It was necessary that seventeen days' notice should be given before the comitia were held. This interval was called a *trinundinum*, or "the space of three market-days" (*tres nundinæ*, "three ninth-days"), because the country people came to Rome to buy and sell every eighth day, according to our mode of reckoning, and spent the interval of seven days in the country (*reliquis septem rura colebant*[1]). The first step in holding the comitia was to take the auspices. The presiding officer, accompanied by one of the augurs (*augure adhibito*), pitched a tent (*tabernaculum cepit*) without the city, for the purpose of observing the auspices. If the tent was not pitched in due form, all the proceedings of the comitia were utterly vitiated, and a magistrate elected at them was compelled to abdicate his office, as in the case mentioned by Livy,[2] "*Non tamen pro firmato stetit magistratus ejus jus: quia tertio mense, quam inierunt, augurum decreto, perinde ac vitio creati, honore abierc: quia C. Curtius, qui comitiis eorum præfuerat, parum recte tabernaculum cepisset.*" The comitia might also be broken off by a tempest; by the intercession of a tribune; if the standard, which was set up in the Janiculum, was taken down; or if any one was seized with the epi

1. (De Republica.)—2. (i., p. 444.)

1. (Varro, De Re Rust., Præfat.)—2. (iv., 7.)—3. (Cicero, De Nat. Deor., ii., 4.)

lepsy, which was from this circumstance called the *morbus comitialis*.

The first step taken at the *comitia centuriata* was for the magistrate who held them to repeat the words of a form of prayer after the augur. Then, in the case of an election, the candidates' names were read, or, in the case of a law or a trial, the proceedings or bills were read by a herald, and different speakers were heard on the subject. The question was put to them with the interrogation, *Velitis, jubeatis, Quirites?*" Hence the bill was called *rogatio*, and the people were said *jubere legem*. The form of commencing the poll was: "*Si vobis videtur, discedite, Quirites*," or "*Ite in suffragium, bene jurantibus diis, et quæ patres censuerunt, vos jubete.*"[1] The order in which the centuries voted was decided by lot; and that which gave its vote first was called the *centuria prærogativa*.[2] The rest were called *jure vocatæ*.[3] In ancient times the people were polled, as at our elections, by word of mouth. But at a later period the ballot was introduced by a set of special enactments (the *leges tabellariæ*), having reference to the different objects in voting. These laws are enumerated by Cicero:[4] "Sunt enim quattuor leges tabellariæ: quarum prima de magistratibus mandandis; ea est *Gabinia*, lata ab homine ignoto et sordido. Secuta biennio post *Cassia* est, de populi judicio, a nobili homine lata *L. Cassio*, sed (pace familiæ dixerim) dissidente a bonis atque omnes rumusculos populari ratione aucupante. *Carbonis* est tertia, de jubendis legibus et vetandis, seditiosi atque improbi civis, cui ne reditus quidem ad bonos salutem a bonis potuit afferre. Uno in genere relinqui videbatur vocis suffragium, quod ipse Cassius exceperat, perduellionis. Dedit huic quoque judicio *C. Cælius* tabellam, doluitque quoad vixit, se, ut opprimeret C. Popilium, nocuisse reipublicæ." The dates of these four bills for the introduction of ballot at the *comitia centuriata* are as follow: 1. The Gabinian law, introduced by Gabinius, the tribune, in B.C. 140. 2. The Cassian law, B.C. 138. 3. The Papirian law, introduced by C. Papirius Carbo, the tribune, in B.C. 132. 4. The Cælian law, B.C. 108. In voting, the centuries were summoned in order into a boarded enclosure (*septum* or *ovile*), into which they entered by a narrow passage (*pons*) slightly raised from the ground. There was probably a different enclosure for each century, for the Roman authors generally speak of them in the plural. The *tabellæ* with which they had to ballot were given to the citizens at the entrance of the *pons* by certain persons called *diribitores*; and here intimidation was often practised. If the business of the day were an election, the *tabellæ* had the initials of the candidates. If it were the passing or rejection of a law, each voter received two *tabellæ*: one inscribed *U. R.*, i. e., *uti rogas*, "I vote for the law;" the other inscribed *A.*, i. e., *antiquo*, "I am for the old law." Most of the terms are given in the following passage of Cicero:[5] "Quum dies venisset *rogationi* ex S. C. ferendæ, concursabant barbatuli juvenes, et populum, ut *antiquaret*, rogabant. Piso autem consul, *lator rogationis*, idem erat dissuasor. Operæ Clodinæ *pontes* occuparant: *tabellæ* ministrabantur, ita ut nulla daretur UTI ROGAS." In the old system of polling, each citizen was asked for his vote by an officer called *rogator*, or "the polling-clerk."[6] Under the ballot system they threw whichever *tabella* they pleased into a box at the entrance of the booth, and certain officers, called *custodes*, were standing to check off the votes by points (*puncta*) marked on a tablet. Hence *punctum* is used metaphorically to signify "a vote," as in Horace: "Discedo Alcæus *puncto* illius;" and we have the metaphor at greater length,

> "*Centuriæ seniorum* agitant expertia frugis,
> *Celsi* prætereunt austera poemata *Ramnes*;
> *Omne* tulit *punctum* qui miscuit utile dulci."[7]

The *diribitores*, *rogatores*, and *custodes* were generally friends of the candidates, who voluntarily undertook these duties.[8] But Augustus selected 900 of the equestrian order to perform the latter offices.

The acceptance of a law by the *centuriata comitia* did not acquire full force till after it had been sanctioned by the *comitia curiata*, except in the case of a capital offence against the whole nation, when they decided alone. The plebeians originally made their testaments at the *comitia centuriata*, as the patricians did theirs at the *comitia curiata*; and as the *adrogatio* required a decree of the *curiæ*, so the adoption of plebeians must have required a decree of the *centuriæ*; and as the lictors of the *curiæ* represented them, so those transactions which required five witnesses were originally perhaps carried into effect at the *comitia centuriata* the five classes being represented by these witnesses.[9]

III. The COMITIA TRIBUTA were not established till B.C 491, when the plebs had acquired some considerable influence in the state. They were an assembly of the people according to the local tribes, into which the plebs was originally divided: for the plebs or commonalty took its rise from the formation of a domain or territory, and the tribes of the community or pale-burghers were necessarily local, that is, they had regions corresponding to each of them, therefore, when the territory diminished, the number of these tribes diminished also. Now, according to Fabius, there were originally 30 tribes of plebeians, that is, as many plebeian tribes as there were patrician *curiæ*. These 30 tribes consisted of four urban and 26 rustic tribes. But at the admission of the Crustumine tribe there were only 20 of these tribes. So that probably the cession of a third of the territory to Porsena also diminished the number of tribes by one third.[10] It is an ingenious conjecture of Niebuhr's, that the name of the 30 local tribes was perhaps originally different, and that only 10 of them were called by the name *tribus*; hence, after the diminution of their territory, there would be only two tribes, and the two *tribuni plebis* would represent these two tribes.[11]

Such being the nature of the plebeian tribes, no qualification of birth or property was requisite to enable a citizen to vote in the *comitia tributa*; whoever belonged to a given region, and was, in consequence, registered in the corresponding tribe, had a vote at these comitia. They were summoned by the *tribuni plebis*, who were also the presiding magistrates, if the purpose for which they were called was the election of tribunes or ædiles; but consuls or prætors might preside at the comitia tributa, if they were called for the election of other inferior magistrates, such as the quæstor, proconsul, or proprætor, who were also elected at these comitia. The place of meeting was not fixed. It might be the *Campus Martius*, as in the case of the *comitia majora*, the *Forum*, or the *Circus Flaminius*. Their judicial functions were confined to cases of lighter importance. They could not decide in those referring to capital offences. In their legislative capacity they passed *plebiscita*, or "decrees of the *plebs*," which were originally binding only on themselves. At last, however, the *plebiscita* were placed on the same footing with the *leges*, by the *Lex Hortensia* (B.C. 288), and from this time they could pass

1 (Liv., xxxi., 7.)—2. (Liv., v., 18.)—3. (Liv., xxvii., 6.)—4. De Leg., iii., 16, § 35.)—5. (Ep. ad Att., i., 14.)—6 (Cic., De Liv., i, 17; ii 35.—De Nat. Deor., ii., 4.)

1. (Epist., II., ii., 99.)—2. (Epist. ad Pis., 341-343.)—3. (Cic in Pis., 15.—Post. Red. in Sen., 11.)—4. (Niebuhr, i., p. 474.)—5. (Niebuhr, i., p 408-411.)—6. (Cic. in Pis., 12.)

whatever legislative enactments they pleased, without or against the authority of the senate.[1]

COMMEA'TUS, a furlough, or leave of absence from the army for a certain time.[2] If a soldier exceeded the time allowed him, he was punished as a deserter, unless he could show that he had been detained by illness, or some other cause, which absolutely prevented his return.[3]

COMMENTA'RIUS or COMMENTA'RIUM meant a book of memoirs or memorandum-book, whence the expression Cæsaris Commentarii (*Hinc Cæsaris libros de bellis a se gestis commentarios inscripsit, quod nudi cesent omni ornatu orationis, tanquam veste detracto*[4]). Hence it is used for a lawyer's brief, the notes of a speech, &c.[5]

In the Digest the word *commentariensis* frequently occurs in the sense of a recorder or registrar; sometimes, as Valerius Maximus[6] uses it, for a registrar of prisoners; in other words, a jailer.[7] A military officer so called is mentioned by Asconius,[8] who probably had similar duties. The word is also employed in the sense of a notary or secretary of any sort.

Most of the religious colleges had books called *Commentarii*, as *Commentarii Augurum, Pontificum.* (*Vid.* Fasti.)

COMME'RCIUM. (*Vid.* Civitas, Roman.)

COMMI'SSUM. One sense of this word is that of "forfeited," which apparently is derived from that sense of the verb committere, which is "to commit a crime," or "to do something wrong." Asconius says that those things are commissa which are either done or omitted to be done by a heres against the will of a testator, and make him subject to a penalty or forfeiture; thus, commissa hereditas would be an inheritance forfeited for some act of commission or omission. Cicero[9] speaks of an hypothecated thing becoming commissa; that is, becoming the absolute property of the creditor for default of payment. A thing so forfeited was said *in commissum incidere* or *cadere*. Commissum was also applied to a thing in respect of which the vectigal was not paid, or a proper return made to the publicani. A thing thus forfeited (*vectigalium nomine*) ceased to be the property of the owner, and was forfeited, under the Empire, to the fiscus.[10]

COMMISSO'RIA LEX is the term applied to a clause often inserted in conditions of sale, by which a vendor reserved to himself the privilege of rescinding the sale if the purchaser did not pay his purchase-money at the time agreed on. The lex commissoria did not make the transaction a conditional purchase; for in that case, if the property were placed in the hands of the purchaser, and damaged or destroyed, the loss would be the loss of the vendor, inasmuch as the purchaser, by non-payment of the money at the time agreed on, would fail to perform the condition; but it was an absolute sale, subject to be rescinded at the pleasure of the vendor if the money was not paid at the time agreed on, and, consequently, if after this agreement the property was in the possession of the vendor, and was lost or destroyed before the day agreed on for payment, the loss fell on the purchaser. If the purchaser intended to take advantage of the lex commissoria, it was necessary that he should declare his intention as soon as the condition was agreed on. If he received or claimed any part of the purchase-money after the day agreed upon, it was held that he thereby waved the advantage of the lex commissoria. (*Vid.* Pignus.)[11]

1 (Gaius, i., 1.)—2. (Tacit., Ann., xv., 10.—Liv., iii., 46.)—3. (Paulus, Dig. 50, tit. 16, s. 14.)—4. (Cic., Brutus, c. 75.)—5. (Sen. in procem., lib. iii., excerp. controv.)—6. (v., 4.)—7. (Hesych. et Du Fresne, s. v.)—8. (in Verr., iii., 28.)—9. (Ep. ad Fam., xiii., 56.)—10. (Dig. 39, tit. 4.—Suet., Calig., 41.)—11. (Dig. 18, tit. 3.)

COMMU'NI DIVIDU'NDO A'CTIO is one of those actions which are called mixtæ, from the circumstance of their being partly *in rem* and partly *in personam*; and duplicia judicia, from the circumstance of both plaintiff and defendant being equally interested in the matter of the suit,[1] though the person who instituted the legal proceedings was properly the actor. This action was maintainable between those who were joint owners of a corporeal thing which accordingly was called res communis; and it was maintainable whether they were owners (*domini*), or had merely a right to the publiciana actio in rem; and whether they were socii, as in the case of a joint purchase; or not socii, as in the case of a thing bequeathed to them (*legata*) by a testament; but the action could not be maintained in the matter of an hereditas. In this action an account might be taken of any injury done to the common property, or anything expended on it, or any profit received from it, by any of the joint owners. Any corporeal thing, as a piece of land or a slave, might be the subject of this action.

It seems that division was not generally effected by a sale; but if there were several things, the judex would adjudicate (*adjudicare*) them severally[2] to the several persons, and order (*condemnare*) the party who had the more valuable thing or things to pay a sum of money to the other by way of equality of partition. It follows from this that the things must have been valued; and it appears that a sale might be made, for the judex was bound to make partition in the way that was most to the advantage of the joint owners, and in the way in which they agreed that partition should be made; and it appears that the joint owners might bid for the thing, which was common property, before the judex. If the thing was one and indivisible, it was adjudicated to one of the parties, and he was ordered to pay a fixed sum of money to the other or others of the parties. This action, and that of familiæ erciscundæ, bear some resemblance to the now abolished English writ of partition, and to the bill in equity for partition.[3]

COMMODA'TUM is one of those obligationes which are contracted *re*. He who lends to another a thing for a definite time, to be enjoyed and used under certain conditions, without any pay or reward, is called *commodans;* the person who receives the thing is called *commodatarius;* and the contract is called *commodatum*. It is distinguished from mutuum in this, that the thing lent is not one of those things *quæ pondere, numero, mensurave constant*, as wine, corn, &c.; and the thing commodata does not become the property of the receiver, who is therefore bound to restore the same thing. It differs from locatio et conductio in this, that the use of the thing is gratuitous. The commodatarius is liable to the actio commodati if he does not restore the thing; and he is bound to make good all injury which befalls the thing while it is in his possession, provided it be such injury as a careful person could have prevented, or provided it be any injury which the thing has sustained in being used contrary to the conditions or purpose of the lending. In some cases the commodatarius had an actio contraria against the commodans, who was liable for any injury sustained by the commodatarius through his dolus or culpa; as, for instance, if he knowingly lent him bad vessels, and the wine or oil of the commodatarius was thereby lost or injured.[4]

COMŒDIA (κωμῳδία), a branch of dramatic poetry, which originated in Greece, and passed from thence into Italy.

1. (Gaius, iv., 160.)—2. (Gaius, iv., 42.)—3. (Dig. 10, tit. 3—Cic., Ep. ad Fam., vii., 12.—Bracton, v., c. 33)—4. (Dig. 13 tit. 6.—Instit., iii., 14. 2.)

I. Greek Comedy, like Greek tragedy, arose from the worship of Bacchus; but comedy sprang from a more ancient part of Bacchic worship than tragedy. A band of Bacchic revellers naturally formed a *comus* (κῶμος); their song or hymn was properly a κωμῳδία, or "comus-song," and it was not till a comparatively late period that the Bacchic ode or dithyramb was performed by a regular chorus. From this regular chorus the Tragedy of Greece arose (*vid.* Chorus); and to the old comus of the Bacchic or phallic revellers we may assign the origin of comedy. It is true that Aristotle derives comedy from κώμη, "a village;" so that κωμῳδία is "the village song:" but this etymology, like so many others proposed by Greek authors, is altogether inadmissible, however much it may be in accordance with the fact that the Bacchic *comus* did go about from village to village—it was a village or country amusement; but it is clear, from the manner in which Athenian writers speak of this Bacchic procession, that it was a comus; thus, in an old law, quoted by Demosthenes,[1] Ὁ κῶμος καὶ οἱ κωμῳδοί, and Aristophanes,[2] Φαλῆς, ἑταῖρε Βακχίου, ζύγκωμε: and as the tragedy sprang from the recitations of the leaders (οἱ ἐξάρχοντες) in the dithyramb, so this comus-song, as a branch of dramatic poetry, seems to be due to analogous effusions of the leaders in the phallic comus; and thus Antheas the Lindian, according to Athenæus,[3] Καὶ κωμῳδίας ἐποίει καὶ ἄλλα πολλὰ ἐν τούτῳ τῷ τρόπῳ τῶν ποιημάτων, ἃ ἐξῆρχε τοῖς μετ' αὐτοῦ φαλλοφοροῦσι.

This branch of Greek drama was first cultivated by the Icarians, the inhabitants of a little village in Attica, which claimed to have been the first to receive the worship of Bacchus in that part of Greece; and Susarion, a native of Tripodiscus, in Megaris, was the first to win the prize—a basket of figs and a jar of wine—which was given to him as the successful leader of a comus of Icarian "glee-singers" (τρυγῳδοί), so called because they smeared their faces with the lees of wine; a rude disguise, which was sometimes substituted for the mask worn by the κωμῳδοί, when they afterward assumed the form of a regular chorus. The Dorians of Megara seem to have been from the first distinguished for a vein of coarse jocularity, which naturally gave a peculiar turn to the witticisms of the comus among them; and thus we find that comedy, in the old sense of the word, first came into being among the Megarians and their Sicilian colonists.[4] Susarion flourished in the time of Solon, a little before Thespis, but he seems to have stood quite alone; and, indeed, it is not likely that comedy, with its bold spirit of caricature, could have thriven much during the despotism of the Peisistratidæ, which followed so close upon the time of Susarion. The very same causes which might have induced Peisistratus to encourage tragedy, would operate to the prevention of comedy; and, in fact, we find that comedy did not thoroughly establish itself at Athens till after the democratical element in the state had completely asserted its pre-eminence over the old aristocratic principles, namely, in the time of Pericles. The first of the Attic comedians, Chionides, Ecphantides, and Magnes, flourished about the time of the Persian war; and were followed, after an interval of thirty years, by Cratinus, Eupolis, and Aristophanes, whom Horace justly mentions as the greatest authors of the comedy of caricature.[5] This branch of comedy seems to have been the natural descendant of the satiric iambography of Archilochus and others: it was a combination of the iambic lampoon with the comus, in the same way as tragedy was a union of the epic rhapsody with the dithyrambic chorus. This old comedy ended with Aristophanes, whose last productions are very different from his early ones, and approximate rather to the middle Attic comedy, which seems to have sprung naturally from the old, when the free democratic spirit which had fostered its predecessor was broken and quenched by the events which followed the Peloponnesian war, and when the people of Athens were no longer capable of enjoying the wild license of political and personal caricature. The middle Attic comedy was employed rather about criticisms of philosophical and literary pretenders, and censures of the foibles and follies of the whole classes and orders of men, than about the personal caricature which formed the staple of the old comedy. The writers of the middle comedy flourished between B.C. 380 and the time of Alexander the Great, when a third branch of comedy arose, and was carried to the greatest perfection by Menander and Philemon. The comedy of these writers, or the new comedy, as it is called, went a step farther than its immediate forerunner: instead of criticising some class and order of men, it took for its object mankind in general; it was, in fact, a comedy of *manners*, or a comedy of *character*, like that of Farquhar and Congreve; the object of the poet was, by some ingeniously-contrived plot and well-imagined situations, to represent, as nearly as possible, the life of Athens as it went on around him in its every-day routine; hence the well-known hyperbole addressed to the greatest of the new comedians:

ὦ Μένανδρε καὶ βίε,
πότερος ὑμῶν πότερον ἐμιμήσατο.

The middle and new comedy, though approaching much more nearly to what we understand by the name *comedy*, could scarcely be called by the name κωμῳδία with any strict regard to the original meaning of the word; they had nothing in them akin to the old revelry of the κῶμος: in fact, they had not even the comic chorus, which had succeeded and superseded the κῶμος, but only marked the intervals between the acts by some musical voluntary or interlude. It belongs to a history of Greek literature, and not to a work of this nature, to point out the various steps by which Attic comedy passed from its original boisterous and almost drunken merriment, with its personal invective and extravagant indecency, to the calm and refined rhetoric of Philemon, and the decent and good-tempered Epicureanism of Menander; still less can we enter here upon the literary characteristics of the different writers whose peculiar tendencies had so much influence on the progressive development of this branch of the drama. It is sufficient for our purpose to point out generally the *nature* of Greek comedy, as we have done above, and to enable the student to discriminate accurately between the outward features of Greek comedy and tragedy.

The dance of the comic chorus was called the κόρδαξ, and was of the most indecent description; the gestures, and, indeed, the costumes of the choreutæ, were such that even the Athenians considered it justifiable only at the festival of Bacchus, when every one was allowed to be drunk in honour of the god; for, if an Athenian citizen danced the *cordax* sober and unmasked, he was looked upon as the most shameless of men, and forfeited altogether his character for respectability.[1] Aristophanes himself, who did not much scruple at violating common decency, claims some merit for his omission of the *cordax* in the *Clouds*, and for the more modest attire of his chorus in that play.[2] According to Athenæus,[3] the *cordax* was a sort of *nypor-*

1. (c. Mid., p. 517.)—2. (Acharn., 263.)—3. (p. 445, B.)—4. (See Meineke, Hist Crit. Com. Gr., p. 20, &c.)—5. (Sat., I., iv. 1-5.)

1. (Theophrast., Charact., 6.)—2. (v., 537, &c.)—3. (p. 630, D.)

cheme, or imitative dance, in which the choreutæ expressed the words of the song by merry gesticulations.[1] Such a dance was the hyporcheme of the Spartan *deicelictæ*; a sort of merry-andrews, whose peculiar mimic gestures seem to have formed the basis of the Dorian comedy, which prevailed, as we have seen, in Megaris, and which probably was the parent stock, not only of the Attic, but also of the Sicilian and Italian comedy.

The comic chorus consisted of twenty-four persons, *i. e.*, of half the number of the full tragic chorus; and as the comedians did not exhibit with tetralogies as the tragedians did, this moiety appeared on the stage undivided, so that a comedy had, in this respect, a considerable advantage over a tragedy. The chorus entered the stage in rows of six, and singing the *parodos* as in tragedy; but the *parodos* was generally short, and the *stasima* still less important and considerable. The most important business of the chorus in the old comedy was to deliver the *parabasis*, or address to the audience. In this the chorus turned round from its usual position between the *thymcle* and the stage, where the choreutæ stood with their faces turned towards the actors, and made an evolution so as to pass to the other side of the *thymele*. Here they stood with their faces turned towards the spectators, and addressed them in a long series of anapæstic tetrameters, generally speaking in the name of the comic poet himself. When the parabasis was complete, it consisted of, 1. The κομμάτιον, a short introduction in trochaic or anapæstic verse. 2. A long system of anapæstic tetrameters, called the πνῖγος or the μακρόν. 3. A lyrical strophe, generally in praise of some divinity. 4. The ἐπίρρημα, consisting, according to the rule, of sixteen trochaic verses, in which the chorus indulged in witticisms directed against some individual, or even against the public in general. The *parabasis*, though a good deal refined by the better taste of Aristophanes, retained much of the abusive scurrility of the old rustic comus; so that we may regard it as the only living representative of the old wagon-jests of the phallic procession in which comedy originated, and as the type of that predominant element in the old comedy which the Roman satirist Lucilius made the object of his imitation.

II. Italian Comedy may be traced, in the first instance, to the rude efforts of the Dorian comus in Sicily. It has been shown by Müller[2] that even the Oscan farces, called the *fabulæ Atellanæ*, which passed from Campania to Rome, may be traced to a Dorian origin, as the names of some of the standing masks in these farces, such as *Pappus*, *Maccus*, and *Simus*, are clearly Greek names. The more complete development of the Sicilian comedy by Epicharmus appears to have paved the way for the establishment of a more regular comic drama in Italy. Imitations of Epicharmus seem to have been common among the cities of Magna Græcia; and so early as B.C. 240, Livius Andronicus exhibited at Rome translations or adaptations of Greek comedies, in which he did not attempt to obliterate the traces of their Greek origin: on the contrary, from first to last, most of the Latin comedies were professedly Greek in all their circumstances; and the translators or imitators, though many of them were men of great genius, did not hesitate to speak of themselves as *barbari* in comparison with their Greek masters, and called Italy *barbaria* in comparison with Athens.[3] The Latin comedians, of whom we can judge for ourselves, namely, Plautus and Terence, took their models chiefly from the new comedy of Greece. The latter, as far as we know, never imitated any other branch of Greek comedy But Plautus, though he chiefly follows the poets of the middle or new comedy, sometimes approximates more nearly to the Sicilian comedy of Epicharmus, or to the ἱλαροτραγῳδία of Rhinthon and others. It is doubtful whether the *Amphitryo*, which Plautus himself terms a *tragico-comœdia*, is an imitation of Rhinthon or of Epicharmus. That Plautus did imitate Epicharmus is clear from the words of Horace:[4] "*Dicitur . . . . Plautus ad exemplar Sicili properare Epicharmi*;" and A. W. Schlegel would infer from this passage alone that the *Amphitryo* was borrowed from some play by Epicharmus, who, as is well known, composed comedies on mythical subjects like that of the *Amphitryo* of Plautus.

Although Roman comedy, as far as it has come down to us, is cast entirely in a Greek mould, the Romans had authors who endeavoured to bring forward these foreign comedies in a dress more Roman than Grecian. Comedies thus constructed were called *fabulæ togatæ* (from the Roman garb, the *toga*, which was worn by the actors in it), as opposed to the *fabulæ palliatæ*, or comedies represented in the Greek costume. From the words of Horace in the passage referred to above, it is sufficiently obvious that the *fabula togata* was only an imitation of the Greek new comedy clothed in a Latin dress: "*Dicitur Afrani toga convenisse Menandro.*"[5] Not that the writers of these comedies absolutely translated Menander or Philemon, like Plautus and Terence; the argument or story seems to have been Roman, and it was only in the method and plan that they made the Greek comedians their model. For this, also, we have Horace's testimony[6]

> "*Nil intentatum nostri liquere poëtæ:*
> *Nec minimum meruere decus*, vestigia Græca
> Ausi deserere, *et celebrare* domestica facta,
> *Vel qui* prætextas, *vel qui docuere* togatas."

The *prætextata fabula* alluded to here was a sort of history.

"The *prætextata* merely bore resemblance to a tragedy: it represented the deeds of Roman kings and generals; and hence it is evident that at least it wanted the unity of time of a Greek tragedy—that it was a *history*, like Shakspeare's."[7] The grammarians sometimes speak of the *prætextata* as a kind of comedy, which it certainly was not. The clearest statement is that of Euanthius (*de fabula*): "Illud vero tenendum est, post *véαν κωμῳδίαν* Latinos multa fabularum genera protulisse: ut *togatas*, a scenicis atque argumentis Latinis; *prætextatas*, ab dignitate personarum et Latina historia; *Atellanas*, a civitate Campaniæ, ubi actæ sunt plurimæ; *Rhinthonicas*, ab auctoris nomine; *tabernarias*, ab humilitate argumenti et styli; *mimos*, ab diuturna imitatione rerum et levium personarum." But even here there is a want of discrimination; for the *mimus* was entirely Greek, as the name shows; the Latin style corresponding to it was the *planipes*. Hermann[8] has proposed the following classification of Roman plays, according as they strictly followed or deviated from their Greek models:

Argumentum.

Græcum.	*Romanum.*
Crepidata (τραγῳδία),	*Prætextata.*
Palliata (κωμῳδία),	*Togata*, cujus alia *tralata*, alia *tabernaria.*
Satyrica (σάτυροι),	*Atellana.*
Mimus (μῖμος),	*Planipes.*

Neukirch[9] gives a wider extent to Roman comedy, so that it includes all the other species of drama, with the exception of the *crepidata* and the *prætextata*.

1. (Compare Athenæus, p. 21, D.)—2. (Hist. Lit. Gr., c. xxix., § 4.)—3. (*Vid.* Festus, p. 36, 372, ed. Müller

1. (Epist., II., i., 58.)—2. (Hor., Epist., II., i., 57.)—3. (Epist ad Pison., 285, &c.)—4. (Niebuhr, Hist. Rom., vol. i., p. 511 2.)—5. (Opuscula, v., p. 260.)—6. (De Fabula Romanorum togata, p. 58.)

I. Græci argumenti.

1. *Comœdia* sive *palliata*, quæ proprie dicitur.
2. *Tragico-comœdia* sive *Rhinthonica*, Græcis, ἱλαροτραγῳδία, sive Ἰταλικὴ κωμῳδία.
3. *Mimus*, qui proprie dicitur.

II. Latini argumenti.

1. *Trabeata.*
2. *Togata* quæ proprie dicitur, sive *tabernaria.*
3. *Atellana.*
4. *Planipedia*, sive *planipedaria*, sive *planipes* (*riciniata*).

And he places the satirical drama in a third class by itself. It is very difficult to come to any certain conclusion on this subject, which is involved in considerable obscurity; the want of materials to enable us to form a judgment for ourselves, and the confusions and contradictions of the scholiasts and other grammarians who have written upon it, leave the classification of Roman comedies in great uncertainty, and we must rest content with some such approximations as those which are here given.

COMOS (κῶμος). (*Vid.* Comœdia, p. 299; Chorus, p. 247.)

COMPENSA'TIO is defined by Modestinus to be *debiti et crediti inter se contributio.* Compensatio, as the etymology of the word shows (*pend-o*), is the act of making things equivalent. A person who was sued might answer his creditor's demand, who was also his debtor, by an offer of compensatio (*si paratus est compensare*), which, in effect, was an offer to pay the difference, if any, which should appear on taking the account. The object of the compensatio was to prevent unnecessary suits and payments, by ascertaining to which party a balance was due. Originally, compensatio only took place in bonæ fidei judiciis and ex eadem causa; but, by a rescript of M. Aurelius, there could be compensatio in stricti juris judiciis, and ex dispari causa. When a person made a demand in right of another, as a tutor in right of his pupillus, the debtor could not have compensatio in respect of a debt due to him from the tutor on his own account. A fidejussor (surety) who was called upon to pay his principal's debt, might have compensatio, either in respect of a debt due by the claimant to himself or to his principal. It was a rule of Roman law, that there could be no compensatio where the demand could be answered by an exceptio peremptoria; for the compensatio admitted the demand, subject to the proper deduction, whereas the object of the exceptio was to state something in bar of the demand. Set-off in English law, and compensation in Scotch law, correspond to compensatio.[1]

COMPITA'LIA, also called LUDI COMPITALICII, was a festival celebrated once a year in honour of the lares compitales, to whom sacrifices were offered at the places where two or more ways met ("*Compitalia, dies attributus laribus compitalibus; ideo ubi viæ competunt, tum in competis sacrificatur. Quotannis is dies concipitur*"[2]). This festival is said by some writers to have been instituted by Tarquinius Priscus in consequence of the miracle attending the birth of Servius Tullius, who was supposed to be the son of a lar familiaris.[3] We learn from Macrobius[4] that the celebration of the compitalia was restored by Tarquinius Superbus, who sacrificed boys to Mania, the mother of the lares; but this practice was changed after the expulsion of the Tarquins, and garlic and poppies offered in their stead. In the time of Augustus, the ludi compitalicii had gone out of fashion, but were restored by him.[5]

The compitalia belonged to the *feriæ conceptivæ*, that is, festivals which were celebrated on days appointed annually by the magistrates or priests. The exact day on which this festival was celebrated appears to have varied, though it was always in the winter. Dionysius[1] says that it was celebrated a few days after the Saturnalia, and Cicero[2] that it fell on the Kalends of January (the old editions read iii. Kal. Jan.); but in one of his letters to Atticus[3] he speaks of it as falling on the fourth before the nones of January. The exact words in which the announcement of the day on which the compitalia was to be kept, are preserved by Macrobius[4] and Aulus Gellius:[5] "Die · Noni · (i. e., *nono*) Popolo · Romano · Quiritibus · Compitalia · Erunt · Quando · Concepta · Foverint · (or *fueruit*) Nefas.

COMPLU'VIUM. (*Vid.* House.)

CONCHA (κόγχη), a Greek and Roman liquid measure, of which there were two sizes. The smaller was half the cyathus (=·0412 of a pint English); the larger, which was the same as the oxybaphum, was three times the former (=·1238 of a pint).[4]

*CONCHA (κόγχη), a term frequently applied, like *conchylium*, to shell-fish in general, but more particularly to the *Chamæ*. Horace, it is probable, means the *Chamæ* in the following line: "*Mitulus et vites pellent obstantia conchæ.*"[7]

*CONCHYL'IUM (κογχύλιον). This term is sometimes used in a lax sense, as applied to the *Testacea* in general, or to their shells separate from their flesh.[8] Xenocrates uses κογχυλώδης in the same sense.[9] It is also applied to the *Purpura* in particular, and likewise to the purple colour formed from it. According to Aldrovandus, Horace applies it to oysters in the following line: "*Miscueris elixa simul conchylia turdis.*"[10]

CONCILIA'BULUM. (*Vid.* Colonia.)

CONCUBI'NA (GREEK). The παλλακὴ or παλλακίς occupied at Athens a kind of middle rank between the wife and the harlot (ἑταίρα). The distinction between the ἑταίρα, παλλακή, and legal wife is accurately described by Demosthenes:[11] τὰς μὲν γὰρ ἑταίρας ἡδονῆς ἕνεκ' ἔχομεν· τὰς δὲ παλλακὰς, τῆς καθ' ἡμέραν θεραπείας τοῦ σώματος: τὰς δὲ γυναῖκας, τοῦ παιδοποιεῖσθαι γνησίως καὶ τῶν ἔνδον φύλακα πιστὴν ἔχειν. Thus Antiphon speaks of the παλλακή of Philoneos as following him to the sacrifice,[12] and also waiting upon him and his guest at table.[13] If her person were violated by force, the same penalty was exigible from the ravisher as if the offence had been committed upon an Attic matron; and a man surprised by the quasi-husband in the act of criminal intercourse with his παλλακή, might be slain by him on the spot, as in the parallel case.[14] (*Vid.* Adulterium.) It does not, however, appear very clearly from what political classes concubines were chiefly selected, as cohabitation with a foreign (ξένη) woman was strictly forbidden by law,[15] and the provisions made by the state for virgins of Attic families must in most cases have prevented their sinking to this condition. Sometimes, certainly, where there were several destitute female orphans, this might take place, as the next of kin was not obliged to provide for more than one; and we may also conceive the same to have taken place with respect to the daughters of families so poor as to be unable to supply a dowry.[16] The dowry, in fact, seems to have been a decisive criterion as to whether the

1. (Dig. 16, tit. 2.)—2. (Varro, De Ling. Lat., vi., 25, ed. Müller.—Festus, s. v.)—3. (Plin., H. N., xxxvi., 70.)—4. (Sat., i. 7)—5. (Suet., Octav., 31.)

1. (iv., p. 219.)—2. (in Pison., c. 4.)—3. (vii., 7.)—4. (Sat., i., 4.)—5. (x., 24.)—6. (Hussey, p. 207, 209.—Wurm, p. 129)—7. (Sat., ii., 4, 28.)—8. (Hippocr., De Diæt.)—9. (De Aliment. ex Aquat.)—10. (Sat., ii., 2, 74.)—11. (c. Neær., p. 1386.)—12. (Acc. de Venef., p. 613.)—13. (Id., p. 614.—*Vid.* Becker, Charikles, vol. ii., p. 438.)—14. (Lysias, De Cæd. Eratosth., p. 95)—15. (Demosth., c. Neær., p. 1350.)—16. (Demosth., c. Neær., 1384.—Plaut., Trinumm., III., ii., 63.)

connexion between a male and female Athenian, in a state of cohabitation, amounted to a marriage: if no dowry had been given, the child of such union would be illegitimate; if, on the contrary, a dowry had been given, or a proper instrument executed in acknowledgment of its receipt, the female was fully entitled to all conjugal rights.[1] It does not appear that the slave that was taken to her master's bed acquired any political rights in consequence; the concubine mentioned by Antiphon[2] is treated as a slave by her master, and after his death undergoes a servile punishment.[3] (*Vid.* Hetæra.)

CONCUBI'NA (ROMAN). According to an old definition, an unmarried woman who cohabited with a man was originally called pellex, but afterward by the more decent appellation of concubina.[4] This remark has apparently reference to the Lex Julia et Papia Poppæa, by which the concubinatus received a legal character. This legal concubinatus consisted in the permanent cohabitation of an unmarried man with an unmarried woman. It therefore differed from adulterium, stuprum, and incestus, which were legal offences; and from contubernium, which was the cohabitation of a free man with a slave, or the cohabitation of a male and female slave, between whom there could be no Roman marriage. Before the passing of the Lex Jul. et P. P., the name of concubina would have applied to a woman who cohabited with a married man who had not divorced his first wife;[5] but this was not the state of legal concubinage which was afterward established. The offence of stuprum was avoided in the case of the cohabitation of a free man and an ingenua by this permissive concuhinage; but it would seem to be a necessary inference that there should be some formal declaration of the intention of the parties, in order that there might be no stuprum.[6] Heineccius[7] denies that an ingenua could be a concubina, and asserts that those only could be concubinæ who could not be uxores; but this appears to be a mistake,[8] or perhaps it may be said that there was a legal doubt on this subject.[9] It seems probable, however, that such unions were not often made with ingenuæ.

This concubinage was not a marriage, nor were the children of such marriage, who were sometimes called liberi naturales, in the power of their father. Still it established certain legal relations between the two persons who lived in concubinage and their children. Under the Christian emperors concubinage was not favoured, but it still existed, as we see from the legislation of Justinian.

This legal concubinage should not be confounded with illicit cohabitation. It rather resembled the morganatic marriage (*ad morganaticam*), in which neither the wife enjoys the rank of the husband, nor the children the rights of children by a legal marriage.[10] Thus it appears that, among the Romans, widowers who had already children, and did not wish to contract another legal marriage, might take a concubina, as we see in the case of Vespasian,[11] Antoninus Pius, and M. Aurelius.[12]

CONDEMNA'TIO. (*Vid.* Actio, p. 20.)

CONDI'CTIO. (*Vid.* Actio, p. 16.)

CONDITO'RIUM, in its general acceptation, means a place in which property of any kind is deposited—*ubi quid* conditum *est*—thus *conditorium muralium tormentorum*[13] is a magazine for the reception of a battering-train when not in active service. But the word came afterward to be applied more strictly as a repository for the dead.

In the earlier ages of Greek and Roman history, the body was consumed by fire after death (*vid.* Bustum), the ashes only receiving sepulture; and as there could be no danger of infection from these, the sepulchres which received them were all above ground.[1] But subsequently, when this practice fell into partial or entire disuse, it became necessary to inter (*humare*) the dead, or bury them in vaults or chambers under ground; and then the word *conditorium* or *conditivum*[2] was adopted, to express that class of sepulchres to which dead bodies were consigned entire, in contradistinction to those which contained the bones and ashes only. It is so used by Petronius[3] for the tomb in which the husband of the Ephesian matron was laid; by Pliny,[4] for the vault where the body of a person of gigantic stature was preserved entire; and by Quintilian,[5] for the chamber in which a dead body is laid out, "*cubiculum conditorium mortis tuæ.*" In a single passage of Pliny[6] it is synonymous with *monimentum*, and in an inscription,[7] "*ollas vi. minores in avito conditorio,*" the mention of the cinerary *olla* indicates that the tomb alluded to was of the kind called *columbarium.* (*Vid.* Columbarium.) The corresponding word in Greek is *ὑπόγαιον* or *ὑπόγειον*,[8] *hypogeum.*[9]

Conditorium is also used for the coffin in which a body was placed when consigned to the tomb and when used, the same distinction is implied.[10]

*CONEION (*κώνειον*), Hemlock, or *Conium maculatum.* It is called *Cicuta* by Celsus. This poisonous plant possesses highly narcotic and dangerous qualities, and an infusion of it was given at Athens to those who were condemned to capital punishment. By a decoction of this kind Socrates lost his life. The effects of the poison in his case are strikingly described in the Phædon of Plato. Sihthorp found the *κώνειον* between Athens and Megara. It is not unfrequent throughout the Peloponnesus also. The modern Greeks call it *Βρομόχοντον.*[11]

CONFARREA TIO. (*Vid.* Marriage.)

CONFESSO'RIA ACTIO is an actio in rem,[12] by which a person claims a jus in re, such as the use and enjoyment (*usus fructus*) of a thing, or claims some servitus (*jus eundi, agendi,* &c.). The actio negatoria or negativa is that in which a person disputes a jus in re which another claims and attempts to exercise.

If several persons claimed a servitus, each might bring his action; if several claimed as fructuarii, they must join in the action. None but the owner of the property, to which the servitus was alleged to be due, could maintain a directa actio for it. The condemnatio in the actio confessoria was adapted to secure to the fructuarius his enjoyment of the thing if he proved his right, and to secure the servitus if the plaintiff made out his claim to it.

The negatoria actio was that which the owner of a thing had against a person who claimed a servitus in it, and at the same time endeavoured to exercise it. The object of this action was to prevent the defendant from exercising his alleged right, and to obtain security (*cautio*) against future attempts, which security it was competent for the judex to require. But this action was extended to the getting rid of a nuisance; as, if a man put a heap of dung against your wall so as to make it damp; or

1 (Petit., Leg. Att., 548, and authors there quoted.)—2. (Axc. de Venef.)—3. (Id., p. 615.)—4. (Massurius, ap. Paul.—Dig. 50, tit. 16, s. 144.)—5. (Cic., De Orat., i., 40.)—6. (Dig. 48, tit. 5, s 34.)—7. (Syntag., Ap., lib. i., 39.)—8. (Dig. 25, tit. 5, s. 3.)—9. (Id., s. 1.)—10. (Lib. Feud., ii., 29.)—11. (Suet., Vesp., 3.)—12. (Jul. Cap., Vit. Ant., c. 8.—Aurel., c. 29.—Dig. 25, tit. 7.—Cod v., tit. 26.—Paulus, Recept. Sentent., ii., tit. 19, 20.—Nov. 18, c. 5; 89 c. 12.)—13. (Amm. Marcell., xvii., 9.)

1. (Salmas., Exercit. Plin., p. 849.)—2. (Senec., Ep., 60.)—3. (Sat., cxi., 2, 7; cxii., 3.)—4. (H. N., vii., 16.)—5. (Declam 8, p. 119, ed. Var.)—6. (Ep., vi., 10.)—7. (ap. Grut., p. 1134, 6.)—8. (Hesych.)—9. (Petron., Sat., cxi., 2.)—10. (Suet., Octav., 18—Plin., H. N., xxxvii., 7.—Petron., Sat., cxii., 8.—Compar Strabo, xvii., 8.)—11. (Theophrast., H. P., ix., 8.—Diosc., iv. 79.—Celsus, v, 6.—Adams, Append., s. v.)—12. (Gaius iv., 3

a neighbour's wall bellied out half a foot or more into your premises; or the wind blew one of his trees so as to make it hang over your ground; or a man cut stones on his own land so that the pieces fell on yours: in all such cases you had a negatoria actio, in which you declared jus ei non esse, &c., according to the circumstances of the case.[1]

CONFU'SIO properly signifies the mixing of liquids, or the fusing of metals into one mass. If things of the same or of different kind were confused, either by the consent of both owners or by accident, the compound was the property of both. If the confusio was caused by one without the consent of the other, the compound was only joint property in case the things were of the same kind, and perhaps (we may conjecture) of the same quality, as, for instance, wines of the same quality. If the things were different, so that the compound was a new thing, this was a case of what, by modern writers, is called specification, which the Roman writers expressed by the term novam speciem facere, as if a man made mulsum out of his own wine and his neighbour's honey. In such a case the person who caused the confusio became the owner of the compound, but he was bound to make good to the other the value of his property

Commixtio applies to cases such as mixing together two heaps of corn; but this is not an instance in which either party acquires property by the commixtio. For if the mixture takes place, either accidentally or with mutual consent, or by the act of one alone, in all these cases the property of each person continues as before, for in all these cases it is capable of separation. A case of commixtio arises when a man's money is paid without his knowledge and consent, and the money, when paid, is so mixed with other money that it cannot be recognised; otherwise it remains the property of the person to whom it belonged.

The title confusio does not properly comprehend the various modes of acquisitio which arise from two pieces of property belonging to different persons being materially united; but still it may be convenient to enumerate under this head the various modes of acquisitio which belong to the general head of ACCESSIO.

Specification (which is not a Roman word) took place when a man made a new thing (nova species) either out of his own and his neighbour's material, or out of his own simply. In the former case, such man acquired the ownership of the thing. In the latter case, if the thing could be brought back to the rough material (which is obviously possible in very few cases), it still belonged to the original owner, but the specificator had a right to retain the thing till he was paid the value of his labour, if he had acted bona fide. If the new species could not be brought back to its original form, the specificator in all cases became the owner; if he had acted bona fide, he was liable to the owner of the stuff for its value only; if mala fide, he was liable to an action of theft. Of this kind are the cases put by Gaius,[2] of a man making wine of another man's grapes, oil of his olives, a ship or bench of his timber, and so on. Some jurists (Sabinus and Cassius) were of opinion that the ownership of the thing was not changed by such labour being bestowed on it; the opposite school were of opinion that the new thing belonged to him who had bestowed his labour on it, but they admitted that the original owner had a legal remedy for the value of his property.

Two things, the property of two persons, might become so united as not to be separable without injury to one or both; in this case, the owner of the principal thing became the owner of the accessory. Thus, in the case of a man building on another man's ground, the building belonged to the owner of the ground (superficies solo cedit); or in the case of a tree planted, or seed sown on another man's ground, the rule was the same. If a man wrote, even in letters of gold, on another man's parchment or paper, the whole belonged to the owner of the parchment or paper; in the case of a picture painted on another man's canvass, the canvass became the property of the owner of the picture.[1] If a piece of land was torn away by a stream (avulsio) from one man's land and attached to another's land, it became the property of the latter when it was firmly attached to it. This is a different case from that of ALLUVIO. But in all these cases the losing party was entitled to compensation, with some exceptions as to cases of mala fides.

The rules of Roman law on this subject are stated by Brinkmann, *Instit. Jur. Rom.*, § 398, &c.; Mackeldey, *Lehrbuch*, &c., § 245, &c., *Accession*; Rosshirt, *Grundlinien*, &c., § 62.

The term confusio had other legal meanings, which it is not necessary to explain here.

*CONGER (κόγγρος), the Conger Eel, or *Muræna conger*, L., called in Italian *Bronco*. "The name of *Conger*," observes Griffith, "was at first given to a species of eel, the *Muræna conger*, after Aristotle and Athenæus, who had called the sea-eel Κόγγρος. M. Cuvier has withdrawn this fish from the genus *Anguilla*, and made it the foundation of a sub-genus, under the name of *Conger*. It is very abundant on the coasts of England and France, in the Mediterranean Sea, where it was much sought after by the ancients, and in the Propontis, where it was not long ago in considerable estimation. Those of Sicyon were more especially esteemed. The congers are extremely voracious. They live on fish, mollusca, and crustacea, and do not even spare their own species. They are extremely fond of carrion, and are sure to be found in those places into which the carcasses of animals have been thrown.—Among the species of the sub-genus *Muræna* (proper) we may notice here the *Common Muræna*, or *Muræna helena*. This fish is about three feet long, and sometimes more; it weighs as much as twenty or thirty pounds; is very much extended in the Mediterranean; and the ancient Romans, who were well acquainted with it, held it in high estimation under the name of *Muræna*, which we commonly translate by the term 'lamprey.' These murænæ were carefully reared in vivaria by the Romans. As early as the time of Cæsar, the multiplication of these domestic murænæ was so great, that on the occasion of one of his triumphs, that commander presented six thousand of them to his friends. Crassus reared them so as to be obedient to his voice, and to come and receive their food from his hands; while the celebrated orator Hortensius wept over the loss of a favourite lamprey of which death had deprived him. The Romans are said to have thrown offending slaves into their fish-ponds, as food for these voracious creatures."[2]

CONGIA'RIUM (*scil. vas*, from *congius*), a vessel containing a *congius*. (*Vid.* CONGIUS.)

In the early times of the Roman Republic, the *congius* was the usual measure of oil or wine which was, on certain occasions, distributed among the people;[3] and thus *congiarium*, as Quintilian[4] says, became a name for liberal donations to the people in general, whether consisting of oil, wine, corn, or money, or other things,[5] while donations made to the soldiers were called *donativa*, though they were

1. Dig. 8, tit. 5.—Brisonius, De Formulis.)—2. (ii., 29.)

1. (Gaius, ii., 73, &c.)—2. (Griffith's Cuvier, vol. x., p. 544, &c.)—3. (Liv., xxv., 2.)—4. (vi., 3, 52.)—5. (Plin., H. N., xiv. 14, 17; xxxi., 7, 41.—Suet., Octav., 41.—Tib., 20.—Ner., 7.—Plin., Paneg., 25.—Tacit., Ann., xii., 41; xiii., 31.—Liv., xxxvii., 57.)

sometimes also termed *congiaria*.[1] *Congiarium* was, moreover, occasionally used simply to designate a present or a pension given by a person of high rank, or a prince, to his friends; and Fabius Maximus called the presents which Augustus made to his friends, on account of their smallness, *hemiaria* instead of *congiaria*, because *hemina* was only the twelfth part of a *congius*.[2]

CO'NGIUS, a Roman liquid measure, which contained six sextarii,[3] or the eighth part of the amphora (=5·9471 pints Eng.). It was equal to the larger χοῦς of the Greeks. (*Vid.* Chous.) Cato tells us that he was wont to give each of his slaves a congius of wine at the Saturnalia and Compitalia.[4] Pliny relates, among other examples of hard drinking,[5] that Novellius Torquatus Mediolanensis obtained a cognomen (tricongius, a nine-bottle-man) by drinking three congii of wine at once.

There is a congius in existence, called the congius of Vespasian, or the Farnese congius, bearing an inscription, which states that it was made in the year 75 A.D., according to the standard measure in the Capitol, and that it contained, by weight, ten pounds (*Imp. Cæs.* vi. *T. Cæs. Aug. F.* iiii. *Cos. Mensuræ exactæ in Capitolio, P.* x.[6]). By means of this congius the weight of the Roman pound has been ascertained. (*Vid.* Libra.) This congius holds, according to an experiment made by Dr. Hase in 1824, 52037·692 grains of distilled water. Now the imperial gallon of eight pints, as determined by act of Parliament in 1824, holds 10 lbs. avoirdupois, or 70,000 grains of distilled water. Hence the number of pints in the congius $=\frac{52037{\cdot}692\times 8}{70\,000}$ =5·9471, as above. Its capacity in cubic inches is 206·1241.

A congius is represented in Fabretti.[7]

*CONI'LE (κονίλη), a plant, most probably, as Sprengel suggests, the *Satureia Græca*, or Greek Savory.[8]

CONNU'BIUM. (*Vid.* Marriage.)

CONOPE'UM (κωνωπεῖον), a gnat curtain, *i. e.*, a covering made to be expanded over beds and couches to keep away gnats and other flying insects, so called from κώνωψ, a gnat.

The gnat-curtains mentioned by Horace[9] were probably of linen, but of the texture of gauze. The use of them is still common in Italy, Greece, and other countries surrounding the Mediterranean. *Conopeum* is the origin of the English word *canopy*.[10]

According to Herodotus,[11] the Egyptian fishermen used to provide a substitute for gnat-curtains in the following manner: The fisherman, having through the day worked at his employment with his casting-net (ἀμφίβληστρον), in the evening fixed the point of it on the top of an upright pole, so that it might be expanded round him in the form of a tent. Under this he reposed, secure from the attacks of insects, which, as has been lately proved, will not pass through the meshes of a net, though quite wide enough to admit them.[12]

*CONOPS (κώνωψ), a name most properly applied to the *Culex pipiens*, or Gnat. Schneider, however, shows that it is sometimes indiscriminately applied also to the *Ephemera* (Mayfly) and the *Phryganea*.[13]

CONQUISITO'RES. These were persons employed to go about the country and impress soldiers, when there was a difficulty in completing a levy. Sometimes commissioners were appointed by a decree of the senate for the purpose of making a conquisitio.[2]

CONSANGUI'NEI. (*Vid.* Cognati.)

CONSECRA'TIO. (*Vid.* Apotheosis.)

CONSILIA'RII. (*Vid.* Conventus.)

CONSI'LIUM. (*Vid.* Conventus.)

CONSTITUTIO'NES. "Constitutio principis," says Gaius,[3] "is that which the imperator has constituted by decretum, edictum, or epistola; nor has it ever been doubted that such constitutio has the force of law, inasmuch as by law the imperator receives the imperium." Hence such laws were often called principales constitutiones.

An imperial constitutio, then, in its widest sense, might mean everything by which the head of the state declared his pleasure, either in a matter of legislation, administration, or jurisdictio. A decretum was a judgment in a matter in dispute between two parties which came before him, either in the way of appeal or in the first instance. Edicta, so called from their analogy to the old edict,[4] edictales leges, generales leges, leges perpetuæ, &c., were laws binding on all the emperor's subjects. Under the general head of rescripta[5] were contained epistolæ and subscriptiones,[6] which were the answers of the emperor to those who consulted him either as public functionaries or individuals.[7] In the time of Tiberius, the word rescriptum had hardly obtained the legal signification of the time of Gaius.[8] It is evident that decreta and rescripta could not, from their nature, have the force of leges generales, but, inasmuch as these determinations in particular cases might be of obvious general application, they might gradually obtain the force of law.

Under the early emperors, at least in the time of Augustus, many leges were enacted, and in his time, and that of his successors to about the time of Hadrian, we find mention of numerous senatus consulta. In fact, the emperor, in whom the supreme power was vested from the time of Augustus, exercised his power through the medium of a senatus consultum, which he introduced by an oratio or libellus, and the senatus consultum was said to be made "imperatore auctore." Probably, about the time of Hadrian, senatus consulta became less common, and finally imperial constitutions became the common form in which a law was made.

At a later period, in the Institutes, it is declared, that whatever the imperator determined (*constituit*) by epistola, or decided judicially (*cognoscens decrevit*), or declared by edict, was law; with this limitation, that those constitutions were not laws which in their nature were limited to special cases.

Under the general head of constitutiones we also read of mandata, or instructions by the Cæsar to his officers.

Many of these constitutions are preserved in their original form in the extant codes. (*Vid.* Codex Theodosianus, &c.)

CONSUA'LIA, a festival, with games, celebrated by the Romans, according to Festus, Ovid,[9] and others, in honour of Consus, the god of secret deliberation, or, according to Livy,[10] of Neptunus Equestris. Plutarch,[11] Dionysius of Halicarnassus,[12] and the Pseudo Asconius, however,[13] say that Neptunus Equestris and Consus were only different names for one and the same deity. It was solemnized every year in the circus by the symbolical ceremony of uncovering an altar dedicated to the

1. (Cic. ad Att., xvi., 8.—Curt., vi., 2.)—2. (Quint., l. c.—Compare Cic. ad Fam., viii., 1.—Senec., De Brevit. Vit.—De Benef., ii., 16.—Suet., Vesp., 18.—Jul., 27.)—3. (Rhem. Fann., v., 72.)—4. (De Re Rust., c. 57.)—5. (H. N., xiv., 22.)—6. (See also Festus, s. v. Publica pondera.)—7. (Inscript., p. 536.)—8. (Nicand., Ther., 626.—Dioscor., iii., 34.—Adams, Append.)—9. (Epod. ix., 9.)—10. (See Judith, v., 21; viii., 9; xvi., 19.—Juv., vi. 80.—Varro, De Re Rust., ii., 10, § 8.)—11. (ii., 95.)—12. (Spence, in Trans. of the Entomological Society for 1834.)—13. (Aristot., H. A., iv., 7.—Ælian, N. A., xiv., 22.)

1. (Hirt., De Bell. Alex., i., 22.—Liv., xxi., 11)—2. (Liv., xxv., 5.)—3. (i., 5.)—4. (Gaius, i., 93.)—5. (Gaius, i., 72, 73, &c.)—6. (Gaius, i., 94, 96, 104.)—7. (Plin., Ep., x., 2.)—8. (Tacit., Ann., vi., 9.)—9. (Fast., iii., 199.)—10. (i., 9.)—11. (Quæst. Rom., 45.)—12. (ii., 31.)—13. (ad Cic. in Verr., p. 142, ed Orelli.)

god, who was buried in the earth. For Romulus, who was considered as the founder of the festival, was said to have discovered an altar in the earth on that spot.[1] The solemnity took place on the 21st of August with horse and chariot races, and libations were poured into the flames which consumed the sacrifices. During these festive games, horses and mules were not allowed to do any work, and were adorned with garlands of flowers. It was at their first celebration that, according to the ancient legend, the Sabine maidens were carried off.[2] Virgil,[3] in speaking of the rape of the Sabines, describes it as having occurred during the celebration of the *Circensian games*, which can only be accounted for by supposing that the great Circensian games, in subsequent times, superseded the ancient Consualia, and that thus the poet substituted games of his own time for ancient ones—a favourite practice with Virgil; or that he only meant to say the rape took place at the well-known festival in the circus (the Consualia), without thinking of the ludi circenses, properly so called.

CONSUL, the joint president of the Roman Republic. "Without doubt the name *consules* means nothing more than simply *colleagues*; the syllable *sul* is found in *præsul* and *exsul*, where it signifies *one who is*; thus *consules* is tantamount to *consentes*, the name given to Jupiter's council of gods."[4] This is not quite correct. The syllable *sul* contains the root of the verb *salio*, "to go" or "come;" and *con-sil-ium* is merely "a coming together," like *conventio*, *contio*. So *consules* are "those who come together," *præsul* "he who goes before," *exsul* "he who goes out." The institution of consuls or joint presidents of the state seems to have been intimately connected with the first principles of the Roman political system. The old tradition with regard to the first two kings seems to point directly to something of the kind, and Servius, in his Constitution, is said to have provided for a restoration of the old division of the sovereign power between two functionaries. They do not, however, appear to have existed under this name till after the expulsion of Tarquinius, when L. Junius Brutus and L. Tarquinius Collatinus (or M. Horatius[5]) were appointed chief magistrates at Rome with this title. At first the consuls were the only supreme officers at Rome, and had all the power of the kings whom they succeeded. Cicero[6] ascribes to them the regia potestas: "Idque in republica nostra maxima valuit, quod ei *regalis potestas* præfuit—quod et in his etiam qui nunc *regnant* manet." "Quibus autem *regia potestas* non placuit, non ii nemini, sed non semper uni parere voluerunt." Their dress was regal, with the exception of the golden crown, which they did not wear at all, and the *trabea*, which they only wore on the occasion of a triumph. They had ivory sceptres surmounted by eagles; in the public assemblies they sat upon a throne (*sella curulis*); they had an elevated seat in the senate, where they presided; they appointed the public treasurers; they made peace and contracted foreign alliances; they had the jurisdictio, *i. e.*, they were the supreme judges in all suits, whence we also find them called prætores; and they had the *imperium*, or supreme command of the armies of the state. The most prominent outward symbols of their authority were the *fasces*, or bundle of rods surrounding an axe, and borne before the consuls by twelve lictors or beadles.

At first each of the consuls had his own twelve lictors; but P. Valerius, called *Publicola*, from his attention to the wishes of the *populus*, or original burgesses, removed the axe from the *fasces*, and allowed only one of the consuls to be preceded by the lictors while they were in Rome. The other consul was attended only by a single *accensus*. This division of the honours was so arranged that the consuls enjoyed the outward distinctions alternately from month to month; the elder of the two consuls received the fasces for the first month, and so on, till the reign of Augustus, when it was decreed by the *Lex Julia et Papia Poppæa*, that the precedence should be given to him who had the greater number of children. To this alternation in the honours of the consulate Horace seems to refer indirectly, when he says,

> "*Virtus, repulsæ nescia sordidæ,*
> *Intaminatis fulget honoribus:*
> *Nec sumit aut ponit secures*
> *Arbitrio popularis auræ.*"[1]

While they were out of Rome, and at the head of the army, the consuls retained the axes in the fasces, and each had his own lictors as before the time of Valerius.

The consuls were for some time chosen only from the *populus* or patricians, and, consequently, always sided with their own order in the long struggle which was carried on between the patricians and the commonalty. The first shock to their power was given by the appointment of the *tribuni plebis*, who were a sort of plebeian consuls, and, like the others, were originally two in number. They presided at the *comitia tributa*, or assemblies of the *plebs*, as the consuls did at the other *comitia*, and had the right of interposing a *veto*, which put a stop to any consular or senatorial measure. The consular office was suspended in B.C. 452, and its functions performed by a board of ten high commissioners (*decemviri*), appointed to frame a code of laws, according to a motion of the tribune Terentius. On the re-establishment of the consulship in B.C. 444, the tribunes proposed that one of the consuls should be chosen from the plebeians, and this gave rise to a serious and long-protracted struggle between the two orders, in the course of which the office of consul was again suspended, and its functions administered by a board of *tribuni militares*, corresponding to the στρατηγοί at Athens. At length, in B.C. 366, the plebeians succeeded in procuring one of the consuls to be elected from their own body, and after that time both consuls were occasionally plebeians.

The prerogatives and functions which were originally engrossed by the consuls, were afterward divided between them, and different magistrates appointed to relieve them under the great pressure of business introduced by the increase of the state. The censors, appointed in B.C. 442, performed some of their duties, and the prætors, first elected in B.C 365, undertook the chief part of the *jurisdictio*, or judicial functions of the consuls. When a consul was appointed to some command or office out of Rome, he was said *provinciam accipere*; and when the consul was appointed to a foreign command after the expiration of his year of office, he was called *proconsul*. In the Greek writers on Roman history, the consuls are called ὕπατοι, the proconsuls ἀνθύπατοι. The consul might also be superseded by the *dictator*, who was appointed with absolute power for certain emergencies. A similar authority, however, was occasionally vested in the consuls themselves by virtue of the *senatus decretum*, which was worded, *Videant consules ne quid respublica detrimenti capiat, i. e.*, "Let the consuls look to it, that no harm befalls the state."

The consuls were elected some time before they

1. (Compare Niebuhr, Hist. Rom., vol. i., notes 629 and 630.)—2. (Varro, De Ling. Lat., v., 3.—Dionys., i., 2.—Cic., De Rep., ii., 7.)—3. (Æn., viii., 636.)—4. (Niebuhr, Hist. Rom., i. p. 419.)—5. (Polyb., iii., 22.)—6. (De Leg., iii., 2.)

1 (Carm., III., ii., 17.)

entered upon their office, and till then were called *consules designati*. In later times they entered on their office on the 1st of January, and were obliged to take the oath of office within the five days following, the effect of which they had to repeat in an oath which they took on quitting their office at the end of the year. The commencement of the consulate was always celebrated by a solemn procession to the Capitol, and a sacrifice there to Jupiter Capitolinus, and after that there was a great meeting of the senate. By the *Lex Annalis* (B.C. 181) it was decreed that the consul should be 43 years of age.[1] But many were elected consuls at an earlier age. It was also a law that an interval of ten years should elapse between two elections of the same person to the office of consul; but this law was not strictly observed, and instances occur of five or six re-elections to this office. C. Marius was seven times consul.

The office of consul continued after the downfall of the Republic. In the reign of Tiberius the consuls were no longer elected by the people, but were appointed by the senate; and subsequently the number was increased, and consuls were appointed for a part of the year only, till at last it became only an honorary or complimentary appointment. In these times the consuls were divided into several classes: the *consules ordinarii*, who were the nearest representatives of the older consuls; the *consules suffecti*, appointed by the emperors for the rest of the year; and the *consules honorarii*, who had only the name, without a shadow of authority.

The consuls, like the ἀρχων ἐπώνυμος at Athens, gave their names to the year; calendars or annual registers were kept for this purpose, and called *Fasti Consulares*. The last consul ἐπώνυμος was Basilius junior, in the reign of Justinian, A.U.C. 1294, A.D. 541.

CONTRACTUS. (*Vid.* Obligationes)

CONTUBERNA'LES (σύσκηνοι). This word, in its original meaning, signified men who served in the same army and lived in the same tent. It is derived from *taberna* (afterward *tabernaculum*), which, according to Festus, was the original name for a military tent, as it was made of boards (*tabulæ*). Each tent was occupied by ten soldiers (*contubernales*), with a subordinate officer at their head, who was called *decanus*, and in later times *caput contubernii*.[2]

Young Romans of illustrious families used to accompany a distinguished general on his expeditions or to his province, for the purpose of gaining under his superintendence a practical training in the art of war or in the administration of public affairs, and were, like soldiers living in the same tent, called his *contubernales*.[3]

In a still wider sense, the name *contubernales* was applied to persons connected by ties of intimate friendship and living under the same roof,[4] and hence, when a free man and a slave, or two slaves, who were not allowed to contract a legal marriage, lived together as husband and wife, they were called *contubernales*; and their connexion, as well as their place of residence, *contubernium*.[5] Cicero[6] calls Cæsar the *contubernalis* of Quirinus, thereby alluding to the fact that Cæsar had allowed his own statue to be erected in the temple of Quirinus.[7]

CONTUBE'RNIUM. (*Vid.* Contubernales, Concubina.)

CONTUS (κοντός, from κεντέω, I prick or pierce) was, as Nonius[1] expresses it, a long and strong wooden pole or stake, with a pointed iron at the one end.[2] It was used for various purposes, but chiefly as a punt-pole by sailors, who, in shallow water, thrust it into the ground, and thus pushed on the boat.[3] It also served as a means to sound the depth of the water.[4] At a later period, when the Romans became acquainted with the huge lances or pikes of some of the northern barbarians, the word *contus* was applied to this kind of weapon; and the long pikes peculiar to the Sarmatians were always designated by this name.[6]

CONVENI'RE IN MANUM. (*Vid.* Marriage.)

CONVE'NTUS (σύνοδος, συνουσία, or συναγωγή) is properly a name which may be given to any assembly of men who meet for a certain purpose But when the Romans had reduced foreign countries into the form of provinces, the word *conventus* assumed a more definite meaning, and was applied to the whole body of Roman citizens who were either permanently or temporarily settled in a province.[7] In order to facilitate the administration of justice, a province was divided into a number of districts or circuits, each of which was called *conventus*, *forum*, or *jurisdictio*.[8] Roman citizens living in a province were entirely under the jurisdiction of the proconsul, except in the towns which had the Jus Italicum, which had magistrates of their own with a jurisdictio, from whom there was, no doubt, an appeal to the proconsul; and at certain times of the year, fixed by the proconsul, they assembled in the chief town of the district, and this meeting bore the name of conventus (σύνοδος). Hence the expressions, *conventus agere*, *peragere*, *convocare*, *dimittere*, ἀγοραίους (sc. ἡμέρας) ἄγειν, &c.[9] At this conventus litigant parties applied to the proconsul, who selected a number of judges from the conventus to try their causes.[10] The proconsul himself presided at the trials, and pronounced the sentence according to the views of the judges, who were his assessors (*consilium* or *consiliarii*). As the proconsul had to carry on all official proceedings in the Latin language,[11] he was always attended by an interpreter.[12] These conventus appear to have been generally held after the proconsul had settled the military affairs of the province; at least, when Cæsar was proconsul of Gaul, he made it a regular practice to hold the conventus after his armies had retired to their winter-quarters.

Niebuhr[13] supposes that, after the peace of Caudium, and before any country had been made a Roman province, the name conventus was applied to the body of Roman citizens sojourning or residing at Capua, Cuma, and eight other Campanian towns.

CONVI'VIUM. (*Vid.* Symposium.)

*CONVOLV'ULUS, I. a species of Caterpillar, mentioned by Pliny[14] as doing great damage to the vineyards. It derives its name from rolling itself up in the leaf, after having half cut through the small stem which connects the latter with the vine Modern naturalists make it the same with the *Pyralis vitis*.[15]

*II. A plant, the Bindweed, of which several kinds are mentioned by the ancient writers. The *C. Arvensis* is the σμίλαξ of Dioscorides,[16] with the

1. (Cic., Philipp., v., 17, 47.)—2. (Veget., De Re Mil., ii., 8, 13.—Compare Cic., Pro Ligar., 7.—Hirt., Bell. Alex., 16.—Drakenb. ad Liv., v., 2.)—3. (Cic., Pro Coel., 30.—Pro Planc., 11. —Suet., Jul., 42.—Tacit., Agr., 5.—Frontin., Strateg., iv., I, 1.—Plutarch, Pomp., 3.)—4. (Cic. ad Fam., ix., 2.—Plin., Epist., ii., 13.)—5. (Column., xii., 1, 3; i., 8.—Petron., Sat., 96. —Tacit., Hist., i., 43; iii., 74.)—6. (ad Att., xiii., 9a.)—7. (*Vid.* Ep. ad Att., xii., 45.—Suet., Jul., 76.)

1. (xviii., 24.)—2. (Virg., Æn., v., 208.)—3. (Hom., Od., ix., 287.—Virg., l. c.—Id., vi., 302.)—4. (Festus, s. v. Percunctatio —Donat. ad Terent., Hec., I., ii., 2.)—5. (Virg., Æn., ix., 510. —Tacit., Hist., i., 44; iii., 27.—Lamprid., Commod., 13.)—6 (Tacit., Hist., i., 79.—Id., Ann., vi., 35.—Stat., Achill., ii., 416. —Val. Flacc., vi., 162, et al.)—7. (Cic. in Verr., ii., 13; v., 36.—Cæs., Bell. Civ., ii., 21.—Hirt., Bell. Afr., 97.)—8. (Cic. in Verr., ii., 15.—Plin., Ep., x., 5.—Plin., H. N., iii., 1, 3; v., 29.) —9. (Cæs., Bell. Gall., i., 54; v., 1; viii., 46.—Acts Apost., xix., 38.)—10. (Cic. in Verr., ii., 13, &c.—Niebuhr, Hist. Rom., iii., p. 732.)—11. (Val. Max., II., ii., 2.)—12. (Cic. in Verr., iii., 37 —Ep. ad Fam., xiii., 54.)—13. (Hist. Rom., iii., p. 240.)—14. (H. N., xvii., 28.)—15. (Plin., ed. Panckoucke, vol. xv. p. 186.) —16. (iv., 144.)

epithet of λεία, in opposition to the σμίλαξ τραχεῖα,[1] the same with the *Smilax lævis* of Pliny.[2] This species does great injury to the corn, and its roots are not easily eradicated. Billerbeck censures Sibthorp for confounding it with the περικλύμενον of Dioscorides.[3] The *C. Sepium*, also called σμίλαξ, is the μαλακόκισσος of the Geoponica,[4] and the *Convolvulus* of Pliny.[5] It has white, bell-shaped flowers, and derives its name from growing in hedges, and places adjacent to these ("*sepes et vicina omnia implicat*"). It is also called Ἰασιώνη, from Ἰάσω, the goddess of healing.[6] Sibthorp found it everywhere in the hedges of Greece. The *C. Scammonia*, or Scammony,[7] is the plant the inspissated juice of which is the Scammony of the shops, a well-known purgative. This article has been known from a very early period; it is mentioned by Hippocrates, and many peculiar virtues were attributed to it at that time: now, however, it is considered only as an active cathartic. The plant is spread over Syria, Asia Minor, and nearly the whole East. Sibthorp found it growing in many parts of Livadia and the Peloponnesus or Morea.[8] The *C. Soldanella* is the Κράμβη θαλασσία, or Sea-Kale.[9]

*CONUS (κῶνος), a term applied by Galen[10] and Paul of Ægina[11] to the *Pinus sylvestris*, or wild Pine. It is commonly used, however, to signify the *Nux Pinea*, or the fruit of the Pine-tree. Athenæus says that Theophrastus called the tree πεύκη, and the fruit κῶνος.[12]

*CONY'ZA (κόννζα), a plant, three species of which are described by Dioscorides.[13] "Owing to recent changes in the Botanical terminology," observes Adams, "there is now considerable difficulty in applying scientific names to these three species. The older authorities referred them all to the genus *Conyza*, or Fleabane, and Stackhouse still does so, but hesitatingly." Sprengel, upon the whole, prefers the following distribution of them. 1. *Inula viscosa* Ait. 2. *Inula saxatilis*, or *Erigeron gravcolens*. 3. *Inula oculus Christi*. Dierbach makes the κόννζα of Hippocrates the *Ambrosia maritima*.[14]

COOPTA'RE. (*Vid.* COLLEGIUM.)

CO'PHINUS (κόφινος), a large kind of wicker Basket, made of willow branches.[15] From Aristophanes[16] it would seem that it was used by the Greeks as a basket or cage for birds. The Romans used it for agricultural purposes; and Columella,[17] in describing a method of procuring early cucumbers, says that they should be sown in well-manured soil, kept in a cophinus, so that in this case we have to consider it as a kind of portable hot-bed. Juvenal,[18] when speaking of the Jews, uses the expression *cophinus et fœnum* (a truss of hay), figuratively to designate their high degree of poverty. (*Vid.* CORBIS.)

*CORACI'NUS (κορακῖνος), a species of Fish, the same with the σαπέρδης, according to Athenæus. (*Vid.* SAPERDA.)

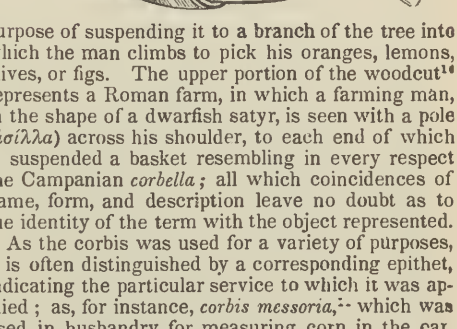
*CORALL'IUM (κοράλλιον). "From the brief notices," observes Adams, "which Arrian,[19] Hesychius,[20] and Dionysius,[21] all of whom mention this term, supply, it is impossible to decide satisfactorily what species of the *Corallina* were known to the ancients."

*CORALL'IS, a stone resembling vermilion, and brought from India and Syene.[22] It is supposed to have been red coral. The ancients thought coral to grow as a vegetable underneath the waves, and to harden into stone when removed from its native element.[1]

*CORAX (κόραξ). I. the Raven, or *Corvus corax*, L. "This," remarks Adams, "is generally held to be the *Corvus* of Virgil; but the latter, according to Pennant, was the Rook, or *Corvus frugilegus*, which, he says, is the only species that is gregarious; and Virgil pointedly refers to flocks of *Corvi*.[2] This, however, is not strictly correct, for the hooded crow and the jackdaw are often to be seen in flocks. Dr. Trail informs me that he has seen flocks of hooded crows, consisting of many hundreds. Aristotle[3] applies this term also to a water bird. It probably was a sort of cormorant."[4]

*II. Probably the *Trigla hirundo*, L., or Tub-fish. Gesner, however, makes no distinction between it and the κορακῖνος. Coray is undecided.[5]

CORBIS, *dim.* CO'RBULA, CORBI'CULA, a Basket of very peculiar form and common use among the Romans, both for agricultural and other purposes; so called, according to Varro,[6] "*Quod eo spicas aut aliud quid corruebant*;" or, according to Isidorus,[7] "*Quia curvatis virgis contexitur*." It was made of osiers twisted together,[8] and of a conical or pyramidal shape (πλέγματα ἐκ λύγου πυραμοειδῆ.[9] A basket answering precisely to this description, both in form and material, is still to be seen in every-day use among the Campanian peasantry, which is called, in the language of the country, "la corbella," a representation of which is introduced in the lower portion of the annexed woodcut. The hook attached to it by a string is for the



purpose of suspending it to a branch of the tree into which the man climbs to pick his oranges, lemons, olives, or figs. The upper portion of the woodcut[10] represents a Roman farm, in which a farming man, in the shape of a dwarfish satyr, is seen with a pole (ἀσίλλα) across his shoulder, to each end of which is suspended a basket resembling in every respect the Campanian *corbella*; all which coincidences of name, form, and description leave no doubt as to the identity of the term with the object represented.

As the corbis was used for a variety of purposes, it is often distinguished by a corresponding epithet, indicating the particular service to which it was applied; as, for instance, *corbis messoria*,[1] which was used in husbandry for measuring corn in the ear, and is therefore opposed to the *modius*, in which

1. (Theophrast., H. N., iii., 18.)—2. (H. N., xvi., 10; xxxiv., 10.)—3. (iv., 13.) -4. (ii., 6, 31.)—5. (H. N., xxi., 5 et 16.)—6. (Billerbeck, Flora Classica, p. 44.)—7. (Dioscor., iv., 171.—Theophrast., H. P., iv., 6; ix., 1, et 10.)—8. (Billerbeck, l. c.)—9. (Dioscor., ii., 147.)—10. (De Simpl., vii.)—11. (vii., 3.)—12. (Adams, Append., s. v.)—13. (iii., 126.—Theophrast., H. P., vi., 1, 2.)—14. (Adams, Append., s. v.)—15. (Mœr. Attic. and Hesych., s. v. Ἀβρίχος.)—16. (Av., 1223.)—17. (xi., 3, p. 460, ed. Bip.)—18 (Sat., iii., 14, and vi., 542.)—19. (Peripl.)—20. (s. v.)—21 (De Sit. Orb. -22. (Plin. H. N xxxvii, 10.)

1. (Moore's Anc. Mineral., p. 177.)—2. (Georg., i., 410.)—3. (H. A., viii., 5.)—4. (Adams, Append., s. v.)—5. (Plin., H. N., xxxii., 11.—Isidor., xii., 6.)—6. (De Ling. Lat., v., 139, ed. Müller.)—7. (Orig., xx., 9.)—8. (Varro, De Re Rust., i., 22, § 1—Isidor., Columell., ll. cc.)—9. (Arrian, Exp. Alex., v., 7, 8.)—10. (Antichità di Ercolano, tom. iii., tav. 29.)—11. (Cic., Pro Sext., 38.—Compare Varro, De Re Rust., i, 53.—Propert., Eleg. IV., ii., 28 -- Ovid Met., xiv., 643.)

the grain was measured after thrashing;[1] *corbis palulatoria*, which held a certain measure of green food for cattle;[2] *corbis constricta*, when put over the noses of cattle with sore mouths, like a muzzle, to prevent them from rubbing their lips.[3] These were all of the larger sort, the same as that mentioned by Plautus,[4] "*Geritote amicis vestris aurum corbibus.*"

The smaller basket (*corbula*) was used for gathering fruit[5] (*aliquot corbulas uvarum*[6]); as a bread-basket (*corbula panis*[7]); for carrying up viands from the kitchen to the *cœnaculum*;[8] and when Nero attempted to cut through the Isthmus of Corinth, he put the earth into a *corbula*, which he took from a soldier, and carried it away on his shoulders (*humum corbulæ congestam*[9]), which identifies the sort of basket termed κόφινος by Josephus,[10] which constituted part of the marching accoutrements of every Roman soldier.

The *corbis* was also used in the Roman navy. Being filled with stones, it afforded a substitute for an anchor in places where the soil was impervious to, or not sufficiently tenacious for, the fluke of an anchor,[11] which practice is not yet forsaken, for the writer has repeatedly seen the identical "*corbella*" delineated above so applied in the bay of Mola di Gaieta.

CO'RBITÆ, merchantmen of the larger class, so called because they hung out a *corbis* at the mast-head for a sign.[12] They were also termed *onerariæ*; and hence Plautus, in order to designate the voracious appetites of some women, says, "Corbitam cibi comesse possunt."[13] They were noted for their heavy build and sluggish sailing,[14] and carried passengers as well as merchandise, answering to the large "felucca" of the present day. Cicero proposed to take a passage in one of these vessels from Rhegium to Patræ, which he opposes to the smarter class of packets (*actuariola*[15]).

*COR'CHORUS (κόρχορος), a plant, probably the same with the Jews' Mallow, or *Corchorus olitorius*. It is still used as a potherb by the Jews at Aleppo. A Japanese species of this shrub is well known in Great Britain, according to Adams; but the *Corchorus olitorius* is seldom cultivated.[16]

*CORD'YLUS (κορδύλος), an amphibious animal described by Aristotle.[17] "From the discussions of Belon, Rondelet, Gesner, and Schneider, it would appear to be settled," remarks Adams, "that it was a sort of Lizard, probably a variety of the *Siren Lacertina*."

II. The fry of the Tunny-fish, according to Pliny. Modern naturalists, however, think that it is probably a variety of the *Scomber-thynnus*, L.[18]

*CORIANDRUM (κορίαννον or κόριον[19]), Coriander, or *Coriandrum sativum*. It grows wild in Italy. The name is derived from the strong smell of bedbugs (κόρις, "a bedbug") which the seed has when fresh. Theophrastus says there were several kinds.[20] According to Pliny,[21] Coriander-seed, taken in moderate quantities, was good in aiding digestion; and the ancients, therefore, generally took it after eating. Sibthorp makes the modern Greek name to be κοριανδρον or κονσβαράς. He found it in Peloponnesus (the Morea) and the island of Cyprus.[22]

1. (Cato, De Re Rust., 136.)—2. (Colum., VI., iii., 5; XI., ii., 9.)—3. (Veget., Art. Veterin., ii., 33.)—4. (Bacch., IV., iv., 61.)—5. (Cato, De Re Rust., ii., 5.—Colum., XII., I., 8.)—6. (Varro, De Re Rust., i., 15.)—7 (Cæcilius, ap. Non., s. v. Corbis.)—8. (Plaut., Aul., II., vii., 4.) —9. (Suet., Nero, 19.)—10. (Bell. Jud., iii., 5, § 5.)—11. (Arrian, l. c.—Eunap. ap. Suid., s. v. Ζεῦγμα.) —12. (Festus.—Nonius, s. v.)—13. (Cas., IV., i., 20.)—14. (Lucil. ap. Non., s. v. Corbitæ.—Plaut., Pœn., III., i., 4.)—15. (Ep. ad Att., xvi., 6.)—16. (Theophrast., H. P., vii., 7.—Adams, Append., s. v.)—17. (II. A., i., 5.)—18 (Aristot., viii., 21.—Plin., H. N., ix., 15.)—19. (Theophrast., i., 11; vii., 1.—Dioscor., iii., 64.)—20. (II. P., vii., 1.)—21 (II. N., xx., 20.)—22. (Billerbeck, Flora Classica, p. 76.)

*CORIS (κόρις) I., a name applied to several species of the genus *Cimex*, or bug. (*Vid.* CIMEX.)

II. A Plant, the same with the *Hypericum Coris*, L.[1]

CORDAX. (*Vid.* COMŒDIA, p. 299.)

CORNE'LIA LEX. (*Vid.* MAJESTAS, REPETUNDÆ.)

CORNE'LIA FULVIA LEX. (*Vid.* AMBITUS.)

CORNE'LIA LEX DE FALSIS. (*Vid.* FALSA.)

CORNE'LIA LEX DE INJU'RIIS. (*Vid.* INJURIÆ.)

CORNE'LIA LEX DE SICA'RIIS ET VENEFI'CIS. A law of the Twelve Tables contained some provision as to homicide,[2] but this is all that we know. It is generally assumed that the law of Numa Pompilius, quoted by Festus,[3] "*Si quis hominem liberum dolo sciens morti duit paricida esto*," was incorporated in the Twelve Tables, and is the law of homicide to which Pliny refers; but this cannot be proved. It is generally supposed that the laws of the Twelve Tables contained provisions against incantations (*malum carmen*) and poisoning, both of which offences were also included under parricidium: the murderer of a parent was sewed up in a sack (*culeus* or *culleus*) and thrown into a river. It was under the provisions of some old law that the senate, by a consultum, ordered the consuls P. Scipio and D. Brutus (B.C. 138) to inquire into the murder in the Silva Scantia (*Silva Sila*[4]). The lex Cornelia de Sicariis et Veneficis was passed in the time of the dictator Sulla, B.C. 82. The lex contained provisions as to death or fire caused by dolus malus, and against persons going about armed with the intention of killing or thieving. The law not only provided for cases of poisoning, but contained provisions against those who made, sold, bought, possessed, or gave poison for the purpose of poisoning; also against a magistratus or senator who conspired in order that a person might be condemned in a judicium publicum, &c.[5] To the provisions of this law was subsequently added a senatus consultum against mala sacrificia, otherwise called impia sacrificia, the agents in which were brought within the provisions of this lex. The punishment inflicted by this law was the interdictio aquæ et ignis, according to some modern writers. Marcian[6] says that the punishment was deportatio in insulam et bonorum ademtio. These statements are reconcilable when we consider that the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the times of the writers or the compilers. Besides, it appears that the lex was modified by various senatus consulta and imperial rescripts.

The lex Pompeia de Parricidiis, passed in the time of Cn. Pompeius, extended the crime of parricide to the killing (dolo malo) of a brother, sister, uncle, aunt, and many other relations enumerated by Marcianus;[7] this enumeration also comprises vitricus, noverca, privignus, privigna, patronus, patrona, an avus who killed a nepos, and a mother who killed a filius or filia; but it did not extend to a father. All privy to the crime were also punished by the law, and attempts at the crime also came within its provisions. The punishment was the same as that affixed by the lex Cornelia de Sicariis,[8] by which must be meant the same punishment that the lex Cornelia affixed to crimes of the same kind. He who killed a father or mother, grandfather or grandmother, was punished (more majorum) by being whipped till he bled, sewn up in a

1. (Dioscor., iii., 164.—P. Ægin., vii., 3.—Plin., H. N., xxvi., 54.)—2. (Plin., H. N., xviii., 3.)—3. (s. v. Parici Quæstores.)—4. (Cic., Brutus, c. 22, ed. H. Meyer.)—5. (Compare Cic., Pro Cluent., c. 54, with Dig. 49, tit. 8.)—6. (Dig. 49, tit. 8, s. 3.)—7. (Dig. 49, tit. 9, s. 1.)—8. (Dig., l. c.)

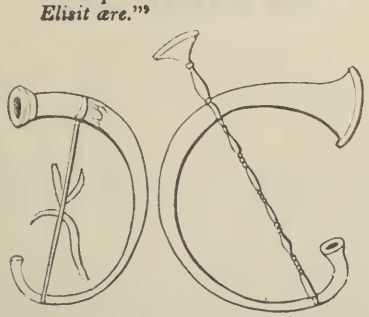
sack with a dog, cock, viper, and ape, and thrown into the sea if the sea was at hand, and if not, by a constitution of Hadrian, he was exposed to wild beasts, or, in the time of Paulus, to be burned. The ape would appear to be a late addition. The murderers of a father, mother, grandfather, grandmother only were punished in this manner;[1] other parricides were simply put to death. From this it is clear that the lex Cornelia contained a provision against parricide, if we are rightly informed as to the provisions de Sicariis et Veneficis, unless there was a separate Cornelia Lex de Parricidiis As already observed, the provisions of those two leges were modified in various ways under the emperors.

It appears from the law of Numa, quoted by Festus,[2] that a parricida was any one who killed another dolo malo. Cicero[3] appears to use the word in its limited sense, as he speaks of the punishment of the culleus. In this limited sense there seems no impropriety in Catilina being called parricida with reference to his country; and the day of the dictator Cæsar's death might be called a parricidium, considering the circumstances under which the name was given.[4] If the original meaning of parricida be what Festus says, it may be doubted if the etymology of the word (pater and cædo) is correct; for it appears that paricida or parricida meant murderer generally, and afterward the murderer of certain persons in a near relationship. If the word was originally patricida, the law intended to make all malicious killing as great an offence as parricide, though it would appear that parricide, properly so called, was, from the time of the Twelve Tables at least, specially punished with the culleus, and other murders were not.[5]

*CORNIX, the Carrion Crow. (*Vid.* Corone.)

CORNU, a wind instrument, anciently made of horn, but afterward of brass.[6] According to Athenæus,[7] it was an invention of the Etruscans. Like the *tuba*, it differed from the *tibia* in being a larger and more powerful instrument, and from the *tuba* itself in being curved nearly in the shape of a C, with a crosspiece to steady the instrument for the convenience of the performer. In Greek it is called στρογγύλη σάλπιγξ It had no stopples or plugs to adjust the scale to any particular mode;[8] the entire series of notes was produced without keys or holes, by the modification of the breath and of the lips at the mouthpiece. Probably, from the description given of it in the poets, it was, like our own horn, an octave lower than the trumpet. The *classicum*, which originally meant a signal rather than the musical instrument which gave the signal, was usually sounded with the *cornu*.

> "*Sonuit reflexo classicum cornu,*
> *Lituusque a lunco stridulos cantus*
> *Elicit ære.*"[9]



From which lines we learn the distinction between the *cornu* and *lituus*, as from Ovid[1] we learn that between the *tuba* and *cornu*:

> "*Non tuba directi, non æris cornua flexi.*"

The preceding woodcut, taken from Bartholini,[2] illustrates the above account.

CORO'NA (στέφανος), a Crown; that is, a circular ornament of metal, leaves, or flowers, worn by the ancients round the head or neck, and used as a festive as well as funereal decoration, and as a reward of talent, military or naval prowess, and civil worth. It includes the synonymes of the species, for which it is often used absolutely, στεφάνη, στέφος, στεφάνωμα, *corolla*, *sertum*, a garland or wreath.

The first introduction of this ornament is attributed to Janus Bifrons,[3] the reputed inventor of ships and coinage, whence many coins of Greece, Italy, and Sicily bear the head of Janus on one side, and a ship or a crown on the reverse.

Judging from Homer's silence, it does not appear to have been adopted among the Greeks of the heroic ages as a reward of merit or as a festive decoration, for it is not mentioned among the luxuries of the delicate Phæacians or of the suiters. But a golden crown decorates the head of Venus in the hymn to that goddess.[4]

Its first introduction as an honorary reward is attributable to the athletic games, in some of which it was bestowed as a prize upon the victor,[5] from whence it was adopted in the Roman circus. It was the only one contended for by the Spartans in their gymnic contests, and was worn by them when going to battle.[6]

The Romans refined upon the practice of the Greeks, and invented a great variety of crowns, formed of different materials, each with a separate appellation, and appropriated to a particular purpose. We proceed to enumerate these and their properties, including in the same detail an account of the corresponding ones, where any, in Greece.

I. Corona Obsidionalis. Among the honorary crowns bestowed by the Romans for military achievements, the most difficult of attainment, and the one which conferred the highest honour, was the *corona obsidionalis*, presented by a beleaguered army after its liberation to the general who broke up the siege. It was made of grass, or weeds and wild flowers,[7] thence called *corona graminea*,[8] and *graminea obsidionalis*,[9] gathered from the spot on which the beleaguered army had been enclosed,[10] in allusion to a custom of the early ages, in which the vanquished party, in a contest of strength or agility,

plucked a handful of grass from the meadow where

1 (Modest., Dig. 49, tit. 9, s. 9.)—2. (s. v. Parici Quæstores.) 3 (Pro Ros. Am., c. 25.)—4. (Suet., Cæs., c. 88.)—5. (Dig. 49, tit. 8, 9.—Paulus, Recept. Sententt., v., tit. 24.—Dirksen, Uebersicht, &c. der Zwölftafelgesetze, Leipsig.)—6. (Varro, De Ling. Lat., v., 117, ed. Müller.)—7 (iv., 184, A.)—8. (Burney's Hist. of Music vol. i., p. 518.) 9. (Sen. Œd., 734.)

1. (Metam., i., 98.)—2. (De Tibiis, p. 403.)—3. (Athen., xv., 45.)—4. (1 and 7.)—5. (Plin., H. N., xv., 39.—Pindar, Olymp., iv., 36.—Argol. in Panvin., De Lud. Circ., i., 16.- Hamilton's Vases, vol. iii., p. 47.)—6. (Hase, p. 198, 200, transl.)—7. (Plin H. N., xxii., 7.) -8. (Plin., H. N., xxii., 4.)--9 (Liv., vii., 37.) —10. (Plin l. c. -Aul. Gel., v., 6.—Festus, s. v. Obsidionalis.)

the struggle took place, and gave it to his opponent as a token of victory.[1] A list of the few Romans who gained this honour is given by Pliny.[2] A representation of the *corona graminea* is introduced in the preceding woodcut.[3]

II. Corona Civica, the second in honour and importance,[4] was presented to the soldier who had preserved the life of a Roman citizen in battle,[5] and therefore accompanied with the inscription "*Ob civem* servatum,"[6] as seen on the medal of M. Lepidus, introduced in the next woodcut, in which the letters H. O. C. S. stand for *hostem occidit, civem servavit* It was originally made of the *ilex*, afterward of the *æsculus*, and finally of the *quercus*,[7] three different sorts of oak, the reason for which choice is explained by Plutarch.[8] It is represented in the next woodcut,[9] above which the medal of Lepidus,[10] just mentioned, is placed.

As the possession of this crown was so high an honour, its attainment was restricted by very severe regulations,[11] so that the following combinations must have been satisfied before a claim was allowed: To have preserved the life of a Roman citizen in battle, slain his opponent, and maintained the ground on which the action took place. The testimony of a third party was not admissible; the person rescued must himself proclaim the fact, which increased the difficulty of attainment, as the Roman soldier was commonly unwilling to acknowledge his obligation to the prowess of a comrade, and to show him that deference which he would be compelled to pay to his preserver if the claim were established.[12] Originally, therefore, the *corona civica* was presented by the rescued soldier,- after the claim had been thoroughly investigated by the tribune, who compelled a reluctant party to come forward and give his evidence;[2] but under the Empire, when the prince was the fountain from whence all honours emanated, the civic crown was no longer received from the hands of the person whose preservation it rewarded, but from the prince himself, or his delegate.[3]

The preservation of the life of an ally, even though he were a king, would not confer a sufficient title for the civic crown. When once obtained, it might always be worn. The soldier who had acquired it had a place reserved next to the senate at all the public spectacles; and they, as well as the rest of the company, rose up upon his entrance. He was freed from all public burdens, as were also his father, and his paternal grandfather; and the person who owed his life to him was bound, ever after, to cherish his preserver as a parent, and afford him all such offices as were due from a son to his father.[4]

A few of the principal characters who gained this reward are enumerated in the following passages: Plin., *H. N.*, vii., 29; xvi, 5.—Liv., vi., 20; x., 46. L. Gellius Publicola proposed to confer it upon Cicero for having detected and crushed the conspiracy of Catiline;[5] and among the honours bestowed upon Augustus by the senate, it was decreed that a civic crown should be suspended from the top of his house;[6] hence a crown of oak leaves, with the inscription *ob cives servatos*, is frequently seen on the reverse of the Augustan medals, as also on those of Galba, Vitellius, Vespasian, Trajan, &c., showing that they likewise assumed to themselves a similar honour.

Other chaplets of leaves of many kinds were used both at Rome and in Greece, but they are distinct in character and purpose from the *corona civica*. An oak wreath was given by the Greeks to Jupiter;[7] but that has no acorns, which formed a prominent feature in the *corona civica*;[8] and likewise to Hecate;[9] of ivy to Bacchus,[10] commonly seen in his statues, from which he is termed Κισσοκόμην.[11] Those who assisted at a sacrifice wore a crown of bay, and the victim a wreath of cypress, pine, or flowers, and leaves of the tree sacred to the deity to whom the offering was made.[12] Romulus bestowed a crown of leaves upon Hostus Hostilius, as the first man who stormed the city of Fidenæ;[13] and the army paid a similar compliment to P. Decius, by whom it was saved from destruction during the Samnite war.[14]

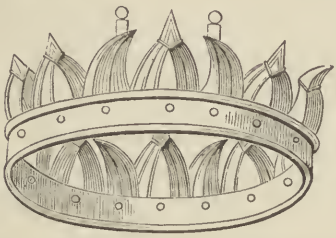
It will not fail to be remarked, as characteristic of Roman manners and early republican virtue, that the two crowns which were the most difficult to obtain, and held in the highest honour, possessed no intrinsic value.

III. Corona Navalis or Rostrata, called also Classica.[15] It is difficult to determine whether these were two distinct crowns, or only two denominations for the same one. Virgil[16] unites both terms in one sentence, "Tempora *navali* fulgent *rostrata* corona." But it seems probable that the former, besides being a generic term, was inferior in dignity to the latter, and given to the sailor who

1. (Aul. Gell., v., 6.—Plin., H. N., xxii., 4.—Festus, s. v. Obsidionalis.—Serv. ad Virg., Æn., viii., 128.)—2. (H. N., xxii., 4, 5.)—3. (Guichard, De Antiquis Triumphis, p. 268.—Compare Hardouin ad Plin., H. N., x., 68.)—4. (Plin., H. N., xvi., 3.)—5. (Aul. Gell., v., 6.)—6. (Senec., Clem., i., 26.)—7. (Plin., H. N., xvi., 5.)—8. (Quæst. Rom., p. 151, ed. Reisk.)—9. (Jacob de Bie, Numism. Aurea Imp. Rom., pl. 5.)—10. (Goltz, Historia Cæsarum ex Antiq. Numismat. Restitut., xxxiii., 1.)—11. (Plin. H. N., xvi., 5.)—12. (Cic., Pro Planc., 30.)

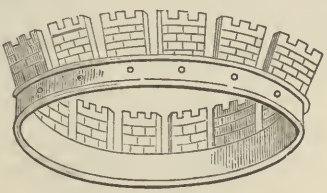
1. (Aul. Gel., v., 6.—Polyb., vi., 37.)—2. (Polyb., l. c.)—3. (Tacit., Ann., xv., 12.—Compare iii., 2.)—4. (Polyb., vi., 37.—Cic., Pro Planc., 30.—Plin., H. N., xvi., 5.—Aul. Gell., v., 6.)—5. (Aul. Gell., v., 6.)—6. (Dion Cass., liii., 16.—Val. Max., ii., 8, fin.—Ovid, Fast., i., 614; iv., 953.—Trist., III., i., 6.—Senec., Clem., i., 26.—Suet., Calig., 19.—Compare Claud., 17—Tib., 26.)—7. (Hamilton's Vases, vol. iii., pl. 1.)—8. (Plin., H. N., xvi., 5.)—9. (Soph., Fragm. ap. Valckenaer, Diatr. in Eur. Frag., p. 167.)—10. (Plin., H. N., xvi., 4.)—11. (Hom., Hymn. in Bacch., 1.—Compare 9.)—12. (Plin., l. c.)—13. (Plin., H. N., xvi., 5.)—14. (Liv., vii., 37.)—15. (Paterc., ii., 81.)—16. (Æn., viii., 684.)

first boarded an enemy's ship;[1] whereas the latter was given to a commander who destroyed the whole fleet, or gained any very signal victory.[2] At all events, they were both made of gold; and one, at least (*rostrata*), decorated with the beaks of ships, like the *rostra* in the Forum,[3] as seen in a medal of Agrippa;[4] the other (*navalis*), with a representation of the entire bow, as shown in the subjoined woodcut.[5]



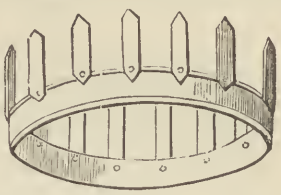
The Athenians likewise bestowed golden crowns for naval services, sometimes upon the person who got his trireme first equipped, and at others upon the captain who had his vessel in the best order.[6]

IV. Corona Muralis. The first man who scaled the wall of a besieged city was presented by his commander with a mural crown.[7] It was made of gold, and decorated with turrets (*muri pinnis*[8]), as represented in the next woodcut;[9] and being one of the highest orders of military decorations, was not awarded to a claimant until after a strict investigation.[10]



Cybele is always represented with this crown upon her head;[11] but in the woodcut annexed[12] the form of the crown is very remarkable, for it includes the whole tower as well as the turrets, thus affording a curious specimen of the ancient style of fortification.

V. Corona Castrensis or Vallaris. The first soldier who surmounted the *vallum*, and forced an entrance into the enemy's camp, was in like manner presented with a golden crown, called *corona castrensis* or *vallaris*,[1] which was ornamented with the palisades (*valli*) used in forming an intrenchment, as represented in the annexed woodcut.[2]



VI. Corona Triumphalis. There were three sorts of triumphal crowns, the first of which was worn round the head of the commander during his triumph. It was made with laurel or bay leaves,[3] which plant is frequently met with on the ancient coins, both with the berries and without them. It was the latter kind, according to Pliny,[4] which was used in the triumph, as is shown in the annexed woodcut, from a medal which commemorates the

Parthian triumph of Ventidius, the lieutenant of Antony.[5] Being the most honourable of the three it was termed *laurea insignis*[6] and *insignis corona triumphalis*.

The second one was of gold, often enriched with jewels, which, being too large and massive to be worn, was held over the head of the general during his triumph by a public officer (*servus publicus*[7]). This crown, as well as the former one, was presented to the victorious general by his army.

The third kind, likewise of gold and great value, was sent as presents from the provinces to the commander as soon as a triumph had been decreed to him,[8] and therefore they were also termed *provinciales*.[9] In the early ages of republican virtue and valour these were gratuitous presents, but before the extinction of the Republic they were exacted as a tribute under the name of *aurum coronarium*, to which none were entitled but those to whom a triumph had been decreed. (*Vid.* Aurum Coronarium.) The custom of presenting golden crowns from the provinces to victorious generals was likewise in use among the Greeks, for they were profusely lavished upon Alexander after his conquest of Darius.[10]

VII. Corona Ovalis was another crown of less estimation, appropriated solely to commanders. It was given to those who merely deserved an ovation, which happened when the war was not duly declared, or was carried on against a very inferior force, or with persons not considered by the laws of nations as lawful enemies, such as slaves and pirates; or when the victory was obtained without danger, difficulty, or bloodshed;[11] on which account

1. (Plin., H. N., xvi., 3.)—2. (Compare Aul. Gell., v., 6.—Liv., Epit., 129.—Dio Cass., xlix., 14.—Seneca, De Ben., iii., 32.—Festus, s.v. Navalis Corona.—Plin., H. N., viii., 31; xvi., 4.—Suet., Claud., 17)—3. (Plin., H. N., xvi., 4.)—4. (Tristan, Comment. Historiq. des Empereurs, tom. i., p. 131.)—5. (Guichard, de Antiq. Triumphis, p. 267.)—6. (Demosth., de Corona Præf. Nav., p. 278, 279, ed. Schæffer.)—7. (Aul. Gell., v., 6, 4.—Liv., xxvi., 48.)—8. (Aul. Gell., l. c.)—9. (Guichard, De Antiq. Triumph., p. 265.)—10. (Liv., l. c.—Compare Suet., Aug., 25.)—11. (Lucret., ii., 607, 610—Ovid, Fast., iv., 219.—Compare Virg., Æn., v., 253. vi. 786.)—12. (Caylus, Recueil D'Antiq., vol. v., pl. 3.)

1. (Aul. Gell., v., 6, 5.—Compare Val. Max., i., 8, 6.)—2. (Guichard, De Antiq. Triumph., p. 266.)—3. (Aul. Gell., v., 6—Ovid, Pont., II., ii., 81.—Tibull., I., vii., 7.)—4. (H. N., xv., 39.)—5. (Goltz, Hist. Cæs., xlviii., 2.)—6. (Liv., vii., 13.)—7. (Juv., Sat., x., 41.)—8. (Plut., Paul. Æmi.., 34.)—9. (Tertull., De Coron. Mil., c. 13.)—10. (Athen., xii., 54.)—11. (Aul. Gell., v., 6.—Festus, s. v. Ovalis Corona.)

it was made of myrtle, the shrub sacred to Venus: "Quod non *Martius*, sed quasi *Veneris* quidam triumphus foret."[1] The myrtle crown is shown in the woodcut annexed, from a medal of Augustus Cæsar.[2]

VIII. Corona Oleagina. This was likewise an honorary wreath, made of the olive leaf, and conferred upon the soldiers as well as their commanders. According to Gellius,[3] it was given to any person or persons through whose instrumentality a triumph had been obtained, but when they were not personally present in the action. It is represented in the next woodcut, from a medal of Lepidus,[4] and was conferred both by Augustus and the senate upon the soldiery on several occasions.[5]

Golden crowns, without any particular designation, were frequently presented out of compliment by one individual to another, and by a general to a soldier who had in any way distinguished himself.[6]

The Greeks, in general, made but little use of crowns as rewards of valour in the earlier and better periods of their history, except as prizes in the athletic contests; but, previous to the time of Alexander, crowns of gold were profusely distributed, among the Athenians at least, for every trifling feat, whether civil, naval, or military,[7] which, though lavished without much discrimination as far as regards the character of the receiving parties, were still subjected to certain legal restrictions in respect of the time, place, and mode in which they were conferred. They could not be presented but in the public assemblies, and with the consent, that is, by suffrage, of the people, or by the senators in their council, or by the tribes to their own members, or by the δημόται to members of their own δῆμος. According to the statement of Æschines, the people could not lawfully present crowns in any place except in their assembly, nor the senators except in the senate-house; nor, according to the same authority, in the theatre, which is, however, denied by Demosthenes; nor at the public games; and if any crier there proclaimed the crowns, he was subject to ἀτιμία. Neither could any person holding an office receive a crown while he was ὑπεύθυνος that is, before he had passed his accounts. But crowns were sometimes presented by foreign cities to particular citizens, which were termed στεφάνοι ξενικοί, *coronæ hospitales*. This, however, could not be done until the ambassadors from those cities had obtained permission from the people, and the party for whom the honour was intended had undergone a public investigation, in which the whole course of his life was submitted to a strict inquiry.[1]

The principal regulations at Rome respecting these honours have been already mentioned in the account of the different crowns to which they applied.

We now proceed to the second class of crowns, which were emblematical and not honorary, at least to the person who wore them, and the adoption of which was not regulated by law, but custom. Of these there were also several kinds.

I. Corona Sacerdotalis, so called by Ammianus Marcellinus.[2] It was worn by the priests (*sacerdotes*), with the exception of the pontifex Maximus and his minister (*camillus*), as well as the by-standers, when officiating at the sacrifice. It does not appear to have been confined to any one material, but was sometimes made of olive (see preceding woodcut[3]), sometimes of gold,[4] and sometimes of ears of corn, then termed *corona spicea*, which kind was the most ancient one among the Romans,[5] and was consecrated to Ceres,[6] before whose temples it was customarily suspended.[7] It was likewise regarded as an emblem of peace,[8] in which character it appears in the subjoined medal, which commemorates the conclusion of the civil war between Antony and D. Albinus Brutus.[9]

II. Corona Funebris and Sepulchralis. The Greeks first set the example of crowning the dead with chaplets of leaves and flowers,[10] which was imitated by the Romans. It was also provided by a law of the Twelve Tables, that any person who had acquired a crown might have it placed upon his head when carried out in the funereal procession.[11] Garlands of flowers were also placed upon the bier, or scattered from the windows under which the procession passed,[12] or entwined about the cinerary urn,[13] or as a decoration to the tomb.[14] In Greece these crowns were commonly made of parsley (σέλινον[15]).

III. Corona Convivialis. The use of chaplets at festive entertainments sprung likewise from Greece, and owe their origin to the practice of tying a woollen fillet tight round the head, for the purpose of mitigating the effects of intoxication.[16] Thus Mercury in the Amphitryon,[17] when he is about

1. (Aul. Gell., l. c.—Plutarch, Marcell., 22.—Compare Plin., H. N., xv, 39.—Dionys., v., 47.)—2. (Goltz, Hist. Cæs., xvi., 20.)—3. (v., 6.)—4. (Goltz, Hist. Cæs., xxxiii., 5.)—5. (Dion Cass., xlix., 14; xlvi., 40.)—6. (Liv., vii., 10, 37; x., 44; xxx., 15.)—7. (Æsch., c. Ctes.—Demosth., De Coron., passim.)

1. (Æsch., c. Ctes.—Demosth., De Coron.)—2. (xxxix., 5, 6.)—3. (Stat., Theb., iii., 466.)—4. (Prudent., Περὶ Στέφ. x., 1011.—Tertull., De Idol., 18.)—5. (Plin., H. N., xviii., 2.)—6. (Hor., Carm. Sc., 30.—Tibull., II., i., 4; I., i., 15.)—7. Tibull., I., i., 16.—Compare Apul., Met., vi. p. 110, ed. Var.)—8. (Tibull., i., 10, 67.)—9. (Goltz, Hist. Cæs., xxii., 2.)—10. (Eurip., Phœn., 1647.—Schol. ad loc.)—11. (Cic., De Leg., ii., 24.—Plin., H. N., xxi., 5.)—12. (Plin., H. N., xxi., 7.—Dionys. xi., 39.)—13. (Plutarch, Marcell., 30.—Demetr., 53.)—14. (Plin., H. N., xxi., 3.—Ovid, Trist., III., ii., 82.—Tibull., II. iv., 48.)—15. (Suidas, s. v.—Plut., Timol., 26.)—16. (Aristot. Erotic. ap. Athen., xv., 16.)—17. (III., iv., 16.)

to sham drunk, says, "*Capiam coronam mihi in caput, assimulabo me esse ebrium.*" But, as luxury increased, they were made of various flowers or shrubs, such as were supposed to prevent intoxication; of roses (which were the choicest), violets, myrtle, ivy, *philyra*, and even parsley.[1] The Romans were not allowed to wear these crowns in public, "in usu promiscuo," which was contrary to the practice of the Greeks, and those who attempted to do so were punished with imprisonment.[2]

IV. CORONA NUPTIALIS. The bridal wreath, *στέφος γαμήλιον*,[3] was also of Greek origin, among whom it was made of flowers plucked by the bride herself, and not bought, which was of ill omen.[4] Among the Romans it was made of *verbena*, also gathered by the bride herself, and worn under the *flammeum*,[5] with which the bride was always enveloped.[6] The bridegroom also wore a chaplet.[7] The doors of his house were likewise decorated with garlands,[8] and also the bridal couch.[9]

V. CORONA NATALITIA, the chaplet suspended over the door of the vestibule, in the houses of both Athens and Rome, in which a child was born.[10] At Athens, when the infant was male, the crown was made of olive; when female, of wool;[11] at Rome it was of laurel, ivy, or parsley.[12]

Besides the crowns enumerated, there were a few others of specific denominations, which received their names either from the materials of which, or the manner in which, they were composed. These were:

I. CORONA LONGA,[13] which is commonly thought to resemble what we call a *festoon*, and, as such, seem to have been chiefly used to decorate tombs, curule chairs, triumphal cars, houses, &c. But the word must have had a more precise meaning, and was probably called *longa* from its greater size, and meant a circular string of anything, like the "rosary" used by the lower orders in Catholic countries to reckon up their prayers, which in Italy is still called *la corona*, doubtless tracing its origin to the *corona longa* of their heathen ancestors, to which description it answers exactly.

II CORONA ETRUSCA was a golden crown, made to imitate the crown of oak leaves, studded with gems, and decorated with ribands (*lemnisci*) or ties of gold.[14] Any crown fastened with these ribands, whether real or artificially represented, was also termed *corona lemniscata*, a specimen of which is given by Caylus.[15]

III. CORONA PACTILIS,[16] probably the same as the *corona plectilis* of Plautus,[17] *corona torta*,[18] *plexa*,[19] *στεφάνοι πλεκτοί*,[20] and *κυλιστὸς στεφάνος*.[21] It was made of flowers, shrubs, grass, ivy, wool, or any flexible material twisted together.

IV. CORONA SUTILIS, the crown used by the Salii at their festivals.[22] It was made in the first instance of any kind of flowers sewed together, instead of being wreathed with their leaves and stalks; but subsequently it was confined to the rose only, the choicest leaves of which were selected from the whole flower, and sewed together by a skilful hand, so as to form an elegant chaplet.[1]

V. CORONA TONSA or TONSILIS[2] was made of leaves only, of the olive or laurel for instance,[3] and so called in distinction to *nexilis* and *insita*, in which the whole branch was inserted.

VI. CORONA RADIATA[4] was the one given to the gods and deified heroes, and assumed by those of the emperors as a token of their divinity. It may be seen on the coins of Trajan, Caligula, M. Aurelius, Valerius Probus, Theodosius, &c., and is given in the woodcut annexed, from a medal of Mark Antony.[5]

VII. The crown of vine leaves (*pampinea*) was appropriated to Bacchus,[6] and considered a symbol of ripeness approaching to decay; whence the Roman knight, when he saw Claudius with such a crown upon his head, augured that he would not survive the autumn.[7]

*CORO'NE (*κορώνη*), the *Corvus Corone*, or Carrion Crow. (*Vid.* CORAX.) The specific name of *ἐνάλιος κορώνη* is applied by Aristotle[8] and by Ælian[9] to a water-bird, which was, no doubt, some species either of the cormorant or coot. It occurs also in the Odyssey of Homer[10] as a sea-bird.[11]

*CORO'NOPUS (*κορωνόπους*), a plant, about which there has been some difference of opinion, but which, in all probability, is the same with the Buck's-horn Plantain, or *Plantago Coronopus*.[12]

CORPUS. (*Vid.* COLLEGIUM.)

CORPUS JURIS CIVI'LIS. The three great compilations of Justinian, the Institutes, the Pandects, and the Code, together with the Novellæ, form one body of law, and were considered as such by the glossatores, who divided it into five volumina. The Pandects were distributed into three volumina, under the respective names of Digestum Vetus, Infortiatum, and Digestum Novum. The fourth volume contained the first nine books of the Codex Repetitæ Prælectionis. The fifth volume contained the Institutes, the Liber Authenticorum or Novellæ, and the last three books of the Codex. The division into five volumina appears in the oldest editions; but the usual arrangement now is, the Institutes, Pandects, the Codex, and Novellæ. The name Corpus Juris Civilis was not given to this collection by Justinian, nor by any of the glossatores. Savigny asserts that the name was used in the twelfth century: at any rate, it became common from the date of the edition of D. Gothofredus of 1604.

Most editions of the Corpus also contain the following matter: Thirteen edicts of Justinian, five constitutions of Justin the younger, several constitutions of Tiberius the younger, a series of consti-

1. (Mart., Epigr., xiii., 127.—Hor., Carm., II., vii., 24.—Id., Sat., II., iii., 256.—Id., Carm., I., xxxviii., 2.—Juv., Sat., v., 36. – Virg., Eclog., vi., 16.—Ovid, Fast., v., 335, 337, 341.—Tacit., Ann., ii., 57.—Capitolin., Verus, 5.)—2. (Plin., H. N., xxi., 6.—Compare Hor., Sat., II., iii., 256.—Val. Max., vi., 9, ext. 1.)—3. (Bion, Idyll., i., 88.)—4. (Alex. ab Alex., ii., 5.)—5. (Festus, s. v. Corolla.)—6. (Catull., lxi., 6, 8.—Cic., De Orat., iii., 58.)—7. (Tertull., De Coron. Mil., c. 13.—Claud., Nupt. Honor. et Mar., 202.—Plaut., Cas., IV., i., 9.)—8. (Catull., lxiv., 294.—Juv., Sat., vi., 51, 227.)—9. (Apollon. Rhod., iv., 1143.)—10. (Juv., Sat., ix., 85. — Meursius, Attic. Lect., iv., 10.)—11. (Hesych., s. v. Στέφανος.)—12. (Bartholin., De Puerp., p. 127.)—13. (Cic., De Leg., 2i.—Ovid, Fast., iv., 738.)—14. (Plin., H. N., xxi., 4; xxxiii., 4.)—15. (Recueil d'Antiq., vol. v, pl. 57, No. 3.)—16. (Plin., H. N., xxi., 8.)—17. (Bacch., I., i., 37.)—18. (Propert., ii., 20, 18, ed. Kuinoel.)—19. (Aul. Gell., xviii., 2.)—20. (Xen. Coloph., ap. Athen., xv., 22.)—21. (Eubulus, Comicus, l. c.)—22. (Plin., H. N., xxi., 8.)

1. (Plin., l. c.)—2. (Virg., Æn., v., 556.)—3. (Serv. ad Virg., Georg., iii., 21.)—4. (Stat., Theb., i., 28.)—5. (Goltz, Hist Cæs., xlvi., 3.)—6. (Hor., Carm., III., xxv., 20; IV., viii., 33.) —7. (Tacit., Ann., xi., 4.—Compare Artemidor., i., 79.)—8. (Aristot., H. A., viii., 5.)—9. (N. A., v., 23.)—10. (v., 66.)—11. (Adams, Append., s. v.)—12. (Theophrast., H. P., vii., 8. – Id., C. P., ii., 5.—Dioscor., ii., 156.—Adams, Append., s. v.)

tutions of Justinian, Justin, and Tiberius; 113 Novellæ of Leo, a constitution of Zeno, and a number of constitutions of different emperors, under the name of *Βασιλικαὶ Διατυξεις*, or Imperatoriæ Constitutiones; the Canones Sanctorum et venerandorum Apostolorum, Libri Feudorum, a constitution of the Emperor Frederic II., two of the Emperor Henry VII., called Extravagantes, and a Liber de pace Constantiæ. Some editions also contain the fragments of the Twelve Tables, of the prætorian edict, &c.

Some editions of the Corpus Juris are published with the glossæ, and some without. The latest edition with the glossæ is that of J. Fehius, Lugd., 1627, six vols. folio. Of the editions without the glossæ, the most important are, that of Russardus, Lugd., 1561, 2 vols. folio, which was several times reprinted; Contius, Lugd., 1571 and 1581, 15 vols. 12mo; Lud. Charondæ, Antw., 1575, folio; Dionys. Gothofredi, Lugd., 1583, 4to, of which there are various editions; one of the best is that of Sim. Van Leuwen, Amst., 1663, folio; G. Chr. Gebaueri, cura G. Aug. Spangenberg, Goetting., 1776–1797, 2 vols. 4to; Schrader, of which only the Institutes are yet published.

*CORRU'DA, the name by which the wild Asparagus was known among the Romans (*ἀσπάραγος ἀγριός*, or *πετραῖος*). According to Pliny,[1] some called it *Libyca*; the Attics, *horminium*. Another Greek name was *myacanthus*. The name in modern Greece is *σπαράγγι* or *σπαραγγία* Sibthorp found it in Bithynia and the Peloponnesus.[2]

CORTI'NA, in its primary sense, a large circular vessel for containing liquids, and used in dyeing wool,[3] and receiving oil when it first flows from the press.[4]

II. Cortina also signified a vase in which water was carried round the circus during the games,[5] as some think, for the refreshment of the spectators in the *cavea*, but more probably to be used in the course, when required either for the horses, drivers, or attendants; which interpretation gains confirmation from the ancient bas-reliefs, in most of which men or children are represented with a water-jug in their hands attending the course, as represented in the woodcut in page 253, in which two of the children thrown down by the horses are furnished with a vessel of this kind.

III. Cortina was also the name of the table or hollow slab, supported by a tripod, upon which the priestess at Delphi sat to deliver her responses: and hence the word is used for the oracle itself.[6] The Romans made tables of marble or bronze after the pattern of the Delphian tripod, which they used as we do our sideboards, for the purpose of displaying their plate at an entertainment, or the valuables contained in their temples, as is still done in Catholic countries upon the altars. These were termed *cortinæ Delphicæ*, or *Delphicæ* simply.[7]

IV. From the conical form of the vessel which contains the first notion of the word, it came also to signify the vaulted part of a theatre over the stage (*magni* cortina *theatri*[8]), such as is in the Odeium of Pericles, the shape of which we are expressly told was made to imitate the tent of Xerxes;[9] and thence metaphorically for anything which bore the appearance of a dome, as the vault of heaven;[10] or of a circle, as a group of listeners surrounding any object of attraction.[11]

1. (H. N., xv., 37; xix., 4; xx., 10.)—2. (Billerbeck, Flora Classica, p. 93, 94.)—3. (Plin., H. N., ix., 62.)—4. (Cato, De Re Rust., 66.)—5. (Plaut., Poen., V., v., 2.)—6. (Virg., Æn., vi., 347.)—7. (Plin., H. N., xxxiv., 8.—Schol. ad Hor., Sat., I., vi., 116.—Mart., xii, 66, 7.—Suet., Octav., 52.)—8. (Sever. in Ætn., 294.)—9. (Paus., i., 20, § 3.—Plutarch, Pericl., 13.)—10. (Ennius ap. Varr., De Ling. Lat., viii., 48, ed. Müller.)—11. (Tacit., De Orat., 19.)

CORYBANTES (*Κορύβαντες*). The history and explanation of the deities bearing this name, in the early mythology of Greece, cannot be given in this place, as it would lead us to enter into historical and mythological questions beyond the limits of this Dictionary. The Corybantes, of whom we have to speak here, were the ministers or priests of Rhea or Cybele, the great mother of the gods, who was worshipped in Phrygia. In their solemn festivals they displayed the most extravagant fury in their dances in armour, as well as in the accompanying music of flutes, cymbals, and drums.[1] Hence *κορυβαντισμός* was the name given to an imaginary disease, in which persons felt as if some great noise were rattling in their ears.[2]

CORYBANTICA (*Κορυβαντικά*), a festival and mysteries celebrated at Cnossus in Crete, in commemoration of one Corybas,[3] who, in common with the Curetes, brought up Zeus, and concealed him from his father Cronos in that island. Other accounts say that the Corybantes, nine in number, independent of the Curetes, saved and educated Zeus; a third legend[4] states that Corybas was the father of the Cretan Apollo who disputed the sovereignty of the island with Zeus. But to which of these three traditions the festival of the Corybantica owed its origin is uncertain, although the first, which was current in Crete itself, seems to be best entitled to the honour. All we know of the Corybantica is, that the person to be initiated was seated on a throne, and that those who initiated him formed a circle and danced around him. This part of the solemnity was called *θρόνωσις* or *θρονισμός*.[5]

CORYMBUS (*κόρυμβος*) was a particular mode of wearing the hair among the Greek women, which is explained in the article Coma (p. 291). The following woodcut, taken from Millingen,[6] represents a woman whose hair is dressed in this manner.

Corymbium is used in a similar sense by Petronius.[7]

CORYS (*κόρυς*). (*Vid.* Galea.)

CORVUS, I. a sort of crane, used by C. Duilius against the Carthaginian fleet in the battle fought off Mylæ, in Sicily (B.C. 260). The Romans, we are told, being unused to the sea, saw that their

1. (Strab., x., 3, p. 367, ed. Tauchnitz.)—2. (Plato, Criton. p. 54, D., with Stallbaum's note.)—3. (Strabo, x., 3, p. 365, ed Tauchn.)—4. (Cic., De Nat. Deor., iii., 23.)—5. (Plato, Euthydem., p. 277, D.—Dion Chrysost., Orat., xii., p. 387.—Proclus Theol Plat., vi., 13.)—6. (Peintures Antiques, plate 40.)—7. (p. 110.)

only chance of victory was by bringing a sea-fight to resemble one on land. For this purpose they invented a machine, of which Polybius[1] has left a minute, although not very perspicuous, description. In the fore part of the ship a round pole was fixed perpendicularly, twenty-four feet in height and about nine inches in diameter; at the top of this was a pivot, upon which a ladder was set, thirty-six feet in length and four in breadth. The ladder was guarded by crossbeams, fastened to the upright pole by a ring of wood, which turned with the pivot above. Along the ladder a rope was passed, one end of which took hold of the *corvus* by means of a ring. The *corvus* itself was a strong piece of iron, with a spike at the end, which was raised or lowered by drawing in or letting out the rope. When an enemy's ship drew near, the machine was turned outward, by means of the pivot, in the direction of the assailant. Another part of the machine, which Polybius has not clearly described, is a breastwork, let down (as it would seem) from the ladder, and serving as a bridge, on which to board the enemy's vessel.[2] By means of these cranes, the Carthaginian ships were either broken or closely locked with the Roman, and Duilius gained a complete victory.

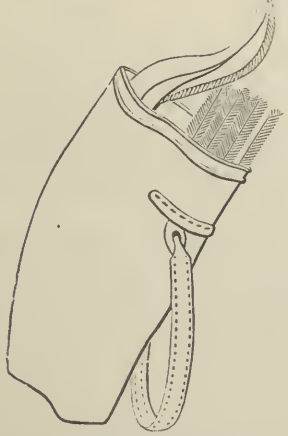
The word *corvus* is also applied to various kinds of grappling-hooks, such as the *corvus demolitor*, mentioned by Vitruvius[3] for pulling down walls, or the terrible engine spoken of by Tacitus,[4] which, being fixed on the walls of a fortified place, and suddenly let down, carried off one of the besieging party, and then, by a turn of the machine, put him down within the walls. The word is used by Celsus for a scalpel. It is hardly necessary to remark that all these meanings have their origin in the supposed resemblance of the various instruments to the beak of a raven.

*CORVUS, the Crow. (*Vid.* Corone.)

*CORYLUS (*κόρυλος*), the Hazel-tree, or *Corylus Avellana*. (*Vid.* Avellana Nux.)

CORY'TOS or CORY'TUS (*γωρυτός*, *κωρυτός*), a Bow-case. This was worn suspended by a belt (*vid.* Balteus) over the right shoulder,[5] and it frequently held the arrows as well as the bow (*sagittiferi coryti*[6]). On this account, it is often confounded with the Pharetra or quiver.

It is generally carried by the armed Persians, who are represented on the Persepolitan bas-reliefs; and in this, as in many other respects, we observe the agreement between them and the European nations situated to the north of the Euxine Sea:



1 (i., 22.)—2. (Compare Curtius, iv., 2, 4.)—3. (x., 19.)—4. (Hist., iv., 30.)—5. (Virg., Æn., x., 168.—Serv., ad loc.)—6. (Sil. Ital., xv., 776.)

'In quibus est nemo, qui non coryton et arcum
Telaque vipereo lurida felle gerat.'[7]

Though its use was comparatively rare among the Greeks and Romans, we find it exhibited in a bas-relief in the Museo Pio Clementino,[2] which adorned the front of a temple of Hercules near Tibur. (*Vid.* Arcus.) This bow-case seems to be of leather. See the preceding woodcut.

COSME'TÆ, a class of slaves among the Romans, whose duty it was to dress and adorn ladies.[3] Some writers on antiquities, and among them Böttiger in his Sabina,[4] have supposed that the cosmetæ were female slaves, but the passage of Juvenal is alone sufficient to refute this opinion; for it was not customary for female slaves to take off their tunics when a punishment was to be inflicted upon them. There was, indeed, a class of female slaves who were employed for the same purposes as the cosmetæ; but they were called *cosmetriæ*, a name which Nævius chose as the title for one of his comedies.[5]

COSMI (*κοσμοί*). The social and political institutions of Crete were so completely Dorian in character, and so similar to the Spartan, that it was a disputed point among the ancients whether the Spartan constitution had its origin there, or the Cretan was transferred from Laconia to Crete. The historian Ephorus[6] expressly states that the Spartan institutions had their origin in Crete, but were perfected and completed in Sparta; so that there is good reason for the assertion of Müller,[7] "that the constitution founded on the principles of the Doric race was there first moulded into a consistent shape, but even in a more simple and antiquated form than in Sparta at a subsequent period." Thus much, at any rate, we know for certain, that there were various Dorian cities in the island, the political arrangements of which so closely resembled each other, that one form of government was ascribed to all.[8] In the earliest ages of which we have historical information, this was an aristocracy consisting of three component bodies, the cosmi, the gerusia, and the ecclesia. The cosmi were ten in number, and are by Aristotle, Ephorus, and Cicero[9] compared to the ephors at Sparta. Müller, however,[10] compares them with the Spartan kings, and supposes them to have succeeded to the functions of the kingly office; which Aristotle (probably alluding to the age of Minos) tells us was at one time established in Crete. These cosmi were ten in number, and chosen, not from the body of the people, but from certain *γένη* or houses, which were probably of more pure Doric or Achaian descent than their neighbours. The first of them in rank was called protocosmus, and gave his name to the year. They commanded in war, and also conducted the business of the state with the representatives and ambassadors of other cities. With respect to the domestic government of the state, they appear to have exercised a joint authority with the members of the *γερουσία*, as they are said to have consulted with them on the most important matters.[11] In the times subsequent to the age of Alexander, they also performed certain duties which bore a resemblance to the introduction of the lawsuits into court by the Athenian magistrates.[12] Their period of office was a year; but any of them during that time might resign, and was also liable to deposition by his colleagues. In some cases, too, they might be indicted for neglect of their duties

1. (Ovid, Trist., V., vii., 15.)—2. (Tom. iv., tav. 43.)—3 (Juv., Sat., vi., 476.)—4. (i., 22.)—5. (See Varro, De Ling. Lat., vi., 3, p. 92, ed. Bip., where *cosmetria* is to be read instead of *cosmotria*, and Heindorf ad Horat., Sat., I., ii., 98.)—6. (ap. Strab., x., 4.)—7. (Dorians, iii., 1, § 8.)—8. (Thirlwall, Hist. Greece, i., 284.)—9. (De Rep., ii., 33)—10. (ii., 8, § 1.)—11 (Ephor. ap. Strab., x., 4.)—12. (Müller, l. c.)

On the whole, we may conclude that they formed the executive and chief power in most of the cities of Crete.

The *γερουσία*, or council of elders, called by the Cretans *βουλή*, consisted, according to Aristotle,[1] of thirty members who had formerly been cosmi, and were in other respects approved of (*τὰ ἀλλὰ δόκιμοι κρινόμενοι*[2]). They retained their office for life, and are said to have decided in all matters that came before them according to their own judgment, and not agreeably to any fixed code of laws. They are also said to have been irresponsible, which, however, hardly implies that they were independent of the "unwritten law" of custom and usage, or uninfluenced by any fixed principles.[3] On important occasions, as we have before remarked, they were *ξύμβουλοι*, or councillors of the cosmi.

The democratic element of the ecclesia was almost powerless in the constitution; its privileges, too, seem to have been merely a matter of form; for, as Aristotle observes, it exercised no function of government except ratifying the decrees of the *γέροντες* and the *κοσμοί*. It is, indeed, not improbable that it was only summoned to give its sanction to these decrees; and, though this may appear to imply the power of withholding assent, still the force of habit and custom would prevent such an alternative being attempted, or, perhaps, even thought of.[4]

From these observations, it is clear that the Cretan constitution was formerly a Dorian aristocracy, which, in the age of Aristotle, had degenerated to what he calls a *δυναστεία*, *i. e.*, a government vested in a few privileged families. These quarrelled one among the other, and raised factions or parties, in which the demus joined, so that the constitution was frequently broken up, and a temporary monarchy, or, rather, anarchy, established on its ruins. The cosmi were, in fact, often deposed by the most powerful citizens, when the latter wished to impede the course of justice against themselves (*μὴ δοῦναι δίκας*), and an *ἀκοσμία* then ensued, without any legal magistrates at the head of the state.

In the time of Polybius, the power of the aristocracy had been completely overthrown; for he tells us that the election of the magistrates was annual, and determined by democratical principles.[5] In other respects, also, he points out a difference between the institutions of Crete and those of Lycurgus at Sparta, to which they had been compared by other writers.

Müller observes that the cosmi were, so far as we know, the chief magistrates in all the cities of Crete, and that the constitution of these cities was in all essential points the same; a proof that their political institutions were determined by the principles of the governing, *i. e.*, the Doric, race.

We will now briefly explain some of the social relations of the Cretans, which were almost identical with those of the Spartans.

The inhabitants of the Dorian part of the island were divided into three classes, the freemen, the perioeci or *ὑπήκοοι*, and the slaves. The second class was as old as the time of Minos, and was undoubtedly composed of the descendants of the conquered population; they lived in the rural districts, round the *πόλεις* of the conquerors; and, though personally free, yet exercised none of the privileges or influence of citizens, either in the administration and enactment of the laws, or the use of heavy arms. They occupied certain lands, for which they paid a yearly tribute or rent, supposed, from a statement in Athenæus,[6] to have been an Æginetic stater. The expression of Dosiadas, from whom Athenæus quotes, namely, *τῶν δούλων ἕκαστος*, probably refers to the perioeci, *δοῦλοι* being used as a generic term for those who were not full and free citizens.

The slaves were divided into two classes, the public bondsmen (*ἡ κοινὴ δουλεία*), and the slaves of individuals. The former were called the *μνῶα*, *μνοία*, *μνωΐα*, or *Μινωΐα σύνοδος*: the latter, *ἀφαμιῶται* or *κλαρῶται*. The *ἀφαμιῶται* were so named from the cultivation of the lots of land, or *ἀφαμίαι*, assigned to private citizens, and were therefore agricultural bondsmen (*οἱ κατ' ἀγρόν*[1]). The *μνοία* was distinguished, by more precise writers, both from the perioeci and the aphamiotæ: so that it has been concluded that every state in Crete possessed a public domain, cultivated by the mnotæ, just as the private allotments were by the bondsmen of the individual proprietors. We would here observe, with Mr. Thirlwall, that the word *μνοία* is more probably connected with *δμῶς* than Minos.

The origin of the class called *μνοία*, and the *κλαρῶται*, was probably twofold; for the analogy of other cases would lead us to suppose that they consisted partly of the slaves of the conquered freemen of the country, and partly of such freemen as rose against the conquerors, and were by them reduced to bondage. But, besides these, there was also a class of household servants employed in menial labours, and called *χρυσώνητοι*: they were, as their name denotes, purchased, and imported from foreign countries.

*COSS'YPHUS or COPS'ICHUS (*κόσσυφος*, *κόψιχος*), the Blackbird or Merle, the *Turdus Merula*, L. It is the same with the *Merula vulgaris* of the later authorities on Natural History. Aristotle also makes mention of a white species found among the mountains of Arcadia.

*COSTUM (*κόστος*), an aromatic shrub, which yielded a fragrant ointment, commonly supposed to be Spikenard. Woodville says of it: "Some have thought the Zedoary to be the *κόστος* of Dioscorides,[2] the *Guiduar* of Avicenna, and the *Zerumbet* of Serapion." After comparing the descriptions of Dioscorides and Serapion, Adams is satisfied that the *Zerumbet* of Serapion is the *Zedoary*, but that it is not the *κόστος* of the Greeks; for both Serapion and Rhases, according to him, treat separately of the *κόστος* by name in another place. "Geoffrey," remarks Adams, "confesses his ignorance of it. Sprengel and Stackhouse name it the Costus Arabicus (a plant, by-the-way, so rare, that Linnæus had never seen it). Dr. Hill, however, was of a different opinion regarding it: he says, 'Our *Costus Arabicus* does not seem to be the same with either of the kinds mentioned by the Greeks and Arabians.' Upon the whole, there is not an article in the Materia Medica of the ancients about which there is greater uncertainty. We shall only add regarding it, that although, as we have already stated, Zedoary be not the same substance as the ancient *Costus*, it would appear that the one was sometimes used as a substitute for the other in the composition of the *Mithradate*."[3]

COTHU'RNUS (*κόθορνος*), a Boot. This was a particular kind of covering for the foot, included under the general term Calceus; whence Pliny says,[4] *calceatus cothurnis*, *i. e.*, wearing boots. Its essential distinction was its height; it rose above the middle of the leg, so as to surround the calf (*alte suras vincire cothurno*[5]), and sometimes it reached as high as the knees.[6] It was worn principally by horsemen, by hunters, and by men of rank and authority. The ancient marbles, representing these

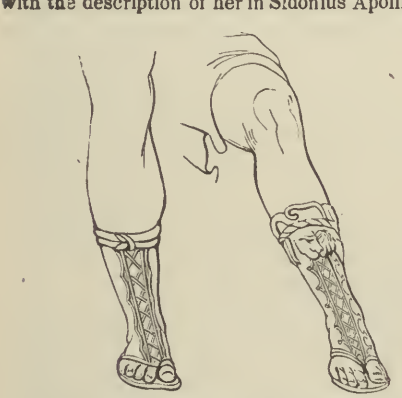
1. (Polit., ii., 7.)—2. (Ephor. ap. Strab., l. c.)—3. (Thirlwall, Hist. Greece, i., 186.)—4. (Thirlwall, l. c.—Goettling, Exurs. ad Aristot., ii., 7.)—5 (Polyb., vi., 44.)—6. (iv, 143.)

1. (Sosicr. ap. Athen., vi., 263.)—2. (i., 15.)—3. (Adams, Append., s. v.)—4. (H. N., vii., 20.)—5. (Virg. Æn., i., 337.)—6 (Millin, Vases Ant., vol i., pl. 19 and 72.)

different characters, show that the cothurnus was often ornamented in a very tasteful and elaborate manner. The boots of the ancients were laced in front, and it was the object in so doing to make them fit the leg as closely as possible. The paws and head of the wild animal out of whose hide they were made, sometimes turned down like flaps on the side of the wearer's leg. The skin or leather was dyed purple (*purpureo cothurno*[1]), or of other splendid colours. The patricians of Rome wore a small ivory crescent (*luna*) attached to their boots.

It is evident, from the various representations of the cothurnus in ancient statues, that its sole was commonly of the ordinary thickness. But it was sometimes made much thicker than usual, probably by the insertion of slices of cork.[2] The object was to add to the apparent stature of the wearer; and this was done either in the case of women who were not so tall as they wished to appear,[3] or of the actors in Athenian tragedy, who assumed the cothurnus as a grand and dignified species of calceamentum, and had the soles made unusually thick, as one of the methods adopted in order to magnify their whole appearance.[4] Hence tragedy in general was called *cothurnus*.[5]

As the cothurnus was commonly worn in hunting, it is represented both by poets and statuaries as a part of the costume of Diana.[6] It was also attributed to Bacchus[7] and to Mercury.[8] The accompanying woodcut shows two cothurni from statues in the Museo Pio-Clementino.[9] That on the left hand is from a statue of Diana Succincta, *i. e.*, with the chlamys girt round her breast, and attired for the chase (*vid.* Chlamys), and that on the right is from a statue of the goddess Roma, agreeing with the description of her in Sidonius Apollinaris.[10]



*COTINOS (κότινος), the wild Olive, or *Olea sylvestris*, L., called also Ἐλαία ἀγρία, ἀγριελαία, ἀγριέλαιος, and *Oleaster*. The name given to it by the modern Greeks is ἀγροέλια, and by the Turks *Jaban Zeitan Agagi*. It is a wild sort of olive-tree, differing in some respects from the domesticated olive, as crabs do from apples. It is smaller besides, has prickly branches, a short, hard leaf, and small, bitter fruit. According to Theophrastus, it was but little improved by pruning and transplanting. The crown given at the Olympic Games was made of it, probably on account of its being more enduring than the domesticated kind. The legend, however, was, that Hercules brought this tree into Greece from the banks of the Ister. The φύλια of Homer is a variety of the κότινος. "That plant," observes Martyn, "which is cultivated in our gardens under the name of *Oleaster*, is not an olive. Tournefort refers it to his genus of *Elæagnus*. It grows in Syria, Ethiopia, and on Mount Lebanon. Crusius observed it in great plenty, also, near Guadix, a city in the kingdom of Granada, as also in the south of France and in Germany. It is thought to be the Cappadocian Jujubes, which are mentioned by Pliny among the coronary flowers: '*Zizipha, quæ et Cappadocia vocantur: his odoratus similis olearum floribus.*' The flowers of the *Elæagnus* are much like those of the Olive, but the ovary of the Elæagnus is placed below the petal, whereas that of the Olive is contained within the petal. They are very sweet, and may be smelt at a distance."[1]

*COTONEUM MALUM, another name for the *Cydonium malum*, or Quince. (*Vid.* Cydonium Malum.)

COTTABUS (κότταβος, Ionic κόσσαβος or ὄτταβος), a social game, which was introduced from Sicily into Greece,[2] where it became one of the favourite amusements of young people after their repasts. The simplest way in which it originally was played was this: One of the company threw out of a goblet a certain quantity of pure wine, at a certain distance, into a metal basin, endeavouring to perform this exploit in such a manner as not to spill any of the wine. While he was doing this, he either thought of or pronounced the name of his mistress,[3] and from the more or less full and pure sound with which the wine struck against the metal basin, the lover drew his conclusions respecting the attachment of the object of his love. The sound, as well as the wine by which it was produced, were called λάταξ or κότταβος: the metal basin had various names, either κοττάβιον, or κοτταβεῖον, or λαταγεῖον, or χάλκειον, or λεκάνη, or σκάφη.[4] The action of throwing the wine, and sometimes the goblet itself, was called ἀγκύλη, because the persons engaged in the game turned round the right hand with great dexterity, on which they prided themselves. Hence Æschylus spoke of κότταβοι ἀγκυληταί.[5] Thus the cottabus, in its simplest form, was nothing but one of the many methods by which lovers tried to discover whether their love was returned or not. But this simple amusement soon assumed a variety of different characters, and became, in some instances, a regular contest, with prizes for the victor. One of the most celebrated modes in which it was carried on is described by Athenæus,[6] and in the *Etymologicon Magnum*, and was called δι' ὀξυβάφων. A basin was filled with water, with small empty bowls swimming upon it. Into these the young men, one after another, threw the remnant of the wine from their goblets, and he who had the good fortune to drown most of the bowls obtained the prize (κοττάβιον), consisting either of simple cakes, sweetmeats, or sesame-cakes.

A third and more complicated form of the cottabus is thus described by Suidas:[7] A long piece of wood being erected on the ground, another was placed upon it in a horizontal direction, with two dishes hanging down from each end; underneath each dish a vessel full of water was placed, in each of which stood a gilt brazen statue, called μάνης. Every one who took part in the game stood at a distance, holding a cup full of wine, which he endeavoured to throw into one of the dishes, in order that, struck down by the weight, it might knock against the head of the statue which was concealed under the water. He who spilled least of the wine

1. (Virg., l. c.—Id., Eclog., vii., 32; viii., 10.)—2. (Serv. in Virg., Eclog., ll. cc.)—3. (Juv., Sat., vi., 507.)—4. (Virg., Eclog., viii., 10.—Hor., Sat., I., v., 64.—Ep. ad Pis., 280.)—5. (Juv., Sat., vi., 623; xv., 29.)—6. (Liv. Andronicus, ap. Ter. Maur.—Nemesianus, Cyneg., 90.)—7. (Vell. Paterc., ii., 82.)—8. (Hamilton's Vases, vol. iii., pl. 8.)—9. (vol. ii., pl. 15; vol. iii., pl. 38.)—10. (Carm., ii., 400.)

1. (Billerbeck, Flora Classica, p. 5.—Martyn ad Virg., Georg., ii., 182.—Theophrast., H. P., ii., 3.)—2. (Athen., xv., p. 666.)—3. (Etymol. Mag., s. v. Κοτταβίζω.)—4 (Pollux, vi., 109.—Etymol. Mag., l. c.—Athen., xv., p. 667, sub fin.)—5. (Athen., xv., p. 667.)—6 (l. c.)—7. (s. v. Κοτταβίζω.)

gained the victory, and thereby knew that he was loved by his mistress.[1]

A fourth kind of cottabus, which was called *κότταβος κατακτὸς* (*ἀπὸ τοῦ κατάγειν τὸν κότταβον*), is described by Pollux,[2] the scholiast on Aristophanes,[3] and Athenæus.[4] The so-called *μάνης* was placed upon a pillar similar to a candelabrum, and the dish hanging over it must, by means of wine projected from the goblet, be thrown upon it, and thence fall into a basin filled with water, which, from this fall, gave forth a sound; and he who produced the strongest was the victor, and received prizes, consisting of eggs, cakes, and sweetmeats.

This brief description of four various forms of the cottabus may be sufficient to show the general character of this game; and it is only necessary to add, that the chief object to be accomplished, in all the various modifications of the cottabus, was to throw the wine out of the goblet in such a manner that it should remain together and nothing be spilled, and that it should produce the purest and strongest possible sound in the place where it was thrown. In Sicily, the popularity of this game was so great, that houses were built for the especial purpose of playing the cottabus in them. Those readers who wish to become fully acquainted with all the various forms of this game, may consult Athenæus,[5] the Greek lexicographers, and, above all, Groddeck,[6] who has collected and described nine different forms in which it was played.[7] Beeker is of opinion that all of them were but modifications of two principal forms.[8]

*COTTUS (*κόττος*), a species of Fish, supposed to be the *Zeus Faber*, L., or the Doree. The name in the common editions of Aristotle occurs at H. A., iv., 8, where, however, Schneider reads *βοῦτος*, and refers it to the river Gudgeon.[9]

*COTTYPHUS (*κόττυφος*), a species of Fish, the same with the *Labrus merula*, called in French the *Merle*.[10]

*COTURNIX. (*Vid.* Perdix.)

COTY'TTIA or CO'TTYTES (*κοτύττια, κόττυτες*), a festival which was originally celebrated by the Edonians of Thrace, in honour of a goddess called Cotys or Cotytto.[11] It was held at night, and, according to Strabo, resembled the festivals of the Cabiri and the Phrygian Cybele. But the worship of Cotys, together with the festival of the Cotyttia, were adopted by several Greek states, chiefly those which were induced by their commercial interest to maintain friendly relations with Thrace. Among these Corinth is expressly mentioned by Suidas, and Strabo[12] seems to suggest that the worship of Cotys was adopted by the Athenians, who, as he observes, were as hospitable to foreign gods as they were to foreigners in general.[13] The priests of the goddess were formerly supposed to have borne the name of baptæ; but Buttmann has shown that this opinion is utterly groundless. Her festivals were notorious among the ancients for the dissolute manner and the debaucheries with which they were celebrated.[14] Another festival of the same name was celebrated in Sicily,[15] where boughs hung with cake and fruit were carried about, which any person had a right to pluck off if he chose; but we have no mention that this festival was polluted with any of the licentious practices which disgraced those of Thrace and Greece, unless we refer the allusion made by Theocritus to the Cotyttia, to the Sicilian festival.[1]

CO'TYLA (*κοτύλη*) was a measure of capacity among the Romans and Greeks: by the former it was also called *hemina;* by the latter, *τρυβλίον* and *ἡμίνα* or *ἡμίμνα*. It was the half of the sextarius or *ξέστης*, and contained 6 cyathi, = (on Mr Hussey's computation) ·4955 of a pint English.

This measure was used by physicians with a graduated scale marked on it, like our own chemical measures, for measuring out given weights of fluids, especially oil. A vessel of horn, of a cubic or cylindrical shape, of the capacity of a cotyla, was divided into twelve equal parts by lines cut on its side. The whole vessel was called *litra*, and each of the parts an ounce (*uncia*). This measure held nine ounces (by weight) of oil, so that the ratio of the weight of the oil to the number of ounces it occupied in the measure would be 9 : 12 or 3 : 4.[2]

*COTYLE'DON (*κοτυληδών*), a plant, called in English Navelwort. The two species described by Dioscorides[3] may be confidently referred, according to Adams, to the *Cotyledon umbilicus* and *C. serrata*.

*ΚΟΥΚΙΟΦΌΡΟΝ ΔΕΝΔΡΟΝ (*κουκιοφόρον δένδρον*), a sort of Palm-tree. Staekhouse suggests that it may have been the *Palma Thebaïca*, called "Doom-tree" in Bruce's Travels.[4]

COVI'NUS (Celtic *kowain*), a kind of car, the spokes of which were armed with long sickles, and which was used as a scythe-chariot chiefly by the ancient Belgians and Britons.[5] The Romans designated by the name of covinus a kind of travelling carriage, which seems to have been covered on all sides with the exception of the front. It had no seat for a driver, but was conducted by the traveller himself, who sat inside.[6] There must have been a great similarity between the Belgian scythe-chariot and the Roman travelling carriage, as the name of the one was transferred to the other, and we may justly conclude that the Belgian car was likewise covered on all sides except the front, and that it was occupied by one man, the covinarius only, who was, by the structure of his car, sufficiently protected. The *covinarii* (this word occurs only in Tacitus) seem to have constituted a regular and distinct part of a British army.[7]

COUREUS (*κουρεύς*). (*Vid.* Barba.)

*CRAMBE. (*Vid.* Brassica.)

*CRANGON (*κραγγών*), formerly held to be a species of *Squilla*. "The term is now used in a generic sense by late naturalists," observes Adams: "thus the common shrimp is named the *Crangon vulgaris*. It is worthy of remark, however, that Cuvier and Schneider contend that the *κραγγών* of the Greeks corresponds to the *Cancer digitalis*."[8]

*CRANIA or CRANEIA (*κράνια, κράνεια*). "All agree," remarks Adams, "that the *κράνεια ἄρρην* is the *Cornus mascula*, L., called in English the Cornelian Cherry, or Male Cornel-tree." For the other, see Thelycraneia (*θηλυκράνεια*).[9]

CRANOS. (*Vid.* Galea.)

*CRATÆGUS (*κραταιγός*). Sprengel refers the tree described by Theophrastus under this name to the Azorola, or *Cratægus Azorolus*, but Stackhouse to the *C. torminalis*. The plant of this name

1. (*Vid.* Schol. ad Lucian., Lexiph., 3, tom. ii., p. 325.)—2. (vi., 109.)—3. (Pax, 1172.)—4. (xv., p. 667.)—5. (xv., p. 666, &c.)—6. (Ueber den Kottabos der Griechen, in his Antiquarische Versuche, I., Sammlung, 1800, p. 163–238.)—7. (Charikles, i., p. 476, &c.)—8. (Compare also Fr. Jacobs, Ueber den Kottabos, in Wieland's Attisches Museum, III., i., p. 475–496.)—9. (Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—10. (Aristot., H. A., viii., 15.—Ælian, N. A., i., 19.)—11. (Strab., x., 3, p. 362, ed. Tauchnitz.—Eupolis, ap. Hesych., s. v.—Suidas.)—12. (l. c., p. 364.)—13. (Compare Persius, Sat., ii., 92.)—14. (Suidas, s. v. *Κότυς*.—Horat., Epod., xvii., 56.—Theocrit., vi., 40.)—15. (Plut., Proverb.)

1. (Compare Buttmann's Essay, Ueber die Kotyttia und die Baptæ, in his Mythologus, vol. ii., p. 159.)—2. (Galenus, De Compos. Medicam. per Genera, iii., 3; i., 16, 17; iv., 14; v., 3 6; vi., 6, 8.—Wurm, De Pond. Mens., &c.—Hussey on Ancient Weights, &c.)—3. (iv., 90, 91.)—4. (v., 45.—Adams, Append., s. v.)—5. (Mela, iii., 6.—Lucan, i., 426.—Silius, xvii., 422.)—6 (Mart., Epig., ii., 24.)—7. (Tacit., Agric., 35 and 36, with M. J. H. Bekker's note.—Böttticher's Lexicon Tacit., s. v.—Becker, Gallus, vol. i., p. 222.—Compare the article Essedum.)—8. (Aristot., H. A., iv., 4.—Adams, Append., s. v.)—9. (Theophrast. H. P., i., 9; iii., 4.—Dioscor., i., 172.—Adams, Append.,

described by Theophrastus in another part of his work was most probably the same as the *Cratægonon* (κραταίγονον).[1]

*CRATÆ'GONON (κραταίγονον), a plant, to which Stephens gives the French name of *Courage*. Stackhouse refers it to the *Euphrasia odontitis*, now called *Bartsia odontitis*. Sprengel, however, prefers the *Polygonum Persicaria*.[2]

CRATER (κρατήρ, Ionic κρητήρ; Lat. *crater* or *cratera*, from κεράννυμι, I mix), a vessel in which the wine, according to the custom of the ancients, who very seldom drank it pure, was mixed with water, and from which the cups were filled. In the Homeric age the mixture was always made in the dining-room by heralds or young men (κοῦροι[3]). The use of the vessel is sufficiently clear from the expressions so frequent in the poems of Homer: κρητῆρα κεράσασθαι, *i. e.*, οἶνον καὶ ὕδωρ ἐν κρητῆρι μίσγειν: πίνειν κρητῆρα (to empty the crater); κρητῆρα στήσασθαι (*cratera statuere*, to place the filled crater near the table); κρητῆρας ἐπιστέφεσθαι ποτοῖο (to fill the craters to the brim[4]). The crater, in the Homeric age, was generally of silver,[5] sometimes with a gold edge,[6] and sometimes all gold or gilt.[7] It stood upon a tripod, and its ordinary place in the μέγαρον was in the most honourable part of the room, at the farthest end from the entrance, and near the seat of the most distinguished among the guests.[8] The size of the crater seems to have varied according to the number of guests; for where their number is increased, a larger crater is asked for.[9] It would seem, at least at a later period (for in the Homeric poems we find no traces of the custom), that three craters were filled at every feast after the tables were removed. They must, of course, have varied in size according to the number of guests. According to Suidas,[10] the first was dedicated to Hermes, the second to Charisius, and the third to Zeus Soter; but others called them by different names; thus the first, or, according to others, the last, was also designated the κρατὴρ ἀγαθοῦ δαίμονος, the crater of the good genius,[11] κρατὴρ ὑγιείας and μετανιπτρίς or μετάνιπτρον, because it was the crater from which the cups were filled after the washing of the hands.[12]

Craters were among the first things on the embellishment of which the ancient artists exercised their skill. Homer[13] mentions, among the prizes proposed by Achilles, a beautifully-wrought silver crater, the work of the ingenious Sidonians, which, by the elegance of its workmanship, excelled all others on the whole earth. In the reign of Crœsus, king of Lydia, the Lacedæmonians sent to that king a brazen crater, the border of which was all over ornamented with figures (ζῴδια), and which was of such an enormous size that it contained 300 amphoræ.[14] Crœsus himself dedicated to the Delphic god two huge craters, which the Delphians believed to be the work of Theodorus of Samos, and Herodotus[15] was induced, by the beauty of their workmanship, to think the same. It was about Ol. 35 that the Samians dedicated six talents (the tenth of the profits made by Colæus on his voyage to Tartessus) to Hera, in the shape of an immense brazen crater, the border of which was adorned with projecting heads of griffons. This crater, which Herodotus[16] calls Argive (from which we must infer that the Argive artists were celebrated for their craters), was supported by three colossal brazen statues, seven yards long, with their knees closed together.

The number of craters dedicated in temples seems everywhere to have been very great. Livius Andronicus, in his Equus Trojanus, represented Agamemnon returning from Troy with no less than 3000 craters,[1] and Cicero[2] says that Verres carried away from Syracuse the most beautiful brazen craters, which most probably belonged to the various temples of that city. But craters were not only dedicated to the gods as anathemata, but were used on various solemn occasions in their service. Thus we read in Theocritus:[3] "I shall offer to the muses a crater full of fresh milk and sweet olive-oil." In sacrifices the libation was always taken from a crater;[4] and sailors, before they set out on their journey, used to take the libation with cups from a crater, and pour it into the sea.[5] The name crater was also sometimes used as synonymous with σιτλίον, *situla*, a pail in which water was fetched.[6]

The Romans used their *crater* or *cratera* for the same purposes for which it was used in Greece; but the most elegant specimens were, like most other works of art, made by Greeks.[7]

CRATES (τάρσος), a Hurdle, used by the ancients for several purposes. First, in war, especially in assaulting a city or camp, they were placed before or over the head of the soldier, to shield off the enemy's missiles.[8] From the *plutei*, which were employed in the same way, they differed only in being without the covering of raw hides. A lighter kind was thrown down to make a bridge over fosses, for examples of which see Cæsar, *De Bell. Gall.*, vii., 81, 86. By the besieged[9] they were used joined together, so as to form what Vegetius calls a *metella*, and filled with stones: these were then poised between two of the battlements, and, as the storming party approached upon the ladders, overturned on their heads.[10]

A capital punishment was called by this name, whence the phrase *sub crate necari*. The criminal was thrown into a pit or well, and hurdles laid upon him, over which stones were afterward heaped.[11]

Crates, called *ficariæ*, were used by the country people upon which to dry figs, grapes, &c., in the rays of the sun.[12] These, as Columella informs us, were made of sedge or straw, and also employed as a sort of matting to screen the fruit from the weather. Virgil[13] recommends the use of hurdles in agriculture to level the ground after it has been turned up with the heavy rake (*rastrum*). Any texture of rods or twigs seems to have been called by the general name *crates*.

CRE'PIDA (κρηπίς), *dim.* CREPIDULA, a Slipper. Slippers were worn with the pallium, not with the toga, and were properly characteristic of the Greeks, though adopted from them by the Romans. Hence Suetonius says of the Emperor Tiberius,[14] "*Deposito patrio habitu, redegit se ad pallium et crepidas.*" They were also worn by the Macedonians,[15] and with the chlamys.[16] As the cothurnus was assumed by tragedians, because it was adapted to be part of a grand and stately attire, the actors of comedy, on the other hand, wore crepidæ and other cheap and common coverings for the feet. (*Vid.*

1. (Theophrast., iii., 15; ix., 18.—Adams, Append., s. v.)—2. (Dioscor., iii., 129.)—3. (*Vid.* Il., iii., 269.—Od., vii., 182; xxi., 271.)—4. (*Vid.* Buttmann, Lexil., i., 15.)—5. (Od., ix., 203; x., 356.)—6. (Od., iv., 616.)—7. (Il., xxiii., 219.)—8. (Od., xxi., 145, xxii., 333, compared with 341.)—9. (Il., ix., 202.)—10. (s. v. Κρατήρ.)—11. (Suidas, s. v. Ἀγαθοῦ Δαίμονος.—Compare Athen., xv., p. 692, &c.—Aristoph., Vesp., 507; Pax., 300.)—12 (Athen., xv., p. 629, F., &c.)—13. (Il., xxiii., 741, &c.)—14 (Herod. i., 70.)—15. (i., 51.)—16. (iv., 152.)

1. (Cic., Ep. ad Fam., vii., 1.)—2. (in Verr., iv., 58.)—3. (v., 53.—Compare Virgil, Eclog., v., 67.)—4. (Demosth., De Fals. Leg., p. 431.—c. Sept., p. 505.—c. Mid., p. 531.—c. Macart., p. 1072.—Compare Bekker, Anecdot., p. 274, 4.)—5. (Thucyd., vi., 32.—Diod., iii., 3.—Arrian, Anab., vi., 3.—Virg., Æn., v., 765.) —6. (Næv., ap. Non., xv., 36.—Hesych., s. v. Κρατῆρες.)—7 (Virg., Æn., i., 727; iii., 525.—Ovid, Fast., v., 522.—Hor., Carm., III., xviii., 7.)—8. (Ammian., xxi., 12.)—9. (Veget., iv., 6.)—10. (Lipsius, Pol., i., 7; v., 5.—Salmas., Plin. Exerc., 1267, A.)—11. (Liv., i., 51; iv., 50.—Tacit., Germ., c. 12.)—12. (Colum., xii., 15, 16.)—13. (Georg., i., 94.)—14. (c. 13.)—15. (Jacobs, Anim. ad Anthol., 2, 1, p 294.)—16. (Cic., Pro Rab. Post.—Val. Max., iii., 6, § 2 3.)

DAIKA, Soccus.) Also, whereas the ancients had thei more finished boots and shoes made right and left, their slippers, on the other hand, were made to fit both feet indifferently.[1]

*CRE'TA, in a general sense, means any whitish earth or clay, such as potter's clay, pipe-clay, &c. Thus Columella[2] speaks of a kind of *Creta* out of which wine-jars and dishes were made: Virgil[3] calls it "tough" (*tenax*); and the ancient writers on Agriculture give the same epithet to marl which was employed to manure land.[4] In a more special sense, several varieties of *Creta* occur in the ancient writers. Thus: I. *Creta*, properly so called (*Terra Creta*, Κρητικὴ γῆ), is our chalk, which obtained its name from the island of Crete, where it abounded. The ancients employed it in medicine, as weaker than the *Terra Chia;* and they were also acquainted with its use as a cleanser of silver vessels.[5]—II. *Creta annularia.* "The earth called *annularia*, spoken of by Pliny in connexion with Selinusian, and which was stained with woad to produce an imitation of *Indicum*,[6] is probably," observes Dr. Moore, "the same with the *annulare* (*viridum*) mentioned afterward[7] by the same writer, and which was so called because made of clay coloured with common green ring-stones. This, at least, strange as it is, appears to be the only sense we can extract from Pliny's words, the meaning of which Beckmann acknowledges he had not been able to discover.[8] The same author inclines to think that the earth called *annularia* received its name from its use in sealing, a purpose to which certain kinds of earth were anciently applied."[9]—III. *Creta Cimolia.* (*Vid.* CIMOLIA TERRA.)—IV. *Creta Eretria*, a species of earth obtained from the neighbourhood of Eretria, in the island of Eubœa. It is, according to Hill, a fine pure earth, of a grayish white, moderately heavy, and of a smooth surface, not staining the hands, and readily crumbling between the fingers. It burns to a perfect whiteness, acquiring a stony hardness and an acrimonious taste, and in a violent fire runs into a very pure pale blue glass. What distinguishes it, however, in a more marked manner from other earths is, that if a little be wetted and drawn over a plate of brass or copper, so as to mark a line, the mark will in a little time appear bluish. This is a character originally recorded of it by Dioscorides, and which Hill explains by assigning the earth in question alkaline property in a much stronger degree than other earths possess. In the Materia Medica of former days, it was used as an astringent and sudorific. The ancients mention another Eretrian earth of a pure white, but this appears to have been no other than the true white Bole of Armenia.[10]—V. *Creta Sarda*, a species of earth obtained from the island of Sardinia. Pliny calls it "*vilissima omnium cimoliæ generum*," the cheapest kind of Cimolite. It was, however, used in the first place to cleanse garments that were not dyed, which were then fumigated with sulphur, and finally scoured with Cimolia Terra.[11]—VI. *Creta Selinusia*, an earth obtained from the neighbourhood of Selinus in Sicily, whence its name. It is now found in various parts of the globe; the finest kind, however, is the Sicilian. Dioscorides describes it as of a very bright and shining white, friable, and very readily disuniting and diffusing itself in water. It was used by the ancient physicians as an astringent, and among females as a cosmetic.[12]

*CREX (κρέξ), a species of Bird with a creaking note, whence its name. Some commentators suppose it the same as the ὀρτυγομήτρα of Aristotle, who treats of them separately. "It is generally held," says Adams, "to be the Land Rail or Corn Crake, namely, the *Rallus Crex*, L., or *Ortygometr Crex* of later naturalists; but if Tzetzes was correct in describing it as a sea-bird, resembling the Egyptian ibis, this opinion must be admitted to be untenable. Dr. Trail suggests that the one may have been the Land, and the other the Water Rail."[1]

CRE'TIO HEREDITA'TIS. (*Vid* HEREDITAS.)

CRIMEN. Though this word occurs so frequently, it is not easy to fix its meaning. Crimen is often equivalent to accusatio (κατηγορία); but it frequently means an act which is legally punishable In this latter sense there seems to be no exact definition of it given by the Roman jurists. According to some modern writers, crimina are either public or private; but if this definition is admitted, we have still to determine the notions of public and private. The truth seems to be, that there was a want of precise terminology as to what, in common language, are called criminal offences among the Romans; and this defect appears in other systems of jurisprudence. Crimen has been also defined by modern writers to be that which is capitalis (*vid* CAPUT), as murder, &c.; delictum that which is a private injury (privata noxa); a distinction founded apparently on Dig. xxi., tit. 1, s. 17, § 15.

Delicts (delicta) were maleficia, wrongful acts,[2] and the foundation of one class of obligations: these delicts, as enumerated by Gaius,[3] are furtum, rapina, damnum, injuria; they gave a right of action to the individual injured, and entitled him to compensation. These delicts were sometimes called crimina.[4] Crimen, therefore, is sometimes applied to that class of delicta called privata;[5] and, accordingly, crimen may be viewed as a genus, of which the delicta enumerated by Gaius are a species. But crimen and delictum are sometimes used as synonymous.[6] In one passage[7] we read of majora delicta (which, of course, imply minora), which expression is coupled with the expression omnia crimina in such a way that the inference of crimen containing delictum is, so far as concerns this passage, necessary; for the omnia crimina comprehend (in this passage) more than the delicta majora.

Some judicia publica were capitalia, and some were not. Judicia, which concerned crimina, were not, for that reason only, publica. There were, therefore, crimina which were not tried in judicia publica. This is consistent with what is stated above as to those crimina (delicta) which were the subject of actions. Those crimina only were the subject of judicia publica which were made so by special laws; such as the Julia de adulteriis, Cornelia de sicariis et veneficis, Pompeia de parricidiis, Julia peculatus, Cornelia de testamentis, Julia de vi privata, Julia de vi publica, Julia de ambitu, Julia repetundarum, Julia de annona.[8] So far as Cicero[9] enumerates causæ criminum, they were causæ publici judicii; but he adds,[10] "criminum est multitudo infinita." Again, infamia was not the consequence of every crimen, but only of those crimina which were "publicii judicii." A condemnation, therefore, for a crimen, not publici judicii, was not followed by infamia, unless the crimen laid the foundation of an actio, in which, even in the case of a privatum judicium, the condemnation was followed by infamia; as furtum, rapina, injuriæ.[11] Crimen, then, must be an act which, if

1 (Isid., Orig., ix., 34.) -2. (xii., 43.)—3. (Georg., i., 179.)—4. (Varro, R. R., i., 7, 8.—Geopon., x., 75. 12; ix., 10, 4.)—5. (Hill's History of Fossils, &c., p. 43.)—6. (Plin., H. N., xxxv., 27.)—7. (Plin., H. N., xxxv., 30.)—8. (Hist. Invent., iv., 106.)—9. (Moore's Anc. Mineral., p. 74.)—10. (Hill, Hist. Fossils, &c., p. 5.)—11. (Plin., H. N., xxxv., 57.—Moore's Anc. Mineral., p. 73.)—12. (Hill, Hist. Fossils, &c., p. 40.)

1. (Aristot., H. A., ix., 2.—Adams, Append., s. v.)—2. (Dig. 47, tit. 1, s. 3.)—3. (iii., 182.)—4. (Crimen furti: Gaius, iii., 197.)—5. (Dig. 47, tit. 1, de Privatis Delictis.)—6. (Dig. 48, tit. 19, s. 1.)—7. (Dig. 48, tit. 19, s. 5.)—8. (Dig. 48, tit. 2, s. 1.)—9. (De Orat., ii., 25.)—10. (ii., 31.)—11. (Dig. 48, tit. 2, s. 7.)

proved against the offender, subjected him to some punishment, the consequence of which was infamia; but it would not therefore follow that infamia was only the consequence of a crimen.

Most modern writers on Roman law have considered delicta as the general term, which they have subdivided into delicta publica and privata. The legal consequences of delicta in this sense were compensation, punishment, and infamia as a consequence of the other two. The division of delicta into publica and privata had, doubtless, partly its origin in the opinion generally entertained of the nature of the delict; but the legal distinction must be derived from a consideration of the form of obtaining redress for, or punishing, the wrong. Those delicta which were punishable according to special leges, senatus consulta, and constitutiones, and were prosecuted in judicia publica, were apparently more especially called crimina; and the penalties, in case of conviction, were loss of life, of freedom, of civitas, and the consequent infamia, and sometimes pecuniary penalties also. Those delicta not provided for as above mentioned, were punishable by action (actiones pœnales), and were the subjects of judicia privata, in which pecuniary compensation was awarded to the injured party. At a later period, we find a class of crimina extraordinaria,[1] which are somewhat vaguely defined. They are offences which in the earlier law would have been the foundation of actions, but were assimilated, as to their punishment, to crimina publici judicii. This new class of crimina (new as to the form of judicial proceedings) must have arisen from a growing opinion of the propriety of not limiting punishment, in certain cases, to compensation to the party injured. The person who inquired judicially extra ordinem, might affix what punishment he pleased, within reasonable limits.[2] Thus, if a person intended to prosecute his action, which was founded on maleficium (delict), for pecuniary compensation, he followed the jus ordinarium; but if he wished to punish the offender otherwise (extra ordinem ejus rei pœnam exerceri (e?) velit), then he took criminal proceedings, "subscripsit in crimen."[3]

Delicta were farther distinguished as to the penalties as follows: Compensation might be demanded of the heredes of the wrong-doer; but the pœna was personal. The nature of the punishment also, as above intimated, formed a ground of distinction between delicta. Compensation could be sued for by the party injured: a penalty, which was not a direct benefit to the injured party, was sued for by the state, or by those to whom the power of prosecution was given, as in the case of the lex Julia de adulteriis, &c. In the case of delicta publica, the *intention* of the doer was the main thing to be considered: the act, if done, was not for that reason only punished; nor if it remained incomplete, was it for that reason only unpunished. In the case of delicta privata, the injury, if done, was always compensated, even if it was merely culpa. (*Vid.* Culpa.)

CRI'MINA EXTRAORDINA'RIA. (*Vid.* Crimen.)

*CRIMNUS or -UM (*κρίμνος* or *-ον*), the larger granules of bruised grains, called Groats in English. Damm, however, says it was also applied to Barley itself. He contends that *κρῖ* in Homer is a contraction from *κρίμνος*, and not from *κρίθη*.[4]

*CRINANTH'EMUM (*κρινάνθεμον*), probably the *Sempervivum tectorum*, or House-leek. Such, at least, is the opinion of Sprengel and Dierbach.[5]

*CRINON (*κρίνον*), the Lily. (*Vid.* Lilium.)

*CRIOS (*κριός*), I., a military engine. (*Vid.* Arietes.)—II. The Ram. (*Vid.* Ovis.)—III. (*κριός* or *κρεός*), A large fish, mentioned by Oppian and Ælian. It cannot be satisfactorily determined.[1]—IV. (*κριὸς ἐρεβινθος*), A species of the *Cicer arietanum*. (*Vid.* Erebinthus.)[2]

CRISTA. (*Vid.* Galea.)

CRITAI (*κριταί*), (judges). This name was applied by the Greeks to any person who did not judge of a thing like a *διικαστής*, according to positive laws, but according to his own sense of justice and equity.[3] But at Athens a number of *κριταί* were chosen by ballot from a number of selected candidates at every celebration of the Dionysia, and were called *οἱ κριταὶ, κατ' ἐξοχήν*. Their office was to judge of the merits of the different choruses and dramatic poems, and to award the prizes to the victors.[4] Their number is stated by Suidas (*s. v. Ἐν πέντε κριτῶν γούνασι*) to have been five for comedies; and G. Hermann has supposed, with great probability, that there were, on the whole, ten *κριταί*, five for comedy and the same number for tragedy, one being taken from every tribe. The expression in Aristophanes,[5] *νικᾷν πᾶσι τοῖς κριταῖς*, signifies to gain the victory by the unanimous consent of the five judges. For the complete literature of this subject, see K. F. Hermann's *Manual of the Pol. Ant. of Greece*, § 149, n. 13.

CRO'BYLOS. (*Vid.* Coma, p. 291.)

*CROCODI'LUS (*κροκόδειλος*), the Crocodile. The name properly denotes a small species of Lizard, and was merely given by the Greeks to the Crocodile itself, from the resemblance which the latter bore to this small creature,[6] just as our *Alligator* is the Portuguese "*al legato*," the Lizard. Hence Aristotle calls the Crocodile *κοκόδειλος ὁ ποτάμιος*, and the Lizard *κροκόδειλος ὁ χερσαῖος*. The Egyptians, says Herodotus, called the Crocodile *χάμψης*: this, however, is a mere corruption in Greek of the Egyptian name *Msah* or *Emsooh*, which the Copts still retain in *Amsah*, and from which the Arabs have derived their modern appellation *Temsáh*. The ancient writers have left us accounts of this animal, but they are more or less imperfect. Thus Herodotus says[7] it is blind in the water; an evident error, unless he mean by the Greek term *τυφλός*, not "blind," but merely "dim-sighted," or "comparatively weak of sight," *i. e.*, when compared with its keenness of vision on the land. So, again, Herodotus says it has no tongue. This, however, is a popular error: it has a tongue, like the rest of animals, but this is connected by a rough skin with the lower jaw; and, not being extensible, nor easily seen at first view, since it completely fills the cavity of the jaw between the two rows of teeth, it has been supposed to have no actual existence. Again, the Crocodile, according to Herodotus, does not move its lower jaw, but brings the upper one down in contact with it. Now the truth is just the other way: the lower jaw alone is moved, and not the upper. The lower jaw extends farther back than the scull, so that the neck must be somewhat bent when it is opened. The appearance thus produced has led to the very common error of believing that the Crocodile moves its upper jaw, which is, in fact, incapable of motion, except with the rest of its body. "Naturalists describe four species of the Crocodile, namely, *Crocodilus alligator*, *C. cayman*, *C. gavial*, and *C. candi verbera*. The third of these being found only in India, and the fourth being peculiar to America, it follows that the ancients could have had little acquaintance with any other species than the *Alliga-*

1. (Dig. 47, tit. 11.)—2. (Dig. 48, tit. 19, s. 13.)—3. (Dig. 47, tit. 1, s. 3.)—4. (Damm, Lex. Hom., s. v.—Adams, Append., s. v.)—5. (Hippocr., Morb. Mulier.—Adams, Append., s. v.)

1. (Adams, Append., s. v.)—2. (Theophrast., H. P., viii., 5.)—3. (Herod., iii., 160.—Demosth., Olynth., i., p. 17; c., Mid., p. 520.)—4. (Isocr., Trapez., p. 365, C., with Coray's note.)—5. (Ar. 421)—6. (Herod., ii., 69.)—7. (.. c.)

tor and the *Caiman*. Ælian, however, must be supposed to allude to the *Gavial* when he mentions the Crocodile of the Ganges. Both Linnæus and Buffon reckon the first two as mere varieties, but they are now generally held to be distinct species. Bochart, with great learning, has proved that the *Leviathan* of Job is the Crocodile.[1] Athenæus ranks the Crocodile and the Hippopotamus with the κήτη.[2] Among the Egyptians, the Crocodile was peculiarly sacred to the god Savak. Its worship, however, did not extend to every part of Egypt; some places considering it the representative of the Evil Being, and bearing the most deadly animosity to it, which led to serious feuds between neighbouring towns. Such was the cause of the quarrel between the Ombites and the Tentyrites, as described by Juvenal; and the same animal which was worshipped at Ombos, was killed and eaten by the inhabitants of Apollinopolis.[3] The Crocodile enjoyed great honours at Coptos, Ombos, and Crocodilopolis or Arthribis, in the Thebaïd. In Lower Egypt, it was particularly sacred at a place called the City of Crocodiles (Crocodilopolis), and afterward Arsinoë, the capital of a nome, now the province of Fyoom. The animals were there kept in the Lake Mœris, and were buried in the under-ground chambers of the famous Labyrinth. The Crocodile is now seldom eaten, the flesh being bad. Indeed, in former times, it seems rather to have been eaten as a mark of hatred towards the Evil Being, of whom it was the emblem, than as an article of food.[4] The Crocodile at present is found in the Nile only towards the region of Upper Egypt, where it is extremely hot, and where this animal never falls into a lethargic state. Formerly, when it was wont to descend the branches of the river which water the Delta, it used to pass the four winter months in caverns, and without food. Of this fact we are informed by Pliny and other ancient naturalists.—In the year 58 B.C., the ædile Scaurus exhibited at Rome five crocodiles of the Nile; and subsequently, the Emperor Augustus had a circus filled with water, and exhibited there to the people thirty-six crocodiles, which were killed by an equal number of men who were habituated to fight with these animals."[5]

*ΚΡΟΚΟΔΕΙ'ΛΟΣ (*χέρσαιος* or *σκίγκος*), the Skink, or Land Crocodile. There are two species of the Skink with which the ancients may be supposed to have been well acquainted, namely, *Scincus officinalis* and *S. Algiriensis*. Moses Charras says of them, "The Skinks are little animals like to lizards, or, rather, like to little crocodiles, by which name they are known."[6]

*CROCODEIL'IUM (*κροκοδείλιον*), a species of plant. Matthiolus informs us that it had been supposed to be the *Eryngium marinum*, or Sea Eringo, and the *Carlina*, or Carline Thistle; but he rejects both these suppositions, admitting, however, at the same time, his own want of acquaintance with it. Sprengel, on the other hand, inclines to think it the *Eryngium*.[7]

*CROCUS (*κρόκος*), the Saffron Crocus, or *Crocus sativus*. The genuine Saffron grows wild in the Levant and in Southern Europe. Sibthorp found it in the fields of Greece and on the mountains around Athens. The flower of the *C. sativus* is of a violet colour, and appears in autumn; hence the epithet *autumnalis*. The best Saffron came from Corycus in Cilicia and from Mount Tmolus in Lydia. The Lycian Olympus and the island of Sicily also produced a very good sort. Saffron was much used by the Romans as a condiment in various articles of food, as it still is by many Oriental nations. It was also put into wine. Saffron, diluted in water or wine, was sprinkled as a perfume in the theatre and other places, and also on the funeral pile. It was also made into an unguent (*Crocinum unguentum*). Saffron coloured garments were also much in vogue.[8]

CROCO'TA (sc. *vestis*: *κροκωτόν*, sc. *ἱμάτιον*, or *κροκωτός*, sc. *χιτών*) was a kind of gala-dress, chiefly worn by women on solemn occasions, and in Greece especially at the festival of the Dionysia.[9] It was also worn by the priests of Cybele,[10] and sometimes by men of effeminate character.[11] It is evident, from the passage of Virgil, that its name was derived from crocus, one of the favourite colours of the Greek ladies, as we still see in the pictures discovered at Herculaneum and Pompeii. The circumstance that dresses of this colour were in Latin commonly called vestes crocatæ or croceæ, has induced some writers on antiquities to suppose that crocota was derived from *κροκή* (woof or weft) or *κροκίς* (a flake of wool or cotton on the surface of the cloth), so that it would be a soft and woolly kind of dress.[12] But the passages above referred to are sufficient to refute this opinion, and the name crocota was, like many others, adopted by the Romans from the Greeks.[13]

*CROCOTTAS (*κροκόττας*), an animal mentioned by the ancient writers, and said to be produced from the wolf and dog, but to be much more ferocious than either of these animals. Such, at least, is the account of Artemidorus,[14] Diodorus Siculus,[15] and Agatharchides.[16] But the coupling of the wolf and dog, though easy, and often effected in menageries at the present day, produces no durable species. It is more probable, therefore, that the Crocottas answers to the Hyena, since the latter has very strong teeth, and breaks bones with the greatest ease, as the Crocottas is said to have done. The earliest passage respecting the Crocottas is found in Ctesias, and the description there given is almost the same with that by which the Oriental writers describe the Hyena.[17]

*CROMMYON or CROMMYON (*κρόμυον*, *κρόμμυον*), the *Allium cepa*, or Garlic. (*Vid.* ALLIUM.)

CRO'NIA (*κρόνια*), a festival celebrated at Athens in honour of Cronos, whose worship was said to have been introduced into Attica by Cecrops. He had a temple in common with Rhea.[18] The festival was held on the twelfth of the month of Hecatombæon,[19] which, at an early period of the history of Attica, bore the name of *μὴν Κρόνιος*.[20]

The Rhodians also celebrated a festival in honour of Cronos, perhaps the Phœnician Moloch, to whom human sacrifices, generally consisting of criminals, were offered. This festival was held on the sixteenth of Metageitnion.[21]

Greek writers, when speaking of the Roman Saturnalia, apply to them the name *Κρόνια*.[22]

CRO'TALUM, a kind of Cymbal, erroneously supposed by Scaliger and Brodæus to be the same with the *sistrum*. The mistakes of learned men on this

1. (Theophrast., H. P., vi., 8.—Dioscor., i., 25.—Billerbeck, Flora Classica, p. 11.—Spanheim ad Callim., p. 79: "de Crocо. et luxu circa eum."—Ovid, A. A., i., 104.—Propert., iv., 1, 16—Id., iii., 8, 22, &c.)—2. (Aristoph., Ran., 56, with the schol.—Lysistr., 44.—Pollux, iv., 10, 117.)—3. (Apul., Met., 8 and 11.—Virg., Æn., ix., 614.)—4. (Aristoph., Thesm., 253.—Suid., s. v.—Plaut. and Næv., ap. Nonium, xiv., 8, and xvi., 4.—Cic., Harusp. Resp., 21.)—5. (Salmas. ad Capitolin., Pertinac., 8, 1, p. 547, and ad Tertull., De Pall., p. 329.)—6. (Compare Becker's Charikles, ii., p. 351, &c.)—7. (ap. Strab., xvi., p. 774 Cas.)—8. (iii., 35.)—9. (ap. Phot., Cod., 250, c. 39.)—10. (Cuvier ad Plin., 8, 30.)—11. (Paus., i., 18, § 7.)—12 (Demosth., c. Timocr., p. 708.)—13. (Athen., xiii., p. 581.)—14. (Porphyr. ap. Theodoret, vii., Græc. Affect.—De Abstinent., ii., 54.)—15. (*Vid.* Athen., xiv., p. 639.—Appian, III. 5.)

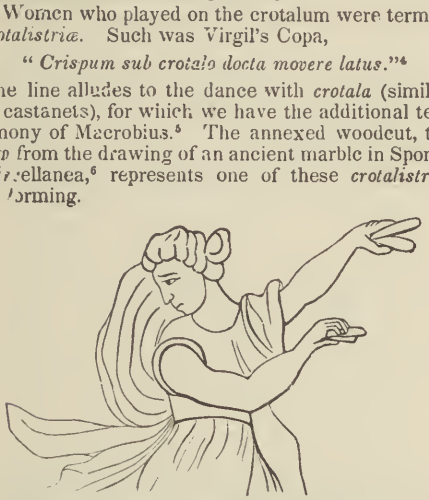
1. (Hieroz., 52, 4, 12.)—2. (Athen., ii., 90.—Adams, Append., s. v.)—3. (Wilkinson's Egyptians, vol. v., p. 229.—Juv., Sat., xviii., 36.)—4. (Wilkinson, l. c.)—5. (Griffith's Cuvier, vol. ix., p. 190.)—6. (Aristot., H. A., ii., 1.—Dioscor., M. M., ii., 71.—Adams, Append., s. v.)—7. (Dioscor., iii., 10.—Galen De Simpl., vii.—Adams, Append., s. v.)

point are refuted at length by Lampe.[1] From Suidas and the scholiast on Aristophanes,[2] it appears to have been a split reed or cane, which clattered when shaken with the hand. According to Eustathius,[3] it was made of shell and brass as well as of wood. Clemens Alexandrinus farther says that it was an invention of the Sicilians.

Women who played on the crotalum were termed *crotalistriæ*. Such was Virgil's Copa,

"*Crispum sub crotalo docta movere latus.*"[4]

The line alludes to the dance with *crotala* (similar to castanets), for which we have the additional testimony of Macrobius.[5] The annexed woodcut, taken from the drawing of an ancient marble in Spon's Miscellanea,[6] represents one of these *crotalistriæ* performing.



The words κρόταλος and κρόταλον are often applied, by an easy metaphor, to a noisy, talkative person.[7]

*CROTON (κρότων), I. an insect found on oxen and dogs, and sometimes on men, namely, the *Acarus reduvius*, L., or Tick.[8]—II. According to Galen, the same with the κίκι.[9] (*Vid.* CICI.)

CRYPTEI'A (κρυπτεῖα, also called κρυπτία or κρυπτή) was, according to Aristotle,[10] an institution introduced at Sparta by the legislation of Lycurgus. Its character was so cruel and atrocious, that Plutarch only with great reluctance submitted to the authority of Aristotle in ascribing its introduction to the Spartan lawgiver. The description which he gives of it is this: The ephors, at intervals, selected from among the young Spartans those who appeared to be best qualified for the task, and sent them in various directions all over the country, provided with daggers and their necessary food. During the daytime these young men concealed themselves; but at night they broke forth into the highroads, and massacred those of the Helots whom they met, or whom they thought proper. Sometimes, also, they ranged over the fields (in the daytime), and despatched the strongest and best of the Helots. This account agrees with that of Heraclides of Pontus,[11] who speaks of the practice as one that was still carried on in his own time, though he describes its introduction by Lycurgus only as a report.

The *crypteia* has generally been considered either as a kind of military training of the Spartan youths, in which, as in other cases, the lives of the Helots were unscrupulously sacrificed, or as a means of lessening the numbers and weakening the power of the slaves. But Müller,[12] who is anxious to soften the notions generally current respecting the relations between the Helots and their masters, supposes that Plutarch and Heraclides represent the institution of the *crypteia* "as a war which the ephors themselves, on entering upon their yearly office, proclaimed against the Helots." Heraclides, however, does not mention this proclamation at all, and Plutarch, who mentions it on the authority of Aristotle, does not represent it as identical with the crypteia. Müller also supposes that, according to the received opinion, this chase of the slaves took place regularly every year; and showing at once the absurdity of such an annual proclamation of war and massacre among the slaves, he rejects what he calls the common opinion altogether, as involved in inextricable difficulties, and has recourse to Plato to solve the problem. But Thirlwall[1] much more judiciously considers that this proclamation of war is not altogether groundless but only a misrepresentation of something else, and that its real character was most probably connected with the crypteia. Now if we suppose that the thing here misrepresented and exaggerated into a proclamation of war was some promise which the ephors, on entering upon their office, were obliged to make: for instance, to protect the state against any danger that might arise from too great an increase of the numbers and power of the Helots—a promise which might very easily be distorted into a proclamation of war—there is nothing contrary to the spirit of the legislation of Lycurgus; and such an institution, by no means surprising in a slave-holding state like Sparta, where the number of free citizens was comparatively very small, would have conferred upon the ephors the legal authority *occasionally* to send out a number of young Spartans in chase of the Helots.[2] That on certain occasions, when the state had reason to fear the overwhelming number of slaves, thousands were massacred with the sanction of the public authorities, is a well-known fact.[3] It is, however, probable enough that such a system may at first have been carried on with some degree of moderation; but after attempts had been made by the slaves to emancipate themselves and put their masters to death, as was the case during and after the earthquake in Laconia, it assumed the barbarous and atrocious character which we have described above.[4] If the crypteia had taken place *annually*, and at a *fixed time*, we should indeed have reason, with Müller, to wonder why the Helots, who in many districts lived entirely alone, and were united by despair for the sake of common protection, did not every year kindle a most bloody and determined war throughout the whole of Laconia; but Plutarch, the only authority on which this supposition can rest, does not say that the crypteia took place *every year*, but *διὰ χρόνου*, *i. e.*, "at intervals," or occasionally.[5] The difficulties which Müller finds in what he calls the common account of the crypteia, are thus, in our opinion, removed, and it is no longer necessary to seek their solution in the description given by Plato,[6] who proposed for his Cretan colony a similar institution, under the name of cryptcia. From the known partiality of Plato for Spartan institutions, and his inclination to represent them in a favourable light, it will be admitted that, on a subject like this, his evidence will be of little weight. And when he adopted the name crypteia for his institution, it by no means follows that he intended to make it in every respect similar to that of Sparta; a partial resemblance was sufficient to transfer the name of the Spartan institution to that which he proposed to establish; and it is sufficiently clear, from his own words, that his attention was more particularly directed to the advantages which young soldiers might derive from such hardships as the κρυπτοί had to undergo. But even Plato's colony would not have

1. (De Cymb. Vet., i., 4, 5, 6.)—2. (Nubes, 260.)—3. (Il., xi., 160.)—4. (v., 2.)—5. (Sat., ii., 10.)—6. (Sec. I., art. vi., fig. 43.)—7 (Arist., Nub., 448.—Eur., Cycl., 104.)—8. (Aristot., H. A., v., 17.)—9 (Theophrast., H. P., i., 10.)—10. (ap. Plut., Lyc., 28.)—11 (l. 2)—12. (Dorians iii., 3, 6 4.)

1. (Hist. Greece, vol. i., p. 311.)—2. (Isocr., Panath., p. 271 B.)—3. (Thucyd., iv., 80.)—4. (Compare Plut., Lyc., 28, sub fin.)—5. (Hermann ad Viger, p. 856.)—6 (De Leg., i., p. 633, vi., p. 763.)

been of a very humane character, as his κρυπτοί were to go out in arms and make free use of the slaves.

CRUX (σταυρός, σκόλοψ), an instrument of capital punishment used by several ancient nations, especially the Romans and Carthaginians. The words σταυρόω and σκολοπίζω are also applied to Persian and Egyptian punishments, but Casaubon[1] doubts whether they describe the Roman method of crucifixion. From Seneca[2] we learn the latter to have been of two kinds, the less usual sort being rather impalement than what we should describe by the word crucifixion, as the criminal was transfixed by a pole, which passed through the back and spine, and came out at the mouth.

The cross was of several kinds; one in the shape of an X, called *crux Andreana*, because tradition reports St. Andrew to have suffered upon it; another was found like a T, as we learn from Lucian,[3] who makes it the subject of a charge against the letter.

The third, and most common sort, was made of two pieces of wood crossed, so as to make four right angles. It was on this, according to the unanimous testimony of the fathers, who sought to confirm it by Scripture itself,[4] that our Saviour suffered. The punishment, as is well known, was chiefly inflicted on slaves and the worst kind of malefactors.[5] The manner of it was as follows: The criminal, after sentence pronounced, carried his cross to the place of execution: a custom mentioned by Plutarch[6] and Artemidorus,[7] as well as in the Gospels. From Livy[8] and Valerius Maximus,[9] scourging appears to have formed a part of this, as of other capital punishments among the Romans. The scourging of our Saviour, however, is not to be regarded in this light, as Grotius and Hammond have observed it was inflicted before sentence was pronounced.[10] The criminal was next stripped of his clothes, and nailed or bound to the cross. The latter was the more painful method, as the sufferer was left to die of hunger. Instances are recorded of persons who survived nine days. It was usual to leave the body on the cross after death. The breaking of the legs of the thieves, mentioned in the Gospels, was accidental; because by the Jewish law, it is expressly remarked, the bodies could not remain on the cross during the Sabbath-day.[11]

CRYPTA (from κρύπτειν, to conceal), a Crypt. Among the Romans, any long narrow vault, whether wholly or partially below the level of the earth, is expressed by this term; such as a sewer (*crypta Suburæ*[12]) (*vid.* Cloaca), the *carceres* of the circus (*vid.* Circus, p. 254), or a magazine for the reception of agricultural produce.[13]

The specific senses of the word are:

I. A covered portico or arcade, called more definitely *crypto-porticus*, because it was not supported by open columns like the ordinary portico, but closed at the sides, with windows only for the admission of light and air.[14] These were frequented during summer for their coolness. A portico of this kind, almost entire, is still remaining in the suburban villa of Arrius Diomedes at Pompeii.

Some theatres, if not all, had a similar portico attached to them for the convenience of the performers, who there rehearsed their parts or practised their exercises.[15] One of these is mentioned by P. Victor[1] as the *crypta Balbi*, attached to the theatre built by Cornelius Balbus at the instigation of Augustus,[2] which is supposed to be the ruin now seen in the Via di S. Maria di Cacaberis, between the church of that name and the S. Maria di Pianto

II. A grotto, particularly one open at both extremities, forming what in modern language is denominated a "tunnel," like the grotto of Pausilippo, well known to every visitant of Naples This is a tunnel excavated in the *tufo* rock, about 20 feet high and 1800 long, forming the direct communication between Naples and Pozzuoli (*Puteoli*), called by the Romans *crypta Neapolitana*, and described by Seneca[3] and Strabo.[4]

A subterranean vault used for any secret worship, but more particularly for the licentious rites consecrated to Priapus, was also called *crypta*.[5]

III. When the practice of consuming the body by fire was relinquished (*vid.* Bustum, Conditorium), and a number of bodies was consigned to one place of burial, as the catacombs, for instance, this common tomb was called *crypta*.[6] One of these, the *crypta Nepotiana*, which was in the *vicus Patricius*, under the Esquiline,[7] was used by the early Christians, during the times of their persecution, as a place of secret worship.[8]

CRYPTOPO'RTICUS. (*Vid.* Crypta.)

*CRYSTALLUS or -UM (κρύσταλλος), Crystal The ancients were of opinion that crystal was only water congealed in a long period of time into an ice more durable than common; and Pliny[9] thought it was nowhere to be found but in excessively cold regions. "That it is ice is certain," says this writer, "and hence the Greeks have given it its name." In accordance with the etymology here alluded to, κρύσταλλος is thought to come from κρύος, "ice," or from κρυστάω (κρυσταίνω), "to freeze." "This ancient notion," observes Dr. Moore, "will appear less ridiculous if we consider that, although water really converted into a solid crystalline mass, by exposure to a very ordinary degree of cold, resumes its fluid state when the heat of which it was deprived is again restored; yet the results of chemical analysis teach us that water, in a permanently solid state, constitutes a considerable portion of many crystalline substances. Of the hydrate of magnesia, for example, it forms near one third; and of the sulphate of soda, considerably above one half. Rock-crystal is one among the very few minerals whose crystalline form Pliny has remarked. He mentions one remarkable use of crystal in applying actual cautery, the crystal having been used as a lens. This, however, was known long before, mention of it having been made in the Clouds of Aristophanes, and in the poem of the pseudo-Orpheus on the properties of Stones."[10]

CUBEI'A. (*Vid.* Tessera.)

CUBICULA'RII were slaves who had the care of the sleeping and dwelling rooms. Faithful slaves were always selected for this office, as they had, to a certain extent, the care of their master's person. When Julius Cæsar was taken by the pirates, he dismissed all his other slaves and attendants, only retaining with him a physician and two cubicularii.[11] It was the duty of the cubicularii to introduce visiters to their master,[12] for which purpose they appear to have usually remained in an ante-room.[13] Under the later emperors, the cubicularii belonging

1. (Exer. Antibaron., xvi., 77.) — 2. (Cons. ad Marc., xx.— Epist., xiv., 1.)—3. (Judic. Vocal., xii.) — 4. (Lips., De Cruce, i., 9.)—5. (Juv., Sat., vi., 219.—Hor., Sat., 1., iii., 82.)—6. (De Tard. Dei Vind., ἕκαστος τῶν κακούργων ἐκφέρει τὸν αὐτοῦ σταυρόν.)—7. ('Ονειροκρ., ii., 61.)—8. (xxxiii., 36) — 9. (i., 7.) —10. (St. Luke, xxiii., 16.—St. John, xix., 1, 6.) —11. (Lips., De Cruce.—Casaubon, Exer. Antibaron., xvi., 77.) — 12. (Juv., Sat., v., 106.) — 13. (Vitruv., vi., 8. — Compare Varro, De Re Rust., i., 57.)—14. (Plin., Epist., ii., 15; v., 6; vii., 21.—Sidon., Epist., ii., 2.)—15. (Suet., Cal., 58.—Compare Dion Cass., lix., 29.—Josseph., Antiq., xix., 1, § 14.)

1. (Regio ix.) — 2. (Suet., Octav., 29. — Dion Cass., liv., 25.) —3. (Epist., 57.) — 4. (v., § 7, p. 197, ed. Siebenk. — Compare Petron., Fragm., xiii.) — 5. (Petron., Sat., xvi., 3. — Compare xvii., 8.) — 6. (Salmas., Exercit. Plin., p. 850. — Aring., Rom. Subterr., i., 1, § 9.—Prudent., Περὶ Στέφ., xi., 153.) — 7. (Festus, s. v. Septimontium.)—8. (Nardini, Rom. Antic., iv., 3.)—9 (H. N., xxxvii., 9.)— 10. (Ancient Mineralogy, p. 140.) — 11. (Suet., Jul., 4.)—12. (Cic. ad Att., vi. 2, § 5 — In Verr., iii., § 1 —13. (Suet., Tib., 21. — Dom., 16.)

to the palace were called *præpositi sacro cubiculo*, and were persons of high rank.[1]

CUBI'CULUM usually means a sleeping and dwelling room in a Roman house (*vid.* HOUSE), but is also applied to the pavilion or tent in which the Roman emperors were accustomed to witness the public games.[2] It appears to have been so called, because the emperors were accustomed to recline in the cubicula, instead of sitting, as was anciently the practice, in a sella curulis.[3]

CUBISTETE'RES (*κυβιστητῆρες*), were a particular kind of dancers or tumblers, who in the course of their dance flung themselves on their heads and alighted again on their feet (*ὥσπερ οἱ κυβιστῶντες καὶ εἰς ὀρθρὸν ἐξ ἀνάσκελη περιφερόμενοι κυβιστῶσι κύκλῳ*[4]). We read of *κυβιστητῆρες* as early as the time of Homer.[5] These tumblers were also accustomed to make their somerset over knives or swords, which was called *κυβιστᾶν εἰς μαχαίρας*.[6] The way in which this feat was performed is described by Xenophon, who says[7] that a circle was made quite full of upright swords, and that the dancer *εἰς ταῦτα ἐκυβίστα τε καὶ ἐξεκυβίστα ὑπὲρ αὐτῶν*. We find many representations of these tumblers, both male and female, in ancient works of art.[8]

Κυβιστητῆρες were frequently introduced at convivial entertainments to amuse the guests; but Socrates condemns the practice, as attended with too much danger to be pleasing on such occasions.[9]

CU'BITUS (*πῆχυς*), a Greek and Roman measure of length, originally the length of the human arm from the elbow to the wrist, or to the knuckle of the middle finger. It was equal to a foot and a half, which would give, according to Mr. Hussey's computation, 1 foot 5·4744 inches Eng. for the Roman, and 1 foot 6·2016 inches for the Greek cubit.[10]

CUBUS (*κύβος*), a Cube; a name given also to a vessel (called likewise *quadrantal*), the sides of which were formed by six equal squares (including the top), each square having each of its sides a foot long. The solid contents of the cube were equal to the amphora.

> "*Pes longo in spatio latoque altoque notetur:*
> *Angulus ut par sit, quem claudit linea triplex,*
> *Quatuor et medium quadris cingatur inane:*
> *Amphora fit cubus.*"[11]

*CU'CULUS, the Cuckoo. (*Vid.* COCCYX.)

CUCULLUS, a Cowl. As the cowl was intended to be used in the open air, and to be drawn over the head to protect it from the injuries of the weather, instead of a hat or cap, it was attached only to garments of the coarsest kind. Its form may be conceived from the woodcut at page 132. It is there represented as worn by a Roman shepherd, agreeably to the testimony of Columella.[12] The cucullus was also used by persons in the higher circles of society, when they wished to go abroad without being known.[13]

The use of the cowl, and also of the cape (*vid.* BIRRUS), which served the same purpose, was allowed to slaves by a law in the Codex Theodosianus.[14] Cowls were imported into Italy from Saintes, in France (*Santonico cucullo*),[15] and from the country of the Bardæi, in Illyria.[16] Those from the latter locality were probably of a peculiar fashion, which gave origin to the term *Bardocucullus*. "Liburnici cuculli" are mentioned by Martial.[1]

*CU'CUMIS, the Cucumber. (*Vid.* COLOCYNTHE and SICYS.)

*CUCURBI'TA, the Gourd. (*Vid.* COLOCYNTHE.)

CUDO or CUDON, a Scull-cap, made of leather, or of the rough, shaggy fur of any wild animal,[2] such as were worn by the *vclites* of the Roman armies,[3] and apparently synonymous with *galerus*[4] or *galericulus*.[5]

In the sculptures on the column of Trajan, some of the Roman soldiers are represented with the skin of a wild beast drawn over the head, in such a manner that the face appears between the upper and lower jaws of the animal, while the rest of the skin falls down behind over the back and shoulders, as described by Virgil.[6] This, however, was an extra defence,[7] and must not be taken for the *cudo*, which was the cap itself; that is, a particular kind of *galea*. (*Vid.* GALEA.) The following representation of a cudo is taken from Choul's *Castramen. des Anciens Romains*, 1581.

CU'LEUS or CU'LLEUS, a Roman measure, which was used for estimating the produce of vineyards. It was the largest liquid measure used by the Romans, containing 20 amphoræ, or 118 gallons 7·546 pints.

> "*Est ci, bis decies quem conficit amphora nostra*
> *Culleus: hac major nulla est mensura liquoris.*"[8]

CU'LEUS or CU'LLEUS. (*Vid.* CORNELIA LEX DE SICARIIS.)

*CULEX, the Gnat. (*Vid.* CONOPS.)

CULI'NA, in its most common acceptation, means a place for cooking victuals, whether the kitchen of a private habitation (*vid.* HOUSE), or the offices attached to a temple, in which the flesh of the victim was prepared for the sacred feasts or for the priesthood.[9]

It signifies also a convenience, *cabinet d'aisance*, *secessum*, *ἀφεδρών*.[10] "Quædam quotidie, ut *culina* et caprile . . . . debent emundari," unless the conjecture of Schneider is admitted, who proposed to read "*suile* et caprile."

Lastly, it is used for a particular part of the funeral pyre, or of the *bustum*, on or in which the viands of the funeral feast were consumed.[11] Compare an anonymous poet *in Catalect.*

> "*Neque in culinam et uncta compitalia*
> *Dapesque ducis sordidas;*"

in which sense it corresponds with the Greek *εὐστρα*.[12]

> *Ἐν ταῖσιν εὐστραις κονδύλοις ἡρμοττόμην.*

CULIX (*κύλιξ, dim. κυλίσκη, κυλίσκιον*), a common Greek drinking-cup,[13] called by the Romans *calix*. The name was sometimes applied to large

1 (Cod. 12, tit. 5.)—2. (Suet., Ner., 12.—Plin., Paneg., 51.)—3. (Ernesti ad Suet., l. c.)—4. (Plato, Symp., c. 16, p. 190.)—5. (Il., xviii., 605.—Od., iv., 18.)—6. (Plato, Euthyd., c. 55, p. 294.—Xen., Mem., i., 3, § 9.—Symp., ii., 14.—Athen., iv., p. 129, D.—Pollux, Onom., iii., 134.)—7. (Symp., ii., 11.)—8. (See Tischbein, Engravings from Ancient Vases, i., 60.)—9. (Xen., Symp., vii., 3.—See Becker, Charikles, vol. i., p. 499; ii., p. 287.)—10. (Wurm, De Pond. Mens., &c.—Hussey on Ancient Weights, &c.)—11. (Rhem. Fann., De Pond., &c., v., 59–62.)—12. (De Re Rustica, xi., 1.)—13. (Juv., vi., 330.—Jul. Cap., Ver., 4.—Becker, Gallus, vol. i., p. 333.)—14. (Vossius, Etym. Ling. Lat., s. v. Birrus.)—15. (Juv., Sat., viii., 145.—Schol. in loc.)—16. (Jul. Cap., Pertinax, 8.)

1. (xiv., 139.)—2. (Sil. Ital., viii., 495; xvi., 59.)—3. (Polyb., vi., 20.)—4. (Virg., Æn., vii., 688.)—5. (Frontin., Strategem., IV., vii., 29.)—6. (Æn., vii., 666.)—7. (Polyb., l. c.)—8. (Rhem. Fann., De Pond., &c., v., 86, 87.)—9. (Inscrip. ap. Grut., xlix., 3.—ap. Biag. Monum. Gr. et Lat. Mus. Nan., p. 188.—ap. Mur., 485, 8.)—10. (Isid., Gloss. Philox.—Columell., ii., 15.)—11. (Festus, s. v. Culina; and *vid.* BUSTIRAPI, p. 169.)—12. (Aristoph., Equit., 1232, ed. Bekk.)—13. (Pollux, Onom. vi., 95.)

cups or vessels,[1] but was generally restricted to small drinking-cups used at symposia and on similar occasions (*ἦν ἡμῖν οἱ παῖδες μικραῖς κύλιξι πυκνὰ ἐπιψακάζωσιν*[2]). The *κύλιξ* is frequently seen in paintings on ancient vases which represent drinking scenes, and when empty, is usually held upright by one of its handles, as shown in the annexed woodcut.

Athenæus[3] informs us that these cups were usually made of earthenware, and that the best kind were manufactured in Attica and Argolis.

The following woodcut, which is referred to in several articles, is taken from Millin, and represents a symposium. Three young and two older men are reclining on a couch (*κλίνη*), with their left arms resting on striped pillows (*προσκεφάλαια* or *ὑπαγκώνια*). Before the couch are two tables. Three of the men are holding the *κύλιξ* suspended by one of the handles to the fore-finger; the fourth holds a *φιάλη* (*vid.* Phiala); and the fifth a *φιάλη* in one hand and a *ῥυτόν* in the other. (*Vid.* Ruton.) In the middle Komos is beating the tympanum.[4]

CULPA. The general notion of damnum, and the nature of dolus malus, are most conveniently explained under this head.

Damnum is injury done by one man to the property of another, and done illegally (*injuria*, i. e., *contra jus*); for this is the meaning of injuria in the actio damni injuriæ given by the lex Aquilia;[4] and injuria, in this sense, must not be confounded with the actio injuriarum.[5] This damnum, injuria of the lex Aquilia, is done by culpa or by dolus malus; for damnum done without culpa or dolus malus is casual (*casus*), and the doer is not punishable. Damnum, in fact, implies injuria; and, generally, a man is not bound to make good the damage done by him to another man's property, except on the ground of contract, or on the ground of illegal act where there is no contract, that is culpa or dolus.

Neither culpa nor dolus can be taken as a genus which shall comprehend the species culpa and dolus, though some writers have so viewed these terms. Dolus malus is thus defined by Labeo:[6] 'Dolus malus est omnis calliditas, fallacia, machinatio ad circumveniendum, fallendum, decipiendum alterum adhibita." Dolus malus, therefore, has reference to the evil design with which an act is accomplished to the injury of another; or it may be the evil design with which an act is omitted that ought to be done. The definition of Aquilius, a learned jurist, the friend of Cicero, and his colleague in the prætorship,[7] labours under the defect of the definition of Servius, which is criticised by Labeo.[8] This seems to be the Aquilius who, by the edict, gave the action of dolus malus in all cases of dolus malus where there was no legislative provision, and there was a justa causa.[9]

It is generally considered that culpa may be either an act of commission or omission; and that an act of commission may fall short of dolus, as not coming within the above definition, but it may approach very near to dolus, and so become culpa dolo proxima. But the characteristic of culpa is omission. It is true that the damnum, which is necessary to constitute the culpa, is the consequence of some act; but the act derives its culpose character from an act omitted; otherwise it might be casus, or casual damage.

Culpa, then, being characterized by an act of omission (*negligentia*), or omissio diligentiæ, the question always is, how far is the person charged with culpa bound to look after the interest of another, or to use diligentia. There is no such general obligation, but there is such obligation in particular cases. Culpa is divided into lata, levis, and levissima. Lata culpa "est nimia negligentia, id est, non intelligere quod omnes intelligunt."[1] If, then, one man injured the property of another by gross carelessness, he was always bound to make good the damage (damnum præstare). Such culpa was not dolus, because there was not intention or design, but it was as bad in its consequences to the person charged with it.

Levis culpa is negligence of a smaller degree, and the responsibility in such case arises from contract. He who is answerable for levis culpa, is answerable for injury caused to the property of another by some omission, which a careful person could or might have prevented. For instance, in the case of a thing lent (*vid.* Commodatum), a man must take at least as much care of it as a careful man does of his own property. There is never any culpa if the person charged with it has done all that the most careful person could do to prevent loss or damage. Levissima culpa came within the meaning of the term culpa in the lex Aquilia; that is, any injury that happened to one man's property through the conduct of another, for want of such care as the most careful person would take, was a culpa, and therefore punishable.

The word culpa occurs very frequently in the Latin writers in a great variety of meanings; but the characteristic of such meanings is "carelessness" or "neglect." Hence may be explained the passage of Horace,[4]

"*Post hoc ludus erat culpa potare magistra*,"

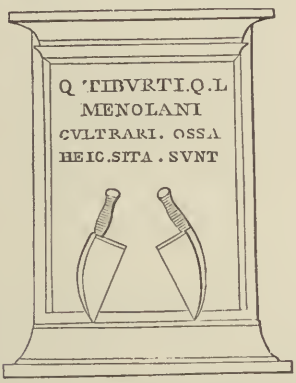
which means to have no magister at all, or, as the

1. (Herod., iv., 70.)—2. (Xen., Sympos., ii., 26.)—3. (xi., p. 480.)—4. (Gaius, iii., 210.—Dig. 9, tit. 2, s. 5.)—5. (Gaius, iii., 220.)—6. (Dig. 4, tit. 3, s. 1.)—7. (Off., iii., 14.)—8. (Dig. 4, tit. 3, s. 1.)—9. (Cic., De Nat. Deor., iii., 30.)

1. (Peintures de Vases Antiques, vol. ii., pl. 58.)—2. (Becker Charikles, vol. i., p. 505; vol. ii., p. 499.)—3. (Dig. 50, tit. 16, s. 213.)—4. (Sat., II., ii., 123.)

scholiast explains it, "libere potare." The absurdity of the explanation grafted on this scholium, is only equalled by the absurdity of Bentley's emendation of *cupa* for *culpa*.

CULTER (probably from *cello*, *percello*; dim. *cultellus*, Engl. *coulter*; in southern Germany, *das kolter*; French, *coutcau*; Greek, *μάχαιρα*, *κοπίς*, or *σφαγίς*), a knife with only one edge, which formed a straight line. The blade was pointed and its back curved. It was used for a variety of purposes, but chiefly for killing animals, either in the slaughter-house, or in hunting, or at the altars of the gods.[1] Hence the expressions *bovem ad cultrum emere*, "to buy an ox for the purpose of slaughtering it;"[2] *me sub cultro linquit*, "he leaves me in a state like that of a victim dragged to the altar;"[3] *se ad cultrum locare*, "to become a bestiarius."[4] From some of the passages above referred to, it would appear that the culter was carried in a kind of sheath. The priest who conducted a sacrifice never killed the victim himself; but one of his ministri, appointed for that purpose, who was called either by the general name *minister*, or the more specific *popa* or *cultrarius*.[5] A tombstone of a cultrarius is still extant, and upon it two cultri are represented,[6] which are copied in the annexed woodcut.



The name culter was also applied to razors[7] and kitchen-knives.[8] That in these cases the culter was different from those above represented, and most probably smaller, is certain; since, whenever it was used for shaving or domestic purposes, it was always distinguished from the common culter by some epithet, as *culter tonsorius*, *culter coquinaris*. Fruit-knives were also called cultri; but they were of a smaller kind (*cultelli*), and made of bone or ivory.[9] Columella, who[10] gives a very minute description of a *falx vinitoria*, a knife for pruning vines, says that the part of the blade nearest to the handle was called culter on account of its similarity to an ordinary culter, the edge of that part forming a straight line. This culter, according to him, was to be used when a branch was to be cut off which required a hard pressure of the hand on the knife. The name culter, which was also applied to the sharp and pointed iron of the plough,[11] is still extant in English, in the form *coulter*, to designate the same thing. (*Vid.* ARATRUM.)

The expression *in cultrum* or *in cultro collocatus*[12] signifies placed in a perpendicular position.

CULTRA'RIUS. (*Vid.* CULTER.)

1 (Liv., iii., 48.—Scribonius, Compos. Med., 13.—Suet., Oct., 9.—Plaut., Rud., 1., ii., 45.—Virg., Georg., iii., 492.—Ovid, Fast., ., 321.)—2. (Varro, De Re Rust., ii., 5.)—3. (Hor., Sat., ., ix., 74.)—4. (Senec., Ep., 87.)—5. (Suet., Calig., 32.)—6. (Gruter, Inscript., vol. ii., p. 640, No. 11.)—7. (Cic., De Off., ii., 7.—Plin., vii., 59.—Petron., Sat., 108.)—8. (Varro ap. Non., iii., 332.)—9. (Columell., xii., 14, 45.—Plin., xii., 25.—Scribon., c. 83.)—10. (iv., 25.)—11. (Plin., H. N., xviii., 18, 48.)—12. (Vitruv., x., 10, 14.)

*CUMI'NUM or CYMI'NUM (*κύμινον*), 'Cumin, an umbelliferous plant, of annual duration, found wild in Egypt and Syria, and cultivated from time immemorial for the sake of its agreeable aromatic fruit, which, like that of caraway, dill, anise, &c., possesses well-marked stimulating and carminative properties." The seeds were used by the ancients as a condiment, and the mode of preparing what was termed the *cuminatum* is given by Apicius.[1] Drinking a decoction of cumin produced paleness, and hence the allusion in Horace to the "*exsanguc cuminum*."[2] Pliny[3] says it was reported that the disciples of Porcius Latro, a famous master of the art of speaking, used it to imitate that paleness which he had contracted from his studies.[4] The ancients used to place cumin on the table in a small vessel, like salt; the penurious were sparing of its use in this way, whence arose the expressions *κυμινοπρίστης*, "a splitter of cumin-seed," analogous to *καρδαμογλύφος*, "a cutter or scraper of cresses," and in Latin *cuminisector*, to denote a sordid and miserly person.[5] It can admit of no doubt, according to Adams, that the *κύμινον ἥμερον* of Dioscorides, which is the only species treated of by Hippocrates and Galen, was the *Cuminum cyminum*, L. Of the two varieties of the *κύμινον ἄγριον* described by Dioscorides, the first, according to Matthiolus and Sprengel, is the *Lagœcia cuminoides*, L.; the other, most probably, the *Nigella arvensis*, or wild Fennel flower.

CU'NEUS was the name applied to a body of foot-soldiers, drawn up in the form of a wedge, for the purpose of breaking through an enemy's line. The common soldiers called it a *caput porcinum*, or pig's head.

The wedge was met by the "forfex" or shears, a name given to a body of men drawn up in the form of the letter V, so as to receive the wedge between two lines of troops.[6] The name cuneus was also applied to the compartments of seats in circular or semicircular theatres, which were so arranged as to converge to the centre of the theatre, and diverge towards the external walls of the building, with passages between each compartment.

CUNI'CULUS (*ὑπόνομος*). A mine or passage under ground was so called, from its resemblance to the burrowing of a rabbit. Thus Martial[7] says,

> "*Gaudet in effossis habitare cuniculus antris,*
> *Monstravit tacitas hostibus ille vias.*"

Fidenæ and Veii are said to have been taken by mines, which opened, one of them into the citadel, the other into the Temple of Juno.[8] Niebuhr[9] observes that there is hardly any authentic instance of a town being taken in the manner related of Veii, and supposes that the legend arose out of a tradition that Veii was taken by means of a mine, by which a part of the wall was overthrown.

*CUNICULUS, the Rabbit, the same with the Greek *δασύπους*. (*Vid.* DASYPUS.)

*CUNI'LA, Savory, or wild Marjoram, a plant of which there are several kinds: 1. The *Sativa* is also called *Satureia*, and was used as a condiment. (*Vid.* THYMBRA.)—2. The *Bubula* is the wild Origany. (*Vid.* ORIGANUS.)—3. The *Gallinacea* is the same with *Cunilago*, or Flea-bane.[10]

*CUPRESSUS (*κυπάρισσος*), the Cypress, or *Cupressus Sempervirens*, L. The Cypress was a funereal tree among the ancients. Branches of this tree were placed at the doors of deceased persons. It was consecrated to Pluto, because, according to popular belief, when once cut, it never grew again, and it was also accustomed to be placed around

1. (i., 29.)—2. (Epist., i., 19, 18.)—3. (H. N., xx., 57.)—4. (l. c.)—5. (Billerbeck, Flora Classica, p. 79.)—6. (Veget., iii., 19.)—7. (xiii., 60.)—8. (Liv., iv., 22; v., 19.)—9. (Hist. Rom., i., 483, transl.)—10. (Plin., H. N., xix., 8; xx., 16.)

the funeral piles of the noble and wealthy. Its dark foliage also gave it a funereal air.[1]

*CUPRUM, Copper. (*Vid.* Æs and Chalcos.)

CURA. (*Vid.* Curator.)

CURATE'LA. (*Vid.* Curator.)

CURA'TIO. (*Vid.* Curator.)

CURA'TOR. Up to the time of pubertas, every Roman citizen was incapable of doing any legal act, or entering into any contract which might be injurious to him. The time when pubertas was attained was a matter of dispute; some fixed it at the commencement of the age of procreation, and some at the age of fourteen.[2] In all transactions by the impubes, it was necessary for the auctoritas of the tutor to be interposed. (*Vid.* Auctoritas, Tutor.) With the age of puberty, the youth attained the capacity of contracting marriage and becoming a paterfamilias: he was liable to military service, and entitled to vote in the comitia; and, consistently with this, he was freed from the control of a tutor. Females who had attained the age of puberty became subject to another kind of tutela, which is explained in its proper place. (*Vid.* Tutela.)

With the attainment of the age of puberty by a Roman youth, every legal capacity was acquired which depended on age only, with the exception of the capacity for public offices, and there was no rule about age, even as to public offices, before the passage of the lex Villia. (*Vid.* Ædiles, p. 25.) It was, however, a matter of necessity to give some legal protection to young persons, who, owing to their tender age, were liable to be overreached; and, consistently with the development of Roman jurisprudence, this object was effected without interfering with the old principle of full legal capacity being attained with the age of puberty. This was accomplished by the lex Plætoria (the true name of the lex, as Savigny has shown), the date of which is not known, though it is certain that the law existed when Plautus wrote.[4] This law established a distinction of age, which was of great practical importance, by forming the citizens into two classes, those above and those below twenty-five years of age (*minores viginti quinque annis*), whence a person under the last-mentioned age was sometimes simply called *minor*. The object of the lex was to protect persons under twenty-five years of age against all fraud (*dolus*). The person who was guilty of such a fraud was liable to a judicium publicum,[4] though the offence was such as in the case of a person of full age would only have been matter of action. The punishment fixed by the lex Plætoria was probably a pecuniary penalty, and the consequential punishment of infamia or loss of political rights. The minor who had been fraudulently led to make a disadvantageous contract might protect himself against an action by a plea of the lex Plætoria (*exceptio legis Plætoriæ*). The lex also appears to have farther provided that any person who dealt with a minor might avoid all risk of the consequences of the Plætoria lex, if the minor was aided and assisted in such dealing by a curator named or chosen for the occasion. But the curator did not act like a tutor: it can hardly be supposed that his consent was even necessary to the contract; for the minor had full legal capacity to act, and the business of the curator was merely to prevent his being defrauded or surprised.

The prætorian edict carried still farther the principle of the lex Plætoria, by protecting minors generally against positive acts of their own, in all cases in which the consequences might be injurious to them. This was done by the "in integrum restitutio:" the prætor set aside transactions of this description, not only on the ground of fraud, but on a consideration of all the circumstances of the case. But it was necessary for the minor to make application to the prætor, either during his minority or within one year after attaining it, if he claimed the restitutio; a limitation probably founded on the lex Plætoria. The provisions of this lex were thus superseded or rendered unnecessary by the jurisdiction of the prætor, and, accordingly, we find very few traces of the Plætorian law in the Roman jurists.

Ulpian and his contemporaries speak of adolescentes, under twenty-five years of age, being under the *general* direction and advice of curatores, as a notorious principle of law at that time.[1] The establishment of this general rule is attributed by Capitolinus[2] to the Emperor M. Aurelius, in a passage which has given rise to much discussion. We shall, however, adopt the explanation of Savigny, which is as follows: Up to the time of Marcus Aurelius there were only three cases or kinds of curatela: 1. That which was founded on the lex Plætoria, by which a minor who wished to enter into a contract with another, asked the prætor for a curator, stating the ground or occasion of the petition (*reddita causa*). One object of the application was to save the other contracting party from all risk of judicial proceedings in consequence of dealing with a minor. Another object was the benefit of the applicant (the minor); for no prudent person would deal with him, except with the legal security of the curator[3] ("Lex me perdit quinavicenaria: metuunt credere omnes"). 2. The curatela, which was given in the case of a man wasting his substance, who was called "prodigus." 3. And that in the case of a man being of unsound mind, "demens," "furiosus." In both the last-mentioned cases provision was made either by the law or by the prætor. Curatores who were determined by the law of the Twelve Tables were called legitimi; those who were named by the prætor were called honorarii. A furiosus and prodigus, whatever might be their age, were placed under the cura of their agnati by the law of the Twelve Tables. When there was no legal provision for the appointment of a curator, the prætor named one. Curatores appointed by a consul, prætor, or governor of a province (*præses*), were not generally required to give security for their proper conduct, having been chosen as fit persons for the office. What the lex Plætoria required for particular transactions, the Emperor Aurelius made a general rule, and all minors, without exception, and without any special grounds or reasons (*non redditis causis*), were required to have curatores.

The following is the result of Savigny's investigations into the curatela of minors after the constitution of M. Aurelius. The subject is one of considerable difficulty, but it is treated with the most consummate skill, the result of complete knowledge and unrivalled critical sagacity. The minor only received a general curator when he made application to the prætor for that purpose: he had the right of proposing a person as curator, but the prætor might reject the person proposed. The curator, on being appointed, had, without the concurrence of the minor, as complete power over the minor's property as the tutor had up to the age of puberty. He could sue in respect of the minor's property, get in debts, and dispose of property like a tutor. But it was only the property which the prætor intrusted to him that he managed, and not the acquisitions of the minor subsequent to his appointment; and herein he differed from a tutor, who had the care of all the

1 (Plin, H. N., xvi., 33.—Virg., Æn., v., 64.—Horat., Carm., ii. 14, 23.)—2. (Gaius, i., 196.)—3. (Pseudolus, i., 3, 69.)—4. (Cic, De Nat. Deor., iii., 30.)

1. (Dig. 4, tit. 4.—De Minoribus xxv. Annis.)—2. (Capitolinus, c. 10.)—3. (Plaut., Pseudolus, i., 3, 69.)

property of the pupillus. If it was intended that the curator should have the care of that which the minor acquired after the curator's appointment, by will or otherwise, a special application for this purpose was necessary. Thus, as to the property which was placed under the care of the curator, both as regards alienation and the getting in of debts, the minor was on the same footing as the prodigus: his acts in relation to such matters, without the curator, were void. But the legal capacity of the minor to contract debts was not affected by the appointment of a curator, and he might be sued on his contract either during his minority or after. Nor was there any inconsistency in this: the minor could not spend his actual property by virtue of the power of the curator, and the preservation of his property during minority was the object of the curator's appointment. But the minor would have been deprived of all legal capacity for doing any act if he could not have become liable on his contract. The contract was not in its nature immediately injurious, and when the time came for enforcing it against the minor, he had the general protection of the restitutio. If the minor wished to be adrogated (*vid.* Adoptio), it was necessary to have the consent of the curator. It is not stated in the extant authorities what was the form of proceeding when it was necessary to dispose of any property of the minor by the mancipatio or in jure cessio; but it may be safely assumed that the minor acted (for he alone could act on such an occasion) and the curator gave his consent, which, in the case supposed, would be analogous to the auctoritas of the tutor. But it would differ from the auctoritas in not being, like the auctoritas, necessary to the completion of the legal act, but merely necessary to remove all legal objections to it when completed.

The cura of spendthrifts and persons of unsound mind, as already observed, owed its origin to the laws of the Twelve Tables. The technical word for a person of unsound mind in the Twelve Tables is *furiosus*, which is equivalent to *demens*; and both words are distinguished from *insanus*. Though *furor* implies *violence* in conduct, and *dementia* only *mental imbecility*, there was no legal difference between the two terms, so far as concerned the cura. *Insania* is merely weakness of understanding (*stultitia constantia, id est, sanitate vacans*[1]), and it was not provided for by the laws of the Twelve Tables. In later times, the prætor appointed a curator for all persons whose infirmities required it. This law of the Twelve Tables did not apply to a pupillus or pupilla. If, therefore, a pupillus was of unsound mind, the tutor was his curator. If an agnatus was the curator of a furiosus, he had the power of alienating the property of the furiosus.[2] The prodigus only received a curator upon application being made to a magistratus, and a sentence of interdiction being pronounced against him (*ei bonis interdictum est*[3]). The form of the interdictio was thus: "Quando tibi bona paterna avitaque nequitia tua disperdis, liberosque tuos ad egestatem perducis, ob eam rem tibi ea re commercioque interdico." The cura of the prodigus continued till the interdict was dissolved. It might be inferred from the form of the interdict, that it was limited to the case of persons who had children; but perhaps this was not so.

It will appear from what has been said, that, whatever similarity there may be between a tutor and a curator, an essential distinction lies in this, that the curator was specially the guardian of property, though in the case of a furiosus he must also have been the guardian of the person. A curator must, of course, be legally qualified for his functions, and he was bound, when appointed, to accept the duty, unless he had some legal exemption (*excusatio*). The curator was also bound to account at the end of the curatela, and was liable to an action for misconduct.

The word cura has also other legal applications: 1. *Cura bonorum*, in the case of the goods of a debtor, which are secured for the benefit of his creditors. 2. *Cura bonorum et ventris*, in the case of a woman being pregnant at the death of her husband. 3. *Cura hereditatis*, in case of a dispute as to who is the heres of a person, when his supposed child is under age. 4. *Cura hereditatis jacentis*, in the case of a property, when the heres had not yet declared whether or not he would accept the inheritance. 5. *Cura bonorum absentis*, in the case of property of an absent person who had appointed no manager of it.

This view of the curatela of minors is from an essay by Savigny, who has handled the whole matter in a way equally admirable, both for the scientific precision of the method, and the force and perspicuity of the language.[1]

CURATO'RES were public officers of various kinds under the Roman Empire, several of whom were first established by Augustus.[2] The most important of them were as follow:

I. Curatores Alvei et Ripārum, who had the charge of the navigation of the Tiber. The duties of their office may be gathered from Ulpian.[3] It was reckoned very honourable, and the persons who filled it received afterward the title of comites.

II. Curatores Annonæ, who purchased corn and oil for the state, and sold it again at a small price among the poorer citizens. They were also called *curatores emendi frumenti et olei*, and σιτῶναι and ἐλαιῶναι.[4] Their office belonged to the *personalia munera*; that is, it did not require any expenditure of a person's private property; but the curatores received from the state a sufficient sum of money to purchase the required amount.[5]

III. Curatores Aquarum. (*Vid.* Aquæ Ductus, p. 75.)

IV. Curatores Kalendarii, who had the care in municipal towns of the *kalendaria*, that is, the books which contained the names of the persons to whom public money, which was not wanted for the ordinary expenses of the town, was lent on interest. The office belonged to the *personalia munera*.[6] These officers are mentioned in inscriptions found in municipal towns.[7]

V. Curatores Ludorum, who had the care of the public games. Persons of rank appear to have been usually appointed to this office.[8] In inscriptions, they are usually called *curatores muneris gladiatorii*, &c.

VI. Curatores Operum Publicorum, who had the care of all public buildings, such as the theatres, baths, aquæducts, &c., and agreed with the contractors for all necessary repairs to them. Their duties, under the Republic, were discharged by the ædiles and censors. (*Vid.* Censores, p. 229.) They are frequently mentioned in inscriptions.[9]

VII. Curatores Regionum, who had the care of the fourteen districts into which Rome was divided

1. (Cic., Tusc. Quæst., iii., 5.)—2. (Gaius, ii., 64.)—3. (Comp. Cic., De Senec., c. 7.)

1. (Von dem Schutz der Minderjährigen, Zeitschrift., x.—Savigny, Vom Beruf, &c., p. 102.—Gaius, i., 197.—Ulp., Frag., xii.—Dirksen, Uebersicht, &c., Tab. v., Frag. 7.—Muckeldey, Lehrbuch des heutigen Römischen Rechts.—Thibaut, System des Pandekten-Rechts.—Marezoll, Lehrbuch, &c.—A reference to these authorities will enable the reader to carry his investigations farther, and to supply what is purposely omitted in the above sketch.)—2. (Suet., Oct., 37.)—3. (Dig. 43, tit. 15.)—4. (Dig. 50, tit. 5, s. 18, § 5.)—5. (Dig. 50, tit. 8, s. 9, § 5.)—6. (Dig. 50, tit. 4, s. 18, § 2; tit. 8, s. 9, § 7.—Heinecc., Antiq. Rom., iii., 15, 4.)—7. (Orelli, Inscrip., No. 3940, 4491.)—8. (Tacit., Ann., xi., 35; xiii., 22.—Suet., Cal., 27.)—9. (Orelli, Inscrip., No. 24, 1506, 2273.)

under the emperors, and whose duty it was to prevent all disorder and extortion in their respective districts. This office was first instituted by Augustus.[1] There were usually two officers of this kind for each district; Alexander Severus, however, appears to have appointed only one for each; but these were persons of consular rank, who were to have jurisdiction in conjunction with the præfectus urbi.[2] We are told that Marcus Antoninus, among other regulations, gave special directions that the curatores regionum should either punish, or bring before the præfectus urbi for punishment, all persons who exacted from the inhabitants more than the legal taxes.[3]

VIII. Curatores Reipublicæ, also called Logistæ, who administered the landed property of municipia.[4] Ulpian wrote a separate work, *De Officio Curatoris Reipublicæ.*

IX. Curatores Viarum. (*Vid.* Viæ.)

KYRBEIS (κύρβεις). (*Vid.* Axones.)

CU'RIA. (*Vid.* Curiæ.)

CU'RIÆ. The accounts which have come down to us of the early ages of Rome, represent the burghers or proper citizens (the *populus* of the Annals) to have been originally divided into three tribes, the Ramnes, Titienses, and Lueeres.[5] (*Vid.* Tribus.) Each of these tribes was composed of a union of ten curiæ (φρατρίαι) or wards, so that the whole number of the latter was thirty. Again, each of these thirty curiæ was formed of gentes or houses, the families constituting which were not of necessity related; just as at Athens the γεννῆται or members of a γένος, also called ὁμογάλακτες, were no way akin, but bore this name solely in consequence of their union.[6] Dionysius[7] farther informs us that Romulus divided the curiæ into deeads, *i. e.*, deeads of gentes or houses, at the head of which were offieers called deeurions: each of the three tribes, therefore, was originally composed of one hundred gentes (*vid.* Gens); and as in the old legion the three centuries of horse corresponded to the three tribes, so did the thirty centuries of foot represent the same number of curiæ. We need not, however, infer from this that the number of soldiers in each century was always a hundred.[8]

The euriæ whose names have eome down to us are only seven: the Forensis, Rapta, Faneia or Saueia, Tatiensis, Tifata, Veliensis, and Velita. Aceording to Livy,[9] these names were derived from the Sabine women carried off during the consualia; according to Varro,[10] from their leaders (ἄνδρες ἡγέμονες), by which he may mean Heroes Eponymi;[11] others, again, connect them with the neighbouring plaees.[12] The poetical story of the rape of the Sabine women probably indieates, that at one time no *connubium*, or right of intermarriage, existed between the Romans and the Sabines till the former extorted it by foree of arms. A more intimate union would, of course, be the consequence.

Eaeh of these thirty euriæ had a president (*curio*), who performed the sacred rights, a participation in whieh served as a bond of union among the members.[13] The curiones themselves, forming a eollege of thirty priests, were presided over by the *curio maximus*. Moreover, eaeh of these corporations had its common hall, also called curia, in which the citizens met for religious and other purposes.[14] But, besides the ialls of the old eorporations, there were also other curiæ at Rome used for a variety of purposes: thus we read of the *Curia Saliorum*, on the Palatine;[1] of the *Curia Calabra*, on the Capitoline said to have been so called from *calare*, because the pontifex minor there proelaimed to the people the number of days between the kalends and the nones of each month.[2] But the most important of all was the euria in which the senate generally met; sometimes simply ealled euria, sometimes distinguished by the epithet Hostilia, as it was said to have been built by Tullus Hostilius. This, however, was destroyed by fire, and in its plaee Augustus erected another, to which he gave the name of Curia Julia, though it was still oeeasionally called the Curia Hostilia.[3]

The reader of Niebuhr will be aware that the curiæ (we are now speaking of the corporations) were formed of the original burghers of the three patrician tribes, whose general assembly was the comitia curiata, and whose representatives originally formed the smaller assembly or senate. They were, in faet, essentially exelusive bodies, in whose hands were the whole government and property of the state; for the plebs whieh grew up around them, formed as it was of various elements, but not included in the euriæ, had for a long time no share in the government of the state or its property. Our own eountry, before the alteration in the laws relating to the franehise and municipal government, exhibited a parallel to this state of things. The freemen in many instanees enjoyed the franehise, and possessed the property of their respective boroughs, though their unprivileged fellow-citizens often exeeeded them both in numbers and influence. But it is the nature of all exclusive eorporations to deeline in power and everything else: and so it was at Rome; for in the later ages of the Republic, the euriæ and their comitia were little more than a name and a form. The *oblatio curiæ*, under the emperors, seems to show that to belong to a curia was then no longer an honour or an advantage, but a burden.[4]

In later ages, curia signified the senate of a colony in opposition to the senatus of Rome. (*Vid.* Colonia, p. 282.) Respeeting the etymology of the word, see Comitia, p. 295.

CURIA'TA COMI'TIA. (*Vid.* Comitia.)

CURIO. (*Vid.* Curiæ.)

KYR'IOS (κύριος) signifies generally the person that was responsible for the welfare of such members of a family as the law presumes to be ineapable of protecting themselves; as, for instance, minors and slaves, and women of all ages. Fathers, therefore, and guardians, husbands, the nearest male relatives of women, and masters of families, would all bear this title in respect of the viearious functions exereised by them in behalf of the respective objeets of their eare. The qualifications of all these, in respect of which they can be combined in one elass, designated by the term κύριος, were the male sex, years of discretion, freedom, and, when citizens, a sufficient share of the franchise (ἐπιτιμία) to enable them to appear in the law-courts as plaintiffs or defendants in behalf of their several eharges; in the case of the κύριος being a resident alien, the deficiency of franchise would be supplied by his Athenian patron (προστάτης). The duties to be performed, and, in default of their performance, the penalties ineurred by guardians, and the proeeedings as to their appointment, are mentioned under their more usual title. (*Vid.* Epitropoi.)

The business of those who were more especially designated κύριοι in the Attic laws was, to proteet the interests of women, whether spinsters or widows, or persons separated from their husbands. If a eitizen died intestate, leaving an orphan daughter,

1. (Suet., Octav., 30.)—2. (Lamprid., Alex. Sev., 33.)—3. (Jul. Capitol., M. Anton., 12.)—4. (Dig. 50, tit. 8, s. 9, § 2; 2, tit. 14, s. 37.)—5. (Liv., x., 6.)—6. (Niebuhr, Hist. Rom., i., 311, transl.)—7. (ii., 7.)—8. (Varro, De Ling. Lat., lib. iv.—Arnold, Hist. Rom., vol. i., p 25.)—9. (i., 13.)—10. (Dionys., ii., 47.)—11. (Niebuhr, Hist. Rom., i., 313, transl.)—12. (Plut., Rom.)—13. (Dionys., ii., 7, 64.)—14. (Dionys., ii., 23.)

1. (Cic., De Div., i., 11.)—2. (Facciol., s. v.)—3. (Cramer's Italy, vol. i., p. 402.)—4. (Heinecc., x., 24.)

the son, or the father, of the deceased was bound to supply her with a sufficient dowry, and give her in marriage; and take care, both for his own sake and that of his ward, that the husband made a proper settlement in return for what his bride brought him in the way of dower (*ἀποτίμημα*, Harpocr.). In the event of the death of the husband or of a divorce, it became the duty of the *κύριος* that had betrothed her to receive her back and recover the dowry, or, at all events, alimony from the husband or his representatives. If the father of the woman had died intestate, without leaving such relations as above mentioned surviving, these duties devolved upon the next of kin, who had also the option of marrying her himself, and taking her fortune with her, whether it were great or small.[1] If the fortune were small, and he were unwilling to marry her, he was obliged to make up its deficiencies according to a regulation of Solon;[2] if it were large, he might, it appears, sometimes even take her away from a husband to whom she had been married in the lifetime and with the consent of her father.

There were various laws for the protection of female orphans against the neglect or cruelty of their kinsmen; as one of Solon's,[3] whereby they could compel their kinsmen to endow or marry them; and another, which, after their marriage, enabled any Athenian to bring an action *κακώσεως*, to protect them against the cruelty of their husbands;[4] and the archon was specially intrusted with power to interfere in their behalf upon all occasions.[5] (*Vid.* Cacosis.)

*CURMA, CURMI, CORMA, and CURMON, a species of Ale mentioned by Sulpicius and Dioscorides. (*Vid.* Cerevisia.)

CURSO'RES were slaves, whose duty it was to run before the carriage of their masters, for the same purpose as our outriders. They were not used during the times of the Republic, but appear to have first come into fashion in the middle of the first century of the Christian æra. The slaves employed for this purpose appear to have frequently been Numidians.[6] The word cursores was also applied to all slaves whom their masters employed in carrying letters, messages, &c.[7]

CURSUS. (*Vid.* Circus, p. 256.)

*CURU'CA or CURRU'CA, a bird mentioned by Aristotle under the name of *ὑπολαΐς*.[8] Gaza translates this Greek term by *Curuca*. Gesner inclines to the opinion that it is the Titlark, or *Anthus pratensis*, Bechstein.

CURU'LIS SELLA. (*Vid.* Sella Curulis.)

CURRUS, *dim.* CURRI'CULUM (*ἅρμα*), a Chariot, a Car. These terms appear to have denoted those two-wheeled vehicles for the carriage of persons which were open overhead, thus differing from the *carpentum*, and closed in front, in which they differed from the *cisium*. One of the most essential articles in the construction of the currus was the *ἄντυξ*, or rim; and it is accordingly seen in all the chariots which are represented either in this article, or at p. 66, 209, 253. (*Vid.* Antyx.) Another indispensable part was the axle, made of oak (*φήγινος ἄξων*[9]), and sometimes also of ilex, ash, or elm.[10] The cars of Juno and Neptune have metallic axles (*σιδηρέος, χάλκεος ἄξων*[11]). One method of making a chariot less liable to be overturned was to lengthen its axle, and thus to widen the base on which it stood. The axle was firmly fixed under the body of the chariot, which, in reference to this circumstance, was called *ὑπερτερία*, and which was often made of wicker-work, enclosed by the *ἄντυξ*.[1] Fat (*λίπος*[2]) and pressed olives (*amurca*[3]) were used to grease the axle.

The wheels (*κύκλα, τροχοί, rotæ*) revolved upon the axle,[4] as in modern carriages; and they were prevented from coming off by the insertion of pins (*ἐμβολοι*) into the extremities of the axle (*ἀκραξονία*). Pelops obtained his celebrated victory over Œnomaus through the artifice of Hippodamia, who, wishing to marry Pelops, persuaded Myrtilus, the charioteer of his adversary, to omit inserting one of the linchpins in the axle of his car, or to insert one of wax.[5] She thus caused the overthrow and death of her father Œnomaus, and then married the conqueror in the race.

Sir W. Gell describes, in the following terms, the wheels of three cars which were found at Pompeii: "The wheels light, and dished much like the modern, 4 feet 3 inches diameter, 10 spokes, a little thicker at each end."[6] These cars were probably intended for the purposes of common life. From Xenophon we learn that the wheels were made stronger when they were intended for the field of battle. After each excursion the wheels were taken off the chariot, which was laid on a shelf or reared against a wall; and they were put on again whenever it was wanted for use.[7]

The parts of the wheel were as follows:

(*a.*) The nave, called *πλῆμνη*,[8] *χοινικίς, modiolus*.[9] The last two terms are founded on the resemblance of the nave to a modius or bushel. The nave was strengthened by being bound with an iron ring, called *πλημνόδετον*.[10]

(*b.*) The spokes, *κνῆμαι* (literally, *the legs*), *radii*. We have seen that the spokes were sometimes ten in number. In other instances they were eight (*κύκλα ὀκτάκνημα*[11]), six, or four. Instead of being of wood, the spokes of the chariot of the sun, constructed by Vulcan, were of silver (*radiorum argenteus ordo*[12]).

(*c.*) The felly, *ἴτυς*.[13] This was commonly made of some flexible and elastic wood, such as poplar[14] or the wild fig, which was also used for the rim of the chariot; heat was applied to assist in producing the requisite curvature.[15] The felly was, however, composed of separate pieces, called arcs (*ἀψῖδες*[16]). Hence the observation of Plutarch, that, as a "wheel revolves, first one apsis is at the highest point, and then another." Hesiod[17] evidently intended to recommend that a wheel should consist of four pieces.

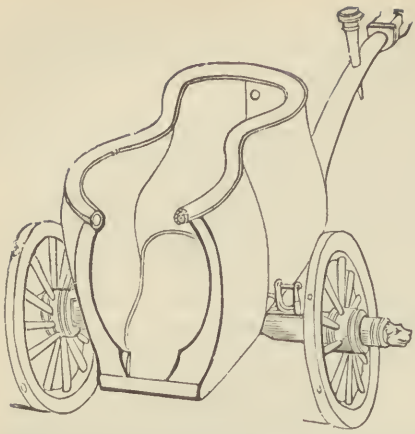
(*d.*) The tire, *ἐπίσωτρον, canthus*. Homer[18] describes the chariot of Juno as having a tire of bronze upon a golden felly, thus placing the harder metal in a position to resist friction, and to protect the softer. On the contrary, Ovid's description is more ornamental than correct: "*Aurea summæ curvatura rotæ.*"[19] The tire was commonly of iron.[20]

All the parts now enumerated are seen in an ancient chariot preserved in the Vatican, a representation of which is given in the following woodcut.

This chariot, which is in some parts restored, also shows the pole (*ῥυμός, temo*). It was firmly fixed at its lower extremity to the axle, whence the destruction of Phaëthon's chariot is represented

1. (Bunsen, De Jure Hæred. Athen., p. 46.)—2. (Demosth., c. Macart., 1068.)—3. (Diod. Sic., xii., p. 298.)—4. (Petit., Leg. Att., 543.)—5. (Demosth., c. Macart., 1076.)—6. (Senec., Ep., 87, 126.—Mart., iii., 47; xii., 24.—Petron., 28.)—7. (Suet., Ner., 49.—T t., 9.—Tacit., Agric., 43.)—8. (H. A., vi., 7.)—9. (Hom., Il., v., 838; imitated by Virgil, "faginus axis:" Georg., iii., 172.)—10 (Plin., H. N., xvi., 84.)—11. (Hom., Il., v., 723; xiii., 30.)

1. (Hom., Il., xxiii., 335, 436.—Hesiod, Scut., 306.)—2. (Jo. Tzetzes in Hes., Scut., 309.)—3. (Plutarch, H. N., xv., 8.)—4. (Tim., Lex. Plat.)—5. (Pherecydes, ap. Schol. in Apoll. Rhod., i., 752.)—6. (Pompeiana, Lond., 1819, p. 133.)—7. (Hom., Il., v., 722.)—8. (Hom., Il., v., 726; xxiii., 339.—Hesiod, Scut., 309.—Schol. in loc.)—9. (Plin., H. N., ix., 3.)—10. (Pollux, Onom.)—11. (Il., v., 723.)—12. (Ovid, Met., ii., 108.)—13. (Hom., Il., v., 724.)—14. (Il., iv., 482–486.)—15. (Il., xxi., 37, 38, compared with Theocrit., xxv., 247–251.)—16. (Hesiod, Op. et Dies, 426.)—17. (l. c.)—18. (Il., v., 725.)—19. (Met., ii., 107.)—20. (Hesychius.—Quintil., Inst. Or., i., 5, p. 88, ed. Spalding.)



by the circumstance of the pole and axle being torn asunder (*temone revulsus axis*[1]). At the other end (*ἀκροβρύμιον*) the pole was attached to the yoke, either by a pin (*ξμβολος*), as shown in the chariot above engraved, or by the use of ropes and bands. (*Vid.* Jugum.)

Carriages with two, or even three poles were used by the Lydians.[2] The Greeks and Romans, on the other hand, appear never to have used more than one pole and one yoke, and the currus thus constructed was commonly drawn by two horses, which were attached to it by their necks, and therefore called *δίζυγες ἵπποι*,[3] *συνωρίς*,[4] "gemini jugales,"[5] "equi bijuges."[6]

If a third horse was added, as was not unfrequently the case, it was fastened by traces. It may have been intended to take the place of either of the yoke horses (*ζύγιοι ἵπποι*) which might happen to be disabled. The horse so attached was called *παρήορος*. When Patroclus returned to battle in the chariot of Achilles, two immortal horses, Xanthus and Balius, were placed under the yoke; a third, called Pedasus, and mortal, was added on the right hand; and, having been slain, caused confusion, until the driver cut the harness by which this third horse was fastened to the chariot.[7] Ginzrot[8] has published two drawings of chariots with three horses from Etruscan vases in the collection at Vienna. The *ἵππος παρήορος* is placed on the right of the two yoke horses. (See woodcut at top of next column.) We also observe traces passing between the two *ἀντυγες*, and proceeding from the front of the chariot on each side of the middle horse. These probably assisted in attaching the third or extra horse.

The Latin name for a chariot and pair was *biga*. (*Vid.* Biga.) When a third horse was added, it was called *triga*; and, by the same analogy, a chariot and four was called *quadriga*; in Greek, *τεθριππος*.

The horses were commonly harnessed in a quadriga after the manner already represented, the two strongest horses being placed under the yoke, and the two others fastened on each side by means of ropes. This is implied in the use of the epithets *σειραῖος* or *σειραφόρος*, and *funalis* or *funarius*, for a horse so attached.[1] The two exterior horses were farther distinguished from one another as the right and the left trace-horse. In a chariot-race described by Sophocles,[2] the driver, aiming to pass the goal, which is on his left hand, restrains the nearest horse, and gives the reins to that which was farthest from it, viz., the horse in traces on the right hand (*ὁξιὸν δ' ἀνεὶς σειραῖον ἵππον*). In the splendid triumph of Augustus after the battle of Actium, the trace-horses of his car were ridden by two of his young relations. Tiberius rode, as Suetonius relates, "sinisteriore funali equo," and Marcellus "dexteriore funali equo." As the works of ancient art, especially fictile vases, abound in representations of quadrigæ, numerous instances may be observed in which the two middle horses (*ὁ μέσος δεξιὸς καὶ ὁ μέσος ἀριστερός*[3]) are yoked together as in a biga; and, as the two lateral ones have collars (*λέπαδνα*) equally with the yoke-horses, we may presume that from the top of these proceeded the ropes which were tied to the rim of the car, and by which the trace-horses assisted to draw it. The first figure in the annexed woodcut is the chariot of Aurora, as painted on a vase found at Canosa.[4] The reins of the two middle horses pass through

rings at the extremities of the yoke. All the particulars which have been mentioned are still more distinctly seen in the second figure, taken from a terra-cotta at Vienna.[5] It represents a chariot overthrown in passing the goal at the circus. The charioteer having fallen backward, the pole and yoke are thrown upward into the air; the two trace-horses have fallen on their knees, and the two yoke-horses are prancing on their hind legs.

If we may rely on the evidence of numerous

1. (Ovid, Met., ii., 316.)—2. (Æschyl., Pers., 47.)—3. (Hom., Il., v., 195; x., 473.)—4. (Xen., Hell., i., 2, § 1.)—5. (Virg., Æn., vii., 280.)—6. (Georg., iii., 91.)—7. (Hom., Il., xvi., 148–154, 467–474.)—8. (Wagen und Fahrwerke, vol. i., p. 342.)—9. (Ginzrot, v. ii., p. 107, 108.)

1. (Isid., Orig., xviii., 35.)—2. (Electra, 690–738.)—3. (Schol. in Aristoph., Nub., 122.)—4. (Gerhard. Über Lichtgottheiten, pl. iii., fig. 1.)

works of art, the currus was sometimes drawn by four horses without either yoke or pole; for we see two of them diverging to the right hand and two to the left, as in the beautiful cameo on p. 334, 1st col., which exhibits Apollo surrounded by the signs of the zodiac. If the ancients really drove the quadriga thus harnessed, we can only suppose the charioteer to have checked its speed by pulling up the horses, and leaning with his whole body backward, so as to make the bottom of the car at its hindermost border scrape the ground, an act and an attitude which seem not unfrequently to be intended in antique representations.

The currus, like the cisium, was adapted to carry two persons, and on this account was called in Greek *δίφρος*. One of the two was, of course, the driver. He was called *ἡνίοχος*, because he held the reins, and his companion *παραιβάτης*, from going by his side or near him. Though in all respects superior, the *παραιβάτης* was often obliged to place himself *behind* the *ἡνίοχος*. He is so represented in the biga at p. 66, and in the Iliad[1] Achilles himself stands behind his charioteer Automedon. On the other hand, a personage of the highest rank may drive his own carriage, and then an inferior may be his *παραιβάτης*, as when Nestor conveys Machaon (*πάρ' δὲ Μαχάων βαῖνε*[2]), and Juno, holding the reins and whip, conveys Minerva, who is in full armour.[3] In such cases a kindness, or even a compliment, was conferred by the driver upon him whom he conveyed, as when Dionysius, tyrant of Sicily, "himself holding the reins, made Plato his *παραιβάτης*."[4] In the contest which has been already referred to, and which was so celebrated in Greek mythology, Œnomaus intrusts the reins to the unfaithful Myrtilus, and assumes the place of his *παραιβάτης*, while Pelops himself drives with Hippodamia as his *παραιβάτις*, thus honouring her in return for the service she had bestowed.[5]

The Persepolitan sculptures, and the innumerable paintings discovered in Egyptian tombs, concur with the historical writings of the Old Testament, and with the testimony of other ancient authors, in showing how commonly chariots were employed on the field of battle by the Egyptians, the Persians, and other Asiatic nations. The Greek poetry of the heroic ages proves with equal certainty the early prevalence of the same custom in Greece. The *ἀριστῆες*, *i. e.*, the nobility, or men of rank, who wore complete suits of armour, all took their chariots with them, and in an engagement placed themselves in front.[6] Such were the *ἱππεῖς*, or cavalry of the Homeric period; the precursors of those who, after some centuries, adopted the less expensive and ostentatious practice of riding on horseback, but who, nevertheless, in consideration of their wealth and station, still maintained their own horses, rather to aid and exhibit themselves individually on the field than to act as members of a compact body. In Homer's battles we find that the horseman, who, for the purpose of using his weapons, and in consequence of the weight of his armour, is under the necessity of taking the place of *παραιβάτης* (see the woodcut of the triga, p. 332), often assails or challenges a distant foe from the chariot; but that, when he encounters his adversary in close combat, they both dismount, "springing from their chariots to the ground," and leaving them to the care of the *ἡνίοχοι*.[7] So likewise Turnus is described by Virgil, "Desiluit Turnus bijugis; pedes apparat ire Comminus."[8] As soon as the hero had finished the trial of his strength with his opponent, he returned to his chariot, one of the chief uses of which was to rescue him from danger. When Automedon prepares to encounter both Hector and Æneas, justly fearing the result, he directs his charioteer, Alcimedon, instead of driving the horses to any distance, to keep them "breathing on his back,"[9] and thus to enable him to effect his escape in case of need.

These chariots, as represented on bas-reliefs and fictile vases, were exceedingly light, the body often consisting of little besides a rim fastened to the bottom and to the axle. Unless such had been really their construction, it would be difficult to imagine how so great a multitude of chariots could have been transported across the Ægean Sea. Homer also supposes them to be of no greater weight; for, although a chariot was large enough to convey two persons standing, not sitting, and on some occasions was also used to carry off the armour of the fallen,[2] or even the dead body of a friend,[3] yet Diomed, in his nocturnal visit to the enemy's camp, deliberates[4] whether to draw away the splendid chariot of Rhesus by the pole, or to carry it off on his shoulder. The light and simple construction of war-chariots is also supposed by Virgil,[5] when he represents them as suspended with all kinds of armour on the entrance to the temple of the Laurentian Picus.

We have already seen that it was not unusual, in the Homeric battles, to drive three horses, one being a *παρήορος*: in a single instance, that of Hector, four are driven together.[6] In the games, the use of this number of horses was, perhaps, even more common than the use of two. The form of the chariot was the same, except that it was more elegantly decorated. But the highest style of ornament was reserved to be displayed in the quadrigæ, in which the Roman generals and emperors rode when they triumphed. The body of the triumphal car was cylindrical, as we often see it represented on medals. It was enriched with gold (*aureo curru*[7]) and ivory.[8] The utmost skill of the painter and the sculptor was employed to enhance its beauty and splendour. More particularly the extremities of the axle, of the pole, and of the yoke, were highly wrought in the form of animals' heads. Wreaths of laurel were sometimes hung round it (*currum laurigerum*[9]), and were also fixed to the heads of the four snow-white horses[10] The car was elevated so that he who triumphed might be the most conspicuous person in the procession, and, for the same reason, he was obliged to stand erect (*in curru stantis eburno*[11]). A friend, more especially a son, was sometimes carried in the same chariot by his side.[12] When Germanicus celebrated his triumph, the car was "loaded" with five of his children in addition to himself.[13] The triumphal car had, in general, no pole, the horses being led by men who were stationed at their heads.

The chariot was an attribute not only of the gods, but of various imaginary beings, such as Victory, often so represented on coins, vases, and sculptures (*biga, cui Victoria insitterat*[14]); Night (*Nox bigis subvecta*[15]); and Aurora, whom Virgil represents as driving either two horses[16] or four,[17] in this agreeing with the figure in our last woodcut. In general, the poets are more specific as to the number of horses in the chariots of the deities, and it rarely exceeded two. Jupiter, as the father of the gods,

1. (xix., 397.)—2. (Il., xi., 512, 517.)—3. (v., 720–775.)—4. (Ælian, V. H., iv., 18.)—5. (Apollon. Rhod., i., 752–758.)—6. (*Vid.* p. 94, 97.)—7. (Il., iii., 29; xvi., 423, 427; xvii., 480–483. Hesiod, Scut. Herc., 370–372.)—8. (Æn., x., 453.)

1. (Il., xvii., 502.)—2. (Il., xvii., 540.)—3. (Il., xiii., 657—4. (Il., x., 503–505.)—5. (Æn., vii., 184.)—6. (Il., vii., 185.)—7 (Flor., i., 5.—Hor., Epod., ix., 22.)—8. (Ovid, Trist., iv., 2, 63—Pont., iii., 4, 35.)—9. (Claudian, De Laud. Stil., ii., 20.)-Tert. Cons. Honor., 130.)—10. (Mart., vii., 7.)—11. (Ovid, l c.)—12. (Val. Max., v., 10, § 2.)—13. (Tac., Ann., ii., 41)—14 (Tacit., Hist., i., 86.)—15. (Virg., Æn.,, 721.)—16 (vi —17. (v 535.)

drives four white horses when he goes armed with his thunderbolt to resist the giants: Pluto is drawn by four black horses. The following line,

"*Quadrijugis et Phœbus equis, et Delia bigis*,"[1]

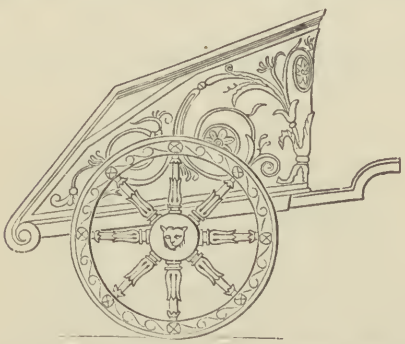
is in accordance not only with numerous passages of the poets, but with many works of art. A bronze lamp[2] shows the moon, or Diana, descending in a biga, and followed by Apollo, who is crowned with rays as he rises in a quadriga. The same contrast is exhibited in the annexed woodcut, showing the devices on two gems in the royal collection at Berlin. That on the left hand, representing Apollo encircled by the twelve signs, calls to mind the en-

graving on the seal of Amphitryon, "Cum quadrigis sol exoriens."[3] In the Æneid,[4] Latinus drives a chariot and four to express his claim to be descended from Apollo. The chariots of Jupiter and of the Sun are, moreover, painted on ancient vases with wings proceeding from the extremities of the axle (*πτηνὸν ἅρμα*;[5] *volucrem currum*[6]).

These supernatural chariots were drawn not only by horses, but by a great variety of brute or imaginary beings. Thus Medea received from the Sun a car with winged dragons.[7] Juno is drawn by peacocks,[8] Diana by stags,[9] Venus by doves or swans, Minerva by owls, Mercury by rams, and Apollo by griffons. To the car of Bacchus, and, consequently, of Ariadne (*vid.* CAPISTRUM, p. 209), are yoked centaurs, tigers and lynxes:

"*Tu bijugum pictis insignia frenis*
Colla premis lyncum."[10]

Chariots executed in terra-cotta (*quadrigæ fictiles*[11]), in bronze, or in marble, an example of which last is shown in the annexed woodcut from an ancient chariot in the Vatican, were among the most beautiful ornaments of temples and other public edifices



No pains were spared in their decoration; and Pliny informs us[12] that some of the most eminent artists were employed upon them. In numerous instances they were designed to perpetuate the fame of those who had conquered in the chariot-race.[13] As the emblem of victory, the quadriga was sometimes adopted by the Romans to grace the triumphal arch by being placed on its summit; and even in the private houses of great families, chariots were displayed as the indications of rank, or the memorials of conquest and of triumph.[1]

CUSTO'DES. (*Vid.* COMITIA, p. 297.)

CY'ATHUS (*κύαθος*), a Greek and Roman liquid measure, containing one twelfth of the sextarius or ·0825 of a pint English. It was, in later times at least, the measure of the common drinking-glass among the Romans, who borrowed it from the Greeks.[2] The form of the cyathus used at banquets was that of a small ladle, by means of which the wine was conveyed into the drinking-cups from the large vessel (*κρατήρ*) in which it was mixed.[3] Two of these cyathi are represented in the annexed woodcut from the Museo Borbonico, vol. iv., pl. 12

The cyathus was the *uncia*, considered with reference to the sextarius as the unit: hence we have *sextans* used for a vessel containing the sixth of the sextarius, or two cyathi, *quadrans* for one containing three cyathi, *triens* for four cyathi, *quincunx* for five cyathi, &c.[4]

*CYCLAM'INUS (*κυκλάμινος*), a plant, of which Dioscorides mentions two species. The first appears to be the *Cyclamen Europæum*, or common Sow-bread. About the second there has been much difference of opinion. Dodonæus and Hardouin conclude that it was the Bitter-sweet (*Salanum dulcamara*); but Sprengel follows Gesner in referring it to the *Lonicera periclymenum*, or Woodbine.[5]

*CYCNUS (*κύκνος*). This appellation, as Adams remarks, is generally applied to the *Anas Cycnus*, L., or Wild Swan; but sometimes also to the *Anas Olor*, or Tame Swan. It is to the wild swan that the Homeric epithet *δουλιχόδειρος*, "long-necked," is particularly applicable.[6] "It is to this species (the *Anas Cycnus*)," observes Griffith, "that the ancients attributed so melodious a voice: but this opinion, however accredited, was not universal. It was contested by Lucian, Pliny, and Ælian; and even Virgil speaks only of the disagreeable cries of the swan. Some moderns have, notwithstanding, adopted the popular notions of the ancients on this subject, and, even in contradiction to the evidence of their senses, have endeavoured to persuade themselves of its truth. It is sufficient to observe, from all creditable evidence, that the opinion is utterly unfounded. The swan neither sings during its lifetime, nor, as some assert, just before its death. The comparatively modern discovery of the Black Swan seems to lead to the conclusion that the *Cycnus Niger* of antiquity was not altogether a fabulous creature."[7]

1. (Manil., v., 3.)—2. (Bartoli, Ant. Lucerne, n., 9.)—3. (Plaut., Amphit., i., 1, 266.)—4. (xii., 162.)—5. (Plato, Phæd.)—6. (Hor., Carm., i., 34, 8.)—7. (Apollod., i., 9, 28.)—8. (Ovid, Met., ii., 531.)—9. (Claudian, De Laud. Stil., iii., 285-290.—Combe, Phigalian Marbles, pl. xi.)—10. (Ovid, Met., iv., 23.)—11. (Plin., H. N., xxviii., 4.)—12. (H. N., xxxiv., 19.)—13. (Paus., vi., 10.)

1. (Juv., viii., 3.)—2. (Varro, De Ling. Lat., v., 124, ed. Müller.)—3. (Becker, Charikles, vol. i., p. 463.)—4. (Wurm, De Pond. Mens., &c.—Hussey on Ancient Weights, &c.)—5. (Theophrast., H. P., vii., 9.—Dioscor., ii., 193.—Hardouin ad Plin. H. N., xxv. 68.)—6. (Adams, Append., s. v.)—7. (Griffith's Cuvier, vol. viii., p. 60.)

*CYDONIUM MALUM, the Quince, the fruit of the *Pirus Cydonia*. The name arose from that of the city of Cydon, in Crete, whence they were first brought to Greece. Cato first gave it the appellation of *Cotoneum malum*, and Pliny followed him. The ancient writers mention several varieties of the Quince: thus the true ones (*κυδώνια*) were small and round; another kind, the *στρούθεια*, was of a large size, and sweeter than the former. Columella enumerates three kinds, namely, *Struthea*, *Mustea*, and *Chrysomela*. The last, however, belongs to the orange family. The Quince-tree is still called *κυδωνιά* in northern Greece. According to Sibthorp, it is cultivated in gardens with the apple-tree.[1]

*CYMINDIS (*κυμινδίς*). (*Vid.* HIERAX.)

CYCLAS (*κυκλάς*) was a circular robe worn by women, to the bottom of which a border was affixed, inlaid with gold.

"*Hæc nunc aurata cyclade signat humum.*"[2]

Alexander Severus, in his other attempts to restrain the luxury of his age, ordained that women should only possess one cyclas each, and that it should not be adorned with more than six unciæ of gold.[3] The cyclas appears to have been usually made of some thin material (*tenui in cyclade*[4]). It is related, among other instances of Caligula's effeminacy, that he sometimes went into public in a garment of this description.[5] For the literature of this subject, see Ruperti, *ad Juv.*, vi., 259.

CYMBA (*κύμβη*) is derived from *κύμβος*, a hollow, and is employed to signify any small kind of boat used on lakes, rivers, &c.[6] It appears to have been much the same as the *ἀκάτιον* and *scapha*. (*Vid.* ACATION.)

CYMBALUM (*κύμβαλον*), a musical instrument, in the shape of two half globes, which were held, one in each hand, by the performer, and played by being struck against each other. The word is originally Greek, being derived from *κύμβος*, a hollow, with which the Latin *cymba*, *cymbium*, &c., seem to be connected. In Greek it has several other significations, as the cone of a helmet;[7] it is also used for *ἀρδανία*,[8] the vessel of purification placed at the door of a house where there had been death.[9] Besides this, it is often employed metaphorically for an empty, noisy person, as in 1 Corinthians, xiii., 1, or, as Tiberius Cæsar called Apion the grammarian, *Cymbalum mundi*.[10] In the middle-age Latin it is used for a church or convent-bell, and sometimes for the dome of a church.[11]

1. (Plin., H. N., xv., 11.—Columell., v., 10.—Ovid, A. A., iii., 705.—Billerbeck, Flora Classica, p. 132.)—2. (Prop., IV., vii., 40.)—3. (Lamprid., Alex. Sev., c. 41.)—4. (Juv., vi., 259.)—5. (Suet., Cal., 52.)—6. (Cic., De Off., iii., 14.—Æn., vi., 303.)—7. (Salmas., Exerc. Plin., 385.)—8. (Hesych., s. v.)—9. (Eurip., Alcest., 98.)—10. (Plin. in Præf., H. N.)—11 (Godin, Descr. S. Soph., 147.)

Several kinds of cymbals are found on ancient monuments, and, on the other hand, a great many names have been preserved by the grammarians and lexicographers; but the descriptions of the latter are so vague, that it is impossible to identify one with the other. A large class of cymbals was termed *κρούματα*, which, if they were really distinct from the *κρόταλα*, as Spohn and Lampe suppose, cannot now be exactly described. (*Vid* CROTALUM.) The preceding drawing of a *κροῦμα* is taken from an ancient marble, and inserted on the authority of Spohn.[1]

The *κρέμβαλα* mentioned in the Homeric hymn to Apollo[2] were of this kind, played on by a chorus of Delians. The scabilla or *κρουπέζια* were also on the same principle, only played with the foot, and inserted in the shoe of the performer; they were used by flute-players, perhaps to beat time to their music.[3]

Other kinds of cymbals were, the *πλαταγή*, an invention of Archytas, mentioned by Aristotle,[4] and its diminutive *πλαταγώνιον*, which, from the description of Julius Pollux and Hesychius,[5] appears to have been a child's rattle; *ὀξύβαφα*, the two parts of which Suidas tells us[6] were made of different materials, for the sake of variety of sound; *κοτύλαι*, mentioned in the fragments of Æschylus, with several others noted by Lampe in his work *De Cymbalis*, but perhaps without sufficient authority.

The cymbal was usually made in the form of two half globes, either running off towards a point so as to be grasped by the whole hand, or with a handle. It was commonly of bronze, but sometimes of baser material, to which Aristophanes alludes.[7] The subjoined woodcut of a cymbalistria is taken from an ancient marble, and given on the authority of Lampe. See also the figure in page 189.

The cymbal was a very ancient instrument, being used in the worship of Cybele, Bacchus, Juno and all the earlier deities of the Grecian and Roman mythology. It probably came from the East, from whence, through the Phœnicians, it was conveyed to Spain.[8] Among the Jews it appears (from 2 Chron., v., 12, 13.—Nehem., xii., 27) to have been an instrument in common use. At Rome we first hear of it in Livy's account of the Bacchic orgies, which were introduced from Etruria.[9]

For *sistrum*, which some have referred to the class of *cymbala*, see SISTRUM.

*CYNOCEPH'ALI (*κυνοκέφαλοι*), a fabulous race, with the heads of dogs, mentioned by Pliny and others as dwelling in the interior of Africa. The Cynocephali of the ancients, however, were in reality a species of large baboon, with elongated, dog-like head, flat and compressed cheeks, projecting and strong teeth, and a forehead depressed below

1. (Miscell., sec. 1, art. vi., fig. 44.)—2. (161–164.)—3. (Pollux, Onom., x., 33.)—4. (Pol., viii., 6.)—5. (s. v.)—6. (s. v.)—7. (Ranæ, 1305.)—8. (Compare Martial's Bætica Crotala—9. (xxxix., 9.)

the level of the superior margins of the orbits. Notwithstanding this close approximation to the shape of the dog's head, the form and position of the eyes, combined with the similarity of the arms and hands, gave to these creatures a resemblance to humanity as striking as it is disgusting.[1]

*CYNOGLOSSUM (*κυνόγλωσσον* or *-ος*), the Hounds'-tongue, or *Cynoglossum officinale*. Culpepper, the English herbalist, says, with respect to the etymology of the word, "it is called Hounds'-tongue because it ties the tongues of dogs; whether true or not, I have never tried."[2]

II. The name of a fish mentioned by Athenæus. Rondelet supposes it a species of the Bouglossus or Sole.[3]

*CYNOCRAMBE (*κυνοκράμβη*), a plant, which Sprengel, in his history of Botany, sets down as the *Chenopodium album*, or white Goose-foot; but in his edition of Dioscorides he joins Bauhin in holding it to be the *Thelygonum cynocrambe*.[4]

*CYNOMYIA (*κυνομυῖα*), the Dog-fly, or *Musca canina*.[5]

*CYNORAIS'TES (*κυνοραϊστής*), the Dog-tick, or *Acarus Ricinus*, L.[6]

*CYNOR'ODON (*κυνόροδον*). "None of the commentators," observes Adams, "offer any explanation of what it was; but, as the word signifies the Dog-rose, or *Rosa canina*, it is probable that it was the same as the *κυνόσβατον*."[7]

*CYNOSBATUM (*κυνόσβατον*). "The commentators are not quite agreed respecting this plant," observes Adams. "Dierbach makes it to be the *Rosa pomifera*; Sprengel follows Dodonæus in referring it to the *Rosa canina*, or Hep-tree; and Stackhouse at first inclines to this opinion, but afterward decides in favour of the *Rubus Idæus*. I am of opinion that it was most probably the *Rosa canina*."[8]

*CYNOPS (*κύνωψ*). Both Sprengel and Stackhouse call this plant *Plantago Cynops*, but the latter hesitates about making it the *P. Psyllium*, or Flea-wort.[9]

*CYPE'RUS (*κύπειρος* or *-ον*), the *Cyperus rotundus*, a plant still very common on the Greek islands. It is mentioned by Theocritus as an agreeable plant, and is also noticed by Homer and Nicander. According to Dodwell, the roots are taken medicinally for disorders of the stomach. The leaves are used for stringing and bringing the roots to Athens, and for tying the wild figs on the cultivated tree.[10]

*CYPRUS (*κύπρος*), a plant; according to Pliny, the same with the *Ligustrum*. Martyn, however, remarks, that Prosper Alpinus found plenty of plants in Egypt answering to Dioscorides' description of the Cyprus, but at the same time declared that the Italian Ligustrum, or Privet, did not grow in Egypt. It has since been settled, according to Adams, that it is a species of *Lawsonia*, either the *inermis* or the *alba*, Lam.[11]

*CYT'ISUS (*κύτισος*). "There has been considerable diversity of opinion respecting this plant. The point, however, seems at last to have been settled by Martyn and Sprengel in favour of the *Medicago arborea*, or Tree Medick." Sibthorp found the *M. arborea* growing among the rocks around Athens.[12]

1. (Plin., H. N., vi., 30; viii., 54; xxxvii., 9.)—2. (Dioscor., iv., 128.—Adams, Append., s. v.)—3. (Athen., vii., p. 321.)—4. (Dioscor., iv., 192.—Adams, Append., s. v.)—5. (Ælian, N. A., iv., 51.)—6 (Hom., Od., xvii., 300.—Aristot., H. P., v., 25.)—7. (Theophrast., H. P., iv., 4.)—8. (Theophrast., H. P., iii., 18.—Dioscor., i., 123.—Adams, Append., s. v.)—9. (Theophrast., H. P., vii., 8.)—10. (Theophrast., H. P., i., 8; iv., 10.—Dioscor., i., 4.—Adams, Append., s. v.)—11. (Theophrast., Fr., iv., 25.—Dioscor., i., 124.—Plin., H. N., xvi., 18.—Martyn ad Virg., Eclog., ii. 18.)—12. (Theophrast., H. P., i., 6.—Dioscor., iv., 111.)

D.

DACTYLIOTHE'CA (*δακτυλιοθήκη*). a case or box where rings were kept.[1] The name was also applied to a cabinet or collection of jewels. We learn from Pliny[2] that Scaurus, the stepson of Sulla was the first person at Rome who had a collection of this kind, and that his was the only one till Pompey brought to Rome the collection of Mithradates, which he placed in the Capitol. Julius Cæsar also placed six dactyliothecæ in the Temple of Venus Genetrix.[3]

DACT'YLUS (*δάκτυλος*). (*Vid.* Pes).

DADU'CHUS (*δαδοῦχος*). (*Vid.* Eleusinia).

DÆDA'LA (*Δαίδαλα*), a festival celebrated in Bœotia in honour of Hera, surnamed *Νυμφευομένη* or *Τελεία*.[4] Its origin and mode of celebration are thus described by Pausanias:[5] Hera was once angry with Zeus, and withdrew herself to Eubœa. Zeus not being able to persuade her to return, went to Cithæron, who then governed Platææ, and who was said to be unequalled in wisdom. He advised Zeus to get a wooden statue, to dress and place it upon a chariot, and to say that it was Platæa, the daughter of Asopus, whom he was going to marry. Zeus followed the advice of Cithæron, and no sooner had Hera heard of her husband's projected marriage than she returned. But when, on approaching the chariot and dragging off the coverings, she saw the wooden statue, she was pleased with the device, and became reconciled to Zeus. In remembrance of this reconciliation, the Platæans solemnized the festival of the dædala, which owes its name to *Δαίδαλα*, the appellation by which, in ancient times, statues and other works of ingenious and curious workmanship were designated.[6] Pausanias was told that the festival was held every seventh year; but he believes that it took place at shorter intervals, though he was unable to discover the exact time.

We have to distinguish between two festivals of this name: one, which was celebrated by the Platæans alone, was called the *lesser Dædala* (*Δαίδαλα μικρά*), and was held in the following manner: In the neighbourhood of Alalcomene was the greatest oak-forest of Bœotia, and in it a number of oak-trunks. Into this forest the Platæans went, and exposed pieces of cooked meat to the ravens, attentively watching upon which tree any of the birds, after taking a piece of the meat, would settle: and the trees on which any of the ravens settled were cut down and worked into dædala, *i. e.*, roughly-hewn statues.

The *great Dædala* (*Δαίδαλα μέγαλα*), in the celebration of which the Platæans were joined by the other Bœotians, took place every sixtieth year; because at one time, when the Platæans were absent from their country, the festival had not been celebrated for a period of sixty years. At each of the lesser Dædala fourteen statues were made in the manner described above, and distributed by lot among the towns of Platææ, Coronea, Thespiæ, Tanagra, Chæronea, Orchomenos, Lebadea, and Thebes; the smaller towns took one statue in common. The Bœotians assembled on the banks of the Asopus; here a statue of Hera was adorned and raised on a chariot, and a young bride led the procession. The Bœotians then decided by lot in what order they were to form the procession, and drove their chariots away from the river and up Mount Cithæron, on the summit of which an altar was erected of square pieces of wood, fitted together like stones. This altar was covered with a quanti-

1. (Mart., xi., 59.)—2. (H. N., xxxvii., 5.)—3. (Plin., l. c.)—4. (Paus., ix., 2, 5.)—5. (Paus., ix., 3, 1, &c.)—6. (Dezam, Lexic., s. v. *Δαίδαλος*.)

ly of dry wood, and the towns, persons of rank, and other wealthy individuals, offered each a heifer to Hera and a bull to Zeus, with plenty of wine and incense, and at the same time placed the dædala upon the altar. For those who did not possess sufficient means, it was customary to offer small sheep; but all their offerings were burned in the same manner as those of the wealthier persons. The fire consumed both offerings and altar, and the immense flame thus kindled was seen far and wide.

The account of the origin of the dædala given by Pausanias agrees in the main points with the story related by Plutarch,[1] who wrote a work on the Platæan dædala; the only difference is, that Plutarch represents Zeus as receiving his advice to deceive Hera from Alalcomenes, and that he calls the wooden statue by which the goddess was to be deceived Dædala instead of Platæa. Plutarch also adds some remarks respecting the meaning of the festival, and thinks that the dispute between Zeus and Hera had reference to the physical revolutions to which Bœotia, at a very remote period, had been subject, and their reconciliation to the restoration of order in the elements.[2]

*DACRYDION (*δακρύδιον*), a name for Scammony, given to it by Alexander of Tralles. (*Vid.* Scammonia.)[3]

*DACTYLI (*δάκτυλοι*), the fruit of the Palm-tree The earlier Greek writers called this by the names of *φοίνικες*, *φοίνικος βάλανοι*, and *φοινικοβάλανοι*. The appellation *δάκτυλοι* occurs first in the works of the medical authors, but came afterward into general use; from it the name of the fruit in question is derived in all the modern languages of Europe. Thus they are called *dactyles* in Spanish, *dattili* in Italian, *datteln* in German, and *dates* in French and English. (*Vid.* Phœnix.)[4]

*DAMASONIUM (*δαμασώνιον*), a plant, the same, according to Galen, with the *ἄλισμα* of Dioscorides. Stephens calls it *Plantago aquatica*. Cordus, Sprengel, and Sibthorp accordingly acknowledge it as the Water Plantain, or *Alisma plantago*, L.[5]

DAMNI INJURIA ACTIO. The Aquilia lex, in the first chapter, provided that, if a man unlawfully (*injuria*) killed a slave or quadruped (*quæ pecudum numero sit*) which belonged to another, he was bound to pay to the owner the highest value that the slave or animal had within the year preceding the unlawful act. By the third chapter he was bound to pay the highest value that the slave or animal had within the thirty days preceding the unlawful act. A person whose slave was killed (*injuria*) might either prosecute the offender capitally (*capitali crimine*), or might bring his action for damage under this lex. The actions of the lex Aquilia (*actiones directæ*) were limited to damage done by actual contact (*corpore*), and only the owner of the thing damaged could sue. Afterward, an actio utilis was given in the case where the injury was done *corpori* but not *corpore*; as if a man persuaded a neighbour's slave to get up a tree, and he fell down and died, or was injured: such actio was also given to him who had a jus in re.[6]

DAMNUM signifies generally any injury to a person's property, and it is either damnum factum, datum, damage done, or damnum infectum, metuendum, damage apprehended. (*Vid.* Damnum Infectum.) Damage done to our actual property is simply called damnum; that damage which is caused by our being prevented from acquiring a certain gain is called lucrum cessans: both are sometimes comprehended under the phrase "id quod interest," though this expression is more frequently applied to that compensation which a man claims beyond the bare value of the thing damaged, and sometimes it signifies the bare loss only. To make good any damage done is called damnum præstare.

The causes of damnum are either chance (*casus*) or the acts of human beings, which, when characterized by dolus malus or culpa, become damnum in the restricted and legal sense. (*Vid.* Culpa.) Delay (*mora*) is included by some writers under the causes of damnum, but it might be appropriately considered as a form of culpa.

DAMNUM INFECTUM is damage not done, but apprehended. For instance, if a man feared that mischief might happen to his property from the dilapidated state of his neighbour's buildings, he could require from the owner, or from the occupier who had a jus in re, or even from the possessor, security (*cautio*) against the mischief that was apprehended. The mode of obtaining this cautio was by the damni infecti actio. The actor was obliged to swear that he did not require the cautio, calumniæ causa. If the cautio was not given within the time named by the judex, the actor was permitted to take possession of the ruinous edifice. If a man's house fell and injured the house of a neighbour before any cautio had been given, the sufferer had no right of action, if the person whose house had tumbled down was content to relinquish all right to what had fallen on his neighbour's premises.[1]

DAMOSIA (*δαμοσία*), the escort or suite of the Spartan kings in time of war. It consisted of his tent comrades (*σύσκηνοι*), to whom the polemarchs, Pythians, and three of the equals (*ὅμοιοι*) also belonged;[2] of the prophets, surgeons, flute-players, volunteers in the army,[3] Olympian conquerors,[4] public servants, &c. The two ephors who attended the king on military expeditions also formed part of the damosia.[5]

DANAKE (*δανάκη*), the name of a foreign coin, according to Hesychius[6] worth a little more than an obolos. According to some writers it was a Persian coin.[7] This name was also given to the obolos which was placed in the mouth of the dead to pay the ferryman in Hades.[8] At the opening of a grave at Same in Cephallenia, a coin was found between the teeth of the corpse.[9]

DANEION. (*Vid.* Interest of Money.)

*DAPHNE (*δάφνη*), the *Laurus* of the Romans, and our Bay-tree; not the *Laurel*, as it is frequently rendered. "Translators," observes Martyn, "frequently confound the Laurel and the Bay, as if they were the same tree, and what the Romans called *Laurus*. Our Laurel was hardly known in Europe till the latter end of the sixteenth century, about which time it appears to have been brought from Trebizond to Constantinople, and thence into most parts of Europe. The Laurel has no fine smell, which is a property ascribed to the *Laurus* by Virgil. Nor is the Laurel remarkable for crackling in the fire, of which there is abundant mention with regard to the *Laurus*. These characters agree very well with the Bay-tree, which seems to be most certainly the *Laurus* of the ancients, and is at this time frequent in the woods and hedges of Italy. The first discoverers of the *Laurus* gave it the name of *Laurocerasus*, because it has a leaf something like a bay and a fruit like a cherry."[1]

1. (ap. Euseb., De Præparat. Evang., iii., p. 83, and Fragm., p. 759, &c., ed. Wyttenb.)—2. (*Vid.* Creuzer, Symbol. und Mythol., ii., p. 580, and Müller's Orchom., p. 211, &c.)—3. (Adams, Append., s. v.)—4. (Adams, Append., s. v.)—5. (Galen, De Simp. vi.—Paul. Ægin., vii., 3.—Dioscorides, iii., 154.—Adams, Append., s. v.)—6. (Gaius, iii., 210, &c.—Dig. 9, tit. 2.)

1. (Dig. 39, tit. 2.)—2. (Xen., Rep. Lac., xiii., 1.)—3. (Xen., Rep. Lac., xiii., 7.)—4. (Plut., Lyc., 22.)—5. (Müller, Dorians, iii., 12, § 5.)—6. (s. v.)—7. (Pollux, Onom., ix., 82, and Hemsterh. ad loc.)—8. (Hesych., s. v.—Lucian, De Luctu, c. 10.)—9. (Stackelberg, Die Gräber der Hellenen, p. 42.—Becker, Charikles, ii., p. 10.)—10 (Martyn ad Virg., Georg., i., 306.)

it short, as Adams remarks, the *δάφνη* is the *Laurus nobilis*, L. The *δάφνη Ἀλεξάνδρεια* of Dioscorides is unquestionably, according to the same authority, the Butcher's Broom, or Alexandrean Laurel, i. e., *Ruscus Hypoglossum*.[1]

DAPHNEPHORIA (*Δαφνηφορία*), a festival celebrated every ninth year at Thebes in honour of Apollo, surnamed Ismenius or Galaxius. Its name was derived from the branches of bay (*δάφναι*) which were carried by those who took part in its celebration. A full account of the festival is given by Proclus.[2] At one time all the Æolians of Arne and the adjacent districts, at the command of an oracle, laid siege to Thebes, which was at the same time attacked by the Pelasgians, and ravaged the neighbouring country. But when the day came on which both parties had to celebrate a festival of Apollo, a truce was concluded, and on the day of the festival they went with bay-boughs to the temple of the god. But Polematas, the general of the Bœotians, had a vision, in which he saw a young man who presented to him a complete suit of armour, and who made him vow to institute a festival, to be celebrated every ninth year, in honour of Apollo, at which the Thebans, with bay-boughs in their hands, were to go to his temple. When, on the third day after this vision, both parties again were engaged in close combat, Polematas gained the victory. He now fulfilled his promise, and walked himself to the temple of Apollo in the manner prescribed by the being he had seen in his vision. And ever since that time, continues Proclus, this custom has been strictly observed. Respecting the mode of celebration, he adds: At the daphnephoria they adorn a piece of olive-wood with garlands of bay and various flowers; on the top of it a brazen globe is placed, from which smaller ones are suspended; purple garlands, smaller than those at the top, are attached to the middle part of the wood, and the lowest part is covered with a crocus-coloured envelope. By the globe on the top they indicate the sun, which is identical with Apollo; the globe immediately below the first represents the moon; and the smaller suspending globes are symbols of the stars. The number of garlands being 365, indicates the course of the year. At the head of the procession walked a youth, whose father and mother must be living. This youth was, according to Pausanias,[3] chosen priest of Apollo every year, and called *δαφνηφόρος*: he was always of a handsome figure and strong, and taken from the most distinguished families of Thebes. Immediately before this youthful priest walked his nearest kinsman, who bore the adorned piece of olive-wood, which was called *κωπώ*. The priest followed, bearing in his hand a bay-branch, with dishevelled and floating hair, wearing a golden crown on his head, a magnificent robe which reached down to his feet (*ποδήρης*), and a kind of shoes, called *Ἰφικράτιδες*, from the general, Iphicrates, who had first introduced them. Behind the priest there followed a choir of maidens, with boughs in their hands and singing hymns. In this manner the procession went to the Temple of Apollo Ismenius or Galaxius. It would seem from Pausanias that all the boys of the town wore laurel garlands on this occasion, and that it was customary for the sons of wealthy parents to dedicate to the god brazen tripods, a considerable number of which were seen in the temple by Pausanias himself. Among them was one which was said to have been dedicated by Amphitryon, at the time when Heracles was daphnephorus. This last circumstance shows that the daphnephoria, whatever changes may have been subsequently introduced, was a very ancient festival.

There was a great similarity between this festival and a solemn rite observed by the Delphians, who sent every ninth year a sacred boy to Tempe. This boy went on the sacred road,[1] and returned home as bay-bearer (*δαφνηφόρος*) amid the joyful songs of choruses of maidens. This solemnity was observed in commemoration of the purification of Apollo at the altar in Tempe, whither he had fled after killing the Python, and was held in the month of Thargelion (probably on the seventh day). It is a very probable conjecture of Müller,[2] that the Bœotian daphnephoria took place in the same month and on the same day on which the Delphian boy broke the purifying bay-boughs in Tempe.

The Athenians seem likewise to have celebrated a festival of the same nature, but the only mention we have of it is in Proclus,[3] who says that the Athenians honoured the seventh day as sacred to Apollo; that they carried bay-boughs, and adorned the basket (*κάνεον*, see CANEPHOROS) with garlands, and sang hymns to the god. Respecting the astronomical character of the daphnephoria, see Müller, *Orchom.*, p. 220; and Creuzer, *Symbol. und Mythol.*, ii., p. 160.

*DAPHNOI'DES (*δαφνοειδές*) according to Sprengel, the *Daphne Alpina*; and the *χαμαιδάφνη* of Dioscorides, the *Ruscus Racemosus*.[4]

DARE ACTIO'NEM. (*Vid.* ACTIO, p. 18.)

DARI'CUS (*δαρεικός*), a gold coin of Persia, stamped on one side with the figure of an archer crowned and kneeling upon one knee, and on the other with a sort of quadrata incusa or deep cleft. The origin of this coin is doubtful. We know from Herodotus[5] that Darius reformed the Persian currency, and stamped gold of the purest standard; whence it has been supposed that the daricus was so called from him. Harpocration, however, says[6] that the name was older than this Darius, and taken from an earlier king. Gesenius[7] supposes the name to be derived from an ancient Persian word signifying king, or royal palace, or the bow of the king, in allusion to the figure stamped upon it.

This coin had a very extensive circulation, not only in the Persian empire, but also in Greece. The pay given by Cyrus to the soldiers of Clearchus was a daricus a month;[8] and the same pay was offered to the same troops by Thimbrion, a Lacedæmonian general.[9] In the later books of the Old Testament, the daricus is supposed to be mentioned under the names of adarkon (אַדַרְכֹנִים) and darkemon (דַּרְכְּמוֹן).[10]

Harpocration says that, according to some persons, the daricus was worth twenty silver drachmæ; which agrees with the statement of Xenophon,[11] who informs us that 3000 darics were equal to ten talents, which would consequently make the daricus equal to twenty drachmæ. The value of the daricus in our money, computed from the drachma, is 16*s.* 3*d.*; but if reckoned by comparison with our gold money, it is worth much more. The darics in the British Museum weigh 128·4 grains and 128·6 grains respectively. Hussey[12] calculates the daricus as containing on an average about 123·7 grains of pure gold, and therefore equal in value to $\frac{123 \cdot 7}{115 \cdot 12}$ of a sovereign, or about 1*l.* 1*s.* 10*d.* 1·76 farthings.

Very few darics have come down to us; the

1. (Dioscor., i., 106.—Galen, De Simpl., vi.—Bauhin's Pinax, 603.—Adams, Append. s. v.)—2 (Chrestomath., p. 11.)—3. (ix., 10, § 4.)

1. (Plut., Quæst. Gr., 12.)—2. (Dor., ii., 8, § 4.)—3. (ap. Photium, p. 987.)—4. (Adams, Append., s. v.)—5. (iv., 166.)—6. (s. v.)—7. (Hebr. Lexicon.)—8. (Xen., Anab., i., 3, § 21.)—9. (Ibid., vii., 6, § 1.)—10. (*Vid.* 1 Chron., xxix, 7.—Ezra, viii, 27. ii., 69.—Nehem, vii., 70, 72.)—11. (Anab., i., 7, § 18.)—12. (Ancient Weights, &c., vii., 3.)

scarcity may be accounted for by the fact that, after the conquest of Persia, they were melted down and recoined under the type of Alexander.

There are also silver coins which go by the name of darics, on account of their bearing the figure of an archer; but they were never called by this name in ancient times. Aryandes, who was appointed governor of Egypt by Cambyses, is supposed to have been the first who struck these silver coins, in imitation of the gold coinage of Darius Hystaspis.[1]

GOLD DARIC. BRITISH MUSEUM. ACTUAL SIZE.

SILVER DARIC. BRITISH MUSEUM. ACTUAL SIZE.

*DASCILLUS (*δάσκιλλος*), the name of a fish mentioned by Aristotle. Rondelet and Gesner confess their inability to determine what kind of fish it was.[2]

*DA'SYPUS (*δασύπους*), a term sometimes applied to the common Hare, or *Lepus timidus*, but more particularly to the *Lepus cuniculus*, the Coney or Rabbit. "The *Saphon* of the Bible," observes Adams, "has been generally taken for the Coney, but Biblical commentators seem now agreed that it was rather the *Ashkoko*, an animal first described accurately by the traveller Bruce."[3]

*DAUCUS (*δαῦκος*), a plant, three species of which are described by Dioscorides. The first of these is, according to Sprengel, the *Athamanta Cretensis*; the 2d, the *Athamanta cervaria*; and the 3d, the *Seseli ammoides*. Dierbach agrees with Sprengel. Stephens makes the first species to be the "wild Carrot." Galen states that it is the same as the *σταφυλῖνος*. Stackhouse suggests that the *δαῦκον δαφνοειδές* of Theophrastus may be the *Thapsia*.[4]

DE'BITOR. (*Vid.* NEXUS.)

DECADOUCHOI (*δεκαδοῦχοι*), the members of a council of Ten, who succeeded the Thirty in the supreme power at Athens, B.C. 403.[5] They were chosen from the ten tribes, one from each;[6] but, though opposed to the Thirty, sent ambassadors to Sparta to ask for assistance against Thrasybulus and the exiles. They remained masters of Athens till the party of Thrasybulus obtained possession of the city, and the democracy was restored.[7]

DECAR'CHIA (*δεκαρχία*) or DECADAR'CHIA (*δεκαδαρχία*), was a supreme council established in many of the Grecian cities by the Lacedæmonians, who intrusted to it the whole government of the state under the direction of a Spartan harmost. It always consisted of the leading members of the aristocratical party.[8] This form of government appears to have been first established by Lysander at Ephesus.[9]

DECASMOS (*δεκασμός*), Bribery. There were two actions for bribery at Athens: one, called *δεκασμοῦ γραφή*, lay against the person who gave the bribe; and the other, called *δώρων* or *δωροδοκίας γραφή*, against the person who received it.[1] These actions applied to the bribery of citizens in the public assemblies of the people (*συνδεκάζειν τὴν ἐκκλησίαν*[2]), of the Heliæa or any of the courts of justice, of the *βουλή*, and of the public advocates (*συνηγόροι*[3]). Demosthenes,[4] indeed, says that orators were forbidden by the law not merely to abstain from receiving gifts for the injury of the state, but even to receive any present at all.

According to Aristotle,[5] Anytus was the first person at Athens who bribed the judges; and we learn from Plutarch[6] that he did so, when he was charged with having been guilty of treachery at Pylos, at the end of the Peloponnesian war. Other writers say that Melitus was the first person who bribed the judges.[7]

Actions for bribery were under the jurisdiction of the thesmothetæ.[8] The punishment on conviction of the defendant was death, or payment of ten times the value of the gift received, to which the court might add an additional punishment (*προστίμημα*). Thus Demosthenes was sentenced to a fine of 50 talents by an action for bribery, and also thrown into prison.[9]

DECATE (*δεκάτη*). (*Vid.* DECUMÆ.)

DECATE'LOGOI (*ἑκατηλόγοι*). (*Vid.* DECUMÆ.)

DECATEUTAI (*δεκατευταί*). (*Vid.* DECUMÆ.)

DECATEUTE'RION (*δεκατευτήριον*). (*Vid* DECUMÆ.)

DECATO'NAI (*δεκατῶναι*). (*Vid.* DECUMÆ.)

DECEMBER. (*Vid.* CALENDAR, ROMAN.)

DECE'MPEDA, a pole ten feet long, used by the agrimensores (*vid.* AGRIMENSORES) in measuring land.[10] Thus we find that the agrimensores were sometimes called *decempedatores* (*L. Antonius, qui fuerat æquissimus agri privati et publici decempedator*[11]).

DECE'MVIRI, the name of various magistrates and functionaries at Rome.

I. DECEMVIRI LEGIBUS SCRIBENDIS were ten persons who were appointed to draw up a code of laws, and to whom the whole government of the state was intrusted. As early as B.C. 460, a law was proposed by Caius Terentilius Harsa, that commissioners should be appointed for drawing up a body of laws; but this was violently opposed by the patricians;[12] and it was not till after a struggle of nine years that the patricians consented to send three persons to Greece, to collect such information respecting the laws and constitutions of the Greek states as might be useful to the Romans.[13] They were absent a year; and on their return, after considerable dispute between the patricians and plebeians, ten commissioners of the patrician order were appointed, with the title of "decemviri legibus scribendis," to whom the revision of the laws was committed. All the other magistracies were suspended, and they were intrusted with supreme power in the state.[14] Niebuhr, however, supposes that the tribuneship was not given up till the second decemvirate; but Dionysius expressly says that it was superseded in the first.

The decemviri entered upon their office at the beginning of the year 449 B.C. They consisted of Appius Claudius and Titus Genucius, the new con

1 (Herod., iv., 166.)—2. (Aristotle, H. A., viii., 4.)—3. (Aristot., H. A., i., 6; v., 8.—Harris, Nat. Hist. Bibl., p. 91.)—4. Dioscor., iii., 76.—Nicand., Ther., 94.—Adams, Append., s. v.)—5. (Harpocrat., s. v.)—6. (Xen., Hell., ii., 4, § 23.)—7. (Compare Lysias, c. Eratosth., p. 420.—Wachsmuth, i., 2, p. 266.)—8. (Harpocrat., s. v. *Δεκαδαρχία*.—Schneider ad Aristot., Pol., iii., 146 14")—9. (Plut., Lys., 5.—Wachsmuth, ii., 2, p. 245.)

1. (Pollux, viii., 42.)—2. (Æsch., c. Timarch., c. 16, p. 12; —3. (Demosth., c. Steph., ii., p. 1137, l.)—4. (De Falsa Leg., p. 343.)—5. (apud Harpocrat., s. v. *Δεκάζων*.)—6 (Coriol., c. 14.)—7. (Petit, Leg. Att., p. 427, and Duker's note.)—8. (Demosth., c. Steph., i. c.)—9 (Böckh, Publ. Econ. of Athens, i. p. 116, transl.—Meier, Att. Proc., p. 352.)—10. (Cic., Pro Mil. c. 27.—Hor., Carm., ii., xv., 14.—Cic., Philipp., xiv., 4.)—11 (Cic., Philipp., xiii., 18.)—12. (Liv., iii., 9.)—13. (Lir., iii., 31 —14. (Dionys., x., 56.)

suls of the warden of the city, and of the two quæstors parricidii, as Niebuhr conjectures, and of five others chosen by the centuries. They discharged the duties of their office with diligence, and dispensed justice with impartiality. Each administered the government day by day in succession, as during an interregnum; and the fasces were only carried before the one who presided for the day.[1] They drew up a body of laws, distributed into ten sections, which, after being approved of by the senate and the comitia, were engraven on tables of metal, and set up in the comitium.

On the expiration of their year of office, all parties were so well satisfied with the manner in which they had discharged their duties, that it was resolved to continue the same form of government for another year; more especially as some of the decemvirs said that their work was not finished. Ten new decemvirs were accordingly elected, of whom Appius Claudius alone had belonged to the former body;[2] and of his nine new colleagues Niebuhr thinks that five were plebeians. These magistrates framed several new laws, which were approved of by the centuries, and engraven on two additional tables. They acted, however, in a most tyrannical manner. Each was attended by twelve lictors, who carried, not the rods only, but the axe, the emblem of sovereignty. They made common cause with the patrician party, and committed all kinds of outrages upon the persons and property of the plebeians and their families. When their year of office expired, they refused to resign or to appoint successors. Niebuhr, however, considers it certain that they were appointed for a longer period than a year, since otherwise they would not have been required to resign their office, but interreges would at the expiration of the year have stepped into their place. This, however, does not seem conclusive, since the decemvirs were at the time in possession of the whole power of the state, and would have prevented any attempt of the kind. At length the unjust decision of Appius Claudius in the case of Virginia, which led her father to kill her with his own hands to save her from prostitution, occasioned an insurrection of the people. The decemvirs were in consequence obliged to resign their office, B.C. 447, after which the usual magistracies were re-established.[3]

The ten tables of the former, and the two tables of the latter decemvirs, together form the laws of the Twelve Tables, of which an account is given in a separate article. (*Vid.* Twelve Tables.)

II. Decemviri Litibus Judicandis. (*Vid* Prætor.)

III. Decemviri Sacris Faciundis, sometimes called simply Decemviri Sacrorum, were the members of an ecclesiastical collegium, and were elected for life. Their chief duty was to take care of the Sibylline books, and to inspect them on all important occasions by command of the senate.[4] Virgil[5] alludes to them in his address to the Sibyl: "*Lectos sacrabo viros.*"

Under the kings the care of the Sibylline books was committed to two men (*duumviri*) of high rank,[6] one of whom, called Atilius or Tullius, was punished by Tarquinius for being unfaithful to his trust, by being sewed up in a sack and cast into the sea.[7] On the expulsion of the kings, the care of these books was intrusted to the noblest of the patricians, who were exempted from all military and civil duties. Their number was increased about the year 365 B.C. to ten, of whom five were chosen from the patricians and five from the plebeians.[1] Subsequently their number was still farther increased to fifteen (*quindecemviri*), but at what time is uncertain. As, however, there were decemviri in B.C. 82, when the Capitol was burned,[2] and we read of decemviri in the time of Cicero,[3] it appears probable that their number was increased from ten to fifteen by Sulla, especially as we know that he increased the numbers of several of the other ecclesiastical corporations. Julius Cæsar added one more to their number;[4] but this precedent was not followed, as the collegium always appears to have consisted afterward of only fifteen.

It was also the duty of the decemviri and quinqueviri to celebrate the games of Apollo[5] and the secular games.[6] They were, in fact, considered priests of Apollo, whence each of them had in his house a bronze tripod dedicated to that deity.[7]

DECIMA'TIO was the selection, by lot, of every tenth man for punishment, when any number of soldiers in the Roman army had been guilty of any crime. The remainder usually had barley allowed to them instead of wheat.[8] This punishment does not appear to have been often inflicted in the early times of the Republic, but is frequently mentioned in the civil wars and under the Empire. It is said to have been revived by Crassus, after being discontinued for a long time (Πάτριόν τι τοῦτο διὰ πολλῶν χρόνων κόλασμα τοῖς στρατιώταις ἐπαγαγών[9]) For instances of this punishment, see Liv., ii., 59. —Suet., *Aug.*, 24; *Galba*, 12.—Tacit., *Hist.*, i., 37.—Dio, xli., 35; xlix., 27, 38.

Sometimes only the twentieth man was punished (*vicesimatio*), or the hundredth (*centesimatio*[10]).

DECRE'TUM seems to mean that which is determined in a particular case after examination or consideration. It is sometimes applied to a determination of the consuls, and sometimes to a determination of the senate. A decretum of the senate would seem to differ from a senatus consultum in the way above indicated: it was limited to the special occasion and circumstances, and this would be true whether the decretum was of a judicial or a legislative character. But this distinction in the use of the two words, as applied to an act of the senate, was, perhaps, not always observed. Cicero[11] opposes edictum to decretum, between which there is in this passage apparently the same analogy as between a consultum and decretum of the senate. A decretum, as one of the parts or kinds of constitutio, was a judicial decision in a case before the sovereign. (*Vid.* Constitutio.) Gaius,[1] when he is speaking of interdicta, says that they are properly called decreta, "cum (prætor aut proconsul) fieri aliquid jubet," and interdicta when he forbids. A judex is said "condemnare," not "decernere," a word which in judicial proceedings is appropriate to a magistratus who has jurisdictio.

DE'CUMÆ (sc. *partes*) formed a portion of the vectigalia of the Romans, and were paid by subjects whose territory, either by conquest or *deditio*, had become the property of the state (*ager publicus*). They consisted, as the name denotes, of a tithe or tenth of the produce of the soil, levied upon the cultivators (*aratores*) or occupiers (*possessores*) of the lands, which, from being subject to this payment, were called agri decumani. The tax of a tenth was, however, generally paid by corn lands plantations and vineyards, as requiring no seed and less labour, paid a fifth of the produce.[13]

We also find the expression "decumates agri"

1. (Liv., iii., 33) — 2. (Liv., iii., 35. — Dionys., x., 53.)—3. (Niebuhr, Hist. Rome, vol. ii., p. 309–356, transl.—Arnold, Hist. of Rome, vol. i., p. 250–313.)—4. (Liv., vii., 27; xxi., 62; xxxi., 12.)—5. (Æn., vi., 73.)—6. (Dionys., iv., 62.)—7. (Dionys., l. c. Val. Max., i., 1, § 13.)

1. (Liv., vi., 37–42.)—2. (Dionys., l. c.)—3. (ad Fam., viii., 4.) —4. (Dion Cass., xliii., 51.)—5. (Liv., x., 8.)—6. (Tac., Ann., xi., 11.—Hor., Carm. Sæc., 70.)—7. (Servius ad Virg., Æn., iii., 332.)—8. (Polyb., vi., 38.—Cic., Pro Cluent., 46.)—9. (Plut Crass., 10.)—10. (Capitol., Macrin., 12.)—11. (ad Fam., xiii. 56.)—12. (iv., 140.)—13. (Appian, Bell. Civ., i., 7.)

applied to districts in Germany which were occupied by Roman soldiers or auxiliaries, after the expulsion of the old proprietors, subject to the payment of a tenth part of the produce. It is probable that there were many such; and if so, it is useless to inquire where the lands so called were situated.[1] Tacitus merely says of them that they lay beyond the Rhine and the Danube. The name of decumani was also applied to the farmers of these tributes, who purchased them from the state, and then collected them on their own account. (*Vid.* Publicani.)

The system of exacting a tenth of the produce from the occupiers of land which had become the property of the state, seems to have been of great antiquity: thus a tradition is preserved of the Romans themselves having at one time paid a tenth to the Etruscans, a story which Niebuhr[2] refers to the surrender (*deditio*) of the city to Porsenna.[3] The practice is best illustrated by the case of Sicily. It appears from Cicero[4] that the Romans, on reducing this island to a province, allowed to the old inhabitants the continuance of their ancient rights (*ut eodem jure essent, quo fuissent*), and that, with some few exceptions, the territory of all the states (*omnis ager Siciliæ civitatum*) was subjected, as formerly, to the payment of a tithe on corn, wine, oil, and the "fruges minutæ," it was farther determined that the place and time of paying these tithes to the decumani should "be and continue" as settled by the law of King Hiero (*lex Hieronica*), which enacted severe penalties against any arator who did not pay his due, as well as against the decumani who exacted more than their tenth. It is interesting to remark, that the coloni, who afterward occupied the lands of the Romish Church in Sicily, and were farmed out along with the smaller plots of land to the "conductores" or lessees of the Church, paid for rent a fixed portion of the produce, which was sometimes delivered in kind, sometimes bought off with money. A letter of Gregory VII. shows that these coloni suffered the same sort of grievances as the aratores under the prætor Verres.[5] Exactions of this kind were not, however, peculiar to the foreign provinces of Rome: they were also levied on public lands in Italy; as, for instance, on the "ager Campanus," which we read of as being vectigalis, before it was apportioned to a number of Roman citizens by a lex agraria of Julius Cæsar.[6] (*Vid.* Agrariæ Leges.)

A similar system existed in Greece also; the tenths being paid as a usufruct on property which was not freehold, though the right of occupation might be acquired by inheritance or purchase: thus a tyrannus demanded tithes from his subjects in his right as proprietor of the lands they occupied; Peisistratus, for instance, imposed a tax of a tenth on the lands of the Athenians, which the Peisistratidæ lowered to a twentieth.[7] We use the word "usufruct," in the previous sentence, in its common acceptation; but the "usus fructus" of Roman law seems to be the same as "usus et fructus." The profit which the state derived from the land was termed "fructus," and the occupation for which it was paid, "usus."[8] The same principle was also applied to religious purposes: thus Xenophon subjected the occupiers (*τοὺς ἔχοντας καὶ καρπούμενους*) of the land he purchased near Scillus to a payment of tithes in support of a temple of Artemis, the goddess to whom the purchase-money was dedicated; the Delian Apollo also received tenths from the Cyclades.[9] That many such charges originated in conquest, or something similar, may be inferred from the statement of Herodotus,[1] that at the time of the Persian war the confederate Greeks made a vow, by which all the states who had surrendered themselves to the enemy were subjected to the payment of tithes for the use of the god at Delphi.

The tenth (*τὸ ἐπιδέκατον*) of confiscated property was also sometimes applied to similar objects.[2] The tithes of the public lands belonging to Athens were farmed out, as at Rome, to contractors, called *δεκατῶναι*: the term *δεκατηλόγοι* was applied to the collectors; but the callings were, as we might suppose, often united in the same person. The title *δεκατευταί* is applied to both. A *δεκάτη*, or tenth of a different kind, was the arbitrary exaction imposed by the Athenians (B.C. 410) on the cargoes of all ships sailing into or out of the Pontus. They lost it by the battle of Ægospotami (B.C. 405), but it was re-established by Thrasybulus about B.C. 391.

This tithe was also let out to farm.[3] The tithe-house for the receipt of this duty was called *δεκατευτήριον*: to sail by necessity to it, *παραγωγιάζειν*.

DECUMA'NI. (*Vid.* Decumæ.)

DECUMA'NI AGRI. (*Vid.* Decumæ.)

DECUMA'TES AGRI. (*Vid.* Decumæ.)

DECU'RIA. (*Vid.* Army, Roman, p. 104.)

DECURIO'NES. (*Vid.* Army, Roman, p. 104.,

DECURIO'NES. (*Vid.* Colonia, p. 282.)

DECUSSIS. (*Vid.* As, p. 111.)

DEDI'TIO. (*Vid.* Dediticii.)

DEDITI'CII are one of the three classes of libertini. The lex Ælia Sentia provided that, if a slave was put in bonds by his master as a punishment, or branded, or put to the torture for an offence and convicted, or delivered up to fight with wild beasts, or sent into a ludus (*gladiatorius*), or put in confinement (*custodia*), and then manumitted either by his then owner or by another owner, he merely acquired the status of a peregrinus deditici-us, and had not even the privileges of a Latinus. The peregrini dediticii were those who, in former times, had taken up arms against the Roman people, and, being conquered, had surrendered themselves. They were, in fact, a people who were absolutely subdued, and yielded conditionally to the conquerors, and, of course, had no other relation to Rome than that of subjects. The form of deditio occurs in Livy.[5]

The dediticii existed as a class of persons who were neither slaves, nor cives, nor Latini, at least as late as the time of Ulpian. Their civil condition, as is stated above, was formed by analogy to the condition of a conquered people, who did not individually lose their freedom, but as a community lost all political existence. In the case of the Volsci, Livy inclines to the opinion that the four thousand who were sold were slaves, and not dediti.[6]

DEDUCTO'RES. (*Vid.* Ambitus, p. 46).

DEICELISTAI (*δεικηλισταί* or *διικελισταί*: Lacedæmonian. *δεικελίκται*, from *δείκελος*, imitating), a name which was, indeed, sometimes applied by the Spartans to any class of actors on the stage;[7] but it properly belonged to a class of buffoons or improvisatore, who, in the language of the common people, and in a very artless manner, imitated some comic event. This kind of amusement, according to Sosibius,[8] was very old at Sparta, and consisted in imitating some foreign physician, or persons (probably boys) who stole fruit in the autumn, or the remains of meals, and were caught with their goods.[9] The play itself is called by Pollux a mimic dance;

1. (Tacit., Ger., 29.—Ann., xiii., 54, ed. Walther.)—2. (Hist. Rom., , 346, transl.)—3. (Tacit., Hist., iii., 72.)—4. (c. Verr., act. ii., ib. iii.)—5. (Savigny, Philol. Mus., ii., 129.)—6. (Suet., Cæs., 20.)—7 (Thucyd., vi., 54.)—8. (Nieb., Rom. Hist.)—9. (Xen., Anab., v, 3, § 11 – Callim., Hymn. Del., 272, ed. Spanheim.)

1. (vii., 132.)—2. (Xen., Hell., i., 7, § 11.)—3. (Demosth., c. Leptin., 475, ed. Bekker.—Xen., Hellen., iv., 8, § 27, 31.)—4 (Böckh, vol. ii., p. 41, transl.)—5. (i., 37.) –6. (Gaius, i., 13, &c.—Ulp., Frag., tit. 1, s. 11.)—7. (Plut., Agesil., 21.—Lacon. Apophth., p. 185.)—8. (ap. Athen., xiv., p. 621.)—9. (Pollux, Onom., iv., 14, 104, compared with Suidas, s. v. Σωσίβιος.)

but, from the words of Sosibius, we must conclude that the action represented was only alternating with comic dances, or accompanied by them. Athenæus[1] gives a list of names by which these mimic actors, who were extremely popular among the ancients generally, were designated in various parts of Greece. It is highly probable that the representations of the *δεικελισταί* were peculiar to some religious festival, and it has been supposed that they were connected with the celebration of the Dionysia at Sparta.[2]

DEIGMA (*δεῖγμα*), a particular place in the Peiræus, as well as in the harbours of other states, where merchants exposed samples of their goods for sale.[3] The samples themselves were called *δείγματα*.[4]

DEJECTUM EFFUSUM. (*Vid.* DEJECTI EFFUSIVE ACTIO.)

DEJECTI EFFUSIVE ACTIO. This was an action given by the prætor's edict against a person who threw or poured out anything from a place or upper chamber (*cœnaculum*) upon a road which is frequented by passengers, or on a place where people use to stand. The action was against the occupier, not the owner. If several persons inhabited a cœnaculum, and any injury was done to another by a thing being thrown or poured out of it, he had a right of action against any of them, if the doer was uncertain. The damages recoverable were to double the amount of the damage, except in the case of a *liber*, when they were fifty aurei if he was killed; if he was only injured in his person, they were "quantum ob eam rem æquum judici videbitur eum cum quo agatur condemnari," which included the expenses of a medical attendant, loss of time, &c., but not damage done to his apparel, &c. If injury was caused by a thing being thrown from a ship, there was an actio; for the words of the edict are, "UNDE in eum locum quo volgo iter fiat vel in quo consistatur, dejectum," &c.

As many of the houses in Rome were lofty, and inhabited to the top by the poor,[5] and probably as there were very imperfect means for carrying off rubbish and other accumulations, it was necessary to provide against accidents which might happen by such things being thrown through the window. According to Labeo's opinion, the edict only applied to the daytime, and not to the night, which, however, was the more dangerous time for a passer-by.[6]

DEILE (*δείλη*). (*Vid.* DIES.)

ΔΕΙΛΊΑΣ ΓΡΑΦΗ (*δειλίας γραφή*), the name of a suit instituted against soldiers who had been guilty of cowardice.[7] The presidency of the court belonged to the strategi, and the court was composed of soldiers who had served in the campaign.[8] The punishment, on conviction, appears to have been *ἀτιμία*. Compare ΑΣΤΡΑΤΕΙΑΣ ΓΡΑΦΗ.

DEIPNON (*δεῖπνον*). The present article is designed to give a sketch of Grecian meals, and customs connected with them. The materials for such an account, during the classical period of Athens and Sparta, are almost confined to incidental allusions of Plato and the comic writers. Several ancient authors, termed *δειπνόλογοι*, are mentioned by Athenæus; but, unfortunately, their writings only survive in the fragments quoted by him. His great work, the Deipnosophists, is an inexhaustible treasury of this kind of knowledge, but ill arranged, and with little attempt to distinguish the customs of different periods.

The poems of Homer contain a real picture of early manners, in every way worthy of the antiquarian's attention. As they stand apart from all other writings, it will be convenient to exhibit in one view the state of things which they describe. It is not to be expected that the Homeric meals at all agree with the customs of a later period; indeed, it would be a mere waste of time to attempt adapting the one to the other. Athenæus,[1] who has entered fully into the subject, remarks on the singular simplicity of the Homeric banquets, in which kings and private men all partake of the same food. It was common even for royal personages to prepare their own meals;[2] and Ulysses[3] declares himself no mean proficient in the culinary art:

> Πῦρ τ' εὖ νῆῃσαι, διὰ δὲ ξύλα δανὰ κεάσσαι
> Δαιτρεῦσαί τε καὶ ὀπτῆσαι καὶ οἰνοχοῆσαι.

Three names of meals occur in the Iliad and Odyssey: *ἄριστον*, *δεῖπνον*, *δόρπον*. This division of the meals is ascribed, in a fragment of Æschylus quoted by Athenæus,[4] to Palamedes, Καὶ ταξιάρχας καὶ στρατάρχας καὶ ἑκατοντάρχας ἔταξα· σῖτον δ' εἰδέναι διώρισα, ἄριστα, δεῖπνα, δόρπα θ' αἱρεῖσθαι τρία. The word *ἄριστον* uniformly means the early (*ἀμ' ἠοῖ*[5]), as *δόρπον* does the late meal; but *δεῖπνον*, on the other hand, is used for either,[6] apparently without any reference to time. We should be careful, however, how we argue from the unsettled habits of a camp to the regular customs of ordinary life.

From numerous passages in the Iliad and Odyssey, it appears to have been usual to sit during mealtimes. In the palace of Telemachus, before eating, a servant brings Minerva, who is habited as a stranger, the *χέρνιψ*, or lustral water, "in a golden pitcher, pouring it over a silver vessel."[7] Beef, mutton, and goat's flesh were the ordinary meats, usually eaten roasted; yet from the lines[8]

> Ὡς δὲ λέβης ζεῖ ἔνδον, ἐπειγόμενος πυρὶ πολλῷ
> Κνίσσῃ μελδόμενος ἁπαλοτρέφεος σιάλοιο,

we learn that boiled meats were held to be far from unsavoury. Cheese, flour, and occasionally fruits, also formed part of the Homeric meals. Bread, brought on in baskets,[9] and salt (*ἅλς*, to which Homer gives the epithet *θεῖος*), are mentioned: from *Od.*, xvii., 455, the latter appears, even at this early period, to have been a sign of hospitality; in *Od.*, xi., 122, it is the mark of a strange people not to know its use.

Each guest appears to have had his own table, and he who was first in rank presided over the rest. Menelaus, at the marriage feast of Hermione, begins the banquet by taking in his hands the side of a roasted ox, and placing it before his friends.[10] At the same entertainment music and dancing are introduced: "The divine minstrel hymned to the sound of the lyre, and two tumblers (*κυβιστητῆρε*) began the festive strain, wheeling round in the midst." It was not beneath the notions of those early days to stimulate the heroes to battle,[11]

> Ἔδρῃ τε, κρέασίν τε, ἰδὲ πλείοις δεπάεσσιν:

and Ajax, on his return from the contest with Hector, is presented by Agamemnon with the *νῶτα διηνεκέα*.

The names of several articles of the festive board occur in the Iliad and Odyssey. Knives, spits, cups of various shapes and sizes, bottles made of goat-skin, casks, &c., are all mentioned. Many sorts of wine were in use among the heroes; some of Nestor's is remarked on as being eleven years old. The

1. (l. c.)—2. (*Vid.* Müller, Dorians, iv., 6, § 9.)—3. (Harpocrat., s. v.—Pollux, Onom., ix., 34.—Aristoph., Equit., 974.—Demosth., c. Lacr., 932, 20.—Theophrast., Charact., 23.)—4. (Plutarch., Demosth., 23.—Böckh, Publ. Econ. of Athens, i., p. 81.)—5. (Cic., Agr., ii., c. 35.—Hor., Epist., I., i., 91.—Juv., Sat., x., 17.)—6 (Dig. 9, tit. 3.—Juv., Sat., iii., 268, &c.)—7. (Æsch., c. Ctes., 566.—Lysias, c. Alcib., 520, 525.)—8. (Lysias, c. Alcib., 521.)

1. (i., p. 8.)—2. (Il., ix., 206–218.—Compare Gen., xxvii., 31.)—3. (Od., xv., 322.)—4. (i., p. 11.)—5. (Od., xvi., 2.)—6. (Il., ii., 381.—Od., xvii., 170.)—7. (Od., i., 136.)—8. (Il., xxi., 363; —9. (Il., ix., 217.)—10. (Od., iv., 65.)—11 (Il., x^{ii}, 311.)

Maronean wine, so called from Maron, a hero, was especially celebrated, and would bear mingling with twenty times its own quantity of water. It may be observed that wine was seldom, if ever, drunk pure. When Nestor and Machaon sit down together, "a woman," like unto a goddess, sets before them a polished table, with a brazen tray, ἐπὶ δὲ κρόμυον πότῳ ὄψον. Then she mingles a cup of Pramnian wine in Nestor's own goblet, and cuts the cheese of goat's milk with a steel knife, scattering white flour over it The guests drank to one another: thus the gods[1] δειδεχατ' ἀλλήλους, and Ulysses pledged Achilles, saying, χαῖρ', Ἀχιλεῦ.[2] Wine was drawn from a larger vessel (*vid.* Crater) into the cups from which it was drunk, and before drinking, libations were made to the gods by pouring some of the contents on the ground.[3]

The interesting scene between Ulysses and the swineherd[4] gives a parallel view of early manners in a lower grade of life. After a welcome has been given to the stranger, "The swineherd cleaves the wood, and they place the swine of five years old on the hearth. In the goodness of his heart, Eumæus forgets not the immortal gods, and dedicates the firstling lock with a prayer for Ulysses's return. He next smites the animal with a piece of cleft oak, and the attendants singe off the hair. He then cuts the raw meat all round from the limbs, and laying it in the rich fat, and sprinkling flour upon it, throws it on the fire as an offering (ἀπαρχή) to the gods; the rest the attendants cut up and pierce with spits, and, having cooked it with cunning skill, draw off all, and lay the mess on the tables. Then the swineherd stands up to divide the portions, seven portions in all, five for himself and the guests, and one apiece to Mercury and the nymphs."

There is nothing more worthy of remark in the Homeric manners than the hospitality shown to strangers. Before it is known who they are, or whence they come, it is the custom of the times to give them a welcome reception.[5] When Nestor and his sons saw the strangers, "They all came in a crowd, and saluted them with the hand, and made them sit down at the feast on the soft fleeces by the seashore."

The Greeks of a later age usually partook of three meals, called ἀκράτισμα, ἄριστον, and δεῖπνον. The last, which corresponds to the δόρπον of the Homeric poems, was the evening meal or dinner; the ἄριστον was the luncheon; and the ἀκράτισμα, which answers to the ἄριστον of Homer, was the early meal or breakfast.

The ἀκράτισμα was taken immediately after rising in the morning (ἐξ εὐνῆς, ἔωθεν[6]). It usually consisted of bread dipped in unmixed wine (ἄκρατος), whence it derived its name.[7]

Next followed the ἄριστον or luncheon; but the time at which it was taken is uncertain. It is frequently mentioned in Xenophon's Anabasis, and appears to have been taken at different times, as would naturally be the case with soldiers in active service. Suidas[8] says that it was taken about the third hour, that is, about nine o'clock in the morning; but this account does not agree with the statements of other ancient writers. We may conclude from many circumstances that this meal was taken about the middle of the day, and that it answered to the Roman *prandium*, as Plutarch[9] asserts. Besides which, the time of the πλήθουσα ἀγορά, at which provisions seem to have been bought for the ἄριστον, was from nine o'clock till noon. This agrees with the account of Aristophanes,[10] who introduces Philocleon describing the pleasure of returning home after attending the courts, and partaking of a good ἄριστον. The courts of justice could scarcely have finished their sittings by nine o'clock. Timæus also defines δείλη πρωΐα, which we know to have been the early part of the afternoon (*vid.* Dies), as the time before the ἄριστον The ἄριστον was usually a simple meal, but, of course, varied according to the habits of individuals. Thus Ischomachus, who describes his mode of life to Socrates, who greatly approves of it, says, Ἀριστῷ ὅσα μήτε κενὸς μήτε ἄγαν πλήρης διημερεύειν[1]

The principal meal, however, was the δεῖπνον, which ought, therefore, according to our notions, to be translated, like the Latin *cœna*, by our word "dinner." It was usually taken rather late in the day, frequently not before sunset.[2] Aristophanes[3] says,

Σοὶ δὲ μελήσει,
ὅταν ᾖ δεκάπουν τὸ στοιχεῖον λιπαρὸν χωρεῖν ἐπὶ δεῖπνον.

But, in order to ascertain the time meant by δεκάπουν τὸ στοιχεῖον, the reader is referred to the article Horologium.

The Athenians were a social people, and were very fond of dining in company. Entertainments were usually given, both in the heroic ages and later times, when sacrifices were offered to the gods, either on public or private occasions; and also on the anniversary of the birthdays of members of the family, or of illustrious persons, whether living or dead. Plutarch[4] speaks of an entertainment being given on the anniversary of the birthdays both of Socrates and Plato.

When young men wished to dine together, they frequently contributed each a certain sum of money, called συμβολή, or brought their own provisions with them. When the first plan was adopted, they were said ἀπὸ συμβολῶν δειπνεῖν, and one individual was usually intrusted with the money to procure the provisions, and make all the necessary preparations. Thus we read in Terence,[5]

"*Heri aliquot adolescentuli coimus in Piræo,*
In hunc diem ut de symbolis essemus. Clam eam ei rei
Præfecimus: dati annuli: locus, tempus constitutum est."

This kind of entertainment, in which each guest contributed to the expense, is mentioned in Homer[6] under the name of ἔρανος.

An entertainment in which each person brought his own provisions with him, or, at least, contributed something to the general stock, was called a δεῖπνον ἀπὸ σπυρίδος, because the provisions were brought in baskets.[7] This kind of entertainment is also spoken of by Xenophon.[8]

The most usual kind of entertainments, however, were those in which a person invited his friends to his own house. It was expected that they should come dressed with more than ordinary care, and also have bathed shortly before; hence, when Socrates was going to an entertainment at Agathon's, we are told that he both washed and put on his shoes—things which he seldom did.[9] As soon as the guests arrived at the house of their host, their shoes or sandals were taken off by the slaves, and their feet washed (ὑπολύειν and ἀπονίζειν). In ancient works of art we frequently see a slave or other person represented in the act of taking off the shoes of the guests, of which an example is given, from a terra-cotta in the British Museum, in p. 276.

1 (Il., iv., 4.)—2. (Il., ix., 225.)—3. (Il., vii., 480.)—4. (Od., xiv., 420.)—5. (Od., i., 125, &c.)—6. (Aristoph., Aves, 1286.)—7. (Plut., Symp., viii., 6, § 4.—Schol. ad Theocr., i., 51.—Athenæus, i., p. 11.)—8. (s. v. Δεῖπνον.)—9 (Symp. viii., 6, § 5.)—10. (Vesp., 605–612.)

1. (Xen. Œcon., xi., 18.)—2. (Lysias, c. Eratosth., p. 26.)—3 (Ecc., 652.)—4. (Symp., viii., 1, § 1.)—5. (Eun., II., iv., 1.)—6 (Od., 226.)—7. (Athen., viii., p. 365.)—8. (Mem., iii., 14, 1.)—9 (Plato, Symp., c. 2, p. 174.)

After their feet had been washed, the guests reclined on the *κλῖναι* or couches (*Καὶ ἓ μὲν ἔφη ἀπονίζειν τὸν παῖδα, ἵνα κατακέοιτο*).[1]

It has been already remarked that Homer never describes persons as reclining, but always as sitting at their meals; but at what time the change was introduced is uncertain. Müller[2] concludes from a fragment of Alcman, quoted by Athenæus,[3] that the Spartans were accustomed to recline at their meals as early as the time of Alcman. The Dorians of Crete always eat; but the Athenians, like the Spartans, were accustomed to recline. The Greek women and children, however, like the Roman (*vid.* Cœna, p. 276), continued to sit at their meals, as we find them represented in ancient works of art.

It was usual for only two persons to recline on each couch. Thus Agathon says to Aristodemus, *Σὺ δ', Ἀριστόδημε, παρ' Ἐρυξίμαχον κατακλίνου*: and to Socrates, *Δεῦρο, Σώκρατες, παρ' ἐμὲ κατάκεισο*.[4] Also, at a banquet given by Attaginus of Thebes to fifty Persians and fifty Greeks, we are told that one Persian and one Greek reclined on each couch. In ancient works of art we usually see the guests represented in this way; but sometimes there is a larger number on one long *κλίνη*, as in the woodcut in page 326. The manner in which they reclined, the *σχῆμα τῆς κατακλίσεως*, as Plutarch[5] calls it, will be understood by referring to the woodcut already mentioned, where the guests are represented reclining with their left arms on striped pillows (*ὑπαγκώνια*), and having their right free; whence Lucian[6] speaks of *ἐπ' ἀγκῶνος δειπνεῖν*.

After the guests had placed themselves on the *κλῖναι*, the slaves brought in water to wash their hands (*ὕδωρ κατὰ χειρὸς ἐδόθη*). The subsequent proceedings of the dinner are briefly described in two lines of Aristophanes,[7]

Ὕδωρ κατὰ χειρός· τὰς τραπέζας εἰσφέρειν·
Δειπνοῦμεν· ἀπονενίμμεθ' ἤδη σπένδομεν.

The dinner was then served up; whence we read, in Aristophanes and elsewhere, of *τὰς τραπέζας εἰσφέρειν*, by which expression we are to understand, not merely the dishes, but the tables themselves.[8] It appears that a table, with provisions upon it, was placed before each *κλίνη*: and thus we find, in all ancient works of art which represent banquets or symposia, a small table or tripod placed before the *κλίνη*, and when there are more than two persons on the *κλίνη*, several of such tables. (See woodcuts in p. 276, 326). These tables are evidently small enough to be moved with ease.

In eating, the Greeks had no knives or forks, but made use of their fingers only, except in eating soups or other liquids, which they partook of by means of a spoon, called *μυστίλη*, *μύστρον*, or *μύστρος*. Sometimes they used, instead of a spoon, a hollowed piece of bread, also called *μυστίλη*.[9] After eating, they wiped their fingers on pieces of bread, called *ἀπομαγδαλίαι*.[10] They did not use any cloths or napkins; the *χειρόμακτρα* and *ἐκμαγεῖα*, which are sometimes mentioned,[11] were towels, which were only used when they washed their hands.

It appears that the arrangement of the dinner was intrusted to certain slaves.[12] The one who had the chief management of it was called *τραπεζοποιός* or *τραπεζοκόμος*.[13]

It would exceed the limits of this work to give an account of the different dishes which were introduced at a Greek dinner, though their number is far below those which were usually partaken of at a Roman entertainment. The most common food among the Greeks was the *μᾶζα* (Dor. *μάδδα*), a kind of frumenty or soft cake, which was prepared in different ways, as appears by the various names which were given to it.[1] The *μᾶζα* is frequently mentioned by Aristophanes. The *φυστὴ μᾶζα*, of which Philoclcon partakes on returning home from the courts,[2] is said by the scholiast to have been made of barley and wine. The *μᾶζα* continued to the latest times to be the common food of the lower classes. Wheaten or barley bread was the second most usual species of food; it was sometimes made at home, but more usually bought at the market of the *ἀρτοπῶλαι* or *ἀρτοπώλιδες*. The vegetables ordinarily eaten were mallows (*μαλάχη*), lettuces (*θρίδαξ*), cabbages (*ῥάφανοι*), beans (*κύαμοι*), lentils (*φακαῖ*), &c. Pork was the most favourite animal food, as was the case among the Romans (*vid.* Cœna, p. 275); Plutarch[3] calls it *τὸ δικαιότατον κρέας* Sausages, also, were very commonly eaten (*vid* Botulus). It is a curious fact, which Plato[4] has remarked, that we never read in Homer of the heroes partaking of fish. In later times, however, fish was one of the most favourite articles of food among the Greeks, insomuch so that the name of *ὄψον* was applied to it *κατ' ἐξοχήν*.[5] A minute account of the fishes which the Greeks were accustomed to eat is given at the end of the seventh book of Athenæus, arranged in alphabetical order.

The ordinary meal for the family was cooked by the mistress of the house, or by the female slaves under her direction; but for special occasions professional cooks (*μάγειροι*) were hired, of whom there appear to have been a great number.[6] They are frequently mentioned in the fragments of the comic poets; and those who were acquainted with all the refinements of their art were in great demand in other parts of Greece besides their own country. The Sicilian cooks, however, had the greatest reputation,[7] and a Sicilian book on cookery by one Mithæcus is mentioned in the Gorgias of Plato;[8] but the most celebrated work on the subject was the *Γαστρολογία* of Archestratus.[9]

A dinner given by an opulent Athenian usually consisted of two courses, called respectively *πρῶται τράπεζαι* and *δεύτεραι τράπεζαι*. Pollux,[10] indeed, speaks of three courses, which was the number at a Roman dinner (*vid.* Cœna, p. 275; and in the same way we find other writers under the Roman Empire speaking of three courses at Greek dinners; but before the Roman conquest of Greece, and the introduction of Roman customs, we only read of two courses. The first course embraced the whole of what we consider the dinner, namely, fish, poultry, meat, &c.; the second, which corresponds to our dessert and the Roman *bellaria*, consisted of different kinds of fruit, sweetmeats, confections, &c.

When the first course was finished, the tables were taken away (*αἴρειν, ἀπαίρειν, ἐπαίρειν, ἀφαιρεῖν, ἐκφέρειν, βαστάζειν τὰς τραπέζας*), and water was given to the guests for the purpose of washing their hands. Crowns made of garlands of flowers were also then given to them, as well as various kinds of perfumes.[11] Wine was not drunk till the first course was finished; but, as soon as the guests had washed their hands, unmixed wine was introduced in a large goblet, called *μετάνιπτρον* or *μετανιπτρίς*, of which each drank a little, after pouring

1. (Plato, Symp., c. 3, p. 175.)—2. (Dorians, iv., 3, § 1.)—3. (iii., p. 111.)—4. (Plato, Symp., c. 3, 4, p. 175.)—5. (Symp., v., 6.)—6. (Lexiph., c. 6.)—7. (Vesp., 1216.)—8. (Philoxen. ap. Athen., iv., p. 146, *f.*)—9. (Pollux, Onom., vi., 87; x., 89.—Aristoph., Equit., 1164.—Suidas, s. v. *μυστίλη*.)—10. (Pollux, Onom., vi., 93.)—11. (Pollux, l. c.)—12. (Plato, Symp., c. 3, p. 175.)—13 (Athen., iv., p. 170, *e*.—Pollux, Onom., iii., 41; vi., 13.)

1. (Pollux, Onom., vi., 76.)—2. (Aristoph., Vesp., 610.)—3. (Symp., iv., 5, § 1.)—4. (De Rep., iii., c. 13, p. 404.)—5. (Athen., vii., p. 276, *e*.)—6. (Diog. Laert., ii., 72.)—7. (Plato, De Rep., iii., 13, p. 404.)—8. (c. 156, p. 518.—Compare Max. Tyr., Diss., iv., 5.)—9. (Athen., iii., p. 104, *b*.)—10 (vi., 8?)—11. (Philyll. ap. Athen., ix., p. 408, *e*.)

out a small quantity as a libation. This libation was said to be made to the "good spirit" (*ἀγαθοῦ δαίμονος*), and was usually accompanied with the singing of the pæan and the playing of flutes After this libation, mixed wine was brought in, and with their first cup the guests drank to *Διὸς Σωτῆρος*.[1] With the *σπονδαί*, the *δεῖπνον* closed; and at the introduction of the dessert (*δεύτεραι τράπεζαι*) the *πότος*, *συμπόσιον*, or *κῶμος* commenced, of which an account is given in the article SYMPOSIUM.[2]

DELATOR, an informer The delatores, under the emperors, were a class of men who gained their livelihood by informing against their fellow-citizens.[3] They constantly brought forward false charges to gratify the avarice or jealousy of the different emperors, and were, consequently, paid according to the importance of the information which they gave. In some cases, however, the law specified the sums which were to be given to informers. Thus, when a murder had been committed in a family, and any of the slaves belonging to it had run away before the quæstio, whoever apprehended such slaves received, for each slave whom he apprehended, a reward of five aurei from the property of the deceased, or else from the state, if the sum could not be raised from the property of the deceased.[4] In the senatus consultum quoted by Frontinus,[5] the informer received half of the penalty in which the person was fined who transgressed the decree of the senate. There seems also to have been a fixed sum given to informers by the lex Papia, since we are told that Nero reduced it to a fourth.[6]

The number of informers, however, increased so rapidly under the early emperors, and occasioned so much mischief in society, that many of them were banished, and punished in other ways, by Titus, Domitian, and Trajan.[7]

DELECTUS. (*Vid.* ARMY, ROMAN.)

DE'LIA (*δήλια*) is the name of festivals and games celebrated at the great panegyris in the island of Delos, the centre of an amphictyony, to which the Cyclades and the neighbouring Ionians on the coasts belonged.[8] This amphictyony seems originally to have been instituted simply for the purpose of religious worship in the common sanctuary of Apollo, the *θεὸς πατρῷος* of the Ionians, who was said to have been born at Delos. The Delia, as appears from the Hymn on Apollo,[9] had existed from very early times, and were celebrated every fifth year,[10] and, as Böckh supposes, with great probability, on the sixth and seventh days of Thargelion, the birthdays of Apollo and Artemis. The members of the amphictyony assembled on these occasions (*ἐθεώρουν*) in Delos, in long garments, with their wives and children, to worship the god with gymnastic and musical contests, choruses, and dances. That the Athenians took part in these solemnities at a very early period, is evident from the Deliastæ (afterward called *θεωροί*) mentioned in the laws of Solon;[11] the sacred vessel (*θεωρίς*), moreover, which they sent to Delos every year, was said to be the same which Theseus had sent after his return from Crete.[12] The Delians, during the celebration of these solemnities, performed the office of cooks for those who visited their island, whence they were called *Ἐλεοδύται*.[13]

In the course of time, the celebration of this ancient panegyris in Delos had ceased, and it was not revived until Ol. 88, 3, when the Athenians, after having purified the island in the winter of that year, restored the ancient solemnities, and added horse-races, which had never before taken place at the Delia.[1] After this restoration, Athens being at the head of the Ionian confederacy, took the most prominent part in the celebration of the Delia; and though the islanders, in common with Athens, provided the choruses and victims, the leader (*ἀρχιθέωρος*), who conducted the whole solemnity, was an Athenian,[2] and the Athenians had the superintendence of the common sanctuary. (*Vid.* AMPHICTYONS.)

From these solemnities, belonging to the great Delian panegyris, we must distinguish the *lesser Delia*, which were mentioned above, and which were celebrated every year, probably on the 6th of Thargelion. The Athenians, on this occasion, sent the sacred vessel (*θεωρίς*), which the priest of Apollo adorned with bay branches, to Delos. The embassy was called *θεωρία*, and those who sailed to the island, *θεωροί*; and before they set sail, a solemn sacrifice was offered in the Delion at Marathon, in order to obtain a happy voyage.[3] During the absence of the vessel, which on one occasion lasted 30 days,[4] the city of Athens was purified, and no criminal was allowed to be executed. The lesser Delia were said to have been instituted by Theseus, though in some legends they are mentioned at a much earlier period, and Plutarch[5] relates that the ancient vessel used by the founder himself, though often repaired, was preserved and used by the Athenians down to the time of Demetrius Phalereus.[6]

DELICTUM. (*Vid.* CRIMEN.)

DELPHI'NIA (*δελφίνια*), a festival of the same expiatory character as the Apollonia, which was celebrated in various towns of Greece, in honour of Apollo, surnamed Delphinius, who was considered by the Ionians as their *θεὸς πατρῷος*. The name of the god, as well as that of his festival, must be derived from the belief of the ancients, that in the beginning of the month of Munychion (probably identical with the Æginetan Delphinius) Apollo came through the defile of Parnassus to Delphi, and began the battle with Delphyne. As he thus assumed the character of a wrathful god, it was thought necessary to appease him, and the Delphinia, accordingly, were celebrated at Athens, as well as at other places where his worship had been adopted, on the 6th of Munychion. At Athens seven boys and girls carried olive-branches, bound with white wool (called the *ἱκετηρία*), into the Delphinium.[7]

The Delphinia of Ægina are mentioned by the scholiast on Pindar,[8] and, from his remark on another passage, it is[9] clear that they were celebrated with contests.[10] Concerning the celebration of the Delphinia in other places, nothing is known; but we have reason to suppose that the rites observed at Athens and in Ægina were common to all festivals of the same name.[11]

DELPHIS or DELPHIN (*δελφίς* or *δελφίν*), an instrument of naval warfare. It consisted of a large mass of iron or lead suspended on a beam, which projected from the mast of the ship like a yard-arm. It was used to sink or make a hole in an enemy's vessel, by being dropped upon it when alongside.[12]

There seems no necessity for supposing that it

1. (Xen., Symp., ii., 1.—Plato, Symp., c. 4, p. 176.—Diod. Sic., iv., 3.—Suidas, s. v. *Ἀγαθοῦ Δαίμονος*.)—2. (Becker, Charikles, vol. i., p. 411–450.)—3. (Suet., Tib., c. 61.—Dom., 12.—Tacit., Ann., iv., 30; vi., 47.)—4. (Dig. 29, tit. 5, s. 25.)—5. (De Aquæduct.)—6. (Suet., Nero, 10.)—7. (Suet., Tit., 8.—Dom., 9.—Mart., i., 4.—Plin., Panæg., 34.—Brissonius, Ant. Select., iii., 17.)—8. (Hom., Hymn. in Apoll., 147, &c.)—9. (Compare Thucyd., iii., 104.—Pollux, Onom., ix., 61.)—10. (Pollux, Onom., viii., 104.)—11. (Athen., vi., p. 234.)—12. (*Vid.* commentators on Plato, Crito, p. 43, c.)—13. (Athen., iv., p. 173.)

1. (Thucyd., i. c.)—2. (Plut., Nic., 3.—Wolf, Introd. ad Demosth. Lept., p. xc.)—3. (Müller, Dor., ii., 2, 14.)—4. (Plat., Phædon, p. 58.—Xen., Mem., iv., 8, § 2.)—5. (Thes., 23.)—6. (Böckh, Staatsh. der Ath., ii., p. 216, &c.—Thirlwall, Hist. of Greece, iii., p. 217.)—7. (Plut., Thes., 18.)—8. (Pyth., viii., 88.)—9. (Olymp., vii., 151.)—10. (Compare Diog. Laert., Vit. Thal., c. 7.—Müller, Dor., ii., 8, § 4.)—11. (*Vid.* Müller, Æginet., p. 152.)—12. (Aristoph., Equit., 759 Thucyd., vii., 41.—Schol. ad Thucyd., i. c.—Hesych., s. v.)

was made in the shape of a dolphin. Bars of iron used for ballast are at the present day called "pigs," though they bear no resemblance to that animal. Probably the *δελφῖνες* were hoisted aloft only when going into action. We may also conjecture that they were fitted, not so much to the swift (*ταχεῖαι*) triremes, as to the military transports (*στρατιωτιδες, ὁπλιτάγωγοι*), for the sailing of the former would be much impeded by so large a weight of metal. At any rate, those that Thucydides speaks of were not on the triremes, but on the *ὁλκάδες*.

*DELPHIS, DELPHIN, or DELPHI'NUS, the Dolphin, or *Delphinus Delphis*, L.[1] "This animal," says Cuvier, speaking of the *D. Delphis*, "found in numerous troops in every sea, and celebrated for the velocity of its movements, which sometimes cause it to precipitate itself on the helms of vessels, appears to have been really the Dolphin of the ancients. The entire organization of the brain indicates that degree of docility which they universally attributed to this animal."[2] The internal organization of the ear also renders this animal susceptible of great attention: it produces a sensibility to musical sounds, and enables the Dolphin to distinguish, at a considerable distance, the cries of joy or alarm of its congeners. "Some authors," observes Griffith,[3] "more especially the ancients, have not only celebrated the mutual friendship subsisting among the Dolphins themselves, but have also asserted that they have a lively and natural affection towards the human species, with which they are easily led to familiarize, and they have recounted many marvellous stories on this subject. All that is known on this point with certainty is, that when these animals perceive a ship at sea, they rush in a crowd before it, surround it, and express their confidence by rapid, varied, and repeated evolutions; sometimes bounding, leaping, and manœuvring in all manner of ways, sometimes performing complicated circumvolutions, and exhibiting a degree of grace, agility, dexterity, and strength which is perfectly astonishing. We must not, however, be deceived by such external show of affection. These animals, represented as susceptible of so much attachment to man, are thoroughly carnivorous, and if they follow the track of vessels, it is, perhaps, with no other view than the hope of preying on something that may fall from them." The Grampus (a fish in nature nearly allied to the Dolphin) would seem to be the *Orca* of Pliny. "It is not noticed," observes Adams, "by the Greek authors, unless, as some have supposed, it be the *ὀρυξ* of Strabo."[4]

*DELPHIN'IUM (*δελφίνιον*), a plant. Sprengel recognises the two species described by Dioscorides as being the *Delphinium Ajacis*, or common Larkspur, and the *D. tenuissimum* of Sibthorp. From the circumstance of the Delphinium not being noticed in the Materia Medica of Galen, Oribasius, or Paul of Ægina, Matthiolus is disposed to regard as spurious the two chapters of Dioscorides[5] in which mention is made of it. "Among the synonymes of the *δελφίνιον* in Dioscorides, we find," remarks Adams, in continuation, "*ὑάκινθος* and *βούκινος μίνορ* of the Romans. It has, therefore, been supposed that the '*vaccinia nigra*' of Virgil were Larkspurs."[6]

DELUBRUM (*Vid.* Templum.)

DEMA'RCHI These officers were the head boroughs or chief magistrates of the demi in Attica, and are said to have been first appointed by Cleisthenes. Their duties were various and important. Thus, they convened meetings of the demus, and took the votes upon all questions under consideration; they had the custody of the *ληξιαρχικὸν γραμματεῖον*, or book in which the members of the demus were enrolled; and they made and kept a register of the landed estates (*χωρία*) in their districts, whether belonging to individuals or the body corporate; so that, whenever an *εἰσφορά*, or extraordinary property-tax was imposed, they must have been of great service in assessing and collecting the quota of each estate.[1] Moneys due to the demus for rent, &c., were collected by them,[2] and it may safely be allowed that they were employed to enforce payment of various debts and dues claimed by the state.[3] For this purpose they seem to have had the power of distraining, to which allusion is made by Aristophanes.[4] In the duties which have been enumerated, they supplanted the naucrari of the old constitution; their functions, however, were not confined to duties of this class, for they also acted as police magistrates: thus, in conjunction with the dicasts of the towns (*δικασταὶ κατὰ δήμους*), they assisted in preserving peace and order,[5] and were required to bury, or cause to be buried, any dead bodies found in their district: for neglect of this duty they were liable to a fine of 1000 drachmæ.[6] Lastly, they seem to have furnished to the proper authorities a list of the members of the township who were fit to serve in war (*καταλόγους ἐποιήσαντο*[7]). (*Vid.* Demus.)

DEMENS. (*Vid.* Curator, p. 329.)

DEMENSUM was an allowance of corn, which was given to Roman slaves monthly or daily.[8] Donatus[9] says that every slave received four modii of corn a month; but Seneca[10] speaks of five modii as the allowance.[11]

DEME'NTIA. (*Vid.* Curator, p. 329.)

DEME'TRIA (*δημητρία*), an annual festival which the Athenians, in 307 B.C., instituted in honour of Demetrius Poliorcetes, who, together with his father Antigonus, were consecrated under the title of saviour gods. It was celebrated every year in the month of Munychion, the name of which, as well as that of the day on which the festival was held, was changed into Demetrion and Demetrias. A priest ministered at their altars, and conducted the solemn procession, and the sacrifices and games with which the festival was celebrated.[12] To honour the new god still more, the Athenians at the same time changed the name of the festival of the Dionysia into that of Demetria, as the young prince was fond of hearing himself compared to Dionysus. The Demetria mentioned by Athenæus[13] are probably the Dionysia. Respecting the other extravagant flatteries which the Athenians heaped upon Demetrius and Antigonus, see Athen., vi, p. 252; Herm., *Polit. Ant. of Greece*, § 175, n. 6, 7, and 8; and Thirlwall, *Hist. of Greece*, vii., p. 331

DEMINU'TIO CAPITIS. (*Vid.* Caput.)

DEMIOP'RATA (*δημιόπρατα*, sc. *πράγματα* or *κτήματα*) was property confiscated at Athens and sold by public auction. The confiscation of property was one of the most common sources of revenue in many of the Grecian states; and Aristophanes[14] mentions the *δημιόπρατα* as a separate branch of the public revenue at Athens. An account of such property was presented to the people in the first assembly of every prytaneia;[15] and lists of it were posted upon tablets of stone in different pla-

1. (Aristot., H. A., ii., 13, &c.—Ælian, N. A., i., 18, &c.—Plin., ix., 8.—Juv., Sat., x., 14.)—2. (Griffith's Cuvier, vol. iv., p. 435.)—3. (Griffith's Cuvier, vol. iv., p. 450.)—4. (Adams, Append., s. v.)—5. (iii., 77, 78.)—6 (Adams, Append., s. v.)

1. (Böckh, vol. i., p. 212, transl.)—2. (Demosth., c. Eub., 1318.)—3. (Böckh, l. c.)—4. (Nubes, 37.—*Vid.* Mitchell, ad loc., —5. (Wachsmuth, ii., part 1, p. 32.)—6. (Demosth., c. Macart., 1069, 22.)—7. (Demosth., c. Polyc., 1208.—Harpocrat., s. v.—Pollux, Onom., viii., 108.—Schömann, 377.)—8. (Plaut., Stich., I., ii., 3.—Trinumm., IV., ii., 102.—"diaria:" Mart., xi., 108—Hor., Ep., I., xiv., 40.)—9. (ad Ter., Phorm., I., i., 9.)—10 (Ep., 80.)—11. (Becker, Gallus, i., p. 110.)—12. (Diod. Sic., xx., 46.—Plut., Demetr., 10, 46.)—13. (xii., p. 536.)—14. (Vesp., 559.—Schol. ad loc.)—15. (Pollux, Onom., viii., 95.)

as was the case at Eleusis, with the catalogue of the articles which accrued to the temple of Demeter and Persephone, from persons who had committed any offence against these deities.[1] Many monuments of this kind were collected by Greek antiquarians, of which an account is given by Böckh.[2]

DE'MIUS (*δήμιος*). (*Vid.* Basanos, p. 140.)

DEMIU'RGI (*δημιουργοί*). These magistrates, whose title is expressive of their doing the service of the people, are by some grammarians stated to have been peculiar to Dorian states; but, perhaps, on no authority except the form *δαμιουργοί*. Müller[3] observes, on the contrary, that "they were not uncommon in the Peloponnesus, but they do not occur often in the Dorian states." They existed among the Eleians and Mantineans, with whom they seem to have been the chief executive magistracy (*οἱ δημιουργοὶ καὶ ἡ βουλή, κ. τ. λ.*[4]). We also read of demiurgi in the Achaian league, who probably ranked next to the strategi,[5] and put questions to the vote in the general assembly of the confederates.[6] Officers named epidemiurgi, or upper demiurgi, were sent by the Corinthians to manage the government of their colony at Potidæa.[7]

DEMONSTRA'TIO. (*Vid.* Actio, p. 19.)

DEMOPOIE'TUS (*δημοποίητος*) was the name given to a foreigner who was admitted to the rights of citizenship at Athens by a decree of the people, on account of services rendered to the state. Such citizens were, however, excluded from the phratriæ, and could not hold the offices of either archon or priest,[8] but were registered in a phyle and deme. (*Vid.* Civitas, Greek, p. 259.)

DEMOSI'OI (*δημόσιοι*) were public slaves at Athens, who were purchased by the state. Some of them filled subordinate places in the assembly and courts of justice, and were also employed as heralds, checking clerks, &c. They were usually called *δημόσιοι οἰκέται*, and, as we learn from Ulpian,[9] were taught at the expense of the state to qualify them for the discharge of such duties as have been mentioned.[10] As these public slaves did not belong to any one individual, they appear to have possessed certain legal rights which private slaves had not.[11]

Another class of public slaves formed the city guard; it was their duty to preserve order in the public assembly, and to remove any person whom the *πρυτανεῖς* might order.[12] They are generally called bowmen (*τοξόται*); or, from the native country of the majority, Scythians; and also Speusinians, from the name of the person who first established the force.[13] There were also among them many Thracians and other barbarians. They originally lived in tents in the market-place, and afterward upon the Areiopagus. Their officers had the name of toxarchs (*τόξαρχοι*). Their number was at first 300, purchased soon after the battle of Salamis, but was afterward increased to 1200.[14]

DEMUS. The word *δῆμος* originally indicated a district or tract of land, and is by some derived from *δέω*, as if it signified an "enclosure marked off from the waste," just as our word town comes, according to Horne Tooke, from the Saxon verb "tynan," to enclose.[15] It seems, however, more simple to connect it with the Doric *δᾶ* for *γᾶ*. In this meaning of a country district, inhabited and under cultivation, *δῆμος* is contrasted with *πόλις*: thus we have *ἀνδρῶν δήμόν τε πόλιν τε*;[1] but the transition from a locality to its occupiers is easy and natural, and hence, in the earlier Greek poets, we find *δῆμος* applied to the outlying country population, who tilled the lands of the chieftains or inhabitants of the city; so that *δῆμος* and *πολῖται* came to be opposed to each other, the former denoting the subject peasantry (*δῆμον φιλοδέσποτον*[2]); the latter, the nobles in the chief towns.[3]

We now proceed to treat of the demi or country parishes of Attica. The word *δῆμος*, in the sense which we have here expressed by "parish," is by some rendered "borough," by others, "township." Of these terms, the former is certainly not appropriate; and as a parish may include townships and hamlets, we prefer this word to "township." In the first place, we may remark that, whatever uncertainty there may be about the nature and origin of the four tribes in that country as they existed before the age of Cleisthenes, there is scarcely any about the alterations he introduced with respect to them. His object was to effect a revolution, by which the power of the aristocracy would be diminished; for this purpose he broke up the four tribes of the old constitution, and substituted in their place ten local tribes (*φυλαὶ τοπικαί*), each named from some Attic hero.[4] These were subdivided into ten demi or country parishes, possessing each its principal town; and in some one of these demi were enrolled all the Athenian citizens resident in Attica, with the exception, perhaps, of those who were natives of Athens itself.[5] These subdivisions corresponded in some degree to the *ναυκραρίαι* of the old tribes, and were, according to Herodotus, one hundred in number; but, as the Attic demi amounted in the time of Strabo[6] to 174, doubts have been raised about this statement. Niebuhr has inferred from it that the tribes of Cleisthenes did not originally include the whole population of Attica, and "that some of the additional 74 must have been cantons, which had previously been left in a state of dependance; by far the chief part, however, were houses (*γένη*) of the old aristocracy," which were included in the four Ionian tribes, but, according to Niebuhr, were not incorporated in the ten tribes of the "rural commonalty" till after the time of Cleisthenes. (*Vid.* Tribus.)

This inference, however, seems very questionable; for the number of the demi might increase from a variety of causes, such as the growth of the population, the creation of new tribes, and the division of the larger into smaller parishes, to say nothing of the improbability of the coexistence of two different orders of tribes. "Another fact, more difficult to account for, is the transposition by which demes of the same tribe were found at opposite extremities of the country."[7] The names of the different demes were taken, some from the chief towns in them, as Marathon, Eleusis, and Acharnæ; some from the names of houses or clans, such as the Dædalidæ, Boutadæ, &c. A complete list of them is given in Wachsmuth.[8] The largest of all was the demus of Acharnæ, which in the time of the Peloponnesian war was so extensive as to supply a force of no less than three thousand heavy-armed men. Thucydides[9] says of it, that it was the *χωρίων μέγιστον τῆς Ἀττικῆς τῶν δήμων καλουμένων*.

In explanation of their constitution and relation to the state in general, we may observe, that they

1 (Pollux, Onom., x., 97.)—2. (Publ. Econ. of Athens, vol. i., p. 265, &c.—Compare ii., p. 127; and Meier, "De Bonis Damnatorum," p. 160, &c.)—3. (Dorians, ii., 145, transl.)—4. (Thucyd., v., 47.)—5. (Wachsmuth, § 79.)—6. (Liv., xxxii., 22; xxxviii., 30.)—7. (Thucyd., i., 56.)—8. (Demosth., c. Neær., p. 1376.)—9. (ad Demosth., Olynth., ii., p. 15.)—10. (Hemster. ad Pollux, Onom., ix., 19.—Maussac ad Harpocrat., s. v. Δημόσιος.—Petit., Leg. Att., p. 342.)—11 (Meier, Att. Process, p. 401, 560.—Æschin., c. Timarch., p. 76, 35.)—12. (Schneider ad Xen., Mem., iii., 6, § 1.—Plato, Protag., c. 27, p. 319, and Heindorff's note.—Aristoph., Acharn., 54, with the commentators.)—13. (Pollux, Onom., viii., 131, 132.—Photius, s. v. Τοξόται.)—14. (Æsch., περὶ Παραπρεσβ., p. 335.—Andoc., De Pac., p. 93.—Böckh, Publ. Econ. of Athens, i., p. 277, &c.)—15 (Arnold, Thucyd., vol. i. app. iii.)

1. (Hes., Op. et D., 527.)—2. (Hes., Theog., 847.)—3. (Wachsmuth. Hellen. Alterth., I., i., p. 516.)—4. (Herod., v., 66, 69.)—5. (Thirlwall, Hist. of Greece, ii., p. 74.)—6. (ix., 396, c.)—7 (Thirlwall, l. c., and app., vol. ii.)—8 (ii., p. 1, app. i.)—9 (ii., 191.)

named independent corporations, and had each their several magistrates, landed and other property, with a common treasury. They had, likewise, their respective convocations or "parish meetings," convened by the demarchi, in which was transacted the public business of the demus, such as the leasing of its estates, the elections of officers, the revision of the registers or lists of δήμοται, and the admission of new members. Moreover, each demus appears to have kept what was called a πίναξ ἐκκλησιαστικός, or list of those δήμοται who were entitled to vote at the general assemblies of the whole people. In a financial point of view, they supplanted the old "naucraries" of the four tribes, each demus being required to furnish to the state a certain quota of money and contingent of troops whenever necessary.[1] Independent of these bonds of union, each demus seems to have had its peculiar temples and religious worship (δημοτικὰ ἱερά[2]), the officiating priests in which were chosen by the δήμοται ;[3] so that, both in a civil and religious point of view, the demi appear as minor communities, whose magistrates, moreover, were obliged to submit to a δοκιμασία, in the same way as the public officers of the whole state. But, besides the magistrates, such as demarchs and treasurers (ταμίαι), elected by each parish, we also read of judges, who were called δίκασται κατὰ δήμους : the number of these officers, originally thirty, was afterward increased to forty, and it appears that they made circuits through the different districts, to administer justice in all cases where the matter in dispute was not more than ten drachmæ in value, more important questions being reserved for the διαιτηταί.[4]

We will now treat of the δήμοται, or members of each demus, their privileges, and relations to the body corporate, of which they formed a constituent part. We are told by Aristotle[5] that, on the first institution of the demi, Cleisthenes increased the strength of the δῆμος or commonalty by making many new citizens, among whom are said to have been included not only strangers and resident foreigners, but also slaves. His words are, Πολλοὺς ἐφυλέτευσε ξένους καὶ (δούλους) μετοίκους. We strongly suspect, however, that δούλους is an interpolation. The admission of slaves would, we conceive, have been very unpopular. Now admission into a demus was necessary, before any individual could enter upon his full rights and privileges as an Attic citizen ; and though, in the first instance, every one was enrolled in the register of the demus in which his property and residence lay, this relation did not continue to hold with all the δήμοται ; for, since a son was registered in the demus of his real or adoptive father, and the former might change his residence, it would often happen that the members of a demus did not all reside in it. Still this would not cause any inconvenience, since the meetings of each parish were not held within its limits, but at Athens.[6] No one, however, could purchase property situate within a parish to which he did not himself belong, without paying to the demarchs a fee for the privilege of doing so (ἐγκτητικόν), which would, of course, go to the treasury of the parish.[7]

Two of the most important functions of the general assemblies of the demi were the admission of new members and the revision of the names of members already admitted. The register of enrolment was called ληξιαρχικὸν γραμματεῖον, because any person whose name was inscribed in it could enter upon an inheritance and enjoy a patrimony, the expression for which in Attic Greek was τῆς ληξεως ἄρχειν : λαγχάνειν κλῆρον, being equivalent to the Roman phrase *adire hereditatem*. These registers were kept by the demarchs, who, with the approbation of the members of the demus assembled in general meeting, inserted or erased names according to circumstances. Thus, when a youth was proposed for enrolment, it was competent for any demote to object to his admission on the ground of illegitimacy, or non-citizenship by the side of either parent. The demotes decided on the validity of these objections under the sanction of an oath, and the question was determined by a majority of votes.[1] The same process was observed when a citizen changed his parish in consequence of adoption.[2] Sometimes, however, a demarch was bribed to place, or assist in placing, on the register of a demus, persons who had no claim to citizenship.[3] To remedy this admission of spurious citizens (παρεγγραπτοί), the διαψήφισις was instituted. (*Vid.* Diapsephisis.)

Lastly, crowns and other honorary distinctions could be awarded by the demi in the same way as by the tribes. A decree of the demus of the Peiræus is given in Böckh,[4] by which certain privileges were granted to Callidamas of Chollidæ : one of these was the exemption from the payment of the ἐγκτητικόν, if he should acquire property in that parish. The words are, Τελεῖν δε αὐτὸν τὰ αὐτὰ τέλη ἐν τῳ δήμῳ ἅπερ ἂν καὶ Πειραιεῖς, καὶ μὴ ἐκλέγειν παρ' αὐτοῦ τὸν δήμαρχον τὸ ἐγκτητικόν. The decree is taken from an inscription in Chandler.[5] (*Vid.* Demarchi.)

DENA'RIUS, the principal silver coin among the Romans, was so called because it was originally equal to ten asses ; but on the reduction of the weight of the as (*vid.* As), it was made equal to sixteen asses, except in military pay, in which it was still reckoned as equal to ten asses.[6] The denarius was first coined five years before the first Punic war, B.C. 269. (*Vid.* Argentum.) There were originally 84 denarii to a pound,[7] but subsequently 96. At what time this reduction was made in the weight of the denarius is uncertain, as it is not mentioned in history. Some have conjectured that it was completed in Nero's time ; and Mr. Hussey[8] justly remarks, that Suetonius[9] proves that 84 denarii went still to the pound about the year B.C. 50 ; since, if we reckon 96 to the pound, the proportion of the value of gold to silver is 7·8 to 1, which is incredibly low ; while the value on the other supposition, 8·9 to 1, is more probable. (Compare Argentum, *sub fin.*)

BRITISH MUSEUM. ACTUAL SIZE. WEIGHT 60·6 GRS

BRITISH MUSEUM. ACTUAL SIZE WEIGHT 58·5 GRS

Mr. Hussey calculates the average weight of the denarii coined at the end of the Commonwealth at

1 (Wachsmuth, § 83.)—2. (Paus., i., 31.—Pollux, Onom., viii., 108.)—3. (Demosth., c. Eubul., 1313.)—4. (Hudtwalcker, p. 37.)—5. (Polit., iii., 1.)—6. (Demosth., c. Eubul., 1302.)—7 (Böckh, Publ. Econ. of Athens, vol. ii., p. 3, transl.)

1. (Demosth., c. Eubul., 1318.)—2. (Isæus, De Apoll. Hæred. p. 66, 17.)—3. (Demosth., c. Leoch., p. 1091.)—4. (l. c.)—5 (ii., 108.)—6. (Plin., H. N., xxxiii., 13.)—7. (Plin., H. N. xxxiii., 46.—Celsus, v., 17, § 1.)—8. (Ancient Weights, &c., p. 137.)—9 (Jul., 54.)

60 grains, and those under the Empire at 52·5 grains. If we deduct, as the average, $\frac{1}{30}$th of the weight for alloy from the denarii of the Commonwealth, there will remain 58 grains of pure silver; and since the shilling contains 80·7 grains of pure silver, the value of the best denarii will be $\frac{58}{80\cdot7}$ of a shilling, or 8·6245 pence; which may be reckoned in round numbers 8½*d.* If the same method of reckoning be applied to the later denarius, its value will be about 7·5 pence, or 7½*d.*[1]

The Roman coins of silver went at one time as low down as the fortieth part of the denarius, the teruncius. They were, the *quinarius*, or half denarius; the *sestertius*, or quarter denarius (*vid.* Sestertius); the *libella*, or tenth of the denarius (equal to the as); the *sembella*, or half libella; and the *teruncius*, or quarter libella.

The quinarius was also called *victoriatus*,[2] from the impression of a figure of Victory which it bore. Pliny[3] says that victoriati were first coined at Rome in pursuance of the lex Clodia, and that previous to that time they were imported as an article of trade from Illyria. The Clodius who proposed this law is supposed to have been the person who obtained a triumph for his victories in Istria, whence he brought home a large sum of money,[4] which would fix the first coinage of the victoriati at Rome B.C. 177, that is, 92 years after the first silver coinage.

If the denarius weighed 60 grains, the teruncius would only have weighed 1½ grs., which would have been so small a coin that some have doubted whether it was ever coined in silver, for we know that it was coined in copper. (*Vid.* As, p. 110.) But Varro[5] names it among the silver coins with the libella and sembella. It is, however, improbable that the teruncius continued to be coined in silver after the as had been reduced to $\frac{1}{16}$th of the denarius; for then the teruncius would have been $\frac{1}{64}$th of the denarius, whereas Varro only describes it as a subdivision of libella, when the latter was $\frac{1}{10}$th of the denarius. In the time of Cicero, the libella appears to have been the smallest silver coin in use;[6] and it is frequently used, not merely to express a silver coin equal to the as, but any very small sum.[7] Gronovius,[8] however, maintains that there was no such coin as the libella when Varro wrote, but that the word was used to signify the tenth part of a sestertius. No specimens of the libella are now found.

If the denarius be reckoned in value 8½*d.*, the other coins which have been mentioned will be of the following value:

	Pence.	Farth.
Teruncius . . .		·53125
Sembella		1·0625
Libella		2·125
Sestertius	2	·5
Quinarius or Victoriatus .	4	1
Denarius	8	2

It has been frequently stated that the denarius is equal in value to the drachma, but this is not quite correct. The Attic drachma was almost equal to 9¾*d.*, whereas we have seen that the denarius was but little above 8½*d.* The later drachmæ, however, appear to have fallen off in weight; and there can be no doubt that they were at one time nearly enough equal to pass for equal. Gronovius has given all the authorities upon the subject in his *De Sestertiis*.[9]

The earliest denarii have usually, on the obverse, the head of Rome with a helmet, the Dioscuri, or the head of Jupiter. Many have, on the reverse, chariots drawn by two or four horses (*bigæ, quadrigæ*), whence they are called respectively *bigati* and *quadrigati*, sc. *nummi*. (*Vid.* Bigatus.) Some denarii were called *serrati*,[1] because their edges were notched like a saw, which appears to have been done to prove that they were solid silver, and not plated. Many of the family denarii, as those of the Ælian, Calpurnian, Papinian, Tullian, and numerous other families, are marked with the numeral X, in order to show their value.

Pliny[2] speaks of the *denarius aureus*. Gronovius[3] says that this coin was never struck at Rome; but there is one of Augustus in the British Museum, weighing 60 grains, and others of less weight. The average weight of the common aureus was 120 grains. (*Vid.* Aurum, p. 129.) In later times, a copper coin was called denarius.[4]

*DENDRACHA'TES (*δενδραχάτης*), a species of Agate, the veins of which resemble a small tree. It is our Dendritic agate. A description of it is given in the Orphic poem under the name of *ἀχάτης δενδρήεις*.[5]

*DENDROLIB'ANUS (*δενδρολίβανος*), a term occurring only in the Pharmaceutical work of Myrepsus. It is applied to the Rosemary.[6]

*ΔΕΝΔΡΥΦΊΑ ΚΕΡΑΤΊΝΑ (*δενδρυφία κεράτινα*), apparently, says Adams, a kind of Coral. It is mentioned by Theophrastus.[7] Stackhouse conjectures it to be the *Gorgonia nobilis*, or Red Coral.[8]

DENTIFRI'CIUM (*ὀδοντότριμμα*), a dentrifice or tooth-powder, appears to have been skilfully prepared and generally used among the Romans. A variety of substances, such as the bones, hoofs, and horns of certain animals, crabs, egg-shells, and the shells of the oyster and the murex, constituted the basis of the preparation. Having been previously burned, and sometimes mixed with honey, they were reduced to a fine powder. Though fancy and superstition often directed the choice of these ingredients, the addition of astringents, such as myrrh, or of nitre and of hartshorn ground in a raw state, indicates science which was the result of experience, the intention being not only to clean the teeth and to render them white, but also to fix them when loose, to strengthen the gums, and to assuage toothache.[9] Pounded pumice was a more dubious article, though Pliny[10] says, "*Utilissima fiunt ex his dentifricia.*"

DEPENSI ACTIO. (*Vid.* Sponsor.)

DEPORTA'TIO. (*Vid.* Banishment, Roman.)

DEPO'SITI ACTIO. (*Vid.* Depositum.)

DEPO'SITUM. A depositum is that which is given by one man to another to keep until it is demanded back, and without any reward for the trouble of keeping it. The party who makes the depositum is called *deponens* or *depositor*, and he who receives the thing is called *depositarius*. The act of deposite may be purely voluntary, or it may be from necessity, as in the case of fire, shipwreck, or other casualty. The depositarius is bound to take care of the thing which he has consented to receive. He cannot use the thing unless he has permission to use it, either by express words or by necessary implication. If the thing is one "quæ usu non consumitur," and it is given to a person to be used, the transaction becomes a case of locatio and conductio (*vid.* Locatio), if money is to be paid for the use of it; or a case of commodatum (*vid.* Commodatum), if nothing is to be paid for the use. If a bag of money not sealed up is the subject of

1. (Hussey, p. 141, 142.)—2. (Cic., Pro Font., 5.)—3. (H. N., xxxiii., 13.)—4. (Liv., xli., 13.)—5. (Varro, De Ling. Lat., v., 174, ed. Muller.)—6. (Cic., Pro Rosc. Com., c. 4.)—7. (Plaut., Cas., II., v., 7.—Capt., V., i., 27.)—8. (De Sestertiis, ii. 2.)—9. (in., 2.)

1. (Tacit., Germ., 5.)—2. (H. N., xxxiii., 13.)—3. (De Sestertiis, iii., 15.)—4. (Ducange, s. v. Denarius.)—5. (Plin., H. N., xxxvi., 54.—Orph., Lith., v., 230.—Moore's Anc. Mineral., p. 178.)—6. (Adams, Append., s. v.)—7. (H. P., iv., 8.)—8. (Adams, Append., s. v.)—9. (Plin., H. N., xxviii., 49; xxxv., 46; xxxii., 21, 26.)—10. (xxxvi., 42.)

the depositum, and the depositarius at any time asks for permission to use it, the money becomes a loan (*vid.* MUTUUM) from the time when the permission is granted; if the deponens proffers the use of the money, it becomes a loan from the time when the depositarius begins to use it. If money is deposited with the condition that the same amount be returned, the use of it is tacitly given; but the depositum does not therefore become mutuum. If the depositum continues purely a depositum, the depositarius is bound to make good any damage to it which happens through dolus or culpa lata; and he is bound to restore the thing on demand to the deponens, or to the person to whom the deponens orders it to be restored. The remedy of the deponens against the depositarius is by an actio depositi directa. The depositarius is entitled to be secured against all damage which he may have sustained through any culpa on the part of the deponens, and to all costs and expenses incurred by his charge; and his remedy against the deponens is by an actio depositi contraria. The actio was in duplum if the deposite was made from necessity; if the depositarius was guilty of dolus, infamia was a consequence.[1]

DESERTOR is defined by Modestinus to be one "qui per prolixum tempus vagatus, reducitur," and differs from an *emansor* "qui diu vagatus ad castra egreditur."[2] Those who deserted in time of peace were punished by loss of rank, corporeal chastisement, fines, ignominious dismission from the service, &c. Those who left the standards in time of war were usually punished with death. The *transfugæ*, or deserters to the enemy, when taken, were sometimes deprived of their hands or feet,[3] but generally were put to death.[4]

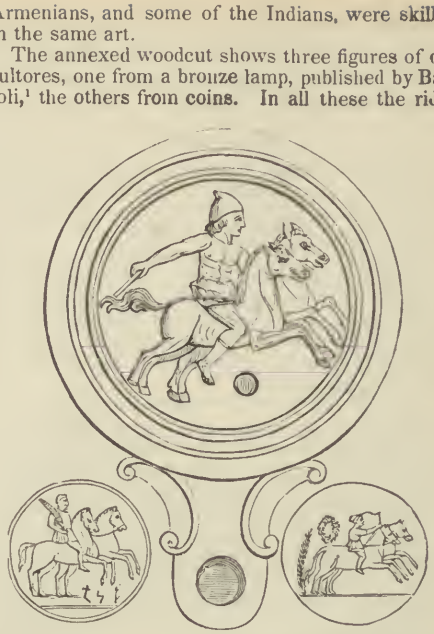
DESIGNA'TOR. (*Vid.* FUNUS.)

DESMOTE'RION (δεσμωτήριον). (*Vid.* CARCER.)

DESPOSIONAU'TAI (δεσποσιοναῦται). (*Vid.* CIVITAS, GREEK.)

DESULTOR (ἄμφιππος, ἀναβάτης, μεταβάτης), a rider. Although riding on horseback is never mentioned among the martial exercises of the early Greeks, it was often practised by them as a swift and easy method of conveyance from place to place; and that they had attained to great skill in horsemanship is manifest from a passage in the Iliad,[5] describing a man who keeps four horses abreast at full gallop, and leaps from one to another, amid a crowd of admiring spectators. The Roman desultor generally rode only two horses at the same time, sitting on them without a saddle, and vaulting upon either of them at his pleasure.[6] He wore a hat or cap made of felt. The taste for these exercises was carried to so great an extent, that young men of the highest rank not only drove bigæ and quadrigæ in the circus, but exhibited these feats of horsemanship.[7] Besides performing publicly for the amusement of the spectators, the Roman riders were employed to convey messages with the greatest possible despatch, relieving either horse, when fatigued, by vaulting upon the other.[8] Among other nations, this species of equestrian dexterity was applied to the purposes of war. Livy mentions a troop of horse in the Numidian army, in which each soldier was supplied with a couple of horses, and in the heat of battle, and when clad in armour, would leap with the greatest ease and celerity from that which was wearied or disabled upon the back of the horse which was still sound and fresh.[9] The Scythians, Armenians, and some of the Indians, were skilled in the same art.

The annexed woodcut shows three figures of desultores, one from a bronze lamp, published by Bartoli,[1] the others from coins. In all these the rider



wears a pileus, or cap of felt, and his horse is without a saddle; but these examples prove that he had the use both of the whip and the rein. On the coins we also observe the wreath and palm-branch as ensigns of victory.

DETESTA'TIO SACRO'RUM. (*Vid.* SACRA.)

DEVERSO'RIUM. (*Vid.* CAUPONA.)

DEUNX. (*Vid.* As, p. 110.)

DEXTANS. (*Vid.* As, p. 110.)

DIADE'MA (διάδημα), a white fillet used to encircle the head (*fascia alba*[2]).

The invention of this ornament is by Pliny[3] attributed to "Liber Pater." Diodorus Siculus adds,[4] that he wore it to assuage headache, the consequence of indulging in wine. Accordingly, in works of ancient art, Bacchus wears a plain bandage on his head, as shown in the woodcut at p. 208.

Whether we reject or admit the conjecture of Diodorus, we may safely consider the diadem, even in its simplest form, as a decoration which was properly Oriental. It is commonly represented on the heads of Eastern monarchs. Justin[5] relates that Alexander the Great adopted the large diadem of the kings of Persia, the ends of which fell upon the shoulders, and that this mark of royalty was preserved by his successors.[6] Antony assumed it in his luxurious intercourse with Cleopatra in Egypt.[7] Ælian says[8] that the kings of that country had the figure of an asp upon their diadems.

In process of time, the sculptors placed the diadema on the head of Jupiter, and various other divinities besides Bacchus (see examples at p. 245, 292), and it was also gradually assumed by the sovereigns of the Western world. It was tied behind in a bow; whence Tacitus[9] speaks of the Euphrates rising in waves "white with foam, so as to resemble a diadem." By the addition of gold and gems,[10] and of pearls from the Erythrean Sea,[11] and by a continual increase in richness, size, and splendour, this bandage was at length converted into the crown which has been for many centuries the badge

1. (Dig. 16, tit. 3. — Cic., Off., i., 10.—Juv., Sat., xiii., 60.—Dirksen, Uebersicht, &c., p. 597.)—2. (Dig. 49, tit. 16, s. 3.)—3. (Liv., xxvi., 12.)—4. (Lipsius, De Milit. Rom., iv., 4.)—5. (xv., 679-684.)—6. (Isidor., Orig., xviii., 39.)—7. (Suet., Jul., 39.—Compare the article CIRCUS, p. 256.)—8. (Hygin., Fab., 80.)—9 (xxiii., 2[illegible])

1. (Antiche Lucerne Sepolcrali, i., 24.)—2. (Val. Max., vi., 2, 7.)—3. (H. N., vii., 57.)—4. (iv., p. 250, ed. Wesseling.)—5. (xii., 3.)—6. (See also Lucian, Dial. Diog. et Alex.)—7. (Florus, iv., 11.)—8. (V. H., vi., 38.)—9. (Ann., vi., 37, 2[illegible]—10 (Isidor., Orig., xix., 31.)—11. (Claud., Epithal.)

or sovereignty in modern Europe. It must have been merely in jcke that the surname of Diadematus was given to L. Metellus, who, in order to conceal an ulcer, had his head for a long time surrounded with a bandage.[1]

DIABATE'RIA (*διαβατήρια*) was a sacrifice offered to Zeus and Athena by the Kings of Sparta upon passing the frontiers of Lacedæmon with the command of an army. If the victims were unfavourable, they disbanded the army and returned home.[2]

DIADICASI'A (*διαδικασία*), in its most extended sense, is a mere synonyme of *δίκη*: technically, it denotes the proceedings in a contest for preference between two or more rival parties; as, for instance, in the case of several claiming to succeed as heirs or legatees to the estate of a deceased person. Upon an occasion of this kind, it will be observed that, as all claimants are similarly situated with respect to the subject of dispute, the ordinary classification of the litigants as plaintiffs and defendants becomes no longer applicable. This, in fact, is the essential distinction between the proceedings in question and all other suits in which the parties appear as immediately opposed to each other; but, as far as forms are concerned, we are not told that they were peculiarly characterized. Besides the case above mentioned, there are several others to be classed with it in respect of the object of proceedings being an absolute acquisition of property. Among these are to be reckoned the claims of private creditors upon a confiscated estate, and the contests between informers claiming rewards proposed by the state for the discovery of crimes, &c., as upon the occasion of the mutilation of the Hermæ[3] and the like. The other class of causes included under the general term consists of cases like the antidosis of the trierarchs (*vid.* ANTIDOSIS), contests as to who was to be held responsible to the state for public property alleged to have been transferred on one hand and denied on the other,[4] and questions as to who should undertake a choregia, and many others, in which exemptions from personal or pecuniary liabilities to the state were the subject of claim by rival parties. In a diadicasia, as in an ordinary *δίκη*, the proper court, the presiding magistrate, and the expenses of the trial, mainly depended upon the peculiar object of the proceedings, and present no leading characteristics for discussion under the general term.[5]

DIAD'OSEIS (*διαδόσεις*). (*Vid.* DIANOMAI.)

DIÆTA. (*Vid.* HOUSE.)

DIÆTE'TICA or DIÆTE'TICE (*διαιτητική*), one of the three principal branches into which the ancients divided the art and science of medicine. (*Vid* MEDICINA.) The word is derived from *δίαιτα*, which meant much the same as our word *diet*. It is defined by Celsus[6] to signify that part of medicine *quæ victu medetur*, "which cures diseases by means of regimen and diet;" and a similar explanation is given by Plato.[7] Taken strictly in this sense, it would correspond very nearly with the modern *dieteties*, and this is the meaning which (as far as the writer is aware) it always bears in the earlier medical writers, and that which will be adhered to in the present article: in some of the later authors it seems to comprehend Celsus's second grand division, *φαρμακευτική*, and is used by Scribonius Largus[8] simply in opposition to *chirurgia*, so as to answer exactly to the province of our *physician*.

No attention seems to have been paid to the branch of medicine before the date of Hippocrates; or, at least, it would seem that, whether Homer meant to represent it as it was in his own time, or as he supposed it to have been during the Trojan war, it must have been (according to our modern notions) very defective and erroneous. For instance, he represents Machaon, who had been wounded in the shoulder by an arrow,[1] and forced to quit the field, as taking a draught composed of wine, goat's-milk cheese, and flour,[2] which certainly no modern surgeon would prescribe in such a case.[3] Hippocrates seems to claim for himself the credit of being the first person who had studied this subject, and says the "ancients had written nothing on it worth mentioning."[4] Among the works commonly ascribed to Hippocrates, there are four that bear upon this subject, viz.: 1. Περὶ Διαίτης Ὑγιεινῆς, *De Salubri Victus Ratione*; 2. Περὶ Διαίτης, *De Victus Ratione*, in three books; 3. Περὶ Διαίτης Ὀξέων, *De Ratione Victus in Morbis Acutis*; and, 4. Περὶ Τροφῆς, *De Alimento*. Of these the third only is considered to be undoubtedly genuine; but the first was probably written by his son-in-law Polybus; the second, though evidently not all composed by the same author, is supposed to be as old as Hippocrates; and the fourth, if not the work of Hippocrates himself, is nevertheless very ancient.[5] There is also a good deal of matter on this subject in his other works, as regimen and diet was the first, the chief, and often the only remedy that he employed. Besides these treatises by Hippocrates and his contemporaries, on the first, third, and fourth of which Galen has left a commentary, the following works on the subject by later authors are still extant: Galen, Περὶ Τροφῶν Δυνάμεως, *De Alimentorum Facultatibus*; *Id.*, Περὶ Εὐχυμίας καὶ Κακοχυμίας Τροφῶν, *De Probis et Pravis Alimentorum Succis*; *Id.*, Περὶ τῆς κατὰ τὸν Ἱπποκράτην Διαίτης ἐπὶ τῶν Ὀξέων Νοσημάτων, *De Victus Ratione in Morbis Acutis ex Hippocratis Sententia*; Michael Psellus, Περὶ Διαίτης, *De Victus Ratione*; Theodorus Priscianus, *Diæta, sive de Salutaribus Rebus*; Constantinus Afer, *De Victus Ratione Variorum Morborum*. To these may be added the famous *Regimen Sanitatis Salernitanum*; a treatise by Isaac (*Iskak Ben Soleiman*), *De Diætis Universalibus et Particularibus*, another corruptly entitled *Tacuini Sanitatis Elluchasem Elimithar de Sex Rebus non Naturalibus*; and another by the celebrated Maimonides (*Moshch Ben Maimon*), *De Regimine Sanitatis*: besides several chapters in the works of Haly Abbas, Avicenna, and Mesue. It would be out of place here to attempt anything like a complete account of the opinions of the ancients on this point; those who wish for more detailed information must be referred to the different works on medical antiquities, while in this article mention is made of only such particulars as may be supposed to have some interest for the general reader.

In the works above enumerated, almost all the articles of food used by the ancients are mentioned, and their real or supposed properties discussed, sometimes quite as fancifully as by Burton in his *Anatomy of Melancholy*. In some respects they appear to have been much less delicate in their tastes than the moderns, as we find the flesh of the fox, the dog, the horse, and the ass spoken of as common articles of food.[6] With regard to the quantity of wine drunk by the ancients, we may arrive at something like certainty from the fact that Cælius

1. (Plin., H. N., xxxiv., 8.)—2. (Xen., De Rep. Lac., xi., 2.—Thucyd., v., 54, 55, 116.—Wachsmuth, II., i., p. 391.)—3. Andoc., 14.)—4. (as in Dem., c. Everg. et Mnes.)—5. (Platner, Process und Klagen, ii., p. 17, s. 9.)—6. (De Medic., Præfat. in lib. i.)—7 (ap. Diog. Laert., iii., 1, § 85.)—8. (De Compos. Medicam., § 206.)

1. (Il., xi., 507.)—2. (Ibid., 638.)—3. (See Plato, De Republ., iii., p. 405, 406.—Max. Tyr., Serm., 29.—Athenæus, i., § 17, p. 10.)—4. (De Rat. Vict. in Morb. Acut., tom. ii., p. 26, ed. Kühn.)—5. (*Vid.* Fabric., Bibl. Gr., vol. ii., ed. Harles.)—6. (Pseudo-Hippocr., De Vict. Rat., lib. ii. tom. i., p. 679, 680.)

Aurelianus mentions it as something extraordinary that the famous Asclepiades, at Rome, in the seventh century A.U.C., sometimes ordered his patients to double and treble the quantity of wine, till at last they drank half wine and half water,[1] from which it appears that wine was commonly diluted with five or six times its quantity of water. Hippocrates recommends wine to be mixed with an equal quantity of water, and Galen approves of the proportion: but Le Clerc[2] thinks that this was only in particular cases. In one place[3] the patient, after great fatigue, is recommended *μεθυσθῆναι ἅπαξ ἢ δίς*, in which passage it has been much doubted whether actual *intoxication* is meant, or only the "drinking freely and to cheerfulness," in which sense the same word is used by St. John[4] and the *LXX.*[5] According to Hippocrates, the proportions in which wine and water should be mixed together vary according to the season of the year; for instance, in summer the wine should be most diluted, and in winter the least so.[6] Exercise of various sorts, and bathing, are also much insisted upon by the writers on diet and regimen; but for farther particulars on these subjects, the articles Baths and Gymnasium must be consulted. It may, however, be added, that the bath could not have been very common, at least in private families, in the time of Hippocrates, as he says[7] that "there are few houses in which the necessary conveniences are to be found."

Another very favourite practice with the ancients, both as a preventive of sickness and as a remedy, was the taking of an emetic from time to time. The author of the treatise *De Victus Ratione*, falsely attributed to Hippocrates, recommends it two or three times a month.[8] Celsus considers it more beneficial in the winter than in the summer,[9] and says that those who take an emetic twice a month had better do so on two successive days than once a fortnight.[10] At the time in which Celsus wrote, this practice was so commonly abused, that Asclepiades, in his work *De Sanitate Tuenda*, rejected the use of emetics altogether: "*Offensus*," says Celsus,[11] "*eorum consuetudine, qui quotidie ejiciendo vorandi facultatem moliuntur.*"[12] It was the custom among the Romans to take an emetic immediately before their meals, in order to prepare themselves to eat more plentifully; and again soon after, so as to avoid any injury from repletion. Cicero, in his account of the day that Cæsar spent with him at his house in the country,[13] says, "*Accubuit, ἐμετικὴν agebat, itaque et edit et bibit ἀδεῶς et jucunde;*" and this seems to have been considered a sort of compliment paid by Cæsar to his host, as it intimated a resolution to pass the day cheerfully, and to eat and drink freely with him. He is represented as having done the same thing when he was entertained by King Deiotarus.[14] The glutton Vitellius is said to have preserved his own life by constant emetics, while he destroyed all his companions who did not use the same precaution,[15] so that one of them, who was prevented by illness from dining with him for a few days, said, "I should certainly have been dead if I had not fallen sick." Even women, after bathing before supper, used to drink wine and throw it up again, to sharpen their appetite

[*Falerni*] "*sextarius alter*
Ducitur ante cibum, rabidam facturus orexim:"[16]

so that it might truly be said, in the strong language of Seneca,[1] "*Vomunt, ut edant; edunt, ut vomant.*"[2] By some the practice was thought so effectual for strengthening the constitution, that it was the constant regimen of all the athletæ, or professed wrestlers, trained for the public shows, in order to make them more robust. Celsus, however,[3] warns his readers against the too frequent use of emetics without necessity, and merely for luxury and gluttony, and says that no one who has any regard for his health, and wishes to live to old age, ought to make it a daily practice.[4]

DIAGR'APHEIS (*διαγραφεῖς*). (*Vid.* Eisphora.)

DIAITETAI (*διαιτηταί*). The *διαιτηταί*, or arbitrators mentioned by the Athenian orators, were of two kinds; the one public, and appointed by lot (*κληρωτοί*), the other private, and chosen (*αἱρετοί*) by the parties who referred to them the decision of a disputed point, instead of trying it before a court of justice; the judgments of both, according to Aristotle, being founded on equity rather than law (*ὁ γὰρ διαιτητὴς τὸ ἐπιεικὲς ὁρᾷ, ὁ δὲ δικαστὴς τὸν νόμον*[5]). We shall, in the first place, treat of the *διαιτηταὶ κληρωτοί*, following, as closely as possible, the order and statements of Hudtwalcker in his treatise "*Ueber die öffentlichen und Privat-Schiedsrichter Diäteten in Athen, und den Process vor denselben.*"

According to Suidas,[6] the public *διαιτηταί* were required to be not less than 50 years of age; according to Pollux[7] and Hesychius, not less than 60. With respect to their number there is some difficulty, in consequence of a statement of Ulpian,[8] according to which it was 440, *i. e.*, 44 for each tribe (*ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα, καθ' ἑκάστην φυλήν*). This number, however, appears so unnecessarily large, more especially when it is considered that the Attic orators frequently speak of only one arbitrator in each case, that some writers have, with good reason, supposed the reading should be, *ἦσαν δὲ τεσσαράκοντα, τέσσαρες κ. ἑ. φ.* At any rate, litigious as the Athenians were, it seems that 40 must have been enough for all purposes.

The words *καθ' ἑκάστην φυλήν* imply that each tribe had its own arbitrator; an inference which is supported by Demosthenes,[9] where he speaks of the arbitrators of the Œneid and Erechtheid tribes; as well as by Lysias,[10] who, in the words *προσκλησάμενος αὐτὸν πρὸς τοὺς τῇ Ἱπποθοωντίδι δικάζοντας*, is thought to allude to the *διαιτηταί* of the Hippothoontid tribe. With regard to the election of these officers, it is doubtful whether they were chosen by the members of the tribe for which they adjudicated, or in a general assembly of the people. Hudtwalcker inclines to the latter supposition, as being more probable; we do not think so; for it seems just as likely, if not more so, that the four arbitrators of each tribe were chosen in an assembly of the tribe itself. Again, whether they were appointed for life, or only for a definite period, is not expressly mentioned by the orators; but as none of the Athenian magistrates, with the exception of the Areiopagites, remained permanently in office, and Demosthenes[11] speaks of the last day of the 11th month of the year as being the last day of the *διαιτηταί* (*ἡ τελευταία ἡμέρα τῶν διαιτητῶν*), it seems almost certain that they were elected for a year only. The only objection to this conclusion arises from a statement in a fragment of Isæus,[12] where an arbitrator is spoken of as being engaged on a suit for two years (*δύο ἔτη τοῦ διαιτητοῦ τὴν δίκην ἐχοντος*): if, however, we admit the conjectural reading *τῶν διαιτητῶν*,

1. (De Morb. Chron., lib. iii., c. 7, p. 386.)—2. (Hist. de la Méd.)—3. (Pseudo-Hippocr., De Vict. Rat., lib. iii., in fin.)—4. (ii. 10.)—5. (Gen., xliii., 34.—Cant., v., 1; and perhaps Gen., ix., 21.)—6. (Compare Celsus, De Medic., i., 3, p. 31, ed. Argent.)—7. (De Rat. Vict. in Morb. Acut., p. 62.)—8. (lib. iii., p. 710.)—9. (De Medic., i., 3, p. 28.)—10 (Ibid., p. 29.)—11. (Ibid., p. 27.)—12. (See also Plin., H. N., xxvi., 8.)—13. (ad Att., xiii., 52.)—14. (Cic., Pro Deiot., c. 7.)—15. (Suet., Vitell., 13.—Dion Cass., lxv., 2.)—16. (Juv., Sat., vi., 427, 428.)

1. (Cons. ad Helv., 9 · 10.)—2. (Compare Seneca, De Provid., c. 4, § 11.—Id., Epist., 95, § 21.)—3. (l. c., p. 28.)—4. (See Middleton's Life of Cicero.—Casaubon ad Suet., l. c.)— 5. (Rhet., i., 13.)—6. (s. v.)—7. (viii., 126.)—8. (Demosth., c. Meid., 542, 15.)—9. (c. Euerg., 1142, 25.)—10. (c. Pancl., 731.)—11. (c. Meid., 542, 15.)—12. (p. 361, ed. Reiske.)

the meaning would be in accordance with what we infer from other authorities, and would only imply that the same cause came before the arbitrators of two different years, a case which might not unfrequently happen; if, on the contrary, the reading of the text is correct, we must suppose that it was sometimes necessary or convenient to re-elect an arbitrator for the decision of a particular case.

After discussing this subject, Hudtwalcker raises the question whether or not the public *διαιτηταί* took any general oath before entering upon their duties. The point is not one of great importance, and therefore we shall only observe that such a guarantee would seem to be unnecessary; for we read of their taking oaths previous to giving judgment in the *particular* cases which came before them.[1] From this circumstance we should infer that no oath was exacted from them before they entered upon office: Hudtwalcker is of the contrary opinion, and suggests that the purport of their oath of office (*amtseid*) was the same as that of the Heliastic oath given by Demosthenes.[2]

The *διαιτηταί* of the different tribes appear to have sat in different places; as temples, halls, and courts of justice, if not wanted for other purposes. Those of the Œneid and the Erectheid tribes met in the heliæa;[3] we read of others holding a court in the delphinium,[4] and also in the *στοὰ ποικίλη*.[5] Again we are told of slaves being examined by the *διαιτηταί*, sitting for that purpose, under the appellation of *βασανισταί* (*vid.* Basanos), in the hephaisteium, or Temple of Hephaistos.[6] Moreover, we are told of private arbitrators meeting in the Temple of Athena on the Acropolis; and, if the amended reading of Pollux[7] is correct, we are informed by him, in general terms, that the arbitrators formerly held their courts in the temples (*Διήτων ἐν ἱεροῖς πάλαι*). Harpocration also[8] contrasts the dicasts with the arbitrators, observing that the former had regularly appointed courts of justice (*ἀποδεδειγμένα*.)

Another point of difference was the mode of payment, inasmuch as the dicasts received an allowance from the state, whereas the only remuneration of the *διαιτηταί* was a drachma deposited as a *παράστασις*[9] by the complainant on the commencement of the suit, the same sum being also paid for the *ἀντωμοσία*, and every *ὑπωμοσία* sworn during the proceedings.[10]

The *παράστασις* of which we have been speaking is the same as the *δραχμὴ τοῦ λειπομαρτυρίου* mentioned by Demosthenes.[11] The defendant in this case had failed to give evidence as he ought to have done, and therefore the plaintiff commenced proceedings against him for this arbitrary neglect before the arbitrators in the principal suit, the first step of which was the payment of the *παράστασις*.

The public arbitrators were *ὑπεύθυνοι*, *i. e.*, every one who had, or fancied he had, a cause of complaint against them for their decisions, might proceed against them by *εἰσαγγελία*, or information laid before the senate. For this purpose, says Ulpian, whose statement is confirmed by Demosthenes[12] in the case of Straton, the public diætetæ were, towards the close of their year of office, and during the latter days of the month Thargelion, required to present themselves in some fixed place, probably near the senate-house, that they might be ready to answer any charge brought against them, of which they received a previous notice. The punishment, in case of condemnation, was *ἀτιμία*, or the loss of civic rights. Harpocration,[1] however, informs us that the *εἰσαγγελία* against the arbitrators was brought before the dicasts or judges of the regular courts; but this probably happened only on appeal, or in cases of great importance, inasmuch as the *βουλή* could not inflict a greater penalty than a fine of 500 drachmæ with *ἀτιμία*.

We may now discuss the competency of the diætetæ, *i. e.*, the extent of their jurisdiction, with respect to which Pollux[2] states, that in former times no suit was brought into a court before it had been investigated by the diætetæ (*πάλαι οὐδεμία δίκη πρὶν ἐπὶ διαιτητὰς ἐλθεῖν εἰσήγετο*). There can be but little doubt that the word *πάλαι* here refers to a time which was ancient with reference to the age of the Athenian orators, and therefore that this previous investigation was no longer requisite in the days of Demosthenes and his contemporaries. Still we find the diætetæ mentioned by them in very many cases of civil actions, and it is not unlikely that the magistrates, whose duty it was to bring actions into court (*εἰσάγειν*), encouraged the process before the arbitrators, as a means of saving the state the payment which would otherwise have been due to the dicasts.[3] Hudtwalcker is accordingly of opinion that the diætetæ were competent to act in all cases of civil action for restitution or compensation, but not of penal or criminal indictments (*γραφαί*); and, moreover, that it rested with the complainant whether his cause was brought before them in the first instance, or sent at once to a higher court of judicature.[4]

But, besides hearing cases of this sort, the *διαιτηταί* sat as commissioners of inquiry on matters of fact which could not be conveniently examined in a court of justice,[5] just as what is called an "issue" is sometimes directed by our own Court of Chancery to an inferior court, for the purpose of trying a question of fact, to be determined by a jury. Either party in a suit could demand or challenge (*προκαλεῖσθαι*) an inquiry of this sort before an arbitrator, the challenge being called *πρόκλησις*: a term which was also applied to the "articles of agreement" by which the extent and object of the inquiry were defined.[6] Many instances of these *προκλήσεις* are found in the orators; one of the most frequent is the demand or offer to examine by torture a slave supposed to be cognizant of a matter in dispute, the damage which might result to the owner of the slave being guarantied by the party who demanded the examination.[7] See also Demosthenes,[8] who observes that the testimony of a slave, elicited by torture, was thought of more value by the Athenians than the evidence of freemen. (*Vid.* Basanos.) Another instance, somewhat similar to the last, was the *πρόκλησις εἰς μαρτυρίαν*,[9] where a party proposed to his opponent that the decision of a disputed point should be determined by the evidence of a third party.[10] Sometimes, also, we read of a *πρόκλησις*, by which a party was challenged to allow the examination of documents, as wills,[11] deeds, bankers' books, &c.[12]

It is manifest that the forms and objects of a *πρόκλησις* would vary according to the matter in dispute, and the evidence which was producible; we shall therefore content ourselves with adding that the term was also used when a party challenged his adversary to make his allegation under

1. (Isæus, De Dicæog. Hered., p. 54.—Demosth., c. Callip., p. 1244.)—2. (c. Timocr., 747.)—3. (Demosth., c. Euerg., 1142, 25.)—4. (Id., c. Bœot., ii., 10, 1.)—5. (Id., c. Steph., i., 1106.)—6. (Isocr., Τραπεζ., 361, 21, ed. Bekker.)—7. (Onom., viii., 126.)—8. (s. v.)—9. (Pollux, Onom., viii., 39.)—10. (Pollux, viii., 39 and 127.—Harpocr., s. v.—Compare Böckh, vol. ii., p. 207, transl.)—11. (c. Timoth., 1190.)—12. (c. Meid.)

1. (s. v.)—2. (viii., 126.)—3. (Böckh, vol. i., p. 317, transl.)—4. (Demosth., c. Androt., 601, 18.)—5. (Demosth., c. Steph., 1106.)—6. (Demosth., c. Neær., 1387.)—7. (Harpocr., s. v. Πρόκλησις.)—8. (Onetor, i., 874.)—9. (Pollux, viii., 62.)—10 (Antiphon., de Choreut., p. 144, ed. Bekker.)—11. (Demosth., c. Steph., 1104.)—12. (Id., c. Timoth., 1197, 1.)

the sanction of an oath, or offered to make his own statements under the same obligation.[1]

The presumption or prepossession which might arise from a voluntary oath in the last case, might be met by a similar *πρόκλησις*, tendered by the opposite party, to which the original challenger appears to have had the option of consenting or not, as he might think proper.[2] In all cases where any of these investigations or depositions were made before the diætetæ, we may conclude with Hudtwalcker,[3] that they might be called as witnesses in subsequent stages of the action, either to state the evidence they had taken, or to produce the documents they had examined, and which were deposited by them in an echinus. (*Vid.* APPELLATIO, GREEK.)

We will now speak of the proceedings in the trials before the public arbitrators; these were of two sorts: 1st. When two parties agreed by a regular contract to refer a matter in dispute to a judge or judges *selected* from them. 2dly. When a cause was brought before a public arbitrator, without any such previous compromise, and in the regular course of law. The chief difference seems to have been that, in case of a reference by contract between two parties, the award was final, and no appeal could be brought before another court, though the unsuccessful party might, in some instances, move for a new trial (*τὴν μὴ οὖσαν ἀντιλαχεῖν*[4]). Except in this point of non-appeal, an arbitrator who was selected from the public *διαιτηταί* by litigant parties, seems to have been subject to the same liabilities, and to have stood in the same relation to those parties as an arbitrator appointed by lot: the course of proceeding also appears to have been the same before both,[5] an account of which is given below. It must, however, be first stated, that there are strong reasons in support of Hudtwalcker's opinion, that whenever a suiter wished to bring an action before one or more of the public diætetæ, he applied to one of the many officers called *εἰσαγωγεῖς*,[6] whose duty it was to bring the cause (*εἰσάγειν*) into a proper court. By some such officer, at any rate, a requisite number of arbitrators was allotted to the complainant, care being taken that they were of the same tribe as the defendant.[7] Pollux[8] informs us that if a *διαιτητής* refused to hear a cause, he might be punished with *ἀτιμία*: but it appears that under extraordinary circumstances, and after hearing the case, a diætetes sometimes refused to decide himself, and referred the parties to a court of justice (*οὐκ ἀπέγνω τῆς δίκης, ἀλλ' ἐφῆκεν ἡμας εἰς τὸ δικαστήριον*[9]).

We may now state the process before the public diætetæ. After complaint made, and payment of the *παράστασις*, the plaintiff supported his averment by an oath, to the effect that his accusation was true, which the defendant met by a like oath as to the matter of his defence. When the oath (*ἀντωμοσία*) had been thus taken by the parties, the arbitrators entered upon the inquiry, heard witnesses, examined documents, and held as many conferences (*σύνοδοι*) with the parties as might be necessary for the settlement of the question.[10] The day of pronouncing judgment (*ἡ ἀπόφασις τῆς δίκης*[11]) was probably fixed by law, if we may judge from the name (*ἡ κυρία* scil. *ἡμέρα*) by which it is called in the orators; it might, however, with consent of both parties, be postponed. The verdict given was countersigned by the proper authorities, perhaps by the *εἰσαγωγεῖς*, and thereby acquired its validity. The archons, mentioned by Demosthenes[1] as having signed a judgment, were probably thesmothetæ, as the action was a *δίκη κακηγορίας*, which is, moreover, called an *ἀτίμητος δέκα μνῶν δίκη*, *i. e.*, an action where the plaintiff was not required to assess the damages (*æstimare litem*), the penalty, in case of a verdict for him, being determined by law: this alone is sufficient to prove that the diætetæ sometimes decided in cases where the plaintiff sued for damages, as distinguished from those in which he sought restitution of rights or property; nor, indeed, does there seem any reason for supposing that their jurisdiction was not extended to the *ἀγωνες τιμητοί*, or actions where the plaintiff was required to assess or lay his damages, provided the assessment did not exceed some fixed amount. In support of this opinion we may adduce the authority of Pollux,[2] who expressly states that the plaintiff might assess his damages before the arbitrators, when the law did not do so for him (*ἐνέγραψεν ἐν τῷ γραμματείῳ τὸ ἔγκλημα καὶ τὸ τίμημα*).

If the defendant were not present on the proper day to make his last defence, judgment went against him by default (*ἐρήμην ὤφλε*), the arbitrator being obliged to wait till the evening (*ὀψὲ ἡμέρας*[3]). Sometimes, however, the time of pronouncing sentence was deferred in consequence of a deposition (*ὑπωμοσία*[4]) alleging a satisfactory cause for postponement, such as sickness, absence from town, military service, or other reasons. To substantiate these, the applicant, when possible, appeared personally; but if a party was prevented from appearing on the day of trial by any unexpected event, the *ὑπωμοσία* might be made on oath by authorized friends.[5] The *ὑπωμοσία* might be met by a counter statement (*ἀνθυπωμοσία*) from the opposite party, affirming his belief that the reasons alleged were fictitious or colourable. In connexion with this point, we may observe that, according to Pollux,[6] the motion for a new trial could only be sustained in cases where the applicant had made a *ὑπωμοσία*, and demurred either personally or by proxy against the passing of judgment on the regular day. Moreover, it was incumbent on the party who wished for a new trial to move for it within ten days after judgment had been pronounced, and even then he was obliged to take a kind of *ὑπωμοσία*, to the effect that his absence on the proper day was involuntary (*ὁμόσας μὴ ἑκὼν ἐκλιπεῖν τὴν δίαιταν*[7]). In default of compliance with these conditions, the previous sentence was confirmed.[8] We are told also by Photius,[9] that it was competent for plaintiff as well as defendant to move for a new trial on the grounds we have mentioned. When it was granted, the former verdict was set aside (*ἡ ἐρήμη ἐλύετο*), and the parties went again before an arbitrator, probably through the instrumentality of the *εἰσαγωγεῖς*, to whom application had been made in the first instance. The process itself is called *ἀντίληξις* in Greek, and does not seem to have been confined to trials before the *διαιτηταί*: the corresponding term in Roman law is *restauratio eremodicii*.

This, however, was not the only means of setting aside a judgment, inasmuch as it might also be effected by an *ἔφεσις*, or appeal to the higher courts (*vid.* APPELLATIO, GREEK), and if false evidence had been tendered, by a *δίκη κακοτεχνιῶν*.[10] For an account of the proceedings consequent upon non-com-

1. (Demosth., c. Apat., 896.—c. Con., 1269, 19.)—2. (Demosth., Timoth., 1203.—Compare Arist., Rhet., i., 16.)—3. (p. 48.)—4. (Demosth., c. Meid., 541.)—5. (Demosth., c. Meid., 541.)—6. (Demosth., c. Lacrit., 940, 5.—Id., c. Pantæn., 976, 10.—Pollux, Onom., viii., 93.)—7. (Harpocr., s. v. *Διαιτηταί*.)—8. (Onom., viii., 126.)—9. (Demosth., c. Phorm., 913.—Wachsmuth, ii., § 100.)—10. (See authorities, Hudt., p. 80.)—11. (Demosth., c. Euerg., 1153.)

1. (c. Meid., 542.)—2. (viii., 127.)—3. (Demosth., c. Meid. 541.—Id., c. Timoth., 1190.)—4. (Pollux, viii., 60.—Harpocr., s. v.)—5. (Demosth., c. Olymp., 1174, 4.—Pollux, Onom., viii. 56.)—6. (viii., 60.)—7. (Pollux, Onom., viii., 60.)—8. (Demosth. c. Meid., 542.)—9. (Lex., s. v. *Μὴ οὖσα δίκη*.)—10. (Harpocr. s. v.—Demosth., c. Timoth., 1201, 5.)

pliance with a final judgment, see ENECHYRA and EXOULES DIKE.

We will now speak of the strictly private arbitrators, chosen by mutual agreement between contending parties, and therefore generally distinguished by the title αἱρετοί, of whom it must be understood that they were not selected from the *διαιτηταί* of the tribes. The powers with which they were invested were, as we might suppose, not always the same; sometimes they were merely *διαλλακταί*, or chosen to effect a compromise or reconciliation: thus Isæus[1] speaks of arbitrators offering either to bring about a reconciliation if they could, without taking an oath, or to make an award (*ἀποφαίνεσθαι*) upon oath. Sometimes, on the other hand, they were purely referees, and then their powers depended upon the terms of the agreement of reference; if these powers were limited, the arbitration was a *δίαιτα ἐπὶ ῥητοῖς*.[2] The agreement was not merely a verbal contract (*stipulatio*), but drawn up in writing (*ἐπιτροπὴ κατὰ συνθήκας*[3]), and signed by the parties; it fixed the number of referees (generally three), determined how many unanimous votes were necessary for a valid decision, and probably reserved or prohibited, as the case might be, a right of appeal to other authorities.[4]

If there were no limitations, these *διαιτηταί* were then, so to speak, arbitrators proper, according to the definition of Festus:[5] "*Arbiter dicitur judex, quod totius rei habeat arbitrium et potestatem.*" Moreover, no appeal could be brought against their judgment;[6] though we read of an instance of a party having persuaded his opponent to leave a matter to the arbitration of three persons; and afterward, when he found they were likely to decide against himself, going before one of the public arbitrators (*Ἐπὶ τὸν κληρωτὸν διαιτητὴν ἐλθών*[7]). We should, however, suppose that in this case there was no written *συνθήκη*. The award was frequently given under the sanction of an oath, and had the same force as the judgment which proceeded from a court of law, so that it might be followed by a *δίκη ἐξούλης*.[8] We may add, that these private *διαιτηταί* are spoken of as sitting *ἐν τῷ ἱερῷ*, *ἐν τῷ Ἡφαιστείῳ*, and that in some cases it was customary to give notice of their appointment to the proper archon or magistrate (*ἀποφέρειν πρὸς τὴν ἀρχήν*), who, as Hudtwalcker suggests, may have acted as an *εἰσαγωγεύς* in the case.[9]

DIAMARTYRIA (*διαμαρτυρία*) was a solemn protest against the proceedings at the anacrisis, in nearly all causes, whether public or private. It purported that the action pending could or could not be brought into court, and operated as a hinderance to its farther progress until this question was decided. The protest was, like all the other proceedings at an anacrisis, put in in writing, together with the evidence requisite for its corroboration, and the question raised by it was decided by the tribunal that had cognizance of the original cause. The only peculiarity in the conduct of the trial seems to have been, that the party against whom the protest was made was the first to address the court. According to Harpocration, the plaintiff was entitled to adopt this method of proceeding first, and the protest was only allowed to the defendant upon his antagonist's omitting to do so; but, besides the two original parties, we are told that a third (*ὁ βουλόμενος*) might interpose by protest, and thus *pro tempore* substitute himself for one of the litigants. It seems probable that the epobelia, or sixth part of the damages estimated in the original cause, was forfeited in some diamartyriæ: when the protester failed in obtaining a fifth of the voices of the dicasts; and in others, a deposite (*παρακαταβολή*[2]) was forfeited by the unsuccessful party to his opponent.[3]

DIAMASTIGO'SIS (*διαμαστίγωσις*) was a solemnity performed at Sparta at the festival of Artemis Orthia, whose temple was called Limnæon, from its situation in a marshy part of the town.[4] The solemnity was this: Spartan youths (*ἔφηβοι*) were scourged on the occasion at the altar of Artemis, by persons appointed for the purpose, until their blood gushed forth and covered the altar. The scourging itself was preceded by a preparation, by which those who intended to undergo the diamastigosis tried to harden themselves against its pains. Pausanias describes the origin of the worship of Artemis Orthia, and of the diamastigosis, in the following manner: A wooden statue of Artemis, which Orestes had brought from Tauris, was found in a bush by Astrabanes and Alopecus, the sons of Irbus. The two men were immediately struck mad at the sight of it. The Limnæans and the inhabitants of other neighbouring places then offered sacrifices to the goddess; but a quarrel ensued among them, in which several individuals were killed at the altar of Artemis, who now demanded atonement for the pollution of her sanctuary. From henceforth human victims were selected by lot and offered to Artemis, until Lycurgus introduced the scourging of young men at her altar as a substitute for human sacrifices.

The diamastigosis, according to this account, was a substitute for human sacrifice, and Lycurgus made it also serve his purpose of education, in so far as he made it a part of the system of hardening the Spartan youths against bodily sufferings.[5] According to another far less probable account, the diamastigosis originated in a circumstance, recorded by Plutarch,[6] which happened before the battle of Platææ.

The worship of Artemis Orthia was unquestionably very ancient, and the diamastigosis only a step from barbarism towards civilization. Many anecdotes are related of the courage and intrepidity with which young Spartans bore the lashes of the scourge; some even died without uttering a murmur at their sufferings, for to die under the strokes was considered as honourable a death as that on the field of battle.[7]

DIAN'OMAI or DIA'DOSEIS (*διανομαί* or *διαδόσεις*) were public donations to the Athenian people, which corresponded to the Roman *congiaria*. (*Vid.* CONGIARIUM.) To these belong the free distributions of corn,[8] the cleruchiæ (*vid.* CLERUCHI), the revenues from the mines, and the money of the theorica. (*Vid.* THEORICON.)[9]

DIA'PHANE EIMATA (*διαφανῆ εἵματα*) were garments similar to the celebrated *Coæ vestes* of the Romans; but as they are mentioned in Aristophanes and the earlier Greek writers (*διαφανῆ χιτωνία*,[10] *ἱμάτια διαφαίνοντα*[11]), they were probably made of muslin and not of silk, which is supposed to be the material of which the Coæ vestes were made. (*Vid.* COA VESTIS.)[12]

DIAPSE'PHISIS (*διαψήφισις*), a political institution at Athens, the object of which was to prevent aliens, or such as were the offspring of an unlawful

1. (De Dicæog. Hered., p. 54, ed. Bekk.)—2. (Isocr., c. Call., 373, ed. Bekk.)—3. (Demosth., c. Phorm., 912.)—4. (Isocr., c. Call., 375, ed. Bekk.—Demosth., c. Apat., 897.)—5. (p. 15, ed. Müller.) — 6 (Demosth., c. Meid., 545.) — 7. (Demosth., c. Apheb., 862.) — 8. (Demosth., c. Callip., 1240, 22.) — 9. (Demosth., c. Callip., 1244. 14.—Id., c. Meid., 542, 14.)

1. (Platner, i., 180.—Demosth., c. Leoch., 1093, 12.)—2. (Meier. Att. Process, 640.)—3. (Platner, i., 163.)—4. (Paus., iii., 16, 6.)—5. (Plut., Lyc., 18.—Instit. Laced., p 244.—Cic., Tusc. Quæst., v., 27.)—6. (Aristid., 17.)—7. (Compare Müller's Dorians, ii., 9, § 6, note *k*, and iv., 5, § 8, note *c*.—Manso, Sparta, i., 2, 183.)—8. (Aristoph., Vesp., 715.)—9. (Böckh, Publ. Econ., i., p. 289.)—10. (Aristoph., Lysistr., 48.)—11. (Philem. Fragm., p. 387, ed. Meineke.)—12. (Bekker, Charikles, ii., p 341.)

marriage, from assuming the rights of citizens. As usurpations of this kind were not uncommon at Athens,[1] various measures had been adopted against them (*vid.* GRAPHAIXENIAS and DOROXENIAS); but as none of them had the desired effect, a new method, the *διαψήφισις*, was devised, according to which the trial on spurious citizens was to be held by the demotæ, within whose deme intruders were suspected to exist; for if each deme separately was kept clear of intruders, the whole body of citizens would naturally feel the benefit. Every deme, therefore, obtained the right or duty at certain times to revise its lexiarchic registers, and to ascertain whether any had entered their names who had no claims to the rights of citizens. The assembly of the demotæ, in which these investigations took place, was held under the presidency of the demarch, or some senator belonging to the deme;[2] for, in the case brought forward in the oration of Demosthenes against Eubulides, we do not find that he was demarch, but it is merely stated that he was a member of the *βουλή*. When the demotæ were assembled, an oath was administered to them, in which they promised to judge impartially, without favour towards, or enmity against those persons on whom they might have to pass sentence. The president then read the names of the demotæ from the register, asking the opinion of the assembly (*διαψηφίζεσθαι*) respecting each individual, whether they thought him a true and legitimate citizen or not. Any one, then, had the right to say what he thought or knew of the person in question; and when any one was impeached, a regular trial took place.[3] Pollux[4] says that the demotæ on this occasion gave their votes with leaves, and not with pebbles, as was usual; but Demosthenes simply calls them *ψῆφοι*. If a person was found guilty of having usurped the rights of a citizen (*ἀποψηφίζεσθαι*), his name was struck from the lexiarchic register, and he himself was degraded to the rank of an alien. But if he did not acquiesce in the verdict, but appealed to the great courts of justice at Athens, a heavier punishment awaited him, if he was found guilty there also; for he was then sold as a slave, and his property was confiscated by the state.[5]

If by any accident the lexiarchic registers had been lost or destroyed, a careful scrutiny of the same nature as that described above, and likewise called *διαψήφισις*, took place, in order to prevent any spurious citizen from having his name entered in the new registers.[6]

It is commonly believed that the *διαψήφισις* was introduced at Athens in B.C. 419, by one Demophilus.[7] But it has justly been remarked by Siebelis on Philochorus,[8] that Harpocration,[9] the apparent authority for this supposition, cannot be interpreted in this sense. One *διαψήφισις* is mentioned by Plutarch[10] as early as B.C. 445. Clinton[11] has, moreover, shown that the *διαψήφισις* mentioned by Harpocration, in the archonship of Archias, does not belong to B.C. 419, but to B.C. 347. Compare Hermann;[12] and Schömann,[13] whose lengthened account, however, should be read with great care, as he makes some statements which seem to be irreconcilable with each other, and not founded on good authority. The source from which we derive most information on this subject is the oration of Demosthenes against Eubulides.

1. (Plut., Pericl., 37.—Harpocr., s. v. Ποταμός.)—2. (Harpocr., s. v. Δήμαρχος.)—3. (Demosth., c. Eubul., p. 1302.—Æschin., De Fals. Leg., p. 345.)—4. (Onom., viii., 18.)—5. (Dionys. Hal., De Isæo, c. 16, p. 617, ed. Reiske.—Argument. ad Demosth., c. Eubul.)—6. (Demosth., l. c., p. 1306.)—7. (Schömann, De Comitiis, p. 358, transl.—Wachsmuth, Hellen. Alterth., ii., 1, p. 32.)—8. (Fragm., p. 61.)—9. (s. v. Διαψήφισις.)—10. (Pericl., 37.)—11 (Fast. Hell., ii., p. 141.)—12 (Manual of the Pol. Ant. of Greece, § 123, n. 14, &c.)—13 (l. c.)

DIASIA (*Διάσια*), a great festival celebrated at Athens, without the walls of the city (*ἔξω τῆς πόλεως*), in honour of Zeus, surnamed Μειλίχιος.[1] The whole people took part in it, and the wealthier citizens offered victims (*ἱερεῖα*), while the poorer classes burned such incense as their country furnished (*θύματα ἐπιχώρια*), which the scholiast on Thucydides erroneously explains as cakes in the shape of animals.[2] The diasia took place in the latter half of the month of Anthesterion,[3] with feasting and rejoicings, and was, like most other festivals, accompanied by a fair.[4] It was this festival at which Cylon was enjoined by an oracle to take possession of the acropolis of Athens; but he mistook the oracle, and made the attempt during the celebration of the Olympian games.[5] The etymology of *διάσια*, given by most of the ancient grammarians (from *Διός* and *ἄση*), is false; the name is a mere derivative from *διός*, as *Ἀπολλώνια* from *Ἀπόλλων*.

DIAULOS. (*Vid.* STADIUM.)

DIAZO'MA. (*Vid.* SUBLIGACULUM.)

DICASTE'RION (*δικαστήριον*) indicates both the aggregate judges that sat in court, and the place itself in which they held their sittings. For an account of the former, the reader is referred to the article DICASTES; with respect to the latter, our information is very imperfect. In the earlier ages there were five celebrated places at Athens set apart for the sittings of the judges, who had cognizance of the graver causes in which the loss of human life was avenged or expiated, viz., the areiopagites and the ephetæ. These places were the Areiopagus (*vid.* AREIOPAGUS), and the *ἐπὶ Παλλαδίῳ*, *ἐπὶ Δελφινίῳ*, *ἐπὶ Πρυτανείῳ*, and *ἐν Φρεαττοῖ*. The antiquity of these last four is sufficiently vouched for by the archaic character of the division of the causes that were appropriated to each: in the first we are told that accidental deaths were discussed; in the second, homicides confessed, but justified; in the third there were quasi trials of inanimate things, which, by falling and the like, had occasioned a loss of human life; in the fourth, homicides who had returned from exile, and committed a fresh manslaughter, were appointed to be tried. With respect to these ancient institutions, of which little more than the name remained when the historical age commenced, it will be sufficient to observe that, in accordance with the ancient Greek feeling respecting murder, viz., that it partook more of the nature of a ceremonial pollution than a political offence, the presiding judge was invariably the king archon, the Athenian rex sacrorum; and that the places in which the trials were held were open to the sky, to avoid the contamination which the judges might incur by being under the same roof with a murderer.[6] The places, however, remained after the office of the judges who originally sat there was abolished; and they appear from Demosthenes[7] to have been occasionally used by the ordinary Heliastic judges when trying a cause of the kind to which they were originally appropriated. The most important court in later ages was the Heliæa, in which, we are told by the grammarians, the weightiest causes were decided; and if so, we may conclude the thesmothetæ were the presiding magistrates. Besides this, ordinary Heliastic courts sat in the Odeium, in the courts Trigonon, the Greater (Μεῖζον), the Middle (Μέσον), the Green, the Red, that of Metiochus, and the Parabyston; but of these we are unable to fix the localities, or to what magistrates it was usual to apportion them. They were

1. (Thucyd., i., 126.)—2. (Compare Xen., Anab., vii., 8, § 4.—Lucian, Tim., 7.—Aristoph., Nub., 402, &c.)—3. (Schol. ad Aristoph., l. c.)—4. (Aristoph., Nub., 841.)—5. (Compare Pollux, Onom., i., 26.—Suidas, s. v.)—6. (Matthiæ, De Jud Ath. 157.)—7. (c. Neær., 1348, 21.)

all painted with their distinctive colours; and, it appears, had a letter of the alphabet inscribed over the doorway. With the exception of the Heliæa, and those in which causes of murder were tried, they were probably protected from the weather. The dicasts sat upon wooden benches, which were covered with rugs or matting (*ψιαθία*), and there were elevations or tribunes (*βήματα*), upon which the antagonist advocates stood during their address to the court. The space occupied by the persons engaged in the trial was protected by a railing (*δρυφάκτοις*) from the intrusion of the by-standers; but in causes which bore upon the violation of the mysteries, a farther space of fifty feet all round was enclosed by a rope, and the security of this barrier guarantied by the presence of the public slaves.[1]

DICASTES (*δικαστής*), in its broadest acceptation a judge, more peculiarly denotes the Attic functionary of the democratic period, who, with his colleagues, was constitutionally empowered to try and pass judgment upon all causes and questions that the laws and customs of his country pronounced susceptible of judicial investigation. In the circumstance of a plurality of persons being selected from the mass of private citizens, and associated temporarily as representatives of the whole body of the people, adjudicating between its individual members, and of such delegates swearing an oath that they would well and truly discharge the duties intrusted to them, there appears some resemblance between the constitution of the Attic dicasterion and an English jury, but in nearly all other respects the distinctions between them are as great as the intervals of space and time which separate their several nations. At Athens the conditions of his eligibility were, that the dicast should be a free citizen, in the enjoyment of his full franchise (*ἐπιτιμία*), and not less than thirty years of age; and of persons so qualified six thousand were selected by lot for the service of every year. Of the precise method of their appointment our notices are somewhat obscure; but we may gather from them that it took place every year under the conduct of the nine archons and their official scribe; that each of these ten personages drew by lot the names of six hundred persons of the tribe assigned to him; that the whole number so selected was again divided by lot into ten sections of 500 each, together with a supernumerary one, consisting of a thousand persons, from among whom the occasional deficiencies in the sections of 500 might be supplied. To each of the ten sections, one of the first ten letters of the alphabet was appropriated as a distinguishing mark, and a small tablet (*πινάκιον*), inscribed with the letter of the section and the name of the individual, was delivered as a certificate of his appointment to each dicast. Three bronze plates found in the Piræus, and described by Dodwell,[2] are supposed to have served this purpose; the inscriptions upon them consist of the following letters: Δ. ΔΙΟΔΩΡΟΣ ΦΡΕΑ, Ε. ΔΕΙΝΙΑΣ ΑΑΑΙΕΥΣ, and Β. ΑΝΤΙΧΑΡΜΟΣ ΑΑΜΠΤ, and bear, besides, representations of owls and Gorgon heads, and other devices symbolic of the Attic people. The thousand supernumeraries had, in all probability, some different token; but of this we have no certain knowledge.

Before proceeding to the exercise of his functions, the dicast was obliged to swear the official oath; which was done in the earlier ages at a place called Ardettus, without the city, on the banks of the Ilissus, but in after times at some other spot, of which we are not informed. In the time of Demosthenes, the oath (which is given at full length in Demosth., *c. Timoc.*, 746) asserted the qualification of the dicast, and a solemn engagement by him to discharge his office faithfully and incorruptibly in general, as well as in certain specified cases which bore reference to the appointment of magistrates, a matter in no small degree under the control of the dicast, inasmuch as few could enter upon any office without having had their election submitted to a court for its approbation (*vid.* Dokimasia); and, besides these, it contained a general promise to support the existing constitution, which the dicast would, of course, be peculiarly enabled to do, when persons were accused before him of attempting its subversion. This oath being taken, and the divisions made as above mentioned, it remained to assign the courts to the several sections of dicasts in which they were to sit. This was not like the first, an appointment intended to last during the year, but took place under the conduct of the thesmothetæ, *de novo*, every time that it was necessary to empanel a number of dicasts. In ordinary cases, when one, two, or more sections of 500 made up the complement of judges appropriated to trying the particular kind of cause in hand, the process was extremely simple. Two urns or caskets (*κληρωτήρια*) were produced, one containing tickets inscribed with the distinctive letters of the sections, the other furnished, in like manner, with similar tickets, to indicate the courts in which the sittings were to be held. If the cause was to be tried by a single section, a ticket would be drawn simultaneously from each urn, and the result announced, that section B, for instance, was to sit in court Γ; if a thousand dicasts were requisite, two tablets would, in like manner, be drawn from the urn that represented the sections, while one was drawn from the other as above mentioned, and the announcement might run that sections A and B were to sit in court Γ, and the like. A more complicated system must have been adopted when fractional parts of the section sat by themselves, or were added to other whole sections: but what this might have been we can only conjecture, and it is obvious that some other process of selection must have prevailed upon all those occasions when judges of a peculiar qualification were required; as, for instance, in the trial of violators of the mysteries, when the initiated only were allowed to judge; and in that of military offenders, who were left to the justice of those only whose comrades they were, or should have been, at the time when the offence was alleged to have been committed. It is pretty clear that the allotment of the dicasts to their several courts for the day took place, in the manner above mentioned, in the market-place, and that it was conducted in all cases, except one, by the thesmothetæ; in that one, which was when the magistrates and public officers rendered an account of their conduct at the expiration of their term of office, and defended themselves against all charges of malversation in it (*vid.* Euthunai), the logistæ were the officiating personages. As soon as the allotment had taken place, each dicast received a staff, on which was painted the letter and the colour of the court awarded him, which might serve both as a ticket to procure admittance, and also to distinguish him from any loiterer that might endeavour clandestinely to obtain a sitting after business had begun. While in court, and probably from the hand of the presiding magistrate (*ἡγέμων δικαστηρίου*), he received the token or ticket that entitled him to receive his fee (*δικαστικόν*) from the *κωλακρέται*. This payment is said to have been first instituted by Pericles, and was originally a single obolus; it was increased by Cleon to thrice that amount about the 88th Olympiad.[1]

DICASTICON. (*Vid.* Dicastes.)

1 (Meier, Att. Proc., p. 141.)—2. (Travels, i., p. 433–437.)

1. (Meier, Att. Proc., 125, &c.)

DIKE (*δικη*) signifies generally any proceedings at law by one party directly or mediately against others.[1] The object of all such actions is to protect the body politic, or one or more of its individual members, from injury and aggression; a distinction which has in most countries suggested the division of all causes into two great classes, the public and the private, and assigned to each its peculiar form and treatment. At Athens the first of these was implied by the terms public *δίκαι* or *ἀγῶνες*, or still more peculiarly by *γραφαί*: causes of the other class were termed private *δίκαι* or *ἀγῶνες*, or simply *δίκαι* in its limited sense. There is a still farther subdivision of *γραφαί* into *δημοσίαι* and *ἴδιαι*, of which the former is somewhat analogous to impeachments for offences directly against the state; the latter to criminal prosecutions, in which the state appears as a party mediately injured in the violence or other wrong done to individual citizens. It will be observed that cases frequently arise, which, with reference to the wrong complained of, may with equal propriety be brought before a court in the form of the *γραφή* last mentioned, or in that of an ordinary *δίκη*, and under these circumstances the laws of Athens gave the prosecutor an ample choice of methods to vindicate his rights by private or public proceedings,[2] much in the same way as a plaintiff in modern times may, for the same offence, prefer an indictment for assault, or bring his civil action for trespass on the person. It will be necessary to mention some of the principal distinctions in the treatment of causes of the two great classes above mentioned, before proceeding to discuss the forms and treatment of the private lawsuit.

In a *δίκη*, only the person whose rights were alleged to be affected, or the legal protector (*κύριος*) of such person, if a minor, or otherwise incapable of appearing *suo jure*, was permitted to institute an action as plaintiff; in public causes, with the exception of some few in which the person injured or his family were peculiarly bound and interested to act, any free citizen, and sometimes, when the state was directly attacked, almost any alien, was empowered to do so. In all private causes, except those of *ἐξούλης*, *βιαίων*, and *ἐξαιρέσεως*, the penalty or other subject of contention was exclusively recovered by the plaintiff, while in most others the state alone, or jointly with the prosecutor, profited by the pecuniary punishment of the offender. The court fees, called prytaneia, were paid in private, but not in public causes, and a public prosecutor that compromised the action with the defendant was in most cases punished by a fine of a thousand drachmæ and a modified disfranchisement, while there was no legal impediment at any period of a private lawsuit to the reconciliation of the litigant parties.[3]

The proceedings in the *δίκη* were commenced by a summons to the defendant (*πρόσκλησις*) to appear on a certain day before the proper magistrate (*εἰσαγωγεύς*), and there answer the charges preferred against him.[4] This summons was often served by the plaintiff in person, accompanied by one or two witnesses (*vid.* CLETERES), whose names were endorsed upon the declaration (*λῆξις* or *ἔγκλημα*). If there were an insufficient service of the summons, the lawsuit was styled *ἀπρόσκλητος*, and dismissed by the magistrate. From the circumstance of the same officer that conducted the anacrisis being also necessarily present at the trial, and as there were, besides, dies nefasti (*ἀποφράδες*) and festivals, during which none, or only some special causes could be commenced, the power of the plaintiff in selecting his time was, of course, in some degree limited; and of several causes, we know that the time for their institution was particularized by law.[5] There were also occasions upon which a personal arrest of the party proceeded against took the place of, or, at all events, was simultaneous with, the service of the summons; as, for instance, when the plaintiff doubted whether such party would not leave the country to avoid answering the action; and, accordingly, we find that, in such cases,[6] an Athenian plaintiff might compel a foreigner to accompany him to the polemarch's office, and there produce bail for his appearance, or, failing to do so, submit to remain in custody till the trial. The word *κατεγγυᾶν* is peculiarly used of this proceeding. Between the service of the summons and appearance of the parties before the magistrate, it is very probable that the law prescribed the intervention of a period of five days.[7] If both parties appeared, the proceedings commenced by the plaintiff putting in his declaration, and at the same time depositing his share of the court fees (*πρυτανεῖα*), the non-payment of which was a fatal objection to the farther progress of a cause.[8] These were very trifling in amount. If the subject of litigation was rated at less than 100 drachmæ, nothing was paid; if at more than 100 drachmæ and less than 1000 drachmæ, 3 drachmæ was a sufficient deposite, and so on in proportion. If the defendant neglected or refused to make his payment, it is natural to conclude that he underwent the penalties consequent upon non-appearance; in all cases, the successful party was reimbursed his prytaneia by the other.[9] The *παρακαταβολή* was another deposite in some cases, but paid by the plaintiff only. This was not in the nature nor of the usual amount of the court fees, but a kind of penalty, as it was forfeited by the suiter in case he failed in establishing his cause. In a suit against the treasury, it was fixed at a fifth; in that of a claim to the property of a deceased person by an alleged heir or devisee, at a tenth of the value sought to be recovered.[10] If the action was not intended to be brought before an heliastic court, but merely submitted to the arbitration of a diætetes (*vid.* DIAITETAI), a course which was competent to the plaintiff to adopt in all private actions,[11] the drachma paid in the place of the deposite above mentioned bore the name of *παράστασις*. The deposites being made, it became the duty of the magistrate, if no manifest objection appeared on the face of the declaration, to cause it to be written out on a tablet, and exposed for the inspection of the public on the wall or other place that served as the cause-list of his court.[12]

The magistrate then appointed a day for the farther proceedings of the anacrisis (*vid.* ANACRISIS), which was done by drawing lots for the priority, in case there was a plurality of causes instituted at the same time; and to this proceeding the phrase *λαγχάνειν δίκην*, which generally denotes to bring an action, is to be primarily attributed. If the plaintiff failed to appear at the anacrisis, the suit, of course, fell to the ground; if the defendant made default, judgment passed against him.[13] Both parties, however, received an official summons before their non-appearance was made the ground of either result. An affidavit might at this, as well as at other periods of the action, be made in behalf of a person unable to attend upon the given day, and this would, if allowed, have the effect of postponing farther proceedings (*ὑπωμοσία*); it might, however, be

1. (Harpocrat.—Pollux, Onom., viii., 40, 41.)—2. (Demosth., c. Andoc., 601.)—3. (Meier, Att. Process, 163.)—4. (Aristoph., Nub., 1221.—Av., 1046.)

1. (Aristoph., Nub., 1190.)—2. (Demosth., c. Zenoth., 890—c. Aristog., 778.)—3. (Meier, Att. Process, 580.)—4. (Matth., De Jud. Ath., 261.)—5. (Meier, Att. Process, 613.)—6. (Matth., De Jud. Ath., 260.)—7. (Hudtw., De Diætet., 35.)—8. (Meier, Att. Process, 605.)—9. (Meier, Att. Process, 623.)

combated by a counter-affidavit to the effect that the alleged reason was unfounded or otherwise insufficient (*ἀνθυπωμοσία*); and a question would arise upon this point, the decision of which, when adverse to the defendant, would render him liable to the penalty of contumacy.[1] The plaintiff was in this case said *ἐρήμην ἑλεῖν*: the defendant, *ἐρήμην ἁλῶναι*, *δίκην* being the word omitted in both phrases. If the cause were primarily brought before an umpire (*διαιτητής*), the anacrisis was conducted by him; in cases of appeal it was dispensed with as unnecessary. The anacrisis began with the affidavit of the plaintiff (*προωμοσία*), then followed the answer of the defendant (*ἀντωμοσία* or *ἀντιγραφή*) (*vid.* ANTIGRAPHE), then the parties produced their respective witnesses, and reduced their evidence to writing, and put in originals, or authenticated copies of all the records, deeds, and contracts that might be useful in establishing their case, as well as memoranda of offers and requisitions then made by either side (*προκλήσεις*). The whole of the documents were then, if the cause took a straightforward course (*εὐθυδικία*), enclosed on the last day of the anacrisis in a casket (*ἐχῖνος*), which was sealed and intrusted to the custody of the presiding magistrate till it was produced and opened at the trial. During the interval no alteration in its contents was permitted, and, accordingly, evidence that had been discovered after the anacrisis was not producible at the trial.[2] In some causes, the trial before the dicasts was by law appointed to come on within a given time; in such as were not provided for by such regulations, we may suppose that it would principally depend upon the leisure of the magistrate. The parties, however, might defer the day (*κυριά*) by mutual consent.[3] Upon the court being assembled, the magistrate called on the cause,[4] and the plaintiff opened his case. At the commencement of the speech, the proper officer (*ὁ ἐφ' ὕδωρ*) filled the clepsydra with water. As long as the water flowed from this vessel, the orator was permitted to speak; if, however, evidence was to be read by the officer of the court, or a law recited, the water was stopped till the speaker recommenced. The quantity of water, or, in other words, the length of the speeches, was not by any means the same in all causes: in the speech against Macartatus, and elsewhere, one amphora only was deemed sufficient; eleven are mentioned in the impeachment of Æschines for misconduct in his embassy. In some few cases, as those of *κάκωσις*, according to Harpocration, no limit was prescribed The speeches were sometimes interrupted by the cry *κατάβα*—"go down," in effect, "cease speaking"—from the dicasts, which placed the advocate in a serious dilemma; for if, after this, he still persisted in his address, he could hardly fail to offend those who bid him stop; if he obeyed the order, it might be found, after the votes had been taken, that it had emanated from a minority of the dicasts.[5] After the speeches of the advocates, which were, in general, two on each side, and the incidental reading of the documentary and other evidence, the dicasts proceeded to give their judgment by ballot. (*Vid.* CADISKOI.)

When the principal point at issue was decided in favour of the plaintiff, there followed, in many cases, a farther discussion as to the amount of damages or penalty which the defendant should pay. (*Vid.* ΑΓΩΝΕΣ ΑΤΙΜΗΤΟΙ ΚΑΙ ΤΙΜΗΤΟΙ.) The method of voting upon this question seems to have varied, in that the dicasts used a small tablet instead of a ballot-ball, upon which those that approved of the heavier penalty drew a long line, the others a short one.[1] Upon judgment being given in a private suit, the Athenian law left its execution very much in the hands of the successful party, who was empowered to seize the movables of his antagonist as a pledge for the payment of the money, or institute an action of ejectment (*ἐξούλης*) against the refractory debtor. The judgment of a court of dicasts was in general decisive (*δίκη αὐτοτελής*); but upon certain occasions, as, for instance, when a gross case of perjury or conspiracy could be proved by the unsuccessful party to have operated to his disadvantage, the cause, upon the conviction of such conspirators or witnesses, might be commenced *de novo*. (*Vid.* APPELLATIO, GREEK.) In addition to which, the party against whom judgment had passed by default had the power to revive the cause, upon proving that his non-appearance in court was inevitable (*τὴν ἐρήμην ἀντιλαχεῖν*[2]); this, however, was to be exercised within two months after the original judgment. If the parties were willing to refer the matter to an umpire (*διαιτητής*), it was in the power of the magistrate to transfer the proceedings as they stood to that officer; and in the same way, if the diætetes considered the matter in hand too high for him, he might refer it to the *εἰσαγωγεύς*, to be brought by him before an heliastic court. The whole of the proceedings before the diætetes were analogous to those before the dicasts, and bore equally the name of *δίκη*: but it seems that the phrase *ἀντιλαχεῖν τὴν μὴ οὖσαν* is peculiarly applied to the revival of a cause before the umpire in which judgment had passed by default. (*Vid.* DIAITETAI.)

The following are the principal actions, both public and private, which we read of in the Greek writers, and which are briefly discussed under their several heads:

Δίκη or *Γραφή*—*Ἀδικίας πρὸς τὸν δῆμον*: *Ἀγεωργίου*: *Ἀγραφίου*: *Ἀγράφου μετάλλου*: *Αἰκίας*: *Ἀλογίου*: *Ἀμβλώσεως*: *Ἀμελίου*: *Ἀναγωγῆς*: *Ἀναμαχίου*: *Ἀνδραποδισμοῦ*: *Ἀνδραπόδων*: *Ἀπατήσεως τοῦ δήμου*: *Ἀφορμῆς*: *Ἀπολείψεως*: *Ἀποπέμψεως*: *Ἀποστασίου*: *Ἀπροστασίου*: *Ἀργίας*: *Ἀργυρίου*: *Ἀσεβείας*: *Ἀστρατείας*: *Αὐτομολίας*: *Αὐτοτελῆς*: *Βεβαιώσεως*: *Βιαίων*: *Βλάβης*: *Βουλεύσεως*: *Κακηγορίας*: *Κακώσεως*: *Κακοτεχνιῶν*: *Κάρπου*: *Καταλύσεως τοῦ δήμου*: *Κατασκοπῆς*: *Χρέους*: *Χωρίου*: *Κλοπῆς*: *Δεκασμοῦ*: *Δειλίας*: *Δώρων*: *Δωροξενίας*: *Ἐγγύης*: *Ἐνοικίου*: *Ἐπιτριηραρχήματος*: *Ἐπιτροπῆς*: *Ἐξαγωγῆς*: *Ἐξαιρέσεως*: *Ἐξούλης*: *Ἁρπαγῆς*: *Εἰργμοῦ*: *Ἑταιρήσεως*: *Ἱεροσυλίας*: *Ὑποβολῆς*: *Ὕβρεως*: *Λειπομαρτυρίου*: *Λειποναυτίου*: *Λειποστρατίου*: *Λειποταξίου*: *Μισθοῦ*: *Μισθώσεως οἴκου*: *Μοιχείας*: *Νομίσματος διαφθορᾶς*: *Οἰκίας*: *Παρακαταθήκης*: *Παρανοίας*: *Παρανόμων*: *Παραπρεσβείας*: *Παρεισγραφῆς*: *Φαρμάκων*: *Φόνου*: *Φωρᾶς ἀφανοῦς καὶ μεθημερίνης*: *Φθορᾶς τῶν ἐλευθέρων*: *Προαγωγίας*: *Προδοσίας*: *Προεισφορᾶς*: *Προικός*: *Ψευδεγγραφῆς*: *Ψευδοκλητείας*: *Ψευδομαρτυριῶν*: *Ῥητορική*: *Σκυρία*: *Σίτου*: *Συκοφαντίας*: *Συμβολαίων* or *Συνθηκῶν παραβάσεως*: *Τραύματος ἐκ πρυνοίας*: *Τυραννίδος*.

DI'CROTA. (*Vid.* BIREMIS.)

*DICTAMNUS (*δικτάμνος*), a plant, the Dittany of Crete, or *Origanum Dictamnus*. Virgil gives a very striking description of it, and records the popular belief of its great efficacy in the cure of wounds.[3] Pliny and those who came after him also attest its great virtues in this respect: the arrow or missile with which the wound had been inflicted dropped from it on applying the juice of the Dictamnus, and the stags, when wounded by the hunter, caused the weapon to fall out from the wound by browsing upon this plant! The moderns make no use of it.

1. (Demosth., c. Olymp., 1174.)—2. (Demosth., c. Bœot., i., 999.)—3. (Demosth., c. Phaen., 1042.)—4. (Platner, Process und Klagen, i., 182.)—5. (Aristoph., Vesp., 973.)

1. (Aristoph., Vesp., 167.)—2. (Platner, Process und Klagen i., 396.)—3. (Æn., xii., 412 seq.)

experience having shown how little reliance was to be placed on these statements. The Dictamnus which grew on Mount Ida, in Crete, was the most highly esteemed. It is to be regretted that Linnæus has given the name of Dictamnus to a kind of plant which has no relation whatever to the one mentioned by Virgil.

DICTATOR. The name and office of dictator are confessedly of Latin origin: thus we read of a dictator at Tusculum in early, at Lanuvium in very late, times.[1] Among the Albans, also, a dictator was sometimes elected, as Mettus Fuffetius on the death of their king Cluilius. Nor was this magistracy confined to single cities; for we learn from a fragment of Cato, that the Tusculan Egerius was dictator over the whole nation of the Latins.[2]

Among the Romans, a dictator was generally appointed in circumstances of extraordinary danger, whether from foreign enemies or domestic sedition. Instances occur very frequently in the early books of Livy, from whom we also learn that a dictator was sometimes created for the following purposes: 1. For fixing the "clavus annalis" on the temple of Jupiter, in times of pestilence or civil discord. (*Vid.* Clavus Annalis.) 2. For holding the comitia, or elections, in the absence of the consuls.[3] 3. For appointing holydays (*feriarum constituendarum causa*) on the appearance of prodigies,[4] and officiating at the ludi Romani if the prætor could not attend;[5] also for holding trials (*quæstionibus exercendis*[6]), and, on one occasion, for filling up vacancies in the senate.[7] In this last case there were two dictators, one abroad and another at home; the latter, however, without a magister equitum.

According to the oldest authorities, the dictatorship was instituted at Rome ten years after the expulsion of the Tarquinii, and the first dictator was said to have been T. Lartius, one of the consuls of the year.[8] Another account states that the consuls of the year in which the first dictator was appointed were of the Tarquinian party, and therefore distrusted.

This tradition naturally suggests the inference that the dictator was on this first occasion appointed to direct and supersede the consuls (*moderator et magister consulibus appositus*), not only with a view to foreign wars, but also for the purpose of summarily punishing any member of the state, whether belonging to the commonalty or the governing burghers, who should be detected in plotting for the restoration of the exiled king.[9] The powers with which a dictator was invested will show how far his authority was adequate for such an object.

In the first place, he was formerly called *magister populi*, or master of the burghers;[10] and, though created for six months only, his power within the city was as supreme and absolute as that of the consuls without.[11] In token of this, the fasces and secures (the latter, instruments of capital punishment) were carried before him even in the city.[12] Again, no appeal against the dictator was at first allowed either to the commons or the burghers, although the latter had, even under the kings, enjoyed the privilege of appealing from them to the great council of the patricians (*provocare ad populum*); a privilege, moreover, which the Valerian laws had confirmed and secured to them against any magistracy whatever.[13] This right, however, was subsequently obtained by the members of the houses,[14] and perhaps eventually by the plebeians; an instance of its being used is given by Livy,[15] in the case of M. Fabius, who, when his son was persecuted by the dictator L. Papirius, appealed on his behalf to the "populus," the patricians of the curies. Still, even in this case the populus had recourse to entreaties rather than authority.

Moreover, no one was eligible to the dictatorship unless he had previously been consul or prætor, for such was the old name of the consul.[1] Afterward when the powers of the old prætors had been divided between the two consuls who went to their provinces abroad, and the prætorians who administered justice at home, prætorians as well as consulars were qualified for the office. The first plebeian dictator was C. Martius Rutilus, nominated (*dictus*) by the plebeian consul M. Popillius Lænas, B.C. 356.[2]

With respect to the electors and the mode of election, we are told[3] that on the first institution of the office, the dictator was created by the populus or burghers (*M. Valerius qui primus magister a populo creatus est*), just as it had been the custom for the kings to be elected by the patricians. Dionysius[4] tells us that the people merely ratified (ἐπεψηφίσατο) the choice of the senate. But the common practice, even in very early times, was for the senate to select an individual, who was nominated in the dead of the night by one of the consuls, and then received the *imperium*, or sovereign authority, from the assembly of the curies.[5] This ratification was in early times indispensable to the validity of the election, just as it had been necessary for the kings, even after their election by the curies, to apply to them for investiture with the imperium (*legem curiatam de imperio ferre*[6]).

The possession of the right of conferring the imperium may, as Niebuhr suggests, have led the patricians to dispense with voting on the preliminary nomination of the senate, although it is not impossible that the right of ratification has been confounded with the power of appointment. In later times, however, and after the passing of the Mænian law, the conferring of the imperium was a mere form. Thenceforward it was only necessary that the consul should consent to proclaim the person nominated by the senate.[7]

In the statement we have just made with respect to the nominations by the senate, we have been guided chiefly by the authority of Livy; but we must not omit to mention that, according to Dionysius, the senate only resolved on the appointment of a dictator, and left the choice to be made by one of the consuls. Some instances mentioned in Livy certainly confirm this opinion; but they are generally, though not always, cases in which a dictator was appointed for some single and unimportant purpose;[8] nor is it likely that the disposal of kingly power would have been intrusted, as a matter of course, to the discretion of an individual. On one of these occasions we read that the consuls in office refused for some time to declare a dictator, though required by the senate to do so, till they were compelled by one of the tribunes.[9] There were, in fact, religious scruples against the nomination being made by any other authority than the consuls;[10] and to such an extent were they carried, that after the battle at the Trasimene lake, the only surviving consul being from home, the people elected a pro-dictator, and so met the emergency. We may observe that Livy states, with reference to this case, that the *people* could not create a dictator, having never up to that time exercised such a power (*quod*

1. (Cic, Pro Mil., 10.)—2. (Niebuhr, i., p. 589.)—3. (Liv., viii., 23; ix., 7.)—4. (Id., vii., 28.)—5. (Id., viii., 40; ix., 34.)—6 (Id., ix., 26.)—7. (Id., xxiii., 23.)—8. (Liv., ii., 18.)—9. (Arnold, i., p. 144.)—10. (Varro, De Ling. Lat., v., 82.)—11. (Liv., viii., 32.)—12. (Id., ii., 18.)—13. (Liv., ii., 8—Cic., De Rep., ii., 31.)—14 (Fest., Opt. Lex.)—15. (viii., 33.)

1. (Liv., ii., 18.)—2. (Liv., vii., 17.—Arnold, ii., p. 84.)—3. (Fest., Opt. Lex.)—4. (v., 70.)—5. (Liv., ix., 38.)—6. (Cic., De Repub., ii., 13, 17.)—7. (Niebuhr, i., p. 509.)—8. (Liv., viii., 23 ix., 7.—Dionys., x., 23.)—9. (Liv., iv., 26.)—10 (Liv., iv., 31 xxvii., c. 5.)

nunquam ante eam diem factum erat) : we find, however, in a case subsequent to this (B.C. 212), that the people did *appoint* a dictator for holding the elections, though the consul of the year protested against it, as an encroachment upon his privileges; but even then the consul *nominated*, though he did not *appoint*.[1]

Dionysius[2] informs us that the authority of a dictator was supreme in everything (*πολέμου τε καὶ εἰρήνης καὶ παντὸς ἄλλου πράγματος αὐτοκράτωρ*), and that, till the time of Sulla, no dictator had ever abused his power. There were, however, some limitations which we will mention.

1. The period of office was only six months,[3] and at the end of that time a dictator might be brought to trial for any acts of tyranny committed by him while in power.[4] Many, however, resigned their authority before the expiration of the six months, after completing the business for which they were appointed. 2. A dictator could not draw on the treasury beyond the credit granted him by the senate,[5] nor go out of Italy,[6] nor even ride on horseback without the permission of the people,[7] a regulation apparently capricious, but perhaps intended to show whence his authority came. The usurped powers of the dictators Sulla and Julius Cæsar are, of course, not to be compared with the genuine dictatorship After the death of the latter, the office was abolished forever by a law of Antony, the consul.[8] The title, indeed, was offered to Augustus, but he resolutely refused it,[9] in consequence of the odium attached to it from the conduct of Sulla when dictator; in fact, even during the later ages of the Republic, and for one hundred and twenty years previous to Sulla's dictatorship, the office itself had been in abeyance, though the consuls were frequently invested, in time of danger, with something like a dictatorial power by a senatus consultum, empowering them to take measures for securing the state against harm (*ut darent operam ne quid respublica detrimenti caperet*).

Together with the master of the burghers, or the dictator, there was always appointed (*dictatori additus*) a *magister equitum*, or master of the knights. In many passages of Livy, it is stated that the latter was chosen by the dictator. This, however, was not always the case; at any rate, we meet with instances where the appointment was made by the senate or the plebs.[10] He was, of course, subject, like other citizens, to the dictator; but his authority is said to have been equally supreme, within his own jurisdiction, over the knights and accensi:[11] who the latter are it is difficult to determine.[12] Niebuhr[13] says of the magister equitum, "The functions of this officer in the state are involved in obscurity; that he was not merely the commander of the horse, and the dictator's lieutenant in the field, is certain. I conjecture that he was chosen by the centuries of the plebeian knights, and that he was their protector: the dictator may have presided at the election, and have taken the votes of the twelve centuries on the person whom he proposed to them. This might afterward have fallen into disuse, and he would then name his colleague himself."

This conjecture, although plausible, is far from being supported by the authority of Livy, who speaks of both officers as being "creati," and of the magister equitum as being "additus dictatori," in such a way as to justify the inference that they were both appointed by the same authority, just as they were both selected from the same class of men, the consulares or prætorii.

1. (Liv., xxii., 8, 31.)—2. (v., 73.)—3. (Liv., ix., 34.)—4. (Liv., ii., 4.)—5. (Niebuhr, note 1249.)—6. (Liv., Epit., xix.)—7. (Id., xxiii., 14.)—8. (Cic., Phil., i., 1.)—9. (Suet., Octav., c. 52.)—10. (Liv., ii., 18; viii., 17, xxvii., 5.)—11. (Varro, De Ling. Lat., v., 82.)—12. (Arnold, i., p. 144.)—13. (i., p. 596.)

On one occasion the people made a master of the horse, M. Minucius, equal in command with the dictator Fabius Maximus.[1]

DICTYNNI'A (*Δικτύννια*), a festival with sacrifices, celebrated at Cydonia in Crete, in honour of Artemis, surnamed *Δίκτυννα* or *Δικτύνναια*, from *δίκτυον*, a hunter's net.[2] Particulars respecting its celebration are not known. Artemis *Δίκτυννα* was also worshipped at Sparta,[3] and at Ambrysus in Phocis.[4]

DIES (of the same root as *διός* and *deus*[5]). The name dies was applied, like our word day, to the time during which, according to the notions of the ancients, the sun performed his course around the earth; and this time they called the civil day (*dies civilis*, in Greek *νυχθήμερον*, because it included both night and day[6]). The natural day (*dies naturalis*), or the time from the rising to the setting of the sun, was likewise designated by the name dies. The civil day began with the Greeks at the setting of the sun, and with the Romans at midnight; with the Babylonians at the rising of the sun, and with the Umbrians at midday.[7] We have here only to consider the natural day, and, as its subdivisions were different at different times, and not always the same among the Greeks as among the Romans, we shall endeavour to give a brief account of the various parts into which it was divided by the Greeks at the different periods of their history, and then proceed to consider its divisions among the Romans, to which will be subjoined a short list of remarkable days.

At the time of the Homeric poems, the natural day was divided into three parts.[8] The first, called *ἠώς*, began with sunrise, and comprehended the whole space of time during which light seemed to be increasing, *i. e.*, till midday.[9] Some ancient grammarians have supposed that in some instances Homer used the word *ἠώς* for the whole day, but Nitzsch[10] has shown the incorrectness of this opinion. The second part was called *μέσον ἦμαρ*, or midday, during which the sun was thought to stand still.[11] The third part bore the name of *δείλη* or *δείελον ἦμαρ*,[12] which derived its name from the increased warmth of the atmosphere. The last part of the *δείλη* was sometimes designated by the words *ποτὶ ἑσπεραν* or *βουλυτός*.[13] Besides these three great divisions, no others seem to have been known at the time when the Homeric poems were composed. The chief information respecting the divisions of the day in the period after Homer, and more especially the divisions made by the Athenians, is to be derived from Pollux.[14] The first and last of the divisions made at the time of Homer were afterward subdivided into two parts. The earlier part of the morning was termed *πρωΐ* or *πρὼ τῆς ἡμέρας*; the latter *πληθούσης τῆς ἀγορᾶς*, or *περὶ πλήθουσαν ἀγοράν*.[15] The *μέσον ἦμαρ* of Homer was afterward expressed by *μεσημβρία*, *μεσον ἡμέρας*, or *μέση ἡμέρα*, and comprehended, as before, the middle of the day, when the sun seemed neither to rise nor to decline. The two parts of the afternoon were called *δείλη πρωΐη* or *πρωΐα*, and *δείλη ὀψίη* or *ὀψία*.[16] This division continued to be observed down

1. (Liv., xxii., 26.)—2. (Diod. Sic., v., 76.—Compare Strabo, x., p. 376, ed. Tauchnitz.—Pausan., ii., 30, § 3.)—3. (Paus., iii., 12, § 7.)—4. (Paus., x., 36, § 3.—Compare the scholiast ad Aristoph., Ran., 1284; Vesp., 357; and Meursius, Creta, c. 3.)—5. (Buttmann, Mythologus, ii., p. 74.)—6. (See Censorin., De Die Natali, 23.—Plin., H. N., ii., 77, 79.—Varro, De Re Rust., i., 28.—Macrob., Sat., i., 3.)—7. (Macrob., l. c.—Gellius, iii., 2.)—8. (Il., xxi., 111.)—9. (Il., viii., 66; ix., 84.—Od., ix., 56.)—10. (Anmerkungen zur Odyssee, i., 125.)—11. (Hermias ad Plat., Phædr., p. 342.)—12. (Od., xvii., 606.—Compare Buttmann's Lexilogus, ii., n. 95.)—13. (Od., xvii., 191.—Il., xvi., 779.)—14. (Onom., i., 68.)—15. (Herod., iv., 181.—Xen., Mem., i., 1, § 10.—Hellen., i., 1, § 30.—Dion Chrysost., Orat., lxvii.)—16. (Herod., vii., 167; viii., 6.—Thucyd., iii., 74; viii., 26.—Compare Libanius, Epist., 1084.)

to the latest period of Grecian history, though another more accurate division, and more adapted to the purposes of common life, was introduced at an early period; for Anaximander, or, according to others, his disciple Anaximenes, is said to have made the Greeks acquainted with the use of the Babylonian chronometer or sundial (called πόλος or ὡρολόγιον, sometimes with the epithet σκιοθηρικόν or ἡλιαμάνδρον), by means of which the natural day was divided into twelve equal spaces of time.[1] These spaces were, of course, longer or shorter, according to the various seasons of the year. The name hours (ὧραι), however, did not come into general use till a very late period, and the difference between natural and equinoctial hours was first observed by the Alexandrine astronomers.

During the early ages of the history of Rome, when artificial means of dividing time were yet unknown, the natural phenomena of increasing light and darkness formed with the Romans, as with the Greeks, the standard of division, as we see from the vague expressions in Censorinus.[2] Pliny states[3] that in the Twelve Tables only the rising and the setting of the sun were mentioned as the two parts into which the day was then divided; but from Censorinus[4] and Gellius[5] we learn that midday (*meridies*) was also mentioned. Varro[6] likewise distinguished three parts of the day, viz., *mane*, *meridies*, and *suprema* scil. tempestas, after which no assembly could be held in the Forum. The lex Plætoria prescribed that a herald should proclaim the suprema in the comitium, that the people might know that their meeting was to be adjourned. But the division of the day most generally observed by the Romans was that into *tempus antemeridianum* and *pomeridianum*, the meridies itself being only considered as a point at which the one ended and the other commenced. But, as it was of importance that this moment should be known, an especial officer (*vid.* Accensus) was appointed, who proclaimed the time of midday, when from the curia he saw the sun standing between the rostra and the græcostasis. The division of the day into twelve equal spaces, which, here as in Greece, were shorter in winter than in summer, was adopted at the time when artificial means of measuring time were introduced among the Romans from Greece. This was about the year B.C. 291, when L. Papirius Cursor, after the war with Pyrrhus in southern Italy, brought to Rome an instrument called solarium horologium, or simply solarium.[7] But as the solarium had been made for a different meridian, it showed the time at Rome very incorrectly. Scipio Nasica, therefore, erected in B.C. 159 a public clepsydra, which indicated the hours of the night as well as of the day. Even after the erection of this clepsydra, it was customary for one of the subordinate officers of the prætor to proclaim the third, sixth, and ninth hours; which shows that the day was, like the night, divided into four parts, each consisting of three hours. See Dissen's treatise, *De Partibus Noctis et Diei ex Divisionibus Veterum*, in his *Kleine Lateinische und Deutsche Schriften*, p. 130, 150. (Compare the article Horologium.)

All the days of the year were, according to different points of view, divided by the Romans into different classes. For the purpose of the administration of justice, all days were divided into *dies fasti* and *dies nefasti*.

Dies fasti were the days on which the prætor was allowed to administer justice in the public courts, they derived their name from *fari* (*fas, ma verba; do, dico, addico*[1]). On some of the dies fasti comitia could be held, but not on all.[2] Dies might be fasti in three different ways: 1. *Dies fasti proprie et toti*, or simply *dies fasti*, were days on which the prætor used to hold his courts, and could do so at all hours. They were marked in the Roman calendar by the letter F, and their number in the course of the year was 38;[3] 2. *Dies proprie sed non toti fasti*, or *dies intercisi*, days on which the prætor might hold his courts, but not at all hours, so that sometimes one half of such a day was fastus, while the other half was nefastus. Their number was 65 in the year, and they were marked in the calendar by the signs Fp. = *fastus primo*, Np = *nefastus primo*, En. = *endotercisus* = *intercisus*, Q Rex C. F. = *quando Rex comitio fugit*, or *quando Rex comitiavit fas*, Q. St. Df. = *quando stercus defertur*; 3. *Dies non proprie sed casu fasti*, or days which were not fasti properly speaking, but became fasti accidentally; a dies comitialis, for instance, might become fastus, if either during its whole course, or during a part of it, no comitia were held, so that it accordingly became either a dies fastus totus, or fastus ex parte.[4]

Dies nefasti were days on which neither courts of justice nor comitia were allowed to be held, and which were dedicated to other purposes.[5] According to the ancient legends, they were said to have been fixed by Numa Pompilius.[6] From the remarks made above, it will be understood that one part of a day might be fastus, while another was nefastus.[7] The *nundinæ*, which had originally been dies fasti, had been made nefasti at the time when the twelve-months year was introduced; but in B.C. 286 they were again made fasti by a law of Q. Hortensius.[8] The term dies nefasti, which originally had nothing to do with religion, but simply indicated days on which no courts were to be held, was in subsequent times applied to religious days in general, as dies nefasti were mostly dedicated to the worship of the gods.[9]

In a religious point of view all days of the year were either *dies festi*, or *dies profesti*, or *dies intercisi*. According to the definition given by Macrobius, dies festi were dedicated to the gods, and spent with sacrifices, repasts, games, and other solemnities; dies profesti belonged to men for the administration of their private and public affairs. They were either *dies fasti*, or *comitiales*, or *comperendini*, or *stati*, or *præliales*. Dies intercisi were common between gods and men, that is, partly devoted to the worship of the gods, partly to the transaction of ordinary business.

We have lastly to add a few remarks on some of the subdivisions of the dies profesti, which are likewise defined by Macrobius. *Dies comitiales* were days on which comitia were held; their number was 184 in a year. *Dies comperendini* were days to which any action was allowed to be transferred (*quibus vadimonium licet dicere*[10]). *Dies stati* were days set apart for causes between Roman citizens and foreigners (*qui judicii causa cum peregrinis instituuntur*). *Dies præliales* were all days on which religion did not forbid to commence a war; a list of days and festivals on which it was contrary to religion to commence a war is given by Macrobius. See also Festus, *s. v.* Compare Manutius, *De Veterum Dierum Ratione*, and the article Calendar (Roman).

DIFFAREATIO. (*Vid.* Divortium.)

1. (Herod., ii., 109.—Diog. Laert., ii., 1, 3 —Plin., H. N., ii., 8, 78.—Suidas, s. v. Ἀναξίμανδρος.)—2. (De Die Nat., 24.)—3. (H. N., vii., 60.)—4. (l. c.)—5. (xvii., 2.)—6. (De Ling. Lat., vi., 4, 5, ed. Müller; and Isidor., Orig., v., 30 and 31.)—7. (Plaut. ap. Gell., iii., 3, § 5.)

1. (Ovid, Fasti, i., 45, &c.—Varro, De Ling. Lat., vi., 29, 30, ed. Müller.—Macrob., Sat., i., 16.)—2. (Cicero, Pro Sext., 15, with the note of Manutius.)—3. (Niebuhr, Hist. of Rome, iii., p. 368.)—4. (Macrob., Sat., i., 16 —Varro, De Ling. Lat., l. c.)—5. (Varro, l. c.)—6. (Liv., i., 19.)—7. (Ovid, Fast., i., 50.)—8. (Macrob., Sat., i., 16.)—9. (Gellius, iv., 9; v., 17.)—10 (Gaius, iv., § 15.)

DIGESTA. (*Vid.* PANDECTÆ.)

DI'GITUS. (*Vid.* PES.)

DIIPOLEIA (Διιπόλεια), also called Διπόλεια or Διιπόλια, a very ancient festival, celebrated every year on the acropolis of Athens in honour of Zeus, surnamed Πολιεύς.[1] Suidas and the scholiast on Aristophanes[2] are mistaken in believing that the Diipolia were the same festival as the Diasia. It was held on the 14th of Scirrophorion. The manner in which the sacrifice of an ox was offered on this occasion, and the origin of the rite, are described by Porphyrius,[3] with whose account may be compared the fragmentary descriptions of Pausanias[4] and Ælian.[5] The Athenians placed barley mixed with wheat upon the altar of Zeus, and left it unguarded; the ox destined to be sacrificed was then allowed to go and take of the seeds. One of the priests, who bore the name of βουφόνος (whence the festival was sometimes called βουφόνια), at seeing the ox eating, snatched the axe, killed the ox, and ran away. The others, as if not knowing who had killed the animal, made inquiries, and at last also summoned the axe, which was in the end declared guilty of having committed the murder. This custom is said to have arisen from the following circumstance: In the reign of Erechtheus, at the celebration of the Dionysia, or, according to the scholiast on Aristophanes,[6] at the Diipolia, an ox ate the cakes offered to the god, and one Baulon or Thaulon, or, according to others, the βουφόνος, killed the ox with an axe and fled from his country. The murderer having thus escaped, the axe was declared guilty, and the rite observed at the Diipolia was performed in commemoration of that event.[7] This legend of the origin of the Diipolia manifestly leads us back to a time when it had not yet become customary to offer animal sacrifices to the gods, but merely the fruits of the earth. Porphyrius also informs us that three Athenian families had their especial (probably hereditary) functions to perform at this festival. Members of the one drove the ox to the altar, and were thence called κεντριάδαι: another family, descended from Baulon, and called the βουτύποι, knocked the victim down; and a third, designated by the name δαιτροί, killed it.[8]

DILIGE'NTIA. (*Vid.* CULPA.)

DIMACHÆ (διμάχαι) were Macedonian horse-soldiers, who also fought on foot when occasion required. Their armour was heavier than that of the ordinary horse-soldiers, and lighter than that of the regular heavy-armed foot. A servant accompanied each soldier in order to take care of his horse when he alighted to fight on foot. This species of troops is said to have been first introduced by Alexander the Great.[9]

DIMINU'TIO CA'PITIS. (*Vid.* CAPUT.)

DIO'BOLOS. (*Vid.* OBOLOS.)

DIOCLEI'A (Διόκλεια), a festival celebrated by the Megarians in honour of an ancient Athenian hero, Diocles, around whose grave young men assembled on the occasion, and amused themselves with gymnastic and other contests. We read that he who gave the sweetest kiss obtained the prize, consisting of a garland of flowers.[10] The scholiast on Theocritus[11] relates the origin of this festival as follows: Diocles, an Athenian exile, fled to Megara, where he found a youth with whom he fell in love. In some battle, while protecting the object of his love with his shield, he was slain. The Megarians honoured the gallant lover with a tomb, raised him to the rank of a hero, and, in commemoration of his faithful attachment, instituted the festival of the Diocleia. See Böckh *ad Pind., Olymp.*, VII., 157, p. 176, and the scholiast *ad Aristoph., Acharn.*, 730, where a Megarian swears by Diocles, from which we may infer that he was held in great honour by the Megarians.[1]

DIOMO'SIA (Διωμοσία). (*Vid.* ANTOMOSIA.)

DIONY'SIA (Διονύσια), festivals celebrated in various parts of Greece in honour of Dionysus. We have to consider under this head several festivals of the same deity, although some of them bore different names; for here, as in other cases, the name of the festival was sometimes derived from that of the god, sometimes from the place where it was celebrated, and sometimes from some particular circumstance connected with its celebration. We shall, however, direct our attention chiefly to the Attic festivals of Dionysus, as, on account of their intimate connexion with the origin and the development of dramatic literature, they are of greater importance to us than any other ancient festival.

The general character of the festivals of Dionysus was extravagant merriment and enthusiastic joy, which manifested themselves in various ways. The import of some of the apparently unmeaning and absurd practices in which the Greeks indulged during the celebration of the Dionysia, has been well explained by Müller:[2] "The intense desire felt by every worshipper of Dionysus to fight, to conquer, to suffer in common with him, made them regard the subordinate beings (Satyrs, Pans, and Nymphs, by whom the god himself was surrounded, and through whom life seemed to pass from him into vegetation, and branch off into a variety of beautiful or grotesque forms), who were ever present to the fancy of the Greeks, as a convenient step by which they could approach more nearly to the presence of their divinity. The customs so prevalent at the festivals of Dionysus, of taking the disguise of satyrs, doubtless originated in this feeling, and not in the mere desire of concealing excesses under the disguise of a mask, otherwise so serious and pathetic a spectacle as tragedy could never have originated in the choruses of these satyrs. The desire of escaping from self into something new and strange, of living in an imaginary world, breaks forth in a thousand instances in these festivals of Dionysus. It is seen in the colouring the body with plaster, soot, vermilion, and different sorts of green and red juices of plants, wearing goat and deer skins round the loins, covering the face with large leaves of different plants, and, lastly, in the wearing masks of wood, bark, and other materials, and of a complete costume belonging to the character." Drunkenness, and the boisterous music of flutes, cymbals, and drums, were likewise common to all Dionysiac festivals. In the processions called θίασοι (from θείαζω), with which they were celebrated, women also took part, in the disguise of Bacchæ, Lenæ, Thyades, Naiades, Nymphs, &c., adorned with garlands of ivy, and bearing the thyrsus in their hands (hence the god was sometimes called Θηλύμορφος), so that the whole train represented a population inspired, and actuated by the powerful presence of the god. The choruses sung on the occasion were called dithyrambs, and were hymns addressed to the god in the freest metres and with the boldest imagery, in which his exploits and achievements were extolled. (*Vid.* CHORUS.) The phallus, the symbol of the fertility of nature, was also carried in these processions,[3] and men disguised as women, called ἰθύφαλλοι,[4] followed the

1. (Paus., i., 14, § 4.)—2. (Pax, 410.)—3. (De Abstinent., , § 29.)—4. (i., 28, § 11.)—5. (V. H., viii., 3.)—6. (Nub., 972.)—7. (Compare Suidas and Hesych., s. v. Βουφόνια.)—8. (Compare Creuzer's Mythol. and Symbol., i., p. 172; iv., p. 122, &c.)
9. (Pollux, Onom., i., 132.—Curtius , 13.)—10. (Theocrit., Idyll., xii., 27, &c.)—11. (l. c.)

1. (Compare Welcker's Sappho, p. 39, and ad Theogn., p. 79.)—2. (Hist. of the Lit. of Anc. Greece, i., p. 289.)—3. (Plut., De Cupid. Divit., p. 527, D.—Aristoph., Acharn., 229, with the schol.—Herod., ii., 49.)—4. (Hesych., s. v.—Athen. xiv., p. 622.)

phallus. A woman called λικνοφόρος carried the λίκνον, a long basket containing the image of the god. Maidens of noble birth (κανηφόροι) used to carry figs in baskets, which were sometimes of gold, and to wear garlands of figs round their necks.[1] The indulgence in drinking was considered by the Greeks as a duty of gratitude which they owed to the giver of the vine; hence in some places it was thought a crime to remain sober at the Dionysia.[2]

The Attic festivals of Dionysus were four in number: the Διονύσια κατ' ἀγρούς, or the rural Dionysia, the Λήναια, the Ἀνθεστήρια, and the Διονύσια ἐν ἄστει. After Ruhnken[3] and Spalding[4] had declared the Anthesteria and the Lenæa to be only two names for one and the same festival, it was generally taken for granted that there could be no doubt as to the real identity of the two, until in 1817, A. Böckh read a paper to the Berlin Academy,[5] in which he established by incontrovertible arguments the difference between the Lenæa and Anthesteria. An abridgment of Böckh's essay, containing all that is necessary to form a clear idea of the whole question, is given in the Philological Museum.[6] The season of the year sacred to Dionysus was during the months nearest to the shortest day,[7] and the Attic festivals were accordingly celebrated in the Poseideon, Gamelion (the Lenæon of the Ionians), Anthesterion, and Elaphebolion.

The Διονύσια κατ' ἀγρούς or μικρά, the rural or lesser Dionysia, a vintage festival, were celebrated in the various demes of Attica in the month of Poseideon, and were under the superintendence of the several local magistrates, the demarchs. This was doubtless the most ancient of all, and was held with the highest degree of merriment and freedom; even slaves enjoyed full freedom during its celebration, and their boisterous shouts on the occasion were almost intolerable. It is here that we have to seek for the origin of comedy, in the jests and the scurrilous abuse which the peasants vented upon the by-standers from a wagon in which they rode about (κῶμος ἐφ' ἁμαξῶν). Aristophanes[8] calls the comic poets τρυγῳδοί, lee-singers, and comedy, τρυγῳδία, lee-song;[9] from the custom of smearing the face with lees of wine, in which the merry country people indulged at the vintage. The ascolia and other amusements, which were afterward introduced into the city, seem also originally to have been peculiar to the rural Dionysia. The Dionysia in the Piræus, as well as those of the other demes of Attica, belonged to the lesser Dionysia, as is acknowledged both by Spalding and Böckh. Those in the Piræus were celebrated with as much splendour as those in the city; for we read of a procession, of the performance of comedies and tragedies, which at first may have been new as well as old pieces; but when the drama had attained a regular form, only old pieces were represented at the rural Dionysia. Their liberal and democratical character seems to have been the cause of the opposition which these festivals met with, when, in the time of Pisistratus, Thespis attempted to introduce the rural amusements of the Dionysia into the city of Athens.[10] That in other places, also, the introduction of the worship of Dionysus met with great opposition, must be inferred from the legends of Orchomenos, Thebes, Argos, Ephesus, and other places. Something similar seems to be implied in the account of the restoration of tragic choruses to Dionysus at Sicyon.[1]

The second festival, the *Lenæa* (from ληνός, the wine-press, from which, also, the month of Gamelion was called by the Ionians Lenæon), was celebrated in the month of Gamelion; the place of its celebration was the ancient temple of Dionysus Limnæus (from λίμνη, as the district was originally a swamp, whence the god was also called λιμναγενής). This temple, the Lenæon, was situate south of the theatre of Dionysus, and close hy it.[2] The Lenæa were celebrated with a procession and scenic contests in tragedy and comedy.[3] The procession probably went to the Lenæon, where a goat (τράγος, hence the chorus and tragedy which arose out of it were called τραγικὸς χορός and τραγῳδία) was sacrificed, and a chorus standing around the altar sang the dithyrambic ode to the god. As the dithyramb was the element out of which, by the introduction of an actor, tragedy arose (*vid.* Chorus), it is natural that, in the scenic contests of this festival, tragedy should have preceded comedy, as we see from the important documents in Demosthenes.[4] The poet who wished his play to be brought out at the Lenæa applied to the second archon, who had the superintendence of this festival as well as the Anthesteria, and who gave him the chorus if the piece was thought to deserve it.

The third Dionysiac festival, the *Anthesteria*, was celebrated on the 12th of the month of Anthesterion;[5] that is to say, the second day fell on the 12th, for it lasted three days, and the first fell on the 11th,[6] and the third on the 13th.[7] The second archon superintended the celebration of the Anthesteria, and distributed the prizes among the victors in the various games which were carried on during the season.[8] The first day was called πιθοιγία; the second, χόες; and the third, χύτροι.[9] The first day derived its name from the opening of the casks to taste the wine of the preceding year; the second from χοῦς, the cup, and seems to have been the day devoted to drinking. The ascolia seem to have been played on this day. (*Vid.* Ascolia.) We read in Suidas[10] of another similar amusement peculiar to this day. The drinker placed himself upon a bag filled with air, trumpets were sounded, and he who emptied his cup quickest, or drank most, received as his prize a leather bag filled with wine and a garland, or, according to Ælian,[11] a golden crown.[12] The κῶμος ἐφ' ἁμαξῶν also took place on this day, and the jests and abuse which persons poured forth on this occasion were doubtless an imitation of the amusements customary at the rural Dionysia. Athenæus[13] says that it was customary on the day of the Choës to send on to sophists their salaries and presents, that they too might enjoy themselves with their friends. The third day had its name from χύτρος, a pot, as on this day persons offered pots with flowers, seeds, or cooked vegetables, as a sacrifice to Dionysus and Hermes Cnthonius.[14] With this sacrifice were connected the ἀγῶνες χύτρινοι mentioned by the scholiast on Aristophanes,[15] in which the second archon distributed the prizes. Slaves were permitted to take part in the general rejoicings of the Anthesteria; but at the close of the day they were sent home with the words θύραζε, Κᾶρες, οὐκ ἐτ' Ἀνθεστήρια.[16]

1. (Aristoph., Acharn., l. c.—Lysistr., 647.—Natal. Com., v., 13.)—2 (Lucian, De Calumn., 16.)—3. (Auctar. ad Hesych., tom. i., p. 199.)—4. (Abhandl. der Berl. Acad. von 1804–1811, p. 70, &c.)—5. ("Vom Unterscheide der Attischen Lenæen, Anthesterien, und ländl. Dionysien," published in 1819, in the Abhandl. der Berl. Acad.)—6. (vol. ii, p. 273, &c.)—7. (Plut., De Ei ap. Delph., 9.)—8. (Vesp., 620 and 1479.)—9. (Acharn., 464, 834.—Athen., ii., p. 40)—10. (Plut., Sol. c. 29, 30.—Diog. Laert., Sol., c. 11.)

1. (Herod., v., 67.)—2. (Schol. ad Aristoph., Ran., 480.)—3 (Demosth., c. Meid., p. 517.)—4. (l. c.)—5. (Thucyd., ii., 15.)—6. (Suidas, s. v. Χοές.)—7. (Philoch. ap. Suid., s. v. Χύτροι.)—8. (Aristoph., Acharn., 1143, with the schol.)—9. (Harpocrat and Suidas, s. v.—Schol. ad Aristoph., Ran., 219.—Athen., x., p. 437; vii., p. 276; iv., p. 129.)—10. (s. v. Ἀσκός).—11. (V. H., ii., 41.)—12. (Aristoph., Acharn., 943, with the schol.)—13. (x., p. 437.)—14. (Schol. ad Aristoph., Acharn., 1009.—Suidas, s. v Χύτροι.)—15. (Ran., 220.)—16. (Hesych., s. v. Θύραζε.—Proclus ad Hesiod., Op. et Dies.)

It is uncertain whether dramas were performed at the Anthesteria; but Böckh supposes that comedies were represented, and that tragedies which were to be brought out at the great Dionysia were perhaps rehearsed at the Anthesteria. The mysteries connected with the celebration of the Anthesteria were held at night, in the ancient temple *ἐν Λίμναις*, which was opened only once a year, on the 12th of Anthesterion. They were likewise under the superintendence of the second archon and a certain number of *ἐπιμεληταί*. He appointed fourteen priestesses, called *γεραιραί* or *γεραραί*, the venerable, who conducted the ceremonies with the assistance of one other priestess.[1] The wife of the second archon (*βασίλισσα*) offered a mysterious sacrifice for the welfare of the city; she was betrothed to the god in a secret solemnity, and also tendered the oath to the geræræ, which, according to Demosthenes,[2] ran thus: "I am pure and unspotted by anything that pollutes, and have never had intercourse with man. I will solemnize the Theognia and Iobakcheia at their proper time, according to the laws of my ancestors." The admission to the mysteries, from which men were excluded, took place after especial preparations, which seem to have consisted in purifications by air, water, or fire.[3] The initiated persons wore skins of fawns, and sometimes those of panthers. Instead of ivy, which was worn in the public part of the Dionysia, the mystæ wore myrtle.[4] The sacrifice offered to the god in these mysteries consisted of a sow, the usual sacrifice of Demeter, and in some places of a cow with calf. It is more than probable that the history of Dionysus was symbolically represented in these mysteries, as the history of Demeter was acted in those of Eleusis, which were in some respects connected with the former.[5]

The fourth Attic festival of Dionysus, *Διονύσια ἐν ἀστει, ἀστικά* or *μεγάλα*, was celebrated about the 12th of the month of Elaphebolion;[6] but we do not know whether they lasted more than one day or not. The order in which the ceremonies took place was, according to the document in Demosthenes, as follows: The great public procession, the chorus of boys, the *κῶμος* (*vid.* Chorus), comedy, and, lastly, tragedy. We possess in Athenæus[7] the description of a great Bacchic procession, held at Alexandrea in the reign of Ptolemæus Philadelphus, from which we may form some idea of the great Attic procession. It seems to have been customary to represent the god by a man in this procession. Plutarch,[8] at least, relates that, on one occasion, a beautiful slave of Nicias represented Dionysus.[9] A ridiculous imitation of a Bacchic procession is described in Aristophanes.[10] Of the dramas which were performed at the great Dionysia, the tragedies, at least, were generally new pieces; repetitions do not, however, seem to have been excluded from any Dionysiac festival. The first archon had the superintendence, and gave the chorus to the dramatic poet who wished to bring out his piece at this festival. The prize awarded to the dramatist for the best play consisted of a crown, and his name was proclaimed in the theatre of Dionysus.[11] Strangers were prohibited from taking part in the choruses of boys. During this and some other of the great Attic festivals, prisoners were set free, and nobody was allowed to seize the goods of a debtor; but a war was not interrupted by its celebration.[12] As the great Dionysia were celebrated at the beginning of spring, when the navigation was reopened, Athens was not only visited by numbers of country people but also by strangers from other parts of Greece; and the various amusements and exhibitions on this occasion were not unlike those of a modern fair.[1] Respecting the scrupulous regularity, and the enormous sums spent by the Athenians on the celebration of these and other festivals, see Demosthenes.[2] As many circumstances connected with the celebration of the Dionysia cannot be made clear without entering into minute details, we must refer the reader to Böckh's essay.

The worship of Dionysus was almost universal among the Greeks in Asia as well as in Europe, and the character of his festivals was the same everywhere, only modified by the national differences of the various tribes of the Greeks. It is expressly stated that the Spartans did not indulge so much in drinking during the celebration of the Dionysia as other Greeks.[3] The worship of Dionysus was in general, with the exception of Corinth, Sicyon, and the Doric colonies in southern Italy, less popular among the Doric states than in other parts of Greece.[4] It was most enthusiastic in Bœotia, in the orgies on Mount Cithæron, as is well known from allusions and descriptions in several Roman poets. That the extravagant merriment, and the unrestrained conduct with which all festivals of this class were celebrated, did, in the course of time, lead to the greatest excesses, cannot be denied; but we must, at the same time, acknowledge that such excesses did not occur until a comparatively late period. At a very early period of Grecian history, Bacchic festivals were solemnized with human sacrifices, and traces of this custom are discernible even until very late. In Chios this custom was superseded by another, according to which the Bacchæ were obliged to eat the raw pieces of flesh of the victim which were distributed among them. This act was called *ὠμοφαγία*, and Dionysus derived from it the name of *ὠμάδιος* and *ὠμηστής*. There was a report that even Themistocles, after the battle of Salamis, sacrificed three noble Persians to this divinity.[5] But Plutarch's account of this very instance, if true, shows that at this time such savage rites were looked upon with horror.

The worship of Dionysus, whom the Romans called Bacchus, or, rather, the Bacchic mysteries and orgies (*Bacchanalia*), are said to have been introduced from southern Italy into Etruria, and from thence to Rome,[6] where for a time they were carried on in secret, and, during the latter part of their existence, at night. The initiated, according to Livy, did not only indulge in feasting and drinking at their meetings, but, when their minds were heated with wine, they indulged in the coarsest excesses and the most unnatural vices. Young girls and youths were seduced, and all modesty was set aside; every kind of vice found here its full satisfaction. But the crimes did not remain confined to these meetings: their consequences were manifest in all directions; for false witnesses, forgeries, false wills, and denunciations proceeded from this focus of crime. Poison and assassination were carried on under the cover of this society; and the voices of those who had been fraudulently drawn into these orgies, and would cry out against the shameless practices, were drowned by the shouts of the Bacchantes, and the deafening sounds of drums and cymbals.

The time of initiation lasted ten days, during

(Pollux, Onom., viii., 9.)—2. (c. Neær., p. 1371, 22.)—3. (Serv. ad Æn., vi., 740.—Paus., ix., 20, § 4.—Liv., xxxix., 13.)—4. (Schol. ad Aristoph., Ran., 330.)—5. (Schol. ad Aristoph., Ran., 343.)—6. (Æsch., c. Ctes., p. 63.)—7. (v., p. 197, 199.)—8. (Nic., 3.)—9. (Compare Athen., v., p. 200.)—10. (Eccles., 759, seqq.)—11. (Demosth., De Coron., p. 267.)—12. (Demosth., c. Beot. De Nom., p. 999.)

1. (Isocr., Areop., p. 203, ed. Bekker.—Xen., Hiero, i., 1.—Compare Becker, Charikles, ii., p. 237, seqq.)—2. (Philip. i., § 50.)—3. (Athen., iv., p. 156.—Plato, De Leg., i., p. 637.)—4. (Müller, Dorians, ii., 10, § 6.—Böttiger, Ideen z. Archæol. der Malerei, p. 289, seqq.)—5. (Plut., Themist., 13.—Pelop., 21.—Compare Thirlwall, Hist. of Greece, ii., p. 310.)—6. (Liv., xxxix. 8.)

which a person was obliged to abstain from all sexual intercourse; on the tenth he took a solemn meal, underwent a purification by water, and was led into the sanctuary (*Bacchanal*). At first only women were initiated, and the orgies were celebrated every year during three days. Matrons alternately performed the functions of priests. But Paculа Annia, a Campanian matron, pretending to act under the direct influence of Bacchus, changed the whole method of celebration: she admitted men to the initiation, and transferred the solemnization, which had hitherto taken place during the daytime, to the night. Instead of three days in the year, she ordered that the Bacchanalia should be held during five days in every month. It was from the time that these orgies were carried on after this new plan that, according to the statement of an eye-witness,[1] licentiousness and crimes of every description were committed. Men as well as women indulged in the most unnatural appetites, and those who attempted to stop or to oppose such odious proceedings fell as victims. It was, as Livy says, a principle of the society to hold every ordinance of God and nature in contempt. Men, as if seized by fits of madness, and under great convulsions, gave oracles: and the matrons, dressed as Bacchæ, with dishevelled hair and burning torches in their hands, ran down to the Tiber and plunged their torches into the water; the torches, however, containing sulphur and chalk, were not extinguished. Men who refused to take part in the crimes of these orgies were frequently thrown into dark caverns and despatched, while the perpetrators declared that they had been carried off by the gods. Among the number of the members of these mysteries were, at the time when they were suppressed, persons of all classes; and during the last two years, nobody had been initiated who was above the age of twenty years, as this age was thought most fit for seduction and sensual pleasure.

In the year B.C. 186, the consuls Spurius Postumius Albinus and Q. Marcius Philippus were informed of the existence of these meetings, and, after having ascertained the facts mentioned above, they made a report to the senate.[2] The senate, alarmed by this singular discovery, and although dreading lest members of their own families might be involved, invested the consuls with extraordinary power, to inquire into the nature of these nocturnal meetings, to exert all their energy to secure the priests and priestesses, to issue a proclamation throughout Rome and Italy, forbidding any one to be initiated in the Bacchic mysteries, or to meet for the purpose of celebrating them; but, above all things, to submit those individuals who had already been secured to a rigid trial. The consuls, after having given to the subordinate magistrates all the necessary instructions, held an assembly of the people, in which the facts just discovered were explained to the public, in order that the objects of the proceedings which were to take place might be known to every citizen. A reward was at the same time offered to any one who might be able to give farther information, or to name any one that belonged to the conspiracy, as it was called. Measures were also taken to prevent any one from leaving Italy. During the night following, a number of persons were apprehended; many of them put an end to their own lives. The whole number of the initiated was said to be 7000. The trial of all those who were apprehended lasted thirty days. Rome was almost deserted, for the innocent as well as the guilty had reason to fear. The punishment inflicted on those who were convicted varied according to the degree of their guilt; some were thrown into prison, others were put to death. The women were surrendered to their parents or husbands, that they might receive their punishment in private. The consuls then were ordered by the senate to destroy all Bacchanalia throughout Rome and Italy, with the exception of such altars or statues of the god as had existed there from ancient times. In order to prevent a restoration of the Bacchic orgies, the celebrated decree of the senate (*Senatus auctoritas de Bacchanalibus*) was issued, commanding that no Bacchanalia should be held either in Rome or Italy; that if any one should think such ceremonies necessary, or if he could not neglect them without scruples or making atonements, he should apply to the prætor urbanus, who might then consult the senate. If the permission should be granted to him in an assembly of the senate, consisting of not less than one hundred members, he might solemnize the Bacchic sacra; but no more than five persons were to be present at the celebration; there should be no common fund, and no master of the sacra or priest.[1] This decree is also mentioned by Cicero.[2] A brazen table containing this important document was discovered near Bari, in southern Italy, in the year 1640, and is at present in the imperial Museum of Vienna. A copy of it is given in Drakenborch's edition of Livy.[3]

We have, in our account of the Roman Bacchanalia, closely followed the description given by Livy, which may, indeed, be somewhat exaggerated; but, considering the difference of character between the Greeks and Romans, it cannot be surprising that a festival like the Dionysia, when once introduced among the Romans, should have immediately degenerated into the grossest and coarsest excesses. Similar consequences were seen immediately after the time when the Romans were made acquainted with the elegance and the luxuries of Greek life; for, like barbarians, they knew not where to stop, and became brutal in their enjoyments. But whether the account of Livy be exaggerated or not, thus much is certain, that the Romans, ever since the time of the suppression of the Bacchanalia, considered these orgies as in the highest degree immoral and licentious, as we see from the manner in which they applied the words derived from Bacchus, *e. g.*, *bacchor*, *bacchans*, *bacchatio*, *bacchicus*, and others. But the most surprising circumstance in the account of Livy is, that the Bacchanalia should have been celebrated for several years in the boisterous manner described above, and by thousands of persons, without any of the magistrates appearing to have been aware of it.

While the Bacchanalia were thus suppressed, another more simple and innocent festival of Bacchus, the *Liberalia* (from *Liber* or *Liber Pater*, a name of Bacchus), continued to be celebrated at Rome every year on the 16th of March.[4] A description of the ceremonies customary at this festival is given by Ovid,[5] with which may be compared Varro.[6] Priests and aged priestesses, adorned with garlands of ivy, carried through the city wine, honey, cakes, and sweetmeats, together with an altar with a handle (*ansata ara*), in the middle of which there was a small firepan (*foculus*), in which, from time to time, sacrifices were burned. On this day Roman youths who had attained their sixteenth year received the toga virilis.[7] That the Liberalia were celebrated with various amusements and great merriment, might be inferred from the general character of Dionysiac festivals; but we may also see it from the name *Ludi Liberales*, which is sometimes used instead of Liberalia; and Nævius[8] expressly says

1. (Liv., xxxix., 13.)—2. (Liv., xxxix., 14.)

1. (Liv., xxxix., 18.)—2. (De Leg., ii., 15.)—3. (tom. vii., p. 197, seqq.)—4. (Ovid, Fast., iii., 713.)—5. (l. c.)—6. (De Ling. Lat., v. 55, ed Bipont.)—7. (Cic. ad Att., vi., 1.)—8. (ap Fest.)

hat persons expressed themselves very freely at the Liberalia. St. Augustine[1] even speaks of a high degree of licentiousness carried on at this festival.

*DIOS ANTHOS (Διὸς ἄνθος), a plant. Sprengel conjectures that it was the *Agrostemma Flos Jovis*; but Stackhouse hesitates between the *Agrostemma* and the *Dianthus Caryophyllus*; or Carnation.[2]

DIOSCU'RIA (Διοσκούρια), festivals celebrated in various parts of Greece in honour of the Dioscuri. The Spartan Dioscuria mentioned by Pausanias[3] and Spanheim,[4] were celebrated with sacrifices, rejoicings, and drinking. At Cyrene the Dioscuri were likewise honoured with a great festival.[5] The Athenian festival of the Dioscuri has been described under Anaceia. Their worship was very generally adopted in Greece, especially in the Doric and Achæan states, as we conclude from the great number of temples dedicated to them; but scarcely anything is known respecting the manner in which their festivals were celebrated.

*DIOS'PYRUS (Διόσπυρος), according to Stackhouse, the *Diospyrus Lotus*; but Schneider doubts whether the fruit of the latter agrees in character with the description of the διόσπυρος as given by Theophrastus.[6]

DIO'TA was a vessel containing two ears (ὦτα) or handles, used for holding wine. It appears to have been much the same as the amphora.[7] (*Vid.* Amphora.)

*DIPHR'YGES (διφρυγές), "evidently," according to Adams, "a metallic compound of copper. Sprengel says it consisted principally of burned copper, with a certain admixture of iron. Dr. Milligan calls it an oxide of copper. Matthiolus gives it the name of *Marc de bronze*, i. e., Husk of bronze."[8]

*DIPS'ACUS (δίψακος), the *Dipsacus Fullonum*, Fuller's Thistle, or manured Teasel. Stephens calls it *Chardon de Bonnetier*. The leaves are concave, and so placed as to contain water.[9]

*DIPSAS (διψάς), the name of a venomous serpent, whose bite causes insatiable thirst, whence the name, from διψάω, "to thirst." Sprengel marks it as the *Coluber prester*, or black viper. According to Adams, it is sometimes found in England. A splendid description of the effects of its sting is given by Lucan. For farther information, the student is referred by Adams to Nicander, Dioscorides, Aëtius, and the other writers on toxicology, as also to Lucian's treatise on the Dipsades.[10]

DIPHTH'ERA (διφθέρα) was a kind of cloak made of the skins of animals, and worn by herdsmen and country people in general. It is frequently mentioned by Greek writers.[11] Pollux[12] says that it had a covering for the head (ἐπικράνον), in which respect it would correspond to the Roman *cucullus*. (*Vid.* Cucullus.)[13]

DIPHROS (δίφρος). (*Vid.* Currus, p. 333.)

DIPL'OIS (διπλοΐς.) (*Vid.* Pallium.)

DIPLO'MA was a writ or public document, which conferred upon a person any right or privilege. During the Republic it was granted by the consuls and senate; and under the Empire, by the emperor and the magistrates whom he authorized to do so.[14] The diploma was sealed by the emperor;[15] it consisted of two leaves, whence it derived its name. These writs were especially given to public couriers, or to those who wished to procure the use of the public horses or carriages.[1] The tabellarii of the emperor would naturally always have a diploma; whence we read in an inscription[2] of a *diploma rius tabellarius*.

ΔΙΠΡΩΡΟΙ ΝΗΕΣ (*δίπρωροι νῆες*). (*Vid.* Navis, p. 1 ΠΡΥΜΝΟΙ ΝΗΕΣ.)

DIP'TYCHA (*δίπτυχα*) were two writing tablets which could be folded together. Herodotus[3] speaks of a *δέλτιον δίπτυχον* made of wood, and covered over with wax.[4] The diptycha were made of different materials, commonly of wood, but sometimes of ivory.

Under the Empire, it was the custom of the consuls and other magistrates to distribute among their friends and the people, on the day on which they entered on their office, tablets, called respectively *diptycha consularia*, *prætoria*, *ædilitia*, &c., which were inscribed with their names, and contained their portraits. Several of these diptycha are given by Montfaucon.[6]

DIRECTA ACTIO. (*Vid.* Actio, p. 17.)

DIRIBITO'RES are said by most modern writers to have been the persons who gave to the citizens the *tabellæ* with which they voted in the comitia (*vid.* Comitia, p. 297); but Wunder has most distinctly proved, in the preface to his *Codex Erfutensis*,[7] that it was the office of the diribitores to divide the votes when taken out of the *cistæ*, so as to determine which had the majority. He remarks that the etymology of *diribere* would lead us to assign to it the meaning of "separation" or "division," as it is compounded of *dis* and *habere*, in the same manner as *dirimere* is of *dis* and *emere*; the *h* disappears as in *præbere* and *debere*, which come respectively from *præ* and *habere*, and *de* and *habere*. In several passages the word cannot have any other signification than that given by Wunder.[8]

When Cicero says,[9] "*vos rogatores, vos diribitores, vos custodes tabellarum*," we may presume that he mentions these officers in the order in which they discharged their duties in the comitia. It was the office of the *rogatores* to collect the tabellæ which each century gave, as they used, before the ballot was introduced, to ask (*rogare*) each century for its votes, and report them to the magistrate who presided over the comitia. The *diribitores*, as has been already remarked, divided the votes when taken out of the *cistæ*, and handed them over to the *custodes*, who checked them off by points marked on a tablet.

Many writers have confounded the *cista* with the *sitella* or urna, into which the sortes or mere lots were cast, the true difference between these words is explained under Sitella.

DISCUS (*δίσκος*), a circular plate of stone (*λίθοι δίσκοι*[10]) or metal (*splendida pondera disci*[11]), made for throwing to a distance as an exercise of strength and dexterity. This was, indeed, one of the principal gymnastic exercises of the ancients, being included in the Πένταθλον. It was practised in the heroic age;[12] the fable of Hyacinthus, who was killed by Apollo as they were playing together at this game,[13] also proves its very high antiquity.

The discus was ten or twelve inches in diameter, so as to reach above the middle of the forearm when held in the right hand. The object was to throw it

1. (De Civ. Dei, vii., 21.)—2. (Theophrast., vi., 1; vi., 6.—Adams, Append., s. v.)—3. (iv., 27, § 1, compared with iii., 16, § 3.)—4. (ad Callim., Hymn. in Pall., 24.)—5. (Schol. ad Pind., Pyth., v., 629.)—6. (Theophrast., H. P., iii., 13.—Adams, Append., s. v.)—7. (Hor., Carm., I., ix., 9.)—8. (Dioscor., v., 119.—Paul Ægin., vii., 3.—Adams, Append., s. v.)—9. (Dioscor., iii., 11.—Adams, Append., s. v.)—10. (Ælian, N. A., vi., 51.—Lucan, ix., 610.—Adams, Append., s. v.)—11. (Aristoph., Nub., 72.—Schol. ad loc.—Vesp., 444.—Plato, Crit., p. 53.—Lucian, Tim., c. 12.)—12. (Onom., vii., 70.)—13. (Becker, Charikles, ii., p. 359.)—14. (Cic. ad Fam., vi., 12; ad Att., x. 17; c. Pis., 37.—Sen., Ben., vii., 10.—Suet., Cal., 38; Ner., 12; Oth., 7.—Dig. 48. tit. 10. s. 27.)—15. (Suet., Octav., 50.)

1. (Plin., Ep., x., 14, 121.—Compare x., 54, 55.)—2. (Orelli, No. 2917.)—3. (vii., 239.)—4. (Compare Pollux, iv., 18)—5 (Codex Theod., 15, tit. 9, s. 1.)—6. (Antiq. Expl., Suppl., vol iii., p. 220, &c.)—7. (p. cxxvi.–clviii.)—8. (Cic., Pro Planc., 20; ad Qu. Frat., iii., 4, § 1.—Varro, De Re Rust., iii., 2; iii., 5, § 18.)—9. (in Pis., 15.)—10. (Pind., Isth., i., 34.)—11. (Mart., xiv., 164.)—12. (Hom., Il., ii., 774.—Od., vi., 626; viii., 129. 186–188; xvii., 168.—Eurip., Iph. in Aul., 200.)—13. (Ovid, Met., x., 167–219.)

from a fixed spot to the greatest distance; and in doing this, each player had a friend to mark the point at which the discus, when thrown by him, struck the ground, as is done by Minerva on behalf of Ulysses when he contends with the Phæacians;[1] *ibi signatur terra sagitta.*[2] The distance to which it was commonly thrown became a measure of length, called *τὰ δίσκουρα.*[3]

The space on which the discobolus, or thrower of the discus, stood, was called *βαλβίς*, and was indicated by being a little higher than the ground surrounding it. As each man took his station, with his body entirely naked, on the *βαλβίς*, he placed his right foot forward, bending his knee, and resting principally on this foot. The discus being held, ready to be thrown, in his right hand, he stooped, turning his body towards it, and his left hand was naturally turned in the same direction.[4] This attitude was represented by the sculptor Myron in one of his works, and is adduced by Quintilian[5] to show how much greater skill is displayed by the artist, and how much more powerful an effect is produced on the spectator, when a person is represented in action, than when he is at rest or standing erect. We fortunately possess several copies, more or less entire, of this celebrated statue; and one of the best of them is in the British Museum (see the annexed woodcut). It represents the player just ready to swing round his outstretched arm, so as to describe with it a semicircle in the air, and thus, with his collected force, to project the discus at an angle of forty-five degrees, at the same time springing forward so as to give it the impetus of his whole body. Diescum "*vasto contorquet turbine, et ipse prosequitur.*"

By metaphor, the term *discus* was applied to a mirror[7] (*vid.* Speculum); to the orb of the sun as seen by us; and to a flat round plate used to hold meat, whence the English *dish.*

Sometimes a heavy mass of a spherical form (*σόλος*) was used instead of a discus, as when the Greeks at the funeral games contended for a lump of iron, which was to be given to him who could throw it farthest.[8] The *σόλος* was perforated in the centre, so that a rope or thong might be passed through, and used in throwing it.[9] In this form the discobolia is still practised by the mountaineers of the canton of Appenzell, in Switzerland. They meet twice a year to throw round stones of great weight and size. This they do by a sudden leap and forcible swinging of the whole body. The same stone is taken by all, as in the case of the ancient discus and *σόλος*: he who sends it to the greatest distance receives a public prize. The stone is lifted as high as the right shoulder (see woodcut; *καταμαδίοιο*[1]) before being projected.[2]

DISPENSA'TOR. (*Vid.* Calculator.)

DITHYRA'MBUS. (*Vid.* Chorus, p. 247.)

DIVERSO'RIUM. (*Vid.* Caupona.)

DIVINA'TIO is, according to Cicero,[3] a prescension and a knowledge of future things; or, according to Chrysippus,[4] a power in man which foresees and explains those signs which the gods throw in his way, and the diviner must therefore know the disposition of the gods towards men, the import of their signs, and by what means these signs are to be obtained. According to this latter definition, the meaning of the Latin word divinatio is narrower than that of the Greek *μαντική*, inasmuch as the latter signifies any means by which the decrees of the gods can be discovered, the natural as well as the artificial; that is to say, the seers and the oracles, where the will of the gods is revealed by inspiration, as well as the divinatio in the sense of Chrysippus. In the one, man is the passive agent through which the deity reveals the future; while in the other, man discovers it by his own skill or experience, without any pretension to inspiration. As, however, the seer or vates was also frequently called divinus, we shall treat, under this head, of seers as well as of other kinds of divinatio. The subject of oracles is discussed in a separate article. (*Vid.* Oraculum.)

The belief that the decrees of the divine will were occasionally revealed by the deity himself, or could be discovered by certain individuals, is one which the classical nations of antiquity had, in common with many other nations, before the attainment of a certain degree of intellectual cultivation. In early ages such a belief was natural, and perhaps founded on the feeling of a very close connexion between man, God, and nature. But in the course of time, when men became more acquainted with the laws of nature, this belief was abandoned, at least by the more enlightened minds, while the multitudes still continued to adhere to it; and the governments, seeing the advantages to be derived from it, not only countenanced, but encouraged and supported it.

The seers or *μάντεις*, who, under the direct influence of the gods, chiefly that of Apollo, announced the future, seem originally to have been connected with certain places where oracles were given; but in subsequent times they formed a distinct class of persons, independent of any locality; one of them is Calchas in the Homeric poems. Apollo, the god of prophecy, was generally the source from which the seers, as well as other diviners, derived their knowledge. In many families of seers the inspired knowledge of the future was considered to be hereditary, and to be transmitted from father to son. To these families belonged the Iamids,[5] who from Olympia spread over a considerable part of Greece; the Branchidæ, near Miletus;[6] the Eumolpids, at Athens and Eleusis; the Clytiads,[7] the Telliads,[8] the Acarnanian seers, and others. Some of these families retained their celebrity till a very late period of Grecian history. The manteis made their revelations either when requested to do so on important emergencies, or they made them spontaneously whenever they thought it necessary, either

1. (Od., viii., 186-200.)—2. (Stat., Theb., vi., 703.)—3. (Il., xxiii., 431.)—4. (Cic., De Sen., Imag., i., 24.—Welcker, ad loc.)—5. (Inst. Or., ii., 13.)—6. (Statius, l. c.)—7. (Brunck., Anal., ii., p. 494.)—8. (Il., xxiii., 826-846.)—9. (Eratosth., Bernhardy, p. 251.)

1. (Il., xxiii., 431.)—2. (Ebel, Schilderung der Gebirgsvölker der Schweitz, i., p. 174.)—3. (De Divin., i., 1.)—4. (Cic., De Divin., ii., 63.)—5. (Paus, iii., 11, § 5, &c.—Böckh ad Pind., Ol., vi., p. 152.)—6. (Conon., 33.)—7. (Paus., vi., 17, § 4.)—8. (Herod., viii., 27.—Paus., x., 1, § 4, &c.—Herod., ix., 37.)

to present some calamity or to stimulate their countrymen to something beneficial. The civil government of Athens not only tolerated, but protected and honoured them; and Cicero[1] says, that the manteis were present in all the public assemblies of the Athenians.[2] Along with the seers we may also mention the Bacides and the Sibyllæ. Both existed from a very remote time, and were distinct from the manteis so far as they pretended to derive their knowledge of the future from sacred books (*χρησμοί*) which they consulted, and which were in some places, as at Athens and Rome, kept by the government or some especial officers, in the acropolis and in the most revered sanctuary. Bacis was, according to Pausanias,[3] in Bœotia, a general name for a man inspired by nymphs. The scholiast on Aristophanes[4] and Ælian[5] mention three original Bacides, one of Eleon in Bœotia, a second of Athens, and a third of Caphys in Arcadia.[6] From these three Bacides all others were said to be descended, and to have derived their name. Antichares,[7] Musæus,[8] Euclous of Cyprus,[9] and Lycus, son of Pandion,[10] probably belonged to the Bacides. The Sibyllæ were prophetic women, probably of Asiatic origin, whose peculiar custom seems to have been to wander with their sacred books from place to place.[11] Ælian[12] states that, according to some authors, there were four Sibyllæ, the Erythræan, the Samian, the Egyptian, and the Sardinian; but that others added six more, among whom there was one called the Cumæan, and another called the Jewish Sibylla. Compare Suidas,[13] and Pausanias,[14] who has devoted a whole chapter to the Sibyllæ, in which, however, he does not clearly distinguish between the Sibyllæ properly so called, and other women who travelled about and made the prophetic art their profession, and who seem to have been very numerous in all parts of the ancient world.[15] The Sibylla whose books gained so great an importance at Rome was, according to Varro,[16] the Erythræan: the books which she was said to have sold to one of the Tarquins were carefully concealed from the public, and only accessible to the duumvirs. The early existence of the Sibyllæ is not as certain as that of the Bacides; but in some legends of a late date they occur even in the period previous to the Trojan war, and it is not improbable that at an early period every town in Greece had its prophecies by some Bacis or Sibylla.[17] They seem to have retained their celebrity down to the time of Antiochus and Demetrius.[18]

Besides these more respectable prophets and prophetesses, there were numbers of diviners of an inferior order (*χρησμολόγια*), who made it their business to explain all sorts of signs, and to tell fortunes. They were, however, more particularly popular with the lower orders, who are everywhere most ready to believe what is most marvellous and least entitled to belief. This class of diviners, however, does not seem to have existed until a comparatively late period,[19] and to have been looked upon, even by the Greeks themselves, as nuisances to the public.

These soothsayers lead us naturally to the mode of divination, of which such frequent use was made by the ancients in all the affairs of public and private life, and which chiefly consisted in the interpretation of numberless signs and phenomena. No public undertaking of any consequence was ever entered upon by the Greeks and Romans without consulting the will of the gods, by observing the signs which they sent, especially those in the sacrifices offered for the purpose, and by which they were thought to indicate the success or the failure of the undertaking. For this kind of divination no divine inspiration was thought necessary, but merely experience and a certain knowledge acquired by routine; and although, in some cases, priests were appointed for the purpose of observing and explaining signs (*vid.* Augur, Haruspex), yet on any sudden emergency, especially in private affairs, any one who met with something extraordinary might act as his own interpreter. The principal signs by which the gods were thought to declare their will, were things connected with the offering of sacrifices, the flight and voice of birds, all kinds of natural phenomena, ordinary as well as extraordinary and dreams.

The interpretation of signs of the first class (*ἱερομαντεία* or *ἱεροσκοπία*, *haruspicium* or ars *haruspicina*) was, according to Æschylus,[1] the invention of Prometheus. It seems to have been most cultivated by the Etruscans, among whom it was raised into a complete science, and from whom it passed to the Romans. Sacrifices were either offered for the special purpose of consulting the gods, or in the ordinary way; but in both cases the signs were observed, and when they were propitious, the sacrifice was said *καλλιερεῖν*. The principal points that were generally observed were, 1. The manner in which the victim approached to the altar, whether uttering a sound or not; the former was considered a favourable omen in the sacrifice at the Panionium.[2] 2. The nature of the intestines with respect to their colour and smoothness;[3] the liver and bile were of particular importance. (*Vid.* Caput Extorum.) 3. The nature of the flame which consumed the sacrifice;[4] hence the words *πυρομαντεία*, *ἔμπυρα σήματα*, *φλογωπὰ σήματα*. That the smoke rising from the altar, the libation, and various other things offered to the gods, were likewise considered as a means through which the will of the gods might be learned, is clear from the names *καπνομαντεία*, *λιβανομαντεία*, *κριθομαντεία*, and others. Especial care was also taken, during a sacrifice, that no inauspicious or frivolous words were uttered by any of the by-standers: hence the admonitions of the priests, *εὐφημεῖτε* and *εὐφημία*, or *σιγᾶτε*, *σιωπᾶτε*, *favete linguis*, and others; for improper expressions were not only thought to pollute and profane the sacred act, but to be unlucky omens (*δυσφημία*, *κληδόνες*, *φῆμαι*, *φωναί*, or *ὀμφαί*[5]).

The art of interpreting signs of the second class was called *οἰωνιστική*, *augurium* or *auspicium*. It was, like the former, common to Greeks and Romans, but was never developed into so complete a system by the former as by the latter; nor did it ever attain the same degree of importance in Greece as it did at Rome. (*Vid.* Auspicium.) The Greeks, when observing the flight of birds, turned their face towards the north, and then a bird appearing to the right (east), especially an eagle, a heron, or a falcon, was a favourable sign,[6] while birds appearing to the left (west) were considered as unlucky signs.[7] Sometimes the mere appearance of a bird was thought sufficient: thus the Athenians always considered the appearance of an owl as a lucky sign; hence the proverb, *γλαὺξ ἵπταται*, "the owl is out,"

1. (De Divinat., i., 43.) — 2. (Compare Aristoph., Pax, 1025, with the schol. — Nub., 325, &c., and the schol. — Lycurg., c. Leocrat., p. 196.)—3. (x., 12, § 6, compared with iv., 27, § 2.)—4. (Pax, 1009.) — 5. (V. H., xii., 35.) — 6. (Compare Aristoph., Equit., 123, 998.—Aves, 963.—Clem. Alex., Strom., i., 398.)—7. (Herod., v., 43.)—8. (Herod., vii., 6.)—9. (Paus., x., 12, § 6.)—10. (Paus., l. c.) — 11. (Liv., i., 7.) — 12. (V. H., xii., 35.)—13. (s. v. Σίβυλλαι.) — 14. (x., 12.) — 15. (Clem. Alex., Strom., i., 399.) — 16 (ap. Lactant. i. 6.) — 17. (Paus., l. c.) — 18. (See Niebuhr, Hist. of Rome, i. 503, &c.)—19. (Thucyd., ii., 21. Aristoph., Pac. Pax 986, 1034, &c.)

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I. (Prom. Vinct., 492, &c.)—2 (Strab., viii., p. 384.—Compare Paus., iv., 32, § 3.)—3. (Æsch., Rom., 493.—Eurip., Elect. 833.)—4. (See Valckenaer ad Eurip., Phœn., 1261.)—5. (Pind., Ol., vi., 112.—Il., ii., 41 ;—6 (Hom., Il., xiv., 274, xxiv., 310—Od., xv., 524.)—7. (Hom., L. xii., 201, 230.—Festus, s. v. Sinistræ Aves.)

i. e., we have good luck. Other animals appearing unexpectedly, especially to travellers on their road (ἐνόδια σύμβολα), were also thought ominous; and at Athens it was considered a very unlucky omen when a weasel appeared during the assembly of the people.[1] Superstitions of this kind are still met with in several European countries. Various other means were used to ascertain the will of the gods, such as the σιδηρομαντεία, or divination by placing straws on red-hot iron; the μολυδομαντεία, by observing the figures which melted lead formed; the βοτανομαντεία, or divination by writing one's own name on herbs and leaves, which were then exposed to the wind, &c.

Of greater importance than the appearance of animals, at least to the Greeks, were the phenomena in the heavens, particularly during any public transaction. They were not only observed and interpreted by private individuals in their own affairs, but by the public magistrates. The Spartan ephors, as we learn from Plutarch,[2] made regular observations in the heavens every ninth year during the night; and the family of the Pythaistæ, of Athens, made similar observations every year before the theoris set sail for Delos.[3] Among the unlucky phenomena in the heavens (διοσημεῖα, *signa* or *portenta*) were thunder and lightning,[4] an eclipse of the sun or moon,[5] earthquakes,[6] rain of blood, stones, milk, &c.[7] Any one of these signs was sufficient at Athens to break up the assembly of the people.[8] In common life, things apparently of no importance, when occurring at a critical moment, were thought by the ancients to be signs sent by the gods, from which conclusions might be drawn respecting the future. Among these common occurrences we may mention sneezing,[9] twinkling of the eyes,[10] tinkling of the ears, and numberless other things which we cannot here enumerate. Some of them have retained their significance with the superstitious multitude down to the present day.

The art of interpreting dreams (ὀνειροπολία), which had probably been introduced into Europe from Asia, where it is still a universal practice, seems in the Homeric age to have been held in high esteem; for dreams were said to be sent by Zeus.[11] In subsequent times, that class of diviners who occupied themselves with the interpretation of dreams seems to have been very numerous and popular; but they never enjoyed any protection from the state, and were chiefly resorted to by private individuals. Some persons are said to have gained their livelihood by this profession.[12] Respecting the oracles which were obtained by passing a night and dreaming in a temple, see ORACULUM.

For farther information concerning the art of divination in general, see Cicero's work *De Divinatione*. The μαντική of the Greeks is treated of at some length by Wachsmuth.[13]

The word divinatio was used in a particular manner by the Romans as a law-term, which requires some explanation. If in any case two or more accusers came forward against one and the same individual, it was, as the phrase ran, *decided by divinatio* who should be the chief or real accuser, whom the others then joined as subscriptores, *i. e.*, by putting their names to the charge brought against the offender. This transaction, by which one of several accusers was selected to conduct the accusation was called divinatio, as the question here was not about facts, but about something which was to be done, and which could not be found out but by witnesses or written documents; so that the judices had, as it were, to divine the course which they had to take.[1] Hence the oratio of Cicero, in which he tries to show that he, and not Q. Cæcilius Niger, ought to conduct the accusation against Verres, is called *Divinatio in Cæcilium*.[2]

DIVI'SOR. (*Vid.* AMBITUS.)

DIVO'RTIUM, generally a separation, and, in a special sense, a dissolution of marriage. A Roman marriage was dissolved by the death of the wife or husband, and by divortium or separation in the lifetime of the husband and wife.

Divorce, or the absolute determination of the marriage relation, always existed in the Roman polity so far back as we know anything of it; and there might be divorce both in the case of a marriage with conventio in manum, and in the case of a marriage when there was no conventio, and, consequently, the relation of the wife to her own familia still continued. The statement of Plutarch,[3] that the husband alone had originally the power of effecting a divorce, may be true; but we cannot rely altogether on such an authority. As one essential part of a marriage was the consent and conjugal affection of the parties, it was considered that this affection was necessary to its continuance, and, accordingly, either party might declare his or her intention to dissolve the connexion. No judicial decree, and no interference of any public authority, was requisite to dissolve a marriage. Filii familias, of course, required the consent of those in whose power they were. The first instance of divorce at Rome is said to have occurred about B.C. 234, when Sp. Carvilius Ruga put away his wife[4] on the ground of barrenness: it is added that his conduct was generally condemned. The real meaning of the story is explained by Savigny with his usual acuteness.[5]

Towards the latter part of the Republic, and under the Empire, divorces became very common. Pompey divorced his wife Mucia for alleged adultery, and his conduct was approved,[6] and Cicero speaks of Paula Valeria[7] as being ready to serve her husband, on his return from his province, with notice of divorce.[8] Cicero himself divorced his wife Terentia, after living with her thirty years, and married a young woman. If a husband divorced his wife, the wife's dos, as a general rule, was restored (*vid.* Dos); and the same was the case when the divorce took place by mutual consent. As divorce became more common, attempts were made to check it indirectly, by affixing pecuniary penalties or pecuniary loss to the party who conduct rendered the divorce necessary. This was part of the object of the lex Papia Poppæa, and of the rules as to the retentio dotis and judicium morum. There was the retentio dotis propter liberos, when the divorce was caused by the fault of the wife, or of her father, in whose power she was: three sixths of the dos was the limit of what could be so retained. On account of matters morum graviorum, such as adultery, a sixth part might be retained; in the case of matters morum leviorum, one eighth. The husband, when in fault, was punished by being required to return the dos earlier

1. (Aristoph., Eccles., 793.)—2. (Agesil., 11.)—3. (Müller, Dorians, ii., 2, § 14.)—4. (Aristoph., Eccles. 793.—Eustath. ad Hom., Od., xx., 104.)—5. (Thucyd., vii., 50.)—6. (Xen., Hel., iv., 7, § 4.)—7. (Hom., Il., xi., 53, &c.—Cic., De Divin., i., 43.)—8. (Schömann, De Comit. Athen., p. 146, &c., transl.)—9. (Hom., Od., xvii., 561, with note of Eustath.—Xen., Anab., iii., 2, § 9.—Plut., Themist., 13.—Ovid, Heroid., 19, 151.—Propert., ii., 2, 33.)—10. (Theocrit., iii., 37.—Plaut., Pseud., I., ii., 105.—Compare Wüstemann ad Theocrit., I. c.)—11. (Hom., Il., i., 63; ii., init.—Od., iv., 841; xix., 457.)—12. (Plut., Aristid., 27.)—13. (Hellen. Alterth., ii., 2, p. 259, &c.—Compare Thirlwall's Hist. of Greece, i., p. 206, &c.)

1. (Asconius in Argum. ad Cic., Divinat. in Cæcil., p. 99, ed. Orelli.)—2. (Compare c. 15 and 20 of the Oratio, and Gellius, ii., 4.)—3. (Romul., 22.)—4. (Aul. Gell., iv., 3; xvii., 21.—Val. Max., ii., 1, § 4.)—5. (Zeitschrift, &c., v., 269.)—6. (Cic., Ep. ad Att., i., 12.)—7. (Ep. ad Fam., viii., 7.)—8. (Compare Juv., vi., 224, &c.—Mart., vi., 7.)

than it was otherwise returnable. After the divorce, either party might marry again.

By the lex Papia Poppæa, a freedwoman who had married her patronus could not divorce herself; there appears to have been no other class of persons subjected to this incapacity.

Corresponding to the forms of marriage by confarreatio and coëmtio, there were the forms of divorce by diffarreatio and remancipatio. According to Festus,[1] diffarreatio was a kind of religious ceremony, so called, "quia fiebat farreo libo adhibito," by which a marriage was dissolved; and Plutarch[2] has been supposed to allude to this ceremony in the case of a divorce between the flamen dialis and his wife. It is said that originally marriages contracted by confarreatio were indissoluble, and in a later age, this was the case with the marriage of the flamen dialis,[3] who was married by confarreatio. In the case referred to by Plutarch, the emperor authorized the divorce. A marriage by coëmtio was dissolved by remancipatio.[4] In course of time less ceremony was used, but still some distinct notice or declaration of intention was necessary to constitute a divorce: the simple fact of either party contracting another marriage was not a legal divorce.[5] The ceremony of breaking the *nuptiales tabulæ*,[6] or of taking the keys of the house from the woman and turning her out of doors, were probably considered to be acts of themselves significant enough, though it may be presumed that they were generally accompanied with declarations that could not be misunderstood. The general practice was apparently to deliver a written notice, and perhaps to assign a reason In the case of Paula Valeria, mentioned by Cicero, no reason was assigned. By the lex Julia de Adulteriis, it was provided that there should be seven witnesses to a divorce, Roman citizens of full age (*puberes*), and a freedman of the party who made the divorce.

Under the Christian emperors divorce was punished in various ways, but still the power of divorce remained, as before, subject to the observance of certain forms. Theodosius and Valentinian III., and subsequently Justinian, made various laws, by which punishment was imposed, not only on the party who gave good cause for the divorce, or who without any good cause made a divorce, but also on both parties when they dissolved the marriage by agreement without good legal cause. The penalties in such cases varied with the circumstances; they were both pecuniary and personal.

The term repudium, it is said, properly applies to a marriage only contracted (*vid.* Sponsalia), and divortium to an actual marriage;[7] but sometimes divortium and repudium appear to be used indifferently. The phrases to express a divorce are nuncium remittere, divortium facere; and the form of words might be as follow: "*Tuas res tibi habeto, tuas res tibi agito.*"[8] The phrase used to express the renunciation of a marriage contract were renuntiare repudium, repudium remittere, dicere, and repudiare; and the form of words might be, "Conditione tua non utor."[9]

For the subject of Greek divorce, see ΑΠΟΛΕΙΨΕΩΣ ΔΙΚΗ, and Marriage, Greek.

DOC'ANA (Δόκανα, *τά*: from *δοκός*, a beam) was an ancient symbolical representation of the Dioscuri (Castor and Polydeuces) at Sparta. It consisted of two upright beams, with others laid across them transversely.[10] This rude symbol of fraternal unity evidently points to a very remote age, in which scarcely any attempts in sculpture can have been made. At a later time, when works of art were introduced into all the spheres of ordinary life, this rude and ancient object of worship, like many others of its kind, was not superseded by a more appropriate symbol. The Dioscuri were worshipped as gods of war, and we know that their images accompanied the Spartan kings whenever they took the field against the enemy. But when, in the year 504 B.C., the two kings, during their invasion of Attica, failed in their undertaking on account of their secret enmity towards each other, it was decreed at Sparta that in future only one king should command the army, and, in consequence, should only be accompanied by one of the images of the Dioscuri.[1] It is not improbable that these images, accompanying the kings into the field, were the ancient *δόκανα*, which were now disjointed, so that one half of the symbol remained at Sparta, while the other was taken into the field by one of the kings. Suidas and the Etymologicum Magnum[2] state that *δόκανα* was the name of the graves of the Dioscuri at Sparta, and derived from the verb *δέχομαι*.[3]

DOCIMASIA (*δοκιμασία*). When any citizen of Athens was either appointed by lot or chosen by suffrage (*κληρωτὸς καὶ αἱρετός*) to hold a public office, he was obliged, before entering on its duties, to submit to a *δοκιμασία*, or scrutiny into his previous life and conduct, in which any person could object to him as unfit. This was the case with the archons, the senators, the strategi, and other magistrates. The examination, or anacrisis, for the archonship was conducted by the senators, or in the courts of the heliæa.[4] The *δοκιμασία*, however, was not confined to persons appointed to public offices; for we read of the denouncement of a scrutiny (*ἐπαγγελία δοκιμασίας*) against orators who spoke in the assembly while leading profligate lives, or after having committed flagitious crimes. This denouncement might be made in public by any one *πρὸς δοκιμασίαν τοῦ βίου*, *i. e.*, to compel the party complained of to appear before a court of justice, and give an account of his life and conduct. If found guilty, he was punished with *ἀτιμία*, and prohibited from the assemblies.[5]

We will now explain the phrase *ἄνδρα εἶναι δοκιμασθῆναι*. At the age of eighteen every Athenian became an ephebus, and after two years was enrolled among the men, so that he could be present and vote at the assemblies.[6] In the case of wards who were heirs to property, this enrolment might take place before the expiration of the two years, on it's being established by a *δοκιμασία* that the youth was physically qualified to discharge any duties the state might impose upon him. If so, he was released from guardianship, and "became a man" (*ἀνὴρ ἐγένετο* or *ἐδοκιμάσθη*), being thereby empowered to enter upon his inheritance, and enjoy other privileges, just as if he were of the full age of twenty.[7] We may add that the statements of the grammarians and orators are at variance on this point; but the explanation we have given seems the best way of reconciling them, and it agrees in substance with the supposition of Schömann, "that among the Athenians no one period was appointed for enrolment, provided that it was not done before the attainment of the 18th, nor after the completion of the 20th year."

DODRANS. (*Vid.* As, p. 110.)

DOGMA'TICI (*δογματικοί*), the oldest of the medical sects of antiquity, must not be confounded with

1 (s. v. Diffarreatio.)—2. (Quæst. Rom., 50.)—3. (Gell., x., 15.)—4. (Festus, s. v. Remancipatam.)—5. (Cic., Orat., i., 40.) 6. (Tacit., Ann., xi., 30)—7. (Dig. 50, tit. 16, s. 101, 191.)—8. (Cic., Phil., ii., 28.)—9. (Dig. 24, tit. 2.—Ulp., Frag., vi.—Heinecc Syntagma.)—10. (Plut., De Amor. Frat i., p. 36.)

1. (Herod., v., 75.)—2. (s. v.)—3. (Müller, Dorians, i., 5, § 12, note *m*; ii., 10, § 8.—Zoega, De Obeliscis, p. 228.)—4. (Wachsmuth, i., pt. 1, p. 262.)—5. (Schömann, p. 240.—Æsch., Timar., p. 5.)—6. (Pollux, Onom., viii., 105.—Schömann, 76)—7 (Harpocr., s. v. Ἐπιδίετες ἡδῆσαι.—Demosth., c. Aphob 357, c. Onet., 865; c. Steph., 1135.)

he philosophers mentioned by Diogenes Laërtius.[1] They derived their name from δόγμα, *a philosophical tenet or opinion*, because they professed to follow the opinions of Hippocrates, whence they were sometimes called *Hippocratici*. Thessalus, the son, and Polybus, the son-in-law of Hippocrates, were the founders of this sect, about B.C. 400, which enjoyed a great reputation, and held undisputed sway over the whole medical profession, till the establishment of the Alexandrean school of philosophy called Empirici (*Vid.* Empirici.) After the rise of this sect, for some centuries every physician ranged himself under one or other of the two parties. The different arguments brought forward on each side are stated with such clearness and elegance by Celsus,[2] that the passage relating to the Dogmatici is here given at full length, and the objections of the other party in the article Empirici.

The Dogmatici held that it was necessary to be acquainted with the *hidden causes* of diseases, as well as the *more evident ones*; and to know how the *natural actions and different functions* of the human body take place, which necessarily supposes a knowledge of the *interior parts*. They gave the name of *hidden causes* to those which concern the elements or principles of which our bodies are composed, and the occasion of good or ill health. It is impossible, said they, for a person to know how to set about curing an illness unless he knows what it comes from; since there is no doubt that he must treat it in one way, if diseases in general proceed from the excess or deficiency of one of the four elements, as some philosophers have supposed; in another way, if all the malady lies in the humours of the body, as Herophilus thought; in another, if it is to be attributed to the respiration, according to the idea of Hippocrates (alluding, probably, to the work Περὶ Φυσῶν, *De Flatibus*, which is generally considered to be spurious); in another, if the blood excites inflammation by passing from the veins which are meant to contain it into the vessels that ought only to contain air, and if this inflammation produces the extraordinary movement of the blood that is remarked in fever, according to the opinion of Erasistratus; and in another, if it is by means of corpuscles which stop in the invisible passages and block up the way, as Asclepiades affirms to be the case. If this be granted, it must necessarily appear that, of all physicians, he will succeed the best in the cure of diseases who understands best their first origin and cause. The Dogmatici did not deny the necessity of experiments also; but they said that these experiments could not be made, and never had been made, but by reasoning. They added, that it is probable that the first men, or those who first applied themselves to medicine, did not recommend to their patients the first thing that came into their thoughts, but that they deliberated about it, and that experiment and use then let them know if they had reasoned justly or conjectured happily. It mattered little, said they, that people declared that the greater number of remedies had been the subject of experiment from the first, provided they confessed that these experiments were the results of the reasoning of those who tried the remedies. They went on to say, that we often see new sorts of diseases break out, for which neither experiment nor custom has yet found out any cure; and that, therefore, it is necessary to observe whence they came and how they first commenced, for otherwise no one can tell why, in such an emergency, he makes use of one remedy rather than another. Such according to the Dogmatici, are the reasons why a physician ought to try and discover the *hidden causes* of diseases. As for the *evident causes*, which are such as can easily be discovered by anybody, and where one has only to know if the illness proceeds from heat or from cold, from having eaten too little or too much, and the like, they said it was necessary to inform one's self of all that, and make on it the suitable reflections; but they did not think that one ought to stop there without going any farther. They said again, with regard to the *natural actions*, that it was necessary to know wherefore and in what manner we receive the air into our lungs, and why we afterward expire it; why food is taken into the body, how it is there prepared, and then distributed through every part of it; why the arteries are subject to pulsation; what is the cause of sleep, wakefulness, &c.: and they maintained that a man could not cure the diseases relating to these several functions unless he were able to explain all these phenomena. To give an example taken from the process of digestion: The food, said these physicians, is either ground in the stomach, as Erasistratus thought; or it purifies, according to the notion of Plistonicus, a disciple of Praxagoras; or it is concocted by a peculiar heat, as was the opinion of Hippocrates; or else, if we are to believe Asclepiades, all these opinions are equally erroneous, and nothing is concocted, but the alimentary matter is distributed throughout the body in the same crude state in which it was taken into the mouth. However much they differ on this point, they all agree that the sort of nourishment proper for a sick person will vary according as one or other of these opinions be supposed to be the true one. For if the food is ground to pieces, we must choose that kind which is most easily ground; if it putrefies, we must give what putrefies most quickly; if it is concocted by heat, we must prefer such as is most apt to excite heat; but if it is not concocted, we need not select any of the above-mentioned kinds of food, but rather such as will remain as it is eaten, and change the least. And in the same way they argued that, when the breathing is affected, or there is too great sleepiness or wakefulness, if a physician understands thoroughly the nature of these phenomena, he will be able to cure the diseases connected with them. Lastly, they maintained that, as the principal pains and diseases proceed from the *internal parts*, it is impossible for a person to administer any remedy unless he is acquainted with these parts. They therefore contended that it was necessary to open dead bodies and examine the different viscera; but that it was much the best way to do as Herophilus and Erasistratus, who used to dissect alive the criminals condemned to death that were put into their hands, and who were thus enabled to behold during life those parts which nature had concealed, and to contemplate their situation, colour, figure, size, order, hardness or softness, roughness or smoothness, &c. They added, that it is not possible, when a person has any internal illness, to know what is the cause of it, unless one is exactly acquainted with the situation of all the viscera, nor can one heal any part without understanding its nature; that, when the intestines protrude through a wound, a person who does not know what is their colour when in a healthy state cannot distinguish the sound from the diseased parts, nor therefore apply proper remedies, while, on the contrary, he who is acquainted with the natural state of the diseased parts will undertake the cure with confidence and certainty; and that, in short, it is not to be called an act of cruelty, as some persons suppose it, to seek for the remedies of an immense number of *innocent* persons in the sufferings of a few *criminals*

1. (De Vit. Philos., procem., 11.)—2. (De Medic., præf. in lib. i.)

Such were their opinions, and the arguments by which they supported them. Additional information on the subject may be found in various parts of Galen's works.[1]

DOLABRA, *dim.* DOLABELLA (*σμίλη, dim. σμιλίον*), a chisel, a celt.

For the purpose of planing and polishing wood, the ancients used either the adze, which was impelled in the direction exhibited in the woodcut at page 112 (*vid.* ASCIA), or the chisel, which was forced in the opposite direction, *i. e.*, from the body of the workman, as shown in the woodcut at page 62. On account of the use of these tools in ship-building, Juvenal[2] describes the merchant as trusting his life "ligno dolato." Statues also were made by the application of the chisel. "E robore dolatus,"[3] "truncus dolamine effigiatus."[4]

The chisel used by stone-masons is represented at the bottom of the monument, which is the subject of the woodcut to the article CIRCINUS (p. 252). Ashlar, *i. e.*, stone adapted to be cut and smoothed by the chisel, was called "lapis dolabilis." A Greek epigram represents the inscription on a marble tomb as engraved by the strokes of the chisel (*λαοτύποις σμίλαις κεκολαμμένον*[5]), and such letters are called *σμιλευτὰ γράμματα*.[6]

Dolabræ were also much employed in the operations of horticulture and agriculture. A small sharp chisel was used to cut out the dead wood from the trunk of the vine; an instrument of the same form, though, of course, much more blunt and rough, and yet called by the same name (*dolabella*), was employed to stir up the ground about its roots.[7] This tool was likewise used to refresh the soil in rose-beds;[8] and the same term "dolabra" is applied to the spud, or small spade, which the ploughman carried with him to destroy weeds. Hence the ancient glossaries translate dolabra "a tool for digging" (*ὄρυξ*); and Columella[9] says, with a view to this object, "Nec minus dolabra, quam vomere, bubulcus utatur."

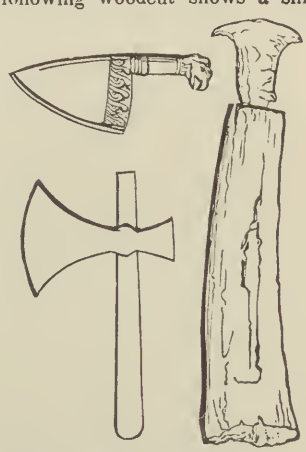
It must have been in a form very similar that the dolabra was used by the Greek and Roman armies in making intrenchments and in destroying fortifications. When they made a breach in the wall of a city, the expression is "Dolabris perfregere murum."[10] In what manner the instrument was applied we may infer from the statement of Livy,[11] that on a certain occasion soldiers were sent "with dolabræ to destroy a wall from its foundation," and that the execution of this task was easy, because the stones of which the wall was built were laid in clay or mud, and not in mortar. It is clear that the use of the chisels in this instance was to insert them between the stones, so as to remove the clay, and in doing this, to loosen and destroy the wall.[12]

Dolabræ abound in our public museums and in the cabinets of the curious, being known under the equivalent name of "celts" to antiquaries, who, however, generally use the word without understanding its true sense.[13] "Celtes" is an old Latin word for a chisel, probably derived from *cælo*, to engrave. Thus the phrase "*celte sculpantur in silice*" occurs in the Vulgate version of Job,[14] and "*malleolo et celte literatus silex*" in an inscription found at Pola.[15] These articles are for the most part of bronze, more rarely of hard stone. They are chiefly found, as we might expect from the account of their use given by Curtius, Livy, and Tacitus, in ancient earth-works and encampments, and in various instances a great number, even more than a hundred, have been discovered together. The sizes and forms which they present are as various as the uses to which they were applied. The annexed woodcut is designed to show a few of the most remarkable varieties. Fig. 1 is from a celt found, with several others, and with a number of Roman coins, at Karnbrè in Cornwall.[1] Its length was six inches without the haft, which was no doubt of wood, and fixed directly into the socket at the top. It must have been a very effective implement for removing the stones in the wall of a city or fortification, after they had been first shattered and loosened in some degree by the battering-ram. The ear or loop which is seen in this and many other celts, would be useful to suspend them from the soldier's girdle, and may also have had a cord or chain attached to it to assist in drawing back the celt whenever it became too firmly wedged between the stones of the wall which it was intended to destroy.

Figs. 2 and 3 are from Sir W. Hamilton's collection in the British Museum. These chisels seem best adapted for the use of the carpenter. The celt (fig. 4) which was found in Furness, co. Lancaster,[1] instead of being shaped to receive, or to be inserted into a handle like the three preceding, is made thick, smooth, and round in the middle, so as to be conveniently manipulated without a handle. It is nine inches long, and weighs 2 lb. 5 oz. Its sharp edge is like that of a common hatchet, and may have been used for polishing timber.

On the other hand, figs. 5, 6, 7 exactly resemble the knife now used by leather-cutters, and therefore illustrate the account given by Julius Pollux, who reckons this same tool, the *σλίμη*, among the *ἐργαλεῖα τοῦ σκυτοτόμου*. This instrument was also used for cutting paper, and probably in the same manner (*σμίλα χαρτοτόμος*, sicila[2]).

The following woodcut shows a small bronze



celt fixed into a handle of stag's horn, and there-

1. (*Vid.* De Differ. Puls., iv., 3, p. 721, ed. Kühn.—De Meth. Med., iii., 1, 3, p. 159, 182, 184.—De Compos. Medicam. per Gen., ii., 1, p. 463.—Introd., cap. ii., p. 677.)—2. (xii., 57.)—3. (Cic., Acad., iv., 31.)—4. (Apul., Florid. ad init.)—5. (Brunck, Anal., i., 491.)—6. (Ibid., iii., 497.)—7. (Colum., De Re Rust., iv., 24, 26.—De Arbor., 10.)—8. (Pallad., iii., 21.)—9. (De Re Rust., ii., 2.)—10. (Curt., ix., 5.)—11. (xxi., 11.)—12. (Compare Liv., ix. 37.—Tacit., Hist., iii., 20.)—13. (See Jamieson's Etym. Dict., s. v. Celt.)—14. (xix., 24.)—15. (Gruter, p. 329.)

1. (Borlase, Ant. of Cornwall, iii., 13.)—2. (Archæologia, v., p. 106.)—3. (Philox., Gloss.)

fore exemplifies one of the modes of attaching the metal to its haft. It was evidently adapted for very fine work, and is strongly contrasted with the above-figured celt from Cornwall. It was found in an ancient tomb in Wiltshire.[1] The two other figures in this woodcut represent the knife used in sacrifices, as it is often exhibited on cameos and bas-reliefs, being the "scena," "sacena," or "dolabra pontificalis" mentioned by Festus;[2] and the "securis dolabrata," or hatchet furnished with a chisel,[3] as sculptured on a funereal monument.

DOLICHUS (δόλιχος). (*Vid.* STADIUM.)

DO'LIUM, a cylindrical vessel, somewhat resembling our tubs or casks, into which new wine was put to let it ferment. It was at first made of earth. In the time of Pliny, wood does not appear to have been used for this purpose either in Greece or Rome. At a later period *dolia* were made of wood, held together with hoops. Palladius[4] speaks of *dolia* containing two hundred *congii:* it is incredible that such large vessels were made of earth. The shape preferred for *dolia* was long, and of a small diameter. Immediately after they were made they were covered with pitch, and subjected to a farther preparation, after which they were filled with wine, but not quite to the brim, and placed in a chamber (*cella vinaria*), which was at least high enough above the earth to have windows. Here the *dolia* either stood on the ground or were let into it (*demersa*, *depressa*, or *defossa*). Wine which would not keep long was drunk from the *dolia;* that which improved by keeping was transferred from them to *amphoræ*. The *cupa* and *seriæ* were vessels like the *dolia*, and used for the same purpose.[5]

DE DOLO MALO ACTIO. (*Vid.* CULPA.)

DOLUS MALUS. (*Vid.* CULPA.)

DOMI'NIUM. Dominium signifies quiritarian ownership, or property in a thing; and dominus, or dominus legitimus, is the owner. Possessor is often used by Roman writers as equivalent to owner; but this is not a correct use of the word. In like manner, "to have ownership" is sometimes expressed by "possidere," and the thing in which there is property is sometimes called "possessio."[6]

The complete notion of property or ownership comprehends the determination of the things which may be the objects of ownership; the power which a man may have over such subjects, both as to duration of time and extent of enjoyment; the modes in which ownership may be acquired and lost; the persons who are capable of acquiring, transferring, or losing ownership.

Res is the general name for anything. The chief division of res is into res divini juris and res humani juris. Res divini juris are those which are appropriated to religious purposes, namely, res sacræ, sanctæ, religiosæ; and, so long as they have this character, they cannot be objects of property. Res humani juris are all other things that can be the objects of property, and they are either res publicæ or res privatæ. Res publicæ belong to the corporation of the state, and can only become private property by being deprived of this public character. (*Vid.* AGRARIÆ LEGES.) Res universitatis are the property of a corporate body, which are not the property of any individual of the corporation. The phrase res nullius is ambiguous; it sometimes means that the thing cannot be the property of any individual, which is affirmed of things divini juris; when applied to things humani juris, it sometimes means that they are not the property of an individual, but of a body; yet such things *may* become the property of an individual; res hereditariæ are res nullius until there is a heres. Res communes are those which cannot be the objects of property, and therefore are res nullius, as the sea.

Res corporales are defined to be those "quæ tangi possunt:" incorporales are those "quæ tangi non possunt, sed in jure consistunt," as HEREDITAS, USUSFRUCTUS, OBLIGATIONES; and they are consequently incapable of tradition or delivery.

Corporeal things are divided into immobiles, or solum et res soli, and mobiles. The class of things "quæ pondere, numero, mensura constant," are such things as wine, oil, corn, silver, gold, which are of such a nature that any the same number, weight, or measure may be considered the same thing. (*Vid.* MUTUUM.) There is another class of res, consisting of those "quæ usu consumuntur, minuuntur," and those "quæ non," which may or may not be the same as things "quæ numero." &c.

A thing may either be a unity, singula res, or it may be several things of the same kind, singulæ res, or it may be a thing compounded of many various things, universitas, by which is understood a whole property, all that a person has, without respect to its component parts, and with all the rights and obligations attached to it.

The division of things into res mancipi and res nec mancipi was one of ancient origin; and it continued to a late period in the Empire to be an important distinction. Res mancipi are not farther known than by an enumeration of them, which is perhaps imperfect:[1] they are prædia in Italico solo, both rustic and urban; also jura rusticorum prædiorum or servitutes, as via, iter, aquæductus; also slaves, and four-footed animals, as oxen, horses, &c., quæ collo dorsove domantur. Other things were nec mancipi.

All the things have been enumerated which are the subject of dominium, and some which are not. Every dominus has a right to the possession of the thing of which he is dominus; but possession alone, which is a bare fact without any legal character, neither makes a man dominus, nor does the want of possession deprive him of dominium. Possession has the same relation to a legal right to a thing, as the physical power to operate upon it has to the legal power; and, accordingly, the doctrine of possession precedes that of ownership. Things cannot be the objects of possessio civilis which cannot be the objects of dominium.

The class of things called jura in re are not properly subjects of ownership (*dominium*), though a claim to them is prosecuted by an actio in rem: they are servitutes, emphyteusis, superficies, and pignus and hypotheca.

Dominium properly signifies the right of dealing with a corporeal thing as a person (*dominus*) pleases; this, of course, implies the right to exclude all others from meddling with it. The dominus has the right to possess, and is distinguished in that respect from the bare possessor, who has only the right of possession. The term dominium is sometimes (improperly) extended to jura in re; and sometimes he who takes as heres is called dominus hereditatis. Jura, or jura in re, are, however, detached parts of property, which are opposed to dominium, as the totality of all the rights of property. Even the usufructuarius is never considered as owner, and proprietas is the name for that which remains after the usufructus is deducted from the ownership. Ownership may be either absolute, that is, as complete as the law allows any ownership to be, or it may be limited. The distinction between bare ownership and ownership united with the beneficial interest is explained in another place. (*Vid*

1. (Sir R. C. Hoare's Anc. Wilts. South, p. 182, 203.)—2. (s. v. Scena.)—3. (Pallad., De Re Rust., i., 43.)—4. (x., 11.)—5. (Becker, Gallus, ii., 166, &c.)—6. (See Savigny's remarks on the subject, "Das Recht des Besitzes," p. 85.)

1. (Ulp., Frag., xix.)

Bonis. A person who has no ownership of a thing may have rights in or to a thing (*jura in re*), which, as far as they extend, limit the owner's power over his property. Ownership, being in its nature single, can only be conceived as belonging to one person; consequently, there cannot be several owners of one thing, but several persons may own undivided shares or parts of a thing.

In order to acquire ownership, a person must have a legal capacity to acquire; and ownership may be acquired by such a person, or by another for him. There must also be a thing which can be the object of such ownership, and there must be a legal mode of acquisition (*acquisitio civilis*). Ownership may be acquired in single things (*acquisitio rerum singularum*), or it may be acquired in a number of things of different kinds at once (*acquisitio per universitatem*), in which case a person acquires them not as individual things, but as parts of a whole. The latter kind of acquisition is either successio inter vivos, as in the case where a man adrogates another, and so becomes the owner of all the adrogated person's property;[1] or it is successio mortis causa, as in the case of a testamentary heres, or a heres ab intestato.

Acquisitiones per universitatem are properly discussed under other heads (*vid.* Adoptio, Heres, Universitas). The following remarks apply to acquisitiones rerum singularum. Acquisitiones were either civiles (*ex jure civili*), or naturales (*ex jure gentium*), that is, there was no formality prescribed for the mode of acquisition: in both cases dominium could be acquired. The civiles acquisitiones of single things were by mancipatio, in jure cessio, and usucapio: those naturali jure were by traditio or delivery. In the case of res mancipi, the only modes of acquiring dominium were mancipatio, in jure cessio, and usucapio; but usucapio applied also to things nec mancipi. The alienation of things nec mancipi was the peculiar effect of traditio, or bare delivery,[2] and if there was a justa causa, dominium was thus acquired; for traditio, in the case of a thing mancipi, merely made it *in bonis*, and the ownership continued unchanged. The notion that, in the case of res nec mancipi, bare tradition did not confer quiritarian ownership or dominium, is erroneous; for when the Roman law did not require peculiar forms, the transfer of ownership was effected in what may be called the natural way, that is, the simplest and most easy way in which the parties to the act could show their meaning and carry it into effect.

A man who was dominus of a thing, whether acquired jure civili or naturali, prosecuted his right to it in the same way, by the rei vindicatio. He could not, of course, prosecute such a right unless he was out of possession, and, in order to succeed, he must prove his ownership. If he had a thing in bonis, and was in possession, he acquired the ownership by usucapion: if he was out of possession, it seems not an improbable conjecture of Unterholzner,[3] that he was aided in his action, after the time when the legis actiones fell into disuse and the formula was introduced (for as to a previous time it is difficult to form any conjecture), by the fiction of his having received the property mancipatione. There are examples of a similar fiction in the case of the bonorum possessor and the bonorum emtor.[4] A man could only dispose of a legacy by his will per vindicationem[5] when he had the dominium of it: otherwise he could only give it per damnationem or sinendi modo. A slave who was the property of his master (*dominus*) might attain the Roman civitas by the act of manumission: if he was only in bonis of the person who manumitted him, he became only a Latinus by the act of manumission. The difference between quiritarian ownership and in bonis was destroyed by the legislation of Justinian, who declared in bonis to be complete ownership.

Some modern writers enumerate, in addition to the civiles acquisitiones here enumerated, addictio emtio sub corona, sectio bonorum, adjudicatio, and lex, by which last they understand those circumstances under which some special enactment gives property to a person, and caducum (*vid.* Caducum) is mentioned as an instance.

A bonæ fidei possessio was not ownership (dominium), nor was it the same as in bonis. The two things are distinguished by Ulpian.[1] A bonæ fidei possessor had a capacity for acquiring by usucapion the ownership of the thing possessed. He had a kind of action, actio publiciana in rem, by which, if he lost the possession before he had acquired the ownership by usucapion, he could recover it against all but the owner, in which latter respect he differed from him who had a thing in bonis, for his claim was good against the person who had the bare ownership.

As to fundi provinciales, it was an old principle of Roman law that there could be no dominium in them, that is, no quiritarian ownership (*vid.* Agrariæ Leges); nor were they said to be in bonis; but the occupier had possessio and usufructus. In fact, the terms dominium and in bonis were not applicable to provincial lands, nor were the fictions that were applicable to things in bonis applicable to provincial lands; but it is an ingenious conjecture of Unterholzner, that the formula actionis was adapted to the case of provincial lands by a fiction of their being Italic lands, combined with a fiction of their being acquired by usucapion. In the case of the ager publicus in Italy, the dominium was in the Roman people, and the terms possessio and possessor were appropriate to the enjoyment and the person by whom the land was enjoyed. Still the property in provincial land was like the property in bonis in Rome and Italy, and it consequently became dominium after the distinction between quiritarian and bonitarian ownership was destroyed.

Ownership was also acquired in the case of occupatio, accessio, &c. (*Vid.* Accessio, Alluvio, Confusio.)

A man who had a legal capacity could acquire property either himself or by those who were "in potestate, manu, mancipiove." He could even acquire thus per universitatem, as in the case of an hereditas; and also he could thus acquire a legacy. If a slave was a man's in bonis, everything that the slave acquired belonged to the owner in bonis, and not to him who had the bare quiritarian ownership. If a man was the "bona fide possessor" of another person, whether that person happened to be a freeman supposed to be and possessed as a slave, or was the property of another, the possessor only acquired the ownership of that which the person so possessed acquired "ex re possidentis" and ex "operis suis." The same rule applied to a slave in which a man had only the ususfructus; and the rule was consistent with the rule just laid down, for ususfructus was not property. Sons who were in the power of a father, and slaves, of course, could not acquire property for themselves. (*Vid.* Peculium.)

Ownership was lost either with the consent of the owner or against it. With the consent when he transferred it to another, which was the general

1 (Gaius, iii., 21.)—2. (Ulp., Frag., xix., 8.)—3. (Rhein Mus. für Jurisprud. Erster Jahrgang, p. 129.)—4. (Gaius, iv., 34, 35.)—5. (Ulp., Frag., xxiv., 7.)

1. (Frag., xix., 20, 21.)

mode of acquiring and losing property; without the consent when the thing perished, when it became the property of another by accession or usucapion, when it was judicially declared to be the property of another, or forfeited by being pledged. Ownership was not lost by death, for the heres was considered to be the same person as the defunct.

As certain persons had not a capacity to acquire, so some persons had not a liability to lose when others had. Thus the property of a pupillus who was in tutela legitima could not become the property of another by usucapion; a fundamental principle of law, which Cicero, with good reason, was surprised that his friend Atticus did not know.[1]

Ownership might be lost by the maxima capitis diminutio; when it was the consequence of a conviction for a capital crime, the property was forfeited to the state. (*Vid.* Sectio Bonorum.) The media capitis diminutio only affected an incapacity for quiritarian ownership: the person could still retain or acquire property by the jus gentium; still, if the media capitis diminutio was the consequence of conviction for a capital crime, it had the same consequences as the maxima.[2]

DO'MINUS. (*Vid.* Dominium.)

DOMI'TIA LEX. (*Vid.* Pontifex.)

DOMUS. (*Vid.* House.)

DONA'RIA (*ἀναθήματα* or *ἀνακείμενα*) are names by which the ancients designated presents made to the gods, either by individuals or communities. Sometimes they are also called *dona* or *δῶρα*. The belief that the gods were pleased with costly presents, was as natural to the ancients as the belief that they could be influenced in their conduct towards men by the offering of sacrifices; and, indeed, both sprang from the same feeling. Presents were mostly given as tokens of gratitude for some favour which a god had bestowed on man; but some are also mentioned which were intended to induce the deity to grant some especial favour. At Athens, every one of the six thesmothetæ, or, according to Plato,[3] all the nine archons, on entering upon their office, had to take an oath, that if they violated any of the laws, they would dedicate in the temple of Delphi a gilt statue of the size of the man who dedicated it (*ἀνδριάντα χρυσοῦν ἰσομέτρητον*[4]). In this last case the anathema was a kind of punishment, in which the statue was regarded as a substitute for the person forfeited to the gods. Almost all presents of this kind were dedicated in temples, to which, in some places, an especial building was added, in which these treasures were preserved. Such buildings were called *θησαυροί* (treasuries); and in the most frequented temples of Greece, many states had their separate treasuries.[5] The act of dedication was called *ἀνατιθέναι*, *donare*, *dedicare*, or *sacrare*.

The custom of making donations to the gods is found among the ancients from the earliest times of which we have any record, down to the introduction of Christianity; and even after that period, it was, with some modifications, observed by the Christians during the Middle Ages. In the heroic ages of Grecian history the anathemata were of a simple description, and consisted of chaplets and garlands of flowers. A very common donation to the gods seems to have been that of locks of hair (*κόμης ἀπαρχαί*), which youths and maidens, especially young brides, cut off from their heads and consecrated to some deity.[1] This custom in some places lasted till a very late period: the maidens of Delos dedicated their hair before their wedding to Hecaerge,[2] and those of Megara to Iphinoë. Pausanias[3] saw the statue of Hygieia at Titane covered all over with locks of hair, which had been dedicated by women. Costly garments (*πέπλοι*) are likewise mentioned among the earliest presents made to the gods, especially to Athena and Hera.[4] At Athens, the sacred *πέπλος* of Athena, in which the great adventures of ancient heroes were worked, was woven by maidens every fifth year, at the festival of the great Panathenæa. (*Vid.* Arrhephoria.)[5] A similar peplus was woven every five years at Olympia by sixteen women, and dedicated to Hera.[6]

At the time when the fine arts flourished in Greece, the anathemata were generally works of art of exquisite workmanship, such as high tripods bearing vases, craters, cups, candelabras, pictures, statues, and various other things. The materials of which they were made differed at different times; some were of bronze, others of silver or gold,[7] and their number is to us almost inconceivable.[8] The treasures of the temples of Delphi and Olympia, in particular, surpass all conception. Even Pausanias, at a period when numberless works of art must have perished in the various ravages and plunders to which Greece had been exposed, saw and described an astonishing number of anathemata. Many works of art are still extant, bearing evidence, by their inscriptions, that they were dedicated to the gods as tokens of gratitude. Every one knows of the magnificent presents which Crœsus made to the god of Delphi.[9] It was an almost invariable custom, after the happy issue of a war, to dedicate the tenth part of the spoil (*ἀκρόθίνιον*, *ἀκρόλειον*, or *πρωτόλειον*) to the gods, generally in the form of some work of art.[10] Sometimes magnificent specimens of armour, such as a fine sword, helmet, or shield, were set apart as anathemata for the gods.[11] The Athenians always dedicated to Athena the tenth part of the spoil and of confiscated goods; and to all the other gods collectively, the fiftieth part.[12] After a seafight, a ship, placed upon some eminence, was sometimes dedicated to Neptune.[13] It is not improbable that trophies, which were always erected on the field of battle, as well as the statues of the victors in Olympia and other places, were originally intended as tokens of gratitude to the god who was supposed to be the cause of the success which the victorious party had gained. We also find that, on some occasions, the tenth part of the profit of some commercial undertaking was dedicated to a god in the shape of a work of art. Respecting the large and beautiful crater dedicated by the Samians to Hera, see the article Crater.

Individuals who had escaped from some danger were no less anxious to show their gratitude to the gods by anathemata than communities. The instances which occur most frequently are those of persons who had recovered from an illness, especially by spending one or more nights in a temple of Asclepius (*incubatio*). The most celebrated temples of this divinity were those of Epidaurus, Cos, Tricca, and, at a later period, that of Rome.[14] Cures

1. (ad Att., i., 5.)—2. (Mackeldey, Lehrbuch, &c.—"Ueber die Verschiedenen Arten des Eigenthums," &c., von Unterholzner, Rhein. Mus. Erster Jahrg.—Savigny, Das Recht des Besitzes.—Gaius.—Ulp., Frag.)—3. (Phædr., p. 235, D.)—4. (*Vid.* Plut., Sol., 25.—Pollux, Onom., viii., 85.—Suid., s. v. *χρυσῆ δραχμή*.—Heraclid., Pont., c. 1.)—5. (Böckh, Staatshaus., i., p. 472.)

1. (Hom., Il., xxiii., 141.—Æschyl., Choëph., 6.—Eurip. Orest., 96 and 1427; Bacch., 493; Helen., 1093.—Plut., Thes., 5—Paus., i., 37, § 2.)—2. (Paus., i., 43, § 4.)—3. (ii., 11, § 6.)—4. (Hom., Il., vi., 293–303.)—5. (Compare Aristoph., Av., 792—Pollux, vii., 50.—Wesseling ad Diod. Sic., ii., p. 440.)—6. (Paus., v., 16, § 2.)—7. (Athen., vi., p. 231, &c.)—8. (Demosth., Olynth., iii., p. 35.)—9. (Herod., i., 50, &c.)—10. (Herod., viii., 82, 121.—Thucyd., i., 132.—Paus., iii., 18, § 5.)—11. (Aristoph., Equit., 792, and schol.)—12. (Demosth., c. Timocr., p. 738, &c—Böckh, Staatsh., i., p. 352, &c.)—13. (Thucyd., ii., 84.—Herod., viii., 121.)—14. (Plin., H. N., xxix., 1.—Compare F. A. Wolf, Vermischte Schriften und Aufsätze, p. 411, &c.)

were also effected in the Grotto of Pluto and Proserpina, in the neighbourhood of Nysa.[1] In all cases in which a cure was effected, presents were made to the temple, and little tablets (*tabulæ votivæ*) were suspended on its walls, containing an account of the danger from which the patients had escaped, and of the manner in which they had been restored to health. Some tablets of this kind, with their inscriptions, are still extant.[2] From some relics of ancient art, we must infer, that in some cases, when a particular part of the body was attacked by disease, the person, after his recovery, dedicated an imitation of that part in gold or silver to the god to whom he owed his recovery. Persons who had escaped from shipwreck usually dedicated to Neptune the dress which they wore at the time of their danger;[3] but if they had escaped naked, they dedicated some locks of their hair.[4] Shipwrecked persons also suspended votive tablets in the Temple of Neptune, on which their accident was described or painted. Individuals who gave up the profession or occupation by which they had gained their livelihood, frequently dedicated in a temple the instruments which they had used, as a grateful acknowledgment of the favour of the gods. The soldier thus dedicated his arms, the fisherman his net, the shepherd his flute, the poet his lyre, cithara, or harp, &c.

It would be impossible to attempt to enumerate all the occasions on which individuals, as well as communities, showed their gratefulness towards the gods by anathemata. Descriptions of the most remarkable presents in the various temples of Greece may be read in the works of Herodotus, Strabo, Pausanias, Athenæus, and others.

The custom of making presents to the gods was common to Greeks and Romans, but among the latter the donaria were neither as numerous nor as magnificent as in Greece; and it was more frequent among the Romans to show their gratitude towards a god by building him a temple, by public prayers and thanksgivings (*supplicatio*), or by celebrating festive games in honour of him, than to adorn his sanctuary with beautiful and costly works of art. Hence the word donaria was used by the Romans to designate a temple or an altar, as well as statues and other things dedicated in a temple.[5] The occasions on which the Romans made donaria to their gods are, on the whole, the same as those we have described among the Greeks, as will be seen from a comparison of the following passages: Liv., x., 36; xxix., 36; xxxii., 30; xl, 40, 37.—Plin., *Hist. Nat.*, vii., 48.—Suet., *Claud.*, 25.—Tacit., *Ann.*, iii., 71.—Plaut., *Amphitr.*, III., ii., 65; *Curcul.*, I., i., 61; II., ii., 10.—Aurel. Vict., *Cæs.*, 35.—Gellius, ii., 10.—Lucan, ix., 515.—Cic., *De Nat. Deor.*, iii., 37. —Tibull., ii., 5, 29 —Horat., *Epist.*, I., i., 4.—Stat., *Sylv.*, iv., 92.

DONA'TIO MORTIS CAUSA. There were three kinds of donatio mortis causa: 1. When a man, under no present apprehension of danger, but moved solely by a consideration of human mortality, makes a gift to another. 2. When a man, being in immediate danger, makes a gift to another in such a manner that the thing immediately becomes the property of the donee. 3. When a man, under the like circumstances, gives a thing in such a manner that it shall become the property of the donee in case the giver dies. Every person could receive such a gift who was capable of receiving a legacy.

It appears, then, that there were several forms of gift called donatio mortis causa; but the third seems the only proper one, and that of which mention is chiefly made, for it was a rule of law that a donation of this kind was not perfected unless death followed, and it was revocable by the donor. A thing given absolutely could hardly be a donatio mortis causa, for this donatio had a condition attached to it, namely, the death of the donor and the survivership of the donee.[1] The thing might be a thing capable of traditio or delivery, or it might be a promise of a sum of money to be paid after the death of the testator. It would appear as if the law about such donations was not free from difficulty. They were finally assimilated to legacies in all respects by Justinian, though this had been done in some particulars before his time. Still they differed in some respects from legacies, for such a donation could take effect though there was no heres; and a filius familias, who could not make a will, might, with his father's consent, make a donatio mortis causa.

The English law of donationes mortis causa is first stated by Bracton[2] in the very words of the Digest;[3] and the present law is expounded by Lord Hardwicke;[4] but what he there states to be the English law is not exactly the law as stated in Bracton. The rules of donationes mortis causa in English law are now pretty well fixed. Tradition or delivery is considered one essential of such a gift, and the death of the donor is another essential. The gift must not be an absolute gift, but a gift made in contemplation of, and to be perfected by the death of the donor.[5]

DONA'TIO PROPTER NUPTIAS signifies that which is given by a husband or by any other person to a woman on the occasion of her marriage, whether it be by way of security for her dos, or for her support during the marriage or widowhood. Justinian required this donatio whenever the wife brought a dos; and it was enacted that it should be equal in amount to the dos, and should be increased when the dos was increased. Such a gift was the property of the wife, but it was managed by the husband, and he was bound to apply it to its proper purposes; but he could not alienate it, even with the consent of the wife.[6]

DONATIO'NES INTER VIRUM ET UXOREM. During marriage, neither husband nor wife could, as a general rule, make a gift of anything to one another. This rule would, however, only apply where there was no conventio in manum; for in such a case the rule of law would be unnecessary, because a gift between husband and wife would be legally impossible. The reason for this rule was said to be the preservation of the marriage relation in its purity, as a contract subsisting by affection, and not maintained by purchase or by gift from one party to the other. The reason seems a singular one, but it is that which is given by the Roman writers. It has apparently a tacit reference to the power of divorce, and appears like an implied recommendation of it when the conjugal affection ceases. Donationes of this kind were, however, valid when there were certain considerations, as mortis causa, divortii causa, servi manumittendi gratia. By certain imperial constitutions, a woman could make gifts to her husband in order to qualify him for certain honours. It must be remembered, that when there was no conventio in manum,[7] a wife retained all her rights of property which she did not surrender on her marriage (*vid.* Dos), and she might, during the marriage, hold property quite distinct from her

1. (Strab., ix., p. 437; xiv., p. 649.)—2. (Wolf, l. c., p. 424, &c.) 3. (Hor., Carm., i., 5, 13.—Virg., Æn., xii., 768.)—4. (Lucian, De Merc. Cond., c. 1, vol. i., p. 652, ed. Reitz.)—5. (Virg., Georg., iii., 533.—Ovid, Fast., iii., 335.)

1. (Compare Dig. 39, tit. 6, s. 1 and 35.)—2. (ii., c. 26.)—3 (36, tit. 6, s. 2, &c.)—4. (Ward *v.* Turner, 2 Vez., 431.)—5 (Dig. 39, tit. 6.—Cod. viii., tit. 57.)—6. (Cod v., tit. 3.—Nov 97, c. 1; 117, c. 4, &c.)—7. (Gaius, ii., 98.)

husband. It was a consequence of this rule as to gifts between husband and wife, that every legal form by which the gift was affected to be transferred, as mancipatio, cessio, and traditio, conveyed no ownership; stipulations were not binding, and acceptilationes were no release. A difficulty might remain as to usucapion, but the law provided for this also. If a woman received from a third person the property of her husband, and neither the third person, nor she, nor her husband knew that it was the husband's property, she might acquire the ownership by usucapion. If both the giver and the husband knew at the time of the gift that it was the husband's property, and the wife did not know, it might also become her property by usucapion; but not if she knew, for in that case the bona fides which was essential to the commencement of possession was wanting. If, before the ownership was acquired by usucapion, the husband and wife discovered that it was the husband's, though the husband did not choose to claim it, there was no usucapion; for this would have been a mere evasion of the law. If, before the ownership was acquired by usucapion, the wife alone discovered that it was the husband's property, this would not destroy her right to acquire the property by usucapion. This, at least, is Savigny's ingenious explanation of the passage in Digest 24, tit. 1, s. 44. The strictness of the law as to these donations was relaxed in the time of S. Severus, and they were made valid if the donor died first, and did not revoke his gift before death. There were also some exceptions as to the general rule, which it is not necessary to particularize here.[1]

DONATI'VUM. (*Vid.* Congiarium.)

*DONAX (*δόναξ*), the species of reed called *Arundo donax*. It derives its name from *δόνεω*, "to agitate" or "disturb," from its being easily agitated by the wind. Pliny, in speaking of it, says, "*calamus fruticosissimus, qui vocatur Donax.*"[2] Virgil styles it "*fluvialis.*"[3] It was used for shepherds' pipes, writing-pens, angling-rods, &c. The modern Greeks call it *Κάλαμος*. Sibthorp found it everywhere in the marshy grounds.[4]

*DORCAS (*δορκάς*). By the earlier commentators on the classics, it was taken for a species of wild goat, but it is now generally acknowledged to be the Gazelle, or *Antelope Dorcas*. "In fact," observes Adams, "the Arabian medical authors, Avicenna and Haly Abbas, were aware that it meant the Gazelle; hence the term *δορκαδίζων* of Galen is rendered *gazellans* by their translators. The *δόρκας* is the *tzebi* of the Hebrew Scriptures. It is also called *ζόρξ* and *πρόξ*."[5]

DORMITO'RIA. (*Vid.* House.)

ΔΩΡΟΔΟΚΙΑΣ ΓΡΑΦΗ. (*Vid.* Decasmos.)

ΔΩΡΩΝ ΓΡΑΦΗ. (*Vid.* Decasmos.)

ΔΩΡΟΞΕΝΙΑΣ ΓΡΑΦΗ. (*Vid.* ΞΕΝΙΑΣ ΓΡΑΦΗ.)

DORPEIA or DORPIA. (*Vid.* Apaturia, p. 66.)

DORPON. (*Vid* Deipnon.)

DORSUA'RIUS or DOSSUA'RIUS (*νωτοφόρος*), a beast of burden.

In the mountainous parts of Italy, where it was impossible to use wheeled carriages, the produce of the country was borne on the backs of quadrupeds. In this manner the corn, wine, and oil of Apulia and Calabria were conveyed to the seacoast by asses, which are described by Varro[6] as "aselli dossuarii." In these elevated regions, as we learn from the same author,[7] the necessaries of life were brought to the pastoral inhabitants either by mares or by any other animal, "quod onus dorso ferre possit," an expression designed to explain the etymology of the epithet "dossuarius."[1]

Beasts of burden also accompanied the army,[2] and were used to carry a part of the baggage. In Eastern countries the camel has always been employed as a beast of burden.[3]

The "jumenta dossuaria" carried their load either by means of panniers (*κανθήλια*) (*vid.* Clitellæ) or of the pack-saddle (*σάγμα*). From using the latter, they were called "equi sagmarii," "muli sagmarii," &c., whence came the German "saumthier," "saum-ross," &c., and the English "sumpter-mule" and "sumpter-horse."[4]

The following woodcut, representing a mule and a camel accompanied by two Scythian or Gothic conductors, is taken from the column which was erected at Constantinople to commemorate the victories of Theodosius I., and of which drawings were made by command of Mohammed II.

*DORYC'NIUM (*δορύκνιον*), a plant, in determining which, botanical writers find some difficulty. The evidence preponderates in favour of the *Convolvulus Dorycnium*, or Shrubby Bindweed.[5]

DORY (*δόρυ*). (*Vid.* Hasta.)

DOS (GREEK). Euripides[6] makes Medeia complain that, independent of other misfortunes to which women were subject, they were obliged to buy their husbands by great sums of money (*χρημάτων ὑπερβόλῃ*). On this the scholiast remarks, that the poet wrote as if Medeia had been his contemporary, and not a character of the heroic ages, in which it was customary for the husband to purchase his wife from her relations by gifts called *ἕδνα* or *ἑεδνα*. The same practice prevailed in the East during the patriarchal ages,[7] and Tacitus[8] says of the ancient Germans, "Dotem non uxor marito, sed uxori maritus offert.'

The custom of the heroic times is illustrated by many passages in Homer. Thus we read of the *ἀπερείσια* and *μυρία ἕδνα*, or many gifts by which wives were purchased.[9] In another place[10] we are told of a hundred oxen and a thousand sheep and goats having been given by a Thracian hero to his maternal grandfather, whose daughter he was about to marry. Moreover, the poetical epithet, *ἀλφεσίβοιαι*,[11] applied to females, is supposed to have had its origin in the presents of this sort which were made to a woman's relatives on her marriage. These nuptial gifts, however, or equivalents for them, were returned to the husband in the event of the commission of adultery by his wife, and perhaps in other cases.[12]

We must not infer from the above facts that it was not usual in those times for relations to give a portion with a woman when she married. On the contrary, mention is made[13] of the *μείλια*, or marriage gifts which men gave with their daughters (*ἐπέδωκαν*), and we are told by Æschines[14] of one of the sons of Theseus having received a territory near Amphipolis as a *φερνή*, or dower with his wife.

1. (Dig. 24, tit. 1.—Savigny, Zeitschrift, &c., i., p. 270.)—2. (H. N., xvi., 36.)—3. (Georg., ii., 414.)—4. (Billerbeck, Flora Classica, p. 25.)—5. (Aristot., H. A., ii., 2.—Ælian, N. A., vii., 47. —Adams, Append., s. v.)—6. (De Re Rust., ii., 6.)—7. (c. 10.)

1. (Compare Virg., Georg., i., 273–275.)—2. (Xen., Cyr., vi., 2 § 34.)—3. (Diod. Sic., ii., 54; iii., 45; xvii., 105.)—4. (Menage Dict. Etym., s. v. Sommier.—Adelung, Glossar. Manuale, t. vi. p. 22–24.)—5. (Nicand., Alex., 376.—Dioscor., iii., 75.—Galen. De Simpl., vi.—Schulze, Toxicol. Vet.—Schneider ad Nicand., l. c.—Adams, Append., s. v.)—6. (Medea, 236.)—7. (Genes., xxxiv. 2.)—8. (Germ., c. 18.)—9. (Il., xvi., 178, 190.)—10. (Il., xi., 243.) —11. (Heyne ad Il., xviii., 593.)—12. (Od., viii., 318.)—13. (Il. ix., 147.)—14. (*περὶ Παραπρεσβ.*, 33.)

Moreover, both Andromache and Penelope are spoken of as *ἅλοχοι πολύδωροι*,[1] or wives who brought to their husbands many gifts, which probably would have been returned to their relations in case of a capricious dismissal.[2]

The Doric term for a portion was *δωτίνη*, and Müller[3] observes that we know for certainty that daughters in Sparta had originally no dower, but were married with a gift of clothes only; afterward they were at least provided with money and other personal property:[4] but in the time of Aristotle,[5] so great were the dowers given (*διὰ τὸ προῖκας διδόναι μεγάλας*), and so large the number of *ἐπίκληροι*, or female representatives of families (*οἶκοι*), that nearly two fifths of the whole territory of Sparta had come into the possession of females. The regulations of Solon were, according to Plutarch,[6] somewhat similar in respect of dower to the old regulations at Sparta: for the Athenian legislator, as he tells us, did not allow a woman, unless she were an *ἐπίκληρος*, to have any *φερνή* or dower, except a few clothes and articles of household furniture. It is plain, however, that such an interference with private rights could not be permanent; and, accordingly, we find that, in after times, the dowers of women formed, according to the account in Böckh,[7] a considerable part of the movable property of the state: "even with poor people they varied in amount from ten to a hundred and twenty minas. The daughter of Hipponicus received ten talents at her marriage, and ten others were promised her." This, however, was a very large portion, for Demosthenes[8] informs us that even five talents were more than was usually given, and Lucian[9] also speaks of the same sum as a large dowry. The daughters of Aristeides received from the state, as a portion, only thirty minæ each.[10] We may observe, too, that one of the chief distinctions between a wife and a *παλλακή* consisted in the former having a portion, whereas the latter had not; hence persons who married wives without portions appear to have given them or their guardians an *ὁμολογία προικός*,[11] or acknowledgment in writing, by which the receipt of a portion was admitted. (*Vid.* Concubina.) Moreover, poor heiresses (*τῶν ἐπικλήρων ὅσαι ἡητικὸν τελοῦσιν*) were either married or portioned by their next of kin (*vid.* Archon), according to a law which fixed the amount of portion to be given at five minæ by a Pentacosiomedimnus, three by a Horseman, and one and a half by a Zeugites.[12] In illustration of this law, and the amount of portion, the reader is referred to Terence, who says,[13]

> "*Lex est ut orbæ, qui sint genere proximi*
> *Iis nubant;*"

and again,

> "*Itidem ut cognata si sit, id quod lex jubet,*
> *Dotem dare, abduce hanc: minas quinque accipe.*"[14]

We will now state some of the conditions and obligations attached to the receipt of a portion, or *προῖξ*, in the time of the Athenian orators. The most important of these was the obligation under which the husband lay to give a security for it, either by way of settlement on the wife, or as a provision for repayment in case circumstances should arise to require it. With regard to this, we are told that, whenever relatives or guardians gave a woman a portion on her marriage, they took from the husband, by way of security, something equivalent to it, as a house or piece of land. The person who gave this equivalent (*Τὸ ἀποτίμημα*) was said *ἀποτιμᾶν*, the person who received it, *ἀποτιμᾶσθαι*.[1] The word *ἀποτίμημα* is also used generally for a security.[2] The necessity for this security will appear from the fact that the portion was not considered the property of the husband himself, but rather of his wife and children. Thus, if a husband died, and the wife left the family (*ἀπέλιπε τὸν οἶκον*), she might claim her portion, even though children had been born;[3] and in the event of a wife dying without issue, her portion reverted to the relatives who had given her in marriage (*οἱ κύριοι*) and portioned her.[4] The portion was also returned if a husband put away his wife, and in some cases, probably settled by law, when a woman left her husband.[5]

That, after the death of the wife, her portion belonged to her children, if she had left any, may be inferred from Demosthenes;[6] if they were minors, the interest was set apart for their education and maintenance. When the husband died before the wife, and she remained in the family (*μενούσης ἐν τῷ οἴκῳ*), the law appears to have given her portion to her sons, if of age, subject, however, to an allowance for her maintenance.[7]

If the representatives of the deceased husband (*οἱ τὸν κλῆρον ἔχοντες*) wrongfully withheld her portion from his widow, her guardians could bring an action against them for it, as well as for alimony (*δίκη προικὸς καὶ σίτου*[8]). Moreover, if a husband, after dismissing his wife, refused to return her portion, he might be sued for interest upon it as well as the principal: the former would, of course, be reckoned from the day of dismissal, and the rate was fixed by law at nine oboli for every mina, or about 18 per cent. The guardians were farther authorized by the same law to bring an action for alimony in the *Ὠιδεῖον*.[9] We may add that a *δίκη προικός* was one of the *ἐμμηνοι δίκαι*, or suits that might be tried every month.[10]

DOS (ROMAN). Dos (*res uxoria*) is everything which, on the occasion of a woman's marriage, was transferred by her, or by another person, to the husband, or to the husband's father (if the husband was in his father's power), for the purpose of enabling the husband to sustain the charges of the marriage state (*onera matrimonii*). All the property of the wife which was not made dos, or was not a donatio propter nuptias, continued to be her own, and was comprised under the name of parapherna. The dos, upon its delivery, became the husband's property, and continued to be his so long as the marriage relation existed. All things that could be objects of property (*vid.* Dominium), as well as a jus in re, and, in fact, anything by which the substance of the husband could be increased, might be the objects of dos. Any person who had a legal power to dispose of his property could give the dos; but the dos was divided into two kinds, dos profecticia and dos adventicia, a division which had reference to the demand of the dos after the purposes were satisfied for which it was given. That dos is profecticia which was given by the father or father's father of the bride; and it is profecticia, even if the daughter was emancipated, provided the father gave it as such (*ut parens*). All other dos is adventicia. The dos recepticia was a species of dos adventicia, and was that which was given by some other person than the father or father's father, in the consideration of marriage, but on the condition that it should be restored on the death of the wife. The giving

1 (Il., vi., 394.—Od., xxiv., 294.)—2. (Od., ii., 132.)—3. (Dor., iii. 10.)—4. (Plut., Lys., 30.)—5. (Polit., ii., 6, § 10.)—6. (Vit. Solon.)—7. (Pub. Econ. of Athens., ii., 283, transl.)—8. (c. Steph., 1112, 19, and 1124, 2.)—9. (Dial. Meretr., p. 298, ed. Reitz.)—10. (Plut., Aris., 27.—Æsch., c. Ctes., p. 90.)—11. (Isæus, De Pyr. Hered., p. 41.)—12. (Demosth., c. Macar., 1068 sq.—13. (Phorm., II., i., 75.)—14. (II., ii., 62.)

1. (Harpocrat., s. v.—Demosth., c. Onet., p. 866.)—2. (Poll., Onom., viii., 142.)—3. (Demosth., Bœot. De Dot., 1010.)—4. (Isæus, De Ciron. Hered., 69.—De Pyr. Hered., 41.)—5. (De Pyr. Hered., 45.)—6. (c. Bœot. De Dot., p. 1023 and 1026.)—7. (Id., c. Phæn., p. 1047.)—8. (Isæus, De Pyr. Hered., p. 45.—Hudtwalcker, Diæt., note 84.)—9. (Demosth., c. Neær., 1362.—10. (Pollux, Onom., viii., 63, 101.)

or the dos depended on the will of the giver; but certain persons, such as a father and father's father, were bound to give a dos with a woman when she married, and in proportion to their means. The dos might be either given at the time of the marriage, or there might be an agreement to give. The technical words applicable to the dos were *dare*, *dicere*, *promittere*. Any person was competent *dare*, *promittere*. The word *dicere* was applied to the woman who was going to marry, who could promise all property as *dos*, but the promise was not binding unless certain legal forms were observed (*non deberi viro dotem, quam nullo auctore dixisset*[1]). An example of a promissio dotis occurs in Plautus.[2] As the dos became the husband's property, he had a right to the sole management, and to the fruits of it; in fact, he exercised over it all the rights of ownership, with the exception hereafter mentioned. He could dispose of such parts of the dos as consisted of things movable; but the Julia lex (*de adulteriis*) prevented him from alienating such part of the dos as was land (*fundus dotalis*, *dotalia prædia*;[3] *dotales agri*[4]) without his wife's consent, or pledging it with her consent.[5] The legislation of Justinian prevented him from selling it also, even with the wife's consent, and it extended the law to provincial lands.

The husband's right to the dos ceased with the marriage. If the marriage was dissolved by the death of the wife, her father or father's father (as the case might be) was entitled to recover the dos profecticia, unless it had been agreed that in such case the dos should belong to the husband. The dos adventicia became the property of the wife's heirs, unless the person who gave it had stipulated that it should be returned to him (*dos recepticia*). The dos could be claimed immediately upon the dissolution of the marriage, except it consisted of things quæ numero, &c., for which time was allowed.[6]

In the case of divorce, the woman, if she was sui juris, could bring an action for the restitution of the dos; if she was in the power of her father, he brought the action jointly with his daughter. (*Vid.* Divortium.)

The dos could not be restored during the marriage, for this was contrary to a positive rule of law. (*Vid.* Donatio inter virum et uxorem.) Yet, in the case of the husband's insolvency, the wife could demand back her dos during the marriage. In certain cases, also, the husband was permitted to restore the dos during the marriage, and such restoration was a good legal acquittance to him: these excepted cases were either cases of necessity, as the payment of the wife's debts, or the sustentation of near kinsfolks.[7]

What should be returned as dos depended on the fact of what was given as dos. If the things given were ready money, or things estimated by quantity, &c., the husband must return the like sum or the like quantity. If the things, whether movable or immovable, were valued when they were given to the husband (*dos æstimata*), this was a species of sale, and at the end of the marriage the husband must restore the things or their value. If the things were not valued, he must restore the specific things, and he must make good all loss or deterioration which had happened to them except by accident. But the husband was entitled to be reimbursed for all necessary expenses (*impensæ necessariæ*); as, for instance, necessary repairs of houses incurred by him in respect of his wife's property, and also for all outlays by which he had improved the property (*impensæ utiles*).

The husband's heirs, if he were dead, were bound to restore the dos. The wife's father, or the surviving wife, might demand it by an actio ex stipulatu de dote reddenda, which was an actio stricti juris, if there was any agreement on the subject; and by an actio rei uxoriæ or dotis, which was an actio bonæ fidei, when there was no agreement. A third person who had given the dos must always demand it ex stipulatu, when he had bargained for its restoration. Justinian enacted that the action should always be ex stipulatu, even when there was no contract, and should be an actio bonæ fidei.

The wife had no security for her dos, except in the case of the fundus dotalis, unless she had by contract a special security; but she had some privileges as compared with the husband's creditors. Justinian enacted that on the dissolution of the marriage the wife's ownership should revive, with all the legal remedies for recovering such parts of the dos as still existed; that all the husband's property should be considered legally pledged (*tacita hypotheca*) as a security for the dos; and that the wife, but she alone, should have a priority of claim on such property over all other creditors to whom the same might be pledged.

The dos was a matter of great importance in Roman law, both because it was an ingredient in almost every marriage, and was sometimes of a large amount. The frequency of divorces also gave rise to many legal questions as to dos. A woman whose dos was large (*dotata uxor*) had some influence over her husband, inasmuch as she had the power of divorcing herself, and thus of depriving him of the enjoyment of her property. The allusions to the dos are numerous in the Roman writers.

It is a disputed point whether there could be dos, properly so called, in the case of a marriage with conventio in manum. (*Vid.* Marriage.)[1]

DOULOS (δοῦλος) (*Vid.* Servus.)

*DRABE (δράβη), Pepperwort, or *Lepidium draba*.[1]

DRACHMA (δραχμή), the principal silver coin among the Greeks. The two chief standards in the currencies of the Greek states were the Attic and Æginetan. We shall, therefore, first speak of the Attic drachma, and afterward of the Æginetan.

The average weight of the Attic drachma from the time of Solon to that of Alexander was 66·5 grains. It contained about $\frac{1}{60}$th of the weight alloy; and hence there remain 65·4 grains to be valued. Each of our shillings contains 80·7 grains of pure silver. The drachma is, therefore, worth $\frac{65 \cdot 4}{80 \cdot 7}$ of a shilling, or 9·72 pence, which may be called 9$\frac{3}{4}$*d.*[2] After Alexander's time, there was a slight decrease in the weight of the drachma, till, in course of time, it only weighed 63 grains. The drachma contained six obols (ὀβολοί); and the Athenians had separate silver coins, from four drachmæ to a quarter of an obol. Among those now preserved, the tetradrachm is commonly found; but we possess no specimens of the tridrachm, and only a few of the didrachm. Specimens of the tetrobolus, triobolus, diobolus, three quarter obol, half obol, and quarter obol, are still found. The following table, taken from Hussey, gives the value in English money of the Athenian coins, from a quarter obol to a tetradrachm:

	Pence.	Farth.
¼ Obol		1·625
½ Obol		3 25
Obol	1	2·5

1. (Cic., Pro Cæcin., c. 25.—Compare Pro Flacc., c. 34, 35, and Ulp., Frag., xi., 20.)—2. (Trinumm., v., 2.)—3. (Cic., Ep. ad Att., xv., 20.)—4. (Hor., Ep., I., i., 21.)—5. (Gaius, ii., 63.—Inst., ii., 8.)—6. (Ulp., Frag., vi. s. 8; but compare Cod. v., tit. 13, s. 11)—7. (Zeitschrift, &c., v., p. 311, essay by Hasse.)

1. (Hasse, Rhein. Mus., ii., 75.—Compare Ulp., Frag., vi.—Dig. 23, tit. 3.—Cod. v., tit. 12.)—2. (Dioscor., iii., 186.)—3. (Hussey, Ancient Weights and Money, p. 47, 48.)

	Shill.	Pence.	Farth.
Diobolos		3	1
Triobolus		4	3·5
Tetrobolus		6	2
Drachma		9	3
Didrachm	1	7	2
Tetradrachm	3	3	

The mina contained 100 drachmæ, and was, consequently, equal to 4*l.* 1*s.* 3*d.*; and the talent 60 minæ, and was thus equal to 243*l.* 15*s.* 0*d.* Respecting the value of the different talents among the Greeks, *vid.* TALENT.

The tetradrachm in later times was called stater;[1] but it has been doubted whether it bore that name in the flourishing times of the Republic.[2] We know that stater, in writers of that age, usually signifies a gold coin, equal in value to twenty drachmæ (*vid.* STATER); but there appear strong reasons for believing that the tetradrachm, even in the age of Thucydides and Xenophon, was sometimes called by this name.[3]

The obolos, in later times, was of bronze;[4] but in the best times of Athens we only read of silver obols. The χαλκοῦς was a copper coin, and the eighth part of an obol. (*Vid.* Æs, p. 30.)

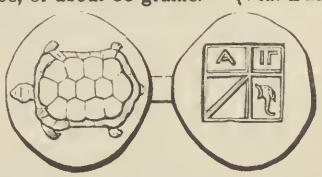
The Attic standard was used at Corinth, Cyrene, and Acanthus, and in Acarnania, Amphilochia, Leucadia, Epirus, and Sicily; it was the standard of Philip's gold, and was introduced by Alexander for silver also. The Æginetan standard appears to have been used in Greece in very early times. According to most ancient writers, money was first coined at Ægina by order of Pheidon of Argos (*vid.* ARGENTUM); and the Æginetan standard was used in almost all the states of the Peloponnesus, with the exception of Corinth. It was also used in Bœotia, and in some other parts of northern Greece, though the Attic standard prevailed most in the maritime and commercial states.

ATHENIAN DRACHMA. BRITISH MUSEUM
ACTUAL SIZE.

The average weight of the Æginetan drachma, calculated by Mr. Hussey[5] from the coins of Ægina and Bœotia, was 96 grains. It contains about $\frac{1}{32}$d part of the weight alloy. Hence its value is 93 grains of pure silver, or, as before, $\frac{93}{80{\cdot}7}$ of a shilling; that is, 1*s.* 1*d.* 3·2 farthings. The largest coin of the Æginetan standard appears to have been the didrachm, and the values of the different coins of this standard are as follow:

	Shill.	Pence.	Farth.
½ Obol		1	0·583
Obol		2	1·166
Diobolus		4	2·33
Triobolus		6	2·5
Drachma	1		3
Didrachm	2	3	2

The proportion of the Æginetan drachma to the Attic, according to the value given above, is as 93 to 65·4, or as 4·18 to 3 nearly. According to Pollux, however, the proportion was 5 to 3; for he states[6] that the Æginetan drachma was equal to 10 Attic obols, and that the Æginetan talent contained 10,000 Attic drachmæ. His authority, however, cannot be of any weight against the evidence of existing coins; for the comparative value of Æginetan and Attic money is a plain fact, which can be proved by experiments. But, as Mr. Hussey remarks,[1] Pollux, "when he speaks of the Attic drachmæ, does not mean the money of the full weight, which was coined in the time of Pericles or Xenophon, but such as passed for Attic in the Augustan and following ages, namely, the Roman denarius; and this, too, not of the earliest standard, at the rate of 60 or 61 grains, but as it was coined when the weight had been reduced to $\frac{1}{8}$th of the Roman ounce, or about 53 grains." (*Vid.* DENARIUS.)



ÆGINETAN DRACHMA. BRITISH MUSEUM.
ACTUAL SIZE.

The Attic and Æginetan were, as already remarked, the chief standards of money in Greece; but there was a third standard used to some extent, namely, that of the early coinage of Macedon, which was also adopted by the Greek kings of Egypt. The average weight of the Macedonian drachma was 109·4 grains; and, assuming the same quantity of alloy as in the Æginetan drachmæ, it would be worth in our money 1*s.* 3*d.* 2·8 farthings, or very nearly 1*s.* 3¾*d.* It has been supposed, however, by some writers, that this drachma was in reality a didrachm; but the existence of large silver coins of four times this weight is an argument for believing it to be the drachma, as we do not find any notice of eight-drachmæ pieces.

As the Romans reckoned in sesterces, so the Greeks generally reckoned by drachmæ; and when a sum is mentioned in the Attic writers without any specification of the unit, drachmæ are usually meant.[2]

DRACO. I. (*Vid.* SIGNA MILITARIA.)

*II., or δράκων χερσαῖος, the Land Dragon. "All the classical authors," observes Adams, "speak of the Land Dragon as being a most formidable animal, and of immense bulk, some say 50, some 60, and some 80 cubits in length. St. Augustine calls him the largest animal upon the face of the earth. Two species are described; one with wings, and the other without wings." These accounts but ill agree with the following description of the *Draco volans*, L., by M. l'Abbé Bonnaterre: "Le plus grand des individus qu'on conserve au Cabinet du Roi a huit pouces deux lignes de longueur totale. Il est doux, foible, tranquille, c'est le moins à craindre de tous les reptiles. Pourra-t-on se persuader que c'est *Dragon* à plusieurs têtes, qui reunissoit l'agilité de l'aigle, la force de lion, qui vomissoit des flammes, et dont les anciens nous ont fait un peinture."[3] Buffon also calls it the flying Lizard, a little harmless animal that only preys on insects. I cannot help thinking, however, that the extraordinary stories of antiquity regarding the Dragon must have had their origin in the exaggerated reports of travellers about the *Boa Constrictor*. I shall point out one circumstance which leads forcibly to this conclusion. Ælian gives an account of a Dragon of extraordinary size, namely, 70 cubits long, which Alexander the Great saw in India, and which was kept as an object of worship. The poet Nonnus,

1. (Phot., s. v. Στατήρ.—Hesych., s. v. Γλαῦκες Λαυριωτικαί.—Matth., xxvii., 27.)—2. (Hussey, Ibid., p. 49.)—3. (Thucyd., iii., 70 with Arnold's note.—Xen., Hell., V., ii., § 22.)—4. (Lucian, Contempl., 11., vol. i., p. 504, ed. Reiz.)—5 (p. 59, 60.)—6 (ix 76, 86.)

1. (p. 32.)—2. (Böckh, Pub. Econ. of Athens, i. p. 25.)—3 (Encyc. Method., lib. xxxiii., 61.)

also repeatedly connects the Dragon with the Indian worship of Bacchus.[1] Now it is known that the Boa is worshipped even to this day in some parts of Hindustan. Still farther, if the reader will compare the descriptions of the Ethiopian dragons given by Ælian[2] and Philo[3] with the stories which Pliny[4] and Diodorus Siculus[5] tell of serpents, he will readily perceive that they are all referable to the great *Boa*. Another argument in favour of this opinion may be drawn from the famous group of the "Laocoon" in the Vatican. It must strike every person who has seen a model of it, that the immense serpents which are coiled around the human figures represent *Boas*. Now these serpents are called "dracones" by Pliny[6] in describing the group, and by Virgil[7] in his relation of the event which forms the subject of it. Lord Byron,[8] by-the-way, is singularly unfortunate in calling the serpent of the Laocoon an "asp," since the asp was a comparatively small reptile, and is said by Nicander and other toxicologists to despatch its victim without pain. But the following passage in Jerome's life of Hilarius puts the identity of the Dragon and the *Boa* beyond dispute: "Siquidem *Draco*, miræ magnitudinis, quos gentili nomine *Boas* vocant, ab eo quod tam grandes sint ut boves glutire soleant, omnem late vastabat provinciam,"[9] &c. In confirmation of the theory which is here sought to be established, the reader is referred to the remarks of Griffith in his edition of Cuvier. It may be stated with regard to the etymology of the term *Boa*, that, according to some of the ancient writers, this serpent was so called from its habit of following the hinds, in order to fasten itself to the teats of cows and suck their milk ("*boum* lacte delectantur"). The so-called boas of the Eastern continent belong properly to the genus *Python*.[10]

*DRACONTIUM (*δρακόντιον*), a plant answering, according to Fuchsius, Dodonæus, Sprengel, and other botanical authorities, to the *Arum Dracunculus*, or Dragon herb. "It is the *τάρχων* of Simeon Seth. The *δρακόντιον ἕτερον* is the *Arum Italicum*, Lam., according to Sprengel. Stackhouse makes the *δρακόντιον* of Theophrastus to be the *Arum maculatum*, or spotted Wake-robin."[11]

*DREPANIS (*δρεπανίς*), the name of a bird incidentally mentioned by Aristotle and Pliny. According to Gaza and Scaliger, it is the same with the Reed-sparrow; but this opinion is rejected by Hardouin. Schneider is inclined to rank it under the genus *Procellaria* of Linnæus, called in English the Petrel, or Sea-swallow.[12]

*DROMEDARIUS, the Dromedary, or *Camelus Dromedarius*, L. This is the Arabian Camel (*Κάμηλος Ἀράβιος*, Aristot.; *Camelus Arabicæ*, Plin.), having only one hunch, the Bactrian having two. Strictly speaking, however, the Dromedary is only a breed of the one-hunch kind. The name is of Greek origin, and refers to the fleetness of the animal (*δρόμος*, "a race"). The one-hunch species extends from the foot of Caucasus over Persia and Turkey, Arabia, northern Africa, and India. (*Vid.* Camelus.) Those of Turkey are the strongest, and best suited for burden; those of Arabia and Bombay the lightest; and those of India, where there are breeds for both purposes constantly supplied by fresh importations from the northwest, are yet probably inferior in their class to those more in the vicinity of their original climate.[13]

*DRYINUS (*δρυῖνος*), a species of serpent, so called from its lodging in the hollows of oaks (*δρῦς*, "an oak"). According to Nicander,[1] it was also called *χέλυδρος*, an appellation given it because its scales are rough like those of a tortoise (*χέλυς*, "a tortoise"). Sprengel supposes it to be the *Coluber libertinus*. Gesner says it is called in English the Sea-snail.[2]

*DRYOCALAPTES (*δρυοκαλάπτης*), the *Picus*, or Woodpecker. "About the three species described by Aristotle,"[3] remarks Adams, "there is considerable doubt. The first two would appear to be the *Picus Martius*, L., or the black Woodpecker; and the *Picus viridis*, the green Woodpecker, or Popinjay. That the largest species is the *Picus major*, or Whitwall, has been conjectured, but cannot be affirmed with certainty. The *δρύοψ* of Aristophanes was most probably the *Picus viridis*."[4]

*DRYOPTERIS (*δρυοπτερίς*), according to Sprengel, the *Polypodium dryopteris*, or Oak-fern. Dierbach, however, holds that the *Asplenium adiantum nigrum* is also comprehended under it.[5]

*DRYPIS (*δρυπίς*), according to Sprengel and Stackhouse, the *Drypis spinosa*. Schneider, however, has doubts.[6]

*DRYS (*δρῦς*), the Oak. (*Vid.* Quercus.)

DUCENA'RII, the name of various officers and magistrates, of whom the principal were as follow:

I. Ducenarii was the name given to the Roman procuratores, who received a salary of 200 sestertia. Dion Cassius[7] says that the procuratores first received a salary in the time of Augustus, and that they derived their title from the amount of their salary. We thus read of centenarii, trecenarii, &c., as well as of ducenarii.[8] Claudius granted to the procuratores ducenarii the consular ornaments.[9]

II. Ducenarii formed a class or decuria of judices, and were first established by Augustus.[10] They were so called because their property, as valued in the census, only amounted to 200 sestertia. They appear to have tried causes of small importance.[11]

III. Ducenarii were in later times officers who commanded two centuries, and who held the same rank as the primi hastati in the ancient legion.[12]

DUCENTE'SIMA was a tax of half per cent. upon all things sold at public auctions. The centesima, or tax of one per cent., was first established by Augustus,[13] and was reduced to half per cent. by Tiberius.[14] The tax was abolished altogether by Caligula as far as Italy was concerned,[15] whence we find on some of the coins of this emperor the letters R. C C., that is, *Remissa Ducentesima*. On one of his coins, preserved in the British Museum, we find on the obverse, C. Cæsar. Divi. Aug. Pron. Aug., and S. C. in the centre with the cap of liberty; and on the reverse, Pon. M. Tr. P. III. P. P. Cos. Des. III., and in the centre R. C C. These last three letters have been interpreted by some writers to mean *Rei Censitæ Conservator*; but there can be no doubt that the interpretation given above is the correct one.[16]

DUPLICA'RII were soldiers who received double pay or double allowance for their services.[17] They are frequently mentioned in inscriptions,[18] but more commonly under the name of duplarii.[19] In one in-

1. (Dionys., xi., 59; ix., 14, &c.)—2. (N. A., ii. 21.)—3. (p. 66.)—4. (H. N., viii., 14.)—5. (iii., 10, 37.)—6. (H. N., xxxvi., 4.)—7. (Æn., ii., 225.)—8. (Childe Harold, iv., 160.)—9. (Adams, Append., s. v.)—10. (Griffith's Cuvier, vol. ix., p. 327, seqq.)—11. (Theophrast., H. P., ix., 22.—Dioscor., ii., 195.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—12. (Aristot., H. A., i., 1.—Plin., H. N., xi., 107.—Adams, Appendix, s. v.)—13. (Griffith's Cuvier, vol. iv., p. 49.)

1. (Nicand., Ther., 411.)—2. (Adams, Append., s. v.)—3. (H. A., viii., 5.)—4. (Aristoph., Aves, 305.—Adams, Append., s. v.)—5. (Dioscor., iii., 186.—Galen, De Simpl., vi.—Adams, Append., s. v.)—6. (Theophrast., H. P., i., 10.)—7. (liii., 15.)—8. (*Vid.* Capitolin., Pertin., 2.—Orelli, Inscrip., No. 946.)—9. (Suet., Claud., 24.)—10. (Suet., Octav., 32.)—11. (Rein, das Röm. Privatrecht, p. 413.)—12. (Veget., ii., 8.—Orelli, Inscrip., No. 3444.)—13. (Tacit., Ann., i., 78.)—14. (l. c., ii., 42.)—15. (Suet., Cal., 16.)—16. (*Vid.* Eckhel, Doctr. Num., vi., p. 224.—Orelli, Inscrip., No. 701.)—17. (Varro, De Ling. Lat., v. 90, ed. Müller.—Liv., ii., 59.—Orelli, No. 3535.)—18. (Orelli Nos. 3533, 4994.)—19. (Orelli, Nos. 3531, 3535, 3476, 3481, &c.

scription the form duplicarius occurs.[1] Vegetius[2] calls them duplares milites.

DUPLICA'TIO. (*Vid.* Actio, p. 19.)

DUPO'NDIUS. (*Vid.* As, p. 111.)

DUUMVIRI, or the two men, the name of various magistrates and functionaries at Rome, and in the coloniæ and municipia. In inscriptions we also meet with the form *duomvires*[3] and *duovir*.[4]

I. Duumviri Juri Dicundo were the highest magistrates in the municipal towns. (*Vid.* Colonia, p. 282.)

II. Duumviri Navales were extraordinary magistrates, who were created, whenever occasion required, for the purpose of equipping and repairing the fleet. They appear to have been originally appointed by the consuls and dictators, but were first elected by the people B.C. 311.[5]

III. Duumviri Perduellionis. (*Vid.* Perduellio.)

IV. Duumviri Quinquennales were the censors in the municipal towns, and must not be confounded with the duumviri juri dicundo. (*Vid.* Colonia, p. 283.)

V. Duumviri Sacrorum originally had the charge of the Sibylline books. Their duties were afterward discharged by the *decemviri sacris faciundis*. (*Vid.* Decemviri, p. 340.)

VI. Duumviri were also appointed for the purpose of building or dedicating a temple.[6]

E.

*EB'ENUS (ἔβενος), Ebony. According to Virgil,[7] India was the only country that produced it. Dioscorides,[8] however, remarks, that it grows also in Ethiopia; and there is a passage in Herodotus[9] in which Ebony is spoken of among the articles of tribute paid by the Ethiopians to the king of Persia. Either, therefore, the name of Ethiopia is to be taken in a very general sense for the country of sun-burned races, and may consequently include India, or else Virgil is in error. Notwithstanding the numerous botanists who have travelled into India, we have not been able, until recently, to determine to what tree the Ebony was to be assigned. It is now certain that it is one of the genus *Diospyrus*. A work on the Materia Medica, published at Madras,[10] says that Ebony is the wood of a tree called in the Tamoul language *Atcha maroum*, which grows abundantly in the Gaugam-Circars, in Berar, and even in the island of Ceylon, where the natives term it *Naugagaha*. According to the author of the work just mentioned, it is the *Diospyrus Ebenaster* of Kœnig. As regards the name which the Greeks and Romans have given this tree, and which it still bears in all the languages of Europe, it may be remarked, that it comes from the Hebrew homonym *hâbân*. Its Arabic name, *Abnous*, is nothing more than a corruption from ἔβενος.[11] "Modern botanists," says Adams, "have applied various names to the Ebony-tree, namely, *Ebenus Cretica*, L.; *Diospyrus Melanoxylon*, Roxb.; *D Ebenus* and *Ebenastrum*, Retz.; and *Ebenoxylon verum*, L. Theophrastus also notices an Ebony shrub, which Sprengel, in his edition of Dioscorides, holds to be the *Anthyllis Cretica*. It is the same as the *Vulneraria* of Tournefort (namely, Woundwort), and hence it is now called *Anthyllis Vulneraria*."[12]

*ECHENE'IS (ἐχενηΐς), a species of Fish. "It would appear that the ἐχενηΐς of Aristotle and Pliny was different from that of Oppian and Ælian, and that the former corresponds to the *Echeneis naucrates*, L., or Sucking-fish, and the latter to the *Petromyzon Lampetra*, L., or Lamprey-eel. Artedi states that the *Galaxias* (γαλαξίας) of Galen corresponds to the Lamprey, and Rondelet and Nonnius refer the *βδέλλα* of Strabo to the same. The ancient stories about its stopping vessels in their course would appear to be fabulous, and yet it is worthy of notice that they are still credited by the inhabitants of Dalmatia and the neighbouring countries."[1]

*ECHIUM (ἔχιον), a plant, supposed to be a remedy against the bite of a viper (ἔχις). "The *Echium vulgare*, or common Viper's Bugloss, has been generally acknowledged to be the ἔχιον of Nicander and Dioscorides; but, according to Sprengel, this is a mistake, since the flowers of the *Echium vulgare* are blue, whereas Dioscorides describes those of the ἔχιον as being purple. It is to be remarked, however, that the Greeks used the terms πορφύρεος and πορφυροείδης in a loose manner, applying it to other colours besides purple, and more especially to the *dark blue* colour of the sea, which would not be inapplicable to the colours of the Viper's Bugloss.[2] On the subject of the *purple* colours of the ancients, Salmasius remarks,[3] "*Cæruleus color, quem Græci κυανοῦν vocant, nihil aliud est quam pur pura dclutior et pallidior.*"

*ECHI'NUS (ἐχῖνος), I., the ἐχῖνος χέρσαιος is the Hedgehog, or *Erinaceus Europæus*. The modern Greek name is σχαντζόχοιρος. The first part of this word is a corruption of ἄκανθα (*Acanthias vulgaris nostras*, Klein). The flesh of the Hedgehog is prescribed in Syria medicinally in some disorders. Russell says he saw the animal carrying grapes as well as mulberries on its prickles, a story which certainly needs confirmation.[4]

*II. A testaceous genus containing many species: in English, the Sea-urchin. Aristotle gives a very minute description of this genus. "The ἐχῖνος ἐδώδιμος is no doubt," observes Adams, "the *Echinus esculentus*, L., called in English the edible Sea-urchin. The two species called σπάταγγος and βρίσσος cannot be satisfactorily determined. The difference of habitats in the Land and Sea urchin gave rise to the Greek proverb expressive of irreconcilable habits: *πρίν κε δύο ἐχῖνοι ἐς φιλίαν ἔλθοιεν*."[5]

III. (*Vid.* Dike.)

*ECHIS and ECHIDNA (ἔχις, ἔχιδνα). "Most of the ancient authors who treat of serpents represent these as the Male and Female Viper; but, from the descriptions of them given by Nicander, it would appear that they were distinct species. Sprengel accordingly refers the Asiatic ἔχιδνα to the *Coluber Ægyptius*, the European ἔχιδνα to the *Coluber Berus*, and the ἔχις to the *Coluber Ammodytes*. The word θήριον is often applied κατ' ἐξοχήν to the Viper (*Coluber Berus*), and hence θηριακή is used to signify the Electuary of Vipers. The Viper is the *Ephe* of Scripture."[6]

ECCLE'SIA (ἐκκλησία). The ἐκκλησίαι of the Athenians were general assemblies of the citizens, in which they met to discuss and determine upon matters of public interest. These assemblies were either *ordinary*, and held four times in each prytany, or *extraordinary*, that is, specially convened upon any sudden emergency, and therefore called σύγκλητοι. On occasions of extreme importance when it was desirable for as many persons as possible to be present at the discussion of any question, the people were summoned by express from the country

1. (Orelli, No. 3534.)—2. (ii., 7.)—3. (Orelli, Inscrip., No. 3808.)—4. (Orelli, No. 3886.)—5. (Liv., ix., 30; xl., 18, 26; xli., 1.—Scheffer, De Mil. Nav., p. 284.)—6. (Liv., vii., 28; xxii., 33; xxxv., 41.)—7. (Georg., ii., 117.)—8. (i., 129.)—9. (iii., 97.)—10. (Materia Medica, by Whitelaw Ainslie, Madras, 1813.)—11. (Fée, Flore de Virgile, p. xlviii., &c.)—12 (Adams, Append. s v.)

1. (Aristot., H. A., ii., 14.—Ælian, N. A., i., 36; ii., 17.—Oppian, Hal., i., 223.—Adams, Append., s. v.)—2. (Dioscor., iv., 28.—Nicand., Ther., 637.—Adams, Append., s. v.)—3. (In Tertull., lib. de Pallio, p. 186.)—4. (Aristot., H. A., i., 6.—Sibthorp, MSS. in Walpole's Memoirs, vol. i., p. 265.) — 5 (Aristot., H. A., iv, 5.—Adams, Append., s v.)—6. (Adams Append., s. v.)

in the city, and then the assembly was called a *κατακλησία*, the proper meaning of *κατακαλεῖν* being to call from the country into the city. The ordinary assemblies were called *νόμιμοι* or *κυρίαι*, according to the scholiast on Aristophanes,[1] who moreover informs us that there were three such in every *month*. But, according to the best-informed grammarians, who followed Aristotle, the name *κυρία* was appropriated to the *first* only of the regular assemblies of each prytany. Such, at least, is the account given by Pollux[2] and Harpocration, the former of whom asserts that the third of the regular assemblies in each prytany was partly devoted to the reception of ambassadors from foreign states.

Aristophanes, however, in the Acharnians,[3] represents ambassadors who had just returned from Persia and Thrace as giving an account of their embassy in a *κυρία ἐκκλησία*, which, according to Pollux, would be not the third, but the first of the regular assemblies. With a view of reconciling these discrepancies, Schömann[4] supposes that Solon originally appointed one *regular* assembly, called *κυρία*, to be held on a certain day of every prytany, and that afterward additional assemblies were instituted, appropriated respectively to particular purposes, though the term *κυρία* was still reserved for the assembly formerly so called. If, however, the representation of Aristophanes is in agreement with the practice of his age, we must farther suppose, what is very probable, that the arrangements for business, as described by Pollux, were not always observed even in the time of the poet; and since, a few years after Aristotle's time, many changes took place in the constitution of Athens, it may have happened that the name *κυρία* was then given to all the regular assemblies, in which case the scholiast probably identified the customs and terms of a late age with those of an earlier period. Moreover, the number of prytanies in each year, originally ten, one for each tribe, was, on the increase in the number of the tribes at Athens, raised to twelve, so that the prytanies would then coincide with the months of the year: a fact which, taken in conjunction with other circumstances,[4] seems to show, that the authorities who speak of three regular assemblies in each month had in view the times when a prytany and a month were the same thing. Some authors have endeavoured to determine the particular days on which the four regular assemblies of each prytany were held; but Schömann[6] has proved almost to demonstration, that there were no invariably fixed days of assembly; and at any rate, even if there were, we have not sufficient data to determine them. Ulpian[7] says, in allusion to the times when there were three assemblies in every month, that one was held on the eleventh, another *about* the twentieth, a third *about* the thirtieth, of each month; and it is, of course, not improbable that they were always held at nearly equal intervals.

The place in which the assemblies were anciently held was, we are told by Harpocration,[8] the *ἀγορά*. Afterward they were transferred to the Pnyx, and at last to the great theatre of Dionysus, and other places. Thus Thucydides[9] speaks of the people being summoned to the Pynx, the usual place of assembly in his times; and Aristophanes,[10] in describing "Demus," the representative of the Athenian people, just as "John Bull" is of the English, calls that character Δῆμος Πυκνίτης, or Demus of the (parish of) Pnyx: a joke by which that place is represented as the home of the Athenians. The situation of it was to the west of the Areiopagus, on a slope connected with Mount Lycabettus and partly, at least, within the walls of the city. It was semicircular in form, with a boundary wall part rock and part masonry, and an area of about 12,000 square yards. On the north the ground was filled up and paved with large stones, so as to get a level surface on the slope; from which fact some grammarians derive its name (*παρὰ τὴν τῶν λίθων πυκνότητα*) Towards this side, and close to the wall, was the *βῆμα*, a stone platform or hustings ten or eleven feet high, with an ascent of steps; it was cut out of the solid rock, whence it is sometimes called *ὁ λίθος*, as in Aristophanes[1] we read *ὅστις κρατεῖ νῦν τοῦ λίθου τοὺν τῇ Πυκνί*. The position of the *βῆμα* was such as to command a view of the sea from behind (on which account the thirty tyrants are said to have altered it), and of the Προπύλαια and Parthenon in front, though the hill of the Areiopagus lay partly between it and the Acropolis. Hence Demosthenes,[2] when reminding the Athenians from this very *βῆμα* of the other splendid works of their ancestors, says emphatically Προπύλαια ταῦτα: and we may be sure that the Athenian orators would often rouse the national feelings of their hearers by pointing to the assemblage of magnificent edifices, "monuments of Athenian gratitude and glory," which they had in view from the Pnyx.[3] That the general situation of the place was elevated is clear from the phrase *ἀναβαίνειν εἰς τὴν ἐκκλησίαν*, and the words *πᾶς ὁ δῆμος ἄνω καθῆτο*, applied to a meeting of the people in the Pnyx.[4] After the great theatre of Dionysus was built, the assemblies were frequently held in it, as it afforded space and convenience for a large multitude; and in some particular cases it was specially determined by law that the people should assemble there.[5] Assemblies were also held in the Peiræus, and in the theatre at Munychia.[6]

We will now treat of the right of convening the people. This was generally vested in the prytanes or presidents of the council of Five Hundred (*vid.* Boule, p 168); but in cases of sudden emergency, and especially during wars, the strategi also had the power of calling extraordinary meetings, for which, however, if we may judge by the form in which several decrees are drawn up, the consent of the senate appears to have been necessary.[7] The four ordinary meetings of every prytany were, nevertheless, always convened by the prytanes, who not only gave a previous notice (*προγράφειν τὴν ἐκκλησίαν*) of the day of assembly, and published a program of the subjects to be discussed, but also, as it appears, sent a crier round to collect the citizens (*συνάγειν τὸν δῆμον*[8]). At any rate, whenever the strategi wished to convene one of the extraordinary assemblies, notice was certainly given of it by a public *proclamation*; for, as Ulpian observes,[9] these assemblies were called *σύγκλητοι*, because the people were summoned to them by officers sent round for that purpose (*ὅτι συνεκάλουν τινες περιϊόντες*). But, independent of the right which we have said the strategi possessed of convening an extraordinary meeting, it would seem, from the case of Pericles,[10] that a strategus had the power of preventing any assembly being called. It is, however, important to observe, that such an exercise of power would perhaps not have been tolerated except during wars and commotions, or in the person of a

1. (Achar., 19.) — 2. (viii, 96.) — 3. (61.) — 4. (De Comit., c. 2.) — 5 (Schömann, ii., 44.) — 6. (ii., 47.) — 7. (ad Demosth., c. Timocr., p. 706.) — 8. (s. v. Πάνδημος Ἀφροδίτη.) — 9. (viii., 97.) — 10 (Equit., 42.)

1. (Pax, 680.) — 2. (Περὶ Συντάξ., 174.) — 3. (Cramer, Ancient Greece, vol. ii., p. 335. — Wordsworth, "Athens and Attica." In the latter of these works are two views of the remains of the Pnyx.) — 4. (Demosth., De Cor., p. 285.) — 5. (Demosth., c. Mid., 517.) — 6. (Demosth., De Fals. Leg., p. 359. — Lysias, c. Agor., 133. — Thucyd., viii., 93.) — 7. (Demosth., De Cor., 249.) — 8. (Pollux, viii., 95. — Harpocrat., s. v. Κυρία Ἐκκλησία. — Demosth., c. Aristog., 772.) — 9. (ad Demosth., De Fals. Leg., p. 100, A.) — 10. (Thucyd., ii., 22.)

distinguished character like Pericles; and that under different circumstances, at any rate after the time of Solon, the assemblies were always called by the prytanes. All persons who did not obey the call were subject to a fine, and six magistrates, called lexiarchs, were appointed, whose duty it was to take care that the people attended the meetings, and to levy fines on those who refused to do so.[1] With a view to this, whenever an assembly was to be held, certain public slaves (*Σκύθαι* or *τοξόται*) were sent round to sweep the *ἀγορά* and other places of public resort with a rope coloured with vermilion. The different persons whom these ropemen met were driven by them towards the *ἐκκλησία*, and those who refused to go were marked by the rope and fined.[2] Aristophanes[3] alludes to this subject in the lines,

οἱ δ' ἐν ἀγορᾷ λαλοῦσι, κάνω καὶ κάτω
τὸ σχοινίον φεύγουσι τὸ μεμιλτωμένον.

Besides this, all the roads except those which led to the meeting were blocked up with hurdles (*γέρρα*), which were also used to fence in the place of assembly against the intrusion of persons who had no right to be present: their removal in the latter case seems to have served as a signal for the admission of strangers who might wish to appeal to the people.[4]

An additional inducement to attend, with the poorer classes, was the *μισθὸς ἐκκλησιαστικός*, or pay which they received for it. The originator of this practice seems to have been a person named Callistratus, who introduced it "long after the beginning of the influence of Pericles." The payment itself, originally an obolus, was afterward raised to three by a popular favourite called Agyrrhius of Collytus. The increase took place but a short time before the Ecclesiazusæ of Aristophanes came out, or about B.C. 392. The poet thus alludes to it in that play:[5]

B. *Τριώβολον δῆτ' ἔλαβες·* X. *εἰ γὰρ ὤφελον.*

A ticket (*σύμβολον*) appears to have been given to those who attended, on producing which at the close of the proceedings they received the money from one of the thesmothetæ.[6] This payment, however, was not made to the richer classes, who attended the assemblies gratis, and are therefore called *οἰκόσιτοι ἐκκλησιασταί* by the poet Antiphanes in a fragment preserved by Athenæus.[7] The same word *οἰκόσιτος* is applied generally to a person who receives no pay for his services.

With respect to the right of attending, we may observe, that it was enjoyed by all legitimate citizens who were of the proper age (generally supposed to be twenty, certainly not less than eighteen), and not labouring under any *ἀτιμία* or loss of civil rights. All were considered citizens whose parents were both such, or who had been presented with the freedom of the state, and enrolled in the register of some demus or parish.[8] Adopted citizens, however (*ποιητοί*), were not qualified to hold the office of archon or any priesthood.[9] Decrepit old men (*γέροντες οἱ ἀφειμένοι*, perhaps those above sixty) seem not to have been admitted, although it is not expressly so stated.[10] Slaves, and foreigners also, were certainly excluded,[11] though occasions would of course occur when it would be necessary or desirable to admit them; and from Demosthenes[12] we may infer that it was not unusual to allow foreigners to enter towards the close of the proceedings, when the most important business of the day had been concluded; otherwise they stood outside.[13]

The *ἰσοτελεῖς*, or foreigners, who enjoyed nearly equal privileges with the citizens, are by some thought to have had the same rights as adopted citizens, with respect to voting in the assembly.[1] This, however, seems very doubtful; at any rate, the etymology of the word *ἰσοτελεῖς* does not justify such an opinion.

In the article Boule it is explained who the prytanes and the proedri were; and we may here remark, that it was the duty of the proedri of the same tribe, under the presidency of their chairman (*ὁ ἐπιστάτης*), to lay before the people the subjects to be discussed; to read, or cause to be read, the previous bill (*τὸ προβούλευμα*) of the senate; and to give permission (*γνώμας προτιθέναι*) to the speakers to address the people.

They most probably sat on the steps near the *βῆμα*, to which they were, on some occasions, called by the people. In later times they were assisted in keeping order (*εὐκοσμία*) by the members of the presiding tribe, *ἡ προεδρεύουσα φυλή*[2] (*vid.* Boule); and the officers who acted under them, the "sergeants-at-arms," were the crier (*ὁ κήρυξ*) and the Scythian bowmen. Thus, in Aristophanes,[3] the crier says to a speaker who was out of order, *κάθησο σῖγα*, and in another passage the *τοξόται* are represented as dragging a drunken man out of the assembly.[4] When the discussion upon any subject had terminated, the chairman of the proedri, if he thought proper, put the question to the vote: we read, in some instances, of his refusing to do so.[5]

Previous, however, to the commencement of any business, it was usual to make a lustration or purification of the place where the assembly was held. This was performed by an officiating priest, called the Peristiarch, a name given to him because he went before the lustral victims (*Τὰ περίστια*) as they were carried round the boundary of the place. The term *περίστια* is derived from *περί* and *ἑστία*, and is, therefore, properly applied to sacrifices carried round the hearth by way of lustration: hence it means any lustral victims. Thus the crier says,[6] *Πάριτ' ἐς τὸ πρόσθεν πάριθ' ὡς ἂν ἔντος ἦτε τοῦ καθάρματος.* The favourite victims were sucking pigs (*χοιρίδια*), the blood of which was sprinkled about the seats, and their bodies afterward thrown into the sea.[7] After the peristiarch the crier followed, burning incense in a censer. When these ceremonies were concluded, the crier proclaimed silence, and then offered up a prayer, in which the gods were implored to bless the proceedings of the meeting, and bring down destruction on all those who were hostilely disposed towards the state, or who traitorously plotted its overthrow, or received bribes for misleading and deceiving the people.[8] On the conclusion of this prayer business began, and the first subject proposed was said to be brought forward *πρῶτον μετὰ τὰ ἱερά*.[9]

We must, however, understand that it was illegal to propose to the ecclesia any particular measure unless it had previously received the sanction of the senate, or been formally referred by that body to the people, under the title of a *προβούλευμα*.

The assembly, nevertheless, had the power of altering a previous decree of the senate as might seem fit. Farther information on this point will be found under Boule, to which we may add, according to Schömann,[10] that the object of the law mentioned by the grammarians (*Ἀπροβούλευτον μηδὲν ψήφισμα εἰσιέναι ἐν τῷ δήμῳ*) seems to have been, not to provide that no motion should be proposed in the as-

1. (Pollux, Onom., viii., 104.)—2. (Schol. ad Arist., Achar., 22.)—3. (l. c.)—4. (Demosth., c. Neær., p. 1375.)—5. (v., 380 —Compare Böckh, vol. i., p 307, transl.)—6. (Aristoph., Eccles., 295.)—7. (vi., c. 52.)—8. (Demosth., c. Neær., p. 1380.)—9. (Id., p. 1376.)—10. (Aristot., Polit., iii., c. 1.)—11. (Aristoph., Thesm., 394)—12. (c. Neær., p 1375.)—13 (Æsch., c Ctesiph., v. 56.)

1. (Wolf ad Lept., p. 70.)—2. (Æsch., c. Ctesiph., p. 53.)—3. (Achar. 24.)—4. (Eccles., 143.)—5. (Xen., Mem., i., 1, § 18.—Thucyd., vi., 14.)—6. (Aristoph., Achar., 44.)—7. (Schol ad Aristoph., l. c.; ad Æsch., c. Timar., p. 48.)—8. (Aristoph., Thesm., 330.)—9. (Demosth., c. Timocr., 706.)—10. (c. 12.;

sensibly unless previously approved of by the senate, but rather that no subject should be presented for discussion to the people about which a bill of the senate had not been drawn up and read in assembly.

The privilege of addressing the assembly was not confined to any class or age among those who had the right to be present: all, without any distinction, were invited to do so by the proclamation (*Τίς ἀγορεύειν βούλεται*) which was made by the crier after the proedri had gone through the necessary preliminaries, and laid the subject of discussion before the meeting; for though, according to the institutions of Solon, those persons who were above fifty years of age ought to have been called upon to speak first,[1] this regulation had, in the days of Aristophanes, become quite obsolete.[2] The speakers are sometimes simply called *οἱ παρίοντες*, and appear to have worn a crown of myrtle on their heads while addressing the assembly, to intimate, perhaps, that they were then representatives of the people, and, like the archons when crowned, inviolable.[3] They were by an old law required to confine themselves to the subject before the meeting, and keep themselves to the discussion of one thing at a time, and forbidden to indulge in scurrilous or abusive language: the law, however, had, in the time of Aristophanes, become neglected and almost forgotten.[4] The most influential and practised speakers of the assembly were generally distinguished by the name of *ῥήτορες*. (*Vid.* Rhetor.)

After the speakers had concluded, any one was at liberty to propose a decree, whether drawn up beforehand or framed in the meeting (*Ἐν τῷ δήμῳ συγγράφεσθαι*[5]), which, however, it was necessary to present to the proedri, that they might see, in conjunction with the *νομοφύλακες*, whether there was contained in it anything injurious to the state, or contrary to the existing laws.[6] If not, it was read by the crier; though, even after the reading, the chairman could prevent its being put to the vote, unless his opposition was overborne by threats and clamours.[7] Private individuals, also, could do the same, by engaging upon oath (*ὑπωμοσία*) to bring against the author of any measure they might object to, an accusation called a *γραφὴ παρανόμων*. If, however, the chairman refused to submit any question to the decision of the people, he might be proceeded against by *ἔνδειξις*;[8] and if he allowed the people to vote upon a proposal which was contrary to existing constitutional laws, he was in some cases liable to *ἀτιμία*.[9] If, on the contrary, no opposition of this sort was offered to a proposed decree, the votes of the people were taken, by the permission of the chairman, and with the consent of the rest of the proedri: whence the permission is said to have been given sometimes by the proedri and sometimes by the chairman, who is also simply called *ὁ πρόεδρος*, just as the proedri are sometimes styled prytanes.[10] The decision of the people was given either by show of hands or by ballot, *i. e.*, by casting pebbles into urns (*καδίσκοι*); the former was expressed by the word *χειροτονεῖν*, the latter by *ψηφίζεσθαι*, although the two terms are frequently confounded. The more usual method of voting was by show of hands, as being more expeditious and convenient (*χειροτονία*). The process was as follows: The crier first proclaimed that all those who were in favour of a proposed measure should hold up their hands (*ὅτῳ δοκεῖ. κ. τ. λ. ἀράτω τὴν χεῖρα*): then he proclaimed that all those who were opposed to it should do the same (*ὅτι μὴ δοκεῖ. κ τ. λ.*): they did so; and the crier then informed as accurate an idea as possible of the numbers for and against (*ἠρίθμει τὰς χεῖρας*), and the chairman of the meeting pronounced the opinion of the majority.[1] In this way most matters of public interest were determined. Vote by ballot (*κρύβδην*[2]), on the other hand, was only used in a few special cases determined by law; as, for instance, when a proposition was made for allowing those who had suffered *ἀτιμία* to appeal to the people for restitution of their former rights, or for inflicting extraordinary punishments on atrocious offenders, and, generally, upon any matter which affected private persons.[3] In cases of this sort, it was settled by law that a decree should not be valid unless six thousand citizens at least voted in favour of it. This was by far the majority of those citizens who were in the habit of attending; for in time of war the number never amounted to five thousand, and in time of peace seldom to ten thousand.[4]

With respect to the actual mode of voting by ballot in the ecclesia, we have no certain information; but it was probably the same as in the courts of law, namely, by means of black and white pebbles, or shells put into urns (*καδίσκοι*); the white for adoption, the black for rejection of any given measure.[5] (*Vid.* Cadiskoi.)

The determination or decree of the people was called a *ψήφισμα*, which properly signifies a law proposed to an assembly, and approved of by the people. The form for drawing up the *ψηφίσματα* varied in different ages. (*Vid.* Boule and Grammateus.)

We now come to the dismissal of the assembly: the order for which, when business was over, was given by the prytanes (*ἔλυσαν τὴν ἐκκλησίαν*), through the proclamation of the crier to the people;[6] and as it was not customary to continue meetings, which usually began early in the morning,[7] till after sunset, if one day were not sufficient for the completion of any business, it was adjourned to the next. But an assembly was sometimes broken up if any one, whether a magistrate or private individual, declared that he saw an unfavourable omen, or perceived thunder and lightning. The sudden appearance of rain, also, or the shock of an earthquake, or any natural phenomenon of the kind called *διοσημίαι*, was a sufficient reason for the hasty adjournment of an assembly.[8]

We have already stated, in general terms, that all matters of *public* and *national* interest, whether foreign or domestic, were determined upon by the people in their assemblies, and we shall conclude this article by stating in detail what some of these matters were. On this point Julius Pollux[9] informs us, that in the first assembly of every prytany, which was called *κυρία*, the *ἐπιχειροτονία* of the magistrates was held; *i. e.*, an inquisition into their conduct, which, if it proved unfavourable, was followed by their deposition. In the same assembly, moreover, the *εἰσαγγελίαι*, or extraordinary informations, were laid before the people, as well as all matters relating to the watch and ward of the country of Attica; the regular officers also read over the lists of confiscated property, and the names of those who had entered upon inheritances. The second was devoted to the hearing of those who appeared before the people as suppliants for some favour, or for the privilege of addressing the assembly without incurring a penalty, to which they otherwise would

1. (Æsch., c. Ctesiph., p. 54.)—2. (Demosth., De Cor., p. 285. —Aristoph., Acharn., 43.)—3. (Aristoph., Eccles., v., 130, 147.) 4. (Æsch., c. Timar., p. 5.—Aristoph., Eccles., 142.)—5. (Plato, Gorg., 451.)—6. (Pollux, Onom., viii., 94.)—7. (Æschin., De Fals. Leg., p. 39.) -8. (Plato, Apol., 32.)—9. (Demosth., c. Timocr., p. 718.) -10. (Æschin., c. Ctesiph., 64.—Demosth., c. Mid., 517.)

1. (Suidas, s. v. *Κατεχειροτόνησεν.*)—2. (Phil. Mus., vol. i., p. 424.)—3. (Demosth., c. Timocr., 715, 719.)—4. (Thucyd., viii. 72.)—5. (Schol. ad Aristophan. Vesp., 981.)—6. (Aristophan. Acharn., 173.)—7. (Id., 20.)—8 (Aristoph., Nub., 579.—Thucyd., v., 46.)—9. (viii., 95.)

have been liable, or for indemnity previous to giving information about any crime in which they were accomplices. In all these cases it was necessary to obtain an *ἄδεια*, *i. e.*, a special permission or immunity, whence Pollux says of the second assembly, Ἡ *δευτέρα ἐκκλησία ἀνεῖται τοῖς βουλομένοις ἀδεῶς* (*i. e.*, *εἰς ἀδείᾳ*) *λέγειν περὶ τε τῶν ἰδίων καὶ τῶν δημοσίων*.

In the third assembly, ambassadors from foreign states were received. In the fourth, religious and other public matters of the state were discussed.

From this statement, compared with what is said under Eisangelia, it appears that in cases which required an extraordinary trial, the people sometimes acted in a judicial capacity, although they usually referred such matters to the court of the Heliæa. There were, however, other cases in which they exercised a judicial power: thus, for instance, the proedri could ex officio prosecute an individual before the people for misconduct in the ecclesia.[1] Again, on some occasions, information (*μήνυσις*) was simply laid before the people in assembly, without the informant making a regular impeachment; and although the final determination in cases of this sort was *generally* referred to a court of law, still there seems no reason to doubt that the people might have taken cognizance of them in assembly, and decided upon them as judges, just as they did in some instances of heinous and notorious crimes, even when no one came forward with an accusation. Moreover, in turbulent and excited times, if any one had incurred the displeasure of the people, they not unfrequently passed summary sentence upon him, without any regard to the regular and established forms of proceeding: as examples of which we may mention the cases of Demosthenes and Phocion. The proceedings called *προβολή* and *ἀπαγγελία* were also instituted before the people: farther information with respect to them is given under those heads.

The legislative powers of the people in assembly, so far as they were defined by the enactments of Solon, were very limited; in fact, strictly speaking, no laws could, without violating the spirit of the Athenian constitution, be either repealed or enacted, except by the court of the Νομοθέται: it might, however, doubtless happen, that *ψηφίσματα* passed by the assemblies had reference to general and permanent objects, and were therefore virtually *νόμοι* or laws;[2] moreover, if we may judge by the complaints of Demosthenes, it appears that in his days the institutions of Solon had in this respect fallen into disuse, and that new laws were made by the people collectively in assembly, without the intervention of the court of the nomothetæ.[3]

The foreign policy of the state, and all matters connected with it, and the regulation and appropriation of the taxes and revenues, were, as we might expect, determined upon by the people in assembly. The domestic economy of the state was under the same superintendence: a fact which Pollux briefly expresses by informing us that the people decided in the fourth assembly *περὶ ἱερῶν καὶ δημοσίων*, *i. e.*, on all matters, whether spiritual or secular, in which the citizens collectively had an interest. Such, for example, says Schömann,[4] "are the priesthood, the temples of the gods, and all other sacred things; the treasury, the public land, and public property in general; the magistracy, the courts, the laws and institutions of the state, and, in fine, the state itself:" in connexion with which we may observe, that the meetings for the election of magistrates were called *ἀρχαιρεσίαι*. Lastly, as Schömann remarks, "the people likewise determined in assembly upon the propriety of conferring rewards and honours on such citizens or strangers or even foreign states, as had in any manner signally benefited the commonwealth." It is hardly necessary to add, that the signification of a religious assembly or church, which *ἐκκλησία* bore in later times, sprang from its earlier meaning of an assembly in general, whether of the constituency of a whole state, or of its subdivisions, such as tribes and cantons. (*Vid.* Tribus and Demus.)

ΕΚΚΛΗΤΟΣ ΠΟΛΙΣ. (*Vid.* Symbola.)

ECCLE'TOI (*ἔκκλητοι*) was the name of an assembly at Sparta, and seems to have been the same as the so-called *lesser assembly* (*ἡ μικρὰ καλουμένη ἐκκλησία*[1]). Its name seems to indicate a select assembly, but it is difficult to determine of what persons it was composed; but, since Xenophon[2] mentions the ephors along with and as distinct from it, we cannot, with Tittmann[3] and Wachsmuth,[4] consider it as having consisted of the Spartan magistrates, with the addition of some deputies elected from among the citizens. As, however, the *ἔκκλητοι* do not occur until the period when the franchise had been granted to a great number of freedmen and aliens, and when the number of ancient citizens had been considerably thinned, it does not seem improbable that the lesser assembly consisted exclusively of ancient citizens, either in or out of office; and this supposition seems very well to agree with the fact, that they appear to have always been jealously watchful in upholding the ancient constitution, and in preventing any innovation that might be made by the ephors or the new citizens.[5]

The whole subject of the *ἔκκλητοι* is involved in difficulty. Tittmann thinks that, though the name of this assembly is not mentioned, it existed long before the Persian war, and that in many cases in which the magistrates (*τέλη*, *ἄρχοντες* or *ἀρχαί*) are said to have made decrees, the magistrates are mentioned instead of the *ἔκκλητοι*, of whom they were the chief members. This last supposition is rejected by Müller,[6] who observes that the magistrates were often said to have decreed a measure (especially in foreign affairs), though it had been discussed before the whole assembly and approved by it; for the magistrates were the representatives and the organs of the assembly, and acted in its name. Müller is also of opinion that *ἔκκλητοι* and *ἐκκλησία* are identical, and distinct from the lesser assembly, which he considers to have been a kind of select assembly. But his arguments on this point are not convincing. The *ἔκκλητοι* and the lesser assembly are mentioned about the same time in Grecian history, and previous to that time we hear of no assembly except the regular *ἐκκλησία* of all the Spartans.[7]

ECDOSIS. (*Vid.* Nauticon.)

ECLE'CTICI (*ἐκλεκτικοί*), an ancient medical sect, which must not be confounded with the school of philosophers of the same name mentioned by Diogenes Laertius,[8] though it is probable that they assumed this title in imitation of them. Their name is derived from their founder (like Potamo the philosopher) "having selected from each sect the opinions that seemed most probable" (*ἐκλεξαμένου τὰ ἀρέσαντα ἐξ ἑκάστης τῶν αἱρέσεων*[9]). From a passage in the *Introductio* (in which Le Clerc[10] conjectures that, instead of *ἐκλεκτοί*, we should read *ἐκλεκτικοί*) and which is falsely attributed to Galen,[11] it appears

1. (Æschin., c. Timarch., p. 5.)—2. (Andoc., De Myst., p. 13, ed. Νομοθέται.)—3. (Demosth., c. Timocr., 744.—Aristot., Polit., iv., c. 4.)—4. (p. 298.)

1. (Xen., Hell., iii., 3, § 8.)—2. (Hell., ii., 4, § 38.)—3. (Griech. Staatsv., p. 100.)—4. (Hell. Alter., i., 1, p. 221.)—5. (Thirlwall, Hist. of Greece, iv., p. 372, &c.)—6. (Dor., iii., 5, § 10.)—7. (*Vid.* Xen., Hell., v. ii., § 23; vi., 3, § 3.)—8. (Prœm., c. 14, § 21.)—9. (Diog. Laert., l. c.)—10. (Hist. de la Méd.)—11. (c. 4, p. 684, ed. Kühn.)

that they were a branch of the Methodici (*vid.* METHODICI, and they seem to have agreed very nearly, if not to have been altogether identical, with the sect of the Episynthetici (*Vid.* EPISYNTHETICI.) They were founded either by Agathinus of Sparta or his pupil Archigenes.[1] Several of the opinions of both these physicians are to be found in various fragments of their lost works preserved by Galen, Oribasius, Aëtius, &c.; but we are nowhere (as far as the writer is aware) informed what were the particular doctrines that they adopted as their own from those of other sects. We can only suppose that they endeavourcd to join the tenets of the Methodici to those of the Empirici and Dogmatici (*vid.* METHODICI, EMPIRICI, DOGMATICI), and to reconcile the differences of those rival and opposite sects.

EC'LOGEIS. (*Vid.* EISPHORA.)

ECMARTU'RIA (*ἐκμαρτυρία*) signifies the deposition of a witness, who, by reason of absence abroad, or illness, was unable to attend in court. His statement was taken down in writing, in the presence of persons expressly appointed to receive it, and afterward, upon their swearing to its identity, was read as evidence in the cause. They were said *μαρτυρεῖν τὴν ἐκμαρτυρίαν*: the absent witness, *ἐκμαρτυρεῖν*: the party who procured the evidence, *ἐκμαρτυρίαν ποιεῖσθαι*. It was considered as the testimony of the deponent himself, not that of the certifying witnesses, and therefore did not come within the description of hearsay evidence, which (except the declaration of a deceased person) was not admissible at Athens. The law was *ἀκοὴν εἶναι μαρτυρεῖν τεθνεῶτος, ἐκμαρτυρίαν δὲ ὑπερορίου καὶ ἀδυνάτου*. The deponent (like any other witness) was liable to an action for false testimony if the contents of the deposition were untrue, unless he could show that it was incorrectly taken down or forged, in which case the certifying witnesses would be liable. Therefore (Isæus tells us) it was usual to select persons of good character to receive such evidence, and to have as many of them as possible.[2] (*Vid.* MARTURIA.)

EC'PHORA. (*Vid.* FUNUS.)

ECPHULLOPHORI'A. (*Vid.* BANISHMENT, GREEK.)

ECPOIEIN (*ἐκποιεῖν*), ECPOIEISTHAI (*ἐκποιεῖσθαι*). (*Vid.* ADOPTION, GREEK.)

*EDERA. (*Vid.* HEDERA.)

ECULEUS. (*Vid.* EQUULEUS.)

E'DERE ACTIO'NEM. (*Vid.* ACTIO, p. 19.)

EDICTUM. The Jus Edicendi, or power of making edicts, belonged to the higher magistratus populi Romani, but it was principally exercised by the two prætors, the prætor urbanus and the prætor peregrinus, whose jurisdiction was exercised in the provinces by the præses. The curule ædiles also made many edicts, and their jurisdiction was exercised (under the Empire at least) in the provinciæ populi Romani by the quæstors.[3] There was no edict promulgated in the provinciæ Cæsaris. The tribunes, censors, and pontifices also promulgated edicts relating to the matters of their respective jurisdictions. The edicta are enumerated by Gaius among the sources of Roman law, and this part of the Roman law is sometimes called in the Pandect Jus Honorarium,[4] apparently because the edictal power belonged to those magistrates only who had the honores, and not so much ad honorem prætorum.[5] As the edicts of the prætors were the most important, the jus honorarium was sometimes called jus prætorium; but properly, the jus honorarium was the term under which was comprehended all the edictal law.

The Edictum may be described generally as a rule promulgated by a magistratus on entering on his office, which was done by writing it on an album and placing it in a conspicuous place, "Unde de plano recte legi potest." From this circumstance the Edict was considered to be a part of the jus scriptum. As the office of a magistratus was annual, the rules promulgated by a predecessor were not binding on a successor, but he might confirm or adopt the rules of his predecessor, and introduce them into his own Edict, and hence such adopted rules were called edictum tralatitium[1] or vetus, as opposed to edictum novum. A repentinum edictum was that rule which was made (prout res incidit) for the occasion.[2] A perpetuum edictum was that rule which was made by the magistratus on entering upon office, and which was intended to apply to all cases to which it was applicable during the year of his office: hence it was sometimes called, also, annua lex. Until it became the practice for magistratus to adopt the edicta of their predecessors, the edicta could not form a body of permanent binding rules; but when this practice became common, the edicta (edictum tralatitium) soon constituted a large body of law, which was practically of as much importance as any other part of the law. The several edicta, when thus established, were designated by the names of their promulgators, as the Edictum Carbonianum; or they were named with reference to the formula and the actio which they established, as Aquiliana, Publiciana, Rutiliana, &c.

The origin of the edictal power cannot be historically shown; but as the prætor was a magistrate established for the administration of justice, on account of the occupations of the consuls, and the consular power was the representative of the kingly power, it seems that the jus edicendi may have been a remnant of the kingly prerogative. However this may be, the edictal power was early exercised, and so far established that the jus prætorium was a recognised division of law in, and perhaps somewhat before, the time of Cicero,[3] in whose age the study of the Edict formed a part of the regular study of the law.[4] The edict of the ædiles about the buying and selling of slaves is mentioned by Cicero;[5] the Edictiones Ædilitiæ are alluded to by Plautus;[6] and an edict of the prætor Peregrinus is mentioned in the Lex Galliæ Cisalpinæ, which probably belongs to the beginning of the eighth century of the city. The Lex Cornelia, B.C. 67, provided against abuses of the edictal power, by declaring that the prætors should decide in particular cases conformably to their perpetual edicts. The edicts made in the provinces are often mentioned by Cicero. They were founded on the edictum urbanum, though they likewise comprehended special rules, applicable only to the administration of justice in the provinces, and so far they were properly edictum provinciale. Thus Cicero[7] says that he promulgated in his province two edicta; one provinciale, which, among other matters, contained everything that related to the publicani, and another, to which he gives no name, relating to matters of which he says, "ex edicto et postulari et fieri solent." As to all the rest he made no edict, but declared that he would frame all his decrees (decreta) upon the edicta urbana. It appears, then, that in the time of Cicero the edicta already formed a large body of law, which is confirmed by the fact that in his time an attempt had been already made to reduce it into order, and to comment on it. Servius Sulpicius, the great jurist

1. (Galen, Definit. Med., c. 14, p. 353.)—2. (Isæus, De Pyrr. Hered., 23, 24, ed. Bekk.—Demosth., c. Steph., 1130, 1131.)—3. (Gaius, i., 6.)—4. (Dig. 44, tit. 7, s. 52.)—5. (Dig. 1, tit. 1, s. 7.)

1. (Cic. ad. Att., v., 21; ad Fam., iii., 8; in Verr., i., 45.)—2 (in Verr., iii., 14.)—3. (in Verr., i., 44.)—4. (De Leg., i., 5; ii., 23.)—5. (Off. iii., 17.)—6. (Capt., iv., 2; v., 43.)—7. (ad Att., vi. 1.)

and orator, the friend and contemporary of Cicero, addressed to Brutus two very short books on the Edict, which was followed by the work of Ofilius;[1] though we do not know whether the work of Ofilius was an attempt to arrange and collect the various edicta, like the subsequent compilation of Julian, or a commentary like those of many subsequent jurists (Ofilius edictum prætoris primus diligenter composuit).

The object of the Edict, according to the Roman jurists, was the following: "Adjuvandi vel supplendi vel corrigendi juris civilis gratia propter utilitatem publicam:" the Edict is also described as "viva vox juris civilis." It was, in effect, an indirect method of legislating, sanctioned, not only by public opinion, but by the sovereign power, and it was the means by which numerous rules of law became established. It was found to be a more effectual, because an easier and more practical way of gradually enlarging and altering the existing law, and keeping the whole system in harmony, than the method of direct legislation; and it is undeniable that the most valuable part of the Roman law is derived from the edicts. If a prætor established any rule which was found to be inconvenient or injurious, it fell into disuse if not adopted by his successor. The publicity of the Edict must also have been a great security against any arbitrary changes, for a magistratus would hardly venture to promulgate a rule to which opinion had not by anticipation already given its sanction. Many of the rules promulgated by the Edict may probably have been merely in conformity to existing custom, more particularly in cases of contracts, and thus the edict would have the effect of converting custom into law. When Cicero,[2] however, says that the Edict depends in a great degree on custom, he probably only means that it was usual to incorporate into every new edict what any preceding magistratus had adopted from former edicts. Thus the edictum tralatitium obtained its validity by being continually recognised by every successive magistratus.

As to the matter of the Edict, it must be supposed that the defects of the existing law must generally have been acknowledged and felt before any magistratus ventured to supply them; and in doing this, he must have conformed to that so-called natural equity which is recognised by all mankind. Under the emperors, also, it may be presumed that the opinions of legal writers would act on public opinion, and on those who had the jus edicendi. Hence a large part of the edictal rules were founded on the so-called jus gentium, and the necessity of some modifications of the strict rules of the civil law, and of additional rules of law, would become the more apparent with the extension of the Roman power and their intercourse with other nations. But the method in which the prætor introduced new rules of law was altogether conformable to the spirit of Roman institutions. The process was slow and gradual; it was not effected by the destruction of that which existed, but by adapting it to circumstances. Accordingly, when a right existed or was recognised, the prætor would give an action if there was none; he would interfere by way of protecting possession, but he could not make possession into ownership, and, accordingly, that was effected by law (*vid.* Usucapio); he aided plaintiffs by fictions, as, for instance, in the Publiciana actio, where the fiction was that the possessor had obtained the ownership by usucapion, and so was quasi ex jure Quiritium dominus;[3] and he also aided parties by exceptiones, and in integrum restitutio.

The old forms of procedure were few in number, and certainly they were often inconvenient and failed to do justice. Accordingly, the prætor extended the remedies by action, as already intimated in the case of the Publiciana actio. This change probably commenced after many of the legis actiones were abolished by the Æbutia lex, and the necessity of new forms of actions arose. These were introduced by the prætors, and it is hardly a matter of doubt that, in establishing the formulæ, they followed the analogy of the legis actiones. It is the conclusion of an ingenious writer,[1] "that the edict of the prætor urbanus was in the main part relating to actions arranged after the model of the old legis actiones, and that the system is apparent in the Code of Justinian, and still more in the Digest."

Under the emperors there were many commentators on the Edict. Thus we find that Labeo wrote four books on the Edict, and a work of his in thirty books, Ad Edictum Prætoris Peregrini, is cited by Ulpian.[2] When the imperial rescripts became common, the practice of making annual edicts became less common, and after the time of Hadrian probably fell nearly into disuse; but this opinion, it should be observed, is opposed by several distinguished modern writers. However this may be, Salvius Julianus, a distinguished jurist, who lived in the time of Hadrian, and filled the office of prætor, composed a systematic treatise on the edict, which was called Edictum Perpetuum; and it seems that, from the date of this treatise, the name Perpetuum was more particularly applied to this edictum than to that which was originally called the Edictum Perpetuum. Julian appears to have collected and arranged the old edicts, and he probably omitted both what had fallen into disuse, and abridged many parts, thus giving to the whole a systematic character. The work of Julian must have had a great influence on the study of the law, and on subsequent juristical writings. Nothing is known of the details of this treatise. It does not seem probable that the edicts of the two Romans prætors, together with the Edictum Provinciale, and the edicts of the curule ædiles, were blended into one in this compilation. If the work of Julian comprehended all these edicts, they must have been kept distinct, as the subject matter of them was different. We know that the edicts of the curule ædiles were the subject of distinct treatises by Gaius, Ulpian, and Paulus, and the Edictum Provinciale would, from its nature, be of necessity kept separate from all the rest. But some writers are of opinion that the Edictum Perpetuum of Julianus made one body of law out of the edicta of the prætor urbanus and peregrinus; that there was also incorporated into it much of the Edictum Provinciale, and a large part of the Edictum Ædilicium, as an appendage at least. The Edict thus arranged and systematized was, it is farther supposed, promulgated in the provinces, and thus became, as far as its provisions extended, a body of law for the Empire. This view of the edictum of Julianus is confirmed by the fact of Italy being divided by Hadrian into the city of Rome with its appurtenant part, and four districts. The magistratus remained as before, but the jurisdiction of the prætor was limited to Rome and its territory; and magistrates, called consulares, and subsequently, in the time of Aurelius, juridici, were appointed to administer justice in the districts. As the edictal power of the prætor was thus limited, the necessity for a comprehensive Edict (such as the Edictum Perpetuum) is the more apparent.

There were numerous writings on the Edict besides those above enumerated. They were sometimes simply entitled ad Edictum, according to the

1. (Dig. 1, tit. 2, s. 2.) —2. (De Invent., ii., 22.) — 3. (Gaius, iv., 36.)

1. (Rhein. Mus. für Juris., i., p. 51. — "Die Œconomie des Edictes, von Heffter.")—2. (Dig. 4, tit. 3, s. 9.)

citations in the Digest; and there were also other juristical writings, not so entitled, which followed the order of the Edict, as, for instance, the epitome of Hermogenianus.[1] Ultimately the writings on the Edict, and those which followed the arrangement of the Edict, obtained more authority than the Edict itself, and became the basis of instruction.

Some few fragments of the older edicts are found here and there in the Roman writers, but it is chiefly from the writings of the jurists as excerpted in the Digest that we know anything of the Edict in its later form. It seems pretty clear that the order of Justinian's Digest, and more particularly that of his Code, to some extent followed that of the Edict. The writings on the Edict, as well as the Edict itself, were divided into tituli or rubricæ, and these into capita; some special or detached rules were named clausulæ; and some parts were simply named edictum, as Edictum Carbonianum, &c.

The Edicta or Edictales Leges of the emperors are mentioned under Constitutio.

The Digest, as already observed, contains numerous fragments of the Edicts. The most complete collection of the fragments of the Edicts is by Wieling, in his "Fragmenta Edicti Perpetui," Franek., 1733. The latest essay on the subject is by C. G. L. de Weyhe, "Libri Tres Edicti sive de origine fatisque Jurisprudentiæ Romanæ præsertim Edictorum Prætoris ac de forma Edicti Perpetui," Cell., 1821. The twenty-first book of the Digest[2] is on the Ædilicium Edictum. (Zimmern, *Geschichte des Röm. Privatrechts.*—Marezoll, *Lehrbuch*, &c.—Rein, *Das Römische Privatrecht*, &c., *ein Hülfsbuch zur erklärung der alten Classiker*, &c., Leipzig, 1836, a useful work.—Savigny, *Geschichte des R. R.*, &c., vol. i., c. 1.)

EDICTUM THEODORICI. This is the first collection of law that was made after the downfall of the Roman power in Italy. It was promulgated by Theodoric, king of the Ostrogoths, at Rome, in the year A.D. 500. It consists of 154 chapters, in which we recognise parts taken from the Code and Novellæ of Theodosius, from the Codices Gregorianus and Hermogenianus, and the Sententiæ of Paulus. The Edict was doubtless drawn up by Roman writers, but the original sources are more disfigured and altered than in any other compilation. This collection of law was intended to apply both to the Goths and the Romans, so far as its provisions went; but when it made no alteration in the Gothic law, that law was still to be in force. There is an edition of this Edictum by G. F. Rhon, Halæ, 1816, 4to.[3]

EEDNA. (*Vid.* Dos, Greek.)

EICOSTE (*εἰκοστή*) was a tax or duty of one twentieth (five per cent.) upon all commodities exported or imported by sea in the states of the allies subject to Athens. This tax was first imposed B.C. 413, in place of the direct tribute which had up to this time been paid by the subject allies; and the change was made with the hope of raising a greater revenue.[4] This tax, like all others, was farmed, and the farmers of it were called *εἰκοστολόγοι*. It continued to be collected in B.C. 405, as Aristophanes mentions an *εἰσκοστολόγος* in the Frogs.[5]

EICOSTOL'OGOI. (*Vid.* Eicoste.)

EIREN or IREN (*εἴρην* or *ἶρην*) was the name given to the Spartan youth when he attained the age of twenty. At the age of eighteen he emerged from childhood, and was called *μελλείρην*.[6] When he had attained his twentieth year, he began to exercise a direct influence over his juniors, and was intrusted with the command of troops in battle. The word appears to have originally signified a commander. Hesychius explains Ἴρανες by *ἄρχοντες, διώκοντες*: and *εἰρηνάζει* by *κρατεῖ*. The *ἰρένες* mentioned in Herodotus[1] were certainly not youths, but commanders.[2]

EIS'AGEIN. (*Vid.* Eisagogeis.)

EISAGO'GEIS (*Εἰσαγωγεῖς*) were not themselves distinct classes of magistrates, but the name was given to the ordinary magistrates when they were applied to to bring a cause (*εἰσάγειν*) into a proper court. (*Vid.* Diaitetai, p. 354, and Dice, p. 358.) The cause itself was tried, as is explained under Dice, by dicasts chosen by lot; but all the preliminary proceedings, such as receiving the accusation, drawing up the indictment, introducing the cause into court, &c., were conducted by the regular magistrate, who attended in his own department to all that was understood in Athenian law by the *ἡγεμονία τοῦ δικαστηρίου*. Thus we find the strategi, the logistæ, the *ἐπιστάται τῶν δημοσίων ἔργων*, the *ἐπιμεληταὶ τοῦ ἐμπορίου*, &c., possessing this *ἡγεμονία*; but it was not the chief business of any of the public magistrates except of the archons, and perhaps of the eleven. The chief part of the duties of the former, and especially of the thesmothetæ, consisted in receiving accusations and bringing causes to trial (*εἰσάγειν*) in the proper courts. (*Vid.* Archon, p. 84.)[3]

EISANGEL'IA (*εἰσαγγελία*) signifies, in its primary and most general sense, a denunciation of any kind,[4] but much more usually, an information laid before the council or the assembly of the people, and the consequent impeachment and trial of state criminals at Athens under novel or extraordinary circumstances. Among these were the occasions upon which manifest crimes were alleged to have been committed, and yet of such a nature as the existing laws had failed to anticipate, or, at least, describe specifically (*ἄγραφα ἀδικήματα*), the result of which omission would have been, but for the enactment by which the accusations in question might be preferred (*νόμος εἰσαγγελτικός*), that a prosecutor would not have known to what magistrate to apply; that a magistrate, if applied to, could not with safety have accepted the indictment or brought it into court; and that, in short, there would have been a total failure of justice.[5] The process in question was peculiarly adapted to supply these deficiencies: it pointed out, as the authority competent to determine the criminality of the alleged act, the assembly of the people, to which applications for this purpose might be made on the first business-day of each prytany (*κυρία ἐκκλησία*[6]), or the council, which was at all times capable of undertaking such investigations; and occasionally the accusation was submitted to the cognizance of both these bodies. After the offence had been declared penal, the forms of the trial and amount of the punishment were prescribed by the same authority; and, as upon the conviction of the offenders a precedent would be established for the future, the whole of the proceedings, although extraordinary, and not originating in any specific law, may be considered as virtually establishing a penal statute, retrospective in its first application.[7]

The speech of Euryptolemus[8] clearly shows that the crime charged against the ten generals who fought at Arginusæ was one of these unspecified offences. The decree of the senate against Antiphon and his colleagues,[9] directing that they

1. (Dig. 1, tit. 5, s. 2.)—2. (tit. 1.)—3. (Savigny, Geschichte des R. R., &c.)—4. (Thucyd., vii., 28.)—5. (I. 348—*Vid.* Böckh Publ. Econ. of Athens, ii., p. 38, 139.)—6. (Plut., Lyc., 7.)

1. (ix., 85.)—2. (Müller, Dorians, ii., p. 315.)—3. (Hermann Pol. Ant. of Greece, § 138.)—4. (Schömann, De Com., p. 181.) 5. (Harpocrat., s. v.)—6. (Harpocrat.)—7. (Lycurg., c. Leocrat., 149, ed. Steph.)—8. (Xen., Hell., i., 7, sub fin.)—9. (Vit. Dec. Orat. in Antiph., 833, E.)

should be tried, and, if found guilty, punished as traitors, seems to warrant the inference that their delinquency (viz., having undertaken an embassy to Sparta by order of the Four Hundred, a government declared illegal upon the reinstatement of the democracy) did not amount to treason in the usual sense of the term, but required a special declaration by the senate to render it cognizable as such by the Heliæa Another instance of treason by implication, prosecuted as an extraordinary and unspecified crime, appears in the case of Leocrates, who is, in the speech already cited, accused of having absented himself from his country, and dropped the character of an Athenian citizen at a time when the state was in imminent danger. Offences, however, of this nature were by no means the only ones, nor, indeed, the most numerous class of those to which extraordinary denunciations were applicable. They might be adopted when the charge embraced a combination of crimes, as that of treason and impiety in the famous case of Alcibiades, for each of which a common indictment (*γραφή*) was admissible when the accused were persons of great influence in the state, when the imputed crime, though punishable by the ordinary laws, was peculiarly heinous, or when a more speedy trial than was permitted by the usual course of business was requisite to accomplish the ends of justice.[1] Circumstances such as these would, of course, be very often pretended by an informer, to excite the greater odium against the accused, and the adoption of the process in question must have been much more frequent than was absolutely necessary.

The first step taken by the informer was to reduce his denunciation to writing, and submit it immediately to the cognizance of the council, which had a discretionary power to accept or reject it.[2] Schömann maintains that a reference to this body was also necessary when it was intended to bring the matter before the assembly of the people, but that its agency was in such cases limited to permitting the impeachment to be announced for discussion, and directing the proedri to obtain a hearing for the informer. The thesmothetæ are also mentioned by Pollux[3] as taking part in bringing the matter before the assembly, but upon what occasion they were so employed we can only conjecture.

In causes intended for the cognizance of the council only, after the reception of the denunciation, three courses with respect to it might be adopted by that body. If the alleged offence were punishable by a fine of no greater amount than five hundred drachmæ, the council itself formed a court competent for its trial; if it was of a graver character, they might pass a decree, such as that in the case of Antiphon already mentioned, directing the proper officers to introduce the cause to a Heliastic court, and prescribing the time and forms of the trial, and the penalty to be inflicted upon the conviction of the criminals; lastly, if the matter were highly important, and from doubts or other reasons they required the sanction of the assembly, they might submit the cause as it stood to the consideration of that body. In the first case, the trial was conducted before the council with all the forms of an ordinary court; and if, upon the assessment of penalties, the offence seemed to deserve a heavier punishment than fell within its competency, the trial was transferred to a Heliastic court, by the delivery of the sentence of the council (*κατάγνωσις*) to the thesmothetæ by the scribe of the prytanes, and upon these officers it then devolved to bring the criminals to justice.[4] The accused were in the mean while put into prison for safe custody by the authority of the council. When the offence was obviously beyond the reach of the senate's competency, the trial was dispensed with, and a decree immediately drawn up for submitting the cause to a superior court.

When a cause of this kind was so referred, the decree of the senate, or vote of the people, associated other public advocates, generally ten in number, with the informer, who received a drachma each from the public treasury (*συνήγοροι*). And besides these, permission was given to any other citizen to volunteer his services on the side of the prosecution. If the information were laid before the assembly, either by the accuser himself or the senate, the first proceedings in the cause had for their object to establish the penalty of the offence, or the apparent culpability of the accused; and this being decided by a vote of the people after a public discussion, the mode of conducting the trial and the penalty were next fixed. In the case of the ten generals, the assembly directed that the senate should propose the requisite arrangements. The plan of the senate, however, was not necessarily adopted, but might be combated by rival proposals of any private citizen. The assembly very often referred the matter to the Heliastic court, but occasionally undertook the trial itself; and when the prisoner was accused of treason, we are told[1] that he made his defence to the assembly in chains, and with a keeper upon either side; and, according to another authority,[2] that the time for such defence was limited. After this the tribes voted by ballot, two urns being assigned to each tribe for this purpose. The informer, in the event of the prisoner being acquitted, was subjected to no penalty if he obtained the votes of as many as a fifth of the judges; otherwise he was liable to a fine of a thousand drachmæ. For a more ample discussion of the trials in question, the reader is referred to Schömann.[3]

Besides the class of causes hitherto described, there were also two others which equally bore the name of *εἰσαγγελία*, though by no means of the same importance, nor, indeed, much resembling it in the conduct of the proceedings. The first of these consists of cases of alleged *κάκωσις*, *i. e.*, wrong done to aged or helpless parents, women, or orphans. Upon such occasions the informer laid his indictment before the archon if the aggrieved persons were of a free Attic family, or before the polemarch if they were resident aliens. The peculiarities of this kind of cause were, that any Athenian citizen might undertake the accusation; that the informer was not limited as to time in his address to the court, and incurred no penalty whatever upon failing to obtain a verdict. With respect to the accused, it is obvious that the cause must have been *τιμητός*, or, in other words, that the court would have the power of fixing the amount of the penalty upon conviction. The third kind of *εἰσαγγελία* was available against one of the public arbitrators (*διαιτήτης*), when any one complained of his having given an unjust verdict against him. The information was in this case laid before the senate; and that the magistrate who had so offended, or did not appear to defend himself, might be punished by disfranchisement, we know from the instance mentioned by Demosthenes.[4] This passage, however, and an allusion to it in Harpocration, constitute the whole of our information upon the subject.[5]

EISITE'RIA (*Εἰσιτήρια*, scil. *ἱερά*), sacrifices which were offered at Athens by the senate before the session began, in honour of *Θεοὶ Βουλαῖοι*, *i. e.*,

1. (Schömann, De Com., p. 190.—Harpocrat.)—2. (Lys., c. Nicom. 185.)—3. (viii. 87.)—4. (Demosth., c. Timocr., 720.)

1. (Xen., l. c.)—2. (Schol. ad Aristoph., Eccles., 1081.)—3. (De Comitiis, c. iii.)—4. (c. Meid., 542, 14.)—5. (Hudtwalcker über die Diätet. p. 19.—Meier, Att. Proc., 270.)

Zeus and Athena.[1] The sacrifice was accompanied by libations, and a common meal for all the senators.[2]

Suidas[3] calls the *εἰσιτήρια* a festive day—the first of every year—on which all the Athenian magistrates entered upon their office, and on which the senate offered up sacrifices for the purpose of obtaining the good-will of the gods for the new magistrates. But this statement, as well as the farther remarks he adds, seem to have arisen from a gross misunderstanding of the passage of Demosthenes[4] to which he refers. Schömann[5] adopts the account of Suidas, and rejects the other statement without giving any reason.

EIS'PHORA (*εἰσφορά*), literally a contribution or tribute, was an extraordinary tax on property, raised at Athens whenever the means of the state were not sufficient to carry on a war. The money thus raised was sometimes called *τὰ καταβλήματα*.[6] We must carefully distinguish between this tax and the various liturgies which consisted in personal or direct services which citizens had to perform, whereas the *εἰσφορά* consisted in paying a certain contribution towards defraying the expenses of a war. Some ancient writers do not always clearly distinguish between the two, and Ulpian on Demosthenes[7] entirely confounds them; and it is partly owing to these inaccuracies that this subject is involved in great difficulties. At the time when armies consisted only of Athenian citizens, who equipped themselves and served without pay, the military service was indeed nothing but a species of extraordinary liturgy; but when mercenaries were hired to perform the duties of the citizens, when wars became more expensive and frequent, the state was obliged to levy contributions on the citizens in order to be able to carry them on, and the citizens then paid money for services which previously they had performed in person.

It is not quite certain when this property-tax was introduced; for, although it is commonly inferred, from a passage in Thucydides,[8] that it was first instituted in 428 B.C. in order to defray the expenses of the siege of Mytilene, yet we find *εἰσφορά* mentioned at an earlier period;[9] and even the passage of Thucydides admits of an interpretation quite in accordance with this, for it is certainly not impossible that he merely meant to say that so large an amount as 200 talents had never before been raised as *εἰσφορά*. But, however this may be, after the year 428 B.C. this property-tax seems to have frequently been raised, for a few years afterward Aristophanes[10] speaks of it as something of common occurrence. Such a contribution could never be raised without a decree of the people, who also assigned the amount required;[11] and the generals superintended its collection, and presided in the courts where disputes connected with, or arising from, the levying of the tax were settled.[12] Such disputes seem to have occurred rather frequently; personal enmity not seldom induced the officers to tax persons higher than was lawful, according to the amount of their property.[13] The usual expressions for paying this property-tax are, *εἰσφέρειν χρήματα, εἰσφέρειν εἰς τὸν πόλεμον, εἰς τὴν σωτηρίαν τῆς πόλεως, εἰσφορὰς εἰσφέρειν*, and those who paid it were called *οἱ εἰσφέροντες*. On the occasion mentioned by Thucydides, the amount which was raised was, as we have seen, 200 talents, which if we suppose the taxable property to have been 20,000 talents, was a tax of one per cent.[1] At other times the rates were higher or lower, according to the wants of the Republic at the time: we have accounts of rates of a twelfth, a fiftieth, a hundredth and a five hundredth part of the taxable property.

The census of Solon was during the first period the standard according to which the *εἰσφορά* was raised, until in 377 B.C., in the archonship of Nausinicus, a new census was instituted, in which the people, for the purpose of fixing the rates of the property-tax, were divided into a number of symmoriæ (*συμμορίαι*) or classes, similar to those which were afterward made for the trierarchy.[2] The nature of this new census, notwithstanding the minute investigation of Böckh,[3] is still involved in great obscurity. Each of the ten phylæ, according to Ulpian, appointed 120 of its wealthier citizens, who were divided into two parts, according to their property, called symmoriæ, each consisting of sixty persons; and the members of the wealthier of the two symmoriæ were obliged, in case of urgent necessity, to advance to the less wealthy the sum required for the *εἰσφορά* (*προεισφορά*[4]). When the wants of the state had been thus supplied, those who had advanced the money could at their ease, and in the usual way, exact their money back from those to whom they had advanced it. The whole number of persons included in the symmoriæ was 1200, who were considered as the representatives of the whole Republic; it would, however, as Böckh justly observes, be absurd to suppose, with Ulpian, that these 1200 alone paid the property-tax, and that all the rest were exempt from it. The whole census of 6000,[5] or, more accurately, of 5750 talents,[6] was surely not the property of 1200 citizens, but the taxable property of the whole Republic. Many others, therefore, though their property was smaller than that of the 1200, must have contributed to the *εἰσφορά*, and their property must be considered as included in the census of 5750 talents of taxable property.

The body of 1200 was, according to Ulpian, also divided into four classes, each consisting of 300. The first class, or the richest, were the leaders of the symmoriæ (*ἡγεμόνες συμμοριῶν*), and are often called the three hundred *κατ' ἐξοχήν*. They probably conducted the proceedings of the symmoriæ, and they, or, which is more likely, the demarchs, had to value the taxable property. Other officers were appointed to make out the lists of the rates, and were called *ἐπιγραφεῖς, διαγραφεῖς*, or *ἐκλογεῖς*. When the wants of the state were pressing, the 300 leaders, perhaps in connexion with the 300 included in the second class—for Ulpian, in the first portion of his remark, states that the richer symmoria of every phyle had to perform this duty—advanced the money to the others on the above-mentioned terms,[7] which, however, was never done unless it was decreed by the people.[8] The rates of taxation for the four classes have been made out with great probability by Böckh,[9] from whose work the following table is taken:

First Class, from twelve talents upward.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part
500 tal.	$\frac{1}{5}$	100 tal.	5 tal.
100 "	$\frac{1}{5}$	20 "	1 "
50 "	$\frac{1}{5}$	10 "	30 min.
15 "	$\frac{1}{5}$	3 "	9 "
12 "	$\frac{1}{5}$	2 tal. 24 min	720 drach

1. (Antiph., De Chor., p. 789.—Böckh, Corp. Inscript., i., p. 671.)—2. (Demosth., De Fals. Leg., p. 400, 24.—Compare with c. Meid., p. 552, 2, where *εἰσιτήρια* are said to be offered for the senate, *ὑπὲρ τῆς βουλῆς*.)—3. (s. v.)—4. (De Fals. Leg., p. 400.) 5. (De Comit., p. 291, transl.)—6. (Demosth., c. Timocr., p. 731)—7. (Olynth., ii., p. 33, *e.*)—8. (iii., 19.)—9. (*Vid.* Antiph., Tetral., i. *b.*, c. 12.—Isæus, De Dicæog., c. 37; and Tittmann, Griech. Staatsv., p. 41, note 31.)—10. (Equit., 922.)—11. (Demosth., c. Polycl., p. 1208.—Aristoph., Eccles., 818.)—12. (Wolf, Proleg. in Leptin., p. 94.—Demosth., c. Bœot., p. 1002.)—13. (Aristoph. l. c.—Demosth., c. Aphob., p. 815.)

1. (Böckh, Staatsh., ii., p. 56.)—2. (Philoch., ap Harpocrat. s. v. *Συμμορία*.—Demosth., c. Androt., p. 606.—Ulpian ad Demosth., Olynth., ii., p. 33, *e.*)—3. (Staatsh., book iv.)—4. (Demosth., c. Meid., p. 564, &c.)—5. (Demosth., De Symmor.)—6. (Polyb., ii., 62, § 7.)—7. (Demosth., c. Phænipp., p. 1042.)—8. (Demosth., c. Polycl., p. 1209.)—9. (Staatsh. ii. p. 55.)

Second Class, from six talents and upward, but under twelve.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
11 tal.	1/6	1 tal. 50 min.	550 drach.
10 "	1/6	1 " 40 "	500 "
8 "	1/6	1 " 20 "	400 "
7 "	1/6	1 " 10 "	350 "
6 "	1/6	1 "	300 "

Third Class, from two talents upward, but under six.

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
5 tal.	1/8	37½ min.	187½ drach.
4 "	1/8	30 "	150 "
3 "	1/8	22½ "	112½ "
2½ "	3/8	18¾ "	93¾ "
2	1/8	15 "	75 "

Fourth Class, from twenty-five minæ upward, but under two talents

Property.	Taxable.	Taxable Capital.	Property-tax of 1-20th part.
1½ tal.	1/10	900 drach.	45 drach.
1 "	1/10	600 "	30 "
45 min.	1/10	450 "	22½ "
30 "	1/10	300 "	15 "
25 "	1/10	250 "	12½ "

Every one had to pay his tax in the phyle where his landed property lay, as appears from the oration of Demosthenes against Polycles; and if any one refused to pay, the state had a right to confiscate his estate, but not to punish the individual with atimia.[1] But if any one thought that his property was taxed higher than that of another man on whom juster claims could be made, he had the right to call upon this person to take the office in his stead, or to submit to a complete exchange of property. (*Vid.* Antidosis.) No Athenian, on the other hand, if belonging to the tax-paying classes, could be exempt from the *εἰσφορά*, not even the descendants of Harmodius and Aristogiton.[2] Orphans, though exempt from liturgies, were obliged to pay the property-tax, as we see in the instance of Demosthenes, who was one of the leaders of the symmoriæ for ten years.[3] Even trierarchs were not exempt from paying the *εἰσφορά* themselves, although they could not be compelled to pay the *προεισφορά*.[4] It seems that aliens were likewise subject to it, for the only instance we have of any exception being made is one of aliens.[5]

For farther information concerning the subject of the *εἰσφορά*, *vid.* the fourth book of Böckh's *Public Economy of Athens*.—Wolf, *Prolegomena in Leptin.*—Wachsmuth, *Hellen. Alterth.*, ii., 1, p. 136.—Hermann, *Pol. Ant. of Greece*, § 162.

EISPOIEISTHAI (*εἰσποιεῖσθαι*). (*Vid.* Adoption, Greek.)

ELÆOTHE'SIUM. (*Vid.* Baths, p. 148.)

*ELAIA (*ἐλαία*), the Olive. The common *ἐλαία* of the Greek authors is the *Olea Europæa*, L. The *ἐλαία Αἰθιοπική*, called also *ἀγριελαία* and *κότινος*, is referred by Matthiolus and Sprengel to several species of the *Elaiagnus*, namely, *E. spinosa*, *E. hortensis*, and *E. Orientalis*.[6]

*ELAIAG'NUS or ELEIAG'NUS (*ἐλαίαγνος* or *ἐλείαγνος*), a plant mentioned by Theophrastus,[7] and which is thought, from the description which he gives of it, to have been the same with the Dutch Myrtle, or *Myrica*, Gale. Sprengel, however, is in favour of the *Salix Babylonica*, or Weeping Willow.[8]

*ELAIO'MELI (*ἐλαιόμελι*), according to Dr. Alston, a sort of Manna. Pliny[1] says of it, "*Sponte nascitur in Syriæ maritimis, quod elæomeli vocant, manat ex arboribus pingue, crassiusque melle, resina tenuius, sapore dulci.*" The same writer, in another part,[2] informs us that it acted as an aperient, and was particularly efficacious in producing evacuations of bile. Hard drinkers, who wished to contend for the palm at a carousal, commenced by drinking a cyathus of diluted elæomeli. Fée inclines to make it a terebinthine, especially since Dioscorides speaks of its employment as a friction in nervous disorders. Pliny and Dioscorides make mention, also, of its soporific properties; but this seems inconsistent with its other qualities, and is regarded by Fée as erroneous.[3]

ELAPHEBOLI'A (*Ἐλαφηβόλια*), the greatest festival in the town of Hyampolis, in Phocis, which was celebrated in honour of Artemis, in commemoration, it is said, of a victory which its inhabitants had gained over the Thessalians, who had ravaged the country, and reduced the Phocians in the neighbourhood of the town nearly to the last extremity.[4] The only particular which we know of its celebration is, that a peculiar kind of cake (*ἔλαφος*) was made on the occasion.[5] These cakes were, as their name indicates, probably made in the shape of a stag or deer, and offered to the goddess. The festival of the elaphebolia was also celebrated in many other parts of Greece, but no particulars are known.[6]

ELAPHEBOLI'ON (*Ἐλαφηβολιών*). (*Vid.* Calendar, Greek.)

*ELAPHOBOS'CUS (*ἐλαφόβοσκος*), the Garden Parsnip, or *Pastinaca sativa*. The popular belief was, that the stags, by feeding on this, were enabled to resist serpents. Sibthorp found it in the islands of the Archipelago, on the margins of fields, and also in the Peloponnesus.[7]

*EL'APHUS (*ἔλαφος*), the Stag, or *Cervus Elaphus*. Buffon makes the *ἱππέλαφος* of Aristotle the *Cerf des Ardennes*. The *ἀχαΐνης* of Aristotle was the *Daguet*, or Young Stag.[8]

*EL'ATE (*ἐλάτη*). "The common *ἐλάτη* of the Greeks," observes Adams, "must have been either the *Pinus Orientalis*, Tournefort, or the *Pinus abies*. There is some difficulty in distinguishing the Male and Female species of Theophrastus.[9] Stackhouse holds the former to be the *Pinus abies*, or common Fir-tree; and the latter, the *Pinus picea*, or Yellow leaved Fir.[10]

*ELATI'NE (*ἐλατίνη*), either the *Linaria Elatine*, Desf., or *Linaria spuria*, Will. Its English name is Fluellin, and it is a species of Toad-flax.[11]

*ELEB'ORUS. (*Vid.* Helleborus.)

ELECTRUM. (*Vid.* Bronze, p. 177.)

*II. Amber. Most of the ancient authors erred in supposing Amber an exudation from the poplar. Theophrastus, however,[12] would appear to have known its true origin. "Amber," says he, "is a stone. It is dug out of the earth in Liguria, and has, as before mentioned, a power of attraction." Diodorus Siculus[13] knew that Amber came from the country north of Gaul, and that the popular story of its consisting of the tears of those poplars into which Phaëthon's sisters were transformed was a mere fable. Lucian was aware that Amber was not an exudation from the poplar, and that there was none of it got at the mouth of the Po. The common error in relation to the quarter whence this substance was obtained, has been explained as fol-

1. (Demosth., c. Androt., p. 609; c. Timocr., p. 752.)—2. (Demosth., c. Leptin., p. 462, &c.)—3. (c. Meid., p. 565.—Compare Isæus, ap. Dionys. Isæus, p. 108; or Orat. Græc., vol. vii., p. 331, ed. Reiske.)—4. (Demosth., c. Polycl., p. 1209; c. Phænipp., p. 1046.)—5. (Marm. Oxon., ll., xxiv.—Böckh, Staatsh., ii., p. 75.)—6. (Adams, Append., s. v.)—7. (H. P., iv. 9.)—8. (Adams, Append., s. v.)

1. (H. N., xv., 7.)—2. (H. N., xxiii., 4.)—3. (Plin., H. N., ed Panckoucke, vol. xiv., p. 367.)—4. (Plut., De Mul. Virt., p. 267—Paus., x., 35, § 4.)—5. (Athen., xv., p. 646.)—6. (Etym. Mag., s. v. *Ἐλαφηβολιών.*)—7. (Dioscor., iii., 73.—Adams, Append., s. v.)—8. (Schneider ad Aristot., H. A., ix., 6.—Adams, Append., s. v.)—9. (H. P., i., 3; i., 8.)—10. (Adams, Append., s. v.)—11. (Dioscor., iv., 40.—Adams, Append., s. v.)—12. (De Lapidg., c. 53.—Hill, ad loc.)—13. (v., 23.)

lows: The Phœnician, and, after them the Carthaginian, traders obtained their supply of Amber from the river *Rodaun*, which still retains its name, and which flows into the Vistula near Dantzic. Their fear of rivalry, however, in this lucrative branch of commerce, induced them to keep the source of their traffic involved in obscurity. The name, but not the position of the river, was mentioned, and hence the Greeks imagined that the stream in question was the Eridanus, from the similarity of name. "Amber," says Dr. Moore, "was well known to the ancients many centuries before the age of Pliny, and various ornamental articles were made of it, but in his time only for the use of women.[1] His own belief, not differing much from the one now received, is, that it consists of the resinous juice of certain trees, which had, in course of time, become mineralized in the earth. Hence was its Latin name '*succinum*' derived, '*quod arboris succum prisci nostri credidere.*'[2] Pliny says, the different colours it exhibited in its native state were sometimes produced by artificial means, since they could dye it of whatever tint they pleased; and, therefore, it was much used in counterfeiting translucent gems, and especially the amethyst. Demostratus[3] called Amber *lyneurion*, supposing it produced from the urine of the lynx; from that of males when of a deeper and more fiery tint, but when feebler and paler, of the other sex. Other writers spoke of lyncurion as a substance distinct from Amber, but having the origin indicated by its name."[4]

*ELEDO'NE (ἐλεδώνη), a species of molluscous animal, briefly noticed by Aristotle[5] and Athenæus. "Coray," remarks Adams, "proposes to read χελιδόνας instead of it; but I agree with Schweighæuser, that there is no necessity for any emendation. Schneider inclines to refer it to the *Moschata* s *octopus*, Lam."[6]

*ELEIOCHRY'SUS (ἐλειόχρυσος) or ELICHRY'SUS (ἐλίχρυσος), according to some botanical authorities, the *Gnaphalium stœchas*, L., or Shrubby Everlasting. Its Greek name was derived from its golden-coloured flowers. Dioscorides states that it was called by some χρυσάνθεμος, by others ἀμάραντος, the latter name referring to its perennial character, from which circumstance it was used to adorn the statues of the gods. Adams, however, is in favour of the *Caltha palustris*, or Marsh Marygold.[7]

*ELEIOS (ἐλειός), an animal mentioned by Aristotle,[8] and supposed to have been identical with the μύοξος, namely, the *Glis* of the Romans, which was the *Glis esculentus*, or Rellmouse of the later naturalists. Linnæus calls it the *Myoxus Glis*.[9]

*ELEIOSELI'NON (ἐλειοσέλινον), most probably the *Apium graveolens*, wild Celery, or Smallage.[10]

*ELELIS'PHAKOS (ἐλελίσφακος), the *Salvia officinalis*, or common Sage. The Latin name was derived from the salutary properties ascribed to the plant (*salvia, a salute*, i. e., *sanitate*). Sibthorp found it in uncultivated places, as described by Dioscorides.[11]

*ELEPHAS (ἐλέφας), the Elephant, or *Elephas maximus* L. "One description of the Elephant given by Aristotle is admitted by Cuvier to be remarkably accurate. The animal and the disease Elephas, or Elephantiasis, are both minutely described by Aretæus. It cannot admit of a doubt that the ancients were acquainted with the Indian Elephant (*Elephas Indicus*), as well as the African (*Loxodonta Africanus*[1])."

ELEVEN, THE (οἱ ἕνδεκα), were magistrates at Athens of considerable importance. They are always called by this name in the classical writers; but in the time of Demetrius Phalereus, their name is said to have been changed into that of νομοφύλακες,[2] who were, however, during the Democracy, distinct functionaries. (*Vid.* NOMOPHYLAKES.) The grammarians also give other names to the Eleven, as δεσμοφύλακες, θεσμοφύλακες, &c.[3]

The time at which the office of the Eleven was instituted is disputed. Ullrich considers the office to have been of an aristocratical character, and concludes, from a passage in Heraclides Ponticus,[4] that it was established by Aristides. Meier, on the other hand, maintains that the office existed not only before the time of Cleisthenes, but probably before the legislation of Solon; but it seems impossible to come to any satisfactory conclusion on the subject. They were annually chosen by lot, one from each of the ten tribes, and a secretary (γραμματεύς), who must properly be regarded as their servant (ὑπηρέτης), though he formed one of their number.[5]

The principal duty of the Eleven was the care and management of the public prison (δεσμωτήριον) (*vid.* CARCER), which was entirely under their jurisdiction. The prison, however, was seldom used by the Athenians as a mere place of confinement, serving generally for punishments and executions. When a person was condemned to death, he was immediately given into the custody of the Eleven, who were then bound to carry the sentence into execution according to the laws.[6] The most common mode of execution was by hemlock juice (κώνειον), which was drunk after sunset.[7] The Eleven had under them jailers, executioners, and torturers, who were called by various names (οἱ παραστάται;[8] ὁ τῶν ἑνδεκα ὑπηρέτης;[9] ὁ δημόκοινος;[10] ὁ δημόσιος or ὁ δήμιος, &c.). When torture was inflicted in causes affecting the state, it was either done in the immediate presence of the Eleven,[11] or by their servant (ὁ δήμιος). (*Vid.* BASANOS.)

The Eleven usually only had to carry into execution the sentence passed in the courts of law and the public assemblies; but in some cases they possessed an ἡγεμονία δικαστηρίου. This was the case in those summary proceedings called ἀπαγωγή, ἐφήγησις, and ἔνδειξις, in which the penalty was fixed by law, and might be inflicted by the court on the confession or conviction of the accused without appealing to any of the jury courts. (*Vid.* APAGOGE.) They also had an ἡγεμονία δικαστηρίου in the case of κακοῦργοι, because the summary proceedings mentioned above were chiefly adopted in the case of such persons: hence Antiphon[12] calls them ἐπιμεληταὶ τῶν κακούργων. The word κακοῦργοι properly means any kind of malefactors, but is only applied in Athenian law to thieves (κλέπται), housebreakers (τοιχωρύχοι),[13] man stealers (ἀνδραποδίσται), and other criminals of a similar kind.[14]

The Eleven are also said to have possessed ἡγεμονία δικαστηρίου in the case of confiscated property,[15] which statement is confirmed by an inscription published by Böckh.[16]

(Ullrich, *Ueber die Eilf Männer*, appended to his translation of Plato's Meno, Crito, and the first and second Alcibiades, Berlin, 1821.—Sluiter, *Lectiones*

1. (Plin., H. N., xxxvii., 11.)—2. (Plin., H. N., xxxvii., 11.)—3. (ap Plin., l. c.)—4. (Ancient Mineralogy, p. 105, seq.)—5. (H. A., ix., 1.)—6. (Adams, Append., s. v.)—7. (Dioscor., iv., 58.—Theophrast., H. P., vi., 8.—Theocr., Idyll., i., 30.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Aristot., H. A., viii., 19.—Adams, Append., s. v.)—10. (Dioscor., iii., 68.—Theophrast., H. P., vii., 6.)—11. (Dioscor., iii., 35.—Theophrast., H. P., vi., 11.—Adams, Append., s. v.)

1. (Arctæus, Morb. Diut., ii., 13.—Adams, Append., s. v.)—2. (Pollux, Onom., viii., 102.)—3. (Schol. ad Aristoph., Plut., 277—Vesp., 775, 1108.)—4. (l., ϕ 10.)—5. (Pollux, Onom., viii., 102.)—6. (Xen., Hell., ii., 3, ϕ 54.)—7. (Plato, Phæd., c. 65, 66.)—8. (Becker, Anec., p. 296, 32.)—9. (Xen., Hell., ii., 3, ϕ 54.)—10. (Antiph., De Venef., 615.)—11. (Demosth., c. Nicostr., 1254, 2.)—12. (De Cæde Herod., 713.)—13. (Compare Demosth., c. Lacrit., 940, 5.)—14. (Meier, Att. Proc., 76, 77.)—15 (Etymol. Mag., p. 338, 35.)—16. (Urkunden, über das Seewesen des Attischen Staates, p. 535.)

Andocid. p. 256–261.—Meier, *Att. Proc.*, 68–77.—Schubert, *De Ædilibus*, p. 93–96.—Hermann, *Pol. Antiq. of Greece*, § 139.

ELEUSI'NIA (Ἐλευσινία), a festival and mysteries, originally celebrated only at Eleusis in Attica, in honour of Demeter and Persephone.[1] All the ancients who have occasion to mention the Eleusinian mysteries, or *the* mysteries, as they were sometimes called, agree that they were the holiest and most venerable of all that were celebrated in Greece.[2] Various traditions were current among the Greeks respecting the author of these mysteries; for, while some considered Eumolpus or Musæus to be their founder, others stated that they had been introduced from Egypt by Erechtheus, who at a time of scarcity provided his country with corn from Egypt, and imported from the same quarter the sacred rites and mysteries of Eleusis. A third tradition attributed the institution to Demeter herself, who, when wandering about in search of her daughter Persephone, was believed to have come to Attica, in the reign of Erechtheus, to have supplied its inhabitants with corn, and to have instituted the τελεταί and mysteries at Eleusis.[3] This last opinion seems to have been the most common among the ancients, and in subsequent times a stone, called ἀγέλαστος πέτρα (triste saxum), was shown near the well Callichoros at Eleusis, on which the goddess, overwhelmed with grief and fatigue, was believed to have rested on her arrival in Attica.[4] Around the well Callichoros the Eleusinian women were said to have first performed their chorus, and to have sung hymns to the goddess.[5] All the accounts and allusions in ancient writers seem to warrant the conclusion that the legends concerning the introduction of the Eleusinia are descriptions of a period when the inhabitants of Attica were becoming acquainted with the benefits of agriculture, and of a regularly constituted form of society.[6]

In the reign of Erechtheus a war is said to have broken out between the Athenians and Eleusinians,[7] and when the latter were defeated, they acknowledged the supremacy of Athens in everything except the τελεταί, which they wished to conduct and regulate for themselves.[8] Thus the superintendence remained with the descendants of Eumolpus (*vid.* Eumolpidæ), the daughters of the Eleusinian king Celeus, and a third class of priests, the Kerykes, who seem likewise to have been connected with the family of Eumolpus, though they themselves traced their origin to Hermes and Aglauros.

At the time when the local governments of the several townships of Attica were concentrated at Athens, the capital became also the centre of religion, and several deities who had hitherto only enjoyed a local worship were now raised to the rank of national gods. This seems also to have been the case with the Eleusinian goddess; for in the reign of Theseus we find mention of a temple at Athens, called Eleusinion,[9] probably the new and national sanctuary of Demeter. Her priests and priestesses now became naturally attached to the national temple of the capital, though her original place of worship at Eleusis, with which so many sacred associations were connected, still retained its importance and its special share in the celebration of the national solemnities; and though, as we shall see hereafter, the great Eleusinian festival was commenced at Athens, yet a numerous procession always went, on a certain day, to Eleusis: it was here that the most solemn part of the sacred rites was performed.

We must distinguish between the greater Eleusinia which were celebrated at Athens and Eleusis, and the lesser which were held at Agræ on the Ilissus.[1] From the tradition respecting the institution of the lesser Eleusinia, it seems to be clear that the initiation into the Eleusinian mysteries was originally confined to Atticans only; for it is said that Heracles, before descending into the lower world, wished to be initiated; but as the law did not admit strangers, the lesser Eleusinia were instituted in order to evade the law, and not to disappoint the great benefactor of Attica.[2] Other legends concerning the initiation of Heracles do not mention the lesser Eleusinia, but merely state that he was adopted into the family of one Pylius in order to become lawfully entitled to the initiation. But both traditions in reality express the same thing, if we suppose that the initiation of Heracles was only the first stage in the real initiation; for the lesser Eleusinia were in reality only a preparation (προκάθαρσις or προάγνευσις) for the real mysteries.[3] After the time when the lesser Eleusinia are said to have been instituted, we no longer hear of the exclusion of any one from the mysteries except barbarians; and Herodotus[4] expressly states, that any Greek who wished it might be initiated. The lesser Eleusinia were held every year in the month of Anthesterion,[5] and, according to some accounts, in honour of Persephone alone. Those who were initiated in them bore the name of mystæ (μύσται[6]), and had to wait at least another year before they could be admitted to the great mysteries. The principal rites of this first stage of initiation consisted in the sacrifice of a sow, which the mystæ seem to have first washed in the Cantharus,[7] and in the purification by a priest, who bore the name of Hydranos.[8] The mystæ had also to take an oath of secrecy, which was administered to them by the mystagogus, also called ἱεροφάντης προφήτης: they received some kind of preparatory instruction, which enabled them afterward to understand the mysteries which were revealed to them in the great Eleusinia; they were not admitted into the sanctuary of Demeter, but remained during the solemnities in the vestibule.[9]

The great mysteries were celebrated every year in the month of Boedromion, during nine days, from the 15th to the 23d,[10] both at Athens and Eleusis. The initiated were called ἐπόπται or ἔφυροι.[11] On the first day, those who had been initiated in the lesser Eleusinia assembled at Athens, whence its name was ἀγυρμός;[12] but strangers who wished to witness the celebration of these national solemnities likewise visited Athens in great numbers at this season, and we find it expressly stated that Athens was crowded with visiters on the occasion.[13] On the second day the mystæ went in solemn procession to the seacoast, where they underwent a purification. Hence the day was called Ἅλαδε μύσται, probably the conventional phrase by which the mystæ were invited to assemble for the purpose.[14] Suidas[15] mentions two rivulets, called ῥειτοί, as the place to which the mystæ went in order to be purified. Of the third day scarcely anything is known with certainty; we only learn from

1. (Andoc., De Myster., 15.)—2. (Aristot., Rhet., ii., 24.—Cic., De Nat. Deor., i., 42.)—3. (Diod. Sic., i., 29.—Isocr., Panegyr., p. 46, ed. Steph.)—4. (Apollod., Biblioth., i., 5.—Ovid, Fast., iv., 502, &c.).—5. (Paus., i., 38, § 6.)—6. (Cic., De Leg., ii., 14; in Verr., v., 14.)—7. (Hermann, Polit. Ant. of Greece, § 91, note 9.)—8. (Thucyd., ii., 15.—Paus., i., 38, § 3.)—9. (Thucyd., ii, 17.)

1. (Steph. Byz., s. v. Ἄγρα.)—2. (Schol. ad Aristoph., Plut., 846.)—3. (Schol. ad Aristoph., l. c.)—4. (viii., 65.)—5. (Plut., Demetr., 26.)—6. (Suidas, s. v. Ἐπόπτης.)—7. (Aristoph., Acharn., 703, with the schol., 720, and Pax, 368.—Varro, De Re Rust., ii., 4.—Plut., Phoc., 28.)—8. (Hesych., s. v. Ὑδρανός.—Polyæn., v., 17.)—9. (Seneca, Quæst. Nat., vii., 31.)—10. (Plut., Demetr., 26.—Meursius, Eleusin., c. 21.)—11. (Suidas, s. v.)—12. (Hesych., s. v.)—13. (Maxim. Tyr., Dissert., 33, sub fin.—Philostrat., Vit. Apollon., iv., 6.)—14. (Hesych., s. v.—Polyæn., iii., 11.)—15. (s. v. Ῥειτοί.—Compare Paus., i., 38, § 2.)

Clemens of Alexandrea[1] that it was a day of fasting, and that in the evening a frugal meal was taken, which consisted of cakes made of sesame and honey. Whether sacrifices were offered on this day, as Meursius supposes, is uncertain; but that which he assigns to it consisted of two kinds of sea-fish (*τρίγλη* and *μαινίς*[2]), and of cakes of barley grown in the Rharian plain.[3] It may be, however, that this sacrifice belonged to the fourth day, on which, also, the *καλάθος κάθοδος* seems to have taken place. This was a procession with a basket containing pomegranates and poppy-seeds; it was carried on a wagon drawn by oxen, and women followed with small mystic cases in their hands.[4] On the fifth day, which appears to have been called the torch-day (*ἡ τῶν λαμπάδων ἡμέρα*), the mystæ, led by the *δαδοῦχος*, went in the evening with torches to the Temple of Demeter at Eleusis, where they seem to have remained during the following night. This rite was probably a symbolical representation of Demeter wandering about in search of Persephone. The sixth day, called Iacchos,[5] was the most solemn of all. The statue of Iacchos, son of Demeter, adorned with a garland of myrtle, and bearing a torch in his hand, was carried along the sacred road[6] amid joyous shouts (*ἰακχίζειν*) and songs, from the Ceramicus to Eleusis.[7] This solemn procession was accompanied by great numbers of followers and spectators, and the story related by Herodotus[8] is founded on the supposition that 30,000 persons walking along the sacred road on this occasion was nothing uncommon. During the night from the sixth to the seventh day, the mystæ remained at Eleusis, and were initiated into the last mysteries (*ἐποπτεία*). Those who were neither *ἐπόπται* nor *μύσται* were sent away by a herald. The mystæ now repeated the oath of secrecy which had been administered to them at the lesser Eleusinia, underwent a new purification, and then they were led by the mystagogus, in the darkness of night, into the lighted interior of the sanctuary (*φωταγωγία*), and were allowed to see (*αὐτοψία*) what none except the epoptæ ever beheld. The awful and horrible manner in which the initiation is described by later, especially Christian writers, seems partly to proceed from their ignorance of its real character, partly from their horror and aversion to those pagan rites. The more ancient writers always abstained from entering upon any description of the subject. Each individual, after his initiation, is said to have been dismissed by the words *κόγξ, ὄμπαξ*,[9] in order to make room for other mystæ.

On the seventh day the initiated returned to Athens, amid various kinds of raillery and jests, especially at the bridge over the Cephisus, where they sat down to rest, and poured forth their ridicule on those who passed by. Hence the words *γεφυρίζειν* and *γεφυρισμος*.[10] These *σκώμματα* seem, like the procession with torches to Eleusis, to have been dramatical and symbolical representations of the jests by which, according to the ancient legend, Iambe or Baubo had dispelled the grief of the goddess and made her smile. We may here observe, that probably the whole history of Demeter and Persephone was in some way or other symbolically represented at the Eleusinia. Hence Clemens of Alexandrea[11] calls the Eleusinian mysteries a "mystical drama."[12] The eighth day, called *Ἐπιδαύρια*, was a kind of additional day for those who by some accident had come too late, or had been prevented from being initiated on the sixth day. It was said to have been added to the original number of days, when Asclepius, coming over from Epidaurus to be initiated, arrived too late, and the Athenians, not to disappoint the god, added an eighth day.[1] The ninth and last day bore the name of *πλημοχόαι*,[2] from a peculiar kind of vessel called *πλημοχόη*, which is described as a small kind of *κότυλις*. Two of these vessels were on this day filled with water or wine, and the contents of the one thrown to the east, and those of the other to the west, while those who performed this rite uttered some mystical words.

Besides the various rites and ceremonies described above, several others are mentioned, but it is not known to which day they belonged. Among them we shall mention only the Eleusinian games and contests, which Meursius assigns to the seventh day. They are mentioned by Gellius,[3] and are said to have been the most ancient in Greece. The prize of the victors consisted in ears of barley.[4] It was considered as one of the greatest profanations of the Eleusinia if, during their celebration, an *ἄτιμος* came as a suppliant to the temple (the Eleusinion), and placed his olive-branch (*ἱκετηρία*) in it;[5] and whoever did so might be put to death without any trial, or had to pay a fine of one thousand drachmæ. It may also be remarked, that at other festivals, no less than at the Eleusinia, no man, while celebrating the festival, could be seized or arrested for any offence.[6] Lycurgus made a law that any woman using a carriage in the procession to Eleusis should be fined one thousand drachmæ.[7] The custom against which this law was directed seems to have been very common before.[8]

The Eleusinian mysteries long survived the independence of Greece. Attempts to suppress them were made by the Emperor Valentinian, but he met with strong opposition, and they seem to have continued down to the time of the elder Theodosius. Respecting the secret doctrines which were revealed in them to the initiated, nothing certain is known. The general belief of the ancients was that they opened to man a comforting prospect of a future state.[9] But this feature does not seem to have been originally connected with these mysteries, and was probably added to them at the period which followed the opening of a regular intercourse between Greece and Egypt, when some of the speculative doctrines of the latter country and the East may have been introduced into the mysteries, and hallowed by the names of the venerable bards of the mythical age. This supposition would also account, in some measure, for the legend of their introduction from Egypt. In modern times many attempts have been made to discover the nature of the mysteries revealed to the initiated, but the results have been as various and as fanciful as might be expected. The most sober and probable view is that, according to which, "they were the remains of a worship which preceded the rise of the Hellenic mythology and its attendant rites, grounded on a view of nature less fanciful, more earnest, and better fitted to awaken both philosophical thought and religious feeling."[10] Respecting the Attic Eleusinia, see Meursius, *Eleusinia*, Lugd. Bat., 1619.—St. Croix, *Recherches, Hist. et Critiq. sur les Mystères du Paganisme* (a second edition was published in 1817 by Sylvestre de Sacy, in 2 vols., Paris).—Ou-

1. (Protrept., p. 18, ed. Potter.)—2. (Athen., vii., p. 325.)—3. (Paus., i., 38, § 6.)—4. (Callim., Hymn. in Cer.—Virg., Georg., i., 166.—Meursius, l. c., c. 25.)—5. (Hesych., s. v. *Ἴακχον*.)—6. (Plut., Alcib., 34.—Etymol. Magn., and Suid., s. v. *Ἱερὰ Ὁδός*.)—7. (Aristoph., Ran., 315, &c.—Plut., Phocion, 28, and Valcken ad Herod., viii., 65.)—8. (Compare Plut., Themist.)—9. (Hesych, s. v.)—10. (Strab., ix., c. 2, p. 246, ed. Tauchnitz.—Suidas, s. v. *Γεφυρίζων*.—Hesych., s. v. *Γεφυρισταί*.—Ælian, H. A., iv., 43.—Müller, Hist. Lit. of Greece, p. 132.)—11. (Protrept., p. 12. ed. Potter.)—12. (*Vid.* Müller, Hist. Lit. of Gr., p. 267, &c.)

1. (Philostr., Vit. Apoll., iv., 6.—Paus., ii., 26, § 7.)—2. (Pollux, Onom., x., 74.—Athen., xi., p. 496.)—3. (xv., 20.)—4. (Schol. ad Pind., Ol., ix., 150.)—5. (Andoc., De Myst., p. 54.)—6. (Demosth., c. Meid., p. 571.)—7. (Plut., De Cup. Div., ix., p. 348.—Ælian, V. H., xiii., 24.)—8. (Demosth., c. Meid., p. 565.)—9. (Pind., Thren., p. 8, ed. Böckh.)—10. (Thirlwall, Hist. of Greece ii., p. 140, &c.)

Waroff, *Essai sur les Mystères d'Eleusis*, 3d edition, Paris, 1816.—Wachsmuth, *Hell. Alter.*, ii., 2, p. 249, &c.—Creuzer, *Symbol. u. Mythol.*, iv., p. 534, &c.

Eleusinia were also celebrated in other parts of Greece At Ephesus they had been introduced from Athens.[1] In Laconia they were, as far as we know, only celebrated by the inhabitants of the ancient town of Helos, who, on certain days, carried a wooden statue of Persephone to the Eleusinion, in the heights of Taygetus [2] Crete had likewise its Eleusinia.[3]

ELEUTHER'IA (*Ἐλευθέρια*, the feast of liberty), a festival which the Greeks, after the battle of Platæa (479 B.C.), instituted in honour of Zeus Eleutherios (the deliverer). It was intended not merely to be a token of their gratitude to the god to whom they believed themselves to be indebted for their victory over the barbarians, but also as a bond of union among themselves; for in an assembly of all the Greeks, Aristides carried a decree that delegates (*πρόβουλοι καὶ θεωροί*) from all the Greek states should assemble every year at Platæa for the celebration of the Eleutheria. The town itself was at the same time declared sacred and inviolable, as long as its citizens offered the annual sacrifices which were then instituted on behalf of Greece. Every fifth year these solemnities were celebrated with contests (*ἀγὼν τῶν Ἐλευθερίων*), in which the victors were rewarded with chaplets (*ἀγὼν γυμνικὸς στεφανίτης*[4]). The annual solemnity at Platæa, which continued to be observed down to the time of Plutarch,[5] was this: On the sixteenth of the month of Maimacterion, a procession, led by a trumpeter, who blew the signal for battle, marched at daybreak through the middle of the town. It was followed by wagons loaded with myrtle boughs and chaplets, by a black bull, and by free youths, who carried the vessels containing the libations for the dead. No slave was permitted to minister on this occasion. At the end of this procession followed the archon of Platæa, who was not allowed at any other time during his office to touch a weapon, or to wear any other but white garments, now wearing a purple tunic, and with a sword in his hand, and also bearing an urn, kept for this solemnity in the public archive (*γραμματοφυλάκιον*). When the procession came to the place where the Greeks who had fallen at Platæa were buried, the archon first washed and anointed the tombstones, and then led the bull to a pyre and sacrificed it, praying to Zeus and Hermes Chthonios, and inviting the brave men who had fallen in the defence of their country to take part in the banquet prepared for them. This account of Plutarch[6] agrees with that of Thucydides.[7] The latter, however, expressly states that dresses formed a part of the offerings, which were probably consumed on the pyre with the victim. This part of the ceremony seems to have no longer existed in the days of Plutarch, who does not mention it; and if so, the Platæans had probably been compelled by poverty to drop it.[8]

Eleutheria was also the name of a festival celebrated in Samos, in honour of Eros.[9]

ELLIMEN'ION (*ἐλλιμένιον*) was a harbour duty at the Peiræus, which, according to a fragment of Eupolis,[10] had to be paid by a passenger before he embarked. This tax appears to have been the same as the fiftieth, or two per cent., which was levied on all exports and imports; since Pollux[11] speaks of the *ἐλλιμενισταί*, or collectors of the harbour duty, as the same persons as the *πεντηκοστολόγοι*, or collectors of the *πεντηκοστή*. (*Vid.* PENTECOSTE.)

ELLO'TIA or HELLO'TIA (*Ἐλλώτια* or *Ἑλλώτια*), a festival celebrated at Corinth in honour of Athena.[1]

A festival of the same name was celebrated in Crete, in honour of Europa. The word *ἑλλωτίς*, from which the festival derived its name, was, according to Seleucus,[2] a myrtle garland twenty yards in circumference, which was carried about in the procession at the festival of the Ellotia.[3]

ELLYCH'NIUM (*ἐλλύχνιον*: Attic, *θρυαλλίς*), a wick. Wicks were made of various substances: 1. Principally of tow, *i. e.*, the coarser fibres of flax (*Stupa*[4]); 2. of the pith of the rush, *θρύον*, whence the Attic term *θρυαλλίς*;[5] 3. of the narrow woolly leaves of the mullein (*φλομίς, λυχνῖτις*[6]), the use of which was analogous to the practice of the Spaniards, who now make wicks of the slender radical leaves of a similar plant, Phlomis Lychnitis, *Linn.*;[7] 4. of ASBESTOS.

The lamps which were lighted at the solemn festival celebrated every year at Saïs in Egypt, were small open vessels (*ἐμβάφια*), filled with salt and oil. Into this the wick was immersed, and the flame burned all night upon the surface.[8] There can be no doubt that wicks were originally and very commonly used in this manner. It was a great improvement when the vessel containing the oil was covered, by which it was converted into a proper lamp. It was then necessary to make one or more round holes in the lamp, according to the number of the wicks burned in it; and, as these holes were called, from an obvious analogy, *μυκτῆρες* or *μύξαι*, literally, nostrils or nozzles,[9] the lamp was called *δίμυξος, τρίμυξος*, or *πολύμυξος*, in reference to the same distinction[10] (*Polymyxos lucerna*[11]). In an epigram of Callimachus, a woman dedicates to Serapis a lamp with twenty nozzles (*εἴκοσι μύξαις πλούσιον λύχνον*).

As we learn from Aristophanes, thrifty persons used to chide those who wasted the oil either by using a wick which was thicker than necessary,[12] or by pushing the wick forward so as to increase the flame.[13] Moreover, in the latter of these passages, the boy advances the wick by pushing it with his finger, as he might do when the oil was contained in an open vessel. In a proper lamp it was drawn out by an instrument contrived for the purpose, "Et producit *acu* stupas humore carentes."[14] The bronze lamps found in ancient sepulchres, besides exhibiting all the varieties depending on the number of holes or nozzles, have sometimes attached to them by a chain the needle which served to trim the wick. The fungus-shaped excrescences which form on the top of the wick (*μύκητες, fungi*) were thought to indicate rain.[15]

*ELMINS or HELMINS (*ἕλμινς* or *ἕλμις*). "Standing alone, this term is applied to intestinal worms in general. The *ἕλμινς πλάτεια* is the *Tænia lata*. Theophrastus[15] says it is congenital in some countries, as Egypt. The medical authors describe the *Dracunculus*, or Guinea Worm, which the Greeks call *δρακόντιον*, and the translators of the Arabians *Vena medinensis*."[17] Thus far Adams. "The word *Elmins*," observes Griffith, "which is

1. (Strabo, xiv., p. 162, ed. Tauchnitz.)—2. (Paus., iii., 20, § 5, &c.)—3. (*Vid.* Meurs., Eleus., c. 33.)—4. (Strabo, ix., p. 266, ed. Tauchnitz.)—5. (Aristid., 21.—Paus., ix., 2, § 4.)—6. (Aristid., 19 and 21.)—7. (iii., 58.)—8. (See Thirlwall's Hist. of Greece, ii., p. 353, &c.—Böckh, Expl. Find., p. 208, and ad Corp. Inscrip., i., p. 904.)—9. (Athen., xiii., p. 562.)—10. (Pollux, Onom., ix 30.)—11. (Onom., viii., 32.)

1. (Schol. in Pind., Ol., xiii., 56.—Athen., xv., p. 678.—Etymol. Mag., s. v. Ἐλλωτίς.)—2. (ap. Athen., l. c.)—3. (Compare Hesych., and Etymol. Mag. s. v. Ἑλλωτία.)—4. (Plin., H. N xix., 3.—Isa., xlii., 3; xliii., 17.)—5. (Schol. in Aristoph., Nub., 59.)—6. (Dioscor., iv., 104.—Plin., H. N., xxv., 74.)—7. (Curtis, Bot. Mag., 999.)—8. (Herod., ii., 62.)—9. (Aristoph., Eccles., 5.)—10. (Pollux, Onom., vi., 18; x., 26.—Athenæus, xv., 57, 61.)—11. (Martial, xiv., 41.)—12. (Nub., 50.)—13. (Vesp., 249–253.)—14. (Virg., Moret., 11.)—15. (Aristoph., Vesp., 260–263.—Callim., Frag., 47, p. 432, ed. Ernesti.—Arat., Dios., 976.—Avien. Arat., 393.)—16. (H. P., ix., 22.)—17. (Galen, De loc Affect. vi.—P. Ægin., iv., 69.—Adams, Append., s. v.)

frequently employed by Hippocrates in many of his works, and, among others, in his General Treatise on Diseases, was applied by him to those animals which are at present known under the denomination of *intestinal worms*, of which he was acquainted with but a small number of species. Aristotle has employed it in the same manner, as well as Ælian, every time that he speaks of the substances which are used to rid dogs of the worms to which they are subject. The Latin authors, and Pliny among the rest, have restricted the word *lumbricus* to the intestinal worms, and have rendered the three Greek denominations (σκώληξ, εὐλαί, and ἕλμινς) by a single one, that of *vermes*, from which it has happened that the moderns have been led into the same confusion by the word *worms*, which, as well as the French word *vers*, is evidently derived from the Latin."[1]

*ELOPS (ἕλοψ), a species of harmless Serpent mentioned by Nicander. Belon says it is called *Laphiate* in Lemnos.[2]

*EL'YMUS (ἕλυμος), a species of Grain. The ἕλυμος of Hippocrates is, according to Dierbach, the *Panicum Italicum*; while that of Dioscorides is, according to Sprengel, the *Panicum Milliaceum*. Panic is a plant of the millet kind.[3]

EMANCIPA'TIO was an act by which the patria potestas was dissolved in the lifetime of the parent, and it was so called because it was in the form of a sale (*mancipatio*). By the laws of the Twelve Tables it was necessary that a son should be sold three times in order to be released from the paternal power, or to be *sui juris*. In the case of daughters and grandchildren, one sale was sufficient. The father transferred the son by the form of a sale to another person, who manumitted him, upon which he returned into the power of the father. This was repeated, and with the like result. After a third sale, the paternal power was extinguished, but the son was resold to the parent, who then manumitted him, and so acquired the rights of a patron over his emancipated son, which would otherwise have belonged to the purchaser who gave him his final manumission.

The following clear and satisfactory view of emancipatio is given by a German writer: "The patria potestas could not be dissolved immediately by manumissio, because the patria potestas must be viewed as an imperium, and not as a right of property, like the power of a master over his slave. Now it was a fundamental principle that the patria potestas was extinguished by exercising once or thrice (as the case might be) the right which the pater familias possessed of selling, or, rather, pledging his child. Conformably to this fundamental principle, the release of a child from the patria potestas was clothed with the form of a mancipatio, effected once or three times. The patria potestas was indeed thus dissolved, though the child was not yet free, but came into the condition of a nexus. Consequently, a manumissio was necessarily connected with the mancipatio, in order that the proper object of the emancipatio might be attained. This manumissio must take place once or thrice, according to circumstances. In the case when the manumissio was not followed by a return into the patria potestas, the manumissio was attended with important consequences to the manumissor, which consequences ought to apply to the emancipating party. Accordingly, it was necessary to provide that the decisive manumission should be made by the emancipating party; and for that reason, a remancipatio, which preceded the final manumissio, was a part of the form of emancipatio."[1]

The legal effect of emancipation was to dissolve all the rights of agnatio. The person emancipated became, or was capable of becoming, a pater familias; and all the previously existing relations of agnatio between the parent's familia and the emancipated child ceased at once. But a relation analogous to that of patron and freedman was formed between the person who gave the final emancipation and the child, so that if the child died without children or legal heirs, or if he required a tutor or curator, the rights which would have belonged to the father if he had not emancipated the child, were secured to him as a kind of patronal right, in case he had taken the precaution to secure to himself the final manumission of the child. Accordingly, the father would always stipulate for a remancipatio from the purchaser: this stipulation was the pactum fiduciæ.

The emancipated child could not take any part of his parent's property as heres, in case the parent died intestate. This rigour of the civil law (*juris iniquitatcs*[2]) was modified by the prætor's edict, which placed emancipated children, and those who were in the parent's power at the time of his death, on the same footing as to succeeding to the intestate parent's property.

The Emperor Anastasius introduced the practice of effecting emancipation by an imperial rescript.[3] Justinian enacted that emancipation should be effected before a magistrate; and by an edict (*ex edicto prætoris*), the parent had still the same rights to the property (*bona*) of the emancipated person that a patron had to the bona of his freedman. But he still allowed, what was probably the old law, a father to emancipate a grandson without emancipating the son, and to emancipate the son without emancipating the grandson, or to emancipate them all. Justinian, also,[4] did not allow a parent to emancipate a child against his will, though it seems that this might be done by the old law, and that the parent might so destroy all the son's rights of agnation.

The Emperor Anastasius allowed an emancipated child (under certain restrictions) to succeed to the property of an intestate brother or sister, which the prætor had not allowed; and Justinian put an emancipated child in all respects on the same footing as one not emancipated, with respect to such succession.

An emancipatio effected a capitis diminutio, in consequence of the servile character (*servilis causa*) into which the child was brought by such act.[5]

EMANSOR. (*Vid.* DESERTOR.)

EMBAS (ἐμβάς), a shoe worn by men,[6] which is frequently mentioned by Aristophanes[7] and other Greek writers. This appears to have been the most common kind of shoe worn at Athens (ὑπόδημα[8]). Pollux[9] says that it was invented by the Thracians, and that it was like the low cothurnus. The ἐμβάς was also worn by the Bœotians,[10] and probably in other parts of Greece.[11]

EMBATEIA (ἐμβατεία). In Attic law this word (like the corresponding English one, *entry*) was used to denote a formal taking possession of real property. Thus, when a son entered upon the land left him by his father, he was said ἐμβατεύειν, or βαδίζ-

1. (Griffith's Cuvier, vol. xiii., p. 39.)—2. (Adams, Append., s. v.)—3. (Theophrast. H. P., viii., 10.—Dioscor., ii., 120.—Adams, Append., s. v.)

1. (Unterholzner, Zeitschrift, ii., 139. "Von den drmen der Manumissio per Vindictam und der Emancipatio.")—2. (Gaius, iii., 25.)—3. (Cod. viii., tit. 49, § 6.)—4. (Nov., 89, c. 11.)—5 (Gaius, i., 132, &c.—Dig. 1, tit. 7.—Cod. vi., tit. 57, s. 15; viii tit. 49, s. 6.—Inst., i., tit. 12; iii., tit. 5.—Dirksen, Uebersicht, &c., p. 278.)—6. (Suidas, s. v.)—7. (Equit., 321, 869, 872.—Eccl., 314, 850, &c.)—8. (Pollux, Onom., vii., 85.—Compare Isæus, De Dicæog. Hered., 94.)—9 (l. c.)—10. (Herod., i., 195.)—11. (Becker Charikles, ii., p. 372.)

ων εἰς τὰ πατρῶα, and thereupon he became *seised*, or possessed of his inheritance. If any one disturbed him in the enjoyment of this property, with an intention to dispute the title, he might maintain an action of ejectment, ἐξούλης δίκη. Before entry he could not maintain such action. Ἐξούλη is from ἐξίλλειν, an old word, signifying to eject. The supposed ejectment, for which the action was brought, was a mere formality. The defendant, after the plaintiff's entry, came and turned him off, ἐξῆγεν ἐκ τῆς γῆς. This proceeding (called ἐξαγωγή) took place quietly, and in the presence of witnesses; the defendant then became a wrong-doer, and the plaintiff was in a condition to try the right.

All this was a relict of ancient times, when, before writs and pleadings, and other regular processes were invented, parties adopted a ruder method, and took the law into their own hands. There was then an actual ouster, accompanied often with violence and breach of the peace, for which the person in the wrong was not only responsible to the party injured, but was also punishable as a public offender. Afterward, in the course of civilization, violent remedies became useless, and were discontinued; yet the ceremony of ejecting was still kept up as a form of law, being deemed by lawyers a necessary foundation of the subsequent legal process. Thus at Rome, in the earlier times, one party used to summon the other by the words "*ex jure te manum conserum voco*," to go with him to the land in dispute, and (in the presence of the prætor and others) turn him out by force. Afterward this was changed into the symbolical act of breaking a clod of earth upon the land, by which the person who broke intimated that he claimed a right to deal with the land as he pleased. We may observe, also, that the English action of ejectment in this respect resembles the Athenian, that, although an *entry* by the plaintiff, and an *ouster* of him by the defendant are supposed to have taken place, and are considered necessary to support the action, yet both *entry* and *ouster* are mere fictions of law.

These proceedings by entry, ouster, &c., took place also at Athens in case of resistance to an execution; when the defendant, refusing to give up the land or the chattel adjudged, or to pay the damages awarded to the plaintiff by the appointed time, and thus being ὑπερήμερος, *i. e.*, the time having expired by which he was bound to satisfy the judgment, the plaintiff proceeded to satisfy himself by seizure of the defendant's lands. This he certainly might do, if there were no goods to levy upon; though whether it was lawful in all cases does not appear. The Athenian laws had made no provision for putting the party who succeeded in possession of his rights; he was, therefore, obliged to levy execution himself, without the aid of a ministerial officer, or any other person. If, in doing so, he encountered opposition, he had no other remedy than the ἐξούλης δίκη, which (if the subject-matter was land) must have been grounded upon his own previous entry. The action could be brought against any one who impeded him in his endeavour to get possession, as well as against the party to the former suit. The cause of Demosthenes against Onetor was this: Demosthenes having recovered a judgment against Aphobus, proceeded to take his lands in execution. Onetor claimed them as mortgagee, and turned him out (ἐξῆγεν), whereupon Demosthenes, contending that the mortgage was collusive and fraudulent, brought the ἐξούλης δίκη, which is called δίκη πρὸς Ὀνήτορα, because the proceeding is *in rem*, and collateral to another object, rather than a direct controversy between the parties in the cause. The consequence to the defendant, if he failed in the action of ejectment, was, that (besides his liability to the plaintiff) he was, as a public offender, condemned to pay to the treasury a sum equal to the damages, or to the value of the property recovered in the first action. While this remained unpaid (and we may presume it could not be paid without also satisfying the party), he became, as a state debtor, subject to the disabilities of ἀτιμία.[1]

EMBLE'MA (ἔμβλημα, ἔμπασμα), an inlaid ornament. The art of inlaying (ἡ τέχνη ἐμπαιστική[2]) was employed in producing beautiful works of two descriptions, viz.: 1st, Those which resembled our marquetry, boule, and Florentine mosaics, and, 2dly, those in which crusts (*crustæ*), exquisitely wrought in bas-relief, and of precious materials, were fastened upon the surface of vessels or other pieces of furniture.

To productions of the former class we may refer all attempts to adorn the walls and floors of houses with the figures of flowers and animals, or with any other devices expressed upon a common ground by the insertion of variously-coloured woods or marbles, all of which were polished so as to be brought to a plain surface. To such mosaics Lucilius alludes[3] when he compares the well-connected words of a skilful orator to the small pieces (*tesserulæ*) which compose the "*emblema vermiculatum*" of an ornamental pavement. In the time of Pliny, these decorations for the walls of apartments had become very fashionable.[4] Seneca makes mention of silver inlaid with gold among the luxuries of his day.[5] (*Vid.* Chrysendeta.)

To the latter class of productions belonged the cups and plates which Verres obtained by violence from the Sicilians, and from which he removed the emblems for the purpose of having them set in gold instead of silver.[6] These must have been riveted with nails, or in some other way. They were reckoned exceedingly valuable as works of first-rate artists, and some of them were, moreover, esteemed sacred, being the figures of the penates and household gods of the proprietors. Athenæus, in describing two Corinthian vases,[7] distinguishes between the emblems in bas-relief (πρόστυπα) which adorned the body and neck of each vessel, and the figures in high relief (περιφανῆ τετορνευμένα ζῶα) which were placed upon its brim. An artist, whose business it was to make works ornamented with emblems, was called "crustarius."[8]

EME'RITI was the name given to those Roman soldiers who had served out their time, and had exemption (*vacatio*) from military service. The usual time of service was twenty years for the legionary soldiers, and sixteen for the prætorians.[9] At the end of their period of service they received a bounty or reward, either in lands or money, or in both. Dion Cassius[10] states that it was arranged by Augustus that a prætorian should receive 5000 drachmæ (20,000 sesterces), and a legionary 3000 (12,000 sesterces). Caligula reduced the bounty of the latter to 6000 sesterces."[11] We find this bounty called *justæ militiæ commoda*,[12] *commoda missionum*,[13] and also *emeritum*.[14]

EME'RITUM. (*Vid.* Emeriti.)

EMISSA'RIUM, an artificial channel formed to carry off any stagnant body of water (*unde aqua emittitur*), like the sluices in modern use.[15]

Some works of this kind are among the most remarkable efforts of Roman ingenuity. Remains still exist to show that the lakes Trasimene, Albano,

1. (Meier, Att. Proc., p. 372, 460, 748.)—2. (Athenæus, xi. 76, p. 488.)—3. (ap. Cic., De Orat., iii., 43.)—4. (H. N., xxxv, 1.)—5. (Epist., 5.)—6. (Cic., II. Verr., iv., 17, 22-24.)—7. (v., 30, p. 199.)—8. (Plin., H. N., xxxiii., 12.)—9. (Dion Cass., lv 23.—Tacit., Ann., i., 78.)—10. (l. c.)—11. (Suet., Cal., 44.)—12. (Suet., Vitell., 15.)—13. (Suet., Cal., 44.)—14. (Dig. 49, tit 16, s. 3, § 8, 12; s. 5, § 7.—*Vid.* Lipsius, Excursus ad Tacit. Ann., i., 17)—15. (Plin., H. N., xxxiii., 21.—Cic. ad Fam., xvi., 18.)

Nemi, and Fucino were all drained by means of *emissaria*, the last of which is still nearly perfect, and open to inspection, having been partially cleared by the present King of Naples. Julius Cæsar is said to have first conceived the idea of this stupendous undertaking,[1] which was carried into effect by the Emperor Claudius.[2]

The following account of the works, from observations on the spot, will give some idea of their extent and difficulties. The circumference of the lake, including the bays and promontories, is about thirty miles in extent. The length of the emissary, which lies nearly in a direct line from the lake to the River Liris (Garigliano), is something more than three miles. The number of workmen employed was 30,000, and the time occupied in the work eleven years.[3] For more than a mile the tunnel is carried under a mountain, of which the highest part is 1000 feet above the level of the lake, and through a stratum of rocky formation (carnelian) so hard that every inch required to be worked by the chisel. The remaining portion runs through a softer soil, not much below the level of the earth, and is vaulted in brick. Perpendicular openings (*putei*) are sunk at various distances into the tunnel, through which the excavations were partly discharged; and a number of lateral shafts (*cuniculi*), some of which separate themselves into two branches, one above the other, are likewise directed into it, the lowest at an elevation of five feet from the bottom. Through these the materials excavated were also carried out. Their object was to enable the prodigious multitude of 30,000 men to carry on their operations at the same time without incommoding one another. The immediate mouth of the tunnel is some distance from the present margin of the lake, which space is occupied by two ample reservoirs, intended to break the rush of water before it entered the emissary, connected by a narrow passage, in which were placed the sluices (*epistomium*). The mouth of the tunnel itself consists of a splendid archway of the Doric order, nineteen feet high and nine wide, formed out of large blocks of stone, resembling in construction the works of the Claudian aquæduct. That through which the waters discharged themselves into the Liris was more simple and is represented in the preceding woodcut. The river lies in a ravine between the arch and foreground, at a depth of 60 feet below, and, consequently, cannot be seen in the cut. The small aperture above the embouchure is one of the cuniculi above mentioned.

It appears that the actual drainage was relinquished soon after the death of Claudius, either from the perversity of Nero, as the words of Pliny[1] seem to imply, or by neglect; for it was reopened by Hadrian.[2]

EMMHNOI ΔIKAI (*ἔμμηνοι δίκαι*) were suits which were not allowed to be pending above a month. This regulation was not introduced till after the date of Xenophon's treatise on the revenue, in which it was proposed that a more rapid progress should be allowed to commercial suits,[3] and it appears to have been first established in the time of Philip.[4] It was confined to those subjects which required a speedy decision; and of these the most important were disputes respecting commerce (*ἐμπορικαὶ δίκαι*[5]), which were heard during the six winter months from Boëdromion to Munychion, so that the merchants might quickly obtain their rights and sail away;[6] by which we are not to understand, as some have done, that a suit could be protracted through this whole time, but it was necessary that it should be decided within a month.[7]

All causes relating to mines (*μεταλλικαὶ δίκαι*) were also *ἔμμηνοι δίκαι*;[8] the object, as Böckh remarks,[9] being, no doubt, that the mine proprietor might not be detained too long from his business. The same was the case with causes relating to *ἔρανοι*[10] (*vid.* ERANOI); and Pollux[11] includes in the list suits respecting dowry, which are omitted by Harpocration and Suidas

*EMP'ETRUM (*ἔμπετρον*), a plant, about which botanical writers are still undecided. Stephens and Hardouin call it *Perce-pierre*; but if by it they mean the *Alchemilla arvensis* of Hooker, which is often called *Perce-pierre*, or Parsley-breakstone, its characters, according to Adams, are by no means suitable to the *ἔμπετρον* of Dioscorides. The conjecture of Cæsalpinus, which Sprengel adopts, namely, that it was a species of *Salsola*, is, according to the same writer, much more probable. Fée, however, declares against this opinion without giving any one in its place. Pliny says of it, "*Empetros, quam nostri calcifragam vocant*," &c., identifying it with the *Calcifraga*.[12]

EMPHROU'ROI (*ἐμφρουροι*), from *φρουρά*, was the name given to the Spartan citizens during the period in which they were liable to military service.[13] This period lasted to the fortieth year from manhood (*ἀφ' ἥβης*), that is to say, to the sixtieth year from birth; and during this time a man could not go out of the country without permission from the authorities.[14]

EMPHYTEUSIS (*ἐμφύτευσις*, literally, an "inplanting") is a perpetual right in a piece of land that is the property of another: the right consists in the legal power to cultivate it, and treat it as our own, on condition of cultivating it properly, and paying a fixed sum (*canon, pensio, reditus*) to the owner (*dominus*) at fixed times. The right is founded on contract between the owner and the lessee

1. (Suet., Jul., 44.)—2. (Tacit., Ann., xii., 57.)—3. (Suet., Claud., 20.—Compare Plin., H. N., xxxvi., 24, § 11.)

1 (H. N., xxxvi., 24, § 11.)—2. (Spart., Hadr., 22.)—3. (Xen., De Vect., 3.)—4. (Or. de Halonn., p. 79, 23.)—5 (Pollux, Onom., viii., 63, 101.—Harpocrat. and Suid., s. v. *Ἔμμηνοι Δίκαι*.)—6. (Demosth., c. Apat., p. 900, 3.)—7. (Böckh, Publ. Econ. of Athens, i., p. 70.)—8. (Demosth., c. Pantæn., 966, 17.)—9. ("On the Silver Mines of Laurion," Publ. Econ. of Athens, ii., p. 481.)—10. (Pollux, Onom., viii., 101.—Harpocrat. and Suid., l. c.)—11. (l. c.)—12. (Dioscor., iv., 178.—Plin., H. N., xxvii., 9.—Adams, Append., s. v.)—13. (Xen., Rep. Lac., v., 7.)—14. (Isocr., Busir., p. 225, where *μάχιμος*, according to Müller Dor., iii., 12, § 5, is evidently put for *ἐμφρουρος*.)

emphyteuta, and the land is called ager vectigalis or emphyteuticarius. It was long doubted whether this was a contract of buying and selling, or of letting and hiring, till the Emperor Zeno gave it a definite character, and the distinctive name of contractus emphyteuticarius.

The Ager Vectigalis is first distinctly mentioned about the time of Hadrian, and the term is applied to lands which were leased by the Roman state, by towns, by ecclesiastical corporations, and by the vestal virgins. In the Digest mention only is made of lands of towns so let, with a distinction of them into agri vectigales and non vectigales, according as the lease was perpetual or not; but in either case the lessee had a real action (*utilis in rem actio*) for the protection of his rights, even against the owner.

The term Emphyteusis first occurs in the Digest. The Prædia Emphyteutica are also frequently mentioned in the Theodosian and Justinian Codes, but they are distinguished from the agri vectigales. Justinian, however, put the emphyteusis and the ager vectigalis on the same footing; and in the case of an emphyteusis (whether the lessor was a community or an individual), the law was declared to be the same as in the case of leases of town property. This emphyteusis was not ownership: it was a jus in re only, and the lessee is constantly distinguished from the owner (dominus). Yet the occupier of the ager vectigalis and the emphyteuta had a juristical possessio; a kind of inconsistency, which is explained by Savigny, by showing that the ager vectigalis was formed on the analogy of the ager publicus, and though there were many differences between them, there was nothing inconsistent in the notion of possession, as applied to the public land, being transferred to the ager vectigalis as a modified form of the ager publicus.

Though the emphyteuta had not the ownership of the land, he had an almost unlimited right to the enjoyment of it, unless there were special agreements limiting his right. He could sell his interest in the land after giving notice to the owner, who had the power of choosing whether he would buy the land at the price which the purchaser was willing to give. But the lessee could not sell his interest to a person who was unable to maintain the property in good condition. The lessee was bound to pay all the public charges and burdens which might fall on the land, to improve the property, or, at least, not to deteriorate it, and to pay the rent regularly. In case of the lessee's interest being transferred to another, a fiftieth part of the price, or of the value of the property, when the nature of the transfer did not require a price to be fixed, was payable to the owner on the admission of the emphyteuta, and which, as a general rule, was payable by him. The heredes of the emphyteuta were not liable to such payment.

The origin of the Emphyteusis, as already stated, was by contract with the owner and by tradition; or the owner might make an emphyteusis by his last will. It might also, perhaps, in certain cases, be founded on prescription.

The right of the emphyteuta might cease in several ways: by surrender to the dominus, or by dying without heirs, in which case the emphyteusis reverted to the owner. He might also lose his right by injuring the property, by non-payment of his rent or the public burdens to which the land was liable, by alienation without notice to the dominus, &c. In such cases the dominus could take legal measures for recovering the possession.[1]

EMPI'RICI (Ἐμπειρικοί), an ancient medical sect, so called from the word ἐμπειρία because they professed to derive their knowledge from *experience* only, and in this particular set themselves in opposition to the Dogmatici. (*Vid.* DOGMATICI.) Serapion of Alexandrea, and Philinus of Cos, are regarded as the founders of this school, in the third century B.C. The arguments by which the Dogmatici supported their opinions, as summed up by Celsus,[1] are given under that head; those of the Empirici are thus stated by the same author: "On the other hand, those who, from experience, styled themselves Empirici, admit, indeed, the evident causes as necessary, but affirm the inquiry after the occult causes and natural actions to be fruitless, because Nature is incomprehensible. And that these things cannot be comprehended, appears from the controversies among those who have treated concerning them, there being no agreement found here, either among the philosophers or physicians themselves; for why should one believe Hippocrates rather than Herophilus? or why him rather than Asclepiades? That if a man inclines to determine his judgment by reasons assigned, the reasons of each of them seem not improbable; if by cures, all of them have restored the diseased to health; and, therefore, we should not deny credit either to the arguments or to the authority of any of them. That even the philosophers must be allowed to be the greatest physicians, if reasoning could make them so; whereas it appears that they have abundance of words, and very little skill in the art of healing. They say, also, that the methods of practice differ according to the nature of places; thus one method is necessary at Rome, another in Egypt, and another in Gaul. That if the causes of distempers were the same in all places, the same remedies ought to be used everywhere. That often, too, the causes are evident, as, for instance, in a lippitude (or ophthalmia) or a wound; and, nevertheless, the method of cure does not appear from them: that if the evident cause does not suggest this knowledge, much less can the other, which is itself obscure. Seeing, then, this last is uncertain and incomprehensible, it is much better to seek relief from things certain and tried; that is, from such remedies as experience in the method of curing has taught us, as is done in all other arts; for that neither a husbandman nor a pilot is qualified for his business by reasoning, but by practice. And that these disquisitions have no connexion with medicine, may be inferred from this plain fact, that physicians, whose opinions in these matters have been directly opposite to one another, have, notwithstanding, equally restored their patients to health; that their success was to be ascribed to their having derived their methods of cure, not from the occult causes or the natural actions, about which they were divided, but from experiments, according as they had succeeded in the course of their practice. That medicine, even in its infancy, was not deduced from these inquiries, but from experiments: for of the sick who had no physicians, some, from a keen appetite, had immediately taken food in the first days of their illness, while others, feeling a nausea, had abstained from it, and that the disorder of those who had abstained was more alleviated; also some, in the paroxysm of a fever, had taken food, others a little before it came on, and others after its remission; and that it succeeded best with those who had done it after the removal of the fever: in the same manner, some used a full diet in the beginning of a disease, others were abstemious; and that those grew worse who had eaten plentifully. These and the like instances daily occurring, that diligent men observed attentively what

1. (Dig. 6, tit. 3. — Cod. 4, tit. 66. — Mühlenbruch, Doctrina Pandectarum.—Savigny, Das Recht des Besitzes, p. 99, &c., p. 180 —Mackeldey, Lehrbuch, &c.)

1. (De Med., Prœf.)

method generally answered best, and afterward began to prescribe the same to the sick. That this was the rise of the art of medicine, which, by the frequent recovery of some and the death of others, distinguishes what is pernicious from what is salutary; and that, when the remedies were found, men began to discourse about the reasons of them. That medicine was not invented in consequence of their reasoning, but that theory was sought for after the discovery of medicine. They ask, too, whether reason prescribes the same as experience, or something different: if the same, they infer it to be needless; if different, mischievous. That at first, however, there was a necessity for examining remedies with the greatest accuracy, but now they are sufficiently ascertained; and that we neither meet with any new kind of disease, nor want any new method of cure. That if some unknown distemper should occur, the physician would not therefore be obliged to have recourse to the occult things, but he would presently see to what distemper it is most nearly allied, and make trial of remedies like to those which have often been successful in a similar malady, and by the resemblance between them would find some proper cure. For they do not affirm that judgment is not necessary to a physician, and that an irrational animal is capable of practising this art, but that those conjectures which relate to the occult things are of no use, because it is no matter what causes, but what removes a distemper; nor is it of any importance in what manner the distribution is performed, but what is easiest distributed: whether concoction fails from this cause or that, or whether it be properly a concoction, or only a distribution; nor are we to inquire how we breathe, but what relieves a difficult and slow breathing; nor what is the cause of motion in the arteries, but what each kind of motion indicates. That these things are known by experience; that in all disputes of this kind a good deal may be said on both sides, and, therefore, genius and eloquence obtain the victory in the dispute; but diseases are cured, not by eloquence, but by remedies; so that if a person without any eloquence be well acquainted with those remedies that have been discovered by practice, he will be a much greater physician than one who has cultivated his talent in speaking without experience. That these things, however, which have been mentioned are only idle; but what remains is also cruel, to cut open the abdomen and præcordia of living men, and make that art, which presides over the health of mankind, the instrument, not only of inflicting death, but of doing it in the most horrid manner; especially if it be considered that some of those things which are sought after with so much barbarity cannot be known at all, and others may be known without any cruelty; for that the colour, smoothness, softness, hardness, and such like, are not the same in a wounded body as they were in a sound one; and, farther, because these qualities, even in bodies that have suffered no external violence, are often changed by fear, grief, hunger, indigestion, fatigue, and a thousand other inconsiderable disorders, which makes it much more probable that the internal parts, which are far more tender, and never exposed to the light itself, are changed by the severest wounds and mangling. And that nothing can be more ridiculous than to imagine anything to be the same in a dying man, nay, one already dead, as it is in a living person; for that the abdomen, indeed, may be opened while a man breathes, but as soon as the knife has reached the præcordia, and the transverse septum is cut, which, by a kind of membrane, divides the upper from the lower parts (and by the Grecks is called the diaphragm—*διάφραγμα*), the man immediately expires, and thus the præcordia and all the viscera never come to the view of the butchering physician till the man is dead; and they must necessarily appear as those of a dead person, and not as they were while he lived; and thus the physician gains only the opportunity of murdering a man cruelly, and not of observing what are the appearances of the viscera in a living person. If, however, there can be anything which can be observed in a person that yet breathes, chance often throws it in the way of such as practise the healing art; for that sometimes a gladiator on the stage, a soldier in the field, or a traveller beset by robbers, is so wounded that some internal part, different in different people, may be exposed to view; and thus a prudent physician finds their situation, position, order, figure, and the other particulars he wants to know, not by perpetrating murder, but by attempting to give health; and learns by compassion that which others had discovered by horrid cruelty. That for these reasons it is not necessary to lacerate even dead bodies; which, though not cruel, yet may be shocking to the sight, since most things are different in dead bodies; and even the dressing of wounds shows all that can be discovered in the living."[1]

Such were the arguments by which they supported their opinions in favour of experience, of which they reckoned three sorts, viz.: *Observation* (*τήρησις*) or *Autopsy* (*αὐτοψία*), *History* (*ἱστορία*), and *Analogy*, or *the substitution of a similar thing* (*ἡ τοῦ ὁμοίου μετάβασις*), which they called "the Tripod of Medicine" (*τὴν τρίποδα τῆς ἰατρικῆς*[2]). They gave the name of *Observation* or *Autopsy* to that which had been noticed by each individual for himself while watching what took place in the course of an illness, and was the result of his own remarks on the signs and causes of the disease, and also on the result of different modes of treatment. What they called *History* was a collection of observations made by others, and afterward put in writing. *Analogy*, or *the substitution of one thing for another*, was what they had recourse to when they had to treat a new malady, and could not profit either by their own experience or that of others. In these and similar cases they selected their plan of treatment, by comparing the unknown disease with that which most resembled it. Their opinions may be found at greater length in Le Clerc's or Sprengel's History of Medicine. The latter remarks that "their principles exhibit the most evident proofs of their great sagacity and sound judgment, and that they were more animated by the true genius of medicine than the greater part of their predecessors, who had given themselves up to vague theories." However, their rejection of Anatomy, Physiology, and Pathology as useless studies, would, of course (at least in the opinion of modern physicians), prevent their ever attaining any higher rank than that of clever experimentalists, though it must not be denied that materia medica is indebted to them for the discovery of the properties of many valuable drugs.

Besides Philinus, the names of the following physicians of this sect have been preserved: Scrapion, who is said by Celsus[3] to have been their founder, Apollonius,[4] Glaucias,[5] Heraclides of Tarentum,[6] Bacchius of Tanagra, Zeuxis,[7] Menodotus of Nicomedia,[8] Theodas or Theudas of Laodicea,[9] Sextus,[10] Dionysius,[11] Crito,[12] Herodotus of Tarsus, Saturninus,[13] Callicles, Diodorus, Lycus,[14] Æschrion,[15] Philippus, Marcellus, and Plinius Valerianus.

1. (Futvoye's translation.)—2. (Galen, De Subfigur. Empir. cap. 13, p. 68.)—3. (De Medic., in Præfat.)—4. (Ibid.)—5. (Ibid.)—6. (Ibid.)—7. (Galen, Comment. in Aphor. Hippocr., tom. xviii., p. 187, ed. Kühn.)—8. (Diog. Laert., ix., 12, sec. 7, 116.)—9. (Ibid.)—10. (Ibid.)—11. (Galen, De Medicam., sec. locos, v., 7.)—12. (Id., De Subfigur. Empir.)—13. (Diog. Laert., l. c.)—14. (Galen, De Meth. Med., ii., 7, p. 142.)—15. (Id. De Simpl. Medicam. Facult., xi., 24, p. 356.)

With respect to Bacchus, however, it should be mentioned, that Kühn[1] considers the passage in Galen, which seems to class him among the Empirici, to be corrupt. None of these have left any works behind them except Sextus, Marcellus, and Plinius Valerianus, a few of whose writings are still extant. The sect existed a long time, as Marcellus lived in the fourth century A.D.; it appears also to have maintained its reputation as long as its members remained true to their original principles; and it was only when they began to substitute ignorant and indiscriminate experiments for rational and philosophical observation that the word *Empiric* sank into a term of reproach. A parallel has been drawn between the worst part of the system of the ancient Empirici and the modern Homœopathists by Franc. Ferd. Brisken, in an inaugural dissertation entitled "Philinus et Hahnemannus, seu Vetcris Sectæ Empiricæ cum Hodierna Secta Homœopathica Comparatio," 8vo, Berol, 1834, p. 36.

*EMPIS (ἐμπίς), a species of insect, often confounded with the κώνωψ, or Gnat. Schneider thinks the term is more properly applicable to certain species of *Tipula*. "The *Tipula culiciformis*," observes Adams, "is very like the gnat; it would, then, appear to correspond to the ἐμπίς of the Greeks."[2]

EMPORICAI DICAI (ἐμπορικαὶ δίκαι). (*Vid.* Emporium.)

EMPO'RIUM (τὸ ἐμπόριον), a place for wholesale trade in commodities carried by sea. The name is sometimes applied to a seaport town, but it properly signifies only a particular place in such a town. Thus Amphitryo says that he had looked for a person,

"*Apud* emporium, *atque in macello, in palæstra atque in foro,*
In medicinis, in tonstrinis, apud omnis ædis sacras."[3]

The word is derived from ἔμπορος, which signifies in Homer a person who sails as a passenger in a ship belonging to another person;[4] but in later writers it signifies the merchant or wholesale dealer, and differs from κάπηλος, the retail dealer, in that it is applied to the merchant who carries on commerce with foreign countries, while the κάπηλος purchases his goods from the ἔμπορος, and retails them in the market-place (ἢ οὐ καπήλους καλοῦμεν τοὺς πρὸς ὠνήν τε καὶ πρᾶσιν διακονοῦντας, ἱδρυμένους ἐν ἀγορᾷ, τοὺς δὲ πλανήτας ἐπὶ τὰς πόλεις ἐμπόρους[5]).

At Athens, it is said[6] that there were two kinds of emporia, one for foreigners and the other for natives (ξενικόν and ἀστικόν), but this appears doubtful.[7] The emporium at Athens was under the inspection of certain officers, who were elected annually (ἐπιμεληταὶ τοῦ ἐμπορίου). (*Vid.* Epimeletæ.)

EMTI ET VENDITI ACTIO. The seller has an actio vendi: and the buyer has an actio emti, upon the contract of sale and purchase. Both of them are actiones directæ, and their object is to obtain the fulfilment of the obligations resulting from the contract.

E'MTIO ET VENDI'TIO. The contract of buying and selling consists in the buyer agreeing to give a certain sum of money to the seller, and the seller agreeing to give to the buyer some certain thing for his money. After the agreement is made, the buyer is bound to pay his money, even if the thing which is the object of purchase should be accidentally destroyed before it is delivered; and the seller must deliver the thing with all its intermediate increase. The seller must also warrant a good title to the purchase (*vid.* Evictio), and he must also warrant that the thing has no concealed defects, and that it has all the good qualities which he (the seller) attributes to it. It was with a view to check frauds in sales, and especially in the sales of slaves, that the seller was obliged, by the edict of the curule ædiles (*vid.* Edictum) to inform the buyer of the defects of any slave offered for sale: "*Qui mancipia vendunt, certiores faciant emtores quod morbi vitiique,*" &c.[1] In reference to this part of the law, in addition to the usual action arising from the contract, the buyer had against the seller, according to the circumstances, an actio ex stipulatu, redhibitoria, and quanti minoris. Horace, in his Satires,[2] and in the beginning of the second epistle of the second book, alludes to the precautions to be taken by the buyer and seller of a slave

ENCAUSTICA. (*Vid.* Pictura.)

ENCLE'MA (ἔγκλημα). (*Vid.* Dice, p. 358.)

ENCTE'MA (ἔγκτημα). (*Vid.* Enctesis.)

ENCTE'SIS (ἔγκτησις) was the right of possessing landed property and houses (ἔγκτησις γῆς καὶ οἰκίας) in a foreign country, which was frequently granted by one Greek state to another, or to separate individuals of another state.[3] Ἐγκτήματα were such possessions in a foreign country, and are opposed by Demosthenes[4] to κτήματα, possessions in one's own country.[5] The term ἐγκτήματα was also applied to the landed property or houses which an Athenian possessed in a different δῆμος from that to which he belonged by birth, and, with respect to such property, he was called ἐγκεκτημένος: whence we find Demosthenes[6] speaking of οἱ δημόται καὶ οἱ ἐγκεκτημένοι. For the right of holding property in a δῆμος to which he did not belong, he had to pay such δῆμος a tax, which is mentioned in inscriptions under the name of ἐγκτητικόν.[7]

ENCTE'TIKON (ἐγκτητικόν). (*Vid.* Enctesis.)

ENDEIXIS (ἔνδειξις) properly denotes a prosecution instituted against such persons as were alleged to have exercised rights or held offices while labouring under a peculiar disqualification. Among these are to be reckoned state debtors, who, during their liability, sat in court as dicasts, or took any other part in public life; exiles, who had returned clandestinely to Athens; those that visited holy places after a conviction for impiety (ἀσέβεια); and all such as, having incurred a partial disfranchisement (ἀτιμία κατὰ πρόσταξιν), presumed to exercise their forbidden functions as before their condemnation. Besides these, however, the same form of action was available against the chairman of the proedri (ἐπιστάτης), who wrongly refused to take the votes of the people in the assembly;[8] against malefactors, especially murderers (which Schömann thinks was probably the course pursued when the time for an apogoge had been suffered to elapse), traitors, ambassadors accused of malversation,[9] and persons who furnished supplies to the enemy during war.[10] The first step taken by the prosecutor was to lay his information in writing, also called ἔνδειξις, before the proper magistrate, who might be the archon or king archon, or one of the thesmothetæ, according to the subject-matter of the information; but in the case of a malefactor (κακοῦργος) being the accused person, the Eleven were the officers applied to. (*Vid.* Eleven, The.) It then became the duty of the magistrate to arrest or hold

1. (Addit. ad Elench. Medicor. Veter. a Jo. A. Fabricio, in Bibl. Græc., xiii., Exhibitum, 4to, Lips., 1826.)—2. (Aristot., H. A., v., 17.—Adams, Append., s. v.)—3. (Plaut., Amph., IV., i., 4.—Compare Liv., xxxv., 10; xli., 27.)—4. (Od., ii., 319; xxiv., 300.)—5. (Plato, De Rep., ii., 12, p. 371.)—6. (Lex. Seg., p. 208.)—7. (Böckh, Publ. Econ. of Athens, ii., p. 24

1. (Dig. 21, tit. 1.)—2. (ii., 3, 286.)—3. (Demosth., De Cor. p. 265, 7.—Böckh, Corp. Inscript., i., p. 725.)—4. (De Halon., p. 87, 7.)—5. (Valcken. ad Herod., v., 23.)—6. (c. Polycl., p. 1208, 27.)—7. (Böckh, Publ. Econ. of Athens, ii., p. 3.)—8. (Plato, Apol., p. 32, a.)—9. (Isocrat., c. Callim., 11.)—10. (Aristoph., Equit., 278.—Andoc., De Reditu., 82.)

to call the person criminated, and take the usual steps for bringing him to trial. There is great obscurity as to the result of condemnation in a prosecution of this kind. Heraldus[1] ridicules the idea that it was invariably a capital punishment. The accuser, if unsuccessful, was responsible for bringing a malicious charge (*ψευδοῦς ἐνδείξεως ὑπεύθυνος*[2])

EN'DROMIS (*ἐνδρομίς*), a thick, coarse blanket, manufactured in Gaul, and called "endromis" because those who had been exercising in the stadium (*ἐν δρόμῳ*) threw it over them to obviate the effects of sudden exposure when they were heated. Notwithstanding its coarse and shaggy appearance, it was worn on other occasions as a protection from the cold by rich and fashionable persons at Rome.[3] Ladies also put on an endromis of a finer description (*endromidas Tyrias*[4]) when they partook, as they sometimes did, of the exercises of the palæstra. Moreover, boots (*vid.* COTHURNUS) were called *ἐνδρομίδες* on account of the use of them in running.[5]

EN'DYMA (*ἔνδυμα*). (*Vid.* AMICTUS.)

ENECH'YRA (*ἐνέχυρα*). In private suits at Athens, whether tried by a court of law or before an arbitrator, whenever judgment was given against a defendant, a certain period was at the same time fixed (*ἡ προθεσμία*), before the expiration of which it was incumbent upon him to comply with the verdict. In default of doing so he became *ὑπερήμερος*, or over the day, as it was called, and the plaintiff was privileged to seize upon (*ἄψασθαι*) his goods and chattels as a security or compensation for non-compliance.[6] The property thus taken was called *ἐνέχυρα*, and slaves were generally seized before anything else.[7] This "taking in execution" was usually left to the party who gained the suit, and who, if he met with resistance in making a seizure, had his remedy in a *δίκη ἐξούλης*; if with personal violence, in a *δίκη αἰκίας*.[8] On one occasion, indeed, we read of a public officer (*ὑπηρέτης παρὰ τῆς ἀρχῆς*) being taken to assist in, or, perhaps, to be a witness of a seizure; but this was in a case where public interests were concerned, and consequent upon a decision of the *βουλή*.[9] The same oration gives an amusing account of what Englishmen would consider a case of "assault and trespass," committed by some plaintiffs in a defendant's house, though the amount of damages which had been given (*ἡ καταδίκη*) was, according to agreement, lying at the bank (*ἐπὶ τῇ τραπέζῃ*), and there awaiting their receipt.

It seems probable, though we are not aware of its being expressly so stated, that goods thus seized were publicly sold, and that the party from whom they were taken could sue his opponent, perhaps by a *δίκη βλάβης*, for any surplus which might remain after all legal demands were satisfied. No seizure of this sort could take place during several of the religious festivals of the Athenians, such as the Dionysia, the Lenæa, &c. They were, in fact, *dies non* in Athenian law.[10]

ENG'YE (*ἐγγύη*), bail or sureties, were in very frequent requisition, both in the private and public affairs of the Athenians. Private agreements, as, for instance, to abide by the decision of arbitrators,[11] or that the evidence resulting from the application of torture to a slave should be conclusive,[12] were corroborated by the parties reciprocally giving each other sureties; and the same took place generally in all money-lending or mercantile transactions, and was invariably necessary when persons undertook to farm tolls, taxes, or other public property.

In judicial matters, bail or sureties were provided upon two occasions: first, when it was requisite that it should be guarantied that the accused should be forthcoming at the trial; and, secondly, when security was demanded for the satisfaction of the award of the court. In the first case, bail was very generally required when the accused was other than an Athenian citizen, whether the action were public or private; but if of that privileged class, upon no other occasion except when proceeded against by way of Apagoge, Endeixis, Ephegesis, or Eisangelia. Upon the last-mentioned form being adopted in a case of high treason, bail was not accepted. The technical word for requiring bail of an accused person is *κατεγγυᾶν*, that for becoming surety in such case, *ἐξεγγυᾶσθαι*. Surety of the other kind was demanded at the beginning of a suit upon two occasions only: first, when a citizen asserted the freedom of a person detained in slavery by another; and, secondly, when a litigant, who had suffered judgment to go by default before the arbitrator (*διαιτητής*), had recommenced his action within the given time (*μὴ οὖσα δίκη*). After the judgment, security of this kind was required in all mercantile and some other private causes; and state debtors, who had been sentenced to remain in prison till they had acquitted themselves of their liabilities, were, by a law of Timocrates,[1] allowed to go at large if they could provide three sureties that the money should be paid within a limited period. If the principal in a contract made default, the surety was bound to make it good, or, if he refused to do so, might be attacked by an *ἐγγύης δίκη*, if such action were brought within a twelvemonth after the obligation was undertaken.[2] If, however, a person accused in a public action by one of the forms above mentioned failed to appear to take his trial, his bail became liable to any punishment that such person had incurred by contempt of court; and, consistently with this, it appears, from a passage in Xenophon,[3] that the law allowed the bail to secure the person of the accused by private confinement.[4]

ΕΓΓΥΗΣ ΔΙΚΗ. (*Vid.* ENGYE.)

*EN'HYDRUS (*ἔνυδρος*), in all probability the Otter, or *Lutra vulgaris*. "Schneider makes the *ἔνυδρίς* of Aristotle to be the same. Schneider and Gesner agree that the *Λάταξ* of the same Greek writer must have been the same as the *ἔνυδρος*, although he wishes to distinguish them from one another."[5] That the *Mustela Lutra* is the *ἐνυδρίς* appears evident from the Mosaic of Præneste, according to Sibthorp. One of the Romaic names of the Otter, *βίδρα*, is very similar to the Polish *Wydra*.[6]

ENOI'KIOY ΔΙΚΗ (*ἐνοικίου δίκη*). An action brought (like our *trespass for mesne profits* after a successful action of ejectment) to recover the rents withheld from the owner during the period of his being kept out of possession. If the property recovered were not a house, but land (in the more confined sense of the word), the action for rents and profits was called *καρποῦ δίκη*. It seems, from the language of the grammarians, that these actions could be brought to try the title to the estate, as well as for the above-mentioned purpose. Perhaps both the tenement and the intermediate profits might be recovered by one suit, but the proceeding would be more hazardous, because a failure in one

1. (Animadv. in Salm., IV., ix., 10.)—2. (Herald., IV., ix., 13.—*Vid.* Schömann, De Com., 175.—Att. Proc., 239.)—3. (Juv., iii., 103.—Mart., iv., 19; xiv., 126.)—4. (Juv., vi., 246.)—5. (Callim., Hymn. in Dian., 16.—In Delum, 238.—Pollux, Onom., iii., 155; vii., 93.—Brunck, Anal., iii., 206.)—6. (Demosth., c. Meid., 540, 21.—Ulp., ad loc.—*Vid.* Aristoph., Nubes, 35.)—7. (Athen., xiii., 612, c.)—8. (Demosth., c. Euerg., 1153.)—9. (Id., c. Euerg., 1149.)—10. (Demosth., c. Meid., 518.—Hudtwalcker, Diæt., p. 132.)—11. (Demosth., c. Apatur., 892-899.)—12. (Demosth., c. Pantæn., 978, 11.)

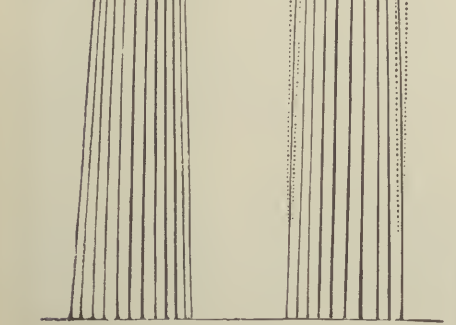
1. (Demosth., c. Timocr., 712-716.)—2. (Demosth., c. Apatur., 901, 10.)—3. (Hel., i., 7, § 39.)—4. (Meier, Att. Process 515.)—5. (Aristot., H. A., viii., 7.—Adams, Append., s. v.)—6 (Walpole's Memoirs, vol. *i*., p. 267.)

part of the demand would involve the loss of the whole cause. Thus the title of a party to the land itself might have expired, as, for instance, where he held under a lease for a term; yet he would be entitled to recover certain by-gone profits from one who had dispossessed him Therefore it is not improbable that the *δίκαι ἐν.* and *καρ.* might, *in practice*, be confined to those cases where the rents and profits only were the subject of claim. We are told that if the defendant, after a judgment in one of these actions, still refused to give satisfaction, an *οὐσίας δίκη* might be commenced against him, of which the effect was, that the plaintiff obtained a right to indemnify himself out of the whole property of the defendant. Schömann observes that this was a circuitous proceeding, when the plaintiff might take immediate steps to execution by means of entry and ejectment. His conjecture, however, that the *οὐσίας δίκη* was in ancient times an important advantage, when real property could not in the first instance be taken in execution, is probably not far from the truth, and is supported by analogy to the laws of other nations, which, being (in the infancy of civilization) framed by the landowners only, bear marks of a watchful jealousy of any encroachment upon their rights. He remarks, also, that the giving to the party the choice between a milder and a more stringent remedy, accords with the general tenour and spirit of the Athenian laws. We may add that our own law furnishes an illustration of this, viz., where a plaintiff has obtained a judgment, he has the option of proceeding at once to execution, or bringing an action on the judgment; though with us the latter measure is considered the more vexatious, as it increases the costs, and is rendered less necessary by the facility with which executions can be levied. At Athens the *ἐξούλης δίκη*, as it was the ultimate and most efficacious remedy, drew with it also more penal consequences, as explained under EMBATEIA.[1]

ENOMOTIA. (*Vid.* ARMY, GREEK, p. 98, 100.)

ENSIS. (*Vid.* GLADIUS.)

EN'TASIS (*ἔντασις*). The most ancient columns now existing are remarkable for the extreme diminution of the shaft between its lower and upper extremity, the sides of which, like those of an obelisk, converge immediately and regularly from the base to the neck between two even lines; a mode of construction which is wanting in grace and apparent solidity. To correct this, a swelling line, called *entasis*,[2] was given to the shaft, which seems to have been the first step towards combining grace and grandeur in the Doric column.



1 (Meier, Att. Proc., 749.)—2. (Vitruv., iii., 2.)

The original form is represented by the figure on the left in the preceding woodcut, which is taken from the great temple at Posidónia (Pæstum), which is one of the most ancient temples now remaining; that on the right shows the *entasis*, and is from a building of rather later construction in the same city. Two other examples of the same style are still to be seen in Italy, one belonging to an ancient temple at Alba Fucinensis,[1] and the other at Rome, on the sepulchre of C. Publicius.[2]

*EN'TOMA (*ἔντομα*), INSECTA, INSECTS "Aristotle and Pliny used the terms *ἔντομα* and *insecta* respectively in the same sense in which the latter is applied by Baron Cuvier and the naturalists of the present day, and did not include the *Crustacea* in this class of animals, as was done by Linnæus with singular want of judgment. The metamorphosis of insects is correctly described by Theophrastus, *ἐκ κάμπης γὰρ χρυσαλλὶς, εἶτ' ἐκ ταύτης ἡ ψύχη*. By *κάμπη* is evidently meant here the *Larva* or *Eruca*, L., and by *χρυσαλλίς*, the Chrysalis or Pupa, L.: the *ψύχη* is the *Imago*, L."[3]

EPANGEL'IA (*ἐπαγγελία*). If a citizen of Athens had incurred *ἀτιμία*, the privilege of taking part or speaking in the public assembly was forfeited. (*Vid.* ATIMIA.) But as it sometimes might happen that a person, though not formally declared *ἄτιμος*, had committed such crimes as would, on accusation, draw upon him this punishment, it was, of course, desirable that such individuals, like real *ἄτιμοι*, should be excluded from the exercise of the rights of citizens. Whenever, therefore, such a person ventured to speak in the assembly, any Athenian citizen had the right to come forward in the assembly itself,[4] and demand of him to establish his right to speak by a trial or examination of his conduct (*δοκιμασία τοῦ βίου*), and this demand, denouncement, or threat, was called *ἐπαγγελία*, or *ἐπαγγελία δοκιμασίας*. The impeached individual was then compelled to desist from speaking, and to submit to a scrutiny into his conduct,[5] and if he was convicted, a formal declaration of *ἀτιμία* followed.

Some writers have confounded the *ἐπαγγελία* with *δοκιμασία*, and considered the two words as synonymes; but from the statements made above, it is evident that the *δοκιμασία* is the actual trial, while the *ἐπαγγελία* is only the threat to subject a man to the *δοκιμασία*: hence the expression *ἐπαγγέλλειν δοκιμασίαν*.[6] Other writers, such as Harpocration and Suidas, do not sufficiently distinguish between *ἐπαγγελία* and *ἔνδειξις*: the latter is an accusation against persons who, though they had been *declared ἄτιμοι*, nevertheless venture to assume the rights of citizens in the public assembly, whereas *ἐπαγγελία* applied only to those who had not yet been convicted of the crime laid to their charge, but were only threatened with an accusation for the first time.[7] Wachsmuth[8] seems to be inclined to consider the *ῥητορικὴ γραφή* to be connected or identical with the *ἐπαγγελία*; but the former, according to the definitions of Photius and Suidas, was in reality quite a different thing, inasmuch as it was intended to prevent orators from saying or doing unlawful things in the assembly where they had a right to come forward; whereas the *ἐπαγγελία* was a denunciation, or a promise to prove that the orator had no right at all to speak in the assembly.

EP'ARITOI (*ἐπάριτοι*), a select corps of Arca-

1. (Piranesi, Magnif. de' Rom., tav. 31, fig. 6.)—2. (Ibid., fig 7.)—3. (Adams, Append., s. v.)—4. (Æschin., c. Timarch., p 104.)—5. (Pollux, Onom., viii., 43.—Suidas, s. v. *ἐπαγγελία*.)—6. (Schömann, De Comit., p. 232, note 8, transl.)—7. (Meier, Att. Proc., p. 210.—Schömann, De Comit., p. 232, note 7, transl.)—8. (Hellen. Alterth., i., 1, p. 294.)

class troops, who appear to have been held in high estimation by their countrymen.[1]

EPAU'LIA. (*Vid.* Marriage, Greek.)

EPEUNACTAI (*ἐπευνακταί*) were a class of citizens at Sparta, who are said to have been the offspring of slaves and the widows of Spartan citizens. Theopompus tells us[2] that in the Messenian war, in consequence of the great losses which they sustained, the Spartans married the widows of those who were slain to Helots, and that these Helots were admitted to the citizenship under the name of *ἐπευνακταί*. Diodorus[3] also calls the partisans of Phalanthus *ἐπευνακταί*. (*Vid.* Partheniai.)[4]

EPHEBE'UM. (*Vid.* Gymnasium.)

EPHE'BUS (*ἔφηβος*) was the name of Athenian youths after they had attained the age of 18.[5] The state of *ἐφηβεία* lasted for two years, till the young men had attained the age of 20, when they became men, and were admitted to share all the rights and duties of a citizen, for which the law did not prescribe a more advanced age. That the young men, when they became *ἔφηβοι*, did not receive *all* the privileges of full citizens, is admitted on all hands; but from the assertion of Pollux and Harpocration, who state that their names were not entered in the lexiarchic registers until they had completed their 20th year, that is to say, until they had gone through the period of *ἐφηβεία*, it would seem that they were not looked upon as citizens as long as they were *ἔφηβοι*, and that, consequently, they enjoyed none of the privileges of full citizens. But we have sufficient ground for believing that the names of young men, at the time they became *ἔφηβοι*, were entered as citizens in the lexiarchic registers, for Lycurgus[6] uses the expressions *ἔφηβον γίγνεσθαι* and *εἰς τὸ ληξιαρχικὸν γραμματεῖον ἐγγράφεσθαι* as synonymous. The statement of Harpocration and Photius is therefore probably nothing but a false inference from the fact, that young men, before the completion of their 20th year, were not allowed to take an active part in the public assembly; or it may be that it arose out of the law which, as Schömann[7] interprets it, prescribed that no Athenian should be enrolled in the lexiarchic registers before the attainment of the 18th, or after the completion of the 20th year. (*Vid.* Docimasia.) From the oration of Demosthenes against Aphobus,[8] we see that some of the privileges of citizens were conferred upon young men on becoming *ἔφηβοι*: Demosthenes himself, at the age of 18, entered upon his patrimony, and brought an action against his guardians; one Mantitheus[9] relates that he married at the age of 18; and these facts are stated in such a manner that we must infer that their occurrence had nothing extraordinary, but were in accordance with the usual custom

Before a youth was enrolled among the ephebi, he had to undergo a *δοκιμασία*, the object of which was partly to ascertain whether he was the son of Athenian citizens, or adopted by a citizen, and partly whether his body was sufficiently developed and strong to undergo the duties which now devolved upon him.[10] Schömann[11] believes that this *δοκιμασία* only applied to orphans, but Aristophanes and Plato mention it in such a general way, that there seems to be no ground for such a supposition. After the *δοκιμασία*, the young men received in the assembly a shield and a lance;[1] but those whose fathers had fallen in the defence of their country received a complete suit of armour in the theatre.[2] It seems to have been on this occasion that the *ἔφηβοι* took an oath in the Temple of Artemis Aglauros,[3] by which they pledged themselves never to disgrace their arms or to desert their comrades; to fight to the last in the defence of their country, its altars and hearths; to leave their country, not in a worse, but in a better state than they found it; to obey the magistrates and the laws; to resist all attempts to subvert the institutions of Attica, and finally to respect the religion of their forefathers. This solemnity took place towards the close of the year (*ἐν ἀρχαιρεσίαις*), and the festive season bore the name of *ἐφήβια*.[4] The external distinction of the *ἔφηβοι* consisted in the *χλαμύς* and the *πέτασος*.[5]

During the two years of the *ἐφηβεία*, which may be considered as a kind of apprenticeship in arms, and in which the young men prepared themselves for the higher duties of full citizens, they were generally sent into the country, under the name of *περίπολοι*, to keep watch in the towns and fortresses, on the coast and frontier, and to perform other duties which might be necessary for the protection of Attica.[6]

EPHEGE'SIS (*ἐφήγησις*) denotes the method of proceeding against such criminals as were liable to be summarily arrested by a private citizen (*vid.* Apagoge) when the prosecutor was unwilling to expose himself to personal risk in apprehending the offender.[7] Under these circumstances, he made an application to the proper magistrate, as, for instance, to one of the Eleven, if it were a case of burglary or robbery attended with murder,[8] and conducted him and his officers to the spot where the capture was to be effected. With respect to the forms and other incidents of the ensuing trial, we have no information; in all probability they differed but little, if at all, from those of an apagoge.[9]

*EPHE'MERON (*ἐφήμερον*), I. a plant, the same with the *Colchicum autumnale*, or Meadow Saffron. Such, at least, is the *ἐφήμερον* of Theophrastus[10] and Nicander.[11] "Dioscorides[12] also gives it as one of the synonymes of his *κολχικόν*. But in the following chapter he describes the properties of another *ἐφήμερον*, which it is more difficult to determine. Sprengel inclines to the *Convallaria verticillata*."[13]

*II. The *Ephemera*, L., or May-fly. "The name of *Ephemera* has been given to the insects so called, in consequence of the short duration of their lives, when they have acquired their final form. There are some of them which never see the sun; they are born after he is set, and die before he reappears on the horizon."[14]

EPHESI'A ('Εφέσια), a great panegyris of the Ionians at Ephesus, the ancient capital of the Ionians in Asia. It was held every year, and had, like all panegyreis, a twofold character, that of a bond of political union among the Grecks of the Ionian race, and that of a common worship of the Ephesian Artemis.[15] The Ephesia continued to be held in the time of Thucydides and Strabo, and the former compares it[16] to the ancient panegyris of Delos (*vid.* Delia), where a great number of the Ionians as-

1. (Xen., Hell., vii., 4, § 22, 33, 34; 5, § 3.—Mem. de l'Acad. des Inscrip., xxxii., p. 234.—Hesych., s. v. 'Επαρόρητοι (read Επάρτιοι).—Clinton, Fast. Hell., ii., p. 419, note *m.*—Wachsmuth, i., 2, p. 294.)—2. (Athen., vii., p. 271, *d.*)—3. (Mai, Exc. Vat., p. 10.)—4. (Thirlwall, Hist. of Greece, i., p. 353.—Müller, Dor., iii., 3, § 5.)—5. (Pollux, Onom., viii., 105.—Harpocrat., s. v. Ει ἰδιεῖες 'Ηβῆσαι.)—6. (c. Leocrat., p. 189.)—7. (De Comit., p. 71, transl.)—8. (p. 814, &c.—Compare c. Onetor., p. 868.)—9. (Demosth., c. Bœot. de Dote, p. 1009.)—10. Aristoph., Vesp., 533, with the schol.—Demosth., c. Onetor., p. 868.—Xen., De Rep. Ath., c. 3, § 4.—Plato, Crito, p. 51, with Stallbaum's note, p. 174, Eng. transl.)—11. (l. c.)

1. (Aristot., ap. Harpocrat., s. v. Δοκιμασία.)—2. (Æschin., c. Ctes., p. 75, ed. Steph.—Plato, Menex., p. 249, with Stallbaum's note.)—3. (Demosth., De Fals. Leg., 438.—Pollux, Onom., viii., 106.)—4. (Isæus, De Apollod., c. 28.—Demosth., c. Leochar., p. 1092.)—5. (Hemsterhuis ad Polluc., x., 164.)—6. (Pollux, Onom., viii., 106.—Photius, s. v. Περίπολος.—Plato, De Leg., vi., 760, *c.*)—7. (Demosth., c. Androt., p. 601.)—8. (Meier, Att. Proc., p. 76.)—9. (Meier, Att. Proc., p. 246.)—10. (H. P., ix., 16.)—11. (Alex., 250.)—12. (iv. 84.)—13. (Adams, Append., s. v.)—14. (Griffith's Cuvier, xv., p. 313.)—15. (Dionys. Hal., Antiq. Rom., iv., p. 229, ed. Sylburg.—Strabo, xiv., 1, p. 174, ed. Tauchnitz.)—16. (iii 104.)

assembled with their wives and children. Respecting the particulars of its celebration, we only know that it was accompanied with much mirth and feasting, and that mystical sacrifices were offered to the Ephesian goddess.[1] That games and contests formed, likewise, a chief part of the solemnities, is clear from Hesychius,[2] who calls the Ephesia an *ἀγὼν ἐπιφανής*.[3]

From the manner in which Thucydides and Strabo speak of the Ephesia, it seems that it was only a panegyris of some Ionians, perhaps of those who lived in Ephesus itself and its vicinity. Thucydides seems to indicate this by comparing it with the Delian panegyris, which likewise consisted only of the Ionians of the islands near Delos; and Strabo, who calls the great national panegyris of all the Ionians in the Panionium the *κοινὴ πανήγυρις τῶν Ἰώνων*, applies to the Ephesia simply the name *πανήγυρις*. It may, however, have existed ever since the time when Ephesus was the head of the Ionian colonies in Asia.

EPH'ESIS. (*Vid.* Appellatio, Greek.)

EPHESTRIS (*ἐφεστρίς*) was a name applied to any outer garment, and is used as equivalent to the *ἱμάτιον* and chlamys.[4]

EPH'ETAE (*Ἐφέται*). The judges so called at Athens were fifty-one in number, selected from noble families (*ἀριστίνδην αἱρεθέντες*), and more than fifty years of age. They formed a tribunal of great antiquity, so much so, indeed, that Pollux[5] ascribed their institution to Draco; moreover, if we can depend upon the authority of Plutarch,[6] one of Solon's laws (*ἄξονες*) speaks of the courts of the Ephetæ and Areiopagus as coexistent before the time of that legislator. Again, as we are told by Pollux,[7] the Ephetæ formerly sat in one or other of five courts, according to the nature of the causes they had to try. In historical times, however, they sat in *four* only, called, respectively, the court by the Palladium (*τὸ ἐπὶ Παλλαδίῳ*), by the Delphinium (*τὸ ἐπὶ Δελφινίῳ*), by the Prytaneium (*τὸ ἐπὶ Πρυτανείῳ*), and the court at Phreatto or Zea (*τὸ ἐν Φρεαττοῖ*[8]). At the first of these courts they tried cases of unintentional, at the second of intentional, but justifiable homicide, such as slaying another in self-defence, taking the life of an adulterer, killing a tyrant or a nightly robber.[9] At the Prytaneium, by a strange custom, somewhat analogous to the imposition of a deodand, they passed sentence upon the instrument of murder when the perpetrator of the act was not known. In the court at Phreatto, on the seashore at the Peiræus, they tried such persons as were charged with wilful murder during a temporary exile for unintentional homicide. In cases of this sort, a defendant pleaded his cause on board ship (*τῆς γῆς μὴ ἁπτόμενος*), the judges sitting close by him on shore.[10] Now we know that the jurisdiction in cases of wilful murder was, by Solon's laws, intrusted to the court of the Areiopagus, which is mentioned by Demosthenes[11] in connexion with the four courts in which the Ephetæ sat. Moreover, Draco, in his *Θεσμοί*, spoke of the *Ephetæ only*, though the jurisdiction of the Areiopagus in cases of murder is admitted to have been of great antiquity. Hence Müller[12] conjectures that the court of the Areiopagus was anciently included in the five courts of the Ephetæ, and infers, moreover, the early existence of a senate at Athens, resembling the Gerousia at Sparta, and invested with the jurisdiction in cases of homicide.[1] The name of *Ἐφέται* given to the members of this council was, as he conceives, rather derived from their granting a license to avenge blood (*οἱ ἐφιᾶσι τῷ ἀνδροφονῳ τον ἀνδρηλάτην*) than from their being appealed to, or from the transfer to them of a jurisdiction which, before the time of Draco, had belonged to the kings.[1] If this hypothesis be true, it becomes a question, Why and when was this separation of the courts made? On this subject Muller adds, that when an act of homicide was not punished by death or perpetual banishment, the perpetrator had to receive expiation. (*Vid.* Banishment, Greek.) Now the atonement for blood, and the purification of a shedder of blood, came under the sacred law of Athens, the knowledge of which was confined to the old nobility, even after they had lost their political power. (*Vid.* Exegetai.) Consequently, the administration of the rites of expiation could not be taken away from them, and none but an aristocratical court like that of the Ephetæ would be competent to grant permission of expiation for homicide, and to preside over the ceremonies connected with it. Accordingly, that court retained the right of decision in actions for manslaughter, in which a temporary flight was followed by expiation, and also in cases of justifiable homicide, whether from the similarity of the latter (as regards the guilt of the perpetrator) to acts of accidental homicide, or as requiring a like expiation.[3] For acts of wilful murder, on the other hand, the punishment was either death or *ἀειφυγία*, and, therefore, no expiation (*κάθαρσις*) was connected with the administration of justice in such cases, so that there could be no objection against their being tried by the court of the Areiopagus, though its members did not of necessity belong to the old aristocracy.

Such, briefly, are the reasons which Müller alleges in support of this hypothesis; and if they are valid there can be little doubt that the separation alluded to was effected when the Athenian nobility lost their supremacy in the state, and a timocracy or aristocracy of wealth was substituted for an aristocracy of birth. This, as is well known, happened in the time of Solon.

Lastly, we may remark, that the comparatively unimportant and antiquated duties of the Ephetæ sufficiently explain the statement in Pollux,[4] that their court gradually lost all respect, and became at last an object of ridicule.

EPHI'PPIUM (*ἀστράβη, ἐφίππιον, ἐφιππειον*), a Saddle. Although the Greeks occasionally rode without any saddle (*ἐπὶ ψιλοῦ ἵππου*[5]), yet they commonly used one, and from them the name, together with the thing, was borrowed by the Romans.[6] It has, indeed, been asserted, that the use of saddles was unknown until the fourth century of our era. But Ginzrot, in his valuable work on the history of carriages,[7] has shown, both from the general practice of the Egyptians and other Oriental nations, from the pictures preserved on the walls of houses at Herculaneum, and from the expressions employed by J. Cæsar and other authors, that the term "ephippium" denoted not a mere horsecloth, a skin, or a flexible covering of any kind, but a saddle-tree, or frame of wood, which, after being filled with a stuffing of wool or cloth, was covered with softer materials, and fastened by means of a girth (*cingulum, zona*) upon the back of the animal. The ancient saddles appear, indeed, to have been thus far different from ours, that the cover stretched upon the hard frame was probably of stuffed or padded

1 (Strabo, l. c.)—2. (s. v.)—3. (Compare Paus., vii., 2, § 4.—Müller, Dor., i., 9, § 8.—Böckh., Corp. Inscript., ii., n. 2909.)—4. (Xen., Symp., iv., 38.—Lucian, Dial. Meretr., 9, vol. iii., p. 301, ed. Reitz.—Dial. Mort., 10, § 4, vol. i., p. 366.—Contempl., 14, p. 509.—Becker, Charikles, ii., p. 358.)—5. (viii., 125.)—6. (Solon., c. 19.)—7. (Pollux, Onom., l. c.)—8. (Wachsmuth, II., i., p. 321)—9. (Plato, Leg., ix., p. 874.)—10. (Demosth., c. Aristocr., p. 644.)—11. (l. c.)—12. (Eumenid., § 65.)

1. (Thirlwall, Hist. of Greece, ii., p. 41.)—2. (Pollux, l. c.)—3. (Plato, Leg., ix., p. 864 and 875.)—4. (l. c.)—5. (Xen., De Re Equest., vii., 5.)—6. (Varro, De Re Rust., ii., 7.—Cæsar, B. G., iv., 2.—Hor., Epist., i., 11, 43.—Gellius, v., 5.)—7. (vol. ii., § 26.)

cloth rather than leather, and that the saddle was, as it were, a cushion fitted to the horse's back. Pendent cloths (*στρῶματα, strata*) were always attached to it, so as to cover the sides of the animal; but it was not provided with stirrups. As a substitute for the use of stirrups, the horses, more particularly in Spain, were taught to kneel at the word of command, when their riders wished to mount them. (*Vid.* the annexed figure from an antique lamp found at Herculaneum, and compare Strabo, III., i., p. 436, ed Sieb.; and Silius Italicus, x., 465.)

The cloths, which were either spread over the saddle or hung from it on each side, were often dyed with different colours ("*Jam purpura vestiat armos;*"[1] *ephippia fucata*[2]), and were sometimes rendered still more ornamental by the addition of fringes.

The term "Ephippium" was in later times in part supplanted by the word "sella," and the more specific expression "sella equestris."

EPHORI (Ἔφοροι). Magistrates called Ἔφοροι or overseers were common to many Dorian constitutions in times of remote antiquity. Cyrene and the mother state of Thera may be mentioned as examples: the latter colonized from Laconia in early ages, and where, as we are told, the ephors were ἐπώνυμοι, *i. e.*, gave their name to their year of office.[3] The ephoralty at Sparta is classed by Herodotus[4] among the institutions of Lycurgus. Since, however, the ephori are not mentioned in the oracle which contains a general outline of the constitution ascribed to him,[5] we may infer that no new powers were given to them by that legislator, or in the age of which he may be considered the representative. Another account refers the institution of the Spartan ephoralty to Theopompus (B.C. 770–720), who is said to have founded this office with a view of limiting the authority of the kings, and to have justified the innovation by remarking that "he handed down the royal power to his descendants more durable, because he had diminished it."[6] The inconsistency of these accounts is still farther complicated by a speech of Cleomenes the Third, who[7] is represented to have stated that the ephors were originally appointed by the kings, to act for them in a judicial capacity (*πρὸς τὸ κρίνειν*) during their absence from Sparta in the first Messenian war, and that it was only by gradual usurpations that these new magistrates had made themselves paramount even over the kings themselves. Now, according to some authorities,[1] Polydorus, the colleague of Theopompus, and one of the kings under whom the first Messenian war (B.C. 743–723) was completed, appropriated a *part* of the conquered Messenian territory to the augmentation of the number of portions of land possessed by the Spartans—an augmentation which implies an increase in the number of Spartan citizens. But the ephors, as we shall see hereafter, were the representatives of the whole nation; and, therefore, if in the reign of Theopompus the franchise at Sparta was extended to a new class of citizens, who, nevertheless, were not placed on an equality with the old ones (*ὑπομείονες*), the ephors would thenceforward stand in a new position with respect to the kings, and the councillors (*οἱ γέροντες*) who were elected from the higher class. Moreover, it is not improbable that, during the absence of the kings, the ephors usurped, or had conferred upon them, powers which did not originally belong to them; so that, from both these causes, their authority may have been so far altered as to lead to the opinion that the creation of the office, and not merely an extension of its powers, took place during the reign of Theopompus. Again, as Mr. Thirlwall observes, "if the extension of the ephoralty was connected with the admission of an inferior class of citizens to the franchise, the comparison which Cicero[2] draws between the ephoralty and the Roman tribunate would be more applicable than he himself suspected, and would throw a light on the seeming contradiction of the ephors being all-powerful, though the class which they more especially represented enjoyed only a limited franchise."[3] But, after all, the various accounts which we have been considering merely show how different were the opinions, and how little historical the statements, about the origin of the ephoralty.[4]

We shall therefore proceed to investigate the functions and authorities of the ephors in historical times, after first observing that their office, considered as a counterpoise to the kings and council, and in that respect peculiar to Sparta alone of the Dorian states, would have been altogether inconsistent with the constitution of Lycurgus, and that their gradual usurpations and encroachments were facilitated by the vague and indefinite nature of their duties. Their number, five, appears to have been always the same, and was probably connected with the five divisions of the town of Sparta, namely, the four κῶμαι, Limnæ, Mesoa, Pitana, Cynosura, and the Πόλις, or city properly so called, around which the κῶμαι lay.[5] They were elected from and by the people (*ἐξ ἁπάντων*), without any qualification of age or property, and without undergoing any scrutiny (*οἱ τυχόντες*); so that, as Aristotle remarks,[6] the *δῆμος* enjoyed through them a participation in the highest magistracy of the state. The precise mode of their election is not known, but Aristotle[7] speaks of it as being very puerile; and Plato[8] describes their office as *ἐγγὺς τῆς κληρωτῆς δυνάμεως*, words which may apply to a want of a directing and discriminating principle in the electors, without of necessity implying an election by lot. They entered upon office at the autumnal solstice, and the first in rank of the five gave his name

1. (Claud., Epigr., x., 36.)—2. (Apul., De Deo Socr.)—3. (Herael Pont., 4.)—4. (i., 65.)—5. (Plutarch, Lycurg., 6.)—6. (Aristot., Polit., v., 9.)—7. (Plutarch, Cleom., 10.)

1. (Thirlwall, Hist. of Greece, i., p. 353.)—2. (De Leg., iii., 7; De Rep., ii., 33.)—3. (Hist. of Greece, i., 356.)—4. (Müller, Dorians, iii., c. 7; and *vid* Clinton, Fast Hell., i., Appendix 6.)—5. (Philolog. Museum, i., p. 52.)—6. (Polit., v. 7.)—7. l. c.—8. (Leg., iii., p. 692.)

to the year, which was called after him in all civil transactions.[1] Their meetings were held in the public building called *ἀρχεῖον*, which in some respects resembled the Prytaneium at Athens, as being the place where foreigners and ambassadors were entertained, and where, moreover, the ephors took their meals together.[2]

The ephors also possessed judicial authority, on which subject Aristotle[3] remarks that they decided in civil suits (*δίκαι τῶν συμβολαίων*), and generally in actions of great importance (*κρίσεων μεγάλων κύριοι*[4]): whereas the council presided over capital crimes (*δίκαι φονικαί*). In this arrangement we see an exemplification of a practice common to many of the ancient Greek states, according to which a criminal jurisdiction was given to courts of aristocratic composition, while civil actions were decided by popular tribunals. (Compare EPHETAE and AREIOPAGUS.) But with this civil jurisdiction was united a censorial authority, such as was possessed by the ephors at Cyrene: for example, the ephors punished a man for having brought money into the state,[5] and others for indolence.[6] We are told, also, that they inspected the clothing and the bedding of the young men.[7] Moreover, something like a superintendence over the laws and their execution is implied in the language of the edict, which they published on entering upon their office, ordering the citizens "to shave the upper lip (*μύστακα*), *i. e.*, to be submissive, and to obey the laws." Now the symbolical and archaic character of this expression seems to prove that the ephors exercised such a general superintendence from very early times, and there can be no doubt "that, in the hands of able men, it would alone prove an instrument of unlimited power"[8]

Their jurisdiction and power were still farther increased by the privilege of instituting scrutinies (*εὔθυναι*) into the conduct of all the magistrates, on which Aristotle[9] observes that it was a very great gift to the ephoralty (*τοῦτο δὲ τῇ ἐφορείᾳ μέγα λίαν τὸ δῶρον*). Nor were they obliged to wait till a magistrate had completed his term of office, since, even before its termination, they might exercise the privilege of deposition.[10] Even the kings themselves could be brought before their tribunal (as Cleomenes was for bribery, *ὠροδοκία*[11]), though they were not obliged to answer a summons to appear there till it had been repeated three times.[12] In extreme cases, the ephors were also competent to lay an accusation against the kings as well as the other magistrates, and bring them to a capital trial before the great court of justice.[13] If they sat as judges themselves, they were only able, according to Müller, to impose a fine, and compel immediate payment; but they were not in any case, great as was their judicial authority, bound by a written code of laws.[14]

In later times the power of the ephors was greatly increased; and this increase appears to have been principally owing to the fact that they put themselves in connexion with the assembly of the people, convened its meetings, laid measures before it, and were constituted its agents and representatives.[15] When this connexion arose is matter of conjecture; some refer the origin of it to Asteropus, one of the first ephors to whom the extension of the powers of the ephoralty is ascribed, and who is said to have lived many years after the time of Theopompus, probably about B.C. 560. That it was not known in early times appears from the circumstance that the two ordinances of the oracle at Delphi, which regulated the assembly of the people, made no mention of the functions of the ephors[1] It is clear, however, that the power which such a connexion gave, would, more than anything else, enable them to encroach on the royal authority, and make themselves virtually supreme in the state. Accordingly, we find that they transacted business with foreign ambassadors;[2] dismissed them from the state;[3] decided upon the government of dependant cities;[4] subscribed in the presence of other persons to treaties of peace;[5] and in time of war sent out troops when they thought necessary.[6] In all these capacities the ephors acted as the representatives of the nation and the agents of the public assembly, being, in fact, the executive of the state. Their authority in this respect is farther illustrated by the fact that, after a declaration of war, "they intrusted the army to the king or some other general, who received from them instructions how to act, sent back to them for fresh instructions, were restrained by them through the attendance of extraordinary plenipotentiaries, were recalled by means of the scytale, summoned before a judicial tribunal, and their first duty after return was to visit the office of the ephors."[7] Another striking proof of this representative character is given by Xenophon,[8] who informs us that the ephors, acting on behalf of the state (*ὑπερ τῆς πόλεως*), received from the kings every month an oath, by which the latter bound themselves to rule according to law; and that, in return for this, the state engaged, through the ephors, to maintain unshaken the authority of the kings if they adhered to their oath.

It has been said that the ephors encroached upon the royal authority; in course of time the kings became completely under their control. For example, they fined Agesilaus[9] on the vague charge of trying to make himself popular, and interfered even with the domestic arrangements of other kings; moreover, as we are told by Thucydides,[10] they could even imprison the kings, as they did Pausanias. We know, also, that in the field the kings were followed by two ephors, who belonged to the council of war; the three who remained at home received the booty in charge, and paid it into the treasury, which was under the superintendence of the whole College of Five. But the ephors had still another prerogative, based on a religious foundation, which enabled them to effect a temporary deposition of the kings. Once in eight years (*ὀκτ' ἐτῶν ἑννέα*), as we are told, they chose a calm and cloudless night to observe the heavens, and if there was any appearance of a falling meteor, it was believed to be a sign that the gods were displeased with the kings, who were accordingly suspended from their functions until an oracle allowed of their restoration.[11] The outward symbols of supreme authority also were assumed by the ephors, and they alone kept their seats while the kings passed; whereas it was not considered below the dignity of the kings to rise in honour of the ephors.[12]

The position which, as we have shown, the ephors occupied at Sparta, will explain and justify the statement of Müller, "that the ephoralty was the moving element, the principle of change in the Spartan constitution, and, in the end, the cause of its dissolution." In confirmation of this opinion we may cite the authority of Aristotle, who observes, that from the excessive and absolute power (*ἰσοτύραννος*) of

1 (Müller, Dor., iii., 7, § 7.)—2. (Pausan., iii., 11, 2.)—3. (Polit., ii., 1.)—4. (Polit., ii., 6.)—5. (Plut., Lysan., 19.)—6. (Schol. in Thucyd., i., 84.)—7. (Athenæus, xii., 550.)—8. (Thirlwall, Hist. of Greece, i., 355.)—9. (Polit., ii., 6, 17.)—10. (Xen., De Rep. Lac., viii., 4.)—11. (Herod., vi., 82.)—12. (Plut., Cleom., 10.)—13. (Xen., l. c.—Herod., vi., 85.)—14. (Aristot., Polit., ii., 6, 16 ;—15. (Müller, Dorians, ii., 125, transl.)

1. (Thirlwall, i., 356.)—2. (Herod., ix., 8.)—3. (Xen., Hell., ii., 13, 19.)—4. (Xen., Hell., iii., 4, 2.)—5. (Thucyd., v., 19, 24.)—6. (Herod., ix., 7, 10.)—7. (Müller, Dor., ii., 127, transl.)—8. (De Repub. Lacon., xv.)—9. (Plutarch, Ages., 2, 5.)—10. (p. 131.)—11. (Plut., Agis, 11.)—12. (Xen., Repub. Lacon., xv.)

the ephors, the kings were obliged to court them (*δημαγωγεῖν*), and eventually the government became a democracy instead of an aristocracy. Their relaxed and dissolute mode of life too (*ἀνειμένη δίαιτα*), he adds, was contrary to the spirit of the constitution; and we may remark that it was one of the ephors, Epitadeius, who first carried through the law permitting a free inheritance of property in contravention of the regulation of Lycurgus, by which an equal share in the common territory was secured to all the citizens.

The change, indeed, to which Aristotle alludes, might have been described as a transition from an aristocracy to an oligarchy; for we find that in later times, the ephors, instead of being demagogues, invariably supported oligarchical principles and privileges. The case of Cinadon, B.C. 399, is an instance of this; and the fact is apparently so inconsistent with their being representatives of the whole community, and as much so of the lower (*ὑπομείονες*) as of the higher (*ὅμοιοι*) class of citizens, that Wachsmuth[1] supposes the *δῆμος*,[2] from and by whom the ephors were chosen, to mean the whole body of *privileged* or patrician citizens only, the most eminent (*καλοὶ κἀγαθοί*) of whom were elected to serve as *γέροντες*. This supposition is not itself improbable, and would go far to explain a great difficulty; but any analysis of the arguments that may be urged for and against it is precluded by our limits.[3] We shall, therefore, only add, that the ephors became at last thoroughly identified with all opposition to the extension of popular privileges.

For this and other reasons, when Agis and Cleomenes undertook to restore the old constitution, it was necessary for them to overthrow the ephoralty, and, accordingly, Cleomenes murdered the ephors for the time being, and abolished the office (B.C. 225); it was, however, restored under the Romans.

EPI'BATÆ (*ἐπιβάται*) were soldiers or marines appointed to defend the vessels in the Athenian navy, and were entirely distinct from the rowers, and also from the land soldiers, such as hoplitæ, peltasts, and cavalry.[4] It appears that the ordinary number of epibatæ on board a trireme was ten. Dr Arnold[5] remarks, that by comparing Thucyd., iii., 95, with c. 91, 94, we find three hundred epibatæ as the complement of thirty ships; and also, by comparing ii., 92, with c. 102, we find four hundred as the complement of forty ships; and the same proportion results from a comparison of iv., 76, with c. 101. In Thucydides, vi., 42, we find seven hundred epibatæ for a fleet of one hundred ships, sixty of which were equipped in the ordinary way, and forty had troops on board. In consequence of the number of heavy-armed men *ἐκ τοῦ καταλόγου* on the expedition, the Athenians appear to have reduced the number of regular epibatæ from ten to seven. The number of forty epibatæ to a ship, mentioned by Herodotus,[6] Dr. Arnold justly remarks,[7] "belongs to the earlier state of Greek naval tactics, when victory depended more on the number and prowess of the soldiers on board than on the manœuvres of the seamen;[8] and it was in this very point that the Athenians improved the system, by decreasing the number of *ἐπιβάται*, and relying on the more skilful management of their vessels."

The epibatæ were usually taken from the Thetes, or fourth class of Athenian citizens;[9] but on one occasion, in a season of extraordinary danger, the citizens of the higher classes (*ἐκ καταλόγου*) were compelled to serve as epibatæ.[10]

The term is sometimes, also, applied by the Roman writers to the marines,[1] but they are more usually called *classiarii milites*. The latter term, however is also applied to the rowers or sailors as well as the marines (*classiariorum remigio vehi*[2]).

EPIBLE'MA. (*Vid.* AMICTUS.)

EPIB'OLE (*ἐπιβολή*), a fine imposed by a magistrate, or other official person or body, for a misdemeanour. The various magistrates at Athens had (each in his own department) a summary penal jurisdiction; *i. e.*, for certain offences they might inflict a pecuniary mulct or fine, not exceeding a fixed amount; if the offender deserved farther punishment, it was their duty to bring him before a judicial tribunal. Thus, in case of an injury done to orphans or heiresses, the archon might fine the parties, or (if the injury were of a serious nature) bring them before the court of Heliæa.[3] Upon any one who made a disturbance, or otherwise misbehaved himself in the public assembly, the proedri might impose a fine of fifty drachms, or else bring him for condign punishment before the senate of 500, or the next assembly.[4] The senate of 500 were competent to fine to the extent of 500 drachms.[5]

The magistrate who imposed the fine (*ἐπιβολὴν ἐπέβαλε*) had not the charge of levying it, but was obliged to make a return thereof to the treasury officers (*ἐπιγράφειν*, or *ἐγγράφειν τοῖς πράκτορσιν*, or *ἐγγράφειν τῷ δημοσίῳ*), whereupon, like all other penalties and amerciaments, it became (as we should say) a debt of record, to be demanded or recovered by the collectors.[6] If it were made payable to the fund of a temple, it was collected by the functionaries who had the charge of that fund (*ταμίαι*). There might (it seems) be an appeal from the sentence of the magistrate to a jury or superior court.[7]

As under the old Roman law no magistrate could impose a fine of more than two oxen and thirty sheep, so, by the laws of Solon, fines were of very small amount at Athens. How greatly they increased afterward (as money became more plentiful, and laws more numerous), and how important a branch they formed of the public revenue, may be seen from the examples collected by Böckh.[8]

These *ἐπιβολαί* are to be distinguished from the penalties awarded by a jury or court of law (*τιμήματα*) upon a formal prosecution. There the magistrate or other person who instituted the proceeding (for any one might prosecute, *κατηγορεῖν*), was said *τίμημα ἐπιγράψασθαι*, as the court or jury were said *τιμᾶν*, "to assess the penalty," which always devolved upon them, except where the penalty was one fixed by law (*ἐκ τῶν νόμων ἐπικειμένη ζημία*), in which case it could not be altered.[9]

EPICHEIROTONIA. (*Vid.* CHEIROTONIA, ECCLESIA, p. 386.)

EPICLE'RUS (*ἐπίκληρος*, heiress), the name given to the daughter of an Athenian citizen who had no son to inherit his estate. It was deemed an object of importance at Athens to preserve the family name and property of every citizen. This was effected, where a man had no child, by adoption (*εἰσποίησις*); if he had a daughter, the inheritance was transmitted through her to a grandson, who would take the name of the maternal ancestor. If the father died intestate, the heiress had not the choice of a husband, but was bound to marry her nearest relative, not in the ascending line. Upon

1. (Hist. de Bell. Alex., 11; de Bell. Afric., 63.) — 2. (Tacit., Ann., xiv., 4.)—3. (Demosth., c. Macart., 1076.)—4 (Æsch., c. Timarch., 35, Bekker.)—5. (Demosth., c. Euerg. and Mnes., 1152.—*Vid.* also Demosth., c. Meid., 572.)—6. (Æsch., c. Timarch., c.—Demosth., c. Nicost., 1251.)—7. (Meier, Att. Proc., p. 32. 34, 565.—Schömann, Ant. Jur. Pub. Græc., p. 242, 293.)—8 (Pub. Econ. of Athens, ii., p. 103, &c.)—9. (Æsch., Περὶ Παραπ., 14, Bekker.—Demosth., c. Theocr., 1328.—Harpocr., s. v. Ἀρίμητος ἀγών.)

1. (i., 2, p. 214.)—2. (Arist., ii, 6.) — 3. (*Vid.* Thirlwall, iv., 377.) — 4. (Xen., Hell., i., 2, § 7; v., 1, § 11. — Harpocrat. and Hesych., s. v.)—5. (ad Thucyd., iii., 95.) — 6. (vi., 15.) — 7. (l. c.)—8. (Thucyd., i., 49.)—9 (Thucyd., vi., 42.)—10. (Thucyd., viii., 24.)

such person making his claim before the archon, whose duty it was *ἐπιμελεῖσθαι τῶν ἐπικλήρων καὶ τῶν οἴκων τῶν ἐξερημουμένων*,[1] public notice was given of the claim; and if no one appeared to dispute it, the archon adjudged the heiress to him (*ἐπεδίκασεν αὐτῷ τὴν ἐπίκληρον*). If another claimant appeared (*ἀμφισβητεῖν αὐτῷ τῆς ἐπικ.*), a court was held for the decision of the right (*διαδικασία τῆς ἐπικ.*), which was determined according to the Athenian law of consanguinity (*γένους κατ' ἀγχιστείαν*). Even where a woman was already married, her husband was obliged to give her up to a man with a better title; and men often put away their former wives in order to marry heiresses.[2]

A man without male issue might bequeath his property; but if he had a daughter, the devisee was obliged to marry her.[3] If the daughter was poor, and the nearest relative did not choose to marry her, he was bound to give her a portion corresponding to his own fortune.[4]

The husband of an heiress took her property until she had a son of full age (*ἐπὶ διετὲς ἠβήσαντα*), who was usually adopted into his maternal grandfather's family, and took possession of the estate. He then became his mother's legal protector (*κύριος*), and was bound to find her maintenance (*σῖτον*). If there were more sons, they shared the property equally.[5]

When there was but one daughter, she was called *ἐπίκληρος ἐπὶ παντὶ τῷ οἴκῳ*. If there were more, they inherited equally, like our co-parceners, and were severally married to relatives, the nearest having the first choice.[6] Illegitimate sons did not share with the daughter, the law being *νόθῳ μὴ εἶναι ἀγχιστείαν μήθ' ἱερῶν μήθ' ὁσίων*.[7]

The heiress was under the special protection of the archon; and if she was injured by her husband or relatives, or by strangers ejecting her from her estate, the law gave a criminal prosecution against the offender, called *κακώσεως εἰσαγγελία*.[8]

EPICLINTRON. (*Vid.* Lectus.)

EPIDAURIA. (*Vid.* Eleusinia, p. 396.)

EPIDEMIURGI. (*Vid.* Demiurgi.)

EPIDICASIA (*ἐπιδικασία, κλήρου*) was the proceeding by which a legatee or heir, other than the natural descendant and acknowledged successor, obtained legal possession of the estate of a deceased person. Under these circumstances, the claimant was said *λαγχάνειν* or *ἐπιδικάζεσθαι τοῦ κλήρου*, and the property itself termed *ἐπίδικον* until it was formally awarded to its rightful owner. Notice of a claim of this kind might be given to the archon eponymus during any month in the year except Scirrophorion, and that magistrate was bound, upon receiving it, to direct that it should be inscribed upon a tablet, and exposed to public inspection, as if it were an indictment or declaration (*γραφή* or *λῆξις*) in an ordinary lawsuit.[9] After this it was recited by the herald in the first ensuing regular assembly of the people (*κυρίᾳ ἐκκλησίᾳ*), and a proclamation to the same effect was again made before the archon, who formally assigned the property to the claimant. If, however, any other parties made their appearance, a diadicasia ensued between them and the original suitor. (*Vid.* Diadicasia.) An analogous proceeding took place when the surviving issue of the deceased consisted of one or more daughters only (*ἐπίκληροι, ἐπικληρίτιδες, πατρῶχοι, ἔγκληροι*, or *ἐπιπατρίδες*), in which case the person in whose favour the will of the deceased had been made, the nearest male relative (*ἀγχιστεύς*), or if several daughters had been left with their portions to different persons, the legatees or relatives were required to prefer their claim to the archon. The proclamation by the herald followed, in the same manner as when an estate was the subject of the petition; and the paracatabole, or the tenth part of the estate or portion, was deposited as a forfeit, in case they failed to establish their claim, by the other parties that undertook a diadicasia.[1] (*Vid.* Epiclerus.)

EPIDOSEIS (*ἐπιδόσεις*) were voluntary contributions, either in money, arms, or ships, which were made by the Athenian citizens in order to meet the extraordinary demands of the state. When the expenses of the state were greater than its revenue, it was usual for the prytanes to summon an assembly of the people, and, after explaining the necessities of the state, to call upon the citizens to contribute according to their means. Those who were willing to contribute then rose, and mentioned what they would give; while those who were unwilling to give anything remained silent, or retired privately from the assembly.[2] The names of those who had promised to contribute, together with the amount of their contributions, were written on tablets, which were placed before the statues of the Eponymi, where they remained till the amount was paid.[3]

These *ἐπιδόσεις*, or voluntary contributions, were frequently very large. Sometimes the more wealthy citizens voluntarily undertook a trierarchy, or the expenses of equipping a trireme.[4] We read that Pasion furnished 1000 shields, together with five triremes, which he equipped at his own expense.[5] Chrysippus presented a talent to the state when Alexander moved against Thebes;[6] Aristophanes, the son of Nicophemus, gave 30,000 drachmæ for an expedition against Cyprus;[7] Charidemus and Diotimus, two commanders, made a free gift of 800 shields;[8] and similar instances of liberality are mentioned by Böckh,[9] from whom the preceding examples have been taken.[10]

EPIGAMIA. (*Vid.* Marriage, Greek.)

EPI'GRAPHEIS. (*Vid.* Eisphora, p. 392.)

EPIMELE'TAE (*ἐπιμεληταί*), the name of various magistrates and functionaries at Athens.

1. *Ἐπιμελητὴς τῆς κοινῆς προσόδου*, more usually called *ταμίας*, the treasurer or manager of the public revenue. (*Vid.* Tamias.)

2. *Ἐπιμεληταὶ τῶν μοριῶν Ἐλαίων* were persons chosen from among the areopagites to take care of the sacred olive-trees.[11]

3. *Ἐπιμεληταὶ τοῦ Ἐμπορίου* were the overseers of the emporium. (*Vid.* Emporium.) They were ten in number, and were elected yearly by lot.[12] They had the entire management of the emporium, and had jurisdiction in all breaches of the commercial laws.[13] According to Aristotle,[14] it was part of their duty to compel the merchants to bring into the city two thirds of the corn which had been brought by sea into the Attic emporium; by which we learn that only one third could be carried away to other countries from the port of the Peiræus.[15]

4. *Ἐπιμεληταὶ τῶν Μυστηρίων* were, in connexion with the king archon, the managers of the Eleusin-

1. (Meier, Att. Proc., p. 461, 470.)—2. (Plutarch, Alcib., 10—Phocion, 9.—Demosth., c. Meid., p. 567.—Theophrast., Char., 22.—Athenæus, iv., p. 168, *e*.)—3. (Isæus, De Dicæog., p. 111, ed. Reiske.)—4. (Demosth., c. Meid., p. 566, 23.)—5. (Demosth. c. Steph., p. 1127, 12.)—6. (Demosth., c. Phorm., p. 918, 20.)—7. (Lysias. Pro Aristoph. bonis, p. 644.)—8. (Demosth., Pro Coron., p. 265, 18.)—9. (Pub. Econ. of Athens, ii., p. 377.)—10 (Compare Schömann, De Comit., p. 292.)—11. (Lysias, Areiopag., p. 284, 5.)—12. (Harpocrat., s. v.)—13. (Demosth., c Lacrit., p. 941, 15; c. Theocr., p. 1324.—Dinarch., c. Aristog., p 81, 82.)—14. (ap. Harpocrat., s. v.)—15. (Böckh, Pub. Econ. of Athens, i., p. 67, 111.—Meier, Att. Proc., p. 86.)

lan mysteries. They were elected by open vote, and were four in number, of whom two were chosen from the general body of citizens, one from the Eumolpidæ, and one from the Ceryces.[1]

5. Ἐπιμεληταὶ τῶν νεωρίων, the inspectors of the dockyards, formed a regular ἀρχή, and were not an extraordinary commission, as appears from Demosthenes,[2] Æschines,[3] and the inscriptions published by Böckh,[4] in which they are sometimes called οἱ ἄρχοντες ἐν τοῖς νεωρίοις, and their office designated an ἀρχή.[5] We learn from the same inscriptions that their office was yearly, and that they were ten in number. It also appears that they were elected by lot from those persons who possessed a knowledge of shipping.

The principal duty of the inspectors of the dockyards was to take care of the ships, and all the rigging, tools, &c. (σκευή), belonging to them. They also had to see that the ships were seaworthy; and for this purpose they availed themselves of the services of a δοκιμαστής, who was well skilled in such matters.[6] They had at one time the charge of various kinds of military σκευή, which did not necessarily belong to ships, such as engines of war,[7] which were afterward, however, intrusted to the generals by a decree of the senate and people.[8] They had to make out a list of all those persons who owed anything to the docks,[9] and also to get in what was due.[10] We also find that they sold the rigging, &c., of the ships, and purchased new, under the direction of the senate, but not on their own responsibility.[11] They had ἠγεμονίαν δικαστηρίου in conjunction with the ἀποστολεῖς in all matters connected with their own department.[12] To assist them in discharging their duties, they had a secretary (γραμματεύς[13]) and a public servant (δημόσιος ἐν τοῖς νεωρίοις[14]). For a farther account of these inspectors, see Böckh, *Urkunden*, &c., p. 48–64.

6. Ἐπιμεληταὶ τῶν φυλῶν, the inspectors of the φυλαί or tribes. (*Vid.* Tribus.)

*EPIME'LIS (ἐπιμηλίς), a species of Medlar. Sprengel sets it down for the *Mespilus Germanicus*, L.[15]

*EPI'OLUS (ἠπίολος), an insect described by Aristotle, and the same, most probably, as Adams thinks, with the πυραύστης of Ælian. Schneider supposes it to be the *Acarus telarius*, L., or Red Spider.[16]

*EPIPACTIS (ἐπιπακτίς), according to Sprengel, the *Herniaria glabra*. Nothing satisfactory, however, is determined, with regard to this herb, by Matthiolus, Bauhin, and other botanical writers.[17]

EPIRHE'DIUM. (*Vid.* Rheda.)

ΕΠΙΣΚΗΨΙΣ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ. (*Vid.* ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ ΔΙΚΗ.)

EPIS'COPOI (ἐπίσκοποι) were inspectors, who were sometimes sent by the Athenians to subject states. Harpocration compares them to the Lacedæmonian harmosts, and says that they were also called φύλακες. It appears that these ἐπίσκοποι received a salary at the cost of the cities over which they presided.[18]

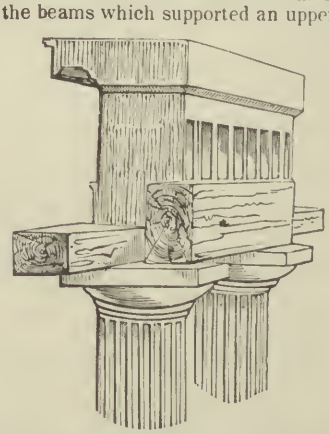
EPISTATES (ἐπιστάτης), which means a person placed over anything, was the name of two distinct classes of functionaries in the Athenian state, namely, of the chairman of the senate and assembly of the people, respecting whose duties, see the articles Boule, p. 168, and Ecclesia, p. 386, and also of the directors of the public works (Ἐπιστατὰι τῶν δημοσίων ἔργων). These directors had different names, as τειχοποιοί, the repairers of the walls; τριηροποιοί, the builders of the triremes; ταφροποιοί, the repairers of the trenches, &c.; all of whom were elected by the tribes, one from each: but the most distinguished of these were the τειχοποιοί.[1] Over other public buildings a manager of public works had the superintendence; and it was in this capacity that Pericles, and subsequently Lycurgus, undertook so many works of architecture. In the inscriptions relating to the building of the Temple of Athena Polias, we find ἐπιστατάι mentioned.[2] Similar authorities were appointed for the care of the roads, and of the supply of water (ὁδοποιοί,[3] ἐπιστατὰι τῶν ὑδάτων[4]).

The directors received the money which was necessary for these works from the public treasury (ἐκ τῆς διοικήσεως[5]).

EPI'STOLA. (*Vid.* Constitutio.)

EPIST'OLEUS (ἐπιστολεύς) was the officer second in rank in the Spartan fleet, and succeeded to the command if anything happened to the ναύαρχος or admiral.[6] Thus, when the Chians and the other allies of Sparta on the Asiatic coast sent to Sparta to request that Lysander might be again appointed to the command of the navy, he was sent with the title of ἐπιστολεύς, because the laws of Sparta did not permit the same person to hold the office of ναύαρχος twice.[7]

EPISTY'LIUM, the architrave or lower member of an entablature (*coronix*) which lies immediately over the column.[8] When an intercolumniation was of the kind called aræostyle, that is, when the columns were more than three diameters apart, the epistylium was necessarily made of wood instead of stone;[9] a construction exemplified by the restoration in the annexed woodcut[10] of the Doric portico which surrounds three sides of the Forum at Pompeii. The holes seen at the back of the frieze received the beams which supported an upper gallery.



EPISYNTHE'TICI (ἐπισυνθετικοί), an ancient medical sect, so called because they *heaped up* in a manner (ἐπισυντίθημι), and adopted for their own the opinions of different, and even opposite, schools. They appear to have been a branch of the Method

1. (Harpocrat. and Suid, s. v.—Demosth., c. Meid., p. 570, 6.) -2. (c. Euerg. et Mnes., p. 1145.)—3. (c. Ctesiph., p. 419.)—4. ("Urkunden, über das Seewesen des Attisches Staates," Berlin, 1840.)—5. (No. xvi., *b*, 104, &c.—No. x., *c*, 125.—No. xiv., *c*, 122, 138.)—6. (Böckh, ibid., No. ii., 56.)—7. (No. xi., *m*.)—8. (No. xvi., *a*, 195.)—9. (Demosth., c. Euerg. et Mnes., p. 1145.) —10. (Id., c. Androt., p. 612.)—11. (No. xiv., *b*, 190, &c., compared with Nos. xiv., xvi., *u*.)—12. (Demosth., c. Euerg. et Mnes., p. 1147.)—13. (No. xvi., *b*, 165.)—14. (No. xvi., *b*, 135.) —15. (Paul. Ægin., vii., 3.—Adams, Append., s. v.)—16. (Aristot., H. A., viii., 26.—Ælian, N. A., xii., 8.—Adams, Append., s. v.)—17. (Dioscor., iv., 106.—Adams, Append., s. v.)—18. (Aristoph., Aves, 1022, &c., with schol.—Harpocrat., s. v.—Böckh, Publ. Econ., i., p. 211, 319.—Schömann, Antiq. Juris Pub. Græc., p. 432, 18.)

1. (Æschin., c. Ctes., p. 400, 422, 425.)—2. (Böckh, Pub. Econ. of Athens, i., p. 272.)—3. (Æschin., c. Ctes., p. 419.)—4. (Plutarch, Them., 31.—Schömann, Antiq. Juris Pub. Græc., p. 247.)—5. (Æschin., c. Ctes., p. 425.)—6. (Xen., Hell., i., 1, 23; iv., 8, § 11, v., 1, § 5, 6.—Suidz, Lex. Xen., s. v.)—7. (Xen., Hell., ii., 1, § 7.)—8. (Festus, s. v.)—9. (Vitruv., iii., 2.—10. (Pompeii, vol i., p. 143.)

ici (*vid.* Methodici[1]), and to have been founded by Agathinus of Sparta, the pupil of Athenæus, towards the end of the first century of the Christian era.[2] Galen informs us[3] that the sect was also sometimes called ἐκλεκτική, and sometimes ἐκτική. (*Vid.* Hectici.) The only other ancient physician (as far as the writer is aware) who is mentioned as having belonged to this sect, is Leonides of Alexandrea,[4] who is supposed by Sprengel[5] to have lived in the third century, as he himself quotes Galen,[6] while Galen never mentions him. Little is known of the opinions of either of these physicians, and nothing sufficiently characteristic to enable us to determine what were the peculiar tenets of their sect, which are, however, supposed to have nearly agreed with those of the Eclectici. (*Vid.* Eclectici.)

EPITHALAMIUM. (*Vid.* Marriage.)

*EPITH'YMON (ἐπίθυμον), a weed which is parasitic on thyme, furze, heath, and other plants. Allston, Dierbach, and Sprengel follow Bauhin in referring it to the *Cuscuta Epithymus*, or Lesser Dodder of Thyme.[7]

EPITI'MIA (ἐπιτιμία). (*Vid.* Atimia; Civitas, Greek, p. 259.)

ΕΠΙΤΡΙΗΡΑΡΧΗ'ΜΑΤΟΣ ΔΙΚΗ. (*Vid.* Leitourgia.)

ΕΠΙΤ'ΡΟΠΗΣ ΓΡΑΦΗ. (*Vid.* Epitropos.)

EPITROPOS (ἐπίτροπος), which signifies, literally, a person to whom anything is given in charge,[8] occurs, however, much more frequently in the sense of a guardian of orphan children. Of such guardians there were at Athens three kinds: first, those appointed in the will of the deceased father; secondly, the next of kin, whom the law designated as tutores legitimi in default of such appointment, and who required the authorization of the archon to enable them to act; and, lastly, such persons as the archon selected, if there were no next of kin living to undertake the office. The duties of the guardian comprehended the education, maintenance, and protection of the ward, the assertion of his rights, and the safe custody and profitable disposition of his inheritance during his minority, besides making a proper provision for the widow if she remained in the house of her late husband. In accordance with these, the guardian was bound to appear in court in all actions in behalf of or against his ward, and give in an account of the taxable capital (τίμημα) when an εἰσφορά (the only impost to which orphans were liable) was levied, and make the proportionate payment in the minor's name. With reference to the disposition of the property, two courses were open to the guardian to pursue, if the deceased had left no will, or no specific directions as to its management, viz., to keep it in his own hands, and employ it as he best could for the benefit of the minor (διοικεῖν), or let it out to farm to the highest bidder (μισθοῦν τὸν οἶκον). In the former case, it seems probable[9] that a constant control of the guardian's proceedings might be exercised by the archon; and a special law ordained that all money belonging to a minor should be vested in mortgages, and upon no account be lent out upon the more lucrative but hazardous security of bottomry.[10]

To ensure the performance of these duties, the law permitted any free citizen to institute a public action, as, for instance, an apagoge or eisangelia, against a guardian who maltreated his ward (κακώσεως ὀρφανοῦ), or a γραφὴ ἐπιτροπῆς, for neglect or injury of his person or property, and the punishment, upon conviction, depended entirely upon the greater or less severity of the dicasts.[1] If the guardian preferred that the estate should be farmed, the regular method of accomplishing this was by making an application to the archon, who thereupon let the inheritance to the highest bidder, and took care that the farmer should hypothecate a sufficient piece of ground or other real property to guaranty the fulfilment of the contract (ἀποτίμημα). In some cases the guardian might be compelled to adopt this course or be punished, if the lease were irregularly or fraudulently made, by a phasis, which upon this occasion, might be instituted by any free citizen. The guardianship expired when the ward had attained his eighteenth year, and, if the estate had been leased out, the farmer paid in the marketplace the capital he had received to trade with, and the interest that had accrued;[2] if, however, the inheritance had been managed by the guardian, it was from him that the heir received his property and the account of his disbursements during the minority. In case the accounts were unsatisfactory, the heir might institute an action ἐπιτροπῆς against his late guardian; this, however, was a mere private lawsuit, in which the damages and epobelia only could be lost by the defendant, to the latter of which the plaintiff was equally liable upon failing to obtain the votes of a fifth of the dicasts. This action was barred by the lapse of five years from the termination of the guardianship; and if the defendant in it died before that time, an action βλαβῆς would lie against his representatives to recover what was claimed from his estate.[3]

EPOBEL'IA (ἐπωβελία), as its etymology implies, at the rate of one obolus for a drachma, or one in six, was payable on the assessment (τίμημα) of several private causes, and sometimes in a case of phasis, by the litigant that failed to obtain the votes of one fifth of the dicasts.[4] It is not, however, quite certain that such was invariably the case when the defeated suitor was the defendant in the cause;[5] though in two great classes, namely, cross-suits (ἀντιγραφαί), and those in which a preliminary question as to the admissibility of the original cause of action was raised (παραγραφαί), it may be confidently asserted. As the object of the regulation was to inflict a penalty upon litigiousness, and reimburse the person that was causelessly attacked for his trouble and anxiety, the fine was paid to the successful suitor in private causes, and those cases of phasis in which a private citizen was the party immediately aggrieved. In public accusations, in general, a fine of a thousand drachmæ, payable to the public treasury, or a complete or partial disfranchisement, supplied the place of the epobelia as a punishment for frivolous prosecutions.

EPO'MIS (ἐπωμίς). (*Vid.* Tunica.)

EPO'NYMOS (Ἐπώνυμος, having or giving a name) was the surname of the first of the nine archons at Athens, because his name, like that of the consuls at Rome, was used in public records to mark the year. (*Vid.* Archon.) The expression ἐπώνυμοι τῶν ἡλικιῶν, whose number is stated by Suidas, the Etymologicum Magn., and other grammarians, to have been forty, likewise applies to the chief archon of Athens. Every Athenian had to serve in the army from his 19th to his 60th year, *i. e.*, during the archonship of forty archons. Now, as an army generally consisted of men from the age of 18 to that of 60, the forty archons under whom they had been enlisted were called ἐπώνυμοι τῶν

1. (Pseudo-Galen, Introduct., c. 4, p. 684, ed. Kühn.)—2. (Galen, Definit. Med., c. 14, p. 353.)—3. (Ibid.)—4. (Pseudo-Galen, Introduct., l. c.)—5. (Hist. de la Méd.)—6. (apud Aëtii Tetrab., iv., serm. 2, c. 11, col. 688.)—7. (Dioscor., iv., 176.—Adams, Append., s. v.)—8. (Demosth., c. Aphob., i., p. 819, 18.)—9. (Demosth., c. Onetor., i., p. 865, 17.)—10. (Suidas, s. v. Ἔγγειον.)

1. (Meier, Att. Proc., p 294.)—2. (Demosth., c. Aphob., l. p. 832, 1.)—3. (Meier, Att. Proc., p. 444, &c.)—4. (Demosth., c. Aphob., p. 834, 25.—c. Euerg. et Mnes., p. 1158, 20.)—5. (Meier Att. Proc., p. 730.)

ἡλικιῶν, in order to distinguish them from the ἐπώνυμοι τῶν φυλῶν.[1] At Sparta the first of the five ephors gave his name to the year, and was therefore called ἔφορος ἐπώνυμος.[2]

It was a very prevalent tendency among the ancients in general to refer the origin of their institutions to some ancient or fabulous hero (ἀρχηγέτης[3]), from whom, in most cases, the institution was also believed to have derived its name, so that the hero became its ἀρχηγέτης ἐπώνυμος. In later times new institutions were often named after ancient heroes, on account of some fabulous or legendary connexion which was thought to exist between them and the new institutions, and the heroes thus became, as it were, their patrons or tutelary deities. A striking instance of this custom are the names of the ten Attic tribes instituted by Cleisthenes, all of which were named after some national hero.[4] These ten heroes, who were at Athens generally called *the* ἐπώνυμοι, or ἐπώνυμοι τῶν φυλῶν, were honoured with statues, which stood in the Ceramicus, near the Tholos.[5] If an Athenian citizen wished to make proposals for a new law, he exhibited them for public inspection in front of these statues of the ἐπώνυμοι, whence the expression ἐκθεῖναι πρόσθεν τῶν ἐπωνύμων, or πρὸς τοὺς ἐπωνύμους.[6]

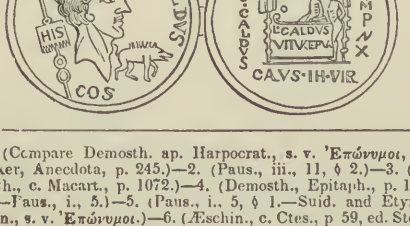
*EPOPS (ἔποψ) a species of Bird. "It can hardly admit of a doubt," remarks Adams, "that this was the *Upupa Epops*, L., called in English the Hoopoe. It is well described in the Aves of Aristophanes.[7] Tereus was fabled to have been metamorphosed into this bird. The description given by Ovid[8] in relating this metamorphosis is very striking:

"*Cui stant in vertice cristæ;*
Prominet immodicum pro longa cuspide rostrum:
Nomen Epops volucri."

EPOPTAI. (*Vid.* Eleusinia.)

EPOTIDES. (*Vid.* Navis.)

EPULONES, who were originally three in number (*Triumviri Epulones*), were first created in B.C. 198, to attend to the Epulum Jovis,[9] and the banquets given in honour of the other gods, which duty had originally belonged to the pontifices.[10] Their number was afterward increased to seven,[11] and they were called Septemviri Epulones or Septemviri Epulonum; under which names they are frequently mentioned in inscriptions.[12] Julius Cæsar added three more,[13] but after his time the number appears again to have been limited to seven. The following woodcut, taken from a denarius of the Cœlian gens, of which a drawing is given by Spanheim,[14] represents on the reverse an Epulo preparing a couch for Jupiter, according to custom, in the Epulum Jovis. On it is inscribed L. Caldus VII. Vir Epul.



1. (Compare Demosth. ap. Harpocrat., s. v. Ἐπώνυμοι, and Bekker, Anecdota, p. 245.)—2. (Paus., iii., 11, § 2.)—3. (Demosth., c. Macart., p. 1072.)—4. (Demosth., Epitaph., p. 1397, &c.—Paus., i., 5.)—5. (Paus., i., 5, § 1.—Suid. and Etymol. Magn., s. v. Ἐπώνυμοι.)—6. (Æschin., c. Ctes., p 59, ed. Steph. —Wolf, Proleg. ad Demosth., Leptin., p. 133.)—7. (47.—Compare Lys., 771.)—8. (Met., vi., 672.)—9. (Val. Max., ii., 1, § 2. —Liv., xxxi., 4.—Gell., xii., 8.)—10. (Liv., xxxiii., 42.—Cic., De Orat., iii., 19.—De Harusp. Respons., 10.—Festus, s. v. Epulonos.)—11. (Gell., i., 12.—Lucan, i., 602.)—12. (Orelli, Inscrip., No. 590, 773, 2259, 2260, 2365.)—13. (Dion Cass., xliii., 51.)—14. (De Prisc. et Usu Numism., vol. ii., p. 85.)

The Epulones formed a collegium, and were one of the four great religious corporations at Rome; the other three were those of the Pontifices, Augures, and Quindecemviri.[1]

EPULUM JOVIS. (*Vid.* Epulones.)

EQUIRIA were horse-races, which are said to have been instituted by Romulus in honour of Mars and were celebrated in the Campus Martius.[2] There were two festivals of this name, of which one was celebrated A.D. III. Cal. Mart., and the other prid Id. Mart.[3] If the Campus Martius was overflowed by the Tiber, the races took place on a part of the Mons Cœlius, which was called from that circumstance the Martialis Campus.[4]

EQUITES. The institution of the Equites is attributed to Romulus. Livy[5] says that Romulus formed three centuries of equites, the *Ramnes*, *Titienses*, and *Luceres*. He does not mention the number of which these centuries consisted; but there can be little doubt that the 300 celeres, whom Romulus kept about his person in peace and war,[6] were the same as the three centuries of equites. Dionysius,[7] who does not speak of the institution of the equites, says that the celeres formed a bodyguard of 300, divided into three centuries; and Pliny[8] and Festus[9] state expressly that the Roman equites were originally called celeres. (*Vid.* Celeres.)

To the 300 equites of Romulus, ten Alban turmæ were added by Tullus Hostilius.[10] As the turma in the legion consisted of 30 men, there is no reason for supposing a different number in these turmæ; and the equites would therefore, in the time of Tullus Hostilius, amount to 600. Tarquinius Priscus, according to Livy,[11] wished to establish some new centuries of horsemen, and to call them by his own name, but gave up his intention in consequence of the opposition of the augur Attus Navius, and only doubled the number of the centuries. The three centuries which he added were called the Ramnes, Titienses, and Luceres *Posteriores*. The number ought, therefore, now to be 1200 in all, which number is given in many editions of Livy,[12] but is not found in any MS. The number in the MSS. is different, but the Florentine and the Wormian have 1800, which has been adopted by Gronovius, and appears the most probable. Livy has apparently forgotten to mention that the 300 equites of Romulus were doubled on the union with the Sabines; which Plutarch[13] alludes to when he says that the Roman legion contained 300 horsemen, and, after the union with the Sabines, 600.

The complete organization of the equites Livy[14] attributes to Servius Tullius. He says that this king formed (*scripsit*) 12 centuries of equites from the leading men of the state (*ex primoribus civitatis*); and that he also made six centuries out of the three established by Romulus. Thus there were now 18 centuries. As each of the 12 new centuries probably contained the same number as the six old centuries, if the latter contained 1800 men, the former would have contained 3600, and the whole number would have been 5400.

The account, however, which Cicero[15] gives is quite different. He attributes the complete organization of the equites to Tarquinius Priscus. He agrees with Livy in saying that Tarquinius Priscus increased the number of the Ramnes, Titienses, and Luceres, by adding new centuries under the name of Ramnes, Titienses, and Luceres *secundi* (not,

1. (Dion Cass., liii., 1; lviii., 12.—Plin., Ep., i., 3.—Vid. Walter, Geschichte des Röm. Rechts, p. 183.)—2. (Festus, s. v.—Varro, Ling. Lat., vi., 13.—Müller.)—3. (Ovid, Fast., i., 859; iii., 519.)—4. (Festus, s. v. Mart. Campus.)—5. (i., 13.)—6. (Liv., i., 15.)—7. (ii., 13.—8. (H. N., xxxiii., 9.)—9. (s. v. —10. (Liv., i., 30.—11. ... 36.)—12. (l. c.)—13. (Rep., ii., 20.)—14. (i., 43.)—15. (De Rep., ii., 20.)

however, *posteriores*, as Livy states; compare Festus, *s. v. Sex Vestæ*); but he differs from him in stating that this king also doubled their number after the conquest of the Æqui. Scipio, who is represented by Cicero as giving this account, also says that the arrangement of the equites which was made by Tarquinius Priscus continued unchanged to his day (B.C. 129). The account which Cicero gave of the equites in the constitution of Servius Tullius is unfortunately lost, and the only words which remain are *duodeviginti censu maximo*; but it is difficult to conceive in what way he represented the division of the 18 centuries in the Servian constitution, after he had expressly said that the organization of the body by Tarquinius Priscus had continued unchanged to the time of Scipio.

Cicero also differs from Livy respecting the number of the equites. Scipio states, according to the reading adopted in all editions of the "De Republica," that Tarquinius Priscus increased the original number of the equites to 1200 and that he subsequently doubled this number after the conquest of the Æqui, which account would make the whole number 2400. The MS., however, has ↀACCC, which is interpreted to mean *mille ac ducentos*; but, instead of this, Zumpt[1] proposes to read ↀDCCC, 1800, justly remarking that such a use of *ac* never occurs in Cicero. This reading would make the number 3600, which Zumpt believes to have been the regular number of the equites in the flourishing times of the Republic. It appears, however, impossible to determine their exact number, though there are strong reasons for believing that it was fixed, whether we suppose it to have been 5400, 3600, or 2400.

Both authors, however, agree in stating that each of the equites received a horse from the state (*equus publicus*), or money to purchase one, as well as a sum of money for its annual support; and that the expense of its support was defrayed by the orphans and unmarried females; since, says Niebuhr,[2] "in a military state it could not be esteemed unjust that the women and the children were to contribute largely for those who fought in behalf of them and of the Commonwealth." According to Gaius,[3] the purchase-money for a knight's horse was called *æs equestre*, and its annual provision *æs hordearium*. (*Vid.* Æs Hordearium.) The former amounted, according to Livy,[4] to 10,000 asses, and the latter to 2000: but these sums are so large as to be almost incredible, especially when we take into account that 126 years afterward a sheep was only reckoned at 10, and an ox at 100 asses in the tables of penalties.[5] The correctness of these numbers has accordingly been questioned by some modern writers, while others have attempted to account for the largeness of the sum. Niebuhr[6] remarks that the sum was doubtless intended not only for the purchase of the horse, but also for its equipment, which would be incomplete without a groom or slave, who had to be bought and then to be mounted. Böckh[7] supposes that the sums of money in the Servian census are not given in asses of a pound weight, but in the reduced asses of the first Punic war, when they were struck of the same weight as the sextans, that is, two ounces, or one sixth of the original weight. (*Vid.* As, p. 110.) Zumpt considers that 1000 asses of the old weight were given for the purchase of the horse, and 200 for its annual provision; and that the original sum has been retained in a passage of Varro (*equum publicum mille assariorum*[8]).

All the equites, of whom we have been speaking, received a horse from the state, and were included in the 18 equestrian centuries of the Servian constitution; but, in course of time, we read of another class of equites in Roman history, who did not receive a horse from the state, and were not included in the 18 centuries. This latter class is first mentioned by Livy[1] in his account of the siege of Veii, B.C. 403. He says that during the siege, when the Romans had at one time suffered great disasters, all those citizens who had an equestrian fortune, and no horse allotted to them (*quibus census equester erat, equi publici non erant*), volunteered to serve with their own horses; and he adds, that from this time equites first began to serve with their own horses (*tum primum equis merere equites cœperunt*). The state paid them (*certus numerus æris est assignatus*) as a kind of compensation for serving with their own horses. The foot soldiers had received pay a few years before;[2] and two years afterward, B.C. 401, the pay of the equites was made threefold that of the infantry.[3]

From the year B.C. 403, there were therefore two classes of Roman knights: one who received horses from the state, and are therefore frequently called *equites equo publico*,[4] and sometimes *Flexumines* or *Trossuli*, the latter of which, according to Göttling, is an Etruscan word;[5] and another class, who served, when they were required, with their own horses, but were not classed among the 18 centuries. As they served on horseback, they were called *equites*; and, when spoken of in opposition to cavalry, which did not consist of Roman citizens, they were also called *equites Romani*; but they had no legal claim to the name of equites, since in ancient times this title was strictly confined to those who received horses from the state, as Pliny[6] expressly says, "*Equitum nomen subsistebat in turmis equorum publicorum.*"

But here two questions arise. Why did the equites, who belonged to the 18 centuries, receive a horse from the state, and the others not? and how was a person admitted into each class respectively? These questions have occasioned much controversy among modern writers, but the following account is perhaps the most satisfactory:

In the constitution of Servius Tullius, all the Roman citizens were arranged in different classes according to the amount of their property, and it may therefore fairly be presumed that a place in the centuries of equites was determined by the same qualification. Dionysius[7] expressly says that the equites were chosen by Servius out of the richest and most illustrious families; and Cicero,[8] that they were of the highest census (*censu maximo*). Livy[9] also states that the twelve centuries formed by Servius Tullius consisted of the leading men of the state. None of these writers, however, mention the property which was necessary to entitle a person to a place among the equites; but it was probably of the same amount as in the latter times of the Republic, that is, four times that of the first class. Every one, therefore, who possessed the requisite property, and whose character was unblemished (for the latter qualification appears to have been always necessary in the ancient times of the Republic), was admitted among the equites of the Servian constitution; and it may be presumed that the twelve new centuries were created in order to include all those persons in the state who possessed the necessary qualifications. Niebuhr,[10] however, supposes that the qualification

1. ("Ueber die Römischen Ritter und den Ritterstand in Rom.," Berlin, 1840.) — 2. (Hist. of Rome, i., p. 461.) — 3. (iv., 27.) — 4. (i., 43.) — 5. (Aul. Gell., xi., 1.) — 6. (i., p. 433.)—7. (Metrolog. Untersuch., c. 29.)—8. (De Ling. Lat., viii., 71, ed. Müller.)

1. (v., 7.)—2. (Liv., iv., 59.)—3. (Liv., v., 12.—*Vid.* Niebuhr, ii., p. 439.) —4. (Cic., Phil., vi., 5.)—5. (Plin., H. N., xxxiii., 9 —Festus, s. v.—Göttling, Gesch. der Röm. Staatsv., p. 372 — (H. N., xxxiii.)—7. (iv., 18.) — 8. (De Rep., ii., 22.) — (*f.* 43.)—10 (Hist. of Rome, i., 427, &c.)

of property was only necessary for admission into the twelve new centuries, and that the statement of Dionysius, quoted above, ought to be confined to these centuries, and not applied to the whole eighteen. He maintains that the twelve centuries consisted exclusively of plebeians; and that the six old centuries, which were incorporated by Servius into his comitia, under the title of the *sex suffragia*, comprised all the patricians, independent of the amount of property which they possessed. This account, however, does not seem to rest on sufficient evidence; and we have, on the contrary, an express instance of a patrician, L. Tarquitius, B.C. 458, who was compelled, on account of his poverty, to serve on foot.[1] That the six old centuries consisted entirely of patricians is most probable, since the plebeians would certainly not have been admitted among the equites at all till the Servian constitution; and as by this constitution new centuries were created, it is not likely that any plebeians would have been placed among the ancient six. But we have no reason for supposing that these six centuries contained the *whole* body of patricians, or that the twelve consisted *entirely* of plebeians. We may suppose that those patricians who belonged to the six were allowed by the Servian constitution to continue in them, if they possessed the requisite property; and that all other persons in the state, whether patricians or plebeians, who possessed the requisite property, were admitted into the twelve new centuries. That the latter were not confined to plebeians may be inferred from Livy, who says that they consisted of the leading men in the state (*primores civitatis*), not in the commonalty.

As vacancies occurred in the eighteen centuries, the descendants of those who were originally enrolled succeeded to their places, whether plebeians or patricians, provided they had not dissipated their property; for Niebuhr goes too far when he asserts that all vacancies were filled according to birth, independent of any property qualification. But in course of time, as population and wealth increased, the number of persons who possessed an equestrian fortune also increased greatly; and as the number of equites in the 18 centuries was limited, those persons whose ancestors had not been enrolled in the centuries could not receive horses from the state, and were therefore allowed the privilege of serving with their own horses among the cavalry, instead of the infantry, as they would otherwise have been obliged to have done. Thus arose the two distinct classes of equites, which have been already mentioned.

The inspection of the equites who received horses from the state belonged to the censors, who had the power of depriving an eques of his horse, and reducing him to the condition of an ærarian,[2] and also of giving the vacant horse to the most distinguished of the equites who had previously served at their own expense. For these purposes they made, during their censorship, a public inspection in the Forum of all the knights who possessed public horses (*equitatum recognoscunt*;[3] *equitum centurias recognoscunt*[4]). The tribes were taken in order, and each knight was summoned by name. Every one, as his name was called, walked past the censors, leading his horse. This ceremony is represented on the reverse of some of the censorial coins which have been published by Spanheim,[5] and which are copied in the annexed woodcuts. The first is a denarius of the Licinian gens, and is supposed by Spanheim to have been struck during the censorship of P. Licinius Crassus, who was censor with Julius Cæsar.[1]

The next is the reverse of one of the coins of the Emperor Claudius, in which the emperor is represented sitting, while a knight stands before him leading his horse. The word censor is written underneath, which title we know, from Dion Cassius,[2] was assumed by some of the emperors.

If the censors had no fault to find either with the character of the knight or the equipments of his horse, they ordered him to pass on (*traduc equum*[3]); but if, on the contrary, they considered him unworthy of his rank, they struck him out of the list of knights, and deprived him of his horse,[4] or ordered him to sell it,[5] with the intention, no doubt, that the person thus degraded should refund the money which had been advanced to him for its purchase.[6] At the same review, those equites who had served the regular time, and wished to be discharged, were accustomed to give an account to the censors of the campaigns in which they had served, and were then dismissed with honour or disgrace, as they might have deserved.[7]

This review of the equites by the censors must not be confounded with the *Equitum Transvectio*, which was a solemn procession of the body every year on the Ides of Quintilis (July). The procession started from the Temple of Mars outside the city, and passed through the city, over the Forum, and by the Temple of the Dioscuri. On this occasion the equites were always crowned with olive chaplets, and wore their state dress, the trabea, with all the honourable distinctions which they had gained in battle.[8] According to Livy,[9] this annual procession was first established by the censors Q. Fabius and P. Decius, B.C. 304; but, according to Dionysius,[10] it was instituted after the defeat of the Latins near the Lake Regillus, of which an account was brought to Rome by the Dioscuri.

It may be asked, how long did the knight retain his public horse, and a vote in the equestrian century to which he belonged? On this subject we have no positive information; but, as those equites who served with their own horses were only obliged to serve for ten years (*stipendia*, στρατείας), under the age of 46,[11] we may presume that the same rule extended to those who served with the public horses, provided they *wished* to give up the service. For it is certain that in the ancient times of the Republic a knight might retain his horse as long as he pleased, even after he had entered the senate,

1 (Liv., iii., 7.)—2. (Liv., xxiv., 43.)—3. (Liv., xxxix., 44.)—4. (Val. Max., ii., 9, § 6.)—5. (De Præst. et Usu Numism., vol. ii., p. 101, ed. Verburg.)

1. (Fast. Capitol.—Cic., Pro Arch., 6.—Plin., H. N., xiii., 3.)—2. (liii., 18.)—3. (Val. Max., iv., 1, § 10.)—4. (Liv., xxxix., 44.)—5. (Liv., xxix., 37.—Val. Max., ii., 9, § 6.)—6. (Niebuhr, Hist. of Rome, i., p. 433.)—7. (Plut., Pomp., c. 22.)—8. (Dionys., v. 13.)—9. (ix., 46.)—10. (l. c.)—11. (Polyb., vi., 19, § 2.)

provided he continued able to discharge the duties of a knight. Thus the two censors M. Livius Salinator and C. Claudius Nero, in B.C. 204, were also equites;[1] and L. Scipio Asiaticus, who was deprived of his horse by the censors in B.C. 185,[2] had himself been censor in B.C. 191. This is also proved by a fragment in the fourth book[3] of Cicero's "De Republica," in which he says, *equitatus, in quo suffragia sunt etiam senatus*; by which he evidently means that most of the senators were enabled to vote at the Comitia Centuriata in consequence of their belonging to the equestrian centuries. But during the later times of the Republic, the knights were obliged to give up their horses on entering the senate, and, consequently, ceased to belong to the equestrian centuries. This regulation is alluded to in the fragment of Cicero already referred to, in which Scipio says that many persons were anxious that a plebiscitum should be passed, ordaining that the public horses should be restored to the state, which decree was, in all probability, passed afterward; since, as Niebuhr observes,[4] "when Cicero makes Scipio speak of any measure as intended, we are to suppose that it had actually taken place, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse." That the greater number of the equites equo publico, after the exclusion of senators from the equestrian centuries, were young men, is proved by a passage in the work of Q. Cicero, *De Petitione Consulatus*.[5]

The equestrian centuries, of which we have hitherto been treating, were only regarded as a division of the army; they did not form a distinct class or ordo in the constitution. The community, in a political point of view, was only divided into patricians and plebeians; and the equestrian centuries were composed of both. But in the year B.C. 123, a new class, called the Ordo Equestris, was formed in the state by the lex Sempronia, which was introduced by C. Gracchus. By this law all the judices had to be chosen from those citizens who possessed an equestrian fortune.[6] We know very little respecting the provisions of this law; but it appears from the lex Servilia repetundarum, passed 18 years afterward, that every person who was to be chosen judex was required to be above 30 and under 60 years of age, to have either an equus publicus, or to be qualified by his fortune to possess one, and *not* to be a senator. The number of judices who were required yearly was chosen from this class by the prætor urbanus.[7]

As the name of equites had been originally extended from those who possessed the public horses to those who served with their own horses, it now came to be applied to all those persons who were qualified by their fortunes to act as judices, in which sense the word is usually used by Cicero. Pliny,[8] indeed, says that those persons who possessed the equestrian fortune, but did not serve as equites, were only called *judices*, and that the name of *equites* was always confined to the possessors of the equi publici. This may have been the correct use of the term; but custom had long since given the name of equites to the judices chosen in accordance with the lex Sempronia.

After the reform of Sulla, which entirely deprived the equestrian order of the right of being chosen as judices, and the passing of the lex Aurelia (B.C. 70), which ordained that the judices should be chosen from the senators, equites, and tribuni ærarii, the influence of the order, says Pliny, was still maintained by the publicani,[1] or farmers of the public taxes. We find that the publicani were almost always called equites, not because any particular rank was necessary in order to obtain from the state the farming of the taxes, but because the state was not accustomed to let them to any one who did not possess a considerable fortune. Thus the publicani are frequently spoken of by Cicero as identical with the equestrian order.[2] (*Vid.* PUBLICANI.) The consulship of Cicero, and the active part which the knights then took in suppressing the conspiracy of Catiline, tended still farther to increase the power and influence of the equestrian order; and "from that time," says Pliny,[3] "it became a third body (*corpus*) in the state, and to the title of *Senatus Populusque Romanus* there began to be added *Et Equestris Ordo*."

In B.C. 67, a distinction was conferred upon them which tended to separate them still farther from the plebs. By the lex Roscia Othonis, passed in that year, the first fourteen seats in the theatre behind the orchestra were given to the equites,[4] which, according to Cicero[5] and Vellcius Paterculus,[6] was only a restoration of an ancient privilege, which is alluded to by Livy[7] when he says that special seats were set apart in the Circus Maximus for the senators and equites. They also possessed the right of wearing the clavus angustus (*vid.* CLAVUS, p. 265), and subsequently obtained the privilege of wearing a gold ring, which was originally confined to the equites equo publico.

The number of equites increased greatly under the early emperors, and all persons were admitted into the order, provided they possessed the requisite property, without any inquiry into their character, or into the free birth of their father and grandfather, which had always been required by the censors under the Republic. Property became now the only qualification; and the order, in consequence, gradually began to lose all the consideration which it had acquired during the later times of the Republic. Thus Horace says, with no small degree of contempt,

> "*Si quadringentis sex septem milia desunt,*
> *Plebs eris.*"[8]

Augustus formed a select class of equites, consisting of those equites who possessed the property of a senator, and the old requirement of free birth up to the grandfather. He permitted this class to wear the *latus clavus*,[9] and also allowed the tribunes of the plebs to be chosen from them as well as the senators, and gave them the option, at the termination of their office, to remain in the senate or return to the equestrian order.[10] This class of knights was distinguished by the special title *illustres* (sometimes *insignes* and *splendidi*) *equites Romani*.[11]

The formation of this distinct class tended to lower the others still more in public estimation. In the ninth year of the reign of Tiberius an attempt was made to improve the order by requiring the old qualifications of free birth up to the grandfather, and by strictly forbidding any one to wear the gold ring unless he possessed this qualification. This regulation, however, was of little avail, as the emperors frequently admitted freedmen into the equestrian order.[12] When private persons were no longer appointed judices, the necessity for a distinct class in the community, like the equestrian order, ceased entirely; and the gold ring came at length to be worn by all free citizens. Even slaves, after their

1. (Liv., xxix., 37.)—2. (Liv., xxxix., 44.)—3. (c. 2.)—4. (i., p. 433, note 1016.)—5. (c. 8.)—6. (Plut., C. Gracch., 5.—Appian, De Bell. Civ., i., 22.—Tac., Ann., xii., 60.)—7. (Klenze, Lex Servilia, Berl., 1825.)—8. (H. N., xxxiii., 7.)

1. (Plin., H. N., xxxiii., 8.)—2. (ad Att., ii., 1, § 8.)—3. (De Rep., ii.)—4. (Liv., Epit., 99.)—5. (Pro Mur., 19.)—6. (ii., 32.)—7. (i., 35.)—8. (Epist., i., 1, 58.)—9. (Ovid, Trist., IV., x., 35.)—10. (Suet., Octav., 40.—Dion Cass., liv., 30.)—11. (Tacit., Ann., xi. 4, with the note of Lipsius.)—12. (Plin., H. N., xxxiii., 8.)

manumission, were allowed to wear it by special permission from the emperor, which appears to have been usually granted, provided the patronus consented.[1]

Having thus traced the history of the equestrian order to its final extinction as a distinct class in the community, we must now return to the equites equo publico, who formed the 18 equestrian centuries. This class still existed during the latter years of the Republic, but had entirely ceased to serve as horse-soldiers in the army. The cavalry of the Roman legions no longer consisted, as in the time of Polybius, of Roman equites, but their place was supplied by the cavalry of the allied states. It is evident that Cæsar, in his Gallic wars, possessed no Roman cavalry.[2] When he went to an interview with Ariovistus, and was obliged to take cavalry with him, we are told that he did not dare to trust his safety to the Gallic cavalry, and therefore mounted his legionary soldiers upon their horses.[3] The Roman equites are, however, frequently mentioned in the Gallic and civil wars, but never as common soldiers; they were officers attached to the staff of the general, or commanded the cavalry of the allies, or sometimes the legions.[4]

After the year B.C. 50, there were no censors in the state, and it would therefore follow that for some years no review of the body took place, and that the vacancies were not filled up. When Augustus, however, took upon himself, in B.C. 29, the præfectura morum, he frequently reviewed the troops of equites, and restored, according to Suetonius,[5] the long-neglected custom of the solemn procession (*transvectio*); by which we are probably to understand that Augustus connected the review of the knights (*recognitio*) with the annual procession *transvectio*) of the 15th of July. From this time these equites formed an honourable corps, from which all the higher officers in the army[6] and the chief magistrates in the state were chosen. Admission into this body was equivalent to an introduction into public life, and was therefore esteemed a great privilege; whence we find it recorded in inscriptions that such a person was *equo publico honoratus, exornatus*, &c., by the emperor.[7] If a young man was not admitted into this body, he was excluded from all civil offices of any importance, except in municipal towns; and also from all rank in the army, with the exception of centurion.

All those equites who were not employed in actual service were obliged to reside at Rome,[8] where they were allowed to fill the lower magistracies, which entitled a person to admission into the senate. They were divided into six turmæ, each of which was commanded by an officer, who is frequently mentioned in inscriptions as *Sevir equitum Rom., turmæ* I., II., &c., or, commonly, *Sevir turmæ*, or *Sevir turmarum equitum Romanorum*. From the time that the equites bestowed the title of *principes juventutis* upon Caius and Lucius Cæsar, the grandsons of Augustus,[1] it became the custom to confer this title, as well as that of Sevir, upon the probable successor to the throne, when he first entered into public life and was presented with an equus publicus.[2]

Coin of Commodus.[9]

The practice of filling all the higher offices in the state from these equites appears to have continued as long as Rome was the centre of the government and the residence of the emperor. They are mentioned in the time of Severus[3] and of Caracalla,[4] and perhaps later. After the time of Diocletian, the equites became only a city guard, under the command of the Præfectus Vigilum; but they still retained, in the time of Valentinianus and Valens, A.D. 364, the second rank in the city, and were not subject to corporeal punishment.[5]

The preceding account of the equites has been principally taken from the essay of Zumpt already referred to; to which, and to the valuable work of Marquardt, *Historiæ Equitum Romanorum libri* iv., Berlin, 1840, the reader is referred for a fuller explanation of those points which have been necessarily treated with brevity in this article. Respecting the *Magister Equitum*, *vid.* Dictator, p. 361.

EQUULEUS or ECULEUS was an instrument of torture, which is supposed to have been so called because it was in the form of a horse. We have no description of its form given by any of the ancient writers, but it appears not to have differed greatly from the crux.[6] It appears to have been commonly used at Rome in taking the evidence of slaves.[7]

*EQUUS (ἵππος), the Horse. The native country of this animal is unknown. The Horse was highly esteemed among the Egyptians, who appear to have had an excellent breed, and, besides those required for the army and private use, many were sold to foreign traders who visited the country.[8] Among the Greeks, the public games, where racing formed so conspicuous a part, always induced great attention to be paid to this noble animal. The Greek horse appears to have been quite small in size, if any idea can be formed of its proportions from the bas-reliefs of the frieze of the Parthenon, forming part of the Elgin marbles. Flaxman speaks in terms of high eulogium of the manner in which these steeds are represented by the artist. "The beholder," he remarks, "is charmed with the deer-like lightness and elegance of their make; and, although the relief is not above an inch from the background, and they are so much smaller than nature, we can scarcely suffer reason to persuade us that they are not alive." Horses were sold in Attica for comparatively high prices, not only on account of their utility, and the difficulty of keeping them, but from the disposition of the Athenians to extravagance and display: while the knights kept expensive horses for military service and processions at the festivals, and while men of ambition and high rank trained them for the games and races, there arose, particularly among the young men, an excessive passion for horses, of which Aristophanes gives an example in the Clouds, and which is recorded by several ancient writers, so that many persons were impoverished by keeping them. The price of a common horse was three

1. (Dig. 40, tit. 10, s. 3.)—2. (Cæs., Bell. Gall., i., 15.)—3. (Id., i., 42.)—4. (Id., vii., 70.—Bell. Civ., i., 77; iii., 71, &c.)—5 (Octav., 38.)—6. (Suet., Octav., 38; Claud., 25.)—7. (Orelli, Inscrip., No. 3457, 3131, 1229.)—8. (Dion Cass., lix., 9.)—9. (*Vid* Spanh., De Præst. et Usu Numism., vol ii., p. 364.)

1. (Tacit., Ann., i., 3.—Monum. Ancyr.)—2. (Capitol., M. Anton. Phil., 6.—Lamprid., Commod., 1.)—3. (Gruter, Inscrip., p. 1001, 5.—Papinian in Dig. 29, tit. 1, s. 43)—4. (Gruter, p. 379, 7.)—5. (Cod. Theodos., 6, tit. 36.)—6. (Cic., Pro Mil., c. 21, compared with "certa crux," c. 22.)—7. (*Vid.* Sigonius, De Judiciis, iii., 17.—Magius, "De Equuleo," in Sallengre's Nov. Thesaur. Ant. Rom., vol. ii., p. 1211, &c.)—8. (Wilkinson's Egyptians, vol. i, p. 20, 2d series.)

minas; but a good saddle-horse, or a horse for running in chariot-races, according to Aristophanes, cost twelve minas. Sometimes, however, fashion, or fancy for horses, raised their price beyond all limits. Thus thirteen talents were given for Bucephalus.[1] The Romans, if nature had not furnished the horses with a proud and lofty action, used to tie rollers of wood and weights to their pastern joints, to compel them to lift their feet, a practice particularly required to go safely, skilfully, and with ease to the rider, in the amble. This was the favourite pace with the Romans. The Greeks tried their horses by a bell, and other loud and sudden noises. Such horses as were worn out, and unfit to serve with the troops, were turned out, and, as a mark of dismission, were branded in the jaw with the figure of a circle or a wheel. Virgil says that the fleetest steeds among the Greeks came from Epirus; the studs of Corinth, however, were also remarkable for their excellence, and the breed was traced back by the register-books to Pegasus. It was customary to mark horses of this breed with a *koppa* on the shoulder, whence the term κοππατίας (sc. ἵππος).[2]

ER'ANOI (ἔρανοι) were clubs or societies established for charitable or convivial purposes, or for both. They were very common at Athens, and suited the temper of the people, who were both social and generous. The term ἔρανος, in the sense of a convivial party, is of ancient date.[3] It resembled our picnics, or the German *pikeniks*, and was also called δεῖπνον ἀπὸ σπυρίδος or ἀπὸ συμβολῶν: where every guest brought his own dish, or (to save trouble) one was deputed to cater for the rest, and was afterward repaid by contributions. (*Vid.* Deipnon.) The clubs that were formed at Athens used to dine together at stated periods, as once a month; and every member was bound to pay his subscription, which (as well as the society itself) was called ἔρανος, and the members ἐρανισταί. If any member failed to pay, the sum was made up by the president, ἐρανάρχης, also called πληρωτὴς ἐράνου, who afterward recovered it, if he could, from the defaulter. Πληροῦν ἔρανον often means simply to pay the subscription, as λείπειν or ἐκλείπειν, to make default.[4]

There were also associations under this name for the purpose of mutual relief, resembling in some degree our friendly or benefit societies; but with this essential difference, that the relief which they afforded was not (as it is with us) based upon any calculation of natural contingencies, but was given *pro re nata*, to such poor members as stood in need of it. The Athenian societies do not appear to have kept up a common fund by regular subscriptions, though it is probable that the sum which each member was expected to advance, in case of need, was pretty well understood. If a man was reduced to poverty, or in distress for money from any cause, he applied to the members of his club for assistance; this was called συλλέγειν ἔρανον: those who advanced it were said ἐρανίζειν αὐτῷ: the relief was considered as a loan, repayable by the borrower when in better circumstances. Isæus[5] reckons among the assets of a person, ἐξ ἐράνων ὀφλήματα εἰσπεπραγμένα, from which we may infer that each contributor was entitled to recover the sum he had lent. For the recovery of such loans, and for the decision of other disputes, there were ἐρανικαὶ δίκαι, in which a summary and equitable kind of justice was administered. Plato[6] disapproved of lawsuits in such matters, and would not allow them in his Republic.

Salmasius contends that, wherever the term ἔρανος is applied to an established society, it means only a convivial club, and that there were no regular associations for the purposes of charity; but others have held a different opinion.[1] It is not probable that many permanent societies were formed with the sole view of feasting. We know that at Athens, as well as in the other Grecian Republics, there were clubs for various purposes, political as well as social; the members of which would naturally meet, and dine together at certain periods. Such were the religious companies (θίασοι), the commercial (ἐμπορικαί), and some others.[2] Unions of this kind were called by the general name of ἑταιρίαι, and were often converted to mischievous ends, such as bribery, overawing the public assembly, or influencing courts of justice.[3] In the days of the Roman Empire, friendly societies, under the name of ἔρανοι, were frequent among the Greek cities, but were looked on with suspicion by the emperors as leading to political combinations.[4] The *gilds*, or fraternities for mutual aid, among the ancient Saxons, resembled the ἔρανοι of the Greeks.[5] Compare also the ἀγαπαί, or love-feasts of the early Christians.

The word ἔρανος is often used metaphorically, to signify any contributions or friendly advance of money.

*EREBINTHUS (ἐρέβινθος), a sort of small pea or vetch, Chickpea. "Of the three species or varieties of the ἐρέβινθος noticed by Dioscorides, the only one that can be satisfactorily determined," observes Adams, "is the κριός, which is undoubtedly the *Cicer arietanum*."[6]

*ERE'TRIA TERRA (Ἐρετριὰς γῆ), Eretrian Earth, an impure argil, of a snow-white colour, obtained near the city of Eretria, in Euboea.[7]

ERGA'STULUM was a private prison attached to most Roman farms, called *carcer rusticus* by Juvenal,[8] where the slaves were made to work in chains. It appears to have been usually under ground, and, according to Columella,[9] ought to be lighted by narrow windows, which should be too high from the ground to be touched by the hand. The slaves confined in an ergastulum were also employed to cultivate the fields in chains.[10] Slaves who had displeased their masters were punished by imprisonment in the ergastulum; and in the same place all slaves who could not be depended upon, or were barbarous in their habits, were regularly kept. A trustworthy slave had the care of the ergastulum, and was, therefore, called *ergastularius*.[11] According to Plutarch,[12] these prisons arose in consequence of the conquest of Italy by the Romans, and the great number of barbarous slaves who were employed to cultivate the conquered lands. In the time of Hadrian and Antoninus, many enactments were made to ameliorate the condition of slaves; and, among other salutary measures, Hadrian abolished the ergastula, which must have been liable to great abuse in the hands of tyrannical masters.[13] For farther information on the subject, *vid.* Brissonius, *Antiq. Select.*, ii., 9.—Lipsius, *Elect.*, ii., 15. Opera, vol. i., p. 317, &c.—Göttling, *Gesch. der Röm Staatsv.*, p. 135.

*ERI'CA (ἐρίκη or ἐρείκη), the Tree-heath, or *Erica arborea*, mentioned by Theophrastus and Dioscorides.[14]

1. (Böckh, Publ. Econ. of Athens, vol. i., p. 101, transl.)—2. (Mitchell ad Aristoph., Nub., 23.)—3. (Hartung, Od., i., 226.)—4. (Demosth., c. Aphob., 821; c. Meid., 547; c. Aristog., 776.)—5. (De Hagn Hæred., 234.)—6 (Leg., xi., p. 915.)

1. (*Vid.* Salmas., De Usuris, c. 3.—Obs. ad jus Att. et Rom., and Herald., Animadv. in Sal., referred to in Meier's Att. Proc., p. 540.)—2. (Böckh, Publ. Econ. of Athens, i., p. 328, §29.)—3 (Thucyd., iii., 82.—Demosth., De Coron., 329.—Thirlwall, Gr. Hist., vol. iv., p. 36.)—4. (Plin., Ep., x., 93, 94.)—5. (Turner's Hist. of the Anglo-Saxons, iv., 10.)—6. (Theophrast. H. P., viii., 1.—Dioscor., ii., 126.—Adams, Append., s. v.)—7. (Dioscor., v., 170.)—8. (xiv., 24.)—9. (i., 6.)—10. (Plin., H. N., xviii., 7, § 4.—Flor., iii., 19.)—11. (Colum., i., 8.)—12. (Tib. Gracch., 8.)—13 (Spart., Hadr., 18. compared with Gaius, i., 53.)—14 (Theophrast., H. P., i., 23; ix., 11.—Dioscor., i., 47.)

ERICIUS was a military engine, full of sharp spikes, which was placed by the gate of the camp to prevent the approach of the enemy.[1]

*ERIN'EUS (ἐρινεός), the Wild Fig-tree, or *Ficus Carica*, L. (*Vid.* FICUS.)[2]

*ERI'NUS (ἔρινος), according to Sprengel, the *Campanula Erinus*. Matthiolus and Bauhin, however, are quite undecided about it.[3]

*ΕΡΙΟΦΟΡΟΝ ΔΕΝΔΡΟΝ, the Cotton-tree, or *Gossypium arboreum*. Virgil is supposed to allude to it in the following line: "*Quid nemora Æthiopum, molli canentia lana?*"[4]

*ERO DIUS, the Heron. (*Vid.* ARDEA.)

EROTIA or EROTIDIA (Ἐρώτια or Ἐρωτίδια) was the most solemn of all the festivals celebrated in the Bœotian town of Thespiæ. It took place every fifth year, and in honour of Eros, the principal divinity of the Thespians. Respecting the particulars nothing is known, except that it was solemnized with contests in music and gymnastics.[5] The worship of Eros seems to have been established at Thespiæ from the earliest times; and the ancient symbolic representation of the god, a rude stone (ἀργὸς λίθος), continued to be looked upon with particular reverence, even when sculpture had attained the highest degree of perfection among the Greeks.[6]

*ERU'CA, I. a species of Palmer or Canker-worm, very injurious to trees, the leaves and blossoms of which it eats completely off. This scourge of vegetation is produced, according to Pliny, during a humid season, and one only moderately warm.[7]

*II. The herb Rocket, or *Brassica Eruca*, the same with the εὔζωμον of the Greeks. The seed were used by the ancients as a condiment in food, and were employed in place of mustard in Iberia. They were also used as an aphrodisiac. Dioscorides[8] and Pliny[9] make mention of two kinds, the *sativum* and *agreste*, the latter being the wild kind. Sibthorp found this plant at Athens, and also among the vineyards in the islands of the Archipelago.—The Greek name εὔζωμον comes from εὖ, and ζωμός, "broth," indicating its being employed in seasoning broth, the Latin appellation is explained by Pliny, with reference to the pungent properties of Rocket, "*quod vellicando linguam quasi erodat.*"

*ERVUM, the Tare, or *Ervum Ervilia*, the same with the Greek ὄροβος. The ancient writers speak of two kinds, the *sativum* and *sylvestre*. Dioscorides[10] subdivides the former into the red and the white, from the colour of the flowers. Aristotle, Columella,[11] and Pliny[12] make mention of it as used to fatten cattle. The modern Greeks still call it *ρόβι*, applying this name to both the cultivated and the wild kind.[13]

*ERYNG'IUM (ἠρύγγιον), the herb Eryngo, otherwise called Sea-holm or Sea-holly. "Eryngo," says Woodville, "is supposed to be the ἠρύγγιον of Dioscorides."[14] Sprengel, however, makes the ἠρύγγιον of Theophrastus[15] to be the *Eryngium maritimum*, but Stackhouse prefers the *Eryngium campestre*. Sprengel, in his R. H. H., refers the ἠρύγγιον of Dioscorides to the *Eryngium planum*, but in his edition of Dioscorides he admits his uncertainty about the species.[16]

*ERYTHROD'ANUM (ἐρυθρόδανον). "It can admit of no doubt," observes Adams, "that the ἐρυθρόδανον of Dioscorides and Galen[17] is the *Rubia tinctorum* or dyer's Madder. Sprengel is disposed to question whether the ἐρυθέδανον of Theophrastus[1] be the same, and hesitates whether to make it the *Rubia lucida*, *Galium cruciatum*, Sm., or the *Asperula odorata*. Stackhouse, however, holds it also to be the *Rubia tinctorum*."[2]

*ERYTH'ROPUS (ἐρυθρόπους), a bird mentioned in the *Aves* of Aristophanes.[3] It was most probably, according to Adams, either the Redshank (*Scolopax calidris*) or the Bilcock (*Rallus aquaticus*[4]).

*ERYTHRON'IUM (ἐρυθρόνιον), a plant, about which it is difficult to form any certain opinion. It is most probably, however, what is called Dogstooth, or *Erythronium Dens Canis*.[5]

ERYCTE'RES (ἐρυκτῆρες) was the name given to the Spartan slaves who followed their masters to the wars, and who appear to have been, in course of time, manumitted. The name is supposed by Müller to have been given to them in allusion to their duty of drawing (ἐρύκειν) the wounded from the ranks.[6]

*ESCH'ARUS (ἔσχαρος), the name of a fish briefly noticed by Athenæus, and called also κόρις. Rondelet supposes it a species or variety of Sole, namely, *Pleuronectes solea*.

ESOPTRON (ἔσοπτρον) (*Vid.* SPECULUM.)

ESSEDA'RII. (*Vid.* ESSEDA.)

E'SSEDA or E'SSEDUM (from the Celtic *Ess*, a carriage[8]), the name of a chariot used, especially in war, by the Britons, the Gauls, and Belgæ,[9] and also by the Germans.[10]

According to the account given by Cæsar,[11] and agreeably to the remarks of Diodorus Siculus,[12] the method of using the essedum in the ancient British army was very similar to the practice of the Greeks in the heroic ages, as described by Homer, and in the article CURRUS, p. 332, 323. The principal difference seems to have been that the essedum was stronger and more ponderous than the δίφρος; that it was open before instead of behind; and that, in consequence of these circumstances and the width of the pole, the owner was able, whenever he pleased, to run along the pole (*de temone Britanno excidet*[13]), and even to raise himself upon the yoke, and then to retreat with the greatest speed into the body of the car, which he drove with extraordinary swiftness and skill. It appears, also, that these cars were purposely made as noisy as possible, probably by the creaking and clanging of the wheels (*strepitu rotarum*;[14] *Essedæ multisonoræ*[15]); and that this was done in order to strike dismay into the enemy. The formidable British warriors who drove these chariots, the "car-borne" of Ossian, were called in Latin essedarii.[16] There were about 4000 of them in the army of Cassibelaunus.[17] Having been captured, they were sometimes exhibited in the gladiatorial shows at Rome, and seem to have been great favourites with the people.[18] They must have held the highest rank in the armies of their own country; and Tacitus[19] observes that the driver of the car ranked above his fighting companion, which was the reverse of the Greek usage.

The essedum was adopted for purposes of convenience and luxury among the Romans.[20] Cicero[21] mentions the use of it on one occasion by the tribune of the people as a piece of extravagance; but in the time of Seneca it seems to have been much

1. (Cæs., Bell. Civ., iii., 67.—Sallust, ap. Non., xviii., 16.—Lipsius, Poliorcet., v., 4.)—2. (Hom., Il., vi., 433.—Theophrast., H. P., ii., 2.)—3. (Dioscor., iv., 29.)—4. (Theophrast., H. P., iv., 7.—Virg., Georg., ii., 120.—Adams, Append., s. v.)—5. (Plut., Erot., ix., 1.—Paus., ix., 31, § 3.—Athen., xiii., p. 561.)—6 (Paus., ix., 27, § 1.—Compare Schol. ad Pind., Olymp., vii., 154.)—7. (H. N., xvii., 24.)—8. (ii., 170.)—9. (H. N., xx., 13.)—10. (ii., 131.)—11. (ii., 11; vi, 3.)—12. (H. N., xxviii., 15.)—13. (Billerbeck, Flora Classica, p. 188.)—14. (iii., 21.)—15. (H. P., vi., I.)—16. (Adams, Append., s. v.)—17 (iii 150.)

1. (vi., I; vii., 19, &c.)—2. (Adams, Append., s. v.)—3. (304.)—4.) Adams, Append., s. v.)—5. (Dioscor., iii., 134.—Bauhin, Pinax, p. 128.—Sprengel, ad Dioscor., p. 554.—Adams, Append., s. v.)—6. (Athen., p. 271, F.—Müller, Dor., 3, iii., § 2.)—7. (Adams, Append., s. v.)—8. (Ginzrot, i., p. 379.)—9. (Virg., Georg., iii., 204. — Servius, ad loc.)—10. (Pers., vi., 47.)—11. (Bell. Gall., iv., 33.)—12. (v., 21, 29.)—13. (Juv., iv., 125.)—14. (Cæs., l. c.—Compare Tacit., Agric., 35.)—15 (Claud., Epigr., iv.)—16. (Cæs., B. G., iv., 24.—Cic. ad Fam., vii., 6.)—17. (Cæs., B. G., v., 19.)—18. (Sueton., Calig., 35.—Claud., 26.)—19 (Agric., 12.)—20 (Propert., iv., 1, 76.)—21 (Phil., ii., 24.)

more common; for he[1] reckons the sound of the "essedæ transcurrentes" among those noises which did not distract him. As used by the Romans, the essedum may have differed from the cisium in this, that the cisium was drawn by one horse (see woodcut, p. 257), the essedum always by a pair. The essedum must have been similar to the COVINUS, except that the latter had a cover.

*EULAI (*εὐλαί*), Worms. This term is used by the Greek writers on Natural History in much the same sense, and with the same latitude, as the Latin term *Vermes* is applied by Cuvier and our late naturalists. "The names of worms, *σκώληξ*, *εὐλαί*, *ἕλμινς*, in Greek, and *Vermes* in Latin, were employed by the ancients," observes Griffith, "to designate certain animals which to a certain degree they suited, with much more reference, however, to their elongated form of body than to the softness of their composition. But, as we have just seen, the Greeks had three words for these beings, each of which had its peculiar signification. From what Aristotle tells us of his *σκώληξ* (a word, the root of which is undoubtedly *σκολιός*, 'tortuous'), it is evident that it applied to all the animals which exhibited the form of the common worm, or rather, perhaps, whose movements were tortuous, whatever might be the nature of the change which they were subsequently to undergo. It would seem, however, that it was more especially applied to the first degree of development in insects, to the state in which they appear on issuing from the egg of the parent. Aristotle certainly extends its application no farther than to insects. Such, however, is not the case with Ælian. In two places of his work on the nature of animals, where this expression occurs, he evidently intends the *lumbrici*, or intestinal worms; in a third, it is probable that he alludes to the caterpillar of the cabbage-butterfly; and in a fourth, he thus designates, after Ctesias, some fabulous animal, although he states it to belong to the genus of those which are nourished and engendered in wood. The term *εὐλαί* appears to have been also employed to designate the form under which some insects exist for a greater or less period of time, since we find it applied to animals which inhabit putrid flesh, and also wounds and ulcers. Its extension, therefore, was not very great. Ælian likewise employs it to designate what, in all probability, was a larva, when he tells us that in India the peasants remove the land-tortoises from their shell with a mattock, in the same manner as they remove the worms from plants which are infested by them. Finally, the word *ἕλμινς*, which is frequently used by Hippocrates in many of his works, and, among others, in his General Treatise on Diseases, was applied by him to those animals which are at present known under the denomination of *intestinal worms*, of which he was acquainted with but a small number of species. Aristotle has employed it in the same manner, as well as Ælian, every time that he speaks of the substances which are used to rid dogs of the worms to which they are subject. The Latin authors, and Pliny among the rest, appear to have restricted the word *lumbricus* to the intestinal worms, and to have rendered the three Greek denominations by a single one, that of *Vermes*, from which it has happened that the moderns have been led to the same confusion by the word *worms*, which, as well as the French word *vers*, is evidently derived from the Latin. All the other animals, which they comprehended under the name of *Exsanguia*, meaning by that term that they had not red blood, were divided into the three classes of *Insecta*, *Mollusca*, and *Zoophyta*. The term *Vermes* did not then possess that undue extension which it obtained among the naturalists of the last century, with whom it at last comprehended all animals with the exception of the Vertebrata, the Insecta, and the Crustacea."[1]

EUMOLPʹIDAI (*Εὐμολπίδαι*), the most distinguished and venerable among the priestly families in Attica. They were devoted to the service of Demeter at Athens and Eleusis, and were said to be the descendants of the Thracian bard Eumolpus, who, according to some legends, had introduced the Eleusinian mysteries into Attica.[2] The high-priest of the Eleusinian goddess (*ἱεροφάντης* or *μυσταγωγός*), who conducted the celebration of her mysteries and the initiation of the mystæ, was always a member of the family of the Eumolpidæ, as Eumolpus himself was believed to have been the first hierophant.[3] In his external appearance the hierophant was distinguished by a peculiar cut of his hair, a kind of diadem (*στρόφιον*), and a long purple robe.[4] In his voice he seems always to have affected a solemn tone suited to the sacred character of his office, which he held for life, and which obliged him to remain unmarried.[5] The hierophant was attended by four *ἐπιμεληταί*, one of whom likewise belonged to the family of the Eumolpidæ.[6] Other members of their family do not seem to have had any particular functions at the Eleusinia, though they undoubtedly took part in the great procession to Eleusis. The Eumolpidæ had on certain occasions to offer up prayers for the welfare of the state, and in case of neglect they might be taken to account and punished; for they were, like all other priests and magistrates, responsible for their conduct, and for the sacred treasures intrusted to their care.[7] (Compare EUTHYNE.)

The Eumolpidæ had also judicial power in cases where religion was violated (*περὶ ἀσεβείας*[8]). This power probably belonged to this family from the earliest times, and Solon as well as Pericles do not seem to have made any alteration in this respect. Whether the religious court acted independent of the archon king, or under his guidance, is uncertain. The law, according to which they pronounced their sentence, and of which they had the exclusive possession, was not written, but handed down by tradition; and the Eumolpidæ alone had the right to interpret it, whence they are sometimes called *ἐξηγηταί*. (*Vid.* EXEGETAI.) In cases for which the law had made no provisions, they acted according to their own discretion.[9] Respecting the mode of proceeding in these religious courts, nothing is known.[10] In some cases, when a person was convicted of gross violation of the public institutions of his country, the people, besides sending the offender into exile, added a clause in their verdict that a curse should be pronounced upon him by the Eumolpidæ.[11] But the Eumolpidæ could pronounce such a curse only at the command of the people, and might afterward be compelled by the people to revoke it, and purify the person whom they had cursed before.[12]

*EUPATOʹRIUM (*εὐπατώριον*[13]), a plant, the same with the Agrimony, or *Agrimonia Eupatorium*. Another name is Liverwort, from its being used in complaints of the liver, and hence we find it called in Oribasius *ἡπατόριον*. The name of *Eupatorium*

1. (Griffith's Cuvier, vol. xiii., p. 38, seqq.)—2. (Diod. Sic., i 29.—Apollod., Biblioth., iii., 15, § 4.—Demosth., c. Neær., 1384, &c.)—3. (Hesych., s. v. *Εὐμολπίδαι*.—Tacit., Hist., iv., 83.—Arnob.—Clemens Alex., Protrept.)—4. (Arrian in Epictet., iii. 21.—Plut., Alcib., 22.)—5. (Paus., ii., 14, § 1.)—6. (Harpocrat et Suid., s. v. *Ἐπιμεληταὶ τῶν Μυστηρίων*.)—7. (Æschin., c Ctesiph., p. 56, ed. Steph.)—8. (Demosth., c. Androt., p. 601.)—9. (Lysias, c. Andocid., p. 204.—Andocid., De Myst., p. 57.)—10. (Heffter, Athen. Gerichtsverf., p. 405, &c.—Platner, Process, ii., p. 147, &c.)—11. (Plut., Alcib., 22.—Corn. Nep., Alcib., 4, 5.)—12. (Plut., Alcib., 33.—Corn. Nep. Alcib., 6, 5.)—13. (Dioscor., iv., 41.)

1. (Epist., 57.)

was given it, according to some of the ancient writers, from that of Mithradates Eupator, who discovered the medicinal properties of this plant.[1] It is more probable, however, that it was so called from the city of Eupatoria, near the river Amisus, in Pontus, where it grew abundantly. Pliny says, that its seed, taken in wine, formed an excellent remedy for dysentery. The islanders of Zante call it *φονόχορτον*, and the Turks *Cojún otí*. Sibthorp found it in the Peloponnesus, and also around Byzantium, and along the road between Smyrna and Brusa.[2]

EUPATRI'DÆ (*Εὐπατρίδαι*, descended from noble ancestors) is the name by which, in early times, the nobility of Attica was designated. Who the Eupatridæ originally were has been the subject of much dispute; but the opinion now almost universally adopted is, that they were the noble Ionic or Hellenic families who, at the time of the Ionian migration, settled in Attica, and there exercised the power and influence of an aristocracy of warriors and conquerors, possessing the best parts of the land, and commanding the services of a numerous class of dependants.[3] The chiefs who are mentioned as kings of the several Attic towns, before the organization of the country ascribed to Theseus, belonged to the highest or ruling class of the Eupatridæ; and when Theseus made Athens the seat of government for the whole country, it must have been chiefly these nobles of the highest rank that left their former residences and migrated to Athens, where, after Theseus had given up his royal prerogatives and divided them among the nobles, they occupied a station similar to that which they had previously held in their several districts of Attica. Other Eupatridæ, however, who either were not of the highest rank, or were less desirous to exercise any direct influence upon the government, remained in their former places of residence.[4] In the division of the inhabitants of Attica into three classes, which is ascribed to Theseus, the Eupatridæ were the first class,[5] and thus formed a compact order of nobles, united by their interests, rights, and privileges. The first, or, at least, the most ambitious among them, undoubtedly resided at Athens, where they enjoyed nearly the same privileges as they had before the union in the separate townships of Attica. They were in the exclusive possession of all the civil and religious offices in the state, ordered the affairs of religion, and interpreted the laws, human and divine.[6] The king was thus only the first among his equals, only distinguished from them by the duration of his office;[7] and the four kings of the phylæ (*φυλοβασιλεῖς*), who were chosen from the Eupatridæ, were more his colleagues than his counsellors.[8] The kingly power was in a state of great weakness; and while the overbearing influence of the nobles, on the one hand, naturally tended gradually to abolish it altogether, and to establish a purely aristocratical government in its stead,[9] it produced, on the other hand, effects which threatened its own existence, and at last led to the entire overthrow of the hereditary aristocracy as an order: for the commonalty, which had likewise gained in strength by the union of all the Attic townships, soon began to feel the oppression of the aristocracy, which in Attica produced nearly the same effects as that of the patricians at Rome. The legislation of Draco seems to have arisen out of the growing discontent of the commonalty with the oppressive rule of the nobles;[10] but his attempts to remedy the evil were more calculated to intimidate the people than to satisfy them, and could, consequently, not have any lasting results. The disturbances which, some years after, arose from the attempt of Cylon, one of the Eupatridæ, who tried to overthrow the aristocratical government and establish himself as tyrant, at length led to the legislation of Solon, by which the political power and influence of the Eupatridæ as an order was broken, and property instead of birth was made the standard of political rights.[1] But as Solon, like all ancient legislators, abstained from abolishing any of the religious institutions, those families of the Eupatridæ in which certain priestly offices and functions were hereditary, retained these distinctions down to a very late period of Grecian history.[2]

*EUPHORBI'UM (*εὐφόρβιον*), a plant belonging to the genus *Euphorbia*, or Spurge. It grows wild in Africa, and is said to have been discovered by King Juba,[3] who gave it the name of Euphorbia in honour of his physician Euphorbus, brother to Antonius Musa, the medical attendant of Augustus.[4] This prince also wrote a treatise on the virtues of the plant, which was in existence in Pliny's days.[5] The Euphorbium was discovered by him near Mount Atlas. Its stem, according to Pliny,[6] was straight like a thyrsus, and its leaves resembled those of the acanthus. Its odour was so powerful, that they who collected the juice were compelled to stand at a distance. An incision was made into the stem by means of a pole tipped with iron, and the juice which exuded was caught in a goatskin. This juice became, on exposure to the air, a gum-resin resembling frankincense. Pliny speaks of it as a remedy against the bite of serpents. The name of this resin was also Euphorbium. "It is stated in the Edinburgh Dispensatory," remarks Adams, "that the Euphorbium is got from the species called *Euphorbia antiquorum*; but Sprengel prefers the *Euphorbia maritima*."[7] Sibthorp informs us that the Greek fishermen, at the present day, use the *Euphorbia Characias* (called by them *φλόμος*) to poison the fish, but that, when caught by these means, they become putrid a short time after they are taken.[8]

EURI'PUS. (*Vid.* AMPHITHEATRUM, p. 53.)

EUTHYDIC'IA (*εὐθυδικία*). (*Vid.* DICE, p. 359.)

EUTHY'NE (*εὐθύνη*). All public officers at Athens, especially generals, ambassadors,[9] the archons and their assessors, the diætetæ, priests and priestesses,[10] the secretaries of the state,[11] the superintendents of public buildings, the trierarchs, and even the senate of the Five Hundred and the members of the Areiopagus, were accountable for their conduct, and the manner in which they acquitted themselves of their official duties. The judges in the popular courts seem to have been the only authorities who were not responsible,[12] for they were themselves the representatives of the people, and would, therefore, in theory, have been responsible to themselves. This account, which officers had to give after the time of their office was over, was called *εὐθύνη*, and the officers subject to it, *ὑπεύθυνοι*. Every public officer had to render his account within thirty days after the expiration of his office;[13] and as long as this duty was not fulfilled, the whole property of the ex-officer was in bondage to the

1. (Plin., H. N., xxv., 6.)—2. (Billerbeck, Flora Classica, p. 117.)—3. (Thirlwall, Hist. of Greece, i., p. 115, &c.—Wachsmuth, Hellen. Alterth., I., i., p. 230, &c.)—4. (Thirlwall, ib., ii., p. 8.)—5 (Plut., Thes., 25.)—6. (Müller, Dor., ii., 2, § 15.)—7. (Schömann, De Comit., p. 4, transl.)—8. (Pollux, viii., 111.)—9. (Hermann, Pol. Ant. of Greece, § 102.)—10. (Thirlwall, ib., ii., p. 18, &c.

1. (Aristot., Polit., ii., 9.—Dionys. Hal., Ant. Rom., ii., 8.—Ælian, V. H., v., 13.)—2. (Wachsmuth, Hellen. Alterth., i., 1, p. 152.—Compare Schömann, Antiq. Jur. Publ. Græc., p. 167 &c., and p. 77, &c.)—3. (Plin., H. N., xxv., 7.)—4. (Plin., l. c.)—5. (l. c.)—6. (l. c.)—7. (Adams, Append., s. v.)—8. (Billerbeck, Flora Classica, p. 120.)—9. (Demosth. et Æschin., De Fals. Leg.)—10. (Æschin., c. Ctes., p. 56, ed. Steph.)—11. (Lysias, c. Nicom.)—12. (Aristoph., Vesp., 546.—Hudtwalcker, "Von den Diætet.," p. 32.)—13. (Harpocrat., Suid. et Phot. s. v. *Λογισταί* and *Εὔθυνοι*.)

state.[1] he was not allowed to travel beyond the frontiers of Attica, to consecrate any part of his property as a donarium to the gods, to make his will, or to pass from one family into another by adoption; no public honours or rewards, and no new offiee could be given to him.[2] If within the stated period an officer did not send in his account, an action called *ἀλογίου* or *ἀλογίας δίκη* was brought against him.[3] At the time when an officer submitted to the *εὐθύνη*, any citizen had the right to come forward and impeach him. Those who, after having refused to submit to the *εὐθύνη*, also disobeyed the summons to defend themselves before a court of justice, thereby forfeited their rights as citizens.[4]

It will appear from the list of offieers subjeet to the euthyne, that it was not confined to those whose office was conneeted with the administration of the public money, or any part of it; but in many cases it was only an inquiry into the manner in which a person had behaved himself in the diseharge of his official duties. In the former ease the serutiny was conducted with great strietness, as the state had various means to check and control the proceedings of its officers; in the latter, the euthyne may in many instances have been no more than a personal attendance of the ex-offieer before the representatives of the people, to see whether any charge was brought against him. When no aeeuser appeared, the officer was honourably dismissed (*ἐπιοημαίνεσθαι*[5]). After an offieer had gone through the euthyne, he became *ἀνεύθυνος*.[6]

The officers before whom the aeeounts were given were in some places called *εὔθυνοι* or *λογισταί*, in others *ἐξεταστaί* or *συνήγοροι*.[7] At Athens we meet with the first two of these names, and both are mostly mentioned togeth er; but how far their functions differed is very uncertain. Some grammarians[8] state that *λογισταί* was the name of the same officers who were formerly called *εὔθυνοι*. But from the manner in which the Greek orators speak of them, it ean scarcely be doubted that their functions were distinct. From the authorities referred to by Böckh,[9] it seems, moreover, elear that the office of the *λογισταί*, though closely conneeted with that of the *εὔθυνοι*, was of greater extent than that of the latter, who appear rather to nave been the assessors of the former than a totally distinct class of officers, as will be seen hereafter. All accounts of those offieers who had anything to do with the public money were, after the expiration of their office, first sent in to the *λογισταί*, who examined them; and if any diffieulty or incorreetness was discovered, or if charges were brought against an ex-officer within the period of 30 days, the farther inquiry devolved upon the *εὔθυνοι*, before whom the officer was obliged to appear and plead his eause.[10] If the *εὔθυνοι* found that the accounts were unsatisfactory, that the officer had embezzled part of the public money, that he had accepted bribes, or that charges brought against him were well founded, they referred the case to a court of justice, for which the *λογισταί* appointed the judges by lot, and in this court their herald proclaimed the question who would eome forward as accuser.[11] The place where the court was held was the same as that to which ex-officers sent their accounts to be examined by the *λογισταί*, and was called *λογιστήριον*. It can scareely be doubted that the *εὔθυνοι* took an active part in the trials of the *λογιστήριον*: but whether they acted only as the assessors of the *λογισταί*, or whether they, as Pollux states, exacted the embezzled sums and fines instead of the praetores, is uncertain. The number of the *εὔθυνοι*, as well as that of the *λογισταί*, was ten, one being taken from every tribe.[2] The *λογισταί* were appointed by the senate, and chosen by lot; whether the *εὔθυνοι* were likewise ehosen by lot is uncertain, for Photius uses an expression derived from *κλῆρος* (lot), while Pollux[3] states that the *εὔθυνοι* (*προσαιροῦνται*, seil. *τοῖς λογισταῖς*), were like the assessors of the arehons; the latter account, however, seems to be more consistent and more probable. Every *εὔθυνος* had two assessors (*πάρεδροι*).[4]

The first traces of this truly demoeratic institution are generally found in the establishment of the archonship (*ἀρχὴ ὑπεύθυνος*) instead of the kingly power, by the Attie nobles.[5] It was from this state of dependance of the first magistrates upon the order of the nobles that, in the course of time, the regular euthyne arose. Similar institutions were established in several other republies of Greeee.[6]

EUTHYNOI (*Εὔθυνοι*). (*Vid.* EUTHYNE.)

EVI'CTIO. If the purehaser of a thing was by legal means deprived of it (*evicted*), the seller was bound to make good the loss (*evictionem præstare*). If the seller knew that he was selling what was not his own, this was a ease of dolus, and he was bound, in ease of eviction, to make good to the purchaser all loss and damage that he sustained. If there was no dolus on the part of the seller, he was simply bound to make good to the purchaser the value of the thing at the time of eviction. It was necessary for the purchaser to neglect no proper means of defenee, when an attempt was made to evict him; and it was his duty to give the seller no tice of the adverse claim (*litem denunciare*), and to pray his aid in defenee of the action. The stipulatio duplæ was usual among the Romans; and, in such case, if the purchaser was evieted from the whole thing, he might, by virtue of his agreement, demand from the seller double its value.[7]

EVOCA'TI were soldiers in the Roman army who had served out their time and obtained their discharge (*missio*), but had voluntarily enlisted again at the invitation of the consul or other commander.[8] There appears always to have been a considerable number of evoeati in every army of importance; and when the general was a favourite among the soldiers, the number of veterans who joined his standard would of course be inereased. The evocati were doubtless released, like the vexillarii, from the common military duties of fortifying the eamp, making roads, &c.,[9] and held a higher rank in the army than the common legionary soldiers. They are sometimes spoken of in eonjunction with the equites Romani,[10] and sometimes classed with the centurions.[11] They appear to have been frequently promoted to the rank of eenturions. Thus Pompey induced a great many of the veterans who had served under him in former years, to join his standard at the breaking out of the civil war, by the promise of rewards and the command of eenturies (*ordinum*[12]). All the evocati could not, however, have held the rank of centurions, as we read of two

1. (Æsch., c. Ctes., p. 56, Steph.)—2. (Æschin et Demosth., De Coron., and a Tim., 747.)—3. (Pollux, viii., 54.—Hesych., Suid., Etym. Mag., s. v. Ἀλογίου δίκη.)—4. (Demosth., c. Meid., p. 512.)—5. (Demosth., De Coron., 310.)—6. (Pollux, Onom., viii., 54.)—7. (Aristot., Polit., vi., 5, p. 213, ed. Göttling.)—8. (Etymol. Magn. et Phot., s. v. Εὔθυνοι.)—9. (Staatsh., i., p. 205, &c.—Compare ii., p. 201, and in the Rhein. Mus., 1827, vol. i., p. 72, &c.)—10. (Hermann, Polit. Antiq. of Greece, § 154, 8.)—11. (Æschin., c. Ctes., p. 57, Steph.—Etymol. Magn., s. v. Εὐθύνη.—Bekker, Anecdot., p. 245. 6.)

1. (Andocid., De Myst., p. 37.—Lys., c. Polystrat., p. 672.)—2. (Phot., s. v. Εὔθυνος.—Harpocrat., s. v. Λογισταί.)—3. (viii., 99.)—4. (Böckh, Staatsh., i. c.—Tittmann, Grieeh. Staatsverf., p. 323, &c.—Hermann, Polit. Antiq. of Greece, § 154.—Schömann, Antiq. Jur. Publ. Græc., p. 239, &c.)—5. (Paus., iv., 5, 4.)—6. (Aristot., Polit., vi., 5.—Wachsmuth., Hellen. Alterth., i., p. 192.)—7. (Dig. 21, tit. 2.)—8. (Dion., xlv., 12.)—9. (Tacit., Ann., i., 36.)—10. (Cæs., Bell. Gall., vii., 65.)—11. (Cæs. Bell. Civ., i., 17.)—12. (Cæs., Bell. Civ., i., 3.)

thousand on one occasion,[1] and of their belonging to certain cohorts in the army. Cicero speaks of a *Præfectus Evocatorum*.[2]

The name of Evocati was also given to a select body of young men of the equestrian order, who were appointed by Domitian to guard his bedchamber.[3] This body is supposed by some writers to have existed under the succeeding emperors, and to have been the same as those called *Evocati Augusti*.[4]

ΕΞΑΓΩΓΗΣ ΔΙΚΗ (ἐξαγωγῆς δίκη), a suit of a public nature, which might be instituted against one who, assuming to act as the protector (κύριος) of an Athenian woman, married her to a foreigner in a foreign land. This was contrary to law, intermarriage with aliens being (as a general rule) prohibited. In the speech of Demosthenes against Timocrates,[5] the latter is charged with having sold his sister to a Corcyrean, on pretence of giving her in marriage.[6]

ΕΞΑΙΡΕΣΕΩΣ ΔΙΚΗ (ἐξαιρέσεως δίκη). This was an action brought to recover damages for the attempt to deprive the plaintiff of his slave; not where the defendant claimed a property in the slave, but where he asserted him to be a freeman. As the condition of slavery at Athens incapacitated a man to take any legal step in his own person, if a reputed slave wished to recover his rights as a freeman, he could only do it by the assistance of one who was himself a freeman. He then put himself under the protection of such a person, who was said ἐξαιρεῖσθαι or ἀφαιρεῖσθαι αὐτὸν εἰς ἐλευθερίαν, *in libertatem vindicare*. If the master sought to reclaim him, he proceeded to take manual possession, ἄγειν αὐτὸν εἰς δουλείαν. A runaway slave might at any time be seized by his master, either in the open street or elsewhere, except in a sanctuary. If the friend or person who harboured the slave meant to contest the master's right, the proper course was to go with him before the magistrate, and give security for the value of the slave and costs, in case a court of law should decide against him. The magistrate who took cognizance of the cause was the archon, where a man claimed to be a citizen; the polemarch, where he claimed to be an alien freeman. It was the duty of the archon or polemarch to set the man at liberty *pendente lite*. In the suit that followed, the plaintiff had to prove his title to the ownership of the slave, and, if successful, obtained such compensation as the jury chose to award; this being a τιμητὸς ἀγών, and half of the τίμημα being given to the state.[7] A verdict for the plaintiff drew with it, as a necessary consequence, the adjudication of the ownership, and he would be entitled to take possession of his slave immediately: if, however, the slave had escaped in the mean time, and evidence of such fact were produced, the jury would probably take that into consideration in estimating the damages.

If the friend, in resisting the capture of the slave, had used actual violence, he was subject to a δίκη βιαίων. And if the *soi-disant* master had failed in the ἐξ. δίκη, the injured party might maintain an action against him for the attempted seizure.[8]

In a speech of Isocrates,[9] the defendant, a banker, from whom it is sought to recover a deposite, is charged with having asserted the freedom of his own slave, in order to prevent his being examined by torture respecting the sum of money deposited in his hands. This is remarkable on two accounts first (as Meier observes), because it seems to prove that one not the owner of the slave could bring the ἐξ. δίκη, if he had an interest in the matter; secondly, because it was optional with a man to give up his slave to the torture or not, the refusal being only matter of observation to the jury; and, therefore, it appears strange that any one should have recourse to a measure, the result of which (if successful) would be to deprive him of his property.

EXAUCTORA'TIO. (*Vid.* Missio.)

EXAUGURA'TIO is the act of changing a sacred thing into a profane one, or of taking away from it the sacred character which it had received by inauguratio, consecratio, or dedicatio. That such an act was performed by the augurs, and never without consulting the pleasure of the gods by augurium, is implied in the name itself.[1] Temples, chapels, and other consecrated places, as well as priests, were considered as belonging to the gods. No consecrated place whatever could be employed for any profane purpose, or dedicated to any other divinity than that to which it originally belonged, without being previously exaugurated; and priests could not give up their sacred functions, or (in case they were obliged to live in celibacy) enter into matrimony, without first undergoing the process of exauguratio.[2]

EXCE'PTIO. (*Vid.* Actio, p. 16.)

EXCU'BIÆ. (*Vid.* Castra, p. 220.)

EXCUBITO'RES, which properly means watchmen or sentinels of any kind,[3] was the name more particularly given to the soldiers of the cohort who guarded the palace of the Roman emperor.[4] Their commanding officer was called *tribunus excubitor*.[5] When the emperor went to an entertainment at the house of another person, the excubitores appear to have accompanied him, and to have kept guard at his own palace.[6]

EXEDRÆ. (*Vid.* Gymnasium, House.)

EXEGE'TAI (ἐξηγηταί, interpreters; on this and other meanings of the word, *vid.* Ruhnken, *ad Timæi Glossar.*, p. 109, &c.) is the name of the Eumolpidæ, by which they were designated as the interpreters of the laws relating to religion and of the sacred rites.[7] (*Vid.* Eumolpidai.) They were thus, at Athens, the only class of persons who in some measure resembled the Roman jurists; but the laws, of which the ἐξηγηταί were the interpreters, were not written, but handed down by tradition. Plutarch[8] applies the term to the whole order of the Eupatridæ, though, properly speaking, it belonged only to certain members of their order, *i. e.*, the Eumolpidæ. The Etymologicum Magn.,[9] in accordance with the etymological meaning of the word, states that it was applied to any interpreter of laws, whether sacred or profane; but we know that at Athens the name was principally applied to three members of the family of the Eumolpidæ,[10] whose province it was to interpret the religious and ceremonial laws, the signs in the heavens, and the oracles; whence Cicero[11] calls them *religionum interpretes*.[12] They had also to perform the public and private expiatory sacrifices, and were never appointed without the sanction of the Delphic oracle, whence they were called Πυθόχρηστοι.[13]

The name ἐξηγητής was also applied to those persons who served as guides (cicerone) to the visiters

1. (Ib., iii., 88.)—2. (ad Fam., iii., 6, § 5.—Compare Cic. ad Fam., xv., 4, § 3.—Cæs., Bell. Civ., iii., 91.—Suet., Octav., 56.—Lipsius, De Milit. Rom., i., 8.)—3. (Suet., Dom., 10.)—4. (Hyginus, De Lim., p. 209.—Orelli, Inscrip., No. 3495, 153.)—5. (p. 763.)—6. (Meier, Att. Proc., p. 350.)—7. (Demosth., c. Theocr., 1328.)—8. (Lys., c. Pancl., 734, &c., with Reiske's note.—Demosth., c. Neær., 1358.—Harpocr., s. v. Ἐξαιρέσεως and Ἄγει.—Meier, Att. Proc., p. 394.)—9. (Trapez., 361.)

1. (Liv., i., 55; v., 54.—Dionys Hal., Antiq. Rom., iii p. 202, ed. Sylburg.—Cato ap. Fest., s. v. Nequitium.)—2. (Gellius, vi., 7, 4.—Jul. Capitol., M. Anton. Philos., c. 4.)—3. (Cæs., Bell. Gall., vii. 69.)—4. (Suet., Ner., 8.—Oth., 6.)—5. (Suet., Claud., 42.—Ner., 9.)—6. (Suet., Oth., 4.)—7. (Demosth., Energ., p. 1160.)—8. (Thes., 25.)—9. (s. v.)—10. (Suidas, s. v.)—11. (De Leg., ii., 27.)—12. (Compare Pollux, Onom., viii., 124 and 188—Plato, Euthyphr., p. 4, D.)—13. (Timæus, Glossar., s. v. Ἐξηγηταί—Compare Meier, "De Bonis Damnat.," p. 7.—Müller ad Æschyl., Eumen., p. 162, &c.)

in the most remarkable towns and places of Greece, who showed to strangers the curiosities of a place, and explained to them its history and antiquities.[1]

Respecting the ἐξηγητής of the laws of Lycurgus at Sparta, see Müller, *Dor.*, iii., 11, 2.

EXENGYASTHAI (ἐξεγγυᾶσθαι) (*Vid.* Engye.)

EXERCITO'RIA ACTIO was an action granted by the edict against the exercitor navis. By the term navis was understood any vessel, whether used for the navigation of rivers, lakes, or the sea. The exercitor navis is the person to whom all the ship's gains and earnings (*obventiones et reditus*) belong, whether he is the owner, or has hired the ship from the owner for a time definite or indefinite. The magister navis is he who has the care and management of the ship, and was appointed (*præpositus*) by the exercitor. The exercitor was bound generally by the contracts of the magister, who was his agent, but with this limitation, that the contract of the magister must be with reference to furthering the object for which he was appointed; as, for instance, if he purchased things useful for the navigation of the ship, or entered into a contract or incurred expense for the ship's repairs, the exercitor was bound by such contract: the terms of the master's appointment (*præpositio*) accordingly determine the rights of third parties against the exercitor. If the magister, being appointed to manage the ship, and to use it for a particular purpose, used it for a different purpose, his employer was not bound by the contract. If there were several magistri, with undivided powers, a contract with one was the same as a contract with all. If there were several exercitores, who appointed a magister either out of their own number or not, they were severally answerable for the contracts of the magister. The contracting party might have his action either against the exercitor or the magister, so long as the magister continued to be such.

A party might have an action ex delicto against an exercitor in respect of the act either of the magister or the sailors, but not on the contract of the sailors. If the magister substituted a person in his place, though he was forbidden to do so, the exercitor would still be bound by any proper contract of such person.

The term Nauta properly applies to all persons who are engaged in navigating a ship; but in the Prætor's Edict[2] the term Nauta means Exercitor (*qui navem exercet*).

(Dig. 14, tit. 1.—Peckius, *in Titt. Dig. et Cod. ad Rem Nauticam pertinentes Comment.*—Abbott *on Shipping*, Index, *Exercitor Navis*.)

EXE'RCITUS. (*Vid.* Army.)

EXETASTAI ('Εξεταστaί) were commissioners sent out by the Athenian people to ascertain whether there were as many mercenaries as the generals reported. It appears to have been no uncommon plan for the commanders, who received pay for troops, to report a greater number than they possessed, in order to receive the pay themselves; in which case they were said "to draw pay for empty places in the mercenary force" (*μισθοφορεῖν ἐν τῷ ξενικῷ κεναῖς χώραις*[3]). The commissioners, however, who were sent to make inquiries into the matter, often allowed themselves to be bribed.[4] This name was also probably given to commissioners who were appointed to investigate other matters.

EXHERES. (*Vid.* Heres.)

EXHIBENDUM, ACTIO AD. This action was introduced mainly with respect to vindicationes, or actions about property. "*Exhibere*" is defined to be "*facere in publico potestatem, ut ei qui agat experundi sit copia.*" This was a personal action, and he had the right of action who intended to bring an actio in rem. The actio ad exhibendum was against a person who was in possession of the thing in question, or had fraudulently parted with the possession of it; and the object was the production of the thing for the purpose of its being examined by the plaintiff. The thing, which was, of course, a movable thing, was to be produced at the place where it was at the commencement of the legal proceedings respecting it; but it was to be taken to the place where the action was tried at the cost and expense of the plaintiff.

The action was extended to other cases: for instance, to cases when a man claimed the privilege of taking his property off another person's land, that other person not being legally bound to restore the thing, though bound by this action to allow the owner to take it; and to some cases where a man had in his possession something in which his own and the plaintiff's property were united, as a jewel set in the defendant's gold, in which case there might be an actio ad exhibendum for the purpose of separating the things.

If the thing was not produced when it ought to have been, the plaintiff might have damages for loss caused by such non-production. This action would lie to produce a slave in order that he might be put to the torture to discover his confederates.

The ground of the right to the production of a thing was either property in the thing or some interest; and it was the business of the judex to declare whether there was sufficient reason (*justa et probabilis causa*) for production. The word "interest" was obviously a word of doubtful import. Accordingly, it was a question if a man could bring this action for the production of his adversary's accounts, though it was a general rule of law that all persons might have this action who had an interest in the thing to be produced (*quorum interest*); but the opinion as given in the Digest[1] is not favourable to the production on the mere ground of its being for the plaintiff's advantage. A man might have this actio though he had no vindicatio; as, for instance, if he had a legacy given to him of such a slave as Titius might choose, he had a right to the production of the testator's slaves in order that Titius might make the choice; when the choice was made, then the plaintiff might claim the slave as his property, though he had no power to make the choice. If a man wished to assert the freedom of a slave (*in libertatem vindicare*), he might have this action.

This action was, as it appears, generally in aid of another action, and for the purpose of obtaining evidence; in which respect it bears some resemblance to a Bill of Discovery in Equity.

(Mühlenbruch, *Doctrina Pandectarum.*—Dig. 10, tit. 4.)

EXITE'RIA (ἐξιτήρια) or EPEXODI'A (ἐπεξόδια) are the names of the sacrifices which were offered by generals before they set out on their expeditions.[2] The principal object of these sacrifices always was to discover from the accompanying signs the favourable or unfavourable issue of the undertaking on which they were about to enter. According to Hesychius, ἐξιτήρια was also the name of the day on which the annual magistrates laid down their offices.

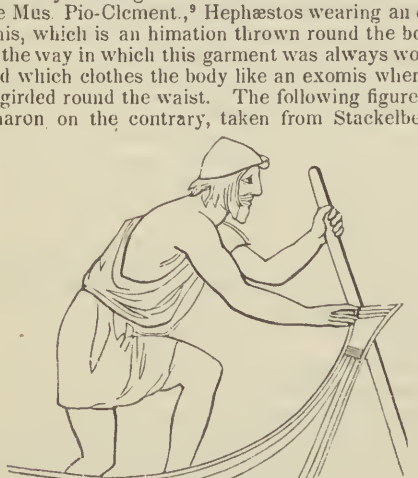
EXODI'A ('Εξόδια, from ἐξ and ὁδός) were old-fashioned and laughable interludes in verses, inserted in other plays, but chiefly in the Atellanæ.[3] It is difficult to ascertain the real character of the exodia; but, from the words of Livy, we must infer

1. (Paus., i., 41, § 2.)—2. (Dig. 4, tit. 9, s. 1.)—3. (Æschin., c. Ctes., p. 536.)—4. (Æschin., c. Timarch., p. 131.—De Fals Leg., p. 339.—Böckh, Publ. Econ. of Athens, i., p. 389.)

1. (Dig. 10, tit. 4, s. 19.)—2. (Xen., Anab., vi. 5, § 3.)—3. (Liv., vii., 2.)

that, although distinct from the Atellanæ, they were closely connected with them, and never performed alone. Hence Juvenal calls them *exodium Atellanæ*[1] and Suetonius[2] *exodium Atellanicum*. They were, like the Atellanæ themselves, played by young and well-born Romans, and not by the histriones. Since the time of Jos. Scaliger and Casaubon, the exodia have almost generally been considered as short comedies or farces which were performed after the Atellanæ; and this opinion is founded upon the vague and incorrect statement of the scholiast on Juvenal.[3] But the words of Livy, *exodia conserta fabellis*, seem rather to indicate interludes, which, however, must not be understood as if they had been played between the acts of the Atellanæ, which would suggest a false idea of the Atellanæ themselves. But as several Atellanæ were performed on the same day, it is probable that the exŏdia were played between them. This supposition is also supported by the etymology of the word itself, which signifies something *ἐξ ὁδοῦ*, extra viam, or something not belonging to the main subject, and thus is synonymous with *ἐπεισόδιον*. The play, as well as the name of exodium, seems to have been introduced among the Romans from Italian Greece; but after its introduction it appears to have become very popular among the Romans, and continued to be played down to a very late period.[4]

EXO'MIS (*ἐξωμίς*) was a dress which had only a sleeve for the left arm, leaving the right, with the shoulder and a part of the breast, free, and was, for this reason, called *exomis*. It is also frequently called *χιτὼν ἑτερομάσχαλος*.[5] The exomis, however, was not only a chiton (*vid.* TUNICA), but also an ἱμάτιον or *περίβλημα*. (*Vid.* PALLIUM.) According to Hesychius[6] and Ælius Dionysius,[7] it served at the same time both the purposes of a chiton and an himation; but Pollux[8] speaks of two different kinds of exomis, one of which was a *περίβλημα*, and the other a *χιτὼν ἑτερομάσχαλος*. His account is confirmed by existing works of art. Thus we find in the Mus. Pio-Clement.,[9] Hephæstos wearing an exomis, which is an himation thrown round the body in the way in which this garment was always worn, and which clothes the body like an exomis when it is girded round the waist. The following figure of Charon on the contrary, taken from Stackelberg, *Die Gräber der Hellenen*, pl. 47, represents the proper *χιτὼν ἑτερομάσχαλος*.



The exomis was usually worn by slaves and working people,[1] whence we find Hephæstos, the working deity, frequently represented with this garment in works of art.[2] The chorus of old men in the Lysistrata of Aristophanes[3] wear the exomis, which is in accordance with the statement of Pollux,[4] who says that it was the dress of old men in comic plays.

According to Aulus Gellius,[5] the exomis was the same as the common tunic without sleeves (*citra humerum desinentes*); but his statement is opposed to the accounts of all the Greek grammarians, and is, without doubt, erroneous.[6]

EXOMOSI'A (*ἐξωμοσία*). Any Athenian citizen, when called upon to appear as a witness in a court of justice (*κλητεύειν* or *ἐκκλητεύειν*[7]), was obliged by law to obey the summons, unless he could establish by oath that he was unacquainted with the case in question.[8] This oath was called *ἐξωμοσία*, and the act of taking it was expressed by *ἐξόμνυσθαι*.[9] Those who refused to obey the summons without being able to take the *ἐξωμοσία*, incurred a fine of one thousand drachmæ; and if a person, after promising to give his evidence, did, nevertheless, not appear when called upon, an action called *λειπομαρτυρίου*, or *βλάβης δίκη*, might be brought against him by the parties who thought themselves injured by his having withheld his evidence.[10]

When the people, in their assembly, appointed a man to a magistracy or any other public office, he was at liberty, before the *δοκιμασία* took place, to decline the office, if he could take an oath that the state of his health or other circumstances rendered it impossible for him to fulfil the duties connected with it (*ἐξόμνυσθαι τὴν ἀρχήν*, or *τὴν χειροτονίαν*); and this oath was likewise called *ἐξωμοσία*, or sometimes *ἀπωμοσία*.[11]

EXOSTRA (*ἐξώστρα*, from *ἐξωθέω*) was one of the many kinds of machines used in the theatres of the ancients. Cicero,[12] in speaking of a man who formerly concealed his vices, expresses this sentiment by *post siparium reluabatur*; and then stating that he now shamelessly indulged in his vicious practices in public, says, *jam in exostra reluatur*. From an attentive consideration of this passage, it is evident that the exostra was a machine by means of which things which had been concealed behind the siparium were pushed or rolled forward from behind it, and thus became visible to the spectators. This machine was therefore very much like the *ἐκκύκλημα*, with this distinction, that the latter was moved on wheels, while the exostra was pushed forward upon rollers.[13] But both seem to have been used for the same purpose, namely, to exhibit to the eyes of the spectators the results or consequences of such things—*e. g.*, murder or suicide—as could not consistently take place in the proscenium, and were therefore described as having occurred behind the siparium or in the scene.

The name exostra was also applied to a peculiar kind of bridge, which was thrown from a tower of the besiegers upon the walls of the besieged town, and across which the assailants marched to attack those of the besieged who were stationed on the ramparts to defend the town.[14]

1. (Sat., vi., 71.)—2. (Tib., 45.)—3. (Sat., iii., 174.)—4. (Suet., Aug., Domit., 10.)—5. (Phot. et Hesych., s. v. Ἑτερομ.—Hehod., Æthiop., ii., 1.—Paus., vi., 16, 2.)—6. (s. v. Ἐξωμίς.)—7. (ap. Eustath. ad Il., xviii., 595.)—8. (Onom., vii., 48.)—9. (vol. iv., pl. 11.)

1. (Phot., s. v.—Schol. ad Aristoph., Equit., 879.)—2. (Müller, Archæol. der Kunst., § 366, 6.)—3 (l. 622.)—4. (iv., 118. —5. (vii., 12.)—6. (Becker, Charikles, ii., p. 112, &c.)—7 (Pollux, Onom., viii., 37.—Æschin., c. Timarch., p. 71.)—8 (Demosth., De Fals. Leg., p. 396; c. Neær., p. 1354; c. Aphob. p. 850.—Suidas, s. v. Ἐξομόσασθαι.)—9. (Demosth., c. Stephi., p. 1119; c. Eubulid., p. 1317.—Harpocrat., s. v.)—10. (Demosth., c. Timoth., p. 1190.—Meier, Att. Proc., p. 387, &c.)—11 (Demosth., De Fals. Leg., p. 379; c. Timoth., p. 1204.—Æschin., De Fals. Leg., p. 271.—Pollux, Onom., viii., 55.—Etymol. Magn., s. v.)—12. (De Prov. Cons., 6.)—13. (Pollux Onom., iv., 128.—Schol. ad Aristoph., Acharn., 395.)—14. (Veget., De Re Milit., iv., 21.)

ΕΞΟΥΛΗΣ ΔΙΚΗ (*ἐξούλης δίκη*). The process so called in Athenian law seems to have been originally used as a remedy against those who wrongfully "kept others out" (*ἐξείλλειν, ἐξείργειν*) of *real* property which belonged to them.[1] The etymology of the word indicates this and the speeches of Demosthenes against Onetor furnish an example of it. (*Vid.* EMBATEIA.)

The *δίκη ἐξούλης*, however, does not generally appear in this simple shape, but rather as an "*actio rei judicatæ*," or an action consequent upon the non-fulfilment of a judgment in a previous suit; the nature of which, of course, modified the subsequent proceedings. We will consider, first, the case when the main action had reference to real property. If a plaintiff was successful in an action of this sort, and the defendant did not give up possession by the time appointed, two processes seem to have been open to the former. Thus he might, if he chose, proceed at once to take possession (*ἐμβατεύειν*), and if resisted, then bring his action for ejectment;[2] or he might adopt a less summary process, which, so far as we can understand the grammarians, was as follows: If the property in question, and which the defendant refused, after judgment given, to surrender, was a house, the plaintiff brought an action for the rent (*δίκη ἐνοικίου*): if a landed estate (*χωρίον*), for the produce (*δίκη καρποῦ*). If the defendant still kept possession, the next step was a *δίκη οὐσίας*, or an action for the proceeds of all his property by way of indemnification; and after that followed the *δίκη ἐξούλης*.[3] The statement we have given from Hudtwalcker[4] rests mainly on its inherent probability and the authority of Suidas.[5] Some grammarians, however, do not represent the *δίκη καρποῦ* and the *δίκη οὐσίας* as consequent upon a previous action, but as the *first* steps taken before a *δίκη ἐξούλης* was commenced. For a probable explanation of this, *vid.* ΕΝΟΙΚΙΟΥ ΔΙΚΗ. The question now arises, What was done if the defendant refused to give up possession, even after being cast in the *δίκη ἐξούλης*? We are almost bound to suppose, though we have no express authority for it, that a plaintiff would, under such circumstances, receive aid from the public authorities to assist him in ejecting the defendant; but, independent of this, it appears from Andocides[6] that a defendant incurred the penalty of *ἀτιμία* if defeated in a *δίκη ἐξούλης*.

We will now explain the proceedings when the main action had no reference to real property: as, for example, the *δίκη κακηγορίας*, in which Meidias allowed judgment to go by default (*ἐρήμην ὤφλε*), and neglected or refused to pay the damages given against him, so as to become *ὑπερήμερος*. Demosthenes,[7] the plaintiff in the case, says that he might have seized upon Meidias's property by way of pledge, but that he did not do so, preferring to bring a *δίκη ἐξούλης* at once. It is, of course, implied in this statement, that if he had attempted to make a seizure, and been resisted, the same process would have been equally open to him. In fact, Ulpian[8] informs us that a *δίκη ἐξούλης* was the consequence of such a resistance being made. Moreover, in cases of this sort, it was peculiarly a penal action; for the defendant, if cast, was required to pay to the public treasury a fine of the same amount as the damages (*ἡ καταδίκη*) due to the plaintiff.[9] The penalty of *ἀτιμία* also was inflicted till both the fine and damages were paid. Lastly, Pollux[10] informs us, *εἰ ὁ μὲν ὡς ἐωνημένος ἀμφισβητεῖ κτήματος, ὁ δὲ ὡς ὑποθήκην ἔχων, ἐξούλης ἡ δίκη*. words which to Hudtwalcker seem obscure, but simply mean that if one person claimed a property as purchaser, and another as mortgagee, or as having a lien upon it, the dispute was settled by an *ἐξούλης δίκη*. In such a case, it would, of course, be merely a civil action to try a right.

EXPEDI'TUS is opposed to "*impeditus*,"[1] and signifies unencumbered with armour or with baggage (*impedimenta*). Hence the light-armed soldiers in the Roman army (p. 104) were often called the Expediti;[2] and the epithet was also applied to any portion of the army, when the necessity for haste, or the desire to conduct it with the greatest facility from place to place, made it desirable to leave behind every weight that could be spared.[3]

EXPLORATO'RES. (*Vid.* SPECULATORES.)

EXSEQUIÆ. (*Vid.* FUNUS.)

EXSI'LIUM. (*Vid.* BANISHMENT, ROMAN.)

EXSUL. (*Vid.* BANISHMENT, ROMAN.)

EXTISPEX. (*Vid.* HARUSPEX.)

EXTRAORDINA'RII (interpreted by Polybius and Suidas by the Greek word Ἐπιλέκτοι, *selected*) were the soldiers who were placed about the person of the consul in the Roman army. They consisted of about a third part of the cavalry and a fifth part of the infantry of the allies, and were chosen by the prefects.[4] Hence, for a legion of 4200 foot and 300 horse, since the number of the infantry of the allies was equal to that of the Roman soldiers, and their cavalry twice as many, the number of extraordinarii would be 840 foot and 200 horse, forming two cohorts, which are mentioned by Livy;[5] or, in an army of two legions, four cohorts.[6]

From the extraordinarii a body of chosen men was taken to form a body-guard for the consul. These were called *ablecti* (*ἀπολέκτοι*). Their number is uncertain. Lipsius conjectures that they consisted of 40 out of the 200 cavalry, and 168 out of the 840 infantry of the extraordinarii, making the whole number of the ablecti in a consular army 80 horse and 336 foot.[7]

F.

*FABA (*κυαμός*), the Bean. Dioscorides[8] makes mention of two kinds, the Grecian and Egyptian (Ἑλληνικός and Αἰγύπτιος). The *κυαμὸς Ἑλληνικός* is generally held to be the *Vicia Faba*, but there is considerable difficulty, according to Adams, in determining exactly the variety of it most applicable to the descriptions of the ancient bean. The most probable opinion appears to be that of Dickson, who thinks that the *Faba minor* of Miller, namely, the Horse-bean, answers best to the descriptions of Theophrastus.[9] The *κυαμὸς Αἰγύπτιος* is the *Nelumbium speciosum*. Its edible root was termed *κολοκασία*, and its fruit *κιβώριον*. The ancients made a kind of bread out of beans, called *ἄρτος κυάμινος*, or *panis ex faba*. "Galen remarks that beans were much used by gladiators for giving them flesh, but adds that it was not firm or compact. Dr. Cullen noticed the nutritious qualities of these things, but omits to mention that the flesh which they form is deficient in firmness. Actuarius states that they are nutritious, but dissuades from using them freely, on account of their flatulence. According to Celsus, both beans and lentils are stronger food than pease. Seth agrees with Galen, that the flesh formed from them is flabby and soft. Galen directs to fry beans, or boil them with onions, whereby they will be rendered less flatulent."[10] The bean is said to have come origi

1. (Harpocr., s. v.—Pollux, Onom., viii., 95.—Buttmann, Lexil., 260, transl.)—2. (Etymol. Mag., Ἐξ. *δίκη*.—Pollux, Onom., viii., 59.)—3. (Harpocr., s. v. *Οὐσίας δίκη*.—Suidas, *Καρποῦ δίκη*.)—4. (p. 143.)—5. (l. c.)—6. (*Περὶ Μυστηρίων*, p. 10, 16.)—7. (c. Meid., 540, 21)—8. (Demosth., c. Meid., 528 11.)—9. (Demosth., c. Meid., 528, 11.)—10 (viii., 59)

1 (Plaut., Epid., i., 1, 79.)—2. (Festus, s. v. Advelitatio.)—3 (Cic. ad Fam., xv., 4.)—4. (Polyb., vi., 23, p. 472, Casaub.)—5 (xxxiv., 47.)—6. (Liv., xl., 27.)—7. (Lipsius, De Militia Romana ii. 7; v., 3.)—8. (ii., 127.)—9. (H. P., viii., 9.—Id., C. P., iii., 23.)—10. (Adams, Commentary on Paul of Ægina, p. 102.)

nally from Persia.[1] The Romans held it in high estimation, and Pliny assigns it the first rank among leguminous plants. Pythagoras, as is well known, proscribed beans, a prohibition which would seem to have been rather dietetic than physical or moral. The abstaining from beans was also enjoined on the Egyptians. Herodotus says that beans were never sown in any part of Egypt, and that, if some happened to grow there, the Egyptians would not eat them, either crude or dressed. As for the priests, adds he, they abhor the very sight of that pulse, accounting it impure and abominable.[2] The Pythagorean prohibition, therefore, would seem to have been of Egyptian origin.

FABRI are workmen who make anything out of hard materials, as *fabri tignarii*, carpenters, *fabri ærarii*, smiths, &c. The different trades were divided by Numa[3] into nine collegia, which correspond to our companies or guilds. In the constitution of Servius Tullius, the *fabri tignarii* (τέκτονες[4]) and the *fabri ærarii* or *ferrarii* (χαλκοτύποι) were formed into two centuries, which were called the centuriæ *fabrûm*, and not *fabrorum*.[5] They did not belong to any of the five classes into which Servius divided the people; but the *fabri tign.* probably voted with the first class, and the *fabri ær.* with the second. Livy[6] and Dionysius[7] name both the centuries together: the former says that they voted with the first class; the latter, that they voted with the second. Cicero[8] names only one century of fabri, which he says voted with the first class; but as he adds the word *tigunariorum*, he must have recognised the existence of the second century, which we suppose to have voted with the second class.[9]

The fabri in the army were under the command of an officer called *præfectus fabrûm*.[10] It has been upposed by some modern writers that there was a præfectus fabrûm attached to each legion; and this *may* have been the case. No genuine inscriptions, however, contain the title of præfectus fabrûm with the name of a legion added to it. There were also civil magistrates at Rome, and in the municipal towns, called præfecti fabrûm; but we know nothing respecting them beyond their name. Thus we find in Gruter, PRÆF. FABR. ROMÆ,[11] PRÆFECTUS FABR. CÆR.[12] The subject of the præfecti fabrûm is discussed with great accuracy in a letter of Hagenbuchius, published by Orelli.[13]

FA'BULA PALLIA'TA. (*Vid.* COMŒDIA, p. 300.)

FA'BULA PRÆTEXTA'TA. (*Vid.* COMŒDIA, p. 300.)

FA'BULA TOGA'TA. (*Vid.* COMŒDIA, p. 300.)

FACTIO'NES AURIGA'RUM. (*Vid.* CIRCUS, p. 256.)

*FAGUS, the Beech-tree. The name is supposed to be derived from the Greek *φάγω*, "to eat," as indicating that its fruit served for the nourishment of the early race of men. The *fagus* of Pliny is the same with that of Virgil, both writers meaning the beech; but the *φήγος* of Theophrastus is a species of oak. (*Vid.* ÆSCULUS.) La Cerda falls into the mistake of confounding the *fagus* and *φήγος*.[14]

FALA'RICA. (*Vid.* HASTA.)

FALCI'DIA LEX (*Vid.* LEGATUM.)

FALSUM. The crime of falsum was the subject of a Judicium Publicum, and it was the object of a ex Cornelia (passed by Sulla), which Cicero also calls testamentaria and numaria,[1] with reference to the crimes which it was the object of the law to punish. The provisions of this lex are stated by Paulus,[2] who also entitles it lex Cornelia testamentaria, to apply to any person "*qui testamentum quodve aliud instrumentum falsum sciens dolo malo scripserit, recitaverit, subjecerit, suppresserit, amoverit, resignaverit, delcverit*," &c. The punishment was deportatio in insulam (at least when Paulus wrote) for the "honestiores," and the mines or crucifixion for the "humiliores." In place of deportatio, the law probably contained the punishment of the interdictio aquæ et ignis. According to Paulus, the law applied to any instrument as well as a will, and to the adulteration of gold and silver coin, or refusing to accept in payment genuine coin stamped with the head of the princeps. But it appears from Ulpian (*sub titulo de pœna legis Corneliæ testamentariæ*) that these were subsequent additions made to the lex Cornelia[3] by various senatus consulta. By a senatus consultum, in the consulship of Statilius and Taurus, the penalties of the law were extended to the case of other than testamentary instruments. It is conjectured that, for the consulship of Statilius and Taurus, as it stands in the text of Ulpian, we should read Statilius Taurus, and that the consulship of Statilius Taurus and L. S. Libo (A.D. 15) is meant. A subsequent senatus consultum, in the fourteenth year of Tiberius, extended the penalties of the law to those who for money undertook the defence of a (criminal?) cause, or to procure testimony; and by a senatus consultum, passed between the dates of those just mentioned, conspiracies for the ruin of innocent persons were comprised within the provisions of the law. Another senatus consultum, passed A.D. 26, extended the law to those who received money for selling, or giving, or not giving testimony. There were probably other legislative provisions for the purpose of checking fraud. In the time of Nero, it was enacted against fraudulent persons (*falsarii*) that tabulæ or written contracts should be pierced with holes, and a triple thread passed through the holes, in addition to the signature.[4] In the time of Nero, it was also provided that the first two parts (*cerœ*) of a will should have only the testator's signature, and the remaining one that of the witnesses: it was also provided that no man who wrote the will should give himself a legacy in it. The provisions as to adulterating money and refusing to take legal coin in payment were also made by senatus consulta or imperial constitutions. Allusion is made to the latter law by Arrian.[5] It appears, from numerous passages in the Roman writers, that the crime of falsum in all its forms was very common, and especially in the case of wills, against which legislative enactments are a feeble security.[6]

FALX, *dim.* FALCULA (*ἅρπη, δρέπανον, poet δρεπάνη, dim. δρεπάνιον*), a sickle; a scythe; a pruning-knife or pruning-hook; a bill; a falchion; a halbert.

As CULTER denoted a knife with one straight edge, "falx" signified any similar instrument, the single edge of which was curved (*Δρέπανον εὐκαμπές*;[7] *γαμψὰς δρεπάνας*;[8] *curvæ falces*;[9] *curvamine falcis ahenæ*;[10] *adunca falce*[11]). By additional epithets the various uses of the falx were indicated and its corresponding varieties in form and size Thus the sickle, because it was used by reapers, was called *falx messoria*; the scythe, which was employed in mowing hay, was called *falx fœnaria*;

1 (Fée, Flore de Virgile, p. lii.)—2. (Herod., ii., 37.)—3. Plut., Numa, 17.)—4. (Orelli, Inscrip., 60, 417, 3690, 4086, 4088, 4184.)—5. (Cic., Orat., 46.)—6. (i, 43.)—7. (vii., 59.)—8. (De Rep., ii., 22.)—9. (Göttling, Gesch. der Röm. Staatsv., p. 249.)—10. (Cæs., ap. Cic. ad Att., ix., 8.—Bell. Civ., i., 24.—Veget, ii., 11.)—11. (467, 7.)—12. (235, 9.)—13. (Inscrip., vol. ii., p. 95, &c.)—14. (Fée, Flore de Virgile, p. liii.—Martyn ad Virg., Eclog., i., 1.)

1. (In Verr., ii., lib. 1, c. 42.)—2. (Sent. Recept., v., 25, ed. Berl.)—3. (Mos. et Rom., Leg. Coll., tit. 8, s 7.)—4. (Suet., Nero, c. 17.—Compare Paulus, Sent. Recept., v., tit. 25, s. 6.)—5. (Epict., iii., 3.)—6. (Heinecc., Syntagma.)—7. (Hom., Od xviii., 367.)—8. (Brunck, Anal., ii., 215.)—9. (Virg., Georg ., 508.)—10. (Ovid, Met., vii., 22 .)—11. (xiv., 628.)

the pruning-knife and the bill, on account of their use in dressing vines, as well as in hedging and in cutting off the shoots and branches of trees, were distinguished by the appellation of *falx putatoria, vinitoria, arboraria,* or *silvatica,*[1] or by the diminutive *falcula.*[2]

A rare coin published by Pellerin[3] shows the head of one of the Lagidæ, kings of Egypt, wearing the Diadema, and on the reverse a man cutting down corn with a sickle. (See woodcut.)

The lower figure in the same woodcut is taken from the MSS. of Columella, and illustrates his description of the various parts of the *falx vinitoria.*[4] (*Vid.* Culter.) The curvature in the forepart of the blade is expressed by Virgil in the phrase *procurva falx.*[5] In this form the bill must have been used by hunters to cut their way through thickets.[6] After the removal of a branch by the pruning-hook, it was often smoothed, as in modern gardening, by the chisel.[7] (*Vid.* Dolabra.) The edge of the falx was often toothed or serrated (*ἅρπην καρχαρόδοντα*;[8] *denticulata*[9]). The indispensable process of sharpening these instruments (*ἅρπην χαρασσέμεναι,*[10] *ἅρπην εὐκαμπῆ νεοθηγέα*[11]) was effected by whetstones, which the Romans obtained from Crete and other distant places, with the addition of oil or water, which the mower (*fœnisex*) carried in a horn upon his thigh.[12]

Numerous as were the uses to which the falx was applied in agriculture and horticulture, its employment in battle was almost equally varied, though not so frequent. The Geloni were noted for its use.[13] It was the weapon with which Jupiter wounded Typhon;[14] with which Hercules slew the Lernæan Hydra;[15] and with which Mercury cut off the head of Argus (*falcato ense;*[16] *harpen Cyllenida*[17]). Perseus, having received the same weapon from Mercury, or, according to other authorities, from Vulcan, used it to decapitate Medusa and to slay the sea-monster.[18] From the passages now referred to, we may conclude that the falchion was a weapon of the most remote antiquity; that it was girt like a dagger upon the waist; that it was held in the hand by a short hilt; and that, as it was, in fact, a dagger or sharp-pointed blade, with a proper falx projecting from one side, it was thrust into the flesh up to this lateral curvature (*curvo tenus abdidit ramo*). In the annexed woodcut, four examples are selected from works of ancient art to illustrate its

1. (Cato, De Re Rust., 10, 11.—Pallad., i., 43.—Colum., iv., 25.)—2. (Colum., xii., 18.)—3. (Med. de Rois, Par., 1762, p. 208.)—4 (De Re Rust., iv., 25, p. 518, ed. Gesner.)—5. (Georg., ii., 421.)—6. (Grat., Cyneg., 343.)—7. (Colum., De Arbor., 10.)—8. (Hesiod, Theog., 174, 179.)—9. (Colum., De Re Rust., ii., 21.)—10. (Hesiod, Op., 573.)—11. (Apoll. Rhod., iii., 1388.)—12. (Plin., H. N., xviii., 67, 5.)—13. (Claudian, De Laud. Stil., i., 110.)—14. (Apollod., i., 6.)—15. (Eurip., Ion, 191.)—16. (Ovid, Met., i., 718.)—17. (Lucan, ix., 662-677.)—18. (Apollod., ii., 4.—Eratosth., Catast., 22.—Ovid, Met., iv., 666, 720, 727; v., 69.—Brunck, Anal., iii., 157.)

form. One of the four cameos here copied represents Perseus with the falchion in his right hand, and the head of Medusa in his left. The two smaller figures are heads of Saturn, with the falx in its original form; and the fourth cameo, representing the same divinity at full length, was probably engraved in Italy at a later period than the others, but early enough to prove that the scythe was in use among the Romans, while it illustrates the adaptation of the symbols of Saturn (*Κρόνος: senex falcifer*[1]) for the purpose of personifying Time (*Χρόνος*), who, in the language of an ancient epigram,[2] destroys all things (*μιῇ δρεπάνῃ*) with the same scythe.[3]

If we imagine the weapon which has now been described to be attached to the end of a pole, it would assume the form and be applicable to all the purposes of the modern halbert. Such must have been the *asseres falcati* used by the Romans at the siege of Ambracia.[4] (*Vid.* Aries, Antenna.) Sometimes the iron head was so large as to be fastened, instead of the ram's head, to a wooden beam, and worked by men under a testudo.[5]

Lastly, the Assyrians, the Persians, the Medes, and the Syrians in Asia,[6] and the Gauls and Britons in Europe (*vid.* Covinus), made themselves formidable on the field of battle by the use of chariots with scythes, fixed at right angles (*εἰς πλάγιον*) to the axle and turned downward, or inserted parallel to the axle into the felly of the wheel, so as to revolve, when the chariot was put in motion, with more than thrice the velocity of the chariot itself; and sometimes also projecting from the extremities of the axle.

FAMI'LIA. The word "familia" contains the same element as the word "famulus," a slave, and the verb "famulari." In its widest sense it signifies the totality of that which belongs to a Roman citizen who is sui juris, and therefore a paterfamilias. Thus, in the third kind of testamentary disposition mentioned by Gaius,[7] the word "familia" is explained by the equivalent "patrimonium;" and the person who received the familia from the testator (*qui a testatore familiam accipiebat mancipio*) was called "familiæ emptor." In the same sense we find the expression "ercisciundæ familiæ."[8]

But the word "familia" is sometimes limited to signify "persons," that is, all those who are in the

1. (Ovid, Fast., v., 627; in Ibin, 216.)—2. (Brunck, Anal., iii., 281.)—3. (See Mariette, "Traité des Pierres Gravées," t. ii., pl. 2, 3.)—4. (Liv., xxxviii., 5.—Compare Cæs., Bell. Gall., vii., 22, 86.—Q. Curt., iv., 19.)—5. (Veget., iv., 14.)—6. (Xen., Cyrop., vi., 1, 2.—Anab., i., 8.—Diod. Sic., ii., 5; xvii., 53.—Polyb., v., 53.—Q. Curt., iv., 9, 12, 13.—Aul. Gell., v., 5.—1 Macc., xiii., 2.—Veget., iii., 24.—Liv. xxxvii., 41.)—7. (ii., 102.)—8. (Cic., Orat., i., 56.)

power of a paterfamilias, such as his sons (*filii-familias*), daughters, grandchildren, and slaves. When "familia" is used in this sense, it is opposed to inanimate things; and this seems to be the sense of the word familia in the formula adopted by the "familiæ emptor" on the occasion of taking the testator's familia by a fictitious purchase: "*Familiam pecuniamque tuam*," &c. In another sense "familia" signifies all the free persons who are in the power of a paterfamilias; and in a more extended sense of this kind all those who are agnati, that is, all who are sprung from a common ancestor, and would be in his power if he were living. (*Vid.* Cognati.) With this sense of familia is connected the status familiæ, by virtue of which a person belonged to a particular familia, and thereby had a capacity for certain rights which only the members of the familia could claim. A person who changed this status ceased to belong to the familia, and sustained a capitis diminutio minima. (*Vid.* Adoptio, Caput.) Members of the same family were "familiares;" and hence familiaris came to signify an intimate friend. Slaves who belonged to the same familia were called, with respect to this relation, familiares. Generally, "familiaris" might signify anything relating to a familia.

Sometimes "familia" is used to signify the slaves belonging to a person,[1] or to a body of persons (*socictas*), in which sense they are sometimes opposed to liberti,[2] where the true reading is "liberti."[3]

In the passage of the Twelve Tables which declares that in default of any heres suus, the property of the intestate shall go to the next agnatus, the word "familia" signifies the property only: "*Agnatus proximus familiam habeto.*" In the same section in which Ulpian[4] quotes this passage from the Twelve Tables, he explains agnati to be "*cognati virilis sexus per mares descendentes ejusdem familiæ*," where the word "familia" comprehends only persons.[5]

The word familia is also applied (improperly) to sects of philosophers, and to a body of gladiators: in the latter sense with less impropriety.

A paterfamilias and a materfamilias were respectively a Roman citizen who was sui juris, and his lawful wife. A filiusfamilias and a filiafamilias were a son and daughter in the power of a paterfamilias. The familia of a paterfamilias, in its widest sense, comprehended all his agnati; the extent of which term, and its legal import, are explained under Cognati. The relation of familia and gens is explained under Gens.

The five following personal relations are also comprehended in the notion of familia: 1. Manus, or the strict marriage relation between husband and wife; 2. Servitus, or the relation of master and slave; 3. Patronatus, or the relation of former master to former slave; 4. Mancipii causa, or that intermediate state between servitus and libertas, which characterized a child who was mancipated by his father (*vid.* Emancipatio); 5. Tutela and Curatio, the origin of which must be traced to the Patria Potestas. These relations are treated under their appropriate heads.

The doctrine of representation, as applied to the acquisition of property, is connected with the doctrine of the relations of familia; but, being limited with reference to potestas, manus, and municipium, it is not coextensive nor identical with the relations of familia. Legal capacity is also connected with the relations of familia, though not identical with, but rather distinct from them. The notions of liberi and servi, sui juris and alieni, are comprised in the above-mentioned relations of familia. The distinction of Cives, Latini, Peregrini, are entirely unconnected with the relations of familia. Many of the relations of familia have also no effect on legal capacity, for instance, marriage as such. That family relationship which has an influence on legal capacity is the Patria Potestas, in connexion with which the legal capacities and incapacities of filius familias, filiafamilias, and a wife in manu may be most appropriately considered.[1]

FAMILIÆ EMPTOR. (*Vid.* Familia.)

FAMILIÆ ERCISCUNDÆ ACTIO. Every heres, who had full power of disposition over his property, was entitled to a division of the hereditas, unless the testator had declared, or the co-heredes had agreed, that it should remain in common for a fixed time. The division could be made by agreement among the co-heredes; but in case they could not agree, the division was made by a judex. For this purpose every heres had against each of his co-heredes an actio familiæ erciscundæ, which, like the actiones communi dividundo, and finium regundorum, was of the class of Mixtæ Actiones, or, as they were sometimes called, Duplicia Judicia, because, as in the familiæ erciscundæ judicium, each heres was both plaintiff and defendant (actor and reus); though he who brought the actio and claimed a judicium (*ad judicium provocavit*) was properly the actor. A heres, either ex testamento or ab intestato, might bring this action. All the heredes were liable to the bonorum collatio (*vid.* Bonorum Collatio), that is, bound to allow, in taking the account of the property, what they had received from the testator in his lifetime, as part of their share of the hereditas, at least so far as they had been enriched by such donations.

This action was given by the Twelve Tables. The word Familia here signifies the "property," as explained in the previous article, and is equivalent to hereditas.

The meaning and origin of the verb *erc-iscere* or *herc-iscere*, have been a subject of some dispute. It is, however, certain that the word means "division."[2]

FANUM. (*Vid.* Templum.)

*FAR, Spelt, often put for corn generally. According to Martyn, it is a sort of corn very like wheat; but the chaff adheres so strongly to the grain that it requires a mill to separate them, like barley. The *far* of the Romans was the same with the ζεία or ζέα of the Greeks. "The τίφη of Theophrastus, the ὄλυρα of Homer, as well as the *far* and *adoreum* of the Romans, were in all probability," says Adams, "merely varieties of Spelt." "*Far* was the corn of the ancient Italians," remarks Martyn, "and was frequently used in their sacrifices and ceremonies, whence it is no wonder that this word was often used for corn in general." The modern botanical name of *Far* is *Triticum spelta*. Dioscorides mentions two kinds of *Zea*: one the simple kind, μονοκόκκος, *Triticum monococcum*; the other the double, δικόκκος, *Triticum spelta*. Homer makes mention of *Zea*, as does also Theophrastus; the latter gives it the epithet of robust or hardy, which is also applied to it by Virgil.

FARTOR (σιτευτής) was a slave who fattened poultry.[3] Donatus[4] says that the name was given to a maker of sausages; but compare Becker, *Gallus*, ii., p. 190.

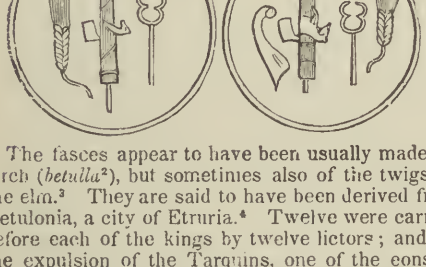
The name of fartores or *crammers* was also given to the nomenclatores, who accompanied the candidates for the public offices at Rome, and gave them the names of such persons as they might meet.[5]

1 (Cic. ad Div., xiv, 4.—Ad Quint., ii., Epist. 6.)—2. (Cic., Brut., 22.)—3. (Cic. ad Fam., i., 3.)—4. (Frag., tit. 26, i.)—5. (Dig. 50, tit. 16, s. 195; 10, tit. 2.)

1. (Savigny, System des heutigen Röm. Rechtes, vols. i., ii., Berlin, 1840.)—2. (Dig. 10, tit. 2.—Cic., De Orat., i., 56.—Pro Cæcina, c. 7.—Apul., Met., ix., p. 210, Bipont.)—3. (Colum. viii., 7.—Hor., Sat., II., iii., 228.—Plaut., Truc., I., ii., 11.)—4 (ad Terent., Eun., II., ii., 26.)—5. (Festus, s. v. Furtores.)

FASCES were rods bound in the form of a bundle, and containing an axe (*securis*) in the middle, the iron of which projected from them. These rods were carried by lictors before the superior magistrates at Rome, and are often represented on the reverse of consular coins.[1] The following woodcuts give the reverses of four consular coins; in the first of which we see the lictors carrying the fasces on their shoulders; in the second, two fasces, and between them a sella curulis; in the third, two fasces crowned, with the consul standing between them; and in the fourth, the same, only with no crowns around the fasces.

The next two woodcuts, which are taken from the consular coins of C. Norbanus, contain, in addition to the fasces, the one a spica and caduceus, and the other a spica, caduceus, and prora.



The fasces appear to have been usually made of birch (*betulla*[2]), but sometimes also of the twigs of the elm.[3] They are said to have been derived from Vetulonia, a city of Etruria.[4] Twelve were carried before each of the kings by twelve lictors; and on the expulsion of the Tarquins, one of the consuls was preceded by twelve lictors with the fasces and secures, and the other by the same number of lictors with the fasces only, or, according to some accounts, with crowns round them.[5] But P. Valerius Publicola, who gave to the people the right of provocatio, ordained that the secures should be removed from the fasces, and allowed only one of the consuls to be preceded by the lictors while they were at Rome.[6] The other consul was attended only by a single accensus. (*Vid.* Accensus.) When they were out of Rome, and at the head of the army, each of the consuls retained the axe in the fasces, and was preceded by his own lictors as before the time of Valerius.[7] (*Vid.* Consul.)

When the decemviri were first appointed, the fasces were only carried before the one who presided for the day;[1] and it was not till the second decemvirate, when they began to act in a tyrannical manner, that the fasces with the axe were carried before each of the ten.[2] The fasces and secures were, however, carried before the dictator even in the city,[3] and he was also preceded by 24 lictors, and the magister equitum by six.

The prætors were preceded in the city by two lictors with the fasces,[4] but out of Rome and at the head of an army by six, with the fasces and secures, whence they are called by the Greek writers *στρατηγοὶ ἑξαπελέκεις*.[5] The proconsuls also were allowed, in the time of Ulpian, six fasces.[6] The tribunes of the plebs, the ædiles and quæstors, had no lictors in the city,[7] but in the provinces the quæstors were permitted to have the fasces.[8]

The lictors carried the fasces on their shoulders, as is seen in the coin of Brutus given above; and when an inferior magistrate met one who was higher in rank, the lictors lowered their fasces to him. This was done by Valerius Publicola when he addressed the people;[9] and hence came the expression *submittere fasces* in the sense of to yield, to confess one's self inferior to another.[10]

When a general had gained a victory, and had been saluted as Imperator by his soldiers, he usually crowned his fasces with laurel.[11]

FASCIA, *dim.* FASCIOLA, a band or fillet of cloth, worn, 1. round the head as an ensign of royalty[13] (*vid.* Diadema. Woodcut to article Falx): 2. by women over the breast[13] (*vid.* Strophium): 3. round the legs and feet, especially by women. Cicero reproached Clodius for wearing fasciæ upon his feet, and the Calantica, a female ornament, upon his head.[14] Afterward, when the toga had fallen into disuse, and the shorter pallium was worn in its stead, so that the legs were naked and exposed, *fasciæ crurales* became common even with the male sex.[15] The Emperor Alexander Severus[16] always used them, even although, when in town, he wore the toga. Quintilian, nevertheless, asserts that the adoption of them could only be excused on the plea of infirm health.[17] White fasciæ, worn by men,[18] were a sign of extraordinary refinement in dress: the mode of cleaning them was by rubbing them with a white tenacious earth, resembling our pipe-clay (*fasciæ cretatæ*[19]). The finer fasciæ, worn by ladies, were purple.[20] The bandages wound about the legs, as shown in the illuminations of ancient MSS., prove that the Roman usage was generally adopted in Europe during the Middle Ages.

By metaphor, the term "fascia" was applied in architecture to a long, flat band of stone, marble, or wood. Thus the architrave of an Ionic or Corinthian entablature consists of three contiguous horizontal fasciæ.[21]

On the use of fasciæ in the nursing of children,[22] *vide* Incunabula.

FA'SCINUM (*βασκανία*), fascination, enchantment. The belief that some persons had the power of injuring others by their looks, was as prevalent among the Greeks and Romans as it is among the superstitious in modern times. The *ὀφθαλμὸς βάσκανος*, or *evil eye*, is frequently mentioned by ancient

1. (Spanh., De Præst. et Usu Numism., vol. ii., p. 88, 91.)—2. (Plin., H. N., xvi., 20.)—3. (Plaut., Asin., III., ii., 29; II., iv., 74.)—4. (Sil. Ital., viii., 485.—Compare Liv., i., 8.)—5. (Dionys., v., 2.)—6. (Cic., De Rep., ii., 31.—Val. Max., iv., 1, § 1.)—7. (Dionys., v., 19.—Liv., xxiv., 9; xxviii., 27.)

1. (Liv., iii., 33.)—2. (Liv., iii., 36.)—3. (Liv., ii., 18.)—4. (Censorin., De Die Natal., 24.—Cic., Agrar., ii., 34.)—5. (Appian, Syr., 15.—Polyb., ii., 24, § 6; iii., 40, § 9; 106, § 6.)—6. (Dig. 1, tit. 16, s. 14.)—7. (Aul. Gel., xiii., 12.)—8. (Cic., Pro Planc., 41.)—9. (Cic., De Rep., ii., 31.—Liv., ii., 7.—Val. Max., iv., 1, § 1.)—10. (Cic., Brut., 6.)—11. (Cic. ad Att., viii., 3, § 5.—De Div., i., 28.—Cæs., Bell. Civ., iii., 71.)—12. (Sueton., Jul., 79.)—13. (Ovid, De Art. Amat., iii., 622.—Propert., iv., 10, 49.—"Fascia Pectoralis," Mart., xiv., 134.)—14. (ap. Non. Marc., xiv., 2.)—15. (Val. Max., vi., 27.—Grat., Cyneg., 338.)—16. (Æl. Lamprid., c. 40.)—17. (Inst. Or., xi., 3.)—18. (Val. Max., l. c.—Phædr., v., 7, 36.)—19. (Cic. ad Att., 2, 3.)—20. (Cic., De Harusp. Resp., 21.)—21. (Vit., iii., 5, p. 84, ed. Schneider.)—22. (Plaut., Truc., v., 13.)

writers.[1] Plutarch, in his Symposium,[2] has a separate chapter *περὶ τῶν καταβασκαίνειν λεγομένων, καὶ βάσκανον ἔχειν ὀφθαλμόν*. The evil eye was supposed to injure children particularly, but sometimes cattle also; whence Virgil[3] says,

"*Nescio quis teneros oculus mihi fascinat agnos.*"

Various amulets were used to avert the influence of the evil eye. The most common of these appears to have been the phallus, called by the Romans fascinum, which was hung round the necks of children (*turpicula res*[4]). Pliny,[5] also, says that *Satyrica signa*, by which he means the phallus, were placed in gardens and on hearths as a protection against the fascinations of the envious; and we learn from Pollux[6] that smiths were accustomed to place the same figures before their forges for the same purpose. Sometimes other objects were employed for this purpose. Pisistratus is said to have hung the figure of a kind of grasshopper before the Acropolis as a preservative against fascination.[7]

Another common mode of averting fascination was by spitting into the folds of one's own dress.[8]

According to Pliny,[9] Fascinus was the name of a god, who was worshipped among the Roman sacra by the vestal virgins, and was placed under the chariot of those who triumphed as a protection against fascination; by which he means, in all probability, that the phallus was placed under the chariot.[10]

*FASELUS, the Kidney Bean, *Phaseolus vulgaris*, L., called by the Greeks *φασίολος*. The kidney beans are said to have been very common among the Romans, and hence the epithet *vilis* applied to the *faselus* by Virgil.[11] According to Pliny,[12] the Romans ate both seeds and shells, as we do now. Fée thinks that the Greek names *φασίολος*, *φασήολος*, and *φασίλος*, are so many diminutives from *φασῆλος*, a small boat or canoe, the Kidney Bean resembling such in form.[13]

FASTI. *Fas* signifies *divine law:* the epithet *fastus* is properly applied to anything in accordance with divine law, and hence those days upon which legal business might, without impiety (*sine piaculo*), be transacted before the prætor, were technically denominated *fasti dies*, i. e., *lawful days*. Varro and Festus derive *fastus* directly from *fari*,[14] while Ovid[15] may be quoted in support of either etymology.

The sacred books in which the *fasti dies* of the year were marked, were themselves denominated *fasti;* the term, however, was employed in an extended sense to denote registers of various descriptions, and many mistakes have arisen among commentators from confounding fasti of different kinds. It will be useful, therefore, to consider separately the two great divisions, which have been distinguished as *Fasti Sacri* or *Fasti Kalendares*, and *Fasti Annales* or *Fasti Historici*.

I. Fasti Sacri or Kalendares. For nearly four centuries and a half after the foundation of the city, a knowledge of the calendar was possessed exclusively by the priests. One of the pontifices regularly proclaimed the appearance of the new moon, and at the same time announced the period which would intervene between the Kalends and the Nones. On the Nones the country people assembled for the purpose of learning from the Rex Sacrorum the various festivals to be celebrated during the month, and the days on which they would fall.[1] In like manner, all who wished to go to law were obliged to inquire of the privileged few on what day they might bring their suit, and received the reply as if from the lips of an astrologer.[2] The whole of this lore, so long a source of power and profit, and therefore jealously enveloped in mystery, was at length made public by a certain Cn. Flavius, scribe to Appius Cæcus,[3] who, having gained access to the pontifical books, copied out all the requisite information, and exhibited it in the Forum for the use of the people at large. From this time forward such tables became common, and were known by the name of *Fasti*. They usually contained an enumeration of the months and days of the year; the Nones, Ides, Nundinæ, Dies Fasti, Nefasti, Comitiales, Atri, &c. (*vid.* Calendar), together with the different festivals, were marked in their proper places: astronomical observations on the risings and settings of the fixed stars, and the commencement of the seasons, were frequently inserted, and sometimes brief notices annexed regarding the introduction and signification of certain rites, the dedication of temples, glorious victories, and terrible disasters. In later times it became common to pay homage to the members of the imperial family by noting down their exploits and honours in the calendar, a species of flattery with which Antonius is charged by Cicero.[4]

It will be seen from the above description that these *fasti* closely resembled a modern almanac (*Fastorum libri appellantur totius anni descriptio*[5]); and the celebrated work of Ovid may be considered as a poetical *Year-book* or *Companion to the Almanac*, having been composed to illustrate the Fasti published by Julius Cæsar, who remodelled the Roman year. All the more remarkable epochs are examined in succession, the origin of the different festivals explained, the various ceremonies described, the legends connected with the principal constellations narrated, and many curious discussions interwoven upon subjects likely to prove interesting to his countrymen; the whole being seasoned with frequent allusions to the glories of the Julian line.

Several specimens of *fasti*, more or less perfect, on stone and marble, have been discovered at different times in different places, none of them, however, older than the age of Augustus. The most remarkable, though one of the least entire, is that known as the *Kalendarium Prænestinum* or *Fasti Verriani*. Suetonius, in his short treatise on distinguished grammarians, tells us that a statue of Verrius Flaccus, preceptor to the grandsons of Augustus, stood in the lower part of the forum of his native town, Prænestc, opposite to the *Hemicyclium*, on which he had exhibited to public view the fasti arranged by himself, and engraved on marble slabs. In the year 1770 the remains of a circular building were discovered in the immediate vicinity of the modern Palestrina, together with several fragments of marble tablets, which were soon recognised as forming part of an ancient calendar; and, upon farther examination, no doubt was entertained by the learned that these were the very fasti of Verrius described by Suetonius. An Italian antiquary, named Foggini, continued the excavations, collected and arranged the scattered morsels with great patience and skill; and in this manner the months of January, March, April, and December, to which a very small portion of February was afterward added,

1. (Alciphr., Ep., i., 15.—Heliod., Æthiop., iii., 7.—Compare Aelian, H. N., vii., 2.)—2. (v., 7.)—3. (Eclog., iii., 103.)—4. (Varro, De Ling. Lat., vii., 97, Müller.)—5. (H. N., xix., 19, § 1.)—6. (viii., 118.)—7. (Hesych., s. v. Καταχήνη.)—8. (Theocr., v., 39.—Plin., H. N., xxviii., 7.—Lucian, Navig., 15, vol. iii., p. 252, Reitz.)—9. (H. N., xxviii., 7.)—10. (Müller, Archæol. der Kunst, § 436, 1, 2.—Böttiger, Klein. Schr., iii., p. 111.—Becker, Charikles, ii., p. 109, 291.)—11. (Georg., i., 227.)—12. (H. N., xviii., 7.)—13. (Flore de Virgile, p. lv.)—14. (Varro, De Ling. Lat., v., 2.—Festus, s. v. Fast.)—15 (Fast., i. 47.)

1. (Macrob., i., 15.)—2. (Cic., Pro Muræn., 11.)—3 (Liv., ix., 46.—Plin., H. N., xxxiii., 1.—Aul. Gell., vi., 9.—Val. Max., ii., 5.)—4. (Phil pp., ii., 34.—Compare Tacit., Ann., i., 15.)—5 (Festus.)

were recovered; and, although much defaced and mutilated, form a very curious and useful monument. They appear to have embraced much information concerning the festivals, and a careful detail of the honours bestowed upon, and the triumphs achieved by, Julius, Augustus, and Tiberius. The publication of Foggini contains not only an account of this particular discovery, but also the complete fasti of the Roman year, so far as such a compilation can be extracted from the ancient calendars now extant. Of these he enumerates eleven, the names being derived either from the places where they were found, or from the family who possessed them when they first became known to the literary world:

1. *Calendarium Maffeiorum*, which contains the twelve months complete.
2. *Cal. Prænestinum*, described above.
3. *Cal Capranicorum*, August and September complete.
4. *Cal. Amiternınum*, fragments of the months from May to December.
5. *Cal. Antiatinum*, fragments of the last six months.
6. *Cal. Esquilinum*, fragments of May and June.
7. *Cal. Farnesianum*, a few days of February and March.
8. *Cal. Pincianum*, fragments of July, August, and September.
9. *Cal. Venusinum*, May and June complete.
10. *Cal. Vaticanum*, a few days of March and April.
11. *Cal. Allifanum*, a few days of July and August.

Some of the above, with others of more recent date, are given in the *Corpus Inscriptionum* of Gruter, in the 11th vol. of the *Thesaurus Rom. Antiqq.* of Grævius, and in other works of a similar description; but the fullest information upon all matters connected with the Fasti Sacri is imbodied in the work of Foggini, entitled *Fastorum anni Romani a Verrio Flacco ordinatorum reliquiæ*, &c., Romæ, 1779; and in *Jac. Van Vaussen Animadverss. ad Fastos Rom. Sacros fragmenta*, Traj. ad Rhen., 1795: to which add Ideler's *Handbuch der Mathematischen und Technischen Chronologie*, Berlin, 1826.

Before quitting this part of our subject, we may make mention of a curious relic, the antiquity of which has been called in question without good cause, the *Calendarium Rusticum Farnesianum*. This Rural Almanac is cut upon four sides of a cube, each face being divided into three columns, and each column including a month. At the top of the column is carved the appropriate sign of the zodiac; then follows the name of the month, the number of the days, the position of the nones, the length of the day and night, the name of the sign through which the sun passes, the god under whose protection the month was placed, the various agricultural operations to be performed, and a list of the principal festivals. Take May as an example:

MENSIS
MAIVS
DIES XXXI.
NON. SEPTIM.
DIES. HOR. XIIIIS.
NOX. HOR. VIIIIS.
SOL. TAVRO.
TVTELA. APOLLIN.
SEGET. RVNCANT.
OVES. TONDENT.
LANA. LAVATVR.
IVVENCI. DOMANT.
VICEA. PABVL.
SECATVR.
SEGETES
LVSTRANTVR.
SACRVM. MERCVR.
ET. FLORÆ.

(*Vid.* the commentary of Morcelli in his *Opera Epigraphica*, vol. i., 77.)

II. Fasti Annales or Historici. Chronicles such as the *Annales Maximi* (*vid.* Annales), containing the names of the chief magistrates for each year, and a short account of the most remarkable events noted down opposite to the days on which they occurred, were, from the resemblance which they bore in arrangement to the sacred calendars, denominated *fasti*; and hence this word is used, especially by the poets, in the general sense of *historical records*.[1]

In prose writers, *fasti* is commonly employed as the technical term for the registers of consuls, dictators, censors, and other magistrates, which formed part of the public archives.[2] Again, when Cicero remarks, in the famous epistle to Lucceius,[3] "*Etenim ordo ille annalium mediocriter nos retinet quasi enumeratione fastorum*," he means that the regular succession of events merely detailed in chronicles fixed the attention but feebly, and was little more interesting than a mere catalogue of names.[4]

A most important specimen of *fasti* belonging to this class, executed probably at the beginning of the reign of Tiberius, has been partially preserved. In the year 1547, several fragments of marble tablets were discovered in excavating the Roman Forum, and were found to contain a list of consuls, dictators with their masters of horse, censors with the lustra which they closed, triumphs and ovations, all arranged in regular succession according to the years of the Catonian era. These had evidently extended from the expulsion of the kings to the death of Augustus, and, although defective in many places, have proved of the greatest value in chronology. The different pieces were collected and arranged under the inspection of Cardinal Alexander Farnese, and deposited in the Capitol, where they still remain. From this circumstance they are generally distinguished as the *Fasti Capitolini*. In the years 1817 and 1818, two other fragments of the same marble tablets were discovered in the course of a new excavation in the Forum. A facsimile of them was published at Milan, by Borghesi, in 1818.

The Fasti Consulares are given at the close of this work.

FASTI'GIUM. An ancient Greek or Roman temple, of rectangular construction, is terminated at its upper extremity by a triangular figure, both in front and rear, which rests upon the cornice of the entablature as a base, and has its sides formed by the cornices which terminate the roof. (*Vid.* woodcut, p. 61.) The whole of this triangle above the trabeation is implied in the term *fastigium*, called frontispiece (*fronton, frontispizio*) by French and Italian architects, but pediment by our own. The flat surface within the frame, when distinguished from the general term, is denominated *tympanum* by the Latins,[5] from its resemblance to the skin in the frame of a drum, and ἀέτωμα, or ἀετός, by the Greeks,[6] either because its figure resembles that of an eagle with outstretched wings,[7] or because the tympanum of the earliest temples, which were dedicated to Jupiter, was usually ornamented by an eagle in relief,[8] an instance of which is afforded by the coin represented in the following woodcut.[9]

1. (Horat., Sat., I., iii., 112.—Carm., IV., xiii., 13; III., xvii., 7.)—2. (Liv., ix., 18.—Cic., Pro Sext., 14.—Compare Cic., Philipp., xiii., 12.—Tacit., Ann., iii., 17, 18.)—3. (ad Fam., v., 12.)—4. (Compare ad Att., iv., 8.)—5. (Vitruv., iii., 3, p. 99, ed. Bipont.)—6. (Aristoph., Aves, 1110.—Paus., i., 24, § 5; ii., 7, § 3; v. 10, § 2; ix., 11, § 4.)—7. (Eustath. ad Il., 24, p. 1352, l. 37.)—8. (Pind., Olymp., xiii., 29.)—9. (Beger, Spicil. Antiq., p. 6.)

But far richer sculptures from the chisel of the most eminent artists[1] were subsequently introduced, the effect of which may be seen in the restored pediment of the Temple of Jupiter Panhellenius in the British Museum: the fragments of the Elgin marbles, in the same place, were originally placed in the *ἀέτωμα*, or *ἐν τοῖς ἀετοῖς* of the Parthenon. Terra-cotta figures were applied in a similar manner by the Romans in the early ages.[2]

The dwelling-houses of the Romans had no gable-ends; consequently, when the word is applied to them,[3] it is not in its strictly technical sense, but designates the roof simply, and is to be understood of one which rises to an apex as distinguished from a flat one. The fastigium, properly so called, was appropriated to the temples of the gods, from the original construction of which its form naturally sprung;[4] and, therefore, when the Romans began to bestow divine honours upon Cæsar, among other privileges which they decreed to him was the liberty of erecting a fastigium to his house,[5] that is, a portico and pediment towards the street, like that of a temple. In like manner, the pent of a pavement, which slopes away on each side from its central line, so as to allow of the water draining off in hypæthral buildings, &c., is termed *fastigium*;[6] and the piles of the bridge which Cæsar threw across the Rhine are described as *fastigata*,[7] converging like the two sides of a pediment.

FAX (*φανός*), a Torch. The descriptions of poets and mythologists, and the works of ancient art, represent the torch as carried by Diana, Ceres, Bellona, Hymen (woodcut, p. 209), Phosphorus, by females in Bacchanalian processions (p. 257), and, in an inverted position, by Sleep and Death. In the annexed woodcut, the female figure in the middle is copied from a fictile vase. The winged figure on the left

hand, asleep and leaning on a torch, is from a funeral monument at Rome: the word "Somnus" is inscribed beside it. The other winged figure, also with the torch inverted, is taken from an antique gem, and represents Cupid under the character of Ανσερως,[1] or "Lethæus Amor." In ancient marbles, the torch is sometimes more ornamented than in the examples now produced; but it always appears to be formed of wooden staves or twigs, either bound by a rope drawn round them in a spiral form, as in the above middle figure, or surrounded by circular bands at equal distances, as in the two exterior figures, and in the woodcut at p. 257. The inside of the torch may be supposed to have been filled with flax, tow, or other vegetable fibres, the whole being abundantly impregnated with pitch, rosin, wax, oil, and other inflammable substances. This inference from the representations of torches on ancient monuments of all kinds is confirmed by the testimony of Athenæus[3] and Pliny,[4] who mention that the branches of the oak, ilex, hazel, and hornbeam were chiefly used for making them by being cut into staves of the requisite forms. They were also made of the branches of the vine,[5] which are exceedingly vascular, and certainly well adapted for imbibing and retaining fluids. A torch of vine was called *λοφνίς*. Another admirable plant for making torches was the Spanish broom,[6] the long twigs of which resemble rushes, and are full of pith.

As the principal use of torches was to give light to those who went abroad after sunset, they were apt to be extinguished and rendered useless by a shower of rain. Hence the expression, "This torch is full of water."[7] In allusion to the time when they were used, the portion of the Roman day immediately succeeding sunset was called *fax* or *prima fax*.[8]

Torches, as now described, appear to have been more common among the Romans than the Greeks, who usually employed the more ancient and more simple TÆDA, or the lamp. (*Vid.* LUCERNA.) The use of torches after sunset, and the practice of celebrating marriages at that time, probably led to the consideration of the torch as one of the necessary accompaniments and symbols of marriage. Among the Romans, the *fax nuptialis*,[9] having been lighted at the parental hearth, was carried before the bride by a boy whose parents were alive.[10] The torch was also carried at funerals (*fax sepulchralis*[11]), both because these were often nocturnal ceremonies, and because it was used to set fire to the pile. Hence the expression of Propertius,[12] "*Vivimus insignes inter utramque facem.*"[13] The torch-bearer turned away his face from the pile in setting it on fire.[14]

FEBRUA'RIUS. (*Vid.* CALENDAR, ROMAN.)

FECIA'LES. (*Vid.* FETIALES.)

*FELIS, the Cat. The *αἴλουρος* of the Greeks is the *Felis Catus*, L., or Wild Cat. Some apply the term *κάττης* to the Domestic Cat. "The common Cat," observes Griffith, "is said to be originally from the forests of Europe. In the savage state it is of a brown-gray colour, with transverse deeper stripes; the tail has two or three dark bands, and the extremity is black. The genuine Wild Cat is to be found in the remote parts of Great Britain, and may be called, as Mr. Pennant remarks, the English Tiger. Its manners are similar to those of the Lynx, living in woods, and preying during the night on every animal it can conquer."

*FEL TERRÆ, a name given to the herb *Centaurium Chironia* (*Κενταύριον τὸ μικρὸν καὶ λιμναῖον*),

1. (Paus., ll. cc.)—2. (Cic., Divin., i., 10.—Vitruv., iii., 2, p. 89.—Plin., H. N., xxxv., 43, 46; xxxvi., 2.)—3. (Cic., Ep. ad Quint. Fr., iii., 1, 4.—Virg., Æn., viii., 491.)—4. (Cic., De Orat., iii., 46.)—5. (Cic., Phil., ii., 43.—Florus, iv., 2.—Plut., Cæs., 81, compared with ACROTERIUM.)—6. (Vitruv., v., 9, p. 151.)—7. (Cæs., Bell. Gall., iv., 15.)

1. (Serv. in Virg., Æn., iv., 520.)—2. (Ovid, Rem Amor., 555.)—3. (xv., 57–61.)—4. (II. N., xvi., 18; xviii., 26.)—5. (Aristoph., Lys., 308.—Athen., l. c.)—6. (Plin., H. N., xix., 2.)—7. (Menander, ed. Mein., p. 24.)—8. (Aul. Gell., iii., 2.—Macrob., Sat., i., 2.)—9. (Cic., Pro Cluent., 5.)—10. (Plaut., Cas., i., 30.—Ovid, Epist., xi., 101.—Servius in Virg., Eclog., viii., 29.—Plin., H. N., xvi., 18.—Festus, s. v. Patrimi.)—11. (Ovid, Epist., ii., 120.)—12. (iv., 12, 46.)—13. (*Vid.* also Ovid, Epist., xxi., 172.—Fast., ii., 561.—Virg., Æn., xi., 143.—Servius, ad loc.—Tacit., Ann., iii., 4.—Sen., Epist., 123.—Id., de Brev. Vit. 20.)—14. (Virg., Æn., vi., 224.)

on account of its bitterness, "*propter amaritudinem summam.*"

FEMINA'LIA were worn in winter by Augustus Cæsar, who was very susceptible of cold.[1] Casaubon supposes them to have been bandages or fillets (*vid.* FASCIA) wound about the thighs; it seems more probable that they were breeches resembling ours, since garments for the thighs (*περιμήρια*) were worn by the Roman horsemen;[2] and the column of Trajan, the arch of Constantine, and other monuments of the same period, present numerous examples of both horse and foot soldiers who wear breeches, closely fitted to the body, and never reaching much below the knees. (See woodcuts, p. 11, 78, 95.)

FENESTRA. (*Vid.* HOUSE.)

FENUS. (*Vid.* INTEREST OF MONEY.)

FERA'LIA. (*Vid.* FUNUS.)

FE'RCULUM (from *fer-o*) is applied to any kind of tray or platform used for carrying anything. Thus it is used to signify the tray or frame on which several dishes were brought in at once at dinner;[3] and hence *fercula* came to mean the number of courses at dinner, and even the dishes themselves.[4]

The ferculum was also used for carrying the images of the gods in the procession of the circus[5] (*vid.* CIRCUS, p. 256), the ashes of the dead in a funeral,[6] and the spoils in a triumph;[7] in all which cases it appears to have been carried on the shoulders or in the hands of men. The most illustrious captives were sometimes placed on a ferculum in a triumph, in order that they might be better seen.[8]

FERETRUM. (*Vid.* FUNUS.)

FERIÆ, holydays, were, generally speaking, days or seasons during which freeborn Romans suspended their political transactions and their lawsuits, and during which slaves enjoyed a cessation from labour.[9] All feriæ were thus dies nefasti. The feriæ included all days consecrated to any deity; consequently, all days on which public festivals were celebrated were feriæ or dies feriati. But some of them, such as the feria vindemialis, and the feriæ æstivæ, seem to have had no direct connexion with the worship of the gods. The nundinæ, however, during the time of the kings and the early period of the Republic, were feriæ only for the populus, and days of business for the plebeians, until, by the Hortensian law, they became fasti, or days of business for both orders.[10]

All feriæ were divided into two classes, *feriæ publicæ* and *feriæ privatæ*. The latter were only observed by single families or individuals, in commemoration of some particular event which had been of importance to them or their ancestors. As family feriæ, are mentioned the *feriæ Claudiæ, Æmiliæ, Juliæ, Corneliæ*, &c., and we must suppose that all the great Roman families had their particular feriæ, as they had their private sacra. Among the family-holydays we may also mention the *feriæ denicales, i. e.*, the day on which a family, after having lost one of its members by death, underwent a purification.[11] Individuals kept feriæ on their birthdays, and other occasions which marked any memorable event of their lives. During the time of the Empire, the birthday of an emperor sometimes assumed the character of a feria publica, and was celebrated by the whole nation with games and sacrifices Thus the birthday of Augustus, called Augustalia, was celebrated with great splendour even in the time of Dion Cassius.[1] The day on which Augustus had returned from his wars was likewise for a long time made a holyday of.[2] The dies natalicii of the cities of Rome and Constantinople were at a still later period likewise reckoned among the feriæ.[3]

All *feriæ publicæ, i. e.*, those which were observed by the whole nation, were divided into *feriæ stativæ, feriæ conceptivæ*, and *feriæ imperativæ*. Feriæ stativæ or statæ were those which were held regularly, and on certain days marked in the calendar.[4] To these belonged some of the great festivals, such as the Agonalia, Carmentalia, Lupercalia, &c. Feriæ conceptivæ or conceptæ were held every year, but not on certain or fixed days, the time being every year appointed by the magistrates or priests (*quotannis a magistratibus vel sacerdotibus concipiuntur*[5]). Among these we may mention the feriæ Latinæ, feriæ Sementivæ, Paganalia, and Compitalia. *Feriæ imperativæ* are those which were held on certain emergencies at the command of the consuls, prætors, or of a dictator. The books of Livy record many feriæ imperativæ, which were chiefly held in order to avert the dangers which some extraordinary prodigy seemed to forbode, but also after great victories.[6] They frequently lasted for several days, the number of which depended upon the importance of the event which was the cause of their celebration. But whenever a rain of stones was believed to have happened, the anger of the gods was appeased by a *sacrum novemdiale*, or *feria per novem dies*. This number of days had been fixed at the time when this prodigy had first been observed.[7] Respecting the legitimate forms in which the feriæ conceptivæ and imperativæ were announced and appointed, see Brisson., *De Form*, p. 107, &c.

The manner in which all public feriæ were kept bears great analogy to our Sunday. The people generally visited the temples of the gods, and offered up their prayers and sacrifices. The most serious and solemn seem to have been the feriæ imperativæ, but all the others were generally attended by rejoicings and feasting. All kinds of business, especially lawsuits, were suspended during the public feriæ, as they were considered to pollute the sacred season: the rex sacrorum and the flamines were not even allowed to behold any work being done during the feriæ; hence, when they went out, they were preceded by their heralds (*præcia, præclamitatores*, or *calatores*), who enjoined the people to abstain from working, that the sanctity of the day might not be polluted by the priests seeing persons at work.[8] Those who neglected this admonition were not only liable to a fine, but, in case their disobedience was intentional, their crime was considered to be beyond the power of any atonement; whereas those who had unconsciously continued their work might atone for their transgression by offering a pig. It seems that doubts as to what kinds of work might be done at public feriæ were not unfrequent, and we possess some curious and interesting decisions given by Roman pontiffs on this subject. One Umbro declared it to be no violation of the feriæ if a person did such work as had reference to the gods, or was connected with the offering of sacrifices; all work, he moreover declared, was allowed which was necessary to support the urgent wants of human life. The pontiff Scævola, when asked what kind of work might be done on a dies feriatus, answered that any work might be done if

1. (Sueton., Octav, 82.)—2. (Arrian, Tact., p. 14, ed. Blanc.)—3. (Petron., 35.—Plin., H. N., xxviii., 2.)—4. (Suet., Octav., 74.—Serv. ad Virg., Æn., i., 637.—Juv., i., 93.—Id., xi., 64.—Hor., Sat., II., vi., 104.—Mart., iii., 50.—Id., ix., 82.—Id., xi., 31.)—5. (Suet., Jul., 76.)—6. (Suet., Cal., 15.)—7. (Suet., Jul., 37.—Liv., i., 10.)—8. (Senec., Herc. Œt., 109.)—9. (Cic., De Leg., ii., 8, 12.—Id., De Div., i., 45.)—10. (Macrob., Sat., i., 16.—Compare Niebuhr, Hist. of Rome, ii., p. 213, &c.—Walter, Geschichte d. Röm. Rechts, p. 190.)—11. (Fest., s. v.—Cic., De Leg., ii., 22.—Columell., ii., 22.)

1. (Liv., p. 624.—Id., lvi., p. 688.)—2. (Tacit., Annal., i., 15, with the note of Lipsius.)—3. (Cod. 3, tit. 12, s. 6.)—4. (Fest., s. v.—Macrob., l. c.)—5. (Macrob., l. c.—Varro, De Ling. Lat., v., 3, &c.—Fest., s. v.)—6. (Liv., i., 31; iii., 5; vii., 28; xxxv., 40; xliii., 3.—Polyb., xxi., 1.)—7. (Liv., i., 31.)—8 (Fest., s. v. Præcia.—Macrob., l. c.—Compare Serv. ad Virg., Georg., iv., 268.—Plut., Numa, c. 14.)

any suffering or injury should be the result of neglect or delay, *e. g.*, if an ox should fall into a pit, the owner might employ workmen to lift it out; or if a house threatened to fall down, the inhabitants might take such measures as would prevent its falling, without polluting the feriæ.[1] Respecting the various kinds of legal affairs which might be brought before the prætor on days of public feriæ, *vid.* Digest. 2, tit. 12, s. 2.

It seems to have been owing to the immense increase of the Roman Republic, and of the accumulation of business arising therefrom, that some of the feriæ, such as the Compitalia and Lupercalia, in the course of time ceased to be observed, until they were restored by Augustus, who revived many of the ancient religious rites and ceremonies.[2] Marcus Antoninus again increased the number of days of business (*dies fasti*) to 230, and the remaining days were feriæ.[3] After the introduction of Christianity in the Roman Empire, the old feriæ were abolished, and the Sabbath, together with the Christian festivals, were substituted; but the manner in which they were kept was nearly the same as that in which the feriæ had been observed. Lawsuits were accordingly illegal on Sundays and holydays, though a master might emancipate his slave if he liked.[4] All work, and all political as well as juridical proceedings, were suspended; but the country people were allowed freely and unrestrainedly to apply themselves to their agricultural labours, which seem at all times to have been distinguished from, and thought superior to, all other kinds of work: for, as mentioned below, certain feriæ were instituted merely for the purpose of enabling the country people to follow their rural occupations without being interrupted by lawsuits and other public transactions.

After this general view of the Roman feriæ, we shall proceed to give a short account of those festivals and holydays which were designated by the name of feriæ.

Feriæ Latinæ, or simply *Latinæ* (the original name was Latiar[5]), had, according to the Roman legends, been instituted by the last Tarquin in commemoration of the alliance between the Romans and Latins.[6] But Niebuhr[7] has shown that the festival, which was originally a panegyris of the Latins, is of much higher antiquity; for we find it stated that the towns of the Priscans and Latins received their shares of the sacrifice on the Alban Mount—which was the place of its celebration—along with the Albans and the thirty towns of the Alban commonwealth. All that the last Tarquin did was to convert the original Latin festival into a Roman one, and to make it the means of hallowing and cementing the alliance between the two nations. Before the union, the chief magistrate of the Latins had presided at the festival; but Tarquin now assumed this distinction, which subsequently, after the destruction of the Latin commonwealth, remained with the chief magistrates of Rome.[8] The object of this panegyris on the Alban Mount was the worship of Jupiter Latiaris, and, at least as long as the Latin republic existed, to deliberate and decide on matters of the confederacy, and to settle any disputes which might have arisen among its members. As the feriæ Latinæ belonged to the conceptivæ, the time of their celebration greatly depended on the state of affairs at Rome, as the consuls were never allowed to take the field until they had held the Latinæ.[9] This festival was a great engine in the hands of the magistrates, who had to appoint the time of its celebration (*concipere*, *edicere*, or *indicere Latinas*); as it might often suit their purpose either to hold the festival at a particular time or to delay it, in order to prevent or delay such public proceedings as seemed injurious and pernicious, and to promote others to which they were favourably disposed. This feature, however, the feriæ Latinæ had in common with all other feriæ conceptivæ. Whenever any of the forms or ceremonies customary at the Latinæ had been neglected, the consuls had the right to propose to the senate, or the college of pontiffs, that their celebration should be repeated (*instaurari*[1].) Respecting the duration of the feriæ Latinæ, the common opinion formerly was, that at first they only lasted for one day, to which subsequently a second, a third, and a fourth were added;[2] but it is clear that this supposition was founded on a confusion of the feriæ Latinæ with the Ludi Maximi, and that they lasted for six days, one for each decury of the Alban and Latin towns.[3] The festive season was attended by a sacred truce, and no battle was allowed to be given during those days.[4] In early times, during the alliance of the Romans and Latins, the chief magistrates of both nations met on the Alban Mount and conducted the solemnities, at which the Romans, however, had the presidency. But afterward the Romans alone conducted the celebration, and offered the common sacrifice of an ox to Jupiter Latiaris, in the name and on behalf of all who took part in it. The flesh of the victim was distributed among the several towns whose common sanctuary stood on the Alban Mount.[5] Besides the common sacrifice of an ox, the several towns offered each separately lambs, cheeses, or a certain quantity of milk[6] or cakes. Multitudes flocked to the Alban Mount on the occasion, and the season was one of great rejoicings and feasting. Various kinds of games were not wanting, among which may be mentioned the *oscillatio* (swinging[7]). It was a symbolic game, and the legend respecting its origin shows that it was derived from the Latins. Pliny[8] mentions that during the Latin holydays a race of four-horse chariots (*quadrigæ certant*) took place in the Capitol, in which the victor received a draught of absynthium.

Although the Roman consuls were always present on the Alban Mount, and conducted the solemn sacrifice of an ox, yet we read that the superintendence of the Latinæ, like that of other festivals, was given by the senate to the ædiles, who, therefore, probably conducted the minor sacrifices, the various games, and other solemnities.[9] While the consuls were engaged on the Alban Mount, their place at Rome was filled by the præfectus urbi. (*Vid.* PRÆFECTUS URBI.)

The two days following the celebration of the Latin holydays were considered as *dies religiosi*, so that no marriages could be contracted.[10] From Dion Cassius we see that in his times the feriæ Latinæ were still strictly observed by the Romans, whereas the Latin towns had, at the time of Cicero, almost entirely given up taking any part in them. The Romans seem to have continued to keep them down to the fourth century of our æra.[11]

Feriæ Sementivæ, or *Sementina dies*, was kept in seedtime for the purpose of praying for a good

1. (Macrob., l. c., and iii., 3.—Virg., Georg., i., 270, with the remarks of J. H. Voss.—Cato, De Re Rust., 2.—Columella, ii., 22.—Compare Matth., xii., 11.—Luke, xiv., 5.)—2. (Suet., Aug., 31.)—3. (Capitol., M. Anton. Phil., c. 10.)—4. (Cod. 3, tit. 12.)—5. (Macrob., l. c.—Cic. ad Quint. Fratr., ii., 4.)—6. (Dionys. Hal., iv., p. 250. Sylb.)—7. (Hist. of Rome, ii., p. 34.)—8. (Liv., v., 17.)—9. (Liv., xxi., 63.—Id., xxxi., 1.—Id., xxv., 12.—Dion Cass. xlvi., p. 356.)

1. (Cic. ad Quint. Fr., ii., 6.—Liv., xxii., 1.—Id., xli., 16.)—2. (Dionys. Hal., vi., p. 415, ed. Sylburg.—3. (Niebuhr, Hist of Rome, ii., 35.—Compare Liv., vi., 42.—Plut., Camil., 42.)—4. (Dionys. Hal., iv., p. 250, Sylb.—Macrob., l. c.)—5. (Dionys. Hal., l. c.—Varro, De Ling. Lat., v., 3, p. 58, Bip.—Schol. Bobiens. in Cic., Orat. pro Planc., p. 255, &c., Orelli.)—6. (Cic. De Div., i., 11.)—7. (Fest., s. v. Oscillum.)—(8. H. N., xxvii 2.)—9. (Dionys. Hal., vi., p. 415.)—10. (Cic. ad Quint Fr. ii 4.)—11. (Lactant. Instit. i., 21.)

crop; it lasted only for one day, which was fixed by the pontiffs.[1]

Feria vindemialis lasted from the 22d of August to the 15th of October, and was instituted for the purpose of enabling the country people to get in the fruits of the field and to hold the vintage.[2]

Feriæ æstivæ were holydays kept during the hottest season of summer, when many of the wealthier Romans left the city and went into the country. They seem to have been the same as the *messis feriæ*,[4] and lasted from the 24th of June till the 1st of August.

Feriæ præcidaneæ are said to have been preparatory days, or such as preceded the ordinary feriæ; although they did not belong to the feriæ, and often even were *dies atri*, they were on certain occasions inaugurated by the chief pontiff, and thus made feriæ.[5]

*FER'ULA, the ferula or fennel-giant, *Ferula communis*, L. Martyn[6] describes it as "a large plant, growing to the height of six or eight feet, with leaves cut into small segments, like those of fennel, but larger. The stalk is thick, and full of a fungous pith, whence it is used by old and weak persons to support them, on account of its lightness." The pith was used by the ancients as a kind of tinder, and is said to be still employed for that purpose in Sicily.[7] According to the old classical legend, Prometheus, when he stole the fire from the skies, brought it to earth in the hollow of a *ferula*, or, as the Greeks termed it, *νάρθηξ*. The flowers of this plant are yellow, and grow in large umbels, like those of fennel. Fée[8] thinks that the *ferula* of Virgil ought rather to be identified with the *Ferula Orientalis* of Tournefort, which that traveller met with very frequently in Greece. The people of Cyprus, at the present day, call the *νάρθηξ* by the name of *ἀνάρθηκας*. Sibthorp says it is very abundant in this island. The Latin term *ferula* is derived, according to etymologists, from *ferire*, "to strike," because scholars were anciently corrected with the *ferula* by their teachers. From the lightness of the stalk, the infliction must have been more alarming than painful. The ferule of the modern preceptor resembles the classical *ferula* only in name, being capable of giving much greater pain. A willow-stick or branch would bear a much nearer resemblance to the ancient instrument of punishment.[9] Martial[10] alludes to the custom of employing the *ferula* for correction in the following lines:

> "*Ferulæque tristes, sceptra pædagogorum*
> *Cessent;*"

and Juvenal[11] also says,

> "*Et nos ergo manum ferulæ subduximus.*"

*FERULA'GO (*ναρθήκιον*), a smaller species of *ferula*.[12]

FESCENNI'NA, *scil.* carmina, one of the earliest kinds of Italian poetry, which consisted of rude and jocose verses, or, rather, dialogues of extempore verses,[13] in which the merry country folks assailed and ridiculed one another.[14] This amusement seems originally to have been peculiar to country people, but it was also introduced into the towns of Italy and at Rome, where we find it mentioned as one of those in which young people indulged at weddings.[15] The fescennina were one of the popular amusements at various festivals, and on many other occasions, but especially after the harvest was over. After their introduction into the towns, they seem to have lost much of their original rustic character, and to have been modified by the influence of Greek refinement;[1] they remained, however, in so far the same, as they were at all times irregular, and mostly extempore doggerel verses. Sometimes, however, versus fescennini were also written as satires upon persons.[3] That these railleries had no malicious character, and were not intended to hurt or injure, may be inferred from the circumstance that one person often called upon another to answer and retort in a similar strain. The fescennina are generally believed to have been introduced among the Romans from Etruria, and to have derived their name from Fescennia, a town of that country. But, in the first place, Fescennia was not an Etruscan, but a Faliscan town;[3] and, in the second, this kind of amusement has at all times been, and is still, so popular in Italy, that it can scarcely be considered as peculiar to any particular place. The derivation of a name of this kind from that of some particular place was formerly a favourite custom, as may be seen in the derivation of cærimonia from Cære. Festus[4] endeavours to solve the question by supposing fescennina to be derived from fascinum, either because they were thought to be a protection against sorcerers and witches, or because fascinum (*phallus*), the symbol of fertility, had in early times, or in rural districts, been connected with the amusements of the fescennina. But, whatever may be thought of this etymology, it is of importance not to be misled by the common opinion that the fescennina were of Etruscan origin.

FESTU'CA. (*Vid.* SERVUS.)

FETIA'LES, a college[5] of Roman priests, who acted as the guardians of the public faith. It was their province, when any dispute arose with a foreign state, to demand satisfaction, to determine the circumstances under which hostilities might be commenced, to perform the various religious rites attendant on the solemn declaration of war, and to preside at the formal ratification of peace. These functions are briefly but comprehensively defined by Varro:[6] "*Fetiales . . . fidei publicæ inter populos præerant: nam per hos fiebat ut justum conciperetur bellum et inde desitum, ut fœdere fides pacis constituereturEx his mittebantur, antequam conciperetur, qui res repeterent, et per hos etiam nunc fit fœdus,*" to which we may add the old law quoted by Cicero,[7] "FŒDERUM, PACIS, BELLI, INDUCIARUM ORATORES FETIALES JUDICESQUE SUNTO; BELLA DISCEPTANTO." Dionysius[8] and Livy[9] detail at considerable length the ceremonies observed by the Romans in the earlier ages, when they felt themselves aggrieved by a neighbouring people. It appears that, when an injury had been sustained, four fetiales[10] were deputed to seek redress, who again elected one of their number to act as their representative. This individual was styled the *pater patratus populi Romani*. A fillet of white wool was bound round his head, together with a wreath of sacred herbs gathered within the enclosure of the Capitoline Hill (*vid.* VERBENÆ, SAGMINA), whence he was sometimes named *Verbenarius*.[11] Thus equipped, he proceeded to the confines of the offending tribe, where he halted and addressed a prayer to Jupiter, calling the god to witness, with heavy imprecations, that his complaints were well-founded and his demands reasonable. He then crossed the border, and the same form was repeated in nearly the same words to the first native of the soil whom he might chance to

1. (Varro, De Ling. Lat., v., 3, p. 58, Bip.—Id., De Re Rust., i., 1, init.—Ovid, Fast., i., 658, &c.)—2. (Cod. 3, tit. 12.)—3. (Aul. Gell., ix., 15, § 1.)—4. (Cod. 3, tit. 12, s. 2, 6.)—5. (Gell., iv., 6.)—6. (ad Virg., Eclog., x., 25.)—7. (Martyn, l. c.)—8. (Flore de Virgile, p. lvi.)—9. (Martyn, l. c.)—10. (Epig., x., 62.)—11. (Sat., i. 15.)—12. (Plin., H. N., xx., 23.)—13. (Liv., vii., 2.)—14. (Horat., Epist., II., i., 145.)—15. (Serv. ad Æn., vii., 695.—Senec., Controv., 21.—Plin., H. N., xv., 22.)

1. (*Vid.* Virg., Georg., ii., 385, &c.—Tibull., II., i., 55.—Catull., 61, 27.)—2. (Macrob., Saturn., ii., 4.)—3. (Niebuhr, Hist. of Rome, i., p. 136.)—4. (s. v.)—5. (Liv., xxxvi., 3.)—6. (De Ling. Lat., v. 86, ed. Müller.)—7. (De Leg., ii., 9.)—8. (ii., 72.)—9. (i., 32.)—10. (Varro ap. Non.)—11. (Plin., H. N., xxii., 2.

meet, again a third time to the sentinel or any citizen whom he encountered at the gate of the chief town; and a fourth time to the magistrates in the Forum in presence of the people. If a satisfactory answer was not returned within thirty days, after publicly delivering a solemn denunciation—in which the gods celestial, terrestrial, and infernal were invoked—of what might be expected to follow, he returned to Rome, and, accompanied by the rest of the fetiales, made a report of his mission to the senate. If the people,[1] as well as the senate, decided for war, the pater patratus again set forth to the border of the hostile territory, and launched a spear tipped with iron, or charred at the extremity and smeared with blood (emblematic, doubtless, of fire and slaughter) across the boundary, pronouncing, at the same time, a solemn declaration of war. The demand for redress and the proclamation of hostilities were alike termed *clarigatio*, which word the Romans in later times explained by *clare repetere*;[2] but Göttling[3] and other modern writers connect it with the Doric form of *κῆρυξ* and *κηρύκειον*.

Several of the formulæ employed on these occasions have been preserved by Livy[4] and Aulus Gellius,[5] forming a portion of the *Jus Fetiale* by which the college was regulated. The services of the fetiales were considered absolutely essential in concluding a treaty;[6] and we read that, at the termination of the second Punic war, fetiales were sent over to Africa, who carried with them their own verbenæ and their own flint-stones for smiting the victim. Here also the chief was termed *pater patratus*.[7]

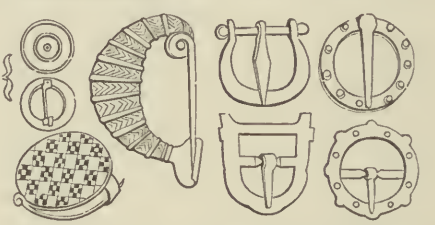
The institution of these priests was ascribed by tradition, in common with other matters connected with religion, to Numa;[8] and although Livy[9] speaks as if he attributed their introduction to Ancus Marcius, yet in an earlier chapter[10] he supposes them to have existed in the reign of Hostilius. The whole system is said to have been borrowed from the Æquicolæ or the Ardeates,[11] and similar usages undoubtedly prevailed among the Latin states; for it is clear that a formula, preserved by Livy,[12] must have been employed when the pater patratus of the Romans was put in communication with the pater patratus of the Prisci Latini.

The number of the fetiales cannot be ascertained with certainty, but some have inferred, from a passage quoted from Varro by Nonius,[13] that it amounted to twenty, of whom Niebuhr supposes ten were elected from the Ramnes and ten from the Titienses; but Göttling[14] thinks it more probable that they were at first all chosen from the Ramnes, as the Sabines were originally unacquainted with the use of fetiales. They were originally selected from the most noble families; their office lasted for life;[15] and it seems probable that vacancies were filled up by the college (*co-optatione*) until the passing of the lex Domitia, when, in common with most other priests, they would be nominated in the comitia tributa. This, however, is nowhere expressly stated

The etymology of *fetialis* is uncertain. Varro would connect it with *fidus* and *fœdus;* Festus with *ferio* or *facio;* while some modern scholars suppose it to be allied to *φημί*, and thus *φητιάλεις* would be *oratores, speakers*. In inscriptions we find both *fetialis* and *fecialis;* but since, in Greek MSS., the word always appears under some one of the forms *φητιάλεις, φετιάλεις, φιτιάλεις*, the orthography we have adopted in this article is probably correct.

The explanation given by Livy[16] of the origin of the term *Pater Patratus* is satisfactory. "*Pater Patratus ad jusjurandum patrandum, id est, vaciendum fit fœdus;*" and we may at once reject the speculations of Servius[1] and Plutarch,[2] the former of whom supposes that he was so called because it was necessary that his father should be alive, the latter that the name indicated that his father was living, and that he himself was the father of children.

FIBULA (*περόνη, περονίς, περονητρίς: τόρπη, ἐπιπορπίς: ἐνετή*), a Brooch, consisting of a pin (*acus*) and of a curved portion furnished with a hook (*κλείς*[3]). The curved portion was sometimes a circular ring or disc, the pin passing across its centre (woodcut, figs. 1, 2), and sometimes an arc, the pin being as the chord of the arc (fig. 3). The forms of brooches, which were commonly of gold or bronze, and more rarely of silver,[4] were, however as various in ancient as in modern times; for the fibula served in dress, not merely as a fastening, but also as an ornament.[5]



Women wore the fibula both with the Amictus and the *indutus;* men wore it with the amictus only. Its most frequent use was to pin together two parts of the scarf (*vid.* Chlamys), shawl, or blanket, which constituted the amictus, so as to fasten it over the right shoulder.[6] (Woodcuts, p. 11, 15, 78, 171, 227, 235, 244, 291.) More rarely we see it over the breast. (Woodcuts, p. 47, 186, 235.) The epithet *ἑτερόπορπος* was applied to a person wearing the fibula on one shoulder only;[7] for women often wore it on both shoulders. (Woodcuts, p. 96, 218, 257.) In consequence of the habit of putting on the amictus with the aid of a fibula, it was called *περόνημα* or *ἐμπερόνημα*,[8] *πόρπημα*,[9] or *ἀμπεχόνη περονῆτις*.[10] The splendid shawl of Ulysses, described in the Odyssey,[11] was provided with two small pipes for admitting the pin of the golden brooch; this contrivance would secure the cloth from being torn. The highest degree of ornament was bestowed upon brooches after the fall of the Western Empire. Justin II.,[12] and many of the emperors who preceded him, as we perceive from the portraits on their medals, wore upon their right shoulders fibulæ, from which jewels, attached by three small chains, depended.[13]

It has been already stated that women often wore the fibula on both shoulders. In addition to this, a lady sometimes displayed an elegant row of brooches down each arm upon the sleeves of her tunic,[14] examples of which are seen in many ancient statues. It was also fashionable to wear them on the breast;[15] and another occasional distinction of female attire, in later times, was the use of the fibula in tucking up the tunic above the knee.

Not only might slight accidents to the person arise from wearing brooches,[16] but they were some-

1. (Liv., x., 45.)—2. (Plin., H. N., xxii., 3.—Serv. ad Virg., Æn., ix., 53.)—3. (Geschichte der Röm. Staatsverf., p. 196.)—4. (i., 24, 32.)—5. (xvi., 4.) —6. (Liv., ix., 5.)—7. (Liv., xxx., 43.) —8. (Dionys., ii., 71.)—9. (i., 32.)—10. (i., 24.)—11. (Liv. and Dionys., l. c.)—12. (i., 32.)—13. (xii., 43.) 14. (Geschichte der Röm. Staatsverf., p. 195.)—15. (Dionys., ii., 72.)—16. (i., 24.)

1. (ad Æn., ix., 53 x., 14; xii., 206.)—2. (Q. R., p. 127, ed Reiske.)—3. (Hom., Il., xviii., 293.)—4. (Ælian, V. H., i., 18.) —5. (Hom., Od., xix., 256, 257.—Eurip., Phœn., 821.)—6 (Soph., Trach., 923.—Theocrit., xiv., 66.—Ovid, Met., viii., 318 —Tacit., Germ., 17.)—7. (Schol. in Eurip., Hec., 933, 934.)—8. (Theocrit., Adon., 34, 79.)—9. (Eurip., Electr., 820.)—10. (Brunck, Anal., ii., 28.)—11. (xix., 225-231.)—12. (Corippus, ii., 122.)—13. (Beger, Thes. Pal., p. 407, 408, &c.)—14. (Ælian V. H., i., 18.)—15. (Isid., Orig., xix., 30.)—16. (Hom., Il., v 426.)

times used, especially by females, to inflict serious injuries. The pin of the fibula is the instrument which the Phrygian women employ to deprive Polymnestor of his sight, by piercing his pupils,[1] and with which the Athenian women, having first blinded a man, then despatch him.[2] Œdipus strikes the pupils of his own eyeballs with a brooch taken from the dress of Jocasta.[3] For the same reason, περονάω meant to pierce as with a fibula (περόνησε, "pinned him"[4]).

Very large brooches are sometimes discovered, evidently intended to hold up curtains or tapestry. (*Vid.* Tapes, Velum.)

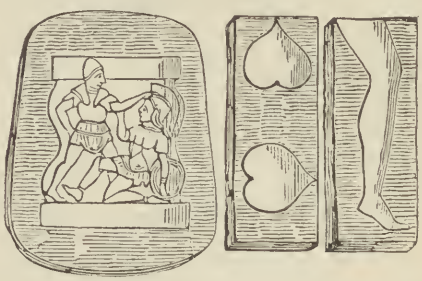
Brooches were succeeded by buckles, especially among the Romans, who called them by the same name. The preceding woodcut shows on the right hand the forms of four bronze buckles from the collection in the British Museum. This article of dress was chiefly used to fasten the belt (*vid.* Balteus) and the girdle (*vid.* Zona).[5] It appears to have been, in general, much more richly ornamented than the brooch; for, although Hadrian was simple and unexpensive in this as well as in other matters of costume,[6] yet many of his successors were exceedingly prone to display buckles set with jewels (*fibulæ gemmatæ*).

The terms which have now been illustrated as applied to articles of dress, were also used to denote pins variously introduced in carpentry; *e. g.*, the linchpins of a chariot;[7] the wooden pins inserted through the sides of a boat, to which the sailors fasten their lines or ropes;[8] the trenails which unite the posts and planks of a wooden bridge;[9] and the pins fixed into the top of a wooden triangle, used as a mechanical engine.[10]

The practice of infibulating singers, alluded to by Juvenal and Martial, is described in Rhodius (*De Acia*) and Pitiscus.

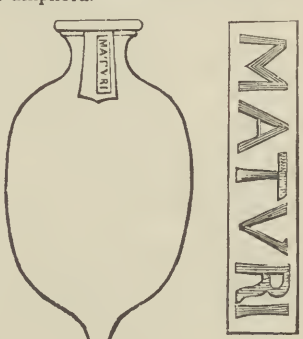
FICTILE (κεράμος, κεράμιον, ὄστρακον, ὀστράκινον), earthenware, a vessel or other article made of baked clay.

The instruments used in pottery (*ars figulina*) were the following: 1. The wheel (τροχός, *orbis*, *rota*, "rota figularis"[11]), which is mentioned by Homer,[12] and is among the most ancient of all human inventions. According to the representations of it on the walls of Egyptian tombs,[13] it was a circular table, placed on a cylindrical pedestal, and turning freely on a point. The workman, having placed a lump of clay upon it, whirled it swiftly with his left hand, and employed his right in moulding the clay to the requisite shape. Hence a dish is called "the daughter of the wheel" (τροχηλάτος κόρη[14]). 2. Pieces of wood or bone, which the potter (κεραμεύς, *figulus*) held in his right hand, and applied occasionally to the surface of the clay during its revolution. A pointed stick, touching the clay, would inscribe a circle upon it; and circles were in this manner disposed parallel to one another, and in any number, according to the fancy of the artist. By having the end of the stick curved or indented, and by turning it in different directions, he would impress many beautiful varieties of form and outline upon his vases. 3. Moulds (*formæ*, τύποι[15]), used either to decorate with figures in relief (πρόστυπα) vessels which had been thrown on the wheel, or to produce foliage, animals, or any other appearances on Antefixa, on cornices of terra-cotta, and imitative or ornamental pottery of all other kinds, in which the wheel was not adapted to give the first shape. The annexed woodcut shows three moulds, which were found near Rome by M. Seroux d'Agincourt.[1] They are cut in stone. One of them was probably used for making antefixa, and the other two for making



hearts and legs, designed to be suspended by poor persons "ex voto" in the temples and sanctuaries (*Vid.* Donaria.) Copies of the same subject, which might, in this manner, be multiplied to any extent, were called "ectypa." 4. Gravers or scalpels, used by skilful modellers in giving to figures of all kinds a more perfect finish and a higher relief than could be produced by the use of moulds. These instruments, exceedingly simple in themselves, and deriving their efficiency altogether from the ability and taste of the sculptor, would not only contribute to the more exquisite decoration of earthen vessels, but would be almost the only tools applicable for making "Dii fictiles," or gods of baked earth, and other entire figures.[2] These were among the earliest efforts of the plastic art, and even in times of the greatest refinement and luxury they continued to be regarded with reverence.

Vessels of all kinds were very frequently furnished with at least one handle (*ansa*, οὖας, ὦς). The Amphora was called Diota because it had two. The name of the potter was commonly stamped upon the handle, the rim, or some other part. Of this we have an example in the amphora, adapted for holding grain or fruits, oil or wine, which is here introduced from the work of Seroux d'Agincourt. The figure on the right hand shows the name in the genitive case, "Maturi," impressed on an oblong surface, which is seen on the handle of the amphora.



The earth used for making pottery (κεντύμιαν γῆν[3]) was commonly red, and often of so lively a colour as to resemble coral. Vauquelin found, by analysis, that a piece of Etruscan earthenware contained the following ingredients: silica, 53; alumina, 15, lime 8; oxide of iron, 24. To the great abundance

1. (Eurip., Hec., 1170.)—2. (Herod., v., 87.—Schol. in Eurip., Hec., 934.)—3. (Soph., Œd. Tyr., 1269.—Eurip., Phœn., 62.)—4. (Ἔπειρα, Il., vii., 145; xiii., 397.)—5. (Virg., Æn., xii., 274.—Lydus, De Mag. Rom., ii., 13.—Isid., l. c.)—6. (Spartian., Vit. Hadr., 10.)—7. (Parthen., 6.)—8. (Apoll. Rhod., i., 567.)—9. (Cæsar, B. G., iv., 17.)—10. (Vitruv., x., 2.)—11. (Plaut., Epid., iii., 2, 35.)—12 (Il., xviii., 600.)—13. (Wilkinson's Manners and Customs, iii p. 163.)—14. (Xenarchus ap. Athen., ii., p. 64.)—15 (Schol. in Aristoph., Eccles., 1.1

1. (Recueil de Fragmens, p. 88–92.)—2. (Propert., ii., 3, 25—Id., iv., 1, 5.—Plin., H. N., xxxv., 45, 46.—Sen., Cons. ad Alb 10.—ἀγάλματα ἐκ πηλοῦ, ὀπτῆς γῆς: Paus., i., 2, 4.—Id., i., 3—Id., vii., 22, 6.)—3. (Geopon., ii., 49.)

of the last constituent the deep red colour is to be attributed. Other pottery is brown or cream-coloured, and sometimes white The pipe-clay, which must have been used for white ware, is called "figlina creta."[1] Some of the ancient earthenware is throughout its substance black, an effect produced by mixing the earth with comminuted asphaltum (*gagates*), or with some other bituminous or oleaginous substance. It appears, also, that asphaltum, with pitch and tar, both mineral and vegetable, was used to cover the surface like a varnish. In the finer kinds of earthenware this varnish served as a black paint, and to its application many of the most beautiful vases owe the decorations which are now so highly admired.[2] But the coarser vessels, designed for common purposes, were also smeared with pitch, and had it burned into them, because by this kind of encaustic they became more impervious to moisture and less liable to decay.[3] Hence a "dolium picatum fictile" was used, as well as a glass jar, to hold pickles.[4] Also the year of the vintage was inscribed by the use of pitch, either upon the amphoræ themselves, or upon the labels (*pittacia, schedia*) which were tied round their necks.[5] Although oily or bituminous substances were most commonly employed in pottery, to produce, by the aid of fire (*εὐ δὲ μελανθεῖεν*[6]), the various shades of black and brown, the vessels, before being sent for the last time to the furnace (*vid.* FORNAX), were sometimes immersed in that finely-prepared mud, now technically called "slip," by which the surface is both smoothed and glazed, and at the same time receives a fresh colour. Ruddle, or red ochre (*μίλτος, rubrica*), was principally employed for this purpose.[7] To produce a farther variety in the paintings upon vases, the artists employed a few brightly-coloured earths and metallic ores.

As we might expect concerning an art so indispensable as that of the potter, it was practised to a great extent in every ancient nation; even the most uncivilized not being strangers to it, and sometimes displaying a surprising degree of dexterity. The remains of an ancient pottery have been found in Britain, and some of the potters' names, preserved on their works, are probably British. We are told of a place called the Potteries (*Figlinæ*) in Gaul. Numa instituted a corporation of potters at Rome.[8] Mention has already been made of Egypt, and there are frequent allusions to the art in the ancient writings of the Jews. We also read of its productions in Tralles, Pergamus, Cnidus, Chios, Sicyon, Corinth, Cumæ, Adria, Modena, and Nola, from which city the exports of earthenware were considerable, and where some of the most exquisite specimens are still discovered. But three places were distinguished above all others for the extent and excellence of this beautiful manufacture: 1. Samos, to which the Romans resorted for the articles of earthenware necessary at meals, and intended for use rather than display.[9] 2. Athens, a considerable part of which was called Ceramicus, because it was inhabited by potters. In this quarter of the city were temples dedicated to Athena, as presiding over every kind of handicraft, and to the two fire-gods, Hephaistos and Prometheus, the latter of whom was also the mythical inventor of the art of modelling. Various traditions respecting Corœbus and others point to the early efforts of the Athenian potters;[1] and it is a remarkable circumstance, that the enemies of free trade, and especially of Athenian influence at Ægina and Argos, imposed restrictions on the use of these productions.[2] The Athenian ware was of the finest description: the master-pieces were publicly exhibited at the PANATHENÆA, and were given, filled with oil, to the victors at the games; in consequence of which we now read on some of them, in the British Museum and other collections, the inscription *Τῶν Ἀθήνηθεν ἄθλων*, or other equivalent expressions.[3]

Many other specimens were presents given to relations and friends on particular occasions, and often distinguished by the epithets *καλός* and *καλή* added to their names. A circumstance which contributed to the success of the Athenians in this manufacture, was a mine of fine potters' clay in the Colian Promontory, near Phalerum.[4] The articles made from it became so fashionable, that Plutarch,[5] describing an act of extreme folly, compares it to that of the man who, having swallowed poison, refuses to take the antidote unless it be administered to him in a cup made of Colian clay. Some of the "Panathenaic" vases, as they were called, are two feet in height, which accords with what is said by ancient authors of their uncommon size.[6] A diota was often stamped upon the coins of Athens, in allusion to the facts which have now been explained. 3. Etruria, especially the cities of Aretium and Tarquinii. While the Athenian potters excelled all others in the manufacture of vessels, the Tuscans, besides exercising this branch of industry to a great extent, though in a less tasteful and elaborate manner, were very remarkable for their skill in producing all kinds of statuary in baked clay. Even the most celebrated of the Roman temples were adorned, both within and without, by the aid of these productions. The most distinguished among them was an entire quadriga, made at Veii, which surmounted the pediment of the Temple of Jupiter Capitolinus.[7] The Etrurians also manifested their partiality to this branch of art by recurring to it for the purpose of interment; for while Pliny mentions[8] that many persons preferred to be buried in earthen jars, and in other parts of Italy the bones of the dead have been found preserved in amphoræ, Etruria alone has afforded examples, some of them now deposited in the British Museum, of large sarcophagi made wholly of terra-cotta, and ornamented with figures in bas-relief and with recumbent statues of the deceased.

Among many qualities which we admire in the Greek pottery, not the least wonderful is its thinness (*λεπτά*[9]) and consequent lightness, notwithstanding the great size of the vessels, and the perfect regularity and elegance of their forms. That it was an object of ambition to excel in this respect we learn from the story of a master and his pupil, who contended which could throw the thinnest clay, and whose two amphoræ, the result of the trial, were preserved in the temple at Erythræ.

The Greeks and Romans contented themselves with using earthenware on all occasions until the time of Alexander the Great: the Macedonian conquests introduced from the East a taste for vessels of gold and silver, in which, however, the Spartans refused to indulge themselves. The Persians, on the contrary, held earthenware in so low estimation, that they condemned persons to drink out of

1. (Varro, De Re Rust, iii., 9.)—2. (Plin., H., N., xxxvi., 14.)—3. (Hor., Carm., i., 20, 3.—Plin., H. N., xiv., 20, 21.)—4. (Colum., De Re Rust., xii., 18, 54.)—5. (Plaut., Epid., iv., 2, 15.—Hor., Carm., iii., 21, 1-5.)—6. (Hom., Epig., xiv., 3.)—7. (Suid., s. v. *Κωλιάδος κεραμῆες.*)—8. (Plin., H. N., xxxv., 46.)—9. (Plaut., Bacch., ii., 2, 24.—Stich., v., 4, 12.—Tibull., ii., 3, 51.—Cic., Pro Muræna, 36.—Plin., H. N., xxxv., 46.—Tertull., Apol., 25.—Auson., Epig.)

1. (Plin., H. N., vii., 57.—Id., xxxv., 45.—Critias ap. Athen., i., p. 28, C.)—2. (Herod., v., 88.)—3. (Pind., Nem., x., 35.—Schol. and Böckh, ad loc.—Böckh, Corp. Inscrip. Gr., p. 49.)—4. (Suid., l. c.—Athen., xi., p. 482.)—5. (De Audit.)—6. (Athen., xi., p. 495.—Böckh in Pind., Frag., No. 89.)—7. (Plin., H. N., xxviii., 2.—Id., xxxv., 45.—Id., xxxvi., 2.—K. O. Müller, Etrusker, iv., 3, 1, 2.)—8. (H. N., xxxv., 46.)—9. (Plut., Apophth.)—10. (Plin., H. N., xxxv., 46.)

fictile vessels as a punishment.[1] But, although the Romans, as they deviated from the ancient simplicity, made a great display of the more splendid kinds of vessels, yet they continued to look upon pottery not only with respect, but even with veneration.[2] They called to mind the magnanimity of the consul Curius, who preferred the use of his own earthenware to the gold of the Samnites;[3] they reckoned some of their consecrated terra-cottae, and especially the above-mentioned quadriga, among the safeguards of their imperial city;[4] and, so ..d by old associations and the traditions of their earliest history, they considered earthen vessels proper for religious ceremonies, although gold and silver might be admitted in their private entertainments;[5] for Pliny says[6] that the productions of this class, "both in regard to their skilful fabrication and their high antiquity, were more sacred, and certainly more innocent, than gold."

Another term, often used as synonymous with *fictile*, was *testo*. (*Vid.* Culix, Dolium, Later, Patera, Patina, Tegula.)

FICTIO. Fictions in Roman law are like fictions in English law, of which it has been said that they are "those things that have no real essence in their own body, but are so acknowledged and accepted in law for some especial purpose." The fictions of the Roman law apparently had their origin in the edictal power, and they were devised for the purpose of providing for cases where there was no legislative provision. A fiction supposed something to be which was not; but the thing supposed to be was such a thing as, being admitted to be a fact, gave to some person a right, or imposed on some person a duty. Various instances of fictions are mentioned by Gaius. One instance is that of a person who had obtained the bonorum possessio ex edicto. As he was not heres, he had no direct action: he could neither claim the property of the defunct as his (legal) property, nor could he claim a debt due to the defunct as his (legal) debt. He therefore brought his suit (*intendit*) *as* heres (*ficto se herede*), and the formula was accordingly adapted to the fiction. In the Publiciana Actio, the fiction was that the possessor had obtained by usucapion the ownership of the thing of which he had lost the possession. A woman by coemptio, and a male by being adrogated, ceased, according to the civil law, to be debtors, if they were debtors before; for by the coemptio and adrogatio they had sustained a capitis diminutio, and there could be no direct action against them. But as this capitis diminutio might be made available for fraudulent purposes, an actio utilis was still allowed against such persons, the fiction being that they had sustained no capitis diminutio. The formula did not (as it appears from Gaius) express the fiction as a fact, but it ran thus: If it shall appear that such and such are the facts (the facts in issue), and that the party, plaintiff or defendant, would have such and such a right, or be liable to such and such a duty, if such and such other facts (the facts supposed) were true; et reliqua.[7]

It was by a fiction that the notion of legal capacity was extended to artificial persons, that is, to such persons as were merely supposed to exist for legal purposes. (*Vid.* Collegium, Fiscus.) Numerous instances of fictions occur in the chapters entitled *Juristische Personen* in Savigny's recent work, entitled *System des heut R. R.*, vol. ii.

*FICUS, the Fig-tree (*συκῆ*), and also its fruit (*σῦκον*). "The *συκῆ* of Theophrastus and Dioscorides is properly the *Ficus Carica*. The wild Fig-tree is called *ἐρινεός* by Homer, and Eustathius, the commentator on that poet, describes pretty accurately the process of caprification. The *συκῆ Αἰγυπτία*, called also *κερωνία*, is the *Ficus Religiosa*, according to Stackhouse; Schneider, however, makes it the *Ceratonia Siliqua*, L., or Carob-tree. The *συκῆ Ἀλεξανδρία* is the *Pyrus Amelanchier* according to Sprengel, but the *Lonicera Pyrenaica* according to Stackhouse. The *συκῆ Ἰνδική* is the *Ficus Indica*, or Banyan, according to Sprengel, but, as Stackhouse maintains, the *Rhizophora Mangle*, or Mangrove.[1] The Banyan, or Indian Fig-tree, is noticed by Theophrastus, Pliny, Strabo, Solinus, Diodorus Siculus, Quintus Curtius, Arrian, and Athenæus This tree forms a conspicuous object in Hindu mythology. The branches, after projecting to a certain distance, drop and take root in the earth These branches, in their turn, become trunks, and give out other branches, and thus a single tree forms a little forest." "The fig," says Adams, in his Commentary on Paul of Ægina, "was a great favourite with the ancients. Galen states that it is decidedly nutritious, but that the flesh formed from it is not firm and compact, like that from pork and bread, but soft and spongy, like that from beans. He says that figs increase the urinary and alvine discharges. Galen speaks doubtfully of dried figs."

FIDEICOMMISSUM may be defined to be a testamentary disposition, by which a person who gives a thing to another imposes on him the obligation of transferring it to a third person. The obligation was not created by words of legal binding force (*civilia verba*), but by words of request (*precativè*), such as "fideicommitto," "peto," "volo dari," and the like; which were the operative words (*verba utilia*). If the object of the fideicommissum was the hereditas, the whole or a part, it was called fideicommissaria hereditas, which is equivalent to a universal fideicommissum; if it was a single thing or a sum of money, it was called fideicommissum singulæ rei. The obligation to transfer the former could only be imposed on the heres; the obligation of transferring the latter might be imposed on a legatee.

By the legislation of Justinian, a fideicommissum of the hereditas was a universal succession; but before his time the person entitled to it was sometimes "heredis loco," and sometimes "legatarii loco." The heres still remained heres after he had parted with the hereditas. Though the fideicommissum resembled a vulgar substitution, it differed from it in this: in the case of a vulgar substitution, the substituted person only became heres when the first person named heres failed to become such; in the case of the fideicommissum, the second heres had only a claim on the inheritance when the person named the heres had actually become such. There could be no fideicommissum unless there was a heres.

The person who created the fideicommissum must be a person who was capable of making a will; but he might create a fideicommissum without having made a will. The person who was to receive the benefit of the fideicommissum was the fideicommissarius; the person on whom the obligation was laid was the fiduciarius. The fideicommissarius himself might be bound to give the fideicommissum to a second fideicommissarius. Originally the fideicommissarius was considered as a purchaser (*emptoris loco*); and when the heres transferred to him the hereditas, mutual covenants (*cautiones*) were entered into, by which the heres was

[1] (Athen., vi., p. 229., C.—Id., xi., 464, A.—Id., 183, C., D.) —2. (Ovid, Met., viii., 690.—Cic. ad Att., vi., 1 —Juv., iii., 168.—Id., x. 25.)—3. (Florus, i., 18.)—4. (Serv. ad Virg., Æn., vi 188.)—5 (Tertull., l. c.)—6. (H N., xxxv, 46.) —7. (Gaius, iv 32, &c.)

[1] (Adams, Append., s. v. *συκῆ*.)

not to be answerable for anything which he had been bound to do as heres, nor for what he had given bona fide; and if an action was brought against him as heres, he was to be defended. On the other hand, the fideicommissarius (*qui recipiebat hereditatem*) was to have whatever part of the hereditas might still come to the hands of the heres, and was to be allowed to prosecute all rights of action which the heres might have. But it was enacted by the senatus consultum Trebellianum, in the time of Nero, that when the heres had given up the property to the fideicommissarius, all right of action by or against the heres should be transferred to the fideicommissarius. The prætor accordingly gave utiles actiones to and against the fideicommissarius, which were promulgated by the edict. From this time the heres ceased to require from the fideicommissarius the covenants which he had formerly taken as his security against his general liabilities as heres.

As fideicommissa were sometimes lost because the heres would not accept the inheritance, it was enacted by the senatus consultum Pegasianum, in the time of Vespasian, that the fiduciarius might retain one fourth of the hereditas, and the same power of retainer was allowed him in the case of single things. In this case the heres was liable to all debts and charges (*onera hereditaria*); but the same agreement was made between him and the fideicommissarius which was made between the heres and the legatus partiarius, that is, the profit or loss of the inheritance was shared between them according to their shares (*pro rata parte*). Accordingly, if the heres was required to restore not more than three fourths of the hereditas, the senatus consultum Trebellianum took effect, and any loss was borne by him and the fideicommissarius in proportion to their shares. If the heres was required to restore more than three fourths or the whole, the senatus consultum Pegasianum applied. If the heres refused to take possession of (*adire*) the hereditas, the fideicommissarius could compel him, by application to the prætor, to take possession of it, and to restore it to him; but all the costs and charges accompanying the hereditas were borne by the fideicommissarius.

Whether the heres was sole heir (*ex asse*), and required to restore the whole or a part of the hereditas, or whether he was not sole heir (*ex parte*), and was required to restore the whole of such part, or a part of such part, was immaterial: in all cases, the S. C. Pegasianum gave him a fourth.

By the legislation of Justinian, the senatus consulta Trebellianum and Pegasianum were consolidated, and the following rules were established: The heres who was charged with a universal fideicommissum always retained one fourth part of the hereditas, now called Quarta Trebellianica, and all claims on behalf of or against the hereditas were shared between the fiduciarius and fideicommissarius, who was considered heredis loco. If the fiduciarius suffered himself to be compelled to take the inheritance, he lost his Quarta, and any other advantage that he might have from the hereditas. If the fiduciarius was in possession, the fideicommissarius had a personal actio ex testamento against him for the hereditas. If not in possession, he must at least verbally assent to the claim of the fideicommissarius, who had then the hereditatis petitio fideicommissaria against any person who was in possession of the property.

The Quarta Trebellianica is, in fact, the Falcidia applied to the case of universal fideicommissa. Accordingly, the heres only was entitled to it, and not a fideicommissarius, who was himself charged with a fideicommissum. If there were several heredes charged with fideicommissa, each was entitled to a quarta of his portion of the hereditas. The heres was entitled to retain a fourth out of the hereditas, not including therein what he took as legatee.

The fiduciarius was bound to restore the hereditas at the time named by the testator, or, if no time was named, immediately after taking possession of it. He was entitled to be indemnified for all proper costs and charges which he had sustained with respect to the hereditas; but he was answerable for any damage or loss which it had sustained through his culpa.

Res singulæ might also be the objects of a fidei commissum, as a particular piece of land, a slave, a garment, piece of silver, or a sum of money; and the duty of giving it to the fideicommissarius might be imposed either on the heres or on a legatee. In this way a slave also might receive his liberty, and the request to manumit might be addressed either to the heres or the legatarius. The slave, when manumitted, was the libertus of the person who manumitted him. There were many differences between fideicommissa of single things and legacies. A person about to die intestate might charge his heres with a fideicommissum, whereas a legacy could only be given by a testament, or by a codicil which was confirmed by a proper declaration of the testator in a will; but a fideicommissum could be given by a simple codicil not so confirmed. A heres instituted by a will might be requested by a codicil not so confirmed as above, to transfer the whole hereditas, or a part, to a third person. A woman who was prevented by the provisions of the Voconia lex from taking a certain hereditas, might take it as a fideicommissum. The Latini, also, who were prohibited by the lex Junia from taking hereditates and legacies by direct gift (*directo jure*), could take by fideicommissa. It was not legal to name a person as heres, and also to name another who, after the death of the heres, should become heres; but it was lawful to request the heres, on his death, to transfer the whole or a part of the hereditas to another. In this way a testator indirectly exercised a testamentary power over the property for a longer period than the law allowed him to do directly. A man sued for a legacy per formulam; but he sued for a fideicommissum before the consul or prætor for fideicommissa at Rome, and in the provinces before the præses. A fideicommissum was valid if given in the Greek language, but a legacy was not until a late period.

It appears that there were no legal means of enforcing the due discharge of the trust called fideicommissum till the time of Augustus, who gave the consuls jurisdiction in fideicommissa. In the time of Claudius, prætores fideicommissarii were appointed: in the provinces, the præsides took cognizance of fideicommissa. The consuls still retained their jurisdiction, but only exercised it in important cases.[3] The proceeding was always extra ordinem.[2] Fideicommissa seem to have been introduced in order to evade the civil law, and to give the hereditas, or a legacy, to a person who was either incapacitated from taking directly, or who could not take as much as the donor wished to give. Gaius, when observing that peregrini could take fideicommissa, observes that "this" (the object of evading the law) "was probably the origin of fideicommissa;" but by a senatus consultum made in the time of Hadrian, such fideicommissa were claimed by the fiscus. They are supposed to be the commendationes mortuorum mentioned by Cicero.[3] We have an example in the case of Q. P. Rufus,[4] who, being in exile, was legally incapacitated from taking anything under the will of a Roman citizen, but could claim

1. (Quinti. Instit., iii., 6.)—2. (Gaius, ii., 228.—Ulp., Frag., tit. 25, s. 12.)—3. (De Fin., iii. 20.)—4. (Val. Max., iv., 2, 9.)

from his mother, who was the heres fiduciarius. They were also adopted in the case of gifts to women, in order to evade the lex Voconia (*vid.* Voconia Lex), and in the case of proscribed persons;[1] incertæ personæ, Latini, peregrini, cœlibes, orbi. But the senatus consultum Pegasianum destroyed the capacity of cœlibes and orbi to take fideicommissa, and gave them to those persons mentioned in the will who had children, and in default of such to the populus, as in the case of hereditates and legata. (*Vid.* Bona Caduca.) Municipia could not take as heredes (*vid.* Collegium); but by the senatus consultum Apronianum, which was probably passed in the time of Hadrian, they could take a fideicommissa hereditas.[2] (*Vid.* Hereditas.) Fideicommissa were ultimately assimilated to legacies. (*Vid.* Legatum.)[3]

FIDEJU'SSIO. (*Vid.* Intercessio.)

FIDEPRO'MISSIO. (*Vid.* Intercessio.)

FIDES (*Vid* Lyra.)

FIDI'CULÆ is said to have been an instrument of torture, consisting of a number of strings. According to some modern writers, it was the same as the equuleus, or, at all events, formed part of it. (*Vid.* Equuleus.) The term, however, appears to be applied to any strings, whether forming part of the equuleus or not, by which the limbs or extremities of individuals were tied tightly.[4]

FIDU'CIA. If a man transferred his property to another on condition that it should be restored to him, this contract was called fiducia, and the person to whom the property was so transferred was said *fiduciam accipere*.[5] A man might transfer his property to another for the sake of greater security in time of danger, or for other sufficient reason.[6] The contract of fiducia or pactum fiduciæ also existed in the case of pignus, and in the case of mancipation. (*Vid.* Emancipatio.) The hereditas itself might be an object of fiducia. (*Vid.* Fideicommissum.) The trustee was bound to discharge his trust by restoring the thing: if he did not, he was liable to an actio fiduciæ or fiduciaria, which was an actio bonæ fidei.[7] If the trustee was condemned in the action, the consequence was infamia. Cicero enumerates the judicium fiduciæ with that tutelæ and societatis, as "*judicia summæ existimationis et pœne capitis*,"[8] where he is evidently alluding to the consequence of infamia.[9]

When the object for which a thing was transferred to another was attained, a remancipatio of those things which required to be transferred by mancipatio or in jure cessio was necessary; and with this view a particular contract (*pactum fiduciæ*) was inserted in the formula of mancipatio. If no remancipatio took place, but only a simple restitutio, usucapio was necessary to restore the Quiritarian ownership, and this was called usureceptio. The contract of fiducia might be accompanied with a condition, by virtue of which the fiducia might cease in a given case, and thus the fiducia was connected with the Commissoria lex, as we see in Paulus[10] and in Cicero,[11] "fiducia commissa," which may be explained by reference to Commissum.

FIDUCIA'RIA ACTIO. (*Vid.* Actio.)

FIGLINÆ. (*Vid.* Fictile.)

*FILIX, Fern. The general resemblance which several of the *Ferns* have to one another, has led modern botanical writers to apprehend that the ancients did not distinguish very nicely between them. The πτέρις of the Greeks, therefore, though Sprengel sets it down for the *Aspidium Filix mas*, was probably not restricted to it.[1] The *Filix* of Virgil appears to have been the *Pteris Aquilina*, L. Land which abounds with fern is always very poor.[2] The Latin name *filix* was given to this plant in allusion to the radical fibres, which resemble so many threads (*fila*). The Greek name is derived from πτερόν, "a wing," because the leaves are pinnated and expanded like wings. The specific appellation given by Linnæus to the female Fern, namely, *Aquilina*, is said to be derived from the following remarkable circumstance, that when the root of this plant is cut transversely, it presents a very exact representation of an eagle (*aquila*) with two heads. Hence this species of Fern is called in Germany the "Imperial."[3]

FI'MBRIÆ (κροσσοί; *Ionice*, θύσανοι, Greg. Corinth.), thrums; tassels; a fringe.

When the weaver had finished any garment on the loom (*vid* Tela), the thrums, *i. e.*, the extremities of the threads of the warp, hung in a row at the bottom. In this state they were frequently left, being considered ornamental. Often, also, to prevent them from ravelling, and to give a still more artificial and ornamented appearance, they were separated into bundles, each of which was twisted (στρεπτοῖς θυσάνοις[4]), and tied in one or more knots. The thrums were thus, by a very simple process, transformed into a row of tassels. The linen shirts found in Egyptian tombs sometimes show this ornament along their lower edge, and illustrate, in a very interesting manner, the description of these garments by Herodotus.[5] Among the Greeks and Romans, fringes were seldom worn except by females (κροσσωτὸν χιτῶνα[6]). Of their manner of displaying them, the best idea may be formed by the inspection of the annexed woodcut, taken from a small bronze, representing a Roman lady who wears an inner and an outer tunic, the latter being fringed, and over these a large shawl or pallium.

Among barbarous nations, the amictus was often worn by men with a fringe, as is seen very conspicuously in the group of Sarmatians at p. 171. By crossing the bundles of thrums, and tying them at the points of intersection, a kind of network was produced, and we are informed of a fringe of this description, which was, moreover, hung with bells.[1]

1. (Cic., Verr., i., 47.)—2. (Ulp., Frag., tit. 22, s. 5.—Plin., Ep., v., 7.)—3. (Gaius, ii., 247-289.—Ulp., Frag., tit. 25.)—4. (Val Max., iii., § 5.—Sueton., Tib., 62; Cal., 33.—Cod. Theodos., 9, tit. 35, s. 1.—Sigonius, De Jud., iii., 17.)—5. (Cic., Top., c. 10.)—6. (Gaius, ii., 60.)—7. (Cic., Off., iii., 15.—Id., ad Fam., vii., 12.)—8. (Cic., Pro Ros. Com., c. 6.)—9. (Compare Savigny, System, &c., ii., 176.)—10. (Sent. Recept., ii., tit. 13.)—11. (Pro Flacc., c. 21.)—12. (Gaius, ii., 60.—Id., iii., 201.—Rosshirt, Grundlinien, &c., § 99.—Rein, Das Röm. Privatrecht.—Heinecc, Syntagma, ed Haubold.)

1. (Adams, Append., s. v.)—2. (Martyn ad Virg., Georg., ii., 189.)—3. (Fée, Flore de Virgile, p. lvi.)—4. (Brunck, Anal., i. 416.)—5. (ii., 81.)—6. (Brunck, ii., 525.—Jacobs, &c., ad loc.—Pollux, vii., 64.—Sueton., Jul., 45.)—7. (Diod. Sic., xviii., 26

With the progress of luxury it appears that the ancients manufactured fringes separately, and sewed them to the borders of their garments. They were also made of gold thread and other costly materials. Of this kind was the ornament, consisting of a hundred golden tassels, which surrounded the mythical shield of Jupiter, the *αἰγὶς θυσανόεσσα*, and which depended from the girdle of Juno.[1]

In consequence of the tendency of wool to form itself into separate bundles like tassels (*θυσανηδόν*[2]), the poets speak of the golden fleece as consisting of them;[3] and Cicero, declaiming against the effeminacy of Gabinius, applies the same expression to his curling locks of hair.[4]

FI'NIUM REGUNDO'RUM ACTIO. If the boundaries of contiguous estates were accidentally confused, each of the parties interested in the re-establishment of the boundaries might have an action against the other for that purpose. This action belonged to the class of duplicia judicia. (*Vid.* Familiæ Erciscundæ Actio.) In this action each party was bound to account for the fruits and profits which he had received from any part of the land which did not belong to him, and also to account for any injury which it had sustained through his culpa. Each party was also entitled to compensation for improvements made in the portion of land which did not belong to him.[5]

FISCUS. The following is Savigny's account of the origin and meaning of this term:

In the republican period, the state was designated by the term Ærarium, in so far as it was viewed with respect to its rights of property, which ultimately resolved themselves into receipts into, and payments out of, the public chest. On the establishment of the imperial power, there was a division of the provinces between the senate, as the representative of the old Republic, and the Cæsar; and there was, consequently, a division of the most important branches of public income and expenditure. The property of the senate retained the name of Ærarium, and that of the Cæsar, as such, received the name of Fiscus. The private property of the Cæsar (*res privata Principis, ratio Cæsaris*) was quite distinct from that of the Fiscus. The word Fiscus signified a wicker-basket or pannier, in which the Romans were accustomed to keep and carry about large sums of money;[6] and hence Fiscus came to signify any person's treasure or money chest. The importance of the imperial Fiscus soon led to the practice of appropriating the name to that property which the Cæsar claimed as Cæsar, and the word Fiscus, without any adjunct, was used in this sense (*res fisci est*[7]). Ultimately the word came to signify generally the property of the state, the Cæsar having concentrated in himself all the sovereign power, and thus the word Fiscus finally had the same signification as Ærarium in the republican period. It does not appear at what time the Ærarium was merged in the Fiscus, though the distinction of name and of thing continued at least to the time of Hadrian. In the later periods, the words Ærarium and Fiscus were often used indiscriminately, but only in the sense of the imperial chest, for there was then no other public chest. So long as the distinction existed between the Ærarium and the Fiscus, the law relating to them severally might be expressed by the terms jus populi and jus fisci, as in Paulus,[8] though there is no reason for applying the distinction to the time when Paulus wrote; for, as already observed, it had then long ceased.

The Fiscus had a legal personal existence; that is, as the subject of certain rights, it was legally a person, by virtue of the same fiction of law which gave a personal existence to corporations, and the communities of cities and villages. But the Fiscus differed in many respects from other persons existing by fiction of law; and, as an instance, it was never under any incapacity as to taking an hereditas, which for a long time was the case with corporations, for the reason given by Ulpian. (*Vid.* Collegium.) These reasons would also apply to the Populus as well as to a Municipium, and yet the populus is never alluded to as being under such disability; and, in fact, it could not, consistently with being the source of all rights, be under any legal disabilities.

Various officers, as Procuratores, Advocati (*vid.* Advocatus), Patroni, and Præfecti, were employed in the administration of the Fiscus. Nerva established a Prætor Fiscalis to administer the law in matters relating to the Fiscus. The patrimonium, or private property of the Cæsar, was administered by Procuratores Cæsaris. The privileges of the Fiscus were, however, extended to the private property (*ratio*) of the Cæsar, and of his wife the Augusta.[1]

Property was acquired by the Fiscus in various ways, enumerated in the Digest,[2] many of which may be arranged under the head of penalties and forfeitures. Thus, if a man was led to commit suicide in consequence of having done some criminal act (*flagitium*), or if a man made counterfeit coin, his property was forfeited to the fiscus.[3] The officers of the Fiscus generally received information (*nunciationes*) of such occurrences from private individuals, who were rewarded for their pains. Treasure (*thesaurus*) which was found in certain places was also subject to a claim on the part of the Fiscus. To explain the rights and privileges of the Fiscus, and its administration, would require a long discussion.[4]

FISTULA. (*Vid.* Castellum, Tibia.)

FLABELLUM, *dim.* FLABELLULUM (*ῥιπίς, ῥιπιστήρ, dim. ῥιπίδιον*), a Fan. "The exercise of the fan," so wittily described by Addison,[5] was wholly unknown to the ancients. Neither were their fans so construeted that they might be furled, unfurled, and fluttered, nor were they even carried by the ladies themselves. They were, it is true, of elegant forms, of delicate colours (*prasino flabello*[6]), and sometimes of costly and splendid materials, such as peacocks' feathers;[7] but they were stiff and of a fixed shape, and were held by female slaves (*flabelliferæ*[8]), by beautiful boys,[9] or by eunuchs,[10] whose duty it was to wave them so as to produce a cooling breeze.[11] A gentleman might, nevertheless, take the fan into his own hand, and use it in fanning a lady as a compliment.[12] The woodcut at p. 225 shows a female bestowing this attendance upon her mistress. The fan which she holds is apparently made of separate feathers joined at the base, and also united both by a thread passing along their tips, and by another stronger thread tied to the middle of the shaft of each feather. Another use of the fan was to drive away flies from living persons, and from articles of food which were either placed upon the table or offered in sacrifice

1. (Hom., Il., ii., 488.—Ib., v., 738.—Ib., xiv., 181.—Ib., xvii., 593.)—2. (Ælian, H. A., xvi., 11.)—3. (Pind., Pyth., iv., 411.—Apoll. Rhod., iv., 1146.)—4. (Cic. in Pis., 11.)—5. (Dig. 10, tit. 1.)—6. (Cic., I Verr., c. 8.—Phædr., Fab., ii., 7.)—7. (Juv., Sat., ix. 54.)—8 (Sent. Recept., v., 12.)

1. (Dig. 49, tit. 14, s. 6.)—2. (49, tit. 14. s. 1.)—3. (Paulus, Sent. Recept., v., 12.)—4. (Dig. 49, tit. 14: "De Jure Fisci."—Cod. x., 1.—Cod. Theod., x., 1.—Paulus, Sent. Recept., v., 12.—Savigny, System des heut. Röm. R., vol. ii.—"Fragmentum veteris jurisconsulti de Jure Fisci," printed in Gœschen's edition of Gaius.—Savigny, "Neu entdeckte Quellen des Röm R.," Zeitschrift, iii.)—5. (Spect., No. 102.)—6. (Mart., iii., 40.) 7. (Propert., ii., 15.)—8. (Philemon, as translated by Plautus Trinumm., ii., I, 22.)—9. (Strato, Epig., 22.)—10. (Eurip., Orest., 1408-1412.—Menander, p. 175, ed. Meineke, and as translated by Terence, Eun., iii., 5, 45-54.)—11. (Brunck, Anal. ii., 92.)—12. (Ovid, A. A., i., 161.—Amor., iii., 2, 38.)

When intended for a fly-flapper, it was less stiff, and was called *muscarium*[1] and *μυιοσόβη*.[2] In short, the manner of using fans was precisely that which is still practised in China, India, and other parts of the East; and Euripides says[3] that the Greeks derived their knowledge of them from "barbarous" countries. The Emperor Augustus had a slave to fan him during his sleep,[4] for the use of fans was not confined to females.

Besides separate feathers, the ancient fan was sometimes made of linen, extended upon a light frame.[6] From the above-cited passage of Euripides and the ancient scholia upon it, compared with representations of the flabellum in ancient paintings, it also appears to have been made by placing the two wings of a bird back to back, fastening them together in this position, and attaching a handle at the base.[6]

A more homely application of the fan was its use in cookery (*vid.* Focus). In a painting which represents a sacrifice to Isis,[7] a priest is seen fanning the fire upon the altar with a triangular flabellum, such as is still used in Italy. This practice gave origin among classical writers to expressions corresponding to ours, meaning to fan the flame of hope,[8] of love (*ῥιπ΄ειν*[9]), or of sedition.[10]

FLAGRUM, *dim.* FLAGELLUM (*μάστιξ*), a Whip, a Scourge, to the handle of which was fixed a lash made of cords (*funibus*[11]) or thongs of leather (*loris*;[12] *σκυτίνα*[13]), especially thongs made from the ox's hide (*bubulis exuviis*[14]). The lash was often twisted.[15] A whip with a single lash was called *scutica*;[16] but it often had two lashes (*λιγυρᾷ μάστιγι διπλῇ*[17]), and is so represented on various ancient monuments. (*Vid.* woodcut, p. 66.)

The whip was used in a great variety of ways: 1. by boys in whipping the top (*vid.* Buxum); 2. in threshing corn, when it was formed as a *flail* (*pertica flagellatur*[18]); 3. in driving a chariot,[19] or riding on horseback.[20] For this purpose the whip was sometimes splendidly ornamented (*φαεινή*[21]). As a check to the cruel treatment of animals, Constantine enacted a law forbidding any one in riding and driving to use a severer instrument than a switch or whip with a short point or spur at the end.[22] 4. In Spartan and Roman education.[23] The weapon of the Roman pedagogue was an eel's skin, and was therefore called *anguilla*.[24] 5. In compelling soldiers to fight under Asiatic monarchs.[25] 6. In gratifying private resentment[26] 7. In punishing criminals,[27] especially before crucifixion. (*Vid.* Crux.) 8. In punishing slaves for running away[28] or deserting to the enemy,[29] or merely to gratify the caprice and cruelty of their owners. Thus females were punished by their mistresses.[30] The whip used to punish slaves was a dreadful instrument (*horribile flagellum*[31]), knotted with bones, or heavy, indented circles of bronze (*ἀστραγαλωτή*[32]), or terminated by hooks, in which case it was aptly denominated a *scorpion*.[33] The infliction of punishment with it upon the naked back of the sufferer[1] was sometimes fatal,[2] and was carried into execution by a class of persons, themselves slaves, who were called *lorarii*. It appears that there was another class, who submitted to be thus whipped for hire.[3] A slave who had been flogged was called *flagrio* (*μαστιγίας*[4]), which, of course, became a term of mockery and contempt. During the Saturnalia the scourge was deposited under the seal of the master.[5] 9. In the contests of gladiators,[6] two of whom seem to be represented on the coin here introduced. (*Vid.* woodcut.) 10. In the worship of Cybele, whose

priests pretended to propitiate her, and excited the compassion and reverence of the multitude by flogging themselves with scourges such as that here represented, from a bas-relief of this goddess in the museum of the Capitol at Rome. They were strung with *tali* (*ἀστραγαλοί*) from the feet of sheep,[7] and resembled the scourges employed to punish slaves. 11 In the hands of Bellona and the Furies.[8]

FLAMEN, the name for any Roman priest who was devoted to the service of one particular god (Divisque aliis alii sacerdotes, omnibus pontifices, singulis flamines sunto[9]), and who received a distinguishing epithet from the deity to whom he ministered. (*Horum*, sc. flaminum, *singuli cognomina habent ab eo deo quoi sacra faciunt.*[10]) The most dignified were those attached to Diiovis, Mars, and Quirinus the *Flamen Dialis*, *Flamen Martialis*, and *Flamen Quirinalis*. The first two are said by Plutarch[11] to have been established by Romulus; but the greater number of authorities agree in referring the institution of the whole three, in common with all other matters connected with state religion, to Numa.[12] The number was eventually increased to fifteen:[13] the three original flamens were always chosen from among the patricians, and styled *Majores*;[14] the rest from the plebeians, with the epithet *Minores*.[15] Two rude lines of Ennius[16] preserve the names of six of these, appointed, says the poet, by Numa:

> "*Volturnalem, Palatualem, Furinalem,*
> *Floralemque, Falacrem et Pomonalem fecit*
> *Hic idem . . . . .*"

to which we may add the *Flamen Volcanalis*[17] and the *Flamen Carmentalis*.[18] We find in books of antiquities mention made of the *Virbialis*, *Laurentialis*, *Lavinalis*, and *Lucullaris*, which would complete the list; but there is nothing to prove that these four were Roman, and not merely provincial priests.

It is generally stated, upon the authority of Aulus Gellius,[19] that the flamens were elected at the Com-

1 (Mart., xiv., 67.)—2. (Menander, p. 175.—Ælian, H. A., xv., 14.—Brunck, Anal., ii., 388.—Id. ib., iii., 92.)—3. (l. c.)—4. (Sueton., Octav., 82.) — 5. (Strato, l. c.) — 6. (*Vid.* also Brunck, Anal. ii., 258, *Περίνιαν βιβλία.*)—7. (Ant. d'Ercolano, i., 60.)—8. (Alciph., iii., 47.)—9. (Brunck., Anal., ii., 306.)—10. (Aristoph., Ran., 360.—Cic., Pro Flacc., 23.)—11. (Hor., Epod., iv., 3.—John, ii., 15.)—12. (Hor., Epist., i., 16, 47.)—13. (Anacr., p. 357, ed. Fischer.)—14. (Plaut., Most., iv., 1, 26.)—15 (Val. Flacc., viii., 20.)—16. (Hor., Sat., i., 3, 119.)—17. (Soph., Ajax, 241.)—18. (Plin., H. N., xviii., 30.—Hieron. in Isa., xxviii., 27.)—19. (Hom., Il., passim.—Mart., xiv., 55.)—20. (Xen., De Re Equestr., viii., 4.—Id. ib., x., 1.)—21. (Hom., Il., x., 500.—Id. ib., xix., 395.) — 22. (Cod. Theodos., ii.) — 23. (Xen., De Lac. Rep., ii., 2.—Mart., x., 61.)—24. (Plin., H. N., ix., 39.—Isid., Orig., v., 27.)—25. (Herod., vii., 22, 56, 103, 223.—Xen., Anab., iii., 4, § 25.)—26. (Catull., xxi., 12.—Val. Max., vi., 1, 13.)—27. (Xen., Hell., iii., 3, 11.)—28. (Xen., Cyrop., i., 4, 13.)—29. (Aristoph., Pac., 451.)—30. (Juv., vi., 382.)—31. (Hor., l. c.)—32. (Athen., iv., 38.)—33. (Isid., l. c.—2 Chron., xxiv.)

1. (Juv., l. c.)—2. (Hor., Sat., i., 2, 41.)—3. (Festus, s. v. Flagratores.)—4 (Philemon, p. 415, ed. Mein.—Aristoph., Ran., 502.—Equit., 1225.—Lys., 1242.—"Mastigia:" Plautus, passim.—Ter., Adelph., v., 2, 6.)—5. (Mart., xiv., 79.)—6. (Tertull., Apoll., 21.)—7. (Apul., Met., viii.)—8. (Virg., Æn., vi., 570.—"Sanguineo flagello:" viii., 703.—Val. Flacc., l. c.)—9. (Cic., De Leg., ii., 8.) — 10. (Varro, De Ling. Lat., v., 84.) — 11. (Num., 7.)—12. (Liv., i., 20.—Dionys., ii., 64, &c.)—13. (Fest., s. v. "Maximæ dignationis.")—14. (Gaius, i., 112.)—15. (Fest., s. v. "Majores Flamines.")—16. (Varro, De Ling. Lat., vii., 44.)—17. (Varro, De Ling Lat., v., 84.)—18. (Cic., Brut., 14)—19 (xv., 27.)

tia Curiata, and this was doubtless the case in the earlier times; but, upon examining the passage in question, it will be seen that the grammarian speaks of their induction into office only, and therefore we may conclude that subsequently to the passing of the *Lex Domitia* they were chosen in the Comitia Tributa, especially since so many of them were plebeians. After being nominated by the people, they were received (*capti*) and installed (*inaugurabantur*) by the Pontifex Maximus,[1] to whose authority they were at all times subject.[2]

The office was understood to last for life; but a flamen might be compelled to resign (*flaminio abire*) for a breach of duty, or even on account of the occurrence of an ill-omened accident while discharging his functions.[3]

Their characteristic dress was the apex (*vid.* Apex), the *læna* (*vid.* Læna), and a laurel wreath. The name, according to Varro and Festus, was derived from the band of white wool (*filum*, *filamen*, *flamen*) which was wrapped round the apex, and which they wore, without the apex, when the heat was oppressive.[4] This etymology is more reasonable than the transformation of *pileamines* (from *pileus*) into *flamines*.[5] The most distinguished of all the flamens was the *Dialis*; the lowest in rank the *Pomonalis*.[6]

The former enjoyed many peculiar honours. When a vacancy occurred, three persons of patrician descent, whose parents had been married according to the ceremonies of *confarreatio* (*vid.* Marriage), were nominated by the Comitia, one of whom was selected (*captus*), and consecrated (*inaugurabatur*) by the Pontifex Maximus.[7] From that time forward he was emancipated from the control of his father, and became sui juris.[8] He alone, of all priests, wore the *albogalerus* (*vid.* Albus Galerus[9]); he had a right to a *lictor*,[10] to the *toga prætexta*, the *sella curulis*, and to a seat in the senate in virtue of his office. This last privilege, after having been suffered to fall into disuse for a long period, was asserted by C. Valerius Flaccus (B.C. 209), and the claim allowed, more, however, says Livy, in deference to his high personal character than from a conviction of the justice of the demand.[11] The *Rex Sacrificulus* alone was entitled to recline above him at a banquet: if one in bonds took refuge in his house, the chains were immediately struck off, and conveyed through the *impluvium* to the roof, and thence cast down into the street:[12] if a criminal on his way to punishment met him, and fell suppliant at his feet, he was respited for that day;[13] usages which remind us of the right of sanctuary attached to the persons and dwellings of the papal cardinals.

To counterbalance these high honours, the Dialis was subjected to a multitude of restrictions and privations, a long catalogue of which has been compiled by Aulus Gellius[14] from the works of Fabius Pictor and Masurius Sabinus, while Plutarch, in his Roman Questions, endeavours to explain their import. Among these were the following:

It was unlawful for him to be out of the city for a single night;[15] a regulation which seems to have been modified by Augustus, in so far that an absence of two nights was permitted;[16] and he was forbidden to sleep out of his own bed for three nights consecutively. Thus it was impossible for him to undertake the government of a province. He might not mount upon horseback, nor even touch a horse, nor look upon an army marshalled without the pomœrium, and hence was seldom elected to the consulship. Indeed, it would seem that originally he was altogether precluded from seeking or accepting any civil magistracy;[1] but this last prohibition was certainly not enforced in later times. The object of the above rules was manifestly to make him literally *Jovi adsiduum sacerdotem*; to compel constant attention to the duties of the priesthood; to leave him in a great measure without any temptation to neglect them. The origin of the superstitions which we shall next enumerate is not so clear, but the curious will find abundance of speculation in Plutarch,[2] Festus,[3] and Pliny.[4] He was not allowed to swear an oath, nor to wear a ring "*nisi pervio et casso*," that is, as they explain it, unless plain and without stones;[5] nor to strip himself naked in the open air, nor to go out without his proper headdress, nor to have a knot in any part of his attire, nor to walk along a path overcanopied by vines. He might not touch flour, nor leaven, nor leavened bread, nor a dead body; he might not enter a *bustum* (*vid.* Bustum), but was not prevented from attending a funeral. He was forbidden either to touch or to name a dog, a she-goat, ivy, beans, or raw flesh. None but a free man might cut his hair; the clippings of which, together with the parings of his nails, were buried beneath a *felix arbor*. No one might sleep in his bed, the legs of which were smeared with fine clay; and it was unlawful to place a box containing sacrificial cakes in contact with the bedstead.

Flaminica was the name given to the wife of the dialis. He was required to wed a virgin according to the ceremonies of *confarreatio*, which regulation also applied to the two other flamines majores[6] and he could not marry a second time. Hence, since her assistance was essential in the performance of certain ordinances, a divorce was not permitted, and if she died the dialis was obliged to resign. The restrictions imposed upon the flaminica were similar to those by which her husband was fettered.[7] Her dress consisted of a dyed robe (*venenato operitur*); her hair was plaited up with a purple band in a conical form (*tutulum*); and she wore a small square cloak with a border (*rica*), to which was attached a slip cut from a *felix arbor*.[8] It is difficult to determine what the *rica* really was: whether a short cloak, as appears most probable, or a napkin thrown over the head. She was prohibited from mounting a staircase consisting of more than three steps (the text of Aulus Gellius is uncertain, but the object must have been to prevent her ankles from being seen); and when she went to the *argei* (*vid.* Argei), she neither combed nor arranged her hair. On each of the nundinæ a ram was sacrificed to Jupiter in the regia by the flaminica.[9]

After the death of the flamen Merula, who was chosen consul suffectus on the expulsion of Cinna,[10] and who, upon the restoration of the Marian faction, shed his own blood in the sanctuary (B.C. 87), calling down curses on his enemies with his dying breath,[11] the priesthood remained vacant until the consecration of Servius Maluginensis (B.C. 11) by Augustus, then Pontifex Maximus. Julius Cæsar had, indeed, been nominated in his 17th year, but was never installed; and during the whole of the above period,

1. (Liv., xxvii., 8.—Id., xxix., 38.—Val. Max., VI., ix., 3.)—2. (Liv., Epit., xix.—Id., xxxvii., 51.—Val. Max., I., i., 2.)—3. (Val. Max., I., i., 4.)—4. (Serv. ad Virg., Æn., viii., 664.)—5. (Plutarch, Num., 7.)—6. (Festus, s. v. Maximæ dignationis.)—7. (Tacit., Ann., iv., 16.—Liv., xxvii., 8.)—8. (Gaius, i., 130.—Ulpian, Frag., ix., 5.—Tacit., Ann., iv., 16.)—9. (Varro ap. Gell., x., 15.)—10. (Plut., Q. R., p. 119, ed. Reiske.)—11. (Liv., xxvii., 8.—Compare i., 20.) 12. (Aul. Gell., x., 15.)—13. (Aul. Gell., x., 15.—Plut., Q. R., p. 166.)—14. (x., 15.)—15. (Liv., v., 52.)—16. (Tacit., Ann., iii., 58, 71.)

1. (Plut., Q. R., p. 169.)—2. (Q. R., p. 114, 118, 164-170.)—3. (s. v. Edera and Equo.)—4. (II. N., xviii., 30.—Ib., xxviii., 40.)—5. (Kirchmann, De Annulis, p. 14.)—6. (Serv. ad Virg., Æn., iv., 104, 374.—Gaius, i., 112.)—7. (Aul. Gell., x., 15.)—8 (Fest., s. v. Tutulum, Rica.—Varro, De Ling. Lat., vii., 44.)—9. (Macrob., i., 16.)—10. (Velleius, ii., 20.—Val. Max., IX. xii., 5.)—11. (Velleius, ii., 22.)

the duties of the office were discharged by the Pontifex Maximus.[1]

The municipal towns also had their flamens. Thus the celebrated affray between Milo and Clodius took place while the former was on his way to Lanuvium, of which he was then dictator, to declare the election of a flamen (*ad flaminem prodendum*). After the deification of the emperors, flamens were appointed to superintend their worship in Rome and in all the provinces; and we find constantly in inscriptions such titles as FLAMEN AUGUSTALIS; FLAMEN TIBERII CÆSARIS; FLAMEN D. JULII, &c., and sometimes FLAMEN DIVORUM OMNIUM (sc. imperatorum).

FLAMINIA, according to Festus and Aulus Gellius,[2] was the house of the Flamen Dialis, from which it was unlawful to carry out fire except for sacred purposes.

Flaminia, according to Festus, was also a name given to a little priestess (*sacerdotula*), who assisted the *flaminica* in her duties.

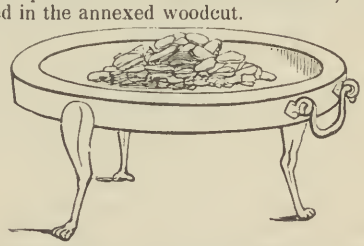
COIN OF FLAMEN MARTIALIS.[3]

FLAMMEUM. (*Vid.* MARRIAGE.)

FLORA'LIA, or Florales Ludi, a festival which was celebrated at Rome in honour of Flora or Chloris. It was solemnized during five days, beginning on the 28th of April and ending on the 2d of May.[4] It was said to have been instituted at Rome in 238 B.C., at the command of an oracle in the Sibylline Books, for the purpose of obtaining from the goddess the protection of the blossoms (*ut omnia bene deflorescerent*[5]). Some time after its institution at Rome its celebration was discontinued; but in the consulship of L. Postumius Albinus and M. Popilius Lænas (173 B.C.), it was restored, at the command of the senate, by the ædile C. Servilius,[6] as the blossoms in that year had severely suffered from winds, hail, and rain. The celebration was, as usual, conducted by the ædiles,[7] and was carried on with excessive merriment, drinking, and lascivious games.[8] From Valerius Maximus we learn that theatrical and mimic representations formed a principal part of the various amusements, and that it was customary for the assembled people on this occasion to demand the female actors to appear naked upon the stage, and to amuse the multitude with their indecent gestures and dances. This indecency is probably the only ground on which the absurd story of its origin, related by Lactantius,[9] is founded. Similar festivals, chiefly in spring and autumn, are in southern countries seasons for rejoicing, and, as it were, called forth by the season of the year itself, without any distinct connexion with any particular divinity; they are to this day very popular in Italy,[10] and in ancient times we find them celebrated from the southern to the northern extremity of Italy.[1] (*Vid.* Anthesphoria.) The Floralia were originally festivals of the country people, which were afterward, in Italy as in Greece, introduced into the towns, where they naturally assumed a more dissolute and licentious character, while the country people continued to celebrate them in their old and merry, but innocent manner. And it is highly probable that such festivals did not become connected with the worship of any particular deity until a comparatively late period.[2] This would account for the late introduction of the Floralia at Rome, as well as for the manner in which we find them celebrated there.[3]

FOCA'LE, a covering for the ears and neck, made of wool, and worn by infirm and delicate persons.[4]

FOCUS, *dim.* FO'CULUS (*ἑστία* : *ἐσχάρα, ἐσχαρίς, dim. ἐσχάριον*), a fireplace, a hearth, a brazier. The fireplace, considered as the highest member of an altar, is described under ARA, p. 77. Used by itself, it possessed the same sacred character, being, among the Romans, dedicated to the Lares of each family.[5] It was, nevertheless, made subservient to all the requirements of ordinary life.[6] It was sometimes constructed of stone or brick, in which case it was elevated only a few inches above the ground, and remained on the same spot; but it was also frequently made of bronze, and it was then variously ornamented, and was carried continually from place to place. This movable hearth or brazier was properly called *foculus* and *ἐσχάρα*. One is shown at p. 148. Another, found at Cære in Etruria, and preserved in the British Museum, is represented in the annexed woodcut.



In Aristophanes[7] persons are told "to bring the brazier and the fan." (*Vid.* FLABELLUM.) When a brazier was brought to Alexander the Great, scantily supplied with fuel in very cold weather, he requested to have either wood or frankincense, giving his host the option of treating him either as a man or a god.[8] In the time of the Roman emperors, the brazier of burning charcoal was sometimes brought to table with the meat for the purpose of keeping it hot, so that, as Seneca says, the kitchen accompanied the dinner.

In accordance with the sentiments of veneration with which the domestic fireplace was regarded, we find that the exercise of hospitality was at the same time an act of religious worship. Thus the roasting of a hog in the cottage of the swineherd in the Odyssey[9] is described as a sacrifice. To swear "by the royal hearth" was the most sacred oath among the Scythians.[10] Suppliants, strangers, all who sought for mercy and favour, had recourse to the domestic hearth as to an altar.[11] The phrase

1. (Suet., Jul., c. 1, compared with Velleius, ii., 43, and the commentators. See also Suet., Octav., 31.—Dion Cass., liv., 36—Tacit., Ann., iii., 58. The last-quoted historian, if the text be correct, states that the interruption lasted for 72 years only.—2. (x., 15.)—3. (See Spanheim, De Præst. et Usu Numism., i., p. 85.)—4. (Ovid, Fast., v., 185.—Plin., H. N., xviii., 29.)—5. Plin., l. c.—Compare Velleius, i., 14.—Varro, De Re Rust., i., 1.)—6. (Eckhel, De Num. Vet., v., p. 308.—Compare Ovid, Fast., v., 329, &c.)—7. (Cic. in Verr., v., 14.—Val. Max., ii., 10, 8.—Eckhel, l. c.)—8. (Martial, i., 3.—Senec. Epist., 96.)—9. (Instit., i., 20.)—10. (Voss. ad Virg., Georg., ii., 385.)

1. (Compare Justin, xliii., 4.)—2. (Buttman, Mythologus ii., p. 54.)—3. (Spanheim, De Præst. et Usu Numism., ii., p. 445, &c.)—4. (Hor., Sat., ii., 3, 255.—Sen., Qu. Nat., iv., 13.—Quintil., xi., 3, 144.—Mart., 1, 121.—Id., xiv., 142.)—5. (Plaut., Aul., ii., 8, 16.—Cato, De Re Rust., 15.—Ovid, Fast., ii., 589, 611.—Ib., iii., 423.—Juv., xii., 85-95.)—6. (Hor., Epod., ii., 43.—Epist., i., 5, 7.—Ovid, Met., viii., 673.—Sen., De Cons. ad Alb., 1.)—7. (Acharn., 888.)—8. (Plut., Apoph. Reg., vol. i., p. 717, ed. Wytten.—Diod. Sic., xviii., 61.—Polyæn., Strat., iv., 8.—Id. ib., viii., 32.—Cato, De Re Rust., 11.—Virg., Æn., xii., 118, 285.—Servius ad ll.—Cic., Pro Dom., 47.—Tertull., Apol., 9.)—9. (xiv., 418-438.)—10. (Herod., iv., 68.)—11. (Hom., Od., vii., 153-169.—Apoll. Rhod., iv., 693.)

"pro aris et focis" was used to express attachment to all that was most dear and venerable.[1]

Among the Romans the focus was placed in the ATRIUM, which, in primitive times, was their kitchen and dining-room.[2] There it remained, as we see in numerous examples at Pompeii, even after the progress of refinement had led to the use of another part of the house for culinary purposes. On festivals the housewife decorated the hearth with garlands;[3] a woollen fillet was sometimes added.[4] In farmhouses, the servants, who were often very numerous, were always disposed for the purpose of taking their meals around the hearth.[5]

The focus, though commonly square, admitted of a great variety of forms and ornaments. At Pharæ, in Achaia, a marble hearth was placed before a statue of Mercury in the Forum, having bronze lamps fastened to it with lead.[6] To adapt the focus to culinary purposes, a gridiron, supported by four feet, was placed over the fire, so as to hold pots and pans as well as steaks, chops, and other pieces of meat which were to be roasted.[7] Some of the braziers found at Pompeii also include contrivances for boiling water.

FŒDERA'TÆ CIVITATES, FŒDERA'TI, SO'CII. In the seventh century of Rome these names expressed those Italian states which were connected with Rome by a treaty (*fœdus*). These names did not include Roman colonies or Latin colonies, or any place which had obtained the Roman civitas. Among the fœderati were the Latini, who were the most nearly related to the Romans, and were designated by this distinctive name; the rest of the fœderati were comprised under the collective name of Socii or Fœderati. They were independent states, yet under a general liability to furnish a contingent to the Roman army. Thus they contributed to increase the power of Rome, but they had not the privileges of Roman citizens. The relations of any particular federate state to Rome might have some peculiarities, but the general relation was that expressed above; a kind of condition, inconsistent with the sovereignty of the federates, and the first stage towards unconditional submission. The discontent among the fœderati, and their claims to be admitted to the privileges of Roman citizens, led to the Social War. The Julia ex (B.C. 90) gave the civitas to the Socii and Latini; and a lex of the following year contained, among other provisions, one for the admission to the Roman civitas of those peregrini who were entered on the lists of the citizens of federate states, and who complied with the provisions of the lex. (*Vid.* CIVITAS.) It appears, however, that this lex Julia, and probably also the lex of the following year, contained a condition that the federate state should consent to accept what the leges offered, or, as it was technically expressed, "populus fundus fieret."[8] Those who did not become fundi populi did not obtain the civitas. Balbus, the client of Cicero, was a citizen of Gades, a federate town in Spain. Pompey had conferred the Roman civitas on Balbus, by virtue of certain powers given to him by a lex. It was objected to Balbus that he could not have the civitas, unless the state to which he belonged, "fundus factus esset;" which was a complete misapprehension, for the term fundus, in this sense, applied to a *whole* state or community, whether federate or other free state, which accepted what was offered, and not to an individual of such state or community who might accept the Roman civitas without asking the consent of his fellow-citizens at home, or without all of them receiving the same privilege that was offered to himself. The people of a state which had accepted the Roman civitas (*fundus factus est*) were called, in reference to their condition after such acceptance, "fundani." This word only occurs in the Latin inscription (the lex Romana) of the tablet of Heraclea, l. 85, and proves that the inscription is posterior to the lex Julia de Civitate. It has, indeed, been supposed that the word may refer to the acceptance by the state of Heraclea of this lex which is on the tablet; but there is no doubt that it refers to the prior lex which gave the civitas. (*Vid.* FUNDUS.)

It must be observed that the acceptance of the two leges above mentioned could only refer to the federate states and the few old Latin states. The Latinæ coloniæ also received the civitas by the Julia lex; but, as they were under the sovereignty of Rome, their consent to the provisions of this lex was not required.

Before the passing of the Julia lex, it was not unusual for the Socii and Latini to adopt Roman leges into their own system, as examples of which Cicero mentions the lex Furia de Testamentis and the lex Voconia de Mulierum Hereditatibus; and he adds that there were other instances.[1] In such cases, the state which adopted a Roman lex was said "in eam legem fundus fieri." It hardly needs remark, that the state which adopted a Roman lex did not thereby obtain for its citizens any privileges with respect to the Roman state: the federate state merely adopted the provisions of the Roman lex as being applicable to its own circumstances.

An apparent difficulty is caused by the undoubted fact that the provisions of the lex Julia required that the states which wished to avail themselves of its benefits should consent to accept them. As the federate states commenced the war in order to obtain the civitas, it may be asked, why was it given to them on the condition of becoming "fundus?" In addition to the reasons for such condition, which are suggested by Savigny, it may be observed that the lex only expressed in terms what would necessarily have been implied if it had not been expressed: a federate state must of necessity declare by a public act its consent to accept such a proposal as was contained in the lex Julia. It appears from the cases of Heraclea and Naples, that the citizens of a federate state were not in all cases unanimous in changing their former alliance with Rome into an incorporation with the Roman state. (*Vid.* CIVITAS.)

There were federate cities beyond the limits of Italy, as shown by the example of Gades: Saguntum and Massilia also are enumerated among such cities.[2]

*FŒNUM GRÆCUM, Fenugreek. (*Vid.* TELIS and BUCERAS.)

FŒNUS. (*Vid.* INTEREST OF MONEY.)

FOLLIS, *dim.* FOLLI'CULUS, an inflated ball of leather, perhaps originally the skin of a quadruped filled with air: Martial[3] calls it "light as a feather." Boys and old men, among the Romans, threw it from one to another with their arms and hands, as a gentle exercise of the body, unattended with dangers.[4] The Emperor Augustus[5] became fond of the exercise as he grew old.

1. (Cic., De Nat. Deor., iii., 40.—Flor., iii., 13.)—2. (Virg., Æn., i., 726.—Servius, ad loc.)—3. (Cato, De Re Rust., 143.—Ovid, Trist., v., 5, 10.)—4. (Propert., iv., 6, 1-6.)—5. (Hor., Epod. ii., 66.—Col., De Re Rust., xi., 1.)—6. (Paus., vii., 22, § 2.)—7. ("Craticula:" Mart., xiv., 221.—Apic., viii., 6.—Τετράπουν πυρὸς γέφυραν: Brunck, Anal., ii., 215.—Jacobs, ad loc.)—8. (Cic., Pro Balbo, c. 8.)

1. (Pro Balbo, c. 8.)—2. (Savigny, Volksschluss der Tafel von Heraclea, Zeitschrift, &c., vol. ix.—Mazocchi, Tab. Herac., p. 465.)—3. (iv., 19.)—4. (Mart., vii., 31.—Id., xiv., 45, 47.—Athen., i., 25.)—5. (Sueton., Octav., 83.)

Boxers practised upon an inflated skin hung up for the purpose (*follis pugilatorius*[1]).

The term *follis* is also applied to a leather purse or bag;[2] and the diminutive *folliculus* to the swollen capsule of a plant, the husk of a seed, or anything of similar appearance.[3]

Two inflated skins (*δύο φύσαι*;[4] *ζώπυρα*;[5] *πρηστῆρες*[6]), constituting *a pair of bellows*, and having valves adjusted to the natural apertures at one part for admitting the air, and a pipe inserted into another part for its emission, were an essential piece of furniture in every forge and foundry.[7] Among the Egyptians, the two bellows were blown by a man who stood with his right and left foot pressing upon each alternately, and who drew each upward by means of a cord, so as to fill it with air again as soon as the weight of his body was taken away from it.[8] According to the nature and extent of the work to be done, the bellows were made of the hides of oxen (*taurinis follibus*[9]), or of goats (*hircinis*[10]) and other smaller animals. The nozzle of the bellows was called *ἀκροφύσιον* or *ἀκροστόμιον*.[11] In bellows made after the fashion of those exhibited in the lamp here introduced from Bartoli,[12] we may imagine the skin to have been placed between the two boards, so as to produce a machine like that which we now commonly employ.

FORCEPS (*πυράγρα*), Tongs or Pincers; an instrument invented, as the etymology indicates, for taking hold of what is hot (*forvum*[13]), used by smiths, and therefore attributed to Vulcan and the Cyclopes.[14] (*Vid.* Incus, Malleus.)

A forceps of an appropriate form (*ὀδοντάγρα*) was employed for drawing teeth,[15] and another to extract from the wounded the heads of arrows and other missiles (*ἀρδιοθήρα*[16]). Pincers were used from the earliest times by tyrants as an instrument of torture.[17] The term *καρκίνος*, which properly meant a crab, was applied metaphorically to pincers, on account of the similarity of this instrument to the claw of the crab.[18]

FORES. (*Vid.* House.)

FORFEX, *dim.* FORFICULA (*ψαλίς*, *dim. ψαλίδιον*), Shears,[19] used, 1. in shearing sheep, as represented in the annexed woodcut, which is taken from a carnelian in the Stosch collection of antique gems at Berlin; 2. in cutting hair;[20] 3. in clipping

1. (Plaut., Rud., iii., 4, 16.)—2. (Plaut., Aul., ii., 4, 23.—Juv., xiv., 281.)—3. (Sen., Nat. Quæst., v., 18.—Tertull., De Res. Carn., 52.)—4. (Herod., i., 68.)—5. (Ephori Frag., p. 188.)—6. (Apoll. Rhod., iv., 763, 777.)—7. (Il., xviii., 372-470.—Virg., Æn., viii., 449.)—8. (Wilkinson's Manners and Customs, iii., p. 138.)—9. (Virg., Georg., iv., 171.)—10. (Hor., Sat., i., 4, 19.)—11. (Thucyd., iv., 100.—Eustath. in Il., xviii., 470.)—12. (Ant. Lucerne, iii., 21.)—13. (Festus, s. v.—Servius ad Virg., Georg., iv., 175.—Æn., viii., 453.—Ib., xii., 404.)—14. (Virg., Il. cc.—Hom., Il., xviii., 477.—Od., iii., 434.—Callim. in Del., 144.—"Forcipe curva:" Ovid, Met., xii., 277.)—15. (Lucil., Sat., xix.)—16. (Virg., Æn., xii., 404.—Servius, ad loc.)—17. (Ovid, Met., vi., 557.—Synes., Epist., 58.—*Καρκίνοις σιδηροῖς*: Diod. Sic., xx., 71.)—18. (Eustath. in Hom., l. c.—Brunck, Anal., ii., 216.—Plin., H. N., ix., 51.)—19. (Serv. in Virg., Æn., viii., 453.)—20. (Eurip., Orest., 954.—Schol. in loc.—Brunck, Anal., iii., 9 Virg., Catal., vii., 9.—"Ferro bidenti:" Ciris, 213.)

hedges, myrtles, and other shrubs (*ψαλιστοι μυρσινῶνες*[1]); 4. in clearing bad grapes from the bunch.[2]

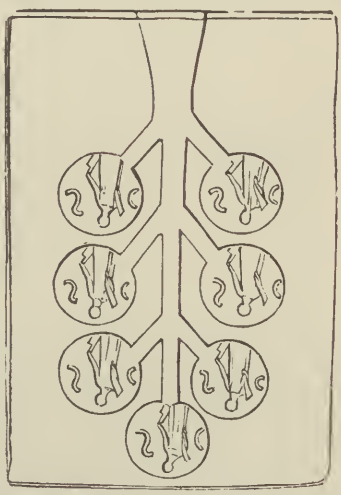
In military manœuvres the forfex was a tenaille, *i. e.*, a body of troops arranged in the form of an acute angle, so as to receive and overcome the opposite body, called a Cuneus.[3]

In architecture the term *ψαλίς* denoted a construction which was probably the origin of the arch,[4] consisting of two stones leaning against each other so as to form an acute angle overhead, as is seen in the entrance to the Pyramid of Cheops and in the ruins of Mycenæ, and gradually brought nearer to the forms which we now employ. (See woodcut, p. 85.)[5]

The same terms were also metaphorically applied to the mandibles of insects, which are like minute shears, and to the claws of crustacea (*ψαλιδόστομοι*[6]).

FORI. (*Vid.* Navis.)

FORMA, *dim.* FORMULA, *second dim.* FORMELLA (*τύπος*), a Pattern, a Mould; any contrivance adapted to convey its own shape to some plastic or flexible material, including moulds for making, 1. pottery (*vid.* Fictile). 2. Pastry (*formella*[7]). Some of these, made of bronze, have been found at Pompeii. 3. Cheese.[8] Hence the cheeses themselves are called *formulæ*.[9] The finer moulds for this purpose were made of boxwood (*formæ buxeæ*). (*Vid.* Buxus.) 4. Bricks.[10] 5. Coins. These moulds were made of a kind of stone, which was indestructible by heat.[11] The mode of pouring into them the melted metal for casting the coins will be best understood from the annexed woodcut, which



represents one side of a mould, engraved by Seroux d'Agincourt.[12] Various moulds are engraved by Ficoroni.[13] 6. Walls of the kind now called *pisé*,

1. (Hierocles ap. Stob., Serm., 65.)—2. (Col., De Re Rust., xii., 43.)—3. (Aul. Gell., x., 9.—Amm. Marcell., xvi., 11.)—4. (Macculloch's West. Islands, i., p. 142.—Id. ib., iii., p. 49.)—5. (Plat., De Leg., xii., p. 292, ed. Becker.—Diod. Sic., ii., 9.—Strabo, xvi., 1, 5.—Id., xvii., 1, 42.—Josephus, B. J., xv., 9, 6.)—6. (Hom., Bat., 286.—Plin., H. N., ix., 51.—Id. ib., xxxii., 53.)—7. (Apic., ix., 13.)—8. (Col., De Re Rust., vii., 8.)—9. (Pallad., De Re Rust., vi., 9.)—10. (Pallad., v., 12.)—11. (Plin., H. N., xxxvi., 49.)—12. (Recueil de Fragmens, pl. 34.)—13 (De Plumbeis Ant. Num., ad fin.)

which were built in Africa, in Spain, and about Tarentum[1] 7. The shoemaker's last was also called *forma*[2] and *tenuipellium*,[3] in Greek *καλόπους*,[4] whence Galen says[5] that physicians who want discrimination in the treatment of their patients are like shoemakers who make shoes from the same last (*ἐνὶ καλόποδι*) for all their customers.

The spouts and channels of aquæducts are called *formæ*, perhaps from their resemblance to some of the moulds included in the above enumeration.[6]

FO'RMULA. (*Vid.* Actio.)

FORNACA'LIA was a festival in honour of Fornax, the goddess of furnaces, in order that the corn might be properly baked.[7] This ancient festival is said to have been instituted by Numa.[8] The time for its celebration was proclaimed every year by the Curio Maximus, who announced in tablets, which were placed in the Forum, the different part which each curia had to take in the celebration of the festival. Those persons who did not know to what curia they belonged, performed the sacred rites on the *Quirinalia*, called from this circumstance the *Stultorum feriæ*, which fell on the last day of the Fornacalia.[9]

The Fornacalia continued to be celebrated in the time of Lactantius.[10]

FORNAX, *dim.* FORNA'CULA (*κάμινος*, *dim.* *καμίνιον*), a Kiln, a Furnace. The construction of the kilns used for baking earthenware (*vid.* Fictile) may be seen in the annexed woodcut, which represents part of a Roman pottery discovered at Castor, in Northamptonshire.[11] The dome-shaped roof has been destroyed, but the flat circular floor on which the earthenware was set to be baked is preserved entire. The middle of this floor is supported

by a thick column of brickwork, which is encircled by the oven (*furnus*, *κλίβανος*). The entrance to the oven (*præfurnium*) is seen in front. The lower part of a smelting-furnace, shaped like an inverted bell, and sunk into the earth, with an opening and a channel at the bottom for the discharge of the melted metal, has been discovered near Arles.[12] In Spain these furnaces were raised to a great height, in order that the noxious fumes might be carried off.[13] They were also provided with long flues (*longinquæ fornacis cuniculo*[14]), and with chambers (*cameræ*) for the purpose of collecting more plentifully the oxides and other matters by sublimation.[1] Homer describes a blast-furnace with twenty crucibles (*χοάνοι*[2]). Melting-pots or crucibles have been found at Castor,[3] and at different places in Egypt, in form and material very like those which we now employ.[4]

Furnaces of an appropriate construction were erected for casting large statues of bronze,[5] and for making lampblack.[6] (*Vid.* Atramentum.) The limekiln (*fornax calcaria*) is described by Cato.[7] On the mode of heating baths, *vid.* p. 151

The early Romans recognised, under the name of Fornax or Dea Fornacalis, a divinity who presided over ovens and furnaces. (*Vid.* Fornacalia.)

FORNIX, in its primary sense, is synonymous with Arcus,[8] but more commonly implies an arched vault, constituting both roof and ceiling to the apartment which it encloses.[9] It is composed of a semicylindrical and oblong arch like the *Camera*, but differs from it in construction, consisting entirely of stone or brick, whereas the other was formed upon a framework of wood, like the skeleton of a ship[10] (*vid.* Camera); both of which methods appear to have been sometimes united, as in the roof of the Tullianum, described by Sallust,[11] where the ribs of the Camera were strengthened by alternate courses of stone arches. "*Tullianum .... muniunt undique parietes, atque insuper Camera, lapidis fornicibus vincta.*" If the stone chamber now seen at Rome under the Mamertine prisons was really the Tullianum, as commonly supposed, it is not constructed in the manner described, being neither *cameratum* nor *fornicatum*, but consisting of a circular dome, formed by projecting one course of stones beyond the course below it, like the treasury of Atreus at Mycenæ, described at p. 85. (*Vid.* Arcus.)

From the roof alone, the same word came to signify the chamber itself, in which sense it designates a long narrow vault, covered by an arch of brick or masonry (*tectum fornicatum*), similar to those which occupy the ground-floors of the modern Roman palaces. Three such cells are represented in the annexed woodcut, from the remains of a villa at Mola di Gaieta, which passes for the Formian villa of Cicero. They are covered internally with a coating of stucco, tastefully ornamented, and painted in streaks of azure, pink, and yellow.

Being small and dark, and situated upon the level of the street, these vaults were occupied by prostitutes[12] (*vid.* Circus, p. 255); whence comes the meaning of the word *fornicatio* in the ecclesiastical writers, and its English derivation.

Fornix is also a sallyport in the walls;[13] a triumphal arch;[14] and a street in Rome, which led to the Campus Martius, was called Via Fornicata,[15] probably on account of the triumphal arches built across it.

FORTY, THE (*οἱ τετταράκοντα*), were certain officers chosen by lot, who made regular circuits through the demi of Attica, whence they are called *δικασταὶ κατὰ δήμους*, to decide all cases of *αἰκία* and

1. (Varro, De Re Rust., i., 14.—Pallad., i., 34.—"Parietes formacei:" Plin., H. N., xxxv., 48.)—2. (Hor., Sat., ii., 3, 106.)—3. (Festus, s. v.)—4. (Plato, Conviv., p. 404, ed. Bekker.)—5. (Therap., ix., 16.)—6. (Frontin., De Aquæduct., 75, 126.)—7. (Festus, s. v.)—8. (Plin., H. N., xviii., 2.)—9. (Ovid, Fasti, ii., 527.—Varro, De Ling. Lat., vi., 13, with Müller's note.—Festus, s. v. Quirinalia, Stultor. feriæ.)—10. (Lactant., i., 20.)—11. (Artis's Durobrivæ, Lond., 1828.)—12. (Florencourt, über die Bergwerke der Alten, p. 30.)—13 (Strabo, iii., 2 p. 391, ed. Sieb.)—14. (Plin., H. N., ix., 62.)

1. (Plin., H. N., xxxiv., 22, 33–41.)—2. (Il., xviii., 470.)—3 (Artis, pl. 38.)—4. (Wilkinson, Manners and Customs, iii., 224.)—5. (Claud., De Laud. Stil., ii., 176.)—6. (Vitruv., vii., 10.)—7 (De Re Rust., 38.—*Vid.* also Plin., H. N., xvii., 6.—Vitruv., vii. 3.)—8. (Senec., Ep., 90.)—9. (Cic., Top., 4.)—10. (Sallu. i, Jugurth., 18.—Suet., Nero, 34.)—11. (Cat., 55.)—12. (Hor., Sat., i., ii., 30.—Juv., Sat., iii., 156.—Id. ib., xi., 171.—Compare Suet., Jul., 49.)—13. (Liv., xxxvi., 23.—Compare xliv. 11.)—14. (Cic. De Orat., ii., 66.)—15. (Liv., xxii., 36.)

τὰ περὶ τῶν βιαίων, and also all other private causes, where the matter in dispute was not above the value of ten drachmæ. Their number was originally thirty, but was increased to forty after the expulsion of the thirty tyrants and the restoration of the democracy by Thrasybulus, in consequence, it is said, of the hatred of the Athenians to the number of thirty. They differed from other δικασταί, inasmuch as they acted as εἰσαγωγεῖς, as well as decided causes; that is, they received the accusation, drew up the indictment, and attended to all that was understood in Athenian law by the ἡγεμονία τοῦ δικαστηρίου. They consequently may be classed among the regular magistrates of the state.[1]

FORUM. As the plan of the present work does not include a topographical description of the various fora at Rome, the following article only contains a brief statement of the purposes which they served.

Forum originally signified an open place (*area*) before any building, especially before a sepulcrum,[2] and seems, therefore, etymologically to be connected with the adverb *foras*. The characteristic features of a Roman forum were, that it was a levelled space of ground of an oblong form, and surrounded by buildings, houses, temples, basilicæ, or porticoes.[3] It was originally used as a place where justice was administered, and where goods were exhibited for sale.[4] We have, accordingly, to distinguish between two kinds of fora, of which some were exclusively devoted to commercial purposes, and were real market-places, while others were places of meeting for the popular assembly and for the courts of justice. Mercantile business, however, was not altogether excluded from the latter, and it was especially the bankers and usurers who kept their shops in the buildings and porticoes by which they were surrounded. The latter kinds of fora were sometimes called *fora judicialia*, to distinguish them from the mere market-places.

Among the fora judicialia, the most important was the *Forum Romanum*, which was simply called *Forum* as long as it was the only one of its kind which existed at Rome. At a late period of the Republic, and during the Empire, when other fora judicialia were built, the Forum Romanum was distinguished from them by the epithets *vetus* or *magnum*. It was situated between the Palatine and the Capitoline Hills, and its extent was seven jugera, whence Varro[5] calls it the "*Septem jugera forensia*." It was originally a swamp or marsh, but was said to have been filled up by Romulus and Tatius, and to have been set apart as a place for the administration of justice, for holding the assemblies of the people, and for the transaction of other kinds of public business.[6] In this widest sense the Forum included the comitium, or the place of assembly for the curiæ,[7] which was separated from the Forum in its narrower sense, or the place of assembly for the comitia tributa, by the Rostra.[8] These ancient rostra were an elevated space of ground or a stage (*suggestum*), from which the orators addressed the people, and which derived its name from the circumstance that, after the subjugation of Latium, its sides were adorned with the beaks (*rostra*) of the ships of the Antiates.[9] In subsequent times, when the curiæ had lost their importance, the accurate distinction between comitium and forum likewise ceased, and the comitia tributa were sometimes held in the Circus Flaminius; but towards the end of the Republic the Forum seems to have been chiefly used for judicial proceedings and as a money-market; hence Cicero[1] distinguishes between a speaker in the popular assembly (*orator*) and the mere pleader: "*Ego istos non modo oratoris nomine, sed ne foro quidem dignos putárim.*" The orators, when addressing the people from the rostra, and even the tribunes of the people in the early times of the Republic, used to front the comitium and the curia; but C. Gracchus,[2] or, according to Varro[3] and Cicero,[4] C. Licinius, introduced the custom of facing the Forum, thereby acknowledging the sovereignty of the people. In 308 B.C., the Romans adorned the Forum, or, rather, the bankers' shops (*argentarias*) around, with gilt shields which they had taken from the Samnites; and this custom of adorning the Forum with these shields and other ornaments was subsequently always observed during the time of the Ludi Romani, when the ædiles rode in their chariots (*tensæ*) in solemn procession around the Forum.[5] After the victory of C. Duilius over the Carthaginians, the Forum was adorned with the celebrated columna rostrata. (*Vid.* Columna.) In the upper part of the Forum, or the comitium, the laws of the Twelve Tables were exhibited for public inspection, and it was probably in the same part that, in 304 B.C., Cn. Flavius exhibited the Fasti, written on white tables (*in albo*), that every citizen might be able to know the days on which the law allowed the administration of justice.[6] Besides the ordinary business which was carried on in the Forum, we read that gladiatorial games were held in it,[7] and that prisoners of war and faithless colonists or legionaries were put to death there.[8]

A second forum judiciarium was built by J. Cæsar, and was called *Forum Cæsaris* or *Julii*. The levelling of the ground alone cost him above a million of sesterces, and he adorned it, besides, with a magnificent temple of Venus Genitrix.[9]

A third forum was built by Augustus, and called *Forum Augusti*, because the two existing ones were not found sufficient for the great increase of business which had taken place. Augustus adorned his forum with a temple of Mars and the statues of the most distinguished men of the Republic, and issued a decree that only the *judicia publica* and the *sortitiones judicum* should take place in it.[10] After the Forum Augusti had severely suffered by fire, it was restored by Hadrianus.[11]

The three fora which have been mentioned seem to have been the only ones that were destined for the transaction of public business. All the others, which were subsequently built by the emperors, such as the *Forum Trajani* or *Ulpium*, the *Forum Sallustii*, *Forum Diocletiani*, *Forum Aureliani*, &c., were probably more intended as embellishments of the city than to supply any actual want.

Different from these fora were the numerous markets at Rome, which were neither as large nor as beautiful as the former. They are always distinguished from one another by epithets expressing the particular kinds of things which were sold in them, *e. g.*, *forum boarium*, according to Festus, the cattle market; according to others, it derived the name boarium from the statue of an ox which stood there;[1] *forum olitorium*, the vegetable market;[13] *forum pis-*

1. (Pollux, viii., 40.—Harpocrat., s. v. Κατὰ δήμους δικασταί.—Rhetor., Lex., 310, 21.—Demosth., c. Timocr., p. 735, 11.—Id., c. Pantæn., p. 976, 10.—Schubert, De Ædil., p. 96–98.—Meier, Att. Proc., p. 77–82.—Schömann, Ant. Jur. Publ. Græc., p. 267, 10.)—2. (Festus, s. v.—Cic., De Leg., ii., 24.)—3. (Vitruv., v., 1, 2.)—4. (Varro, De Ling. Lat., v., 145, ed. Müller.)—5. (De Re Rust., 1, 2.)—6. (Dion. Hal., Ant. Rom., iii., p. 200.—Compare ii., p. 113, ed. Sylburg.)—7. (Varro, De Ling. Lat., v., 155, ed. Müller.)—8. (Niebuhr, Hist. of Rome, i., p. 291, note 746, and p. 421, note 990.—Walter, Gesch. des Röm. Rechts, p. 83.—Göttling, Gesch. der Röm. Staatsv., p. 155.)—9. (Liv., viii., 14.)

1. (De Orat., i., 36.)—2. (Plut., C. Gracch., 5.)—3. (De Re Rust., i., 2.)—4. (De Amicit., 25.)—5. (Liv., ix., 40.—Cic. in Verr., i., 54, and iii., 4.)—6. (Liv., ix., 46.)—7. (Vitruv., v., 1, 2.) 8. (Liv., vii., 19.—Id., ix., 24.—Id., xxxviii., 28.)—9. (Suet., Jul., 26.—Plin., H. N., xxxvi., 15.—Dion Cass., xliii., p. 254.) —10. (Suet., Octav., 29 and 31.—Compare Plin., H. N., l. c. —Vell. Pat., ii., 39.—Ovid, Ep. ex Pont., iv., 15, 16.—Martial, iii., 38, 3.—Seneca, De Ira, ii., 9.—Stat., Sylv., iv., 9, 15.)—11. (Æl. Spart., Hadr., c. 19.)—12. (Plin., H. N., xxxiv., 2.—Ovid Fast., vi., 477.)—13. (Varro, De Ling. Lat., v., 146.)

cuarum, fish-market; *forum cupedinis*, market for dainties; *forum coquinum*, a market in which cooked and prepared dishes were to be had, &c.

(Respecting the fora in the provinces, see the articles COLONIA and CONVENTUS; compare Sigonius, *De Antiq. jur. Ital.*, ii., 15, and Walter, *Gesch. des Röm. Rechts.*, p. 206.)

*FRAGUM, the Strawberry, *Fragaria Vesca*, L. It is worthy of remark, that the Strawberry was unknown to the ancient Greeks. Not so, however, with the Romans. It is described by Pliny,[1] and had been previously mentioned by Virgil[2] and Ovid.[3] The Strawberry appears to have come originally from the Alps and the forests of Gaul. Myrepsus, a physician of the thirteenth century, is the first Greek writer that makes mention of it. The name which he gives it, *φραγοῦλι*, is still applied to it by the modern Greeks, dropping, however, the fourth letter (*φράουλι*[4]). Planudes, in his Greek version of Ovid, translates *fragum* by *κόμαρον*. This, however, is an error, since *κόμαρον* is the fruit of the wild Strawberry, which is a very different thing from that which we are here considering. (*Vid.* ARBUTUM.)

FRAMEA. (*Vid.* HASTA.)

FRATRES ARVA'LES. (*Vid.* ARVALES FRATRES.)

*FRAX'INUS, the Ash, *Fraxinus Ornus*, L., called by the Greeks *μελία*. The *βουμελία* of Theophrastus is the *Fraxinus excelsior*.[5] "There are about forty species of the Ash: the common Ash (*Fraxinus excelsior*) is one of the most useful of trees. It has been known from the remotest period of history, and is very generally diffused. The Ash is called, by way of eminence, "the Husbandman's tree," nothing being equal to it for agricultural implements, and for all sorts of poles, ladders, long handles, and other purposes which require strength and elasticity combined with comparative lightness. Hesiod derives his brazen men from it; and the Edda, or sacred book of the Northmen, gives the same origin to all the human race. From one species of Ash, which grows wild in the mountains of Calabria, and does not attain to a great size, manna is gathered. It is procured by cutting the trunk towards the end of July, and collecting the juice which exudes."[6]

FRENUM (*χαλινός*), a Bridle. That Bellerophon might be enabled to perform the exploits required of him by the King of Lycia, he was presented by Minerva with a bridle as the means of subduing the winged horse Pegasus, who submitted to receive it while he was slaking his thirst at the fountain Peirene. See the annexed woodcut, from a bas-relief

which represents this event, and compare Pindar, *Olymp.*, xiii., 85–115. Such was the Grecian account of the invention of the bridle, and in reference to it Minerva was worshipped at Corinth under the titles Ἵππια and Χαλινῖτις.[1] The several parts of the bridle, more especially the bit, are engraved from ancient authorities in the treatises of Inverpizi (*De Frenis*), Ginzrot (*Ueber Wägen*), and Bracy Clark (*Chalinology*, Lond., 1835)

The bit (*ὀρεα*;[2] *δῆγμα*;[3] *στόμιον*[4]) was commonly made of several pieces, and flexible, so as not to hurt the horse's mouth; for the Greeks considered a kind and gentle treatment the best discipline, although, when the horse was intractable, they taught it submission by the use of a bit which was armed with protuberances resembling wolves' teeth, and therefore called *lupatum*.[5] The bit was held in its place by a leathern strap passing under the chin, and called *ὑποχαλινιδία*, for which a chain (*ψαλίον*) was often substituted; a rope or thong, distinct from the reins, was sometimes fastened to this chain or strap by means of a ring, and was used to lead the horse (*ῥυταγωγεύς*[6]). The upper part of the bridle, by which it was fixed round the ears, is called by Xenophon *κορυφαία*,[7] and it included the AMPYX, which was often ornamental. The cheek-pieces (*παρήϊον*,[8] *παραγναθίδιον*[9]), which joined this upper portion to the bit, were also, in some cases, richly adorned, especially among the nations of Asia. Those who took delight in horsemanship bestowed, indeed, the highest degree of splendour and elegance upon every part of the bridle, not excepting the bit, which, though commonly of bronze or iron, was sometimes silver or gold (*fulvum mandunt sub dentibus aurum*[10]). These precious metals were also either embossed (*frena cælata*[11]) or set with jewels.[12]

Not only was the bridle dispensed with in the management of creatures invented by the imagination of the poet,[13] but of some which were actually trained by man to go without it. Thus the Numidian DESULTOR guided his two horses by the whip, and the Gallic ESSEDARIUS, on the banks of the Rhone, directed and animated his mules entirely by the voice.[14] (*Vid.* woodcuts, p. 217, 269, 332, 378, 408.)

FRIGIDA'RIUM. (*Vid.* BATHS, p. 148.)

FRITILLUS (*φιμός*), a Dicebox, of a cylindrical form, and therefore called also *turricula*,[15] and formed with parallel indentations (*gradus*) on the inside, so as to make a rattling noise when the dice were shaken in it.[16] When games of chance became general among the Romans, so that even boys engaged in them, they had fritilli small in proportion to their age.[17]

FRONTA'LE. (*Vid.* AMPYX.)

FRUCTUS. (*Vid.* USUSFRUCTUS.)

FRUMENTA'RII were officers under the Roman Empire, who acted as spies in the provinces, and reported to the emperors anything which they considered of importance.[18] They appear to have been called *Frumentarii* because it was their duty to collect information in the same way as it was the duty of other officers, called by the same name, to collect corn. They were accustomed to accuse persons falsely, and their office was at length abolished by Diocletian. They were succeeded in later times by the agentes rerum.[19] We frequently find, in inscriptions, mention made of *Frumentarii* belonging

1. (H. N., xxv. 9.)—2. (Eclog., iii., 92.)—3. (Met., xiii., 816.—Ib., i., 104.)—4. (Billerbeck, Flora Classica, p. 135.)—5. (Theophrast., H. P., iii., 3.)—6. (Library of Ent. Knowledge.)

1. (Paus., II., iv., 1, 5.)—2. (Festus, s. v.)—3. (Brunck, Anal., ii., 237.)—4. (Æschyl., Prom., 1045.)—5. (Xen., De Re Eq., vi., 13.—Id. ib., x., 6.—Virg., Georg., iii., 208.—Hor., Carm., i., 8, 7.—Ovid, Amor., i., 2, 15.)—6. (Xen., l. c.—Aristoph., Pac., 154.)—7. (iii., 2.)—8. (Hom., Il., iv., 142.)—9. (Eustath., ad loc.)—10. (Virg., Æn., vii., 279.)—11. (Apul., De Deo Soc.)—12. (Claud., Epig., 34, 36.)—13. (Æschyl., Prom., 294.)—14. (Claud., Epig., 4.)—15. (Mart., xiv., 16.)—16. (Hor., Sat., ii., 7, 17.—Mart., iv., 14.—Id., xiv., 1.)—17. (Juv., xiv., 5.)—18. (Aurel. Vict., De Cæs., 39. sub fin.—Spart., Hadr., 11.—Capitol., Macrin., 12.—Id., Commod., 4.)—19 (Aurel. Vict. l. c.)

to particular legions,[1] from which it has been supposed that the Frumentarii, who acted as spies, were soldiers attached to the legions in the provinces; they may, however, have been different officers, whose duty it was to distribute the corn to the legions.

*FUCUS (φῦκος), a marine shrub (according to some, the same with red alkanet), from which the ancients made a dye or paint. "Various species of *Fuci*," observes Adams, "are described by Theophrastus and Dioscorides, but in such general terms that it appears to me a vain task to attempt to determine them. It is farther deserving of remark, that Galen, Aëtius, and Oribasius, describe a sort of ceruse under this name. It would appear that it was used as a paint, and in this sense it occurs in Lucian's fine epigram in the Anthology."[2]

FUGA LATA. (*Vid.* Banishment, Roman.)

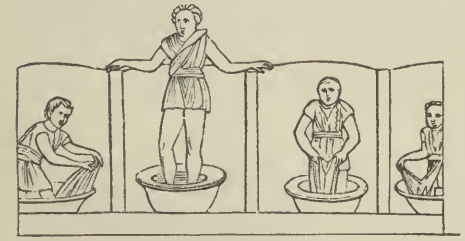
FUGA LIBERA. (*Vid.* Banishment, Roman.)

FUGITI'VUS. (*Vid.* Servus.)

FULCRUM. (*Vid.* Lectus.)

FULLO (κναφεύς, γναφεύς), also called NACCA,[3] a Fuller, a washer or scourer of cloth and linen. The fullones not only received the cloth as it came from the loom in order to scour and smooth it, but also washed and cleansed garments which had been already worn. As the Romans generally wore woollen dresses, which were often of a light colour, they frequently needed, in the hot climate of Italy, a thorough purification. The way in which this was done has been described by Pliny and other ancient writers, but is most clearly explained by some paintings which have been found on the walls of a fullonica at Pompeii. Two of these paintings are given by Gell,[4] and the whole of them in the Museo Borbonico;[5] from the latter of which works the following cuts have been taken.

The clothes were first washed, which was done in tubs or vats, where they were trodden upon and stamped by the feet of the fullones, whence Seneca speaks[6] of *saltus fullonicus*. The following woodcut represents four persons thus employed, of whom three are boys, probably under the superintendence of the man. Their dress is tucked up, leaving the legs bare; the boys seem to have done their work, and to be wringing the articles on which they had been employed.



The ancients were not acquainted with soap, but they used in its stead different kinds of alkali, by which the dirt was more easily separated from the clothes. Of these, by far the most common was the urine of men and animals, which was mixed with the water in which the clothes were washed.[7] To procure a sufficient supply of it, the fullones were accustomed to place at the corners of the streets vessels, which they carried away after they had been filled by the passengers.[8] We are told by Suetonius[9] that Vespasian imposed a *urinæ vectigal*, which is supposed by Casauhon and others to have been a tax paid by the fullones. Nitrum, of which Pliny[1] gives an account, was also mixed with the water by the scourers. Fuller's earth (*creta fullonia*[2]), of which there were many kinds, was employed for the same purpose. We do not know the exact nature of this earth, but it appears to have acted in the same way as our fullers' earth, namely, partly in scouring and partly in absorbing the greasy dirt. Pliny[3] says that the clothes should be washed with the Sardinian earth.

After the clothes had been washed, they were hung out to dry, and were allowed to be placed in the street before the doors of the fullonica.[4] When dry, the wool was brushed and carded to raise the nap, sometimes with the skin of a hedgehog, and sometimes with some plants of the thistle kind. The clothes were then hung on a vessel of basket-work (*viminea cavea*), under which sulphur was placed in order to whiten the cloth; for the ancient fullers appear to have known that many colours were destroyed by the volatile steam of sulphur.[5] A fine white earth, called Cimolian by Pliny, was often rubbed into the cloth to increase its whiteness.[6] The preceding account is well illustrated by the following woodcut.

On the left we see a fullo brushing or carding a white tunic, suspended over a rope, with a card or brush, which bears considerable resemblance to a modern horsebrush. On the right, another man carries a frame of wicker-work, which was, without doubt, intended for the purpose described above; he has also a pot in his hand, perhaps intended for holding the sulphur. On his head he wears a kind of garland, which is supposed to be an olive garland, and above him an owl is represented sitting. It is thought that the olive garland and the owl indicate that the establishment was under the patronage of Minerva, the tutelary goddess of the loom. Sir W. Gell imagines that the owl is probably the picture of a bird which really existed in the family. On the left a well-dressed female is sitting, examining a piece of work which a younger girl brings to her. A calantica (*vid.* Calantica) upon her head, a necklace, and bracelets, denote a person of higher rank than one of the ordinary work-people of the establishment.

In the following woodcut we see a young man in a green tunic giving a piece of cloth, which appears to be finished, to a young woman, who wears a green under-tunic, and over it a yellow tunic with red stripes. On the right is another female in a white tunic, who appears to be engaged in cleaning one of the cards or brushes. Among these paintings there was a press, worked by two upright screws, in which the cloth was placed to be smoothened. A drawing of this press is given in the article Cochlea, p. 272.

1 Orelli, Inscr., 74, 3491, 4922.)—2. (Adams, Append., s. v. φῦκος.)—3. (Festus, s. v. — Apul., Met., ix., p. 206, Bipont.)—4. (Pompeiana, vol. ii., pl. 51, 52.)—5. (vol. iv., pl., 49, 50.)—6. (Ep., 15.)—7 (Plin., H. N., xxviii., 18, 26.—Athen., xi., p. 484.) 8 (Martial, vi., 93.—Macrob., Saturn., ii., 12.)—9. (Vesp., 23.)

1. (H. N., xxxi., 46.)—2. (Plin., H. N., xviii., 4.)—3. (H. N. xxxv., 57.)—4. (Dig. 43, tit. 10. s. 1, § 4.)—5. (Apul., Met., ix p. 208, Bipont. — Plin., H. N., xxxv., 50, 57. — Pollux Onom vii., 41.)—6. (Theophrast., Char., 10 Plaut., Aulul., v., 9, 6 —Plin., H. N., xxxv., 57.)

The establishment or workshop of the fullers was called *Fullonica*,[1] *Fullonicum*,[2] or *Fullonium*.[3] Of such establishments there were great numbers in Rome, for the Romans do not appear to have washed at home even their linen clothes.[4] The trade of the fullers was considered so important, that the censors C. Flaminius and L. Æmilius, B.C. 220, prescribed the mode in which the dresses were to be washed.[5] Like the other principal trades in Rome, the Fullones formed a collegium.[6] To large farms a fulloniea was sometimes attached, in which the work was performed by the slaves who belonged to the *familia rustica*.[7]

The fullo was answerable for the property while it was in his possession; and if he returned by mistake a different garment from the one he had receeived, he was liable to an aetion *ex locato*; to which aetion he was also subject if the garment was injured.[8] Woollen garments which had been onee washed were considered to be less valuable than they were previously;[9] henee Martial[10] speaks of a toga *lota terque quatcrque* as a poor present.

The Greeks were also accustomed to send their garments to fullers to be washed and scoured, who appear to have adopted a similar method to that which has been described above.[11] The word *πλύνειν* denoted the washing of linen, and *κναφεύειν* or *γναφεύειν* the washing of woollen elothes.[12]

FULLO'NICA (*Vid.* Fullo.)

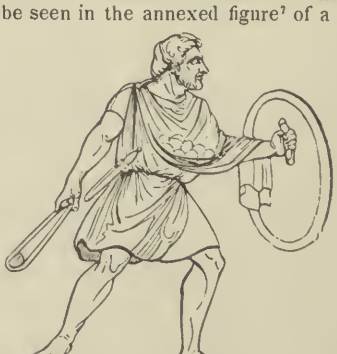
FUNA'LE (*σκολάξ*[13]), a Link, used in the same manner as a toreh (*vid.* Fax), but made of papyrus and other fibrous plants, twisted like a rope, and smeared with pitch and wax.[14] It was, indeed, as Antipater describes it, "a light eoated with wax" (*λαμπάς κηροχίτων*[15]). For this reason it was also ealled *cereus*. Funalia are sculptured upon a monument of considerable antiquity preserved at Padua.[16] At the Saturnalia they were presented by clients to their superiors, and were lighted in honour of Saturn.[17]

FUNA'LIS EQUUS. (*Vid.* Currus, p. 332.)

FUNAMBULUS (*καλοβάτης, σχοινοβάτης*), a Rope-dancer. The art of dancing on the tight-rope was carried to as great perfeetion among the Romans as it is with us.[18] If we may judge from a series of paintings discovered in the exeavations[19] from whieh the figures in the annexed wood cut are selected, the performers, who were principally Greeks,[1] placed themselves in an endless variety of graceful and

sportive attitudes, and represented the eharaeters of baechanals, satyrs, and other imaginary beings. Three of the persons here exhibited hold the thyrsus, whieh may have served for a balancing-pole. two are performing on the double pipe, and one on the lyre; two others are pouring wine into vessels of different forms. They all have their heads enveloped in skins or caps, probably intended as a proteetion in case of falling. The Emperor Antoninus, in consequence of the fall of a boy, caused feather beds (*culcitras*) to be laid under the rope, to obviate the danger of such accidents.[2] One of the most difficult exploits was running down the rope[3] at the eonelusion of the performance. It was a strange attempt of Germanicus and of the Emperor Galba to exhibit elephants walking on the rope.[4]

FUNDA (*σφενδόνη*), a Sling. The light troops of the Greek and Roman armies (p. 94) consisted in great part of slingers (*funditores, σφενδόνηται*). The sling was also very much employed by the Jews, Phœnicians, and Egyptians, by the Carduchi and the Persians,[5] by the Spaniards,[6] and by many other nations. The manner in which it was wielded may be seen in the annexed figure[7] of a soldier



with a provision of stones in the sinus of his pallium, and with his arm extended in order to whirl the sling about his head.[8] Besides stones, plum

1. (Dig. 39, tit. 3, s. 3.)—2. (Dig. 7, tit. 1, s. 13, § 8.)—3. (Amm. Marc., xiv., 11, p. 44, Bipont.)—4. (Martial, xiv., 51.)—5. (Plin., H. N., xxxv., 57.)—6. (Fabretti, Inscript., p. 278.)—7. (Varro, R. R., i., 16.)—8. (Dig. 19, tit. 2, s. 13, § 6; s. 60, § 2; 12, tit. 7, s. 2.)—9. (Petron., 30.—Lamprid., Heliogab., 26.)—10. (x., 11.)—11. (Theophrast., Char., 10.—Athen., xi., p. 582, *d*.—Pollux, Onom., vii., 39, 40, 41.)—12. (Eustath. ad Od., xxiv., 148, p. 1956, 41.—Compare Schöttgen, "Antiquitates Trituræ et Fullonicæ," Traj. ad Rhen., 1727.—Beckmann, Hist. of Inventions, &c., vol. iii., p. 266, &c., transl.—Becker, Gallus, ii., p. 100, &c.—Id., Charikles, ii., p. 408.)—13. (Isid., Orig., xx., 10.)—14. (Virg., Æn., i., 727 —Servius, ad loc.—Hor., Carm., iii., 26, 7.—Val. Max., iii., 6, § 4.)—15. (Brunck, Anal., ii., 112.—Jacobs, ad loc.)—16. (Pignor., De Servis, p. 259.)—17. (Antipater, l. c.—Macrob., Sat., i., 6.)—18. (Hor., Epist., ii., 1, 210.—Terent., Hecyr. Prol., 4, 34.—Juv., iii., 80.—Bulenger, De Theatr., i., 42.)—19. (Ant. d'Ercol., t. iii, p. 160–165.)

1. (Juv., I. c.)—2. (Capitol., M. Anton., 12.)—3. (Suet., Nero, 11.—Brodæus in loc.)—4. (Plin., H. N., viii., 2.—Suet., Galb., 6.—Sen., Epist., 86.)—5. (Diod. Sic., xiv., 27.—Id., xvii., 51.)—6. (Strabo, iii., p. 436, ed. Sieb.)—7. (Bartoli, Col. Traj., t. 46.)—8. (Virg., Æn., ix., 587, 588.—Id. ib., xi., 579.)

mets, called *glandes* (*μολυβδίδες*), of a form between acorns and almonds, were cast in moulds to be thrown with slings.[1] They have been found on the plain of Marathon, and in other parts of Greece, and are remarkable for the inscriptions and devices which they exhibit, such as thunderbolts, the names of persons, and the word ΔΕΞΑΙ, meaning "Take this."[2]

The celebrity of the natives of the Balearic Isles as slingers is said to have arisen from the circumstance that, when they were children, their mothers obliged them to obtain their food by striking it with a sling.[3] Among the Greeks, the Achæans and Acarnanians attained to the greatest expertness in the use of this weapon.

The sling, as depicted in the Egyptian tombs, had at one end a loop for making it fast to the hand. It was made of wool,[4] hair, hemp, or leather[5] (*stupea*;[6] *habena*[7]). Its advantages were, that it might be carried any distance without the slightest inconvenience; that soldiers accustomed to the use of it might employ it when their other weapons were unavailable (*positis hastis*[8]); and that it was very effective in checking an enemy, especially in stony places, in mountain passes, and upon eminences.[9] Hunters also used the sling to kill their game.[10]

While the sling was a very efficacious and important instrument of ancient warfare, stones thrown with the hand alone were also much in use both among the Romans[11] and with other nations (*οἱ πετροβόλοι*[12]). The Libyans carried no other arms than three spears and a bag full of stones.[13]

The casting net was sometimes called *funda*.[14] (*Vid.* RETE.)

FUNDUS. The primary signification of this word appears to be the bottom or foundation of a thing; and its elementary part (fud) seems to be the same as that of *βυθός* and *πυθμήν*, the *n* in fundus being used to strengthen the syliable. The conjectures of the Latin writers as to the etymology of fundus may be safely neglected.

Fundus is often used as applied to land, the solid substratum of all man's labours. According to Florentinus,[15] the term fundus comprised all land and constructions on it; but usage had restricted the name of *ædes* to city houses, *villæ* to rural houses, *area* to a plot of ground in a city not built upon, *ager* to a plot of ground in the country, and *fundus* to *ager cum ædificiis*. This definition of fundus may be compared with the uses of that word by Horace and other writers. In one passage,[16] Horace places domus and fundus in opposition to one another, domus being, apparently, there used as equivalent to ædes.

The term fundus often occurred in Roman wills, and the testator frequently indicated the fundus to which his last dispositions referred by some name, such as Sempronianus, Seianus; sometimes, also, with reference to a particular tract of country, as *Fundus Trebatianus qui est in regione Atellana*.[17] A fundus was sometimes devised cum omni *instrumento*, with its stock and implements of husbandry. Occasionally a question arose as to the extent of the word instrumentum, between or among the parties who derived their claim from a testator.[18]

Fundus has a derived sense which flows easily enough from its primary meaning. "*Fundus*," says Festus, "*dicitur populus esse rei, quam alienat, hoc est auctor.*"[1] (*Vid.* AUCTOR.) In this sense "*fundus esse*" is to confirm or ratify a thing; and in Gellius[1] there is the expression "*sententiæ legisque fundus subscriptorque fieri.*" (*Vid.* FŒLERATI.)

FUNDITORES. (*Vid.* FUNDA.)

*FUNGUS (*μύκης*), the Mushroom. "The esculent mushrooms of the ancients comprehended, no doubt, the *Agaricus campestris*, and other species of this genus. The *Agaricus acris* and other species were embraced under their poisonous mushrooms. It will be interesting to the medical student to compare the account of the poisonous mushrooms given by Nicander, with Orfila's observations on the same in his work 'on Poisons.'"[3] Diphilus, an ancient author quoted by Athenæus, says that Fungi are grateful to the stomach, laxative, and nutritious, but of difficult digestion and flatulent. Apicius directs to eat them with pepper, oil, salt, &c. Horace points out the best kind of Fungi, and the poets, generally, mention mushrooms as a delicacy at the tables of gourmands.[4]

FUNIS. (*Vid.* NAVIS.)

FUNUS. It is proposed in the following article to give a brief account of Greek and Roman funerals, and of the different rites and ceremonies connected therewith.

The Greeks attached great importance to the burial of the dead. They believed that souls could not enter the Elysian fields till their bodies had been buried; and, accordingly, we find the shade of Elpenor in the Odyssey[5] earnestly imploring Ulysses to bury his body. Ulysses also, when in danger of shipwreck, deplores that he had not fallen before Troy, as he should in that case have obtained an honourable burial.[6] So strong was this feeling among the Greeks, that it was considered a religious duty to throw earth upon a dead body which a person might happen to find unburied;[7] and among the Athenians, those children who were released from all other obligations to unworthy parents, were nevertheless bound to bury them by one of Solon's laws.[8] The neglect of burying one's relatives is frequently mentioned by the orators as a grave charge against the moral character of a man,[9] since the burial of the body by the relations of the dead was considered a religious duty by the universal law of the Greeks. Sophocles represents Antigone as disregarding all consequences in order to bury the dead body of her brother Polynices, which Creon, the king of Thebes, had commanded to be left unburied. The common expressions for the funeral rites, *τὰ δίκαια*, *νόμιμα* or *νομιζόμενα*, *προσήκοντα*, show that the dead had, as it were, a legal and moral claim to burial.

The common customs connected with a Greek funeral are described by Lucian in his treatise *De Luctu*;[10] and there is no reason for supposing that they differ much from those which were practised in earlier times. After a person was dead, it was the custom first to place in his mouth an obolus, called *δανάκη* (*vid.* DANACE), with which he might pay the ferryman in Hades. The body was then washed and anointed with perfumed oil, and the head was crowned with the flowers which happened to be in season. The deceased was then dressed in as handsome a robe as the family could afford, in order, according to Lucian, that he might not be cold on the passage to Hades, nor be seen naked by Cerberus; this garment appears to have been usu

1. (Lucret., vi., 176.—Ovid, Met., ii., 729.—Id. ib., vii., 778.—Id. ib., xiv., 825, 826.)—2. (Dodwell's Tour, vol. ii., p. 159–161.—Böckh, Corp. Inscr., i., p. 311.)—3. (Veget., De Re Mil., i., 16.)—4. (Hom., Il., xiii., 599.)—5. (Veget., iii., 14.)—6. (Virg., Georg., i., 309.)—7. (Æn., xi., 579.)—8. (Virg., l. c.)—9. (Veget., i., 16.)—10. (Virg., Georg., i., 309.)—11. (Veget., i., 16.—Id., ii., 23.)—12. (Xen., Hellen., ii., 4, § 12.)—13. (Diod. Sic., iii., 49.)—14. (Virg., Georg., i., 141.)—15. (Dig. 50, tit. 16, s. 211.)—16. (Ep., I., ii., 47.)—17. (Brissonius De Formulis, vii., 40.)—18. (Dig. 33, tit. 17, s. 12.)

1. (Compare Plautus, Trinum., V., i., 7, "fundus potior.")—2. (xix., 8.)—3. (Theophrast., H. P., i., 8.—Nicand., Alex., v. 520.—Orfila on Poisons, ii., 327.)—4. (Athen., Deipnos., ii., 19.—Adams, Append., s. v. *μύκης*.—Horat., Sat., ii., 4.—Juv., Sat., v., 145.—Adams, Commentary on Paul of Ægina, p. 99.)—5. (xi., 66, &c.)—6. (Od., v., 311.)—7. (Æl., Var. Hist., v., 14.)—8. (Æsch., c. Timarch., p. 40.)—9. (Demosth., c. Aristog., i., p. 787, § 2.—Lys., c. Phil., p. 883; c. Alcib., p. 539.)—10. (c. 10, &c., vol. ii., p. 926, ed. Reitz.)

ally white.[1] These duties were not performed by hired persons, like the *pollinctores* among the Romans, but by the women of the family, upon whom the care of the corpse always devolved.[2]

The corpse was then laid out (*πρόθεσις, προτίθεσθαι*) on a bed (*κλίνη*), which appears to have been of the ordinary kind, with a pillow (*προσκεφάλαιον*) for supporting the head and back.[3] It is said that the bed on which the corpse was laid out was originally placed outside the house;[4] but at Athens we know it was placed inside, by one of Solon's laws.[5] The object of this formal *πρόθεσις* was, that it might be seen that the deceased had died naturally, and that no violence had been done to him.[6] Plato[7] assigns another reason, namely, that there might be no doubt that the person was dead, and says that the body ought only to be kept in the house so long as may be necessary to ascertain that fact. By the side of the bed there were placed painted earthen vessels called *λήκυθοι*,[8] which were also buried with the corpse; examples of which may be seen in the drawings of the coffins given by Böttiger[9] and Stackelberg.[10] Great numbers of these painted vases have been found in modern times, and they have been of great use in explaining many matters connected with antiquity. A honey-cake, called *μελιττοῦτα*, which appears to have been intended for Cerberus, was also placed by the side of the corpse.[11] Before the door a vessel of water was placed, called *ὄστρακον, ἀρδάλιον* or *ἀρδάνιον*, in order that persons who had been in the house might purify themselves by sprinkling water on their persons.[12] The relatives stood around the bed, the women uttering great lamentations, rending their garments, and tearing their hair.[13] Solon attempted to put a stop to this,[14] but his regulations on the subject do not appear to have been generally observed. It was formerly the practice to sacrifice victims before carrying out the dead; but this custom was not observed in the time of Plato.[15] No females under 60 years of age, except the nearest relatives (*ἐντὸς ἀνεψιαδῶν*), were allowed to be present while the corpse was in the house.[16]

On the day after the *πρόθεσις*, or the third day after death, the corpse was carried out (*ἐκφορά, ἐκκομιδή*) for burial early in the morning and before sunrise, by a law of Solon, which law appears to have been revived by Demetrius Phalereus.[17] A burial soon after death was supposed to be pleasing to the dead. Thus we find the shade of Patroclus saying to Achilles,[18]

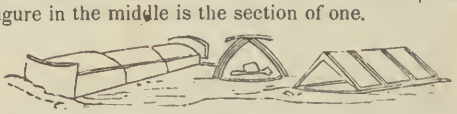
Θάπτε με ὅττι τάχιστα, πύλας ἀΐδαο περήσω.

In some places it appears to have been usual to bury the dead on the day following death.[19] The men walked before the corpse, and the women behind.[20] The funeral procession was preceded or followed by hired mourners (*ὀρηνῳδοί*), who appear to have been usually Carian women, though Plato speaks of men engaged in this office. They played mournful tunes on the flute.[21]

The body was either buried or burned. Lucian[22] says that the Greeks burn and the Persians bury their dead; but modern writers are greatly divided in opinion as to which was the usual practice. Wachsmuth[1] says that in historical times the dead were always buried; but this statement is not strictly correct. Thus we find that Socrates speaks of his body being either burned or buried;[2] the body of Timoleon was burned,[3] and so was that of Philopœmon.[4] The word *θάπτειν* was used in connexion with either mode; it is applied to the collection of the ashes after burning, and accordingly we find the words *καίειν* and *θάπτειν* used together.[5] The proper expression for interment in the earth is *κατορύττειν*, whence we find Socrates speaking of *τὸ σῶμα ἢ καόμενον ἢ κατορυττόμενον*. In Homer the bodies of the dead are burned;[6] but interment was also used in very ancient times. Cicero[7] says that the dead were buried at Athens in the time of Cecrops; and we also read of the bones of Orestes being found in a coffin at Tegea.[8] The dead were commonly buried among the Spartans[9] and the Sicyonians;[10] and the prevalence of this practice is proved by the great number of skeletons found in coffins in modern times, which have evidently not been exposed to the action of fire. Both burning and burying appear to have been always used to a greater or less extent at different periods, till the spread of Christianity at length put an end to the former practice.

The dead bodies were usually burned on piles of wood called *πυραί*. The body was placed on the top; and in the heroic times it was customary to burn with the corpse animals, and even captives or slaves. Thus, at the funeral of Patroclus, Achilles killed many sheep, oxen, horses, and dogs, and also twelve captive Trojans, whose bodies he burned with those of his friend.[11] Oils and perfumes were also thrown into the flames. When the pyre was burned down, the remains of the fire were quenched with wine, and the relatives and friends collected the bones.[12] The bones were then washed with wine and oil, and placed in urns, which were sometimes made of gold.[13]

The corpses which were not burned were buried in coffins, which were called by various names, as *σοροί, πύελοι, ληνοί, λάρνακες, δροῖται*, though some of these names were also applied to the urns in which the bones were collected. They were made of various materials, but were usually of baked clay or earthenware. Their forms are very various, as may be seen by a reference to Stackelberg, *Die Gräber der Hellenen*, pl 7, 8. The following woodcut contains two of the most ancient kind; the figure in the middle is the section of one.



The dead were usually buried outside the town, as it was thought that their presence in the city brought pollution to the living. At Athens the dead were formerly buried in their own houses,[14] but in historical times none were allowed to be buried within the city.[15] Lycurgus, in order to remove all superstition respecting the presence of the dead, allowed of burial in Sparta;[16] and at Megara, also, the dead were buried within the town.[17]

Persons who possessed lands in Attica were frequently buried in them, and we therefore read of tombs in the fields.[18] Tombs, however, were most

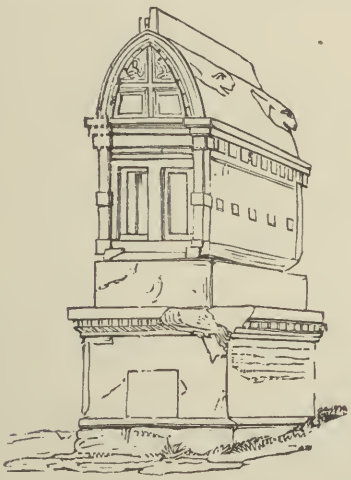
1. (Il., xviii., 353.—Artemidor., Oneirocr., ii., 3.)—2. (Isæus, De Philoct. hæred., p. 143.—Id., De Ciron. hæred., p. 209.)—3. (Lys., c. Eratosth., p. 395.)—4. (Schol. ad Aristoph., Lysistr., 611.)—5. (Demosth., c. Macart., p. 1071.)—6. (Pollux. Onom., viii., 65.)—7. (Leg., xii., 9, p. 959.)—8. (Aristoph., Eccl., 1032, 996.)—9. ("Vaseng.," title-page.)—10. (Die Gräber der Hellenen, pl. 8.)—11. (Aristoph., Lysistr., 601, with schol.—Compare Virg., Æn., vi., 419.)—12. (Aristoph., Eccl., 1033.—Pollux, Onom., viii., 65.—Hesych., s. v. 'Αρδ.)—13. (Lucian, Ib., 12.)—14. (Plut., Sol., 12, 21.)—15 (Min., c. 5, p. 315.)—16. (Demosth., c. Macart., p. 1071.)—17. (Demosth., l. c.—Antiph., De Chor., p. 782.—Cic., De Leg., ii., 26.—18. (Il., xxiii., 71.—Compare Xen., Mem., i., 2, § 53.)—19. (Callim., Epigr., 15.—Diog. Laert., i., 122.)—20. (Demosth., l. c.)—21. (Plat., Leg., vii., 9, p. 800.—Hesych., s. v. Καρίναι.—Pollux, Onom., iv., 75.)—22. (Ib., 21.)

1 (Hellen. Alterthumsk., ii., 2, p. 79.)—2. (Plat., Phædr., c. 48, p. 115.)—3. (Plut., Timol., 39.)—4. (Id., Philop., 21.)—5 (Dionys. Hal., Ant. Rom., v., 48.)—6. (Il., xxiii., 127, &c.—Ib., xxiv., 787, &c.)—7. (De Leg., ii., 25.)—8. (Herod., i., 68.—Compare Plut., Sol., 10.)—9. (Plut., Lycurg., 27.—Compare Thucyd., i., 134.)—10. (Paus., ii., 7, § 3.)—11. (Il., xxiii., 165, &c.)—12 (Il., xxiv., 791.)—13. (Od., xxiv., 71, &c.)—14. (Plat., Min., l. c.)—15. (Cic. ad Fam., iv., 12, § 3.)—16. (Plut., Lycurg., 27.)—17. (Paus., i., 43, § 2.)—18 (Demosth., c. Euerg., p. 1150.—Donat. ad Ter., Eun. Prol., 10.)

frequently built by the side of roads and near the gates of the city. Thus the tomb of Thucydides was near the Melitian gate;[1] but the most common place of burial was outside of the Itonian gate, near the road leading to the Peiræus, which gate was for that reason called the burial-gate (Ἡρίαι πύλαι[2]). Those who had fallen in battle were buried at the public expense in the outer Cerameicus, on the road leading to the Academia.[3]

The tombs were regarded as private property, and belonged exclusively to the families whose relatives had been buried in them.[4]

Tombs were called θῆκαι, τάφοι, μνήματα, μνημεῖα, σήματα. Many of these were only mounds of earth or stones (χώματα, κολῶναι, τύμβοι). Others were built of stone, and frequently ornamented with great taste. Some of the most remarkable Greek tombs are those which have been recently discovered in Lycia by Mr. Fellows. In the neighbourhood of Antiphellus the tombs are very numerous. They all have Greek inscriptions, which are generally much destroyed by the damp sea-air. The following woodcut, taken from Mr. Fellows's work,[5] contains one of these tombs, and will give an idea of the general appearance of the whole.



At Xanthus the tombs are still more numerous. They are cut into, or are formed by cutting away, the rock, leaving the tombs standing like works of sculpture.[6] The same is the case at Telmessus, where they are cut out of the rock in the form of temples. They are generally approached by steps, and the columns of the portico stand out about six feet from the entrance to the cella; the interiors vary but little; they are usually about six feet in height, and nine feet by twelve in size. One side is occupied by the door, and the other sides contain benches on which the coffins or urns have been placed.[7]

Some Greek tombs were built under ground, and called *hypogea* (ὑπόγαια or ὑπόγεια). They correspond to the Roman *conditoria*.[8] (*Vid.* Conditorium.)

At Athens the dead appear to have been usually buried in the earth, and originally the place of their interment was not marked by any monument.[9] Afterward, however, so much expense was incurred in the erection of monuments to the deceased, that it was provided by one of Solon's laws that no one should erect a monument which could not be completed by ten men in the course of three days.[1] This law, however, does not seem to have been strictly observed. We read of one monument which cost twenty-five minæ,[2] and of another which cost more than two talents.[3] Demetrius Phalereus also attempted to put a stop to this expense by forbidding the erection of any funeral monument more than three cubits in height.[4]

The monuments erected over the graves of persons were usually of four kinds: 1. στῆλαι, pillars or upright stone tablets; 2. κίονες, columns; 3. ναΐδια or ἡρῷα, small buildings in the form of temples; and, 4. τράπεζαι, flat square stones, called by Cicero[5] *mensæ*. The term στῆλαι is sometimes applied to all kinds of funeral monuments, but properly designates upright stone tablets, which were usually terminated with an oval heading called ἐπίθημα. These ἐπιθήματα were frequently ornamented with a kind of arabesque work, as in the two following specimens taken from Stackelberg.[6] The shape of the ἐπίθημα, however, some-

times differed. Among the Sicyonians it was in the shape of the ἀετός or *fastigium* (*vid.* Fastigium), which is placed over the extremity of a temple.

The κίονες or columns were of various forms. The three in the following woodcut are taken from Stackelberg[7] and Millin.[8]

The following example of an ἡρῷον, which is also taken from Stackelberg,[9] will give a general idea of monuments of this kind. Another ἡρῷον is given in the course of this article.

The inscriptions upon these funeral monuments usually contain the name of the deceased person, and that of the demus to which he belonged, as well as, frequently, some account of his life. A work on these monuments, entitled Περὶ Μνημάτων, was written by Diodorus Periegetes.[10]

Orations in praise of the dead were sometimes pronounced; but Solon ordained that such orations should be confined to persons who were honoured with a public funeral.[11] In the heroic ages games

1. (Paus., i., 23, § 11.)—2. (Etym. Mag. and Harpocr., s. v.—Theophrast., Char., 14.)—3. (Thucyd., ii., 34.—Paus., i., 29, § 4.)—4. (Demosth., c. Eubul., p. 1307; c. Macart., 1077.—Cic., De Leg., ii., 26.)—5. (Excursion in Asia Minor, p. 219.)—6. (Ib., p. 226.)—7. (Ib., p. 245.)—8. (Petron., c. 111.)—9. (Cic., De Leg., ii. 25.)

1. (Id., ii., 26.)—2. (Lys., c. Diog., p. 905.)—3. (Demosth., c. Steph., i., p. 1125, 15.)—4. (Cic., l. c.)—5. (l. c.)—6. (pl. 3.)—7. (pl. 44, 46.)—8. (Peint. de Vases Ant., vol. ii., pl. 51.)—9. (pl. 1.)—10. (Plut., Them., 32.)—11. (Cic., De Leg., ii., 26.)

were celebrated at the funeral of a great man, as in the case of Patroclus;[1] but this practice does not seem to have been usual in the historical times.

All persons who had been engaged in funerals were considered polluted, and could not enter the temples of the gods till they had been purified. Those persons who were reported to have died in foreign countries, and whose funeral rites had been performed in their own cities, were called *ὑστερόποτμοι* and *δευτερόποτμοι* if they were alive. Such persons were considered impure, and could only be delivered from their impurity by being dressed in swaddling clothes, and treated like newborn infants.[2]

After the funeral was over the relatives partook of a feast, which was called *περίδειπνον* or *νεκρόδειπνον*.[3] This feast was always given at the house of the nearest relative of the deceased. Thus the relatives of those who had fallen at the battle of Chæroneia partook of the *περίδειπνον* at the house of Demosthenes, as if he were the nearest relative to them all.[4] These feasts are frequently represented on funeral monuments. In one corner a horse's head is usually placed, which was intended to represent death as a journey. The following woodcut, which represents a *περίδειπνον* or *νεκρόδειπνον*, is taken from the *Marmora Oxon.*, i., tab. 52, No. 135. A similar example of a *περίδειπνον* is given at the beginning of Hobhouse's *Travels*.[5]

On the second day after the funeral a sacrifice to the dead was offered, called *τρίτα*. Pollux[6] enumerates in order all the sacrifices and ceremonies which followed the funeral: *τρίτα*, *ἔνναται*, *τριακάδες*, *ἐναγίσματα*, *χοαί*. Aristophanes[1] alludes to the *τρίτα*. The principal sacrifice, however, to the dead was on the ninth day, called *ἔνναται* or *ἔνατα*.[2] The mourning for the dead appears to have lasted till the thirtieth day after the funeral,[3] on which day sacrifices were again offered.[4] At Sparta the time of mourning was limited to eleven days.[5] During the time of mourning it was considered indecorous for the relatives of the deceased to appear in public:[6] they were accustomed to wear a black dress,[7] and in ancient times cut off their hair as a sign of grief (Πλόκαμος πενθητήριος[8]).

The tombs were preserved by the family to which they belonged with the greatest care, and were regarded as among the strongest ties which attached a man to his native land.[9] In the Docimasia of the Athenian archons it was always a subject of inquiry whether they had kept in proper repair the tombs of their ancestors.[10] On certain days the tombs were crowned with flowers, and offerings were made to the dead, consisting of garlands of flowers and various other things; for an account of which, see Æsehyl., *Pers.*, 609, &c.; *Choëph.*, 86, &c. The act of offering these presents was called *ἐναγίζειν*, and the offerings themselves *ἐναγίσματα*, or, more commonly, *χοαί*. Such offerings at the tombs are represented upon many *λήκυθοι*, or painted vases, of which an example is given in the following woodcut.[11] The tomb is built in the form of a temple (*ἡρῷον*), and upon it is a representation of the deceased. See also Stackelberg, pl. 14–46, and Millin, vol. ii., pl. 32, 38, for farther examples.

The *γενέσια* mentioned by Herodotus[12] appear to have consisted in offerings of the same kind, which were presented on the anniversary of the birthday of the deceased. The *νεκύσια* were probably offerings on the anniversary of the day of the death; though, according to some writers, the *νεκύσια* were the same as the *γενέσια*.[13] Meals were also presented to the dead, and burned.[14]

Certain criminals, who were put to death by the state, were also deprived of the rites of burial, which was considered as an additional punishment. There were certain places, both at Athens and Sparta, where the dead bodies of such criminals were cast.[15] A person who had committed suicide was not deprived of burial, but the hand with which he had killed himself was cut off and buried by it-

1. (Il., xxiii.)—2. (Hesych., s. v.—Plut., Quæst. Rom., 5.)—3. (Lucian, Ib., c. 24.—Cic., De Leg., ii., 25.)—4. (Demosth., De Coron., p. 321, 15.)—5. (Compare Müller, Archæol. der Kunst, § 428, 2.)—6. (Onom. viii., 146.)

1. (Lysistr., 611, with schol.)—2. (Æschin., c. Ctes., p. 617.—Isæus, De Ciron. hæred., p. 224.)—3. (Lys., De Cæd. Erat., p. 16.)—4. (Harpocrat., s. v. Τριακάς.)—5. (Plut., Lyc., 27.)—6. (Æschin., c. Ctes., p. 468, 469.)—7. (Eurip., Helen., 1087.—Iphig. Aul., 1438.—Isæus, De Nicostr. hæred., p. 71.—Plut., Pericl., 38.)—8. (Æschyl., Choëph., 7.)—9. (Æschyl., Pers., 405.—Lycurg., c. Leocr., p. 141.)—10. (Xen., Mem., ii., 2, § 13.)—11. (Millin, Peint. de Vases Ant., vol. ii., pl. 27.)—12. (iv., 26.)—13. (Hesych., s. v. Γενέσια.—Grammatt. Bekker, p. 231.)—14. (Lucian, Contempl., p. 22, vol. i., p. 519, ed. Reitz.—Id., De Merc. Conduct., 28, p. 687.—Artemidor., Oneirocr., iv., 81.)—15. (Plut., Them., 22.—Thucyd., 134.)

self.[1] The bodies of those persons who had been struck by lightning were regarded as sacred (*ἱεροὶ νεκροί*); they were never buried with others,[2] but usually on the spot where they had been struck.[3] (*Vid.* BIDENTAL.)

We now proceed to give an account of Roman funerals. They were conducted, in some respects, in the same manner as Greek funerals; but as they differ in many important particulars, a separate account of each is given in this article.

When a Roman was at the point of death, his nearest relative present endeavoured to catch the last breath with his mouth.[4] The ring was taken off the finger of the dying person;[5] and as soon as he was dead, his eyes and mouth were closed by the nearest relative,[6] who called upon the deceased by name (*inclamare*, *conclamare*), exclaiming *have* or *vale*.[7] The corpse was then washed, and anointed with oil and perfumes by slaves, called *Pollinctores*, who belonged to the *Libitinarii*, or undertakers, called by the Greeks *νεκροθάπται*.[8] The Libitinarii appear to have been so called because they dwelt near the Temple of Venus Libitina, where all things requisite for funerals were sold.[9] Hence we find the expressions *vitare Libitinam* and *evadere Libitinam* used in the sense of escaping death.[10] At this temple an account (*ratio*, *ephemeris*) was kept of those who died, and a small sum was paid for the registration of their names.[11]

A small coin was then placed in the mouth of the corpse, in order to pay the ferryman in Hades,[12] and the body was laid out on a couch in the vestibule of the house, with its feet towards the door, and dressed in the best robe which the deceased had worn when alive. Ordinary citizens were dressed in a white toga, and magistrates in their official robes.[13] If the deceased had received a crown, while alive, as a reward for his bravery, it was now placed on his head,[14] and the couch on which he was laid was sometimes covered with leaves and flowers. A branch of cypress was also usually placed at the door of the house, if he was a person of consequence.[15]

Funerals were usually called *funera justa* or *exsequiæ*; the latter term was generally applied to the funeral procession (*pompa funebris*). There were two kinds of funerals, public and private; of which the former was called *funus publicum*[16] or *indictivum*, because the people were invited to it by a herald;[17] the latter, *funus tacitum*,[18] *translatitium*,[19] or *plebeium*. A person appears to have usually left a certain sum of money in his will to pay the expenses of his funeral; but if he did not do so, nor appoint any one to bury him, this duty devolved upon the persons to whom the property was left, and if he died without a will, upon his relatives according to their order of succession to the property.[20] The expenses of the funeral were in such cases decided by an arbiter according to the property and rank of the deceased,[21] whence *arbitria* is used to signify the funeral expenses.[22] The following description of the mode in which a funeral was conducted only applies strictly to the funerals of the great; the same pomp and ceremony could not, of course, be observed in the case of persons in ordinary circumstances.

All funerals in ancient times were performed at night,[1] but afterward the poor only were buried at night, because they could not afford to have any funeral procession.[2] The corpse was usually carried out of the house (*efferebatur*) on the eighth day after the death.[3] The order of the funeral procession was regulated by a person called *Designator* or *Dominus Funeris*, who was attended by lictors dressed in black.[4] It was headed by musicians of various kinds (*cornicines*, *siticines*), who played mournful strains,[5] and next came mourning women, called *Præficæ*,[6] who were hired to lament and sing the funeral song (*nænia* or *lessus*) in praise of the deceased. These were sometimes followed by players and buffoons (*scurræ*, *histriones*), of whom one, called *Archimimus*, represented the character of the deceased, and imitated his words and actions.[7] Then came the slaves whom the deceased had liberated, wearing the cap of liberty (*pileati*); the number of whom was occasionally very great, since a master sometimes liberated all his slaves in his will, in order to add to the pomp of his funeral.[8] Before the corpse the images of the deceased and of his ancestors were carried,[9] and also the crowns or military rewards which he had gained.[10]

The corpse was carried on a couch (*lectica*), to which the name of *Feretrum*[11] or *Capulum*[12] was usually given; but the bodies of poor citizens and of slaves were carried on a common kind of bier or coffin, called *Sandapila*.[13] The *Sandapila* was carried by bearers, called *Vespæ* or *Vespillones*,[14] because, according to Festus,[15] they carried out the corpses in the evening (*vespertino tempore*). The couches on which the corpses of the rich were carried were sometimes made of ivory, and covered with gold and purple.[16] They were often carried on the shoulders of the nearest relatives of the deceased,[17] and sometimes on those of his freedmen.[18] Julius Cæsar was carried by the magistrates,[19] and Augustus by the senators.[20]

The relatives of the deceased walked behind the corpse in mourning; his sons with their heads veiled, and his daughters with their heads bare and their hair dishevelled, contrary to the ordinary practice of both.[21] They often uttered loud lamentations, and the women beat their breasts and tore their cheeks, though this was forbidden by the Twelve Tables (*Mulieres genas ne radunto*[22]). If the deceased was of illustrious rank, the funeral procession went through the Forum,[23] and stopped before the *rostra*, where a funeral oration (*laudatio*) in praise of the deceased was delivered.[24] This practice was of great antiquity among the Romans, and is said by some writers to have been first introduced by Poplicola, who pronounced a funeral oration in honour of his colleague Brutus.[25] Women, also, were honoured by funeral orations.[26] From the Forum the corpse was carried to the place of burning or burial, which, according to a law of

1. (Æschin., c. Ctes., p. 636, 637.)—2. (Eurip., Suppl., 935.)—3 (Artemid., Oneirocr., ii., 9, p. 146.)—4. (Virg., Æn., iv., 684.—Cic., Verr., v., 45.)—5. (Suet., Tib., 73.)—6. (Virg., Æn., ix., 487.)—7. (Ovid, Trist., III., iii., 43.—Id., Met., x., 62.—Id., Fast., iv., 852.—Catull., ci., 10.)—8. (Dig. 14, tit. 3, s. 5, § 8.)—9. (Senec., De Benef., vi., 38.—Plut., Quæst. Rom., 23.—Liv., xli., 21.—Plut., Num., 12.)—10. (Hor., Carm., III., xxx., 6.—Juv., xii., 122.)—11. (Suet., Ner., 39.—Dionys. Hal., Ant. Rom., iv., 15.)—12. (Juv., iii., 267.)—13. (Juv., iii., 172.—Liv., xxxiv., 7.—Suet., Ner., 50.)—14. (Cic., De Leg., ii., 24.)—15. (Lucan., iii., 442.—Hor., Carm., II., xiv., 23.)—16. (Tacit., Ann., vi., 11.)—17. (Festus, s. v.—Cic., De Leg., ii., 24.)—18. (Ovid, Trist., I., iii., 22.)—19. (Suet., Ner., 33.)—20. (Dig. 11, tit. 7, s. 12.)—21. (Dig., l. c.)—22. (Cic., Pro Dom., 37.—Id., post Red. in Sen., 7.—Id. in Pis., 9.)

1. (Serv. ad Virg., Æn., xi., 143.—Isidor., xi., 2.—Id., xx., 10, —2. (Festus, s. v. Vespæ.—Sueton., Dom., 17.—Dionys. Hal., iv., 40.)—3. (Serv. ad Virg., Æn., v., 64.)—4. (Donat. ad Ter., Adelph., I., ii., 7.—Cic., De Leg., ii., 24.—Hor., Ep., I., vii., 6.)—5. (Cic., Ib., ii., 23.—Gell., xx., 2.)—6. (Festus, s. v.)—7 (Suet., Vesp., 19.)—8. (Dionys. Hal., iv., 24.—Compare Liv., xxxviii., 55.)—9. (Cic., Pro Mil., 13.—Dion Cass., lvi., 134.—Plin., H. N., xxxv., 2.)—10. (Cic., De Leg., ii., 24.)—11. (Varro, De Ling. Lat., v., 166.)—12. (Fest., s. v.)—13. (Mart., ii., 81.—Id., VIII., lxxv., 14.—Juv., viii., 175.—"Vilis arca:" Hor., Sat., I., viii., 9.)—14. (Suet., Dom., 17.—Mart., I., xxxi., 48.)—15. (s. v.)—16. (Suet., Jul., 84.)—17. (Val. Max., vii., 1, § 1.—Hor., Sat., II., viii., 56.)—18. (Pers., iii., 106.)—19. (Suet., Jul., 84.)—20. (Suet., Octav., 100.—Tacit., Ann., i., 8.)—21. (Plut., Quæst. Rom., 14.)—22. (Cic., De Leg., ii., 23.)—23. (Dionys. Hal., iv., 40.)—24. (Dionys. Hal., v., 17.—Cic., Pro Mil., 13.—Id., De Orat., ii., 84.—Suet., Jul., 84.—Id., Octav., 100.)—25 (Plut., Poplic., 9.—Dionys. Hal., v., 17.)—26. (Cic., De Orat., ii., 11.—Suet., Jul., 26.—Id., Cal., 10.)

the Twelve Tables, was obliged to be outside the city.[1]

The Romans in the most ancient times buried their dead,[2] though they also early adopted, to some extent, the custom of burning, which is mentioned in the Twelve Tables.[3] Burning, however, does not appear to have become general till the later times of the Republic; Marius was buried, and Sulla was the first of the Cornelian gens whose body was burned.[4] Under the Empire burning was almost universally practised, but was gradually discontinued as Christianity spread,[5] so that it had fallen into disuse in the fourth century.[6] Persons struck by lightning were not burned, but buried on the spot, which was called *Bidental*, and was considered sacred. (*Vid.* Bidental.) Children, also, who had not cut their teeth, were not burned, but buried in a place called *Suggrundarium*.[7] Those who were buried were placed in a coffin (*arca* or *loculus*), which was frequently made of stone,[8] and sometimes of the Assian stone, which came from Assos in Troas, and which consumed all the body, with the exception of the teeth, in 40 days,[9] whence it was called *Sarcophagus*. This name was in course of time applied to any kind of coffin or tomb.[10]

The corpse was burned on a pile of wood (*pyra* or *rogus*). Servius[11] thus defines the difference between *pyra* and *rogus*: "Pyra *est lignorum congeries*; rogus, *cum jam ardere cœperit, dicitur*." This pile was built in the form of an altar, with four equal sides, whence we find it called *ara sepulcri*[12] and *funeris ara*.[13] The sides of the pile were, according to the Twelve Tables, to be left rough and unpolished,[14] but were frequently covered with dark leaves.[15] Cypress-trees were sometimes placed before the pile.[16] On the top of the pile the corpse was placed, with the couch on which it had been carried,[17] and the nearest relative then set fire to the pile with his face turned away. (*Vid.* Fax.) When the flames began to rise, various perfumes were thrown into the fire (called by Cicero[18] *sumptuosa respersio*), though this practice was forbidden by the Twelve Tables; cups of oil, ornaments, clothes, dishes of food, and other things, which were supposed to be agreeable to the deceased, were also thrown upon the flames.[19]

The place where a person was burned was called *Bustum* if he was afterward buried on the same spot (*vid.* Bustum), and *Ustrina* or *Ustrinum* if he was buried at a different place. Persons of property frequently set apart a space, surrounded by a wall, near their sepulchres, for the purpose of burning the dead; but those who could not afford the space appear to have sometimes placed the funeral pyre against the monuments of others, which was frequently forbidden in inscriptions on monuments (*Huic monumento ustrinum applicari non licet*[20]).

If the deceased was an emperor or an illustrious general, the soldiers marched (*decurrebant*) three times round the pile,[21] which custom was observed annually at a monument built by the soldiers in honour of Drusus.[22] Sometimes animals were slaughtered at the pile, and in ancient times captives and slaves, since the Manes were supposed to be fond of blood; but afterward gladiators, called Bustuarii, were hired to fight round the burning pile. (*Vid.* Bustum.)

When the pile was burned down, the embers were soaked with wine, and the bones and ashes of the deceased were gathered by the nearest relatives,[1] who sprinkled them with perfumes, and placed them in a vessel called *urna*,[2] which was made of various materials, according to the circumstances of individuals. Most of the funeral urns in the British Museum are made of marble, alabaster, or baked clay. They are of various shapes but most commonly square or round; and upon them there is usually an inscription or epitaph (*titulus* or *epitaphium*), beginning with the letters D. M. S. or only D. M., that is, Dis Manibus Sacrum, followed by the name of the deceased, with the length of his life, &c., and also by the name of the person who had the urn made. The following examples, taken from urns in the British Museum, will give a general knowledge of such inscriptions. The first is to Serullia Zosimenes, who lived 26 years, and is dedicated by her son Prosdecius:

D. M.
Servlliæ Zosimeni
Qvæ vixit ann. xxvi.
Bene meren. fecit
Prosdecivs Filivs.

The next is an inscription to Licinius Successus, who lived 13 years, one month, and 19 days, by his most unhappy parents, Comicus and Auriola:

Dis. Man.
Comicvs. et
Avriola. Parentes
Infelicissimi
Licinio Svccesso.
v. a. xiii. m. i. d. xix.

The following woodcut is a representation of a sepulchral urn in the British Museum. It is of an upright rectangular form, richly ornamented with foliage, and supported at the sides by pilasters. It is erected to the memory of Cossutia Prima. Its height is twenty-one inches, and its width, at the base, fourteen inches six eighths. Below the inscription an infant genius is represented driving a car drawn by four horses.

1. (Cic., De Leg., ii., 23.)—2. (Plin., H. N., vii., 55.)—3. (Cic., l. c.)—4. (Cic., Ib., ii., 22.)—5. (Minuc. Felix, p. 327, ed. Gruel, 1672.)—6. (Macrob., vii., 7.)—7. (Plin., H. N., vii., 15.—Juv., xv., 140.—Fulgent., De prisc. serm., 7.)—8. (Val. Max., i., 1, § 12.—Aurel. Vict., De Vir. Illustr., 42.)—9. (Plin., H. N., ii., 96, xxxvi., 27.)—10. (Juv., x., 172.—Dig. 34, tit. 1, s. 18, § 5.—Orelli, Inscr., No. 4794, 4432, 4554.)—11. (ad Virg., Æn., xi., 185.)—12. (Virg., Æn., vi., 177.)—13. (Ovid, Trist., III., xiii., 21.)—14. (Cic., De Leg., ii., 23.)—15. (Virg., Æn., vi., 215.)—16. (Virg et Ovid, l. c.—Sil. Ital., x., 535.)—17. (Tibull., I., i., 51.)—18. (l. c.)—19. (Virg., Æn., vi., 225.—Stat., Theb., vi., 225.—Stat., Theb., vi., 126.—Lucan., ix., 175.)—20. (Gruter, 755, 4; 656, 3.—Orelli, 4384, 4385.)—21. (Virg., Æn., xi., 188.—Tacit., Ann., ii., 7.)—22. (Suet Claud., 1.)

1. (Virg., Æn., vi., 226–228.—Tibull., I., iii., 6.—Id., III., ii., 10.—Suet., Octav., 100.)—2. (Ovid, Am., iii., ix., 39.—"Feralis urna:" Tacit., Ann., iii., 1.)

After the bones and ashes of the deceased had been placed in the urn, the persons present were thrice sprinkled by a priest with pure water from a branch of olive or laurel for the purpose of purification;[1] after which they were dismissed by the *præfica*, or some other person, by the solemn word *I licet*, that is, *ire licet*.[2] At their departure they were accustomed to bid farewell to the deceased by pronouncing the word *Vale*.[3]

The urns were placed in sepulchres, which, as already stated, were outside the city, though in a few cases we read of the dead being buried within the city. Thus Valerius, Publicola, Tubertus, and Fabricius were buried in the city; which right their descendants also possessed, but did not use.[4] The vestal virgins and the emperors were buried in the city, according to Servius,[5] because they were not bound by the laws. By a rescript of Hadrian, those who buried a person in the city were liable to a penalty of 40 aurei, which was to be paid to the fiscus; and the spot where the burial had taken place was confiscated.[6] The practice was also forbidden by Antoninus Pius[7] and Theodosius II.[8]

The verb *sepelire*, like the Greek θάπτειν, was applied to every mode of disposing of the dead,[9] and *sepulcrum* signified any kind of tomb in which the body or bones of a man were placed (*Sepulcrum est, ubi corpus ossave hominis condita sunt*[10]). The term *humare* was originally used for burial in the earth,[11] but was afterward applied, like *sepelire*, to any mode of disposing of the dead; since it appears to have been the custom, after the body was burned, to throw some earth upon the bones.[12]

The places for burial were either public or private. The public places of burial were of two kinds; one for illustrious citizens, who were buried at the public expense, and the other for poor citizens, who could not afford to purchase ground for the purpose. The former was in the Campus Martius, which was ornamented with the tombs of the illustrious dead (*vid.* Campus Martius), and in the Campus Esquilinus;[13] the latter was also in the Campus Esquilinus, and consisted of small pits or caverns, called *puticuli* or *puticulæ*;[14] but as this place rendered the neighbourhood unhealthy, it was given to Mæcenas, who converted it into gardens, and built a magnificent house upon it. Private places for burial were usually by the sides of the roads leading to Rome; and on some of these roads, such as the Via Appia, the tombs formed an almost uninterrupted street for many miles from the gates of the city. They were frequently built by individuals during their lifetime;[15] thus Augustus, in his sixth consulship, built the Mausoleum for his sepulchre between the Via Flaminia and the Tiber, and planted round it woods and walks for public use.[16] The heirs were often ordered by the will of the deceased to build a tomb for him;[1] and they sometimes did it at their own expense (*de suo*), which is not unfrequently recorded in the inscription on funeral monuments, as in the following example taken from an urn in the British Museum:

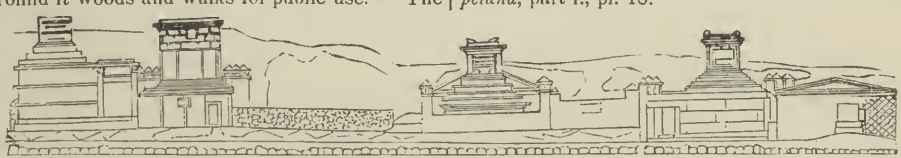
Diis Manibvs
L. Lepidi Epaphræ
Patris Optimi
L. Lepidivs
Maximvs F.
De. Svo.

Sepulchres were originally called *busta*,[2] but this word was afterward employed in the manner mentioned under Bustum. Sepulchres were also frequently called *Monumenta*,[3] but this term was also applied to a monument erected to the memory of a person in a different place from where he was buried.[4] *Conditoria* or *conditiva* were sepulchres under ground, in which dead bodies were placed entire, in contradistinction to those sepulchres which contained the bones and ashes only. They answered to the Greek ὑπόγειον or ὑπόγαιον. (*Vid.* Conditorium.)

The tombs of the rich were commonly built of marble, and the ground enclosed with an iron railing or wall, and planted round with trees.[5] The extent of the burying-ground was marked by Cippi. (*Vid.* Cippus.) The name of Mausoleum, which was originally the name of the magnificent sepulchre erected by Artemisia to the memory of Mausolus, king of Caria,[6] was sometimes given to any splendid tomb.[7] The open space before a sepulchre was called forum (*vid.* Forum), and neither this space nor the sepulchre itself could become the property of a person by usucapion.[8]

Private tombs were either built by an individual for himself and the members of his family (*sepulcra familiaria*), or for himself and his heirs (*sepulcra hereditaria*[9]). A tomb which was fitted up with niches to receive the funeral urns was called *columbarium*, on account of the resemblance of these niches to the holes of a pigeon-house. In these tombs the ashes of the freedmen and slaves of great families were frequently placed in vessels made of baked clay, called *ollæ*, which were let into the thickness of the wall within these niches, the lids only being seen, and the inscriptions placed in front. A representation of a *columbarium* is given on page 288.

Tombs were of various sizes and forms, according to the wealth and taste of the owner. The following woodcut, which represents part of the street of tombs at Pompeii, is taken from Mazois, *Pompeiana*, part i., pl. 18.



All these tombs were raised on a platform of masonry above the level of the footway. The first building on the right hand is a funeral triclinium, which presents to the street a plain front about twenty feet in length. The next is the family tomb of Nævoleia Tyche; it consists of a square building, containing a small chamber, and from the level of the outer wall steps rise, which support a marble cippus richly ornamented. The burial-ground of Nestacidius follows next, which is surrounded by a low wall; next to which comes a monument erected to the memory of C. Calventius Quietus. The

1. (Virg., Æn., vi., 229.—Serv., ad loc.)—2. (Serv., l. c.)—3. (Serv., l. c.)—4. (Cic., De Leg., ii., 23.)—5. (ad Virg., Æn., xi., 205.)—6. (Dig. 47, tit. 12, s. 3, § 5.)—7. (Capitol., Anton. Pius, 12.)—8 (Cod. Theod., 9, tit. 17, s. 6.)—9. (Plin., H. N., vii., 55.)—10. (Dig. 11, tit. 7, s. 2, § 5.—Compare 47, tit. 12, s. 3, § 2.)—11. (Plin., l. c.)—12. (Cic., De Leg., ii., 23.)—13. (Cic., Phil., ix., 7.)—14. (Varro, De Ling. Lat., v., 25, ed. Müller.—Festus, s. v.—Hor., Sat., I., viii., 10.)—15. (Senec., De Brev. Vit., 20.)—16. (Suet., Octav., 100.)

1. (Hor., Sat., II., iii., 84.—Id. ib., v., 105.—Plin., Ep., vi., 10.)—2. (Festus, s. v. Sepulcrum.)—3. (Cic. ad Fam., iv., 12, § 3.—Ovid, Met., xiii., 524.)—4. (Festus, s. v.—Cic., Pro Sext., 67.)—5. (Cic. ad Fam., iv., 12, § 3.—Tibull., III., ii., 22.—Suet., Ner., 33, 50.—Martial, i., 89.)—6. (Plin., H. N., xxxvi., 4, § 9—Gell., x., 18.)—7. (Suet., Octav., 100.—Paus., viii., 16, § 3.)—8. (Cic., De Leg., ii., 24.)—9. (Dig. 11, tit 7, s. 5.)

building is solid, and was not, therefore, a place of burial, but only an honorary tomb. The wall in front is scarcely four feet high, from which three steps lead up to a cippus. The back rises into a pediment; and the extreme height of the whole from the footway is about seventeen feet. An unoccupied space intervenes between this tomb and the next, which bears no inscription. The last building on the left is the tomb of Scaurus, which is ornamented with bas-reliefs representing gladiatorial combats and the hunting of wild beasts.

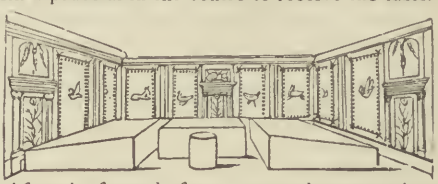
The tombs of the Romans were ornamented in various ways, but they seldom represented death in a direct manner.[1] A horse's head was one of the most common representations of death, as it signified departure; but we rarely meet with skeletons upon tombs. The following woodcut, however,

which is taken from a bas-relief upon one of the tombs of Pompeii, represents the skeleton of a child lying on a heap of stones. The dress of the female, who is stooping over it, is remarkable, and is still preserved, according to Mazois, in the country around Sora.[2]

A sepulchre, or any place in which a person was buried, was *religiosus*; all things which were left or belonged to the Dii Manes were *religiosæ*; those consecrated to the Dii Superi were called *Sacræ*.[3] Even the place in which a slave was buried was considered religiosus.[4] Whoever violated a sepulchre was subject to an action termed *sepulcri violati actio*.[5] Those who removed the bodies or bones from the sepulchre were punished by death, or deportatio in insulam, according to their rank; if the sepulchre was violated in any other way, they were punished by deportatio, or condemnation to the mines.[6] The title in the Digest,[7] "*De Religiosis et Sumtibus Funerum*," &c., also contains much curious information on the subject, and is well worth perusal.

After the bones had been placed in the urn at the funeral, the friends returned home. They then underwent a farther purification called *suffitio*, which consisted in being sprinkled with water and stepping over a fire.[8] The house itself was also swept with a certain kind of broom, which sweeping or purification was called *everræ*, and the person who did it *everriator*.[9] The *Denicales Feriæ* were also days set apart for the purification of the family.[10] The mourning and solemnities connected with the dead lasted for nine days after the funeral, at the end of which time a sacrifice was performed called *Novendiale*.[11]

A feast was given in honour of the dead, but it is uncertain on what day; it sometimes appears to have been given at the time of the funeral, sometimes on the Novendiale, and sometimes later. The name of *Silicernium* was given to this feast,[1] of which the etymology is unknown. Among the tombs at Pompeii there is a funeral triclinium for the celebration of these feasts, which is represented in the annexed woodcut.[2] It is open to the sky, and the walls are ornamented by paintings of animals in the centre of compartments which have borders of flowers. The triclinium is made of stone, with a pedestal in the centre to receive the table.



After the funeral of great men, there was, in addition to the feast for the friends of the deceased, a distribution of raw meat to the people, called *Visceratio*,[3] and sometimes a public banquet.[4] Combats of gladiators and other games were also frequently exhibited in honour of the deceased. Thus, at the funeral of P. Licinius Crassus, who had been pontifex maximus, raw meat was distributed to the people, a hundred and twenty gladiators fought, and funeral games were celebrated for three days, at the end of which a public banquet was given in the Forum.[5] Public feasts and funeral games were sometimes given on the anniversary of funerals. Faustus, the son of Sulla, exhibited in honour of his father a show of gladiators several years after his death, and gave a feast to the people, according to his father's testament.[6] At all banquets in honour of the dead, the guests were dressed in white.[7]

The Romans, like the Greeks, were accustomed to visit the tombs of their relatives at certain periods, and to offer to them sacrifices and various gifts, which were called *Inferiæ* and *Parentalia*. The Romans appear to have regarded the Manes or departed souls of their ancestors as gods, whence arose the practice of presenting to them oblations, which consisted of victims, wine, milk, garlands of flowers, and other things.[8] The tombs were sometimes illuminated on these occasions with lamps.[9] In the latter end of the month of February there was a festival, called *Feralia*, in which the Romans were accustomed to carry food to the sepulchres for the use of the dead.[10]

The Romans, like ourselves, were accustomed to wear mourning for their deceased friends, which appears to have been black, under the Republic, for both sexes. Under the Empire, the men continued to wear black in mourning,[11] but the women wore white.[12] They laid aside all kinds of ornaments,[13] and did not cut either their hair or beard.[14] Men appear to have usually worn their mourning for only a few days,[15] but women for a year when they lost a husband or parent.[16]

In a public mourning on account of some signal calamity, as, for instance, the loss of a battle or the death of an emperor, there was a total cessation from business, called *Justitium*, which was usually ordained by public appointment. During this period

1. (Müller, Archæol. der Kunst, § 431.—Lessing, "Wie die Alten den Tod gebildet haben?")—2. (Mazois, Pomp., i., pl. 29.)—3. (Gaius, ii., 4, 6.)—4. (Dig. 11, tit. 7, s. 2.)—5. (Dig. 47, tit. 12.—Compare Cic., Tusc., i., 12.—Cic., De Leg., ii., 22.)—6. (Dig. 47, tit. 12, s. 11.)—7. (11, tit. 7.)—8. (Festus, s. v. "Aqua et Igni.")—9. (Festus, s. v.)—10. (Festus, s. v.—Cic., De Leg., ii, 22.)—11. (Porphyr. ad Horat., Epod., xvii., 48.)

1. (Festus, s. v.)—2. (Mazois, Pomp., i., pl. xx.)—3. (Liv., viii., 22.)—4. (Suet., Jul., 26.)—5. (Liv., xxxix., 46.)—6. (Dion Cass., xxxvii., 51.—Cic., Pro Sull., 19.)—7. (Cic., c. Vatin., 13.)—8. (Virg., Æn., v., 77.—Id. ib., ix., 215.—Id. ib., x., 519.—Tacit., Hist., ii., 95.—Suet., Cal., 15.—Id., Ner., 57.—Cic., Phil., i., 6.)—9. (Dig. 40, tit. 4, s. 44.)—10. (Festus, s. v.—Varro, De Ling. Lat., vi., 13.—Ovid, Fast., ii., 565–570.—Cic. ad Att., viii., 14.)—11. (Juv., x., 245.)—12. (Herodian, iv., 2.)—13. (Herodian, l. c.—Terent., Heaut., II., iii., 47.)—14. (Suet. Jul., 67.—Id., Octav., 23.—Id., Cal., 24.)—15. (Dion Cass., lvi. 43.)—16. (Ovid, Fast., iii., 134.—Senec. Epist., 63.—Id., Cons. ad Helv. 16.)

ne courts of justice did not sit, the shops were shut, and the soldiers freed from military duties.[1] In a public mourning the senators did not wear the latus clavus and their rings,[1] nor the magistrates their badges of office.[2]

FURCA, which properly means a fork, was also the name of an instrument of punishment. It was a piece of wood in the form of the letter A, which was placed upon the shoulders of the offender, whose hands were tied to it. Slaves were frequently punished in this way, and were obliged to carry about the furca wherever they went;[4] whence the appellation of *furcifer* was applied to a man as a term of reproach.[5] The furca was used in the ancient mode of capital punishment among the Romans: the criminal was tied to it, and then scourged to death. The *patibulum* was also an instrument of punishment, resembling the furca; it appears to have been in the form of the letter H.[7] Both the furca and patibulum were also employed as crosses, to which criminals appear to have been nailed (*in furca suspendere*[8]).

FURIO'SUS. (*Vid.* Curator, p. 329.)

FURNUS. (*Vid* Fornax, Pistor.)

FUROR. (*Vid.* Curator, p. 329.)

FURTI ACTIO. (*Vid.* Furtum.)

FURTUM, "theft," is one of the four kinds of delicts which were the foundation of obligations; it is also called, in a sense, "crimen." (*Vid.* Crimen.) Movable things only could be the objects of furtum; for the fraudulent handling (*contrectatio fraudulosa*) of a thing against the owner's consent was furtum, and contrectatio is defined to be "loco movere." But a man might commit theft without carrying off another person's property. Thus it was furtum to use a thing deposited (*depositum*). It was also furtum to use a thing which had been lent for use, in a way different from that which the lender had agreed to; but with this qualification, that the borrower must believe that he was doing it against the owner's consent, and that the owner would not consent to such use if he was aware of it; for dolus malus was an essential ingredient in furtum. Accordingly, both dolus malus on the part of the person charged with furtum, and the want of consent on the part of the owner of the thing, were necessary to constitute furtum. Another requisite of furtum[9] is the "lucri faciendi gratia," the intention of appropriating another person's property. This was otherwise expressed by saying that furtum consisted in the intention (*furtum ex affectu consistit*). It was not necessary, in order to constitute furtum, that the thief should know whose property the thing was. A person who was in the power of another, and a wife in *manu*, might be the objects of furtum. A debtor might commit furtum by taking a thing which he had given as a pledge (*pignori*) to a creditor, or by taking his property when in the possession of a bona fide possessor. Thus there might be furtum of a thing itself, of the use of it, and of the possession.

A person might commit furtum by aiding in a furtum, as if a man should jostle you in order to give another the opportunity of taking your money; or drive away your sheep or cattle in order that another might get possession of them: but if it were done merely in a sportive way, and not with a view of aiding in a theft, it was not furtum, though perhaps there might be in such case an actio utilis under the lex Aquilia, which gave such an action even in the case of culpa. (*Vid.* Damnum.)

Furtum was either manifestum or nec manifestum. It was clearly manifestum when the person was caught in the act; but in various other cases there was a difference of opinion as to whether the furtum was manifestum or not. Some were of opinion that it was furtum manifestum so long as the thief was engaged in carrying the thing to the place to which he designed to carry it; and others maintained that it was furtum manifestum if the thief was ever found with the stolen thing in his possession. That which was not manifestum was nec manifestum. Furtum conceptum and oblatum were not species of theft, but species of action. It was called conceptum furtum when a stolen thing was sought and found, in the presence of witnesses, in the possession of a person, who, though he might not be the thief, was liable to an action called furti concepti. If a man gave you a stolen thing, in order that it might be found (*conciperetur*) in your possession rather than his, this was called furtum oblatum, and you had an action furti oblati against him, even if he was not the thief. There was also the action prohibiti furti against him who prevented a person from searching for a stolen thing (*furtum*); for the word furtum signifies both the act of theft and the thing stolen.

The punishment for furtum manifestum by the law of the Twelve Tables was capitalis, that is, it affected the person's caput: a freeman who had committed theft was flogged and consigned (*addictus*) to the injured person; but whether the thief became a slave in consequence of this addictio, or an adjudicatus, was a matter in dispute among the ancient Romans. The edict subsequently changed the penalty into an actio quadrupli, both in the case of a slave and a freeman. The penalty of the Twelve Tables, in the case of a furtum nec manifestum, was duplum, and this was retained in the edict: in the case of the conceptum and oblatum it was triplum, and this also was retained in the edict. In the case of prohibitum, the penalty was quadruplum, according to the provisions of the edict; for the law of the Twelve Tables had affixed no penalty in this case, but merely enacted that if a man would search for stolen property, he must be naked all but a cloth round his middle, and must hold a dish in his hand. If he found anything, it was furtum manifestum. The absurdity of the law, says Gaius, is apparent: for if a man would not let a person search in his ordinary dress, much less would he allow him to search undressed, when the penalty would be so much more severe if anything was found.[1]

The actio furti was given to all persons who had an interest in the preservation of the thing stolen (*cujus interest rem salvam esse*), and the owner of a thing, therefore, had not necessarily this action. A creditor might have this action even against the owner of a thing pledged, if the owner was the thief. A person to whom a thing was delivered (bailed) in order to work upon it, as in the case of clothes given to a tailor to mend, could bring this action, and not the owner, for the owner had an action (*locati*) against the tailor. But if the tailor was not a responsible person, the owner had his action against the thief, for in such case the owner had an interest in the preservation of the thing. The rule was the same in a case of commodatum (*vid.* Commodatum); but in a case of depositum, the depositee was under no obligation for the safe custody of the thing (*custodiam præstare*), and he was under no liability except in the case of dolus;

1. (Tacit., Ann., i., 16.—Id. ib., ii., 82.—Liv., ix., 7.—Suet., Cal., 24.)—2 (Liv., ix., 7.)—3. (Tacit., Ann., iii., 4.—Meursius, de Funere.—Stackelberg, "Die Gräber der Hellenen," Berl., 1837.—Kirchmann, "De Funeribus Romanis."—Becker, Charikles, vol. ii., p. 166–210.—Gallus, vol. ii., p. 271–301.)—4. (Donat. ad Ter., Andr., III., v., 12. — Plut., Coriol., 24. — Plaut., Cas., II., vi., 37.) — 5. (Cic. in Vatin., 6.) — 6. (Liv., i., 26.—Suet., Ner., 49.)—7. (Plaut., Mil., II., iv., 7.—Id., Mostell., I., i., 53.)—8 (Dig. 48, tit. 13, s. 6; tit. 19, s. 28, § 15, s. 38. —*Vid.* Lipsius, De Cruce.)—9. (Dig 47, tit. 2, s. 1.)

1. (Compare Grimm, Von der Poesie im Recht, Zeitschrift ii., 91.)

if then the deposited thing was stolen, the owner alone had the actio furti.

An impubes might commit theft (*obligatur crimine furti*) if he was bordering on the age of puberty, and, consequently, of sufficient capacity to understand what he was doing. If a person who was in the power of another committed furtum, the actio furti was against the latter.

The right of action died with the offending person. If a peregrinus committed furtum, he was made liable to an action by the fiction of his being a Roman citizen;[1] and by the same fiction he had a right of action if his property was stolen.

He who took the property of another by force was guilty of theft, inasmuch as he took it against the will of the owner; but in the case of this delict, the prætor gave a special action vi bonorum raptorum. The origin of the action vi bonorum raptorum is referred by Cicero to the time of the civil wars, when men had become accustomed to acts of violence and to the use of arms against one another. Accordingly, the edict was originally directed against those who, with bodies of armed men (*hominibus armatis coactisque*), did injury to the property of another or carried it off (*quid aut rapuerint aut damni dederint*). With the establishment of order under the Empire the prohibition against the use of arms was less needed, and the word *armatis* is not contained in the edict as cited in the Digest.[2] The application of the edict would, however, have still been very limited, if it had been confined to cases where numbers were engaged in the violence or robbery; and, accordingly, the jurists discovered that the edict, when properly understood, applied also to the case of a single person committing damnum or carrying off property. Originally the edict comprehended both damnum and bona rapta, and, indeed, damnum effected vi hominibus armatis coactisque was that kind of violence to the repression of which the edict was at first mainly directed. Under the Empire the reasons for this part of the edict ceased, and thus we see that in Ulpian's time the action was simply called "vi bonorum raptorum." In the Institutes and Code the action applies to robbery only, and there is no trace of the other part of the edict. This instructive illustration of the gradual adaptation, even of the edictal law, to circumstances, is given by Savigny,[3] who has also given the masterly emendation of Dig. 47, tit. 8, s. 2, § 7, by Heise.

Besides the actio furti, the owner of the thing had a personal action for the recovery of the stolen thing (*rei persecutio*) or its value (*condictio furtiva*) against a thief and his heredes, as well as the rei vindicatio, the reason of which is given by Gaius.[4] Infamia was a consequence of condemnation in the actio furti.

The strictness of the old law in the case of actions of theft was gradually modified, as already shown. By the law of the Twelve Tables, if theft (*furtum*) was committed in the night, the thief, if caught in the act, might be killed: and he might also be killed in the daytime if he was caught in the act, and defended himself with any kind of a weapon (*telum*); if he did not so defend himself, he was whipped, and became addictus if a freeman (as above stated); and if a slave, he was whipped and thrown down a precipice.

The following are peculiar kinds of actiones furti: 1. Actio de tigno juncto, against a person who employed another person's timber in his building; 2. Actio arborum furtim cæsarum, against a person who secretly cut wood on another person's ground; 3. Actio furti adversus nautas et caupones, against nautæ and cauponcs (*vid.* Exercitor), who were liable for the acts of the men in their employment

There were two cases in which a bona fide possessor of another person's property could not obtain the ownership by usucapion; and one of them was the case of a res furtiva, which was provided for in the Twelve Tables.

(Gaius, iii., 183–209.—Gellius, xi., 18. — Dig. 47 tit. 2.—Inst. 4, tit. 1. — Dirksen, *Uebersicht*, &c., p 564–594. — Heinec., *Syntag.*, ed. Haubold.—Rein., *Das Röm. Recht.*, p. 345. — Rosshirt, *Grundlinien*, &c.—Marezoll, *Lehrbuch*, &c.)

FU'SCINA (*τρίαινα*), a Trident; more commonly called *tridens*, meaning *tridens stimulus*, because it was originally a three-pronged goad, used to incite horses to greater swiftness. Neptune was supposed to be armed with it when he drove his chariot, and it thus became his usual attribute, perhaps with an allusion, also, to the use of the same instrument in harpooning fish. (See woodcuts, p. 187, 245.)[1] With it (*trifida cuspide*[2]) he was said to have broken a passage through the mountains of Thessaly for the river Peneus. The trident was also attributed to Nereus[3] and to the Tritons.[4]

In the contests of gladiators, the *Retiarius* was armed with a trident.[5]

FUSTUA'RIUM (*ξυλοκοπία*) was a capital punishment inflicted upon Roman soldiers for desertion, theft, and similar crimes. It was administered in the following manner: When a soldier was condemned, the tribune touched him slightly with a stick, upon which all the soldiers of the legion fell upon him with sticks and stones, and generally killed him upon the spot. If, however, he escaped, for he was allowed to fly, he could not return to his native country, nor did any of his relatives dare to receive him into their houses.[6] This punishment continued to be inflicted in the later times of the Republic,[7] and under the Empire.[8]

Different from the fustuarium was the animadversio fustium, which was a corporeal punishment inflicted under the emperors upon freemen, but only those of the lower orders (*tenuiores*[9]). It was a less severe punishment than the flogging with flagella, which punishment was confined to slaves.[10] (*Vid.* Flagrum.)

FUSUS (*ἄτρακτος*), the Spindle, was always, when in use, accompanied by the distaff (*colus*, *ἠλακάτη*), as an indispensable part of the same apparatus.[11] The wool, flax, or other material having been prepared for spinning, and having sometimes been dyed (*ἰοδνεφὲς εἶρος ἔχουσα*[12]), was rolled into a ball (*τολύπη*, *glomus*[13]), which was, however, sufficiently loose to allow the fibres to be easily drawn out by the hand of the spinner. The upper part of the distaff was then inserted into this mass of flax or wool (*colus comta*[14]), and the lower part was held under the left arm in such a position as was most convenient for conducting the operation. The fibres were drawn out, and, at the same time, spirally twisted, chiefly by the use of the fore finger and thumb of the right hand (*δακτύλοις ἕλισσε*;[15] *pollice docto*[16]); and the thread (*filum*, *stamen*, *νῆμα*) so produced was wound upon the spindle until the quantity was as great as it would carry.

1 (Gaius, iv., 37.)—2. (47, tit. 8.)—3. (Zeitschrift, v. "Ueber Cicero pro Tullio und die Actio vi bonorum raptorum.")—4. (iv., 4.)

1. (Hom., Il., xii., 27.—Od., iv., 506. — Ib., v., 292. — Virg., Georg., i., 13. — Id., Æn., i., 138, 145.—Ib., ii., 610. — Cic., De Nat. Deor., i., 36.—Philostr., Imag., ii., 14.) — 2. (Claud., De Rap. Pros., ii., 179.)—3. (Virg., Æn., ii., 418.)—4. (Accius, ap. Cic., De Nat. Deor., ii., 35.—Mart., i., 26, 3.)—5. (Juv., ii., 148. —Ib., viii., 203.— *Vid.* Gladiator.)—6. (Polyb., vi., 37.—Compare Liv., v., 6.)—7. (Cic., Phil., iii., 6.)—8. (Tacit., Ann., iii., 21.)—9. (Dig. 48, tit. 19, s. 28, § 2.)—10. (Dig. 48, tit. 19, s. 10., 47, tit. 10, s. 45.)—11. (Ovid, Met., iv., 220–229.) — 12. (Hom., Od., iv., 135.)—13. (Hor., Epist., i., 13, 14.—Ovid, Met., vi., 19.) —14. (Plin., H. N., viii., 74.)—15 (Eurip., Orest., 1414.) — 16. (Claud., De Prob. Cons., 177.)

The spindle was a stick ten or twelve inches long, having at the top a slit or catch (*dens*, *ἄγκιστρον*) in which the thread was fixed, so that the weight of the spindle might continually carry down the thread as it was formed. Its lower extremity was inserted into a small wheel, called the whorl (*vorticellum*), made of wood, stone, or metal (see woodcut), the use of which was to keep the spindle more steady, and to promote its rotation: for the spinner, who was commonly a female, every now and then twirled round the spindle with her right hand,[1] so as to twist the thread still more completely; and whenever, by its continual prolongation, it let down the spindle to the ground, she took it out of the slit, wound it upon the spindle, and, having replaced it in the slit, drew out and twisted another length. All these circumstances are mentioned in detail by Catullus.[2] The accompanying woodcut is taken from a series of bas-reliefs representing the arts of Minerva upon a frieze of the Forum Palladium at Rome. It shows the operation of spinning at the moment when the woman has drawn out a sufficient length of yarn to twist it by whirling the spindle with her right thumb and fore finger, and previously to the act of taking it out of the slit to wind it upon the bobbin (*πήνιον*) already formed.

The distaff was about three times the length of the spindle, strong and thick in proportion, commonly either a stick or a reed, with an expansion near the top for holding the ball. It was sometimes of richer materials, and ornamented. Theocritus has left a poem[3] written on sending an ivory distaff to the wife of a friend. Golden spindles were sent as presents to ladies of high rank;[4] and a golden distaff is attributed by Homer and Pindar to goddesses, and other females of remarkable dignity, who are called *χρυσηλάκατοι*.

It was usual to have a basket to hold the distaff and spindle, with the balls of wool prepared for spinning, and the bobbins already spun.[5] (*Vid.* Calathus.)

In the rural districts of Italy, women were forbidden to spin when they were travelling on foot, the act being considered of evil omen.[6] The distaff and spindle, with the wool and thread upon them, were carried in bridal processions; and, without the wool and thread, they were often suspended by females as offerings of religious gratitude, especially in old age, or on relinquishing the constant use of them.[7] (*Vid.* Donaria, p. 376.) They were most frequently dedicated to Pallas, the patroness of spinning, and of the arts connected with it. This goddess was herself rudely sculptured with a distaff and spindle in the Trojan Palladium.[8] They were also exhibited in the representations of the three Fates, who were conceived, by their spinning, to determine the life of every man; and, at the same time, by singing, as females usually did while they sat together at their work, to predict his future lot.[9]

1. (Herod., v., 12.—Ovid, Met., vi., 22.)—2. (lxiv., 305-319)—3. (Idyll., xxviii.)—4. (Homer, Od., iv., 131.—Herod., iv., 162.)—5. (Brunck, Anal., ii., 12.—Ovid, Met., iv., 10.)—6. (Plin., H. N., xxviii., 5)—7. (Plin., H. N., vii. 14.)—8. (Apollod., iii., 12, 3.)

G.

GABINUS CINCTUS. (*Vid.* Toga.)

GÆSUM (*γαισός*), a term probably of Celtic origin, denoting a kind of javelin which was used by the Gauls wherever their ramifications extended.[1] Hody, in order to prove the comparatively late date of the Septuagint version of the book of Joshua, in which this word occurs,[2] has proved that it was not known to the Romans, Greeks, or Egyptians until some time after the death of Ptolemæus Lagi.[4] It was a heavy weapon,[5] the shaft being as thick as a man could grasp, and the iron head barbed, and of an extraordinary length compared with the shaft.[6] The Romans adopted the use of the gæsum from the Iberians.[7]

*GAGA'TES LAPIS (*γαγάτης λίθος*), a species of Fossil, supposed to have been the same with the modern *Jet*. This last is still even called *Gagates* by some mineralogists, a name derived from the river Gagas, in Lycia, about whose mouth this mineral was found.[8] "The Gagate," says Adams, "is a fossil bituminous substance, containing carbon and ethereal oil. Without doubt it is *jet*, which, in the systems of modern mineralogists, is held to be a variety of lignite. The Gagate is called 'Black Amber' by Pliny; and, in fact, it is nearly allied to amber; for, when rubbed for some time, it becomes electric like amber."[9]

GAIUS. (*Vid.* Institutiones.)

*GALACTI'TES LAPIS (*γαλακτίτης λίθος*), stone of an ashen colour, according to Dioscorides sweet taste, and yielding a milky juice when triturated. Pliny makes it to have been of a milky colour, and to have been brought from the vicinity of the Nile.[10] (*Vid.* Galaxias.)

*GALAX'IAS LAPIS (*γαλαξίας*), a stone of an ashen colour, intersected sometimes with white and red veins. "It may be gathered from Dioscorides and Pliny," observes Dr. Moore,[11] "with the authors cited in the notes of Hardouin, that galaxias, galactites, morochthus, maroxus, morochites, leucogæa, leucographia, leucographis, and synophites, differed in little except name, or were, in fact, varieties of the same substance, which came either from the Nile or the Acheloüs; was ash-coloured, or greenish, or leek-coloured, sometimes with red and white veins; was readily soluble; and when rubbed on stone or a rough garment, left a white mark; besides which, when dissolved, or when triturated in water, it appears to have resembled milk in colour and in taste. Now minerals that answer the above description tolerably well are Spanish chalk and certain other varieties of steatite, which are found of the colours indicated; may be mixed with, and suspended in, water, so as to give it a milky appearance, and a smooth, sweetish taste; and which, moreover, make a white mark when rubbed upon stone or cloth."

*H., a name given by Galen to the Lamprey, according to Artedi.[12]

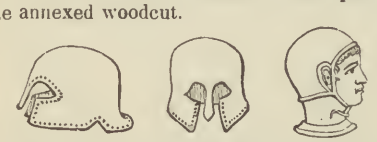
*GALBANUM. (*Vid.* Chalbane.)

*GALE (*γαλῆ*), commonly thought to have been the *Mustela vulgaris*, or Weasel. There are, how-

1. (Catull., 1. c.)—2. (Virg., Æn., viii., 662.—Cæs., Bell. Gall., iii., 4.)—3. (ch. viii., v. 18.)—4. (De Bibl. Text., ii., 8.)—5. (Festus, s. v. Gæsum.)—6. (Polyb., vi., 21.)—7. (Athen., vi., 106.)—8. (Plin., H. N., xxxvi., 34.—Moore's Anc. Mineralogy, p. 107.)—9. (Adams, Append., s. v.)—10. (Moore's Anc. Min., p. 100.)—11. (Anc. Min., p. 101.—Dioscor., v., 152.—Plin., H. N. xxxvii., 59.)—12. (Adams, Append., s. v.)

ever, according to Adams, objections to this opinion. The *Putorius*, or Foumart, is noticed by Isidorus, but no mention of it occurs in the works of the Greek authors now extant.[1]

GA'LEA (*κράνος, poet. κόρυς, πήληξ*), a Helmet, a Casque. The helmet was originally made of skin or leather, whence is supposed to have arisen its appellation *κυνέη*, meaning properly a helmet of dog-skin, but applied to caps or helmets made of the hide of other animals (*ταυρείη, κτιδέη,*[2] *αἰγείη,*[3] *galea lupina*[4]), and even to those which were entirely of bronze or iron (*πάγχαλκος*[5]). The leathern basis of the helmet was also very commonly strengthened and adorned by the addition of either bronze or gold, which is expressed by such epithets as *χαλκήρης, εὔχαλκος, χρυσείη*. Helmets which had a metallic basis (*κράνη χαλκᾶ*[6]) were in Latin properly called *cassides*,[7] although the terms *galea* and *cassis* are often confounded. A casque (*cassis*) found at Pompeii is preserved in the collection at Goodrich Court, Herefordshire.[8] The perforations for the lining and exterior border are visible along its edge. A side and a front view of it are presented in the annexed woodcut.



Two casques very like this were fished up from the bed of the Alpheus, near Olympia, and are in the possession of Mr. Hamilton.[9] Among the materials used for the lining of helmets were felt (*πῖλος*[10]) and sponge.[11]

The helmet, especially that of skin or leather, was sometimes a mere cap conformed to the shape of the head, without either crest or any other ornament (*ἀφαλόν τε καί ἄλοφον*[12]). In this state it was probably used in hunting (*galea venatoria*[13]), and was called *καταῖτυξ*,[14] in Latin Cudo. The preceding woodcut shows an example of it as worn by Diomede in a small Greek bronze, which is also in the collection at Goodrich Court.[15] The additions by which the external appearance of the helmet was varied, and which served both for ornament and protection, were the following:

1. Bosses or plates, proceeding either from the top (*φάλος*[16]) or the sides, and varying in number from one to four (*ἀμφίφαλος, διφάλος,*[17] *τετράφαλος*[18]). The *φάλος* was often an emblematical figure, referring to the character of the wearer. Thus, in the colossal statue of Minerva in the Parthenon at Athens, she bore a sphinx on the top of her helmet, and a griffon on each side.[19]

2. The helmet thus adorned was very commonly surmounted by the crest (*crista, λόφος*[20]), which was often of horsehair (*ἱππουρις ἱπποδάσεια*;[21] *λόφων ἔθειραι*;[22] *hirsuta juba*[23]), and made so as to look imposing and terrible,[24] as well as handsome[25] (*εὔλοφος*[26]). In the Roman army the crest served not only for ornament, but also to distinguish the different centurions, each of whom wore a casque of a peculiar form and appearance.[27]

3. The two cheek-pieces (*buccula,*[1] *παραγναθίδες*[2]), which were attached to the helmet by hinges, so as to be lifted up and down. They had buttons or ties at their extremities for fastening the helmet on the head.[3]

4. The beaver or visor, a peculiar form of which is supposed to have been the *αὐλῶπις τρυφάλεια, i. e.*, the perforated beaver.[4] The gladiators wore helmets of this kind,[5] and specimens of them, not unlike those worn in the Middle Ages, have been found at Pompeii.

Woodcuts illustrative of these four classes of additions to the simple cap or morion occur at p. 26, 27. 94, 95, 133, 268, 332, 381, 429. The five following helmets, more highly ornamented, are selected from antique gems, and are engraved of the size of the originals.

*ΓΑΛΕΟΣ ΑΣΤΗΡΙΑΣ (*γαλεὸς ἀστηρίας*), a species of Fish, either a variety of the *Squalus Mustelus*, or else the Spotted Dog-fish, *Squalus Canicula*.[6]

*ΓΑΛΕΟΣ ΚΥΩΝ (*γαλεὸς κύων*), the *Squalus Galeus*, L., or Tope It is a very voracious species of Shark, and its flesh has an offensive smell.[7]

*ΓΑΛΕΟΣ ΛΕΙΟΣ (*γαλεὸς λεῖος*), a species of Fish, the *Squalus Mustelus*, L., or Smooth Hound, or Smooth Shark of Pennant. *Mustelus* is the Latin translation of *γαλεός*, and generic for the *Squali*.

*ΓΑΛΕΟΣ ΡΟΔΙΟΣ (*γαλεὸς Ῥόδιος*), a variety of the *Accipenser Sturio*, or Sturgeon.[8]

GALERUS. (*Vid.* Coma, p. 293.)

*GALIOPSIS (*γαλίοψις*), a plant, of which the following description is given by Dioscorides:[1] "The whole plant, with its stem and leaves, resembles the nettle; but its leaves are smoother, and considerably fetid when rubbed; its flowers are small and purplish." "It is difficult to say," remarks Adams, "whether this description applies better to the *Galiopsis Tetrahit* (common Hemp-nettle), or to the *Lamium purpureum* (Red Dead-nettle). Bauhin prefers the latter; and, indeed, I am not aware that any of the commentators acknowledge it as the former, although it appears to me not inapplicable. Sibthorp, however, has fixed on a plant different from either, namely, the *Scrofularia peregrina*, or Nettle-leaved Figwort. I am wholly unacquainted with it."[11]

*GALIUM (*γάλιον*), the *Galium Verum*, or Yellow Bedstraw. The Greek name is derived from *γάλα*, "milk," because the plant was used instead of runnet to curdle milk. Sibthorp found it in Samos and in the Peloponnesus. The *Galium Verrucosum* is the *ἀπαρίνη* of Dioscorides.[12]

GALLI was the name of the priests of Cybele, whose worship was introduced at Rome from Phrygia

1. (Adams, Append., s. v.—Sprengel ad Dioscor., ii., 28.)—2. (Hom., Il., x., 258, 335.)—3. (Od., xxiv., 230.—Herod., vii., 77.—Compare *κράνη σκύτινα*: Xen., Anab., v., 4, 13.)—4. (Propert., iv., 11, 19.)—5. (Od., xviii., 377.)—6. (Xen., Anab., i., 2, 16.)—7 (Isid., Orig., xviii., 14.—Tacit., Germ., 6.—Cæsar, B. G., iii., 45.)—8. (Skelton, Engraved Illust., i., pl. 44.)—9. (Dodwell, Tour, ii., p. 330.)—10. (Hom., Il., x., 265.)—11. (Aristot., H. A., v., 16.)—12. (Il., x., 258.)—13. (C. Nep., Dat., iii., 2.)—14. (Hom., Il., l. c.)—15. (Skelton, l. c.)—16. (Hom., Il., iii., 362.)—17 (Hom., Il., v., 743.—Id. ib., xi., 41.—Eustath., ad loc.)—18. (Il., xii., 384.)—19. (Paus., i., 24, 5.)—20. (Hom., Il., xxii., 316.)—21. (Hom., Il., ll. cc.)—22. (Theocr., xxii., 186.)—23. (Propert., iv., 11, 19.)—24. (Hom., Il., iii., 337.—Virg., Æn., viii., 620.)—25. (Ib. ix., 365.)—26. (Heliod., Æth., vii.)—27. (Veget., ii., 13.)

1. (Juv., x., 134.)—2. (Eustath. in Il., v., 743.)—3. (Val. Flacc., vi., 626.)—4. (Hom., Il., xi., 353.—Hase, Life of Anc Greeks, ch. v.)—5. (Juv., viii., 203.)—6. (Aristot., H. A., v., 10.—Id. ib., vii., 11.—Adams, Append., s. v.)—7. (Aristot., H. A., vi., 11.—Plin., H. N., ix., 46.—Adams, Append., s. v.)—8 (Aristot., H. A., vi., 18.—Adams, Append., s. v.)—9 (Adams, Append., s. v.)—10 (iv., 93.)—11. (Adams, Append., s. v.)—12 (Dioscor., iv., 94.—Adams, Append., s. v.)

(B C. 204[1]). The Galli were, according to an ancient custom, always castrated (*spadones*, *semimares*, *semiviri*, *nec viri nec fœminæ*), and it would seem that, impelled by religious fanaticism, they performed this operation on themselves.[2] In their wild, enthusiastic, and boisterous rites, they resembled the Corybantes,[3] and even went farther, inasmuch as in their fury they mutilated their own bodies.[4] They seem to have been always chosen from a poor and despised class of people; for, while no other priests were allowed to beg, the Galli (*famuli Idææ matris*) were allowed to do so on certain days.[5] The chief priest among them was called archigallus.[6] The origin of the name of Galli is uncertain: according to Festus,[7] Ovid,[8] and others, it was derived from the river Gallus in Phrygia, which flowed near the temple of Cybele, and the water of which was fabled to put those persons who drank of it into such a state of madness that they castrated themselves.[9] The supposition of Hieronymus[10] that Galli was the name of the Gauls, which had been given to these priests by the Romans in order to show their contempt of that nation, is unfounded, as the Romans must have received the name from Asia or from the Greeks, by whom, as Suidas[11] informs us, Gallus was used as a common noun for eunuch. There exists a verb *gallare*, which signifies to rage (*insanire*, *bacchari*), and which occurs in one of the fragments of Varro[12] and in the *Anthолog. Lat.*, tom. i., p. 34, ed. Burmann.

*GALLUS (*ἀλέκτωρ* or *ἀλεκτρυών*), the Cock. "There are few facts in natural history," observes Griffith, "so difficult to determine with precision as to point out the places which the species of our common cock inhabited at first in its state of freedom and independence. Our common cock, according to M. Temminck, seems to have originated from the *Jago Cock* (*Gallus Giganteus*), a very large wild species, which inhabits the island of Sumatra, and from the species *Bankiva*, another primitive cock, found in the forests of Java. If, as there is every reason for believing, the temperate climes of Asia and the countries of Europe did not in ancient times possess the cock in a wild state, we must ascend to the earliest epoch of navigation, and presume the domestication of this useful bird to date from those remote periods. Under the reign of that great prince, who ruled with so much glory over the tribes of Israel, the peacock constituted an acquisition worthy of being enumerated in the list of riches imported into Judæa by his adventurous fleets. As this discovery of the peacock was made in the time of Solomon, it cannot be deemed very extraordinary that the cock, which inhabits the same countries as that bird, should about the same time have attracted the attention of the Hebrews. Be this as it may, it is quite certain that the cock, as well as the peacock, has been transported by man into the different countries in which these species exist at the present day in a state of domestication."—Mention is made of the crowing of the cock in the *Βατραχομυομαχία* of Homer. On the supposition, therefore, that the poem is genuine, this would be the first notice of the domestic fowl occurring in the Greek writers. As, however, all the other early poets are silent in relation to this bird, Knight founds on this circumstance an argument against the authenticity of the poem in question. He admits, however, at the same time, that a representation of the cock appears on the silver coins of the people of Samothrace and Himera at least six centuries before the Christian era. Athenæus cites a passage from a Greek writer named Menodotus, in which the cock is spoken of as a native of Persia; and in another part of his work he quotes from Cratinus, who calls the cock a Persian bird. Aristophanes also styles the domestic fowl a bird of Persian origin in his comedy of the *Aves*. Beck, however, in his commentary on Aristophanes, thinks that the cock was called Persian from the resemblance of its comb to the Persian covering for the head; but the passage cited by Athenæus from Menodotus assigns a much more probable reason. — Cock-fighting became in time a favourite amusement among the Greeks. Pliny says that battles of this kind were annually exhibited at Pergamus, in the same manner as combats of gladiators. Cock-fights were also represented by the Greeks on coins and cut stones. Various means were also employed to increase the irritability and courage of these birds. Dioscorides and Pliny speak of a plant named *adiantum* having been used for this purpose. Garlic was also given, as we are told by Xenophon.—The following singular description of the cock is given by Pliny: "After the peacock, the birds which are most sensible to glory are those active sentinels which Nature has furnished to arouse us from our matin slumbers, and send us to our daily occupations. They are acquainted with the stars, and every three hours they indicate by their crowing the different periods of the day. They retire to repose with the setting sun, and from the fourth military watch they recall us loudly to our cares and labours. They do not suffer the daybeam to surprise us without timely warning. Their crowing announces the hour of morning; and the crowing itself is announced by the clapping of their wings. Each farmyard has its peculiar king; and among these monarchs, as among princes of our own race, empire is the meed of victory. They appear to comprehend the design of those weapons with which their feet are armed. It is not uncommon for two rivals to perish in the combat. If one be conqueror, he immediately sings forth his triumph and proclaims his supremacy: the other retreats and disappears, ashamed of his defeat. The gait of the cock is proud and commanding; he walks with head erect and elevated crest. Alone of all birds, he habitually looks up to the sky, raising at the same time his curved and scythe-formed tail, and inspiring terror in the lion himself, that most intrepid of animals. Some of these birds seem actually born for nothing but warfare and battles; some have rendered the countries which produced them famous, such as Rhodes and Tanagra. The second rank is assigned to those from Melos and Chalcis—birds truly worthy of the homage they receive from the Roman purple! Their repasts are solemn presages; they regulate daily the conduct of our magistrates, and open or close to them their dwellings. They prescribe repose or movement to the Roman fasces; they command or prohibit battles; they have announced all the victories gained throughout the universe; in a word, they lord it over the masters of the world. Their very entrails and fibres are not less agreeable to the gods than the richest victims Their prolonged notes in the evening, and at extraordinary hours, constitute presages. By crowing all night long, they announced to the Bœotians a celebrated victory over the Lacedæmonians: thus did the diviners interpret it, because this bird never crows when he is conquered."[1]—The cock was sacred to Mars, on account of its courageous spirit and pug-

1. (Liv., xxix., 10, 14. — Id., xxxvi., 36.) — 2. (Juv., vi., 512, &c. — Ovid, Fasti, iv., 237. — Martial, iii., 81. — Id., xi., 74.— Plin., H. N., xi., 49.)—3. (Lucan, i., 565, &c.—Compare Hilaria.) — 4. (Propert., ii., 18, 15.)— 5. (Cic., De Leg., ii., 9 and 16.)—6. (Servius ad Æn., ix., 116.)—7. (s. v.) — 8. (Fast., iv., 363.) — 9. (Compare Plin., H. N., v., 32.—Id. ib., xi., 40. — Id. ib., xxix., 2.—Herodian., i., 11.) — 10. (Cap. Oseæ, 4.) — 11. (s. v.) —12 (p. 273, ed. Bip.)

1 (Griffith's Cuvier, vol viii., p 170, &c.)

nacious habits; and also to Æsculapius, to Night, and to the Lares. It was sacred to these last on account of its vigilant qualities.—It remains but to add, that the ἀλεκτρυὼν Ἰνδικός of Ælian would appear to have been some one of the larger Gallinaceæ of India, and not the Turkey, or *Meleagris Galliparo*, although, as Adams remarks, Barrington and others contend that it was known in Africa and India before the discovery of America.[1]

GAME'LIA (γαμηλία). The demes and phratries of Attica possessed various means to prevent intruders from assuming the rights of citizens. (*Vid.* Diapsephisis.) Among other regulations, it was ordained that every bride, previous to her marriage, should be introduced by her parents or guardians to the phratria of her husband (γαμηλίαν ὑπὲρ γυναικος εἰσφέρειν[2]). This introduction of the young women was accompanied by presents to their new phratores, which were called γαμηλία.[3] The women were enrolled in the lists of the phratries, and this enrolment was also called γαμηλία. The presents seem to have consisted in a feast given to the phratorcs, and the phratores, in return, made some offerings to the gods on behalf of the young bride.[4] The acceptance of the presents, and the permission to enrol the bride in the registers of the phratria, was equivalent to a declaration that she was considered a true citizen, and that, consequently, her children would have legitimate claims to all the rights and privileges of citizens.[5]

Γαμηλία was also the name of a sacrifice offered to Athena on the day previous to the marriage of a girl. She was taken by her parents to the temple of the goddess in the Acropolis, where the offerings were made on her behalf.[6]

The plural, γαμηλίαι, was used to express wedding solemnities in general.[7]

GAMOS. (*Vid.* Marriage, Grfek.)

GAUSAPA, GAUSAPE, or GAUSAPUM, a kind of thick cloth, which was on one side very woolly, and was used to cover tables,[8] beds,[9] and by persons to wrap themselves up after taking a bath,[10] or in general to protect themselves against rain and cold.[11] It was worn by men as well as women.[12] It came in use among the Romans about the time of Augustus,[13] and the wealthier Romans had it made of the finest wool, and mostly of a purple colour. The gausapum seems, however, sometimes to have been made of linen, but its peculiarity of having one side more woolly than the other always remained the same.[14] As Martial[15] calls it *gausapa quadrata*, we have reason to suppose that, like the Scotch plaid, it was always, for whatever purpose it might be used, a square or oblong piece of cloth.[16]

The word gausapa is also sometimes used to designate a thick wig, such as was made of the hair of Germans, and worn by the fashionable people at Rome in the time of the emperors.[17] Persius[18] also applies the word in a figurative sense to a thick and full beard.

GENESIA. (*Vid.* Funus, p. 458.)

*GENISTA, Spanish Broom, or *Spartium junceum*, L. It grows abundantly in most parts of Italy, and the peasants weave baskets of its slender branches. The flowers are very sweet, last long, and are agreeable to bees. Pliny says it was used in dyeing, but he means the *Genista tinctoria*, called by some Wood-wax and Green-weed. Martyn thinks that the Spanish Broom might be used for the same purpose.[1]

GENS. This word contains the same element as the Latin *gen*us and gi*gn*o, and as the Greek γέν-ος, γι-γν-ομαι, &c., and it primarily signifes *kin*. But the word has numerous significations, which have either a very remote connexion with this its primary notion, or perhaps none at all.

Gens sometimes signifies a whole political community, as Gens Latinorum, Gens Campanorum, &c.; though it is probable that in this application of the term, the notion of a distinction of race or stock is implied, or at least the notion of a totality of persons distinguished from other totalities by intermarriage and increase of their numbers among themselves only. Cicero[2] speaks of "*Gentes universæ in civitatem receptæ, ut Sabinorum, Volscorum, Hernicorum.*" It is a consequence of such meaning of gens, rather than an independent meaning, that the word is sometimes used to express a people with reference to their territorial limits.

The meaning of the word in the expression jus gentium is explained under Jus.

The words Gens and Gentiles have a special meaning in the system of the Roman law and in the Roman constitution. Cicero[3] has preserved a definition of gentiles which was given by Scævola the pontifex, and which, with reference to the time, must be considered complete. Those were gentiles, according to Scævola, (1) who bore the same name, (2) who were born of freemen (*ingenui*), (3) none of whose ancestors had been a slave, and, (4) who had suffered no capitis diminutio. This definition contains nothing which shows a common bond of union among gentiles, except the possession of a common name; but those who had a common name were not gentiles, if the three other conditions contained in this definition were not applicable to them. There is also a definition of gentilis by Festus: "That is called Gens Ælia which is composed (*conficitur*) of many familiæ. Gentilis is both one who is of the same stock (*genus*) and one who is called by the same name (*simili nomine*), as Cincius says, those are my gentiles who are called by my name." "*Gentilis dicitur et ex eodem gencre ortus, et is qui simili nomine appellatur.*" The second *et* is sometimes read *ut*, which is manifestly not the right reading, as the context shows. Besides, if the words "*ut* is qui simili nomine appellatur" are to be taken as an illustration of "ex eodem genere ortus," as they must be if *ut* is the true reading, then the notion of a *common name* is viewed as of necessity being contained in the notion of *common kin*, whereas there may be common kin without common name, and common name without common kin. Thus neither does common name include all common kin, nor does common kin include all common name, yet each includes something that the other includes.

We cannot conclude anything more from the *conficitur* of Festus than that a gens contained several familiæ, or that several familiæ were comprehended under one gens. According to the definition, persons of the same *genus* (kin) were gentiles, and also persons of the same name were gentiles. If Festus meant to say that *all* persons of the same genus and all persons of the same name were gentiles, his statement is inconsistent with the definition of the pontifex; for persons might be of the same genus, and might have sustained a capitis diminutio either by adoption, or adrogation, or by emancipation: in all these cases the genus would remain, for the natural relationship was not affected by any change in

1. (Adams, Append., s. v. ἀλέκτωρ.) — 2. (Isæus, De Pyrrh. hæred., p. 62, 65, &c. — Id., De Ciron. hæred., p. 208. — Demosth., c. Eubul., p. 1312 and 1320.)—3. (Suidas, s. v.—Schol. ad Dem., c. Eubul., p. 1312.)—4. (Pollux, Onom., iii., 3.—Id. ib., viii., 9, 28.) — 5. (Herm., Polit. Antiq., § 100, n. 1.) — 6. (Suidas, s. v. Προτέλεια.)—7. (Lycophron ap. Etym. M., s. v.) —8. (Horat., Sat., ii., 11.—Lucil. ap. Priscian., ix., 870.)—9. (Mart., xiv., 147.)—10. (Petron., 28.)—11. (Seneca, Epist., 53.) 12. (Ovid. A. A., ii., 300.)—13. (Plin., H. N., viii., 48.)—14. (Mart., xiv., 138.)—15. (xiv., 152.)—16. (*Vid.* Böttiger, Sabina, ii., p. 102.)—17. (Pers., Sat., vi., 46.)—18. (Sat., iv., 38.)

1. (Plin., H. N., xxiii., 5.—Virg., Georg., ii., 12.—Martyn ad loc.) -2. (Pro Balbo, c. 13.)—3. (Top., 6.)

the juristical status of a person: in the cases of adoption and adrogation the name would be lost, in the case of emancipation it would be retained. If the definition of Festus means that among those of the same genus there may be gentiles, and among those of the same name gentiles may also be included, his definition is true; but neither part of the definition is absolutely true, nor, if both parts are taken together, is the whole definition absolutely true. It seems as if the definition of gentiles was a matter of some difficulty; for while the possession of a common name was the simplest general characteristic of gentilitas, there were other conditions which were equally essential.

The name of the gens was always characterized by the termination *ia*, as Julia, Cornelia, Valeria.

When a man died intestate and without agnati, his familia (*vid.* Familia), by the law of the Twelve Tables, came to the gentiles; and in the case of a lunatic (*furiosus*) who had no guardians, the guardianship of the lunatic and his property belonged to the agnati and to the gentiles; to the latter, we may presume, in case the former did not exist.

Accordingly, one part of the jus gentilitium or jus gentilitatis related to successions to the property of intestates who had no agnati. A notable example of a dispute on this subject between the Claudii and Marcelli is mentioned in a difficult passage of Cicero.[1] The Marcelli claimed the inheritance of an intestate son of one of the liberti or freedmen of their familia (*stirpe*); the Claudii claimed the same by the gentile rights (*gente*). The Marcelli were plebeians, and belonged to the patrician Claudian gens. Niebuhr observes that this claim of the Claudii is inconsistent with Cicero's definition, according to which no descendant of a freedman could be a gentilis; and he concludes that Cicero (that is, Scævola) must have been mistaken in this part of his definition. But it must be observed, though the descendants of freedmen might have no claim as gentiles, the members of a gens might, as such, have claims against them; and in this sense the descendants of freedmen might be gentiles. It would seem as if the Marcelli united to defend their supposed patronal rights to the inheritance of the sons of freedmen against the claims of the gens; for the law of the Twelve Tables gave the inheritance of a freedman only, who died intestate and without heirs, to his patron, and not the inheritance of the son of a freedman. The question might be this: whether the law, in the case supposed, gave the hereditas to the gens as having a right paramount to the patronal right. It may be that the Marcelli as being included in the Claudia gens, were supposed to have merged their patronal rights (if they really existed in the case in dispute) in those of the gens. Whether, as members of the gens, the plebeian Marcelli would take as gentiles what they lost as patroni, may be doubted.

It is generally said or supposed that the hereditas which came to a gens was divided among the gentiles, which must mean the heads of familiæ. This may be so; at least, we must conceive that the hereditas, at one period at least, must have been a benefit to the members of the gens: Cæsar is said[2] to have been deprived of his gentilitiæ hereditates.

In determining that the property of intestates should ultimately belong to the gens, the law of the Twelve Tables was only providing for a case which, in every civilized country, is provided for by positive law; that is, the right to the property of a person who dies without having disposed of it, or leaving those whom the law recognises as entitled to it. The gens had thus a relation to the gentiles similar to that which subsists in modern states between the sovereign power and persons dying intestate and without heirs or next of kin. The mode in which such a succession was applied by the gens was probably not determined by law; and as the gens was a kind of juristical person, analogous to the community of a civitas, it seems not unlikely that originally inheritances accrued to the gens *as such*, and were common property. The gens must have had some common property, such as sacella, &c. It would be no difficult transition to imagine, that what originally belonged to the gens as such, was in the course of time distributed among the members, which would easily take place when the familiæ included in a gens were reduced to a small number.

There were certain sacred rites (*sacra gentilitia*) which belonged to a gens, to the observance of which all the members of a gens, as such, were bound, whether they were members by birth, adoption, or adrogation. A person was freed from the observance of such sacra, and lost the privileges connected with his gentile rights, when he lost his gens, that is, when he was adrogated, adopted, or even emancipated; for adrogation, adoption, and emancipation were accompanied by a diminutio capitis.

When the adoption was from one familia into another of the same gens, the name of the gens was still retained; and when a son was emancipated, the name of the gens was still retained; and yet, in both these cases, if we adopt the definition of Scævola, the adopted and emancipated persons lost the gentile rights, though they were also freed from the gentile burdens (*sacra*). In the case of adoption and adrogation, the adopted and adrogated person who passed into a familia of another gens must have passed into the gens of such familia, and so must have acquired the rights of that gens. Such a person had sustained a capitis diminutio, and its effect was to destroy his former gentile rights, together with the rights of agnation. The gentile rights were, in fact, implied in the rights of agnation, if the paterfamilias had a gens. Consequently, he who obtained, by adrogation or adoption, the rights of agnation, obtained also the gentile rights of his adopted father. In the case of adrogation, the adrogated person renounced his gens at the Comitia Curiata, which solemnity might also be expressed by the term "sacra detestari," for sacra and gens are often synonymous. Thus, in such case, adrogatio, on the part of the adopted father, corresponded to detestatio sacrorum on the part of the adrogated son. This detestatio sacrorum is probably the same thing as the sacrorum alienatio mentioned by Cicero.[1] It was the duty of the pontifices to look after the due observation of the gentile sacra, and to see that they were not lost.[2] Each gens seems to have had its peculiar place (*sacellum*) for the celebration of the sacra gentilitia, which were performed at stated times. The sacra gentilitia, as already observed, were a burden on the members of a gens *as such*. The sacra privata were a charge on the property of an individual; the two kinds of sacra were thus quite distinct.

According to the traditional accounts of the old Roman constitution, the gentes were subdivisions of the curiæ analogous to the curiæ, which were subdivisions of the tribes. There were ten in each curiæ, and, consequently, one hundred gentes in each tribe, and three hundred in the three tribes. Now if there is any truth in the tradition of this original distribution of the population into tribes, curiæ, and gentes, it follows that there was no necessary kinship among those families which belong

1. (De Orat., i., 39.)—2. (Sueton., Jul., 1.)

1. (Orator., c. 42.)—2. (Pro Domo, c 13, &c.)

ed to a gens, any more than among those families which belonged to one curia.

We know nothing historically of the organization of civil society, but we know that many new political bodies have been organized out of the materials of existing political bodies. It is useless to conjecture what was the original organization of the Roman state. We must take the tradition as it has come down to us The tradition is not, that familiæ related by blood were formed into gentes, that these gentes were formed into curiæ, that these curiæ were formed into tribes. Such a tradition would contain its own refutation, for it involves the notion of the construction of a body politic by the aggregation of families into unities, and by farther combinations of these new unities. The tradition is of three fundamental parts (in whatever manner formed), and of the divisions of them into smaller parts. The smallest political division is gens. No farther division is made, and thus, of necessity, when we come to consider the component parts of gens, we come to consider the individuals comprised in it. According to the fundamental principles of Roman law, the individuals arrange themselves into familiæ under their respective patresfamiliæ. It follows, that if the distribution of the people was effected by a division of the larger into smaller parts, there could be no necessary kin among the familiæ of a gens; for kinship among all the members of a gens could only be effected by selecting kindred familiæ, and forming them into a gens. If the gens was the result of subdivision, the kinship of the original members of such gens, whenever it existed, must have been accidental.

There is no proof that the Romans considered that there was kinship among the familiæ originally included in a gens. Yet as kinship was evidence of the rights of agnatio, and, consequently, of gentile rights, when there had been no capitis diminutio, it is easy to see how that which was evidence of the rights of agnatio, and, consequently, of gentile rights, might be viewed as part of the definition of gentilis, and be so extended as to comprehend a supposed kinship among the original members of the gens. The word *gens* itself would also favour such a supposition, especially as the word *genus* seems to be often used in the same sense.[1] This notion of kinship appears also to be confirmed by the fact of the members of the gens being distinguished by a common name, as Cornelia, Julia, &c. But many circumstances besides that of a common origin may have given a common name to the gentiles; and, indeed, there seems nothing more strange in all the gentiles having a common name, than there being a common name for all the members of a curia and a tribe.

As the gentes were subdivisions of the three ancient tribes, the populus (in the ancient sense) alone had gentes, so that to be a patrician and to have a gens were synonymous; and thus we find the expressions gens and patricii constantly united. Yet it appears, as in the case already cited, that some gentes contained plebeian familiæ, which it is conjectured had their origin in marriages between patricians and plebeians before there was connubium between them. When the lex was carried which established connubium between the plebs and the patres, it was alleged that this measure would confound the gentile rights (*jura gentium*[2]). Before this connubium existed, if a gentilis married a woman not a gentilis, it followed that the children could not be gentiles; yet they might retain the gentile name, and thus, in a sense, the family might be gentile without the gentile privileges. Such marriages would, in effect, introduce confusion; and it does not appear how this would be increased by giving to a marriage between a gentile man and a woman not gentilis, the legal character of connubium; the effect of the legal change was to give the children the gentilitas of their father. It is sometimes said that the effect of this lex was to give the gentile rights to the plebs, which is an absurdity; for, according to the expression of Livy,[3] which is conformable to a strict principle of Roman law, "patrem sequuntur liberi," and the children of a plebeian man could only be plebeian. Before the passing of this lex, it may be inferred, that if a patrician woman married out of her gens (e gente, e patribus enupsit), it was no marriage at all, and that the children of such marriage were not in the power of their father, and, it seems a necessary consequence, not Roman citizens. The effect would be the same, according to the strict principles of Roman law, if a plebeian married a patrician woman before there was connubium between them; for if there was no connubium, there was no legal marriage, and the offspring were not citizens, which is the thing complained of by Canuleius.[3] It does not appear, then, how such marriages will account for plebeian familiæ being contained in patrician gentes, unless we suppose that when the children of a gentile man and a plebeian woman took the name of the father, and followed the condition of the mother, they were in some way or other, not easy to explain, considered as citizens and plebeians. But if this be so, what would be the status of the children of a patrician woman by a plebeian man?

Niebuhr assumes that the members of the gens (gentiles) were bound to assist their indigent fellows in bearing extraordinary burdens; but this assertion is founded on the interpretation given to the words τοὺς γένει προσήκοντας of Dionysius,[3] which have a simpler and more obvious meaning. Whatever probability there may be in the assumption of Niebuhr, as founded on the passage above cited, and one or two other passages, it cannot be considered as a thing demonstrated.

A hundred new members were added to the senate by the first Tarquin. These were the representatives of the Luceres, the third and inferior tribe, which is indicated by the gentes of this tribe being called Minores by way of being distinguished from the older gentes, Majores, of the Ramnes and Tities, a distinction which appears to have been more than nominal. (*Vid.* Senatus.) See the curious letter of Cicero to Pætus.[4]

If the gentes were such subdivisions of a curia, as already stated, it may be asked what is meant by new gentes being introduced among the curiæ, for this undoubtedly took place. Tullus Hostilius incorporated the Julii, Servilii, and others among the Patricii, and, consequently, among the curiæ. The Claudii were a Sabine gens, who, it was said,[5] were received among the patricii after the banishment of the kings. A recent writer (Goettling) attempts to remove this difficulty by assuming, according to his interpretation of Dionysius,[6] a division of the curiæ into ten decuriæ, and by the farther assumption of an indefinite number of gentes in each decuria. Consistently with this, he assumes a kinship among the members of the same gens, according to which hypothesis the several patresfamiliæ of such gens must have descended, or claimed descent, from a common ancestor. Thus the gentes would be nothing more than aggregates of kindred families; and it must have been contrived, in making the division into decuriæ, that all the members of a gens (thus understood) must have

1. (Cic., Pro Balbo, c 14.)—2. (Liv., iv., 1.)

1. (iv., 4.)—2. (Liv., iv., 4.)—3. (ii., 10.)—4. (ad Fam., ix, 21.)—5. (Liv., iv., 3.)—6. (ii., 7.)

been included in the same decuria. But to assume this is nothing more than to say that the political system was formed by beginning with aggregations of families; for if the ultimate political division, the decuriæ, was to consist of aggregates of gentes (thus understood), such arrangement could only be effected by making aggregation of families the basis of the political system, and then ascending from them to decuriæ, from decuriæ to curiæ, and from curiæ to tribes; a proceeding which is inconsistent with saying that the curiæ were subdivided into decuriæ, for this mode of expression implies that the curiæ were formed before the decuriæ. But the introduction of new gentes is conceivable even on the hypothesis of the gens being a mere political division. If the number was originally limited, it is perfectly consistent with what we know of the Roman constitution, which was always in a state of progressive change, to suppose that the strict rule of limitation was soon neglected. Now if a new gens was introduced, it must have been assimilated to the old gentes by having a distinctive name; and if a number of foreigners were admitted as a gens, it is conceivable that they would take the name of some distinguished person among them, who might be the head of a family consisting of many branches, each with a numerous body of retainers. And this is the better tradition as to the patrician Claudii, who came to Rome with Atta Claudius, their head (*gentis princeps*), after the expulsion of the kings, and were co-optated (*co-optati*) by the patres among the patricii; which is the same thing as saying that this immigrating body was recognised as a Roman gens.[1] According to the tradition, Atta Claudius received a tract of land for his clients on the Anio, and a piece of burying-ground, under the Capitol, was given to him by the state (*publice*). According to the original constitution of a gens, the possession of a common burying-place, and the gentile right to interment therein, were a part of the gentile sacra.[2]

It is probable that even in the time of Cicero the proper notion of a gens and its rights were ill understood; and still later, owing to the great changes in the constitution, and the extinction of so many ancient gentes, the traces of the jus gentilitium were nearly effaced. Thus we find that the words gens and familia are used indifferently by later writers, though Livy carefully distinguishes them. The "elder Pliny speaks of the sacra Serviliæ familiæ; Macrobius of the sacra familiæ Claudiæ, Æmiliæ, Juliæ, Corneliæ; and an ancient inscription mentions an Ædituus and a Sacerdos Sergiæ familiæ, though those were all well-known ancient gentes, and these sacra, in the more correct language of the older writers, would certainly have been called sacra gentilitia."[3]

In the time of Gaius (the age of the Antonines), the jus gentilitium had entirely fallen into disuse.[4] Thus an ancient institution, which formed an integral part of the old constitution, and was long held together by the conservative power of religious rites, gradually lost its primitive character in the changes which circumstances impressed on the form of the Roman state, and was finally extinguished.

The word Gens has recently been rendered in English by the word House, a term which has here been purposely neglected, as it is not necessary, and can only lead to misconception.

The subject of the gens is discussed with great acuteness both by Niebuhr[5] and by Malden.[6]

The views of Goettling are contained in his *Geschichte der Röm. Staatsverfassung*, Halle, 1840. See also Savigny, *Zeitschrift*, ii., p. 380, &c., and Unterholzner, *Zeitschrift*, v., p. 119.

1 (Suet., Tib., 1.)—2. (Cic., Leg., ii., 22.—Vell. Paterc., ii., 11.—Festus, s. v. Cincia.—Liv., iv., 3.—Id., vi., 40.—Virgil, Æn., vii., 706.)—3. (Savigny, Zeitschrift, ii., 385.)—4. (Gaius, iii., 17.)—5. (Hist. of Rome, vol. i.)—6. (Hist. of Rome, published by the Society for the Diffusion of Useful Knowledge.)

*GENTIA'NA (γεντιανά), Gentian, or Bitter wort, deriving its name from Gentius, a king of Illyricum, who first discovered its properties. All the plants of the family of Gentianaceæ are most useful in medicine, on account of the pure, intense bitter which they contain. According to Pliny, the best kind of Gentian was obtained from Illyricum. It was found also in abundance at the foot of the Alps, in moist grounds.[1] According to modern botanical writers, the gentianaceous plants are found chiefly in mountainous situations, "where they breathe a pure and rarefied air, are exposed to bright light during the short summers of such regions, and, although fixed during winter in places intensely cold, yet are so well prepared to resist it by the warmth of their summer, and so much protected by the snow which covers them, as to suffer no injury." The γεντιανά of Dioscorides is the *Gentiana lutea*. Such, at least, is the opinion of all the earlier commentators, and which is adopted by Adams, though Sprengel remains undecided.[2]

GENTILES. (*Vid.* Gens.)

GENTI'LITAS. (*Vid.* Gens.)

GEO'MOROI (γεωμόροι, Doric γαμόροι) is the name of the second of the three classes into which Theseus is said to have divided the inhabitants of Attica.[3] This class was, together with the third, the δημιουργοί, excluded from the great civil and priestly offices, which belonged exclusively to the eupatrids, so that there was a great distinction between the first and the two inferior classes. We possess, however, no means to ascertain any particulars respecting the relation in which the γεωμόροι stood to the two other classes. The name may either signify independent land-owners, or peasants who cultivated the lands of others as tenants. The γεωμόροι have, accordingly, by some writers been thought to be free land-owners, while others have conceived them to have been a class of tenants. It seems, however, inconsistent with the state of affairs in Attica, as well as with the manner in which the name γεωμόροι was used in other Greek states, to suppose that the whole class consisted of the latter only, there were, undoubtedly, among them a considerable number of freemen, who cultivated their own lands,[4] but had by their birth no claims to the rights and privileges of the nobles. We do not hear of any political distinctions between the γεωμόροι and the δημιουργοί: and it may either be that there existed none at all, or, if there were any originally, that they gradually vanished. This would account for the fact that Dionysius[5] only mentions two classes of Atticans; one corresponding to the Roman patricians, the other to the plebeians.[6]

In Samos the name γεωμόροι was applied to the oligarchical party, consisting of the wealthy and powerful.[7] In Syracuse the aristocratical party was likewise called γεωμόροι or γαμόροι, in opposition to the δῆμος.[8]

GEPHURA. (*Vid* Bridge.)

*GERA'NIUM (γέρανιον), the Geranium. "The distinguishing character of this order is to have a fruit composed of five cocci or cases, connected with as many thin flat styles, consolidated round a long conical beak." From the resemblance which this

1. (Plin., H. N., xxv., 7.—Dioscor., iii., 3.—Id., iii., 121.—Adams, Append., s. v.)—2. (Adams, l. c.)—3. (Plut., Thes., 25—Pollux, Onom., viii., 111.)—4. (Timæus, Glossar., s. v. γεωμόροι.—Valckenaer ad Herod., v., 77.)—5. (ii., 8.)—6. (Thirlwall, Hist. of Greece, ii., p. 14.—Wachsmuth, Hellen. Alterthumsk., i., 1, p. 231, &c.—Platner, Beiträge, &c., p. 19.—Tittmann, Griech. Staatsv., p. 575, &c.)—7. (Thucyd., viii., 21.—Plut., Quæst. Rom., p. 303.—Müller, Dor., iii., 1, 4.)—8. (Herod., vii., 155.—Hesych., s. v. γαμόροι.—Müller, Dor., iii., 4, 4—Göller, De Situ et Orig. Syracus., p. 9, &c.)

beak bears to that of a crane (*γέρανος*) arises the name of the order. The first species of Dioscorides is the *Geranium tuberosum*. Sibthorp found this in Crete, occurring very frequently among the standing grain, and also in Arcadia The second species of the Greek writer is, according to Bauhin, the *Geranium rotundifolium*; but Sprengel, as Adams remarks, is undecided between it and the *Erodium malachoides*.[1] Pliny states[2] that the Geranium was called by some authors *Myrrhis*, by others *Myrtis*. In this, according to Fée,[3] he is altogether wrong, the *Myrrhis* of Dioscorides being a very different plant. Equally erroneous is his account of the medicinal properties of the Geranium. Pliny's first species is, according to Billerbeck, the *G. moschatum*, called also *Cicutarium moschatum*. The modern Greeks call it *μοσκολάχανον*. Sibthorp found it in Argolis.[4]

*GER'ANOS (*γέρανος*), the Crane, or *Ardea Grus*, L. The natural history of the common Crane is given very accurately by Aristotle and Ælian. Homer alludes to the autumnal migration of cranes in the third book of the Iliad; Oppian mixes together the circumstances of the spring and autumnal migrations.[5] "The Cranes," observes Griffith, "though aborigines of the North, visit the temperate regions, and advance towards those of the South. The ancients, seeing them arrive alternately from both extremities of the then known world, named them equally *Birds of Scythia* and *Birds of Libya*. As they were accustomed to alight in large flocks in Thessaly, Plato has denominated that country the *Pasture of the Cranes*. Their fabled combats with the pigmies are well known. The Cranes, quitting Sweden, Scotland, the Orcades, Podolia, Lithuania, and all northern Europe, come in the autumnal season, and settle in the marshy parts of France, Italy, &c., pass thence into still more southern regions, and, returning in the spring, bury themselves anew in the cold bosom of the North." A want of acquaintance with the habits of these birds has led many of the commentators on Anacreon into error. The poet, in one of his odes, speaks of the journeying of the Crane to other climes as one of the signs of returning spring. This has been supposed to refer to the departure of the bird from its home, whereas, in fact, the return from southern regions is meant to be indicated. The period of the departure of the Cranes for the North is the commencement of spring; they prefer the summer of the North, since a moderate degree of temperature appears to agree with them best. The clamorous noise of these birds in their annual migrations is often alluded to by the ancient poets. Thus, besides the Greek poets already mentioned, Virgil has the following:

> "*Quales sub nubibus atris*
> *Strymoniæ dant signa grues, atque æthera tranant*
> *Cum sonitu, fugiuntque Notos clamore secundo.*"

The various inflections of their flight have, from ancient times, been regarded as presages of the weather, and indications of atmospheric temperature. Their cries in the daytime are ominous of rain. More noisy clamours announce the coming tempest; a steady and elevated flight in the morning forebodes serene weather; a lower flight, or a retreat to the earth, is the symptom of a storm. Hence Virgil,[6] in speaking of the coming tempest, observes,

> "*Illum surgentem, vallibus imis*
> *Aëriæ fugere grues.*"

The flesh of the young is delicate, it used to constitute one of the dishes at the banquets of Rome, and was sold in the markets of that city. The Crane is said to be a long-lived bird. The philosopher Leonicus Thomæus, according to Paulus Jovius, kept one alive for forty years."[7]

GERMA'NI. (*Vid.* Cognati.)

GEROU'SIA (*γερουσία*). In connexion with this subject, it is proposed to give a general view of the Spartan constitution, and to explain the functions of its legislative and administrative elements. In the later ages of Spartan history, one of the most prominent of these was the college of the five ephors; but, as an account of the ephoralty is given in a separate article (*vid.* Ephori), we shall confine our inquiries to the kings, the *γέροντες* or councillors, and the *ἐκκλησία*, or assembly of Spartan freemen.

I. *The Kings.* The kingly authority of Sparta was, as it is well known, coeval with the settlement of the Dorians in the Peloponnesus, and confined to the descendants of Aristodemus, one of the Heracleid leaders, under whom, according to the Spartan legend, the conquest of Laconia was achieved. To him were born twin sons, Eurysthenes and Procles; and from this cause arose the diarchy, or divided royalty, the sovereignty being always shared by the representatives of the two families which claimed descent from them:[2] the precedence in point of honour was, however, granted to the older branch, who were called Agiads, as the younger house was styled Eurypontides, from certain alleged descendants of the twin brothers.[3] Such was the national legend; but, as we read that the sanction of the Pythian oracle was procured for the arrangement of the diarchy,[4] we may conclude that it was not altogether fortuitous, but rather the work of policy and design; nor, indeed, is it improbable that the nobles would gladly avail themselves of an opportunity to weaken the royal authority by dividing it.

The descent of the Spartan kings from the national heroes and leaders contributed in no small degree to support their dignity and honour; and it is, perhaps, from this circumstance partly that they were considered as heroes, and enjoyed a certain religious respect.[5] The honours paid to them were, however, of a simple and heroic character, such as a Spartan might give without derogating from his own dignity or forgetting his self-respect. Thus we are told that the kings united the character of priest and king, the priesthoods of Zeus Uranius[6] and the Lacedæmonian Zeus being filled by them; and that, in their capacity of national high-priests, they officiated at all the public sacrifices offered on behalf of the state.[7] Moreover, they were amply provided with the means for exercising the heroic virtue of hospitality; for this purpose, public or domain lands were assigned to them in the district of the perioeci, or provincial subjects, and certain perquisites belonged to them whenever any animal was slain in sacrifice. Besides this, the kings were entitled to various payments in kind (*πασῶν τῶν συῶν ἀπὸ τόκου χοῖρον*), that they might never be in want of victims to sacrifice; in addition to which, they received, twice a month from the state, an *ἰρήϊον τελεῖον*, to be offered as a sacrifice to Apollo, and then served up at the royal table. Whenever, also, any of the citizens made a public sacrifice to the gods, the kings were invited to the feast, and honoured above the other guests: a double portion of food was given to them, and they commenced the libations to the gods.[8] All these distinctions are of

1. (Dioscor., iii., 121.—Adams, Append., s. v.)—2. (H. N., xxvi., 11.)—3. (ad Plin., l. c.)—4. (Billerbeck, Flora Classica, p. 175.)—5. (Hom., Il., 3, 3.—Oppian, Hal., i., 620.—Adams, Append., s. v.)—6. (Geor., i., 374–5.)

1. (Griffith's Cuvier, vol. viii, p. 476, &c.)—2. (Herod., vi, 52.)—3. (Niebuhr, Hist. of Rome, i., p. 356.)—4. (Herod., l. c.)—5. (Xen., De Rep. Lac., c. 15.)—6. (Herod., vi., 56.)—7. (Xen., De Rep. Lac., 15.)—8 (Herod., vi., 57.)

a simple and antiquated character, and, so far as they go, prove that the Spartan sovereignty was a continuation of the heroic or Homeric. The distinctions and privileges granted to the king as commander of the forces in war, lead to the same conclusion. These were greater than he enjoyed at home. He was guarded by a body of 100 chosen men, and his table was maintained at the public expense: he might sacrifice in his sacerdotal capacity as many victims as he chose, the skins and backs of which were his perquisites; and he was assisted by so many subordinate officers, that he had nothing else to do except to act as priest and strategus.[1]

The accession and demise of the Spartan kings were marked by observances of an Oriental character.[2] The former event was signalized by a remission of all debts due from private individuals to the state or the king; and on the death of a king, the funeral solemnities were celebrated by the whole community. There was a general mourning for ten days, during which all public business was suspended: horsemen went round the country to carry the tidings, and a fixed number of the perioeci, or provincials, was obliged to come from all parts of the country to the city, where, with the Spartans and Helots, and their wives, to the number of many thousands, they made loud lamentations, and proclaimed the virtues of the deceased king as superior to those of all his predecessors.[3]

In comparison with their dignity and honours, the constitutional powers of the kings were very limited. In fact, they can scarcely be said to have possessed any; for, though they presided over the council of *γέροντες* as *ἀρχαγέται*, or *principes senatus*, and the king of the elder house probably had a casting vote (a supposition which Dr. Thirlwall thinks may perhaps reconcile the difference between Herodotus, vi., 57, and Thucydides, i., 20), still the voice of each counted for no more than that of any other senator: when absent, their place was supplied and their proxies tendered by the councillors who were most nearly related to them, and therefore of a Heracleid family. Still the kings had some important prerogatives; thus they had, in common with other magistrates, the *right* of addressing the public assembly; besides this, they sat in a separate court of their own, where they gave judgment in all cases of heiresses claimed by different parties: a function formerly exercised by the kings at Athens, but afterward transferred to the archon eponymus.[4] They also appointed the four "Pythians," whose duty it was to go as messengers to consult the god at Delphi. Adoptions also took place in their presence, and they held a court in all cases connected with the maintenance of the public roads; probably in their capacity of generals, and as superintendents of the intercourse with foreign nations.[5] In foreign affairs, indeed, their prerogatives were considerable: thus they were the commanders of the Spartan forces, and had the privilege of nominating from among the citizens persons to act as "proxeni," or protectors and entertainers of foreigners visiting Sparta. But their chief power was in war; for after they had once crossed the borders of Laconia in command of troops, their authority became unlimited. They could send out and assemble armies, despatch ambassadors to collect money, and refer those who applied to themselves for justice to the proper officers appointed for that purpose.[6] Two ephors, indeed, accompanied the kings on their expeditions, but those magistrates had no authority to interfere with the kings' operations: they simply watched over the proceedings of the army.[7] Moreover, there can be no doubt that the kings were, on their return home, accountable for their conduct as generals,[8] and more especially after the increase of the ephoral authority. Their military power, also, was not connected with any political functions, for the kings were not allowed to conclude treaties or to decide the fate of cities without communicating with the authorities at home.[9] In former times the two kings had a joint command; this, however, led to inconveniences, and a law was in consequence passed, that for the future one only of the two kings should have the command of the army on foreign expeditions.[10]

II. *The γερουσία, or Assembly of Elders.* This body was the aristocratic element of the Spartan polity, and not peculiar to Sparta only, but found in other Dorian states, just as a *βουλή*, or democratical council was an element of most Ionian constitutions.

The *γερουσία* or *γερωνία* at Sparta included the two kings, its presidents, and consisted of thirty members: a number which seems connected with the divisions of the Spartan people. Every Dorian state, in fact, was divided into three tribes: the Hylleis, the Dymanes, and the Pamphyli, whence the Dorians are called *τριχάϊκες*, or thrice divided.[6] The tribes at Sparta were again subdivided into *ὠβαί*, also called *φρατριαί*,[6] a word which signifies a union of families, whether founded upon ties of relationship, or formed for political purposes, irrespective of any such connexion. The obæ were, like the *γέροντες*, thirty in number, so that each oba was represented by its councillor: an inference which leads to the conclusion that two obæ at least of the Hyllean tribe must have belonged to the royal house of the Heracleids. No one was eligible to the council till he was sixty years of age,[7] and the additional qualifications were strictly of an aristocratic nature. We are told, for instance, that the office of a councillor was the reward and prize of virtue,[8] and that it was confined to men of distinguished character and station (*καλοὶ κἀγαθοί*).

The election was determined by vote, and the mode of conducting it was remarkable for its old-fashioned simplicity. The competitors presented themselves one after another to the assembly of electors;[9] the latter testified their esteem by acclamations, which varied in intensity according to the popularity of the candidates for whom they were given. These manifestations of esteem were noted by persons in an adjoining building, who could judge of the shouting, but could not tell in whose favour it was given. The person whom these judges thought to have been most applauded was declared the successful candidate. The different competitors for a vacant place offered themselves upon their own judgment,[10] probably always from the *ὠβά*, to which the councillor whose place was vacant had belonged; and as the office was for life and therefore only one vacancy could (in ordinary cases) happen at a time, the attention of the whole state would be fixed on the choice of the electors. The office of a councillor, however, was not only for life, but also irresponsible,[11] as if a previous reputation and the near approach of death were considered a sufficient guarantee for integrity and moderation. But the councillors did not always prove so, for Aristotle[12] tells us that the members of the *γερουσία* received bribes, and frequently showed partiality in their decisions.

1. (Xen., De Rep. Lac., 14, 15.—Herod., vi., 55.)—2. (Herod., vi., 58.)—3. (Herod., l. c.)—4. (Herod., vi., 57.)—5. (Müller, Dor., iii., 6, § 7.)—6 (Xen., De Rep. Lac., 13.—Thucyd., v., 60. —Id., viii., 5.)

1. (Xen., l. c.)—2. (Thucyd., v., 63.)—3. (Xen., Hell., ii., 3 12.—Id. ib., v., 3, 24.)—4. (Herod., v., 57.)—5. (Od., xix., 174. —6. (Müller, Dor., iii., 5, § 3.)—7. (Plut., Lycurg., 26.)—8 (Aristot., Polit., ii., 6, 15.—Demosth., c. Lept., p. 489.)—9 (Plut., Lycurg., 26.) —10. (Aristot. Polit., ii., 6, § 18.)—11 (Aristot., Polit., ii. 6)— 12. (l. c)

The functions of the councillors were partly deliberative, partly judicial, and partly executive. In the discharge of the first they prepared measures and passed preliminary decrees,[1] which were to be laid before the popular assembly, so that the important privilege of initiating all changes in the government or laws was vested in them. As a criminal court they could punish with death and civil degradation (*ἀτιμία*[2]), and that, too, without being restrained by any code of written laws,[3] for which national feeling and recognised usages would form a sufficient substitute. They also appear to have exercised, like the Areiopagus at Athens, a general superintendence and inspection over the lives and manners of the citizens (*arbitri et magistri disciplinæ publicæ*[4]), and probably were allowed "a kind of patriarchal authority to enforce the observance of ancient usage and discipline."[5] It is not, however, easy to define with exactness the original extent of their functions, especially as respects the last-mentioned duty, since the ephors not only encroached upon the prerogatives of the king and council, but also possessed, in very early times, a censorial power, and were not likely to permit any diminution of its extent.

III. *The ἐκκλησία, or Assembly of Spartan Freemen.* This assembly possessed, in theory at least, the supreme authority in all matters affecting the general interests of the state. Its original position at Sparta is shortly explained by a rhetra or ordinance of Lycurgus, which, in the form of an oracle, exhibits the principal features of the Spartan polity: "Build a temple," says the Pythian god, "to Hellanian Zeus and Hellanian Athena; divide the tribes, and institute thirty obas; appoint a council with its princes; call an assembly (*ἀπελλάζειν*) between Babyca and Knakion, then make a motion and depart; and let there be a right of decision and power to the people" (*δάμῳ δε κυριὰν ἦμεν καὶ κράτος*[6]).

By this ordinance full power was given to the people to adopt or reject whatever was proposed to them by the king and other magistrates. It was, however, found necessary to define this power more exactly, and the following clause, ascribed to the kings Theopompus and Polydorus, was added to the original rhetra: "but if the people should follow a crooked opinion, the elders and the princes shall withdraw" (*τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατῆρας ἦμεν*). Plutarch[7] interprets these words to mean, "That in case the people do not either reject or approve in toto a measure proposed to them, the kings and councillors should dissolve the assembly, and declare the proposed decree to be invalid." According to this interpretation, which is confirmed by some verses in the Eunomia of Tyrtæus, the assembly was not competent to originate any measures, but only to pass or reject, without modification, the laws and decrees proposed by the proper authorities: a limitation of its power, which almost determined the character of the Spartan constitution, and justifies the words of Demosthenes, who observed,[8] that the *γερουσία* at Sparta was in many respects supreme: *Δεσπότης ἐστί τῶν πολλῶν.* All citizens above the age of thirty, who were not labouring under any loss of franchise, were admissible to the general assembly, or *ἀπελλα*,[9] as it was called in the old Spartan dialect; but no one except public magistrates, and chiefly the ephors and kings, addressed the people without being specially called upon.[10] The same public functionaries also put the question to the vote.[11] Hence, as the magistrates only (*τὰ τέλη* or *ἀρχαί*) were the leaders and speakers of the assembly, decrees of the whole people are often spoken of as the decision of the authorities only, especially in matters relating to foreign affairs. The intimate connexion of the ephors with the assembly is shown by a phrase of very frequent occurrence in decrees (*ἔδοξε τοῖς ἐφόροις καὶ τῇ ἐκκλησίᾳ*). The method of voting was by acclamation; the place of meeting between the brook Knakion and the bridge Babyca, to the west of the city, and enclosed.[1] The regular assemblies were held every full moon; and on occasions of emergency, extraordinary meetings were convened.[2]

The whole people alone could proclaim "a war, conclude a peace, enter into an armistice for any length of time; and all negotiations with foreign states, though conducted by the kings and ephors, could be ratified by the same authority only." With regard to domestic affairs, the highest offices, such as magistracies and priesthoods, were filled "by the votes of the people, a disputed succession to the throne was decided upon by them; changes in the constitution were proposed and explained, and all new laws, after a previous decree in the senate, were confirmed by them."[3] It appears, therefore, to use the words of Müller, that the popular assembly really possessed the supreme political and legislative authority at Sparta, but it was so hampered and checked by the spirit of the constitution, that it could only exert its authority within certain prescribed limits, so that the government of the state is often spoken of as an aristocracy.

Besides the *ἐκκλησία* which we have just described, we read in later times of another, called the small assembly,[4] which appears to have been convened on occasions of emergency, or which were not of sufficient importance to require the decision of the entire body of citizens. This more select assembly was probably composed of the *ὅμοιοι*, or superior citizens, or of some class enjoying a similar precedence, together with some of the magistrates of the state (*vid.* Ecclesioi); and if, as appears to have been the case, it was convened more frequently than the greater assembly, it is evident that an additional restraint was thus laid upon the power of the latter,[5] the functions of which must have often been superseded by it.[6]

The preceding remarks will enable us to decide a question which has been raised, What was the real nature of the constitution of Sparta? From the expressions of Greek writers, every one would at once answer that it was aristocratic; but it has been asserted that the aristocracy at Sparta was an aristocracy of conquest, in which the conquering people, or Dorians, stood towards the conquered, or Achaians, in the relation of nobles to commons, and that it was principally in this sense that the constitution of Sparta was so completely anti-popular or oligarchical.[7] Now this, indeed, is true; but it seems no less true that the Spartan government would have been equally called an oligarchy or aristocracy even if there had been no subject class at all, on account of the disposition and administration of the sovereign power within the Spartan body alone. The fact is, that, in theory at least, the Spartan constitution, as settled by Lycurgus, was a decided democracy, with two hereditary officers, the generals of the commonwealth, at its head; but in practice (at least before the encroachment of the ephors) it was a limited aristocracy, that is, it worked as if the supreme authority was settled in the hands of a minority. The principal circumstances which justify us in considering it as such are briefly "the

1. (Plut., Agis, 11.)—2. (Xen., De Rep. Lac., 10, § 2.—Arist., Polit., iii., 1.)—3. (Arist., Polit., ii., 6.)—4. (Aul. Gell., xviii., 3.)—5 (Thirlwall, Hist. of Greece, i., p. 318.)—6. (Plut., Lycurg., 6.—Müller, Dor., iii., 5, § 8.)—7. (l. c.)—8. (c. Lept., p. 489, 20.)—9. (Plut., Lycurg., 25.)—10. (Müller, Dor., iii., 4, 11.)—11 (Thucyd., i., 80, 87.

1. (Plut., Lycurg., 6.)—2. (Herod., vii., 134.)—3 (Müller, Dor., 4, § 9.)—4. (Xen., Hell., iii., 3, 18.)—5. (Philol. Museum, ii., p. 65.)—6. (Wachsmuth, Hellen. Alterthumsk., II., i., p. 212.) -7. (Arnold, Thucyd., Appendix.)

restraints imposed upon the assembly, the extensive powers of the councillors, their election for life, their irresponsibility, the absence of written laws, of paid offices, of offices determined by lot," and other things thought by the Greeks characteristic of a democracy. Independent of which, we must remember that Sparta was at the head of the oligarchical interest in Greece, and always supported, as at Corcyra and Argos, the oligarchical party in opposition to the democratic, which was aided by Athens. In fact, Dr. Arnold himself observes, that even in the relations of the conquering people among themselves, the constitution was far less popular than at Athens. We must, however, bear in mind that the constitution, as settled by Lycurgus, was completely altered in character by the usurpation of the ephors. To such an extent was this the case, that Plato[1] doubted whether the government at Sparta might not be called a "tyranny," in consequence of the extensive powers of the ephoralty, though it was as much like a democracy as any form of government could well be; and yet, he adds, not to call it an aristocracy (*i. e.*, a government of the ἄριστοι) is quite absurd. Moreover, Aristotle,[2] when he enumerates the reasons why the Spartan government was called an oligarchy, makes no mention of the relations between the Spartans and their conquered subjects, but observes that it received this name because it had many oligarchical institutions, such as that none of the magistrates were chosen by lot; that a few persons were competent to inflict banishment and death.

Perhaps the shortest and most accurate description of the constitution of Sparta is contained in the following observations of Aristotle:[3] Some affirm that the best form of government is one mixed of all the forms, wherefore they praise the Spartan constitution; for some say that it is composed of an oligarchy, and a monarchy, and a democracy: a monarchy on account of the kings, an oligarchy on account of the councillors, and a democracy on account of the ephors; but others say that the ephoralty is a "tyranny," whereas, on the other hand, the public tables and the regulations of daily life are of a democratic tendency.

GERRA. (*Vid.* Ecclesia, p. 385.)

*GETEIUM (γήτειον), also called *Gethyon* (γήθυον), a plant to be referred to the genus *Allium*, or Garlic, but the particular species of which cannot be satisfactorily determined.[4]

*GETHYLLIS (γηθυλλίς), most probably the same as the preceding.

*GEUM, the herb Avens or Bennet, the *Caryophyllata vulgaris*, L. The French term is *Benoite*, the German *Benedictwurz*. It grows in shady, woody grounds. The root is bitter and aromatic, and was prescribed by the ancient physicians not only in affections of the breast and side, but also in cases of dyspepsy.[5]

*GINGIDIUM (γιγγίδιον), according to Knellius and Stephens, a species of Chervil. This opinion, however, is controverted by Matthiolus and Bauhin. Adams makes it the *Daucus Gingidium*, a variety of the *Daucus Carota*, or wild Carrot.[6]

*GINNUS or HINNUS (γίννος, ἴννος). "Buffon remarks, that Aristotle applies the term γίννος in two senses: first, to denote an imperfect animal, proceeding sometimes from the horse and ass; and, secondly, to signify the particular production of the great mule and the mare. Aristotle, therefore, was aware of the fact that the mule can sometimes propagate its species."[7]

1. (Leg., iv., p. 713.)—2. (Polit., iv., 8.)—3. (Polit., ii., 6.)—4. (Theophrast., H. P., i., 4.—Adams, Append., s. v.)—5. (Plin., H. N., xxvi., 7.—Billerbeck, Flora Classica, p. 136.)—6. (Dioscor., ii., 166.—Adams, Append., s. v.)—7. (Aristot., H. A., i., 6. —Adams, Append., s. v.)

*GITH or GIT, the seed of the Melanthion or Pepper-wort, the *Nigella sativa*. It was employed by the ancients as a condiment. (*Vid.* Melanthium.)

GLADIATO'RES (μονομάχοι) were men who fought with swords in the amphitheatre and other places for the amusement of the Roman people (*Gladiator est, qui in arena, populo spectante, pugnavit*[2]). They are said to have been first exhibited by the Etrurians, and to have had their origin from the custom of killing slaves and captives at the funeral pyres of the deceased.[3] (*Vid.* Bustum, Funus, p. 460.) A show of gladiators was called *munus*, and the person who exhibited (*edebat*) it, *editor*, *munerator*, or *dominus*, who was honoured during the day of exhibition, if a private person, with the official signs of a magistrate.[4]

Gladiators were first exhibited at Rome in B.C. 264, in the Forum Boarium, by Marcus and Decimus Brutus, at the funeral of their father.[5] They were at first confined to public funerals, but afterward fought at the funerals of most persons of consequence, and even at those of women.[6] Private persons sometimes left a sum of money in their will to pay the expenses of such an exhibition at their funerals.[7] Combats of gladiators were also exhibited at entertainments,[8] and especially at public festivals by the ædiles and other magistrates, who sometimes exhibited immense numbers with the view of pleasing the people.[9] (*Vid.* Ædiles, p. 25.) Under the Empire, the passion of the Romans for this amusement rose to its greatest height, and the number of gladiators who fought on some occasions appears almost incredible. After Trajan's triumph over the Dacians, there were more than 10,000 exhibited.[10]

Gladiators consisted either of captives,[11] slaves,[12] and condemned malefactors, or of freeborn citizens who fought voluntarily. Of those who were condemned, some were said to be condemned *ad gladium*, in which case they were obliged to be killed at least within a year; and others *ad ludum*, who might obtain their discharge at the end of three years.[13] Freemen, who became gladiators for hire, were called auctorati,[14] and their hire *auctoramentum* or *gladiatorium*.[15] They also took an oath on entering upon the service, which is preserved by Petronius:[16] "*In verba Eumolpi sacramentum juravimus, uri, vinciri, verberari, ferroque necari, et quicquid aliud Eumolpus jussisset, tamquam legitimi gladiatores domino corpora animasque religiosissime addicimus.*"[17] Even under the Republic freeborn citizens fought as gladiators,[18] but they appear to have belonged only to the lower orders. Under the Empire, however, both knights and senators fought in the arena,[19] and even women;[20] which practice was at length forbidden in the time of Severus.[21]

Gladiators were kept in schools (*ludi*), where they were trained by persons called *lanistæ*.[22] The whole body of gladiators under one lanista was frequently called *familia*.[23] They sometimes were the property of the lanistæ, who let them out to persons who wished to exhibit a show of gladiators;

1. (Billerbeck, Flora Classica, p. 142.)—2. (Quint., Declam., 302.)—3. (Tertull., De Spectac., 12.—Serv. ad Virg., Æn., x., 519.)—4. (Capitol., M. Anton. Philos., 23.—Flor., iii., 20.—Cic. ad Att., ii., 19, § 3.)—5. (Val. Max., ii., 4, § 7.—Liv., Epit., 16.)—6. (Suet., Jul., 26.—Spart., Hadr., 9.)—7. (Sen., De Brev. Vit., 20.)—8. (Athen., iv., p. 153.—Sil. Ital., xi., 51.)—9. (Cic., Pro Mur., 18.—Id., De Off., ii., 16.)—10. (Dion Cass., lviii., 15.)—11. (Vopisc., Prob., 19.)—12. (Suet., Vitell., 12.)—13. (Ulpian, Collat. Mos. et Rom. Leg., tit. ii., s. 7, § 4.)—14. (Quint., l. c.—Hor., Sat., II., vii., 58.)—15. (Suet., Tib., 7.—Liv., xliv., 31.)—16. (c. 117.)—17. (Compare Senec., Epist., 7.)—18. (Liv., xxviii., 21.)—19. (Dion Cass., li., 22.—Id., lvi., 25.—Suet., Jul., 39.—Id., Octav., 43.—Id., Ner., 12.)—20. (Tacit., Ann., xv., 32.—Suet., Dom., 4.—Juv., vi., 250, &c.—Stat., Sylv., I., vi., 53.)—21. (Dion Cass., lxxv., 16.)—22. (Suet., Jul., 26.—Cic., Pro Rosc. Amer., 40.—Juv., vi., 215.—Id. xi., 8.—23. (Suet., Octav., 42.)

but at other times belonged to citizens, who kept them for the purpose of exhibition, and engaged lanistæ to instruct them. Thus we read of the ludus Æmilius at Rome,[1] and of Cæsar's ludus at Capua.[2] The superintendence of the ludi, which belonged to the emperors, was intrusted to a person of high rank, called curator or procurator.[3] The gladiators fought in these ludi with wooden swords, called *rudes*.[4] Great attention was paid to their diet, in order to increase the strength of their bodies, whence Cicero[5] speaks of "*gladiatoria totius corporis firmitas*." They were fed with nourishing food, called *gladiator a sagina*.[6] A great number of gladiators were trained at Ravenna, on account of the salubrity of the place.[7]

Gladiators were sometimes exhibited at the funeral pyre, and sometimes in the Forum, but more frequently in the amphitheatre. (*Vid.* AMPHITHEATRUM.) The person who was to exhibit a show of gladiators published, some days before the exhibition, bills (*libelli*) containing the number and sometimes the names of those who were to fight.[8] When the day came, they were led along the arena in procession, and matched by pairs;[9] and their swords were examined by the editor to see if they were sufficiently sharp.[10] At first there was a kind of sham battle, called *prælusio*, in which they fought with wooden swords or the like,[11] and afterward, at the sound of the trumpet, the real battle began. When a gladiator was wounded, the people called out *habet* or *hoc habet*; and the one who was vanquished lowered his arms in token of submission. His fate, however, depended upon the people, who pressed down their thumbs if they wished him to be saved, but turned them up if they wished him to be killed,[12] and ordered him to receive the sword (*ferrum recipere*), which gladiators usually did with the greatest firmness.[13] If the life of a vanquished gladiator was spared, he obtained his discharge for that day, which was called *missio*;[14] and hence, in an exhibition of gladiators *sine missione*,[15] the lives of the conquered were never spared. This kind of exhibition, however, was forbidden by Augustus.[16]

Palms were usually given to the victorious gladiators;[17] and hence a gladiator who had frequently conquered is called "*plurimarum palmarum gladiator*;"[18] money also was sometimes given.[19] Old gladiators, and sometimes those who had only fought for a short time, were discharged from the service by the editor at the request of the people, who presented each of them with a rudis or wooden sword, whence those who were discharged were called Rudiarii.[20] If a person was free before he entered the ludus, he became, on his discharge, free again; and if he had been a slave, he returned to the same condition again. A man, however, who had been a gladiator, was always considered to have disgraced himself, and, consequently, it appears that he could not obtain the equestrian rank if he afterward acquired sufficient property to entitle him to it;[21] and a slave who had been sent into a ludus, and there manumitted either by his then owner or another owner, merely acquired the status of a peregrinus dediticius.[22] (*Vid.* DEDITICII.)

Shows of gladiators were abolished by Constantine,[1] but appear, notwithstanding, to have been generally exhibited till the time of Honorius, by whom they were finally suppressed.[2]

Gladiators were divided into different classes, according to their arms and different mode of fighting, or other circumstances. The name of the most important of these classes is given in alphabetical order:

Andabatæ[3] wore helmets without any aperture for the eyes, so that they were obliged to fight blindfold, and thus excite the mirth of the spectators. Some modern writers say that they fought on horseback, but this is denied by Orelli.[4]

Catervarii was the name given to gladiators when they did not fight in pairs, but when several fought together.[5]

Dimacheri appear to have been so called, because they fought with two swords.[6]

Equites were those who fought on horseback.[7]

Essedarii fought from chariots like the Gauls and Britons. (*Vid.* ESSEDA.) They are frequently mentioned in inscriptions.[8]

Fiscales were those, under the Empire, who were trained and supported from the fiscus.[9]

Hoplomachi appear to have been those who fought in a complete suit of armour.[10] Lipsius considers them to have been the same with the Samnites, and that this name was disused under the emperors, and hoplomachi substituted for it.

Laqueatores were those who used a noose to catch their adversaries.[11]

Meridiani were those who fought in the middle of the day, after combats with wild beasts had taken place in the morning. These gladiators were very slightly armed.[12]

Mirmillones are said to have been so called from their having the image of a fish (*mormyr*, *μορμύρος*) on their helmets.[13] Their arms were like those of the Gauls, whence we find that they were also called Galli. They were usually matched with the retiarii or Thracians.[14]

Ordinarii was the name applied to all the regular gladiators, who fought in pairs, in the ordinary way.[15]

Postulaticii were such as were demanded by the people from the editor, in addition to those who were exhibited.[16]

Provocatores fought with the Samnites,[17] but we do not know anything respecting them except their name. They are mentioned in inscriptions.[18] The *προβοκάτωρ* mentioned by Artemidorus[19] appears to be the same as the provocator.

Retiarii carried only a three-pointed lance, called *tridens* or *fuscina* (*vid.* FUSCINA), and a net (*rete*), which they endeavoured to throw over their adversaries, and then to attack them with the fuscina while they were entangled. The retiarius was dressed in a short tunic, and wore nothing on his head. If he missed his aim in throwing the net, he betook himself to flight, and endeavoured to prepare his net for a second cast, while his adversary followed round the arena in order to kill him before he could make a second attempt. His adversary was usually a secutor or a mirmillo.[20] In the following

1. (Hor., de Art. Poet., 32.)—2. (Cæs., Bell. Civ., i., 14.)—3. (Tacit., Ann., xi., 35.—Id. ib., xiii., 22.—Suet., Cal., 27.—Gruter, Inscript., p. 489.)—4. (Suet., Cal., 32, 54.)—5. (Phil., ii., 25.)—6. (Tacit., Hist., ii., 88.)—7. (Strabo, v., p. 213.)—8. (Cic. ad Fam., ii., 8.—Suet., Jul., 26.)—9. (Hor., Sat., I., vii., 20.)—10. (Dion Cass., lxviii., 3.—Suet., Tit., 9.—Lipsius, Excurs ad Tac., Ann., iii., 37.)—11. (Cic., De Orat., ii., 78, 80.—Ovid, A. A., iii., 515.—Senec., Epist., 117.)—12. (Hor., Epist., I., xviii., 66.—Juv., iii., 36.)—13. (Cic., Tusc., ii., 17.—Id., Pro Sext., 37.—Id., Pro Mil., 34.)—14. (Mart., XII., xxix., 7.)—15. (Liv., xli., 20.)—16. (Suet., Octav., 45.)—17. (Suet., Cal., 32.)—18. (Cic., Pro Rosc. Amer., 6.)—19. (Juv., vii., 243.—Suet., Claud., 21.)—20. (Cic., Phil., ii., 29.—Hor., Epist., I., i., 2.—Suet., Tib., 7.—Quint. l. c.)—21. (Quint., I. c.)—22. (Gaius, i., 13.)

I. (Cod. II, tit. 43.)—2. (Theodoret, Hist. Eccles., v., 20.)—3. (Cic. ad Fam., vii., 10.)—4. (Inscr., 2577.)—5. (Suet., Octav., 45.—"Gregatim dimicantes:" Cal., 30.)—6. (Artemidor., ii., 32.—Orelli, Inscr., 2584.)—7. (Orelli, 2577, 2569.)—8. (Orelli, 2566, 2584, &c.)—9. (Capitol., Gord., iii., 33.)—10. (Suet., Cal., 35.—Martial, viii., 74.—Orelli, 2566.)—11. (Isid., xviii., 56.)—12. (Senec., Epist., 7.—Suet., Claud., 34.—Orelli, 2587.)—13. (Festus, s. v. Retiario.)—14. (Cic., Phil., iii., 12.—Id. ib., vii., 6.—Juv., viii., 200.—Suet., Cal., 32.—Orelli, 2566, 2580.)—15. (Senec., Epist., 7.—Suet., Octav., 45.—Id., Cal., 26.)—16. (Senec., l. c.)—17. (Cic., Pro Sext., 64.)—18. (Orelli, 2566.)—19. (ii., 32.)—20. (Juv., Sat., ii., 143.—Id. ib., viii, 203.—Suet., Cal., 30.—Id., Claud., 34.—Orelli, 2578.)

woodcut, taken from Winckelmann,[1] a combat is represented between a retiarius and a mirmillo; the

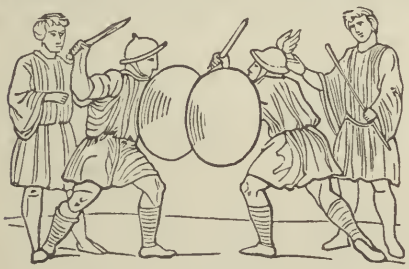
former has thrown his net over the head of the latter, and is proceeding to attack him with the fuscina. The lanista stands behind the retiarius.

Samnites were so called because they were armed in the same way as that people, and were particularly distinguished by the oblong *scutum*.[2]

Secutores are supposed by some writers to be so called, because the secutor, in his combat with the retiarius, pursued the latter when he failed in securing him by his net. Other writers think that they were the same as the *supposititii*, mentioned by Martial,[3] who were gladiators substituted in the place of those who were wearied or were killed.[4] If the old reading in a letter of Cicero's[5] is correct, Julius Cæsar had no less than 500 secutores in his ludus at Capua; but it appears probable that we ought to read *scutorum* instead of *secutorum*.

Supposititii. (*Vid. Secutores.*)

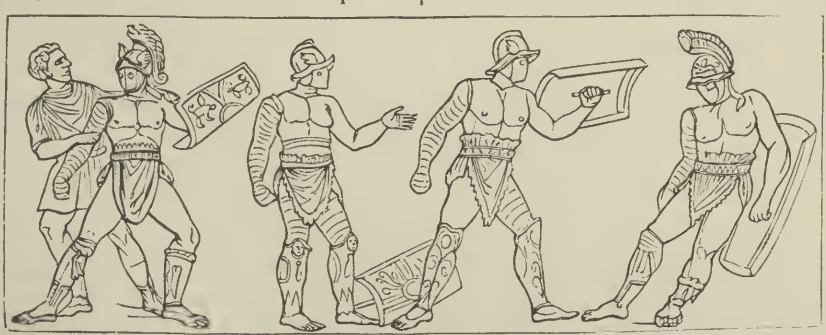
Thraces or *Threces* were armed, like the Thracians, with a round shield or buckler,[6] and a short



sword or dagger (*sica*[7]), which is called *falx supina* by Juvenal.[1] They were usually matched, as already stated, with the mirmillones. The preceding woodcut, taken from Winckelmann,[2] represents a combat between two Thracians. A lanista stands behind each.

Paintings of gladiatorial combats, as well as of the other sports of the amphitheatre, were favourite subjects with the Roman artists.[3] Several statues of gladiators have come down to us, which are highly admired as works of art: of these, the most celebrated is the gladiator of the Borghese collection, now in the Museum of the Louvre, and the dying gladiator, as it is called, in the Capitoline Museum. Gladiatorial combats are represented in the bas-reliefs on the tomb of Scaurus at Pompeii, and illustrate in many particulars the brief account which has been given in this article of the several classes of gladiators. These bas-reliefs are represented in the following woodcuts from Mazois.[4] The figures are made of stucco, and appear to have been moulded separately, and attached to the plaster by pegs of bronze or iron. In various parts of the frieze are written the name of the person to whom the gladiators belonged, and also the names of the gladiators themselves, and the number of their victories. The first pair of gladiators on the left hand represents an equestrian combat. Both wear helmets with vizors, which cover the whole face, and are armed with spears and round bucklers. In the second pair, the gladiator on the left has been wounded; he has let fall his shield, and is imploring the mercy of the people by raising his hand towards them. His antagonist stands behind him, waiting the signal of the people. Like all the other gladiators represented on the frieze, they wear the *subligaculum*, or short apron fixed above the hips. The one on the left appears to be a mirmillo, and the one on the right, with an oblong shield (*scutum*), a Samnite. The third pair consists of a Thracian and a mirmillo, the latter of whom is defeated. The fourth group consists of four figures; two are secutores and two retiarii. The secutor on his knee appears to have been defeated by the retiarius behind him, but as the fuscina is not adapted for producing certain death, the other secutor is called upon to do it. The retiarius in the distance is probably destined to fight in his turn with the surviving secutor. The last group consists of a mirmillo and a Samnite: the latter is defeated.

In the next woodcut two combats are represented. In the first a Samnite has been conquered



1. (Mon. Ined., pl. 197.)—2. (Liv., ix., 40.—Cic., Pro Sext., 64.)—3. (v., 24.)—4. (Suet., Cal., 30.—Juv., viii., 210.)—5. (ad Att., vii., 14.)—6. (Festus, s. v. Thræces.)—7. (Suet., Cal., 32.)

1. (viii., 201.)—2. (l. c.)—3. (Plin., H. N., xxxv., 33.—Capitol., Gord., 3.—Vopisc., Carin., 18.)—4. (Pomp., i., pl. 32.)

by a mirmillo; the former is holding up his hand to the people to implore mercy, while the latter apparently wishes to become his enemy's executioner before receiving the signal from the people, but the lanista holds him back. In the other combat a mirmillo is mortally wounded by a Samnite.

It will be observed that the right arm of every figure is protected by armour, which the left does not require, on account of the shield.[1] (*Vid.* Bestiarii, Venatio.)

*GLADIOLUS (*ξίφιον* and *φασγάνιον*), Corn-flag or Sword-grass. Gaza, in his version of Theophrastus, renders the Greek term by *ensis*. The people of Zante call it, at the present day, *ἀγριοκόκορος*; the rest of the modern Greeks, *σπαθόκυρτον*. Sibthorp found a variety, which he names *G. triphyllus*. The botanical name for the Gladiolus of the ancients is *G. communis* or *vulgaris*. This is found in the fields of the Ægean islands at the beginning of spring.[2]

GLADIUS (*ξίφος, poet. ἄορ, φάσγανον*), a Sword or Glaive, by the Latin poets called *ensis*. The ancient sword had generally a straight, two-edged blade (*ἀμφήκες*[3]), rather broad, and nearly of equal width from hilt to point. Gladiators, however, used a sword which was curved like a cimiter.[4] In times of the remotest antiquity swords were made of bronze, but afterward of iron.[5] The Greeks and Romans wore them on the left side (*vid.* p. 93; woodcut, p. 597[6]), so as to draw them out of the sheath (*vagina, κόλεος*) by passing the right hand in front of the body to take hold of the hilt with the thumb next to the blade. Hence Æschylus distinguishes the army of Xerxes by the denomination of *μαχαιροφόρον ἔθνος*,' alluding to the obvious difference in their appearance in consequence of the use of the Acinaces instead of the sword.

The early Greeks used a very short sword. (*Vid.* woodcut, p. 94.) Iphicrates, who made various improvements in armour about 400 B.C., doubled its length,[8] so that an iron sword found in a tomb at Athens, and represented by Dodwell,[9] was two feet five inches long, including the handle, which was also of iron. The Roman sword, as was the case also with their other offensive weapons, was larger, heavier, and more formidable than the Greek.[10] Its length gave occasion to the joke of Lentulus upon his son-in-law, who was of very low stature, "Who tied my son-in-law to his sword?"[11] To this Roman sword the Greeks applied the term *σπάθη*,[12] which was the name of a piece of wood of the same form used in weaving. (*Vid.* Tela.) The British glaive was still larger than the Roman.[13] In a monument found in London, and preserved at Oxford, the glaive is represented between three and four feet long.[14]

The principal ornament of the sword was bestowed upon the hilt.[15] (*Vid.* Capulus.)

Gladius was sometimes used in a wide sense, so as to include Pugio.[16]

GLANDES. (*Vid.* Funda.)

*GLANS. "This term," observes Martyn, "seems to have been used by the Romans in the same sense that we employ the word ***Mast***, namely, to indicate the fruit of the beech, **oak**, or other forest-trees. Thus the fruit of the beech is called *glans* by Pliny, '*fagi glans, nuclei similis.*' But, strictly speaking, it means only such fruits as contain but one seed, which is covered at the lower part with a husk, and is naked at the upper part. thus the fruit of an oak, which we commonly call an acorn, is properly a *glans*. '*Glandem,*' says Pliny, '*quæ proprie intelligitur, ferunt robur, quercus, æsculus, cerrus, ilex, suber.*'"[1]

*GLASTUM (*ἰσάτις*), Woad, or *Isatis tinctoria*, long celebrated for producing a dye of a beautiful blue colour. The ancient Britons, according to Cæsar and other writers, stained their bodies with the juice of this plant, a custom which, according to Pliny, extended even to females Two kinds of *Isatis* are mentioned by the ancient writers; the domesticated, or *sativa*, the same with the *I. tinctoria*, and the wild, or *ἀγρία*, corresponding to the *I Lusitanica*.[2]

*GLAUCIUM (*γλαύκιον*), the Horned Poppy, named by Bauhin *Papaver corniculatum*, and by more modern botanists, *Glaucium corniculatum*, Curt. Sibthorp found it growing abundantly along the sandy shores of Greece.[3]

*GLAUCUS (*γλαῦκος*), the blue Shark, or *Squalus Glaucus*, called in French *Le Chien de Mer*. Ælian describes the paternal care of this fish for its offspring in guarding it against dangerous foes: *πατὴρ δ' ἐν ἰχθύσιν ὁ γλαῦκος οἷός ἐστι! κ. τ. λ.*[4]

*GLAUX (*γλαύξ*), "the *Strix Bubo*, L., known by the English names of Eagle Owl, Great Owl, and Great Horned Owl. The *ὦτος* is the *Strix Otus*, or Horned Owl. The *αἰγώλιος* of Aristotle may be conjectured to be the *Strix nyctea*, or Great White Owl."[5] Dodwell, speaking of the owls in modern Greece, observes, "There are many varieties of owls at Athens; the most common is the *Strix passerina*, which is very small and tame, and is the same that is represented on Athenian coins. They have a particular note, of which their Greek name, *Κουκουβαγία*, is perfectly expressive, and to which that circumstance must have given rise, since, the cuckoo has received its appellation from a similar resemblance. It is a singular circumstance, that the Athenians are pleased with seeing the bird of Minerva perch upon their houses. In all other countries it is supposed as anciently to portend calamity and death." The selection of the owl as the emblem of Minerva originated, as is thought, from the circumstance of this bird's having a particular air of intelligence, owing to the elevation of the facial line.[6]

*H. a plant, which Tragus and Bauhin are inclined to refer to a species of *Polygala*, or Milkwort; but Sprengel follows Clusius in holding it to be the *Astragalus Glaux*. The English name of the Astragalus is Milkvetch.[7]

*GLECHON (*γλήχων*), the *Mentha pulegium*, or Pennyroyal. Apuleius says, "*Græci* Blechon, *alii* Glechon, *et Latini* Pulegium." The former of these two Greek expressions, namely, *Blechon* (*βλήχων*), of which the other (*Glechon*) is merely a dialectic variation, comes, according to the ancient writers, from *βλήχη*, "bleating," because the plant, when eaten by sheep and goats, makes them bleat. The Latin name *pulegium* was given to it because it was believed to kill fleas (*pulices*) by its odour. Two kinds of *pulegium* are mentioned by the ancients, the domesticated (*sativum*) and wild (*sylvestre*). Pliny gives a long enumeration of its medical properties, and cites the saying of Varro, that a crown of Pennyroyal was more fit to adorn an apartment than one of roses. The same writer distinguishes also between the male and female pu-

1. (Lipsius, Saturnalia.)—2. (Dioscor., iv., 20, 22.—Theophrast., H. P., vii., 11.—Billerbeck, Flora Classica, p. 13.)—3. (Hom., Il., x., 256.)—4. (Mariette, Recueil, No. 92.)—5. (Eurip., Phœr., 67, 529, 1438.—Virg., Æn., iv., 579.—Id. ib., vi., 260.)—6. (Sic. Apoll., Carm., 2.)—7. (Pers., 56.)—8. (Diod. Sic., xv., 44.)—9. (Tour, i., p. 443.)—10. (Florus, ii., 7.)—11. (Macrob., Saturn., ii.)—12. (Arrian, Tact.)—13. (Tac., Agric., 36.)—14. (Montfaucon, Supplem., iv., p. 16.)—15. (Virg., Æn., xii., 942.)—16. (Aul. Gell., ix., 13.)

1. (Martyn ad Virg., Georg., i., 305.)—2. (Cæs., B. G., v., 14.—Plin., H. N., xxii., 1.—Dioscor., ii., 215.—Billerbeck, Flora Classica, p. 174.)—3. (Dioscor., iii., 90.—Adams Append., s. v.)—4. (Ælian, N. A., i., 16.—Adams, Append., s. v.)—5. (Adams, Append., s. v.)—6. (Dodwell, Tour, ii., p. 43.)—7. (Dioscor., iv 139.—Adams, Append., s. v.)

legium, which Dioscorides does not, and, botanically speaking, this distinction is a vicious one. Apuleius, without doubt following Pliny, says that the female pulegium has a red flower, and the male a white one; but he gives no preference for medical purposes to either the one or the other kind.[1]

*GLIS, the Rell-mouse, or *Glis esculentus*, a branch of the Dormouse family. It is the *μύοξος* of the Greek writers, which is most probably the same with the *ἐλειός* of Aristotle. Linnæus calls it the *Myoxus Glis*.[2]

*GLOTTIS (*γλωττίς*), the name of a bird mentioned by Aristotle. "The most probable conjecture," says Adams, "which I can form respecting it, is, that it was the *Totanus Glottis*, Bechstein, called in English the Greenshank or Great Plover."[3]

*GLYCYRRHIZ'A (*γλυκύρριζα*), Liquorice. Sprengel, in his R. H. H., acknowledges it to be the *Glycyrrhiza glabra;* but in his edition of Dioscorides he prefers the *G. glandulifera*. Bauhin, Hill, Miller, and Dierbach agree that it is the variety of Liquorice now named *G. capite echinato*, which is described by Dioscorides. Sibthorp also makes it to be the *G. echinat.*[4]

*GLYCYM'ARIS (*γλυκυμαρίς*), a fish of the testaceous order. Coray inclines to refer it to the *Arca glycymaris*, L. Lamarck makes it a distinct genus.[5]

*GLYCYS'IDE (*γλυκυσίδη*), according to Dioscorides and Galen, a synonyme of the *παιονία*. "The two species described by them," remarks Adams, "are most probably the *Pæonia officinalis*, or Male Pæony, and the *P. corallina*. Stackhouse holds the *γλυκυσίδη* of Theophrastus to be the *P. nobilis*."[6]

*GNAPHAL'IUM (*γναφάλιον*), according to Bauhin, the "*Herba impia*" of Pliny, which he calls the *Gnaphalium vulgare*, but which is now termed *G. Germanicum* by British botanists. It is the common Cudweed of Great Britain. "This seems to be a probable view of the subject," remarks Adams, "but it becomes me to state that Sprengel, upon the authority of Matthiolus, Dodonæus, and others, holds it to be a species of Lavender-cotton, namely, the *Otanthus maritimus*, Zink."[7]

*GNAPH'ALUS (*γνάφαλος*), a bird of passage described by Aristotle. Buffon conjectures that it was the Bohemian Chatterer (*Garrulus Bohemicus*); an opinion discountenanced by Linnæus, but which Adams considers a very probable one.[8]

GNOMON. (*Vid.* Horologium.)

*GOBIUS (*κωβιός*), the Sea Gudgeon or Gobey. Griffith thinks that the Gobey is the *Phycis* of the ancients, "the only fish that constructs a nest."[9]

*GOSSIP'ION. The Cotton-tree. (*Vid.* ΕΡΙΟΦΟΡΟΝ ΔΕΝΔΡΟΝ.)

GRADUS COGNATIONIS. (*Vid.* Cognati.)

GRAMM'ATEUS (*γραμματεύς*), a Clerk or Scribe. Among the great number of scribes employed by the magistrates and government of Athens, there were three of a higher rank, who were real state officers.[10] Their functions are described by Pollux.[11] One of them was appointed by lot, by the senate, to serve the time of the administration of each prytany, though he always belonged to a different prytany from that which was in power. He was therefore called *γραμματεὺς κατὰ πρυτανείαν*.[12] His province was to keep the public records, and the decrees of the people which were made during the time of his office, and to deliver to the thesmothetæ the decrees of the senate.[1] Demosthenes, in another passage,[2] states that the public documents, which were deposited in the Metroon, were in the keeping of a public slave; whence we must suppose, with Schömann,[3] that this servant, whose office was probably for life, was under the *γραμματεύς*, and was his assistant. Previous to the archonship of Eucleides, the name of this scribe was attached to the beginning of every decree of the people;[4] and the name of the *γραμματεύς* who officiated during the administration of the first prytany in a year was, like that of the archon eponymus, used to designate the year.

The second *γραμματεύς* was elected by the senate by *χειροτονία*, and was intrusted with the custody of the laws (*ἐπὶ τοὺς νόμους*[5]). His usual name was *γραμματεὺς τῆς βουλῆς*, but in inscriptions he is also called *γραμματεὺς τῶν βουλευτῶν*.[6] Farther particulars concerning his office are not known.

A third *γραμματεύς* was called *γραμματεὺς τῆς πόλεως*,[7] or *γραμματεὺς τῆς βουλῆς καὶ τοῦ δήμου*. He was appointed by the people by *χειροτονία*, and the principal part of his office was to read any laws or documents which were required to be read in the assembly or in the senate.[8]

A class of scribes inferior to these were those persons who were appointed clerks to the several civil or military officers of the state, or who served any of the three *γραμματεῖς* mentioned above as under-clerks (*ὑπογραμματεῖς*[9]). These persons were either public slaves or citizens of the lower orders, as appears from the manner in which Demosthenes speaks of them, and were not allowed to hold their office for two succeeding years.[10]

Different from these common clerks were the *ἀντιγραφεῖς*, checking-clerks or counter-scribes, who must likewise be divided into two classes, a lower and a higher one. The former comprised those who accompanied the generals and cashiers of the armies,[11] who kept the control of the expenditure of the sacred money, &c.[12] The higher class of *ἀντιγραρεῖς*, on the other hand, were public officers. Their number was, according to Harpocration,[13] only two, the *ἀντιγραφεὺς τῆς διοικήσεως*, and the *ἀντιγραφεὺς τῆς βουλῆς*. The office of the former was to control the expenditure of the public treasury (*διοίκησις*); the latter was always present at the meetings of the senate, and recorded the accounts of money which was paid into the senate.[14] He had also to lay the account of the public revenue before the people in every prytany, so that he was a check upon the *ἀποδέκται*. He was at first elected by the people by *χειροτονία*, but was afterward appointed by lot.[15]

The great number of clerks and counter-clerks at Athens was a necessary consequence of the institution of the *εὐθύνη*, which could not otherwise have been carried into effect.[16]

GRAPHE (*γραφή*), in its most general acceptation, comprehends all state trials and criminal prosecutions whatever in the Attic courts; but in its more limited sense, those only which were not dis-

1. (Nicand., Alex., 128.—Dioscor., iii., 33.—Plin., H. N., xx., 14.)—2. (Aristot., H. A., viii., 19.—Adams, s. v. *ἐλειός*.)—3. (Aristot., H. A., viii., 14.—Adams, Append., s. v.)—4. (Dioscor., iii., 7.—Adams, Append., s. v.—Billerbeck, Flora Classica, p. 192.)—5 (Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—6. (Theophrast., ix., 9.—Dioscor., iii., 147.—Nicand., Ther., 940.—Adams. Append., s. v.)—7. (Dioscor., iii., 122.—Adams, Append., s. v.)—8. (Aristot., H. A., ix., 16.)—9. (Griffith's Cuvier, vol. x., p. 236.)—10. (Suidas, s. v.)— 11. (Oncom., viii., 98.)—12. (Demosth., c Timocrat., p. 720.)

1. (Demosth., l. c.)—2. (De Fals. Leg., p. 381.)—3. (De Comit., p. 302, transl.)—4. (Schömann, p. 132, &c.—Compare Boule, p. 69.)—5. (Pollux, l. c.—Demosth., c. Timocr., p. 713—De Coron., p. 238.)—6. (Böckh, Staatsh., i., p. 201.)—7. (Thucyd., vii., 10.)—8. (Pollux, l. c.—Demosth., De Fals. Leg., p. 419.—Id., c. Leptin., p. 485.—Suidas, s. v.)—9. (Demosth., De Fals. Leg., p. 419.—Id., De Coron., p. 314.—Antiphon, De Choreut., p. 792.—Lysias, c. Nicom., p. 864.)—10. Lysias, c. Nicom., p. 864, according to the interpretation of this passage by Böckh, Staatsh. i., p. 203.)—11. (Demosth., De Cherson., p. 101.)—12 (Böckh, Staatsh., i., p. 198.)—13. (s. v.)—14. (Compare Pollux, Onom., viii., 98.—Suidas. s. v.)—15. (Æschin., c. Ctes., p. 417—Pollux, l. c.)—16. (*Vid.* Schömann, De Comit., p. 302, &c.—Böckh, Staatsh., i., p. 198, &c.—Hermann, Polit. Antiq., § 127, n. 17 and 18.)

tinguished as the *εὐθύνη, ἐνδειξις, εἰσαγγελία* by a special name and a peculiar conduct of the proceedings. The principal characteristic differences between public and private actions are enumerated under Dice, and the peculiar forms of public prosecutions, such as those above mentioned, are separately noticed. Of these forms, together with that of the *γραφή*, properly so called, it frequently happened that two or more were applicable to the same cause of action; and the discretion of the prosecutor in selecting the most preferable of his available remedies was attended by results of great importance to himself and the accused. If the prosecutor's speech (*κατηγορία*), and the evidence adduced by him, were insufficient to establish the aggravated character of the wrong in question, as indicated by the form of action he had chosen, his ill-judged rigour might be alleged in mitigation of the punishment by the defendant in his reply (*ἀπολογία*), or upon the assessment of the penalty after judgment given; and if the case were one of those in which the dicasts had no power of assessing (*ἀτίμητος γραφή*), it might cause a total failure of justice, and even render the prosecutor liable to a fine or other punishment.[1]

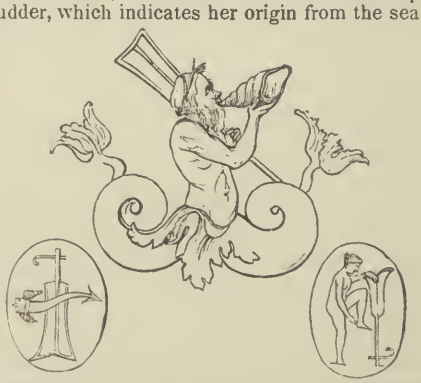
The courts before which public causes could be tried were very various; and, besides the ordinary heliastic bodies under the control of the nine archons, or the generals, or logistæ, the council, and even the assembly of the people, occasionally became judicial bodies for that purpose, as in the case of certain docimasiæ and eisangeliæ.[2] The proper court in which to bring a particular action was, for the most part, determined by the subject-matter of the accusation. In the trial of state offences, it was, in general, requisite that the ostensible prosecutor should be an Athenian citizen in the full possession of his franchise; but on some particular occasions,[3] even slaves and resident aliens were invited to come forward and lay informations. In such cases, and in some eisangeliæ and other special proceedings, the prosecution and conduct of the cause in court was carried on by advocates retained by the state (*ξυνήγοροι*) for the occasion; but with the exception of these temporary appointments, the protection of purely state interests seems to have been left to volunteer accusers.

In criminal causes the prosecution was conducted by the *κύριος* in behalf of the aggrieved woman, minor, or slave; his *προστάτης* probably gave some assistance to the resident alien in the commencement of proceedings, though the accusation was in the name of the person aggrieved, who also made his appearance at the trial without the intervention of the patron;[4] and a complete foreigner would upon this occasion require the same or a still farther protection from the proxenus of his country. With the exception of cases in which the apagoge, ephegesis endeixis, or eisangelia was adopted, in the first three of which an arrest actually did, and in the last might take place, and accusations at the euthunæ and docimasiæ, when the accused was, or was supposed by the law to be, present, a public action against a citizen commenced, like an ordinary lawsuit, with a summons to appear before the proper magistrate on a fixed day.[5] The anacrisis then followed (*vid.* (Anacrisis); but the bill of accusation was called a *γραφή* or *φάσις*, as the case might be, and not an *ἔγκλημα* or *λῆξις*, as in private actions; neither could a public prosecution be referred to an arbitrator (*vid.* Diaitetes); and if it were compromised, would in many cases render the accuser liable to an action *καθυφέσεως*, if not ipso facto to a fine of a thousand drachmæ.[1] The same sum was also forfeited when the prosecutor failed to obtain the voices of a fifth of the dicasts in all cases except those brought before the archon that had reference to injury (*κάκωσις*) done to women or orphans; and besides this penalty, a modified disfranchisement, as, for instance, an incapacity to bring a similar accusation, was incurred upon several occasions. Upon the conviction of the accused, if the sentence were death, the presiding magistrate of the court delivered the prisoner, who remained in the custody of the Scythæ during the trial, to the Eleven, whose business it was to execute judgment upon him. (*Vid.* Eleven, The.) If the punishment were confiscation of property, the demarchs made an inventory of the effects of the criminal, which was read in the assembly of the people, and delivered to the poletæ, that they might make a sale of the goods, and pay in the proceeds to the public treasury.[2]

GREGORIA'NUS CODEX. (*Vid.* Codex Gregorianus.)

GROSPHOS (*γρόσφος*). (*Vid.* Hasta.)

GUBERNA'CULUM, *ant.* GUBERNUM (*πηδάλιον*), a Rudder. Before the invention of the rudder, which Pliny[3] ascribes to Tiphys, the pilot of the ship Argo, vessels were both propelled and guided by oars alone. This circumstance may account for the form of the ancient rudder, as well as for the mode of using it. It was like an oar with a very broad blade, and was commonly placed on each side of the stern, not at its extremity. The annexed woodcut presents examples of its appearance as it is frequently exhibited on coins, gems, and other works of art. The figure in the centre is from one of Bartoli's lamps,[4] and displays a Triton blowing the Buccina, and holding a rudder over his shoulder in his left hand. The first figure in the same woodcut is from a cameo in the Stosch collection. It represents a rudder with its helm or tiller (*vid.* Ansa, Clavus) crossed by the cornucopia. These two emblems of abundance and success are often found together, especially in representations of Fortune. In the third figure, taken from another cameo in the same collection, Venus leans with her left arm upon a rudder, which indicates her origin from the sea



The usual position of the rudder at the side of the stern is seen in the woodcuts at p. 58, 62, 69.

The gubernaculum was managed by the *gubernator*[5] (*κυβερνήτης*[6]), who is also called the *rector*, as distinguished from the *magister*,[7] and by the Greek poets *οἰακοστρόφος* and *οἰακονόμος*,[8] because he turns and directs the helm.[9]

1. (Demosth., c. Androt., 601.—Id., c. Meid., 523.)—2. (Meier, Att. Proc., p. 205, 268.)—3. (Thucyd., vi., 28.—Lys., Pro Call. 186.)—4. (Meier, Att. Proc., 661.)—5. (Plato, Euthyph., init.)

1. (Meier, Att. Proc., 355.)—2. (Meier, Att. Proc., 740, &c.)—3. (H. N., vii., 57.)—4. (Luc. Ant., 1., 5.)—5. (Plaut., Rud., iv., 3, 75.—Sen., Epist., 86.)—6. (Hom., Od., iii., 279–283.—Ib., xii., 217, 218.)—7. (Virg., Æn., v., 161, 165.—Sen., Epist., 122.)—8. (Æsch., Prom. Vinct., 153, 524.—Pind., Isthm., iii., 89.)—9. (Plut., De Superst., V., vi., p. 646, ed. Reiske.—*Οἴακα νεμῶν*: Æschyl., Sept. c. Theb., 3.)

A ship had sometimes one, but more commonly two rudders,[1] and they were distinguished as the right and the left rudder (*dextrum*, *sinistrum*[2]). In the Caspian Sea, where the old practice not long ago remained in force, a modern traveller was nearly shipwrecked because the rudders were in the hands of two pilots who spoke different languages. To obviate such disasters among the ancients, the same steersman held both tillers, if the boat was small, as is clearly shown in the representation of one on a lamp.[3] In larger ships the extremities of the helms were joined by a pole, which was moved by one man, and kept the rudders always parallel. This construction is seen in the model of a ship which is preserved in the collection of Egyptian antiquities at Berlin, and which was discovered in the tomb of a priest. The contrivances for attaching the two rudders to one another, and to the sides of the ship, are called *ζεῦγλαι*[4] and *ζευκτηρίαι*.[5]

Ships constructed with a double prow and stern (*vid.* ΑΜΦΙΠΡΥΜΝΟΙ ΝΗΕΣ) had two rudders at each end.[6] In the great ship built at Alexandrea by Ptolemy Philopator, the four rudders were each thirty cubits in length.[7]

GUBERNA'TOR. (*Vid.* Gubernaculum.)

GUSTA'TIO. (*Vid.* Cœna, p. 275.)

GUTTUS. (*Vid.* Baths, p. 151.)

GYMNASIARCHES. (*Vid.* Gymnasium.)

GYMNASION. (*Vid.* Gymnasium.)

GYMNASIUM (*γυμνάσιον*). The whole education of a Greek youth was divided into three parts, grammar, music, and gymnastics (*γράμματα*, *μουσική*, and *γυμναστική*[8]), to which Aristotle[9] adds a fourth, the art of drawing or painting. Gymnastics, however, were thought by the ancients a matter of such importance, that this part of education alone occupied as much time and attention as all the others put together; and while the latter necessarily ceased at a certain period of life, gymnastics continued to be cultivated by persons of all ages, though those of an advanced age naturally took lighter and less fatiguing exercises than boys and youths.[10] The ancients, and more especially the Greeks, seem to have been thoroughly convinced that the mind could not possibly be in a healthy state unless the body was likewise in perfect health, and no means were thought, either by philosophers or physicians, to be more conducive to preserve or restore bodily health than well-regulated exercise. The word gymnastics is derived from *γυμνός* (naked), because the persons who performed their exercises in public or private gymnasia were either entirely naked, or merely covered by the short *χιτών*.[11]

The great partiality of the Greeks for gymnastic exercises was productive of infinite good: they gave to the body that healthy and beautiful development by which the Greeks excelled all other nations, and which, at the same time, imparted to their minds that power and elasticity which will ever be admired in all their productions.[12] The plastic art, in particular, must have found its first and chief nourishment in the gymnastic and athletic performances; and it may be justly observed, that the Greeks would never have attained their pre-eminence in sculpture had not their gymnastic and athletic exhibitions made the artists familiar with the beautiful forms of the human body and its various attitudes. Respecting the advantages of gymnastics in a medical point of view some remarks are made at the end of this article. But we must, at the same time, confess, that at a later period of Greek history, when the gymnasia had become places of resort for idle loungers, their evil effects were no less striking. The chief objects for which they had originally been instituted were gradually lost sight of, and instead of being places of education and training, they became mere places of amusement.

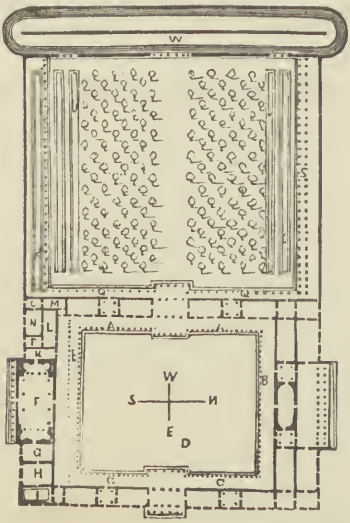
Gymnastics, in the widest sense of the word, comprehended also the agonistic and athletic arts (*ἀγωνιστική* and *ἀθλητική*), that is, the art of those who contended for the prizes at the great public games in Greece, and of those who made gymnastic performances their profession. (*Vid.* Athletæ and Agonothetai.) Both originated in the gymnasia, in as far as the athletæ, as well as the agonistæ, were originally trained in them. The athletæ, however, afterward formed a distinct class of persons unconnected with the gymnasia; while the gymnasia, at the time when they had degenerated, were in reality little more than agonistic schools, attended by numbers of spectators. On certain occasions, the most distinguished pupils of the gymnasia were selected for the exhibition of public contests (*vid.* Lampadophoria), so that, on the whole, there was always a closer connexion between the gymnastic and agonistic than between the gymnastic and athletic arts. In a narrower sense, however, the gymnasia had, with very few exceptions, nothing to do with the public contests, and were places of exercise for the purpose of strengthening and improving the body, or, in other words, places for physical education and training; and it is chiefly in this point of view that we shall consider them in this article.

Gymnastic exercises among the Greeks seem to have been as old as the Greek nation itself, as may be inferred from the fact that gymnastic contests are mentioned in many of the earliest legends of Grecian story; but they were, as might be supposed, of a rude and mostly of a warlike character. They were generally held in the open air, and in plains near a river, which afforded an opportunity for swimming and bathing. The Attic legends, indeed, referred the regulation of gymnastics to Theseus;[1] but, according to Galen, it seems to have been about the time of Cleisthenes that gymnastics were reduced to a regular and complete system. Great progress, however, must have been made as early as the time of Solon, as appears from some of his laws which are mentioned below. It was about the same period that the Greek towns began to build their regular gymnasia as places of exercise for the young, with baths, and other conveniences for philosophers and all persons who sought intellectual amusements. There was probably no Greek town of any importance which did not possess its gymnasium. In many places, such as Ephesus, Hierapolis, and Alexandrea in Troas, the remains of the ancient gymnasia have been discovered in modern times. Athens alone possessed three great gymnasia, the Lyceum (*Λύκειον*), Cynosarges (*Κυνοσάργης*), and the Academia (*Ἀκαδημία*); to which, in later times, several smaller ones were added. All buildings of this kind were, on the whole, built on the same plan, though from the remains, as well as from the descriptions still extant, we must infer that there were many differences in their detail. The most complete description of a gymnasium which we possess is that given by Vitruvius,[1] which, however, is very obscure, and at the same time defective, in as far as many parts which seem to have been essential to a gymnasium are not mentioned in it. Among the numerous plans which have been

1. (Ælian, V. H., ix., 40.—Heliod., Æthiop., v., p. 241, ed. Comm.—Acts, xxvii, 40.)—2. (Hygin., Fab., 14.)—3. (Bartoli, iii., 31.)—4. (Eurip., Hel., 1556.)—5. (Acts, xxvii., 40.)—6. (Tacit., Ann., ii., 6.)—7. (Athen., v., 37.)—8. (Plato, Theag., p. 122.—Plut., De Audit., c. 17.—Clitoph., p. 497.)—9. (De Rep., viii., 3.)—10. (Xen., Sympos., i., 7.—Lucian, Lexiph., 5)—11. (See the authorities in Wachsmuth, Hellen. Alterth., ii., 2, p. 33, and Becker's Charikles, i., p. 316, &c.)—12. (Lucian, De Gymnast., 15.)

1. (Paus., i., 39, § 3)—2. (v., 11.)

drawn, according to the description of Vitruvius, that of W. Newton, in his translation of Vitruvius, vol. i., fig. 52, deserves the preference. The following woodcut is a copy of it, with a few alterations.



The peristylia (D) in a gymnasium, which Vitruvius incorrectly calls palæstra, are placed in the form of a square or oblong, and have two stadia (1200 feet) in circumference. They consist of four porticoes. In three of them (A B C), spacious exedræ, with seats, were erected, in which philosophers, rhetoricians, and others, who delighted in intellectual conversation, might assemble. A fourth portico (E), towards the south, was double, so that the interior walk was not exposed to bad weather. The double portico contained the following apartments: The Ephebeum (F), a spacious hall with seats, is in the middle, and by one third longer than broad. On the right is the Coryceum (G), perhaps the same room which in other cases was called Apodyterium; then came the Conisterium (H), adjoining; and next to the Conisterium, in the returns of the portico, is the cold bath, *λοῦτρον* (I). On the left of the Ephebeum is the Elæothesium, where persons were anointed by the aliptæ (K). Adjoining the Elæothesium is the Frigidarium (L), the object of which is unknown. From thence is the entrance to the Propnigeum (M), on the returns of the portico; near which, but more inward, behind the place of the frigidarium, is the vaulted sudatory (N), in length twice its breadth, which has on the returns the Laconicum (O) on one side, and opposite the Laconicum, the hot bath (P). On the outside three porticoes are built: one (Q) in passing out from the peristyle, and on the right and left the two stadial porticoes (R S), of which the one (S) that faces the north is made double and of great breadth, the other (R) is single, and so designed that in the parts which encircle the walls, and which adjoin to the columns, there may be margins for paths not less than ten feet; and the middle is so excavated that there may be two steps, a foot and a half in descent, to go from the margin to the plane (R), which plane should not be less in breadth than 12 feet; by this means, those who walk about the margins in their apparel will not be annoyed by those who are exercising themselves. This portico is called by the Greeks *ξυστός*, because in the winter season the athletæ exercised themselves in these covered stadia. The *ξυστός* had groves or plantations between the two porticoes, and walks between trees, with seats of sinuine work. A joining to the *ξυστός* (R) and double portico (S) are the uncovered walks (U), which in Greek are called *παραδρομίδες*, to which the athletæ, in fair weather, go from the winter-xystus to exercise. Beyond the xystus is the stadium (W), so large that a multitude of people may have sufficient room to behold the contests of the athletæ.

It is generally believed that Vitruvius, in this description of his gymnasium, took that of Naples as his model; but two important parts of other Greek gymnasia, the apodyterium and the sphæristerium, are not mentioned by him. The Greeks bestowed great care upon the outward and inward splendour of their gymnasia, and adorned them with the statues of gods, heroes, victors in the public games, and of eminent men of every class. Hermes was the tutelary deity of the gymnasia, and his statue was consequently seen in most of them.

The earliest regulations which we possess concerning the gymnasia are in the laws of Solon. One of these laws forbade all adults to enter a gymnasium during the time that boys were taking their exercises, and at the festival of the Hermæa. The gymnasia were, according to the same law, not allowed to be opened before sunrise, and were to be shut at sunset.[1] Another law of Solon excluded slaves from gymnastic exercises.[2] Boys who were children of an Athenian citizen and a foreign mother (*νόθοι*), were not admitted to any other gymnasium but the Cynosarges.[3] Some of the laws of Solon, relating to the management and the superintendence of the gymnasia, show that he was aware of the evil consequences which these institutions might produce, unless they were regulated by the strictest rules. As we, however, find that adults also frequented the gymnasia, we must suppose that, at least as long as the laws of Solon were in force, the gymnasia were divided into different parts for persons of different ages, or that persons of different ages took their exercises at different times of the day.[4] The education of boys up to the age of sixteen was divided into the three parts mentioned above, so that gymnastics formed only one department; but during the period from their sixteenth to their eighteenth year, the instruction in grammar and music seems to have ceased, and gymnastics were exclusively pursued. In the time of Plato the salutary regulations of Solon appear to have been no longer observed, and we find persons of all ages visiting the gymnasia.[5] Athens now possessed a number of smaller gymnasia, which are sometimes called palæstræ, in which persons of all ages used to assemble, and in which even the Hermæa were celebrated by the boys, while formerly this solemnity had only been kept in the great gymnasia, and to the exclusion of all adults.[6] These changes, and the laxitude in the superintendence of these public places, caused the gymnasia to differ very little from the schools of the athletæ; and it is, perhaps, partly owing to this circumstance that writers of this and subsequent times use the words gymnasium and palæstra indiscriminately.[7]

Married as well as unmarried women were, at Athens and in all the Ionian states, excluded from the gymnasia; but at Sparta, and in some other Doric states, maidens, dressed in the short *χιτών*, were not only admitted as spectators, but also took part in the exercises of the youths. Married women, however, did not frequent the gymnasia.[8]

Respecting the superintendence and administration of the gymnasia at Athens, we know that Solon

1. (Æschin., c. Timarch., p. 38.)—2. (Æschin., c. Timarch., p. 147.—Plut., Solon, 1.—Demosth., c. Timocr., p. 736.)—3. (Plut., Them., 1.)—4. (Böckh, Corp. Inscrip., n. 246 and 2214.)—5. (Plat., De Rep., v., p. 452.—Xen., Symp., ii., 18.)—6. (Plat., Lys., p. 206.)—7. (Becker, Charikles, i., p. 341.)—8. (Plat., De Leg., vii., p. 806.)

in his legislation thought them worthy of great attention; and the transgression of some of his laws relating to the gymnasia was punished with death. His laws mention a magistrate, called the gymnasiarch (*γυμνασίαρχος* or *γυμνασιάρχης*), who was intrusted with the whole management of the gymnasia, and with everything connected therewith. His office was one of the regular liturgies, like the choregia and trierarchy,[1] and was attended with considerable expense. He had to maintain and pay the persons who were preparing themselves for the games and contests in the public festivals, to provide them with oil, and perhaps with the wrestlers' dust. It also devolved upon him to adorn the gymnasium, or the place where the agones took place.[2] The gymnasiarch was a real magistrate, and invested with a kind of jurisdiction over all those who frequented or were connected with the gymnasia; and his power seems even to have extended beyond the gymnasia, for Plutarch[3] states that he watched and controlled the conduct of the ephebi in general. He had also the power to remove from the gymnasia teachers, philosophers, and sophists, whenever he conceived that they exercised an injurious influence upon the young.[4] Another part of his duties was to conduct the solemn games at certain great festivals, especially the torch-race (*λαμπαδηφορία*), for which he selected the most distinguished among the ephebi of the gymnasia. The number of gymnasiarchs was, according to Libanius on Demosthenes,[5] ten, one from every tribe.[6] They seem to have undertaken their official duties in turns, but in what manner is unknown. Among the external distinctions of a gymnasiarch were a purple cloak and white shoes.[7] In early times the office of gymnasiarch lasted for a year, but under the Roman emperors we find that sometimes they held it only for a month, so that there were 12 or 13 gymnasiarchs in one year.[8] This office seems to have been considered so great an honour, that even Roman generals and emperors were ambitious to hold it. Other Greek towns had, like Athens, their own gymnasiarchs, but we do not know whether, or to what extent, their duties differed from the Athenian gymnasiarch. In Cyrene the office was sometimes held by women.

Another office which was formerly believed to be connected with the superintendence of the gymnasia is that of xystarchus (*ξυστάρχος*). But it is not mentioned previous to the time of the Roman emperors, and then only in Italy and Crete. Krause[9] has shown that this office had nothing to do with the gymnasia properly so called, but was only connected with the schools of the athletæ.

An office which is likewise not mentioned before the time of the Roman emperors, but was, nevertheless, decidedly connected with the gymnasia, is that of Cosmetes. He had to arrange certain games, to register the names, and keep the lists of the ephebi, and to maintain order and discipline among them. He was assisted by an anticosmetes and two hyposcosmetæ.[10]

An office of very great importance, in an educational point of view, was that of the sophronistæ (*σωφρονίσται*). Their province was to inspire the youths with a love of *σωφροσύνη*, and to protect this virtue against all injurious influences. In early times their number at Athens was ten, one from every tribe, with a salary of one drachma per day.[11] Their duty not only required them to be present at all the games of the ephebi, but to watch and correct their conduct wherever they might meet them, both within and without the gymnasium. At the time of the Emperor Marcus Aurelius, only six sophronistæ, assisted by as many hyposophronistæ, are mentioned.[1]

The instructions in the gymnasia were given by the gymnastæ (*γυμνασταί*) and the pædotribæ (*παιδοτριβαί*); at a later period hypopædotribæ were added. The pædotribes was required to possess a knowledge of all the various exercises which were performed in the gymnasia; the gymnastes was the practical teacher, and was expected to know the physiological effects and influences on the constitution of the youths, and therefore assigned to each of them those exercises which he thought most suitable.[2] These teachers were usually athletæ who had left their profession, or could not succeed in it.[3]

The anointing of the bodies of the youths, and strewing them with dust, before they commenced their exercises, as well as the regulation of their diet, was the duty of the aliptæ. (*Vid.* Aliptæ.) These men sometimes also acted as surgeons or teachers.[4] Galen[5] mentions, among the gymnastic teachers, a *σφαιριστικός*, or teacher of the various games at ball; and it is not improbable that in some cases particular games may have been taught by separate persons.

The games and exercises which were performed in the gymnasia seem, on the whole, to have been the same throughout Greece. Among the Dorians, however, they were regarded chiefly as institutions for hardening the body and for military training, among the Ionians, and especially the Athenians, they had an additional and higher object, namely, to give to the body and its movements grace and beauty, and to make it the basis of a healthy and sound mind. But among all the different tribes of the Greeks, the exercises which were carried on in a Greek gymnasium were either mere games, or the more important exercises which the gymnasia had in common with the public agones in the great festivals.

Among the former we may mention, 1. The ball (*σφαίρισις, σφαιρομαχία*, &c.), which was in universal favour with the Greeks, and was here, as at Rome, played in a variety of ways, as appears from the words *ἀπόρραξις, ἐπίσκυρος, φαινίνδα* or *ἁρπαστόν*, &c.[6] Every gymnasium contained one large room for the purpose of playing at ball in it (*σφαιριστήριον*). 2. *Παίζειν ἑλκυστίνδα, διελκυστίνδα*, or *διὰ γραμμῆς*, was a game in which one boy, holding one end of a rope, tried to pull the boy who held its other end across a line marked between them on the ground. 3. The top (*βέμβηξ, βέμβιξ, ῥόμβος, στρόβιλος*), which was as common an amusement with Greek boys as in our own days. 4. The *πεντάλιθος*, which was a game with five stones, which were thrown up from the upper part of the hand and caught in the palm. 5. *Σκαπέρδα*, which was a game in which a rope was drawn through the upper part of a tree or a post. Two boys, one on each side of the post, turning their backs towards one another, took hold of the ends of the rope and tried to pull each other up. This sport was also one of the amusements at the Attic Dionysia.[7] These few games will suffice to show the character of the gymnastic sports.

The more important games, such as running (*δρόμος*), throwing of the *δίσκος* and the *ἄκων*, jumping and leaping (*ἅλμα*, with and without *ἁλτῆρες*), wrestling (*πάλη*), boxing (*πυγμή*), the pancratium (*παγκρά-*

1. (Isæus, De Philoctem. hæred., p. 154.)—2. (Xen., De Rep. Ath., i., 13.)—3. (Amator., c. 9, &c.)—4. (Æschin., c. Timarch.)—5. (c. Meid., p. 510.)—6. (Compare Demosth., c. Philip., p. 50; c. Bœot., p. 996.—Isæus, De Menecl., c. 42.)—7. (Plut., Anton., 33.)—8. (Krause, Theagenes, i., p 218.)—9. (Ib., p. 222.)—10. (Krause, ib., p. 228, &c.)—11. (Etymol. Mag., s. v.)

1. (Krause, ib., p. 231, &c.)—2. (Galen, De Valet. tuend., ii., 9, 11.—Arist., Polit. Antiq., viii., 3, 2.)—3. (Ælian, V. H., ii., 6.—Galen, l. c.—Id., ii., 3, &c.)—4. (Plut., Dion., c. 1.)—5. (l. c.—Id., ii., 11.)—6. (Plat., De Leg., vii., p. 797.—Compare Gronov. ad Plaut., Curcul., ii., 3, 17, and Becker, Gallus, i., 270.)—7. (Hesych., s. v.)

πιον), πένταθλος, λαμπαδηφορία, dancing (ὀρχήσις), &c., are described in separate articles.

A gymnasium was, as Vitruvius observes, not a Roman institution, and Dionysius of Halicarnassus[1] expressly states that the whole ἀγωνιστική of the Romans, though it was practised at an early period in the Ludi Maximi, was introduced among the Romans from Greece. Their attention, however, to developing and strengthening the body by exercises was considerable, though only for military purposes. The regular training of boys in the Greek gymnastics was foreign to Roman manners, and even held in contempt.[2] Towards the end of the Republic, many wealthy Romans, who had acquired a taste for Greek manners, used to attach to their villas small places for bodily exercise, sometimes called gymnasia, sometimes palæstræ, and to adorn them with beautiful works of art.[3] The Emperor Nero was the first who built a public gymnasium at Rome;[4] another was erected by Commodus.[5] But, although these institutions were intended to introduce Greek gymnastics among the Romans, yet they never gained any great importance, as the magnificent thermæ, amphitheatres, and other colossal buildings had always greater charms for the Romans than the gymnasia.

For a fuller account of this important subject, which has been necessarily treated with brevity in this article, the reader is referred to Hieronymus Mercurialis, *De Arte Gymnastica*, *Libri* vi., 1st ed., Venice, 1573, 4th ibid., 1601.—Burette, *Histoire des Athlètes*, in the Mém. de l'Acad. des Inscript., i, 3.—J. H. Krause, *Theagenes, oder wissenschaftliche Darstellung der Gymnastik, Agonistik und Festspiele der Hellenen*, Halle, 1835,—G. Löbker, *Die Gymnastik der Hellenen*, Münster, 1835—Wachsmuth, *Hellen. Alterth.*, ii., 2, p. 51–64.—Müller, *Dor.*, iv., 5, § 4, &c.—Becker, *Gallus*, i., p. 270, &c.—*Charikles*, i., p. 309–345. The various histories of the education among the ancients, such as those of Hochheimer, Schwarz, Cramer, and others, likewise contain much useful information on the subject.

The Relation of Gymnastics to the Medical Art.—The games of the Greeks had an immediate influence upon the art of healing, because they considered gymnastics to be almost as necessary for the preservation of health as medicine is for the cure of diseases.[6] It was for this reason that the gymnasia were dedicated to Apollo, the god of physicians.[7] The directors of these establishments, as well as the persons employed under their orders, the bathers or aliptæ, passed for physicians, and were called so, on account of the skill which long experience had given them. The directors, called παλαιστροφύλακες, regulated the diet of the young men brought up in the gymnasia; the sub-directors, or *Gymnastæ*, prescribed for their diseases;[8] and the *inferiors* or bathers, aliptæ, intraliptæ, practised blood-letting, administered clysters, and dressed wounds, ulcers, and fractures.[9] Two of these directors, Iccus of Tarentum and Herodicus of Selymbria, a town of Thrace, deserve particular notice for having contributed to unite more closely medicine and gymnastics. Iccus, who appears to have lived before Herodicus (*Olymp.* lxxvii.[10]), gave his chief attention to correcting the diet of the wrestlers, and to accustoming them to greater moderation and abstemiousness, of which virtues he was himself a perfect model.[1] Plato considers him, as well as Herodicus, to have been one of the inventors of medical gymnastics.[2] Herodicus, who is sometimes called Prodicus,[3] lived at Athens a short time before the Peloponnesian war. Plato says that he was not only a sophist,[4] but also a master of the gymnasium[5] and physician,[6] and, in fact, he united in his own person these three qualities. He was troubled, says the same author, with very weak health, and tried if gymnastic exercises would not help to improve it; and having perfectly succeeded, he imparted his method to others. Before him medical dietetics had been entirely neglected, especially by the Asclepiadæ.[7] If Plato's account may be taken literally,[8] he much abused the exercise of gymnastics, as he recommended his patients to walk from Athens to Megara, and to return as soon as they had reached the walls of the latter town. The distance from Athens to Megara was 210 stadia, as we learn from Procopius.[9] Dio Chrysostom calls it a day's journey.[10] Modern travellers reckon eight hours.[11] The author of the sixth book *De Morb. Vulgar.*[12] agrees with Plato: "Herodicus," says he, "caused people attacked with fever to die, from walking and too hard exercise, and many of his patients suffered much from dry rubbing." A short time after we find, says Fuller,[13] that Hippocrates,[14] with some sort of glory, assumes to himself the honour of bringing that method to a perfection, so as to be able to distinguish πότερον τὸ σιτίον κρατέει τοὺς πόνους, ἢ οἱ πόνοι τὰ σιτία, ἢ μετρίως ἔχει πρὸς ἄλληλα, as he expresses it. Pursuant to this, we find him in several places of his works recommending several sorts of exercises upon proper occasions; as, first, friction or chafing, the effects of which he explains,[15] and tells us that, as in some cases it will bring down the bloatedness of the solid parts, in others it will incarn and cause an increase of flesh, and make the part thrive. He advises[16] walking, of which they had two sorts, their round and straight courses. He gives his opinion[17] of the Ἀνακίνηματα, or preparatory exercises, which served to warm and fit the wrestlers for the more vehement ones. In some cases he advises the Πάλη, or common wrestling,[18] and the Ἀκροχειρίη, or wrestling by the hands only, without coming close, and also the Κωρυκομαχίη, or the exercise of the Corycus, or the hanging ball;[19] the Χειρονομίη, a sort of dexterous and regular motion of the hands and upper parts of the body, something after a military manner; the Ἀλίνδησις, or rolling in sand; and once[20] we find mentioned, with some approbation, the Ἤπειροι Ἵπποι, *Equi Indefiniti*, by which is probably meant galloping long courses in the open field.

As for Galen, he follows Hippocrates in this as closely as in other things, and declares his opinion of the benefit of exercises in several places; his second book, "De Sanitate Tuenda," is wholly upon the use of the *strigil*, or the advantage of regular chafing: he has written a little tract, Περὶ τοῦ διὰ Μικρᾶς Σφαίρας Γυμνασίου, wherein he recommends an exercise, by which the body and mind are both at the same time affected. In his discourse to Thrasybulus, Πότερον Ἰατρικῆς ἢ Γυμναστικῆς ἐστι τὸ Ὑγιεινόν, he inveighs against the athletic and other

1. (Ant. Rom., vii., 70–72.)—2. (Plut., Quæst. Rom., 40.)—3. (Cic. ad Att., i., 4.—Id., c. Verr., iii., 5.)—4. (Suetou., Ner., 12.)—5. (Herod., i., 12, 4.)—6. (Hippocrates, "De Locis in Homine," tom. ii., p. 138, ed. Kühn.—Timæus Locrensis, "De Anima Mundi," p. 564, in Gale's Opusc. Mythol.)—7. (Plut., Symp., viii., 4, § 4.)—8. (Plat., De Leg., xi., p. 916.)—9. (Plat., De Leg., iv., p. 720.—Celsus, De Medic., i., 1.—Plin., H. N., xxix., 2.)—10. (Steph. Byz., s. v. Ταράς, p. 693.—Compare Paus., vi., 10, 2.)

1. (Plat., De Leg., viii., p. 840.—Ælian, V. H., xi., 3.—Id., Hist. An., vi., i.)—2. (Plat., Protag., § 20, p. 316.—Lucian, De Conscrib. Hist., § 35, p. 626.)—3. (Plin., H. N., xxix., 2.)—4 (Plat., Protag., l. c.)—5. (Id., Rep., iii., p. 406.)—6. (Id., Gorg., § 2, p. 448.)—7. (Id., Rep., iii., p. 406.)—8. (Id., Phædr., p. 228.)—9. (Bell. Vand., i., 1.)—10. (Orat., vi.)—11. (Dodwell, Class. Tour. ii., p. 177.—Cramer's Anc. Greece, vol ii., § 13, p. 430.) 12. (Hippocr., Epidem., vi., c. 3, tom. iii., p. 599.)—13. (Medicina Gymnastica, &c., Lond., 1718, 8vo.)—14. (De Vict. Rat., in., tom. i., p. 716.)—15. (De Vict. Rat., ii., p 701.)—16. (Ib., p. 760.)—17. (Ib., p. 701.)—18. (Ibid.)—19. (*Vid.* Antyllus, ap Mercur., De Arte Gymn., p. 123.)—20. (Ib., p. 703.)

violent practices of the *gymnasium*, but approves of the more moderate exercises as subservient to the ends of a physician, and, consequently, part of that art. The other Greek writers express a similar opinion; and the sense of most of them in this matter is collected in Oribasius's "Collecta Medicinalia." In those remains which are preserved of the writings of Antyllus, we read of some sorts of exercises that are not mentioned by Galen or any former author; among the rest, the *Cricilasia*, as the translators by mistake call it, instead of *Cricoëlasia*. This, as it had for many ages been disused, Mercurialis himself, who has made the most judicious inquiries into this subject,[1] does not pretend to explain; and I believe, says Freind,[2] though we have the description of it set down in Oribasius,[3] it will be hard to form any idea of what it was.

The ancient physicians relied much on exercise in the cure of the dropsy,[4] whereas we almost totally neglect it.[5] Hippocrates[6] prescribes for one that has a dropsy ταλαιπώριαι, or *fatiguing exercises*, and he makes use of the same word in his Epidemics, and almost always when he speaks of the regimen of a dropsical person, implying that, though it be a labour for such people to move, yet they must undergo it; and this is so much the sense of Hippocrates, that Spon has collected it into one of the new Aphorisms which he has drawn out of his works. Celsus says of this case,[7] "*Concutiendum multa gestatione corpus est.*" The Romans placed great reliance upon exercise for the cure of diseases; and Asclepiades, who lived in the time of Pompey the Great, brought this mode of treatment into great request. He called exercises *the common aids of physic*, and wrote a treatise on the subject, which is mentioned by Celsus in his chapter "De Frictione,"[8] but the book is lost. He carried these notions so far, that he invented the *Lecti Pensiles*,[9] or hanging beds, that the sick might be rocked to sleep; which took so much at that time that they came afterward to be made of silver, and were a great part of the luxury of that people; he had so many particular ways to make physic agreeable, and was so exquisite in the invention of exercises to supply the place of medicine, that perhaps no man in any age ever had the happiness to obtain so general an applause; and Pliny[10] says by these means he made himself the delight of mankind. About his time the Roman physicians sent their consumptive patients to Alexandrea, and with very good success, as we find by both the Plinys; this was done partly for the change of air, but chiefly for the sake of the exercise by the motion of the ship; and therefore Celsus says,[11] "*Si vera Phthisis est, opus est longa navigatione;*" and a little after he makes *Vehiculum* and *Navis* to be two of the chief remedies. As for the other more common exercises, they were daily practised, as is manifest from Celsus, Cælius, Aurelianus, Theodorus Priscianus, and the rest of the Latin physicians. And we do not want instances of cures wrought by these means. Suetonius[12] tells us that Germanicus was cured of a "crurum gracilitas," as he expresses it (by which he probably means *an atrophy*), by riding; and Plutarch, in his life of Cicero, gives us an account of his weakness, and that he recovered his health by travelling, and excessive diligence in rubbing and chafing his body.[13] Pliny[14] tells us that Annæus Gallio, who had been consul, was cured of a consumption by a sea voyage; and Galen gives us such accounts of the good effects of particular exercises, and they were practised so universally by all classes, that it cannot be supposed but they must have been able to produce great and good effects. However, from an attentive perusal of what we find on this subject in the classical authors, the reader can hardly fail of being convinced that the ancients esteemed gymnastics too highly, just as the moderns too much neglect them; and that in this, as in many other matters, both its medicine and in philosophy, truth lies between the two extremes.

GYMNASTAI. (*Vid.* Gymnasium, p. 483.)

GYMNE'SIOI (γυμνήσιοι) or GYMNE'TES (γυμνῆτες) were a class of bond-slaves at Argos, who may be compared with the Helots at Sparta.[1] Their name shows that they attended their masters on military service in the capacity of light-armed troops. Müller[2] remarks that it is to these gymnesii that the account of Herodotus[3] refers, that 6000 of the citizens of Argos having been slain in battle by Cleomenes, king of Sparta,[4] the slaves got the government into their own hands, and retained possession of it until the sons of those who had fallen had grown to manhood. Afterward, when the young citizens had grown up, the slaves were compelled by them to retire to Tiryns, and then, after a long war, as it appears, were either driven from the territory, or again subdued.

GYMNOPAI'DIA (γυμνοπαιδία), the festival of "naked youths," was celebrated at Sparta every year in honour of Apollo Pythæus, Artemis, and Leto. The statues of these deities stood in a part of the Agora called χορός, and it was around these statues that, at the gymnopædia, Spartan youths performed their choruses and dances in honour of Apollo.[5] The festival lasted for several, perhaps for ten days, and on the last day men also performed choruses and dances in the theatre; and during these gymnastic exhibitions they sang the songs of Thaletas and Alcman, and the pæans of Dionysodotus. The leader of the chorus (προστάτης or χοροποιός) wore a kind of chaplet, called στέφανοι ὑπραετικοί, in commemoration of the victory of the Spartans at Thyrea. This event seems to have been closely connected with the gymnopædia, for those Spartans who had fallen on that occasion were always praised in songs at this festival.[6] The boys in their dances performed such rhythmical movements as resembled the exercises of the palæstra and the pancration, and also imitated the wild gestures of the worship of Dionysus.[7] Müller[8] supposes, with great probability, that the dances of the gymnopædia partly consisted of mimic representations, as the establishment of the dances and musical entertainments at this festival was ascribed to the musicians, at the head of whom was Thaletas.[9] The whole season of the gymnopædia, during which Sparta was visited by great numbers of strangers, was one of great merriment and rejoicings,[10] and old bachelors alone seem to have been excluded from the festivities.[11] The introduction of the gymnopædia, which subsequently became of such importance as an institution for gymnastic and orchestic performances, and for the cultivation of the poetic and musical arts at Sparta, is generally assigned to the year 665 B.C.[12]

1. (De Arte Gymnastica, 4to, Amstel., 1672.)—2. (Hist. of Physic, vol. i.)—3. (Coll. Medic., vi., 26.)—4. (Compare Hor., Epist., I., ii., 34: "Si noles sanus, curres hydropicus.")—5. (Alexander Trallianus, De Medic., ix., 3, p. 524, ed. Basil.)—6. (De Internis Affect., sect. 28, tom. ii., p. 518.)—7. (De Medic., iii., 21, p. 152, ed. Argent.)—8. (De Medic., ii., 14, p. 82.)—9. (Plin., H. N., xxvi. 8.)—10. (Ibid., c. 7.)—11 (De Medic., iii., 22, p. 156.)—12 (Calig., c. 3.)—13. (Compare Cic., Brut., c. 91.)—14. (H. N. xxxi., 33.)

1. (Steph. Byz., s. v. Χίος.—Pollux, Onom., iii., 83.)—2. (Dor. iii., 4, § 2.)—3. (vi., 83.)—4. (Id., vii., 148.)—5. (Paus., iii., 11, § 7.)—6. (Athen., xv., p. 678.—Plut., Agesil., 29.—Xen., Hellen., vi., 4, § 16.—Hesych., Suid., Etym. Mag., and Timæus, Glossar., s. v. Γυμνοπαιδία.)—7. (Athen., xiv., p. 631.)—8. (Hist. of Gr. Lit., i., p. 161.)—9. (Plut., De Mus., c. 9.)—10. (Xen., Memor., i., 2, § 61.—Plut., Agesil., 29.—Pollux, Onom., iv., 14, 104.)—11. (Osann, "De Cœlibum apud Veteres populos conditione Commentat., p. 7, &c.)—12. (Compare Meursius, Orchestra, p. 12, &c.—Creuzer, Commentat. Herod. i., p. 230.—Müller, Dor., ii., p. 350, &c.)

GYNAICON'OMOI (*γυναικονόμοι*) or GYNAICOCO'SMOI (*γυναικοκόσμοι*) were magistrates at Athens who superintended the conduct of Athenian women.[1] We know little of the duties of these officers, and even the time when they were instituted is not quite certain. Böckh[2] has endeavoured to show that they did not exist until the time of Demetrius Phalereus, whereas, according to others, they were instituted by Solon, whose regulations concerning the female sex certainly rendered some special officers necessary for their maintenance.[3] Their name is also mentioned by Aristotle[4] as something which he supposes to be well known to his readers. These circumstances induce us to think that the *γυναικονόμοι*, as the superintendents of the conduct of women, existed ever since the time of Solon, but that their power was afterward extended in such a manner that they became a kind of police for the purpose of preventing any excesses or indecencies, whether committed by men or by women. (See the Fragm. of Timocles and Menander, *ap. Athen.*, vi., p. 245, where a *καινὸς νόμος* is mentioned as the source from which they derived their increased power.—Compare Plut., *Sol.*, 21, *in fin.*) In their first and original capacity, therefore, they had to see that the regulations concerning the conduct of Athenian women were observed, and to punish any transgressions of them;[5] in the latter capacity they seem to have acted as ministers of the areiopagus, and, as such, had to take care that decency and moderation were observed in private as well as in public. Hence they superintended even the meetings of friends in their private houses, *e. g.*, at weddings and on other festive occasions.[6] Meetings of this kind were not allowed to consist of more than thirty persons, and the *γυναικονόμοι* had the right to enter any house and send away all the guests above that number; and that they might be able, previous to entering a house, to form an estimate of the number of persons assembled in it, the cooks who were engaged for the occasion had to give in their names to the *γυναικονόμοι*.[7] They had also to punish those men who showed their effeminate character by frantic or immoderate wailing at their own or other persons' misfortunes.[8] The number of these officers is unknown. Meier[9] thinks that they were appointed by lot; but Hermann,[10] referring to Menander,[11] reckons them among those officers who were elected.

H. Aspirate.

HABE'NÆ (*ἡνία*) were, generally speaking, leathern thongs, by means of which things were held and managed. Hence the word was in particular applied, 1. To the reins by means of which horses were guided and managed.[12] The habenæ were, as with us, fixed to the bit or bridle (*frænum*). 2. To the thongs attached to a lance, by which it was held and wielded.[13] (Compare Amentum.) 3. To the thong which was formed into a sling, by means of which stones were thrown.[14] (*Vid.* Funda.) 4 To thongs by means of which the sandals were fastened to the feet.[15] From this passage it is also clear that the habenæ in this case were not always made of leather, but of strings or cords, whence Gellius calls them *teretes habenæ*. 5. To the thongs formed into a scourge with which young slaves were chastised. The commentators on this passage, indeed, differ about the meaning of habenæ; but if we consider the expressions of Ulpian,[2] "*impuberes servi terrem tantum solent, et habena vel ferula cædi*," it is clear that the habena is the scourge itself.[3]

*HÆDUS (*ἐριφος*), I. the Kid.—II. (Hædi, *ἐριφοι*), two stars on the arm of Auriga, called the Kids, and regarded as indicative of stormy weather. They were also called by the singular term *Capella*.[4]

*HÆMACHA'TES (*αἱμαχάτης*), a species of Agate, sprinkled with spots of jasper, or blood-red chalcedony; now called Dotted Agate. (*Vid.* Achates.)

*HÆMADORON (*αἱμάδωρον*), a parasitic plant briefly noticed by Theophrastus. Stackhouse hazards the conjecture that it was the *Orobanche*, L.[5]

*HÆMATI'TES (*αἱματίτης*), the well-known stone called Bloodstone. It is of a ferruginous colour, and consists principally of oxyde of iron. "The *Hæmatites* of the ancients," observes Dr. Moore, "comprehended, besides our red *hæmatite*, several other oxydes of iron, as may be seen from Pliny's description of five varieties of it, besides the magnet. For magnetic oxyde of iron was also classed with hæmatite; but that, no doubt, because of the appearance it exhibited after having been exposed to a strong heat." From the descriptions given by Theophrastus and Pliny, it would appear, as remarked by the same writer, that compact and ochrey red and brown oxydes of iron were included under hæmatite.[6]

HÆRES. (*Vid.* Heres.)

*HAL'CYON (*ἀλκυών*), the Kingfisher, or *Alcedo Ispida*, L. "The Greek naturalists," observes Adams, "describe two species, or, more properly, varieties of this bird. The scholiast on Theocritus derives the word *παρὰ τοῦ ἐν ἁλι κύειν*, an etymology which we may with great safety reject. The Kingfisher builds its nests on the banks of rivers, and does not commit them to the sea, as some of the ancients represent. What they took for the nests of this bird were the bones which it had swallowed and vomited up. Pliny's description of its nest is tolerably accurate. Aristotle and several of the ancient poets represent the Kingfisher as frequenting the seaside, and this is probably true of it in the warm climates, but does not apply to it in northern latitudes. It remains to be mentioned, that Belon hazards the very improbable conjecture that the Vocal Kingfisher of Aristotle was the Greater Reed-sparrow; and that Aldrovandus could never determine satisfactorily what bird was meant by the *Halcyon* of the ancients, although it appears to me that Aristotle's description of the *ἀλκυών* applies in the main very well to the *Alcedo Ispida*."[7]

*HALIÆ'TUS (*ἁλιαίετος*), the Osprey. This bird is the "*Nisus*" of Virgil and Ovid. Naturalists, according to Adams, have recently adopted the opinion that the Osprey is the same as the Sea Eagle. Its scientific name is *Pandion Haliætus*, Savigny.[8]

*HALICAC'ABUM (*ἁλικάκαβον*), a plant, the Winter-cherry, or *Physalis Alkekengi*. The berry steeped in wine was employed as a diuretic. Sibthorp found it growing on Parnassus, and on the Bithynian Olympus, as well as around Constantinople.[9]

*HAL'IMUS (*ἅλιμος*), a plant, a species of Orache, the *Atriplex Halimus*, L.—Τὰ *ἅλιμα* are certain saline plants and their fruits, mentioned in the Sep-

1. (Pollux, viii., 112.)—2. (De Philoch., p 24.)—3. (Plut., Sol., 21.—Compare Thirlwall, Hist. of Greece, ii., p. 51.)—4. (Pollux, Onom., iv., 12, p. 144.—Id. ib., vi., 5, p. 214, ed. Göttling.)—5. (Harpocrat., s. v. "Οτι χιλίας.—Hesych., s. v. Πλάτανος.)—6. (Philoch. ap. Athen., vi., p. 245.)—7. (Athen., l. c.)—8. (Plut., l. c.)—9. (Att Proc., p. 97.)—10. (Polit. Antiq., § 150, n. 5.)—11. (Rhet. De Encom., p. 105, ed. Heeren.)—12. (Virg., Æn., x., 576. —Id. ib., xi., 670, 765. — Id. ib., xii., 327.) — 13. (Lucan, vi., 221.)—14. (Lucan, iii., 710 — Val. Flacc., v., 609.) — 15. (Aul. Gell., xiv., 21, 4.)

1. (Horat., Epist., ii., 2, 15.) — 2. (Dig. 29, t. 5, s. 33.) — 3. (Compare Ovid, Heroid., ix., 81. — Virg., Æn. vii., 380.) — 4. (Virg., Georg., i., 205.)—5. (Adams, Append., s. v.) — 6. (Plin., H. N., xxxvi., 38.—Moore's Anc. Mineralogy, p. 130.)—7. (Aristot., H. A., viii., 5.—Id. ib., xiii., 5. — Plin., H. N., x., 15.—Adams, Append., s. v.) — 8. (Adams, Append., s. v. *ἀετός*.) — 9 (Billerbeck, Flora Classica, p. 50.)

tuagint version of the Scriptures. On the other hand, τὰ ἅλιμα were certain herbs, so called because used by the Pythagoreans, who lived solely on a vegetable diet, and hence were termed οἱ ἅλιμοι, as only eating in order to assuage hunger (ἀ priv., and λιμός, "hunger"[1]).

HALO'A. (*Vid.* ALOA.)

HALTE'RES (ἁλτῆρες) were certain masses of stone or metal, which were used in the gymnastic exercises of the Greeks and Romans. Persons who practised leaping frequently performed their exercises with halteres in both hands; but they were also frequently used merely to exercise the body in somewhat the same manner as our dumb-bells.[2] Pausanias[3] speaks of certain statues of athletes

who were represented with halteres. They appear to have been made of various forms and sizes. The preceding woodcut is taken from Tassie, *Catalogue*, &c., pl. 46, No. 7978.[4]

HAMA. (*Vid.* BATILLUS.)

HAMAXA. (*Vid.* HARMAMAXA, PLAUSTRUM.)

HARMA. (*Vid.* CURRUS, HARMAMAXA.)

HARMAMAXA (ἁρμάμαξα) is evidently compounded of ἅρμα, a general term, including not only the Latin CURRUS, but other descriptions of carriages for persons; and ἅμαξα, which meant a cart, having commonly four wheels, and used to carry loads or burdens as well as persons.[5] The harmamaxa was a carriage for persons, in its construction very similar to the CARPENTUM, being covered overhead and enclosed with curtains,[6] so as to be used at night as well as by day;[7] but it was in general larger, often drawn by four horses, or other suitable quadrupeds, and attired with ornaments more splendid, luxurious, and expensive, and in the Oriental style.[8] It occupied among the Persians[9] the same place which the carpentum did among the Romans, being used, especially upon state occasions, for the conveyance of women and children, of eunuchs, and of the sons of the king with their tutors.[10] Also, as persons might lie in it at length, and it was made as commodious as possible, it was used by the kings of Persia, and by men of high rank in travelling by night, or in any other circumstances when they wished to consult their ease and their pleasure.[11]

The body of Alexander the Great was transported from Babylon to Alexandrea in a magnificent harmamaxa, the construction of which occupied two years, and the description of which, with its paintings and ornaments in gold, silver, and ivory employed the pen of more than one historian.[1]

The harmamaxa was occasionally used by the ladies of Greece. A priestess of Diana is represented as riding in one which is drawn by two white cows.[2]

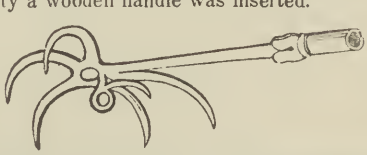
HARMOSTÆ (from ἁρμόζω, to fit or join together) was the name of the governors whom the Lacedæmonians, after the Peloponnesian war, sent into their subject or conquered towns, partly to keep them in submission, and partly to abolish the democratical form of government, and establish in its stead one similar to their own.[3] Although in many cases they were ostensibly sent for the purpose of abolishing the tyrannical government of a town, and to restore the people to freedom, yet they themselves acted like kings or tyrants, whence Dionysius[4] thinks that harmostæ was merely another name for kings. How little sincere the Lacedæmonians were in their professions to restore their subject towns to freedom, was manifest after the peace of Antalcidas; for, although they had pledged themselves to re-establish free governments in the various towns, yet they left them in the hands of the harmostæ.[5] The character of their rule is sufficiently described by the word κατέχειν, which Isocrates[6] and Demosthenes[7] use in speaking of the harmostæ.[8] Even Xenophon[9] could not help censuring the Lacedæmonians for the manner in which they allowed their harmostæ to govern.

It is uncertain how long the office of an harmostes lasted; but, considering that a governor of the same kind, who was appointed by the Lacedæmonians in Cythera, with the title of Cytherodices, held his office only for one year,[10] it is not improbable that the office of harmostes was of the same duration.

'ΑΡΠΑΓΗΣ ΓΡΑΦΗ (ἁρπαγῆς γραφή). This action seems, according to Lucian,[11] to have been applicable to cases of open robbery, attended with violence. Under these circumstances, the offenders would be included in the class of κακοῦργοι, and, as such, be tried before a court under the control and management of the Eleven. With respect to the punishment upon conviction, we have no certain information, but there seems no reason to doubt that it was capital, as in cases of burglary and stealing from the person.[12]

HA'RPAGO (ἅρπαγη: λύκος: κρεάγρα, *Lat.* κρεάγρις), a Grappling-iron, a Drag, a Flesh-hook.[13]

The iron-fingered flesh-hook (κρεάγρα σιδηροδακτύλος[14]) is described by the scholiast on Aristophanes[15] as "an instrument used in cookery, resembling a hand with the fingers bent inward, used to take boiled meat out of the caldron." Four specimens of it, in bronze, are in the British Museum. One of them is here represented. Into its hollow extremity a wooden handle was inserted.



A similar instrument, or even the flesh-hook it

1. (Donnegan, s. v., ed. 4th.)—2. (Martial, xiv., 49.—Id., VII., lxvii., 6.—Pollux, iii., 155.—Id., x., 64.—"Graves massæ:" Juv., vii., 421.—Senec., Ep., 15, 56.)—3. (v., 26, § 3.—Id., v., 27, § 8.—Id., vi., 3, § 4.)—4. (*Vid.* Mercurialis, De Arte Gymnastica, ii., 12.—Becker's Gallus, i., p. 277.)—5. (Hes., Op. et Dies, 692.—Hom., Il., vii., 426.—Id. ib., xxiv., 782.)—6. (Diod Sic., xi., 56.—Chariton, v., 2.)—7. (Xen., Cyrop., iv., 2, § 15.) 8. (Diod. Sic., xvii., 35.—Aristoph., Acharn., 70.)—9 (Max Tyr., 34.)—10. (Herod., vii., 83.—Id., ix., 76.—Xen., Cyrop., iii., 1, § 4.—Id. ib., iv., 3, § 1.—Id. ib., vi., 3, § 11.—Q. Curt., iii., 3, § 23.)—11. (Herod., vii., 41.—Xen., Cyrop., iii., 1, § 40.)

1. (Diod. Sic., xviii., 26–28.—Athen., v., 40.—Ælian, V. H., xii., 64.)—2. (Heliod., Æth., iii., p. 133, ed. Commelini.)—3. (Diod. Sic., xiv., 10.—Xen., Hellen., iv., 2, § 5.—Isocrat., Paneg., p. 92.—Suidas, Hesych., s. v.—Etymol. Mag., s. v. Ἐπίσταθμοι.) 4 (Antiq. Rom., v., p. 337, ed. Sylburg.)—5. (Polyb., iv., 27.) 6 (l. c.)—7. (De Coron., p. 258.)—8. (Compare Demosth., c. Timocr., p. 740.—Plut., Narrat. Amat., c. 3.)—9. (De Rep. Lac., c. 14.)—10. (Thucyd., iv., 53.)—11. (Jud. Voc., c. 1, vol. i., p. 82, ed. Hemst.)—12. (Xen., Mem., i., 2, § 62.)—13. (Ex., xxvii., 3.—1 Sam., ii., 13, 14, Sept.—Aristoph., Vesp., 1152.—Anaxippus, ap. Athen., iv., 68.)—14. (Brunck, Anal., ii., 215.)—15. (Equit., 769.)

well,[1] was used to draw up a pail, or to recover anything which had fallen into a well.[2]

In war, the grappling-iron, thrown at an enemy's ship, seized the rigging, and was then used to drag the ship within reach, so that it might be easily boarded or destroyed.[3] These instruments, aptly called "iron hands" (*ferreæ manus*[4]), were employed by the consul Duilius against the Carthaginians,[5] and were said to have been invented by Pericles.[6]

HARPASTUM (*ἁρπαστόν*, from *ἁρπάζω*) was a ball, used in a game of which we have no accurate account; but it appears, both from the etymology of the word and the statement of Galen,[7] that a ball was thrown among the players, each of whom endeavoured to obtain possession of it. Hence Martial[8] speaks of the *harpasta pulverulenta*. The game required a great deal of bodily exertion.[9]

HARU'SPICES or ARU'SPICES were soothsayers or diviners who interpreted the will of the gods. They originally came to Rome from Etruria, whence haruspices were often sent for by the Romans on important occasions.[10] The art of the haruspices resembled in many respects that of the augurs, but they never acquired that political importance which the latter possessed, and were regarded rather as means for ascertaining the will of the gods than as possessing any religious authority. They did not, in fact, form any part of the ecclesiastical polity of the Roman state during the Republic; they are never called sacerdotes; they did not form a collegium, and had no magister at their head. The account of Dionysius,[11] that the haruspices were instituted by Romulus, and that one was chosen from each tribe, is opposed to all the other authorities, and is manifestly incorrect. In the time of the emperors, we read of a collegium or ordo of sixty haruspices;[12] but the time of its institution is uncertain. It has been supposed that such a collegium existed in the time of Cicero, since he speaks of a *summus magister*;[13] but by this we are probably to understand, not a *magister collegii*, but merely the most eminent of the haruspices at the time.

The art of the haruspices, which was called *haruspicina*, consisted in explaining and interpreting the will of the gods from the appearance of the entrails (*exta*) of animals offered in sacrifice, whence they are sometimes called *extispices*, and their art *extispicium*;[14] and also from lightning, earthquakes, and all extraordinary phenomena in nature, to which the general name of *portenta* was given.[15] Their art is said to have been invented by the Etruscan Tages,[16] and was contained in certain books called *libri haruspicini*, *fulgurales*, and *tonitruales*.[17]

This art was considered by the Romans so important at one time, that the senate decreed that a certain number of young Etruscans, belonging to the principal families of the state, should always be instructed in it.[18] Niebuhr appears to be mistaken in supposing the passage in Cicero to refer to the children of Roman families.[19] The senate sometimes consulted the haruspices,[20] as did also private persons.[21] In later times, however, their art fell into disrepute among well-educated Romans; and Cicero[22] relates a saying of Cato, that he wondered that one haruspex did not laugh when he saw another. The Emperor Claudius attempted to revive the study of the art, which had then become neglected, and the senate, under his directions, passed a decree that the pontifices should examine what parts of it should be retained and established;[1] but we do not know what effect this decree produced.

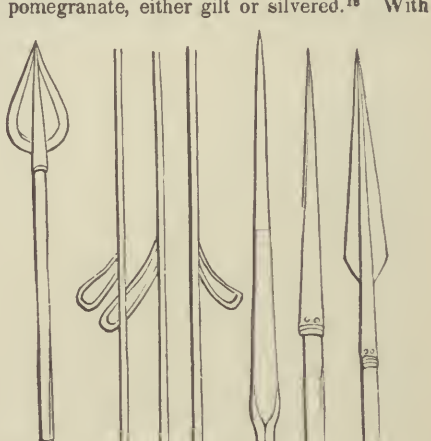
The name of haruspex is sometimes applied to any kind of soothsayer or prophet;[2] whence Juvenal[3] speaks of *Armenius vel Commagenus haruspex*.

The latter part of the word haruspex contains the root *spec;* and Donatus[4] derives the former part from *haruga*, a victim.[5]

(Göttling, *Gesch. der Röm. Staatsv.*, p. 213.—Walter, *Gesch. des Röm. Rechts*, p. 184.—Brissonius, *De Formulis*, i., 29, &c.)

HASTA (*ἔγχος*), a Spear. The spear is defined by Homer, *δόρυ χαλκῆρες*, "a pole fitted with bronze,"[6] and *δόρυ χαλκοβαρές*, "a pole heavy with bronze."[7] The bronze, for which iron was afterward substituted, was indispensable to form the point (*αἰχμή*, *ἀκωκή*;[8] *λόγχη*;[9] *acies*, *cuspis*, *spiculum*[10]) of the spear. Each of these two essential parts is often put for the whole, so that a spear is called *δόρυ* and *δοράτιον*, *αἰχμή*, and *λόγχη*. Even the more especial term *μελία*, meaning an ash-tree, is used in the same manner, because the pole of the spear was often the stem of a young ash, stripped of its bark and polished.[11] In like manner, the spear is designated by the term *κάμαξ*,[12] meaning, properly, the strong tall reed of the south of Europe, which served both for spears and for various other uses.[13]

The bottom of the spear was often enclosed in a pointed cap of bronze, called by the Ionic writers *σαυρωτῆρ*[14] and *οὐρίαχος*,[15] and in Attic or common Greek *στύραξ*.[16] By forcing this into the ground, the spear was fixed erect.[17] Many of the lancers (*δορυφόροι*, *αἰχμοφόροι*, *λογχοφόροι*, woodcut, p. 207) who accompanied the King of Persia had, instead of this spike at the bottom of their spears, an apple or a pomegranate, either gilt or silvered.[18] With



this, or a similar ornament, the spear is often te-

1. (Aristoph., Eccles., 994.)—2. (Hesych., s. v. Ἁρπάγη, Κρεάγρα, Λύκος.)—3. (Ἅρπαξ: Athen., vi., 43.)—4. (Q. Curt., iv., 9.—Dion Cass., xlix., 3.—Id., n., 32, 34.)—5. (Flor., ii., 2.—Front., Stratag., ii., 3, 24.)—6. (Plin., H. N., vii., 57.)—7. (*περὶ μικρᾶς Σφαίρας*, c. 2, p. 902, ed. Kühn.)—8. (IV., xix., 6.)—9. (Martial, VII., lxvii., 4.—Compare xiv., 48.—*Vid.* Becker's Gallus, i., p. 276.)—10. (Liv., xxvii., 37.—Cic., Cat., iii., 8.—Id., De Div., ii., 4.)—11. (ii., 22.)—12. (Tacit., Ann., xi., 15.—Orelli, Inscr., i., p. 399.)—13. (De Div., ii., 24.)—14. (Cic., De Div., ii., 11 —Suet., Ner., 56.)—15. (Val. Max., i., 1, § 1.)—16. (Cic., De Div., ii., 23.—Festus, s v. Tages.)—17. (Cic., De Div., i. 33 —Compare Macrob., Saturn., iii., 7.)—18. (Cic., De Div., i, 41 —19. (See Orelli, ad loc.)—20. (Cic., De Div., i., 43.—Id. ib., ii., 35.—Liv., xxvii., 37.)—21. (Cic., De Div., ii., 29.)—22 (Cic., De Div., ii., 24.)

1. (Tacit., Ann., xi., 15.)—2. (Prop., III., xiii., 59.)—3. (v., 550.)—4. (ad Ter., Phorm., IV., iv., 28.)—5. (Compare Festus, s. v. Harviga, and Varro, De Ling. Lat., v., 98, ed. Müller.)—6 (Il., vi., 3.)—7. (Od., xi., 531.)—8. (Homer.)—9. (Xenophon 10. (Ovid, Met., viii., 375.)—11. (Il., xix., 390.—Ib., xx., 277.—Ib., xxii., 328.—Od., xxii., 259.—Plin., H. N., xvi., 24 —Ov., Met., xii., 369.)—12. (Æsch., Ag., 65.—Eurip., Hec., 1155.—Id., Phœn., 1421.—Brunck, Anal., i., 191, 226.—Ant. Sid., 34.) —13. (Hes., Scut., 298.—Schol. in loc.—Xen., De Re Equest., xii., 12.)—14. (Hom., Il., x., 153.—Herod., vii., 40, 41.—Polyb., vi., 23.)—15. (Il., xiii., 443.—Ib., xvi., 612.—Ib., xvii., 528.)—16 (Xen., Hellen., vi., 2, 19.—Athen., xii., 8.—*στυλ ακίον*: Thucyd., ii., 4 —Æn. Tact., 18.)—17. (Virg., Æn., xii. 130.)—18 (Herod. Athen., Il. cc.)

minated both on Persian and Egyptian monuments. Fig. 1 in the preceding woodcut shows the top and bottom of a spear which is held by one of the king's guards in the sculptures at Persepolis.[1] It may be compared with those in the hand of the Greek warrior at p. 94, which have the spike at the bottom. The spike at the bottom of the spear was used in fighting by the Greeks and Romans when the head was broken off.[2]

A well-finished spear was kept in a case (*δορατοθήκη*), which, on account of its form, is called by Homer a pipe (*σύριγξ*[3]).

The spear was used as a weapon of attack in three different ways: 1. It was thrown from catapults and other engines. (*Vid.* TORMENTUM.) 2. It was thrust forward as a pike. In this manner Achilles killed Hector by piercing him with his spear through the neck.[4] The Eubœans were particularly celebrated as pikemen.[5] 3. It was commonly thrown by the hand (*ἀκοντίσαι μακρόθεν*[6]) The warrior, preparing to hurl it, raised his hand to his right ear.[7] (Compare woodcut, p. 245.) He sometimes derived assistance from the use of the AMENTUM or the ANSA. He generally went to the field with two spears.[8] (Woodcuts, p. 94, 227, 332.) On approaching the enemy, he first threw either one spear or both, and then, on coming to close quarters, drew his sword[9] (*pila conjecerunt—gladiis geri res cœpta est*[10]).

Under the general terms *hasta* and *ἔγχος* were included various kinds of missiles, of which the principal were as follow:

Lancea (*λόγχη*[11]), the lance, a comparatively slender spear commonly used by the Greeks. Iphicrates, who doubled the length of the sword (*vid.* GLADIUS), also added greatly to the dimensions of the lance.[12] This weapon was used by the Grecian horsemen;[13] and by means of an appendage to it, which is supposed by Stuart[14] (woodcut, fig. 2) to be exhibited on the shafts of three spears in an ancient bas-relief, they mounted their horses with greater facility.[15] The lance, on account of its length and its lightness, was carried by huntsmen.[16]

Pilum (*ὑσσός*), the javelin, much thicker and stronger than the Grecian lance,[17] as may be seen on comparing the woodcuts at p. 94 and 95. Its shaft, often made of cornel,[18] was partly square, and 5½ feet long.[19] The head, nine inches long, was of iron, and is therefore now found only in the state described by Virgil, "*exesa scabra robigine pila.*"[20] It was used either to throw or to thrust with; it was peculiar to the Romans, and gave the name of *pilani* (p. 103) to the division of the army by which it was adopted[21] (*pilatum agmen*[22]). When Marius fought against the Cimbri, he ordered that, of the two nails or pins (*περόναι*) by which the head was fastened to the staff, one should be of iron and the other of wood. The consequence was, that when the pilum struck the shields of the enemy, the trenail gave way, and the shaft was turned on one side, so that the spear could not be sent back again.[23]

While the heavy-armed Roman soldiers bore the long lance and the thick and ponderous javelin, the light-armed used smaller missiles, which, though of different kinds, were included under the general term *hastæ velitares*. From *γρόσφος*, the corresponding Greek term,[3] the *velites*, or light-armed, are called by Polybius *γροσφομάχοι*.[3] According to his description, the *γρόσφος* was a dart, with a shaft about three feet long and an inch in thickness: the iron head was a span long, and so thin and acuminated as to be bent by striking against anything, and thus rendered unfit to be sent back against the enemy. Fig. 3 in the preceding woodcut shows one which was found, with nearly four hundred others, in a Roman intrenchment at Meon Hill, in Gloucestershire.[4]

The light infantry of the Roman army used a similar weapon, called *a spit* (*veru*,[5] *verutum*,[6] *σαύνιον*[7]). It was adopted by them from the Samnites[8] and the Volsci.[9] Its shaft was 3½ feet long, its point five inches.[10] Fig. 4, in the preceding woodcut, represents the head of a dart in the Royal Collection at Naples; it may be taken as a specimen of the *verutum*, and may be contrasted with fig. 5, which is the head of a lance in the same collection. The Romans adopted, in like manner, the GÆSUM, which was properly a Celtic weapon;[11] it was given as a reward to any soldier who wounded an enemy.[12] *Sparus* is evidently the same word with the English *spar* and *spear*. It was the rudest missile of the whole class, and only used when better could not be obtained.[13]

Besides the terms *jaculum* and *spiculum* (*ἄκων ἀκόντιον*), which probably denoted darts resembling in form the lance and javelin, but much smaller, adapted, consequently, to the light-armed (*jaculatores*), and used in hunting as well as in battle,[14] we find in classical authors the names of various other spears, which were characteristic of particular nations. Thus Servius states[15] that, as the *pilum* was proper to the Romans, and the *gæsum* to the Gauls, so the *sarissa* was the spear peculiar to the Macedonians. This was used both to throw and as a pike.[16] It exceeded in length all other missiles. (See p. 101.) It was made of cornel, the tall, dense stem of which also served to make spears of other kinds.[17] The Thracian *romphea*, which had a very long point, like the blade of a sword[18] (*rumpia*,[19] *ῥομφαία*[20]), was probably not unlike the sarissa, since Livy asserts[21] that, in a country partly covered with wood, the Macedonian phalanx was ineffective on account of their *prælongæ hastæ*, and that the romphæa of the Thracians was a hinderance for the same reason. With these weapons we may also class the Illyrian *sibina*, which resembled a hunting-pole[22] (*sibon*[23]).

The iron head of the German spear, called *framea*, was short and narrow, but very sharp. The Germans used it with great effect either as a lance or a pike: they gave to each youth a framea and a shield on coming of age.[24] The *Falarica* or *Phalarica* was the spear of the Saguntines, and was impelled by the aid of twisted ropes: it was large and ponderous, having a head of iron a cubit in length, and a ball of lead at its other end; it sometimes

1. (Sir R. K. Porter's Travels, vol. i., p. 601.)—2. (Polyb., vi., 25.)—3. (Il., xix., 387.)—4. (Il., xxii., 326.)—5. (Hom., Il., ii., 543.—Strabo, x., 1, 12, 13.)—6. (Arrian, Tact.)—7. (Ovid, Met., ii., 311.)—8. (Hom., Il., iii., 18.—Id. ib., x., 76.—Id. ib., xii., 298.—Pind., Pyth., iv., 139.—Polyb., vi., 21.)—9. (Hom., Il., iii., 340. —Id. ib., xvii., 530.—Id. ib., xx., 273-284.—Theocrit., Idyll., xxii., 187-191.)—10. (Liv., xxviii., 1.)—11. (Festus, s. v. Lancea.)—12. (Diod. Sic., xv., 44.—Nep., xi., 1, 3.)—13. (Polyb., vi., 23.)—14. (Ant. of Athens, V., iii., p. 47.)—15. (Xen., De Re Eq., VII., xii.)—16. (Apul., Met., viii.)—17. (Flor., ii., 7.)—18. (Virg., Æn., ix., 698.—Ovid, Met., viii., 408.)—19. (Veget., ii., 15.)—20. (Georg., iv., 495.)—21. (Strabo, l. c.)—22. (Virg., Æn., xii., 121, 130; vii., 664. — Servius in loc. — Hor., Sat., II., i., 13. — Cæs., B G., i., 52.)—23 (Plut., Marius.)

1. (Liv., xxxviii., 20.—Plin., H. N., xxviii., 6.)—2. (Polyb., i., 40.—Strabo, iv., 4, 3.)—3. (vi., 19, 20.)—4. (Skelton's Engraved Illustrations, vol. i., pl. 45.)—5. (Liv., xxi., 55.)—6. (Liv., l. c.) —7. (Diod. Sic., xiv., 27.— Festus, s. v. Samnites.) — 8. (Virg. Æn., vii., 665.)—9. (Georg., ii., 168.)—10. (Veget., ii., 15.)—11 (Liv., xxviii., 45.) — 12. (Polyb., vi., 37.) — 13. (Virg., Æn., xi., 682.—Serv. in loc.—Nepos, xv., 9, 1. — Sallust, Cat., 56.—Aul. Gell., x., 25.)—14. (Thucyd., ii., 4.—Virg., Æn., ix., 52.—Serv. in loc.—Ovid, Met., viii., 411.—Cic. ad Fam., v., 12.—Flor., ii., 7.—Apul., Met., viii.)—15. (in Æn., vii., 664.)—16. (Strab., l. c.) —17. (Theophrast., H. P., iii., 12, 2.—*σάρισα*: Arrian, Tact.— *κρανέινα*: Xen., De Re Equest., xii., 12.)—18. (Val. Flacc., vi., 98.)—19. (Gell., l. c.)—20. (Apoc., i., 16.)—21. (xxxi., 39.)—22. (Festus, s. v. *σιβύνιον*.—Polyb., vi., 21.) — 23. (Aul. Gell., l. c. —Ant. Sid., 13.)—24. (Tacit., Germ., 2 13, 18 24.—Juv., xiii., 79.)

carried flaming pitch and tow.[1] The *matara* and *fragula* were chiefly used in Gaul and Spain: the *fragula* was probably barbed, as it required to be cut out of the wound.[2] The Aclis and Cateia were much smaller missiles.

Among the decorations which the Roman generals bestowed on their soldiers, more especially for saving the life of a fellow-citizen, was a spear without a head, called *hasta pura*.[3] The gift of it is sometimes recorded in funeral inscriptions.

The *celibaris hasta*,[4] having been fixed into the body of a gladiator lying dead on the arena, was used at marriages to part the hair of the bride.[5]

A spear was erected at auctions (*vid.* Auctio), and when tenders were received for public offices (*locationes*). It served both to announce, by a conventional sign conspicuous at a distance, that a sale was going on, and to show that it was conducted under the authority of the public functionaries.[6] Hence an auction was called *hasta*, and an auction-room *hastarium*.[7] It was also the practice to set up a spear in the court of the Centumviri.

The throwing of spears was one of the gymnastic exercises of the Romans.[8]

HASTA'TI. (*Vid.* Army, Roman, p. 103.)

HECATOMBÆON. (*Vid.* Calendar, Greek.)

HECATOMBAIA. (*Vid.* Heræa.)

HECTICI (Ἕκτικοί), another name for the medical sect of the Episynthetici, as we learn from Galen,[9] who says that "Agethinus the Lacedæmonian was the founder of a sect which he named Ἐπισυνθετική, and which some called Ἑκλεκτική, and others Ἑκτική." For their opinions (as far as they are known), *vid.* Episynthetici.

*HED'ERA (κίσσος or κίττος), the Ivy, *Hedera helix*. The ivy, as Fée remarks, is one of the best-known plants of antiquity, since, independently of the descriptions given of it by ancient poets and botanists, we see it sculptured on various monuments of former days. Theophrastus,[10] and, after him, Dioscorides[11] and Pliny,[12] have distinguished three kinds of ivy, subdivided into several species. These three kinds, however, are now looked upon as mere varieties, and we may be said to know at the present day but a single species of *Hedera*, which modern botanical writers have designated by the epithet of *Helix* (ἕλιξ). Among the varieties of this species may be mentioned the *Hedera corymbosa* of modern botanists, the same with the *H. arborea* of the botanical writers of the Middle Ages. It is the kind beautifully described in the Culex of Virgil, and alluded to also in the 3d Eclogue, and in the Georgics of the same poet. The *Hedera nigra* of the 7th and 8th Eclogues is that which the ancients consecrated to Bacchus, and called, from him, *Dionysia*. It is the *Hedera poetica* of Bauhin, and served, when interlaced with the laurel, as a crown for warriors, poets, &c. The epithet *nigra*, given by Virgil to the *Hedera helix*, applies to its dark-hued berries and the sombre colour of its foliage. By the epithet *pallens*, on the other hand, he intends to indicate the flowers, as well as the *corymbi* before the fruit is matured.[13] The following remarks of Martyn[14] are worthy of perusal: "Many sorts of ivy are mentioned by the ancients, most of which seem to be rather varieties than distinct species. Theophrastus says the three principal sorts are the white the black, and that which is called *helix*. The *black* is our common ivy, and the *helix* seems to be only the same plant before it has arrived at the perfection of bearing fruit. For at first the leaves are angular, and the whole plant clings closely to the wall or tree that supports it: but when it comes to flower, a new shoot is detached from the support, bearing roundish leaves without angles. That the *helix* is the ivy in its barren state is plain from the account which Theophrastus gives of it. He says the leaves are angular, and more neat than those of ivy, which has them more round and simple. He adds also that it is barren. As for the white ivy, it seems to be unknown to us. Some, indeed, imagine it to be that variety of which the leaves are variegated with white. But Theophrastus expressly mentions the whiteness of the fruit; for he says some have only the fruit white, and others the leaves also. Dioscorides also mentions three principal sorts of ivy, the white, the black, and the *helix*. The white bears a white fruit; the black has either a black or saffron-coloured fruit: this kind they called also *Dionysia;* the helix bears no fruit at all, but has white twigs, and small, angular, reddish leaves. Pliny has confounded the ivy with the *cistus*, being deceived by the similarity between κισσός (or κιττός) and κίστος. The flower of the cistus does, indeed, bear a resemblance to that of the wild rose, as Pliny remarks, but it would be difficult to find any such similitude in the ivy."

HEDNA (ἕδνα). (*Vid.* Dos, Greek.)

*HEDYOSMUS (ἡδύοσμος), Garden-mint, or *Mentha sativa*. The ἡδύοσμος ἄγριος of Dioscorides and others is the *Mentha gentilis;* the ἡδύοσμος ἥμερος, the *Mentha crispa*. The καλαμίνθη ἑτέρα is the *M. sylvestris*.[1]

*HEDYS'ARUM ἡδύσαρον), a leguminous plant, *Coronilla securidica*. It was also called by the ancient writers πελεκῖνος, which name, as well as *securidica*, refers to the axe-formed shape of its seeds. The modern Greek name is πικρολούδι. "Matthiolus," observes Adams, "holds that the *Hedysarum* is either the *Coronilla securidica* or the *Astragalus hamosus*. Clusius brought into view the *Coronilla varia* and the *Bisserula pelecinus*. Stackhouse makes the πελεκῖνος of Theophrastus, which is identical with the ἡδύσαρον, to be the *Coronilla securidica*, and in this opinion he has the support of Sibthorp. Schneider, however, is by no means satisfied that either the *Coronilla* or the *Bisserula* answers to the description of Dioscorides."[2]

'HΓΕΜΟΝ'ΙΑ ΔΙΚΑΣΤΗΡ'ΙΟΥ (ἡγεμονία δικαστηρίου). (*Vid.* Eisagogeis.)

'ΕΙΡΓΜΟΥ ΓΡΑΦΗ (εἱργμοῦ γραφή). This was an action for false imprisonment of a free citizen or stranger, and keeping such person in private custody. There are no orations upon this subject extant, nor, indeed, any direct allusions to it by name; but it is hinted at as a remedy that might have been adopted by Agatharchus, the painter, for the restraint put upon his personal liberty by Alcibiades;[3] and in a passage of Dinarchus,[4] where a miller is mentioned to have incurred capital punishment for a like offence. The thesmothetæ probably presided in the court before which offenders of this kind were brought to trial.[5]

*HELENIUM (ἑλένιον), a plant, Scabwort or Elecampane, *Inula Helenium*, L. "*Helenium*," says Lister, "*Inula Campana Italis dictum.*" "It is probable," remarks Woodville, "that the Elecampane is the *Helenium foliis verbasci* of Dioscorides, and the *Inula* of Pliny." Sprengel and Dierbach also agree

1. (Liv., xxi., 8.—Id., xxxiv., 18.—Virg., Æn., ix., 706.—Lucan, vi., 198.—Sil. Ital., i., 351.—Aul. Gell., l. c.—Isid., Orig., xviii., 7.—Grat. Falisc., Cyneg., 342.)—2. (Plaut., Cas., ii., 4, 18.—Id., Epid., v., 2, 25.—Id., Pseud., i., 4, 24.—Cæs., B. G., i., 26.—Id. ib., v., 35.—Gell., l. c.)—3. (Virg., Æn., vi., 760.—Serv. in loc.—Festus, s. v. Hasta.—Sueton., Claud., 28.—Tacit., Ann., iii., 21.)—4. (Festus, s. v.)—5. (Ovid, Fast., ii., 560.)—6. (Cic., Off., ii., 8.—Nepos, Attic., 6.—Festus, s. v. Hasta.)—7. (Tertull., Apol., 13.)—8. (Plaut., Bacc., iii., 3, 24.—Id., Most., i., 2, 73.)—9. (Definit. Med., c. 14, tom. 19, p. 353, ed. Kühn.)—10. (ii., 210.)—11. (II. P., iii., 18.)—12. (H. N., xvi., 34.)—13. (Fée, Flore de Virg., p. lxii., &c.)—14. (ad Virg., Eclog., iii., 39.)

1. (Theophrast., H. P., vii., 7.—Dioscor., iii., 36.)—2. (Dioscor., iii., 136.—Adams, Append., s. v.)—3. (Andoc., c. Alcib., 119.)—4. (c. Leom., 17.)—5. (Meier, Att. Proc., 332.)

in referring it to the *Inula Helenium*, L. The other species described by Dioscorides is referred by Bauhin and Sprengel to the *Teucrium marum*.[1]

HELE'POLIS (ἑλέπολις). When Demetrius Poliorcetes besieged Salamis, in Cyprus, he caused a machine to be constructed which he called "the taker of cities." Its form was that of a square tower, each side being 90 cubits high and 45 wide. It rested on four wheels, each eight cubits high. It was divided into nine stories, the lower of which contained machines for throwing great stones, the middle large catapults for throwing spears, and the highest other machines for throwing smaller stones, together with smaller catapults. It was manned with 200 soldiers, besides those who moved it by pushing the parallel beams at the bottom.[2]

At the siege of Rhodes, 306 B.C., Demetrius employed a helepolis of still greater dimensions and more complicated construction. Besides wheels, it had castors (ἀντιστρέπτα), so as to admit of being moved laterally as well as directly. Its form was pyramidal. The three sides which were exposed to attack were rendered fireproof by being covered with iron plates. In front, each story had portholes, which were adapted to the several kinds of missiles, and were furnished with shutters that could be opened or closed at pleasure, and were made of skins stuffed with wool. Each story had two broad flights of steps, one for ascending, the other for descending.[3] This helepolis was constructed by Epimachus the Athenian; and a much esteemed description of it was written by Dioclides of Abdera.[4] It was, no doubt, the greatest and most remarkable engine of the kind that was ever erected. In subsequent ages we find the name of "helepolis" applied to moving towers which carried battering-rams, as well as machines for throwing spears and stones.[5] Towers of this description were used to destroy the walls of Jerusalem when it was taken by the Romans.[6] (*Vid.* ARIES, TORMENTUM.)

HELIÆA. (*Vid.* DICASTERION.)

HELIOCAMI'NUS. (*Vid.* HOUSE.)

*HELIOTROPI'UM (ἡλιοτρόπιον), I. a plant, the Heliotrope, or Great Turnsole, *Heliotropium Europæum*, L. This is the species called *μέγα* by Dioscorides. Sprengel joins Lobelius and Gesner in referring the other species, or *ἡλιοτρόπιον μικρόν*, to the *Croton tinctorius*.[7]

II. A precious stone, the Heliotrope of Jameson. It is a sub-species of Jasper.[8]

*HELIX. (*Vid.* HEDERA.)

HELLANO'DICÆ (Ἑλλανοδίκαι), the judges in the Olympic games, of whom an account is given under OLYMPIC GAMES. The same name was also given to the judges, or court-martial in the Lacedæmonian army;[9] and they were probably first called by this name when Sparta was at the head of the Greek confederacy.

*HELLEBO'RUS (ἑλλέβορος), Hellebore, a celebrated remedy among the ancients for the cure of insanity. Two kinds are spoken of, namely, the white and the black (λεῦκος and μέλας), but as to the identity of the plant itself much discussion has arisen. "Modern authorities on Botany," observes Adams, "differ widely in opinion respecting the white Hellebore of the ancients. Sibthorp most unaccountably decides it to have been the *Digitalis ferruginea*. Schulze, who is too prone to skeptical doubts on botanical questions, expresses himself with great hesitation regarding it, but, upon the whole, inclines to the *Adonis vernalis*. Woodville and Dierbach are quite undecided. On the other hand, Matthiolus, Dodonæus, Bauhin, Hill, and Stackhouse, find no difficulty in recognising it as the *Veratrum album*, L. Geoffroy also, no mean authority on these subjects, maintains that the description of Dioscorides agrees very well with the characters of the white Hellebore. And from the similarity of the effects produced by the administering of the ἐ. λεῦκος, as described by the ancient writers on Toxicology, to the known effects of the *Veratrum album*, I had no hesitation, some time ago, in recognising their identity; and it now gives me pleasure to discover that Sprengel, in his Annotations on Dioscorides, comes to the same conclusion. I had called the attention of the profession to this fact in the *London Medical and Physical Journal*, July, 1828; about eighteen months afterward, the *Savadilla veratrum*, a Mexican species of Helleborc, was much cried up in this case.—The ἑλλέβορος μέλας, or Black Hellebore, is marked as being the *H. Orientalis*, Lam. Is it not a variety of the *Hellebo rus niger*, L.? This plant is the Christmas Rose of this country."[1]

*HELLEBORI'NE (ἑλλεβορίνη), a plant, which Sprengel suggests is the *Helleborus fœtidus*; Stackhouse, the *Serapias Helleborine*. "The latter," remarks Adams, "is the same, I suppose, as the *Epipactus ensifolia* of Hooker."[2]

HELLENOTA'MIÆ (Ἑλληνοταμίαι), or treasurers of the Greeks, were magistrates appointed by the Athenians to receive the contributions of the allied states. They were first appointed B.C. 477, when Athens, in consequence of the conduct of Pausanias, had obtained the command of the allied states. The money paid by the different states, which was originally fixed at 460 talents, was deposited in Delos, which was the place of meeting for the discussion of all common interests; and there can be no doubt that the hellenotamiæ not only received, but were also the guardians of these moneys, which are called by Xenophon[3] Ἑλληνοταμία.[4] The office was retained after the treasury was transferred to Athens on the proposal of the Samians,[5] but was, of course, abolished on the conquest of Athens by the Lacedæmonians. The hellenotamiæ were not reappointed after the restoration of the democracy, for which reason the grammarians afford us little information respecting their duties. Böckh, however, concludes from inscriptions that they were probably ten in number, chosen by lot, like the treasurers of the gods, out of the Pentacosiomedimni, and that they did not enter upon their office at the beginning of the year, but after the Panathenæa and the first Prytaneia. With regard to their duties, Böckh supposes that they remained treasurers of the moneys collected from the allies, and that payments for certain objects were assigned to them. In the first place, they would, of course, pay the expenses of wars in the common cause, as the contributions were originally designed for that purpose; but as the Athenians, in course of time, considered the money as their own property, the Hellenotamiæ had to pay the Theorica and military expenses not connected with wars on behalf of the common cause.[6]

HELLO'TIA. (*Vid* ELLOTIA.)

*HELMINS (ἕλμινς) This term, standing alone, is applied to intestinal worms in general. The ἕλ-

1. (Theophrast., H. P., vi., II.—Dioscor., i., 27, 28.—Adams, Append., s. v.)—2. (Diod. Sic., xx., 48.)—3. (Diod. Sic., xx., 91. —Compare Vitruv., x., 22)—4. (Athen., v., 40.)—5. (Amm. Marcell., xxiii.—Agathias, i., 18, p. 30, ed. Ven.—Nicet. Chonn., Jo. Comnenus, p. 14, B.)—6. (Jos., B. J., ii., 19, § 9.—Id. ib., iii., 6, § 2.)—7. (Dioscor., iv., 190. 19[1].—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Xen., Rep. Lac., viii., 11.)

1. (Theophrast., H. P., ix., 11.—Nicand., Alex., 483.—Dioscor., iv., 150, 151.—Paul. Ægin., vii., 3.—Adams, Append., s. v.) —2. (Theophrast., H. P., ix., 11.—Adams, Append., s. v.)—3 (De Vectig., v., 5.)—4. (Thucyd., i., 96.—Plut., Arist., 24.—Andoc., De Pace, p. 107.)—5. (Plut., Aristid., 25.—Diod. Sic., xii., 38.)—6. (Böckh, Corp. Inscript., No. 147.—Id., Publ. Econ of Athens i., p. 236.)

μινς πλάτε.α is the *Tænia lata* Theophrastus says it is congenital in some countries, as Egypt The medical authorities describe the *Dracunculus*, or Guinea-worm, which the Greeks call *δρακόντιον*, and the translators of the Arabians *vena medinensis*. (*Vid.* Eulai.)

HELO'TES (Εἵλωτες) were a class of bondsmen peculiar to Sparta. Different etymologies are given of their name. The common account is, that they were originally the people of the town of Helos, in Laconia, and that they were reduced to bondage after an unsuccessful revolt against the Spartans.[1] But the people of Ἕλος were not called Εἵλωτες, but Ἐλεῖοι[2] or Ἐλεάται.[3] The name has been also derived from ἕλη, *marshes*, as it signified *inhabitants of the lowlands*. But Müller seems to be nearer the mark in explaining εἵλωτες as meaning *prisoners*, from the root of ἑλεῖν, *to take*, like δμῶες from the root of δαμάω. The ancient writers considered them to be Achæans, who had resisted the Dorian invaders to the last, and had been reduced to slavery as the punishment of their obstinacy.[4] Müller, however, supposes that they were an aboriginal race, which was subdued at a very early period, and which immediately passed over as slaves to the Doric conquerors. But this theory, as Thirlwall has observed, does not account for the hereditary enmity between them and their masters; for, unless they lost their liberty by the Dorian conquest, there is no probability that it placed them in a worse condition than before.

The Helots were regarded as the property of the state, which, while it gave their services to individuals, reserved to itself the power of emancipating them.[5] They were attached to the land, and could not be sold away from it. Several families, as many, perhaps, as six or seven, resided on each κλῆρος, in dwellings of their own. They cultivated the land, and paid to their masters as rent a fixed measure of corn, the exact amount of which had been fixed at a very early period, the raising of that amount being forbidden under heavy imprecations.[6] The annual rent paid for each κλῆρος was eighty-two medimni of barley, and a proportionate quantity of oil and wine.[7] Besides being engaged in the cultivation of the land, the Helots attended on their masters at the public meal, and many of them were, no doubt, employed by the state in public works.

In war the Helots served as light-armed troops (ψιλοί), a certain number of them attending every heavy-armed Spartan to the field; at the battle of Platæa there were seven Helots to each Spartan.[8] These attendants were probably called ἀμπίτταρες (*i. e.*, ἀμφίστασταντες[9]), and one of them, in particular, the θεράπων, or *servant*;[10] though θεράπων was also used by the Dorians as a general name for armed slaves. The Helots only served as hoplitæ in particular emergencies, and on such occasions they were generally emancipated. The first instance of this kind was in the expedition of Brasidas, B.C. 424.[11]

The treatment to which the Helots were subjected, as described by the later Greek writers, is marked by the most wanton cruelty. Thus Myron states that "the Spartans impose upon them every ignominious service, for they compel them to wear a cap of dog's skin, and to be clothed with a garment of sheep's skin, and to have stripes inflicted upon them every year for no fault, that they may never forget that they are slaves. And, besides all this, if any rise by their qualities above the condition of a slave, they appoint death as the penalty, and their masters are liable to punishment if they do not destroy the most excellent."[1] And Plutarch[2] states that Helots were forced to intoxicate themselves, and perform indecent dances as a warning to the Spartan youth. These descriptions are probably exaggerated; but we have abundant evidence, in addition to the direct assertion of Thucydides,[3] that the Spartans always regarded the Helots with the greatest suspicion. Every means was taken to mark the distinction between them and their masters: they were obliged to wear the rustic garb described above, and they were not permitted to sing one of the Spartan songs.[4] That the cruelty of their masters knew no restraint when it was stimulated by fear, is manifest enough from the institution of the κρυπτεία (*vid.* Crypteia), and from the fact related by Thucydides, that on one occasion, two thousand of the Helots, who had rendered the greatest service to the state in war, were induced to come forward by the offer of emancipation, and then were put to death.[5]

At the end of the second Messenian war (B C. 668), the conquered Messenians were reduced to slavery, and included under the denomination of Helots. Their condition appears to have been the same, with some slight differences, as that of the other Helots; but they appear to have been distinguished by the remembrance of their freedom, and a readiness to seize any opportunity of regaining it, in which they at length succeeded, after the battle of Leuctra.[6]

The Helots might be emancipated, hut there were several steps between them and the free citizen; and it is doubtful whether they were ever admitted to all the privileges of citizenship. Myro' enumerates the following classes of emancipated Helots: *ἀφεταί, ἀδεσπότοι, ἐρυκτῆρες, δεσποσιοναῦται* and *νεοδαμώδεις*. Of these the *ἀφεταί* were probably released from all service; the *ἐρυκτῆρες* were those employed in war (*vid.* Erycteres); the *δεσποσιοναύται* served on board the fleet; and the *νεοδαμώδεις* were those who had been possessed of freedom for some time. Besides these, there were the *μόθωνες* or *μόθακες*, who were domestic slaves, brought up with the young Spartans, and then emancipated. Upon being emancipated, they received permission to dwell where they wished. (Compare Civitas, Greek, p. 260.)

(Müller, *Dorians*, iii., 3.—Thirlwall, *Grecce*, vol. i., p. 309.—Hermann, *Political Antiquities of Greece*, § 19, 24, 28, 30, 48.—Wachsmuth, *Hellen. Alterth.*, I., i., 217, 19; ii., 59, 104, 209, 211, 370–1; II., i., 361.)

*HELXI'NE (ἑλξίνη), a plant, of which Dioscorides describes two species: the latter of these is the Pellitory of the Wall, or *Parietaria officinalis*; the former is referred by Bauhin and others to the *Convolvulus arvensis*, or Gravel-bind.[6]

HEM'ERA. (*Vid.* Dies.)

*HE'MERIS (ἡμερίς), the Greek name given by Theophrastus to the *Quercus robur*. (*Vid.* Quercus.)[9]

*HEMEROCALLES (ἡμεροκαλλές). Sprengel, in the first edition of his R. H. H., sets this plant down for the *Pancratium maritimum*, having adopted the opinion of Lobel and Bauhin; but in the second edition he holds it to be the *Lilium Macedonicum*.[10]

*HEMEROCALLIS (ἡμεροκαλλίς), a plant. "The

1. (Paus., iii., 20, § 6.)—2. (Strab., viii., 561.)—3. (Athen., vi., 102, p. 271.)—4. (Theopomp., ap. Athen., vi., 88, p. 265.)—5. (Ephorus, ap. Strab., viii., p. 365.—Paus., iii., 20, 6.)—6. (Plut., Inst. Lac., p. 255.)—7. (Plut., Lyc., 8, 24.)—8. (Herod., ix., 10, 28.)—9. (Hesych., s. v.)—10. (Herod., vii., 229.—Sturz, ex Xen., s. v.)—11. (Thucyd., iv., 80.—Id., v., 34.—Id., vii., 19.)

1. (Athen., xiv., 74, p. 657.)—2. (Lyc., 28.)—3. (iv., 80.)—4. (Plut., Lyc., 28.)—5. (Thucyd., iv., 80.)—6. (*Vid.* Thirlwall's Greece, v., p. 103.)—7. (Myro, ap. Athen., vi., p. 271, F.)—8. (Dioscor., iv., 39 and 86.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—9. (Theophrast., iii, 8.)—10. (Theophrast, H P v, 6.—Adams, Append., s v.)

earlier commentators," says Adams, "had remarked that the *ἡμεροκαλλίς* of Dioscorides is different from that of Theophrastus. The H. of Dioscorides is referred by Matthiolus to the *Lilium bulbiferum*, and by Dodonæus to the *L. Martagon*. Sprengel seems to prefer the former. Sibthorp marks it as the *Lilium Chalcedonicum*."[1]

HE'MINA. (*Vid.* Cotyla.)

*HEMI'ONUS. (*Vid.* Mulus.)

*ENΔEKA, 'OI. (*Vid.* Eleven, the.)

*HE'PATIS (*ἡπατίς*, or *ἀλόη ἡπατῖτις*), the well-known species of Aloes called Hepatic. Dioscorides calls this species *τὸ ἡπατίζον*.[2]

*HE'PATUS (*ἦπατος*), the name of a fish briefly noticed by Aristotle, Ælian, and Athenæus. "Artedi and Rondelet say it is the fish called *seipurus* by the modern Greeks; but this opinion is rejected by Coray, who, however, decides upon nothing satisfactory respecting it. Camus, in his notes on Aristotle, concludes that it was the *Ostrea margaritifera*, but Schweighaeuser rejects this opinion also. Schneider, upon the whole, inclines to think that it ought to be referred to the genus *Gadus*."[3]

HEPHAISTEIA. (*Vid.* Lampadephoria.)

*HPAKΛEI'A ΛIΘOΣ (*ἡρακλεία λίθος*), an appellation given by some of the Greek writers to the Loadstone. Sir J. Hill thinks it was also applied to the Lydian stone; "but the passage of Theophrastus on which he founds his opinion is," remarks Adams, "of equivocal meaning; in fact, his own reading will not bear the interpretation which he gives it. And there can be no doubt, from a passage in Aëtius, that our Loadstone was indiscriminately called *μαγνῆς* and *ἡρακλεία λίθος*."[4]

HERÆA (*Ἡραῖα*) is the name of festivals celebrated in honour of Hera in all the towns of Greece where the worship of this divinity was introduced. The original seat of her worship, from which it spread over the other parts of Greece, was Argos; whence her festivals in other places were, more or less, imitations of those which were celebrated at Argos.[5] The Argives had three temples of Hera: one lay between Argos and Mycenæ, 45 stadia from Argos; the second lay on the road to the Acropolis, and near it was the stadium in which the games and contests at the Heræa were held;[6] the third was in the city itself.[7] Her service was performed by the most distinguished priestesses of the place; one of them was the high-priestess, and the Argives counted their years by the date of her office.[8] The Heræa of Argos were celebrated every fifth year, and, according to the calculation of Böckh,[9] in the middle of the second year of every Olympiad. One of the great solemnities which took place on the occasion was a magnificent procession to the great Temple of Hera, between Argos and Mycenæ. A vast number of young men—for the festival is called a panegyris—assembled at Argos, and marched in armour to the temple of the goddess. They were preceded by one hundred oxen (*ἑκατόμβη*, whence the festival is also called *ἑκατόμβαια*). The high-priestess accompanied this procession, riding in a chariot drawn by two white oxen, as we see from the story of Cleobis and Biton related by Herodotus[10] and Cicero.[11] The 100 oxen were sacrificed, and their flesh distributed among all the citizens.[12] The sacrifice itself was called *λεχέρνα*,[13] or "the bed of twigs"[1] The games and contests of the Heræa took place in the stadium, near the temple on the road to the Acropolis. A brazen shield was fixed in a place above the theatre, which was scarcely accessible to any one, and the young man who succeeded in pulling it down received the shield and a garland of myrtle as his prize. Hence Pindar[2] calls the contest *ἀγὼν χάλκεος*. It seems that this contest took place before the procession went out to the Heræon, for Strabo[3] states that the victor went with his prizes in solemn procession to that temple. This contest was said to have been instituted, according to some traditions, by Acrisius and Prœtus,[4] according to others by Archinos.[5]

The Heræa or Hecatombæa of Ægina were celebrated in the same manner as those of Argos.[6]

The Heræa of Samos, which island also derived the worship of Hera from Argos,[7] were perhaps the most brilliant of all the festivals of this divinity. A magnificent procession, consisting of maidens and married women in splendid attire, and with floating hair,[8] together with men and youths in armour,[9] went to the Temple of Hera. After they arrived within the sacred precincts, the men deposited their armour, and prayers and vows were offered up to the goddess. Her altar consisted of the ashes of the victims which had been burned to her.[10]

The Heræa of Elis were celebrated every fifth year, or in the fourth year of every Olympiad.[11] The festival was chiefly celebrated by maidens, and conducted by sixteen matrons, who wove the sacred peplus for the goddess. But, before the solemnities commenced, these matrons sacrificed a pig, and purified themselves in the well Piera.[12] One of the principal solemnities was a race of the maidens in the stadium, for which purpose they were divided into three classes, according to their age. The youngest ran first, and the oldest last. Their only dress on this occasion was a *χιτών*, which came down to the knee, and their hair was floating. She who won the prize received a garland of olive-boughs, together with a part of a cow which was sacrificed to Hera, and might dedicate her own painted likeness in the temple of the goddess. The sixteen matrons were attended by as many female attendants, and performed two dances; the one called the dance of Physcoa, the other the dance of Hippodameia. Respecting farther particulars, and the history of this solemnity, see Paus., v., 16, § 2, &c.

Heræa were celebrated in various other places; *e. g.*, in Cos,[13] at Corinth,[14] at Athens,[15] at Cnossus in Crete.[16]

HERE'DITAS. (*Vid.* Heres, Roman.)

HERES (GREEK). The Athenian laws of inheritance are to be explained under this title. The subject may be divided into five parts, of which we shall speak: 1st, of personal capacity to inherit; 2dly, of the rules of descent and succession; 3dly, of the power of devising; 4thly, of the remedies of the heir for recovering his rights; 5thly, of the obligations to which he succeeded.

I. *Of Personal Capacity to Inherit.*—To obtain the right of inheritance as well as citizenship (*ἀγχιστεία* and *πολιτεία*), legitimacy was a necessary qualification. Those children were legitimate who were born in lawful wedlock.[17] The validity of a marriage depended partly on the capacity of the con-

1. (Dioscor., iii., 126.—Adams, Append., s. v.)—2. (Geopon., vi., 6.—Adams, Append., s. v.)—3. (Aristot., H. A., ii.—Ælian, N. A., ix., 38.—Id. ib., xv., 11.—Athenæus, iii., 70.—Id., vii., 61. Schweigh. ad Athen., l. c.—Adams, Append., s. v.)—4. (Theophrast., De Lapid., 10, 74.—Hill ad Theophrast., p. 178.—Aëtius, Tet., i., s. ii., c. 25.—Adams, Append., s. v.)—5. (Müller, Dor., ii., 10, § 1.)—6 (Paus., ii., 24, § 2.)—7. (Paus., ii., 22, § 1.)—8. (Thucyd., ii., 2.)—9. (Abhandl. der Berl. Akad., von 1818–19, p. 92.)—10. (i., 31.)—11. (Tuscul., i., 47.)—12. (Schol. ad Pind., Ol., vii., 152, and ad Nem., x., 39.)—13. (Hesych., s. v.)

1. (Compare Welcker on Schwenck's Etymologische Andeutungen, p. 268.)—2. (Nem., x., 41.)—3. (viii., p. 556.)—4. (Ælian, V. H., iii., 24.)—5. (Schol. ad Pind., Ol., vii., 152.)—6. (Schol. ad Pind., Isthm., viii., 114.—Müller, Æginet., p. 149.)—7. (Paus., viii., 4, § 4.)—8. (Asius ap. Athen., xii., p. 525.)—9. (Polyæn., Strat., i., 23.—Id. ib., vi., 45.)—10. (Paus., v., 13, § 5.)—11. (Corsini, Dissert., iii., 30.)—12. (Paus., v., 16, § 5.)—13. (Athen., xiv., p. 639.—Id., vi., p. 262.)—14. (Eurip., Med., 1379.—Philostr., Her., xix., 14.)—15. (Plut., Quæst. Rom., vii., 168.)—16. (Diod. Sic., v., 72.)—17. (Demosth., c. Neær., 1386.)

tracting parties, partly on the nature of the contract. On the first point little needs to be noticed here, except that brother and sister by the same mother were forbidden to marry; but consanguinity in general was so far from being deemed an objection, that marriage between collateral relations was encouraged, in order to keep the property in the family.[1] The contract was made by the husband with the father, brother, or other legal guardian (*κύριος*) of the intended wife; then only was she properly betrothed (*ἐγγυητή*). An heiress, however, was assigned or adjudged to the next of kin (*ἐπιδικασθεῖσα*) by process of law, as explained under Epiclerus.[2] No ceremony was necessary to ratify the contract; but it was usual to betroth the bride in the presence of witnesses, and to give a marriage feast, and invite the friends and relatives, for the sake of publicity.[3] A marriage without proper espousals was irregular; but the issue lost their heritable rights only, not their franchise; and the former, it seems, might be restored, if the members of their father's clan would consent to their being registered.[4] As it was necessary for every man to be enrolled in his clan in order to obtain his full civil rights, so was the registration the best evidence of legitimacy, and the *φράτορες* and *συγγενεῖς* were usually called to prove it in courts of justice.[5] For farther particulars, see Platner, *Beiträge*, 104, &c. —Wachsmuth, i., 2, 31, and 148; ii., 1, 204, &c.— Schömann, *Ant. J. P. Gr.*, v., 19, 21, 88.

II. *Of the Rules of Descent and Succession.*—Here we would premise that, as the Athenian law made no difference, in this respect, between real and personal estate, the words *heir*, *inherit*, &c., will be applied indiscriminately to both. When an Athenian died leaving sons, they shared the inheritance, like our heirs in gavelkind, and as they now do in France;[6] a law no less favourable to that balance of property which Solon meant to establish, than the law of primogeniture was suited to the military aristocracies created in the feudal times. The only advantage possessed by the eldest son was the first choice in the division.[7] If there was but one son, he took the whole estate; but if he had sisters, it was incumbent on him to provide for them, and give them suitable marriage portions; they were then called *ἐπίπροικοι*.[8] There was no positive law making it imperative on a brother to give his sister a portion of a certain amount; but the moral obligation to assign her a fortune corresponding to his own rank was strengthened by custom and public opinion, insomuch that, if she was given in marriage portionless, it was deemed a slur upon her character, and might even raise a doubt of her legitimacy.[9]

On failure of sons and their issue, daughters and daughters' children succeeded (as to the law concerning heiresses, *vid.* Epiclerus); and there seems to have been no limit to the succession in the descending line.[10] If the deceased left grandsons by different sons, it is clear that they would take the shares of their respective fathers. So if he had a granddaughter by one son, and a grandson by another, the latter would not exclude the former, as a brother would a sister, but both would share alike. Of this there is no direct evidence; but it follows from a principle of Attic law, by which, on the birth of a son, his title to his father's inheritance, or to a share thereof, immediately accrued; if then he died before his father, but leaving issue, they claimed their grandfather's inheritance as representing him. It was otherwise with daughters. Their title did not thus accrue; and, therefore, it was the practice for the son of an heiress to be adopted into his maternal grandfather's house, and to become his son in point of law. Farther (as will presently be shown), the general preference of males to females did not commence till the deceased father's descendants were exhausted.

On failure of lineal descendants, the collateral branches were resorted to. And first came the issue of the same father with the deceased, viz., brothers and brothers' children, the children of a deceased brother taking the share of their father;[1] and after them, sisters and sisters' children, among whom the principle of representation also prevailed;[2] but whether sisters' children took *per stirpes* or *per capita*, does not appear.

Next come the descendants of the same grandfather with the deceased; cousins and cousins' children. Here the law declared that males and the issue of males should be preferred to females and their issue.[3] Thus the son of an uncle would exclude the son of an aunt, while the son of an aunt would exclude the daughter of an uncle. On the same principle, Isæus[4] contends that the son of a female first cousin prevented his mother's sister from inheriting, although he was farther removed from the deceased (*γένει ἀπωτέρω*) by one degree. This preference, however, was confined to those who were descended from the same common ancestor, that is to say, from the grandfather of the deceased; for the words *ἐκ τῶν αὐτῶν* in Demosthenes are to be explained by the *τρίτῳ γένει* of Isæus. Therefore, a first cousin once removed, claiming through a female, had a better title than a second cousin claiming through males; for a second cousin is descended, not from the grandfather, but only from the great-grandfather of the deceased, and so is beyond the legal degrees of succession (*ἔξω τῆς ἀγχιστείας* or *συγγενείας*). On this Eubulides founds his pretension to the estate of Hagnias, because he claims as representative (son by adoption) of his maternal grandfather, who was first cousin to Hagnias; whereas the father of his opponent, Macartatus, was second cousin to Hagnias, and (as Demosthenes expresses it) was not in the same branch of the family (*οὐκ ἐκ τοῦ οἴκου τοῦ Ἀγνίου*[5]).

On failure of first cousins and their issue, the inheritance went to the half-blood by the mother's side; brothers and sisters, nephews and nieces, cousins and their children, as before. But if there were no maternal kinsmen within the legal degree, it returned to the *agnati*, or next of kin on the paternal side (*τοὺς πρὸς πατρός*), whose proximity was traced by counting the degrees from the common ancestor.[6]

The succession of parents to their children is a matter of dispute among the learned. From the silence of the orators, the absence of any example, and the express declaration of Isæus[7] respecting the mother, it may be inferred that parents could not inherit at Athens. At Athens, the maxim *hereditas nunquam ascendit* held only of lineal, not of collateral ascent. For example, an uncle might

1. (Andoc., De Myst., 119.—Id., c. Alcib., 33, ed. Bekker.—Lys., c. Alc., 41, ed. Bekker.—Demosth., c. Leoch., 1083.—Id., c. Eubul., 1305.—Plut., Cimon, 4.—Id., Themist., 32.)—2. (Isæus, De Cir. hæred., 26.—Id., De Philoct. hæred., 19, ed. Becker. —Demosth., Pro Phorm., 954.—Id., c. Steph., 1134.)—3. (Isæus, De Cir. hæred., 18.—Demosth., c. Onet., 869.—Id., c. Eubul., 1311. 1312.)—4. (Isæus, De Philoct. hæred., 29–33.)—5. (Andoc., De Myst., 127, ed. Becker.—Isæus, De Cir. hæred., 26.—Id., De Philoct., 13.—Demosth., c. Eubul., 1305, &c.)—6. (Isæus, De Philoct. hæred., 32.)—7. (Demosth., Pro Phorm., 947.)—8. (Harpocr., s. v. Ἐπίδικος.)—9. (Isæus, De Pyrrh. hæred., 40.—Lys., De Arist. bon., 16, ed. Becker.—De nosth., c. Bœot. de dote, 1014.)—10. (Isæus, De Cir. hæred., 39–46.—Id., De Pyrrh. hæred., 59.—Id., De Philoct., 38, 67.—Demosth., c Macart., 1057, 1058.)

1. (Isæus, De Hagn. hæred., i., 2.—Demosth., c. Macart., 1067.—Id., c. Leoch., 1083.)—2. (Isæus, De Apoll. hæred., 23.)—3. (Isæus, De Hagn. hæred., i., 2.—Demosth., c. Macart., 1067.)—4. (De Apoll. hæred., 25, 26.)—5. (c. Macart., 1070.)—6. (Isæus, De Hagn. hæred., 1–18.—Demosth., c. Macart., 1067.)—7 (De Hagn. hæred., 26.)

inherit.[1] So also he might marry the heiress, as next of kin.[2] On this part of the subject the reader is referred to Wachsmuth, ii., 1, 212, &c.; Bunsen, *De jure hered. Athen.*; Sir William Jones's *Commentary* annexed to the translation of Isæus; and a short summary of the law by Schömann, *Ant. J. P. Gr.*, v., 20. These and other writers are not agreed on many of the foregoing points, which are left in much obscurity, owing to the mutilated state in which the laws have reached us, and the artifices used by the orators to misrepresent the truth.

It will assist the student to be informed that *ἀνεψιός* signifies a first cousin. *Ἀνεψιαδοῦς* is a first cousin's son, formed in the same manner as *ἀδελφιδοῦς* from *ἀδελφός*, and *θυγατριδοῦς* from *θυγατήρ*. Thus my first cousin's son is *ἀνεψιαδοῦς* to me, but not conversely. Again, though it is true that two or more second cousins may be spoken of collectively as *ἀνεψιαδοῖ*,[3] yet one of them cannot be said to be *ἀνεψιαδοῦς* to another. Herein consists the fallacy of those who maintain that second cousins came within the legal degrees of succession.

Κλῆρος is the subject matter of inheritance, or (in one sense of the word) the inheritance; *κληρονόμος*, the heir. *Ἀγχιστεία*, proximity of blood in reference to succession, and sometimes right of succession. *Συγγένεια*, natural consanguinity. *Συγγενεῖς*, collateral relatives, are opposed to *ἔκγονοι*, lineal descendants.

III. *Of the Power of Devising.*—That the owner had power to alienate his property during his lifetime, and that such alienation was valid in point of law, both as against the heir and all the rest of the world, is beyond a doubt. There was, however, an ancient law, which punished with degradation (*ἀτιμία*) a man who had wasted his patrimony (*τὰ πατρῶα κατεδηδοκώς*). He was considered an offender against the state, because he disabled himself from contributing to the public service. Prosecutions for such an offence were rare; but the reputation of a spendthrift was always prejudicial to a man in a court of justice.[4]

Every man of full age and sound mind, not under durance or improper influence, was competent to make a will; but if he had a son, he could not disinherit him, although his will might take effect on the contingency of the son not completing his seventeenth year.[5] The bulk of the estate being left to the son, legacies might be given to friends and relatives, especially to those who performed the office of our executor or testamentary guardian.[6] And in the division of property among sons, the recommendations of the father would be attended to.[7] Also a provision, not exceeding a thousand drachmas, might be assigned to an illegitimate child.[8]

A daughter could not be disinherited, though the estate might be devised to any person on condition of his marrying her.[9]

It was only when a man had no issue that he was at full liberty to appoint an heir. His house and heritage were then considered desolate (*ἔρημος καὶ ἀνώνυμος*), a great misfortune in the eyes of an Athenian; for every head of a family was anxious to transmit his name and religious usages to posterity. The same feeling prevailed among the Greeks in more ancient times. We learn from Hesychius and the Etymol. Mag. that distant relatives were called *χηρωσταί*, because, when they inherited, the house was *χηρεύων καὶ ἔρημος*.[10] To obviate this misfortune, an Athenian had two courses open to him. Either he might bequeath his property by will, or he might adopt a son in his lifetime. (*Vid.* Adoption, Greek.)

Wills were in writing, and usually had one or more attesting witnesses, whose names were superscribed, but who did not know the contents. They were often deposited with friends, or other trustworthy persons, such as a magistrate. It was considered a badge of fraud if they were made secretly or in the presence of strangers.[1] A will was ambulatory until the death of the maker, and might be revoked, wholly or partially, by a new one. It seems, also, that there might be a parol revocation.[2] The client of Isæus, in the last-cited cause, contends that the testator sent for the depositary of his will with an intention to cancel it, but died before he got it into his possession; this (he says) was a virtual revocation. He calls witnesses to prove the testator's affection for himself and dislike of his opponents, and thence infers that the will was unnatural, and a proof of insanity. Similar arguments were often used.[3]

With respect to the proceeding by which a father publicly renounced his paternal authority over his son, *vid.* Apocerysis. Plato[4] refers to it, and recommends that a father should not take such a step alone, but in conjunction with the other members of the family. At Athens, the paternal authority ceased altogether after the son had completed his nineteenth year; he was then considered to belong less to his father than to the state.[5]

IV. *Of the Remedies of the Heir for Recovering his Rights.*—A son or other male descendant might enter and take possession of the estate immediately after the owner's death.[6] If he was prevented from so doing, he might bring an action of ejectment against the intruder. (*Vid.* Embateia.) Any one who disturbed a minor in the enjoyment of his patrimony was liable to a criminal prosecution (*κακώσεως εἰσαγγελία*[7]). As to the proceedings in case of heiress, *vid.* Epiclerus.

Other heirs at law, and claimants by adoption or devise, were not at liberty to enter until the estate was formally adjudged to them. The proper course was to make application to the archon, who attended at his office for that purpose every month in the year except the last (Scirophorion). The party who applied was regarded as a suitor, and (on obtaining a hearing) was said *λαγχάνειν τοῦ κλήρου*.[8]

At the first regular assembly (*κυρία ἐκκλησία*), held after he had received notice, the archon caused proclamation to be made that such a person had died without issue, and that such and such persons claimed to be his heirs. The herald then asked *εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν βούλεται τοῦ κλήρου*: these words are variously interpreted. Perhaps the best explanation is this: *Ἀμφισβητεῖν* is a term of general import, applied to all who disputed the title of another, and would include those who claimed a moiety or other share of the estate. *Παρακαταβάλλειν* signifies to make a deposite by way of security for costs, which was required of those who maintained their exclusive title to the whole inheritance. Perhaps, however, the payment in this case was optional, and might be intended for the mere purpose of compelling the other parties to do the same. The deposite thus paid was a tenth

1 (Isæus, De Cleon. hæred., 55.)—2. (De Pyrrh. hæred., 90.)—3. (Demosth., c. Steph., 1117.)—4. (Diog. Laert., Solon, 55.—Æschin., c. Timarch., 97–105, 154, ed. Bekker.)—5. (Isæus, De Arist. hæred., 14.—Id., De Philoct., 10.—Demosth., c. Steph., 1133, 1136.)—6. (Demosth., c. Aphob., 814, 827.)—7. (Demosth., c. Macart., 1055.—Id., Pro Phorm., 955.)—8. (Harpocrat., s. v. *Νοθεῖα*.)—9. (Isæus, De Pyrrh. hæred., 82–84.)—10. (*Vid.* Hom., Il., v., 158.—Hes., Theog., 607.)

1. (Isæus, De Philoct. hæred., 8.—Id., De Astyph. hæred., 8–17.—Demosth., c. Steph., 1137.)—2. (Isæus, De Philoct. hæred., 40.—Id., De Cleon., hæred., 32.)—3. (Isæus, De Nicostr. hæred., 23.—Id., De Astyph. hæred., 21.)—4. (Leg., xi., 9, p. 928.)—5. (Valckenaer ad Animonium, s. v. *Ἀποκήρυκτος*.—Meier, De Bonis Damn., p. 26.)—6. (Isæus, De Pyrrh. hæred., 72.—Id., De Cic. hæred., 47.)—7. (Isæus, De Pyrrh. hæred., 76.)—8. (Isæus, De Hagn. hæred., 22, 40.—Id., De Pyrrh. hæred., 74.—Id., De Astyph. hæred., 4.—Demosth., c. Steph. 1136.)

part of the value of the property in dispute, and was returned to the party if successful.[1]

If no other claimant appeared, the archon adjudged the estate to the first suitor (*ἐπεδίκασεν αὐτῷ τὸν κλῆρον*). If, however, there were adverse claims, he proceeded to prepare the cause for trial (*διαδικασία*). First came the *ἀνάκρισις*, in the usual way, except that no party was considered as plaintiff or defendant; and the bills, in which they set forth their respective titles, were called *ἀντιγραφαί*.[2] The dicasts were then to be summoned, and, whatever the number of parties, one court was held for the decision of all their claims. If any one neglected to attend on the appointed day, and had no good excuse to offer, his claim was struck out of the record (*διεγράφη ἡ ἀμφισβήτησις*), and the contest was carried on between the remaining parties, or if but one, the estate was awarded to him.[3] The trial was thus managed. The dicasts had to give their verdict either for one person proving a title to the whole, or for several persons coming in under the same title, as (for instance) two brothers entitled each to a moiety. One balloting box, therefore, was provided for every party who appeared in a distinct interest. The speeches were measured by the clepsydra. Each party had an *ἀμφορεύς* of water for his first speech, and half that, or three *χοεῖς*, for the second.[4] That these arrangements gave rise to fraud and collusion, is clearly shown in the cases above cited.

The verdict, if fairly obtained, was final against the parties to the cause. But any other person, who by absence or unavoidable accident was prevented from being a party, might afterward bring an action against the successful candidate, to recover the estate. He was then obliged to pay his deposite (*παρακαταβολή*), summon the defendant, and proceed in other respects as in an ordinary suit. This he might do at any time during the life of the person in possession, and within five years after his death.[5]

It has hitherto been supposed that a simple issue was raised between the litigant parties, viz., who was entitled to possess the estate; and that they proceeded at once to the trial of such issue. This was called *εὐθυδικίᾳ εἰσιέναι*. The cause, however, might become more complicated, if one of the parties chose to make exception to the right of any other to dispute his title: this was done by tendering an affidavit (*διαμαρτυρία*) (*vid.* Diamartyria), sworn either by himself or by another, wherein he declared that the estate was not the subject of litigation (*μὴ ἐπίδικος*), and alleged some matter of fact or law to support his assertion. Sons, adopted sons, and persons in legal possession were allowed this advantage. For example, a witness might depose that the last occupier had left male issue surviving him, and therefore the property could not be claimed by any collateral relative or devisee: or that the title had already been legally determined, and that the new claimants were not at liberty to reopen the question. This had the effect of a dilatory plea, and stayed farther proceedings in the cause.[6] If then the suitor was resolved to prosecute his claim, he had no other course but to procure a conviction of the witness (who had sworn the affidavit) in an action for false testimony (*δίκη ψευδομαρτυριῶν*). Examples of such actions are the causes in which Demosthenes was engaged against Leochares, and Isæus for the estate of Philoctemon. On the trial of the witness, the questions were, first, the truth of the facts deposed to; secondly, their legal effect, if true. With respect to the witness, the consequences were the same as in any other action for false testimony. (*Vid.* Martyria.) With respect to the original cause, nothing farther was determined than that it could or could not be entertained; the *διαμαρτυρία* in this particular resembling the *παραγραφή*. If the court decided that the suit could be entertained, the parties proceeded to trial in the manner before explained.

As to the farther remedies to be pursued by the successful party in order to obtain the fruits of his judgment, *vid.* Embateia, ΕΝΟΙΚΙΟΥ, and ΕΞΟΥΛΗΣ ΔΙΚΑΙ. And on this part of the subject, *vid.* Meier, *Att. Proc.*, p. 459, 616, 638; Platner, *Att. Proc.*, i., 163; ii., 309.

V. *Of the Obligations to which the Heir succeeded.*—The first duty of an heir, as with us of an executor, was to bury the dead and perform the customary funeral rites (*τὰ νομιζόμενα ποιεῖν*). It is well known what importance was attached to this by the ancients. The Athenian law regulated the time of burial, and the order in which the female relatives should attend. If no money was left to pay the expenses of burial, still the nearest relatives were bound to defray them; and if they neglected to perform their duty, the chief magistrate (*δήμαρχος*) of the demus in which the death took place, after warning them by public notice (*ἀναιοεῖν καὶ θάπτειν καὶ καθαίρειν τὸν δῆμον*), got the work done by contract, paid for it himself, and was then empowered to sue them for double the amount. When a rich man died, there was no backwardness about his funeral. It is rather amusing to see how eagerly the relatives hastened to show respect to his memory, as if to raise a presumption of their being the heirs.[1]

Children who neglected to bury their parents were liable to a criminal prosecution (*γραφὴ κακώσεως γονέων*), just as they were for refusing to support or assist them in their lifetime. The word *γονεῖς*, in this case, includes all ancestors.[2]

Among heritable obligations may be reckoned that of marrying a poor heiress (*θῆσσα*), or giving her in marriage with a suitable portion. (*Vid.* Epiclerus, and Meurs., *Them. Att.*, i., 13.)

That the heir was bound to pay the debts of the deceased, as far as the assets would extend, cannot be doubted. Five years seems to have been the period for the limitation of actions against him (*προθεσμία*). In case of a mortgage, he was entitled only to the surplus of the mortgaged property, remaining after payment of the debt charged thereon.[3]

State debtors, such as farmers of the public revenue who had made default, or persons condemned to pay a fine or penalty, were disfranchised (*ἀτιμία*) until they had settled the debt, and the disgrace extended to their posterity. Thus Cimon, son of Miltiades, was compelled to pay a fine of fifty talents which had been imposed on his father; and the story is, that Callias advanced him the money in return for the hand of his sister Elpinice.[4] When the whole of a man's property was confiscated, of course nothing could descend to his heir. It seems to have been a common practice, in such a case, for the relatives of the deceased to conceal his effects, or to lay claim to them by pretended mortgages. Against these frauds there were severe penalties, as

1. (Pollux, Onom., viii., 32, 95.—Isæus, De Nicost. hæred., 12.—Id., De Hagn. hæred., 20.—Demosth., c. Macart., 1051.—Id., c. Leoch., 1090-1093.)—2. (Harpocr., s. v.—Demosth., c. Olymp., 1173, 1175.)—3. (Demosth., c. Olymp., 1174.)—4. (Isæus, De Hagn. hæred., 30, &c.—Demosth., c. Macart., 1052.)—5. (Isæus, De Pyrrh. hæred., 70.—Demosth., c. Olymp., 1175.—Id., c. Macart., 1054.)—6. (Isæus, De Dicæog. hæred., 30.—Id., De Apoll., 3.—Id., De Philoct. 4 52.—Id., De Pyrrh., 3.—Demosth., c. Leoch., 1097.)

1. (Isæus, De Astyph. hæred., 40; De Cir. hæred., 29-33; De Nicost. hæred., 9, 25.—Demosth., c. Macart., 1069, 1071.)—2. (Meier, De Bon. Damn., 126.)—3. (Lys., De Bon. Publ., 4, 5.—Isæus, De Arist. hæred., 23.—Demosth., c. Callipp., 1240.—Id., c. Spud., 1030.—Id., c. Nausim., 988, 989.)—4. (Demosth., c. Androt., 603.—Id., c. Theoc., 1322, 1327.—Id., c. Aphob., 836.—Id., Pro Cor., 329.—Id., c. Macart., 1069.)

may be seen from the speeches of Lysias, c. *Philon.*, and *de bon. Arist.*[1]

The posterity of those who were put to death by the people, or were convicted of certain infamous crimes, such as theft, inherited the *ἀτιμία* of their ancestors, a *damnosa hereditas*, which they could not decline or escape from. It may be compared to the corruption of blood following upon attainder in the feudal law. The legislator seems to have thought that such children must be the natural enemies of their country, and ought to be disarmed of all power to do mischief. We cannot wonder at this, when we consider that, with respect to private feuds, it was deemed honourable and meritorious in the child to preserve the enmity of the father; and we find public prosecutors (as in the opening of the speech of Lysias against Agoratus, of Demosthenes against Theocrines) telling the dicasts that they had been induced to come forward by a desire to avenge the wrongs of their family. In the same spirit, the Athenian law required that men guilty of unintentional homicide should remain in exile until they had appeased the nearest relatives of the deceased, to whom it more especially belonged to resent and forgive the injury.[2]

Isæus tells us that parents who apprehended their own insolvency used to get their children adopted into other families, that they might escape the consequences.[3] This, however, could not be done after the infamy had once attached.[4]

We find no mention of property escheating to the state of Athens for want of heirs. This probably arose from a principle of Athenian law, according to which no civic family was suffered to expire; and, therefore, the property of an intestate was always assigned to such person as was most fit to be his successor and representative. With aliens, and those illegitimate children who were regarded as aliens, it was, no doubt, otherwise.[5]

HERES (ROMAN). When a man died, a certain person or certain persons succeeded to all his property, under the name of *heres* or *heredes*: this was a universal succession, the whole property being considered a unity. Such a succession comprehended all the rights and liabilities of the person deceased, and was expressed by the term hereditas. The word hereditas is accordingly defined to be a succession to all the rights of the deceased.[6] The term pecunia is sometimes used to express the whole property of a testator or intestate;[7] but it only expresses it as property, and therefore the definition of hereditas by pecunia would be incomplete. Cicero[8] completes the definition thus: "*Hereditas est pecunia quæ morte alicujus ad quempiam pervenit jure, nec ea aut legata testamento aut possessione retenta.*" The negative part of the definition excludes legacies and property of the deceased, the ownership of which is acquired by a sufficient possession. The word "jure" excludes the "bonorum possessio," in opposition to which the hereditas is appropriately called "justa." The *heres* was the owner who had acquired all that had belonged to another, morte and jure; the etymological relation of the word to *herus* seems probable.

A person might become a heres by being named as such (*institutus*, *scriptus*, *factus*) in a will, executed by a competent person, according to the forms required by law. (*Vid.* Testamentum.) If a person died intestate (*intestatus*), or having made a will which was not valid, the inheritance came to those to whom the law gave it in such cases, and was called *hereditas legitima* or *ab intestato*. But a man could not die testate as to part of his property and intestate as to another part, except he were a soldier, whose testamentary dispositions were considered with great indulgence. The reason of this appears to be the legal unity of the hereditas a testamentary disposition of a part was not a disposition of the whole, and, consequently, it was no disposition at all.

In order that a testamentary succession should take place, the person dying must have such property or such rights as are capable of being transmitted to another; consequently, neither a slave nor a filius-familias, according to the old Roman law, could make a heres. Also, the person who is made heres must have a legal capacity to be heres. Generally, all persons who had the commercium could be made heredes, and, consequently, all Roman citizens, and even slaves. (*Vid.* Testamentum.)

The institution of a heres was that formality which could not be dispensed with in a will. If the testator named no heres or heredes, and complied with all the other legal forms, still his disposition of his property was not a will. The heres called heres directus, or simply heres, represented the testator, and was thus opposed to the heres fideicommissarius. (*Vid.* Fideicommissum.) The testator might either name one person as heres, or he might name several heredes (*coheredes*), and he might divide the hereditas among them as he pleased. The shares of the heredes were generally expressed by reference to the division of the As: thus "heres ex asse" is heres to the whole property, "heres ex dodrante," heres to three fourths; "heres ex semuncia," heir to one twenty-fourth.[1] If there were several heredes named, without any definite shares being given to them, the property belonged to them in equal shares.

If the testator had a legal capacity to dispose, and if his will was made in due form, the first inquiry as to the heres was, whether he had a legal capacity to take what was given to him. He must have this capacity at the time of the institution, at the time of the testator's death, and at the time of accepting the inheritance. This capacity might be expressed by the words "testamenti factio," an expression which had reference not only to the legal capacity of the testator, but also to the legal capacity of the person named heres. As a general rule, only Roman citizens could be named as heredes in the will of a Roman citizen; but a slave could also be named heres, though he had no power to make a will, and a filius-familias could also be named heres, though he was under the same incapacity; for the slave, if he belonged to the testator, could, by testament, receive his freedom and become heres; and if he belonged to another person, he took the inheritance for the benefit of his master: the filius-familias, in like manner, acquired it for his father. Persons, not Roman citizens, who had received the commercium, could take hereditates by testament.[2]

Heredes were either necessarii, sui et necessarii, or extranei. The heres necessarius was a slave of the testator, who was made a heres and liber at the same time; and he was called a necessarius, because of the necessity that he was under of accepting the hereditas. A slave was sometimes appointed heres, if the testator thought that he was not solvent, for the purpose of evading the ignominia which was a consequence of a person's property being sold to pay his debts, as explained by Gaius.[3] The heredes sui et necessarii were sons and daugh-

1. (Meier, De Bon. Damn., 212.)—2. (Demosth., c. Meid., 551. —Id., c. Aristoc., 640, 643. — Id., c. Aristog., 790. — Id., c. Macart., 1069.—Meier, De Bon. Damn., 106, 136. — Wachsmuth, ii., 1, 243–256, 268.)—3. (De Arist. hæred., 24.)—4. (Meier, De Bon. Damn., 136.—Æsch., c. Ctes., 21, ed. Becker.)—5. (Meier, De Bon. Damn., 148.)—6. (Dig. 50, tit. 16, s. 24 ›-7 (Cic., De Invent., ii , 21.—Gaius, ii., 104.)—8. (Top., 6)

1. (Cic. ad Att., xiii., 48. — Id. ib., vii., 8.—Id., Pro Cæcina c. 6.)—2. (Cic., Pro Cæcina, 7, 32.—Savigny, Zeitschrift, v., p 229, &c.)—3. (ii., 154, &c.)

ters, and the sons and daughters of a son who were in the power of a testator; but a grandson or granddaughter could not be a suus heres unless the testator's son had ceased to be a suus heres in the testator's lifetime, either by death or being released from his power. These heredes sui were called necessarii, because of the necessity that they were under, according to the civil law, of taking the hereditas with its encumbrances. But the prætor allowed such persons to refuse the hereditas (*abstinere se ab hereditate*), and to allow the property to be sold to pay the testator's debts (an instance is mentioned by Cicero[1]); and he gave the same privilege to a mancipated son (*qui in causa mancipii est*). All other heredes are called extranei, and comprehend all persons who are not in the power of a testator, such as emancipated children. As a mother had no potestas over her children, they were extranei heredes when named heredes in her will. Extranei heredes had the potestas or jus deliberandi, or privilege of considering whether they would accept the hereditas or not; but if either extranei heredes, or those who had the abstinendi potestas, meddled with the testator's property, they could not afterward disclaim the inheritance, unless the person who had so meddled was under twenty-five years of age, and so belonged to a class who were relieved by the prætor in all cases where they were overreached (*vid.* Curator), and also in cases where they had accepted an insolvent hereditas (*damnosa hereditas*). The Emperor Hadrian gave this relief to a person above twenty-five years of age who had accepted an hereditas, and afterward discovered that it was encumbered with a heavy debt.[2]

A certain time was allowed to extranei for the cretio hereditatis, that is, for them to determine whether they would take the hereditas or not: hence the phrase cernere hereditatem. Thus, if the testator had written in his will "*Heres Titius esto*," he ought to add, "*Cernitoque in centum diebus proxumis quibus scies potesque: quod ni ita creveris exheres esto.*"[3] If the extraneus wished to take the hereditas, he was required to make a formal declaration of his intention within the time named (*intra diem cretionis*). The formal words of cretion were "*eam hereditatem adeo cernoque.*" Unless he did this, he lost the hereditas, and he could not obtain it merely by acting as heres (*pro herede gerendo*). If a person was named heres without any time of cretion being fixed, or if he succeeded (*legitimo jure*) to the property of an intestate, he might become heres without any formal declaration of his intention, and might take possession of the hereditas when he pleased: but the prætor was accustomed, upon the demand of the creditors of the testator or intestate, to name a time within which the heres should take possession, and in default of his doing so, he gave the creditors permission to sell the property. The common form of cretion in the will (*vulgaris cretio*) has been already mentioned. Sometimes the words "quibus sciet poteritque" were omitted, and it was then specially called "cretio certorum dierum," which was the more disadvantageous to the heres, as the days began to be reckoned, or, as we say, the time began to run immediately, and it was not reckoned from the time when the heres knew that he was named heres, and had no impediment to his cretion.

It was not unusual to make several degrees of heredes in a will, which was called *substitutio*. Thus, in the formula beginning "Heres Titius," &c., after the words "exheres esto," the testator might add, "*Tum Mævius heres esto cernitoque in diebus centum,*" &c.; and he might go on substituting as far as he pleased. The person first named as heres (*primo gradu*) became heres by the act of cretion; and the substitutus (*secundus heres*[1]) was then entirely excluded. If the words "si non creveris" were not followed by words of exheredation, this gave some advantage to the first heres: for instance, if he neglected the formality of cretion, and only acted as heres, he did not lose all, but shared the hereditas equally with the substituted person. This was the old rule; but a constitution of Aurelius made the acting as heres equivalent to cretion, provided such action took place within the time of cretion.

In the case of liberi impuberes, who were in the power of a testator, there might be not only the kind of substitution just mentioned (*vulgaris substitutio*), but the testator might declare that if such children should live to become his heredes, and should die impuberes, some other person, whom he named, should be his heres. This was expressed thus: "*si prius moriatur quam in suam tutelam venerit;*"[2] for the termination of impuberty and of the tutela were coincident. (*Vid.* Curator.) Thus, as Gaius remarks, one testamentary disposition comprised two hereditates. This was called pupillaris substitutio. This kind of substitution was contained in a clause by itself, and in a separate part of the will, which was secured by the testator's own thread and seal, with a provision in the first part of the will that this second part should not be opened so long as the son lived and was impubes. A substitution could also be made in the case of children being exheredated (disinherited) by the parent's will, and the substituted person then took all that the pupillus acquired by hereditas, legatum (legacy), or gift. Gaius observes[4] that all his remarks with reference to substitution for children impuberes, when made heredes or exheredated, apply to posthumous (*postumi*) children, of which there is an example cited by Cicero:[5] "*Si filius natus esset in decem mensibus,*" &c.

If an extraneus was made heres, there could be no substitution to the effect that, if he died within a certain time, another person should be *heres;* for though a testator could attach a condition to be performed before a person could take the hereditas, a person, when he had once become heres, continued such. The case of a pupillus substitutio, which was an exception to this general rule, was probably founded on the patria potestas. The heres might, however, be charged with a fideicommissum, in which case he was heres fiduciarius. (*Vid.* Fideicommissum.)

As to conditions which the heres was bound to perform, they might be any that were not contrary to positive law or positive morality; such as the setting up of statues,[6] &c., or changing the name.[7]

If a man's own slave was made heres by his will, it was necessary that he should be made free also by the will: the words were, "*Stichus servus meus liber heresque esto.*" If the slave were not made free by the testament, he could not take under it, even if he were manumitted by his master, and, of course, he could not if he were sold; and the reason is, that the institution was not valid. If he was instituted free as well as heres, he became both a freeman and heres necessarius by the death of his master: if he was manumitted by his master in his lifetime, he might accept the inheritance or refuse it. If he was sold by his master in his life-

1. (Cic., Phil., ii., 16.)—2. (Gaius, ii., 163.)—3. (Gaius, ii., 164.—Cic., De Orat., i., 22.)

1. (Cic., Top., 10.—Hor., Sat., ii., 5, 48.)—2. (Compare Gaius, ii., 177, &c., with Ulpian, Frag., xxii., 34.)—3. (Cic., De Invent., ii., 42.—Id., Top., 10.—Gaius, ii., 179.)—4 (ii., 183.)—5 (Top. 10.)—6. (Cic. in Verr., ii., 8, 9, 14.)—7 (Cic. ad Att., vii., 8.)

time, he could take possession of the inheritance with the permission of his new master, who thus became heres through the medium of his slave. If the slave who was made heres was then the property of another person, and not of the testator, he could not take the inheritance without the consent of his master, for if he took it his master became heres: if such slave was manumitted before taking possession of the inheritance, he might accept it or refuse it, as he pleased.

If an ingenuus died intestate, either from not having made a will, or having made a will, but not in due form, or having made a will in due form, which afterward became invalid (*ruptum, irritum*), the hereditas, according to the law of the Twelve Tables, came to the heredes sui, and was then called *legitima hereditas*. The heredes sui were "liberi" in the power of the testator at the time of his death; the term liberi comprehended not only children, but the children of the testator's male children, and the children of a male grandchild. Adopted children were considered the same as other children. But grandchildren could not be heredes sui, unless their father had ceased to be in the power of the intestate, either by death or in any other way, as by emancipation. A wife in manu being considered as a daughter, and a daughter-in-law (*nurus*) being considered a granddaughter, were sui heredes; but the latter only when her husband was not in the power of the intestate at the time of his death, which was consistent with the law in the case of grandchildren. Posthumous children, who would have been in the power of the intestate if he were living, were also sui heredes. The sui heredes took the hereditas in equal shares. If there was a son or daughter, and children of a son deceased, the children of the deceased son took the portion which their parent would have taken. But the distribution was *in stirpes*, that is, among the stocks or stems sprung from the ancestor, and not *in capita*, or among the individuals: thus, if there were a son, and the sons of a deceased son, the son would take half of the hereditas, and the sons of the deceased son would take the other half, in equal shares.

If an intestate had no sui heredes, the Twelve Tables gave the hereditas to the agnati. It is stated under Cognati who are agnati. The hereditas did not belong to all the agnati, but only to those who were nearest at the time when it was ascertained that a person had died intestate. If the nearest agnatus either neglected to take the inheritance, or died before he had taken possession of it, in neither case did the next in succession, as agnatus, take the inheritance. He was the nearest agnatus who was nearest at the time when it was ascertained that a person had died intestate, and not he who was nearest at the time of the death; the reason of which appears to be, that the hereditas was in a sense the property of the intestate until his heir was ascertained, and his heir could not be ascertained until it was certain that he had left no will; and, as Gaius observes, if he had left a will, still it might happen that no person would be heres under that will; and, accordingly, it seemed better, as he observes, to look out for the nearest agnatus at the time when it is ascertained that there is no heres under the will. If there were several agnati in the same degree, and any one refused to take his share, or died before he had assented to take it, such share accrued (*adcrevit*) to those who consented to take the hereditas.

In the case of women, there were some peculiarities which arose from their legal status. The hereditates of women intestate came to their agnati just as the inheritances of males; but women who were beyond the degree of consanguinei (a term which legally means brothers and sisters) could not take hereditates ab intestato. Thus a sister might take from a brother or sister as legitima heres, but an aunt or a brother's daughter could not be a legitima heres. The principle of Roman law which gave to those who came into the potestas or manus the quality of children of the blood, was followed out in this case also: a mother or a stepmother who had come *in manum viri* thereby obtained the status of a daughter; and, consequently, as to legitimate succession, there were the same relations between such mother or stepmother and the husband's children as there were among the husband's children themselves. But, by senatus consulta of Antoninus and Commodus, the sons of a wife not in manu might take as her legitimi heredes, to the exclusion of consanguinei and other agnati.

If a person died leaving no sui heredes, but only a brother and another brother's children, the brother took all as the nearest agnatus. If there was no brother surviving, and only children of brethren, the hereditas was divided among all the children *in capita*, that is, the whole was equally divided among all the children.

If there were no agnati, the Twelve Tables gave the hereditas to the gentiles. (*Vid.* Gens, p. 469.)

Gaius[1] briefly recapitulates the strict law of the Twelve Tables as to the hereditates of intestates: emancipated children could claim nothing, as they had ceased to be sui heredes: the same was the case if a man and his children were at the same time made Roman citizens, unless the imperator reduced the children into the power of the father: agnati who had sustained a capitis diminutio were excluded, and, consequently, a son who had been given in adoption, and a daughter who was married and in manu viri: if the next agnatus did not take possession, he who was next in order could not, for that reason, make any claim: cognati, whose kinship depended on a female, had no mutual rights as to their hereditates, and, consequently, there were no such mutual rights between a mother and her children, unless the mother had come in manum viri, and so the rights of consanguinity had been established between them.

If a man had his son in his power, he was bound either to make him heres, or to exheredate (*exheredare*) him expressly (*nominatim*). If he passed him over in silence (*silentio præterierit*), the will was altogether void (*inutile, non jure factum*). Some jurists were of opinion, that even if the son, so passed over, died in the father's lifetime, there could be no heres under that will.[2] Other liberi could be passed over, and the will would still be a valid will; but the liberi so passed over took a certain portion of the hereditas *adcrescendo*, as it was termed, or *jure adcrescendi*. For instance, if the heredes instituti were sui, the person or persons passed over took an equal share with them. If the heredes instituti were extranei, the person or persons passed over took a half of the whole hereditas; and as the prætor gave the contra tabulas bonorum possessio to the person so passed over, the extranei were deprived of all the hereditas. A rescript of the Emperor Antoninus limited the amount which women could take by the bonorum possessio to that which they could take jure adcrescendi; and the same was the law in the case of emancipated females.

It was necessary to exheredate posthumous children *nominatim*, otherwise the will, which was originally valid, became invalid (*ruptum*); and the will became invalid by the birth either of a posthumous son or daughter, or, as the phrase was, adgnascendo rumpitur testamentum.[3] Postumi were not only

1. (Si., 12.)—2. (Gaius, ii., 123, &c.)—3. (Cic., De Or., i., 57.)

those who were born after the testator's death, but also those who might become the sui heredes of the testator by the death of some other person in the testator's lifetime. Thus, if a testator's son, who was in his power, had children, and the son died in the testator's lifetime, the grandchildren became sui heredes, and the testament became ruptum by this quasi agnatio: it was therefore a necessary precaution to institute as heredes or to exheredate such grandchildren. It follows that, if the testament could be made invalid by this quasi agnatio, it must have become invalid by a son being born in the lifetime of the testator, unless the will had provided for the case; for it became invalid if the testator adopted a son or a daughter,[1] either by adrogation or adoption properly so called, after the date of his will. The case was the same if he took a wife in manum after the date of the will.

The word postumus has clearly the same signification as postremus, and literally means a child born last. The passage of Gaius is defective where he treats of postumi; but the definition of postumi, as preserved in the Breviarium, appears to be exact: "*Postumorum duo genera sunt: quia postumi adpellantur hi, qui post mortem patris de uxore nati fuerint, et illi qui post testamentum factum nascuntur.*" Sometimes the word postumus is defined only as a child born after a father's death, as we see in some of the Glossæ; but there is no proof that the meaning was limited to such children; and the passages sometimes cited as being to that effect[2] have merely been misunderstood.

Other cases, in which a valid testamentum became ruptum or irritum, are more properly considered under TESTAMENTUM.

The strictness of the old civil law was modified by the prætorian law, which gave the bonorum possessio to those who could not take the hereditas by the rules of the civil law. (*Vid.* BONORUM POSSESSIO.)

The heres represented the testator and intestate,[3] and had not only a claim to all his property, but was bound by all his obligations. He succeeded to the sacra privata, and was bound to maintain them, but only in respect of the property, for the obligation of the sacra privata was attached to property and to the heres only as the owner of it. Hence the expression "sine sacris hereditas" meant an hereditas unencumbered with sacra.[4]

The legislation of Justinian released the heres who accepted an hereditas from all debts and obligations of the testator or intestate beyond what the property would satisfy, provided he made out an inventory (*inventarium*) of the property in a certain form and within a given time.[5]

The heres could claim any property which belonged to his testator or intestate by the hereditatis petitio, which was an actio in rem, and properly belonged to a heres only, though it was afterward given to the bonorum possessor. Each heres claimed only his share.[6]

The coheredes shared among themselves the property, and bore their share of the debts in the same proportions. For the purpose of division and settling the affairs of the testator, a sale was often necessary.[7] If the parties could not agree about the division of the property, any of them might have an actio familiæ erciscundæ. (*Vid* FAMILIÆ ERC. AC.)

The hereditas might be alienated by the form of in jure cessio. The heres legitimus might alienate the hereditas before he took possession of it, and the purchaser then became heres, just as if he had been the legitimus heres. The scriptus heres could only alienate it after the aditio: after such alienation by him, or by the heres legitimus after aditio, both of them still remained heredes, and, consequently, answerable to creditors, but all debts due to them as heredes were extinguished.

The hereditates of freedmen are more properly considered under LIBERTI and PATRONI.

Before it was determined who was heres, the hereditas was without an owner, and was said "jacere." When a heres was ascertained, such person was considered to possess all the rights incident to the hereditas from the time of the death of the testator or intestate. But this does not explain how we are to view the hereditas in the interval between the death of the former owner and the time when the heres is ascertained. During such interval, according to one form of expression used by the Roman jurists, the hereditas is a juristical person (*vice personæ fungitur*), and is the domina, that is, the domina of itself; according to another form of expression, it represents the defunct, and not the person of the future heres. These two forms are the same in meaning, and they express a fiction which has relation to the legal capacity of the defunct, and not to that of the future heres, and which does not involve the notion of any juristical personality of the hereditas. The relation to the legal capacity of the defunct is this: Slaves generally belonged to an hereditas. A slave, as is well known, could acquire property for his living master, even without his knowledge; but the validity of the act of acquisition, in some cases, depended on the legal capacity of his master to acquire. Now while the hereditas was without an ascertained owner, many acts of a slave, by which the hereditas might receive additions, were strictly void, and such acts could only have their legal effect on the supposition that the slave had an owner of a sufficient legal capacity; and, accordingly, the fiction of law gave validity to the act of the slave by relation to the known legal capacity of the late owner, and not by relation to the yet unascertained owner, who might not have such legal capacity. The following are examples: "When a Roman, who had a legal capacity to make a will, died intestate, and another person appointed as his heres a slave who belonged to this hereditas, which was still without an owner, such institution of a heres would be valid by virtue of this fiction, because it had reference to the legal capacity of the defunct. If there had been no such fiction, the validity of the institution would have been doubtful, for the unascertained legitimus heres might be an intestabilis, who (at least according to the old law) could not be instituted heres. If a soldier died and left a will, which was not yet opened, another testator might institute as heres a slave belonging to the soldier's hereditas, because the institution, according to this fiction, had reference to the deceased; but if there were not this fiction, the institution might be void, inasmuch as the unascertained heres might be a peregrinus who had no testamentifactio with this other testator. It was to provide for such cases as these only, that this fiction was introduced; and it had no other object than to facilitate certain acquisitions by means of the slaves who belonged to an hereditas."

This masterly exposition is by Savigny.[1]

HERMÆ, *dimin.* HERMULÆ (Ἑρμαῖ). The Greeks originally made use of unhewn stones (ἀργοὶ λίθοι) to represent their divinities.[2] Their first improvement was to cut these stones into square

1. (Ulpian.)—2. (Dig. 50, tit. 16, s. 164; 28, tit. 3, s. 3.)—3. (Cic., Leg., ii., 19.—4. (Plaut., Capt., iv., 1.—Festus, s. v. "Sine sacris hereditas.")—5. (Cod. vi., tit. 30, s. 22.)—6. (Cic., Pro Rosc. Com., c. 18.)—7. (Cic. ad Att., xi., 15.)

1. (System des heut. R. R., ii., p. 363.—Gaius, ii., 99-190.—Id., iii., 1-24.—Ulpian, Frag.—Dig. 28, 29.—Inst., ii., iii.)—2 (Paus., vii., 22, § 3.)

blocks, thirty of which were exhibited to Pausanias in the city of Pharæ.[1] In the course of time, the square block was surmounted by the head of the deity it represented. Many images of this kind are described by Pausanias; one of Poseidon at Tricoloni in Arcadia,[2] another of Zeus τέλειος at Ægea,[3] and another of Aphrodite Urania at Athens.[4] It is probable that the first statues of this improved nature were those of Hermes or Mercury, from whom they received their name; but the term was applied generally to that particular class of statues termed ἐργαῖαι τεράγωνοι or σχήματα τετράγωνα,[5] even though the busts of other divinities, or persons of either sex, surmounted the pedestal.

In these works, the invention of which is ascribed to the Athenians by Pausanias, the only parts of the human body developed were the head and sexual organs. But when the sculptor's art was still farther perfected, the whole torso was placed upon a pedestal; and, finally, the pedestal itself was sometimes ehiselled to indicate the separation of the legs, as may be seen in a tetragonal female statue in the Villa Albani.[6] Two other forms of the Hermæ may be seen in the British Museum.[7]

Houses in Athens had one of these statues placed at the door,[8] which were worshipped by the women as instrumental to fecundity, though not in the most delicate manner;[9] and the great superstition attached to them is shown by the alarm and indignation which were felt at Athens in consequence of the mutilation of the whole number in a single night, just before the sailing of the Sicilian expedition.[10]

They were likewise placed in front of temples, near to tombs, in the gymnasia, libraries, and public places, at the corners of streets and high roads as signposts, and some are still to be seen at Athens with the names of victors in the gymnastic contests inscribed upon them.[11] Among the Romans particularly they were used for boundary landmarks, either in their primitive form of large stones or with busts upon them, whence they were styled *termini* and *lapides terminales*,[12] and as posts for ornamental railings to a garden, in which case they were commonly decorated with the busts of philosophers and eminent men, some of which may be seen at the Vatican, with the square holes in their shoulders into which the transverse rail was inserted.

As the square part of the statue represented Mercury,[13] his name is often compounded with that of the deity whose bust it supports. Thus the *Hermathena* which Atticus sent from Athens to Cicero[14] bore the bust of Minerva; the *Hermeraclæ*[15] those of Hercules. The story of Hermaphroditus had probably its origin in some ancient statue of this description, where the square Mercury was surmounted by a female torso, like the one in the British Museum.[16]

For the application of the *Hermæ* and *Hermulæ* in the circus, *vid.* p. 254, 255.

HERMÆA (Ἑρμαῖα, festivals of Hermes, celebrated in various parts of Greece As Hermes was the tutelary deity of the gymnasia and palæstræ, the boys at Athens celebrated the Hermæa in the gymnasia. They were on this occasion dressed in their best, offered sacrifices to the god, and amused themselves with various games and sports, which were probably of a more free and unrestrained character than usual. Hence the gymnasiarch was prohibited by a law of Solon[1] from admitting any adults on the occasion. This law, however, was afterward neglected, and in the time of Plato[2] we find the boys celebrating the Hermæa in a palæstra, and in the presence of persons of all ages.[3] (Compare Gymnasium, p. 482.)

Hermæa were also celebrated in Crete, where, on this occasion, the same custom prevailed which was observed at Rome during the Saturnalia; for the day was a season of freedom and enjoyment for the slaves, and their masters waited upon them at their repasts.[4]

The town of Pheneos, in Arcadia, of which Hermes was the principal divinity, likewise celebrated Hermæa with games and contests.[5] A festival of the same kind was celebrated at Pellene.[6] Tanagra in Bœotia,[7] and some other places, likewise celebrated festivals of Hermes, but particulars are not known

HERMATHE'NA. (*Vid.* Hermæ.)

HERMERACLÆ. (*Vid.* Hermæ.)

*HERMODACTYLUS (ἑρμοδάκτυλος), the same with the *Colchicum autumnale*, or Meadow Saffron. "My limits," observes Adams, "will not afford room to discuss fully the much-agitated question respecting the Hermodactylus of the ancients. It is to be remarked, however, in the first place, that Paulus Ægineta entirely omits treating of the κολχικόν of Dioscorides by name, and in place of it has the ἑρμοδάκτυλος. This circumstance forms a strong presumption that the two substances were identical. And again, Serapion, in his chapter on *Hermodactylus*, gives the words of Paulus Ægineta along with Dioscorides' chapter on *Colchicum*. It seems undeniable, then, that the Arabians held the *Hermodactylus* to be the same as the *Colchicum*; and, accordingly, the highest authorities in modern times on the *Res Herbaria* of the ancients, such as Bergius, Tournefort, Humelbergius, Geoffroy, Prosper Alpinus, Dr. Paris, and many others, recognise the *Hermodactylus* as the *Colchicum autumnale*, or Meadow Saffron. Still, however, Sprengel joins Matthiolus and Dr. Murray in referring it to the *Iris tuberosa*. After impartially examining the evidence on both sides, I continue to be of the opinion expressed by me formerly, that the ancient ἑρμοδάκτυλος was the Meadow Saffron."[8]

*HERPYLLUS (ἕρπυλλος), according to most authorities, the Wild Thyme, or *Thymus serpyllum*, L. Sibthorp, however, inclines to refer it to a species which he found in great abundance near the Ilissus, called by him *Thymus incanus*. The wild kind, which Dioscorides calls ζύγις, is the *Thymus zygis*.[9]

*HESP'ERIS (ἑσπερίς), a plant, the same with the *Hesperis matronalis*, or Dame's Violet. Sprengel, however, prefers the *Hesperis tristis*.[10]

HERO'A. (*Vid.* Funus, p. 457.)

HESTIA. (*Vid.* Focus.)

HESTI'ASIS (ἑστίασις) was a species of liturgy, and consisted in giving a feast to one of the tribes at Athens (τὴν φυλὴν ἑστιᾶν[11]). It was provided for each tribe at the expense of a person belonging to that tribe, who was called ἑστιάτωρ.[12] Harpocration[13] states, on the authority of the speech of Demosthenes against Meidias, that this feast was sometimes provided by persons voluntarily, and at other times by persons appointed by lot; but, as Böckh remarks, nothing of this kind occurs in the speech, and no burden of this description could have

1. (Paus., l. c.)—2. (viii., 35, § 6.)—3. (Ib., 48, § 4.)—4. (i., 19, § 2.)—5. (Thucyd., vi., 27.—Paus., iv., 33, § 4.)—6. (Winckelm., Storia delle Arte, tom. I, tav. I.)—7. (Chamber I, No. 3.—Chamber 3, No. 35.)—8. (Thucyd., vi., 27.—Ælian, V. H., ii., 41.)—9. (*Vid.* bas-relief in Boissarde, Antiq. Roman., part I.)—10. (Thucyd., vi., 27.—Andoc., De Myst.)—11. (Leake, Athens, p. 1[7], n. 1.)—12. (Amm. Marcell., xviii., 2, 15.—Compare Tibull. I., iii., 44.—Virg., Æn., xii., 897.)—13. (Cic. ad Att., i., 8.)—14 (ad Att., i., 1, 4)—15. (ib., 10.)—16. (Chamber 6, No. 54.)

1. (Æschin., c. Timarch., p. 38.)—2. (Lysis., p. 206, D., &c.)—3. (Becker, Charikles, i., p. 335, &c.)—4. (Athen., xiv., p 639.)—5. (Paus., viii., 14, 7.)—6. (Schol. ad Pind., Ol., vii., 156—Schol. ad Pind., Nem., x., 82.)—7. (Paus., ix., 22, § 2.)—8 (Adams, Append., s. v.)—9. (Adams, Append., s. v.)—10. (Adams, Append., s. v.)—11. (Demosth., c. Meid., p. 565, 10.—Pollux, Onom., iii., 67.)—12. (Demosth c. Bœot., p. 996, 24)—13 (s. v. Ἑστιάτωρ)

seem imposed upon a citizen by lot. The ἑστιάτορες were doubtless appointed, like all persons serving liturgies, according to the amount of their property in some regular succession. These banquets of the tribes, called φυλετικὰ δεῖπνα by Athenæus,[1] were introduced for sacred purposes, and for keeping up a friendly intercourse between persons of the same tribe, and must be distinguished from the great feastings of the people, which were defrayed from the Theorica.[2]

HETÆRÆ (ἑταῖραι). The word ἑταίρα originally only signified a friend or companion, but at Athens and other towns of Greece it was afterward used as a euphemistic name for πόρνη, that is, a prostitute or mistress.[3] As persons of this class acted a much more prominent and influential part in some of the Greek states than in any of the most demoralized capitals of modern times, we cannot avoid, in this work, to state their position and their relations to other classes of society. But as their conduct, manners, ensnaring artifices, and impositions have at all times and in all countries been the same, we shall confine ourselves to those points which were peculiar to the hetæræ in Greece.

First we may mention that the young men at Athens, previous to their marriage, spent a great part of their time in the company of hetæræ without its being thought blamable in any respect whatever. Marriage, indeed, produced, on the whole, a change in this mode of living of young men, but in innumerable instances even married men continued their intercourse with hetæræ, without drawing upon themselves the censure of public opinion; it seems, on the contrary, evident, from the manner in which Demosthenes[4] relates the history of Lysias the sophist, that such connexions after marriage were not looked upon as anything extraordinary or inconsistent, provided a man did not offend against public decency, or altogether neglect his legitimate wife and the affairs of his household, as was the case with Alcibiades.[5] This irregular condition of private life among the Greeks seems to have arisen chiefly from two causes: first, from the great love of sensual pleasures, which the Greeks appear to have possessed even in a much higher degree than most other southern nations; and, secondly, from the generally prevailing indifference between husbands and wives. As regards the latter point, matrimonial life, in the historical times of Greece, was very different from that which we find described in the heroic age. How this change was brought about is not clear; but it can scarcely be doubted that, generally speaking, the Greeks looked upon marriage merely as a means of producing citizens for the state.[6] The education of women was almost entirely neglected; they were thought a kind of inferior beings, less endowed by nature, and incapable of taking any part in public affairs, and of sympathizing with their husbands. In an intellectual point of view, therefore, they were not fit to be agreeable companions to their husbands, who consequently sought elsewhere that which they did not find at home. It is true, the history of Greece furnishes many pleasing examples of domestic happiness and well-educated women, but these are exceptions, and only confirm the general rule. A consequence of all this was, that women were bound down by rules which men might violate with impunity; and a wife appears to have had no right to proceed against her husband, even if she could prove that he was unfaithful,[7] although she herself was subject to severe punishment if she was detected. The isolated testimony of a late writer like Alciphron,[1] who represents a wife threatening her husband that, unless he would give up his dissolute mode of living, she would induce her father to bring a charge against him, can, as Becker[2] observes, prove nothing, inasmuch as a neglect of family affairs might, in this case, have been the ground for accusation.

But to return to the hetæræ: the state not only tolerated, but protected them, and obtained profit from them. Solon is said to have established a πορνεῖον (also called παιδισκεῖον, ἐργαστήριον, or οἴκημα), in which prostitutes were kept,[3] and to have built the temple of Aphrodite Pandemus with the profit which had been obtained from them. At a later period the number of such houses at Athens was increased, and the persons who kept them were called πορνοβοσκοί, *lenones*. The conduct of the hetæræ in these houses is described in Athenæus.[4] All the hetæræ of these houses, as well as individuals who lived by themselves and gained their livelihood by prostitution, had to pay to the state a tax (πορνικὸν τέλος)[5], and the collecting of this tax was every year let by the senate to such persons (τελῶναι or πορνοτελῶναι[6]) as were best acquainted with those who had to pay it. The hetæræ were under the superintendence of the ἀγορανόμοι,[7] and their places of abode were chiefly in the Ceramicus.[8]

The number of private hetæræ, or such as did not live in a πορνεῖον, was very great at Athens. They were, however, generally not mere prostitutes but acted at the same time as flute or cithara players, and as dancers, and were, as such, frequently engaged to add to the splendour of family sacrifices,[1] or to enliven and heighten the pleasures of men at their symposia. Their private abodes, where often two, three, and more lived together, were also frequently places of resort for young men.[10] Most of these hetæræ not only took the greatest care to preserve their physical beauties, and to aequire such accomplishments as we just mentioned, but paid considerable attention to the cultivation of their minds. Thus the Arcadian Lastheneia was a disciple of Plato,[11] and Leontion a disciple of Epicurus;[12] Aspasia is even said to have instructed Socrates and Pericles. Whatever we may think of the historical truth of these and similar reports, they are of importance to the historian, inasmuch as they show in what light these hetæræ were looked upon by the ancients. It seems to have been owing especially to their superiority in intellectual cultivation over the female citizens, that men preferred their society and conversation to those of citizens and wives, and that some hetæræ, such as Aspasia, Laïs, Phryne, and others, formed connexions with the most eminent men of their age, and acquired considerable influence over their contemporaries. The free and unrestrained conduct and conversation, which were not subject to the strict conventional rules which honest women had to observe; their wit and humour, of which so many instances are recorded, were well calculated to ensnare young men, and to draw the attention of husbands away from their wives. Women, however, of the intellect and character of Aspasia, were exceptions; and even Athenian citizens did not scruple to introduce their wives and daughters to her circles, that they might learn there the secrets by which they might gain and preserve the affections of their husbands. The disorderly life of the majority of Greek hetæræ

1. (v., p. 185, *d.*)—2. (Böckh, Public Econ. of Athens, ii., p. 121.—Wolf, Proleg. ad Demosth. Leptin., p. lxxxvii., note 60.) 3. (Plut., Solon, c. 15.—Athen., xiii., p. 571.)—4. (c. Neær., p. 1251, &c.)—5. (Andoc., c. Alcib., p. 117.)—6. (Demosth., c. Neær., p. 1386.—Becker, Charikles, ii., p. 215, &c.) 7. (Plaut., Mercat., iv., 6, 3.)

1. (Epist., i., 6.)—2. (Charikles, i., p. 112.)—3. (Athen., xiii., p. 569.)—4. (xiii., p. 568.)—5. (Æsch., c. Timarch., p. 134, &c.)—6. (Philonides ap. Pollux, vii., 202.)—7. (Suidas, s. v. Δι' γραμμα.)—8. (Hesych., s. v. Κεραμεικός.)—9. (Plaut., Epid., ii., 4, 64.)—10. (Isoc., Areopag., p. 202. ed. Becker.)—11. (Athen., xii., p. 546.)—12. (Athen., xiii., p. 588.)

s nowhere set forth in better colours than in the works of the writers who belong to the so-called school of the middle comedy, and in the plays of Plautus and Terence; with which may be compared Demosth., *c. Neær.*, p. 1355, &c., and Athen., book xiii. It was formerly supposed that at Athens a peculiar dress was by law prescribed to the hetæræ, but this opinion is without any foundation.[1]

The town most notorious in Greece for the number of its hetæræ, as well as for their refined manners and beauty, was Corinth.[2] Strabo[3] states that the temple of Aphrodite in this town possessed more than one thousand hetæræ, who were called *ἱερόδουλοι*, and who were the ruin of many a stranger who visited Corinth.[4] Hence the name *Κορινθία κόρη* was used as synonymous with *ἑταίρα*, and *κοινθιάζεσθαι* was equivalent to *ἑταιρεῖν*.[5] At Sparta, and in most other Doric states, the hetæræ seem never to have acquired that importance which they had in other parts of Greece, and among the Greeks of Asia Minor.

An important question is who the hetæræ generally were. The *ἱερόδουλοι* of Corinth were, as their name indicates, slaves belonging to Aphrodite; and their prostitution was a kind of service to the goddess. Those *πόρναι* who were kept at Athens in public houses by the *πορνοβοσκοί*, were generally slaves belonging to these *πορνοβοσκοί*, who compelled them to prostitution for the sake of enriching themselves thereby. The owners of these *πόρναι* were justly held in greater contempt than the unhappy victims themselves. Sometimes, however, they were real prostitutes, who voluntarily entered into a contract with a *πορνοβοσκός*: others, again, were females who had been educated in better circumstances and for a better fate, but had, by misfortunes, lost their liberty, and were compelled by want to take to this mode of living. Among this last class we may also reckon those girls who had been picked up as young children, and brought up by *πορνοβοσκοί* for the purpose of prostitution. An instance of this kind is Nicarete, a freed-woman, who had contrived to procure seven young children, and afterward compelled them to prostitution, or sold them to men who wished to have the exclusive possession of them.[6] Other instances of the same kind are mentioned in the comedies of Plautus.[7] Thus all prostitutes kept in public or private houses were either real slaves, or, at least, looked upon and treated as such. Those hetæræ, on the other hand, who lived alone, either as mistresses of certain individuals or as common hetæræ, were almost invariably strangers or aliens, or freed-women. The cases in which daughters of Athenian citizens adopted the life of an hetæra, as Lamia, the daughter of Cleanor, did,[8] seem to have occurred very seldom; and whenever such a case happened, the woman was by law excluded from all public sacrifices and offices, sank down to the rank of an alien, and as such, became subject to the *πορνικὸν τέλος*: she generally, also, changed her name. The same degradation took place when an Athenian citizen kept a *πορνεῖον*, which seems to have occurred very seldom.[9]

ΕΤΑΙΡΗΣΕΩΣ ΓΡΑΦΗ (*ἑταιρήσεως γραφή*). This action was maintainable against such Athenian citizens as had administered to the unnatural lusts of another; but only if after such degradation they ventured to exercise their political franchise, and aspired to bear office in the state. From the law, which is recited by Æschines,[1] we learn that such offenders were capitally punished. The cause was tried by the court of the thesmothetæ.[2]

HETAIRIAI. (*Vid.* ERANOI.)

HEXA'PHORUM. (*Vid.* LECTICA.)

*HIERACION (*ἱεράκιον*) a plant, of which Dioscorides mentions two kinds, the *τὸ μέγα* and the *τὸ μικρόν*. The former of these Sibthorp makes the same with the *Arnopogon picroides*, Willd., and the latter with the *Scorzonera elongata*, Willd.[3]

*HIERAX (*ἱέραξ*), a term applied to various species of *Accipitrina*, or the Hawk tribe. "The scholiast on Apollonius Rhodius says," remarks Adams, "that Callimachus described six species of Hawk; and Aristotle mentions that some had described ten species.[4] Linnæus applies the term rather loosely to three genera, namely, the *Strix*, the *Falco*, and the *Psittacus*. The *ἱέρακες* of the Greeks belong principally to the second of these. 1. The *φασσοφόνος* is the *Falco palumbarius*, or Goshawk: it is the largest of the genus.[5] 2. The *αἰσάλων* of Aristotle was the Merlin, or *Falco æsalon:* it is the smallest of the genus. 3. The *τριόρχης* of Aristotle, rendered *Buteo* by Gaza, is the species of Buzzard called Ring-tail in English, namely, the *Circus pygargus*, L. 4. The *ὑποτριόρχης*, or *Sub-buteo*, is probably only a variety of the last. 5. The *κίρκος*, or third species of Aristotle, is not satisfactorily determined: Buffon supposes it the Moor Buzzard, or *Falco æruginosus*, L.; but Schneider thinks this point uncertain.[6] Homer calls it *ἐλαφρότατος πετεηνῶν*, 'the swiftest of birds.'[7] 6. The *πέρκος*, or *σπιζίας* of Aristotle, in Latin *Accipiter fringillarius*, was most probably the Sparrow-hawk, or *Falco nisus*, L. It is deserving of remark, that the *Nisus* of Ovid[8] was the Sea Eagle, that of the later classics the Sparrow-hawk. 7. The *χαλκίς*, or *κυμινδίς* of Homer, was most probably identical with the *πτύγξ*, but cannot be otherwise satisfactorily determined.[9] 8. The *κεγχρίς*, or *κεγχρίνης*, or *κεγχρηΐς*, or (as we read it in the Aves of Aristophanes) the *κέρχνη*, was the same as the *tinnunculus* of Pliny, namely, the *Falco tinnunculus*, or Kestrel. 9. The two species named *ἀστερίας* and *πτερνίς* by Aristotle[10] cannot be satisfactorily ascertained. 10. The *ἰκτῖν* or *ἰκτῖνος* is the Kite or Gled, namely, the *Milvus ictinus*, Savigny."[11]

*II. A flying fish mentioned by Oppian and Ælian. None of the commentators can determine exactly what it is.[12]

HIEREION. (*Vid.* SACRIFICIUM.)

*HIEROBOTA'NE (*ἱεροβοτάνη*), a name given by Dioscorides and others to the Vervain, as being a plant much used in religious rites (*ἱερός*, "sacred," and *βοτάνη*, "plant"). (*Vid.* VERBENA.)[13]

HIERODOULOI. (*Vid.* HETÆRÆ.)

HIEROMANTEIA. (*Vid.* DIVINATIO, p. 369.)

HIEROMNE'MONES (*ἱερομνήμονες*) were the more honourable of the two classes of representatives who composed the Amphictyonic council. An account of them is given under AMPHICTYONS, p. 49. We also read of hieromnemones in Grecian states, distinct from the Amphictyonic representatives of this name. Thus the priests of Poseidon, at Megara, were called hieromnemones;[14] and at

1. (Becker, Charikles, i., p. 126, &c.)—2. (Plato, De Rep., iii., p. 404.—Dio Chrysost., Orat., xxxvii., p. 119, ed. Reiske.—Athenæus, Plut., 149.—Schol. ad loc.—Schol. ad Lysist., 90.—Athen., xiii., p. 573, &c.—Müller, Dor., ii., 10, 7.)—3. (viii., 6, p. 211.)—4. (Wachsmuth, Hellen. Alterthumsk., ii., 2, p. 48, and p. 299.)—5. (Eustath. ad Il., ii., 570.)—6. (Demosth., c. Neær., p. 1351, &c.)—7. (Compare Isæus, De Philoctem. hæred., p. 143.)—8. (Athen., xiii., p. 577.)—9. (Böckh, Publ. Econ. of Athens, ii., p. 49.—Fr. Jacobs, "Beiträge Zur Gesch. des Weiblich. Geschlechts," in his "Vermischte Schriften," vol. iv.—Becker, Charikles, i., p. 109–128, and ii., p. 414–489.—Limburg-Brouwer, "Histoire de la Civilisation Morale et Religieuse des Grecs."—Wachsmuth, Hellen. Alterthumsk., ii., 2, p. 43. &c.)

1. (c. Timarch., p. 47.)—2. (Meier, Att. Proc., 334.)—3. (Dioscor., iii., 65, 66.—Adams, Append., s. v.)—4. (Aristot., H. A., ix., 24.)—5. (*Vid.* Il., xv., 238.)—6. (ad Æl., N. H., iv., 5.)—7 (Od., xiii., 87.)—8. (Met., viii., 146.)—9. (Didymus ad Il., xiv., 291.—Damm, Lex. Hom., s. v.)—10. (H. A., ix., 24.)—11 (Adams, Append., s. v.)—12. (Oppian, i., 427.—Ælian, H. A., ix., 52.)—13. (Dioscor., iv., 61.)—14. (Plut., Symp., viii., 8, § 4.)

Byzantium, which was a colony of Megara, the chief magistrate in the state appears to have been called by this name. In a decree of Byzantium, quoted by Demosthenes,[1] a hieromnemon is mentioned who gives his name to the year; and we also find the same word on the coins of this city.[2] At Chalcedon, another colony of Megara, a hieromnemon also existed, as is proved by a decree which is still extant.[3] An inscription found in Thasos also mentions a hieromnemon who presided over the treasury.[4]

HIERONI'CÆ. (*Vid.* Athletæ, p. 120.)

HIEROPHANTES. (*Vid.* Eleusinia.)

HIEROPOIOI (*ἱεροποιοί*) were sacrificers at Athens, of whom ten were appointed every year, and conducted all the usual sacrifices, as well as those belonging to the quinquennial festivals, with the exception of those of the Panathenæa.[5] They are frequently mentioned in inscriptions.[6] The most honourable of these officers were the sacrificers for the revered goddesses or Eumenides (*ἱεροποιοὶ ταῖς σεμναῖς θεαῖς*), who were chosen by open vote, and probably only performed the commencement of the sacrifice, and did not kill the victim themselves.[7]

ΙΕΡΟΣΥΛΙΑΣ ΓΡΑΦΗ (*ἱεροσυλίας γραφή*). The action for sacrilege is distinguished from the *κλοπῆς ἱερῶν χημάτων γραφή*, in that it was directed against the offence of robbery, aggravated by violence and desecration, to which the penalty of death was awarded. In the latter action, on the contrary, the theft and embezzlement, and its subject matter, only were taken into consideration, and the dicasts had a power of assessing the penalty upon the conviction of the offender. With respect to the tribunal before which a case of sacrilege might have been tried, some circumstances seem to have produced considerable differences. The *γραφή* might be preferred to the king archon, who would thereupon assemble the areiopagus and preside at the trial, or to one of the thesmothetæ in his character of chief of an ordinary heliastic body; or, if the prosecution assumed the form of an apagoge or ephegesis, would fall within the jurisdiction of the Eleven. Before the first-mentioned court it is conjectured[8] that the sacrilege of the alleged spoliation, as well as the fact itself, came in question; that the thesmothetæ took cognizance of those cases in which the sacrilege was obvious if the fact were established; and that the Eleven had jurisdiction when the criminal appeared in the character of a common robber or burglar, surprised in the commission of the offence. In all these cases the convict was put to death, his property confiscated, and his body denied burial within the Attic territory. There is a speech of Lysias[9] extant upon this subject, but it adds little to our knowledge, except that slaves were allowed upon that occasion to appear as informers against their master—a resident alien—and anticipated their emancipation in the event of his conviction.

HILA'RIA (*ἱλάρια*) seems originally to have been a name which was given to any day or season of rejoicing. The hilaria were, therefore, according to Maximus Monachus,[10] either private or public. Among the former he reckons the day on which a person married, and on which a son was born; among the latter, those days of public rejoicings appointed by a new emperor. Such days were devoted to general rejoicings and public sacrifices, and no one was allowed to show any traces of grief or sorrow.

But the Romans also celebrated hilaria, as a feria stativa, on the 25th of March, in honour of Cybele, the mother of the gods;[1] and it is probably to distinguish these hilaria from those mentioned above, that Lampridius[2] calls them *Hilaria Matris Deûm*. The day of its celebration was the first after the vernal equinox, or the first day of the year which was longer than the night. The winter, with its gloom, had passed away, and the first day of a better season was spent in rejoicings.[3] The manner of its celebration during the time of the Republic is unknown, except that Valerius Maximus[4] mentions games in honour of the mother of the gods. Respecting its celebration at the time of the Empire we learn from Herodian[5] that, among other things there was a solemn procession, in which the statue of the goddess was carried, and before this statue were carried the most costly specimens of plate and works of art belonging either to wealthy Romans or to the emperors themselves. All kinds of games and amusements were allowed on this day: masquerades were the most prominent among them, and every one might, in his disguise, imitate whomsoever he liked, and even magistrates.

The hilaria were in reality only the last day of a festival of Cybele, which commenced on the 22d of March, and was solemnized by the Galli with various mysterious rites.[6] It may also be observed that the hilaria are neither mentioned in the Roman calendar nor in Ovid's Fasti.

*HIMANTO'PUS (*ἱμαντόπους*), a species of bird, which Turner conjectures to be the Red-shank. Gesner, however, prefers the Sea-pie, or Oyster-catcher, the *Hæmatopus ostralegus*, L.[7]

HIMATION. (*Vid.* Pallium.)

*HINNUS. (*Vid.* Ginnus.)

*HIPPARCHUS (*ἵππαρχος*), an animal described by Oppian. Probably the same with the *ἱππέλαφος*.[8]

HIPPARMOSTES. (*Vid.* Army, Greek, p. 98.)

*HIPPEL'APHUS (*ἱππέλαφος*), a large animal of the deer, or, rather, antelope kind, mentioned by Aristotle. Cuvier takes it to be the *Capra ægagrus* of Pallas, the same as the *Tragelaphus* of Pliny. Buffon makes it to be the *Cerf des Ardennes*. The Greek name means literally "horse-stag."[9]

*HIPPOCAMPUS (*ἱππόκαμπος*), a fabulous animal, described by the ancient poets as a species of Seahorse, having a tail like a fish, on which the seagods ride.—Modern naturalists, however, apply the term to a species of fish, the *Syngnathus Hippocampus*, called in Italian *Cavillo marino*, and in English Seahorse, because its head has some resemblance to that of a horse. It grows to the length of eight or twelve inches.[10]

*HIPPOLAP'ATHUM (*ἱππολάπαθον*). a plant, a kind of Dock; *Lapathum hortense*. (*Vid.* Lapathum.)[11]

*HIPPOM'ANES (*ἱππομανές*), a plant, said to grow especially in Arcadia, sought for and eagerly devoured by horses; or, as others say, producing in them raging desire or madness.[12]

*II. A preparation from the *Spurge* or *Euphorbia*, as far, at least, as we can infer from what Theophrastus says of it.[13]

*HIPPOMAR'ATHRUM (*ἱππομάραθρον*). Adams observes that Stackhouse "makes the *ἱππομάραθρον*

1. (Pro Corona, p. 255, 20.—Compare Polyb., iv., 52, § 4.)—2. (Eckhel, Doctr. Num., vol. ii., p. 31, &c.)—3. (Müller, Dor., iii., 9, § 10.)—4. (Böckh, Corp. Inscr., vol. ii., p. 183, 184.)—5. (Pollux, Onom., viii., 107. — Photius, s. v. *Ἱεροποιοί.*) — 6. (Böckh, Corp. Inscr., vol. i., p. 250.)—7. (Demosth., c. Meid., p. 552, 6.—Böckh, Publ. Econ. of Athens, i., p. 288.)—8. (Meier, Att. Proc., 307.)—9. (Pro Callia.)—10. (Schol. ad Dionys. Areopag., Epist., 8.)

1. (Macrob., Sat., i, 21.)—2. (Alexand. Sev., c. 37.)—3. (Flav. Vopisc., Aurelian, c. 1.)—4. (ii., 4, 3.)—5. (c., 10, 11.)—6. (Ovid, Fast., iv., 337, &c.)—7. (Oppian, iii., 251.)—8. (Adams, Append., s. v.)—9. (Donnegan, s. v.—Adams, Append., s. v.)—10. (Ælian, N. A., iv., 14. — Adams, Append., s. v.)—11 (Dioscor., ii., 141.)—12. (Theocrit., Id., ii., 48. — Schol. ad loc. —13. (Theophrast., H. P. ix. 15.)

of Theophrastus to be the *Ferula communis*; but Sprengel, in his History of Botany, holds the *i.* of Theophrastus and Hippocrates to be the *Cachrys ricula*. In his edition of Dioscorides, he refers the first species of this author to the *Cachrys Morrisonii*, Vahl. Dierbach agrees with Sprengel respecting the *i.* of Hippocrates."[1]

HIPPOPE'RÆ (*ἱπποπῆραι*), Saddle-bags. This appendage to the saddle (*vid.* EPHIPPIUM) was made of leather (*sacculi scortei*[2]), and does not appear ever to have changed its form and appearance. Its proper Latin name was *bisaccium*,[3] which gave origin to *bisaccia* in Italian, and *besace* in French. By the Gauls, saddle-bags were called *bulgæ*,[4] because they bulge or swell outward; this significant appellation is still retained in the Welsh *bolgan* or *bwlgan*. The more elegant term *hippoperæ* is adopted by Seneca,[5] when, in recommendation of the habits of frugality, he cites the example of Cato the censor, who rode with saddle-bags for the conveyance of whatever was necessary to him in travelling.

*HIPPOPH'AES (*ἱπποφαές*), a species of plant. Stackhouse suggests that it is the *Dipsacus fullonum*, but admits that he entertains doubts respecting it. Sprengel, in his History of Botany, holds it to be the *Hippophaës rhamnoides*; but in his edition of Dioscorides he advances what Adams considers the very probable opinion that it is the *Euphorbia spinosa*, or Thorny Spurge.[6]

*HIPPOPHÆSTUM (*ἱππόφαιστον*), a plant. "Sprengel, in his History of Botany, calls it the *Cnicus stellatus*, but in his edition of Dioscorides he follows Columna in referring it to the *Cirsium stellatum*, or Allion. I am at a loss to say whether or not the latter be a synonyme of the other."[7]

*HIPPOPOT'AMOS (*ἵππος ὁ ποτάμιος*), the River-horse, or *Hippopotamus amphibius*. An accurate description is given by Herodotus, Aristotle, Dioscorides, and other ancient writers.[8]

*HIPPOS, the Horse. (*Vid.* EQUUS.)

*HIPPOSELI'NON (*ἱπποσέλινον*), a plant, which all the authorities agree in making the same with the *Smyrnium olus atrum*, called in English *Alexanders*.[9]

*HIPPOURIS (*ἵππουρις*), an aquatic plant, the Horse-tail. According to Adams, the first species of Dioscorides would seem to be the *Equisetum fluviatile*, and the other the *E. limosum*, two species of Horse-tail well known in Great Britain. The *ἵππον* of Theophrastus, according to the same authority, is most probably the *Hippuris vulgaris*, or Mare's tail, as Sprengel suggests.[10]

*HIPPU'RUS (*ἵππουρος*), a species of Fish, the *Coryphena Hippurus*, L. "Artedi says it is called the Dolphin in England, but this is merely the trivial name given to it by seamen. Dorion, an author quoted by Athenæus, states that it was sometimes called *κορυφαῖνα*, and hence the Linnæan name of it is formed. Coray says it grows to the length of four or five feet."[11]

*HIRUDO, the Leech. (*Vid.* BDELLA.)

*HIRUNDO (*χελιδών*), the Swallow. "Three birds of the Swallow tribe," observes Adams, "are briefly noticed by Aristotle.[12] The first is either the *Hirundo urbica*, the Martin, or *H. rustica*, the Chimney Swallow. Ælian[13] seems to point to the latter. The second is probably the Swift; and the third the *H. riparia*, or Bank Swallow. Aristotle favours the opinion which received the countenance of Linnæus, but has since been exploded, that swallows hide themselves in holes during the winter, and do not migrate to distant countries. Herodotus states[1] that the swallows do not migrate from Egypt. This would imply that *he* held that they migrate from other countries. Some have conjectured that Homer meant the Swallow by the bird which he names *ἀνόπαια*, or *πανόπαια*, as some read it.[2]

HISTOS (*ἱστός*). (*Vid.* MALUS.)

HI'STRIO, an Actor.

I. GREEK ACTORS (*ὑποκριταί*). It is shown in the articles CHORUS and DIONYSIA that the Greek drama originated in the chorus which at the festivals of Dionysus danced around his altar, and that at first one person detached himself from the chorus, and, with mimic gesticulation, related his story either to the chorus or in conversation with it. If the story thus acted required more than one person, they were all represented in succession by the same actor, and there was never more than one person on the stage at a time. This custom was retained by Thespis and Phrynichus. But it was clear that if the chorus took an active and independent part in such a play, it would have been obliged to leave its original and characteristic sphere. Æschylus therefore added a second actor, so that the action and the dialogue became independent of the chorus, and the dramatist, at the same time, had an opportunity of showing two persons in contrast with each other on the stage.[3] Towards the close of his career, Æschylus found it necessary to introduce a third actor, as is the case in the Agamemnon, Choëphori, and Eumenides.[4] This number of three actors was also adopted by Sophocles and Euripides, and was but seldom exceeded in any Greek drama. In the Œdipus in Colonus, however, which was performed after the death of Sophocles, four actors appeared on the stage at once, and this deviation from the general rule was called *παραχορήγημα*.[5] The three regular actors were distinguished by the technical names of *πρωταγωνιστής*, *δευτεραγωνιστής*, and *τριταγωνιστής*,[6] which indicated the more or less prominent part which an actor had to perform in the drama. Certain conventional means were also devised, by which the spectators, at the moment an actor appeared on the stage, were enabled to judge which part he was going to perform; thus the protagonistes always came on the stage from a door in the centre, the deuteragonistes from one on the right, and the tritagonistes from a door on the left hand side.[7] The protagonistes was the principal hero or heroine of a play, in whom all the power and energy of the drama were concentrated; and whenever a Greek drama is called after the name of one of its personæ, it is always the name of the character which was performed by the protagonistes. The deuteragonistes, in the pieces of Æschylus for two actors, calls forth the various emotions of the protagonistes, either by friendly sympathy or by painful tidings, &c. The part of a tritagonistes is represented by some external and invisible power, by which the hero is actuated or caused to suffer. When a tritagonistes was added, the part assigned to him was generally that of an instigator, who was the cause of the sufferings of the protagonistes, while he himself was the least capable of depth of feeling or sympathy. The deuteragonistes, in the dramas for three actors, is generally distinguished by loftiness and warmth of feeling, but has

1. (Hippocrat., Nat. Mulier.—Theophrast., H. P., vi., 3.—Dioscor., iii., 75.—Adams, Append., s. v.) — 2. (Festus, s. v. Bulgæ.)—3. (Petron., Sat., 31.) — 4. (Festus, l. c. — Onomast. Gr. Lat.)—5. (Epist., 88.)—6. (Dioscor., iv., 159.—Theophrast., ix., 15. — Adams, Append., s. v.) — 7. (Dioscor., iv., 170. — Adams, Append., s. v.)—8. (Herod., ii., 71.—Aristot., H. A., ii., 4.—Dioscor., M. M., ii., 25.—Nicand., Ther., 565.) — 9. (Theophrast., H. P., ii., 2 —Id., C. P., vi., 12.—Dioscor., iii., 71.)—10. (Dioscor., iv., 46.—Geopon., ii., 6.—Theophrast., H. P., iv., 10.—Adams, Append., s. v.)—11. (Aristot., H. A., viii., 13. — Plin., H. N., ix., 16 -Id ib., xxxii., 9.—Adams, Append., s. v.)—12 (H A., ix., 2.)- 13. (N A., i., 52.)

1. (ii., 48.)—2. (Adams, Append., s. v.)—3. (Aristot., Post i., 14.) — 4. (Pollux, Onom., iv., 110.) — 5 (Pollux, l. c.) — 6 (Suidas, s. v. *Τριταγωνιστής*. — Demosth., De Coron., p. 315.—Id., De Fals. Leg., p. 344 and 401.)—7. (Pollux, Onom., iv., 124.)

not its depth and vehemence peculiar to the protagonistes, and thus serves as a foil to set forth the character of the chief hero in its most striking and vivid colours.[1]

The female characters of a play were always performed by young men. A distinct class of persons, who made acting on the stage their profession, was unknown to the Greeks during the period of their great dramatists. The earliest and greatest dramatic poets, Thespis, Melanthius, Sophocles, and probably Æschylus also, acted in their own plays, and in all probability as protagonistæ. We also know of several instances in which distinguished Athenian citizens appeared on the stage, and Æschines, the orator, did not scruple to act the part of tritagonistes.[2] These circumstances show that it was by no means thought degrading in Greece to perform on the stage, and that no stigma whatever was attached to the name of a man for his appearing on the stage. Bad actors, however, to whatever station in life they belonged, were not, on that account, spared; and the general mode of showing displeasure on the part of the spectators seems to have been by whistling.[3] It appears that when the spectators showed their displeasure in too offensive or insulting a manner, the actors would sometimes attack the most forward of the audience, and quarrels of this kind ended not unfrequently in blows and wounds.[4] At a later period, however, persons began to devote themselves exclusively to the profession of actors, and distinguished individuals received, even as early as the time of Demosthenes, exorbitant sums for their performances. Various instances are mentioned in Böckh's *Publ. Econ. of Athens*, i., p. 161, &c. At the time when Greece had lost her independence, we find regular troops of actors, who were either stationary in particular towns of Greece, or wandered from place to place, and engaged themselves wherever they found it most profitable. They formed regular companies or guilds, with their own internal organization, with their common officers, property, and sacra. We possess a number of inscriptions belonging to such companies, with decrees to honour their superiors, or to declare their gratitude to some king to whom they had been engaged. But these actors are generally spoken of in very contemptuous terms; they were, perhaps, in some cases slaves or freedmen, and their ordinary pay seems to have been seven drachmæ for every performance.[5]

II. Roman Actors. The word *histriones*, by which the Roman actors were called, is said to have been formed from the Etruscan *hister*, which signified a ludio or dancer.[6] In the year 364 B.C. Rome was visited by a plague, and as no human means could stop it, the Romans are said to have tried to avert the anger of the gods by scenic plays (*ludi scenici*), which until then had been unknown to them; and as there were no persons at Rome prepared for such performances, the Romans sent to Etruria for them. The first histriones who were thus introduced from Etruria were dancers, and performed their movements to the accompaniment of a flute. That the art of dancing to this accompaniment should have been altogether unknown to the Romans is hardly credible; the real secret must have been in the mode of dancing, that is, in the mimic representations of the dancers, such as they are described by Dionysius[1] and Appian.[2] That the Etruscans far excelled the Romans in these mimic dances is more than probable; and we find that in subsequent times, also, a fresh supply of Etruscan dancers (*histriones*) came to Rome.[3] Roman youths afterward not only imitated these dancers, but also recited rude and jocose verses adapted to the movements of the dance and the melody of the flute. This kind of amusement, which was the basis of the Roman drama, remained unaltered until the time of Livius Andronicus, who introduced a slave upon the stage for the purpose of singing or reciting the recitative, while he himself performed the appropriate dance and gesticulation. (*Vid.* Canticum.) A farther step in the development of the drama, which is likewise ascribed to Livius, was, that the dancer and reciter carried on a dialogue, and acted a story with the accompaniment of the flute.[4] The name histrio, which originally signified a dancer, was now applied to the actors in the drama. The atellanæ were played by freeborn Romans, while the regular drama was left to the histriones, who formed a distinct class of persons. It is clear, from the words of Livy, that the histriones were not citizens; that they were not contained in the tribes, nor allowed to be enlisted as soldiers in the Roman legions; and that, if any citizen entered the profession of histrio, he on this account was excluded from his tribe. Niebuhr[5] thinks differently, but does not assign any reason for his opinion. The histriones were therefore always either freedmen, strangers, or slaves, and many passages of Roman writers show that they were generally held in great contempt.[6] Towards the close of the Republic, it was only such men as Cicero, who, by their Greek education, raised themselves above the prejudices of their countrymen, and valued the person no less than the talents of an Æsopus and Roscius.[7] But, notwithstanding this low estimation in which actors were generally held, distinguished individuals among them attracted immense crowds to the theatres, and were exorbitantly paid.[8] Roscius alone received every day that he performed one thousand denarii, and Æsopus left his son a fortune of 200,000 sesterces, which he had acquired solely by his profession.[9] The position of the histriones was in some respects altered during the Empire. By an ancient law the Roman magistrates were empowered to coerce the histriones at any time and in any place, and the prætor had the right to scourge them (*jus virgarum in histriones*). This law was partly abolished by Augustus, in as far as he did entirely away with the jus virgarum, and confined the interference of the magistrates to the time when, and the place where (*ludi et scena*) the actors performed.[10] But he nevertheless inflicted very severe punishments upon those actors who, either in their private life or in their conduct on the stage, committed any impropriety.[11] After these regulations of Augustus, the only legal punishments that could be inflicted upon actors for improper conduct seem to have been imprisonment and exile.[12] The jus virgarum is indeed said to have been restored to the prætor by a law of Augustus himself,[13] not expressly, but by the interpretation put upon this law by the jurists. But this interpretation can not have become valid till after the reign of Tiberius, of whom it is clearly stated that he refused to restore the jus virgarum, because it had been abolished by his predecessor.[14] These circumstances,

1. (Müller, Hist. of Gr. Lit., i., p. 305, &c.—Compare Böttiger, "De Actoribus Primarum, Secund. et Tert. Partium.")—2. (Demosth., l. c.)—3. (Demosth., De Coron., p. 315.)—4. (Demosth., De Coron., p. 314.—Id., De Fals. Leg., p. 449.—Andocid., c. Aicib., p. 121.—Athen., ix., p. 406.)—5. (Lucian, Icaromen., 29.—Id., De Merced. Cond., 5.—Theophrast., Charact., 6.—Compare Müller, Hist. of Greek Lit., i., p. 304, &c.—Becker, Charikles, ii., p. 274.—Bode, Geschichte der dram. Dichtkunst der Hellenen, 2 vols., 1839, 1840.)—6. (Liv., vii., 2.—Val. Max., ii. 4, 4.—Compare Plut., Quæst. Rom., p. 289, C.)

1. (Antiq. Rom., vii., 72.)—2. (viii., 66.)—3. (Müller, Etrusk., iv., 1, 6.)—4. (*Vid.* Gronov. ad Liv., l. c.)—5. (Hist. of Rome, i., p. 520, n. 1150.)—6. (Cic., Pro Arch., 5.—Corn. Nep., Præfat., 5.—Sueton., Tib., 35.)—7. (Macrob., Sat., ii., 10.)—8. (Cic. in Verr., iv., 16.)—9. (Macrob., l. c.)—10. (Tacit., Ann., i., 77.)—11. (Suet., Octav., 45.)—12. (Tacit., Ann., iv., 14.—Id. ib., xiii., 28.)—13. (Paull., Sent., v., tit. 26.)—14. (Tacit., Ann., i., 77.)

and the favour of the emperors, increased the arrogance and the loose conduct of the histriones, and the theatres were not seldom the scenes of bloody fights. Hence Tiberius, on one occasion, found himself obliged to expel all histriones from Italy;[1] but they were recalled and patronised by his successor.[2] Some of the later emperors were exceedingly fond of histriones, and kept them for their private amusement (*histriones aulici*[3]). They performed at the repasts of the emperors,[4] and were occasionally allowed, also, to play in the theatres before the people (*publicabantur*). In the Digest[5] we read that all actors were infamous. From the time of Tacitus the word histrio was used as synonymous with pantomimus.[6]

Respecting the ordinary pay which common actors received during the time of the Republic, nothing is known. The pay itself was called *lucar*,[7] which word was perhaps confined originally to the payment made to those who took part in the religious services celebrated in groves. In the times of the Empire it seems that five denarii,[8] or, according to others,[9] seven drachmæ, were the common pay for a histrio for one performance. Several emperors found it necessary to restrict the practice of giving immoderate sums to actors.[10] The Emperor M. Antoninus, who was fond of all histrionic arts, ordained that every actor should receive five aurei, and that no one who gave or conducted theatrical representations should exceed the sum of ten aurei.[11] But it is not clear whether in this regulation the payment for one or more performances is to be understood. These sums were either paid by those who engaged the actors to play for the amusement of the people, or from the fiscus.[12] Besides their regular pay, however, skilful histriones received from the people gold and silver crowns, which were given or thrown to them upon the stage.[13]

HOLOSPHY'RATON. (*Vid.* Bronze, p. 77.)

HOMOIOI. (*Vid* Civitas, Greek, p 260.)

HONORA'RIA ACTIO. (*Vid.* Actio, p. 17.)

HONORA'RIUM. (*Vid.* Advocatus, Cincia Lex.)

HONORA'RIUM JUS. (*Vid.* Edictum.)

HONO'RES. Cicero[14] speaks of the "*honores populi*," and Horace[15] of the populus

"*qui stultus honores*
Sæpe dat indignis."

In both passages the word "honores" means the high offices of the state to which qualified individuals were called by the votes of the Roman citizens. Cicero calls the quæstorship "honor;"[16] and the words "magistratus" and "honores" are sometimes coupled together. The capacity of enjoying the honores was one of the distinguishing marks of citizenship. (*Vid.* Civitas.)

There appears to be no exact definition of honor earlier than in the jurists whose writings are excerpted in the Digest. "*Honor municipalis*" is defined to be "*administratio reipublicæ cum dignitatis gradu, sive cum sumptu, sive sine erogatione contingens.*" Munus was either publicum or privatum. A publicum munus was concerned about administration (*in administranda republica*), and was attended with cost (*sumptus*), but not with rank (*dignitas*). "Honor" was properly said "deferri," "dari;" munus was said "imponi." Cicero[17] uses the phrase "*honoribus et reipublicæ muneribus perfunctum*" to signify one who has attained all the honours that his state can give, and discharged all the duties which are owed by a citizen. A person who held a magistratus might be said to discharge munera, but only as incident to the office (*magnificentissimo munere ædilitatis perfunctus*),[1] for the office itself was the honor. Such munera as these were public games and other things of the kind.[2]

HOPLI'TAI. (*Vid.* Arma, p. 94; Army, Greek, p. 99.)

HOPLOMACHI. (*Vid.* Gladiatores, p. 476.)

HORA (ὥρα), in the signification of hour, that is, the 12th part of the natural day, did not come into general use among the ancients until about the middle of the second century B.C. The equinoctial hours, though known to astronomers and philosophers, were not used in the affairs of common life till towards the end of the fourth century A.D. As the division of the natural day into twelve equal parts, both in summer and winter, rendered the duration of the hours longer or shorter according to the different seasons of the year, it is not easy, with accuracy, to compare or reduce the hours of the ancients to our equinoctial hours. The hours of an ancient day would only coincide with the hours of our day at the two equinoxes. (*Vid.* Dies and Horologium.) As the duration of the natural day, moreover, depends on the polar altitude of a place, our natural days would not coincide with the natural days in Italy or Greece. Ideler, in his *Handbuch der Chronologie*, has given the following approximate duration of the natural days at Rome in the year 45 B.C., which was the first after the new regulation of the calendar by J. Cæsar; the length of the days is only marked at the eight principal points in the apparent course of the sun.

Days of the year. 45 B.C.	Their duration in equinoctial hours.
Dec. 23	8 hours 54 minutes
Feb. 6	9 " 50 "
March 23	12 " 0 "
May 9	14 " 10 "
June 25	15 " 6 "
August 10	14 " 10 "
Sept. 25	12 " 0 "
Nov. 9	9 " 50 "

The following table contains a comparison of the hours of a Roman natural day, at the summer and winter solstice, with the hours of our day.

SUMMER SOLSTICE.

Roman Hours.	Modern Hours.
1st hour	4 o'clock, 27 minutes, 0 seconds
2d "	5 " 42 " 30 "
3d "	6 " 58 " 0 "
4th "	8 " 13 " 30 "
5th "	9 " 29 " 0 "
6th "	10 " 44 " 30 "
7th "	12 " 0 " 0 "
8th "	1 " 15 " 30 "
9th "	2 " 31 " 0 "
10th "	3 " 46 " 30 "
11th "	5 " 2 " 0 "
12th "	6 " 17 " 30 "
End of the day	7 " 33 " 0 "

WINTER SOLSTICE.

Roman Hours.	Modern Hours.
1st hour	7 o'clock, 33 minutes, 0 seconds
2d "	8 " 17 " 30 "
3d "	9 " 2 " 0 "
4th "	9 " 46 " 30 "
5th "	10 " 31 " 0 "
6th "	11 " 15 " 30 "
7th "	12 " 0 " 0 "
8th "	12 " 44 " 30 "

1. (Tacit., Ann., iv., 14.—Dion Cass., lviii., p. 708.)—2. (Dion Cass., lix., p. 738.)—3. (Spartian., Hadr., c. 19.—Jul. Capitol., Verus, c. 8.)—4. (Sueton., Octav., 74.)—5. (3, tit. 2, s. 1.)—6. (Böttticher, Lex. Tacit., p. 233.)—7. (Tacit., Ann., i., 77.—Plut., Quæst. Rom., p. 285, C.—Festus, s. v. "Lucar" and "Pecunia.")—8. (Senec., Epist., 80.)—9. (Lucian, Icaromen., c. 29.)—10. (Tacit., l. c.—Suet., Tib., 34.)—11. (Jul. Capitol., M. Anton., c. 11.—Compare Schol. ad Juv., vii., 243.)—12. (Lipsius, Excurs. N. ad Tacit., Ann., i.)—13. (Phædr., Fab., v., 7, 36.—Plin., H. N., xxi., 3.)—14. (Top., c. 20.)—15. (Serm., I., vi., 5.)—16. (*Vid.* also Liv., vi., 39.)—17. (De Or., i., 45.)

1. (Cic. ad Fam., xi., 17.)—2. (Dig. 50, tit. 4, "De Muneribus et Honoribus.")

Roman Hours.	Modern Hours.
9th hour .	1 o'clock, 29 minutes, 0 seconds.
10th " .	2 " 13 " 30 "
11th " . .	2 " 58 " 0 "
12th " . .	3 " 42 " 30 "
End of the day	4 " 27 " 0 "

The custom of dividing the natural day into twelve equal parts or hours lasted, as we have observed, till a very late period. The first calendarium in which we find the duration of day and night marked according to equinoctial hours, is the Calendarium rusticum Farnesianum.[1]

Another question which has often been discussed is whether, in such expressions as prima, altera, tertia hora, &c., we have to understand the hour which is passing, or that which has already elapsed. From the construction of ancient sundials, on which the hours are marked by eleven lines, so that the first hour had elapsed when the shadow of the gnomon fell upon the first line, it might seem as if hora prima meant after the lapse of the first hour. But the manner in which Martial,[2] when describing the various purposes to which the hours of the day were devoted by the Romans, speaks of the hours, leaves no douht that the expressions prima, altera, tertia hora, &c., mean the hour which is passing, and not that which has already elapsed.[3]

HORDEA'RIUM ÆS. (*Vid.* Æs Hordearium.)

HOPOI (*ὅροι*) were stone tablets or pillars put up on mortgaged houses and lands at Athens, upon which the debt and the creditor's name were inscribed, and also the name of the archon eponymus in whose year the mortgage had been made.[4] The following inscription upon an *ὅρος* found at Acharnæ is taken from Böckh:[5] *Ἐπὶ Θεοφράστου ἄρχοντος, ὅρος χωρίον τιμῆς ἐνοφειλομένης Φανοστράτῳ Παιανιεῖ* XX, that is, *δισχιλίων δραχμῶν*. It appears that he estate had been bought of Phanostratus, but hat the purchase-money, instead of being paid, was allowed to remain on mortgage.

When the estate of an orphan was let by the archon and his guardian (*vid.* Epitropos), the person to whom it was let was obliged to hypothecate a sufficient piece of ground or other real property, which was called *ἀποτίμημα*: and upon this an *ὅρος* was placed, bearing an inscription to that effect, as in the following example, which is taken from an *ὅρος* found upon the plain of Marathon: *Ὅρος χωρίου καὶ οἰκίας, ἀποτίμημα παιδὶ ὀρφανῷ Διογείτονος Προβα(λισίου*[6]*)*. *Ὅροι* were also placed upon houses and lands on account of money due to a husband for the dowry of his wife,[7] and also upon the property which a husband was obliged to give as a security for the dowry which he received with his wife.[8] (*Vid.* Dos, Greek, p. 379.)

The practice of placing these *ὅροι* upon property was of great antiquity at Athens; it existed before the time of Solon, who removed all stones standing upon estates when he released or relieved the debtors.[9]

HOROLO'GIUM (*ὡρολόγιον*) was the name of the various instruments by means of which the ancients measured the time of the day and night. The earliest and simplest horologia of which mention is made, were called *πόλος* and *γνώμων*. Herodotus[10] ascribes their invention to the Babylonians; Phavorinus[11] to Anaximander; and Pliny[1] to his disciple Anaximenes. Herodotus mentions the *πόλος* and *γνώμων* as two distinct instruments Both, however, divided the day into twelve equal parts, and were a kind of sundial. The *γνώμων*, which was also called *στοιχεῖον*, was the more simple of the two, and probably the more ancient. It consisted of a staff or pillar standing perpendicularly, in a place exposed to the sun (*σκιάθηρον*), so that the length of its shadow might he easily ascertained. The shadow of the gnomon was measured by feet, which were probably marked on the place where the shadow fell.[2] The gnomon is almost without exception mentioned in connexion with the *δεῖπνον* or the bath; and the time for the former was towards sunset, or at the time when the shadow of the gnomon measured ten or twelve feet.[3] The longest shadow of the gnomon, at sunrise and sunset, was generally 12 feet, hut in some cases 24 feet, so that at the time of the *δεῖπνον* it was 20 feet.[4] The time for bathing was when the gnomon threw a shadow of six feet.[5] In later times the name gnomon was applied to any kind of sundial, especially its finger which threw the shadow, and thus pointed to the hour. Even the clepsydra is sometimes called gnomon.[6]

The gnomon was evidently a very imperfect instrument, and it was impossible to divide the day into twelve equal spaces by it. This may be the reason that we find it only used for such purposes as are mentioned above. The *πολος* or *ἡλιοτρόπιον*, on the other hand, seems to have been a more perfect kind of sundial; but it appears, nevertheless, not to have been much used, as it is but seldom mentioned.[7] It consisted of a basin (*λεκανίς*), in the middle of which the perpendicular staff or finger (*γνώμων*) was erected, and in it the twelve parts of the day were marked by lines.[8]

Another kind of horologium was the *clepsydra* (*κλεψύδρα*). It derived its name from *κλέπτειν* and *ὕδωρ*, as in its original and simple form it consisted of a vessel with several little openings (*τρυπήματα*) at the bottom, through which the water contained in it escaped, as it were, by stealth. This instrument seems at first to have been used only for the purpose of measuring the time during which persons were allowed to speak in the courts of justice at Athens. The time of its invention or introduction is not known, but at the time of Aristophanes[9] it appears to have been in common use. Its form and construction may be seen very clearly from a passage of Aristotle.[10] The clepsydra was a hollow globe, probably somewhat flat at the top part, where it had a short neck (*αὐλός*), like that of a bottle, through which the water was poured into it. This opening might be closed by a lid or stopper (*πῶμα*), to prevent the water running out at the bottom. The clepsydra which Aristotle had in view was probably not of glass or of any transparent material, but of bronze or brass, so that it could not be seen in the clepsydra itself what quantity of water had escaped. As the time for speaking in the Athenian courts was thus measured by water, the orators frequently use the term *ὕδωρ* instead of the time allowed to them (*ἐν τῷ ἐμῷ ὕδατι*[11]). Æschines,[12] when describing the order in which the several parties were allowed to speak, says that the first water was given to the accuser, the second to the accused, and the third to the judges. An especial

1. (Ideler, Handbuch der Chron., ii., p. 139, &c.—Græv., Thesaur. Ant. Rom., viii.)—2. (iv., 8.)—3. (Becker, Gallus, i., p. 184, &c.)—4. (Harpocrat., s. v. *Ὅρος* and *Ἀστικτον*.—Pollux, Onom., iii., 85.—[illegible] ix., 9.)—5. (Corp. Inscrip., i., p. 484.)—6. (Böckh, p. 425.—Compare Isæus, De Philoct. Hæred., p. 141.)—7. (Demosth., c. Spud., 1029, 21.)—8. (Demosth., c. Onetor., ii., p. 877.)—9. (Plut., Sol., 15.—Böckh, Publ. Econ. of Athens, i., p. 172.—Id., Corp. Inscrip., i., p. 484.—Museum Criticum, No. viii., p. 622.—Herald., Observ., ad J. A. et R., p. 216.—Meier, Att. Process, p. 506.)—10. (ii., 109.)—11. (ap. Diog. Laert., ii., 1, 3.—Compare Suidas, s. v. *Γνώμων* and *Ἀναξίμανδρος*.)

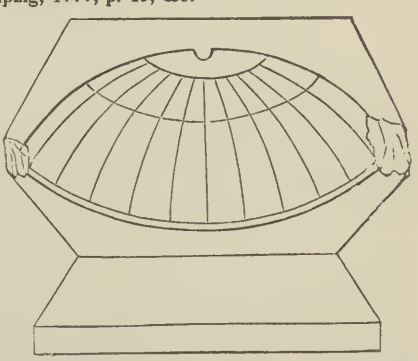
1. (H. N., ii., 76.)—2. (Hesych., s. v. *Ἑπτάπους σκία* and *δωδεκάποδος*.—Pollux, Onom., i., 72.)—3. (Aristoph., Eccles., 652, with the schol.—Pollux, l. c.—Menander ap. Athen., vi., p. 243.—Hesych., s. v. *Δεκάπουν στοιχεῖον*.)—4. (Eubulides ap. Athen., i., p. 8.)—5. (Lucian, Cronos., c. 17.—Id., Somn. s. Gall., c. 9.)—6. (Athen., ii., 42.)—7. (Aristoph., ap. Poll., ix., 5.)—8. (Alciphron, Epist., iii., 4.—Lucian, Lexiph., c. 4.)—9. (*Vid.* Acharn., 653.—Vesp., 93 and 827.)—10. (Problem., xvi., 8.)—11. (Demosth., De Coron., p. 274.—*ἐὰν ἡ χωρὴ τὸ ὕδωρ*.—Id., c. Leoch., p. 1094.)—12. (c. Ctes., p. 587.)

officer (ὁ ἐφ' ὕδωρ) was appointed in the courts for the purpose of watching the clepsydra, and stopping it when any documents were read, whereby the speaker was interrupted; and it is to this officer that Demosthenes[1] calls out, σὺ δὲ ἐπίλαβε τὸ ὕδωρ. The time, and, consequently, the quantity of water allowed to a speaker, depended upon the importance of the case; and we are informed that in a γραφὴ παραπρεσβείας the water allowed to each party amounted to eleven amphoræ,[2] whereas in trials concerning the right of inheritance only one amphora was allowed.[3] Those actions in which the time was thus measured to the speakers are called by Pollux[4] δίκαι πρὸς ὕδωρ: others are termed δίκαι ἄνευ ὕδατος, and in these the speakers were not tied down to a certain space of time. The only instance of this kind of actions of which we know is the γραφὴ κακώσεως.[5]

The clepsydra used in the courts of justice was, properly speaking, no horologium; but smaller ones, made of glass, and of the same simple structure, were undoubtedly used very early in families for the purposes of ordinary life, and for dividing the day into twelve equal parts. In these glass clepsydræ the division into twelve equal parts must have been visible, either on the glass globe itself, or in the basin into which the water flowed. These instruments, however, did not show the time quite correctly all the year round; first, because the water ran out of the clepsydra sometimes quicker and sometimes slower, according to the different temperature of the water;[6] and, secondly, because the length of the hours varied in the different seasons of the year. To remove the second of these defects, the inside of the clepsydra was covered with a coat of wax during the shorter days, and when they became longer the wax was gradually taken away again.[7] Plato is said to have used a νυκτερινὸν ὡρολόγιον in the shape of a large clepsydra, which indicated the hours of the night, and seems to have been of a complicated structure.[8] This instance shows that at an early period improvements were made on the old and simple clepsydra. But all these improvements were excelled by the ingenious invention of Ctesibius, a celebrated mathematician of Alexandrea (about 135 B.C.). It is called ὡρολόγιον ὑδραυλικόν, and is described by Vitruvius.[9] Water was made to drop upon wheels, which were thereby turned. The regular movement of these wheels was communicated to a small statue, which, gradually rising, pointed with a little stick to the hours marked on a pillar which was attached to the mechanism. It indicated the hours regularly throughout the year, but still required to be often attended to and regulated. This complicated clepsydra seems never to have come into general use, and was probably only found in the houses of very wealthy persons. The sundial or gnomon, and a simpler kind of clepsydra, on the other hand, were much used down to a very late period. The twelve parts of the day were not designated by the name ὥρα until the time of the Alexandrean astronomers, and even then the old and vague divisions, described in the article Dies, were preferred in the affairs of common life. At the time of the geographer Hipparchus, however (about 150 B.C.), it seems to have been very common to reckon by hours.[10]

The first horologium with which the Romans became acquainted was a sundial (*solarium*, or *horologium sciothericum*, and was, according to some writers, brought to Rome by Papirius Cursor twelve years before the war with Pyrrhus, and placed before the temple of Quirinus; others stated that it was brought to Rome at the time of the first Punic war, by the consul M. Valerius Messala, and erected on a column behind the Rostra. But this solarium, being made for a different meridian, did not show the time at Rome correctly. Ninety-nine years afterward, the censor Q. Marcius Philippus erected by the side of the old solarium a new one, which was more carefully regulated according to the meridian of Rome. But as sundials, however perfect they might be, were useless when the sky was cloudy, P. Scipio Nasica, in his censorship, 159 B.C., established a public clepsydra, which indicated the hours both of day and night. This clepsydra was in after times generally called solarium.[1] The word hora for hour was introduced at Rome at the time when the Romans became acquainted with the Greek horologia, and was, in this signification, well known at the time of Plautus.[2] After the time of Scipio Nasica, several horologia, chiefly solaria, seem to have been erected in various public places at Rome. A magnificent horologium was erected by Augustus in the Campus Martius. It was a gnomon in the shape of an obelisk; but Pliny[3] complains that in the course of time it had become incorrect. Another horologium stood in the Circus Flaminius.[4] Sometimes solaria were attached to the front side of temples and basilicæ.[5] The old solarium which had been erected behind the Rostra seems to have existed on that spot till a very late period, and it would seem that the place was called *ad Solarium*, so that Cicero uses this expression as synonymous with Rostra or Forum.[6] Horologia of various descriptions seem also to have been commonly kept by private individuals;[7] and at the time of the emperors, the wealthy Romans used to keep slaves whose special duty was to announce the hours of the day to their masters.[8]

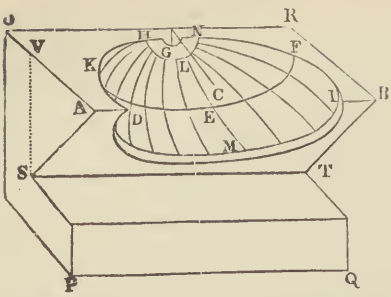
From the number of solaria which have been discovered in modern times in Italy, we must infer that they were very generally used among the ancients. The following woodcut represents one of the simplest horologia which have been discovered; it seems to bear great similarity to that, the invention of which Vitruvius ascribes to Berosus. It was discovered in 1741, on the hill of Tusculum, among the ruins of an ancient villa, and is described by Gio. Luca Zuzzeri, in a work entitled *D'una antica villa scoperta sul dosso del Tusculo, e d'un antico orologio a sole*, Venezia, 1746; and by G. H. Martini, in his *Abhandlung von den Sonnenuhren der Alten* Leipzig, 1777, p. 49, &c.



The following woodcut shows the same solarium as restored by Zuzzeri.

1. (c. Steph., 1, p. 1103.)—2. (Æschin., De Fals. Leg., § 126.)—3. (Demosth., c. Macart., p. 1052.)—4. (viii., 113.)—5. (Harpocrat., s. v. Κάκωσις.)—6. (Athen., ii., p. 42.—Plut., Quæst. Nat., c. 7.)—7. (Æn. Tact., c. 22.)—8. (Athen., iv., p. 174.)—9. (ix., 9.—Compare Athen., l. c.)—10. (Compare Becker, Charikles, ii., p 490, &c.)

1. (Plin., H. N., vii., 60.—Censorin., De Die Nat., c. 23.)—2. (Pseudol., V., ii., 10.)—3. (H. N., xxxvi., 10.)—4. (Vitruv., ix., 9, 1.)—5. (Varro, De Ling. Lat., v., 2. — Gruter, Inscr., vi., 6.)—6. (Pro Quint., 18.—ad Herenn., iv., 10.)—7. (Cic. ad Fam., xvi., 18.)—8. (Juv., x., 215.—Mart. [illegible], 67.—Petron., 26.)



The breadth as well as the height (A O and P A) are somewhat more than eight inches, and the length (A B) a little more than sixteen inches. The surface (A O R B) is horizontal. S P Q T is the basis of the solarium, which originally was probably erected upon a pillar. Its side, A S T B, inclines somewhat towards the basis. This inclination was called *ἔγκλιμα*, or inclinatio solarii and enclima succisum,[1] and shows the latitude or polar altitude of the place for which the solarium was made. The angle of the enclina is about 40° 43′, which coincides with the latitude of Tusculum. In the body of the solarium is the almost spherical excavation H K D M I F N, which forms a double hemicyclium (*hemicyclium excavatum ex quadrato*[2]). Within this excavation the eleven hour-lines are marked, which pass through three semicircles, H L N, K E F, and D M I. The middle one, K E F, represents the equator, the two others the tropic lines of winter and summer. The curve representing the summer tropic is somewhat more than a semicircle, the two other curves somewhat smaller. The ten middle parts, or hours in each of the three curves, are all equal to one another; but the two extreme ones, though equal to each other, are by one fourth smaller than the rest. In the middle, G, of the curve D K H N I J, there is a little square hole, in which the gnomon or pointer must have been fixed, and a trace of it is still visible in the lead by means of which it was fixed. It must have stood in a perpendicular position upon the surface A B R O, and at a certain distance from the surface it must have turned in a right angle above the spheric excavation, so that its end (C) extended as far as the middle of the equator, as it is restored in the above woodcut. *Vid.* the description of another solarium in G. H. Martini's *Antiquorum Monimentorum Sylloge*, p. 95, &c.

Clepsydræ were used by the Romans in their camps, chiefly for the purpose of measuring accurately the four vigiliæ into which the night was divided.[3]

The custom of using clepsydræ as a check upon the speakers in the courts of justice at Rome, was introduced by a law of Cn. Pompeius, in his third consulship.[4] Before that time the speakers had been under no restrictions, but spoke as long as they deemed proper. At Rome, as at Athens, the time allowed to the speakers depended upon the importance of the case. Pliny[5] states that on one important occasion he spoke for nearly five hours; ten large clepsydræ had been granted to him by the judices, but the case was so important that four others were added.[6] Pompeius, in his law, is said to have limited the time during which the accuser was allowed to speak to two hours, while the accused was allowed three hours.[7] This, however, as is clear from the case of Pliny and others, was not observed on all occasions, and we must suppose that it was merely the intention of Pompeius to fix the proportions of the time to be allowed to each party, that is, that in all cases the accuser should only have two thirds of the time allowed to the accused. This supposition is supported by a case mentioned by Pliny,[1] where, according to law (*e lege*), the accuser had six hours, while the accused had nine. An especial officer was at Rome, as well as at Athens, appointed to stop the clepsydra during the time when documents were read.[2]

HORREA'RII. (*Vid.* HORREUM.)

HORREUM (*ὡρεῖον, σιτοφυλακεῖον, ἀποθήκη*) was, according to its etymological signification, a place in which ripe fruits, and especially corn, were kept, and thus answered to our granary.[3] During the Empire, the name horreum was given to any place destined for the safe preservation of things of any kind. Thus we find it applied to a place in which beautiful works of art were kept;[4] to cellars (*horrea subterranea, horrea vinaria*[5]); to depôts for merchandise, and all sorts of provisions (*horreum penarium*[6]). Seneca[7] even calls his library a horreum. But the more general application of the word horreum was to places for keeping fruit and corn; and, as some kinds of fruit required to be kept more dry than others, the ancients had, besides the horrea subterranea, or cellars, two other kinds, one of which was built, like every other house, upon the ground; but others (*horrea pensilia* or *sublimia*) were erected above the ground, and rested upon posts or stone pillars, that the fruits kept in them might remain dry.[8]

From about the year 140 A.D., Rome possessed two kinds of public horrea. The one class consisted of buildings in which the Romans might deposite their goods, and even their money, securities, and other valuables,[9] for which they had no safe place in their own houses. This kind of public horrea is mentioned as early as the time of Antoninus Pius,[10] though Lampridius[11] assigns their institution to Alexander Severus.[12] The officers who had the superintendence of these establishments were called horrearii. The second and more important class of horrea, which may be termed public granaries, were buildings in which a plentiful supply of corn was constantly kept at the expense of the state, and from which, in seasons of scarcity, the corn was distributed among the poor, or sold at a moderate price. The first idea of building such a public granary arose with C. Sempronius Gracchus (*lex Sempronia frumentaria*); and the ruins of the great granary (*horrea populi Romani*) which he built were seen down to the sixteenth century between the Aventine and the Monte Testaceo.[13]

The plan of C. Gracchus was followed out and carried farther by Clodius, Pompey, and several of the emperors; and during the Empire we thus find a great number of public horrea which were called after the names of their founders, *e. g.*, horrea Aniceti, Vargunteii, Seiani, Augusti, Domitiani, &c. The manner in which corn from these granaries was given to the people differed at different times.[14]

HORTE'NSIA LEX (*Vid.* PLEBISCITUM.)

HORTUS (*κῆπος*), Garden.

I. GREEK GARDENS.—Our knowledge of the hor-

1 (Vitruv., l. c.)—2. (Vitruv.)—3. (Cæs., De Bell. Gall., v., 53.—Veget., De Re Mil., iii., 8.—Æn. Tact., c. 22.)—4. (Tacit., De Clar Orat., 38.)—5. (Epist., ii., 11.)—6. (Compare Plin., Epist., vi., 9.—Martial, vi., 35.—Id., viii., 7.)—7 (Ascon. in Milon., p. 37, ed. Orelli.)

1. (Epist., iv., 9.)—2. (Apul., Apolog., i. and ii.—Compare Ernesti, "De Solariis," in his Opuscul. Philolog. et Crit., p. 21–31.—Becker, Gallus, i., p. 166, &c.)—3. (Virg., Georg., i., 49.—Tibull., II., v., 84.—Horat., Carm., I., i., 7.—Cic., De Leg Agr., ii., 33.)—4. (Plin., Epist., viii., 18.)—5. (Dig. 18, tit 1, s. 76.)—6. (Dig. 30, tit. 9, s. 3.)—7. (Epist., 45.)—8. (Colum., xii., 50.—Id., i., 6.—Vitruv., vi., 6, 4.)—9. (Cod. 4, tit. 24, s. 9.)—10. (Dig. 1, tit. 15, s. 3.)—11. (Alex. Sev., c. 39.)—12. (Compare Dig. 10, tit. 4, s. 5.)—13. (Appian, De Bell. Civ., i., 21.—Plut. C. Gracch., 5.—Liv., Epit., 60.—Vell. Paterc., ii., 6.—Cic., Pro Sext., 24.)—14. (Walter, Gesch. des Röm. Rechts, p. 247.)

ticulture of the Greeks is very limited. We must not look for information respecting their gardens to the accounts which we find in Greek writers of the gardens of Alcinoüs, filled with all manner of trees, and fruit, and flowers, and adorned with fountains,[1] or of those of the Hesperides,[2] or of the paradises of the Persian satraps, which resembled our parks;[3] for the former gardens are only imaginary, and the manner in which the paradises are spoken of by Greek writers shows that they were not familiar with anything of the kind in their own country. In fact, the Greeks seem to have had no great taste for landscape beauties, and the small number of flowers with which they were acquainted afforded but little inducement to ornamental horticulture.

The sacred groves were cultivated with special care. They contained ornamental and odoriferous plants and fruit-trees, particularly olives and vines.[4] Sometimes they were without fruit-trees.[5]

The only passage in the earlier Greek writers, in which flower-gardens appear to be mentioned, is one in Aristophanes, who speaks of *κήπους ἐνώδεις*.[6] At Athens the flowers most cultivated were probably those used for making garlands, such as violets and roses. In the time of the Ptolemies the art of gardening seems to have advanced in the favourable climate of Egypt, so far that a succession of flowers was obtained all the year round.[7] Longus[8] describes a garden containing every production of each season; "in spring, roses, lilies, hyacinths, and violets; in summer, poppies, wild pears (*ἀχράδες*), and all fruit; in autumn, vines and figs, and pomegranates and myrtles." That the Greek idea of horticultural beauty was not quite the same as ours, may be inferred from a passage in Plutarch, where he speaks of the practice of setting off the beauties of roses and violets by planting them side by side with leeks and onions.[9] Becker considers this passage a proof that flowers were cultivated more to be used for garlands than to beautify the garden.[10]

II. Roman Gardens.—The Romans, like the Greeks, laboured under the disadvantage of a very limited flora. This disadvantage they endeavoured to overcome, by arranging the materials they did possess in such a way as to produce a striking effect. We have a very full description of a Roman garden in a letter of the younger Pliny, in which he describes his Tuscan villa.[11] In front of the *porticus* there was generally a *xystus*, or flat piece of ground, divided into flower-beds of different shapes by borders of box. There were also such flower-beds in other parts of the garden. Sometimes they were raised so as to form terraces, and their sloping sides planted with evergreens or creepers. The most striking features of a Roman garden were lines of large trees, among which the plane appears to have been a great favourite, planted in regular order; alleys or walks (*ambulationes*) formed by closely-clipped hedges of box, yew, cypress, and other evergreens; beds of acanthus, rows of fruit-trees, especially of vines, with statues, pyramids, fountains, and summer-houses (*diætæ*). The trunks of the trees and the parts of the house, or any other buildings which were visible from the garden, were often covered with ivy.[12] In one respect the Roman taste differed most materially from that of the present day, namely, in their fondness for the *ars topiaria*, which consisted in tying, twisting, or cutting trees and shrubs (especially the box) into the figures of animals, ships, letters, &c. The importance attached to this part of horticulture is proved, not only by the description of Pliny, and the notices of other writers,[1] but also by the fact that *topiarius* is the only name used in good Latin writers for the ornamental gardener. Cicero[2] mentions the *topiarius* among the higher class of slaves.

Attached to the garden were places for exercise, the *gestatio* and *hippodromus*. The *gestatio* was a sort of avenue, shaded by trees, for the purpose of taking gentle exercise, such as riding in a litter.[3] The *hippodromus* (not, as one reading gives the word in Pliny, *hypodromus*) was a place for running or horse exercise, in the form of a circus, consisting of several paths divided by hedges of box, ornamented with topiarian work, and surrounded by large trees.[4]

The flowers which the Romans possessed, though few in comparison with the species known to us, were more numerous than some writers have represented; but the subject still requires investigation. Their principal garden-flowers seem to have been violets and roses, and they also had the crocus, narcissus, lily, gladiolus, iris, poppy, amaranth, and others.

Conservatories and hot-houses are not mentioned by any writer earlier than the first century of our æra. They are frequently referred to by Martial.[5] They were used both to preserve foreign plants, and to produce flowers and fruit out of season. Columella[6] and Pliny[7] speak of forcing-houses for grapes, melons, &c. In every garden there was a space set apart for vegetables (*olera*).

Flowers and plants were also kept in the central space of the peristyle (*vid.* House), on the roofs, and in the windows of the houses. Sometimes, in a town, where the garden was very small, its walls were painted in imitation of a real garden, with trees, fountains, birds, &c., and the small area was ornamented with flowers in vases. A beautiful example of such a garden was found at Pompeii.[8]

An ornamental garden was also called *viridarium*,[9] and the gardener *topiarius* or *viridarius*. The common name for a gardener is *villicus* or *cultor hortorum*. We find, also, the special names *vinitor*, *olitor*. The word *hortulanus* is only of late formation. The *aquarius* had charge of the fountains both in the garden and in the house.[10]

HOSPES. (*Vid.* Hospitium.)

HOSPITIUM (*ξενία, προξενία*). Hospitality is one of the characteristic features of almost all nations previous to their attaining a certain degree of civilization. In civilized countries the necessity of general hospitality is not so much felt; but at a time when the state or the laws of nations afforded scarcely any security, and when the traveller on his journey did not meet with any places destined for his reception and accommodation, the exercise of hospitality was absolutely necessary. Among the nations of antiquity, with whom the right of hospitality was hallowed by religion, it was, to some degree, observed to the latest period of their existence, and acquired a political importance which it has never had in any other state. It was in Greece, as well as at Rome, of a twofold nature, either private or public, in as far as it was either established between individuals or between two states (*Hospitium privatum* and *hospitium publicum*, *ξενία* and *προξενία*).

1. (Od., vii., 112-130.)—2. (Hesiod, Theog., 25.)—3. (Xen., Anab., i., 2, § 7.—Id., Œcon., iv., 26, 27.—Plut., Alcib., 24.)—4. (Soph., Œd. Col., 16.—Xen., Anab., v., 3, § 12.)—5. (Paus., i., 21, § 9.)—6. (Aves, 1066.)—7. (Callixenus ap. Athen, v., p. 196.)—8. (Past., ii., p. 36.)—9. (Plutarch, "De capienda ex inimicis utilitate," c. 10.)—10. (Becker, Charikles, ii., p. 403-405.)—11. (Plin., Epist., v., 6.)—12. (Plin., l. c.—Cic. ad Quint. Fr., iii., 1, 2.)

1. (Plin., H. N., xvi., 33, 60.—Id. ib., xxi., 11, 39.—Id. ib., xxii., 22, 34.—Martial, iii., 19.)—2. (Paradox., v., 2.)—3. (Plin., Epist., v., 6.—Id. ib., ii., 17.)—4. (Plin., l. c.—Martial, xii., 50.—Id., lvii., 23.)—5. (viii., 14, 68.—Id., iv., 21, 5.—Id., xiii., 127.)—6. (xi., 3, 52.)—7. (H. N., xix., 5, 23.)—8. (Gell's Pompeiana, ii., 4.)—9. (Dig. 33, tit. 7, s. 8.)—10. (Becker, Gallus, i., p. 283, &c.—Böttiger, Racemationen zur Garten-kunst der Alten.)

In ancient Greece, the stranger, as such (*ξένος* and *hostis*), was looked upon as an enemy [1] but whenever he appeared among another tribe or nation without any sign of hostile intentions, he was considered not only as one who required aid, but as a suppliant, and Zeus was the protecting deity of strangers and suppliants (*Ζεὺς ξείνιος* and *ἱκετήσιος*[2]). This religious feeling was strengthened by the belief that the stranger might possibly be a god in disguise.[3] On his arrival, therefore, the stranger, of whatever station in life he might be, was kindly received, and provided with everything necessary to make him comfortable, and to satisfy his immediate wants. The host did not inquire who the stranger was, or what had led him to his house, until the duties of hospitality were fulfilled. During his stay, it was a sacred duty of his host to protect him against any persecution, even if he belonged to a politically hostile race, so that the host's house was a perfect asylum to him. On his departure he was dismissed with presents and good wishes.[4] It seems to have been customary for the host, on the departure of the stranger, to break a die (*ἀστράγαλος*) in two, one half of which he himself retained, while the other half was given to the stranger; and when at any future time they or their descendants met, they had a means of recognising each other, and the hospitable connexion was renewed.[5] Hospitality thus not only existed between the persons who had originally formed it, but was transferred as an inheritance from father to son. To violate the laws of hospitality was a great crime and an impiety, and was punished by men as well as gods (*δίκαι κακοξενίας*[6]). Instances of such hereditary connexions of hospitality are mentioned down to a very late period of Greek history; and many towns, such as Athens, Corinth, Byzantium, Phasis, and others, were celebrated for the hospitable character of their citizens.[7] But, when a more regular and frequent intercourse among the Greeks began to be established, it was impossible to receive all these strangers in private houses. This naturally led to the establishment of inns (*πανδοκεῖον, καταγώγιον, κατάλυσις*), in which such strangers as had no hospitable connexions found accommodation. For those occasions, on which numerous visiters flocked to a particular place for the purpose of celebrating one of the great or national festivals, the state or the temple provided for the accommodation of the visiters, either in tents or temporary inns erected about the temple.[8] The kind of hospitality which was exercised by private individuals on such festive occasions probably differed very little from that which is customary among ourselves, and was chiefly shown towards friends or persons of distinction and merit, whose presence was an honour to the house wherein they stayed.[9] In the houses of the wealthier Greeks a separate part (*hospitium* or *hospitalia*, and *ξενῶνες*), with a separate entrance, was destined for the reception and habitation of strangers, and was provided with all the necessary comforts for the temporary occupants. On the first day after their arrival they were generally invited to the table of their host; but afterward their provisions (*ξένια*), consisting of fowl, eggs, and fruit, were either sent to them, or they had to purchase them themselves.[10]

1. (Cic., De Off., i., 12.—Herod., ix., 11.—Plut., Aristid., 10.) —2. (Hom., Od., xiv., 57, &c., 283.—Id. ib., ix., 270.—Id. ib., xiii., 213.—Id. ib., vii., 164.—Compare Apollon., Argonaut., ii., 1134.—Ælian, V. H., iv., 1.)—3. (Od., xvii., 484.)—4. (Od., iv., 37, &c., with Nitsch's note.)—5. (Schol. ad Eurip., Med., 613.)—6. (Ælian, l. c.—Paus., vii., 25.)—7. (Herod., vi., 35.—Thucyd., ii., 13.—Plato, Crito, p. 45, C.—Stobæus, Florileg., tit. xliv., 40, &c.)—8. (Ælian V. H., iv., 9.—Schol. ad Pind., Ol., xi., 51 and 85.—Compare Plato, De Leg., xii., p. 952.—Lucian, Amor., 12. —Thucyd., iii., 68.)—9. (Xen., Œcon., 2, 5.—Plato, Protag., p. 315.—Becker, Charikles, i., p. 134, &c.)—10. (Vitruv., vi., 7, 4. —Apul., Metam., ii., p. 19.)

What has been said hitherto only refers to hospitium privatum, that is, the hospitality existing between two individuals or families of different states. Of far greater importance, however, was the hospitium publicum (*προξενία*, sometimes simply *ξενία*), or public hospitality which existed between two states, or between an individual or a family on the one hand, and a whole state on the other. Of the latter kind of public hospitality many instances are recorded, such as that between the Pisistratids and Sparta, in which the people of Athens had no share. The hospitium publicum among the Greeks arose undoubtedly from the hospitium privatum, and it may have originated in two ways. When the Greek tribes were governed by chieftains or kings, the private hospitality existing between the ruling families of two tribes may have produced similar relations between their subjects, which, after the abolition of the kingly power, continued to exist between the new republics as a kind of political inheritance of former times. Or a person belonging to one state might have either extensive connexions with the citizens of another state, or entertain great partiality for the other state itself, and thus offer to receive all those who came from that state either on private or public business, and act as their patron in his own city. This he at first did merely as a private individual, but the state to which he offered this kind service would naturally soon recognise and reward him for it. When two states established public hospitality, and no individuals came forward to act as the representatives of their state, it was necessary that in each state persons should be appointed to show hospitality to, and watch over the interests of, all persons who came from the state connected by hospitality. The persons who were appointed to this office as the recognised agents of the state for which they acted were called *πρόξενοι*, but those who undertook it voluntarily *ἐθελοπρόξενοι*.[1]

The office of proxenus, which bears great resemblance to that of a modern consul or minister-resident, was in some cases hereditary in a particular family. When a state appointed a proxenus, it either sent out one of its own citizens to reside in the other state, or it selected one of the citizens of this state, and conferred upon him the honour of proxenus. The former was, in early times the custom of Sparta, where the kings had the right to select from among the Spartan citizens those whom they wished to send out as proxeni to other states.[2] But in subsequent times this custom seems to have been given up, for we find that at Athens the family of Callias were the proxeni of Sparta;[3] at Elis, the Elean Xenias;[4] and at Argos, the Argive Alciphron.[5] A Spartan sent out as proxenus was sometimes also intrusted with the power of harmostes, as Clearchus at Byzantium.[6]

The custom of conferring the honour of proxenus upon a citizen of the state with which public hospitality existed, seems in later times to have been universally adopted by the Greeks. Thus we find, besides the instances of Spartan proxeni mentioned above, Nicias the Athenian as proxenus of Syracuse at Athens,[7] and Arthmius of Zeleia as the proxenus of Athens at Zeleia.[8] The common mode of appointing a proxenus was, with the exception of Sparta, by show of hands.[9] The principal duties of a proxenus were to receive those persons, especially ambassadors, who came from the state which

1. (Pollux, Onom., iii., 59.—Compare Thucyd., ii., 29, with Arnold's note, and iii., 70, with Göller's.)—2. (Herod., vi., 57.)—3. (Xen., Hellen., v., 4, § 22.—Id. ib., vi., 3, § 4, &c.)—4 (Paus., iii., 8, § 2.)—5. (Thucyd., v., 59.)—6. (Xen., Hell., i., § 35.—Id. ib., i., 3, § 15.)—7. (Diod. Sic., xiii., 27.)—8. (Æschin., c. Ctes., p. 647.—Compare Plato, De Leg., i., p. 642.)—9. (Ulpian ad Demosth., c. Meid., p. 374.)

be represented; to procure for them admission to the assembly, and seats in the theatre;[1] to act as the patron of the strangers, and to mediate between the two states if any disputes arose.[2] If a stranger died in the state, the proxenus of his country had to take care of the property of the deceased.[3]

Regarding the honours and privileges which a proxenus enjoyed from the state which he represented, the various Greek states followed different principles: some honoured their proxenus with the full civic franchise, and other distinctions besides.[4] But the right of acquiring property in the state of which he thus became a citizen seems not to have been included in his privileges, for we find that where this right was granted it was done by an especial document.[5] A foreigner who was appointed in his own country as proxenus of Athens, enjoyed for his own person the right of hospitality at Athens whenever he visited this city, and all the other privileges that a foreigner could possess without becoming a real Athenian citizen. Among these privileges, though they were not necessarily included in the proxeny, but were granted by special decrees, we may mention the, 1. Ἐπιγαμία, which, in cases when it was granted by the more powerful state, generally became mutual;[6] 2. The right to acquire property at Athens (ἔγκτησις, ἔμπασις, ἔππασις); 3. The exemption from paying taxes (ἀτέλεια or ἀτέλεια ἁπάντων);[7] and, 4. Inviolability in times of peace and war, both by sea and by land.[8] Some of these privileges were granted to individuals as well as to whole states; but we have no instance of a whole state having received all of them, with the exception of those cases where the civic franchise or isopolity was granted to a whole state; and in this case the practical consequences could not become manifest, unless a citizen of the privileged state actually took up his residence at Athens.[9]

The hospitality of the Romans was, as in Greece, either hospitium privatum or publicum. Private hospitality with the Romans, however, seems to have been more accurately and legally defined than in Greece. The character of a hospes, *i. e.*, a person connected with a Roman by ties of hospitality, was deemed even more sacred, and to have greater claims upon the host, than that of a person connected by blood or affinity. The relation of a hospes to his Roman friend was next in importance to that of a cliens.[10] According to Massurius Sabinus,[11] a hospes has even higher claims than a cliens. The obligations which the connexion of hospitality with a foreigner imposed upon a Roman were, to receive in his house his hospes when travelling,[12] and to protect, and, in case of need, to represent him as his patron in the courts of justice.[13] Private hospitality thus gave to the hospes the claims upon his host which the client had on his patron, but without any degree of the dependance implied in the clientela. Private hospitality was established between individuals by mutual presents, or by the mediation of a third person,[14] and hallowed by religion; for Jupiter hospitalis was thought to watch over the jus hospitii, as Zeus xenios did with the Greeks;[15] and the violation of it was as great a crime and impiety at Rome as in Greece. When hospitality was formed, the two friends used to divide between themselves a tessera hospitalis,[1] by which, afterward, they themselves or their descendants—for the connexion was hereditary, as in Greece—might recognise one another. From an expression in Plautus (*deum hospitalem ac tesseram mecum fero*[2]), it has been concluded that this tessera bore the image of Jupiter hospitalis. Hospitality, when thus once established, could not be dissolved except by a formal declaration (*renuntiatio*[3]), and in this case the tessera hospitalis was broken to pieces.[4] Hospitality was at Rome never exercised in that indiscriminate manner as in the heroic age of Greece, but the custom of observing the laws of hospitality was probably common to all the nations of Italy.[5] In many cases it was exercised without any formal agreement between the parties, and it was deemed an honourable duty to receive distinguished guests into the house.[6]

Public hospitality seems likewise to have existed at a very early period among the nations of Italy, and the fœdus hospitii mentioned in Livy[7] can scarcely be looked upon in any other light than that of hospitium publicum. But the first direct mention of public hospitality being established between Rome and another city, is after the Gauls had departed from Rome, when it was decreed that Cære should be rewarded for its good services by the establishment of public hospitality between the two cities.[8] The public hospitality after the war with the Gauls gave to the Cærites the right of isopolity with Rome, that is, the civitas without the suffragium and the honores. (*Vid.* Colonia, p. 283.) In the later times of the Republic, we no longer find public hospitality established between Rome and a foreign state; but a relation which amounted to the same thing was introduced in its stead, that is, towns were raised to the rank of municipia,[9] and thus obtained the civitas without the suffragium and the honores; and when a town was desirous of forming a similar relation with Rome, it entered into clientela to some distinguished Roman, who then acted as patron of the client town. But the custom of granting the honour of hospes publicus to a distinguished foreigner by a decree of the senate seems to have existed down to the end of the Republic.[10] Whether such a public hospes undertook the same duties towards Roman citizens, as the Greek proxenus, is uncertain; but his privileges were the same as those of a municeps, that is, he had the civitas, but not the suffragium or the honores. Public hospitality was, like the hospitium privatum, hereditary in the family of the person to whom it had been granted.[11] The honour of public hospes was sometimes also conferred upon a distinguished Roman by a foreign state.[12]

HOSTIA. (*Vid.* Sacrificium.)

HOSTIS. (*Vid.* Hospitium.)

HOUSE (GREEK), (οἶκος). The scanty notices of the domestic, or, rather, the palatial architecture of the early Greeks, which we find in Homer, are insufficient to give an accurate notion of the names, uses, and arrangement of the apartments, which appear, however, to have differed considerably from the usages of later ages. We first gain precise information on the subject about the time of the Peloponnesian war; and from the allusions made by Greek writers to the houses of this and the immediately subsequent periods, till the time of Alexan-

1. (Pollux, l. c.)—2. (Xen., Hell., vi., 3, § 4.)—3. (Demosth., c. Callip., p. 1237, &c.)—4. (Böckh, Corp. Inscrip., n. 1691–93, and ii., p. 79.—Demosth., De Cor., p. 256.—Xen., Hellen., i., 1, § 26.)—5. (Böckh, Staatsh., i., p. 155.)—6. (Plattner's Process, ii., p. 73.—Xen., Hellen., v., 2, § 19.)—7. (Demosth., c. Leptin., p. 475. —Compare p. 497.)—8. (Böckh, Corp. Inscrip., i., p. 725.)—9. (Compare F. W. Ullrich, "De Proxenia," Berlin, 1822.—Wachsmuth, Hellen. Alterthum., i., 1, p. 121, &c.—Hermann, Polit. Ant., § 116.)—10. (Gellius, v., 13.)—11. (ap. Gell., l. c.)—12. (Liv., xlii., 1.)—13. (Cic. in Q. Cæcil. Divin., c. 26.)—14. (Serv. ad Æn., ix., 360.)—15. (Cic., c. Verr., iv., 43.—Id. ad Quint. Fr., ii., 12.—Id., Pro Deiot., 6.)

1. (Plaut., Pœn., v., 2, 87.)—2 (Pœn., v., 1, 25.)—3. (Liv., xxv., 18.—Cic., c. Verr., ii., 36.)—4. (Plaut., Cistell., ii., 1, 27.)—5. (Ælian, V. H., iv., 1.—Liv., i., 1.)—6. (Cic., De Off., ii., 18.—Id., Pro Rosc. Am., 6.)—7. (i., 9.)—8. (Liv., v., 50.)—9. (Liv viii., 14.)—10. (Liv., i., 45.—Id., v., 28.—Id., xxxvii., 54.)—11 (Diod. Sic., xiv., 93.)—12. (Bœckh, Corp. Inscrip., i., n. 1331.—Cic., Pro Balb., 18.—Cic., c. Verr., iv., 65.—Compare Niebuhr, Hist. of Rome, ii., p. 58.—Walter, Gesch. des Röm. Rechts, p. 54, &c.—Göttling, Gesch. der Röm Staatsv., p. 216, &c.)

ner, we may conclude that their general arrangement corresponded with that described by Vitruvius.[1] In this description, however, there is one considerable difficulty, among others of less importance. In a Greek family the women lived in private apartments allotted to their exclusive use. Hence the house was always divided into two distinct portions, namely, the Andronitis, or men's apartments (*ἀνδρωνῖτις*), and the Gynæconitis, or women's apartments (*γυναικωνῖτις*). Now Vitruvius, after describing the entrance to the house, goes on to the Gynæconitis, and then speaks of the Andronitis, as if the latter lay behind the former, an arrangement which is highly improbable from all we know of the careful seclusion in which the Greek women were kept, and which is also directly opposed to the accounts of the writers of the period we have referred to.

In the earliest times, as in the houses referred to by Homer, the women's apartments were in the upper story (*ὑπερῷον*). The same arrangement is found in the house spoken of by Lysias.[2] But it does not follow that that was the usual custom at this period. On the contrary, we have the express testimony of several writers, and Lysias himself among the rest, that the Gynæconitis was on the same story with the Andronitis, and behind it;[3] and even the tragic poets transfer to the heroic ages the practice of their own, and describe both sets of apartments as on the same floor.[4]

Becker[5] notices the different explanations which have been given of the inconsistency between these statements and the description of Vitruvius, the most plausible of which is that of Galiani, namely, that in the time of Vitruvius a slight change had taken place in the disposition of the apartments, by which the Andronitis and Gynæconitis were placed side by side, each of them having its own front towards the street, and its own entrance.

The front of the house towards the street was not large, as the apartments extended rather in the direction of its depth than of its width. In towns, the houses were often built side by side, with party walls between.[6] The exterior wall was plain, being composed generally of stone, brick, and timber,[7] and often covered with stucco.[8] Plutarch speaks of Phocion's house as being ornamented with plates of iron.[9]

That there was no open space between the street and the house door, like the Roman *vestibulum*, is plain from the law of Hippias, which laid a tax on house-doors opening outward, because they encroached upon the street.[10] The *πρόθυρα*, which is sometimes mentioned,[11] seems to be merely the space in front of the house. We learn, however, from the same law of Hippias, that houses sometimes stood back from the street, within enclosures of their own (*προφράγματα* or *δρύφακτοι*[12]). In front of the house was generally an altar of Apollo Agyieus, or a rude obelisk emblematical of the god. Sometimes there was a bay-tree in the same position, and sometimes a head of the god Hermes.[13]

A few steps (*ἀναβαθμοί*) led up to the house-door, which generally bore some inscription, for the sake of a good omen or as a charm, such as Εἴσοδος Κράτητι Ἀγαθῷ Δαίμονι.[14] The form and fastenings of the door are described under JANUA. This door, as we have seen, sometimes opened outward; but this seems to have been an exception to the general rule, as is proved by the expressions used for opening, *ἐνδοῦναι*, and shutting it, *ἐπισπάσασθαι* and *ἐφελκύσασθαι*.[1] The handles were called *ἐπισπαστῆρες*.

The house-door was called *αὔλειος* or *αὐλεία θύρα*,[2] because it led to the *αὐλή*. It gave admittance to a narrow passage (*θυρωρεῖον*, *πυλών*, *θυρών*), on one side of which, in a large house, were the stables, on the other the porter's lodge. The duty of the porter (*θυρωρός*) was to admit visiters, and to prevent anything improper from being carried into or out of the house.[3] Plato[4] gives a lively picture of an officious porter. The porter was attended by a dog.[5] Hence the phrase *εὐλαβεῖσθαι τὴν κύνα*,[6] corresponding to the Latin *Cave canem*.

At the farther end of the passage Vitruvius places another door, which, however, does not seem generally to have existed. Plutarch[7] mentions the house-door as being visible from the peristyle.

From the *θυρωρεῖον* we pass into the peristyle or court (*περιστύλιον*, *αὐλή*) of the Andronitis, which was a space open to the sky in the centre (*ὕπαιθρον*), and surrounded on all four sides by porticoes (*στοαί*), of which one, probably that nearest the entrance, was called *προστόον*.[8] These porticoes were used for exercise, and sometimes for dining in.[9] Here was commonly the altar on which sacrifices were offered to the household gods, but frequently portable altars were used for this purpose.[10] Vitruvius[11] says that the porticoes of the peristyle were of equal height, or else the one facing the south was built with loftier columns. This he calls a Rhodian peristyle. The object sought was to obtain as much sun in winter, and as much shade and air in summer, as possible.[12]

Round the peristyle were arranged the chambers used by the men, such as banqueting-rooms (*οἶκοι*, *ἀνδρῶνες*), which were large enough to contain several sets of couches (*τρίκλινοι*, *ἑπτάκλινοι*, *τριακοντάκλινοι*), and at the same time to allow abundant room for attendants, musicians, and performers of games;[13] parlours or sitting-rooms (*ἐξέδραι*), and smaller chambers and sleeping-rooms (*δωμάτια*, *κοιτῶνες*, *οἰκήματα*); picture-galleries and libraries, and sometimes store-rooms; and in the arrangement of these apartments, attention was paid to their aspect.[14]

The peristyle of the Andronitis was connected with that of the Gynæconitis by a door called *μέταυλος*, *μέσαυλος*, or *μεσαύλιος*, which was in the middle of the portico of the peristyle opposite to the entrance. Vitruvius applies the name *μέσαυλος* to a passage between the two peristyles, in which was the *μέσαυλος θύρα*. By means of this door, all communication between the Andronitis and Gynæconitis could be shut off. Its uses are mentioned by Xenophon, who calls it *θύρα βαλανωτός*.[15] Its name, *μέσαυλος*, is evidently derived from *μέσος*, and means the door *between* the two *αὐλαί* or peristyles.[16] The other name, *μέταυλος*, is taken by some writers as merely the Attic form of *μέσαυλος*.[17] But it should rather be derived from *μετά*, as being the door *be-*

1. (vi., 7, ed. Schneider.)—2. (De Cæde Eratosth., p. 12, 13.—Compare Aristoph., Eccles., 961, and Thesmoph., 482.)—3. (Lysias, c. Simon., p. 139.—Demosth., c. Euerg., p. 1155.—Xen., Œcon., ix., 5.—Antiph., De Venef., p. 611.)—4. (Soph., Œd. Tyr., 1241–1262.)—5. (Charikles, p. 184–5.)—6. (Thucyd., ii., 3.)—7. (Xen., Mem., iii., 1, § 7.—Demosth., Περὶ Συνταξ., p. 175.)—8. (Plutarch, Comp. Aristot. et Cat., 4.)—9. (Plut., Phoc., 18.)—10. (Aristot., Œcon., ii., 1347, ed. Bekker.)—11. (Herod., vi., 35.)—12. (Heracl. Pont., Polit., 1.)—13. (Thucyd., vi., 27.—Aristoph., Plut., 1153.)—14. (Plutarch, Frag. Vit. Crat.—Diog. Laert., vi, 50.)

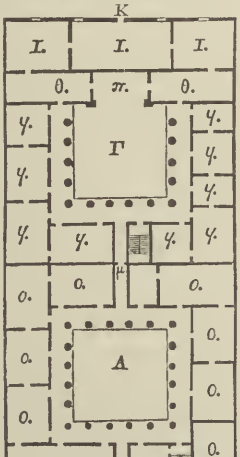
1. (Plutarch, Pelop., 11.—Dio, 57.)—2. (Pind., Nem., i., 19.—Harpocr., s. v.—Eustath. ad Il., xxii., 66.)—3. (Aristot., Œcon., i., 6.)—4. (Protag., p. 314.)—5. (Apollod. ap. Athen., i., p. 3.—Theocr., xv., 43.—Aristoph., Thesm., 416.—Id., Equit., 1025.)—6. (Aristoph., Lysistr., 1215.)—7. (De Gen. Socr., c. 18.)—8. (Plato, Protag., p. 314, 315.)—9. (Pollux, Onom., i., 78.—Plato, Symp., p. 212.—Id., Protag., p. 311.—Plutarch, De Gen. Socr., 32.)—10. (Plato, De Repub., i., p. 328.)—11. (l. c.)—12. (Xen., Œcon., ix., 4.—Id., Mem., iii., 8, § 9.—Aristot., Œcon., i., 6.)—13. (Vitruv., l. c.—Xen., Symp., i., 4, § 13.—Plutarch, Symp., v., 5, § 2.—Aristoph., Eccles., 676.)—14. (Vitruv., l. c.—Lysias, De Cæde Eratosth., p. 28.—Id., c. Eratosth., p. 389.—Aristoph., Eccles., 8, 14.—Pollux, Onom., i., 79.—Plato, Protag., p. 314, 316.)—15. (Œcon., ix., 5.—Compare Plut., Arat., 26.)—16. (Suidas, s. v. Μεσαύλιον.—Æl. Dion. ap. Eustath. ad Il., xi., 547.—Schol. Apoll. Rhod., iii., 335.)—17. (Mœr. Att., p. 264.)

this or *beyond* the *αὐλή*, with respect to the *αὐλειος θύρα*.[1] It should be observed, that in the house described by Vitruvius, if the Andronitis and Gynæconitis lay side by side, the *μέσαυλος θύρα* would not be opposite to the entrance, but in one of the other sides of the peristyle.

This door gave admittance to the peristyle of the Gynæconitis, which differed from that of the Andronitis in having porticoes round only three of its sides. On the fourth side (the side facing the south, according to Vitruvius) were placed two antæ (*vid.* ANTÆ), at a considerable distance from each other. A third of the distance between these antæ was set off inward[2] (*Quantum inter antas distat, ex eo tertia demp'a spatium datur introrsus*), thus forming a chamber or vestibule, which was called *προστάς*, *παραστάς*, and perhaps *παστάς*, and also *πρόδρομος*.[3] On the right and left of this *προστάς* were two bedchambers, the *θάλαμος* and *ἀμφιθάλαμος*, of which the former was the bedchamber of the house, and here also seem to have been kept the vases and other valuable articles of ornament.[4] Beyond these rooms (for this seems to be what Vitruvius means by *in his locis introrsus*) were large apartments (*ἰστῶνες*), used for working in wool (*œci magni, in quibus matres familiarum cum lanificis habent sessionem*[5]). Round the peristyle were the eating-rooms, bed-chambers, store-rooms, and other apartments in common use (*triclinia quotidiana, cubicula, et cellæ familiaricæ*).

Besides the *αὔλειος θύρα* and the *μέσαυλος θύρα*, there was a third door (*κηπαία θύρα*) leading to the garden.[6] Lysias[7] speaks of another door, which probably led from the garden into the street.

The following plan of the ground-floor of a Greek house of the larger size is taken from Becker's *Charikles*. It is, of course, conjectural, as there are now no Greek houses in existence.



a, House-door, *αὔλειος θύρα*: *θυρ*, passage, *θυρωρεῖον* or *θυρών*: A, peristyle or *αὐλή* of the Andronitis; *o*, the halls and chambers of the Andronitis; *μ*, *μέταυλος* or *μέσαυλος θύρα*: Γ, peristyle of the Gynæconitis; *γ*, chambers of the Gynæconitis; *π*, *προστάς* or *παραστάς*: *θ*, *θάλαμος* and *ἀμφιθάλαμος*: I, rooms for working in wool (*ἰστῶνες*); K, garden door, *κηπαία θύρα*.

There was usually, though not always, an upper story (*ὑπερῷον*, *διῆρες*), which seldom extended over the whole space occupied by the lower story. The principal use of the upper story was for the lodging of the slaves, as appears from a passage in Demosthenes,[1] where the words *ἐν τῷ πύργῳ* seem to imply a building several stories high. The access to the upper floor seems to have been sometimes by stairs on the outside of the house, leading up from the street. Guests were also lodged in the upper story.[2] But in some large houses there were rooms set apart for their reception (*ξενῶνες*) on the ground-floor.[3] In cases of emergency, store-rooms were fitted up for the accommodation of guests.[4]

Portions of the upper story sometimes projected beyond the walls of the lower part, forming balconies or verandahs (*προβολαί*, *γεισιποδίσματα*[5]).

The roofs were generally flat, and it was customary to walk about upon them.[6] But pointed roofs were also used.[7]

In the interior of the house, the place of doors was sometimes supplied by curtains (*παραπετάσματα*), which were either plain, or dyed, or embroidered.[8]

The principal openings for the admission of light and air were in the roofs of the peristyles; but it is incorrect to suppose that the houses had no windows (*θυρίδες*), or, at least, none overlooking the street. They were not at all uncommon.[9]

Artificial warmth was procured partly by means of fireplaces. It is supposed that chimneys were altogether unknown, and that the smoke escaped through an opening in the roof (*καπνοδόκη*[10]). It is not easy to understand how this could be the case when there was an upper story. Little portable stoves (*ἐσχάραι*, *ἐσχαρίδες*) or chafing-dishes (*ἀνθράκια*) were frequently used.[11] (*Vid.* Focus.)

The houses of the wealthy in the country, at least in Attica, were much larger and more magnificent than those in the towns. The latter seem to have been generally small and plain, especially in earlier times, when the Greeks preferred expending the resources of art and wealth on their temples and public buildings;[12] but the private houses became more magnificent as the public buildings began to be neglected.[13]

The decorations of the interior were very plain at the period to which our description refers. The floors were of stone. At a late period coloured stones were used.[14] Mosaics are first mentioned under the kings of Pergamus.

The walls, up to the fourth century B.C., seem to have been only whited. The first instance of painting them is that of Alcibiades.[15] This innovation met with considerable opposition.[16] Plato mentions the painting of the walls of houses as a mark of a *τρυφῶσα πόλις*.[17] These allusions prove that the practice was not uncommon in the time of Plato and Xenophon. We have also mention of painted ceilings at the same period.[18] At a later period this mode of decoration became general.[19]

HOUSE (ROMAN) (*Domus*; *Ædes privatæ*). The

1. (Lysias, De Cæd. Era., p. 20.—Plut., Symp., vii., 1.—Æl. Dion. ap. Eustath., l. c.)—2. (Vitruv., l. c., § 1.)—3. (Pollux.—Suid.—Hesych.—Etymol. Mag.—Vitruv., l. c.)—4. (Xen., Œcon., ix., 3.)—5. (Vitruv.)—6. (Pollux, Onom., i., 76.—Demosth., c. Euerg., p 1155.—Lysias, c. Eratosth., p. 393.)—7. (l. c., p. 394.)

1. (c. Euerg., p. 1156.)—2. (Antiph., De Venef., p. 611.)—3. (Vitruv., l. c.—Pollux, Onom., iv., 125.—Eurip., Alcest., 564.) 4. (Plato, Protag., p. 315.)—5. (Pollux, Onom., i., 81.)—6. (Lysias, adv. Simon., p. 142.—Plaut., Mil., II., ii., 3.)—7. (Pollux, Onom., i., 81.)—8. (Pollux, x., 32.—Theophrast., Char., 5.)—9. (Aristoph., Thesm., 797.—Id., Eccles., 961.—Plut., De Curios., 13.)—10. (Herod., viii., 137.)—11. (Plutarch, Apophth., i., p. 717, W.—Aristoph., Vesp., 811.—Pollux, Onom., vi., 89; x., 101.)—12. (Thucyd., ii., 14, 65.—Isocr., Areop., 20.—Dicæarch., Stat. Græc., p. 8.)—13. (Demosth., c. Aristocr., p. 689.—Id., Olynth., iii., p. 36.)—14. (Plin., H. N., xxxvi., 25, 60.)—15. (Andoc., c. Alcib., p. 119.—Plutarch, Alcib., 16.)—16. (Xen., Mem. iii., 8, § 10.—Id., Œcon., ix., 2.)—17. (Repub., iii., p. 372–3.)—18. (Plato, Repub., vii., 529.)—19. (Becker, Charikles, i. p. 166, &c.)

houses of the Romans were poor and mean for many centuries after the foundation of the city. Till the war with Pyrrhus, the houses were covered only with thatch or shingles,[1] and were usually built of wood or unbaked bricks. It was not till the later times of the Republic, when wealth had been acquired by conquests in the East, that houses of any splendour began to be built; but it then became the fashion not only to build houses of an immense size, but also to adorn them with columns, paintings, statues, and costly works of art.

M. Lepidus, who was consul B.C. 78, was the first who introduced Numidian marble into Rome for the purpose of paving the threshold of his house; but the fashion of building magnificent houses increased so rapidly, that the house of Lepidus, which in his consulship was the first in Rome, was, thirty-five years later, not the hundredth.[2] Lucullus especially surpassed all his contemporaries in the magnificence of his houses and the splendour of their decorations. Marble columns were first introduced into private houses by the orator L. Crassus, but they did not exceed twelve feet in height, and were only six in number.[3] He was, however, soon surpassed by M. Scaurus, who placed in his atrium columns of black marble, called Lucullean, thirty-eight feet high, and of such immense weight that the contractor of the sewers took security for any injury that might be done to the sewers in consequence of the columns being carried along the streets.[4]

The Romans were exceedingly partial to marble for the decoration of their houses. Mamurra, who was Cæsar's præfectus fabrûm in Gaul, set the example of lining his room with slabs of marble.[5] Some idea may be formed of the size and magnificence of the houses of the Roman nobles during the later times of the Republic by the price which they fetched. The consul Messalla bought the house of Autronius for 3700 sestertia (nearly 33,000*l.*), and Cicero the house of Crassus, on the Palatine, for 3500 sestertia (nearly 31,000*l.*).[6] The house of Publius Clodius, whom Milo killed, cost 14,800 sestertia (about 131,000*l.*); and the Tusculan villa of Scaurus was fitted up with such magnificence, that when it was burned by his slaves, he lost 100,000 sestertia, upward of 885,000*l.*[7] The house-rent which persons in poor circumstances usually paid at Rome was about 2000 sesterces, between 17*l.* and 18*l.*[8] It was brought as a charge of extravagance against Cælius that he paid 30 sestertia (about 266*l.*) for the rent of his house.[9]

Houses were originally only one story high; but as the value of ground increased in the city, they were built several stories in height, and the highest floors were usually inhabited by the poor.[10] To guard against danger from the extreme height of houses, Augustus restricted the height of all new houses which were built by the side of the public roads to seventy feet.[11] Till the time of Nero, the streets in Rome were narrow and irregular, and bore traces of the haste and confusion with which the city was built after it had been burned by the Gauls; but after the great fire in the time of that emperor, by which two thirds of Rome were burned to the ground, the city was built with great regularity. The streets were made straight and broad; the height of the houses was restricted, and a certain part of each was required to be built of Gabian or Alban stone, which was proof against fire.[12]

1. (Plin., H. N., xvi., 15.)—2. (Id., xxxvi., 8, 24, § 4.)—3. (Id., xvii., 1.—Id., xxxvi., 3.)—4. (Id., xxxvi., 2.)—5. (Id., xxxvi., 7.)—6. (Cic. ad Att., i., 13.—Id., ad Fam., v., 6.)—7. (Plin., H. N., xxxvi., 24.)- 8. (Suet., Jul., 38.)—9. (Cic., Pro Cœl., 7.)—10. (Cic., Agr., ii., 35.—Hor., Ep., 1., i., 91.—Juv., Sat., iii., 268, &c.—Id., x., 17.)—11 (Strab., v., p. 235.)—12. (Tacit., Ann., xv 43.--Suet., Ner., 38.)

Our information respecting the form and arrangement of a Roman house is principally derived from the description of Vitruvius, and the remains of the houses which have been found at Pompeii. Many points, however, are still doubtful; but, without entering into architectural details, we shall confine ourselves to those topics which serve to illustrate the classical writers. The chief rooms in the house of a respectable Roman, though differing, of course, in size and splendour according to the circumstances of the owner, appear to have been usually arranged in the same manner, while the others varied according to the taste and circumstances of the master.

The principal parts of a Roman house were the, 1. *Vestibulum*; 2. *Ostium*; 3. *Atrium* or *Cavum Ædium*; 4. *Alæ*; 5. *Tablinum*; 6. *Fauces*; 7. *Peristylium*. The parts of a house which were considered of less importance, and of which the arrangement differed in different houses, were the, 1. *Cubicula*; 2. *Triclinia*; 3. *Œci*; 4. *Exedræ*; 5. *Pinacotheca*; 6. *Bibliotheca*; 7. *Balineum*; 8. *Culina*; 9. *Cœnacula*; 10. *Diæta*; 11. *Solaria*. We shall speak of each in order.

1. Vestibulum. The vestibulum did not properly form part of the house, but was a vacant space before the door, forming a court, which was surrounded on three sides by the house, and was open on the fourth to the street. The two sides of the house joined the street, but the middle part of it, where the door was placed, was at some little distance from the street.[1] Hence Plautus[2] says, '*Viden' vestibulum ante ædes hoc et ambulacrum quoiusmodi?*"

2. Ostium. The ostium, which is also called janua and fores, was the entrance to the house. The street-door admitted into a hall, to which the name of ostium was also given, and in which there was frequently a small room (*cella*) for the porter (*janitor* or *ostiarius*), and also for a dog, which was usually kept in the hall to guard the house. A full account of this part of the house is given under Janua. Another door (*janua interior*) opposite the street-door led into the atrium.

3. Atrium or Cavum Ædium, as it is written by Varro and Vitruvius; Pliny writes it *Cavædium*. Hirt, Müller,[3] Marini, and most modern writers, consider the Atrium and Cavum Ædium to be the same; but Newton, Stratico, and, more recently, Becker,[4] maintain that they were distinct rooms. It is impossible to pronounce a decisive opinion on the subject; but from the statements of Varro[5] and Vitruvius,[6] taken in connexion with the fact that no houses in Pompeii have been yet discovered which contain both an Atrium and Cavum Ædium, it is most probable that they were the same. The etymology of Atrium is mentioned under that head.

The Atrium or Cavum Ædium was a large apartment, roofed over with the exception of an opening in the centre, called *compluvium*, towards which the roof sloped so as to throw the rain-water into a cistern in the floor, termed *impluvium*,[7] which was frequently ornamented with statues, columns, and other works of art.[8] The word *impluvium*, however, is also employed to denote the aperture in the roof.[9] Schneider, in his commentary on Vitruvius, supposes cavum ædium to mean the whole of this apartment, including the impluvium, while atrium signified only the covered part, exclusive of the impluvium. Mazois, on the contrary, maintains that atrium is applied to the whole apartment, and cavum ædium only to the uncovered part. The breadth of

1. (Gell., xvi., 5.—Macrob., Sat., vi., 8.)—2. (Mostell., III., i., 132.)—3. (Etruskcr, i., p. 255.)—4. (Gallus, i., p. 77, &c.)—5. (De Ling. Lat., v., 161, Müller.)—6. (v., 3, 4, ed. Bipont.)—7. (Varro, l. c.—Festus, s. v. Impluvium.)- 8. (Cic., c. Verr., II i., 23, 56.)—9. (Ter., Eun., III., v., 41.)

the impluvium, according to Vitruvius,[1] was not less than a quarter, nor greater than a third of the breadth of the atrium; its length was in the same proportion according to the length of the atrium.

Vitruvius[2] distinguishes five kinds of atria or cava ædium, which were called by the following names:

(1.) *Tuscanicum.* In this the roof was supported by four beams, crossing each other at right angles, the included space forming the compluvium. This kind of atrium was probably the most ancient of all, as it is more simple than the others, and is not adapted for a very large building.

(2.) *Tetrastylum.* This was of the same form as the preceding, except that the main beams of the roof were supported by pillars placed at the four angles of the impluvium.

(3.) *Corinthium* was on the same principle as the tetrastyle, only that there was a greater number of pillars around the impluvium, on which the beams of the roof rested.

(4.) *Displuviatum* had its roof sloping the contrary way to the impluvium, so that the water fell outside the house instead of being carried into the impluvium.

(5.) *Testudinatum* was roofed all over, and had no compluvium.

The atrium was the most important room in the house, and among the wealthy was usually fitted up with much splendour and magnificence.[3] The marble columns of Scaurus already spoken of were placed in the atrium. The atrium appears originally to have been the only sitting-room in the house, and to have served also as a kitchen;[4] and it probably continued to do so among the lower and middle classes. In the houses of the wealthy, however, it was distinct from the private apartments, and was used as a reception room, where the patron received his clients, and the great and noble the numerous visiters who were accustomed to call every morning to pay their respects or solicit favours.[5] Cicero frequently complains that he was not exempt from this annoyance when he retired to his country houses.[6] But, though the atrium does not appear to have been used by the wealthy as a sitting-room for the family, it still continued to be employed for many purposes which it had originally served. Thus the nuptial couch was placed in the atrium opposite the door (*in aula*[7]), and also the instruments and materials for spinning and weaving, which were formerly carried on by the women of the family in this room.[8] Here, also, the images of their ancestors were placed,[9] and the focus or fireplace, which possessed a sacred character, being dedicated to the Lares of each family. (*Vid.* Focus.)

4. Alæ, wings, were small apartments or recesses on the left and right sides of the atrium.[10]

5. Tablinum was, in all probability, a recess or room at the farther end of the atrium, opposite the door leading into the hall, and was regarded as part of the atrium. It contained the family records and archives.[11]

With the tablinum the Roman house appears to have originally ceased; and the sleeping-rooms were probably arranged on each side of the atrium. But when the atrium and its surrounding rooms were used for the reception of clients and other public visiters, it became necessary to increase the size of the house, and the following rooms were accordingly added:

6. Fauces appear to have been passages, which passed from the atrium to the peristylium or interior of the house.[1]

7. Peristylium was in its general form like the atrium, but it was one third greater in breadth, measured transversely, than in length.[2] It was a court open to the sky in the middle; the open part, which was surrounded by columns, was larger than the impluvium in the atrium, and was frequently decorated with flowers and shrubs.

The arrangement of the rooms which are next to be noticed, varied, as has been remarked, according to the taste and circumstances of the owner. It is, therefore, impossible to assign to them any regular place in the house.

1. Cubicula, bed-chambers, appear to have been usually small. There were separate cubicula for the day and night (*cubicula diurna et nocturna*[3]); the latter were also called *dormitoria.*[4] Vitruvius[5] recommends that they should face the east, for the benefit of the rising sun. They sometimes had a small anteroom, which was called by the Greek name of προκοιτών.[6]

2. Triclinia are treated of in a separate article.

3. Œci, from the Greek *οἶκος*, were spacious halls or saloons borrowed from the Greeks, and were frequently used as triclinia. They were to have the same proportions as triclinia, but were to be more spacious, on account of having columns, which triclinia had not.[7] Vitruvius mentions four kinds of œci:

(1.) The *Tetrastyle*, which needs no farther description. Four columns supported the roof.

(2.) The *Corinthian*, which possessed only one row of columns, supporting the architrave (*epistylium*), cornice (*corona*), and a vaulted roof.

(3.) The *Ægyptian*, which was more splendid and more like a basilica than a Corinthian triclinium. In the Ægyptian œcus, the pillars supported a gallery with paved floor, which formed a walk round the apartment; and upon these pillars others were placed, a fourth part less in height than the lower, which surrounded the roof. Between the upper columns windows were inserted.

(4.) The *Cyzicene* (Κυζικηνοί) appears in the time of Vitruvius to have been seldom used in Italy. These œci were meant for summer use, looking to the north, and, if possible, facing gardens, to which they opened by folding doors. Pliny had œci of this kind in his villa.

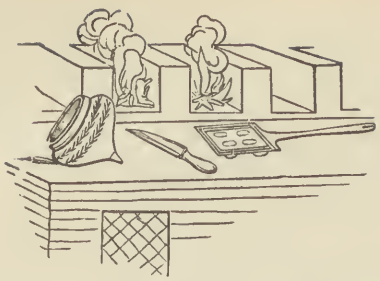
4. Exedræ, which appear to have been in form much the same as the œci, for Vitruvius[8] speaks of the exedræ in connexion with œci quadrati, were rooms for conversation and the other purposes of society.[9] They served the same purposes as the exedræ in the Thermæ and Gymnasia, which were semicircular rooms with seats for philosophers and others to converse in.[10] (*Vid.* Baths, p. 152.)

5, 6, 7. Pinacotheca, Bibliotheca, and Balineum (*vid.* Baths), are treated of in separate articles.

8. Culina, the kitchen. The food was originally cooked in the atrium, as has been already stated; but the progress of refinement afterward led to the use of another part of the house for this purpose. In the kitchen of Pansa's house, of which a groundplan is given below, a stove for stews and similar preparations was found, very much like the charcoal stoves used in the present day. (See woodcut.) Before it lie a knife, a strainer, and a kind of frying-pan with four spherical cavities, as if it were meant to cook eggs.

In this kitchen, as well as in many others at Pom-

1. (Vitruv., vi., 3.)—2. (Vitruv., vi., 4.)—3. (Plin., Ep., i., 3.)—4. (Id., v., 6.—Plin., H. N., xxx., 17.)—5. (vi., 7.)—6. (Plin., Ep., ii., 17.)—7. (Vitruv., vi., 5.)—8. (vi., 5.)—9. (Cic., De Nat. Deor., i., 6.—Id., De Orat., iii., 5.)—10. (Vitruv., v., 11.—Id. vii., 9.)



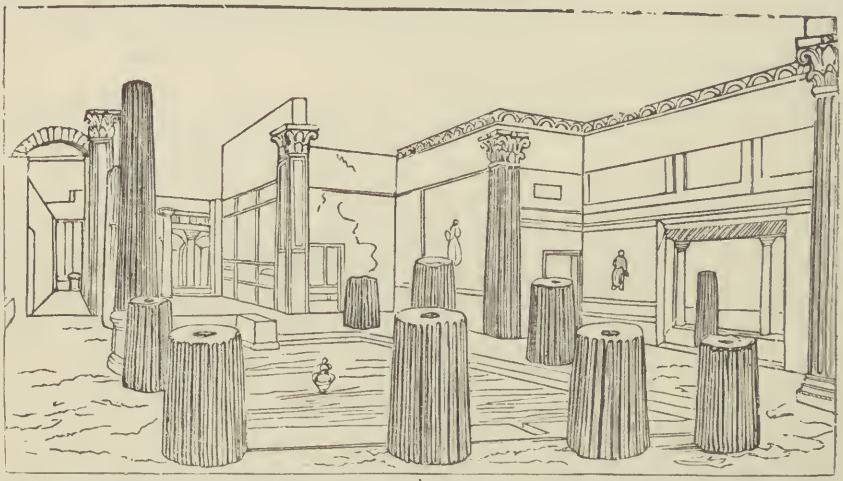
pen, there are paintings of the Lares or domestic gods, under whose care the provisions and all the cooking utensils were placed.

9. Cœnacula properly signified rooms to dine in; but after it became the fashion to dine in the upper part of the house, the whole of the rooms above the ground-floor were called *cœnacula*,[1] and hence Festus says, "*Cœnaculo dicuntur, ad quæ scalis ascenditur.*"[2] As the rooms on the ground-floor were of different heights, and sometimes reached to the roof, all the rooms on the upper story could not be united with one another, and, consequently, different sets of stairs would be needed to connect them with the lower part of the house, as we find to be the case in houses at Pompeii. Sometimes the stairs had no connexion with the lower part of the house, but ascended at once from the street.[1] At Rome the highest floors, as already remarked (p. 516), were usually inhabited by the poor.[2]

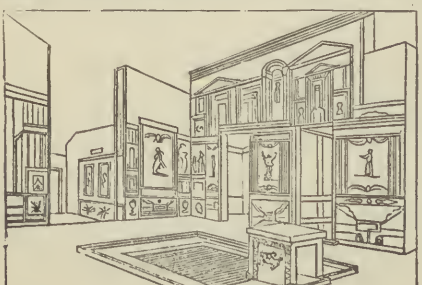
10. Diæta was an apartment used for dining in, and for the other purposes of life.[3] It appears to have been smaller than the triclinium. Diæta is also the name given by Pliny[4] to rooms containing three or four bed-chambers (*cubicula*). Pleasure houses or summer-houses are also called diætæ.[5]

11. Solaria, properly places for basking in the sun, were terraces on the tops of houses.[6] In the time of Seneca the Romans formed artificial gardens on the tops of their houses, which contained even fruit-trees and fish-ponds.[7]

The two woodcuts annexed represent two atria of houses at Pompeii. The first is the atrium of what is usually called the house of the Quæstor. The view is taken near the entrance-hall facing the tablinum, through which the columns of the peristyle and the garden are seen. This atrium, which is a specimen of what Vitruvius calls the Corinthian, is surrounded by various rooms, and is beautifully painted with arabesque designs upon red and yellow grounds.



The next woodcut represents the atrium of what is usually called the house of Ceres. In the centre is the impluvium, and the passage at the farther end is the ostium or entrance hall. As there are no pillars around the impluvium, this atrium must belong to the kind called by Vitruvius the Tuscan.

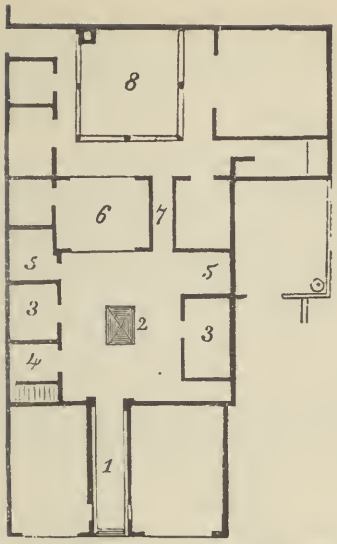


The preceding account of the different rooms, and especially of the arrangement of the atrium, tablinum, peristyle, &c., is best illustrated by the houses which have been disinterred at Pompeii. The ground-plan of two is accordingly subjoined. The first is the plan of a house, usually called the house of the tragic poet.

Like most of the other houses at Pompeii, it had no vestibulum, according to the meaning which we have attached to the word. 1. The ostium or entrance hall, which is six feet wide and nearly thirty long. Near the street-door there is a figure of a large fierce dog worked in mosaic on the pavement, and beneath it is written *Cave Canem*. The two large rooms on each side of the vestibule appear, from the large openings in front of them, to have been shops; they communicate with the entrance hall, and were, therefore, probably occupied by the master of the house. 2. The atrium, which is about twenty-eight feet in length and twenty in breadth; its impluvium is near the centre of the room, and its floor is paved with white tesseræ, spotted with black. 3. Chambers for the use of the family, or intended for the reception of guests who were entitled to claim hospitality. When a house did not

1. (Varro, De Ling. Lat., v., 162, ed. Müller.)—2. (Compare Dig. 9. tit. 3, s. 1.)

1. (Liv., xxxix., 14.)—2. (Compare Suet., Vitell., 7.)—3. (Plin., Ep., ii., 17.—Suet., Claud., 10.)—4. (Ep., vi., 5.)—5. (Dig. 30, tit. 1, s. 43; 7, tit. 1, s 13, § 8.)—6. (Plaut., Mil., II., iii., 69.—Id. ib., iv., 25.—Suet., Ner., 1[0].)—7. (Sen., Ep., 122.—Contr. Exc., v., 5.—Suet., Claud., 10.)



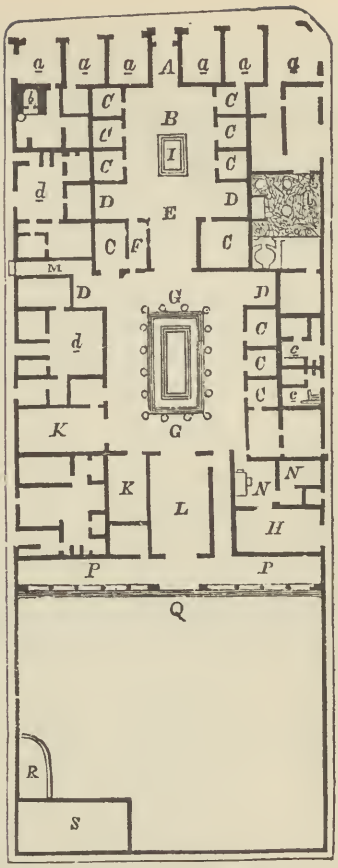
possess an hospitium, or rooms exp essly for the reception of guests, they appear to have been lodged in rooms attached to the atrium. (*Vid.* Hospitium.) 4. A small room with a staircase leading up to the upper rooms. 5. Alæ. 6. The tablinum. 7. The fauces. 8. Peristyle, with Doric columns and garden in the centre. The large room on the right of the peristyle is the triclinium; beside it is the kitchen; and the smaller apartments are cubicula and other rooms for the use of the family.

The next woodcut contains the ground-plan of an *insula*, which was properly a house not joined to the neighbouring houses by a common wall.[1] An insula, however, generally contained several separate houses, or, at least, separate apartments or shops, which were let to different families; and hence the term domus under the emperors appears to be applied to the house where one family lived, whether it were an insula or not, and insula to any hired lodgings. This insula contains a house, surrounded by shops, which belonged to the owner, and were let out by him. The house itself, which is usually called the house of Pansa, evidently belonged to one of the principal men of Pompeii. Including the garden, which is a third of the whole length, it is about 300 feet long and 100 wide.

A. Ostium, or entrance-hall, paved with mosaic. B. Tuscan atrium. I. Impluvium. C. Chambers on each side of the atrium, probably for the reception of guests. D. Ala. E. Tablinum, which is open to the peristyle, so that the whole length of the house could be seen at once; but as there is a passage (fauces), F, beside it, the tablinum might probably be closed at the pleasure of the owner. C. Chambers by the fauces and tablinum, of which the use is uncertain. G. Peristyle. D. Ala to the peristyle. C. Cubicula by the side of the peristyle. K. Triclinium. L. Œcus, and by its side there is a passage leading from the peristyle to the garden. M. Back door (*posticum ostium*) to the street. N. Culina H. Servants' hall, with a back door to the street. P. Portico of two stories, which proves that the house had an upper floor. The site of the staircase, however, is unknown, though it is thought there is some indication of one in the passage, M. Q. The garden. R. Reservoir for supplying a tank, S.

The preceding rooms belonged exclusively to Pansa's house, but there were a good many apart-

1. (Festus, s. v.)



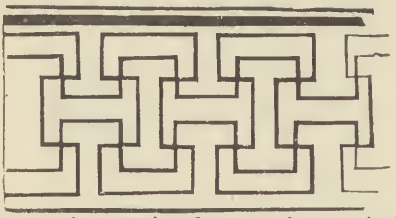
ments besides in the insula which were not in the occupation. *a*. Six shops let out to tenants. Those on the right and left hand corners were bakers' shops, which contained mills, ovens, &c., at *b*. The one on the right appears to have been a large establishment, as it contains many rooms. *c*. Two houses of a very mean class, having formerly an upper story. On the other side are two houses much larger, *d*.

Having given a general description of the rooms of a Roman house, it remains to speak of the (1) floors, (2) walls, (3) ceilings, (4) windows, and (5) the mode of warming the rooms. For the doors, *vid.* Janua.

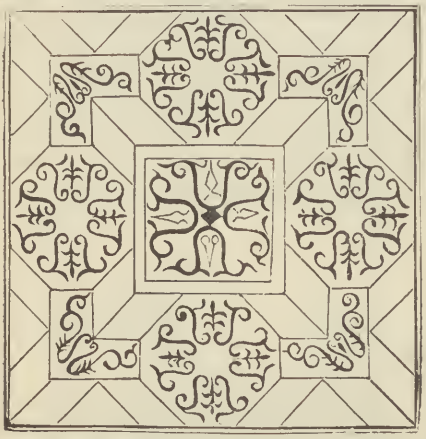
(1.) The floor (*solum*) of a room was seldom boarded, though this appears to have been sometimes done (*strata solo tabulata*[1]). It was generally covered with stone or marble, or mosaics. The common floors were paved with pieces of bricks, tiles, stones, &c., forming a kind of composition called *ruderatio*.[2] Another kind of pavement was that called *opus Signinum*, which was a kind of plaster made of tiles beaten to powder and tempered with mortar. It derived its name from Signia, a town of Italy, celebrated for its tiles.[3] Sometimes pieces of marble were imbedded in a composition ground, which appear to have formed the floors called by Pliny *barbarica* or *subtegulanea*, and which probably gave the idea of mosaics. As these floors were beaten down (*pavita*) with rammers (*fistucæ*), the word *pavimentum* became the general name for a floor. The kind of pavement called *scalpturatum* was first introduced in the Temple of Jupiter Capit

1. (Stat., Sylv., I., v., 57.)—2. (Vitruv., vii., 1.)—3. (Plin., H. N., xxxv., 46.)

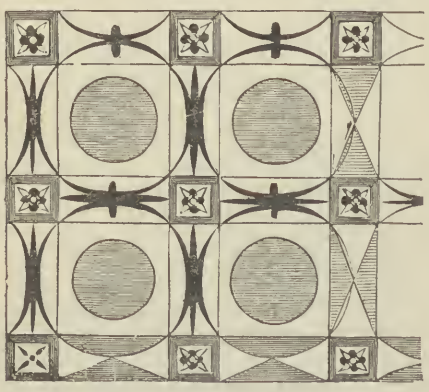
olinus after the beginning of the third Punic war, but became quite common in Rome before the beginning of the Cimbric war.[1] Mosaics, called by Pliny *lithostrota* (λιθόστρωτα), though this word has a



more extensive meaning, first came into use in Sulla's time, who made one in the Temple of Fortune at Prænestc.[2] Mosaic work was afterward called *Musivum opus*.[3] The floors of the houses at Pom-

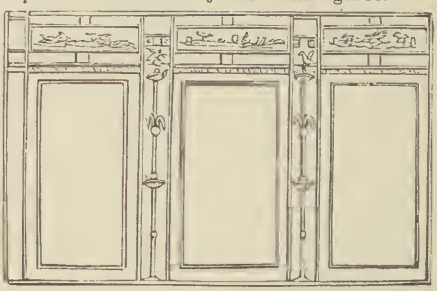


peii are frequently composed of mosaics, which are usually formed of black frets on a white ground, or white ones on a black ground, though some of them are in coloured marbles. The materials of which they are generally formed are small pieces of red and white marble and red tile, set in a very fine cement, and laid upon a deep bed of mortar, which served as a base. The three examples here given, which are taken from houses at Pompeii, will convey a general idea of their form and appearance.



Mosaic pavements, however, have been discovered at Pompeii, which represent figures and scenes of actual life, and are, in reality, pictures in mosaic. One of the most beautiful of these is given in its original colours in Gell's *Pompeiana*, 2d series, plate xlv. It is composed of very fine pieces of glass, and represents the choragus, or master of the chorus, instructing the actors in their parts. A still more extraordinary mosaic painting was discovered in Pompeii in 1831: it is supposed to represent the battle of Issus.[1]

(2.) The inner walls (*parietes*) of private rooms were frequently lined with slabs of marble,[2] but were more usually covered by paintings, which in the time of Augustus were made upon the walls themselves. The prevalence of this practice is attested not only by Pliny,[3] but also by the circumstance that even the small houses in Pompeii have paintings upon their walls. The following woodcut, which represents the side of a wall at Pompeii, is one of the simplest but most common kind. The compartments are usually filled with figures.



The general appearance of the walls may be seen from the woodcuts at p. 462, 518. Subjects of all kinds were chosen for painting on the walls, as may be seen by a reference to the Museo Borbonico, Gell, Mazois, &c.[4] The colours seem usually to have been laid upon a dry ground, but were sometimes laid upon it wet, as in the modern fresco painting (*colores udo tectorio inducere*[5]). The walls also appear to have been sometimes ornamented with raised figures, or a species of bas-relief (*typos in tectorio atrioli includere*[6]), and sometimes with mosaics.[7]

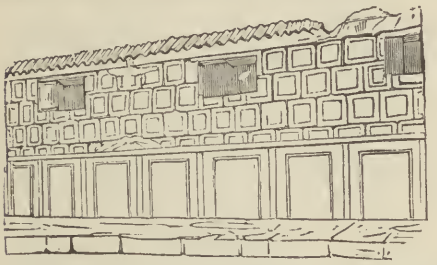
(3.) The ceilings seem originally to have been left uncovered, the beams which supported the roof or the upper story being visible. Afterward planks were placed across these beams at certain intervals, leaving hollow spaces, called *lacunaria* or *laquearia*, which were frequently covered with gold and ivory, and sometimes with paintings.[8] There was an arched ceiling in common use, called Camara, which is described in a separate article.

(4.) The Roman houses had few windows (*fenestræ*). The principal apartments, the atrium, peristyle, &c., were lighted, as we have seen, from above, and the cubicula and other small rooms generally derived their light from them, and not from windows looking into the street. The rooms only on the upper story seem to have been usually lighted by windows.[9] Very few houses in Pompeii have windows on the ground-floor opening into the street, though there is an exception to this in the house of the tragic poet, which has six windows on the ground-floor. Even in this case, however, the windows are not near the ground as in a modern house, but are six feet six inches above the footpavement, which is raised one foot seven inches above the centre of the street. The windows are small, being hardly three feet by two; and at the side there is a wooden frame, in which the window or shutter might be moved backward or forward

1. (Plin., H. N., xxxvi., 61.)—2. (Id., xxxvi., 64.)—3. (Spartian., Pescen. Nig., 6.—Trebell. Pollio, Triginl. Tyrann., 24.—Augustin., De Civ Dei, xvi., 8.)

1. (Museo Borbonico, viii., t. 36–45.)—2. (Plin., H. N., xxxvi., 7.)—3. (H. N., xxxv., 37.)—4. (Compare Vitruv., vii., 5.)—5 (Vitruv., vii., 3.)—6. (Cic. ad Att., i. 10.)—7. (Plin., H. N., xxxvi., 64.)—8. (Hor., Carm., ii., 18.—Plin., H. N., xxxiii., 18. —Sen., Ep., 90.—Suet., Ner., 31.)—9. Juv., iii., 270.)

The lower part of the wall is occupied by a row of red panels four feet and a half high. The following woodcut represents part of the wall, with apertures for windows above it, as it appears from the street. The tiling upon the wall is modern, and is only placed there to preserve it from the weather.



The windows appear originally to have been merely openings in the wall, closed by means of shutters, which frequently had two leaves (*bifores fenestræ*[1]), whence Ovid[2] says,

"*Pars adaperta fuit, pars altera clausa fenestræ.*"

They are, for this reason, said to be joined when they are shut.[3] Windows were also sometimes covered by a kind of lattice or trellis-work (*clathri*), and sometimes by network, to prevent serpents and other noxious reptiles from getting in.[4]

Afterward, however, windows were made of a transparent stone, called *lapis specularis* (mica), which was first found in Hispania Citerior, and afterward in Cyprus, Cappadocia, Sicily, and Africa; but the best came from Spain and Cappadocia. It was easily split into the thinnest laminæ, but no pieces had been discovered, says Pliny, above five feet long.[5] Windows made of this stone were called *specularia*.[6] Windows made of glass (*vitrum*) are first mentioned by Lactantius,[7] but the discoveries at Pompeii prove that glass was used for windows under the early emperors, as frames of glass and glass windows have been found in several of the houses.

(5.) The rooms were heated in winter in different ways; but the Romans had no stoves like ours. The cubicula, triclinia, and other rooms, which were intended for winter use, were built in that part of the house upon which the sun shone most; and in the mild climate of Italy this frequently enabled them to dispense with any artificial mode of warming the rooms. Rooms exposed to the sun in this way were sometimes called *heliocamini*.[8] The rooms were sometimes heated by hot air, which was introduced by means of pipes from a furnace below,[9] but more frequently by portable furnaces or braziers (*foculi*), in which coal or charcoal was burned. (*Vid.* woodcuts, p. 148, 447.) The *caminus* was also a kind of stove, in which wood appears to have been usually burned, and probably only differed from the *foculus* in being larger and fixed to one place.[10] It has been a subject of much dispute among modern writers, whether the Romans had chimneys for carrying off the smoke. From many passages in ancient writers, it certainly appears that rooms usually had no chimneys, but that the smoke escaped through the windows, doors, and openings in the roof;[11] but chimneys do not appear to have been entirely unknown to the ancients,[12] as some are said to have been found in the ruins of ancient buildings.[1]

HYACINTHIA (Ὑακίνθια), a great national festival, celebrated every year at Amyclæ by the Amyclæans and Spartans. The ancient writers who mention this festival do not agree in the name of the divinity in whose honour it was held: some say that it was the Amyclæan or the Carnean Apollo; others, that it was the Amyclæan hero Hyacinthus; a third and more probable statement assigns the festival to the Amyclæan Apollo and Hyacinthus together. This Amyclæan Apollo, however, with whom Hyacinthus was assimilated in later times, must not be confounded with Apollo, the national divinity of the Dorians.[2] The festival was called after the youthful hero Hyacinthus, who evidently derived his name from the flower Hyacinth (the emblem of death among the ancient Greeks), and whom Apollo accidentally struck dead with a quoit. The Hyacinthia lasted for three days, and began on the longest day of the Spartan month Hecatombeus (the Attic Hecatombæon[3]), at the time when the tender flowers, oppressed by the heat of the sun, drooped their languid heads. On the first and last day of the Hyacinthia sacrifices were offered to the dead, and the death of Hyacinthus was lamented. During these two days nobody wore any garlands at the repasts, nor took bread, but only cakes and similar things, and no pæans were sung in praise of Apollo; and when the solemn repasts were over, everybody went home in the greatest quiet and order. This serious and melancholy character was foreign to all the other festivals of Apollo. The second day, however, was wholly spent in public rejoicings and amusements. Amyclæ was visited by numbers of strangers (*πανήγυρις ἀξιόλογος καὶ μεγάλη*), and boys played the cithara or sang to the accompaniment of the flute, and celebrated in anapæstic metres the praise of Apollo, while others, in splendid attire, performed a horse-race in the theatre. This horserace is probably the *ἀγών* mentioned by Strabo.[4] After this race there followed a number of choruses of youths, conducted by a *χοροποιός*,[5] in which some of their national songs (*ἐπιχώρια ποιήματα*) were sung. During the songs of these choruses, dancers performed some of the ancient and simple movements with the accompaniment of the flute and the song. The Spartan and Amyclæan maidens, after this, riding in chariots made of wicker-work (*κάναθρα*), and splendidly adorned, performed a beautiful procession. Numerous sacrifices were also offered on this day, and the citizens kept open house for their friends and relatives; and even slaves were allowed to enjoy themselves.[6] One of the favourite meals on this occasion was called *κοπίς*, and is described by Molpis[7] as consisting of cake, bread, meat, raw herbs, broth, figs, desert, and the seeds of lupine. Some ancient writers, when speaking of the Hyacinthia, apply to the whole festival such epithets as can only be used in regard to the second day; for instance, when they call it a merry or joyful solemnity. Macrobius[8] states that the Amyclæans wore chaplets of ivy at the Hyacinthia, which can only be true if it be understood of the second day. The incorrectness of these writers is, however, in some degree, excused by the fact that the second day formed the principal part of the festive season, as appears from the description of Didymus, and as

1. (Ovid, Ep. ex Pont., III., iii., 5.)—2. (Amor., I., v., 3.)—3. (Hor., Carm., ii., 25.)—4. (Plaut., Mil., II., iv., 25.—Varro, De Re Rust., iii., 7.)—5. (Plin., H. N., xxxvi., 45.)—6. (Sen., Ep., 90.—Plin., Ep., ii., 17.—Mart., viii., 14.)—7. (De Opif. Dei, 8.)—8. (Plin., Ep., ii, 17.—Dig. 8, tit. 2, s. 17.)—9. (Plin., Ep., ii., 17.—Sen., Ep., 90.)—10. (Suet., Vitell., 8.—Hor., Sat., I., v., 81.)—11. (Vitruv., vii., 3.—Hor., l. c.—Voss ad Virg., Georg., ii., 242.)—12. (Becker's Gallus, i., p. 102.)

1. (Winckelmann, Schriften über die Herculanischen Entdeckungen.—Hirt, Geschichte der Baukunst.—Mazois, Les Ruines de Pompeii, part ii., Le Palais de Scaurus.—Gell, Pompeiana.—Pompéi, Lond., 12mo, 1832.—Becker, Gallus.—Schneider ad Vitruv.)—2. (Müller, Orchom., p. 327.—Id., Dor., ii., 8, § 15.)—3. (Hesych., s. v. Ἑκατομβεύς.—Manso, Sparta, iii., 2, p. 201.)—4. (vi., p. 278.)—5. (Xen., Agesil., ii., 17.)—6. (Didymus ap. Athen., iv., p. 139.)—7. (ap. Athen., iv., p. 140 b.—Saturn., i., 18.)

may also be inferred from Xenophon,[1] who makes the pæan the principal part of the Hyacinthia. The great importance attached to this festival by the Amyclæans and Lacedæmonians is seen from the fact that the Amyclæans, even when they had taken the field against an enemy, always returned home on the approach of the season of the Hyacinthia, that they might not be obliged to neglect its celebration,[2] and that the Lacedæmonians on one occasion concluded a truce of forty days with the town of Eira, merely to be able to return home and celebrate the national festival;[3] and that, in a treaty with Sparta, B.C. 421, the Athenians, in order to show their good-will towards Sparta, promised every year to attend the celebration of the Hyacinthia.[4]

*HYACINTHUS (*ὑάκινθος*), a plant. "The *ὑάκινθος* of the poets," observes Adams, "would seem in some places to be referable to the *Gladiolus communis*, and in others to the *Delphinium Ajacis*, or Larkspur. Matthiolus and Sprengel concur in holding the *ὑάκινθος* of Dioscorides to be the *Hyacinthus Orientalis*. The '*Vaccinia*' of Virgil was most probably the *Delphinium ajacis*. The *γραπτὰ ὑάκινθος* of Theocritus was no doubt the same."[5]

II. A precious stone, about which considerable doubt prevails. De Laet thinks it was some species of Amethyst.[6] Salmasius, on the other hand, supposes it to have been our Ruby, which the Persians and Arabians still call *Yacut*, a name derived from *ὑάκινθος*. "This name, however," observes Dr. Moore, "may have been used with as little discrimination as that of ruby is at present, to designate several very different minerals, and among them may be some that are still called Hyacinth; as several varieties of zircon, and the Hyacinth of Compostella, a red ferruginous quartz. Jameson enumerates several different minerals besides zircon to which the name Hyacinth has been applied; and he appears to think that the ancient Hyacinth was either amethyst or sapphire."[7]

*HYALOEIDES (*ὑαλοειδής*), a precious stone. Sir J. Hill remarks, that it had been supposed to be the *Asteria*, the *Iris*, the *Lapis specularis*, and the Diamond. All that he can determine respecting it is, that it is the *Astrios* of Pliny. (*Vid.* Astrios.)[8]

*HYALUS (*ὕαλος*) Glass. (*Vid.* Vitrum.)

ΥΒΡΕΩΣ ΓΡΑΦΗ (*ὕβρεως γραφή*). This action was the principal remedy prescribed by the Attic law for wanton and contumelious injury to the person, whether in the nature of indecent (*δι αἰσχρουργίας*) or other assaults (*διὰ πληγῶν*). If the offence were of the former kind, it would always be available when the sufferer was a minor of either sex (for the consent of the infant was immaterial), or when an adult female was forcibly violated: and this protection was extended to all conditions of life, whether bond or free.[9] The legal representative (*κύριος*), however, of such person might, if he pleased, consider the injury as a private rather than a public wrong, and sue for damages in a civil action. (*Vid.* ΒΙΑΙΩΝ ΔΙΚΗ.) With respect to common assaults, a prosecution of this kind seems to have been allowable only when the object of a wanton attack was a free person,[10] as the essence of the offence lay in its contumely, and a slave could incur no degradation by receiving a blow, though the injury, if slight, might entitle the master to recover damages for the battery (*αἰκία*), or, if serious, for the loss of his services (*vid.* ΒΑΑΒΗΣ ΔΙΚΗ), in a private lawsuit.[1] These two last-mentioned actions might also be resorted to by a free citizen when similarly outraged in his own person, if he were more desirous of obtaining compensation for the wrong, than the mere punishment of the wrong-doer, as the penalty incurred by the defendant in the public prosecution accrued to the state, and not to the plaintiff. A fine also of a thousand drachmæ, forfeited by the prosecutor upon his relinquishing his suit or failing to obtain the votes of a fifth of the dicasts, may have contributed to render causes of this kind less frequent, and partly account for the circumstance that there are no speeches extant upon this subject. If, however, the case for the prosecution was both strong and clear, the redress afforded by the public action was prompt and efficient. Besides the legitimate protectors of women and children, any Athenian citizen, in the enjoyment of his full franchise, might volunteer an accusation: the declaration was laid before the thesmothetæ, who, except it were hindered by extraordinary public business, were bound not to defer the trial before the Heliæa beyond a month. The severity of the sentence extended to confiscation or death; and if the latter were awarded, the criminal was executed on the same day: if a fine were imposed upon him, he was allowed but a period of eleven days for its payment, and if the object of his assault were a free person, he was imprisoned till the claim of the state was liquidated.[2]

*HYDRARGYRUS (*ὑδράργυρος*). Quicksilver is first spoken of by Aristotle and Theophrastus under the name of fluid silver (*ἄργυρος χυτός*). Its nature, however, as Dr. Moore remarks, does not seem to have been much understood even four centuries later; for Pliny distinguishes between quicksilver, "*Argentum vivum*," and the liquid silver, *Hydrargyrus*, procured, by processes which he describes, from minium, or native cinnabar.

HYDRAULA (*ὑδραύλης*), an Organist. According to an author quoted by Athenæus,[3] the first organist was Ctesibius of Alexandrea, who lived about B.C. 200. He evidently took the idea of his organ from the Syrinx or Pandean pipes, a musical instrument of the highest antiquity among the Greeks. His object being to employ a row of pipes of great size, and capable of emitting the most powerful as well as the softest sounds, he contrived the means of adapting keys with levers (*ἀγκωνίσκοι*), and with perforated sliders (*πώματα*), to open and shut the mouths of the pipes (*γλωσσόκομα*), a supply of wind being obtained, without intermission, by bellows, in which the pressure of water performed the same part which is fulfilled in the modern organ by a weight. On this account, the instrument invented by Ctesibius was called the water-organ (*ὕδραυλις*;[4] *ὑδραυλικὸν ὀργάνον*[5]). Its pipes were partly of bronze (*χαλκειᾗ ἀρούρα*;[6] *segcs aëna*[7]), and partly of reed. The number of its stops, and, consequently, of its rows of pipes, varied from one to eight,[8] so that Tertullian[9] describes it with reason as an exceedingly complicated instrument. It continued in use so late as the ninth century of our era: in the year 826, a water-organ was erected by a Venetian in the church of Aquis-granum, the modern Aix-la Chapelle.[10]

The organ was well adapted to gratify the Roman people in the splendid entertainments provided for them by the emperors and other opulent persons.

1. (Xen., Hellen., iv., 5, § 11.—Compare Agesil., 2, 17.)—2. (Xen., Hellen., iv., 5, § 11.—Paus., iii., 10, § 1.)—3. (Paus., iv., 19, § 3.)—4. (Thucyd., v., 23.)—5. (Il., xiv., 318.—Theocrit., Id., x.—Theophrast., H. P., vi., 8.—Dioscor., iv., 63.—Adams, Append., s. v.)—6. (Adams, Append., s. v.)—7. (Moore's Anc. Mineralogy, p. 169.)—8. (Adams, Append., s. v.) —9. (Demosth., c. Meid., 529, 15.)—10. (Aristot., Rhet., ii., 24.)

1. (Meier, Att. Proc., 326.)—2. (Demosth., l. c.—Æschin., c. Tim., 41.)—3. (iv., 75.—Compare Plin., H. N., vii., 38.)—4. (Athen., l. c.)—5. (Hero, Spirit.—Vitruv., x., 13.—Schneider, ad loc.—Drieberg, die Pneum. Erfindungen der Griechen, p. 53-61.—Plin., H. N., ix., 8.—Cic., Tusc., iii., 18.)—6. (Jul. Imp. in Brunck's Anal., ii., 403.) — 7. (Claud., De Mall. Theod. Cons., 316.)—8. (Vitruv., l. c.)—9. (De Anima, 14.)—10. (Quix, Münster Kirche in Aachen, p. 14.)

Nero was very curious about organs, both in regard to their musical effect and their mechanism.[1] A contorniate coin of this emperor in the British Museum (see woodcut) shows an organ with a sprig of

laurel on one side, and a man standing on the other, who may have been victorious in the exhibitions of the circus or the amphitheatre. It is probable that these medals were bestowed upon such victors, and that the organ was impressed upon them on account of its introduction on such occasions.[2] The general form of the organ is also clearly exhibited in a poem by Publilius Optatianus, describing the instrument, and composed of verses so constructed as to show both the lower part which contained the bellows, the wind-chest which lay upon it, and over this, the row of 26 pipes. These are represented by 26 lines, which increase in length each by one letter, until the last line is twice as long as the first.[3]

HYDRIAPHORI'A (*ὑδριαφορία*) was one of the services which aliens (*μέτοικοι*) residing at Athens had to perform to the Athenians at the Panathenæa, and by which it was probably only intended to impress upon them the recollection that they were mere aliens, and not citizens. The hydriaphoria was performed only by the wives of aliens,[4] whereas their daughters had on the same occasion to perform the *σκιαδηφορία* (the carrying of parasols) to the Athenian maidens, and their husbands the *σκαφηφορία* (the carrying of vessels[5]). It is clear, from the words of Ælian, that these humiliating services were not demanded of the aliens by the laws of Solon, but that they were introduced at a later period.[6] The hydriaphoria was the carrying of a vessel with water (*ὑδρία*[7]), which service the married alien women had to perform to the married part of the female citizens of Athens, when they walked to the Temple of Athena in the great procession at the Panathenæa.[8]

*'ΥΛΗΜΑ ΤΙ (*ὕλημά τι, παθητικόν*). Under this name, as Stackhouse remarks, Theophrastus describes the *Mimosa sensitiva*, L., or Sensitive Plant.[9]

HYLO'ROI or HYLEO'ROI (*ὑλωροί* or *ὑληωροί*) is explained by Hesychius[10] as officers who had the superintendence of forests (*ὕλην φυλάσσων*[11]). Aristotle,[12] who divides all public officers into three classes (*ἀρχαί*, *ἐπιμεληταί*, and *ὑπερέται*), reckons the *ὑλωροί* among the *ἐπιμεληταί*, and says that by some they were called *ἀγρονόμοι*. They seem to have been a kind of police for the protection of the forests, similar to the German *förster*. But the exact nature of their office, or the particular Greek states where it existed, are unknown.

*HYOSCY'AMUS (*ὑοσκύαμος*), a poisonous herb, Henbane. Three species are described by Dioscorides, which Sprengel makes to be the *Hyoscyamus reticulatus*, *H. aureus*, and *H. albus*. "Upon what grounds he rejects the *H. niger*," observes Adams, "as applying to the first species, I am at a loss to comprehend. The *H. niger* now grows wild in Britain; but, considering the situations in which it is found, I am disposed to think that it was brought thither by the Romans."[1]

HYPEREMEROS. (*Vid.* ENECHYRA.)

HYPERESIA. (*Vid.* HYPERETES.)

HYPE'RETES (*ὑπηρέτης*). This word is derived from *ἐρέσσω*, *ἐρέτης*, and, therefore, originally signifies a rower; but in later times the word was, with the exception of the soldiers or marines, applied to the whole body of persons who performed any service in a vessel.[2] In a still wider sense, *ὑπηρέτης* was applied to any person who acted as the assistant of another, and performed manual labour for him, whether in sacred or profane things,[3] whence the word is sometimes used as synonymous with slave.[4] Hence, also, the name *ὑπηρέται* was sometimes given to those men by whom the hoplitæ were accompanied when they took the field, and who carried the luggage, the provisions, and the shield of the hoplitæ.[5] The more common name for this servant of the hoplitæ was *σκευόφορος*.

At Athens the name *ὑπηρέτης*, or the abstract *ὑπηρεσία*, seems to have been applied to a whole class of officers. Aristotle[6] divides all public offices into three classes: *ἀρχαί* or magistracies, *ἐπιμέλειαι* or administrations, and *ὑπηρεσίαι* or services. Now all public officers at Athens, in as far as they were the representatives of the people or the executors of its will, were appointed by the people itself or by the senate; and with the exception of some subaltern military officers, we never find that one public officer was appointed by another. A public officer, therefore, when he appointed another person to perform the lower or more mechanical parts of his office, could not raise him to the rank of a public officer, but merely engaged him as his servant (*ὑπηρέτης*), and on his own responsibility. These *ὑπηρέται*, therefore, were not public officers, properly speaking, but only in as far as they took a part in the functions of such officers. The original and characteristic difference between them and real public officers was, that the former received salaries, while the latter had none. Among the *ὑπηρέται* were reckoned the lower classes of scribes (*vid.* GRAMMATEUS), heralds, messengers, the ministers of the Eleven, and others. This class of persons, as might be supposed, did not enjoy any high degree of estimation at Athens,[7] and from Aristotle[8] it is clear that they were not always Athenian citizens, but sometimes slaves.

*HYPERICUM (*ὑπερικόν*), a species of Saint John's Wort, but there is some difficulty in determining to what particular species it belongs. Sibthorp prefers the *H. crispum*; Sprengel the *barbatum*, Jacqu.[9]

HYPEROON. (*Vid.* HOUSE, GREEK, p. 515.)

HYPEUTHYNUS (*ὑπεύθυνος*). (*Vid.* EUTHYNE.)

'ΥΠΟΒΟΛΗΣ ΓΡΑΦΗ (*ὑποβολῆς γραφή*). Of this action we learn from the Lex. Rhet. that it was one of the many institutions calculated to preserve the purity of Attic descent, and preferred against persons suspected of having been supposititious children. If this fact was established at the trial, the pretended citizen was reduced to slavery, and his property confiscated.

1. (Sueton., Ner., 41, 54.) — 2. (Havercamp, De Num. coniatis.)—3. (Wernsdorf, Poet. Lat. Min., v. ii., p. 394–413.) —4. (Pollux, Onom., iii., 55.) — 5. (*Vid.* Ælian, V. H., vi., 1, with Perizonius's notes. — Harpocrat., s. v. *Σκαφήφοροι.*) — 6. (Wachsmuth, Hellen. Alterth., I., i., p. 250, &c.—Petitus, Leg. Att., p. 95.)—7. (Aristoph., Eccles., 738.)—8. (Compare Meursius, Panathenaica, c. 21.)—9. (Theophrast., H. P., iv., 3.)—10. (s. v.)—11. (Compare Suidas, s. v.)—12. (Polit., vi. 5.)

1. (Dioscor., iv., 69.—Adams, Append., s. v.) — 2. (Thucyd. vi., 31, with Göller's note.—Demosth., c. Polycl., p. 1214, 1216, &c. — Polyb., v., 109.) — 3. (Pollux, Onom., i., 1, 16. — Id. ib. viii., 10.)—4. (Clitarchus ap. Athen., vi., p. 267.—Compare Pollux, vii., 8, 2.—Hesych., s. v.)—5. (Böckh, Staatsh., i., p. 292—Xen., Cyrop., ii., 1, 31.) — 6. (Polit., vi., 5.) — 7. (Pollux Onom., vi., 31.)—8. (Polit., iv., 12.)—9. (Dioscor., iii., 161.)

HYPOCAUSTUM. (*Vid.* Baths, p. 151.)

HYPODEMA. (*Vid.* Calceus.)

HYPOGE'UM. (*Vid.* Conditorium.)

*HYPOGLOSSON (*ὑπόγλωσσον*), a plant, the *Ruscus hypoglossum*, according to Matthiolus and Sprengel.[1]

HYPOGRAMMATEUS. (*Vid.* Grammateus.)

*HYPOLA'ÏS (*ὑπολαΐς*), a bird mentioned by Aristotle, and the name of which Gaza translates into Latin by *Curuca*. Gesner inclines to the opinion that it is the Titlark, or *Anthus pratensis*, Bechstein [2]

HYPOMOSIA. (*Vid.* Diaitetai, p. 354; Dice, p 358.)

HYPORCHE'MA (*ὑπόρχημα*) was a lively kind of mimic dance which accompanied the songs used in the worship of Apollo, especially among the Dorians. It was performed by men and women.[3] A chorus of singers at the festivals of Apollo usually danced around the altar, while several other persons were appointed to accompany the action of the song with an appropriate mimic performance (*ὑπορχεῖσθαι*). The hyporchema was thus a lyric dance, and often passed into the playful and comic, whence Athenæus[4] compares it with the cordax of comedy. It had, according to the supposition of Müller, like all the music and poetry of the Dorians, originated in Crete, but was at an early period introduced in the island of Delos, where it seems to have continued to be performed down to the time of Lucian.[5] A similar kind of dance was the *γέρανος*, which Theseus, on his return from Crete, was said to have performed in Delos, and which was customary in this island as late as the time of Plutarch.[6] The leader of this dance was called *γερανουλκός*.[7] It was performed with blows, and with various turnings and windings (*ἐν ῥυθμῷ περιελίξεις καὶ ἀνελίξεις ἔχοντι*), and was said to be an imitation of the windings of the Cretan labyrinth. When the chorus was at rest, it formed a semicircle, with leaders at the two wings.[8]

The poems or songs which were accompanied by the hyporchem were likewise called hyporchemata. The first poet to whom such poems are ascribed was Thaletas; their character must have been in accordance with the playfulness of the dance which bore the same name, and by which they were accompanied. The fragments of the hyporchemata of Pindar confirm this supposition, for their rhythms are peculiarly light, and have a very imitative and graphic character.[9] These characteristics must have existed in a much higher degree in the hyporchematic songs of Thaletas.[10]

HYPOTHE'CA. (*Vid.* Pignus.)

HYPOTHECARIA ACTIO. (*Vid.* Pignus.)

HYPOTIME'SIS. (*Vid.* Census.)

*HYS (*ὗς*). (*Vid.* Sus.)

*HYSSO'PUS (*ὕσσωπος*), the Hyssop. "Considerable doubts have been entertained," says Adams, "whether the ancient Hyssop was the same as the modern. Sprengel is disposed to hold the *Origanum Ægyptiacum* as being the *ὕσσωπος* of the Greeks. However, Matthiolus, Cordus, Fuchsius, and most of the older authorities, with the exception of Bauhin, refer it to the *H. officinalis*. It is worthy of remark, that the medicinal powers of the Hyssop, as given by Dr. Hill, agree exactly with those of the *ὕσσωπος* as given by Dioscorides. This appears to me a strong presumption of their identity."[11]

*HYSTRIX (*ὑστριξ*), the Crested Porcupine, or *Hystrix cristata*, L. The belief entertained in both ancient and modern times, that the Porcupine darts out its quills when irritated, would appear to be for the most part founded in mistake or imagination. The truth of the matter is, that, when frightened, many of its quills drop out. It is supposed to be the *Kephod* of Scripture.[1]

I. J.

JA'CULUM. (*Vid.* Hasta, p. 489.)

JA'NITOR. (*Vid.* Janua, p. 527.)

JANUA (*θύρα*), a Door. Besides being applicable to the doors of apartments in the interior of a house, which were properly called *ostia*,[2] this term more especially denoted the first entrance into the house, *i. e.*, the front or street door, which was also called *anticum*,[3] and in Greek *θύρα αὔλειος*, *αὐλεία*, *αὔλιος*, or *αὐλία*.[4] The houses of the Romans commonly had a back door, called *posticum*, *postica*, or *posticula*,[5] and in Greek *παραθύρα*, *dim. παραθύριον* Cicero[6] also calls it *pseudothyron*, "the false door," in contradistinction to janua, the front door; and, because it often led into the garden of the house,[7] it was called the garden-door (*κηπαία*[8]).

The doorway, when complete, consisted of four indispensable parts; the threshold or sill; the lintel; and the two jambs.

The threshold (*limen*, *βηλός*, *οὐδας*) was the object of superstitious reverence, and it was thought unfortunate to tread on it with the left foot. On this account, the steps leading into a temple were of an uneven number, because the worshipper, after placing his right foot on the bottom step, would then place the same foot on the threshold also.[9] Of this an example is presented in the woodcut, p. 61.

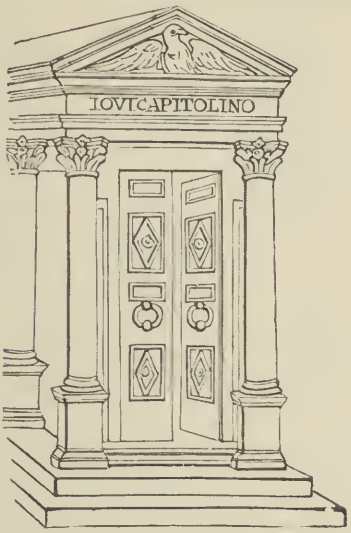
The lintel (*jugumentum*,[10] *supercilium*[11]) was also called *limen*,[12] and more specifically *limen superum*, to distinguish it from the sill, which was called *limen inferum*.[13] Being designed to support a superincumbent weight, it was generally a single piece, either of wood or stone. Hence those lintels which still remain in ancient buildings astonish us by their great length. In large and splendid edifices, the jambs or door-posts (*postes*, *σταθμοί*) were made to converge towards the top, according to certain rules which are given by Vitruvius.[14] In describing the construction of temples, he calls them *antepagmenta*, the propriety of which term may be understood from the ground-plan of the door at p. 215, where the hinges are seen to be behind the jambs. This plan may also serve to show what Theocritus means by the *hollow* door-posts (*σταθμὰ κοῖλα θυράων*[15]). In the Augustan age it was fashionable to inlay the posts with tortoise-shell.[16] Although the jamb was sometimes nearly twice the length of the lintel, it was made of a single stone, even in the largest edifices. A very striking effect was produced by the height of these doorways, as well as by their costly decorations, beautiful materials, and tasteful proportions.

The door in the front of a temple, as it reached nearly to the ceiling, allowed the worshippers to view from without the entire statue of the divinity, and to observe the rites performed before it. Also, the whole light of the building was commonly ad-

1. (Dioscor., iv., 130.—Adams, s. v.)—2. (Aristot., H. A., vi., 7.—Adams, Append., s. v.)—3. (Athen., xiv., p. 631.)—4. (xiv., p. 630.)—5. (Athen., i., p. 15.—Lucian, De Saltat., 16.—Compare Müller, Dor., ii., 8, § 14.)—6. (Thes., 21.)—7. (Hesych., s. v.)—8. (Pollux, Onom., iv., 101.)—9. (Böckh, De Metr. Pind., p. 201, &c., and p. 270.)—10. (Müller, Hist. of Gr. Lit., i., p. 93, &c., compared with p. 160.)—11. (Dioscor iii., 27.—Adams, Append., s. v.)

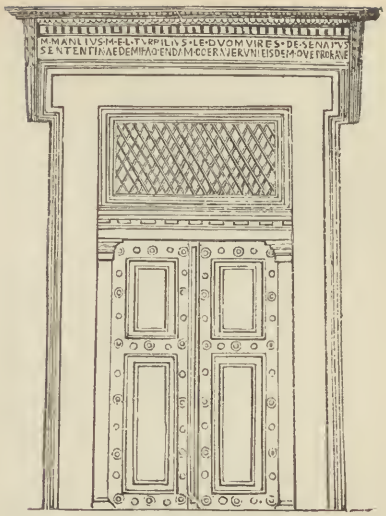
1. (Aristot., H. A., viii., 19.—Oppian, Cyneg., iii., 391.—Adams, Append., s. v.)—2. (Isid., Orig., xv., 7.—Virg., Æn., vi., 43, 81.)—3. (Festus, s. v.)—4. (Od., xxiii., 49.—Pind., Nem., i., 19.—Menand., p. 87, ed. Mein.—Harpocrat., s. v.—Theophr., Char., 18.—Theocrit., xv., 43.—Charit., i., 2.—Herodian, ii., 1.)—5. (Festus, s. v.—Hor., Epist., I., v., 31.—Apul., Met., ii., 9.—Plaut., Most., III., iii., 27.—Suet., Claud., 18.)—6. (Post. Red., 6.)—7. (Plaut., Stich., III., i., 40–44.)—8. (Hermipp. ap. Athen., xv., 6.)—9. (Vitruv., iii., 4.)—10. (Cato, De Re Rust., 14.)—11. (Vitruv., iv., 6.)—12. (Juv., vi., 227.)—13. (Plaut., Merc., V., i., 1.)—14 (l. c.)—15. (Idyll., xxiv., 15.)—16. (Virg., Georg., ii., 463.)

mitted through the same aperture. These circumstances are illustrated in the accompanying woodcut, showing the front of a small Temple of Jupiter,



taken from a bas-relief.[1] The term *antepagmentum*, which has been already explained, and which was applied to the lintel as well as the jambs (*antepagmentum superius*[2]), implies that the doors opened inward. This is clearly seen in the same woodcut, and is found to be the construction of all ancient buildings at Pompeii and other places. In some of these buildings, as, for example, in that called "the house of the tragic poet," even the marble threshold rises about an inch higher than the bottom of the door,[3] so that the whole frame of the door was in every part behind the door-case. After the time of Hippias, the street-doors were not permitted to open outwardly at Athens,[4] and hence *ἐνδοῦναι* meant to open the door on coming in, and *ἐπισπάσασθαι* or *ἐφελκύσασθαι* to shut it on going out. In a single instance only were the doors allowed to open outwardly at Rome; an exception was made as a special privilege in honour of Marcus Valerius.[5]

The lintel of the oblong door-case was, in all large and splendid buildings, such as the great temples, surmounted either by an architrave and cornice, or by a cornice only. As this is not shown in the bas-relief above introduced, an actual doorway, viz., that of the Temple of Hercules at Cora, is here added. Above the lintel is an architrave, with a Latin inscription upon it, and above this a projecting cornice, supported on each side by a console, which reaches to a level with the bottom of the lintel. The top of the cornice (*corona summa*[6]) coincided in height with the tops of the capitals of the columns of the pronaos, so that the doorway, with its superstructure, was exactly equal in height to the columns and the Antæ. This superstruction was the *hyperthyrum* of Vitruvius,[7] and of the Greek architects whom he followed. The next woodcut shows one of the two consoles which support the cornice of a beautiful Ionic doorway in the Temple of Minerva Polias at Athens. In the inscription relating to the building of that temple, which is now in the Elgin collection of the British Museum, the object here delineated is called *οὖς τῷ ὑπερθύρῳ*. Other Greek names for it, used by Vitruvius,[8] are



parotis and *ancon*, literally a "side-ear" and "an elbow." The use of consoles, or trusses, in this situation, was characteristic of the Ionic style of architecture, being never admitted in the Doric. It is to be observed that Homer,[1] Hesiod,[2] and Herodotus[3] use the term *ὑπέρθυρον*, or its diminutive *ὑπερθύριον*, to include the lintel. Upon some part of the hyperthyrum there was often an inscription, recording the date and occasion of the erection, as in the case of the Temple of Hercules above represented, or else merely expressing a moral sentiment, like the celebrated "Know thyself" upon the temple at Delphi.

The door itself was called *foris* or *valva*, and in Greek *σανίς*, *κλισίας*, or *θύρετρον*. These words are commonly found in the plural, because the doorway of every building of the least importance contained two doors folding together, as in all the instances already referred to. When foris is used in the singular, we may observe that it denotes one of the folding doors only, as in the phrase *foris crepuit*, which occurs repeatedly in Plautus, and describes the creaking of a single valve, opened alone and turning on its pivots. Even the internal doors of houses were bivalve;[4] hence we read of "the folding-doors of a bedchamber" (*fores cubiculi*;[5] *σανίδες εὐ ἁραρυῖαι*;[6] *πύλαι διπλαῖ*[7]). But in every case each of the two valves was wide enough to allow persons to pass through without opening the other valve also. Even each valve was sometimes double, so as to fold like our window-shutters (*duplices complicabilesque*[8]). The mode of attaching doors to the doorway is explained under the article Cardo.

The remaining specimens of ancient doors are all of marble or of bronze; those made of wood, which was by far the most common material, have perished. The door of a tomb at Pompeii[9] is made of a single piece of marble, including the pivots, which were encased in bronze, and turned in sockets of the same metal. It is 3 feet high, 2 feet 9 inches wide, 4¼ inches thick. It is cut in front to resemble panels, and thus to approach nearer to the appearance of a common wooden door, and it was fastened by a lock, traces of which remain. The beautifully-wrought tombs of Asia Minor (see p. 457) and other Eastern countries have stone doors, made either to turn on pivots or to slide sideways

1. (Mon. Matt., V., iii., Tab. 29.)—2. (Vitruv., iv., 6, 1.)—3. (Gell's Pompeiana, 2d ser., i., p. 44.)—4. (Becker, Charikles, i., p. 189, 200.)—5. (Plut., Poplic.—Schneider in Vitruv., iv., 6, 1.)—6. (Vitruv. iv., 6, 1)—7 (l. c.)—8. (iv., 6, 4.)

1. (Od., vii., 90.)—2. (Scut., 271.)—3. (i., 179.)—4. (Gell's Pompeiana, 2d ser., i., p. 166.)—5. (Suet., Octav., 32.—Q. Curt., v., 6.)—6. (Hom., Od., xxiii., 42.)—7. (Soph., Œd. Tyr., 1261.)—8. (Isid., Orig., xv., 7.)—9. (Mazois, Ruines de Pompéi, tom. i., pl. xix, fig. 4.)

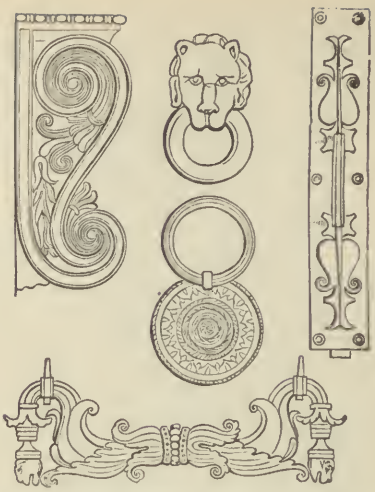
in grooves Doors of bronze are often mentioned by ancient writers.[1] The doors of a supposed temple of Remus, still existing at Rome, and now occupied as a Christian church, are of this material. Mr. Donaldson[2] has represented them as filling up the lower part of the doorway of the temple at Cora, as shown in the last woodcut, which is taken from him. The four panels are surrounded by rows of small circles, marking the spots on which were fixed rosettes or bosses, similar to those which are described and figured in the article Bulla, and which served both to strengthen and to adorn the doors. The leaves of the doors were sometimes overlaid with gold, as in the Temple of Solomon at Jerusalem,[3] at other times they were enriched with the most exquisite carving.[4] Those in the Temple of Minerva at Syracuse are said by Cicero[5] to have exceeded all others in the curious and beautiful workmanship executed upon them in gold and ivory. "It is incredible," says he, "how many Greeks have left writings descriptive of the elegance of these valves" One of the ornaments was "a most beautiful Gorgon's head, with tresses of snakes," probably occupying the centre of a panel. In addition to the sculptures upon the valves themselves, the finest statues were sometimes placed beside them, probably at the base of the antepagmenta, as in the magnificent Temple of Juno in Samos.[6] In the fancied palace of Alcinous,[7] the door-case, which was of silver, with a threshold of bronze, included folding-doors of gold; while dogs, wrought in gold and silver, guarded the approach, probably disposed like the avenue of sphinxes before an Egyptian temple. As luxury advanced among the Romans, metal took the place of wood, even in the doors of the interior of a house. Hence the quæstor Sp. Carvilius reproved Camillus for having his chamber doors covered with bronze (*cærata ostia*[8]).

A lattice-work is to be observed above the bronze doors in the last woodcut, Mr. Donaldson having introduced it on the authority more especially of the Pantheon at Rome, where the upper part of the doorway is filled with a window such as that here represented. Vitruvius[9] calls it the *hypætrum*, and his language implies that it was commonly used in temples.

The folding-doors exhibited in the last woodcut, instead of a rebate such as we employ, have an upright bronze pilaster standing in the middle of the doorway, so as to cover the joining of the valves. The fastenings of the door (*claustra*;[10] *obices*) commonly consisted in a bolt (*pessulus*; *μάνδαλος*, *κατοχεύς*, *κλεῖθρον*, *Att. κλῆθρον*[11]) placed at the base of each *foris*, so as to admit of being pushed into a socket made in the sill to receive it (*πυθμήν*[12]). The Pompeian doorways show two holes corresponding to the bolts of the two fores;[13] and they agree with numerous passages which mention in the plural number "the bolts," or "both the bolts" of a door.[14]

The annexed woodcut shows an ancient bolt preserved in the Museum at Naples.[15]

By night the front door of the house was farther secured by means of a wooden and sometimes an iron bar (*sera*, *repagula*, *μοχλός*) placed across it, and inserted into sockets on each side of the doorway.[16] Hence it was necessary to remove the bar (*τὸν μοχλὸν παραφέρειν*) in order to open the door



(*reserare*).[1] Even chamber doors were secured in the same manner[2] (*cubiculi obseratis foribus*[3]); and here also, in case of need, the bar was employed as a farther security, in addition to the two bolts (*κλῆθρα συμπεραίνοντες μόχλοις*[4]). To fasten the door with the bolt was *januæ pessulum obdere*, with the bar *januam obserare*.[5] At Athens a jealous husband sometimes even proceeded to seal the door of the women's apartment.[6] The door of a bedchamber was sometimes covered with a curtain. (*Vid.* Velum.)

In the Odyssey,[7] we find mention of a contrivance for bolting or unbolting a door from the outside, which consisted in a leathern thong (*ἱμάς*) inserted through a hole in the door, and by means of a loop, ring, or hook (*κλεῖς*, *κληῖς*), which was the origin of keys, capable of laying hold of the bolt so as to move it in the manner required. The bolt, by the progress of improvement, was transformed into a lock, and the keys found at Herculaneum and Pompeii (*vid.* Clavis), and those attached to rings,[8] prove that among the polished Greeks and Romans the art of the locksmith (*κλειδοποιός*) approached very nearly to its present state.[9]

The door represented in the first woodcut to this article has a ring upon each valve, which was used to shut the door, and therefore called the *ἐπισπαστῆρ*. Herodotus[10] tells a story of a captive who, having escaped to a temple of Ceres, clung to the rings on the doors with both his hands. This appendage to the door, which was sometimes gilt and very handsome, was also called, on account of its form, *κρίκος* and *κορώνη*, *i. e.*, a "circle" or "crown;"[11] and, because it was used sometimes as a knocker, it was called *ῥόπτρον*.[12] The term *κόραξ*, "a crow,"[13] probably denoted a knocker more nearly approaching the form of that bird, or, perhaps, of its neck and head. The lowest figure in the last woodcut shows a richly-ornamented epispaster from the collection at Naples. That with a lion's head is taken from a bas-relief, representing the doors of a temple, in the collection at Ince-Blundell, near Liverpool. The third figure is from the Neapolitan Museum.

Before the door of a palace, or of any private

1 (Herod., i., 179.—Plin., H. N., xxxiv., 7.)—2. (Collection of Doorways from Ancient Buildings, London, 1833, pl. 21.)—3. (1 Kings, vi., 32–35.)—4. (Ovid, Met., viii., 705.—Virg., Georg., iii., 26.—Id., Æn., vi., 20–33.)—5. (Verr., II., iv., 56.)—6. (Cic., Verr., II., i., 23.)—7. (Od., vii., 83–94.)—8. (Plin., l. c.)—9. (iv., 8, 1.)—10. (Ovid, Amor., I., vi., 17.)—11. (Soph., Œd. Tyr., 1262, 1287, 1294.)—12. (Soph., Œd., Tyr., 1261.)—13. (Gell, Pompeiana, 2d ser., i., p. 167.)—14. (Plaut., Aul., I., ii., 26.—Curc., I., ii., 60–70.—Soph., l. cc.—Callim. in Apoll., 6.)—15. (Mazois, Ruines de Pompéi, t. i., partie. 2, pl. vii.)—16. (Festus, s. v. Adserere.—Ovid, Amor., i., 6, 24–56.)

1. (Theophrast., Char., 18.—Plutarch, Pelop., p. 517, ed. Steph.—Plaut., Cist., iii., 18.—Ovid, Met., v., 120.)—2. (Heliodor., vi., p. 281, ed. Comm.)—3. (Apul., Met., ix.)—4. (Eurip., Orest., 1546, 1566.—Id., Iph. Aul., 345.—Id., Androm., 952.)—5. (Ter., Eun., iii., 5, 55.—Id. ib., iv., 6, 26.—Id., Heaut., ii., 3, 37.)—6. (Aristoph., Thesm., 422.—Menand., p. 185, ed. Mein.)—7. (i., 442; iv., 802; xxi., 6, 46–50.)—8. (Gorlæi, Dactylioth., 42, 205–209.)—9. (Achill., Tat., ii., 19.)—10. (vi., 91.)—11 (Hom., Od., i., 441.—Id. ib., vii., 90.)—12 (Harpocrat., s. v.—Xen., Hellen., vi., 4, § 36.)—13. (Brunck, Anal., iii., 168.)

house of a superior description, there was a passage leading to the door from the public road, which was called *vestibulum*[1] and *πρόθυρον*.[2] It was provided with seats.[3] It was sometimes covered by an arch (*vid.* CAMERA), which was supported by two pillars,[4] and sometimes adorned with sculptures.[5] Here persons waited who came in the morning to pay their respects to the occupier of the house.[6] In the vestibule was placed the domestic altar. (*Vid.* ARA, p. 78.) The Athenians also planted a laurel in the same situation, beside a figure designed to represent Apollo;[7] and statues of Mercury were still more frequent,[8] being erected there on the principle of setting a thief to catch a thief.[9]

The DONARIA offered to the gods were suspended not only from the ANTÆ, but likewise from the door-posts and lintels of their temples,[10] as well as of palaces, which in ancient times partook of the sanctity of temples.[11] Victors in the games suspended their crowns at the door of a temple.[12] In like manner, persons fixed to the jambs and lintels of their own doors the spoils which they had taken in battle.[13] Stags' horns and boars' tusks were, on the same principle, used to decorate the doors of the temples of Diana, and of the private individuals who had taken these animals in the chase. Owls and other nocturnal birds were nailed upon the doors as in modern times.[14] Also garlands and wreaths of flowers were suspended over the doors of temples, in connexion with the performance of religious rites or the expression of public thanksgiving, being composed in each case of productions suited to the particular divinity whom they were intended to honour. In this manner the *corona spicea* was suspended in honour of Ceres.[15] Bay was so used in token of victory, especially at Rome,[16] where it sometimes overshadowed the CORONA CIVICA on the doors of the imperial palace[17] (*laureatis foribus*[18]). The doors of private houses were ornamented in a similar way, and with different plants, according to the occasion. More especially in celebration of a marriage, either bay or myrtle was placed about the door of the bridegroom.[19] Catullus, in describing an imaginary marriage, supposes the whole vestibulum to have been tastefully overarched with the branches of trees.[20] The birth of a child was also announced by a chaplet upon the door,[21] and a death was indicated by cypresses, probably in pots, placed in the vestibulum.[22] In addition to trees, branches, garlands, and wreaths of flowers, the Romans sometimes displayed lamps and torches before the doors of their houses for the purpose of expressing gratitude and joy.[23] Music, both vocal and instrumental, was sometimes performed in the vestibulum, especially on occasions when it was intended to do honour to the master of the house or to one of his family.[24]

It was considered improper to enter a house without giving notice to its inmates. This notice the Spartans gave by shouting; the Athenians and all other nations by using the knocker already described, but more commonly by rapping with the knuckles or with a stick (*κρούειν, κόπτειν*[1]). In the houses of the rich, a porter (*janitor, custos, θυρωρός*) was always in attendance to open the door.[2] He was commonly a eunuch or a slave,[3] and was chained to his post.[4] To assist him in guarding the entrance, a dog was universally kept near it, being also attached by a chain to the wall;[5] and in reference to this practice, the warning *Cave Canem*, *εὐλαβοῦ τὴν κύνα*, was sometimes written near the door. Of this a remarkable example occurs in "the house of the tragic poet" at Pompeii, where it is accompanied by the figure of a fierce dog, wrought in mosaic on the pavement.[6] Instead of this harsh admonition, some walls or pavements exhibited the more gracious SALVE or XAIPE.[7] The appropriate name for the portion of the house immediately behind the door (*θυρών*[8]), denotes that it was a kind of apartment; it corresponded to the hall or lobby of our houses. Immediately adjoining it, and close to the front door, there was in many houses a small room for the porter (*cella*, or *cellula janitoria*[9] *θυρωρεῖον*[10]).

*IASIO'NE (*ἰασιώνη*), a plant, which Cæsalpinus and Bauhin suggest is the *Aquilegia* or Columbine. Stackhouse conjectures that it may be the *Convolvulus scpium*, but Adams doubts the authority on which he founds this opinion.[11]

*IASPACHA'TES (*ἰασπαχάτης*), the Jasper-agate of modern mineralogists, a stone in which jasper is associated with agate. (*Vid.* ACHATES.)[12]

*IASPIS (*ἴασπις*), Jasper, the *Iaspis* of Werner, *Quartz Jaspe* of Haüy, and *Jasper* of Jameson Iaspis, says Pliny, is green, and often translucent: "What we call Jasper," observes Dr. Moore, "is of almost every colour, and is opaque. But still the ancient *Iaspis* may have comprehended certain varieties of green jasper; and since agate and jasper are closely connected, and pass into each other, it is probable that there were varieties of agate also classed under the same head. Jameson may say with truth that we are ignorant of the particular stone denominated jasper by the ancients, for certainly there is no one stone to which the description of jasper could be applied; but in this case, as in others, it is evident that several different minerals were comprehended under a single name." "The Jasper," says Sir John Hill, "is a semi-pellucid stone; it is much of the same grain and texture with the agates, but not so hard, nor capable of so elegant a polish, nor does it approach so near to transparency. Its general colour is green, but it is spotted or clouded with several others, as yellow, blue, brown, red, and white. The Heliotrope, or common Bloodstone, is of this kind, and very little, if at all, different from the Oriental Jasper."[13]

IATRALIPTA, IATRALIPTES, or IATROALIPTES (*ἰατραλειπτής*), the name given by the ancients to a physician who paid particular attention to that part of medical science called *Iatraliptice*. The name is compounded of *ἰατρός* and *ἀλείφω*, and signifies literally *a physician that cures by anointing*. According to Pliny,[14] they were at first only the slaves of physicians, but afterward rose to the rank of physicians themselves, and were, therefore, superior to the aliptæ. (*Vid.* ALIPTÆ.) The word

1. (Isid., Orig., xv., 7.—Plaut., Most., III., ii., 132.—Gell., xvi., 5.)—2. (Vitruv., vi., 7, 5.—Od., xviii., 10-100.—Herod., iii., 35, 140.)—3. (Herod., vi., 35.)—4. (Servius in Virg., Æn., ii., 469.)—5. (Virg., Æn., vii., 181.—Juv., vii., 126.)—6 (Gell., iv., 1.)—7. (Aristoph., Thesm., 496.—Plaut., Merc., iv., 1, 11, 12.)—8. (Thucyd., vi., 27.)—9. (Schol. ad Aristoph., Plut., 1155.)—10. (Virg., Æn., iii., 287.—Id. ib., v., 360.—Ovid, Trist., III., i., 34.—Hor., Carm., IV., xv., 8.—Id., Epist., I., i., 5.—Id. ib., I., xviii., 56.—Pers., Sat., vi., 45.—Plin., H. N., xxxv., 4.)—11. (Virg., Æn., ii., 503.—Id. ib., vii., 183.)—12. (Pind., Nem., v., 53.)—13. (Festus, s. v. Resignare.—Plin., H. N., xxxv., 2.)—14. (Pallad., De Re Rust., i., 35.)—15. (Tib., I., i., 21.—See also Virg., Ciris, 95-98.)—16. (Ovid, Met., i., 562.)—17. (Ovid, Trist., iii., 1, 35-49.—Plin., H. N., xv., 39.)—18. (Sen., Consol. ad Polyb., 35.—Val. Max., ii., 8, 7.)—19. (Juv., vi., 79, 228.—Claud., De Nupt. Hon. et Mar., 208.)—20. (Epithal. Pel. et Thet., 278-293.)—21. (Juv., ix., 84.)—22. (Plin., H. N., xvi., 60.—Serv. in Virg., Æn., iii., 64.)—23. (Juv., xii., 92.)—24. (Pind., Ner., i., 19, 20.—Isth., i., 3.)

1. (Becker, Charikles, v. i., p. 230-234.—Plato, Protag., p. 151, 159, ed. Bekker.)—2. (Tibull., I., i., 56.)—3. (Plato, l. c.)—4. (Ovid, Amor., i., 6.—Sueton., De Clar. Rhet., 3.)—5. (Theocrit., xv., 43.—Apollod., ap. Athen., i., 4.—Aristoph., Thesm., 423.—Id., Lysist., 1217.—Tibull., II., iv., 32-36.)—6. (Gell's Pomp., 2d ser., i., p. 142, 145.)—7. (Plato, Charm., p. 94, ed. Heindorf.)—8. (Soph., Œd. Tyr., 1242.—Id., Electr., 328.)—9. (Sueton., Vitell., 16.—Varro, De Re Rust., i., 13.)—10. (Pollux, Onom., i., 77.)—11. (Theophrast., H. P., i., 21.—Id., C. P., ii. 18.—Adams, Append., s. v.)—12. (Moore's Anc. Mineral., p. 178.)—13 (Moore's Anc. Mineral., p. 163, &c.)—14. (H. N., xxix., 2.)

occurs in Paulus Ægineta,[1] Celsus,[2] and other medical writers.

IATRALIPTICE (Ἰατραλειπτική) was that part of the art and science of medicine which had for its object the preservation or restoration of health by gymnastics and different kinds of bodily exercises, including unctions and frictions. It was, according to Pliny,[3] first practised by Prodicus. (*Vid.* Gymnasium, p. 484.)

IA'TROS. (*Vid.* Medicus.)

IATROSOPHISTA (Ἰατροσοφιστής), an ancient medical title, signifying apparently (according to Du Cange[4]) one who both taught medicine and also practised it himself; as the ancients made a distinction between διδασκαλική and ἐργατις, the art and the science of medicine, the theory and the practice.[5] Eunapius Sardianus[6] calls them ἐξησκημένους λέγειν τε καὶ ποιεῖν ἰατρικήν. The word is somewhat varied in different authors. Socrates[7] calls Adamantius ἰατρικῶν λόγων σοφιστής. Stephanus Byzantinus[8] mentions τῶν ἰατρῶν σοφιστής: Callisthenes (quoted in Du Cange), ἰατρὸς σοφιστής: and Theophanes[9] σοφιστὴς τῆς ἰατρικῆς ἐπιστημῆς. Several ancient physicians are called by this title, *e. g.*, Magnes,[10] Cassius, the author of "Quæstiones Medicæ et Naturales," and others.

*IBE'RIS (ἰβηρίς), a species of Pepperwort, now called *Lepidium Iberis*. The chapter of Dioscorides on the *Iberis* is most probably spurious.[11]

*IBIS (ἶβις), the Ibis, a bird held sacred by the Egyptians. Two species of it are described by Herodotus and Aristotle, but there has been considerable difficulty in identifying these two. "Dr. Trail informs me," says Adams, "that, having compared the skeletons of the mummy-bird and of the *Ibis religiosa*, he found them identical. It is the *Tantalus Æthiopicus* of Latham. The other Ibis of Herodotus would appear to be the stork."[12] The Ibis is as large as a hen, with white plumage, except the end of the wing-quills, which are black. The last wing-coverts have elongated and slender barbs, of a black colour, with violet reflections, and thus cover the end of the wing and tail. The bill and feet are black, as well as the naked part of the head and neck. In the young subject, however, this part is covered, at least on its upper face, with small blackish plumes. "It is only since the publication of Bruce's Travels," observes Griffith, "that positive notions have been gained respecting the genus to which we would refer the bird which was so venerated by the ancient Egyptians, and which they used to embalm after its death. The Ibis of Perault and Buffon has since been recognised for a *tantalus*; that of Hasselquist for a heron, perhaps the same as the ox-bird of Shaw; and that of Maillet (*Pharaoh's chicken*; *Rachamah* of the Arabs) for a vulture, *Vultur Perenopterus*, L. But Bruce found in Lower Æthiopia a bird which is there named *Abou-hannés* (Father John), and, on comparing it with the embalmed individuals, he recognised it to be the true black and white Ibis, with reflections on several parts of the body, and the same as the *Mengel* or *Abou-mengel* (Father of the Sickle) of the Arabs. This fact has been fully confirmed by M. Cuvier, by an examination of mummies brought from Egypt by Colonel Grobert and M. Geoffroy, and from other mummies by M. Savigny, who also found in Egypt the very bird itself, and had an opportunity of examining it in the living state. M. Cuvier's memoir on the subject was first inserted in the Annals of the French Museum; and in the 'Ossemens Fossiles,' M. Savigny has published a natural and mythological history of the same bird M. Cuvier having found in the mummy of an Ibis the undigested remains of the skin and scales of serpents, concluded that these birds in reality fed upon those reptiles. M. Savigny having never found any in the stomach of such individuals of the present time as he dissected, came to a contrary conclusion, which seemed to him to be substantiated by the natural habits and organization of the Ibis, confirmed by analogy, and farther corroborated by the testimony of the modern Egyptians. He does not, indeed, attempt to deny the fact stated by the baron, but he observes that it is an isolated one, and that the learned professor does not specify the exact position of the debris of serpents of which he speaks. M. Savigny adds, first, that, according to Herodotus, before the Egyptians proceeded to embalm an Ibis, they removed the intestines, which were reputed to be excessively long; secondly, that he has himself found in the interior of one of these mummies no remains of viscera and soft parts, but a multitude of the larvæ or nymphæ of insects of different species; thirdly, that, moreover, certain species of serpents were reckoned among the sacred animals, and that mummies of such serpents have been discovered in the grottoes of Thebes; fourthly, that many of the mummies of the Ibis, which were taken from the repositories in the plains of Saccara, contained, under a general envelope, aggregations of different animals, whose debris alone were collected. We may remark, also, that the remains of serpents mentioned by M. Cuvier were not yet digested, which would naturally be the case under the supposition that they had not even been introduced into the alimentary canal.

"When we consider the assertions of Herodotus respecting the supposed service rendered to Egypt by these birds, in delivering it from serpents, we shall find that the chief stress is laid upon their antipathy for these reptiles, which they were said to combat and destroy; but their organization seems but little calculated to enable them to succeed in enterprises of this kind. Besides, the animals which are wont to rid us of pernicious species, do so, not from a hatred and antipathy which they bear to such species, but rather from the pleasure which they experience in devouring and feasting on them. This, assuredly, is a distinction of some weight It may also be remarked, that the food of animals is always the same, except in cases of dearth, which dearth is never wantonly created by the animals themselves. If serpents of any kind were the natural aliment of the Ibis, instead of preventing them from penetrating into the country where these birds were destined to pass a portion of the year, the latter would rather follow them into the places of their retreat. If we add to these considerations the recollection that sandy countries are the suitable habitats of serpents, while humid situations are best adapted to the Ibis, we shall find fresh cause to reject the opinion of Herodotus as fabulous. It could not, indeed, have been received with any great degree of confidence by his countrymen, since the first naturalist of Greece has passed over in silence the antipathy of the Ibis to the serpent, and their supposed combats. If Herodotus, who tells us that he had himself seen, on the confines of Arabia, and at the place where the mountains open on the plains of Egypt, the fields covered with an incredible number of accumulated bones, and instances these bones as the remains of reptiles destroyed by the Ibis, when they were on the point of entering Egypt, it is merely a simple opinion which he gives upon a fact which could not have originated from any such

1. (De Re Med., iii., 47.) — 2. (De Medic., i., 1.) — 3. (H. N., xxv., 2.) — 4. (Gloss. Med. et Inf. Græcit.) — 5. (Damascius in Vita Isidori.) — 6. (De Vit. Philosoph. et Sophist., p. 168, ed. Antwerp, 1568.)—7. (Hist. Eccles., vii., 13.)—8. (s. v. Γέα.)—9. (Ib.) — 10. (Theoph. Protospath., "De Urinis.") — 11. (Paul. Ægin., iii., 77.— Adams, Append. s. v.) — 12. (Aristot., H. A., ix., 19.—Adams, Append., s

cause These immense debris of fishes and other vertebrated animals, which in the course of time have been heaped up in some narrow place, afterward abandoned by the waters, cannot possibly admit of such an explication of their origin, which is truly ludicrous, and could only have been adopted by this author in consequence of the excessive credulity with which he was prone to swallow popular report. Such masses, moreover, would not have been preserved for any great length of time, had they consisted merely of the small bones of reptiles, incapable of making resistance against the attacks of birds so weak as the Ibis.

"We must, then, look for other reasons than the destruction of serpents for the veneration paid to the Ibis by the ancient Egyptians, who admitted it even into their temples, and prohibited the killing of it under pain of death. In a country where the people, very ignorant, were governed only by superstitious ideas, it was natural that fictions should have been imagined to express with energy the happy influences of that phenomenon which every year attracts the Ibis into Egypt, and retains it there. Its constant presence at the epoch of that inundation which annually triumphs over all the sources of decay, and assures the fertility of the soil, must have appeared to the priests, and to those at the head of government, admirably calculated to make a lively impression on the minds of the people, to lead them to suppose supernatural and secret relations between the movements of the Nile and the sojourn of these inoffensive birds, and to consider the latter as the cause of effects exclusively owing to the overflow of the river."[1] "The Ibis was sacred to Thoth, who was fabulously reported to have eluded the pursuit of Typhon under the form of this bird. It was greatly revered in every part of Egypt; and at Hermopolis, the city of Thoth, it was worshipped with peculiar honours, as the emblem of the deity of the place. Its Egyptian name was *Hip*, from which Champollion supposes the town of *Nibis* to have been called, being a corruption of *Ma-n-hip* or *'n-hip*, 'the place of the Ibis.' Such was the veneration felt by the Egyptians for the Ibis, that to have killed one of them, even involuntarily, subjected the offender to the pain of death. So pure, in fact, did they consider it, that those priests who were most scrupulous in the performance of their sacred rites, fetched the water they used in their purifications from some place where the Ibis had been seen to drink; it being observed of that bird that it never goes near any unwholesome and corrupted water. Plutarch and Cicero pretend, that the use which the Ibis made of its bill taught mankind an important secret in medical treatment; but the bill of the bird is not a tube, and the *κλυζομένην ὑφ' ἑαυτῆς* is a mistake. The form of the Ibis, when crouched in a sitting position, with its head under its feathers, or when in a mummied state, was supposed to resemble the human heart; the space between its legs, when parted asunder as it walks, was observed to make an equilateral triangle; and numerous fanciful peculiarities were discovered in this revered emblem of Thoth"[2]

*ICHNEUMON (*ἰχνεύμων*), a well-known quadruped of the Weasel kind, the *Viverra Ichneumon* of naturalists. It has been long famous in Egypt, where it goes by the name of Pharaoh's Rat. "If, in the mythological system of the ancient Egyptians," observes Lieut. Col. Smith, "the various living beings which people the surface of the earth were each entitled to particular reverence on account of the influence which they exercise over the economy of nature, and the part which they contribute to the general harmony of the universe, the Ichneumon unquestionably possessed more claims than any other animal to the homage of that singular people. It presented a lively image of a beneficent power perpetually engaged in the destruction of those noisome and dangerous reptiles which propagate with such terrible rapidity in hot and humid climates. The Ichneumon is led by its instinct, and obviously destined by its peculiar powers, to the destruction of animals of this kind. Not that it dares to attack crocodiles, serpents, and the larger animals of the lizard tribe, by open force, or when these creatures have arrived at their complete development. It is by feeding on their eggs that the Ichneumon reduces the number of these intolerable pests. The Ichneumon, from its diminutive size and timid disposition, has neither the power to overcome nor the courage to attack such formidable adversaries. Nor is it an animal of the most decidedly carnivorous appetite. Urged by its instinct of destruction, and guided, at the same time, by the utmost prudence, it may be seen, at the close of day, gliding through the ridges and inequalities of the soil, fixing its attention on everything that strikes its senses, with the view of evading danger or discovering prey. If chance favours its researches, it never limits itself to the momentary gratification of its appetite: it destroys every living thing within its reach which is too feeble to offer it any effectual resistance. It particularly seeks after eggs, of which it is extremely fond, and through this taste it proves the means of destruction to so many crocodiles. That it enters the mouth of this animal when asleep, as Diodorus gravely informs us, and, gliding down its throat, gnaws through its stomach, is as much true as that it attacks it when awake. This is either a fable which never had any foundation, or, like many other marvels, it has ceased in our unbelieving and less favoured era.—The colour of the Ichneumon is a deep brown, picked out with dirty white. The tail is terminated by a tuft of hairs entirely brown. The Ichneumon is about two feet seven inches in length, measuring from the end of the tail to the tip of the nose, the tail itself being one foot four inches. The mean stature of the animal is about eight inches."[1] The Ichneumon was particularly worshipped by the Heracleopolites, who lived in a nome situated in the valley of the Nile, a little to the south of the entrance to the modern district of Fayoom. This nome of Heracleopolis, and the vicinity of Cairo, still continue, according to Wilkinson, to be the chief resort of the animal in question; "and it is sometimes tamed and kept by the modern, as it was by the ancient Egyptians, to protect their houses from rats. But, from its great predilection for eggs and poultry, they generally find that the injury it does far outbalances the good derived from its services as a substitute for the cat. Herodotus says little respecting the Ichneumon, except that it received the same honours of sepulture as the domestic animals. But Ælian tells us that it destroyed the eggs of the asp, and fought against that poisonous reptile. Pliny, Strabo, and Ælian relate the manner in which it attacked the asp, and was protected from the effect of its poisonous bite. Ælian says it covered itself with a coat of mud, which rendered its body proof against the fangs of its enemy; or, if no mud was near, it wetted its body with water, and rolled itself in the sand. Its nose, which alone remained exposed, was then enveloped in several folds of its tail, and it thus commenced the attack. If bitten, its death was inevitable; but all the efforts of the asp were unavailable against its

1. (Griffith's Cuvier, vol. viii., p. 513, &c.)—2. (Wilkinson's Manners and Customs, vol. ii., 2d series, p. 217, &c.)

1. (Griffith's Cuvier, vol. ii., p. 392, &c.)

artificial coat of mail, and the Ichneumon, attacking it on a sudden, seized it by the throat, and immediately killed it. Thus much for the ancient story. Modern experience, on the other hand, proves that, without having recourse to a cuirass of mud, the Ichneumon fearlessly attacks snakes, and, the moment it perceives them raise their head from the ground, it seizes them at the back of the neck, and with a single bite lays them dead before it."[1]

*ICTIS (ἴκτις). (*Vid.* Mustela.)

IDUS. (*Vid.* Calendar, Roman.)

IGNOMI'NIA. (*Vid.* Infamia.)

IMPERA'TOR (*Vid.* Imperium.)

IMPE'RIUM. Gaius,[2] when making a division of judicia into those quæ legitimo jure consistunt and those quæ imperio continentur, observes that the latter are so called because they continue in force during the imperium of him who has granted them. This division of judicia had merely reference to the time within which a judicium must be prosecuted, and to the jurisdictio of him who had granted them. Legitima judicia were those which were prosecuted in Rome or within the first miliarium, between Roman citizens, and before a single judex. By a lex Julia judiciaria, such judicia expired unless they were concluded within a year and six months. All other judicia were said imperio contineri, whether conducted within the above limits before recuperatores or before a single judex, when either the judex or one of the litigant parties was a peregrinus, or when conducted beyond the first miliarium either between Roman citizens or peregrini. From this passage it follows that there were judicia quæ imperio continebantur, which were granted in Rome, which is made clearer by what follows. There was a distinction between a judicium ex lege, that is, a judicium founded upon a particular lex, and a judicium legitimum; for instance, if a man sued in the provinces under a lex, the Aquilia, for example, the judicium was not legitimum, but was said imperio contineri, that is, the imperium of the præses or proconsul who gave the judicium. The same was the case if a man sued at Rome ex lege, and the judicium was before recuperatores, or there was a peregrinus concerned. If a man sued under the prætor's edict, and, consequently, not ex lege, and a judicium was granted in Rome, and the same was before one judex, and no foreigner was concerned, it was legitimum. The judicia legitima are mentioned by Cicero;[3] but it may, perhaps, be doubted if he uses the term in the sense in which Gaius does. It follows, then, that in the time of Gaius, so long as a man had jurisdictio, so long was he said to have imperium. Imperium is defined by Ulpian[4] to be either merum or mixtum. To have the merum imperium is to have "*gladii potestatem ad animadvertendum in facinorosos homines*," that is, "*mixtum imperium cui etiam jurisdictio inest.*" It appears, then, that there was an imperium which was incident to jurisdictio; but the merum or pure imperium was conferred by a lex.[5] The mixtum imperium was nothing more than the power necessary for giving effect to the jurisdictio. There might, therefore, be imperium without jurisdictio, but there could be no jurisdictio without imperium.

Imperium is defined by Cicero[6] to be that "*sine quo res militaris administrari, teneri exercitus, bellum geri non potest.*" As opposed to potestas, it is the power which was conferred by the state upon an individual who was appointed to command an army. The phrases Consularis Potestas and Consulare Imperium might both be properly used; but the expression Tribunitia Potestas only could be used, as the tribuni never received the imperium. In Vell. Patere., ii., 2, imperium is improperly used. A consul could not act as commander of an army (*attingere rem militarem*) unless he were empowered by a lex Curiata, which is expressed by Livy[7] thus: "*Comitia curiata rem militarem continent.*" Though consuls were elected at other comitia, the comitia curiata only could give them imperium.[8] This was in conformity with the ancient constitution, according to which an imperium was conferred on the kings after they had been elected: "On the death of King Pompilius, the populus in the comitia curiata elected Tullus Hostilius king, upon the rogation of an interrex; and the king, following the example of Pompilius, took the votes of the populus according to their curiæ on the question of his imperium."[9] Both Numa[10] and Ancus Marcius,[11] the successor of Tullus, after their appointment as reges, are severally said "*De Imperio suo legem curiatam tulisse.*" It appears, then, that from the kingly period to the time of Cicero, the imperium, as such, was conferred by a lex Curiata.

The imperium of the kings is not defined by Cicero. It is declared by modern writers to have been the military and the judicial power, but these writers have not explained what they precisely mean by the term "judicial power." It may be conjectured that the division of imperium, made by the jurists, was in accordance with the practice of the republican period: there was during the republican period an imperium within the walls which was incident to jurisdictio, and an imperium without the walls which was conferred by a lex Curiata. There are no traces of this separation in the kingly period, and it is probable that the king received the imperium in its full import, and that its separation into two parts belongs to the republican period. The imperium, which was conferred by a lex under the Republic, was limited, if not by the terms in which it was conferred, at least by usage: it could not be held or exercised within the city. It was sometimes specially conferred on an individual for the day of his triumph within the city, and, at least in some cases, by a plebiscitum.[7]

The imperium was as necessary for the governor of a province as for a general who merely commanded the armies of the Republic, as he could not, without it, exercise military authority (*rem militarem attingere*). So far as we can trace the strict practice of the Roman constitution, military command was given by a special lex, and was not incident to any office, and might be held without any other office than that of imperator. It appears that in the time of Cicero there were doubts as to the necessity of the lex in some cases, which may have gradually arisen from the irregular practices of the civil wars, and from the gradual decay of the old institutions. Cicero, in a passage which is not very clear,[8] refers to a Cornelia lex, according to which an individual who had received a province ex senatus consulto thereby acquired the imperium without the formality of a lex Curiata.

The imperium (*merum*) of the Republic appears to have been (1), a power which was only exercised out of the city; (2), a power which was specially conferred by a lex Curiata, and was not incident to any office; (3), a power without which no military operation could be considered as done in the name and on the behalf of the state. Of this a notable example is recorded in Livy,[9] where the senate refused to recognise a Roman as commander because he had not received the imperium in due form.

In respect of his imperium, he who received it

1. (Wilkinson, p. 154, &c.)—2. (iv., 103.)—3. (Pro Rosc. Com., 5.—Id., Or. Part., 12.)—4. (Dig. 2, tit. 1, s. 3.)—5 (Dig. 1, tit. 21, s. 1.)—6. (Phil., v., 16.)

1. (Liv., vi., 37.)—2. (v., 52.)—3. (Liv., v., 52.)—4. (Cic., Repub., ii., 17.)—5. (ii., 13.)—6. (ii., 18.)—7. (Liv., xxvi., 21.—Id. xlv., 35.) —8. (ad Fam., i., 9.)—9 (xxvi., 2.)

was styled imperator: he might be a consul or a proconsul. It was an ancient practice, observes Tacitus,[1] for the soldiers of a victorious general to salute him by the title of imperator; but in the instance referred to by Tacitus, the Emperor Tiberius allowed the soldiers to confer the title on an individual who had it not already; while under the Republic the title, as a matter of course, was given with the imperium; and every general who received the imperium was entitled to the name of imperator. After a victory it was usual for the soldiers to salute their commander as imperator; but this salutation neither gave nor confirmed the title. Under the Republic, observes Tacitus, there were several imperatores at a time: Augustus granted the title to some; but he last instance, he adds, of the title being conferred was in the case of Blæsus, under Tiberius. There were, however, later instances. The assumption of the prænomen of imperator by Julius Cæsar[2] was a manifest usurpation. Under the Republic the title came properly after the name; thus Cicero, when he was proconsul in Cilicia, could properly style himself M. T. Cicero Imperator, for the term merely expressed that he had the imperium. Tiberius and Claudius refused to assume the prænomen of imperator; but the use of it as a prænomen became established among their successors, as we see from the imperial coins. The title imperator sometimes appears on the imperial medals, followed by a numeral (VI. for instance), which indicates that it was specially assumed by them on the occasion of some great victory; for, though the victory might be gained by their generals, it was considered to be gained under the auspices of the imperator.

The term imperium was applied in the republican period to express the sovereignty of the Roman state. Thus Gaul is said by Cicero[3] to have come under the imperium and ditio of the populus Romanus; and the notion of the majestas populi Romani is said to be "*in imperii atque in nominis populi Romani dignitate.*"[4]

IMPLU'VIUM. (*Vid.* HOUSE, ROMAN, p. 516.)

IMPU'BES. An infans (*vid.* INFANS) was incapable of doing any legal act. An impubes, who had passed the limits of infantia, could do any legal act with the auctoritas of his tutor; without such auctoritas he could only do those acts which were for his benefit. Accordingly, such an impubes, in the case of obligatory contracts, could stipulate (*stipulari*), but not promise (*promittere*); in other words, as Gaius[5] expresses it, a pupillus could only be bound by the auctoritas of his tutor, but he could bind another without such auctoritas. (*Vid.* INFANS.)

But this remark as to pupilli does not apply to those who are infantes or infanti proximi, though in the case of the infanti proximi a liberal interpretation was given to the rule of law (*benignior juris interpretatio*), by virtue of which a pupillus, who was infanti proximus, was placed on the same footing as one who was pubertati proximus, but this was done for their benefit only (*propter utilitatem eorum*), and, therefore, could not apply to a case where the pupillus might be a loser.[6] An impubes who was in the power of his father could not bind himself even with the auctoritas of his father; for, in the case of a pupillus, the auctoritas of the tutor was only allowed in respect of the pupillus having property of his own, which a son in the power of his father could not have.

In the case of obligationes ex delicto, the notion of the auctoritas of a tutor was of course excluded, as such auctoritas was only requisite for the purpose of giving effect to rightful acts. If the impubes was of sufficient capacity to understand the nature of his delict, he was bound by it; otherwise he was not. In the case of a person who was pubertati proximus, there was a legal presumption of such capacity; but still, this presumption did not exclude a consideration of the degree of understanding of the impubes and the nature of the act, for the act might be such as either to be perfectly intelligible, as theft, or it might be an act which an impubes imperfectly understood, as when he was made the instrument of fraud. These principles were applicable to cases of furtum, damnum injuria datum, injuria, and others; and also to crimes in which the nature of the act mainly determined whether or not guilt should be imputed.

An impubes could enter into a contract by which he was released from a debt, but he could not release a debt without the auctoritas of his tutor. He could not pay money without his tutor; nor could he receive money without his tutor, at least it was not a valid payment, because such payment was, as a consequence, followed by a release to the debtor. But since the rule as to the incapacity of an impubes was made only to save him from *loss*, he could not retain both the money and the claim.

An impubes could not be a plaintiff or a defendant in a suit without his tutor. He could acquire the ownership of property alone, but he could not alienate it without the consent of his tutor, nor could he manumit a slave without such consent. He could contract sponsalia alone, because the auctoritas of the tutor has reference only to property: if he was in his father's power, he was, of course, entirely under his father's control.

An impubes could acquire a hereditas with the consent of his tutor, which consent was necessary, because a hereditas was accompanied with obligations. But as the act of cretion was an act that must be done by the heres himself, neither his tutor nor a slave could take the hereditas for a pupillus, and he was, in consequence of his age, incapable of taking it himself. This difficulty was got over by the doctrine of pro herede gestio: the tutor might permit the pupillus to act as heres, which had the effect of cretion: and this doctrine would apply even in the case of infantes, for no expression of words was necessary in order to the pro herede gestio. In the case of the bonorum possessio, the father could apply for it on behalf of his child, and the tutor on behalf of his ward, without any act being done by the impubes. By the imperial legislation, a tutor was allowed to acquire the hereditas for his ward, and a father for his son, who was in his power; and thus the doctrine of the pro herede gestio was rendered unnecessary.

A pupillus could not part with a possession without the auctoritas of a tutor; for, though possession of itself was no legal right, legal advantages were attached to it. As to the acquisition of possession, possession in itself being a bare fact, and the fundamental condition of it being the animus possidendi, consequently the pupillus could only acquire possession by himself, and when he had capacity to understand the nature of the act. But with the auctoritas of his tutor he could acquire possession even when he was an infans, and thus the acquisition of possession by a pupillus was facilitated, *utilitatis causa*. There was no formal difficulty in such possession any more than in the case of pro herede gestio, for in neither instance was it necessary for words to be used. Subsequently the legal doctrine was established that a tutor could acquire possession for his pupillus.[1]

1. (Ann., iii., 74.)—2. (Suet., Jul., 76.)—3. (Pro Font., 1.)—4. (Cic., Or. Part., 30.—Compare the use of "Imperium" in Horace, Carm., i., 37; iii., 5.)—5. (iii., 107.)—6. (Compare Inst., i., tit. 3, s. 19, s. 10, with Gaius, iii., 107.)

1. (Dig. 41, tit. 2, s. 1, § 20.)

With the attainment of pubertas, a person obtained the full power over his property, and the tutela ceased: he could also dispose of his property by will; and he could contract marriage. According to the legislation of Justinian,[1] pubertas, in the case of a male, was attained with the completion of the fourteenth, and in a female, with the completion of the twelfth year. In the case of a female, it seems that there never had been any doubt as to the period of the twelve years, but a dispute arose among the jurists as to the period of fourteen years. The Sabiniani maintained that the age of pubertas was to be determined by physical capacity (*habitu corporis*), to ascertain which a personal examination might be necessary: the Proculiani fixed the age of fourteen complete, as that which absolutely determined the attainment of puberty.[2] It appears, therefore, that under the earlier emperors there was some doubt as to the time when pubertas was attained, though there was no doubt that with the attainment of puberty, whatever that time might be, full legal capacity was acquired.

Until a Roman youth assumed the toga virilis, he wore the toga prætexta, the broad purple hem of which (*prætexta*) at once distinguished him from other persons. The toga virilis was assumed at the Liberalia in the month of March; and though no age appears to have been positively fixed for the ceremony, it probably took place, as a general rule, on the feast which next followed the completion of the fourteenth year, though it is certain that the completion of the fourteenth year was not always the time observed. Still, so long as a male wore the prætexta, he was impubes, and when he assumed the toga virilis, he was pubes. Accordingly, vesticeps[3] was the same as pubes, and investis or prætextatus the same as impubes.[4] After the assumption of the toga virilis the son who was in the power of his father had a capacity to contract debts; and a pupillus was released from the tutela. But if neither the pupillus wished to get rid of his tutor, nor the tutor to be released from the responsibility of his office (for which he received no emolument), the period of assuming the toga virilis might be deferred. If the pupillus and the tutor could not agree, it might be necessary that there should be a judicial decision. In such case the Proculiani maintained as a theoretical question, that the age of fourteen should be taken as absolutely determining the question, fourteen being the age after the attainment of which the prætexta had been generally laid aside. The Sabiniani maintained that, as the time of puberty had never been absolutely fixed, but had depended on free choice, some other mode of deciding the question must be adopted, where free choice was out of the question, and therefore they adopted that of the physical development (*habitus corporis*). But, though there are allusions to this matter,[5] there is no evidence to show that inspection of the person was ever actually resorted to in order to determine the age of puberty. It appears that the completion of fourteen years was established as the commencement of pubertas. The real foundation of the rule as to the fourteen and the twelve years appears to be, that in the two sexes respectively, puberty was, as a general rule in Italy, attained about these ages. In the case of females, the time had been fixed absolutely at twelve by immemorial custom, and had no reference to any practice similar to that among males of adopting the toga virilis, for women wore the toga prætexta till they were married. And, farther, though the pupillaris tutela ended with females with the twelfth year, they were from that time subject to another kind of tutela.

A male had a capacity to make a will upon completing his fourteenth, and a female upon completing her twelfth year;[1] and the same ages, as already observed, determined the capacity, in the two sexes, for contracting a legal marriage. The dispute between the two schools as to the time when the male attained the age of puberty, appears to have had reference to the termination of the tutela, and his general capacity to do legal acts; for the test of the personal examination could hardly, from the nature of the case, apply to the capacity to make a will or contract a marriage, as Savigny shows.

Spadones (males who could never attain physical pubertas) might make a testament after attaining the age of eighteen.[2]

INAUGURATIO was in general the ceremony by which the augurs obtained, or endeavoured to obtain, the sanction of the gods to something which had been decreed by man; in particular, however, it was the ceremony by which things or persons were consecrated to the gods, whence the terms *dedicatio* and *consecratio* were sometimes used as synonymous with inauguratio.[3] The ceremony of inauguratio was as follows: After it had been decreed that something should be set apart for the service of the gods, or that a certain person should be appointed priest, a prayer was addressed to the gods by the augurs or other priests, soliciting them to declare by signs whether the decree of men was agreeable to the will of the gods.[4] If the signs observed by the inaugurating priest were thought favourable, the decree of men had the sanction of the gods, and the inauguratio was completed. The inauguratio was, in early times, always performed by the augurs; but subsequently we find that the inauguratio, especially that of the rex sacrificulus and of the flamines, was sometimes performed by the college of pontiffs in the comitia calata.[5] But all other priests, as well as new members of the college of augurs, continued to be inaugurated by the augurs, or sometimes by the augurs in combination with some of the pontiffs;[6] the chief pontiff had the right to enforce the inauguratio, if it was refused by the augurs, and if he considered that there was not sufficient ground for refusing it. Sometimes one augur alone performed the rite of inauguratio, as in the case of Numa Pompilius;[7] and it would seem that in some cases a newly-appointed priest might himself not only fix upon the day, but also upon the particular augur by whom he desired to be inaugurated.[8]

During the kingly period of Rome, this inauguration of persons was not confined to actual priests; but the kings, after their election by the populus, were inaugurated by the augurs, and thus became the high-priests of their people. After the civil and military power of the kings had been conferred upon the consuls, and the office of high-priest was given to a distinct person, the rex sacrorum, he was, as stated above, inaugurated by the pontiffs in the comitia calata, in which the chief pontiff presided. But the high republican magistrates, nevertheless, likewise continued to be inaugurated,[9] and for this purpose they were summoned by the augurs (*condictio, denunciatio*) to appear on the Capitol on the third day after their election.[10] This inauguratio conferred no priestly dignity upon the magistrates, but was merely a method of obtaining the sanction of the

1. (Instit., i., tit. 22.) — 2. (Gaius, i., 196. — Ulp., Frag., xi., 28.) — 3. (Festus, s. v.) — 4. (Gell., v., 19: "Vesticeps.") — 5. (Quinct., Inst. Or, iv., 2.)

1. (Gaius, ii., 113.—Paulus, S. R., iii., tit. 4, *a.*) — 2. (Savigny, System des heut. R. R.)—3. (Liv., i., 44, 55. — Flor., i., 7, 8.—Plin., Ep., ix., 39; x., 58, 59, 76. — Cic. in Cat., iv., 1.)—4 (Liv., i., 18.)—5. (Gell., xv., 27.)—6. (Liv., xxvii., 8. — Id., xl., 42.)—7. (Liv., i., 18.—Compare Cic., Brut., 1. — Macrob., Sat., ii., 9.)—8. (Cic., l. c.—Philipp., ii., 43.) — 9. (Dion. Hal. [illegible], 80, &c.)—10. (Serv. ad Virg., Æn., iii., 117.)

gods to their election, and gave them the right to take auspicia; and on important emergencies it was their duty to make use of this privilege. At the time of Cicero, however, this duty was scarcely ever observed.[1] As nothing of any importance was ever introduced or instituted at Rome without consulting the pleasure of the gods by augury, we read of the inauguratio of the tribes, of the comitium, &c.

INAURIS, an Earring; called in Greek ἐνώτιον, because it was worn in the ear (οὖς), and ἑλλόβιον, because it was inserted into the lobe of the ear (λοβός), which was bored for the purpose.[2]

Earrings were worn by both sexes in Oriental countries,[3] especially by the Lydians,[4] the Persians,[5] the Babylonians,[6] and also by the Libyans[7] and the Carthaginians.[8] Among the Greeks and Romans they were worn only by females.

This ornament consisted of the ring (κρίκος[9]) and of the drops (*stalagmia*[10]). The ring was generally of gold, although the common people also wore earrings of bronze. See Nos. 1, 4, from the Egyptian collection in the British Museum. Instead of

a ring, a hook was often used, as shown in Nos. 6, 8. The women of Italy still continue the same practice, passing the hook through the lobe of the ear without any other fastening. The drops were sometimes of gold, very finely wrought (see Nos. 2, 7, 8), and sometimes of pearls[11] and precious stones (Nos. 3, 5, 6). The pearls were valued for being exactly spherical,[12] as well as for their great size and delicate whiteness; but those of an elongated form, called *elenchi*, were also much esteemed, being adapted to terminate the drop, and being sometimes placed two or three together for this purpose.[13] In the Iliad,[14] Juno, adorning herself in the most captivating manner, puts on earrings made with three drops resembling mulberries.[15] Pliny observes[16] that greater expense was lavished on no part of the dress than on the earring. According to Seneca,[17] the earring No. 3, in the preceding woodcut, in which a couple of pearls are strung both above and below the precious stone, was worth a patrimony.[18] All the earrings above engraved belong to the Hamilton collection in the British Museum.

1. (Cic., De Divin., ii., 36.)—2. (Hom., Il., xiv., 182.—Hymn., ii., in Ven., 9.—Plin., H. N., xii., 1.)—3. (Plin., H. N., xi., 50.)—4. (Xen., Anab., iii., 1, § 31.)—5. (Diod. Sic., v., 45.)—6. (Justin., i., 104.)—7. (Macrob., Sat., vii., 3.)—8. (Plaut., Poen., V., ii., 21.)—9. (Diod. Sic., l. c.)—10. (Festus, s. v.—Plaut., Men., III., iii., 18.)—11. (Plin., ll. cc.—Sen., De Ben., vii., 9.—Ovid, Met., x., 265.—Claud., De VI. Cons. Honor., 528.—Sen., Hippol., II., i., 33.)—12. (Hor., Epod., viii., 13.)—13. (Plin., H. N., ix., 56.—Juv., vi., 364.)—14. (xiv., 182, 183.)—15. (See Eustath., ad loc.)—16. (xi., 50.)—17. (l. c.)—18. (See also De Vita Beata, 17.)

In opulent families, the care of the earrings was the business of a female slave, who was called *Auriculæ Ornatrix*.[1] The Venus de' Medici, and other female statues, have the ears pierced, and probably once had earrings in them. The statue of Achilles at Sigeum, representing him in female attire, likewise had this ornament.[2]

INCENSUS. (*Vid.* CAPUT.)

INCESTUM. If a man married a woman whom it was forbidden for him to marry by positive morality, he was said to commit incestum.[3] Such a marriage was, in fact, no marriage, for the necessary connubium between the parties was wanting.

There was no connubium between persons related by blood in the direct line, as parents and children. If such persons contracted a marriage, it was nefariæ et incestæ nuptiæ. There was no connubium between persons who stood in the relation of parent and child by adoption, not even after the adopted child was emancipated. There were also restrictions as to connubium between collateral kinsfolk (*ex transverso gradu cognationis*): there was no connubium between brothers and sisters, either of the whole or of the half blood; nor between children of the blood and children by adoption, so long as the adoption continued, or so long as the children of the blood remained in the power of their father. There was connubium between an uncle and his brother's daughter, after the Emperor Claudius had set the example by marrying Agrippina; but there was none between an uncle and a sister's daughter. There was no connubium between a man and his amita or matertera (*vid.* COGNATI); nor between a man and his socrus, nurus, privigna, or noverca. In all such cases, when there was no connubium, the children had a mother, but no legal father.

Incest between persons in the direct line was punishable in both parties; in other cases only in the man. The punishment was relegatio, as in the case of adultery. Concubinage between near kinsfolk was put on the same footing as marriage.[4] In the case of adulterium and stuprum between persons who had no connubium, there was a double offence: the man was punished with deportatio, and the woman was subject to the penalties of the lex Julia.[5] Among slaves there was no incestum, but after they became free their marriages were regulated according to the analogy of the connubium among free persons. It was incestum to have knowledge of a vestal virgin, and both parties were punished with death.

It does not appear that there was any legislation as to incestum: the rules relating to it were founded on usage (*moribus*). That which was stuprum was considered incestum when the connexion was between parties who had no connubium. Incestum, therefore, was stuprum, aggravated by the circumstance of real or legal consanguinity, and, in some cases, affinity. It was not the form of marriage between such persons that constituted the incestum; for the nuptiæ were incestæ, and therefore no marriage, and the incestuous act was the sexual connexion of the parties. Sometimes incestum is said to be contra fas, that is, an act in violation of religion.

INCITE'GA, a corruption of the Greek ἀγγοθήκη or ἐγγυθήκη, a term used to denote a piece of domestic furniture, variously formed according to the particular occasion intended; made of silver, bronze, clay, stone, or wood, according to the circumstances of the possessor; sometimes adorned with figures; and employed to hold amphoræ, bottles, ala

1. (Gruter, Inscrip.)—2. (Serv. in Virg., Æn., i., 30.—Tertull., De Pall., 4.)—3. (Dig. 23, tit. 2, § 39.)—4. (Dig. 23, tit. 2, § 56.)—5. (Dig. 48. tit. 18, s. 5.)

basin, or any other vessels which were round or pointed at the bottom, and therefore required a separate contrivance to keep them erect.[1] Some of those used at Alexandrea were triangular.[2] We often see them represented in ancient Egyptian paintings. The annexed woodcut shows three *ἀγγοθῆκαι*, which are preserved in the British Museum. Those on the right and left hand are of wood, the one having four feet, the other six; they were found in Egyptian tombs. The third is a broad earthenware ring, which is used to support a Grecian amphora.

INCORPORA'LES RES. (*Vid.* DOMINIUM.)

INCUNA'BULA or CUNA'BULA (*σπάργανον*), swaddling-clothes.

The first thing done after the birth of a child was to wash it; the second, to wrap it in swaddling-clothes; and the rank of the child was indicated by the splendour and costliness of this, its first attire. Sometimes a fine white shawl, tied with a gold band, was used for the purpose;[3] at other times a small purple scarf, fastened with a brooch[4] (*χλαμύδιον*[5]). The poor used broad fillets of common cloth (*panni*[6]). The annexed woodcut, taken from

a beautiful bas-relief at Rome, which is supposed to refer to the birth of Telephus, shows the appearance of a child so clothed, and renders, in some degree, more intelligible the fable of the deception practised by Rhea upon Saturn, in saving the life of Jupiter, by presenting a stone enveloped in swaddling-clothes, to be devoured by Saturn instead of his new-born child.[7] It was one of the peculiarities of the Lacedæmonian education to dispense with the use of incunabula, and to allow children to enjoy the free use of their limbs.[8]

INCUS (*ἄκμων*), an Anvil. The representations of Vulcan and the Cyclopes on various works of art, show that the ancient anvil was formed like that of modern times. When the artist wanted to make use of it, he placed it on a large block of wood (*ἀκμόθετον*;[1] *positis incudibus*[2]); and when he made the link of a chain, or any other object which was round or hollow, he beat it upon a point projecting from one side of the anvil. The annexed woodcut, representing Vulcan forging a thunderbolt

for Jupiter, illustrates these circumstances; it is taken from a gem in the Royal Cabinet at Paris. It appears that in the "brazen age," not only the things made upon the anvil, but the anvil itself, with the hammer and the tongs, were made of bronze.[3] (*Vid.* MALLEUS.) At this early period anvils were used as an instrument of torture, being suspended from the feet of the victim.[4]

*INDICUM (*Ἰνδικόν*). "Dioscorides applies the term Ἰνδικόν to two distinct substances; the one is the vegetable pigment still called *Indigo*, which is prepared from the leaves and stalks of the Indigo plant. Several species are now cultivated for making indigo, but the one from which the ancients may be supposed to have procured their indigo is the *Indigofera tinctoria*. The other kind of indigo was, most probably, the mineral substance called *Indian Red*, and which is a variety of the red oxydo of iron."[5]

INDU'SIUM. (*Vid.* TUNICA.)

I'NDUTUS. (*Vid.* AMICTUS, TUNICA.)

INFA'MIS. (*Vid.* INFAMIA.)

INFA'MIA. The provisions as to infamia, as they appear in the legislation of Justinian, are contained in Dig. 3, tit. 2, *De his qui notantur infamia*, and in Cod. 2, tit. 12, *Ex quibis causis infamia irrogatur*. The Digest contains[6] the cases of infamia as enumerated in the prætor's edict. There are also various provisions on the subject in the lex Julia Municipalis (B.C. 45), commonly called the Table of Heraclea.

Infamia was a consequence of condemnation in any judicium publicum, of ignominious (*ignominia causa*) expulsion from the army,[7] of a woman being detected in adultery, though she might not have been condemned in a judicium publicum, &c.; of condemnation for furtum, rapina, injuriæ, and dolus malus, provided the offender was condemned in his own name, or provided in his own name he paid a sum of money by way of compensation; of condemnation in an action pro socio, tutelæ, mandatum, depositum, or fiducia,[8] provided the offender was condemned in his own name, and not in a judicium contrarium, and provided the person condemned

1. (Festus, s. v. Incitega.—Bekker, Anecdot. Gr., 245.—Wilkinson, Man. and Customs, ii., p. 158, 160, 216, 217.)—2. (Athen., v., 45.)—3. (Hom., Hymn. in Apoll., 121, 122.)—4. (Pind., Pyth., iv., 114.)—5. (Longus, i., 1, p. 14, 28, ed. Boden.)—6. (Luke, ii., 7, 12.—Ezek., xvi., 4, Vulg.—Compare Hom., Hymn. in Merc., 151, 306.—Apollod., iii., 10, 2.—Ælian, V. H., ii., 7.—Eurip., Ion, 32.—Dion. Chrys., vi., 203, ed. Reiske.—Plaut., Amphit., v., 1, 52.—Truc., v., 13.)—7. (Hes., Theog., 485.)—8. (Plut., Lycurg., p. 90, ed Steph.)

1. (Hom., Il., xviii., 410, 476.—Od., viii., 274.)—2. (Virg., Æn., vii., 620.—Id. ib., viii., 451.)—3. (Hom., Od., iii., 433, 434.—Apollon. Rhod., iv., 761, 762.)—4. (Hom., Il., xv., 19.)—5. (Dioscor., v., 107.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—6. (s. 1.)—7. (Tab. Heracl., i., 121.)—8. (Compare the Edict with Cic., Pro Rosc. Com., 6.—Pro Rosc. Amer., 38, 39.—Pro Cæcina, 2.—Top., c. 10.—Tab. Heracl., i., 111.)

had not acted with good faith. Infamia was also a consequence of insolvency, when a man's bona were possessa, proscripta, vendita;[1] of a widow marrying within the time appointed for mourning; but the infamia attached to the second husband if he was a paterfamilias, and if he was not, then to his father, and to the father of the widow if she was in his power: the edict does not speak of the infamia of the widow, but it was subsequently extended to her. Infamia was a consequence of a man being at the same time in the relation of a double marriage or double sponsalia; the infamia attached to the man if he was a paterfamilias, and if he was not, to his father: the edict here also speaks only of the man, but the infamia was subsequently extended to the woman. Infamia was a consequence of prostitution in the case of a woman, of similar conduct in a man (*qui muliebria passus est*); of lenocinium, or gaining a living by aiding in prostitution;[2] of appearing on a public stage as an actor; of engaging for money to appear in the fights of the wild beasts, even if a man did not appear; and of appearing there, though not for money.

It results from this enumeration that infamia was only the consequence of an act committed by the person who became infamis, and was not the consequence of any punishment for such act. In some cases it only followed upon condemnation; in others it was a direct consequence of an act, as soon as such act was notorious.

It has sometimes been supposed that the prætor established the infamia as a rule of law, which, however, was not the case. The prætor made certain rules as to postulatio,[3] for the purpose of maintaining the purity of his court. With respect to the postulatio, he distributed persons into three classes. The second class comprehended, among others, certain persons who were *turpitudine notabiles*, who might postulate for themselves, but not for others. The third class contained, among others, all those "*qui edicto prætoris ut infames notantur*," and were not already enumerated in the second class. Accordingly, it was necessary for the prætor to enumerate all the infames who were not included in the second class, and this he did in the edict as quoted.[4] Consistently with this, infamia was already an established legal condition; and the prætor, in his edicts on postulation, did not make a class of persons called infames, but he enumerated as persons to be excluded from certain rights of postulation those who were infames. Consequently, the legal notion of infamia was fixed before these edicts.

It is necessary to distinguish infamia from the nota censoria. The infamia does not seem to have been created by written law, but to have been an old Roman institution. In many cases, though not in all, it was a consequence of a judicial decision. The power of the censors was in its effects analogous to the infamia, but different from it in many respects. The censors could at their pleasure remove a man from the senate or the equites, remove him into a lower tribe, or remove him out of all the tribes, and so deprive him of his suffragium, by reducing him to the condition of an ærarius.[5] They could also affix a mark of ignominy or censure opposite to a man's name in the list of citizens, nota censoria or subscriptio;[6] and in doing this, they were not bound to make any special inquiry, but might follow general opinion. This arbitrary mode of proceeding was, however, partly remedied by the fact that such a censorian nota might be opposed by a colleague, or removed by the following censors or by a judicial decision, or by a lex. Accordingly the censorian nota was not perpetual, and therein it differed essentially from infamia, which was perpetual.

The consequences of infamia were the loss of certain political rights, but not all. It was not a capitis deminutio, but it resembled it. The infamis became an ærarius, and lost the suffragium and honores; that is, he lost the capacity for certain so-called public rights, but not the capacity for private rights. Under the Empire, the infamia lost its effect as to public rights, for such rights became unimportant.

It might be doubted whether the loss of the suffragium was a consequence of infamia, but the affirmative side is maintained by Savigny with such reasons as may be pronounced completely conclusive. It appears from Livy[1] and Valerius Maximus[2] that the actores atellanarum were not either removed from their tribe (*nec tribu moventur*), nor incapable of serving in the army: in other words, such actors did not become infames, like other actors. The phrase "*tribu moveri*" is ambiguous, and may mean either to remove from one tribe to a lower, or to move from all the tribes, and so make a man an ærarius. Now the mere removing from one tribe to another must have been an act of the censors only, for it was necessary to fix the tribe into which the removal was made: but this could not be the case in a matter of infamia, which was the effect of a general rule, and a general rule could only operate in a general way; that is, "*tribu moveri*," as a consequence of infamia, must have been a removal from all the tribes, and a degradation to the state of an ærarius.[3]

The lex Julia Municipalis does not contain the word infamia, but it mentions nearly the same cases as those which the edict mentions as cases of infamia. The lex excludes persons who fall within its terms from being senatores, decuriones, conscripti of their city, from giving their vote in the senate of their city, and from magistracies which gave a man access to the senate: but it says nothing of the right of vote being taken away. Savigny observes that there would be no inconsistency in supposing that the lex refused only the honores in the municipal towns, while it still allowed infames to retain the suffragium in such towns, though the practice was different in Rome, if we consider that the suffragium in the Roman comitia was a high privilege, while in the municipal towns it was comparatively unimportant.

Cicero[4] speaks of the judicia fiduciæ, tutelæ, and societatis as "*summæ existimationis et pene capitis*." In another oration[5] he speaks of the possessio bonorum as a capitis causa, and, in fact, as identical with infamia. This capitis minutio, however, as already observed, affected only the public rights of a citizen; whereas the capitis deminutio of the imperial period, and the expression capitalis causa, apply to the complete loss of citizenship. This change manifestly arose from the circumstance of the public rights of the citizens under the Empire having become altogether unimportant, and thus the phrase capitis deminutio, under the Empire, applies solely to the individual's capacity for private rights.

In his private rights the infamis was under some incapacities. He could only postulate before the prætor on his own behalf, and on behalf of certain persons who were very nearly related to him, but not generally on behalf of all persons. Consequently, he could not generally be a cognitor or a procu

1. (Cic., Pro Quint., 15.—Tab. Heracl., i., 113–117.—Gaius, iv., 154.)—2. (Tab. Heracl., i., 123.)—3. (Dig. 3, tit. 1, s. 1.)—4. (Dig. 3, tit. 2, s. 1.)—5. (Cic., Pro Cluent., 43, 45.)—6. (Cic., Pro Cluent., 42, 43, 44, 46, 47.)

1. (vii., 2.)—2. (ii., 4, § 4.)—3. (Compare Liv., 45, 15.)—4. (Pro Rosc. Com., 6.)—5. (Pro Quint., 8, 9, 13, 15, 22

rator. Nor could a cause of action be assigned to him, for by the old law he must sue as the cognitor or procurator of the assignor ;[1] but this incapacity became unimportant when the cessio was effected by the utiles actiones without the intervention of a cognitor or procurator. The infamis could not sustain a popularis actio, for in such case he must be considered as a procurator of the state. The infamis was also limited as to his capacity for marriage, an incapacity which originated in the lex Julia.[2] This lex prohibited senators, and the children of senators, from contracting marriage with libertini and libertinæ, and also with other disreputable persons enumerated in the lex : it also forbade all freemen from marrying with certain disreputable women. The jurists made the following change : they made the two classes of disreputable persons the same, which were not the same before, and they extended the prohibition, both for senators and others, to all those whom the edict enumerated as infames. The provisions of the lex Julia did not render the marriage null, but it deprived the parties to such marriage of the privileges conferred by the lex ; that is, such a marriage did not release them from the penalties of celibacy. A senatus consultum, under M. Aurelius, however, made such marriage null in certain cases.[3]

INFAMIA (GREEK) (*ἀτιμία*). A citizen of Athens had the power to exercise all the rights and privileges of a citizen as long as he was not suffering under any kind of atimia, a word which in meaning nearly answers to our outlawry, in as far as a person forfeited by it the protection of the laws of his country, and mostly all the rights of a citizen also. The atimia occurs in Attica as early as the legislation of Solon, without the term itself being in any way defined in the laws,[4] which shows that the idea connected with it must, even at that time, have been familiar to the Athenians, and this idea was probably that of a complete civil death ; that is, an individual labouring under atimia, together with all that belonged to him (his children as well as his property), had, in the eyes of the state and the laws, no existence at all. This atimia, undoubtedly the only one in early times, may be termed a total one, and in cases where it was inflicted as a punishment for any particular crime, was generally also perpetual and hereditary ; hence Demosthenes, in speaking of a person suffering under it, often uses the expression *καθάπαξ ἄτιμος*, or *ἁπλῶς ἀτιμᾶται*.[5] A detailed enumeration of the rights of which an atimos was deprived is given by Æschines.[6] He was not allowed to hold any civil or priestly office whatever, either in the city of Athens itself, or in any town within the dominion of Athens ; he could not be employed as herald or ambassador ; he could not give his opinion, or speak either in the public assembly or in the senate ; he was not even allowed to appear within the extent of the agora ; he was excluded from visiting the public sanctuaries, as well as from taking part in any public sacrifice ; he could neither bring an action against a person from whom he had sustained an injury, nor appear as a witness in any of the courts of justice ; nor could, on the other hand, any one bring an action against him.[7] The right which, in point of fact, included most of those which we have here enumerated, was that of taking part in the popular assembly (*λέγειν* and *γρἰφειν*). Hence this one right is most frequently the only one which is mentioned as being forfeited by atimia.[1] The service in the Athenian armies was not only regarded in the light of a duty which a citizen had to perform towards the state, but as a right and a privilege ; of which, therefore, the atimos was likewise deprived.[2] When we hear that an atimos had no right to claim the protection of the laws if he was suffering injuries from others we must not imagine that it was the intention of the law to expose the atimos to the insults or ill-treatment of his former fellow-citizens, or to encourage the people to maltreat him with impunity, as might be inferred from the expression *οἱ ἄτιμοι τοῦ ἐθέλοντος* ;[3] but all that the law meant to do was that, if any such thing happened, the atimos had no right to claim the protection of the laws. We have above referred to two laws mentioned by Demosthenes, in which the children and the property of an atimos were included in the atimia. As regards the children or heirs, the infamy came to them as an inheritance which they could not avoid. (*Vid.* Heres, p. 497.) But when we read of the property of a man being included in the atimia, it can only mean that it shared the lawless character of its owner, that is, it did not enjoy the protection of the law, and could not be mortgaged. The property of an atimos for a positive crime, such as those mentioned below, was probably never confiscated, but only in the case of a public debtor, as we shall see hereafter ; and when Andocides[4] uses the expression *ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον*, the contrary which he had in view can only have been the case of a public debtor. On the whole, it appears to have been foreign to Athenian notions of justice to confiscate the property of a person who had incurred personal atimia by some illegal act.[5]

The crimes for which total and perpetual atimia was inflicted on a person were as follow : The giving and accepting of bribes, the embezzlement of public money, manifest proofs of cowardice in the defence of his country, false witness, false accusation, and bad conduct towards parents :[6] moreover, if a person, either by deed or by word, injured or insulted a magistrate while he was performing the duties of his office ;[7] if, as a judge, he had been guilty of partiality ;[8] if he squandered away his paternal inheritance, or was guilty of prostitution.[9] We have above called this atimia perpetual ; for if a person had once incurred it, he could scarcely ever hope to be lawfully released from it. A law, mentioned by Demosthenes,[10] ordained that the releasing of any kind of atimoi should never be proposed in the public assembly, unless an assembly consisting of at least 6000 citizens had previously, in secret deliberation, agreed that such might be done. And even then the matter could only be discussed in so far as the senate and people thought proper. It was only in times when the Republic was threatened by great danger that an atimos might hope to recover his lost rights, and in such circumstances the atimoi were sometimes restored *en masse* to their former rights.[11]

A second kind of atimia, which, though in its extent a total one, lasted only until the person subject to it fulfilled those duties for the neglect of which it had been inflicted, was not so much a punishment for any particular crime as a means of compelling a man to submit to the laws. This was the atimia of public debtors. Any citizen of Athens who owed money to the public treasury, whether his debt

1. (Gaius, ii., 39.)—2. (Ulp., Frag., xiii.)—3. (Savigny, System, &c., vol ii.)—4. (Demosth., c. Aristocrat., p. 640.)—5. (c. Meid., p. 542.—Id., c. Aristog., p. 779.—Id., c. Meid., p. 546.)—6. (c. Timarch., p. 44, 46.)—7. (Compare Demosth., c. Neær., p. 1353 ; c. Timoc., p. 739.—De Lib. Rhod., p. 200.—Philipp., iii., p. 122 ; c. Meid., p. 542.—Lysias, c. Andoc., p. 122.)

1. (Demosth., c. Timocr., p. 715, 717.—Æschin., c. Timarch., p. 54, &c.—Andocid., De Myst., p. 36.—Demosth., c. Androt., p. 602, 604.)—2. (Demosth., c. Timoc., p. 715.)—3. (Plato, Gorg., p. 508.)—4. (De Myst., p. 36.)—5. (Demosth., c. Lept., p. 504.)—6. (Andocid., l. c.)—7. (Demosth., c. Meid., p. 524.—Id., Pro Megalop., p. 200.)—8. (c. Meid., p. 543.)—9. (Diog. Laert., l., ii., 7.)—10. (c. Timocrat., p. 715.)—11. (Xen., Hellen., ii., 2, § 11.—Andocid., l. c.)

arose from a fine to which he had been condemned, or from a part he had taken in any branch of the administration, or from his having pledged himself to the state for another person, was in a state of total atimia if he refused to pay or could not pay the sum which was due. His children during his lifetime were not included in his atimia; they remained *ἐπίτιμοι*.[1] If he persevered in his refusal to pay beyond the time of the ninth prytany, his debt was doubled, and his property was taken and sold.[2] If the sum obtained by the sale was sufficient to pay the debt, the atimia appears to have ceased; but if not, the atimia not only continued to the death of the public debtor, but was inherited by his heirs, and lasted until the debt was paid off.[3] (Compare Heres, p. 496.) This atimia for public debt was sometimes accompanied by imprisonment, as in the case of Alcibiades and Cimon; but whether, in such a case, on the death of the prisoner, his children were likewise imprisoned, is uncertain. If a person living in atimia for public debt petitioned to be released from his debt or his atimia, he became subject to *ἐνδειξις*; and if another person made the attempt for him, he thereby forfeited his own property: if the proedros even ventured to put the question to the vote, he himself became atimos. The only, but almost impracticable, mode of obtaining release was that mentioned above in connexion with the total and perpetual atimia.

A third and only partial kind of atimia deprived the person on whom it was inflicted only of a portion of his rights as a citizen.[4] It was called the *ἀτιμία κατὰ πρόσταξιν*, because it was specified in every single case which particular right was forfeited by the atimos. The following cases are expressly mentioned: If a man came forward as a public accuser, and afterward either dropped the charge or did not obtain a fifth of the votes in favour of his accusation, he was not only liable to a fine of 1000 drachmæ, but was subjected to an atimia which deprived him of the right, in future, to appear as accuser in a case of the same nature as that in which he had been defeated or which he had given up.[5] If his accusation had been a *γραφὴ ἀσεβείας*, he also lost the right of visiting particular temples.[6] Some cases are also mentioned in which an accuser, though he did not obtain a fifth of the votes, was not subjected to any punishment whatever. Such was the case in a charge brought before the first archon respecting the ill-treatment of parents, orphans, or heiresses.[7] In other cases the accuser was merely subject to the fine of 1000 drachmæ, without incurring any degree of atimia.[8] But the law does not appear to have been strictly observed.[9] Andocides mentions some other kinds of partial atimia, but they seem to have had only a temporary application at the end of the Peloponnesian war; and the passage[10] is so obscure or corrupt, that nothing can be inferred from it with any certainty.[11] Partial atimia, when once inflicted, lasted during the whole of a man's life.

The children of a man who had been put to death by the law were also atimoi[12] (compare Heres, p. 497); but the nature or duration of this atimia is unknown.

If a person, under whatever kind of atimia he was labouring, continued to exercise any of the rights which he had forfeited, he might immediately be subjected to *ἀπαγωγή* or *ἐνδειξις*: and if his transgression was proved, he might, without any farther proceedings, be punished immediately.

The offences which were punished at Sparta with atimia are not so well known; and in many cases it does not seem to have been expressly mentioned by the law, but to have depended entirely upon public opinion, whether a person was to be considered and treated as an atimos or not. In general, it appears that every one who refused to live according to the national institutions lost the rights of a full citizen (*ὅμοιος*[1]). It was, however, a positive law, that whoever did not give or could not give his contribution towards the syssitia, lost his rights as a citizen.[2] The highest degree of infamy fell upon the coward (*τρέσας*) who either deserted from the field of battle, or returned home without the rest of the army, as Aristodemus did after the battle of Thermopylæ,[3] though in this case the infamy itself, as well as its humiliating consequences, were manifestly the mere effect of public opinion, and lasted until the person labouring under it distinguished himself by some signal exploit, and thus wiped off the stain from his name. The Spartans who in Sphacteria had surrendered to the Athenians, were punished with a kind of atimia which deprived them of their claims to public offices (a punishment common to all kinds of atimia), and rendered them incapable of making any lawful purchase or sale. Afterward, however, they recovered their rights.[4] Unmarried men were also subject to a certain degree of infamy, in as far as they were deprived of the customary honours of old age, were excluded from taking part in the celebration of certain festivals, and occasionally compelled to sing defamatory songs against themselves. No atimos was allowed to marry the daughter of a Spartan citizen, and was thus compelled to endure the ignominies of an old bachelor.[5] Although an atimos at Sparta was subject to a great many painful restrictions, yet his condition cannot be called outlawry; it was rather a state of infamy properly so called. Even the atimia of a coward cannot be considered equivalent to the civil death of an Athenian atimos, for we find him still acting to some extent as a citizen, though always in a manner which made his infamy manifest to every one who saw him.

(Lelyveld, *De Infamia ex Iure Attico*, Amstelod., 1835.—Wachsmuth, *Hellen Alterth.*, ii., 1, p. 243, &c.—Meier, *De Bonis Damnat.*, p. 101, &c.—Schömann, *De Comit. Ath.*, p. 67, &c., transl.—Hermann, *Polit. Ant. of Greece*, § 124 -Meier und Schömann, *Att. Proc.*, p. 563. On the Spartan atimia in particular, see Wachsmuth, ii., 1, p. 358, &c.—Müller, *Dor.*, iii., 10, § 3.)

INFANS, INFA'NTIA In the Roman law there were several distinctions of age which were made with reference to the capacity for doing legal acts. 1. The first period was from birth to the end of the seventh year, during which time persons were called infantes, or qui fari non possunt. 2. The second period was from the end of seven years to the end of fourteen or twelve years, according as the person was a male or a female, during which persons were defined as those qui fari possunt. The persons included in these first two classes were impuberes. 3. The third period was from the end of the twelfth or fourteenth to the end of the twenty-fifth year, during which period persons were adolescentes, adulti. The persons included in these three classes were minores xxv. annis or annorum, and were often, for brevity's sake, called minores

1. (Demosth., c. Theocrin., p. 1322.) — 2. (Andocid., l. c. — Demosth., c. Nicostrat., p. 1255; c. Neær., p. 1347.) — 3. (Demosth., c. Androt., p. 603.—Compare Böckh, Publ. Econ. of Athens, ii., p. 126.)—4. (Andocid., De Myst., p. 17 and 36.)—5. (Demosth., c. Aristog., p. 803.—Harpocrat., s. v. *Δώρων γραφή*.) —6. (Andocid., De Myst., p. 17.)—7. (Meier, De Bon. Damnat., p 133.)—8. (Pollux, Onom., viii., 53.)—9. (Böckh, Publ. Econ of Athens, ii., p. 112, &c.)—10. (De Myst., p. 36.)—11. (Wachsmuth. Hellen. Alterth., ii., 1, p 247, &c.) — 12. (Demosth., c. Arist g., p. 779.)

1. (Xen., De Rep. Laced., x., 7.—Id. ib., iii, 3.)—2. (Aristot., Polit., ii., 6, p. 50, ed. Göttling.) — 3. (Herod., vii., 231.) — 4. (Thucyd., v., 34.)—5. (Plut., Lysand., 30.—Müller, Dorians, iv. 4, § 3)

only (*vid.* CURATOR); and the persons included in the third and fourth class were puberes. 4. The fourth period was from the age of twenty-five, during which persons were majores.

The term impubes comprehends infans, as all infantes are impuberes, but all impuberes are not infantes. Thus the impuberes were divided into two classes: infantes, or those under seven years of age, and those above seven, who are generally understood by the term impuberes. Pupillus is a general name for all impuberes not in the power of a father.[1]

The commencement of pubertas was the commencement of full capacity to do legal acts. Before the commencement of pubertas, a person, according to the old civil law, could do no legal act without the auctoritas of a tutor. This rule was made for those impuberes who had property of their own; for it could have no application to impuberes who were in the power of a father. Now the age of pubertas was fixed as above mentioned, on the supposition that persons were then competent to understand the nature of their acts, and the age of twelve or fourteen was only fixed because it was necessary to fix some limit which might apply to all cases; but it was obvious that in many cases when a person bordered on the age of puberty (pubertati proximus), and had not yet attained it, he might have sufficient understanding to do many legal acts. Accordingly, a person who was proximus pubertati was in course of time considered competent to do certain legal acts without the auctoritas of a tutor; but, to secure him against fraud or mistake, he could only do such acts as were for his own advantage. This relaxation of the old law was beneficial both to the impubes and to others; but, owing to its being confined to such narrow limits of time, it was of little practical use, and, accordingly, it was extended as a positive rule to a longer period below the age of puberty, but still with the same limitation: the impubes could do no act to his prejudice without the auctoritas of a tutor. It was, however, necessary to fix a limit here also, and, accordingly, it was determined that such limited capacity to do legal acts should commence with the termination of infantia, which, legally defined, is that period after which a person, either alone or with a tutor, is capable of doing legal acts.

Infans properly means qui fari non potest; and he of whom could be predicated fari potest, was not infans, and was capable of doing certain legal acts. The phrase qui fari potest is itself ambiguous; but the Romans, in a legal sense, did not limit it to the mere capacity of uttering words, which a child of two or three years generally possesses, but they understood by it a certain degree of intellectual development; and, accordingly, the expression qui fari potest expressed not only that degree of intellectual development which is shown by the use of intelligible speech, but also a capacity for legal acts in which speech was required. Thus the period of infantia was extended beyond that which the strict etymological meaning of the word signifies, and its termination was fixed by a positive rule at the end of the seventh year, as appears by numerous passages.[2]

The expressions proximus pubertati, and proximus infantiæ or infanti,[3] are used by the Roman jurists to signify respectively one who is near attaining pubertas, and one who has just passed the limit of infantia.[4] (*Vid.* IMPUBES.)

INFERIÆ. (*Vid.* FUNUS, p. 462.)

INFULA, a flock of white and red wool, which was slightly twisted, drawn into the form of a wreath or fillet, and used by the Romans for ornament on festive and solemn occasions. In sacrificing it was tied with a white band (*vid.* VITTA) to the head of the victim,[1] and also of the priest, more especially in the worship of Apollo and Diana.[2] The "torta infula" was worn also by the vestal virgins.[3] Its use seems analogous to that of the lock of wool worn by the flamines and salii. (*Vid* APEX). At Roman marriages, the bride, who carried wool upon a distaff in the procession (*vid.* FUSUS, p. 465), fixed it as an infula upon the door-case of her future husband on entering the house.[4]

INGE'NUI, INGENUITAS. According to Gaius,[5] ingenui are those free men who are born free. Consequently, freedmen (*libertini*) were not ingenui, though the sons of libertini were ingenui; nor could a libertinus by adoption become ingenuus.[6] If a female slave (*ancilla*) was pregnant, and was manumitted before she gave birth to a child, such child was born free, and therefore was ingenuus. In other cases, also, the law favoured the claim of free birth, and, consequently, of ingenuitas.[7] If a man's ingenuitas was a matter in dispute, there was a judicium ingenuitatis.[8]

The words ingenuus and libertinus are often opposed to one another; and the title of freeman (*liber*), which would comprehend libertinus, is sometimes limited by the addition of ingenuus (*liber et ingenuus*[9]). According to Cincius, in his work on Comitia, quoted by Festus,[10] those who, in his time, were called ingenui, were originally called patricii, which is interpreted by Goettling to mean that gentiles were originally called ingenui also: a manifest misunderstanding of the passage. If this passage has any certain meaning, it is this: originally the name ingenuus did not exist, but the word patricius was sufficient to express a Roman citizen by birth. This remark, then, refers to a time when there were no Roman citizens except patricii; and the definition of ingenuus, if it had then been in use, would have been a sufficient definition of a patricius. But the word ingenuus was introduced, in the sense here stated, at a later time, and when it was wanted for the purpose of indicating a citizen by birth, merely as such. Thus, in the speech of Appius Claudius Crassus,[11] he contrasts with persons of patrician descent, "*Unus Quiritium quilibet, duobus ingenuis ortus.*" Farther, the definition of gentilis by Scævola (*vid.* GENS, p. 468) shows that a man might be ingenuus and yet not gentilis, for he might be the son of a freedman; and this is consistent with Livy.[12] If Cincius meant his proposition to be as comprehensive as the terms will allow us to take it, the proposition is this: All (now) ingenui comprehend all (then) patricii; which is untrue.

Under the Empire, ingenuitas, or the jura ingenuitatis, might be acquired by the imperial favour; that is, a person not ingenuus by birth was made so by the sovereign power. A freedman who had obtained the jus annulorum aureorum was considered ingenuus; but this did not interfere with the patronal rights.[13] By the natalibus restitutio, the princeps gave to a libertinus the character of ingenuus; a form of proceeding which involved the theory of the original freedom of all mankind, for the libertinus was restored, not to the state in which he had been born, but to his supposed original state of freedom. In this case the patron lost his patro-

1. (Dig. 50, tit. 16, s. 239.)—2. (Dig. 26, tit. 7, s. 1; 23, tit. 4, s. 14.—Cod. 6, tit. 30, s. 18.—Quintilian, Inst. Or., i., 1. —Isidorus. Orig., xi., 2.)—3. (Gaius, iii., 109.)—4. (Savigny, System des heut. R. R., vol. iii.)

1. (Virg., Georg., iii., 487.—Lucret., i., 88.—Suet., Calig., 27.)—2. (Virg., Æn., ii., 430.—Id. ib., x., 538.—Servius, in loc.—Isid., Orig., xix., 30.—Festus, s. v. Infulæ.)—3. (Prud., c. Syra., ii., 1085, 1094.)—4 (Lucan, ii., 355.—Plin., H. N., xxix., 2.—Servius in Virg., Æn., iv., 458.)—5. (i., 11.)—6. (Gell., v., 19.)—7. (Paulus, Sent. Recept., iii., 24, and v., 1, "De Liberali Causa.")—8. (Tacit., Ann., xiii., 27.—Paulus, S. R., v., 1)—9 (Hor., Ep. ad Pis., 383.)—10. (s. v. Patricios.)—11 (Liv., m 40.)—12. (x., 8.)—13. (Dig. 40, tit. 10, s. 5 and 6.)

nal rights by a necessary consequence, if the fiction were to have its full effect.[1] It seems that questions as to a man's ingenuitas were common at Rome, which is not surprising when we consider that patronal rights were involved in them.

*INGUINA'LIS, a plant, the same with the *βουβώνιον*, or *ἀστὴρ ἀττικός*, which see.

INJU'RIA. Injuria was done by striking or beating a man either with the hand or with anything; by abusive words (*convicium*); by the proscriptio bonorum, when the claimant knew that the alleged debtor was not really indebted to him, for the bonorum proscriptio was accompanied with infamia to the debtor;[2] by libellous writings or verses; by soliciting a materfamilias or a prætextatus (*vid.* Impubes), and by various other acts. A man might sustain injuria either in his own person, or in the person of those who were in his power or in manu. No injuria could be done to a slave, but certain acts done to a slave were an injuria to his master, when the acts were such as appeared from their nature to be insulting to the master; as, for instance, if a man should flog another man's slave, the master had a remedy against the wrong-doer, which was given him by the prætor's formula. But in many other cases of a slave being maltreated, there was no regular formula by which the master could have a remedy, and it was not easy to obtain one from the prætor.

The Twelve Tables had various provisions on the subject of injuria. Libellous songs or verses were followed by capital punishment, that is, death, as it appears.[3] In the case of a limb being mutilated, the punishment was talio.[4] In the case of a broken bone, the penalty was 300 asses if the injury was done to a freeman, and 150 if it was done to a slave. In other cases the Tables fixed the penalty at 25 asses.[5]

These penalties, which were considered sufficient at the time when they were fixed, were afterward considered to be insufficient; and the injured person was allowed by the prætor to claim such damages as he thought that he was entitled to, and the judex might give the full amount or less. But in the case of a very serious injury (*atrox injuria*), when the prætor required security for the defendant's appearance to be given in a particular sum, it was usual to claim such sum as the damages in the plaintiff's declaration; and though the judex was not bound to give damages to that amount, he seldom gave less. An injuria had the character of atrox, either from the act itself, or the place where it was done, as, for instance, a theatre or forum, or from the status of the person injured, as if he were a magistratus, or if he were a senator and the wrong-doer were a person of low condition.

A lex Cornelia specially provided for cases of pulsatio, verberatio, and forcible entry into a man's house (*domus*). The jurists who commented on this lex defined the legal meaning of pulsatio, verberatio, and domus.[6]

The actions for injuria were gradually much extended, and the prætor would, according to the circumstances of the case (*causa cognita*), give a person an action in respect of any act or conduct of another, which tended, in the judgment of the prætor, to do him injury in reputation or to wound his feelings.[7] Many cases of injuria were subject to a special punishment,[8] as deportatio; and this proceeding extra ordinem was often adopted instead of the civil action. Various imperial constitutions affixed the punishment of death to libellous writings (*famosi libelli*).

Infamia was a consequence of condemnation in an actio injuriarum (*Vid.* Infamia.) He who brought such an action per calumniam was liable to be punished extra ordinem.[1]

INJURIA'RUM ACTIO. (*Vid.* Injuria.)

INO'A (*Ἰνῶα*), festivals celebrated in several parts of Greece, in honour of the ancient heroine Ino. At Megara she was honoured with an annual sacrifice, because the Megarians believed that her body had been cast by the waves upon their coast, and that it had been found and buried there by Cleso and Tauropolis.[2] Another festival of Ino was celebrated at Epidaurus Limera, in Laconia. In the neighbourhood of this town there was a small but very deep lake, called the water of Ino, and at the festival of the heroine the people threw barley-cakes into the water. When the cakes sank, it was considered a propitious sign, but when they swam on the surface it was an evil sign.[3] An annual festival, with contests and sacrifices, in honour of Ino, was also held on the Corinthian Isthmus, and was said to have been instituted by King Sisyphus.[4]

INOFFICIO'SUM TESTAMEN'TUM. (*Vid* Testamentum.)

INQUILI'NUS. (*Vid.* Banishment, Roman, p. 137.)

INSA'NIA, INSA'NUS. (*Vid.* Curator.)

*INSECTA. (*Vid.* Entoma.)

INSIGNE (*σημεῖον, ἐπίσημα, ἐπίσημα, παράσημον*), a Badge, an Ensign, a mark of distinction. Thus the Bulla worn by a Roman boy was one of the insignia of his rank.[5] Five classes of insignia more especially deserve notice:

I. Those belonging to officers of state or civil functionaries of all descriptions, such as the Fasces carried before the Consul at Rome, the laticlave and shoes worn by senators (*vid.* Calceus, p. 190; Clavus, p. 264), the carpentum and the sword bestowed by the emperor upon the præfect of the prætorium.[6] The Roman Equites[7] were distinguished by the "equus publicus," the golden ring, the angustus clavus,[8] and the seat provided for them in the theatre and the circus.[9] The insignia of the kings of Rome, viz., the trabea, the toga prætexta, the crown of gold, the ivory sceptre, the sella curulis, and the twelve lictors with fasces, all of which, except the crown and sceptre, were transferred to subsequent denominations of magistrates, were copied from the usages of the Tuscans and other nations of early antiquity.[10]

II. Badges worn by soldiers. The centurions in the Roman army were known by the crests of their helmets (*vid.* Galea), and the common men by their shields, each cohort having them painted in a manner peculiar to itself.[11] (*Vid.* Clipeus.) Among the Greeks, the devices sculptured or painted upon shields (see woodcut, p. 84), both for the sake of ornament and as badges of distinction, employed the fancy of poets and of artists of every description from the earliest times. Thus the seven heroes who fought against Thebes, all except Amphiaraus, had on their shields expressive figures and mottoes, differently described, however, by different authors.[12] Alcibiades, agreeably to his general character, wore a shield richly decorated with ivory and gold, and

1. (Dig. 40, tit. 11.)—2. (Cic., Pro Quint., 6, 15, 16.)—3. (Cic., Rep., iv., 10, and the notes in Mai's edition.)—4. (Festus, s. v. Talio.)—5. (Gellius, xvi., 10.—Id., xx., 1.—Dirksen, Uebersicht, &c.)—6. (Dig. 47, tit. 10, s. 5.)—7. (*Vid.* Dig. 47, tit. 10, s. 15; 22, 23, 24, &c.)—8. (Dig. 47, tit. 11.)

1. (Gaius, iii., 220–225.—Hor., Sat., I., i., 80.—Dig. 47, tit. 10.—Cod. Theod., ix., tit. 34.—Cod. ix., tit. 36.—Paulus, Sent. Recept., v., tit. 4.)—2. (Paus., i., 42, § 8.)—3. (Paus., iii., 23, § 5.)—4. (Tzetzes ad Lycophr.)—5. (Cic., Verr., ii., 1, 58.)—6. (Lydus, De Mag., ii., 3, 9.)—7. (p. 396.)—8. (p. 242.)—9. (C. G. Schwartz, Diss. Selectæ, p. 84–101.)—10. (Flor., i., 5.—Sall., B. Cat., 51.—Virg., Æn., vii., 188, 612.—Id. ib., xi., 334.—Lydus, De Mag., i., 7, 8, 37.)—11. (Veget., ii., 17.—Compare Cæs., Bell. Gall., vii., 45.)—12. (Æschyl., Sept., c. Theb., 383–646.—Eurip., Phœn., 1125–1156.—Apollodor., Bibl., iii., 6, 1.)

exhibiting a representation of Cupid brandishing a thunderbolt.[1] The first use of these emblems on shields is attributed to the Carians;[2] and the fictitious employment of them to deceive and mislead an enemy was among the stratagems of war.[3]

III. Family badges. Among the indignities practised by the Emperor Caligula, it is related that he abolished the ancient insignia of the noblest families, viz., the torques, the cincinni, and the cognomen "Magnus."[4]

IV. Signs placed on the front of buildings. A figure of Mercury was the common sign of a GYMNASIUM, but Cicero had a statue of Minerva to fulfil the same purpose.[5] Cities had their emblems as well as separate edifices; and the officer of a city sometimes affixed the emblem to public documents, as we do the seal of a municipal corporation.[6]

V. The figure-heads of ships. The insigne of a ship was an image placed on the prow, and giving its name to the vessel.[7] Thus the ship figured in p. 58 would probably be called the Triton.[8] (Compare woodcut, p. 480.) Paul sailed from Melite to Puteoli in the Dioscuri, a vessel which traded between that city and Alexandrea.[9] Enschedé has drawn out a list of one hundred names of ships which occur either in classical authors or in ancient inscriptions.[10] The names were those of gods and heroes, together with their attributes, such as the helmet of Minerva, painted on the prow of the ship which conveyed Ovid to Pontus (*a picta cassidis nomen habet*[11]); of virtues and affections, as Hope, Concord, Victory; of countries, cities, and rivers, as the Po, the Mincius,[12] the Delia, the Syracuse, the Alexandrea;[13] and of men, women, and animals, as the boar's head, which distinguished the vessels of Samos[14] (woodcut, p. 429), the swan (*vid.* CHENISCUS), the tiger,[15] the bull (*προτομὴν ταύρου*[16]). Plutarch mentions a Lycian vessel with the sign of the Lion on its prow, and that of the serpent on its poop.[17] After an engagement at sea, the insigne of a conquered vessel, as well as its aplustre, was often taken from it, and suspended in some temple as an offering to the god.[18] Figure-heads were probably used from the first origin of navigation. On the war-galleys of the Phœnicians, who called them, as Herodotus says,[19] *πάταικοι*, *i. e.*, "carved images," they had sometimes a very grotesque appearance.

Besides the badge which distinguished each individual ship, and which was either an engraved and painted wooden image, forming part of the prow, or a figure often accompanied by a name and painted on both the bows of the vessel, other insignia, which could be elevated or lowered at pleasure, were requisite in naval engagements. These were probably flags or standards, fixed to the aplustre or to the top of the mast, and serving to mark all those vessels which belonged to the same fleet or to the same nation. Such were "the Attic" and "the Persic signals" (*τὸ Ἀττικὸν σημεῖον*[20]).

INSTITA (*περιπόδιον*), a Flounce, a Fillet. The Roman matrons sometimes wore a broad fillet, with ample folds, sewed to the bottom of the tunic, and reaching to the instep. The use of it indicated a superior regard to decency and propriety of manners.[1] It must have resembled a modern flounce. By the addition of gold and jewelry, it took the form of the more splendid and expensive CYCLAS.

When this term denoted a fillet, which was used by itself, as in the decoration of a THYRSUS,[2] it was equivalent to VITTA or FASCIA. (*Vid.* TUNICA.)

INSTITOR. (*Vid.* INSTITORIA ACTIO.)

INSTITORIA ACTIO. This actio or formula was allowed against a man who had appointed either his son or a slave, and either his own or another man's slave, or a free person, to manage a taberna, or any other business for him. The contracts with such manager, in respect of the taberna or other business, were considered to be contracts with the principal. The formula was called institoria, because he who was appointed to manage a taberna was called an institor. And the institor, it is said, was so called, "*quod negotio gerendo instet sive insistat.*" If several persons appointed an institor any one of them might be sued for the whole amount for which the persons were liable on the contract of their institor; and if one paid the demand, he had his redress over against the others by a societatis judicium or communi dividundo. A great deal of business was done through the medium of institores, and the Romans thus carried on various lucrative occupations in the name of their slaves, which they could not or would not have carried on personally. Institores are coupled with nautæ by Horace,[3] and with the magister navis.[4]

INSTITUTIONES. It was the object of Justinian to comprise in his Code and Digest or Pandect a complete body of law. But these works were not adapted to the purpose of elementary instruction, and the writings of the ancient jurists were no longer allowed to have any authority, except so far as they had been incorporated in the Digest. It was, therefore, necessary to prepare an elementary treatise, for which purpose Justinian appointed a commission, consisting of Tribonianus, Theophilus, and Dorotheus. The commission was instructed to compose an institutional work which should contain the elements of the law (*legum cunabula*), and should not be encumbered with useless matter. Accordingly, they produced a treatise under the title of Institutiones, or Elementa,[6] which was based on former elementary works of the same name and of a similar character, but chiefly on the Commentarii of Caius or Gaius, his Res Quotidianæ, and various other commentarii. The Institutiones were published with the imperial sanction, at the close of the year A.D. 533, at the same time as the Digest.

The Institutiones consist of four books, which are divided into titles. The first book treats chiefly of matters relating to personal status; the second treats chiefly of property and its incidents, and of testaments, legacies, and fideicommissa; the third treats chiefly of successions to the property of intestates, and matter incident thereto, and on obligations not founded on delict; the fourth treats chiefly of obligations founded on delict, actions and their incidents, interdicts, and of the judicia publica. The judicia publica are not treated of by Gaius in his Commentaries. Heineccius, in his Antiquitatum Romanarum Jurisprudentiam illustrantium Syntagma, has followed the order of the Institutiones. Theophilus, generally considered to be the person who was one of the compilers of the Institutiones, wrote a Greek paraphrase upon them, which is still extant, and is occasionally useful. The best edition of the paraphrase of Theophilus is that of W. O. Reitz, Haag, 1751, 2 vols. 4to. There are

1. (Athen., xii., 47.)—2. (Herod., i., 171.)—3. (Paus., iv., 28, § 3.—Virg., Æn., ii., 389-392.)—4. (Suet., Calig., 35.)—5. (ad Att., i., 4.)—6. (Antig., Caryst., 15.)—7. (Tacit., Ann., vi., 34.—Cæs., B. Civ., ii., 6.)—8. (Stat., Theb., v., 372.—Virg., Æn., x., 209-212.)—9. (Acts, xxviii., 11.)—10. (Diss., "De Tut. et Insignibus Navium," reprinted in Ruhnken's Opusc., p. 257-305.)—11. (Trist., i., 9, 2.)—12. (Virg., Æn., x., 206.)—13. (Athen., v., 43.)—14. (Herod., iii., 59.—Chœrilus, p. 155, ed. Naeke.—Hesych., s. v. Σαμιακὸς τρόπος.—Eust. in Hom., Od., xiii., p. 525.)—15. (Virg., Æn., x., 166.)—16. (Schol. in Apoll. Rhod., ii., 168.)—17. (De Mul. Virt., p. 441, ed. Steph.)—18. (Plut., Themist., p. 217.)—19. (iii., 37.)—20. (Polyæn., iii., 11, 11; viii., 53. 1.—Becker, Char., ii., p. 63.)

1. (Hor., Sat., I., ii., 29.—Ovid, Ars Amat., i., 32.)—2. (Stat., Theb., vii., 654.)—3. (Ep., xvii., 20.)—4. (Carm., III., vi., 36.—Consult Gaius, iv., 71.—Dig. 14, tit. 3)—5. (Procem Inst.)—6. ("De Juris Docendi Ratione.")

numerous editions of the Latin text of the Institutiones. The editio princeps is that of Mainz, 1468, fol.; that of Klenze and Bœcking, Berlin, 1829, 4to, contains both the Institutiones and the Commentarii of Gaius; the most recent edition is that of Schrader, Berlin, 1832 and 1836.

There were various institutional works written by the Roman jurists. There still remain fragments of the Institutiones of Ulpian, which appear to have consisted of two books. The four books of the Institutiones of Gaius were formerly only known from a few excerpts in the Digest, from the Epitome contained in the Breviarium, from the Collatio, and a few quotations in the Commentary of Boëthius on the Topica of Cicero, and in Priscian.

The MS. of Gaius was discovered in the library of the Chapter of Verona, by Niebuhr, in 1816. It was first copied by Gœschen and Bethman-Hollweg, and an edition was published by Gœschen in 1820. The deciphering of the MS. was a work of great labour, as it is a palimpsest, the writing on which has been washed out, and in some places erased with a knife, in order to adapt the parchment for the purposes of the transcriber. The parchment, after being thus treated, was used for transcribing upon it some works of Jerome, chiefly his epistles. The old writing was so obscure that it could only be seen by applying to it an infusion of gallnuts. A fresh examination of the MS. was made by Bluhme, but with little additional profit, owing to the condition of the manuscript. A second edition of Gaius was published by Gœschen in 1824, with valuable notes, and an Index Siglarum used in the MS. The preface to the first edition contains the complete demonstration that the MS. of Verona is the genuine Commentaries of Gaius, though the MS. itself has no title.

The arrangement of the matter in the Institutiones of Gaius resembles that of the Institutiones of Justinian, which were founded on them. The first book treats of the status of persons; the second treats De Rerum Divisione et Acquisitione, and comprehends legacies and fideicommissa; the third book treats of successions ab intestato, and obligations founded on contract and delict; the fourth treats solely of actions, and matters connected therewith.

There has been a great difference of opinion as to the age of Gaius, but it appears from the Institutiones that he wrote that work under Antoninus Pius and M. Aurelius.

Many passages in the Fragments of Ulpian are the same as passages in Gaius, which may be explained by assuming that both these writers copied such parts from the same original. Though the Institutiones of Justinian were mainly based on those of Gaius, it is clear that the compilers of the Institutiones of Justinian often followed some other work; and, in some instances, the Institutiones of Justinian are more clear and explicit than those of Gaius. An instance of this occurs in Gaius[1] and the Institutiones of Justinian.[2]

Gaius belonged to the school of the Sabiniani. (*Vid* Jurisconsulti.) The jurists whom he cites in the Institutiones are Cassius, Fufidius, Javolenus, Julianus, Labeo, Maximus, Q. Mucius, Ofilius, Proculus, Sabinus, Servius, Servius Sulpicius, Sextus, Tubero.

INSTITUTO'RIA ACTIO. (*Vid.* Intercessio.)

I'NSULA. (*Vid.* House, Roman, p. 519.)

INTE'NTIO. (*Vid.* Actio, p. 20.)

I'NTEGRUM RESTITUTIO, IN. (*Vid.* Restitutio.)

INTERCE'SSIO. The verb intercedere is variously applied to express the act of him who in any way undertakes an obligation for another. Sponsores, fidepromissores, and fidejussores, may be said intercedere. With respect to one another, sponsores were consponsores.[1] Sponsores and fidepromissores were nearly in the same condition; fidejussores were in a somewhat different legal relation.

Sponsores and fidepromissores could only become parties to an obligatio verborum, though in some cases they might be bound, when their principal (*qui promiserit*) was not, as in the case of a pupillus who promised without the auctoritas of his tutor, or of a man who promised something after his death. A fidejussor might become a party to all obligations, whether contracted re, verbis, literis, or consensu. In the case of a sponsor, the interrogatio was, Idem dare spondes? in the case of a fidepromissor, it was, Idem fidepromittis? in the case of a fidejussor, it was, Idem fide tua esse jubes? The object of having a sponsor, fidepromissor, or fidejussor, was greater security to the stipulator. On the other hand, the stipulator had an adstipulator only when the promise was to pay something after the stipulator's death; for if there was no stipulator, the stipulatio was inutilis or void.[2] The adstipulator was the proper party to sue after the stipulator's death, and he could be compelled by a mandati judicium to pay to the heres whatever he recovered.

The heres of a sponsor and fidepromissor was not bound, unless the fidepromissor were a peregrinus, whose state had a different law on the matter; but the heres of a fidejussor was bound. By the lex Furia, a sponsor and fidepromissor were free from all liability after two years, which appears to mean two years after the obligation had become a present demand. All of them who were alive at the time when the money became due could be sued, but each only for his share. Fidejussores were never released from their obligation by length of time, and each was liable for the whole sum; but by a rescript (*epistola*) of Hadrian, the creditor was required to sue the solvent fidejussores separately, each according to his proportion.

A lex Apuleia, which was passed before the lex Furia, gave one of several sponsores or fidepromissores, who had paid more than his share, an action against the rest for contribution. Before the passing of this lex Apuleia, any one sponsor or fidepromissor might be sued for the whole amount; but this lex was obviously rendered useless by the subsequent lex Furia, at least in Italy, to which country alone the lex Furia applied, while the lex Apuleia extended to places out of Italy.

A fidejussor, who had been compelled to pay the whole amount, had no redress if his principal was insolvent; though, as already observed, he could, by the rescript of Hadrian, compel the creditor to limit his demand against him to his share.

A creditor was obliged formally to declare his acceptance of the sponsores or fidepromissores who were offered to him, and also to declare what was the object as to which they were security: if he did not comply with this legal requisition, the sponsores and fidepromissores might, within thirty days (it is not said what thirty days, but probably thirty days from the time of the sureties being offered), demand a præjudicium (*præjudicium postulare*), and if they proved that the creditor had not complied with the requisitions of the law, they were released.

A lex Cornelia limited the amount for which any person could be a security for the same person to the same person within the same year, but with some exceptions, one of which was a security "*dotis nomine.*" No person could be bound in a greater amount than his principal, but he might be bound

1. (iii., 109.)—2 (iii., tit. 19, s. 10.)

1. (Cic. ad Att., xii., 17.)—2. (Gaius, iii., 100, 117.)

in less, and every surety could recover on a mandati judicium from his principal whatever he had been compelled to pay on his account. By a lex Publilia, sponsores had a special action in duplum, which was called an actio depensi.

There is a passage in the Epitome of Gaius in the Breviarium,[1] which is not taken from Gaius; it is to this effect: The creditor may sue either the debtor or his fidejussor; but after he has chosen to sue one of them, he cannot sue the other.—Cicero appears to allude to the same doctrine[2] in a passage which is somewhat obscure, and is variously explained. The subject of the sponsio often occurs in Cicero's letters; and in one case he was called upon in respect of a sponsio alleged to have been given by him twenty-five years before.[3] Cicero does not raise any difficulty as to the time that had elapsed, from which it must be inferred either that the obligation had only recently become a demand, or that the rule about the two years did not exist in his time. Cicero uses the expression "*appellare*" to express calling on a surety to pay.[4]

Women generally were incapacitated from doing many acts on account of the weakness of the sex. It was a general rule that any person might "intercedere," who was competent to contract and to dispose of his property; but minores xxv. and women had only a limited capacity in respect of their contracts and the disposition of their estates. In the early part of the reign of Augustus and in that of Claudius, it was declared by the edict that women should not "intercedere" for their husbands. Subsequently, in the consulship of M. Silanus and Velleius Tutor (A.D. 10), the senatus consultum Velleianum was passed, which absolutely prohibited all intercessio by women; and the Novella, 134, c. 8, had for its special object to make null all intercessio of a wife for her husband. A woman who was sued in respect of her intercessio or her heres, might plead the senatus consultum, and she might recover anything that she had paid in respect of her intercessio. The senatus consultum, though it made null the intercessio of a woman, protected the creditor so far as to restore to him a former right of action against his debtor and fidejussores: this action was called restitutoria or rescissoria. In the case of a new contract, to which the woman was a party, the intercessio was null by the senatus consultum, and the creditor had the same action against the person for whom the woman "intercessit" as he would have had against the woman: this action, inasmuch as the contract had no reference to a former right, but to a right arising out of the contract, was institutoria. In certain cases, a woman was permitted to renounce the benefit of the senatus consultum.[5]

INTERCE'SSIO was the interference of a magistratus to whom an appeal (*vid.* APPELLATIO) was made. The object of the intercessio was to put a stop to proceedings, on the ground of informality or other sufficient cause. Any magistratus might "intercedere" who was of equal rank with, or of rank superior to the magistratus from or against whom the appellatio was. Cases occur in which one of the prætors interposed (*intercessit*) against the proceedings of his colleague.[6] The intercessio is most frequently spoken of with reference to the tribunes, who originally had not jurisdictio, but used the intercessio for the purpose of preventing wrong which was offered to a person in their presence.[7] The intercessio of the tribunes of the plebs was auxilium;[8] and it might be exercised either in jure or in judicio. The tribune qui intercessit could prevent a judicium from being instituted. That there could be an intercessio after the litis contestatio appears from Cicero.[1] The tribunes could also use the intercessio to prevent execution of a judicial sentence.[2] T. Gracchus interfered (*intercessit*) against the prætor Terentius, who was going to order execution in the case of L. Scipio, who was condemned for peculation,[3] and he prevented Scipio being sent to prison, but he did not interfere to prevent execution being had on his property. A single tribune could effect this, and against the opinion of his colleagues, which was the case in the matter of L. Scipio. (*Vid.* TRIBUNI.)

INTERCI'SI DIES. (*Vid.* DIES, p. 362.)

INTERDI'CTIO AQUÆ ET IGNIS. (*Vid.* BANISHMENT, ROMAN.)

INTERDICTUM. "In certain cases (*certis ex causis*), the prætor or proconsul, in the first instance (*principaliter*), exercises his authority for the termination of disputes. This he chiefly does when the dispute is about possession or quasi-possession; and the exercise of his authority consists in ordering something to be done, or forbidding something to be done. The formulæ and the terms, which he uses on such occasions, are called either interdicta or decreta. They are called decreta when he orders something to be done, as when he orders something to be produced (*exhiberi*) or to be restored: they are called interdicta when he forbids something to be done, as when he orders that force shall not be used against a person who is in possession rightfully (*sine vitio*), or that nothing shall be done on a piece of sacred ground. Accordingly, all interdicta are either restitutoria, or exhibitoria, or prohibitoria."[4]

This passage contains the essential distinction between an actio and an interdictum, so far as the prætor or proconsul is concerned. In the case of an actio, the prætor pronounces no order or decree, but he gives a judex, whose business it is to investigate the matter in dispute, and to pronounce a sentence consistently with the formula, which is his authority for acting. In the case of an actio, therefore, the prætor neither orders nor forbids a thing to be done, but he says judicium dabo. In the case of an interdict, the prætor makes an order that something shall be done or shall not be done, and his words are accordingly words of command: restituas, exhibeas, vim fieri veto. This *immediate* interposition of the prætor is appropriately expressed by the word "principaliter," the full effect of which is more easily seen by its juxtaposition with the other words of the passage, than by any attempt to find an equivalent English expression.

Savigny observes that it may be objected to this exposition, that in one of the most important interdicts, that De Vi, the formula is judicium dabo.[5] But, as he observes, the old genuine formula was restituas;[6] and the "judicium dabo" must have been introduced when the formulæ of the two old interdicts[7] were blended together, and at a time when the distinctions between the old formulæ had become a matter of indifference.

The mode of proceeding as to the interdict was as follows: The party aggrieved stated his case to the prætor, which was the foundation of his demand of an interdict, and was therefore analogous to the postulatio actionis. If the prætor saw sufficient reason, he might grant the interdict, which was often nothing more than the words of the edict addressed to the litigant parties; and in doing so, he

1. (ii., 9, § 2.)—2. (ad Att., xvi., 15.)—3. (ad Att., xii., 17.)—4. (ad Att., i., 8.—Compare Gaius, iii., 115–127.—Dig. 44, tit. 7, 46. tit. 1.)—5. (Dig. 16, tit. 1: ad S. C. Velleianum.—Paulus, S. R., ii., tit. 11.)—6. (Cic. in Verr., i., 46.)—7. (Gell., xiii., 12.)—8. 'Cic., Pro Quint., 7, 20.)

1. (Cic., Pro Tullio, c. 38.)—2. (Liv., vi., 27.)—3 (Liv xxxviii., 60.—Gell., vii., 19.)—4. (Gaius, iv., 139, 140. —5. (Dig 43, tit. 16, s. 1.)—6. (Cic., Pro Cæcin., 8, 30.)—7. ("De Vi Armata" and "De Vi Quotidiana.")

used his "*auctoritas finiendis controversiis*" in the first instance or immediately, and without the intervention of a judex (*principaliter*), and also "*certis ex causis*," that is, in cases already provided for by the edict. If the defendant either admitted the plaintiff's case before the interdict was granted, and complied with its terms, or submitted to the interdict after it was granted, the dispute was, of course, at an end. This is not stated by Gaius, but follows of necessity from the nature of the case; and when he goes on to say "that when the prætor has ordered anything to be done or forbidden anything to be done, the matter is not then ended, but the parties go before a judex or recuperatores," he means that this farther proceeding takes place if the prætor's interdict does not settle the matter. The whole form of proceeding is not clearly stated by some modern writers, but the following is consistent with Gaius:

The complainant either obtained the interdict or he did not, which would depend upon the case he made out before the prætor. If he failed, of course the litigation was at an end; and if he obtained the interdict, and the defendant complied with its terms, the matter in this case also was at an end. If the defendant simply did not obey the terms of the interdict, it would be necessary for the complainant again to apply to the prætor, in order that this fact might be ascertained, and that the plaintiff might give full satisfaction. If the defendant was dissatisfied with the interdict, he might also apply to the prætor for an investigation into the facts of the case: his allegation might be that there was no ground for the interdict. He might also apply to the prætor on the ground that he had satisfied the terms of the interdict, though the plaintiff was not satisfied, or on the ground that he was unable to do more than he had done. In all these cases, when the prætor's order did not terminate the dispute, he directed an inquiry by certain formulæ, which were the instruction of the judex, recuperatores, or arbiter. The inquiry would be, Whether anything had been done contrary to the prætor's edict; or Whether that had been done which he had ordered to be done: the former inquiry would be made in the case of a prohibitory interdict, and the latter in the case of an exhibitory or restitutory interdict. With regard to the expression just used, namely, "the prætor's edict," it must be observed that "edict" is the word used by Gaius, but that he means "interdict." He uses "edict" because the "interdict" would only be granted in such cases as were provided for by the "edict" (*certis ex causis*), and thus an interdict was only an application of the "edict" to a particular case.

In the case of interdicta prohibitoria there was always a sponsio; that is, the parties were required to deposite or give security for a sum of money, the loss of which was in the nature of a penalty (*pœna*) to the party who failed before the judex: this sponsio was probably required by the prætor. In the case of interdicta restitutoria and prohibitoria, the proceeding was sometimes per sponsionem, and therefore before a judex or recuperatores, and sometimes, without any sponsio, per formulam arbitrariam, that is, before an arbiter. In the case of these two latter interdicts, it seems to have depended on the party who claimed the inquiry whether there should be a sponsio or not: if such party made a sponsio, that is, proffered to pay a sum of money if he did not make out his case, the opposite party was required to make one also. In the case of Cæcina[1] a sponsio had been made: Cicero says, addressing the recuperatores, "*sponsio facta est: hac de sponsione vobis judicandum est.*" In fact, when the matter came before a judex or arbiter, the form of proceeding was similar to the ordinary judicium.

The chief division of interdicts has been stated. Another division of interdicts was into those for the purpose of acquiring possession, retaining possession, or recovering possession.[1]

The interdictum adipiscendæ possessionis was given to him to whom the bonorum possessio (*vid.* Bonorum Possessio) was given, and it is referred to by the initial words quorum bonorum.[2] Its operation was to compel a person, who had possession of the property of which the bonorum possessio was granted to another, to give it up to such person, whether the person in possession of such property possessed it pro herede or pro possessore. The bonorum emtor (*vid.* Bonorum Emtio) was also entitled to this interdict, which was sometimes called possessorium. It was also granted to him who bought goods at public auction, and in such case was called sectorium, the name "sectores" being applied to persons who bought property in such manner.[3]

The interdictum salvianum was granted to the owner of land, and enabled him to take possession of the goods of the colonus, who had agreed that his goods should be a security for his rent.

This interdict was not strictly a possessorial interdict, as Savigny has shown.[4] It did not, like the two other interdicts, presuppose a lawful possession, that is, a jus possessionis acquired by the fact of a rightful possession: the complainant neither alleged an actual possession nor a former possession.

The interdictum retinendæ possessionis could only be granted to a person who had a rightful possessio, and he was entitled to it in respect of injury sustained by being disturbed in his possession, in respect of anticipated disturbance in his possession, and in the case of a dispute as to ownership, in which the matter of possession was first to be inquired into. Its effect in the last case would be, as Gaius states, to determine which of two litigant parties should possess, and which should be the claimant. There were two interdicts of this class, named respectively uti possidetis and utrubi, from the initial words of the edict. The interdictum uti possidetis applied to land or houses, and the other to movables. The uti possidetis protected the person who at the time of obtaining the interdict was in actual possession, provided he had not obtained the possession against the other party (*adversarius*) vi, clam, or precario, which were the three vitia possessionis.[5] In the case of the interdictum utrubi, the possession of the movable thing was by the interdict declared to belong to him who had possessed the thing against the other party during the greater part of that year, "*nec vi nec clam nec precario.*" There were some peculiarities as to possessio of movable things.[6]

The interdictum recuperandæ possessionis might be claimed by him who had been forcibly ejected (*vi dejectus*) from his possession of an immovable thing, and its effect was to compel the wrong-doer to restore the possession, and to make good all damage. The initial words of the interdict were "*unde tu illum vi dejecisti*," and the words of command were "*eo restituas.*"[7] There were two cases of vis: one of vis simply, to which the ordinary interdict applied, which Cicero calls quotidianum; the other of vis armata, which had been obtained by Cæcina against Æbutius. The plaintiff had to prove that he was in possession of the premises,

1. (Cic., Pro Cæcin., 8.)

1. (Gaius, iv., 144.)—2. (Dig. 43, tit. 2, s. 1.)—3. (Cic., Pro Rosc. Amer., 36.)—4. (Das Recht des Besitzes, p. 410.)—5. (Festus, s. v. Possessio.—Gaius, iv., 160.)—6. (Gaius, iv., 151.)—7. (Cic., Pro Cæcin., 30.—Id., Pro Tull., 4, 29, 44.—Gaius, iv., 154.)

and had been ejected by the defendant or his agents (*familia* or *procurator*[1]) If the matter came before a judex, the defendant might allege that he had complied with the interdict, "restituisse," though he had not done so in fact; but this was the form of the sponsio, and the defendant would succeed before the judex if he could show that he was not bound to restore the plaintiff to his possession.[2]

The defendant might put in an answer (*exceptio*) to the plaintiff's claim for restitution: he might show that the plaintiff's possession commenced either vi, clam, or precario with respect to the defendant;[3] but this exceptio was not allowed in the case of vis armata.[4] The defendant might also plead that a year had elapsed since the violence complained of, and this was generally a good plea, for the interdict contained the words "*in hoc anno.*" But if the defendant was still in possession after the year, he could not make this plea, nor could he avail himself of it in a case of vis armata.[5]

A clandestina possessio is a possessio in which the possessor takes a thing (which must, of course, be a movable thing) secretly (*furtive*), and without the knowledge of the person whose adverse claim to the possession he fears. Such a possessio, when it was a disturbance of a rightful possessio, gave the rightful possessor a title to have the interdict de clandestina possessione for the recovery of his possession. All traces of this interdict are nearly lost; but its existence seems probable, and it must have had some resemblance to the interdictum de vi. The exceptio clandestinæ possessionis was quite a different thing, inasmuch as a clandestine possessio did not necessarily suppose the lawful possession of another party.

The interdictum de precaria possessione or de precario applied to a case of precarium. It is precarium when a man permits another to exercise ownership over his property, but retains the right of demanding the property back when he pleases. It is called precarium because the person who received such permission usually obtained it by request (*prece*), though request was not necessary to constitute precarium, for it might arise by tacit permission.[6] The person who received the detention of the thing, obtained at the same time a legal possession, unless provision to the contrary was made by agreement. In either case the permission could at any time be recalled, and the possessio, which in its origin was justa, became injusta, vitiosa, as soon as restitution was refused. Restitution could be claimed by the interdictum de precario, precisely as in the case of vis; and the sole foundation of the right to this interdict was a vitiosa possessio, as just explained. The precarium was never viewed as a matter of contract. The interdictum de precario originally applied to land only, but it was subsequently extended to movable things. The obligation imposed by the edict was to restore the thing, but not its value, in case it was lost, unless dolus or lata culpa could be proved against the defendant. (*Vid.* Culpa.) But from the time that the demand is made against the defendant, he is *in mora*, and, as in the case of the other interdicts, he is answerable for all culpa, and for the fruits or profits of the thing; and generally he is bound to place the plaintiff in the condition in which he would have been if there had been no refusal. No exceptions were allowed in the case of a precarium.

The origin of the precarium is referred by Savigny to the relation which subsisted between a patronus and his cliens, to whom the patronus gave the use of a portion of the ager publicus. If the cliens refused to restore the land upon demand the patronus was entitled to the interdictum de precario. As the relation between the patronus and the cliens was analogous to that between a parent and his child, it followed that there was no contract between them, and the patron's right to demand the land back was a necessary consequence of the relation between him and his cliens.[1] The precarium did not fall into disuse when the old ager publicus ceased to exist, and in this respect it followed the doctrine of possessio generally. (*Vid.* Agrariæ Leges.) It was, in fact, extended and applied to other things, and, among them, to the case of pledge. (*Vid.* Pignus.)

Gaius[2] makes a third division of interdicta into simplicia and duplicia. Simplicia are those in which one person is the plaintiff (*actor*), and the other is the defendant (*reus*): all restitutoria and exhibitoria interdicta are of this kind. Prohibitoria interdicta are either simplicia or duplicia: they are simplicia in such cases as those, when the prætor forbids anything to be done in a locus sacer, in a flumen publicum, or on a ripa. They are duplicia as in the case of the interdictum uti possidetis and utrubi; and they are so called, says Gaius, because each of the litigant parties may be indifferently considered as actor or reus, as appears from the terms of the interdict.[3]

Interdicta seem to have been also called duplicia in respect of their being applicable both to the acquisition of a possession which had not been had before, and also to the recovery of a possession. An interdict of this class was granted in the case of a vindicatio, or action as to a piece of land against a possessor who did not defend his possession, as, for instance, when he did not submit to a judicium, and give the proper sponsiones or satisdationes. A similar interdict was granted in the case of a vindicatio of an hereditas and a usufructus. Proper security was always required from the person in possession, in the case of an in rem actio, in order to secure the plaintiff against any loss or injury that the property might sustain while it was in the possession of the defendant. If the defendant refused to give such security, he lost the possession, which was transferred to the plaintiff (*petitor*).[4]

(For other matters relating to the Interdict, see Gaius, iv., 138–170. — Paulus, *S. R.*, v., tit. 6. — Dig. 43 —Savigny, *Das Recht des Besitzes*, p. 403–516.—Savigny and Haubold, *Zeitschrift*, vol. iii., p. 305, 358.)

INTEREST OF MONEY. Under this head it is proposed to give an account of the conditions upon which money was lent among the Greeks and Romans.

I. Greek Interest. At Athens, Solon, among other reforms, abolished the law by which a creditor was empowered to sell or enslave a debtor, and prohibited the lending of money upon a person's own body (ἐπὶ τοῖς σώμασι μηδένα δανείζειν[5]). No other restriction, we are told, was introduced by him, and the rate of interest was left to the discretion of the lender (τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσῳ ἂν βούληται ὁ δανείζων[6]). The only case in which the rate was prescribed by law was in the event of a man separating from his lawful wife, and not refunding the dowry he had received with her. Her trustees or guardians (οἱ κύριοι) could in that case proceed against him for the principal, with lawful interest at the rate of 18 per cent. (*Vid.* Dos, Greek.)

Any rate might be expressed or represented in

1. (Cic., Pro Tull., 29.)—2. (Pro Cæcin., 8, 32.)—3. (Pro Cæcin., 32. -Pro Tull., 44.)—4 (Pro Cæcin., 8, 32.)—5. (Cic. ad Fam., xv., 16.)—6. (Paulus, S. R., v., tit. 6, s. 11.)

1. (Festus, s. v. Patres.)—2. (iv., 156.)—3 (Gaius, iv., 160.—4 (Rudorff, Ueber das Interdict Quem Fundum, &c., Zeitschrift, vol. ix.)—5. (Plut., Sol., c. 15.)—6. (Lys. in Theora. 117.)

two different ways: (1.) by the number of oboli or drachmæ paid by the *month* for every *mina:* (2.) by the part of the principal (*τὸ ἀρχαῖον* or *κεφάλαιον*) paid as interest, either annually or for the whole period of the loan. According to the former method, which was generally used when money was lent upon real security (*τόκοι ἔγγυοι* or *ἔγγειοι*), different rates were expressed as follows: 10 per cent. by *ἐπὶ πέντε ὀβολοῖς, i. e.*, 5 oboli per month for every mina, or 60 oboli a year = 10 drachmæ = $\frac{1}{10}$ of a mina. Similarly,

12 per cent. by *ἐπὶ δραχμῇ* per month.
16 per cent. by *ἐπ' ὀκτὼ ὀβολοῖς* "
18 per cent. by *ἐπ' ἐννέα ὀβολοῖς* "
24 per cent. by *ἐπὶ δυσὶ δραχμαῖς* "
36 per cent. by *ἐπὶ τρισὶ δραχμαῖς* "
5 per cent. by *ἐπὶ τρίτῳ ἡμιοβολίῳ*, probably.

(2.) Another method was generally adopted in cases of bottomry, where money was lent upon the ship's cargo or freightage (*ἐπὶ τῷ ναύλῳ*), or the ship itself, for a specified time, commonly that of the voyage. By this method the following rates were thus represented:

10 per cent. by *τόκοι ἐπιδέκατοι, i. c.*, interest at the rate of a tenth; $12\frac{1}{2}$, $16\frac{2}{3}$, 20, $33\frac{1}{3}$, by *τόκοι ἐπόγδοοι, ἔφεκτοι, ἐπίπεμπτοι*, and *ἐπίτριτοι*, respectively. So that, as Böckh[1] remarks, the *τόκος ἐπιδέκατος* is equal to the *ἐπὶ πέντε ὀβολοῖς*:

The *τόκος ἐπόγδοος* = the *ἐπὶ δραχμῇ* nearly.
" *ἔφεκτος* = the *ἐπ' ὀκτὼ ὀβολοῖς* "
" *ἐπίπεμπτος* = the *ἐπ' ἐννέα ὀβολοῖς* "
" *ἐπίτριτος* = the *ἐπὶ τρισὶ δραχμαῖς* "

These nearly corresponding expressions are not to be considered as identical, however closely the rates indicated by them may approach each other in value; although, in the age of Justinian, as Salmasius[2] observes, the *τόκος ἐπόγδοος*, or $12\frac{1}{2}$ per cent., was confounded with the *centesimæ*, which is exactly equal to the interest at a drachma, or 12 per cent.

The rates above explained frequently occur in the orators; the lowest in ordinary use at Athens being the *τόκος ἐπιδέκατος*, or 10 per cent., the highest the *τόκος ἐπίτριτος*, or $33\frac{1}{3}$ per cent. The latter, however, was chiefly confined to cases of bottomry, and denotes more than it appears to do, as the time of a ship's voyage was generally less than a year. Its near equivalent, the *ἐπὶ τρισὶ δραχμαῖς*, or 36 per cent., was sometimes exacted by bankers at Athens.[3] The *ἐπὶ δραχμῇ*, or rate of 12 per cent, was common in the time of Demosthenes,[4] but appears to have been thought low. The interest of eight oboli, or 16 per cent., occurs in that orator;[5] and even in the age of Lysias (B.C. 440) and Isæus (B.C. 400), nine oboli for the mina, or 18 per cent., appears to have been a common rate.[6] Æschines also[7] speaks of money being borrowed on the same terms; so that, on the whole, we may conclude that the usual rates of interest at Athens about the time of Demosthenes varied from 12 to 18 per cent. That they were nearly the same in range, and similarly expressed, throughout the rest of Greece, appears from the authorities quoted by Böckh.[8] No conclusions on the subject of the general rate of interest can be drawn from what we are told of the exorbitant rates exacted by common usurers (*τοκογλύφοι, tocullliones, ἡμεροδανεισταί*). Some of these[9] exacted as much as an obolus and a half per day for each drachma; and money-lenders and bankers in general, from the high profits which they realized, and the severity with which they exacted their dues, seem to have been as unpopular among their fellow-citizens as Jews and usurers in more modern times. Demosthenes,[1] indeed, intimates that the fact of a man being a money-lender was enough to prejudice him, even in a court of law, among the Athenians (*Μισοῦσιν οἱ Ἀθηναῖοι τοὺς δανείζοντας*). It is curious, also, to observe that Aristotle[2] objects, on principle, to putting money out at interest (*εὐλογώτατα μισεῖται ἡ ὀβολοστατική*), as being a perversion of it from its proper use, as a medium of exchange, to an unnatural purpose, viz., the reproduction or increase of itself; whence, he adds, comes the name of interest or *τόκος*, as being the offspring (*τὸ γιγνόμενον*) of a parent like itself.

The arrangement of a loan would, of course, depend upon the relation between the borrower and the lender, and the confidence placed by one in the other. Sometimes money was lent, *e. g.*, by the banker Pasion at Athens, without a security, or written bond, or witnesses.[3] But generally either a simple acknowledgment (*χειρόγραφον*) was given by the borrower to the lender (*vid.* CHIROGRAPHUM), or a regular instrument (*συγγραφή*), executed by both parties and attested by witnesses, was deposited with a third party, usually a banker.[4] Witnesses, as we might expect, were also present at the payment of the money borrowed.[5] The security for a loan was either a *ὑποθήκη* or an *ἐνέχυρον*: the latter was put into the possession of the lender; the former was merely assured to him, and generally, though not always, consisted of real or immovable property. The *ἐνέχυρα*, on the contrary, generally consisted of movable property, such as goods or slaves.[6] At Athens, when land was given as security, or mortgaged (*οὐσία ὑπόχρεως*), pillars (*ὅροι* or *στῆλαι*) were set upon it, with the debt and the mortgagee's name inscribed. Hence an unencumbered estate was called an *ἀστικτον χωρίον*.[7] (*Vid.* HOROI.) In the rest of Greece there were public books of debt, like the German and Scotch registers of mortgages; but they are not mentioned as having existed at Athens.[8]

Bottomry (*τὸ ναυτικόν, τόκοι ναυτικοί* or *ἐκδοσις*) was considered a matter of so much importance at Athens, that fraud or breach of contract in transactions connected with it was sometimes punished with death.[9] In these cases the loans were generally made upon the cargo shipped, sometimes on the vessel itself, and sometimes on the money received or due for passengers and freightage (*ἐπὶ τῷ ναύλῳ*). The principal (*ἔκδοσις, οἱονεὶ ἔξω δόσις*[10]), as well as the interest, could only be recovered in case the ship met with no disaster in her voyage (*σωθείσης τῆς νεώς*[11]); a clause to this effect being generally inserted in all agreements of bottomry or *ναυτικαὶ συγγραφαί*. The additional risk incurred in loans of this description was compensated for by a high rate of interest, and the lenders took every precaution against negligence or deception on the part of the borrowers; the latter also were careful to have witnesses present when the cargo was put on board, for the purpose of deposing, if necessary, to a *bona fide* shipping of the required amount of goods.[12] The loan itself was either a *δάνεισμα ἑτερόπλουν, i. e.*, for a voyage out, or it was a *δάνεισμα ἀμφοτερόπλουν, i. e.*, for a voyage out and home. In the former case, the principal and interest were paid at the place of destination, either to the creditor himself if he sailed in the ship, or to an authorized agent.[13] In the latter case the payment was made on the return of the ship, and it was specially provided in

1. (Pub. Econ. of Athens, i., p. 166.)—2. (De M. U.)—3. (Lys., Frag., B.)—4. (c. Aph., 820, 16.)—5. (c. Nicos., p. 1250, 18.)—6. (Isæus, De Hagn. hæred., p. 293.)—7. (c. Timarch., p. 15.)—8. (p. 176.)—9. (Theophrast., Charact., 6.)

1. (c. Pant., p. 981.)—2. (Pol., i., 3, § 23.)—3. (Demosth., c. Timoth., 14.)—4. (Demosth., c. Lac., p. 927.—Id., c. Phor., 908, 22.)—5. (Id., c. Phor., 915, 27.)—6. (Böckh, i., p. 172.—Wachsmuth, ii., 1, p. 225.)—7. (Harpocrat., s. v.)—8. (Böckh, i., p. 172.)—9. (Demosth., c. Phor., 922, 3.)—10. (Harpocrat.)—11. (Demosth., c. Zenoth., 883, 16.)—12. (Demosth., c. Phor., 915, 13.)—13. (Demosth., c. Phor., 902, 24 and 914, 28.)

the agreement between the contracting parties, that she should sail to some specified places only. A deviation from the terms of the agreement, in this or other respects, was, according to a clause usually inserted in the agreement, punishable by a fine of twice the amount of the money lent.[1] Moreover, if the goods which formed the original security were sold, fresh articles of the same value were to be shipped in their place.[2] Sometimes, also, the trader (*ὁ ἔμπορος*) was himself the owner of the vessel (*ὁ ναύκληρος*), which in that case might serve as a security for the money borrowed.[3]

The rate of interest would, of course, vary with the risks and duration of the voyage, and therefore we cannot expect to find that it was at all fixed. Xenophon[4] speaks of the fifth and third parts of the capital lent as being commonly given in bottomry, referring, of course, to voyages out and home. The interest of an eighth, or $12\frac{2}{3}$ per cent., mentioned by Demosthenes,[5] was for money lent on a trireme, during a passage from Sestos to Athens, but upon condition that she should first go to Hierum to convoy vessels laden with corn; the principal and interest were to be paid at Athens on her arrival there.[6]

The best illustration of the facts mentioned above is found in a *ναυτικὴ συγγραφή*, given in the speech of Demosthenes against Lacritus. It contains the following statement and conditions.

Two Athenians lent two Phaselitans 3000 drachmæ upon a cargo of 3000 casks of Mendean wine, on which the latter were not to owe anything else, or raise any additional loan (*οὐδ' ἐπιδανείσονται*). They were to sail from Athens to Mende or Scione, where the wine was to be shipped, and thence to the Bosporus, with liberty, if they preferred it, to continue their voyage on the left side of the Black Sea as far as the Borysthenes, and then to return to Athens; the rate of interest being fixed at 225 drachmæ in 1000, or 25 per cent. for the whole time of absence. If, however, they did not return to Hierum, a port in Bithynia close to the Thracian Bosporus,[7] before the early rising of Arcturus, *i. e.*, before the 20th of September or thereabout, when navigation began to be dangerous, they had to pay a higher rate of 30 per cent., on account of the additional risk. The agreement farther specified that there should be no change of vessel for the return cargo, and that, if it arrived safe at Athens, the loan was to be repaid within twenty days afterward, without any deductions except for loss by payments made to enemies, and for jettisons (*ἐντελὲς πλὴν ἐκβολῆς, κ. τ. λ.*) made with the consent of all on board (*οἱ σύμπλοι*); that, till the money was repaid, the goods pledged (*τὰ ὑποκείμενα*) should be under the control of the lenders, and be sold by them, if payment was not made within the appointed time; that if the sale of the goods did not realize the required amount, the lender might raise the remainder by making a levy (*πρᾶξις*) upon the property of both or either of the traders, just as if they had been cast in a suit, and became *ὑπερήμεροι*, *i. e.*, had not complied with a judgment given against them within the time appointed. Another clause in the agreement provides for the contingency of their not entering the Pontus; in that case they were to remain in the Hellespont, at the end of July, for ten days after the early rising of the dog-star (*ἐπὶ κυνί*), discharge their cargo (*ἐξέλεσθαι*) in some place where the Athenians had no right of reprisals (*ὅπου ἂν μὴ σῦλαι ὦσι τοῖς Ἀθηναίοις*), (which might be executed unfairly, and would lead to retaliations), and then, on their return to Athens, they were to pay the lower rate of interest, or 25 per cent. Lastly, if the vessel were to be wrecked, the cargo was, if possible, to be saved; and the agreement was to be conclusive on all points.

From the preceding investigation, it appears that the rate of interest among the ancient Greeks was higher than in modern Europe, and at Rome in the age of Cicero.[1] This high rate does not appear to have been caused by any scarcity of money, for the rent of land and houses in Athens and its neighbourhood was not at all proportional to it. Thus Isæus[2] says that a house at Thriæ was let for only 8 per cent. of its value, and some houses at Melite and Eleusis for a fraction more. We should, therefore, rather refer it to a low state of credit, occasioned by a variety of causes, such as the division of Greece into a number of petty states, and the constitution and regulation of the courts of law which do not seem to have been at all favourable to money-lenders in enforcing their rights. Böckh assigns as an additional cause "the want of moral principles."

II. Roman Interest. The Latin word for interest, *fenus* or *fœnus*, originally meant any increase, and was thence applied, like the Greek *τόκος*, to denote the interest or increase of money. "*Fenus*," says Varro,[3] "*dictum a fetu et quasi a fetura quadam pecuniæ parientis atque increscentis.*" The same root is found in fecundus. Fenus was also used for the principal as well as the interest.[4] Another term for interest was usuræ, generally found in the plural, and also impendium, on which Varro[5] remarks, "*a quo (pondere) usura quod in sorte accedebat, impendium appellatum.*"

Towards the close of the Republic, the interest of money became due on the first of every month: hence the phrases tristes or celeres calendæ and calendarium, the latter meaning a debt-book or book of accounts. The rate of interest was expressed in the time of Cicero, and afterward, by means of the as and its divisions, according to the following table:

Asses usuræ, or one as per month for the use of one hundred	.	=12 per cent.
Deunces usuræ	.	11
Dextantes "	.	10 "
Dodrantes "	.	9 "
Besses "	.	8 "
Septunces "	.	7 "
Semisses "	.	6 "
Quincunces "	.	5 "
Trientes "	.	4 "
Quadrantes "	.	3 "
Sextantes "	.	2 "
Unciæ "	.	1 "

Instead of the phrase asses usuræ, a synonyme was used, viz., centesimæ usuræ, inasmuch as at this rate of interest there was paid in a hundred months a sum equal to the whole principal. Hence binæ centesimæ =24 per cent., and quaternæ centesimæ =48 per cent. So, also, in the line of Horace,[6] "*Quinas hic capiti mercedes exsecat*," we must understand quinas centesimas, or 60 per cent., as the sum taken from the capital. Niebuhr[7] is of opinion that the monthly rate of the centesimæ was of foreign origin, and first adopted at Rome in the time of Sulla. The old *yearly* rate established by the Twelve Tables (B.C. 450) was the unciarium fenus. This has been variously interpreted to mean (1) one twelfth of the centesima paid monthly, *i. e.*, one per cent. per annum; and (2) one twelfth of the principal paid monthly, or a hundred per cent per

1. (Demosth., c. Dionys., 1294.)—2. (Demosth., c. Phorm., 909, 26.)—3. (Demosth., c. Dionys., 1284, 11.)—4. (Περὶ Πόρων: iii., 7. 14.)—5. (c. Polycl., 1212.)—6. (Böckh, i, p. 181.)—7. (Wolf ad Lept., p. 259.)

1. (Böckh, i., p. 167.)—2. (De Hagn. hæred., 88.)—3. (apud Gell., xvi., 12.)—4. (Tacit., Ann., vi., 17.—Id ib., xiv., 53.)—5. (De Ling. Lat., v., 183, ed. Müller.)—6. (Sat., I., ii., 14.)—7. (Hist. of Rome, iii., p. 64.)

annum. Niebuhr[1] refutes at length the two opinions; but it may be sufficient to observe that one is inconsistent with common sense, and the other with the early history of the Republic. A third and satisfactory opinion is as follows: The uncia was the twelfth part of the as, and since the full (12 oz.) copper coinage was still in use at Rome when the Twelve Tables became law, the phrase unciarium fenus would be a natural expression for interest of one ounce in the pound; *i. e.*, a twelfth part of the sum borrowed, or 8⅓ per cent., not per month, but per year. This rate, if calculated for the old Roman year of ten months, would give 10 per cent. for the civil year of twelve months, which was in common use in the time of the decemvirs. The analogy of the Greek terms τόκος, ἐπίτριτος, &c., confirms this view, which, as Niebuhr observes, is not invalidated by the admission that it supposes a yearly, and not a monthly payment of interest; for, though in the later times of the Republic interest became due every month, there is no trace of this having been the case formerly.[2] Nor is it difficult to account for the change: it probably was connected with the modifications made from time to time in the Roman law of debtor and creditor (such as the abolition of personal slavery for debt), the natural effect of which would be to make creditors more scrupulous in lending money, and more vigilant in exacting the interest due upon it.

If a debtor could not pay the principal and interest at the end of the year, he used to borrow money from a fresh creditor to pay off his old debt. This proceeding was very frequent, and called a "versura,"[3] a word which Festus[4] thus explains: "*Versuram facere, mutuam pecuniam sumere, ex eo dictum est, quod initio qui mutuabantur ab aliis, ut aliis solverent, velut verterent creditorem.*" It amounted to little short of paying compound interest, or an anatocismus anniversarius, another phrase for which was usuræ renovatæ; *e. g.*, centesimæ renovatæ is twelve per cent. compound interest, to which Cicero[5] opposes centesimæ perpetuo fenore =12 per cent. simple interest. The following phrases are of common occurrence in connexion with borrowing and lending money at interest: "Pecuniam apud aliquem collocare," to lend money at interest; "relegere," to call it in again; "cavere," to give security for it; "opponere" or "opponere pignori," to give as a pledge or mortgage: hence the pun in Catullus,[6]

> "*Furi, villula nostra non ad Austri*
> *Flatus opposita est, nec ad Favoni:*
> *Verum ad millia quindecim et ducentos.*
> *O ventum horribilem atque pestilentem.*"

The word nomen is also of extensive use in money transactions Properly it denoted the name of a debtor, registered in a banker's or any other account-book: hence it came to signify the articles of an account, a debtor, or a debt itself. Thus we have "bonum nomen," a good debt; "nomina facere," to lend moneys,[7] and also to borrow money.[8] Moreover, the Romans generally discharged debts through the agency of a banker (*in foro et de mensæ scriptura*) rather than by a direct personal payment (*ex arca domoque*); and as an order or undertaking for payment was given by writing down the sum to be paid, with the receiver's name underneath or alongside it,[9] hence came the phrases "scribere nummos alicui," to promise to pay;[10] "rescribere," to pay back, of a debtor.[11] So also "perscribere," to give a bill or draught (*perscriptio*) on a banker for payment, in opposition to payment by ready money.[1]

The Roman law of debtor and creditor is given under Nexi. It is sufficient to remark here that the Licinian laws (*vid.* Licinlæ Leges), by which the grievances of debtors were to a certain extent redressed, did not lay any restriction on the rate of interest that might be legally demanded; and it is clear, from various circumstances,[2] that the scarcity of money at Rome after the taking of the city by the Gauls had either led to the actual abolition of the old uncial rate (*unciarium fenus*) of the Twelve Tables, or caused it to fall into disuse. Nine years, however, after the passing of these laws,[3] the rate of the Twelve Tables was re-established, and any higher rate prohibited by the bill (*rogatio*) of the tribunes Duilius and Mænius.

Still this limitation of the rate of interest did not enable debtors to pay the principal, and what Tacitus[4] calls the "fenebre malum" became at last so serious that the government thought it necessary to interfere, and remedy, if possible, an evil so great and inveterate. Accordingly, fourteen years after the passing of the Licinian laws, five commissioners were appointed for this purpose under the title of mensarii or bankers. These opened their banks in the Forum, and in the name of the treasury offered ready money to any debtor who could give security (*cavere*) to the state for it: moreover, they ordered that land and cattle should be received in payment of debts at a fair valuation, a regulation which Cæsar adopted for a similar purpose.[5] By these means, Livy[6] tells us that a great amount of debt was satisfactorily liquidated. Five years afterward, the legal rate of interest was still farther lowered to the "semunciarium fenus," or the twenty-fourth part of the whole sum (*ad semuncias redacta usura*[7]); and in B.C. 346 we read of several usurers being punished for a violation of the law,[8] by which they were subjected to a penalty of four times the amount of the loan.[9] But all these enactments were merely palliatives; the termination and cure of the evil was something more decisive—neither more nor less than a species of national bankruptcy—a general abolition of debts, or χρεῶν ἀποκοπή.[10] This happened in B.C. 341, a year remarkable for political changes of great importance, and was followed up by the passing of the Genucian laws, which forbade the taking of usury altogether.[11] A law like this, however, was sure to be evaded, and there was a very simple way of doing so; it only affected Roman citizens, and therefore the usurers granted loans, not in the name of themselves, but of the Latins and allies who were not bound by it.[12] To prevent this evasion, the Sempronian law was passed (B.C. 194), which placed the Latins and allies on the same footing, in respect of lending money, as the full Roman citizens. At last, after many futile attempts to prevent the exaction of interest at any rate and in any shape, the idea was abandoned altogether, and the centesima, or 12 per cent. per annum, became the legal and recognised rate. Niebuhr,[13] as we have already observed, is of opinion that it was first adopted at Rome in the time of Sulla; but whether it became the legal rate by any special enactment, or from general consent, does not appear. Some writers have inferred[14] that it was first legalized by the edicts of the city prætors, an inference drawn from the general resemblance between the prætorian and proconsular edicts, coupled with the fact that some proconsular edicts

1. (l. c.)—2. (Rein, Römische Privatrecht, p. 304.)—3. (Compare Terence, Phorm., V., ii., 16.)—4. (s. v.)—5. (ad Att., v., 21.)—6. (Carm., 26.)—7. (Cic. ad Fam., vii., 23.)—8. (Cic., De Off., iii., 14.)—9. (*Vid.* Demosth., c Callip., 1236.)—10. (Plaut., Asin., II., iv., 34.)—11 (Ter., Phorm., V., vii., 29.)

1. (Cic. ad Att., xii., 51; xvi., 2.)—2. (Niebuhr, ii., p. 603.)—3. (Liv., vii., 16.)—4. (Ann., vi., 16.)—5. (Suet., Jul., 42.)—6 (vii., 21.)—7. (Tacit., Ann., vi., 16.)—8. (Liv., vii., 28.)—9. (Cato, De Re Rust, init.)—10. (Niebuhr, iii., p. 77.)—11. (Liv., vii 42.)—12. (Liv., xxxv., 7.)—13. (iii., p. 64.)—14. (Heinecc. ii 15.

are extant, by which the centesima is fixed as the legal rate in proconsular provinces (*in edicto tralatitio centesimas me observaturum habui*[1]). Whether this supposition is true or not, it is admitted that the centesima, or 12 per cent., was the legal rate towards the close of the Republic, and also under the emperors. Justinian reduced it to 6 per cent.[2]

In cases of fenus nauticum, however, or bottomry, as the risk was the money-lender's, he might demand any interest he liked while the vessel on which the money was lent was at sea; but after she reached harbour, and while she was there, no more than the usual rate of 12 per cent. or the centesima could be demanded.

Justinian made it the legal rate for fenus nauticum under all circumstances.[3]

INTERPRES, an Interpreter. This class of persons became very numerous and necessary to the Romans as their empire extended. Embassies from foreign nations to Rome, and from Rome to other states, were generally accompanied by interpreters to explain the objects of the embassy to the respective authorities.[4] In large mercantile towns, the interpreters, who formed a kind of agents through whom business was done, were sometimes very numerous, and Pliny[5] states that at Dioscurias in Colchis, there were at one time no less than 130 persons who acted as interpreters to the Roman merchants, and through whom all their business was carried on.

All Roman prætors, proconsuls, and quæstors, who were intrusted with the administration of a province, had to carry on all their official proceedings in the Latin language;[6] and as they could not be expected to be acquainted with the language of the provincials, they had always among their servants (*vid.* APPARITORES) one or more interpreters, who were generally Romans, but in most cases undoubtedly freedmen.[7] These interpreters had not only to officiate at the conventus (*vid.* CONVENTUS), but also explained to the Roman governor everything which the provincials might wish to be laid before him.[8]

INTERREGNUM. (*Vid.* INTERREX.)

INTERREX. This office is said to have been instituted on the death of Romulus, when the senate wished to share the sovereign power among themselves instead of electing a king. For this purpose, according to Livy,[9] the senate, which then consisted of one hundred members, was divided into ten decuries, and from each of these decuries one senator was nominated. These together formed a board of ten, with the title of *Interreges*, each of whom enjoyed in succession the regal power and its badges for five days; and if no king was appointed at the expiration of fifteen days, the rotation began anew. The period during which they exercised their power was called an *Interregnum*. Dionysius[10] and Plutarch[11] give a different account of the matter, but that of Livy appears the most probable. Niebuhr[12] supposes that the first interreges were exclusively Ramnes, and that they were the decem primi, or ten leading senators, of whom the first was chief of the whole senate.[13]

The interreges agreed among themselves who should be proposed as king,[14] and if the senate approved of their choice, they summoned the assembly of the curiæ, and proposed the person whom they had previously agreed upon; the power of the curiæ was confined to accepting or rejecting him. The choice of the senate was called *patrum auctoritas*;[1] the putting of his acceptance or rejection to the vote in the curiæ, *rogare*;[2] and the decree of the curiæ on the subject, *jussus populi*.[3]

Interreges were appointed under the Republic for holding the comitia for the election of the consuls, when the consuls, through civil commotions or other causes, had been unable to do so in their year of office.[4] Each held the office for only five days, as under the kings. The comitia were hardly ever held by the first interrex; more usually by the second or third;[5] but in one instance we read of an eleventh, and in another of a fourteenth interrex.[6] The comitia for electing the first consuls were held by Spurius Lucretius as interrex,[7] whom Livy[8] calls also *præfectus urbis*. The interreges under the Republic, at least from B.C. 482, were elected by the senate from the whole body, and were not confined to the decem primi, or ten chief senators, as under the kings.[9] Plebeians, however, were not admissible to this office; and, consequently, when plebeians were admitted into the senate, the patrician senators met without the plebeian members to elect an interrex.[10] For this reason, as well as on account of the influence which the interrex exerted in the election of the magistrates, we find that the tribunes of the plebs were strongly opposed to the appointment of an interrex.[11] The interrex had jurisdictio.[12]

Interreges continued to be appointed occasionally till the time of the second Punic war;[13] but after that time we read of no interrex till the senate, by command of Sulla, created an interrex to hold the comitia for his election as dictator, B.C. 82.[14] In B.C. 55 another interrex was appointed to hold the comitia, in which Pompey and Crassus were elected consuls;[15] and we also read of interreges in B.C. 53 and 52, in the latter of which years an interrex held the comitia, in which Pompey was appointed sole consul.[16]

INTE'RULA. (*Vid.* TUNICA.)

INTESTA'BILIS. In the Twelve Tables it was declared "*qui se sierit testarier libripensve fuerit, ni testimonium fariatur, improbus intestabilisque esto.*"[17] According to these passages, a person who had been a witness on any solemn occasion, such as the making of a will, and afterward refused to give his testimony, was "intestabilis," that is, disqualified from ever being a witness on any other occasion. The word afterward seems to have had its meaning extended, and to have been used to express one who could not make a will, and who laboured under a general civil incapacity.[18]

INTESTA'TO, HEREDITA'TES AB. (*Vid* HERES, ROMAN, p. 497.)

INTESTA'TUS. (*Vid.* HERES, ROMAN, p. 497.)

*INTU'BUM or INT'YBUM, a plant, of which two kinds, the wild and the cultivated, are mentioned by the ancient writers. The former is the *Cichorium*, or *Intubum erraticum* of Pliny,[19] our bitter Succory, or the *Cichorium Intybus* of Linnæus; the latter is Pliny's *Intubum sativum*, called also Σέρις,

1. (Cic. ad Att., v., 21.)—2. (Heinecc., iii., 16.)—3. (Heinecc., l. c.)—4. (Cic., De Divin., ii., 64.—Id., De Fin., v., 29.—Plin., H. N., xxv., 2.—Gell., xvii., 17, 2.—Liv., xxvii., 43.)—5. (H. N., vi., 5.)—6. (Val. Max., ii., 2, § 2.)—7. (Cic., Pro Balb., 11.)—8. (Cic. in Verr., iii., 37.—Id. ad Fam., xiii., 54.—Cæs., Bell. Gall., i., 19.—Compare Dirksen, Civil. Abhandl., i., p. 16, &c.)—9. (i., 17.)—10. (ii., 57.)—11. (Numa, 2.)—12. (Hist. of Rome, i., p. 334; ii., p. 111.)—13. (Compare Walter, Gesch. des Röm. Rechts, 22.)—14. (Dionys., iv., 40, 80.)

1. (Cic., De Rep., ii., 13.—Liv., i., 22.)—2. (Cic., De Rep., ii., 17.)—3. (Cic., De Rep., ii., 13, 21.—Liv., i., 22.)—4. (Dionys., viii., 90.—Liv., iv., 43, &c.)—5. (Liv., ix., 7.—Id., x., 11.—Id., v., 31.)—6. (Liv., vii., 22.—Id., viii., 23.)—7. (Dionys., iv., 84.)—8. (i., 60.)—9. (Dionys., viii., 90.)—10. (Liv., iv., 43.—Id., vi., 41.—Cic., Pro Dom., 14.—Niebuhr, iii., p. 429.—Walter, p. 80-99.)—11. (Liv., iv., 43.—Id., xxii., 34.)—12. (Liv., x., 41, 9.—Niebuhr, iii., p. 28.)—13. (Liv., xxii., 33, 34.)—14. (Appian, Bell. Civ., i., 98.)—15. (Dion Cass., xxxix., 27, 31.)—16. (Dion Cass., xl., 45.—Ascon. ad Cic., Mil., init., p. 32, ed. Orelli.—Plut., Pomp., 54.)—17. (Dirksen, Uebersicht, &c., p. 607.—Compare Gellius, vi., 7, xv., 13.)—18. (Hor., Sat., II., iii., 181—Dig. 28, tit. 1, s. 18, 26.—Inst., ii., tit. 10.)—19. (H. N., xxi. 15.)

and our Endive, the *Cichorium endivia*, L. The Intybum is said to have come originally from Egypt, where great use was made of it; and, when introduced into Europe, it brought along with it its Egyptian or Coptic name, which became in Greek κιχώριον or κιχώρη. The Arabians call it *Chikouriêh*, by a name corrupted from the preceding. By the epithet *erraticum* Pliny means "wild" or "savage," as appears from his own words: "Erraticum, *quod apud nos quidam* ambuleiam *appellavere, in Ægypto* cichorium *vocant, quod sylvestre sit.*" Fée, however, insists, and with much appearance of reason, that the term in question refers rather to the long, numerous, and spreading roots of the plant, whence Virgil speaks of the "*amaris intuba fibris.*"[1] The modern name *Endive*, as given to the cultivated kind, comes from the barbarous word *endivia*, which was used in the Middle Ages, and was evidently corrupted from the Arabic *hendib* or the classical Latin term *intybum*, most probably the former.[2]

INVENTA'RIUM. (*Vid.* Heres, Roman, p. 500.)

INVESTIS. (*Vid.* Impubes.)

*IN'ULA, Elecampane, the Ἑλένιον of the Greeks, and *Inula* (or *Enula*) *Campana* of the school of Salernum. (*Vid.* Helenium.)

*ION (*ἴον*), the Violet. The *Viola odorata*, or Sweet Violet, is the *ἴον μέλαν* of Theophrastus,[3] the *ἴον πορφυροῦν* of Dioscorides,[4] and the species of Violet so often celebrated by the poets. According to Schneider, the *ἴον χλωρόν* of Theophrastus is the *Cheiranthus cheiri*, or Wall-flower. Fée, however, seems disinclined to adopt this extension of the term *viola* or *ἴον*, notwithstanding the immense erudition which Sprengel has employed in favour of enlarging the limits of the genus *Viola* (*ἴον*) among the ancients. The *Viola pallens* of Virgil appears to have been the *V. palustris* of Linnæus, or else the *V. montana* of the same botanist.[5]

*IO'NIA (*ἰωνιά*), a term properly denoting "a bed of violets," but also applied to several species of the Violet, and especially to the *Viola odorata*.[6]

*IPH'YON (*ἴφυον*), a species of plant. Bauhin states that some held the *Asphodelus luteus* to be the *ἴφυον* of Theophrastus. Stackhouse proposes the *Lavendula spica*, or Spike Lavender.[7]

*IPS (*ἶψ*), an insect mentioned by Theophrastus, most probably the same as the *Cynips*, L. "The Cynipes," observes Adams, "pierce the leaves of plants with their sting, and deposite their eggs in the wound: the extravasated juices rise round it, and form a gall which becomes hard; in this the larva lives and feeds, and changes to a pupa. In this country, the gall most common is that found on the *Rosa canina*. It is worthy of remark, that the grammarians Ammonius and Cyrillus restrict this term to the *Cynips* of the Vine and Carob-nut (*κεραΐων*, so I propose to read instead of *κεράτων*)."[8]

IREN. (*Vid.* Eiren.)

*IRIS (*ἶρις*), a plant, the Iris. The description given of its flowers by Dioscorides makes them of various colours, white, yellow, purple, &c., from which it would clearly appear that under this name were comprehended more than one species of Iris. Sprengel thinks that the *Iris Germanica* and *Florentina* are more particularly applicable to the description of Dioscorides. Adams states that, as long as the Galenical Pharmacopœia continued in repute in France, the *Iris Florentina* was invariably substituted for the ancient Iris.[9]

1. (Georg., i., 120.)—2. (Fée, Flore de Virgile, p. lxx., &c.)—3. (H. P., i., 13; iii., 18.)—4. (iv., 120.)—5. (Adams, Append., s. v.)—6. (Theophrast., H. P., i., 9; vi., 6, 8.—Adams, Append., s. v.)—7. (Theophrast., H. P., vi., 7; vii., 12.)—8. (Theophrast., H. P., viii., 10.—Adams, Append., s. v.)—9. (Theophrast., H. P., i., 7; iv., 5, &c.—Dioscor., i., 1.—Adams, Append., s. v.)

IRPEX, HIRPEX, or URPEX,[1] a Harrow, used to clear the fields of weeds, and to level and break down the soil. The harrow of the ancients, like ours, had iron teeth, and was drawn by oxen.[2]

*IS'ATIS (*ἰσατίς*), a plant, the *Glastum* of the Latins, and the modern Woad, yielding a beautiful blue dye. (*Vid.* Glastum.)

ISELA'STICI LUDI. (*Vid.* Athletæ, p. 120.)

ISOPOLITEIA. (*Vid.* Civitas, Greek, p. 259.)

*ISOP'YRON (*ἰσόπυρον*), a plant, probably the Bog Bean, or *Menyanthes trifoliata*. "From the account of Galen and Paulus Ægineta," observes Adams, "it might be taken for the Kidney Bean or Fasel, but Dioscorides clearly distinguishes between these. Dodonæus advanced the opinion that the *Menyanthes trifoliata*, or Bog Bean, is the *ἰσόπυρον* of Dioscorides; but, as Sprengel remarks, its botanical characters do not agree with those of the *Isopyrum* as given by Dioscorides. At the same time, it is worthy of remark, as a singular coincidence, that the Bog Bean is still used by the common people in Scotland for the cure of those complaints for which Dioscorides recommends the Isopyrum. The opinion of Dodonæus is farther countenanced by Bauhin."[3]

ISOTELEIA, ISOTELEIS. (*Vid.* Civitas, Greek, p. 259.)

ISTHMIAN GAMES (Ἴσθμια), one of the four great national festivals of the Greeks. This festival derived its name from the Corinthian Isthmus, where it was held. Where the isthmus is narrowest, between the coast of the Saronic Gulf and the western foot of the Œnean hills, was the Temple of Poseidon, and near it was a theatre and a stadium of white marble.[4] The entrance to the temple was adorned with an avenue of statues of the victors in the Isthmian games, and with groves of pine-trees. These games were said originally to have been instituted by Sisyphus in honour of Melicertes, who was also called Palæmon.[5] Their original mode of celebration partook, as Plutarch[6] remarks, more of the character of mysteries than of a great and national assembly with its various amusements, and was performed at night. Subsequent to the age of Theseus, the Isthmia were celebrated in honour of Poseidon; and this innovation is ascribed to Theseus himself, who, according to some legends, was a son of Poseidon, and who, in the institution of the Isthmian solemnities, is said to have imitated Heracles, the founder of the Olympian games. The celebration of the Isthmia was henceforth conducted by the Corinthians, but Theseus had reserved for his Athenians some honourable distinctions: those Athenians who attended the Isthmia sailed across the Saronic Gulf in a sacred vessel (*θεωρίς*), and an honorary place (*προεδρία*), as large as the sail of their vessel, was assigned to them during the celebration of the games.[7] In times of war between the two states, a sacred truce was concluded, and the Athenians were invited to attend at the solemnities.[8] The Eleans did not take part in the games, and various stories were related to account for this singular circumstance.[9] It is a very probable conjecture of Wachsmuth,[10] that the Isthmia, after the changes ascribed to Theseus, were merely a panegyris of the Ionians of Peloponnesus and those of Attica; for it should be observed that Poseidon was an Ionian deity, whose worship appears originally to have been unknown

1. (Cato, De Re Rust., 10.)—2. (Festus, s. v.—Serv. in Virg., Georg., i., 95.—Varro, De Ling. Lat., v., 31, ed. Spengel.)—3. (Dioscor., iv., 119.—P. Ægin., vii., 3.—Bauhin, Pinax, p. 637—Adams, Append., s. v.)—4. (Paus., ii., 1, § 7.—Strab., viii., 6, p. 196.—Compare p. 214, ed. Tauchnitz.)—5. (Apollod., iii., 4, 3.—Paus., ii., 1, 3.)—6. (Thes., 25.)—7. (Plut., l. c.)—8. (Thucyd., viii., 10.)—9. (Paus., ii., 2, § 2.)—10. (Hellen. Alterth., I. i., p. 227.)

to the Dorians. During the reign of the Cypselids at Corinth, the celebration of the Isthmian games was suspended for seventy years.[1] But after this time they gradually rose to the rank of a national festival of all the Greeks. In Olymp. 49 they became periodical, and were henceforth celebrated regularly every third year, twice in every Olympiad, that is, in the first and third year of every Olympiad. The Isthmia held in the first year of an Olympiad fell in the Corinthian month Panemus (the Attic Hecatombæon); and those which were held in the third year of an Olympiad fell either in the month of Munychion or Thargelion.[2] Pliny[3] and Solinus[4] erroneously state that the Isthmia were celebrated every fifth year. With this regularity the solemnities continued to be held by the Greeks down to a very late period. In 228 B.C., the Romans were allowed the privilege of taking part in the Isthmia;[5] and it was at this solemnity that, in 196 B.C., Flaminius proclaimed before an innumerable assembly the independence of Greece.[6] After the fall of Corinth in 146 B.C., the Sicyonians were honoured with the privilege of conducting the Isthmian games; but when the town of Corinth was rebuilt by J. Cæsar,[7] the right of conducting the solemnities was restored to the Corinthians, and it seems that they henceforth continued to be celebrated till Christianity became the state-religion of the Roman Empire.[8]

The season of the Isthmian solemities was, like that of all the great national festivals, distinguished by general rejoicings and feasting. The contests and games of the Isthmia were the same as those at Olympia, and embraced all the varieties of athletic performances, such as wrestling, the pancratium, together with horse and chariot racing.[9] Musical and poetical contests were likewise carried on, and in the latter women were also allowed to take part, as we must infer from Plutarch,[10] who, on the authority of Polemo, states, that in the treasury at Sicyon there was a golden book, which had been presented to it by Aristomache, the poetess, after she had gained the victory at the Isthmia. At a late period of the Roman Empire, the character of the games at the Isthmia appears greatly altered; for in the letter of the Emperor Julian above referred to, it is stated that the Corinthians purchased bears and panthers for the purpose of exhibiting their fights at the Isthmia, and it is not improbable that the custom of introducing fights of animals on this occasion commenced soon after the time of Cæsar.

The prize of a victor in the Isthmian games consisted at first of a garland of pine-leaves, and afterward of a wreath of ivy; but in the end the ivy was again superseded by a pine garland.[11] Simple as such a reward was, a victor in these games gained the greatest distinction and honour among his countrymen; and a victory not only rendered the individual who obtained it a subject of admiration, but shed lustre over his family, and the whole town or community to which he belonged. Hence Solon established by a law, that every Athenian who gained the victory at the Isthmian games should receive from the public treasury a reward of one hundred drachmæ.[12] His victory was generally celebrated in lofty odes, called Epinikia, or triumphal odes, of which we still possess some beautiful specimens among the poems of Pindar. (See Massieu in the *Mém. de l'Acad. des Inscript. et Bell. Lett.*, v., p. 214, &c.—Dissen. *De Ratione Poetica Carminum Pindaricorum*, prefixed to the first volume of his edition of Pindar, and Müller, *Hist. of Greek Lit.*, i., p. 220, &c.)

ITA'LIA. (*Vid.* Colonia, p. 282.)

ITER. (*Vid.* Servitutes.)

JUDEX, JUDICIUM. A Roman magistratus generally did not investigate the facts in dispute in such matters as were brought before him: he appointed a judex for that purpose, and gave him instructions. (*Vid.* Actio.) Accordingly, the whole of civil procedure was expressed by the two phrases jus and judicium, of which the former comprehended all that took place before the magistratus (*in jure*), and the latter all that took place before the judex (*in judicio*). Originally even the magistratus was called judex, as, for instance, the consul and prætor;[1] and under the Empire the term judex often designated the præses. In the intermediate period it designated a person whose functions may be generally understood from what follows.

In many cases a single judex was appointed; in others, several were appointed, and they seem to have been sometimes called recuperatores, as opposed to the single judex.[2] Under certain circumstances, the judex was called arbiter: thus judex and arbiter are named together in the Twelve Tables.[3]

A judex, when appointed, was bound to discharge the functions of the office, unless he had some valid excuse (*excusatio*). A person might also be disqualified from being a judex. There were certain seasons of the year when legal business was done at Rome (*cum res agebantur*[4]), and at these times the services of the judices were required. These legal terms were regulated according to the seasons, so that there were periods of vacation:[5] in the provinces, the terms depended on the conventus. A judex was liable to a fine if he was not in attendance when he was required. In any given case, the litigant parties agreed upon a judex, or accepted him whom the magistratus proposed. A party had the power of rejecting a proposed judex, though there must have been some limit to this power.[6] In cases where one of the litigant parties was a peregrinus, a peregrinus might be judex.[7] The judex was sworn to discharge his duty faithfully.[8]

When Italy had received its organization from the Romans, the magistratus of the several cities had jurisdictio, and appointed a judex as the prætor did at Rome (*lex Rubria de Gallia Cisalpina*). In the provinces, the governors appointed a judex or recuperatores, as the case might be, at the conventus which they held for the administration of justice; and the judex or recuperatores were selected both from Roman citizens and natives.

When the judex was appointed, the proceedings *in jure* or before the prætor were terminated, which was sometimes expressed by the term *Litis Contestatio*, the phrases *Lis Contestata* and *Judicium Acceptum* being equivalent in the classical jurists. (*Vid.* Litis Contestatio.) The parties appeared before the judex on the third day (*comperendinatio*), unless the prætor had deferred the judicium for some sufficient reason. The judex was generally aided by advisers (*jurisconsulti*) learned in the law, who were said "in consilio esse;"[9] but the judex alone was empowered to give judgment. The matter was first briefly stated to the judex (*causæ conjectio, collectio*), and the advocates of each party supported his cause in a speech. The evidence seems to have been given at the same time that the

1. (Solin., c. 12.)—2. (Corsini, Dissert. Agon., 4.—Compare Göller ad Thucyd., viii., 9.)—3. (H. N., iv., 5.)—4. (c. 9.)—5. (Polyb., ii., 13.)—6. (Polyb., xviii., 29.)—7. (Paus., ii., 1, § 2. —Id., ii., 2, § 2.)—8. (Suet., Ner., 24.—Julian Imperat., Epist., 35.)—9. (Paus., v., 2, § 4.—Polyb., l. c.)—10. (Sympos., v., 2.)—11 (Plut., Sympos., v., 3.)—12 (Plut., Sol., 23.)

1. (Liv., iii., 55.)—2. (Gaius, iv., 104-109.)—3. (Dirksen, Uebersicht, &c., p. 725.)—4. (Gaius, ii., 279.)—5. (Cic. ad Att., i., 1: "Cum Romæ a judiciis forum refrixerit.")—6. (Cic., Pro Cluent., 43.)—7. (Gaius, iv., 105.)—8. (Cic., De Invent., i., 39.)—9 (Cic., Pro P. Quintio, 2, 6.—Id., Top., 17.)

speeches were made, and not to have been heard before the advocates made their address.[1] But it is probable that the practice in this respect might vary in different cases. Witnesses were produced on both sides, and examined orally; the witnesses on one side were also cross-examined by the other.[2] Written documents, such as instruments and books of account, were also given in evidence; and sometimes the deposition of an absent witness was read, when it was confirmed by an oath.[3] There were no means of compelling a person to give evidence before the legislation of Justinian, unless they were slaves, who in some cases might be put to the torture.

After all the evidence was given and the advocates had finished, the judex gave sentence: if there were several judices, a majority decided. If the matter was one of difficulty, the hearing might be adjourned as often as was necessary (*ampliatio*); and if the judex could not come to a satisfactory conclusion, he might declare this upon oath, and so release himself from the difficulty. This was done by the form of words "non liquere" (N. L.).[4] The sentence was pronounced orally, and was sometimes first written on a tablet. If the defendant did not make his appearance after being duly summoned, judgment might be given against him.

The sentence was either of absolutio or condemnatio. That part of the formula which was called condemnatio (*vid.* Actio, p. 20), empowered the judex to condemn or acquit (*condemnare, absolvere*[5]). The defendant might satisfy the plaintiff after the judicium had been constituted by the litis contestatio (*post acceptum judicium*[6]), and before judgment was given; but in this case it was a disputed question between the two schools whether the judex should acquit, or whether he should condemn on the ground that, at the time when the judicium was constituted, the defendant was liable to be condemned, and it was the business of the judex merely to follow his instructions. The dispute accordingly involved one of those principles on which the schools were theoretically divided—the following out of a legal principle to all its logical consequences; but, like many other questions between the schools, this question was practically of no importance, as the plaintiff would not be allowed to have satisfaction twice. (*Vid.* Jurisconsulti.)

While the legis actiones were in force, the judgment was for the restitution of a thing, if a given thing (*corpus*) was the object of the action; but under the process of the formula, the judex gave judgment, pursuant to the formula, in a sum of money, even when a piece of property was the object of dispute. This sum of money was either fixed or not fixed in the formula. If the claim was for a certain sum of money, the amount was inserted in the condemnatio, and the judex was bound to give that or nothing to the plaintiff. If the claim was for damages or satisfaction, the amount of which was not ascertained, the condemnatio was either limited to a sum named in the formula, and which the judex could not exceed except at his own peril (*item suam faciendo*); or, if the action was for the recovery of property from the possessor, or if it was an actio ad exhibendum, the condemnatio empowered the judex to condemn the defendant in the value of the thing. The judex was always bound to condemn in some definite sum, even though the formula did not contain a definite sum: the reason of which is obvious; for, unless the condemnatio was definite, there would be no judgment.[7]

1. (Cic., Pro Rosc. Com., 14.—Id., Pro P. Quintio, 18.)—2. (Cic., Pro Cæcina, 10.—Id., Pro Flacco, 10.)—3. (Pro Rosc. Com., 15.)—4. (Gell., xiv., 2.)—5. (Gaius, iv., 43.)—6. (Gaius, iii., 180; iv., 114.)—7. (Gaius, iv., 48-52.)

The following is the distinction between an arbitrium and judicium, according to Cicero:[1] In a judicium the demand was of a certain sum or definite amount (*pecuniæ certæ*); in an arbitrium the amount was not determined (*incerta*). In a judicium the plaintiff obtained all that he claimed or nothing, as the words of the formula show: "*Si paret H. S.* 1000 *dari oportere.*"[2] The corresponding words in the formula arbitraria were, "*Quantum æquius melius id dari;*" and their equivalents were, "*Ex fide bona, Ut inter bonos bene agier.*"[3] In a dispute about dos, which Cicero calls "*arbitrium rei uxoriæ*," the words "*quid æquius, melius,*" were added.[4] If the matter was brought before a judex, properly so called, the judicium was constituted with a pœna, that is, per sponsionem; there was no pœna when an arbiter was demanded, and the proceeding was by the formula arbitraria. The proceeding by the sponsio, then, was the strict one (*angustissima formula sponsionis*[5]); that of the arbitrium was ex fide bona, and the arbiter, though he was bound by the instructions of the formula, was allowed a greater latitude by its terms. The engagement between the parties who accepted an arbiter, by which they bound themselves to abide by his arbitrium, was compromissum;[6] but this term was also employed, as it appears, to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the prætor. Cicero appears to allude to this arbitration.[7]

According to Cicero,[8] all judicia had for their object either the settlement of disputes between individuals (*controversiæ*), or the punishment of crimes (*maleficia*). This passage refers to a division of judicia, which appears in the jurists, into publica and privata. The term privata judicia occurs in Cicero,[9] where it refers to the class of judicia which he indicates in the Cæcina by the term controversiæ. The term publica judicia might not then be in use, but the term publica causa is used by Cicero[10] with reference to a judicium, which by the jurists would be called publicum. In the Digest[11] it is stated that all judicia are not publica in which a crimen was the matter in question, but only those in which the offence was prosecuted under some lex, such as the Julia Majestatis, Cornelia de Sicariis, and others there enumerated. Judicia were called extraordinaria when the inquiry was extra ordinem, that is, not according to the usual practice; and this might happen when the offence was one not provided for by law (*legibus*), but one that was punishable by immemorial usage and general opinion, of which there is an instance in Livy (*seu legibus seu moribus mallet anquireret*[12]). The judicia popularia, or populares actiones, as they are called,[13] are defined to be those by which "*suum jus populus tuetur;*" and they agreed with the publica judicia in this, that any person might be the prosecutor who was not under some legal disqualification. The judicia populi[14] were those in which the populus acted as judices; and, accordingly, Cicero enumerates the populi judicia among others when he says[15] that "*nihil de capite civis, aut de bonis, sine judicio senatus aut populi aut eorum qui de quaque re constituti judices sint, detrahi posse.*" As the judicia publica are defined by the jurists to be those in which crimina were tried by a special lex, it appears that the judicia populi, strictly so called, must have fallen into disuse, or have gradually become unnecessary after the judi-

1. (Pro Rosc. Com., 4.)—2. (Compare Gaius, iv., 50.)—3 (Top., 17.)—4. (Compare Gaius, iv., 47, 62.)—5. (Cic., Pro Rosc. Com., 14.)—6. (Pro Rosc. Com., 4.)—7. (Pro Quintio, 5.—Compare Senec., De Benef., iii., 7.)—8. (Pro Cæcina, 2.)—9. (Top., 17.)—10. (Pro Rosc. Amer., c. 21.)—11. (48, tit. 1, s. 1.)—12 (xxvi., 3.)—13. (Dig. 47, tit. 23, s. 1.)—14. (Cic., Brut., 27.) 15. (Pro Dom., c. 13.)

ia publica were regulated by special leges; and thus the judicia publica of the later republican period represent the judicia populi of the earlier times. The judicia populi were originally held in the comitia curiata, and subsequently in the centuriata and tributa. A lex of Valerius Publicola[1] gave an appeal (*provocatio*) to the populus from the magistratus; and a law of C. Sempronius Gracchus[2] declared to the same effect: "*Ne de capite civium Romanorum injussu populi judicaretur.*"

The kings presided in the judicia populi, and the consuls succeeded to their authority. But after the passing of the lex Valeria de Provocatione (B.C. 507), the consul could not sit in judgment on the caput of a Roman citizen, but persons were appointed to preside at such inquiries, who were, accordingly, called quæsitores, or quæstores parricidii, or rerum capitalium. In some cases[3] a plebiscitum was passed, by which the senate was empowered to appoint one of the prætors or some other magistrate to preside at the judicial investigation. In course of time, as cases were of more frequent occurrence, these quæstiones were made perpetuæ, that is, particular magistrates were appointed for the purpose. In the year 149 B.C., the tribune L. Calpurnius Piso Frugi carried a lex De Pecuniis Repetundis, from which time the quæstio repetundarum became perpetua. L. Sulla gave to one prætor the quæstiones de majestate, and to others those of peculatus and ambitus; and he also added four other quæstiones perpetuæ. Thus he carried out the principle of the lex Calpurnia, by establishing permanent courts for the trial of various specified offences, and the prætors determined among themselves in which of these new courts they should severally preside. The ordinary functions of the prætor urbanus and peregrinus were not interfered with by these new arrangements. The quæstiones of Sulla were, De Repetundis, Majestatis, De Sicariis et Veneficis, De Parricidio, Peculatus, Ambitus, De Nummis Adulterinis, De Falsis or Testamentaria, and De Vi Publica. But in special cases the senate still sometimes, by a decretum, appointed the consuls as quæsitores, of which an example occurs in Cicero:[4] this was a case of quæstio or judicium extra ordinem.

Any person might be an accuser (*accusator*) in a judicium publicum. On such an occasion the prætor generally presided as quæsitor, assisted by a judex quæstionis and a body of judices called his consilium. The judex quæstionis was a kind of assistant to the presiding magistratus, according to some opinions; but others consider him to be a quæsitor, who was sometimes specially appointed to preside on the occasion of a quæstio.[5] The judices were generally chosen by lot out of those who were qualified to act; but in some cases the accuser and the accused (*reus*) had the privilege of choosing (*edere*) a certain number of judices out of a large number, who were thence called edititii.[6] Both the accusator and the reus had the privilege of rejecting or challenging (*rejicere*) such judices as they did not like.[7] In many cases a lex was passed for the purpose of regulating the mode of procedure. In the matter of Clodius and the Bona Dea, the senate attempted to carry a lex by which the prætor who was to preside at the trial should be empowered to select the judices, the effect of which would have been to prevent their being challenged by Clodius. After a violent struggle, a lex for the regulation of the trial was proposed by the tribune Fufius and carried: it only differed from the lex recommended by the senate in the mode of determining who should be the judices (*judicum genus*): a difference, however, which was not unimportant, as it secured the acquittal of Clodius. The judices voted by ballot, at least generally, and a majority determined the acquittal or condemnation of the accused. Each judex was provided with three tablets (*tabulæ*), on one of which was marked A., Absolvo; on a second, C., Condemno; and on a third, N. L., Non liquet. The judices voted by placing one of these tablets in the urns (*urnæ*[1]), which were then examined for the purpose of ascertaining the votes. It was the duty of the magistratus to pronounce the sentence of the judices: in the case of condemnation, to adjudge the legal penalty; of acquittal, to declare him acquitted; and of doubt, to declare that the matter must be farther investigated (*amplius cognoscendum*).

Mention is often made of the judicia populi in the Latin writers. A judicium was commenced by the accuser, who must be a magistratus, declaring in a contio that he would on a certain day accuse a certain person, whom he named, of some offence which he also specified. This was expressed by the phrase "diem dicere" (*Virginius Cæsoni capitis diem dicit*[2]). If the offender held any high office, it was necessary to wait till his time of service had expired before proceedings could be thus commenced against him. The accused was required to give security for his appearance on the day of trial; the security was called vades in a causa capitalis, and prædes when the penalty for the alleged offence was pecuniary. If such security was not given, the accused was kept in confinement.[3] If nothing prevented the inquiry from taking place at the time fixed for it, the trial proceeded, and the accuser had to prove his case by evidence. The investigation of the facts was called anquisitio with reference to the proposed penalty: accordingly, the phrases pecunia, capite or capitis anquirere, are used.[4] When the investigation was concluded, the magistratus promulgated a rogatio, which comprehended the charge and the punishment or fine. It was a rule of law that a fine should not be imposed together with another punishment in the same rogatio.[5] The rogatio was made public during three nundinæ, like any other lex, and proposed at the comitia for adoption or rejection. The form of the rogatio, the effect of which was to drive Cicero into banishment, is given in the Oration Pro Domo, c. 18. The accused sometimes withdrew into exile before the votes were taken; or he might make his defence, of which we have an instance in the oration of Cicero for Rabirius. Though these were called judicia populi, and properly so in the early ages of the state, the leges passed in such judicia in the latter period of the Republic were often plebiscita.

The offences which were the chief subject of judicia populi and publica were majestas, adulteria and stupra, parricidium, falsum, vis publica and privata, peculatus, repetundæ, ambitus, which are treated under their several heads.

With the passing of special enactments for the punishment of particular offences was introduced the practice of forming a body of judices for the trial of such offences as the enactments were directed against. Thus it is said that the lex Calpurnia De Pecuniis Repetundis established the album judicum, or the body out of which judices were to be chosen. It is not known what was the number of the body so constituted, but it has been conjectured that the number was 350, and that ten were chosen from each tribe, and thus the origin of the phrase decuriæ judicum is explained. It is easy to conceive that the judicia populi, properly so called,

1. (Liv., ii., 8.)—2. (Cic., Pro Rabir., 4.)—3. (Liv., iv., 51.)—4. (Brut., 22.)—5. (Walter, Geschichte des Röm. Rechts, p. 861.)—6. (Cic., Pro Muræna, c. 25; Pro Planco, 15, 17.)—7. (Cic. ad Att., i., 16.)

1. (Juv., Sat., v., 4.)—2. (Liv., iii., 11.)—3. (Liv., ii., 13.)—4. (Liv., xxvi., 3.)—5. (Cic., Pro Dom., c. 17.)

would be less frequent as special leges were framed for particular offences, the circumstances of which could be better investigated by a smaller body of judices than by the assembled people. It is affirmed that up to the passing of the Calpurnia lex, the judices were chosen from the senators only, but after this time they were not taken from that body exclusively; and farther, that not only the judices in the quæstiones de repetundis, but also the judices in private matters, were, from the date of this lex, taken from the album judicum that was annually made,[1] for which there appears to be no evidence. The lex Servilia (B.C. 104) enacted that the judices should not be under thirty nor above sixty years of age; that the accuser and accused should severally propose one hundred judices, and that each might reject fifty from the list of the other, so that one hundred would remain for the trial. This lex also made some provisions for the mode of conducting the prosecution and the defence. The terms of the Sempronia lex of Gracchus, which was passed B.C. 123, about twenty years before the lex Servilia, are variously stated; but in general terms it is said that it took the judicia from the senators and gave them to the equites; and this state of things lasted nearly fifty years,[2] till Sulla (B.C. 80) restored the judicia to the senate, and excluded the equites from the album judicum. The lex Servilia apparently did not interfere with the main object of the lex Sempronia. Tacitus, indeed,[3] speaks of the Serviliæ leges restoring the judicia to the senate; but the passage is encumbered with difficulty. A lex Aurelia (B.C. 70) enacted that the judices should be chosen from the three classes—of senators, equites, and tribuni ærarii; and, accordingly, the judicia were then said to be divided between the senate and the equites. The tribuni ærarii were taken from the rest of the citizens, and were, or ought to have been, persons of some property. Thus the three decuriæ of judices were formed; and it was either in consequence of the lex Aurelia or some other lex, that, instead of one urn for all the tablets, the decuriæ had severally their balloting urn, so that the votes of the three classes were known. Dion Cassius[4] ascribes this regulation to a lex Fufia; and he says that the object was, that the votes of the decuriæ (ἔθνη, γένη) might be known, though those of individuals could not, owing to the voting being secret. It is not known if the lex Aurelia determined the number of judices in any given case. The lex Pompeia de Vi and De Ambitu (B.C. 52) determined that eighty judices were to be selected by lot, out of whom the accuser and the accused might reject thirty. In the case of Clodius, in the matter of the Bona Dea, there were fifty-six judices. It is conjectured that the number fixed for a given case by the lex Aurelia was seventy judices.

Another lex Pompeia, passed in the second consulate of Pompey (B.C. 55), seems to have made some modifications in the lex Aurelia as to the qualification of the judices; but the new provisions of this lex are only known from Asconius, who explains them in terms which are very far from being clear. A lex Judiciaria of Julius Cæsar took away the decuria of the tribuni ærarii, and thus reduced the judices to two classes (*genera*, the γένη of Dion Cassius). A lex judiciaria, passed after his death by M. Antonius, restored the decuria of the tribuni ærarii, but required no pecuniary qualification from them: the only qualification which this lex required was, that a person should have been a centurion or have served in the legions. It appears that the previous lex Pompeia, lex Aurelia, and a lex of Cæsar had given to those who had been centuriones (*qui ordines duxerant*) the privilege of being judices (*judicatus*), but still they required a pecuniary qualification (*census*). The lex of Antonius, besides taking away the pecuniary qualification, opened the judicia to the soldiers.[1] It seems probable that the expression *ex centuriis*, which is used by Asconius in speaking of the change introduced by this lex Pompeia, had reference to the admission of the centuriones into the third class of judices.

Augustus added to the existing three decuriæ judicum a fourth decuria, called that of the Ducenarii, who had a lower pecuniary qualification, and only decided in smaller matters (*de levioribus summis*[2]). Caligula[3] added a fifth decuria, in order to diminish the labours of the judices. Augustus had already allowed each decuria, in its turn, an exemption for one year, and had relieved them from sitting in the months of November and December.

As to the whole number of judices included at any given time in the album judicum, it seems almost impossible to state anything with precision; but it is obvious, from what has been said, that the number must have varied with the various changes already mentioned. After the time of Augustus, the number was about four thousand; and from this period, at least, there is no doubt that the album judicum contained the whole number of persons who were qualified to act as judices, both in judicia privata and judicia publica. The fourth decuria of Augustus was limited in its functions to the judicia privata, in which the matter in dispute was of small value. It is often stated by modern writers, without any qualification, that the various changes in the judiciary body from the time of the lex Calpurnia to the end of the Republic had reference both to the judicia publica and privata; though it is also stated that the objects of these various enactments were to elevate or depress one of the great parties in the state, by extending or limiting the body out of which the judices in any given case were to be chosen. But it is obvious that these reasons do not apply to the matter of judicia privata, in which a single judex generally acted, and which mostly concerned matter of property and contract. Accordingly, a recent writer[4] has observed, with more caution than some of his predecessors, that "there is no doubt that, from the time of Augustus, the album judicum had reference to the judices in civil matters, but that as to earlier times a difficulty arises from the fact that, while the lex Sempronia was in force, by which the senators were excluded from the album judicum, a consularis is mentioned as a judex;[5] and, on the other hand, an eques is mentioned as a judex at a time when the lex of Sulla was in force, and, consequently, senators only could be judices."[6] These instances certainly are inconsistent with the fact of the judicia privata being regulated by the various leges judiciariæ; but they are of small weight compared with the reasons derivable from the character of the two kinds of judicia and the difference in the mode of procedure, which render it almost a matter of demonstration that the various changes in the judiciary body had reference to the quæstiones and judicia publica. It is true that some of these leges may have contained provisions even as to judicia privata, for many of the Roman leges contained a great variety of legislative provisions, and it is also true that we are very imperfectly acquainted with the provisions of these leges judiciariæ; but that the

1. (Göttling, Geschichte der Röm. Staatsverfassung, p. 425.)—2. (Cic. in Verr., Act. Prim., c 13.)—3. (Ann., xii., 60.)—4. (xxxviii., 8.)

1. (Cic., Phil., i., 8; v., 5.—Suet., Jul., 41.)—2. (Suet., Octav., 32.)—3. (Suet., Calig., 16.)—4. (Walter. Geschichte des Röm. Rechts, p. 716.)—5. (Cic., De Off., ii., 19.)—6. (Cic. Pro Rosc. Com., 14.)

regulation of the judicia privata was included in their provisions, in the same form and to the same extent as that of the judicia publica, is an assertion totally unsupported by evidence, and one which leads to absurd conclusions. Two leges Juliæ, together with a lex Æbutia, put an end to the legis actiones;[1] and a lex Julia Judiciaria limited the time of the judicia legitima;[2] but it does not appear whether these leges were passed solely for these objects, or whether their provisions were part of some other leges.

Though the general character of the Roman judicia, and the modes of procedure both in civil and criminal matters, are capable of a sufficiently clear exposition, there is much uncertainty as to many details, and the whole subject requires a careful examination by some one who combines with a competent knowledge of the original authorities an accurate acquaintance with the nature of legal procedure.

The following works may be referred to: Walter, *Geschichte des Röm. Rechts.*—Göttling, *Geschichte der Röm. Staatsverfassung.*—Heineccius, *Syntagma*, &c.—Tigerström, *De Judiciis apud Romanos*, Berl., 1826, valuable only for the collection of the original authorities.—Keller, *Ueber Litis Contestation und Urtheil*, &c., Zürich, 1827.—Also Gaius, iv.; Dig. 5, tit. 1, *De Judiciis*; Dig. 48, *De Judiciis Publicis*; Inst., iv., tit. 18.

JUDEX ORDINA'RIUS. (*Vid.* Judex Pedaneus.)

JUDEX PEDA'NEUS. The origin and meaning of this term seem to be entirely unknown. The judices to whom the prætor or præses referred a matter in litigation with the usual instructions, were sometimes called pedanei.[3] Subsequently the præses, who was now sometimes designated judex ordinarius, or judex simply,[4] decided most matters without the intervention of a judex; but still he was empowered to appoint a permanent body of judices for the decision of less important matters, and these also were called judices pedanei, "*hoc est qui negotia humiliora disceptent.*"[5] The proceedings before this new kind of judices pedanei were the same as before the præses. Some modern writers are of opinion that these new pedanei judices did not form a permanent court, but only decided on matters which were referred to them by a superior authority.[6]

JUDEX QUÆSTIO'NIS. (*Vid.* Judex, p. 552.)

JUDICA'TI ACTIO. A thing was a res judicata when the matter in dispute had been determined by a judicial sentence, and the actio judicati was a mode which the successful party might adopt for obtaining a decree of the magistratus, by which he could take possession of the property of the person who had lost the cause and had not satisfied the judgment. The plaintiff in the actio judicati was also protected in his possession of the defendant's property by a special interdict, and he was empowered to sell it. The party condemned was limited as to his defence. Originally the judicatus was obliged to find a vindex (*vindicem dare*); but in the time of Gaius it had become the practice for him to give security to the amount of the judgment (*judicatum solvi satisdare*). If the defendant pleaded that there was no res judicata, he was mulcted in double the amount of the judgment if his plea was false.[7]

JU'DICES EDITI'TII. (*Vid.* Judex, p. 552.)

JUDI'CIA DUPLI'CIA. (*Vid.* Familiæ Erciscundæ Actio.)

JUDI'CIA LEGI'TIMA. (*Vid.* Imperium, page 530.)

1. (Gaius, iv., 30.)—2. (Gaius, iv., 104.)—3. (Theophil., iv., 15.—Cod. 3, tit. 3.)—4. (Cod. Theod., 1, tit. 7.)—5. (Cod. 3, tit. 3, s. 5.)—6. (Cod. 3, tit. 3.)—7. (Gaius, iv., 9, 25, 171, 102.—Cic., Pro Flacc., 20.—Paulus, S. R., 1, tit. 19.—Dig. 42, tit. 1.)

JUDI'CIA QUÆ IMPERIO. (*Vid.* Imperium, p. 530.)

JUDI'CIUM. (*Vid.* Judex.)

JUDI'CIUM PO'PULI. (*Vid.* Judex, p. 551, 552.)

JUDI'CIUM PRIVA'TUM, PU'BLICUM. (*Vid.* Judex, p. 551.)

JU'GERUM, a Roman measure of surface, 240 feet in length and 120 in breadth, containing, therefore, 28,800 square feet.[1] It was the double of the *actus quadratus*, and from this circumstance, according to some writers, it derived its name.[2] (*Vid.* Actus Quadratus.) The uncial division (*vid.* As) was applied to the *jugerum*, its smallest part being the *scrupulum* of 10 feet square, =100 square feet. Thus the *jugerum* contained 288 scrupula.[3] The jugerum was the common measure of land among the Romans. Two *jugera* formed an *heredium*, a hundred *heredia* a *centuria*, and four *centuriæ* a *saltus*. These divisions were derived from the original assignment of landed property, in which two *jugera* were given to each citizen as heritable property.[4]

*JUGLANS, the Wallnut, or *Juglans regia*, L., the same with the *κάρυον* or *καρύα* of the Greeks. (*Vid.* Caryum.)

JUGUM (*ζυγός*, *ζυγόν*) signified, in general, that which joined two things together. It denoted more especially,

1. The transverse beam which united the upright posts of a loom, and to which the warp was attached.[5] (*Vid.* Tela.)

2. The transverse rail of a trellis,[6] joining the upright poles (*perticæ*, *χάρακες*) for the support of vines or other trees. (*Vid.* Capistrum.) Hence, by an obvious resemblance, the ridges uniting the tops of mountains were called *juga montium*.[7]

3. The crossbar of a lyre.[8]

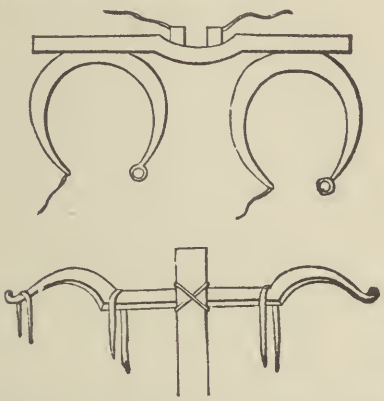
4. A scalebeam, and hence a pair of scales. (*Vid.* Libra.) The constellation Libra was consequently also called Jugum.[9]

5. The transverse seat of a boat.[10] This gave origin to the term *ζυγίτης*, as applied to a rower. A vessel with many benches or banks for the rowers was called *νῆς πολυζύγος* or *ἑκατόζυγος*.[11]

6. The yoke by which ploughs and carriages were drawn. This was by far the most common application of the term. The yoke was in many cases a straight wooden plank or pole laid upon the horses' necks; but it was commonly bent towards each extremity, so as to be accommodated to the part of the animal which it touched (*curva juga*[12]). The following woodcut shows two examples of the yoke, the upper from a MS. of Hesiod's Works and Days, preserved at Florence, the lower from a MS. of Terence, belonging to the Vatican library. These may be compared with the still ruder forms of the yoke as now used in Asia Minor, which are introduced in the article Aratrum. The practice of having the yoke tied to the horns, and pressing upon the foreheads of the oxen (*capite, non cervice junctis*[13]), which is now common on the Continent of Europe, and especially in France, is strongly condemned by Columella on grounds of economy as well as of humanity.[14] He recommends that their heads should be left free, so that they may raise them aloft, and thus make a much handsomer ap-

1. (Colum., De Re Rust., v., 1, § 6.—Quintil., Inst. Or., i., 18.)—2. (Varro, De Ling. Lat., v., 35, ed. Müller.)—3. (Varro, ib., ii., 12.)—4. (Varro, ib., i., 10.—Niebuhr, Hist. of Rome, ii., p. 156, &c., and Appendix, il.)—5. (Ovid, Met., vi., 55.)—6. (Varro, De Re Rust., i., 8.—Col., De Re Rust., iv., 17, 20.—Id ib., xii., 15.—Geopon., v., 29.)—7. (Virg., Eclog., v., 76.—Flor., ii., 3, 9, 17.—Id., iii., 3.)—8. (Hom., Il., ix., 187.)—9. (Cic., Div., ii., 47.)—10. (Æschyl., Agam., 1608.—Soph., Ajax, 247.—Virg., Æn., vi., 411.)—11. (Hom., Il., ii., 293.—Id. ib., xx., 247.)—12. (Ovid, Fast., iv., 216.—Id., Trist., iv., 6, 2.)—13. (Plin., H. N., viii., 70.)—14. (De Re Rust., ii., 2.)

pearance. (Compare woodcut, p. 225[1]). All this was effected by the use either of the two collars (*subjugia*,[2] *μέσαβα*,[3] *ζεῦγλαι*[4]), shown in the upper figure of the woodcut, or of the excavations (*γλύφαι*) cut in the yoke, with the bands of leather (*lora*; *vincla*;[5] *ταυροδέτιν βύρσαν ἐπαυχενίην*,[6] *λεπάδνα*), which are seen in the lower figure.



This figure also shows the method of tying the yoke to the pole (*τεμο, ῥυμός*) by means of a leathern strap (*ζυγόδεσμον*[7]), which was lashed from the two opposite sides over the junction of the pole and yoke. These two parts were still more firmly connected by means of a pin (*ἔμβολος*;[8] *ἔστωρ*;[9] *ἔμβρυον*:[10] *vid.* CURRUS, p. 332), which fitted a circular cavity in the middle of the yoke (*ὀμφαλός*[11]). Homer represents the leathern band as turned over the fastening thrice in each direction. But the fastening was sometimes much more complicated, especially in the case of the celebrated Gordian knot, which tied the yoke of a common cart, and consisted only of flexible twigs or bark, but in which the ends were so concealed by being inserted within the knot, that the only way of detaching the yoke was that which Alexander adopted.[12]

Besides being variegated with precious materials and with carving, the yoke, especially among the Persians, was decorated with elevated plumes and figures. Of this an example is presented in a bas-relief from Persepolis, preserved in the British Museum. The chariot of Darius was remarkable for the golden statues of Belus and Ninus, about eighteen inches high, which were fixed to the yoke over the necks of the horses, a spread eagle, also wrought in gold, being placed between them.[13] The passages above cited show that when the carriage was prepared for use, the yoke, which had been laid aside, was first fastened to the pole, and the horses were then led under it. Either above them, or at the two ends of the yoke, rings were often fixed, through which the reins passed. These frequently appear in works of ancient art representing chariots.

Morning and evening are often designated in poetry by the act of putting the yoke on the oxen[14] and taking it off[15] (*βούλυσις, βουλυτός*;[16] *βουλύσιος ὥρη*[17]).

By metonymy *jugum* meant the quantity of land which a yoke of oxen could plough in a day.[18] It was used as equivalent to the Latin *par* and the Greek *ζεῦγος*,[1] as in *aquilarum jugum*.[2] By another figure the yoke meant *slavery*, or the condition in which men are compelled against their will, like oxen or horses, to labour for others.[3] Hence, to express symbolically the subjugation of conquered nations, the Romans made their captives pass under a yoke,[4] which, however, in form and for the sake of convenience, was sometimes made, not like the yoke used in drawing carriages or ploughs, but rather like the jugum described under the first two of the preceding heads; for it consisted of a spear supported transversely by two others placed upright.

JU'LIÆ LEGES is a term by which various leges are designated, most of which were passed in the time of C. J. Cæsar and Augustus.

JULIA LEX DE ADULTE'RIIS. (*Vid.* ADULTERIUM.)

JULIA LEX AGRA'RIA is referred to by Suetonius,[5] and in the Digest, *De Termino Moto*.[6] But the lex of C. Cæsar, referred to in the Pandect, is probably a lex of Caligula. The Agraria lex of the dictator Cæsar was passed B.C. 59, when he was consul.[7]

JULIA LEX DE A'MBITU. (*Vid.* AMBITUS.)

JULIA LEX DE ANNO'NA.[8]

JULIA LEX DE BONIS CEDENDIS. This lex provided that a debtor might escape all personal molestation from his creditors by giving up his property to them for the purpose of sale and distribution.[9] It is doubtful if this lex was passed in the time of J. Cæsar or of Augustus, though probably of the former.[10] The beneficium of the lex was extended to the provinces by the imperial constitutions.[11]

JULIA LEX CADUCA'RIA is the same as the LEX JULIA ET PAPIA POPPÆA.

JULIA LEX DE CÆDE ET VENEFI'CIO,[12] perhaps the same as the lex De Vi Publica.

JULIA LEX DE CIVITA'TE was passed in the consulship of L. J. Cæsar and P. Rutilius Lupus, B.C. 90. (*Vid.* CIVITAS, FŒDERATÆ CIVITATES.)

JULIA LEX DE FŒ'NORE, or, rather, De Pecuniis Mutuis or Creditis (B.C. 47), passed in the time of J. Cæsar.[13] The object of it was to make an arrangement between debtors and creditors for the satisfaction of the latter. The possessiones and res were to be estimated at the value which they had before the civil war, and to be surrendered to the creditors at that value; whatever had been paid for interest was to be deducted from the principal. The result was, that the creditor lost about one fourth of his debt; but he escaped the loss usually consequent on civil disturbance, which would have been caused by novæ tabulæ.[14] A passage of Tacitus[15] is sometimes considered as referring to this lex, and sometimes to the lex De Bonis Cedendis; but it does not seem to refer to either of them. The passage of Dion Cassius[16] seems to refer to this lex De Mutuis Pecuniis.

JULIA LEX DE FUNDO DOTA'LI. The provisions as to the fundus dotalis were contained in the lex Julia de Adulteriis.[17] This Julia lex was commented on by Papinian, Ulpian, and Paulus. (*Vid.* ADULTERIUM.)

JULIÆ LEGES JUDICIA'RIÆ. The lex re-

1. (Cic., De Nat. Deor., ii., 63. — Ovid, Met., vii., 211.)—2. (Vitruv., x., 3, 8.)—3. (Hesiod, Op. et Dies, 469.—Proclus, ad loc.)—4. (Hom., Il., xix., 406.—Schol. ad Apoll. Rhod., iii., 232.)—5. (Tib., ii., 1, 7.)—6. (Brunck, Anal., iii., 44.)—7. (Hom., Il., v., 730 —Id. ib. xxiv., 268–274.)—8. (Schol. in Eurip., Hippol., 868.)—9 (Hom., l. c.)—10. (Hes., l. c.)—11. (Hom., l. c.)—12. (Arrian, Exp. Alex., ii., p. 85, ed. Blan.—Q. Curt., iii., 2.—Schol. in Eurip., l. c.)—13. (Q. Curt., iii., 3.)—14. (Hes., Op. et Dies, 581.)—15. (Hor., Carm., III., vi., 42.—Virg., Eclog., ii., 66.—Ovid, Fast., v., 497.)—16. (Arrian, l. c.—Hom., Il., xvi., 797.—Cic. ad Att., xv., 27.)—17. (Arat., Diosc., 387.)—18. (Varro De Re Rust., i., 10.)

1. (Hom., Il., xviii., 743.)—2. (Plin., H. N., x., 4, 5.)—3. (Æsch., Agam., 512.—Florus, ii., 14.—Tacit., Agric., 31.—Hor., Sat., II., vii., 91.)—4. (Florus, i., 11.)—5. (Jul., 20.)—6. (47, tit. 21.)—7. (Dion Cass., xxxviii., 1–7, &c.—Cic., Phil., ii., 39.—Id., ad Att., ii., 16, 18.—Rudorff, "Lex Manilia de Coloniis," Zeitschrift, vol. ix.)—8. (Dig. 48, tit. 1, s. 1.)—9. (Gaius, iii., 78.)—10. (Cæsar, Bell. Civ., iii., 1.—Sueton., J. Cæs., 42.—Tacit., Ann., vi., 16.—Dion Cass., lviii., 21.)—11 (Cod. 7, tit. 71, s. 4.)—12. (Sueton., Nero, 33.)—13. (Sueton., Jul., 42.—Cæsar, Bell. Civ., iii., 1.)—14. (Compare Cæsar, Bell. Civ., iii., 1, with Sueton., Jul., 42.)—15. (Ann., vi., 16.)—16. (lviii., 21: Περὶ τῶν συμβολαίων.)—17. (Gaius, ii., 63.—Paulus, S. R., ii., tit. 21, s. 2.—Dig., De Fundo Dotali, 23, tit. 5, s. 1, 2, 13.)

ferred to in the Digest,[1] by which a person under twenty years of age was not compelled to be a judex, is probably one of the leges Juliæ Judiciariæ.[2] As to the other Juliæ leges Judiciariæ, *vid.* JUDEX.

JULIA LEX DE LI'BERIS LEGATIO'NIBUS.[3] (*Vid.* LEGATUS.)

JULIA LEX MAJESTA'TIS.[4] The lex Majestatis of the Digest[5] is probably a lex of Augustus. (*Vid.* MAJESTAS.)

JULIA LEX MUNICIPA'LIS, commonly called the Table of Heraclea. In the year 1732 there were found near the Gulf of Tarentum and in the neighbourhood of the ancient city of Heraclea large fragments of a bronze tablet, which contained on one side a Roman lex, and on the other a Greek inscription. The whole is now in the Museo Borbonico at Naples. The lex contains various provisions as to the police of the city of Rome, and as to the constitution of communities of Roman citizens (*municipia, coloniæ, præfecturæ, fora, conciliabula civium Romanorum*). It was, accordingly, a lex of that kind which is called Satura.

It is somewhat difficult to determine the date of this lex, but there seem to be only two dates that can be assumed as probable; one is the time immediately after the Social War, or shortly after B.C. 89; the other is that which shortly followed the admission of the Transpadani to the civitas (B.C. 49). This latter date, in favour of which various considerations preponderate, seems to be fixed about the year B.C. 44 by a letter of Cicero.[6] Compare the tablet l., 94, 104, as to persons whom the lex excluded from the office of decurio.

It seems that the lex of the year B.C. 49, which gave the civitas to the Transpadani, enacted that a Roman commissioner should be sent to all the towns for the purpose of framing regulations for their municipal organization. The lex Julia empowered the commissioners to continue their labours for one year from the date of the lex, the terms of which were so extended as to comprise the whole of Italy. The lex was therefore appropriately called Municipalis, as being one which established certain regulations for all municipia; and this sense of the term municipalis must be distinguished from that which merely refers to the local usages or to the positive laws of any given place, which is expressed by such terms as lex Municipii, lex Civitatis, and other equivalent terms.

The name lex Julia rests mainly on the fact (assumed to be demonstrated) that this lex was passed when J. Cæsar was in the possession of full power; that it is the lex referred to by Cicero; and that it is improbable that it would have been called by any other personal appellation than that of Julia. It is farther proved, by a short inscription found at Padua in 1696, that there was *a* lex Julia Municipalis; and the contents of the inscription (III. *vir ædiliciæ potestat. e lege. Julia Municipali*), compared with Cicero (*eratque rumor de Transpadanis eos jussos* III. *viros crearc*[7]), render it exceedingly probable that the lex Julia Municipalis of the inscription is the lex of the Table of Heraclea and the lex Municipalis of the Digest.[8]

(Savigny, *Volksschluss der Tafel von Heraclea, Zeitschrift*, vol. ix., p. 300; the tablet is printed in the work of Mazochi, *Comm. in æncas Tab. Heracl.*, p. 1, 2, Neap., 1754, 1755, fol., with a commentary which contains much learning, but no sound criticism.)

JULIA LEX ET PAPIA POPPÆA. Augustus appears to have caused a lex to be enacted about B C. 18, which is cited as the lex Julia de Maritandis Ordinibus,[1] and is referred to in the Carmen Seculare of Horace, which was written in the year B.C. 17. The object of this lex was to regulate marriages, as to which it contained numerous provisions; but it appears not to have come into operation till the year B.C. 13. In the year A.D. 9, and in the consulship of M. Papius Mutilus and Q. Poppæus Secundus (*consules suffecti*), another lex was passed as a kind of amendment and supplement to the former lex, and hence arose the title of lex Julia et Papia Poppæa, by which this lex is often quoted. It is not known whether these leges were passed by the centuriæ or the tribus. The lex is often variously quoted, according as reference is made to its various provisions: sometimes it is called lex Julia, sometimes Papia Poppæa, sometimes lex Julia et Papia, sometimes lex De Maritandis Ordinibus, from the chapter which treated of the marriages of the senators,[2] sometimes lex Caducaria, Decimaria, &c., from the various chapters.[3]

There were many commentaries on this lex by the Roman jurists, of which considerable fragments are preserved in the Digest: Gaius wrote 15 books, Ulpian 20, and Paulus 10 books at least, on this lex. The lex contained at least 35 chapters;[4] but it is impossible to say to which of the two leges included under the title of lex Julia and Papia Poppæa the several provisions, as now known to us, belong. Attempts have been made, both by J. Gothofredus and Heineccius, to restore the lex, proceeding on the assumption that its provisions are reducible to the two general heads of a lex Maritalis and lex Caducaria.

The lex Julia forbade the marriage of a senator or a senator's children with a libertina, with a woman whose father or mother had followed an ars ludicra, and with a prostitute; and also the marriage of a libertinus with a senator's daughter. If an hereditas or a legatum was left to a person on condition of not marrying, or on conditions which in effect prevented marriage, the conditions were illegal, and the gift was unconditional. The condition, however, might be not to marry a certain specified person or certain specified persons, or it might be to marry a particular person; but then the person must be such a one as would be a suitable match, otherwise the condition would be, in effect, a condition not to marry, and therefore void.[5]

In order to promote marriage, various penalties were imposed on those who lived in a state of celibacy (*cælibatus*) after a certain age. Cælibes could not take an hereditas or a legacy (*legatum*); but if a person was cælebs at the time of the testator's death, and was not otherwise disqualified (*jure civili*), he might take the hereditas or legatum if he obeyed the lex within one hundred days, that is, if he married within that time.[6] If he did not comply with the lex, the gift became caducum. (*Vid.* CADUCA.) The lex Julia allowed widows a term of one year (*vacatio*) from the death of a husband, and divorced women a term of six months from the time of the divorce, within which periods they were not subject to the penalties of the lex: the lex Papia extended these periods, respectively, to two years, and a year and six months.[7] A man when he attained the age of sixty, and a woman when she attained the age of fifty, were not included within the penalties of the lex; but if they had not obeyed the lex before attaining those respective ages, they were perpetually bound by its penalties

1. (iv., tit. 8, s. 41.)—2. (Gell., iv., 2.)—3. (Cic. ad Att., xv., 11.)—4. (Cic., Phil., i., 91.)—5. (48, tit. 4.)—6. (ad Fam., vi., 18.)—7. (ad Att., v., 2.)—8. (50, tit. 9, s. 3.—Cod. 7, tit. 9, s. 1; and Dig. 50, tit. 1, "ad Municipalem et de Incolis.")

1. (Dig. 38, tit. 11; 23, tit. 2.)—2. (Gaius, i., 178.—Ulp., Frag., xi., 20.—"Lex Marita:" Hor., Carm. Sec.)—3. (Ulp., Frag., xxviii., tit. 7.—Dion Cass., liv., 16.—Id., lv., 1, &c.—Tacit., Ann., iii., 25.)—4. (Dig. 22, tit. 2, s. 19.)—5. (Dig. 35, tit. 1, s. 63.)—6. (Ulp., Frag., xvii., tit. 1.)—7. (Ulp., Frag., xiv.)

by a senatus consultum Pernicianum. A senatus consultum Claudianum so far modified the strictness of the new rule as to give to a man who married above sixty the same advantage that he would have had if he had married under sixty, provided he married a woman who was under fifty; the ground of which rule was the legal notion that a woman under fifty was still capable of having children.[1] If the woman was above fifty and the man under sixty, this was called impar matrimonium, and by a senatus consultum Calvitianum it was entirely without effect as to releasing from incapacity to take legata and dotes. On the death of the woman, therefore, the dos became caduca.

By the lex Papia Poppæa a candidate who had several children was preferred to one who had fewer.[2] Freedmen who had a certain number of children were freed "*operarum obligatione*;"[3] and libertæ who had four children were released from the tutela of their patrons.[4] Those who had three children living at Rome, four in Italy, and five in the provinces, were excused from the office of tutor or curator.[5] After the passing of this lex, it became usual for the senate, and afterward the emperor (*princeps*), to give occasionally, as a privilege, to certain persons who had not children, the same advantage that the lex secured to those who had children. This was called the jus liberorum. Pliny says[6] that he had lately obtained from the emperor for a friend of his the jus trium liberorum.[7] This privilege is mentioned in some inscriptions, on which the abbreviation I. L. H. (*jus liberorum habens*) sometimes occurs, which is equivalent to "*jura parentis habere*." The Emperor M. Antoninus provided that children should be registered by name, within thirty days after their birth, with the præfectus ærarii Saturni.[8]

The lex also imposed penalties on *orbi*, that is, married persons who had no children (*qui liberos non habent*[9]), from the age of twenty-five to sixty in a man, and from the age of twenty to fifty in a woman. By the lex Papia, orbi could only take one half of an hereditas or legatum which was left to them.[10] It seems that an attempt had been made to evade this part of the lex by adoptions, which a senatus consultum Neronianum declared to be ineffectual for the purpose of relieving a person from the penalties of the lex.[11]

As a general rule, a husband and wife could only leave to one another a tenth part of their property; but there were exceptions in respect of children either born of the marriage or by another marriage of one of the parties, which allowed of the free disposal of a larger part. This privilege might also be acquired by obtaining the jus liberorum.[12]

JULIA LEX PECULA'TUS. (*Vid.* Peculatus.)

JULIA LEX ET PLAUTIA, which enacted that there could be no usucapion in things obtained by robbery (*vi possessæ*). The Twelve Tables had already provided that there could be no usucapion in stolen things.[13] This lex was probably passed B.C. 89.

JULIA LEX DE PROVI'NCIIS. (*Vid.* Provinciæ.)

JULIA LEX REPETUNDA'RUM. (*Vid.* Repetundæ.)

JULIA LEX DE RESI'DUIS. (*Vid.* Peculatus.)

JULIA LEX DE SACERDO'TIIS.[14]

JULIA LEX DE SACRI'LEGIS. (*Vid.* Peculatus.)

JULIA LEX SUMTUA'RIA, passed in the time of J. Cæsar,[1] and one under Augustus.[2] (*Vid.* Sumtuariæ Leges.)

JULIA LEX THEATRA'LIS,[3] which permitted Roman equites, in case they or their parents ever had a census equestris, to sit in the fourteen rows (*quatuordecim ordines*) fixed by the lex Roscia Theatralis, B.C. 69.

JULIA LEX ET TI'TIA, passed under Augustus B.C. 32,[4] which empowered the præses of a province to appoint a tutor for women and pupilli who had none.[5] A lex Atilia of earlier but uncertain date had given the same power at Rome to the prætor urbanus and the majority of the tribuni plebis; and the new lex was passed in order to extend the same advantages to the provinces. There are some reasons for supposing that there were two leges, a Julia and a Titia; and among those reasons is the circumstance that it is not usual to unite by the word *et* the two names which belong to one lex, though this is done by Cicero[6] in speaking of the lex Licinia and Mucia.

JULIA LEX DE VI PU'BLICA AND PRIVA'TA. (*Vid.* Vis.)

JULIA LEX VICESIMA'RIA. (*Vid.* Vicesima.)

*JUNCUS, the Rush, in Greek σχοῖνος. (*Vid.* Schœnus.) In the second Eclogue of Virgil,[7] that poet speaks of "interweaving osiers with soft rushes" ("*Viminibus mollique paras detexere junco*"). Fée thinks that he here refers, not to the common Rush, but to the *Scirpus lacustris* of Linnæus.[8]

JU'NEA or JU'NIA NORBA'NA. (*Vid.* Libertus.)

JU'NIA LEX, REPETUNDA'RUM. (*Vid.* Repetundæ.)

*JUNIP'ERUS (ἄρκευθος), the Juniper-tree, or *Juniperus communis*, L. The Juniper is a very common tree, of which botanical writers mention two species, distinguished from each other by the size of their fruit. It grows in Europe in all latitudes. The berry, which the Greeks called ἀρκευθίς, has a strong odour, from which the tree itself is not exempt. Theophrastus states that the ἄρκευθος is like the κέδρος, and that, in fact, some applied the same generic name to both, calling the ἄρκευθος, for distinction' sake, the κέδρος ὀξύκεδρος. Dioscorides describes two species of Juniper, which Sprengel decides to be the *Juniperus macrocarpa*, Sibth., and the *J. oxycedrus*.[9]

JURA IN RE. (*Vid.* Dominium, p. 374.)

JURE ACTIO, IN. (*Vid.* Jurisdictio.)

JURE CE'SSIO, IN, was a mode of transferring ownership by means of a fictitious suit, and so far resembled the forms of conveyance by fine and by common recovery which, till lately, were in use in England. The in jure cessio was applicable to things mancipi and nec mancipi, and also to res incorporales, which, from their nature, were incapable of tradition. The parties to this transaction were the owner (*dominus qui cedit*), the person to whom it was intended to transfer the ownership (*vindicans, cui ceditur*), and the magistratus, qui addicit. (*Vid.* Jurisdictio.) The person to whom the ownership was to be transferred, claimed the thing as his own in the presence of the magistratus and the real owner; the magistratus called upon the owner for his defence, and, on his declaring that he had none to make, or remaining silent, the magistratus decreed (*addixit*) the thing to the claimant. This proceeding was a legis actio.

1 (Ulp., Frag., xvi.—Suet., Claud., 23.)—2. (Tacit., Ann., xv., 19.—Plin., Ep., vii., 16.)—3. (Dig. 38, tit. 1, "De Operis Libertorum.")—4. (Ulp., Frag., tit. 29.)—5. (Inst. i., 25.—Dig. 27, tit. 1.)—6. (Ep., ii., 13.)—7. (*Vid.*, also, Ep., x., 95, 96.)—8. (Capitol., M. Ant., c. 9.—Compare Juv., Sat., ix., 84.)—9. (Gaius, ii., 111.)—10. (Gaius, ii., 286.)—11. (Tacit., Ann., xv., 19.)—12. (Ulp., Frag., tit. 15, 16.)—13. (Gaius, ii., 45.—Inst., iv., tit. 6.)—14. (Cic., Ep. ad Brut., i., 5.)

1. (Dion Cass., xliii., 25.)—2. (Gell., ii., 24.)—3. (Suet., Octav., 40.—Plin., H. N., xxxiii., 2.)—4. (Inst., i., tit. 20.)—5. (Ulp., Frag., vi., tit. 11.)—6. (Brut., c. 16.—Pro Balbo, c. 21.)—7. (L. 72.)—8. (Fée, Flore de Virgile, p. lxxiii.)—9. (Fée, Flore de Virgile, p. lxxiii.—Adams Append., s. v. ἄρκευθος.)

An hereditas could be transferred by this process *vid.* HERES, ROMAN, p. 500); and the res corporales, which belonged to the hereditas, passed in this way just as if they had severally been transferred by the in jure cessio.

The in jure cessio was an old Roman institution, and there were provisions respecting it in the Twelve Tables.[1]

JURISCONSULTI or JURECONSULTI. The origin among the Romans of a body of men who were expounders of the law may be referred to the separation of the jus civile from the jus pontificium. (*Vid.* JUS CIVILE FLAVIANUM.) Such a body certainly existed before the time of Cicero, and the persons who professed to expound the law were called by the various names of jurisperiti, jurisconsulti, or consulti simply. They were also designated by other names, as jurisprudentes, prudentiores, peritiores, and juris auctores. Cicero[2] enumerates the jurisperitorum auctoritas among the component parts of the jus civile. The definition of a jurisconsultus, as given by Cicero,[3] is a "person who has such a knowlege of the laws (*leges*) and customs (*consuetudo*) which prevail in a state as to be able to advise (*respondendum*), act (*agendum*), and to secure a person in his dealings (*cavendum*): Sextus Ælius Catus (*vid.* JUS ÆLIANUM), M. Manlius, and P. Mucius are examples." In the oration Pro Muræna, Cicero uses "scribere" in the place of "agere." The business of the early jurisconsulti consisted both in advising and acting on behalf of their clients (*consultores*) gratuitously. They gave their advice or answers (*responsa*) either in public places which they attended at certain times, or at their own houses;[4] and not only on matters of law, but on anything else that might be referred to them. The words "scribere" and "cavere" referred to their employment in drawing up formal instruments, such as contracts or wills, &c. At a later period, many of these functions were performed by persons who were paid by a fee, and thus there arose a body of practitioners distinct from those who gave responsa, and who were writers and teachers. Tiberius Coruncanius, a plebeian, who was consul B.C. 281, and also pontifex maximus, is mentioned as the first who gave advice publicly (*publice professus est*), and he was distinguished both for his knowledge of the law and his eloquence. He left no writings. Long before the time of Cicero the study of the law had become a distinct branch from the study of oratory, and a man might raise himself to eminence in the state by his reputation as a lawyer, as well as by his oratorical power or military skill. There were many distinguished jurists in the last two centuries of the republican period, among whom are M. Manilius; P. Mucius Scævola, pontifex maximus (B.C. 131); Q. Mucius Scævola, the augur; and Q. Mucius Scævola, the son of Publius, who was consul B.C. 95, and afterward pontifex maximus, and one of the masters of Cicero (*jurisperitorum eloquentissimus, eloquentium jurisperitissimus*[5]). This Scævola the pontifex was considered to have been the first who gave the jus civile a systematic form, by a treatise in eighteen books.[6] Servius Sulpicius Rufus, the friend and contemporary of Cicero,[7] was as great an orator as the pontifex Scævola, and more distinguished as a jurist. Many persons, both his predecessors and contemporaries, had a good practical knowledge of the law, but he was the first who handled it in a scientific manner, and, as he had both numerous scholars and was a voluminous writer, we may view him as the founder of that methodical treatment of the matter of law which characterized the subsequent Roman jurists,[1] and in which they have been seldom surpassed.

The jurists of the imperial times are distinguished from those of the republican period by two circumstances, the jus respondendi, and the rise of two sects or schools of law.

It is said that Augustus determined that the jurisconsulti should give their responsa under his sanction (*ex auctoritate ejus responderent*), and, accordingly, Gaius[2] speaks of the responsa and opiniones of those jurists "*quibus permissum est jura condere.*" The object of Augustus was probably to obtain, by this indirect method, that control over the administration of the law which he could not obtain in any other way. It does not appear that the jurists who had not obtained this mark of imperial favour were excluded from giving opinions; but the opinions of such jurists would have little weight in comparison with those of the privileged class. The unanimous opinion of the jurists was to have the force of law (*legis vicem*): if they were not unanimous, the judex might follow which opinion he pleased. Gaius refers the establishment of this rule to a rescript of Hadrian;[3] but it seems probable that this rescript must be rather considered as confirmatory of the established practice. The constitution of this body of jurists, and the mode of proceeding as to taking their opinions, are not known. It is a reasonable conjecture that they formed a kind of college; otherwise it is not easy to suppose how the opinions were taken. The power of making or declaring the law was limited to a decision in the cases which came before them, which, however, would doubtless be received as law in all cases of the same kind, and would serve as a guide in cases of a similar kind. The earlier jurisconsulti gave their opinions either orally or in writing; but in the time of Tiberius probably, the jurists, that is the privileged jurists, gave their answers "signata," that is, in an official form. The matter proposed for the opinion of the jurisconsulti was sometimes stated in the responsum, either fully or briefly; and the responsum itself was sometimes short, sometimes long; sometimes it contained the grounds of the opinion, and sometimes it did not, which circumstance, however, did not invalidate its force.[4]

In the time of Augustus there arose two schools (*scholæ*) or sects of jurists, the nominal heads of which were respectively Ateius Capito and Antistius Labeo, while, in fact, they derived their name and reputation from the two most distinguished teachers connected with them, Sabinus and Proculus. The followers of Labeo, whom we know with certainty to have been such, were Nerva, Proculus, Nerva the son, Pegasus, Celsus, Celsus the son, and Neratius Priscus. The followers of Capito were Massurius Sabinus, C. Cassius Longinus, Longinus Cœlius Sabinus, Priscus Javolenus, Aburnus Valens Tuscianus, Gaius (*vid.* INSTITUTIONES), and probably Pomponius. But the schools did not take their names from Labeo and Capito. The followers of Labeo were named Proculiani from Proculus. The followers of Capito derived their name of Sabiniani from Massurius Sabinus, who lived under Tiberius, and as late as the reign of Nero: they were sometimes also called Cassiani, from C. Cassius Longinus. It is not easy to state with precision the differences which characterized the two schools. Whatever may have been the origin of these differences, which may, perhaps, be partly referred to the personal character of Capito and Labeo, the schools were subsequently distinguished by a difference in their manner of handling the matter of the law

1 (Frag. Vat., s. 50.—Gaius, ii., 24.—Ulp., Frag., tit. 19, s. 9.) —2 (Top., 5.)—3. (De Or., i., 48.)—4. (Cic., De Or., iii., 33.) —5. (Cic., De Or., i., 39.)—6 (Dig. 1 tit. 2, s. 2, § 41.) — 7. (Brut., 7, 40.)

1. (Cic., Brut., 41. — Dig. 1, tit. 2, s. 2, § 43.) —2. (i., 7) — . (i., 7.)—4. (Brisson, De Form., iii., c. 85–87.)

The school of Capito adhered more closely to what was established, and to the letter of what was written. Labeo was a man of greater acquirements than Capito, and his school looked more to the internal meaning than to the external form, and thus, while apparently deviating from the letter, they approached nearer to true results, though the strict logic of this school might sometimes produce a result less adapted to general convenience than the conclusions of the Sabiniani, which were based on the prevailing notions of equity.

The jurisconsulti were both teachers and writers. Their writings consisted of commentarii on the Twelve Tables, on the Edict, on particular leges, more especially on some of the Juliæ leges, and on other special matters. The later jurists also commented on the writings of the earlier jurists. They also wrote elementary treatises (*elementa, commentarii*), such as the Institutiones of Gaius, which is the earliest work of the kind that we know to have been written; books called Regulæ and Definitiones, which probably were collections of principles of law; collections of cases and answers, under the various names of responsa, epistolæ, sententiæ, and opiniones; systems of law; and various works of a miscellaneous character with a great variety of names, such as disputationes, quæstiones, enchiridia, res quotidianæ, and various other titles.

The juristical writers were very numerous: they formed a continued series, beginning with those already enumerated, and ending, about the time of Alexander Severus, with Modestinus, who was a pupil of Ulpian. With the exception of the fragments preserved in the Digest, this great mass of literature is nearly lost. (*Vid.* PANDECTÆ.)[1]

JURISDI'CTIO. The "officium" of him "qui jus dicit" is defined as follows:[2] "*Bonorum possessionem dare potest, et in possessionem mittere, pupillis non habentibus tutores constituere, judices litigantibus dare.*" This is the *general* signification of the word jurisdictio, which expresses the whole "officium jus dicentis." The functions which are included in the "officium jus dicentis" belong either to the jurisdictio (in its special sense) or to the imperium mixtum, or they are those which are exercised by virtue of some lex, senatus consultum, or authority delegated by the princeps, as the "Tutoris datio."[3] The jurisdictio of those magistrates who had no imperium was limited, in consequence of not having the imperium, and, therefore, was not jurisdictio in the full meaning of that term. (*Vid.* MAGISTRATUS.) Inasmuch as jurisdictio in its special sense, and the imperium mixtum, are component parts of jurisdictio in its wider sense, imperium may be said to be contained in, or incident to, jurisdictio (*imperium quod jurisdictioni cohæret*).[4] Sometimes imperium is viewed as the term which designates the full power of the magistratus; and when so viewed, it may be considered as equivalent to jurisdictio in its wider sense, or as comprehending jurisdictio in its narrower sense. Thus imperium may be considered as containing or as contained in jurisdictio, according as we give to each term respectively its wider or its narrower meaning.[5] The jurisdictio was either voluntaria or contentiosa.[6] The jurisdictio voluntaria rendered valid certain acts done before the magistratus, for which certain forms were required, as adoption and manumission. Thus adoption, properly so called, could take place before the præses of a province;[7] but in Rome it took place before the prætor, and was said to be effected "*imperio magistratus.*" The jurisdictio contentiosa had reference to legal proceedings before a magistratus, which were said to be *in jure*, as opposed to the proceedings before a judex, which were said to be *in judicio*. The magistratus, therefore, was said jus dicere or reddere with respect to what he did personally, and though he might not declare the law truly, still he was said "jus dicere." Accordingly, "magistratus" and "qui Romæ jus dicit" are equivalent.[1] The functions included in jurisdictio in this, its special sense, were the addictio in the legis actiones, the giving of the formula in proceedings conducted according to the newer process, and the appointment of a judex. The appointing of a judex, "judicis datio," was for the purpose of inquiring into the facts in dispute between the parties. The words of the formula are "Judex esto," &c.;[3] and the terms of the edict in which the prætor declares that he will give a judex, that is, will recognise a right of action, are "Judicium dabo."[3] Addictio belongs to that part of jurisdictio by which the magistratus himself makes a decree or gives a judgment: thus, in the case of the in jure cessio, he is said "rem addicere."[4] Addicere is to adjudge a thing or the possession of a thing to one of the litigant parties. In the case of furtum manifestum, inasmuch as the facts would be certain, there was an addictio.[8]

Other uses of the word addictio are collected in Facciolati.

It is with reference to the three terms, do, dico, addico, that Varro[6] remarks that the prætor must use one of these words "cum lege quid peragitur." Accordingly, those days were called Nefasti on which no legal business could be done, because the words of legal force could not be used.[7]

JUS. "All people," says Gaius,[8] "who are governed by leges and mores, use partly their own law (*jus*), partly the law (*jus*) that is common to all mankind; for the law (*jus*) which a state establishes for itself is peculiar to such state, and is called jus civile, as the peculiar law (*jus*) of that state. But the law (*jus*) which natural reason (*naturalis ratio*) has established among all mankind is equally observed by all people, and is called jus gentium, as being that law (*jus*) which all nations follow. The Roman populus, therefore, follows partly its own peculiar law (*suum proprium jus*), partly the common law (*commune jus*) of all mankind."

According to this view, all law (*jus*) is distributed into two parts, jus gentium and jus civile, and the whole body of law peculiar to any state is its jus civile.[9] The Roman law, therefore, which is peculiar to the Roman state, is its jus civile, sometimes called jus civile Romanorum, but more frequently designated by the term jus civile only, by which is meant the jus civile of the Romans.

The jus gentium is here viewed by Gaius as springing out of the naturalis ratio common to all mankind, which is still more clearly expressed in another passage,[10] where he uses the expression "omnium civitatium jus" as equivalent to the jus gentium, and as founded on the naturalis ratio. In other passages he founds the acquisition of property, which was not regulated by Roman law, on the naturalis ratio and on the naturale jus indifferently, thus making naturalis ratio and naturale jus equivalent.[11] He founds cognatio on naturalis ratio, as being common to all mankind, and agnatio on civilis ratio, as being purely a Roman institution.[12] In two passages in the Digest,[13] he calls the same thing naturale jus in s. 2, and jus gentium in s. 3, 5. The naturale jus and the jus gentium are there-

1. (Pomponius, De Origine Juris, Dig. 1, tit. 2.—Zimmern., Geschichte des Röm. Privatrechts.)—2. (Dig. 2, tit. 1, De Jurisdictione.)—3. (Dig. 26, tit. 1, s. 6.)—4. (Dig. 1, tit. 21, s. 1.)—5. (Puchta, "Ueber den inhalt der Lex Rubria," Zeitschrift, x., 195.)—6. (Dig. 1, tit. 1, 6, s. 2.)—7. (Gaius, i., 100.)

1. (Cic. ad Fam., xiii., 14.)—2. (Gaius, iv., 47.)—3. (Cic., Pro Flacc., 35.)—4. (Gaius, ii., 24.)—5. (Gaius, iv., 189.)—6. (De Ling. Lat., vi., 30.)—7. (Compare Ovid, Fast., i., 47.)—8. (i., 1.)—9. (Cic., De Orat., i., 44.)—10. (i., 189.)—11. (ii., 65, 66, 69, 73, 79.)—12. (i., 158.)—13. (i., tit., 8.)

more identical. Cicero[1] opposes natura to leges, where he explains natura by the term jus gentium, and makes leges equivalent to jus civile. In the Partitiones[2] he also divides jus into natura and lex.

There is a threefold division of jus made by Ulpian and others, which is as follows: jus civile; jus gentium, or that which is common to all mankind; and jus naturale, which is common to man and beasts. The foundation of this division seems to have been a theory of the progress of mankind from what is commonly termed a state of nature, first to a state of society, and then to a condition of independent states. This division had, however, no practical application, and must be viewed merely as a curious theory. Absurd as it appears at first sight, this theory is capable of a reasonable explanation; and Savigny shows that it is not meant to say that beasts have law, but only the matter of law; that is, some of those natural relations on which legal relations are founded, exist among beasts as well as men. Such natural relations are those by which the species is propagated. In the Institutes the three divisions are confounded;[3] for the explanation of jus naturale is first taken from the threefold division of Ulpian, and then the jus gentium and civile are explained according to the twofold division of Gaius already quoted, so that we have in the same section the jus naturale explained in the sense of Ulpian, and the jus gentium explained in the sense of Gaius, as derived from the naturalis ratio. Farther, in the second book,[4] the jus naturale is explained to be the same as jus gentium, and the jus naturale is said to be coeval with the human race. Notwithstanding this confusion in the Institutes, there is no doubt that the twofold division of Gaius was that which prevailed in Roman jurisprudence.[5] This twofold division appears clearly in Cicero, who says that the old Romans separated the jus civile from the jus gentium; and he adds, that the jus civile (of any state) is not, therefore, jus gentium, but that what is called jus gentium ought to be jus civile.[6]

The jus civile of the Romans is divisible into two parts, jus civile in the narrower sense, and jus pontificium, or the law of religion. This opposition is sometimes expressed by the words jus and fas (*fas et jura sinunt*[7]); and the law of things not pertaining to religion and of things pertaining to it, are also respectively opposed to one another by the terms res juris humani et divini.[8] (*Vid.* Dominium.) Thus the pontifices maximi, P. Crassus and T. Coruncanius, are said to have given responsa de omnibus divinis et humanis rebus.[9]

The law of religion, or the jus pontificium, was under the control of the pontifices, who, in fact, originally had the control of the whole mass of the law, and it was only after the separation of the jus civile in its wider sense into the two parts of the jus civile in its narrower sense and the jus pontificium, that each part had its proper and peculiar limits. But after this separation was fully made, the auctoritas pontificum had the same operation and effect with respect to the law of religion that the auctoritas prudentium had on the jus civile.[10] Still, even after the separation, there was a mutual relation between these two branches of law; for instance, an adrogatio was not valid by the jus civile unless it was valid by the jus pontificium.[11] (*Vid.* Adoption.) Again, jus pontificium, in its wider sense, as the law of religion, had its subdivisions, as into jus augurum, pontificum, &c.[12]

1. (Off., iii., 5.)—2. (c. 37.)—3. (i., tit. 2, "De Jure Naturali, Gentium et Civili.")—4. (tit. 1., s. 11.)—5. (Savigny, System, &c., i., p. 413.)—6. (Off., iii., 17.)—7. (Virg., Georg., i., 269.)—8. (Instit., ii., tit. 1.)—9. (Cic., De Orat., iii., 33.)—10. (Cic., Leg., ii., 19, 20.)—11. (Cic., De Orat., iii., 33.—Id. Brut., 42.)—12. (Cic., De Senect., 11.)

"Law," says Gaius,[1] meaning the Roman civil law (*jura*), "is composed of leges, plebiscita, senatus consulta, constitutiones principum, the edicta of those who have the jus edicendi, and the responsa prudentium." The component parts enumerated by Cicero[2] are "leges (which include plebiscita), senatus consulta, res judicatæ, jurisperitorum auctoritas, edicta magistratuum, mos, and æquitas." A consideration of the different epochs at which these writers lived will account for part of the discrepancy; but the addition of mos in Cicero's enumeration is important.

Some of these component parts are also opposed, thus, jus civile is opposed to the jus prætorium or honorarium, which originated in the jus edicendi. (*Vid.* Edictum.) In this sense jus civile consists of leges and senatus consulta, and apparently of mos.

The component parts of this narrower jus civile, that is, of jus civile as opposed to prætorium, are also opposed to one another, that is, lex and mos are sometimes opposed to one another, as parts component of the jus civile (in this its limited sense), but different in their origin. Horace[3] speaks of "Mos et lex;" Juvenal[4] opposes "Juris nodos et legum ænigmata;" jus civile is opposed to leges,[5] to lex,[6] and to senatus consultum.[7] As then opposed to leges, jus civile appears to be equivalent to mos. In fact, the opposition between lex and mos follows the analogy of that between jus scriptum and non scriptum. "When there are scriptæ leges, we must follow that which has been introduced by mores and consuetudo.—Immemorial (*inveterata*) consuetudo is properly observed as a lex (*pro lege*), and this is the jus which is said to be 'moribus constitutum.'"[8] Thus immemorial usage was the foundation of the "jus moribus constitutum." (See the article Infamia as to the origin of infamia.) This branch of law seems sometimes to have been considered by the Roman jurists as law merely by force of custom, whereas such custom was only law when it had been recognised by a competent authority. There, is however, a passage of Ulpian,[9] in which he distinctly speaks of confirming a consuetudo in a judicium, which can have no other meaning than that its force as law depended on a decision in judicium. And the meaning is clear, whether we read contradicto or contradicta in the passage just referred to.

The Roman writers, indeed, frequently refer to a large part of their law as founded on mores or on the mos majorum, and not on leges.[10] Thus Ulpian[11] says that the jus patriæ potestatis is moribus receptum. But mos contained matters relating to religion as well as to the ordinary affairs of life; and, therefore, we may also view mos and lex, when opposed, as component parts of the jus civile in its wider sense, but not as making up the whole of it. Mores in the sense of immorality, that which positive morality disapproves of, must not be confounded with jus founded on mores: the former is mali mores in respect of which there was often a jus moribus constitutum. Thus in the matter of the dos there was a retentio in respect of the mores graviores or majores, which was adultery.[12]

The terms jus scriptum and non scriptum, as explained in the Institutes,[13] comprehended the whole of the jus civile; for it was all either scriptum or non scriptum, whatever other divisions there might be.[14] Jus scriptum comprehended everything, except that "quod usus approbavit." This division of jus scriptum and non scriptum does not appear in Gaius. It was borrowed from the Greek wri-

1. (i., 2.)—2. (Top., 5.)—3. (Carm., iv., 5.)—4. (viii., 50.)—5. (Cic., De Orat., i., 43.)—6. (Off., iii., 17.)—7. (Gaius, ii., 197.)—8. (Julian. Dig. 1, tit. 3, s. 32.)—9. (Dig. 1, tit. 3, s. 34.)—10. (Quint., Inst. Orat., v., 10.)—11. (Dig. 1, tit. 6, s. 8.)—12. (Ulp., Frag., tit. 6.)—13. (1, tit. 2.)—14. (Ulp., Dig. 1, tit. 1, s. 6.)

vers, and seems to have little or no practical application among the Romans.

A division of jus into publicum and privatum is mentioned by the Roman jurists.[1] The former is defined to be that which relates to the status rei Romanæ, or to the Romans as a state; the latter is defined to be that which relates "ad singulorum utilitatem." The publicum jus is farther said by Ulpian[2] "in sacris, in sacerdotibus, in magistratibus consistere." According to this view, it comprehends the law of religion, and all the rest of the jus civile which is not privatum. There are other significations of the jus publicum in the Roman jurists, but the whole division of jus into publicum and privatum seems to be founded on no principle, and is very confused. The elementary treatise of Gaius does not mention this division, and it is limited to the jus privatum. Justinian in his Institutes, after making this division of jus into publicum and privatum, says, "we must therefore treat of jus privatum," from which it appears that he did not contemplate treating of jus publicum. The title De Judiciis Publicis, the last in the Institutes, does not belong to jus publicum as above defined; and yet it is difficult to conceive how some of the matters involved in judicia publica were not viewed as belonging to publicum jus, though certainly all of them could not so be viewed.[3]

The jus quiritium is equivalent to the jus civile Romanorum. Accordingly, we find the expressions dominus and dominium ex jure quiritium, as contrasted with in bonis (*vid.* Dominium); and a Latinus, if he obtained from the imperator the jus quiritium, obtained the Roman civitas.[4] The terms jus quiritium and the Romana civitas are therefore identical in this passage. Such part of the Roman law, in its widest sense, as related to buying, selling, letting, hiring, and such obligations as were not founded on the jus civile, were considered to belong to the jus gentium,[5] that is, the jus naturale.[6] Accordingly, when ownership could be acquired by tradition, occupation, or in any other way not specially provided for by the jus civile, such ownership was acquired by the jus gentium. When the jus civile prescribed certain forms by which ownership was to be transferred, and such forms were not observed, there was no ownership jure civili or jure quiritium, but there was that interest which was called in bonis. It is not said by Gaius[7] that the in bonis arose by virtue of the jus gentium, and it may perhaps be concluded that he did not so view it; for in another passage[8] he speaks of alienation or change of ownership being effected either by the jus naturale, as in the case of tradition, or by the jus civile, as in the case of mancipatio, in jure cessio, and usucapion. In this passage he is speaking of alienation, which is completely effected by tradition, so that there is a legal change of ownership recognised by Roman law; not by Roman law specially as such, but by Roman law as adopting or derived from the jus gentium. In the other case,[9] there is no ownership either as recognised by Roman law as such, or by Roman law as adopting the jus gentium: the in bonis is merely recognised by the prætorian law, to which division it therefore belongs. So far as the equity of the prætor may be said to be based on the jus gentium, so far may the in bonis be said to be founded on it also. Properly speaking, the jus gentium was only received as Roman law when it did not contradict the jus civile; that is, it could only have its full effect as the jus gentium when it was not contradicted or limited by the jus civile. When it was so contradicted or limited, the prætor could only give it a partial effect, but in so doing, it is obvious that he was endeavouring to nullify the jus civile, and so to make the jus gentium as extensive in its operation as it would have been but for the limitation of the jus civile. The bounds that were placed to this power of the prætor were not very definite. Still he generally fashioned his jus prætorium after the analogy of the jus civile, and though he made it of no effect as against his jus prætorium, he maintained its form and left it to its full operation, except so far as he necessarily limited its operation by his own jus prætorium.

Jus, used absolutely, is defined to be "*ars boni et æqui*,"[1] which is an absurd definition. What it really is may be collected from the above enumeration of its parts or divisions. Its general signification is law, and in this sense it is opposed to lex or *a* law. Lex, however, as already shown, is sometimes used generally for law, as in the instance from Cicero where it is opposed to natura. Lex, therefore, in this general sense, comprehends leges and all the other parts of the jus civile. In its special sense of *a* law, it is included in jus. Jus is also used in the plural number (*jura*) apparently in the sense of the component parts of jus, as in Gaius,[2] where he says, "*Constant autem jura ex legibus*," &c.; and in another passage,[3] where he says, with reference to the agnationis jus, or law of agnatio, and the cognationis jus, or law of cognatio, "*Civilis ratio civilia quidem jura corrumpere potest.*" Indeed, in this passage, agnationis jus and cognationis jus are two of the jura or parts of jus, which with other jura make up the whole of jus. Again,[4] that provision of the lex Julia de Adulteriis, which forbade the alienation of the fundus dotalis, is referred to thus: "*quod quidem jus*," "which rule of law," or "which law," it being *a* law comprehended in another law, which contained this and many other provisions. Thus, though lex, in its strict sense of *a* law, is different from jus in its large sense, and though jus, in its narrower sense, is perhaps never used for *a* lex, still jus, in this its narrower sense, is used to express *a* rule of law, or *a* law. Thus Gaius[5] speaks of the *jura*, or legal provisions comprised in the lex Ælia Sextia, and of *jura* as based on the responsa prudentium.

Jus has also the special meaning of a faculty or legal right. Thus Gaius says, "it is an actio in rem when we claim a corporeal thing as our own, or claim some *jus* as our own, such as a jus utendi, eundi, agendi." The parental power is called a "*jus proprium civium Romanorum.*" The meaning of *law* generally, and of a *legal right*, are applied to jus by Cicero in the same sentence: "If a man ignorant of law (*imperitus juris*) seek to maintain my right (*meum jus*) by the interdict."[6] As the several rules of law which are often comprised in one lex, or which make up the whole body of jus (law), may be called jura with reference to their object, so the various legal rights which are severally called jus with reference to some particular subject may be collectively called jura. Thus we find the phrase jura parentis to express all the rights that flow from the fact of paternity.

The phrase jura prædiorum, which is used by the Roman jurists, is somewhat peculiar, and open to objection.

The potestas which a Roman father had over his children being a jus or legal right, there hence arose the distinction of persons into those who are *sui* and those who are *alieni juris*. All the rights of such persons severally are represented by the collective phrase "jus personarum," or that division of the

1. (Dig. 1, tit. 1, s 1.)—2. (Dig. 1, tit. 1, s. 1.)—3. (*Vid.* Cic., Pro Balbo, 15.—Id., Pro Mil., 26.)—4. (Ulp., Frag., tit. 3.)—5. (Dig. 1, tit. 1, s 5.)—6. (Gaius, ii., 65.)—7. (ii., 40.)—8. (ii., 5.)—9. (ii., 40.)

1. (Dig. 1, tit. 1, s. 1.)—2. (i., 2.)—3. (i., 158.)—4. (Gaius i. 62.)—5. (i., 47.)—6. (Pro Cæcina, c. 11.)

whole matter of jus which treats of the status of persons, in other words, the law of persons.

This leads to the mention of another division of the matter of law which appears among the Roman jurists, namely, the law of persons; the law of things, which is expressed by the phrase "*jus quod ad res pertinet*;" and the law of actions, "*jus quod ad actiones pertinet.*"[1] In his first book Gaius treats of the law of persons, in the fourth he treats of the law of actions; and, accordingly, the second and third contain the law of things, to express which he does not use a phraseology analogous to that of "jus personarum," but he says he will treat De Rebus. This division of the "*jus quod ad actiones pertinet*" is explained in the article ACTIO.

The adjective justum often occurs in the Latin writers in the sense of that which is consistent with jus or law, or is not contrary to law. Thus it is a justum (legal) matrimonium if there is connubium between the two parties to the marriage. The word justum has many varieties of meaning, which may generally be derived, without much difficulty, from the meanings of jus.

Jus is opposed to judicium, and a thing was said to be done in jure or in judicio, according as it was done before the magistratus or before a judex. (*Vid.* JUDICIUM.) Thus all matters of legal question were said to be done "*aut ad populum, aut in jure, aut ad judicem.*"[2] Jus, in the sense of the place "*in quo jus redditur*," is only an application of the name of what is done to the place in which it is done. The expression jus dicere is explained under Jurisdictio. There are other meanings of jus, but they are unimportant, or may be deduced from what is here said.

JUS ÆLIA'NUM was a compilation by Sextus Ælius Pætus, surnamed Catus, who was consul B.C. 198,[3] and who is called by his contemporary Ennius "*egregie cordatus homo.*" He is also frequently mentioned with praise by Cicero.[4] The Jus Ælianum, also called Tripertita, contained the laws of the Twelve Tables, an interpretatio, and the legis actiones. This work existed in the time of Pomponius.[5] Cicero also speaks of some commentarii by Ælius.[6]

JUS APPLICATIO'NIS. (*Vid.* BANISHMENT, ROMAN, p. 137.)

JUS CIVI'LE. (*Vid.* JUS.)

JUS CIVILE FLAVIA'NUM. Appius Claudius Cæcus, who was censor B.C. 312, is said to have drawn up a book of actiones or forms of procedure, which his clerk Cn. Flavius made public.[7] According to one story,[8] Flavius surreptitiously obtained possession of the book of Appius, and was rewarded by the people for his services by being made tribunus plebis and curule ædile. The effect of this publication was to extend the knowledge and the practice of the law to the plebeians, and to separate the jus civile from the jus pontificium.

JUS CIVILE PAPIRIA'NUM or PAPISIA'NUM was a compilation of the leges regiæ, or laws passed in the kingly period of Rome. This compilation was commented on by Granius Flaccus in the time of Julius Cæsar,[9] to which circumstance we probably owe the preservation of existing fragments of the leges regiæ. There is great doubt as to the exact character of this compilation of Papirius, and as to the time when it was made. Even the name of the compiler is not quite certain, as he is variously called Caius, Sextus, and Publius. The best notice of the fragments of the leges regiæ is by Dirksen, in his "*Versuchen zur Kritik und auslegung der Quellen des Römischen Rechts.*" See also Zimmern, *Geschichte des Röm. Privatrechts.*

JUS GENTILI'TIUM. (*Vid.* GENS.)

JUS GEN'TIUM. (*Vid.* JUS.)

JUS HONORA'RIUM. (*Vid.* EDICTUM, p. 388.)

JUS ITA'LICUM. (*Vid.* COLONIA, p. 281.)

JUS LA'TII. (*Vid.* CIVITAS, LATINITAS.)

JUS LIBERO'RUM. (*Vid.* JULIA ET PAPIA POPPÆA LEX, p. 557.)

JUS PONTIFI'CIUM. (*Vid.* JUS, p. 560.)

JUS PU'BLICUM, PRIVA'TUM. (*Vid.* JUS, p. 561.)

JUS QUIRI'TIUM. (*Vid.* CIVITAS, JUS.)

JUS RESPONDENDI. (*Vid.* JURISCONSULTI.)

JUS VOCATIO, IN. (*Vid.* ACTIO, p. 18.)

JUSJURANDUM. (*Vid.* OATH.)

JUSJURANDUM CALU'MNIÆ. (*Vid.* CALUMNIA.)

*JUSQUI'AMUS, a corruption from *Hyoscyamus*, which see.

JUSTA FUNERA. (*Vid.* FUNUS, p. 459.)

JUSTINIANE'US CODEX. (*Vid.* CODEX JUSTINIANEUS.)

JUSTI'TIUM. (*Vid.* FUNUS, p. 462.)

JUSSU, QUOD, ACTIO, is a prætorian actio which a man had against a father or master of a slave (*dominus*), if a filiusfamilias or a slave had entered into any contract at the bidding (*jussu*) of the father or master, for the full amount of the matter in dispute. He who thus contracted with a filiusfamilias or a slave, was not considered to deal with them on their own credit, but on that of the father or master. This actio is classed by Gaius with the exercitoria and institoria.[1]

*IYNX or YUNX (*ἴυγξ*), a species of Bird, the Wryneck, or *Yunx torquilla*, L. It is a bird of the size of a lark, brown above, and prettily marked with little blackish waves, and longitudinal yellow and black reticulations; whitish striped across, with black underneath. "The Wryneck," observes Griffith,[2] "derives its name from a singular habit it has of turning its head towards the back, and closing its eyes: this movement appears to be the result of surprise, terror, or astonishment at the sight of some novel object. It is also an effort which the bird appears to make to disengage itself when it is held; but as it executes it equally in a state of liberty, and as the young, even in the nest, have the same habit, it is clear that it must be the result of a peculiar conformation. This species of bird, without being numerous, is extended throughout all Europe from Greece to Lapland."—The Iynx was celebrated in the magical incantations of antiquity, the entrails, or the bird itself, being attached to a kind of brazen wheel, which was made to revolve while the charm was sung. In one of the Idyls of Theocritus, a female adopts this as one of the means of recalling the affections of a faithless lover. The Iynx was for a time erroneously confounded with a species of *Motacilla*, or Wagtail, upon the doubtful authority of the Etymologicon Magnum, and some of the scholiasts. The description of the *ἴυγξ* however, by Tzetzes applies very well to the Wryneck. The German lexicographers also set down the *Wendehals*, or Wryneck, as the *ἴυγξ* of the Greeks.[3]

K. SEE C.

L.

LA'BARUM. (*Vid.* SIGNA MILITARIA.)

*LABRAX (*λάβραξ*), a species of Fish, the Bass or Sea Perch, the *Perca labrax* of Linnæus, or *La-*

1. (Gaius, i., 8.)—2. (Plaut., Menæchm., iv., 2, 18.)—3. (Liv., xxii., 7.)—4. (De Rep., i., 18 — De Or., i., 45; iii., 33.)—5. (Dig. 1, tit. 2. s. 2, § 38.)—6. (De Orat., i., 56. — Top., 2.)—7. Cic., De Or., i. 41.)—8. (Dig. 1, tit. 2. s. 7.)—9. (Dig. 50, tit. 16, s. 144.)

1. (Gaius, iv., 70.—Dig. 15, tit. 4.)—2. (vol. vii., p. 513.)—3. (Theocrit., Id., ii., 17.—Tzetzes ad Lycoph., Cassand.—Adams, Append., s. v.)

lax lupus of Cuvier. Some of the commentators on the classics, observes Adams, refer the *Lupus* to the Pike, but Rondelet is at great pains to disprove this opinion.[1]

LABYRINTHUS (*λαβύρινθος*). This word appears to be of Greek origin, and not of Egyptian, as has generally been supposed; it is probably a derivative form of *λάβιρος*, and etymologically connected with *λαῦραι*. Accordingly, the proper definition of labyrinthus is a large and complicated subterranean cavern, with numerous and intricate passages similar to those of a mine.[2] Hence the caverns near Nauplia in Argolis were called labyrinths.[3] And this is, indeed, the characteristic feature of all the structures to which the ancients apply the name labyrinth, for they are always described as either entirely or partially under ground.

The earliest and most renowned labyrinth was that of Egypt, which lay beyond Lake Mœris, at a short distance from the City of Crocodiles (Arsinoë), in the province now called Faioum. Herodotus[4] ascribes its construction to the dodecarchs (about 650 B.C.), and Mela[5] to Psammetichus alone. But other and more probable accounts refer its construction to a much earlier age.[6] This edifice, which in grandeur even excelled the Pyramids, is described by Herodotus and Pliny.[7] It had 3000 apartments, 1500 under ground, and the same number above it, and the whole was surrounded by a wall. It was divided into courts, each of which was surrounded by colonnades of white marble. At the time of Diodorus and of Pliny the Egyptian labyrinth was still extant. But the ruins which modern travellers describe as relics of the ancient labyrinth, as well as the place where they saw them, do not agree with what we know from the best ancient authorities respecting its architecture and its site.[8] The purpose which this labyrinth was intended to serve can only be matter of conjecture. It has been supposed by some writers that the whole arrangement of the edifice was a symbolical representation of the zodiac and the solar system. Herodotus, who saw the upper part of this labyrinth, and went through it, was not permitted by the keepers to enter the subterraneous part, and he was told by them that here were buried the kings by whom the labyrinth had been built, and the sacred crocodiles.

The second labyrinth mentioned by the ancients was that of Crete, in the neighbourhood of Cnossus: Dædalus was said to have built it after the model of the Egyptian, and at the command of King Minos.[9] This labyrinth is said to have been only one hundredth part the size of the Egyptian, and to have been the habitation of the monster Minotaurus. Although the Cretan labyrinth is very frequently mentioned by ancient authors, yet none of them speaks of it as an eyewitness; and Diodorus and Pliny expressly state that not a trace of it was to be seen in their days. These circumstances, together with the impossibility of accounting for the objects which a Cretan king could have had in view in raising such a building, have induced almost all modern writers to deny altogether the existence of the Cretan labyrinth. This opinion is not only supported by some testimonies of the ancients themselves, but by the peculiar nature of some parts of the island of Crete. The author of the Etymologicum Magn. calls the Cretan labyrinth "a mountain with a cavern," and Eustathius[10] calls it "a subterraneous cavern;" and similar statements are made by several other writers quoted by Meursius.[1] Such large caverns actually exist in some parts of Crete, especially in the neighbourhood of the ancient town of Gortys; and it was probably some such cavern in the neighbourhood of Cnossus that gave rise to the story of a labyrinth built in the reign of Minos.[2]

A third labyrinth, the construction of which belongs to a more historical age, was that in the island of Lemnos. It was commenced by Smilis, an Æginetan architect, and completed by Rhœcus and Diodorus of Samos, about the time of the first Olympiad.[3] It was in its construction similar to the Egyptian, and was only distinguished from it by a greater number of columns. Remains of it were still extant in the time of Pliny. It is uncertain whether this labyrinth was intended as a temple of the Cabiri, or whether it had any connexion with the art of mining.[4]

Samos had likewise a labyrinth, which was built by Theodorus, the same who assisted in building that of Lemnos; but no particulars are known.[5]

Lastly, we have to mention a fabulous edifice in Etruria, to which Pliny applies the name of labyrinth. It is described as being in the neighbourhood of Clusium, and as the tomb of Lar Porsenna. But no writer says that he ever saw it, or remains of it; and Pliny, who thought the description which he found of it too fabulous, did not venture to give it in his own words, but quoted those of Varro, who had probably taken the account from the popular stories of the Etruscans themselves. It was said to have been built partly under and partly above ground, whence the name labyrinth is correctly applied to it. But a building like this, says Niebuhr,[6] is absolutely impossible, and belongs to the Arabian Nights.

LABRUM. (*Vid.* Baths.)

*LABRUSCA, the wild Vine, the *ἄμπελος ἀγρία* of the Greeks. "The *Labrusca*, or wild Vine of the ancients," remarks Martyn, "did not probably differ specifically from that which was cultivated. Pliny informs us that the grapes of the *Labrusca* were gathered before the flowers were gone off, dried in the shade upon linen cloths, and laid up in casks; that the best sort came from Parapotamia, the next from Antioch and Laodicea, and the third from the mountains of Media; that this last was the fittest for medical uses; that some, however, preferred the kind which grew in Cyprus; that the African sort was used only in medicine, and was called *massaris*, and that the white was better than the black, and that it was called *œnanthe*. In another place he tells us that the *Labrusca* is called by the Greeks *ampelos agria;* that it has thick and whitish leaves, is jointed, has a chapped bark, and bears red berries. From these and other authorities, we may venture to affirm that the *Labrusca* is a real vine, running wild, without any culture."[7] (*Vid.* Ampelos.)

LACERNA (*μανδύας, μανδύη*) was a cloak worn by the Romans over the toga, whence it is called by Juvenal "munimentum togæ."[8] It differed from the pænula in being an open garment like the Greek pallium, and fastened on the right shoulder by means of a buckle (*fibula*), whereas the pænula was what is called a *vestimentum clausum*, with an opening for the head. (*Vid.* Pænula.) The Lacerna appears to have been commonly used in the army,[9] but in the time of Cicero was not usually worn in the city.[10] It soon afterward, however, became quite common at Rome, as we learn from Suetoni

1. (Aristot., H. A., i., 5.—Ælian, N. A., i. 30.—Oppian, Hal., ii., 130.—Adams, Append., p. 7.)—2. (Welcker, Æschyl. Trilog., p. 212, &c.)—3. (Strabo, viii., 6, p. 195, Tauchnitz.)—4. (ii., 148.)—5. (i., 9.)—6. (Plin., H. N., xxxvi., 13.—Diod. Sic., i., 61, 89.—Strabo, xvii., 1, p. 454, &c., and p. 458, Tauchnitz.)—7. (ll. cc.)—8. (British Mus., "Egyptian Antiq.," vol. i., p. 54.)—9. (Plin., Diod., ll. cc.)—10. (ad Odyss., xi.)

1. (Creta, p. 67 and 69.)—2. (See Walpole's Travels, p. 402 &c.—Höckh, Kreta, i., p. 56, &c.)—3. (Plin., l. c.)—4. (Welcker, Æschyl. Tril., l. c.)—5. (Plin., H. N., xxxiv., 8.)—6. (Hist. of Rome, i., p. 130, note 405.)—7. (ad Virg., Eclog., v., 7-8 (ix., 28.)—9. (Paterc., ii., 70, 80.—Ovid, Fast., ii., 746 IV., iii., 18.)—10. (Cic., Philip., vi., 30.)

us, who says[1] that Augustus, seeing one day a great number of citizens before his tribunal dressed in the lacerna, which was commonly of a dark colour (*pullati*), repeated with indignation the line of Virgil,

"*Romanos rerum dominos, gentemque togatam,*

and gave orders that the ædiles should henceforth allow no one to be in the Forum or circus in that dress.

Most persons seem to have carried a lacerna or pænula with them when they attended the public games, to protect them from the cold or rain;[2] and thus we are told that the equites used to stand up at the entrance of Claudius, and lay aside their lacernæ.[3]

The lacerna was usually, as already remarked, of a dark colour (*fusci colores*[4]), and was frequently made of the dark wool of the Bætic sheep (*Bæticæ lacernæ*[5]). It was, however, sometimes dyed with the Tyrian purple and with other colours.[6] Martial[7] speaks of lacernæ of the former kind, which cost as much as 10,000 sesterces. When the emperor was expected at the public games, it was the practice to wear white lacernæ only.[8]

The lacerna was sometimes thrown over the head for the purpose of concealment;[9] but a *cucullus* or cowl was generally used for that purpose, which appears to have been frequently attached to the lacerna, and to have formed a part of the dress.[10] (*Vid.* Cucullus.)

*LACERTA, the Lizard. (*Vid.* Scalabotes and Saura.)

LACI'NIÆ, the angular extremities of the toga, one of which was brought round over the left shoulder. It was generally tucked into the girdle, but sometimes was allowed to hang down loose. Plautus[11] indicates that it occasionally served for a pocket-handkerchief (*At tu edepol sume laciniam atque absterge sudorem tibi*): Velleius Paterculus[12] represents Scipio Nasica as wrapping the lacinia of his toga round his left arm for a shield[13] before he rushed upon Tiberius Gracchus; while, according to Servius,[14] the cinctus gabinus was formed by girding the toga tight round the body by one of its laciniæ, or loose ends. These expressions are quite irreconcilable with the opinion of Ferrarius and others, that the lacinia was the lower border or skirt of the toga, while all the passages adduced by them admit of easy explanation according to the above view. The lacinia was undoubtedly permitted by some to sweep the ground, especially by such as wore their garments loosely. Thus Macrobius[15] remarks upon one of Cicero's witticisms, "*Jocatus in Cæsarem quia ita præcingebatur, ut trahendo laciniam volut mollis incederet,*" which corresponds with the well-known caution of Sulla addressed to Pompey, "*Cave tibi illum puerum male præcinctum;*" and Suetonius tells how the Emperor Caius, being filled with jealousy on account of the plaudits lavished on a gladiator, hurried out of the theatre in such haste, "*ut calcata lacinia togæ præceps per gradus iret.*" Moreover, the secondary and figurative meanings of the word, namely, *a rag*,[16] *a narrow neck of land*,[17] *the point of a leaf*,[18] *the excrescences which hang down from the neck of a she-goat*,[19] &c. accord perfectly with the idea *of the angular extremity of a piece of cloth*, but can scarcely be connected naturally with the notion of *a border* or *skirt*.

The corresponding Greek term was κράσπεδον, and perhaps πτερύγιον (Pollux considers these synonymous); and, accordingly, Plutarch[1] and Appian[2] employ the former in narrating the story of Scipio alluded to above, with this difference, however, that they describe him as throwing τὸ κράσπεδον τοῦ ἱματίου over his head instead of twisting it round his arm.

LACO'NICUM. (*Vid.* Baths, pages 144, 149, 150.)

LACTA'RIUS. (*Vid.* Pistor.)

*LACTUCA (θρίδαξ), Lettuce. According to Pliny,[3] the Greeks made three species of this plant, one with a broad stem (*laticaulis*), another with a round stem (*rotundicaulis*), and the third termed *Laconicon*, in Latin *sessile*. The stem of the first kind was so broad, that, as we are informed by the same authority, who copies in this from Theophrastus, the gates of kitchen-gardens (*ostiola olitoria*) were wont to be made of them. No variety of lettuce, at the present day, offers a stem of such a size as this. The second kind, namely, that with a round stem, cannot be cited as a distinct variety, since every species of lettuce with which we are acquainted has a stem of this kind. The third kind, or *Laconicon*, obtained its Latin name *sessile* from its having hardly any stem, and being, therefore, as it were, *seated* on the ground. Billerbeck[4] makes it to have been the Head Lettuce (*Kopflattuk*). Another Greek name for this kind is χαμαίζηλον. The ancients also distinguished between different kinds of lettuce by their colour and times of sowing. Thus the kind called *nigræ* (dark green Summer Endive) was sown in January; the white, or *albæ*, in March; the *rubentes* in April, &c. They had also the Cappadocian, the Greek, and many other species. Martial applies to the Cappadocian Lettuce the epithet of *viles*. The ancients were acquainted with the narcotic properties of the lettuce. Galen[5] informs us that he frequently found good effects resulting from its use, and Dioscorides recommends both the domesticated and the wild kinds with the same view. The calming effects of the juice of the cultivated lettuce is acknowledged also by modern practitioners. A writer quoted by Athenæus[6] ascribes to the Lettuce anti-aphrodisiac qualities. It was also believed, from its affording but little nourishment, to be a very good article of food for the sick and those who required a low diet. We have given at the head of this article the Greek term θρίδαξ, as corresponding to the Latin *Lactuca*, but θριδακίνη and θριδάκινος were also employed. According to Nicander, the Lettuce, under the leaves of which Adonis was concealed when he was slain by the boar, was called by the inhabitants of Cyprus *Brinthis*.—According to Adams, the θρίδαξ ἥμερος of Dioscorides would seem to be the *Lactuca sativa*, or Garden Lettuce. The θρίδαξ ἀγρία is held by Sprengel to be the *Lactuca virosa*. So, again, with regard to the term θριδακίνη, Stackhouse acknowledges this also to be the *Lactuca sativa*. "Schneider," says Adams, "thinks that the learned men who refer the θρίδαξ and θριδακίνη to the *Lactuca*, do not seem to have distinguished correctly, the θρίδαξ being rather referable to the *Cichorium endivia*. I have been unable, however, to discover upon what ground he founds this opinion."[7]

LACU'NAR. (*Vid.* House, Roman, p. 520.)

*LAD'ANUM (λάδανον). "All agree," remarks Adams, "that this is the product of the κίστος, that is, either of the *Cistus Creticus* or *C. ladaniferus*. It is a soft resin, still much used by the Grecian ladies as a perfume, and is now procured from the tree by scraping it with leathern thongs. Anciently, it

1. (Octav., 40.)—2. (Dion Cass., lvii., 13.)—3. (Suet., Claud., 5.)—4. (Mart., i., 97, 9.)—5. (xiv., 133.)—6. (Juv., i., 27.—Mart., i., 97.)—7. (viii., 10.)—8. (Mart., iv., 2.—Id., xiv., 137.)—9. (Hor., Sat., II., vii., 55.)—10. (Mart., xiv., 139, 132.—*Vid.* Becker's Gallus, ii., p. 95, &c.)—11. (Merc., I., ii., 16.)—12. (ii., 3.)—13. (Compare Val. Max., III., ii., 17.)—14. (ad Virg., Æn., vii., 612.)—15. (Sat., ii., 3.)—16. (Plin., H. N., xix., 7.)—17. (Plin., H. N., v., 32.)—18. (Plin., H. N., xv., 30.)—19. (Plin., H. N., viii., 50.)

1. (Gracch., 19.)—2. (Bell. Civ., i., 16.)—3. (H. N., xix., 8.)—4. (Flora Classica, p. 203.)—5. (De Fac. Alim., ii., 40.)—6. (ii., 32.)—7. (Fée ad Plin., l. c.—Theophrast., H. P., i., 16; vii., 4.—Dioscor., ii., 165.)

would appear that it was collected from the beards of goats that browsed upon it. The Cistus is now frequently cultivated in this country as an ornamental shrub.'

LÆNA, the same word with the Greek *χλαῖνα*, and radically connected with *λάχνη*, *lana*, &c.

1. It signifies, properly, a woollen cloak, the cloth of which was twice the ordinary thickness (*duarum togarum instar*[1]), and therefore termed *duplex*,[2] shaggy upon both sides,[3] worn over the pallium or the toga for the sake of warmth.[4] Hence persons carried a læna with them when they went out to supper;[5] and the rich man in Juvenal, who walks home at night escorted by a train of slaves and lighted on his way by flambeaux, is wrapped in a scarlet læna.[6]

2. A robe of state, forming, it is said, in ancient times, part of the kingly dress.[7]

3. The flamines offered sacrifice in a læna which was fastened round the throat by a clasp, and in the case of the dialis, was woven by the hands of the flaminica.[8]

4. In later times the læna seems, to a certain extent, to have been worn as a substitute for the toga. Thus the courtly bard in Perseus[9] is introduced reciting his fashionable lays with a violet-coloured læna over his shoulders, and we gather from Juvenal[10] that it was an ordinary article of dress among the poorer classes.[11]

5. Nonius defines it to be "*vestimentum militare quod supra omnia vestimenta sumitur*," but quotes no authority except Virgil., *Æn.*; iv., 262.

*LAGO'PUS (*λαγώπους*), a species of Bird, which Gesner takes to be the White Partridge of Savoy. "The ancients can scarcely be supposed to have been acquainted with the *Tetrao Lagopus*, L., or Ptarmigan, as it is confined to the Alpine regions of the North. Perhaps, as Dr. Trail suggested to me, the name was applied to various sorts of Grouse, which all have hairy feet."[12]

*II. A plant, which Adams suggests may have been the *λαγώπυρος* of Hippocrates. The same authority follows Valerius Cordus and Fuchsius in referring it to the *Trifolium arvense*, or Field-clover.[13]

*LAGO'PYRUS (*λαγώπυρος*), probably Field-clover. Dierbach, however, holds the *λαγώπυρος* to be the *Lagurus ovatus*.

*LAGOS (*λαγώς*), the Hare, or *Lepus timidus*, L.

*ΛΑΓΩΣ ΘΑΛΑΤΤΙΟΣ (*λαγὼς θαλάττιος*), a fish of the Molluscous order, the *Aplysia depilans*. Dr. Fleming says of it, "The *Aplysia* has been known in the records of superstition under the name of the Seahorse, &c." The superstitions here referred to are those described by Pliny, as Adams thinks. The seahorse is represented by Nicander as an acrid poison, and by Dioscorides as a depilatory. These properties, as Adams remarks, are certainly not imaginary. The *Aplysia* is described by naturalists as having the head supported by a neck more or less long; two superior tentacula, excavated like the ears of a quadruped, with two flattened ones on the edge of the lower lip; the eyes are beneath the former; the gills are on the back, and consist of highly complicated lamellæ, attached to a broad membranous pedicle, and covered by a small membranous mantle, in the thickness of which is a flat and horny shell, &c.[14]

1. (Varro, De Ling. Lat., v., 133, Müller.)—2. (Festus, s. v. Læna.—Serv. ad Virg., Æn., iv., 262.)—3. (Schol. ad Juv., iii., 283.)—4 (Mart., xiv., 136.)—5. (Mart., viii., 59.)—6. (Juv., iii., 283.)—7. (Plut., Num., 7.)—8. (Serv. ad Virg., Æn., iv., 262.—Cic., Brut., 57.)—9. (i., 32.)—10. (v., 130; vii., 73.)—11. (Becker, Gallus, ii., p. 99.)—12. (Adams, Append., s. v.)—13. (Dioscor., iv., 17.—Adams, Append., s. v.)—14. (Dioscor., M. M., ii.—Ælian, N. A., ii., 45.—Plin., H. N., ix., 18.—Adams, Append., v.)

*II. A fish of a very different kind from the preceding. Schneider supposes it some species of the *Diodon* or *Tetraodon*.[1]

*LAMIA (*λαμία*), a species of Fish, called in English the White Shark, in French *Requin*, and answering to the *Squalus Carcharias*, L., or *Carcharias vulgaris*, Cuvier. It is the same with the *κύων θαλάττιος* of Ælian, and the *κάρχαρος κύων* of Lycophron.[2]

LAMPADEPHORIA (*Λαμπαδηφορία*), *torch-bearing* (as Herodotus calls it), or *λαμπαδηδρομία*, *torch-race* (as some lexicographers), also *λαμπαδοῦχος ἀγών*, and often simply *λαμπάς*, was a game common, no doubt, throughout Greece; for though all we know concerning it belongs to Athens, yet we hear of it at Corinth, Pergamus, and Zerinthus;[3] and a coin in Mionnet, with a *λαμπάς* on it, which is copied below, bears the legend Ἀμφιπολιτῶν.

At Athens we know of five celebrations of this game: one to Prometheus at the Prometheia;[4] a second to Athena at the Panathenæa[5] (probably the greater Panathenæa); a third to Hephaistos at the Hephaisteia[6] (the ceremony at the Apaturia was different); a fourth to Pan;[7] a fifth to the Thracian Artemis or Bendis.[8] The three former are of unknown antiquity; the fourth was introduced soon after the battle of Marathon, the last in the time of Socrates.

The race was usually run on foot, horses being first used in the time of Socrates;[9] sometimes, also, at night.[10] The preparation for it was a principal branch of the *γυμνασιαρχία*, so much so, indeed, in later times, that *λαμπαδαρχία* seems to have been pretty much equivalent to the *γυμνασιαρχία*.[11] The gymnasiarch had to provide the *λαμπάς*, which was a candlestick with a kind of shield set at the bottom of the socket, so as to shelter the flame of the candle, as is seen in the following woodcut, taken from a coin in Mionnet.[12] He had also to provide for the training of the runners, which was of no slight consequence, for the race was evidently a severe one,[13] with other expenses, which, on the whole, were very heavy, so that Isæus[14] classes this office with the *χορηγία* and *τριηραρχία*, and reckons that it had cost him 12 minæ. The discharge of this office was called *γυμνασιαρχεῖν λαμπάδι*,[15] or *ἐν ταῖς λαμπάσι γυμνασιαρχεῖσθαι*.[16] The victorious gymnasiarch presented his *λαμπάς* as a votive offering (*ἀνάθημα*[17]).

As to the *manner* of the *λαμπαδηφορία*, there are some things difficult to understand. The case stands thus. We have two accounts, which seem contradictory. First, it is represented as a course, in which a *λαμπάς* was carried from one point to another by a chain of runners, each of whom formed a successive link. The first, after running a certain distance, handed it to the second, the second in like manner to the third, and so on, till it reached the point proposed. Hence the game is used by Herodotus[18] as a comparison whereby to illustrate the Persian *ἀγγαρήιον*, by Plato[19] as a lively

1. (Ælian, H. A., xvi., 19.—Adams, Append., s. v.)—2. (Aristot., H. A., v., 5.—Plin., H. N., ix., 24.—Ælian, N. A., i., 17.—Adams, Append., s. v.)—3. (Böckh, Polit. Econ. of Athens, ii., p. 219.—Müller, Minerv. Polias, p. 5.)—4. (Schol. ad Aristoph., Ran., 131.—Ister, ap. Harpocrat., s. v.)—5. (Herod., vi., 105, and ll. cc.)—6. (Herod., viii., 9, and ll. cc.)—7. (Herod., vi., 105.)—8. (Plat., De Rep., p. 328, A.)—9. (Plat., l. c.)—10. (Interp. vet. ad Lucret., ii., 77, ap. Wakefield.)—11. (Aristot., Pol., v., 8, 20.)—12. (pl. 49, 6.)—13. (Compare Aristoph., Vesp., 1203; Ran., 1085.)—14. (De Philoct. hærcd., p. 62, 20.)—15. (Isæus, l. c.)—16. (Xen., De Vectig., iv., 52.)—17. (Böckh, Inscr., No. 243, 250.)—18. (viii., 98.)—19. (Leg., p. 776, B.)

image of successive generations of men, as also in the well-known line of Lucretius,[1]

"*Et quasi cursores vitai lampada tradunt.*"[2]

And it is said that the art consisted in the several runners carrying the torch unextinguished through their respective distances, those who let it go out losing all share of honour. Now, if this were all, such explanation might content us. But, secondly, we are plainly told that it was an *ἀγών*; the runners are said *ἁμιλλᾶσθαι*;[3] some are said to have won (*νικᾶν λαμπάδι*[4]); the scholiast on Aristoph., Ran.,[5] talks of *τοὺς ὑστάτους τρέχοντας*, which shows that it must have been a race between a number of persons; the scholiast on the same play[6] speaks of *ἀφεῖναι τοὺς δρομέας, τοὺς τρέχοντας*, which shows that a number must have started at once.

This second account implies *competition*. But in a chain of runners, each of whom handed the torch to the next man *successively*, where could the competition be? One runner might be said to *lose*—he who let the torch go out; but who could be said to *win*?

We offer the following hypothesis in answer to this question. Suppose that there were *several chains* of runners, each of which had to carry the torch the given distance. Then both conditions would be fulfilled. The torch would be handed along each chain, which would answer to the first condition of *successive* delivery. That chain in which it travelled most quickly and soonest reached its destination would be the winner, which would answer to the second condition, its being a race between competitors.

In confirmation of this hypothesis, we observe as follows: The inscription in Böckh, No. 245, consists of the following lines:

λαμπάδα νεικήσας σὺν ἐφήβοις τὴν δ' ἀνέθηκα
Εὐτυχίδης παῖς ὢν Εὐτυχίδους Ἀθμονεύς.

This Eutychides was no doubt the gymnasiarch who won with the *ἔφηβοι* he had trained, just as Andocides[7] talks of his *νενικηκέναι λαμπάδι* as gymnasiarch; so, too, Inscr. No. 250 records a like victory of the tribe Cecropis. Now we know that the gymnasiarchs were chosen one from each tribe. If, then, each one furnished a chain of *λαμπαδηφόροι*, there would have been ten (in later times twelve) chains of runners. Perhaps, however, the gymnasiarchs were not all called on to perform this service, but each once only in the year, which would allow us for each of the three greater celebrations (the Prometheia, Panathenæa, and Hephaisteia) three or four chains of competitors. It may be here remarked, that Inscr. No. 244 gives a list of *οἱ νεικήσαντες τὴν λαμπάδα, the winners in the torch-race*, fourteen in number. Who were these? If the several links of the winning chain, it is rather against analogy that they should be named. No one ever heard the names of a chorus: yet they can hardly be fourteen winning gymnasiarchs.

The *place* of running was, in these great celebrations, from the altar of the Three Gods (Prometheus, Athena, and Hephaistos) in the outer Cerameicus to the Acropolis, a distance of near half a mile.[8] That in honour of Bendis was run in the Peiræus.[9]

The *origin* of these games must be sought, we think, in the worship of the Titan Prometheus. The action of carrying an unextinguished light from the Cerameicus to the Acropolis is a lively symbol of the benefit conferred by the Titan upon man, when he bore fire from the habitations of the gods and bestowed it upon man.

κλέψας ἀκαμάτοιο πυρὸς τηλέσκοπον αἰγλήν
ἐν κοίλῳ νάρθηκι.[1]

But the gratitude to the giver of fire soon passed to the Olympian gods who presided over its use; Hephaistos, who taught men to apply it to the melting and moulding of metal, and Athena, who carried it through the whole circle of useful and ornamental arts. To these three gods, then, were these games at first devoted, as the patrons of fire. And looking to the place it was run in—the Cerameicus, or Potters' quarter—we are much inclined to adopt Welcker's suggestion,[2] viz., that it was the *κεραμεῖς* or potters who instituted the *λαμπαδηφορία*. Athena (as we learn from the *Κεραμίς*) was their patron goddess; and who more than they would have reason to be thankful for the gift and use of fire? Pottery would be one of the first modes in which it would be made serviceable in promoting the wants of life. In later times the same honour was paid to all gods who were in any way connected with fire, as to Pan, to whom a perpetual fire was kept up in his grotto under the Acropolis, and who was in this capacity called by the Greeks Phanetes, by the Romans Lucidus; so also to Artemis, called by Sophocles Ἀμφίπυρος, and worshipped as the moon.[3] At first, however, it seems to have been a symbolic representation in honour of the gods who gave and taught men the use of *material moulding* fire (*πάντεχνον πῦρ, διδάσκαλος τέχνης*, as Æschylus calls it[4]), though this special signification was lost sight of in later times. Other writers, in their anxiety to get a common signification for all the times and modes of the *λαμπαδηφορία*, have endeavoured to prove that all who were honoured by it were connected with the heavenly bodies, *λαμπροὶ δυνασταί* (so Creuzer[5] and Müller[6]); others, that it always had an inner signification, alluding to the inward fire by which Prometheus put life into man (so Brönsted[7]). But *this* legend of Prometheus was a later interpretation of the earlier one, as may be seen by comparing Plat. *Protag.*, p. 321, D., with Hesiod, *Theog.*, 561, *sq.*

LAMPAS. (*Vid.* Lampadephoria.)

*LAMPS'ANE, a plant mentioned by Dioscorides and Galen, and which most of the commentators take for the *Sinapi arvense*. Sprengel, however, joins Columna in preferring *Raphanus raphanistrum*. Adams will not decide between the two. Both plants get the English name of Charlock.[8]

LA'NCEA. (*Vid.* Hasta, p. 489.)

LANI'STA. (*Vid.* Gladiatores, p. 475.)

LANX, *dim.* LANCULA, a large dish, made of silver or some other metal, and sometimes embossed, used at splendid entertainments to hold meat or fruit[9] (*vid.* Cœna, p. 275), and consequently at sacrifices[10] and funeral banquets.[11] (*Vid.* Funus, page 462.) The silver dishes used by the Romans at their grand dinners were of vast size, so that a boar, for example, might be brought whole to table.[12] They often weighed from 100 to 500 pounds.[13]

The *balance* (Libra *bilanx*[14]) was so called because it had two metallic dishes.[15]

When an officer entered a house for the recovery of stolen goods, being nearly naked, he held a dish before his face. Such a search was said to be made *lance et licio*.[16] (*Vid.* Furtum, p. 463.)

*LAP'ATHUM (*λάπαθον*), a kind of Sorrel, Monk's Rhubarb, or *Dock*. The five species described by

2. (ii., 77.)—2. (Compare also Auct. ad Herenn., iv., 46.)—3. (Plat., Rep., I. c.)—4. (Andoc. in Alcib., ad fin.—Compare Böckh, Inscr., No. 243, 244.)—5. (l. c.)—6. (v., 133.)—7. (l. c.)—8. (Pausan., i., 30, 2.—Schol. ad Ran., 1085.)—9. (Plat., l. c.)

1. (Hesiod., Theog., 566, ed. Gaisf.)—2. (Æschyl. Trilogie, p. 121.)—3. (Creuzer, Symbolik, ii., p. 752, 764, French transl.)—4. (Prom., 7, 110.)—5. (l. c.)—6. (Minerva Polias, p. 5.)—7. (Voyages, &c., ii., p. 286, note 2.)—8. (Dioscor., ii., 142.—Adams, Append., s. v.)—9. (Cic. ad Att., vi., 1.—Hor., Sat., II., ii., 4.—Id. ib., II., iv., 41.—Ovid, Pont., III., v, 20.—Petron., 31.)—10. (Virg., Georg., ii., 194, 394—Æn., viii., 284.—Ib., xii., 215.—Ovid, Pont., IV., viii., 40.)—11. (Propert., II., xiii., 23.)—12. (Hor., l. c.)—13. (Plin., H. N., xxxiii., 52.)—14. (Mart. Cap., ii., 180.)—15. (Cic., Acad., iv., 12.—Id., Tusc., v., 17.—Virg., Æn., xii., 725.—Pers., iv., 10.)—16. (Festus, s. v.—Aul. Gell., xi., 18.)

Dioscorides are thus arranged by Sprengel, who in this, as Adams remarks, closely follows Bauhin: 1. The *ὀξυλάπαθον* is the *Rumex acutus*; the 2d species is the *R. patientia*; the 3d, the *R. scutatus*; the 4th, the *R. acetosa*; and the 5th, the *R. hydrolapathum*, Huds. The Dock is named *Rumex* by Pliny, and *Paratella* by Macer. The *Lapathum* of Celsus, according to Adams, is not well defined, and Dr. Milligan refers it, as the same authority remarks, to seven species of Rumex, in a very fanciful and loose manner.[1]

LAPHRIA (*Λάφρια*), an annual festival, celebrated at Patræ, in Achaia, in honour of Artemis, surnamed Laphria. The peculiar manner in which it was solemnized during the time of the Roman Empire is described by Pausanias.[2] On the approach of the festival, the Patræans placed in a circle, around the altar of the goddess, large pieces of green wood, each being sixteen yards in length; within the altar they placed dry wood. They then formed an approach to the altar in the shape of steps, which were slightly covered with earth. On the first day of the festival a most magnificent procession went to the Temple of Artemis, and at the end of it there followed a maiden who had to perform the functions of priestess on the occasion, and who rode in a chariot drawn by stags. On the second day the goddess was honoured with numerous sacrifices, offered by the state as well as by private individuals. These sacrifices consisted of eatable birds, boars, stags, goats, sometimes of the cubs of wolves and bears, and sometimes of the old animals themselves. All these animals were thrown upon the altar alive at the moment when the dry wood was set on fire. Pausanias says that he often saw a bear, or some other of the animals, when seized by the flames, leap from the altar and escape across the barricade of green wood. Those persons who had thrown them upon the altar caught the devoted victims again, and threw them back into the flames. The Patræans did not remember that a person had ever been injured by any of the animals on this occasion.

LAPIS SPECULA'RIS. (*Vid.* HOUSE, ROMAN, p. 521.)

LA'QUEAR. (*Vid.* HOUSE, ROMAN, p. 520.)

LAQUEATO'RES. (*Vid.* GLADIATORES, p. 476.)

LARA'RIUM was a place in the inner part of a Roman house, which was dedicated to the Lares, and in which their images were kept and worshipped. It seems to have been customary for religious Romans in the morning, immediately after they rose, to perform their prayers in the lararium. This custom is at least said to have been observed by the Emperor Alexander Severus,[3] who had among the statues of his lares those of Christ, Abraham, Orpheus, and Alexander the Great. This emperor had a second lararium, from which the first is distinguished by the epithet *majus*, and the images of his second or lesser lararium were representations of great and distinguished men, among whom are mentioned Virgil, Cicero, and Achilles. That these images were sometimes of gold, is stated by Suetonius.[4] We do not know whether it was customary to have more than one lararium in a house, or whether the case of Alexander Severus is merely to be looked upon as an exception.

LARENTA'LIA, sometimes written LARENTINA'LIA and LAURENTA'LIA, was a Roman festival in honour of Acca Larentia, the wife of Faustulus, and the nurse of Romulus and Remus. It was celebrated in December, on the 10th before the calends of January.[5] The sacrifice in this festival was performed in the Velabrum at the place which led into the Nova Via, which was outside of the old city, not far from the Porta Romanula. At this place Acca was said to have been buried.[1] This festival appears not to have been confined to Acca Larentia, but to have been sacred to all the Lares.[2]

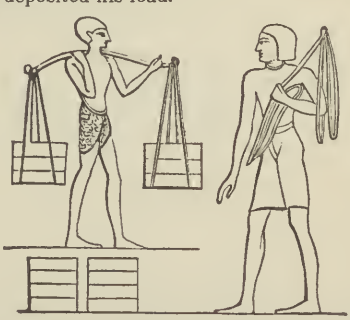
LARGI'TIO. (*Vid.* AMBITUS.)

LARNAKES. (*Vid.* FUNUS, p. 456.)

*LARUS (*λάρος*), a species of Bird, generally regarded as the Gull or Seamew, the *Larus canus*, L. Some of its characters, however, as given by Aristotle, agree better with the *L. parasiticus* or *L. marinus*. "The poet Lycophron uses the word *καύηξ* for *λάρος*. Tzetzes says that he calls an old man by this name, because in old age the hair becomes hoary like the feathers of the Seamew."[3]

*LATAX (*λάταξ*), the Otter. (*Vid.* ENHYDRUS.)

LATER, *dim.* LATERCULUS (*πλίνθος*, *dim.* *πλινθίς*, *πλινθίον*), a Brick. Besides the Greeks and Romans, other ancient nations employed brick for building to a great extent, especially the Babylonians[4] and Egyptians. In the latter country, a painting on the walls of a tomb at Thebes[5] exhibits slaves, in one part employed in procuring water, in mixing, tempering, and carrying the clay, or in turning the bricks out of the mould (*vid.* FORMA), and arranging them in order on the ground to be dried by the sun, and in another part carrying the dried bricks by means of the yoke (*vid.* ASILLA) to be used in building. In the annexed woodcut we see a man with three bricks suspended from each end of the yoke, and beside him another who returns from having deposited his load.



These figures are selected from the above-mentioned painting, being, in fact, original portraits of two *Αἰγύπτιοι πλινθοφόροι*, girt with linen round the loins in exact accordance with the description given of them by Aristophanes, who at the same time alludes to all the operations in the process of brick-making (*πλινθοποιΐα*[6]), which are exhibited in the Theban painting.[7]

The Romans distinguished between those bricks which were merely dried by the sun and air (*lateres crudi*;[8] *πλίνθος ὠμή*[9]), and those which were burned in the kiln (*cocti* or *coctiles*; *ὀπταί*[10]). They preferred for the purpose clay which was either whitish or decidedly red. They considered spring the best time for brick-making, and kept the bricks two years before they were used. They made them principally of three shapes: the *Lydian*, which was a foot broad, 1½ feet long; the *tetradoron*, which was four palms square; and the *pentadoron*, which was five palms square. They used them smaller

1. (Dioscor., ii., 140.—Adams, Append., s. v.)—2. (viii., 18, § 7)—3 (Lamprid., Al. Sev., 29, 31.)—4. (Vitell., 2.)—5. (Festus, s. v.—Macrob., i., 10.—Ovid, Fast, iii., 57.)

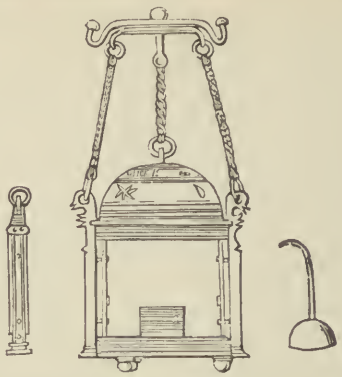
1. (Macrob., l. c.—Varro, De Ling. Lat., v., 23, 24.)—2. (Hartung, die Religion der Römer, ii., 146.)—3. (Aristot., H. A., v., 8.—Schol. in Lycophr., 424.—Adams, Append., s. v.)—4. (Herod., i., 179.—Xen., Anab., iii., 4, § 7, 11.—Nahum, iii., 14.)—5. (Wilkinson's Manners and Customs, ii., p. 99.)—6. (Schol. in Pind., Ol., v., 20.)—7. (Aves, 1132–1152.—Schol. ad loc.)—8. (Plin., H. N., xxxv., 48.—Varro, De Re Rust., i., 14.—Col., De Re Rust., ix., 1.)—9. (Paus., viii., 8, 5.)—10. (Xen. Anab. ii., 4, § 12.—Herod., l. c.)

in private than in public edifices. Of this an example is presented in the great building at Treves, called the palace of Constantine, which is built of "burned bricks, each of a square form, fifteen inches in diameter, and an inch and a quarter thick."[1] These bricks, therefore, were the pentadora of Vitruvius and Pliny. At certain places the bricks were made so porous as to float in water; and these were probably used in the construction of arches, in which their lightness would be a great advantage.[2] It was usual to mix straw with the clay.[3] In building a brick wall, at least *crudo latere*, *i. e.*, with unburned bricks, the interstices were filled with clay or mud (*luto*[4]), but the bricks were also sometimes cemented with mortar.[5] For an account of the mode of arranging the bricks, see MURUS. The Babylonians used asphaltum as the cement.[6] Pliny[7] calls the brickfield *lateraria*, and to make bricks *lateres ducere*, corresponding to the Greek *πλίνθους ἕλκειν* or *ἔρυειν*.[8]

The Greeks considered perpendicular brick walls more durable than stone, and introduced them in their greatest public edifices. Brick was so common at Rome as to give occasion to the remark of the Emperor Augustus in reference to his improvements, that, having found it brick (*lateritiam*), he had left it marble.[9] The Babylonian bricks are commonly found inscribed with the characters called from their appearance arrow-headed or cuneiform. It is probable that these inscriptions recorded the time and place where the bricks were made. The same practice was enjoined by law upon the Roman brickmakers. Each had his mark, such as the figure of a god, a plant, or an animal, encircled by his own name, often with the name of the place, of the consulate, or of the owner of the kiln or the brickfield.[10] It has been observed by several antiquaries, that these imprints upon bricks might throw considerable light upon the history and ancient geography of the places where they are found. Mr. P. E. Wiener has accordingly traced the 22d legion through a great part of Germany by the bricks which bear its name.[11] In Britain many Roman bricks have been found in the country of the Silures with the inscription LEG. II. AVG. stamped upon them.[12]

The term *laterculus* was applied to various productions of the shape of bricks, such as pastry or confectionary;[13] and for the same reason, ingots of gold and silver are called *lateres*.[14]

LATERNA or LANTERNA (*ἱπνός*,[15] *λυχνοῦχος*;[16] in later Greek, *φανός*[17]), a Lantern. Two bronze lanterns, constructed with nicety and skill, have been found in the ruins of Herculaneum and Pompeii. One of them is represented in the annexed woodcut. Its form is cylindrical. At the bottom is a circular plate of metal, resting on three balls. Within is a bronze lamp attached to the centre of the base, and provided with an extinguisher, shown on the right hand of the lantern. The plates of translucent horn, forming the sides, probably had no aperture; but the hemispherical cover may be raised so as to admit the hand and to serve instead of a door, and it is also perforated with holes through which the smoke might escape. To the two upright pillars supporting the frame-work, a front view of one of which is shown on the left hand of the lantern, chains are attached for carrying the lantern by means of the handle at the top.



We learn from Martial's epigrams[1] that bladder was used for lanterns as well as horn. Some centuries later glass was also substituted.[2] The most transparent horn lanterns were brought from Carthage.[3] When the lantern was required for use, the lamp was lighted and placed within it.[4] It was carried by a slave,[5] who was called the laternarius.[6] When a lantern was not at hand, a basket (*σπυρίδιον*), as a cheaper and commoner utensil, was taken to hold the lamp.[7]

Lanterns were much employed in military operations;[8] and not only the common kind, but the *dark lantern*, which was square, with a white skin on the side next to the bearer, enabling him to see, and with black skins on the three other sides.[9]

LATICLA'VII. (*Vid.* CLAVUS, p. 264.)

LATI'NÆ FE'RIÆ. (*Vid.* FERIÆ, p. 436.)

LATI'NITAS, LA'TIUM, JUS LATII (*τὸ καλουμένον Λατεῖον*[10]). All these expressions are used to signify a certain status intermediate between that of cives and peregrini. The word "Latinitas" occurs in Cicero.[11] Before the passing of the lex Julia de Civitate, the above expressions denoted a certain nationality, and, as part of it, a certain legal status with reference to Rome; but after the passing of that lex, these expressions denoted only a certain status, and had no reference to any national distinction. About the year B.C. 89, a lex Pompeia gave the jus Latii to all the Transpadani, and, consequently, the privilege of obtaining the Roman civitas by having filled a magistratus in their own cities. To denote the status of these Transpadani, the word Latinitas was used, which, since the passing of the lex Julia, had lost its proper signification; and this was the origin of that Latinitas which thenceforth existed to the time of Justinian. This new Latinitas, or jus Latii, was given to whole towns and countries; as, for instance, by Vespasian to the whole of Spain,[12] and to certain Alpine tribes (*Latio donati*[13]).

This new Latinitas was given not only to towns already existing, but to towns which were founded subsequently to the lex Pompeia, as Latinæ Coloniæ; for instance, Novum-Comum, which was founded B.C. 59 by Cæsar. Several Latin towns of this class are mentioned by Pliny, especially in Spain.

Though the origin of this Latinitas, which makes so prominent a figure in the Roman jurists, is certain, it is not certain wherein it differed from that

1. (Wyttenbach's Guide to the Roman Antiquities of Treves, p. 42.)—2. (Plin., H. N., xxxv., 49.—Vitruv., ii., 3.)—3. (Vitruv., l. c.—Pallad. De Re Rust., vi., 12.—Exod., v., 7.)—4. (Col., l. c.)—5. (Wyttenbach, p. 65, 66.)—6. (Herod., l. c.)—7. (vii., 37)—8. (Herod., i., 179.—Id., ii., 136).—9. (Sueton., Aug., 29.)—10. (Seroux d'Agincourt, Rec. de Fragmens, p. 82–88.)—11. (De Leg. Rom. vic. sec. Darmstad, 1830, p. 106–137.)—12. (Archæologia, V., v., p. 35.)—13. (Plaut., Poen., i., 2, 112.—Cato, De Re Rust., 109.)—14. (Plin., H. N., xxxiii., 17.)—15. (Aristoph., Pax, 841.—Pherecrates, p. 26, ed. Runkel.)—16. (Phrynicus, Eclog., p. 59.)—17. (Athenæus, xv., 58.—Philox., Gloss.)

1. (xiv., 61, 62.)—2. (Isid., Orig., xx., 10.)—3. (Plaut., Aul., III., vi., 30.)—4. (Pherecrates, p. 21.)—5. (Plaut., Amphitr. Prol., 149.—Id. ib., I., i., 185.—Val. Max., vi., 8, ⅓ 1.)—6. (Cic. in Pis., 9.)—7. (Aristoph., Achar., 452.)—8. (Veget., De Re Mil., iv., 18.)—9. (Jul. Africanus, 69, ap. Math. Par., 1693, p. 311.)—10. (Strab., p. 186, Casaub.)—11. (ad Att., x. 8, 12.)—12. (Plin., H. N., iii., 4.)—13. (Id. ib., iii., 20.)

Latinitas which was the characteristic of the Latini before the passing of the Julia lex. It is, however, clear that all the old Latini had not the same rights with respect to Rome, and that they could acquire the civitas on easier terms than those by which the new Latinitas was acquired.[1] Accordingly, the rights of the old Latini might be expressed by the term majus Latium, and those of the new Latini by the term minus Latium, according to Niebuhr's ingenious emendation of Gaius.[2] The majus Latium might be considered to be equivalent to the Latium antiquum and vetus of Pliny;[3] for Pliny, in describing the towns of Spain, always describes the proper colonies as consisting "civium Romanorum," while he describes other towns as consisting sometimes "Latinorum" simply, and sometimes "Latinorum veterum," or as consisting of oppidani "Latii veteris," from which an opposition between Latini veteres and Latini simply might be inferred. But a careful examination of Pliny rather leads to the conclusion that his Latini veteres and Latini are the same, and that by these terms he merely designates the Latini coloniarii hereafter mentioned. The emendation of Niebuhr is therefore not supported by these passages of Pliny, and though ingenious, it ought, perhaps, to be rejected; not for the reasons assigned by Madvig, which Savigny has answered, but because it does not appear to be consistent with the whole context of Gaius.

The new Latini had not the connubium, and it is a doubtful question whether the old Latini had it. The new Latini had the commercium, and herein their condition was the same as that of the twelve or eighteen old Latin colonies, which were specially favoured. (*Vid.* Civitas.)

This new Latinitas, which was given to the Transpadani, was that legal status which the lex Junia Norbana gave to a numerous class of freedmen, hence called Latini Juniani.[4] The date of this lex is not ascertained.

The Latini coloniarii, who are mentioned by Ulpian,[5] are the inhabitants of towns beyond Italy, to whom the Latinitas was given. These are the towns which Pliny calls "*oppida Latinorum veterum*," and enumerates with the "*oppida civium Romanorum*,"[6] which were military colonies of Roman citizens. The passages in which the Latini coloniarii are mentioned as a class then existing, must have been written before Caracalla gave the civitas to the whole empire.

These, the most recent views of Savigny on this difficult subject, are contained in the Zeitschrift, vol. ix., *Der Röm. Volksschluss der Tafel von Heraclea.*

The Latini could acquire the jus Quiritium, according to Ulpian,[7] in the following ways: By the beneficium principale, liberi, iteratio, militia, navis, ædificium, pistrinum; and by a senatus consultum it was given to a female "*vulgo quæ sit ter enixa.*" These various modes of acquiring the civitas are treated in detail by Ulpian, from which, as well as the connexion of this title "De Latinis" with the first title, which is "De Libertis," it appears that he only treated of the modes in which the civitas might be acquired by those Latini who were liberti. The same remark applies to the observations of Gaius[8] on the same subject (*Quibus modis Latini ad civitatem Romanam perveniant*). In speaking of the mode of acquiring the civitas by means of liberi, Gaius speaks of a Latinus, that is, a libertus Latinus, marrying a Roman citizen, or a Latina coloniaria, or a woman of his own condition, from which it is clear that all his remarks under this head apply to liberti Latini; and it also appears that Gaius speaks of the Latini coloniarii as a class existing in his time. Neither Ulpian nor Gaius says anything on the mode by which a Latinus coloniarius might obtain the civitas Romana.

1. (Liv., xli., 12.)—2. (i., 96.)—3. (iv., 22.)—4. (Gaius, i., 22.—Id., iii., 56.—Ulp., Frag., tit. i.)—5. (Frag., xix., s. 4.)—6. (iii., 3.)—7. (Frag., tit. iii., "De Latinis.")—8. (i., 28.)

*LATOS (λατός), the name of a fish mentioned by Strabo and Athenæus. It would appear to have been some variety of the κορακῖνος, or *Umbre.*

LATRU'NCULI (πεσσοί, ψῆφοι), Draughts. The invention of a game resembling draughts was attributed by the Greeks to Palamedes, whom they honoured as one of their greatest benefactors. (*Vid.* Abacus, § 7.) The game is certainly mentioned by Homer, who represents the suitors of Penelope amusing themselves with it.[1] Others ascribed the invention to the Egyptian Theuth;[2] and the paintings in Egyptian tombs, which are of far higher antiquity than any Grecian monuments, not unfrequently represent persons employed in this recreation. The painting, from which the accompanying woodcut is taken, is on a papyrus preserved in the Museum of Antiquities at Leyden, and was probably made about

1700 years B.C. It is remarkable that a man is here represented playing alone; whereas, not only in works of Egyptian art, but also on Greek painted vases, we commonly observe two persons playing together. For this purpose there were two sets of men, one set being black, the other white or red. Being intended to represent a miniature combat between two armies, they were called soldiers (*milites*[3]), foes (*hostes*), and marauders (*latrones*, dim. *latrunculi*[4]); also Calculi, because stones were often employed for the purpose.[5] Sometimes they were made of metal or ivory, glass or earthenware, and they were various and often fanciful in their forms. The object of each player was to get one of his adversary's men between two of his own, in which case he was entitled to take the man kept in check,[6] or, as the phrase was, *alligatus.*[7] Some of the men were obliged to be moved in a certain direction (*ordine*), and were therefore called *ordinarii*; others might be moved any way, and were called *vagi*;[8] in this respect the game resembled chess, which is certainly a game of great antiquity.

Seneca calls the board on which the Romans played at draughts, *tabula latruncularia.*[9] The spaces into which the board was divided were called *mandræ.*[10] The abacus, represented at page 10, is crossed by five lines. As five men were allowed on each side, we may suppose one player to arrange his five men on the lines at the bottom of the abacus, and the other to place his five men on the same lines at the top, and we shall have them disposed according to the accounts of ancient writers,[11] who

1. (Od., i., 107.)—2. (Plat., Phædr., p. 274, *d.*)—3. (Ovid, Trist., ii., 477.)—4. (Ovid, A. A., ii., 208.—Id. ib., iii., 357—Mart., xiv., 20.—Sen., Epist., 107.)—5. (Aul. Gell., xiv., 1.)—6. (Ovid, ll. cc.—Mart., xiv., 17.)—7. (Sen., Epist., 118.)—8. (Isid., Orig., xviii., 67.)—9. (Epist., 118.)—10. (Mart., vii., 71.)—11. (Etymol. Mag., s. v. Πεσσοί.—Pollux, Onom., ix., 97.—Eustath. in Hom., l. c.)

say that the middle line of the five was called ἱερὰ γράμμη. But instead of five, the Greeks and Romans often had twelve lines on the board, whence the game so played was called *duodecim scripta*.[1] Indeed, there can be little doubt that the latrunculi were arranged and played in a considerable variety of ways, as is now the case in Egypt and other Oriental countries.[2]

Besides playing with draughtsmen only, when the game was altogether one of skill, the ancients used dice (*vid.* TESSERÆ, κύβοι) at the same time, so as to combine chance with skill, as we do in backgammon.[3]

LATUS CLAVUS. (*Vid.* CLAVUS LATUS.)

LAUDA'TIO FUNEBRIS. (*Vid.* FUNUS, p. 459.)

LAURENTA'LIA. (*Vid.* LARENTALIA.)

*LAURUS, the Bay-tree. (*Vid.* DAPHNE.)

LAUTIA. (*Vid.* LEGATUS, p. 575.)

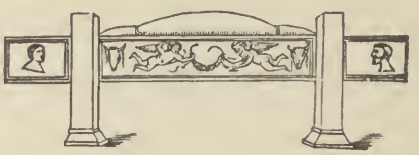
LAUTU'MIÆ, LAUTO'MIÆ, LATO'MIÆ, or LATU'MIÆ (λίθοτομίαι or λατομίαι, Lat. *Lapicidinæ*), are literally places where stones are cut, or quarries; and in this sense the word λατομίαι was used by the Sicilian Greeks.[4] In particular, however, the name lautumiæ was given to the public prison of Syracuse. It lay in the steep and almost inaccessible part of the town which was called Epipolæ, and had been built by Dionysius the tyrant.[5] Cicero, who had undoubtedly seen it himself, describes it[6] as an immense and magnificent work, worthy of kings and tyrants. It was cut to an immense depth into the solid rock, so that nothing could be imagined to be a safer or stronger prison than this, though it had no roof, and thus left the prisoners exposed to the heat of the sun, the rain, and the coldness of the nights.[7] The whole was a stadium in length, and two plethra in width.[8] It was not only used as a prison for Syracusan criminals, but other Sicilian towns also had their criminals often removed to it.

The Tullianum at Rome was also sometimes called lautumiæ. (*Vid.* CARCER.)

*LAVER, a plant of the aquatic class, supposed by some to be the Water Parsley, or yellow Watercresses. It is the same with the *Sium*. (*Vid.* SIUM.)

LECTI'CA (κλίνη, κλινίδιον, or φορεῖον) was a kind of couch or litter, in which persons, in a lying position, were carried from one place to another. They may be divided into two classes, viz., those which were used for carrying the dead, and those which served as conveniences for the living.

The former of these two kinds of lecticæ (also called lectica funebris, lecticula, lectus funebris, feretrum, or capulum), in which the dead were carried to the grave, seems to have been used among the Greeks and Romans from very early times. In the beauty and costliness of their ornaments these lecticæ varied according to the rank and circumstances of the deceased. (*Vid.* FUNUS, p. 459.) The lectica on which the body of Augustus was carried to the grave was made of ivory and gold, and was covered with costly drapery worked of purple and gold.[9] During the latter period of the Empire, public servants (*lecticarii*) were appointed for the purpose of carrying the dead to the grave without any expense to the family to whom the deceased belonged.[10] Representations of lecticæ funebres have been found on several sepulchral monuments. The following woodcut represents one taken from the tombstone of M. Antonius Antius Lupus.[1]



Lecticæ for sick persons and invalids seem likewise to have been in use in Greece and at Rome from very early times, and their construction probably differed very little from that of a lectica funebris.[2] We also frequently read that generals in their camps, when they had received a severe wound, or when they were suffering from ill health, made use of a lectica to be carried from one place to another.[3]

Down to the time of the Gracchi we do not hear that lecticæ were used at Rome for any other purposes than those mentioned above. The Greeks, however, had been long familiar with a different kind of lectica (κλίνη or φορεῖον), which was introduced among them from Asia, and which was more an article of luxury than anything to supply an actual want. It consisted of a bed or mattress, and a pillow to support the head, placed upon a kind of bedstead or couch. It had a roof consisting of the skin of an ox, extending over the couch and resting on four posts. The sides of this lectica were covered with curtains (αὐλαῖαι). It appears to have been chiefly used by women,[4] and by men only when they were in ill health.[5] If a man without any physical necessity made use of a lectica, he drew upon himself the censure of his countrymen as a person of effeminate character.[6] But in the time subsequent to the Macedonian conquests in Asia, lecticæ were not only more generally used in Greece, but were also more magnificently adorned.[7] The persons or slaves who carried their masters or mistresses in a lectica were called φορεαφόροι,[8] and their number was generally two or four.[9] When this kind of lectica was introduced among the Romans, it was chiefly used in travelling, and only very seldom in the city of Rome itself. The first trace of such a lectica is in a fragment of a speech of C. Gracchus, quoted by Gellius.[10] From this passage it seems evident that this article of luxury was introduced into Italy from Asia, and that at the time scarcely any other lectica than the lectica funebris was known to the country people about Rome. It also appears from this passage that the lectica there spoken of was covered, otherwise the countryman could not have asked whether they were carrying a dead body.[11] The resemblance of such a lectica used by the Romans to that which the Greeks had received from Asia is manifest from the words of Martial:[12] "*lectica tuta pelle veloque.*" It had a roof, consisting of a large piece of skin or leather expanded over it and supported by four posts, and the sides also were covered with curtains (*vela*, *plagæ* or *plagulæ*[13]). During the time of the Empire, how-

1. (Cic., De Or., i., 50.—Quintil., xi., 2.—Ovid, Art. Amat., iii., 363.)—2. (Niebuhr, Reisebeschr. nach Arabien, i., p. 172.) 3. (Ter., Adelph., IV., vii., 23.—Isid., Orig., xviii., 60.—Brunck, An., iii., 60.—Becker, Gallus, ii., p. 228, &c.)—4. (Pseudo-Ascon., ad Cic. in Verr., ii., 1, p. 161, ed. Orelli.—Compare Diod. Sic., xi., 25.—Plaut., Pœn., IV., ii., 5.—Id., Capt., III., v., 65.—Festus, s. v. Latumiæ.)—5. (Ælian, V. H., xii., 44.—Cic. in Verr., v., 55.)—6. (in Verr., v., 27.)—7. (Compare Thucyd., vii., 87.)—8. (Ælian, l. c.)—9. (Dion Cass., lvi., 34.—Compare Dionys., Ant. Rom., iv., p. 270.—Corn. Nepos, Att., 22, 2.—Tacit., Hist., iii., 67.)—10. (Novell., 43 and 59.)

1. (Compare Lipsius, Elect., i., 19.—Scheffer, De Re Vehiculari, ii., 5, p. 89.—Gruter, Inscr., p. 954, 8.—Böttiger, Sabina ii., p. 200.—Agyafalva, Wanderungen durch Pompeii.)—2. (Liv., ii., 36.—Aurel. Vict., De Vir. Ill., c. 34.)—3. (Liv., xxiv., 42.—Val. Max., ii., 8, 2.—Id., i., 7.—Sueton., Octav., 91.)—4. (Suid., s. v. φορεῖον.)—5. (Anacr. ap. Athen., xii., p. 533, &c.—Plut., Pericl., 27.—Lysias, De Vuln. Præm., p. 172.—Andocid., De Myst., p. 30.—Plut., Eumen., 14.)—6. (Dinarch., c. Demosth., p. 29.)—7. (Plut., Arat., 17.)—8. (Diog. Laert., v., 4, § 73.)—9. (Lucian, Epist. Saturn., 28.—Id., Somn. s. Gall., 10.—Id., Gyn., 9.—Compare Becker, Charikles, ii., p. 71, &c.)—10. (x., 3.)—11. (Compare Cic., Philip., ii., 45.—Plut., Cic., 48.—Dion Cass., xlvii., 10.)—12. (xi., 98.)—13. (Compare Senec., Suas., i., 6.—Suet., Tit., 10.)

ever, the curtains were not thought a sufficient protection for a lectica; and, consequently, we find that lecticæ, used by men as well as women, were closed on the sides by windows made of transparent stone (*lapis specularis*), whence Juvenal[1] calls such a lectica an *antrum clausum latis specularibus*.[2] We sometimes find mention of a lectica aperta,[3] but we have no reason to suppose that in this case it had no roof, for the adjective aperta probably means nothing more than that the curtains were removed, *i. e.*, either thrown aside or drawn up. The whole lectica was of an oblong form, and the person conveyed in it lay on a bed (*pulvinus*), and the head was supported by a pillow, so that he might read and write in it with ease. To what extent the luxury of having a soft and pleasant bed in a lectica was carried, as early as the time of Cicero, may be seen from one of his orations against Verres.[4] Feather-beds seem to have been very common.[5] The framework, as well as the other appurtenances, were, with wealthy persons, probably of the most costly description. The lectica, when standing, rested on four feet, generally made of wood. Persons were carried in a lectica by slaves (*lecticarii*) by means of poles (*asseres*) attached to it, but not fixed, so that they might easily be taken off when necessary.[6] There can be no doubt that the asseres rested on the shoulders of the lecticarii, and not on thongs which passed round the necks of these slaves and hung down from their shoulders, as some modern writers have thought.[7] The act of taking the lectica upon the shoulders was called *succollare*,[8] and the persons who were carried in this manner were said *succollari*.[9] From this passage we also learn that the name lecticarii was sometimes incorrectly applied to those slaves who carried a person in a sella or sedan-chair. The number of lecticarii employed in carrying one lectica varied according to its size, and the display of wealth which a person might wish to make. The ordinary number was probably two;[10] but it varied from two to eight, and the lectica is called hexaphoron or octophoron, accordingly as it was carried by six or eight persons.[11] Wealthy Romans kept certain slaves solely as their lecticarii;[12] and for this purpose they generally selected the tallest, strongest, and most handsome men, and had them always well dressed. In the time of Martial it seems to have been customary for the lecticarii to wear beautiful red liveries. The lectica was generally preceded by a slave called anteambulo, whose office was to make room for it.[13]

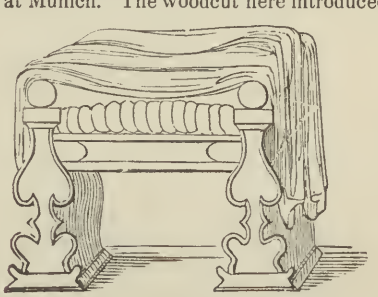
Shortly after the introduction of these lecticæ among the Romans, and during the latter period of the Republic, they appear to have been very common, though they were chiefly used in journeys, and in the city of Rome itself only by ladies and invalids.[14] But the love of this, as well as of other kinds of luxury, increased so rapidly, that J. Cæsar thought it necessary to restrain the use of lecticæ, and to confine the privilege of using them to certain persons of a certain age, and to certain days of the year.[15]

In the reign of Claudius we find that the privilege of using a lectica in the city was still a great distinction, which was only granted by the emperor to his especial favourites.[16] But what until then had been a privilege, became gradually a right assumed by all, and every wealthy Roman kept one or more lecticæ, with the requisite number of lecticarii. The Emperor Domitian, however, forbade prostitutes the use of lecticæ.[1] Enterprising individuals gradually began to form companies (*corpus lecticariorum*), and to establish public lecticæ, which had their stands (*castra lecticariorum*) in the regio Transtiberina, and probably in other parts also, where any one might take a lectica on hire.[2] The persons of whom these companies consisted were probably of the lower orders or freedmen.[3]

The lecticæ of which we have hitherto spoken were all portable, *i. e.*, they were constructed in such a manner that the asseres might easily be fastened to them whenever it was necessary to carry a person in them from one place to another. But the name lectica, or, rather, the diminutive lecticula, was also sometimes applied to a kind of sofa, which was not moved out of the house. On it the Romans frequently reclined for the purpose of reading or writing, for the ancients, when writing, seldom sat at a table as we do, but generally reclined on a couch; in this posture they raised one knee, and upon it they placed the parchment or tablet on which they wrote. From this kind of occupation the sofa was called lecticula lucubratoria,[4] or, more commonly, lectulus.[5]

LECTICA'RII. (*Vid.* LECTICA.)

LECTISTE'RNIUM. Sacrifices being of the nature of feasts, the Greeks and Romans, on occasion of extraordinary solemnities, placed images of the gods reclining on couches, with tables and viands before them, as if they were really partaking of the things offered in sacrifice. This ceremony was called a *lectisternium*. Three specimens of the couches employed for the purpose are in the Glyptotek at Munich. The woodcut here introduced exhibits one of them, which is represented with a cushion covered by a cloth hanging in ample folds down each side. This beautiful *pulvinar*[6] is wrought altogether in white marble, and is somewhat more than two feet in height. At the *Epulum Jovis*, which was the most noted lectisternium at Rome, and which was celebrated in the Capitol, the statue of Jupiter was laid in a reclining posture on a couch, while those of Juno and Minerva were seated on chairs by his side; and this distinction was observed in allusion to the ancient custom, according to which only men reclined, and women sat at table.[7] (*Vid.* CŒNA, p. 276.) Nevertheless, it is probable that at a later period both gods and goddesses were represented in the same position: at least four of them, viz., Jupiter Serapis and Juno or Isis, together with Apollo and Diana, are so exhibited with a table before them, on the handle of a Roman lamp engraved by Bartoli.[8] Livy[9] gives an account of a



1. (Iv., 20.)—2. (Compare Juv., iii., 239.)—3. (Cic., Phil., ii., 34.)—4. (v., 11.)—5. (Juv., i., 159, &c.)—6. (Sueton., Calig., 58.—Juv., vii., 132.—Id., iii., 245.—Martial, ix., 23, 9.)—7. (Senec., Epist., 80, 110.—Tertull. ad Uxor., i., 4.—Clem. Alex., Pædag., iii., 4.—Juv., iii., 240.—Id., ix, 142.)—8. (Plin., H. N., xxxv., 10.—Suetou., Claud., 10.)—9. (Sueton., Otho, 6.)—10. (Petron., Sat., 56.—Juv., ix., 142.)—11. (Juv., i., 64.—Mart., ii., 81.—Id., vi., 77.—Cic. in Verr., v., 11.—Id., ad Quint. Fr., ii., 10.)—12. (Cic. ad Fam., iv., 12.)—13. (Mart., iii., 46.—Plin., Epist., iii., 14.—Compare Becker, Gallus, i., p. 213, &c.)—14. (Dion Cass., lvii 17.)—15. (Sueton., Jul., 43.)—16. (Suet., Claud., 28.)

1. (Suet., Domit., 8.)—2. (Vict., De Reg. Urb. Rom. in Græv., Thesaur., iii., p. 49.—Martial, iii., 46.)—3. (Compare Gruter, Inscr., 599, 11.—Id. ib., 600, 1.)—4. (Suet., Octav., 78.)—5 (Plin., Epist., v., 5.—Ovid, Trist., i., 11, 38.—Compare Alstorp. De Lecticis Veterum Diatriba, Amst., 1704.)—6. (Suet., Jul. 76.—Corn. Nep., Timoth., 2.)—7. (Val. Max., ii., 1, § 2.)—8 (Luc. Ar. i., 34.)—9. (v., 13.)

very splendid lectisternium, which he asserts to have been the origin of the practice.

LECTUS (*λέχος*, *κλίνη*, *εὐνή*), a Bed. In the heroic ages of Greece beds were very simple; the bedsteads, however, are sometimes represented as ornamented (*τρητὰ λέχεα*[1]). The principal parts of a bed were the *χλαῖναι* and *ῥήγεα*;[2] the former were a kind of thick woollen cloak, sometimes coloured, which was in bad weather worn by men over their *χιτών*, and was sometimes spread over a chair to render the seat soft. That these *χλαῖναι* served as blankets for persons in their sleep, is seen from *Odyss.*, xiv., 488. 500, 504, 513, 529; xx, 4. The *ῥήγεα*, on the other hand, were probably a softer and more costly kind of woollen cloth, and were used chiefly by persons of high rank. They were, like the *χλαῖναι*, sometimes used to cover the seat of chairs when persons wanted to sit down.[3] To render this thick woollen stuff less disagreeable, a linen cloth was sometimes spread over it.[4] It has sometimes been supposed that the *ῥήγεα* were pillows or bolsters; but this opinion seems to be refuted by the circumstance that, in *Odyss.*, vi., 38, they are described as being washed, without anything being said as to any operation which would have necessarily preceded the washing had they been pillows. Beyond this supposition respecting the *ῥήγεα*, we have no traces of pillows or bolsters being used in the Homeric age. The bedstead (*λέχος*, *λέκτρον*, *δέμνιον*) of persons of high rank was covered with skins (*κώεα*), upon which the *ῥήγεα* were placed, and over these linen sheets or carpets were spread; the *χλαῖνα*, lastly, served as a cover or blanket for the sleeper.[5] Poor persons slept on skins or beds of dry herbs spread on the ground.[6] These simple beds, to which, shortly after the Homeric age, a pillow for the head was added, continued to be used by the poorer classes among the Greeks at all times. Thus the bed of the orator Lycurgus is said to have consisted of one sheepskin (*κώδιον*) and a pillow.[7] But the complete bed (*εὐνή*) of a wealthy Greek in later times generally consisted of the following parts: *κλίνη*, *ἐπίτονοι*, *τυλεῖον* or *κνέφαλον*, *προσκεφάλειον*, and *στρώματα*.

The *κλίνη* is, properly speaking, only the bedstead, and seems to have consisted only of posts fitted into one another, and resting upon four feet. At the head part alone there was a board (*ἀνάκλιντρον* or *ἐπίκλιντρον*) to support the pillow and prevent its falling out. Sometimes the *ἀνάκλιντρον* is wanting.[8] (Compare the first woodcut in page 188.) Sometimes, however, the bottom part of a bedstead was likewise protected by a board, so that in this case a Greek bedstead resembled a modern so-called French bedstead. The *κλίνη* was generally made of wood, which in quality varied according to the means of the persons for whose use it was destined; for in some cases we find that it was made of solid maple or boxwood, or veneered with a coating of these more expensive woods. At a later period, bedsteads were not only made of solid ivory or veneered with tortoise-shell, but sometimes had silver feet.[9]

The bedstead was provided with girths (*τόνοι*, *ἐπίτονοι*, *κειρίαι*), on which the bed or mattress (*κνέφαλον*, *τυλεῖον*, *κοῖτος*, or *τύλη*) rested; instead of these girths, poorer people used strings.[10] The cover or ticking of a mattress was made of linen or woollen cloth, or of leather, and the usual material with which it was filled (*τὸ ἐμβαλλόμενον πλήρωμα* or *γνάφαλον*) was either wool or dried weeds. At the head part of the bed, and supported by the *ἐπίκλιντρον*, lay a round pillow (*προσκεφάλειον*) to support the head; and in some ancient pictures two other square pillows are seen, which were intended to support the back. The covers of such pillows are striped in several pictures on ancient vases (see the woodcut in page 326), and were therefore probably of various colours. They were undoubtedly filled with the same materials as the beds and mattresses.

The bed-covers, which may be termed blankets or counterpanes, were called by a variety of names, such as *περιστρώματα*, *ὑποστρώματα*, *ἐπιβλήματα*, *ἐρεστρίδες*, *χλαῖναι*, *ἀμφιεστρίδες*, *ἐπιβόλαια*, *δάπιδες*, *ψιλοδάπιδες*, *ξυστίδες*, *χρυσόπαστοι*, *τάπητες*, or *ἀμφιτάπητες*. The common name, however, was *στρώματα*. They were generally made of cloth, which was very thick and woolly either on one or on both sides.[1] It is not always easy to distinguish whether the ancients, when speaking of *κλῖναι*, mean beds in our sense of the word, or the couches on which they lay at meal-times. We consequently do not know whether the descriptive epithets of *κλῖναι*, enumerated by Pollux, belong to beds or to couches. But this matters little, as there was scarcely any difference between the beds of the ancients and their couches, with this exception, that the latter, being made for appearance as well as for comfort, were, on the whole, undoubtedly more splendid and costly than the former. Considering, however, that bedsteads were often made of the most costly materials, we may reasonably infer that the coverings and other ornaments of beds were little inferior to those of couches. Notwithstanding the splendour and comfort of many Greek beds, the Asiatics, who have at all times excelled the Europeans in these kinds of luxuries, said that the Greeks did not understand how to make a comfortable bed.[2] The places most celebrated for the manufacture of splendid bed-covers were Miletus, Corinth, and Carthage.[3] It appears that the Greeks, though they wore nightgowns, did not simply cover themselves with the *στρώματα*, but wrapped themselves up in them. Less wealthy persons continued, according to the ancient custom, to use skins of sheep and other animals, especially in winter, as blankets.[4] The bedsteads of the poorer classes are designated by the names *σκίμπους*, *ἀσκάντης*, and *κράββατος*, and an exaggerated description of such a bed is given by Aristophanes.[5] The words *χαμεύνη* and *χαμεύνιον*, which originally signified a bed of straw or dry herbs made on the ground,[6] were afterwards applied to a bed which was only near the ground, to distinguish it from the *κλίνη*, which was generally a high bedstead. *Χαμεύνια* were the usual beds for slaves, soldiers in the field, and poor citizens, and the mattresses used in them were mere mats made of rushes or bast.[7]

The beds of the Romans (*lecti cubiculares*) in the earlier periods of the Republic were probably of the same description as those used in Greece; but towards the end of the Republic and during the Empire, when Asiatic luxuries were imported into Italy, the richness and magnificence of the beds of the wealthy Romans far surpassed everything we find described in Greece. The bedstead was generally rather high, so that persons entered the bed (*scandere*, *ascendere*) by means of steps placed beside it

1. (Il., iii., 448.—Compare Odyss., xxiii., 219, &c.)—2. (Odyss., xix., 337.)—3. (Odyss., x., 352.)—4. (Odyss., xiii., 73.)—5. (Odyss., iv., 296, &c.—Il., xxiv., 643, &c.—Ib., ix., 660, &c.)—6. (Odyss., xiv., 519.—Ib., xx., 139, &c.—Ib., xi., 188, &c.—Compare Nitzsch, zur Odyss., vol. i., p. 210.)—7. (Plut., Vit. Dec. Orat. Lycurg., p. 842, C.)—8. (Pollux, Onom., x., 34.—Id. ib., vi., 9.)—9. (Pollux, l. c.—Ælian, V. H., xii., 29.—Athen., , 255.)—10. (Aristoph., Av., 814, with the Schol.)

1. (Pollux, Onom., vi., 9.)—2. (Athen., ii., p. 48.—Plut., Polop., 30.)—3. (Aristoph., Ran., 410, 542, with the Schol.—Id., Lysistr., 732.—Cic. in Verr., i., 34.—Athen., i., p. 27 and 28.)—4. (Pollux, Onom., x., 123.—Aristoph., Nub., 10.)—5. (Plut., 540, &c.—Compare Lysistr., 916.)—6. (Theocrit., iii., 33.—Plut., Lycurg., 16.)—7. (Pollux, l. c., and vi., 11.—Compare Becker Charikles, ii., p. 114–122.—Pollux, x., 7, 8; vi., 1.)

(*scamnum*[1]). It was sometimes made of metal, and sometimes of costly kinds of wood, or veneered with tortoise-shell or ivory; its feet (*fulcra*) were frequently of silver or gold.[2] The bed or mattress (*culcita* and *torus*) rested upon girths or strings (*restes, fasciæ, institæ*, or *funes*) which connected the two horizontal side-posts of the bed.[3] In beds destined for two persons, the two sides are distinguished by different names; the side at which persons entered was open, and bore the name sponda; the other side, which was protected by a board, was called pluteus.[4] The two sides of such a bed are also distinguished by the names torus exterior and torus interior, or sponda exterior and sponda interior;[5] and from these expressions it is not improbable that such lecti had two beds or mattresses, one for each person. Mattresses were in the earlier times filled with dry herbs[6] or straw,[7] and such beds continued to be used by the poor. But in subsequent times, wool, and, at a still later period, feathers, were used by the wealthy for the beds as well as the pillows.[8] The cloth or ticking (*operimentum* or *involucrum*) with which the beds or mattresses were covered was called toral, torale, linteum, or segestre.[9] The blankets or counterpanes (*vestes stragulæ, stragula, peristromata, peripetasmata*) were in the houses of wealthy Romans of the most costly description, and generally of a purple colour (*stragula conchylio tincta, peristromata conchylïata, coccina stragula*), and embroidered with beautiful figures in gold. Covers of this sort were called peripetasmata Attalica, because they were said to have been first used at the court of Attalus.[10] The pillows were likewise covered with magnificent casings. Whether the ancients had curtains to their beds is not mentioned anywhere; but as curtains, or, rather, a kind of canopy (*aulæa*), were used in the lectus tricliniaris[11] for the purpose of preventing the dust falling upon the persons lying on it, it is not improbable that the same or a similar contrivance was used in the lectus cubicularis.

The *lectus genialis* or *adversus* was the bridal bed, which stood in the atrium, opposite the janua, whence it derived the epithet adversus.[12] (Compare House, p. 517.) It was generally high, with steps by its side, and in later times beautifully adorned.[13]

Respecting the lectus funebris, see the articles Funus and Lectica. An account of the disposition of the couches used at entertainments, and of the place which each guest occupied, is given under Triclinium.[14]

LE'CUTHI (*λήκυθοι*). (*Vid.* Funus, p. 456.)

LEGA'TIO LI'BERA. (*Vid.* Legatus, p. 576.)

LEGA'TUM, a Legacy, is variously defined by the Roman jurists, but there can be no exact definition except reference be made to a heres. Unless there is a heres duly instituted, no legacy can be given. A legatum, then, is a part of the hereditas which a testator gives out of it, from the heres (*ab hærede*); that is, it is a gift to a person out of that whole (*universum*) which is diminished to the heres by such gift. Accordingly, the phrase "*ab herede legare* thus becomes intelligible[1] ("*ex testamento legat ei eandem pecuniam a filio*"[2]). A legatee could not be charged with the payment of a legacy out of what was given to him, a rule of law which was thus expressed: "*A legatario legari non potest.*" A legacy could only be given in the Latin language.

The word "legatum," from the verb *lego*, contains the same element as lex. Lego has the sense of appointing or disposing of a matter, as in the phrase "legatum negotium;"[3] and it is used in the Twelve Tables to express generally a testator's disposition of his property (*uti legassit*, &c.). Ulpian accordingly explains the word legatum by referring to its etymology, and likening a legatum to a lex, properly so called. "A legatum," he says, "is that which is left by a testament, *legis modo*, that is, *imperative;* for those things which are left *precativo modo* are called fideicommissa."[4] A legatee was named *legatarius;* those to whom a thing was given jointly (*conjunctim*) were collegatarii. A legacy which was legally valid or good was *legatum utile;* a void legacy was *inutile*. A legacy which was given absolutely or unconditionally was said to be given *pure;* one which was given conditionally was said to be given *sub condicione*. The expression *purum legatum*, an unconditional legacy, also occurs.[5]

Gaius apologizes for treating of legata in that part of his institutional work in which he has placed it. In the first ninety-six chapters of his second book he treats of the acquisition of property in res singulæ, to which class legacies belong. But as the matter of legacies is not intelligible without reference to the matter of hereditas or universal acquisition, he places the law of legacies (*hæc juris materia*) immediately after that of hereditas.

There were four forms in which a legacy could be left: per vindicationem, per damnationem, sinendi modo, per præceptionem.

A legatum per vindicationem was given in these words: "*Hominem stichum do, lego*," or the words might be with reference to the legatee, "*Capito, sumito, sibi habeto.*" A legatum per vindicationem was so called with reference to the legal means by which the legatee asserted his right to the legacy against the heres or any possessor, which was by a vindicatio or an actio in rem; for as soon as the hereditatis aditio had taken place, the legatee had the quiritarian (*ex jure quiritium*) ownership of the legacy. The two schools raised a question as to this, Whether, under such circumstances, the legatee obtained the quiritarian ownership of the thing before he had consented to take it. The opinion of the Proculiani, who contended for such consent, was confirmed by a constitution of Antoninus Pius. It was consistent with the nature of the per vindicationem, that those things only could be so given in which the testator had quiritarian ownership: and it was also necessary that he should have such ownership both at the time of making his will and at the time of his death; otherwise the legacy was void (*inutile*). But there was an exception in respect of things "*quæ pondere, numero, mensura constant,*" as wine, oil, corn, and the precious metals in the form of coin (*pecunia numerata*), in regard to which it was sufficient if the testator had the quiritarian ownership at the time of his death. This was the civil law (*jus civile*), but it was altered by a senatus consultum of the time of Nero, which enacted that if a testator left a thing as a legacy which had never been his, the legacy should be equally good as if it had been left in the form most

1. (Varro, De Ling. Lat., v., 168.—Müller.—Ovid, Fast., ii., 346 &c.)—2. (Plin., xvi., 43.—Mart., xii., 67.—Juv., xi., 94.)—3. (Ic., De Div., ii., 65.—Mart., v., 62.—Petron., 97.—Compare Hor. at., Epod., xii., 12.—Cato, De Re Rust., c. 10.)—4. (Isidor., xx., 11, p. 629, ed. Lindemann.)—5. (Ovid, Am., iii., 14, 32.—Suet., Jul., 49.)—6. (Varro, l. c.—Ovid, Fast., i., 200 and 205.)—7. (Horat., Sat., II., iii., 117.—Mart., xiv., 160.—Senec., De Vit. Beat., c. 25.)—8. (Plin., H. N., viii., 48.—Id. ib., x., 22.—Plaut., Mil. Glor., IV., iv., 42.—Cic., Tusc., iii., 19.—Mart., xiv., 131 and 159.)—9. (Horat., Sat., II., iv., 84.—Id., Epist., I., v., 21.—Varro, l. c.)—10. (Plin., H. N., l. c.—Cic. in Verr., iv., 12 and 26.—Philip., ii., 27.—Mart., ii., 16.)—11. (Horat., Carm., iii., 29, 15.—Id., Sat., ii., 8, 54.)—12. (Horat., Epist., I., i., 87.—Festus, s. v.)—13. (Gellius, xvi., 9.—Lucan. ii., 356.—Cic., Pro Cluent., c. 5.)—14. (Becker. Gallus, i., p. 42, &c.)

1. (Dig. 30, tit. 1, s. 116.)—2. (Cic., Pro Cluent., 12.)—3. (Plaut., Cas., I., i., 12.)—4. (Frag., tit. 24.)—5. (Dig. 36, tit. 2, s. 5.)

advantageous to the legatee (*optimo jure*), which form was the legatum per damnationem. But if a testator gave a thing of his own by his testament which he afterward alienated, it was the best opinion that the legacy was inutile by the jus civile, and that the senatus consultum did not make it good. If the same thing was given to more than one person, either jointly (*conjunctim*), so as to make them collegatarii, or severally (*disjunctim*), each took an equal share. A legatum was given *conjunctim* thus: "*Titio et Seio hominem stichum do, lego;*" *disjunctim*, thus: "*Titio hominem stichum do, lego; Seio eundem hominem do, lego.*" If one collegatarius failed to take, his portion went to the others. In the case of a conditional legacy left per vindicationem, the schools were divided in opinion: the Sabiniani said that it was the property of the heres during the pendency of the condition; the Proculiani said that it was "res nullius."

The form of the per damnationem was this: "*Heres meus stichum servum meum dare damnas esto;*" but the word dato was equally effective. A thing which belonged to another (*aliena res*) could be thus left, and the heres was bound to procure the thing for the legatee, or to pay him the value of it. A thing not in existence at the date of the will might be left by this form, as the future produce of a female slave (*ancilla*). The legatee did not acquire the quiritarian ownership of the legacy by virtue of the hereditatis aditio: the thing still remained the property of the heres, and the legatee could only sue for it by an actio in personam. If it was a thing mancipi, the legatee could only acquire the quiritarian ownership of it by mancipatio or in jure cessio from the heres: if it was merely delivered, the legatarius only acquired the complete ownership (*plenum jus*) by usucapion. If the same thing was left to two or more *conjunctim*, each had an equal share; if *disjunctim*, the heres was bound to give the thing to one, and its value to the rest. In the case of a gift *conjunctim*, the share of the legatee who failed to take belonged to the hereditas; but the lex Papia made it caducum, and gave it first to a collegatarius who had children, then to the heredes who had children, and then to the other legatees who had children (*legatarii*), a privilege which Juvenal alludes to (*dulce caducum*[1]).

The legatum sinendi modo was thus given: "*Heres meus damnas esto sinere Lucium Titium hominem stichum sumere sibique habere;*" by which form a testator could give either his own property or that of his heres. As in the case of a legatum per damnationem, the legatee prosecuted his claim by an actio in personam. It was doubted whether the heres was bound to transfer the property, in the case of a res mancipi, by mancipatio or in jure cessio, or, in the case of a thing nec mancipi, by traditio or delivery, for the words of the gift are "permit him to take." It was also a still more doubtful question (in the time of Gaius), whether, if the same thing was given in this way to two severally (*disjunctim*), the whole was due to each, or if the heres was released from all farther claim when either of them had obtained possession of the whole with his permission.

The legatum per præceptionem was in this manner: "*Lucius Titius hominem stichum præcipito;*" where "præcipito" is the same as "præcipuum sumito," or "take first." The Sabiniani were of opinion that a legacy could only thus be left to one who was also made a heres; but a senatus consultum Neronianum made the legacy good, even if it was thus left to an extraneus, that is, to another than the heres, provided the legatee was a person to whom a legacy could be left in any of the three other modes. For the senatus consultum made those legacies valid which were not valid by the jus civile on account of the words of the gift (*verborum vitio*), but not those legacies which were invalid on account of the incapacity of the legatee (*vitio personæ*), which was the case with a peregrinus. The Sabiniani also maintained that a man could leave in this manner only what was his own; for the only way in which the legatee could enforce his right was by a judicium familiæ erciscundæ, in which judicium it was necessary that the judex should adjudicate that which was given per præceptionem, and he could adjudicate on nothing else than the res hereditaria. But the same senatus consultum made a legacy valid which was given in this form, even if the thing did not belong to the testator. The Proculiani contended that a legacy could be given to an extraneus per præceptionem; and, farther, that if the thing was the testator's ex jure quiritium, it could be sued for (*vindicari*) by the legatee, whether he was a heres or not (*extraneus*): if it was the testator's in bonis, it was a utile legatum to the extraneus by the senatus consultum, and the heres could obtain it in a judicium familiæ erciscundæ. If it did not belong to the testator in either way, still the legatum was made utile both to the heres and the extraneus by the senatus consultum. If the same thing was thus left to more than one either *disjunctim* or *conjunctim*, each had only his share.

By the law of the Twelve Tables, a man could dispose of his property as he pleased, and he might exhaust (*erogare*) the whole hereditas by legacies and bequests of freedom to slaves, so as to leave the heres nothing. The consequence was, that in such cases the scripti heredes refused to take the hereditas, and there was, of course, an intestacy. The first legislative measure on this subject was the lex Furia, called Testamentaria, which did not allow a testator to give as a donatio mortis causa or as a legacy more than a thousand asses to one person, certain relatives excepted.[1] But this measure was a failure, for it did not prevent a man from giving as many several thousands to as many persons as he pleased, and so exhausting his estate. The lex Voconia (B.C. 169) afterward enacted that no person should take by way of legacy or donatio mortis causa more than the heredes (severally, as it seems); but this lex was ineffectual; for, by distributing the hereditas among numerous legatees, the heres might have so small a portion as not to make it worth his while to assume the burdens attached to the hereditas.[2] The lex Falcidia (B.C. 40) at last took away all means of evasion by declaring that a testator should not give more than three fourths in legacies, and thus a fourth was secured to the heres; and "this law," says Gaius, "is now in force." The senatus consultum Pegasianum extended the same rule of law to fideicommissa (*vid.* Fideicommissa); and the Emperor Antoninus Pius applied it to the case of fideicommissa when there was an intestacy.[3] The lex Falcidia applied to the wills of persons who died in captivity (*apud hostes*), for a previous lex Cornelia had given to the wills of such persons the same force as if they had died *cives* (*in civitate*[4]).

Legata were inutilia or void if they were given before a heres was instituted by the will, for the will derived all its legal efficacy from such institution; there was the same rule as to a gift of freedom. It was an inutile legatum, if in form the gift was given after the death of the heres, but it might be given on the event of his death; it was

1 (ix., 88.)

1. (Gaius, iii., 225.—Ulp., Frag., i., s. 2; xxviii., s. 7.)—2. Gaius, ii., 26.—Cic. in Verr., lib. i., c. 43.)—3. (Dig. 35, tit. 2, s. 18.)—4. (Dig. 35, tit. 2, s. 1.)

also inutile if given in form on the day before the death of the testator, for which rule of law, says Gaius, there seems to be no good reason (*pretiosa ratio*). A legatum could not be left in the way of a penalty (*pœnæ nomine*), that is, for the purpose of compelling the heres to do, or restraining him from doing, any particular act. A legacy could not be left to an uncertain person (*incerta persona*). The notion of an uncertain person was not of a person who could never be ascertained; for in several of the instances mentioned by Gaius, the person or persons would be easily ascertained (for instance, "*qui post testamentum consules designati erunt*"); but the notion of the uncertainty was referred to the mind of the testator at the time of making his testament. Accordingly, the persona was not considered incerta where he was one of a certain class, such as cognati, though the individual of the class might be uncertain till the event happened which was to determine who out of the class was intended by the testator. Such a form of bequest was called a certa demonstratio incertæ personæ [1] A legacy could not be left to a postumus alienus, nor could such a person be a heres institutus, for he was an incerta persona. It has been explained elsewhere who is a postumus (*vid.* HERES, p. 500): a postumus alienus is one who, when born, cannot be among the sui heredes of the testator.

It was a question whether a legacy could be legally (*recte*) left to a person who was in the power of another person who was made heres by the same will. The Proculiani denied that such a legacy could be left either pure or sub condicione. But if a person who was in the power of another was made heres, a legacy might be left (*ab eo legari*) to the person in whose power he was; for if such latter person became heres thereby (*per eum*), the legacy was extinguished, because a man cannot owe a thing to himself; but if the son was emancipated, or the slave was manumitted or transferred to another, and so the son became heres, or so the slave made another person heres, the legacy was due to the father or former master. Not only res singulæ could be given as a legacy, but also a part of a universitas of things (*universarum rerum*) could be so given; thus the heres might be directed to share a half or any other part of the hereditas with another, which was called partitio.[2] By the jus civile there might be a legacy of a usufructus of those things which were capable of being used and enjoyed without detriment to the things. By a senatus consultum there might be a legacy of the *abusus* of those things which were consumed in the use, as wine, oil, wheat, but the legatarius had to give security for the restoration of them when his right to the enjoyment ceased. This technical meaning of *abusus*, that is, the use of things which are consumed in the use, is contrasted with usufructus by Cicero.[3]

A legacy might be transferred to another person, or taken away (*adimi*) by another will or codicilli confirmed by a will; it might also be taken away by erasure of the gift from the will. Such a revocation of legacies (*ademptio legatorum*) seems to have been only effected in the way mentioned. The expression ademption of legacies in English law has a different meaning, and in the case of a specific thing corresponds to the Roman extinction of legacies, which took place if the testator disposed of the thing in his lifetime.

If a legatee died after the day on which the legatum had become his (*post diem legati cedentem*), it passed to his heres; or, to use a phrase of English law, the legacy was vested. The phrase "*dies legati cedit*" accordingly means "the time is come at which the legacy belongs to the legatee," though the time may not have come when he is entitled to receive it; and "*dies venit*" denotes the arrival of the day on which it can be demanded.[1] If the legacy was left conditionally, there was no vesting till the condition was fulfilled. By the old law, legacies which were left unconditionally, or from a time named (*in diem certum*), were vested from the time of the testator's death; but by the lex Papia they vested from the time of opening the will. The legacy might vest immediately on the death of the testator, and yet the testator might defer the time of payment.[2] A legacy might also be left on a condition of time only, as a legacy to Titius *when* or *if* he should attain the age of fourteen years, in which case the words *when* and *if* were considered equivalent, a decision which has been adopted in English law, in cases in which there is nothing in the will which gives the words "when" or "if" a different signification.[3]

LEGA'TUS. Legati may be divided into three classes: 1. Legati or ambassadors sent to Rome by foreign nations; 2. Legati or ambassadors sent from Rome to foreign nations and into the provinces; 3. Legati who accompanied the Roman generals into the field, or the proconsuls and prætors into the provinces.

1. Foreign legati at Rome, from whatever country they came, had to go to the Temple of Saturn and deposite their names with the quæstors, which Plutarch[4] explains as a remnant of an ancient custom; for formerly, says he, the quæstors sent presents to all legati, which were called lautia; and if any ambassador was taken ill at Rome, he was in the care of the quæstors, who, if he died, had also to pay the expenses of his burial from the public treasury. When, afterward, the number of foreign ambassadors increased, in proportion as the Republic became extended, the former hospitable custom was reduced to the mere formality of depositing the name with the keepers of the public treasury. Previous to their admission into the city, foreign ambassadors seem to have been obliged to give notice from what nation they came and for what purpose; for several instances are mentioned in which ambassadors were prohibited from entering the city, especially in case of a war between Rome and the state from which they came.[5] In such cases the ambassadors were either not heard at all, and obliged to quit Italy,[6] or an audience was given to them by the senate (*senatus legatis datur*) outside the city, in the Temple of Bellona.[7] This was evidently a sign of mistrust, but the ambassadors were nevertheless treated as public guests, and some public villa outside the city was sometimes assigned for their reception. In other cases, however, as soon as the report of the landing of foreign ambassadors on the coast of Italy was brought to Rome, especially if they were persons of great distinction, as the son of Masinissa,[8] or if they came from an ally of the Roman people, some one of the inferior magistrates, or a legatus of a consul, was despatched by the senate to receive and conduct them to the city at the expense of the Republic. When they were introduced into the senate by the prætor or consul, they first explained what they had to communicate, and then the prætor invited the senators to put their questions to the ambassadors.[9] The manner in which this questioning was frequently

1. (Gaius, ii., 238.)—2. (Cic., Leg., ii., 20; Pro Cæcin., 4.—Ulp., Frag., tit. 24, s. 25.)—3. (Top., 3.—Ueber das alter des quasi-usufructus vor Puchta, Rheinisches Mus., 1829.)

1. (Dig. 50, tit. 16, s. 213.)—2. (Dig. 36, tit. 3, s. 21.)—3 (Dig. 36, tit. 2, s. 5, 22.—Hanson v. Graham, 6 Ves., p. 243.—Compare Gaius, 191-245.—Ulp., Frag., tit. xxiv.—Dig. 30, &c.—Paulus, S. R., iii., tit. 6.)—4. (Quæst. Rom., p. 275, B.)—5 (Liv., xxx., 21.—Id., xlii., 36.—Id., xlv., 22.)—6. (Liv., xlii., 36.)—7. (Liv., 1 c.—Id., xxx., 21.)—8. (Liv., xl., 13.)—9 (Liv., xxx., 22.)

carried on, especially when the envoys came from a state with which the Romans were at war, resembled more the cross-questioning of a witness in a court of justice, than an inquiry made with a view to gain a clear understanding of what was proposed.[1] The whole transaction was carried on by interpreters, and in the Latin language (*Vid.* Interpres.) Valerius Maximus[2] states that the Greek rhetorician Molo, a teacher of Cicero, was the first foreigner who ever addressed the Roman senate in his own tongue. After the ambassadors had thus been examined, they were requested to leave the assembly of the senate, who now began to discuss the subject brought before them. The result was communicated to the ambassadors by the prætor.[3] In some cases, ambassadors not only received rich presents on their departure, but were, at the command of the senate, conducted by a magistrate, and at the public expense, to the frontier of Italy, and even farther.[4] By the lex Gabinia it was decreed, that from the first of February to the first of March, the senate should every day give audience to foreign ambassadors.[5] There was at Rome, as Varro[6] expresses it, a place on the right-hand side of the senate-house called Græcostasis, in which foreign ambassadors waited.

All ambassadors, whencesoever they came, were considered by the Romans throughout the whole period of their existence as sacred and inviolable.[7]

2. Legati to foreign nations in the name of the Roman Republic were always sent by the senate ;[8] and to be appointed to such a mission was considered a great honour, which was conferred only on men of high rank or eminence ; for a Roman ambassador, according to Dionysius, had the powers (*ἐξουσία καὶ δύναμις*) of a magistrate and the venerable character of a priest. If a Roman, during the performance of his mission as ambassador, died or was killed, his memory was honoured by the Republic with a public sepulchre and a statue in the Rostra.[9] The expenses during the journey of an ambassador were, of course, paid by the Republic ; and when he travelled through a province, the provincials had to supply him with everything he wanted.

3. The third class of legati, to whom the name of ambassadors cannot be applied, were persons who accompanied the Roman generals on their expeditions, and in later times the governors of provinces also. Legati, as serving under the consuls in the Roman armies, are mentioned along with the tribunes at a very early period.[10] These legati were nominated (*legabantur*) by the consul or the dictator under whom they served,[11] but the sanction of the senate (*senatus consultum*) was an essential point, without which no one could be legally considered a legatus ;[12] and from Livy[13] it appears that the nomination by the magistrates (consul, prætor, or dictator) did not take place until they had been authorized by a decree of the senate. The persons appointed to this office were usually men of great military talents, and it was their duty to advise and assist their superior in all his undertakings, and to act in his stead both in civil and military affairs.[14] The legati were thus always men in whom the consul placed great confidence, and were frequently his friends or relatives ; but they had no power independent of the command of their general.[1] Their number varied according to the greatness or importance of the war, or the extent of the province : three is the smallest number we know of, but Pompey, when in Asia, had fifteen legati. Whenever the consuls were absent from the army, or when a proconsul left his province, the legati, or one of them, took his place, and then had the insignia as well as the power of his superior. He was in this case called legatus pro prætore,[2] and hence we sometimes read that a man governed a province as legatus without any mention being made of the proconsul whose vicegerent he was.[3] During the latter period of the Republic, it sometimes happened that a consul carried on a war, or a proconsul governed his province through his legati, while he himself remained at Rome, or conducted some other more urgent affairs.

When the provinces were divided at the time of the Empire (*vid.* Provincia), those of the Roman people were governed by men who had either been consuls or prætors, and the former were always accompanied by three legati, the latter by one.[4] The provinces of the emperor, who was himself the proconsul, were governed by persons whom the emperor himself appointed, and who had been consuls or prætors, or were at least senators. These vicegerents of the emperor were called *legati augusti pro prætore*, *legati prætorii*, *legati consulares*, or simply *legati*, and they, like the governors of the provinciæ populi Romani, had one or three legati as their assistants.[5]

During the latter period of the Republic, it had become customary for senators to obtain from the senate the permission to travel through or stay in any province at the expense of the provincials, merely for the purpose of managing and conducting their own personal affairs. There was no restraint as to the length of time the senators were allowed to avail themselves of this privilege, which was a heavy burden upon the provincials. This mode of sojourning in a province was called legatio libera, because those who availed themselves of it enjoyed all the privileges of a public legatus or ambassador, without having any of his duties to perform. At the time of Cicero, the privilege of legatio libera was abused to a very great extent. Cicero, therefore, in his consulship, endeavoured to put an end to it, but, owing to the opposition of a tribune, he only succeeded in limiting the time of its duration to one year.[6] Julius Cæsar afterward extended the time during which a senator might avail himself of legatio libera to five years,[7] and this law of Cæsar (lex Julia) seems to have remained in force down to a very late period.[8]

LEGES. (*Vid.* Lex.)

LEGIO. (*Vid.* Army, Roman.)

LEGIS ACTIO. (*Vid.* Actio, p. 16.)

LEGIS AQUI'LIÆ ACTIO. (*Vid.* Damni Injuria Actio.)

LEGI'TIMA ACTIO. (*Vid.* Actio, p. 16.)

LEGI'TIMA HERE'DITAS. (*Vid.* Heres, Roman, p. 497, 499.)

*LEGU'MEN, a general name among the Romans for Pulse, of which beans were esteemed the principal sort. The term is derived from *lego*, "to gather," because pulse are gathered by hand, and not reaped.[9]

1. (Liv., l. c., with the note of Gronovius.)—2. (ii., 2, § 3.)—3. (Liv., viii., 1.)—4. (Liv., xlv., 14.)—5. (Cic. ad Quint. Fr., i., 11, 12.—Id., ad Fam., i., 4.)—6. (De Ling. Lat., v., 155, Müller.)—7. (Cic. in Verr., i., 33.—Dionys. Hal., Ant. Rom., ix., p. 706.—Tacit., Ann., i., 42.—Liv., xxi., 10.—Dig. 50, tit. 7, s. 17.)—8. (Cic. in Vatin., 15.)—9. (Liv., iv., 17.—Cic., Philip., ix., 1.)—10. (Liv., ii., 59.—Id., iv., 17.)—11. (Sallust, Jug., 28. —Cic. ad Att., xv., 11.—Id., ad Fam., vi., 6.—Id., Pro Leg. Manil., 19.)—12. (Cic. in Vatin., l. c.—Id., Pro Sext., 14.)—13 (xliii., 1.—Compare xliv., 18.)—14. (Varro, De Ling. Lat., v., 87, Müller.)

1. (Cæs., De Bell. Civ., ii., 17.—Id. ib., iii., 51.—Appian, Bell. Civ., i., 38.)—2. (Liv., xxix., 9.—Lydus, De Mag., ii., 3. —Cæs., De Bell. Gall., i., 21.)—3. (Sallust, Cat., 42.)—4. (Dion Cass., liii., 13.—Dig. 1, tit. 16.)—5. (Strabo, iii., p. 352.—Compare Dig. 1, tit. 18, s. 7.—Tacit., Ann., xii., 59.—Id., Agric., c. 7.—Spanheim, De Usu et Præstant. Numism., ii., p. 595.)—6. (Cic., De Leg., iii., 8.—Id., De Leg. Agr., i., 3.—Id., Pro Flacc. 34.—Id., Philip., i., 2.)—7. (Cic. ad Att., xv., 11.)—8. (Suet., Tib., 31.—Dig. 50, tit. 7, s. 14.)—9. (Martyn ad Virg., Georg. i., 74.)

*LEIMO'NIUM (λειμόνιον), a plant, which Mathiolus and most of the early commentators make to have been the *Statice Limonium*, or Sea Lavender. Sprengel, however, follows Gesner in referring it to the *Polygonum Bistorta*, or Snakeweed.[1]

*LEIOBA'TOS (λειόβατος), a species of *Raia* or Skate. Artedi calls it *Raia varia*; Coray, *Raie miralet*.[2]

ΛΕΙΠΟΜΑΡΤΥΡΙΟΥ ΔΙΚΗ (λειπομαρτυρίου δικὴ). (*Vid.* Marturia.)

ΛΕΙΠΟΝΑΥΤΙΟΥ ΓΡΑΦΗ (λειποναυτίου γραφή). The indictment for desertion from the fleet was preferred before the tribunal of the strategi; and the court which, under their superintendence, sat for the trial of this and similar military offences, was composed of citizens who had been engaged in the expedition in question.[3] The penalty upon conviction seems to have been a fine, and the complete disfranchisement of the offender and his descendants.[4]

ΛΕΙΠΟΣΤΡΑΤΙΟΥ ΓΡΑΦΗ (λειποστρατίου γραφή). The circumstances of the trial for desertion from the army, and the penalties inflicted upon conviction, were the same as in the case of desertion from the fleet (*vid.* ΛΕΙΠΟΝΑΥΤΙΟΥ ΓΡΑΦΗ), and the offence was also punishable by an eisangelia, which, Heraldus suggests, would be frequently adopted when the accuser was solicitous to impose silence upon a political opponent by procuring his disfranchisement, as this was a necessary consequence of judgment being given against the defendant, and prevented his speaking or appearing in public. The eisangelia in such case would be preferred before the assembly of the people, by which, if reasonable cause appeared, it would be submitted to the decision of one of the ordinary legal tribunals.[5]

ΛΕΙΠΟΤΑΞΙΟΥ ΓΡΑΦΗ (λειποταξίου γραφή). (*Vid* Astrateias Graphe.)

LEITOUR'GIA (λειτουργία, from λεῖτον, Ion. λήϊτον, *i. e.*, δημόσιον, or, according to others, πρυτανεῖον) is the name of certain personal services which, at Athens and in some other Greek republics, every citizen who possessed a certain amount of property had to perform towards the state. These personal services, which in all cases were connected with considerable expenses, occur in the history of Attica as early as the time of the Peisistratids,[6] and were probably, if not introduced, at least sanctioned by the legislation of Solon. They were at first a natural consequence of the greater political privileges enjoyed by the wealthy, who, in return, had also to perform heavier duties towards the Republic; but when the Athenian democracy was at its height, the original character of these liturgies became changed; for, as every citizen now enjoyed the same rights and privileges as the wealthiest, they were simply a tax upon property connected with personal labour and exertion (τοῖς χρήμασι καὶ τῷ σώματι λειτουργεῖν). Notwithstanding this altered character of the liturgies, we scarcely ever find that complaints were made by persons subject to them; many wealthy Athenians, on the contrary, ruined their estates by their ambitious exertions, and by the desire to gain the favour of the people.[7] To do no more than the law required (ἀφοσιοῦσθαι[8]) was at Athens considered as a disgrace, and in some cases a wealthy Athenian, even when it was not his turn, would volunteer to perform a liturgy.[9]

All liturgies may be divided into two classes: 1, ordinary or encyclic liturgies (ἐγκύκλιοι λειτουργίαι[1]), and, 2, extraordinary liturgies. The former were called encyclic, because they recurred every year at certain festive seasons, and comprised the χορηγία, γυμνασιαρχία, λαμπαδαρχία, ἀρχιθεωρία, and ἑστίασις, which are all described in separate articles. (*Vid.* Choragus, Gymnasium, p. 483; Lampadephoria, Theoria, Hestiasis.) Every Athenian who possessed three talents and above was subject to them,[2] and they were undertaken in turns by the members of every tribe who possessed the property qualification just mentioned, unless some one volunteered to undertake a liturgy for another person. But the law did not allow any one to be compelled to undertake more than one liturgy at a time,[3] and he who had in one year performed a liturgy, was free for the next (ἐνιαυτὸν διαλιπὼν ἕκαστος λειτουργεῖ[4]), so that legally a person had to perform a liturgy only every other year. Those whose turn it was to undertake any of the ordinary liturgies, were always appointed by their own tribe,[5] or, in other words, by the ἐπιμεληταὶ τῶν φυλῶν,[6] and the tribe shared praise as well as blame with its λειτουργός.

The persons who were exempt from all kinds of liturgies were the nine archons, heiresses, and orphans, until after the commencement of the second year of their coming of age.[7] Sometimes the exemption from liturgies (ἀτελεία) was granted to persons for especial merits towards the Republic.[8]

The only kind of extraordinary liturgy to which the name is properly applied is the trierarchy (τριηραρχία); in earlier times, however, the service in the armies was in reality no more than an extraordinary liturgy. (*Vid.* Eisphora and Trierarchia.) In later times, during and after the Peloponnesian war, when the expenses of a liturgy were found too heavy for one person, we find that in many instances two persons combined to defray the expenses of a liturgy (συντελεία). Such was the case with the choragia and the trierarchy.[9]

Liturgies in regard to the persons by whom they were performed were also divided into λειτουργίαι πολιτικαί, such as were incumbent upon citizens, and λειτουργίαι τῶν μετοίκων.[10] The only liturgies which are mentioned as having been performed by the μέτοικοι, are the choregia at the festival of the Lenæa,[11] and the ἑστίασις,[12] to which may be added the hydriaphoria and skiadephoria. (*Vid.* Hydriaphoria.)

That liturgies were not peculiar to Athens has been shown by Böckh,[13] for choregia and other liturgies are mentioned at Siphnos;[14] choregia in Ægina even before the Persian wars;[15] in Mytilene during the Peloponnesian war;[16] at Thebes in the time of Epaminondas;[17] at Orchomenos, in Rhodes, and in several towns of Asia Minor.[18]

*LEMNIA TERRA (Λημνία γῆ), Lemnian earth "There were among the ancients," observes Sir John Hill,[19] "two Earths of Lemnos, well known and in common use, though applied to different purposes: these distinctions have been since lost, and that loss has caused us a great deal of confusion. These two we distinguish by the names of *Terra*

1. (Dioscor., iv., 16.—Adams, Append., s. v.)—2. (Adams, Append., s. v.)—3. (Meier, Att. Process, 108, 133.)—4. (Petit, Leg. Att., 401, 667.)—5. (Herald., Animadv. in Salmas., p. 242.)—6. (Aristot., Œconom., ii., 5.)—7. (Xen., De Rep. Ath., i., 13.—Demosth., c. Euerg., p. 1155.—Compare Lys., Pro bon. Alcib., p. 646 and 657.—Isocrat., De Big., 15.—Aristot., Polit., v., 7, p. 173, ed. Göttling.)—8. (Isæus, De Apollod., c. 38.)—9. (Demosth., c. Meid., p. 519, 506, &c.—Compare Böckh Publ. Econ. of Athens, ii., p. 202.)

1. (Demosth., c. Lept., p. 463.)—2. (Demosth., c. Aphob., p. 833.—Isæus, De Pyrrh. hæred., c. 80.)—3. (Demosth., c. Lept., p. 462.—Id., c. Polyclet., p. 1209.)—4. (Demosth., c. Lept., p. 459.)—5. (Demosth., c. Meid., p. 510, 519.)—6. (Tittmann, Griech. Staatsv., p. 296, &c.—Böckh, Publ. Econ., &c., i., p. 211.)—7. (Lysias, c. Diogeit., p. 908.—Demosth., De Symmor., p. 182.)—8. Demosth., c. Lept., p. 466, &c.)—9. (Hermann, Polit. Ant., § 161, n. 12 and 13.)—10. (Demosth., c. Lept., p. 462.)—11. (Schol. ad Aristoph., Plut., 954.)—12. (Ulpian ad Demosth., Lept., § 15.)—13. (Publ. Econ., &c., ii., p. 4. &c.)—14 (Isocrat., Ægi et., c. 17.)—15. (Herod., v., 83.)—16. (Antiph., De Cæd. Herod., p. 744.)—17. (Plut., Aristid., 1.)—18. (Comnare Wolf, Prolegom. in Demosth., Lept., p. lxxxvi., &c.—Wachsmuth, II., i., p. 130, &c.)—19. (ad Theophrast. De Lapid., c. 93.)

Lemnia and *Rubrica Lemnia*, or γῆ Λημνία and μίλτος Λημνία, the Lemnian Earth and Lemnian Reddle. The latter of these was used by painters as it was taken out of the pit: the former was made into cakes, and sealed with great ceremony, and was in very high esteem in medicine. The great occasion of the errors about the Lemnian earths is the mistake of Pliny in confounding them together, as he evidently has done, not distinguishing the medicinal sealed earth of that island from the reddle used by painters. The sealed earth was esteemed sacred, and the priests alone were allowed to meddle with it. They mixed it with goat's blood, and made the impression of a seal upon it. The *Rubrica Lemnia*, on the other hand, was a kind of reddle of firm consistence and deep red colour, dug in the same island, and never made into any form or sealed, but purchased in the rough glebes by artificers of many kinds, who used it in colouring." The Lemnian earth was a fat, unctuous clay, of a pale red colour. It is sometimes called *Lemnium sigillum*. A common Greek name for it is σφραγίς, in allusion to its having been sealed, whence the sphragide of Jameson. The stamp before the time of Dioscorides was the figure of a goat; afterward, in Galen's time, with the image of Diana. Of late years it has been stamped with the scal of the Turkish Empire. It acts as an astringent, but was much more frequently used in former days as a medicine than at the present day.[1]

*LEMNA (λέμνα), a plant, which Stackhouse conjectures was the *Lemna trisulca*, but Sprengel the *Marsilea quadrifolia*.[2]

LEMNISCUS (λημνίσκος). This word is said to have originally been used only by the Syracusans.[3] It signified a kind of coloured riband, which hung down from crowns or diadems at the back part of the head.[4] The earliest crowns are said to have consisted of wool, so that we have to conceive the lemniscus as a riband wound around the wool in such a manner that the two ends of the riband, where they met, were allowed to hang down. See the representations of the corona obsidionalis and civica in p. 310, where the lemnisci not only appear as a means to keep the little branches of the crowns together, but also serve as an ornament. From the remark of Servius,[5] it appears that coronæ adorned with lemnisci were a greater distinction than those without them. This serves to explain an expression of Cicero[6] (*palma lemniscata*), where palma means a victory, and the epithet lemniscata indicates the contrary of infamis, and, at the same time, implies an honourable as well as a lucrative victory.[7]

It seems that lemnisci were also worn alone, and without being connected with crowns, especially by ladies, as an ornament for the head.[8] To show honour and admiration for a person, flowers, garlands, and lemnisci were sometimes showered upon him while he walked in public.[9]

Lemnisci seem originally to have been made of wool, and afterward of the finest kinds of bast (*philyræ*[10]); but, during the latter period of the Republic, the wealthy Crassus not only made the foliage or leaves of crowns of thin sheets of gold and silver, but the lemnisci likewise; and P. Claudius Pulcher embellished the metal-lemnisci with works of art in relief and with inscriptions.[11]

The word lemniscus is used by medical writers in the signification of a kind of liniment applied to wounds.[12]

1. (Adams, Append., s. v.)—2. (Theophrast., H. P., iv., 10.—Adams, Append., s. v.)—3. (Hesych., s. v.)—4. (Festus, s. v.)—5. (ad Æn., v., 269.)—6. (Pro Rosc. Am., c. 35.)—7. (Compare Auson., Epist., xx., 5.)—8. (Plin., H. N., xxi., 3.)—9. (Casaubon ad Suet., Ner., 25.—Liv., xxxiii., 19.)—10. (Plin., H. N., xv., 14.)—11. (Plin., H. N., xxi., 3.)—12. (Celsus, vii, 28.—Veget., De Re Veter., ii., 14 and 48.—Id. ib., iii., 18.)

LEMURA'LIA or LEMU'RIA, a festival for the souls of the departed, which was celebrated at Rome every year in the month of May. It was said to have been instituted by Romulus to appease the spirit of Remus, whom he had slain,[1] and to have been called originally Remuria. It was celebrated at night and in silence, and during three alternate days, that is, on the ninth, eleventh, and thirteenth of May. During this season the temples of the gods were closed, and it was thought unlucky for women to marry at this time, and during the whole month of May, and those who ventured to marry were believed to die soon after, whence the proverb, *mense Maio malæ nubent*. Those who celebrated the Lemuralia walked barefooted, washed their hands three times, and threw nine times black beans behind their backs, believing by this ceremony to secure themselves against the Lemures.[2] As regards the solemnities on each of the three days, we only know that on the second there were games in the circus in honour of Mars,[3] and that on the third day the images of the thirty Argei, made of rushes, were thrown from the Pons Sublicius into the Tiber by the vestal virgins.[4] (Compare Argei.) On the same day there was a festival of the merchants (*festum mercatorum*[5]), probably because on this day the Temple of Mercury had been dedicated in the year 495 B.C.[6] On this occasion, the merchants offered up incense, and, by means of a laurel-branch, sprinkled themselves and their goods with water from the well of Mercury at the Porta Capena, hoping thereby to make their business prosper.

LENÆA. (*Vid.* Dionysia, p. 364.)

LENOS. (*Vid.* Torcular.)

*LEO (λέων), the Lion, or *Felis leo*, L. "Cuvier has, with much learning and research, accumulated instances of lions in parts where they are no longer indigenous, and of their former great abundance in countries where they are now but partially known. 'It is true,' says he, 'that the species has disappeared from a great number of places where it was formerly found, and that it has diminished in an extraordinary degree everywhere.' Herodotus relates that the camels which carried the baggage of the army of Xerxes were attacked by lions in the country of the Pæonians and Crestonæans, in Macedonia; and also, that there were many lions in the mountains between the river Nestus in Thrace, and the Achelous, which separates Acarnania from Ætolia. Aristotle repeats the same as a fact in his time. Pausanias, who also relates the accident which befell the camels of Xerxes, says farther, that these lions often descended into the plains at the foot of Olympus, between Macedonia and Thessaly. If we except some countries between India and Persia, and some parts of Arabia, lions are now very rare in Asia. Anciently they were common. Besides those of Syria, often mentioned in Scripture, Armenia was pestered with them, according to Oppian. Apollonius of Tyana saw, near Babylon, a lioness with eight young; and in his time they were common between the Hyphasis and the Ganges. Ælian mentions the Indian lions which were trained for the chase, remarkable for their magnitude and the blackish tints of their fur. That the species has become rare, in comparison with former times, even where it is now most abundant, may be sufficiently inferred from the accounts given by Pliny. This writer informs us that Sylla caused one hundred lions to engage together for the amusement of the people; Pompey exhibited six hundred in the circus, and Cæsar, when dictator,

1. (Ovid, Fast., v., 473, &c.)—2. (Varro, Vita. pop Rom. Fragm., p. 241, ed. Bipont.—Servius ad Æn., i., 276.)—3. (Ovid, Fast., v., 597.)—4. (Ovid, Fast., v., 621.—Festus, s. v. Deponti.)—5. (Ovid, Fast., v., 670, &c.)—6. (Liv., ii., 21.)

four hundred. The same abundance continued, also, under the first emperors. Adrian often destroyed one hundred in the circus; Antoninus, on one occasion, one hundred; and Marcus Aurelius the like number on another. The latter exhibition Eutropius considers as particularly magnificent, whence Cuvier infers that the number of the species was then diminishing, though Gordian the Third had seventy which were trained; and Probus, who possessed a most extensive menagerie, had one hundred of either sex."[1]

*II. A sea-animal of the class *Crustacea*, described by Athenæus and Pliny. It is a species of *Locusta* or Crab. Aldrovandus holds that the λέων of Ælian is the same as the *Elephantus* of Pliny, *i. e.*, the Craw-fish. The name is also applied by Ælian and Oppian to a cetaceous fish. (*Vid.* III.)[2]

*III. A cetaceous fish briefly noticed by Oppian and others.[3]

LEONIDEI'A (Λεωνιδεῖα) were solemnities celebrated every year at Sparta in honour of Leonidas, who, with his 300 Spartans, had fallen at Thermopylæ. Opposite the theatre at Sparta there were two sepulchral monuments, one of Pausanias and another of Leonidas, and here a funeral oration was spoken every year, and a contest was held, in which none but Spartans were allowed to take part.[4]

*LEONTOPET'ALON (λεοντοπέταλον), a plant which Dodonæus and Adams refer to the *Leontice Leontopetalum*, although Sprengel is not quite satisfied upon this point.[5]

*LEONTOPOD'ION (λεοντοπόδιον), a plant which Matthiolus (whom Sprengel follows) holds to be the species of Cudweed called *Gnaphalium Leontopodium.*[6]

*LEOPARDUS (λεόπαρδος, λεοπάρδαλος), the Leopard, or *Felis Leopardus*. Galen distinguishes the λεόπαρδος from the πάρδαλις, applying the latter term most probably, as Adams thinks, to the Ounce. He is the only Greek writer who uses the word λεόπαρδος. For farther remarks on this subject, consult article PARDALIS.[7]

*LEPAS (λεπάς), "the name of a shellfish noticed by Aristotle, Xenocrates, Athenæus, and others. It is translated *Patella* by Gaza, and Gesner says it is the *Limpet* of the English, which belongs to the genus *Patella*, L. Pennant and Schneider agree in referring the λεπὰς ἄγρια of Aristotle to the *Haliotis tuberculata*, L., called in English the Ear-shell."[8]

*LEPID'IUM (λεπίδιον), the *Lepidium latifolium*, or broad-leaved Pepperwort.[9]

*LEPIS (λεπίς). "Celsus," observes Adams, "writes thus: '*Squamam æris quam* Græci λεπίδα γάλκου *vocant.*' This, according to Dr. Milligan, was the peroxyde of copper. The λεπὶς σιδήρου of Dioscorides and Paul of Ægina was a black oxyde of iron. According to Dr. Milward, the στόμωμα was the *Chalybs*, or *ferrum purgatius* of the Latins, *i. e.*, hardened or purified iron or steel. Tralian is the first medical author who mentions it."[10]

LEPTA. (*Vid.* Æs, p. 30.)

LE'RIA. (*Vid.* LIMBUS, TUNICA.)

LERNÆA (Λερναῖα) were mysteries (τελετή) celebrated at Lerna, in Argolis, in honour of Demeter.[11] They were said to have been instituted by Philammon.[12] In ancient times, the Argives carried the fire from the Temple of Artemis Pyronia, on Mount Crathis, to the Lernæa.[13] These mysteries were probably a remnant of the ancient religion of the Pelasgians, but farther particulars are not known.

*LEUCACANTHA (λευκάκανθα), a plant belonging to the Thistle tribe. Stackhouse supposes it to be the *Onopordium acanthium*, or Cotton-thistle. Sprengel prefers the *Cirsium tuberosum*, All. Bauhin calls it *Spina alba.*[1]

*LEUCAS (λευκάς), according to Bauhin, the *Lamium maculatum*, or spotted Dead-nettle. Sprengel adopts this opinion in his edition of Dioscorides, although, in his history of Botany, he had set it down for the *L. album.*[2]

*LEUCE (λεύκη), the White Poplar, or *Populus alba.* It is the ἀχερωὶς of Homer.[3]

*LEUCOION (λεύκοιον), a plant mentioned by Theophrastus, Dioscorides, and others. "The λεύκοιον of Theophrastus may be confidently set down," says Adams, "as the Stockgilly-flower, or *Leucoium vernum.* Matthiolus shows satisfactorily that the λεύκοιον of Dioscorides is the *Cheiranthus Cheiri*, L., or wild Wall-flower; to which Sprengel adds, that the *Matthiolæ incanæ*, R. Br., is also comprehended under it. Wall-flower grows plentifully near Athens, and in the southern part of the Morea, according to Sibthorp. The λεύκοιον πορφύρεον of Dioscorides is held by Sibthorp to be the *Cheiranthus incanus*, and the λ. θαλάσσιον the *C. tricuspidatus.*"[4]

LEX. Lex is thus defined by Papinian:[5] "*Lex est commune præceptum, virorum prudentium consultum, delictorum, quæ sponte vel ignorantia contrahuntur, coercitio, communis reipublicæ sponsio.*" Cicero[6] defines it thus: "*Quæ scripto sancit quod vult, aut jubendo, aut vetando.*" The fault of these definitions consists in their referring to the object of a lex, which is an accident, rather than to that which constitutes the essential character of a lex. A law is a rule or command of the sovereign power in a state addressed to and enforced upon the members of such state; and this is the sense of lex in the Roman writers

In the Institutes[7] there is a definition of a lex, which approaches nearer to the truth, because it has a more direct reference to that power which is the source of law: "*Lex est quod populus Romanus senatorio magistratu interrogante, veluti consule, constituebat.*" The definition of Capito[8] is "*Generale jussum populi aut plebis rogante magistratu;*" but this definition, as Gellius observes, will not apply to such cases as the lex about the imperium of Pompey, or that about the return of Cicero, which related only to individuals, and were therefore properly called privilegia.

Of Roman leges, viewed with reference to the mode of enactment, there were properly two kinds, leges curiatæ and leges centuriatæ. Plebiscita are improperly called leges, though they were laws, and in the course of time had the same effect as leges.

Originally the leges curiatæ were the only leges, and they were passed by the populus in the comitia curiata. After the establishment of the comitia centuriata, the comitia curiata fell almost into disuse; but so long as the Republic lasted, and even under Augustus, a shadow of the old constitution was preserved in the formal conferring of the imperium by a lex curiata only, and in the ceremony of adrogation being effected only in these comitia (*Vid.* ADOPTION.)

Those leges, properly so called, with which we are acquainted, were passed in the comitia centu-

1. (Griffith's Cuvier, vol. ii., p. 435, &c.—Herod., vii., 126.—Aristot., H. A., vi., 28.)—2. (Plin., H. N., ix., 31.—Ælian, N. A., xiv., 9.—Adams, Append., s. v.)—3. (Oppian, i., 367.)—4. (Paus., iii., 14, § 1.)—5. (Dioscor. iii., 100.—Adams, Append., s. v.)—6. (Dioscor., iv., 129.)—7 (Adams, Append., s. v.)—8. (Aristot., H. A., iv., 4.—Coray ad Xenocr., p. 158.—Adams, Append., s. v.)—9. (Dioscor., ii., 205.)—10. (Celsus, ii., 12.—Dioscorides, v., 89.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—11. (Paus., ii., 36 § 7.)—12. (Paus., ii, 37, § 3.)—13. (Paus., viii., 15, § 4.)

1. (Theophrast., H. P., vi., 4.—Dioscor., iii., 19.—Adams, Append., s. v.)—2. (Dioscor., iii., 103.—Adams, Append. s. v.)—3. (Theophrast., H. P., i., 10.—Dioscor., i., 109.)—4. (Dioscor. iii., 128.—Theophrast., H. P., vii., 13.—Adams, Append. s. v.)—5. (Dig. 1, tit. 3, s. 1.)—6. (Leg., i., 6.)—7. (i., tit. 2, s. 4.)—8. (Gell., x., 20.)

rata, and were proposed (*rogabantur*) by a magistratus of senatorial rank, after the senate had approved of them by a decretum. Such a lex was also designated hy the name populi scitum.[1]

A plebiscitum was a law made in the comitia tributa on the rogation of a tribune: "*Plebiscitum est quod plebs plebeio magistratu interrogante, veluti tribuno, constituebat.*"[2] "Accordingly," says Gaius,[3] "formerly the patricii used to say that they were not bound by plebiscita, because they were made without their sanction (*sine auctoritate eorum*); but afterward the lex Hortensia was carried (B C. 288), which provided that plebiscita should bind the whole populus (in the larger sense of the word), and thus they were made of equal force with leges."[4]

Consistently with this statement, we find that Cicero, in his enumeration of the sources of Roman law,[5] does not mention plebiscita, which he undoubtedly comprehended under "leges." Various plebiscita also are quoted as leges, such as the lex Falcidia[6] and lex Aquilia.[7] In the Table of Heraclea, the words "lege plebisvescito" appear to refer to the same enactment; and in the lex Rubria there occurs the phrase "*ex lege Rubria sive id plebisvescitum est*;" both which expressions are probably only a way of designating a plebiscitum.[8]

The word rogatio (from the verb *rogo*) properly means any measure proposed to the legislative body, and therefore is equally applicable to a proposed lex and a proposed plebiscitum. Accordingly, there occur the expressions "populum rogare," to propose a lex to the populus; and "legem rogare," to propose a lex.[9] A rogatio, then, is properly a proposed lex or a proposed plebiscitum. The form of a rogatio, in the case of adrogatio, which was effected at the comitia curiata,[10] is preserved by Gellius:[11] it begins with the words "Velitis, jubeatis," &c., and ends with the words "ita vos Quirites rogo." The corresponding expression of assent to the rogatio on the part of the sovereign assembly was Uti rogas. The term rogatio, therefore, included every proposed lex, plebiscitum, and privilegium, for without a rogatio there could be no command (*jussum*) of the populus or plebs. But the words lex, plebiscitum, and privilegium were often improperly used as equivalents; and rogationes, after they had become laws, were still sometimes called rogationes.[12] The term rogationes is often applied to measures proposed by the tribunes, and afterward made plebiscita: hence some writers (improperly) view rogatio as simply equivalent to plebiscitum. Besides the phrase "rogare legem," there are the equivalent phrases "legem ferre" and "rogationem promulgare," as applied to the proposer; the phrase "rogationem accipere" applies to the enacting body. "Lex rogata" is equivalent to "lex Lata."[13] The terms relating to legislation are thus explained by Ulpian:[14] "A lex is said either *rogari* or *ferri*; it is said *abrogari* when it is repealed; it is said *derogari* when a part is repealed; it is said *subrogari* when some addition is made to it; and it is said *obrogari* when some part of it is changed." It follows from these terms being used in Roman law, independent of direct evidence, which is not wanting, that a subsequent lex always repealed or altered a prior lex which was inconsistent with it.

As to their form, we can judge of the Roman style of legislation by the fragments which exist. The Romans seem to have always adhered to the old expressions, and to have used few superfluous words. Great care was taken with such clauses as were proposed to alter a former lex, and great care was also used to avoid all interference with a former lex, when no change in it was intended. The leges were often divided into chapters, each of which concluded with the sanction or punishment which was intended to secure the observance of the lex. The title of the lex was generally derived from the gentile name of the magistratus who proposed it, as the lex Hortensia from the dictator Hortensius. Sometimes the lex took its name from the two consuls or other magistrates, as the Acilia Calpurnia, Ælia or Ælia Sentia, Papia or Papia Poppæa, and others. It seems to have been the fashion to omit the word *et* between the two names, though instances occur in which it was used. (*Vid.* Julia Lex et Titia.) A lex was also often designated with reference to its object, as the lex Cincia de Donis et Muneribus, lex Furia Testamentaria, lex Julia Municipalis, and many others. Leges which related to a common object were often designated by a collective name, as leges Agrariæ, Judiciariæ, and others. Sometimes a chapter of a lex was referred to under the title of the lex, with the addition of a reference to the contents of the chapter, as lex Julia de Fundo Dotali, which was a chapter of the lex Julia de Adulteriis. A lex sometimes took its name from the chief contents or its first chapter, as lex Julia de Maritandis Ordinibus. Sometimes a lex comprised very various provisions, relating to matters essentially different, and in that case it was called lex Satura. (*Vid.* Lex Cæcilia Didia, Lex Julia Municipalis.)

The number of leges was greatly increased in the later part of the republican period,[1] and J. Cæsar is said to have contemplated a revision of the whole body. Under him and Augustus numerous enactments were passed, which are known under the general name of Juliæ leges. (*Vid.* Juliæ Leges.) It is often stated that no leges, properly so called, or plebiscita, were passed after the time of Augustus; but this is a mistake. Though the voting might be a mere form, still the form was kept; and if this were not so, the passage of Gaius,[2] in which he speaks of leges and plebiscita as forms of legislation still in use, would be hardly correct. Besides, various leges are mentioned as having been passed under the Empire, such as the lex Junia under Tiberius, the lex Visellia, the lex Mamilia under Caligula, and a lex Claudia on the tutela of women.[3] It does not appear when the ancient forms of legislation were laid aside, but they certainly long survived the popular elections to which alone the passage of Tacitus[4] refers.

In the Digest a senatus consultum is sometimes referred to as a lex,[5] in which there was no great impropriety if we have regard to the time, for senatus consulta were then laws. Still a senatus consultum, properly so called, must not be confounded with a lex properly so called; and there is no reason for supposing that the lex Claudia of Gaius was a senatus consultum, for when he speaks of a senatus consultum of the time of Claudius, he calls it such.[6]

It remains farther to explain the words rogatio and privilegium.

Rogatio is defined by Festus to be a command of the populus relating to one or more persons, but not to all persons; or relating to one or more things, but not to all. That which the populus has commanded (*scivit*) with respect to all persons or things is a lex; and Ælius Gallus says rogatio is a genus legis; that which is lex is not consequently (*continuo*) rogatio, but rogatio must be lex if it has been pro-

1. (Festus, s. v Scitum Pop.)—2. (Inst., i., tit. 2, s. 4.)—3. (i., 3.)—4. (Liv., viii., 12.—Gell., xv., 27.)—5. (Top., 5.)—6. (Gaius, ii., 227.)—7. (Cic., Pro Tullio, 8, 11.)—8. (Savigny, Zeitschrift, &c., ix., 355.)—9. (Festus, s. v. Rogatio.)—10. ("per populi rogationem.")—11. (v., 19.)—12. (Gell., xv., 27.)—13. (Dig 35, tit. 2, s. 1: "ad legem Falcidiam.")—14. (tit. 1 s. 3)

1. (Tacit., Ann., iii., 25–28.)—2. (i., 2, &c.)—3. (Gaius, i., 157, 171.)—4. (Ann., i., 15.)—5. (14, tit. 6, s. 9, § 4, s. 14)—6 (i., 84 91)

posed (*roga a*) at legal comitia (*justis comitiis*). According to this definition, a rogatio, when enacted, is lex; there is also lex which is not rogatio: therefore we must assume a general name lex, comprehending lex proper and rogatio. The passage of Ælius Gallus is *emended* by Göttling,[1] whose emendation is founded on his usual felicity in mistaking the sense of a passage, and converts the clear meaning of Gallus into nonsense. According to the definition of Gallus, rogatio was equivalent to privilegium, a term which occurred in the Twelve Tables,[2] and it signified, according to Gallus,[3] an enactment that had for its object a single person. which is indicated by the form of the word (*privi-legium*) "privæ res," being the same as "singulæ res." The word privilegium, according to the explanation of Gellius, did not convey any notion of the character of the legislative measures: it might be beneficial to the party to whom it referred, or it might not. It is generally used by Cicero in the unfavourable sense[4] (*rogationem privilegii similem*[5]). Under the Empire, the word is used in the sense of a special grant proceeding from the imperial favour.

The meaning of lex, as contrasted with jus, is stated in the article Jus.

Some other significations of lex, which are not its proper significations, are easily explained; for instance, lex is used to express the terms and conditions of a contract, apparently with reference to the binding force of all legal contracts. In English instruments of contract, it is often expressed that it shall be "lawful" for one or more of the parties to do a certain act, by which is simply meant that the parties agree about something which is legal, and which, therefore, makes a valid contract. Accordingly, we find the expression leges censoriæ to express the conditions on which the censors let the public property to farm; and perhaps the term also signified certain standing regulations for such matters, which the censors were empowered to make.[6] In both the cases just referred to, the phrase lex censoria is used (in the singular number), and this lex, whether a lex proper or not, seems to have been divided into chapters.

Lex simply sometimes signifies the laws of the Twelve Tables.

A particular enactment is always referred to by its name. The following is a list of the principal leges, properly so called; but the list includes also various plebiscita and privilegia.

ACI'LIA. (*Vid.* Repetundæ.)

ACI'LIA CALPU'RNIA or CALPU'RNIA. (*Vid.* Ambitus.)

ÆBU'TIA, of uncertain date, which, with two Juliæ leges, put an end to the legis actiones, except in certain cases. (*Vid.* Judex, Actio, p. 17.)

This, or another lex of the same name, prohibited the proposer of a lex, which created any office or power (*curatio ac potestas*), from having such office or power, and even excluded his colleague, cognati, and affines.[7]

Æ'LIA. This lex, and a Fufia lex passed about the end of the sixth century of the city, gave to all the magistrates the obnunciatio or power of preventing or dissolving the comitia, by observing the omens, and declaring them to be unfavourable.[8]

Æ'LIA SE'NTIA. This lex contained various provisions as to the manumission of slaves. (*Vid.* Ælia Sentia Lex, Manumissio.)

ÆMI'LIA. A lex passed in the dictatorship of Mamercus Æmilius (B.C. 433), by which the censors were elected for a year and a half instead of a whole lustrum.[1] After this lex they had accordingly only a year and a half allowed them for holding the census and letting out the public works to farm.

ÆMI'LIA BÆ'BIA. (*Vid.* Cornelia Bæbia.)

ÆMI'LIA LE'PIDI, ÆMI'LIA SCAURI. (*Vid* Sumtuariæ Leges.)

AGRA'RIÆ. (*Vid.* Apuleia, Cassia, Cornelia, Flaminia, Flavia, Julia, Licinia, Mamilia, Sempronia, Servilia, Thoria.)

A'MBITUS. (*Vid.* Ambitus.)

ANNA'LIS or VILLIA. (*Vid.* Ædiles.)

A'NTIA. (*Vid.* Sumtuariæ Leges.)

ANTO'NIÆ, the name of various enactments proposed or passed by the influence of M. Antonius, after the death of the dictator J. Cæsar, such as the judiciaria. (*Vid.* Judex, p. 553.) Another lex that was promulgated allowed an appeal to the populus after conviction for vis or majestas.[2] Various other measures proposed by M. Antonius are mentioned by Cicero,[3] Dion Cassius,[4] and Appian.[5]

APULE'IA, gave a surety an action against his cosureties for whatever he had paid above his share. (*Vid.* Intercessio.)

APULE'IA AGRA'RIA, proposed by the tribune L. Apuleius Saturninus, B.C. 101.[6]

APULE'IA FRUMENTA'RIA, proposed about the same time by the same tribune.[7]

APULE'IA MAJESTA'TIS. (*Vid.* Majestas.)

AQUI'LIA. (*Vid.* Damni Injuria Actio.)

ATE'RNIA TARPE'IA (B.C. 441). This lex empowered all magistratus to fine persons who resisted their authority; but it fixed the highest fine at two sheep and thirty cows, or two cows and thirty sheep, for the authorities vary in this.[8]

A'TIA DE SACERDO'TIIS (B.C. 63), proposed by the tribune T Atius Labienus, repealed the lex Cornelia de Sacerdotiis.[9]

ATI'LIA. (*Vid.* Julia Lex et Titia, Tutor.)

ATI'NIA allowed no usucapion in a stolen thing.[10] (*Vid.* Furtum.)

ATI'NIA, of uncertain date, was a plebiscitum which gave the rank of senator to a tribune.[11] The measure probably originated with C. Atinius, who was tribune B.C. 130.[12]

AUFI'DIA. (*Vid.* Ambitus.)

AURE'LIA. (*Vid.* Tribuni.)

AURE'LIA JUDICIA'RIA. (*Vid.* Judex, page 553.)

BÆ'BIA (B.C. 192 or 180), which enacted that four prætors and six prætors should be chosen alternately;[13] but the law was not observed.

CÆCI'LIA DE CENSO'RIBUS or CENSO'RIA (B.C. 54), proposed by Metellus Scipio, repealed a Clodia lex (B C. 58), which had prescribed certain regular forms of proceeding for the censors in exercising their functions as inspectors of mores, and had required the concurrence of both censors to inflict the nota censoria. When a senator had been already convicted before an ordinary court, the lex permitted the censors to remove him from the senate in a summary way.[14]

CÆCI'LIA DE VECTIGA'LIBUS (B.C. 62), released lands and harbours in Italy from the payment of taxes and dues (*portoria*). The only vectigal

1. (Geschichte der Röm. Staatsv., &c., p. 310.) — 2. (Cic., Leg., iii., 19.)—3. (Festus, s. v. Rogatio.)—4. (Pro Domo, 17.—Pro Sextio, 30.)—5. (Brut., 23.)—6. (Frag. de Jure Fisci, s. 18; Dig. 50, tit. 16, s. 203.) — 7. (Cic. in Rull., ii., 8.) — 8. (Cic., Phil., ii. 32.—Id., Pro Sextio, 15, 26.—Id., ad Att., ii., 9.)

1. (Liv., iv., 24. — Id., ix., 33.) — 2. (Cic., Phil., i., 9.) — 3. (Phil., i., 1; ii., 43; v., 3, 5.)—4. (xliv., 51; xlv., 9, 20, 25, 34; xlvi., 23, 24.)—5. (Bell. Civ., iii., 27, 30.) — 6. (Liv., Epit., 69. —Appian, Bell. Civ., i., 29. — Cic., Pro Sextio, 16, 47.) — 7. (Auct. ad Heren., i., 12.)—8. (Cic., De Rep., ii., 35.—Dionys., x., 50. — Gell., xi., 1.—Festus, s. v. "Multam."—"Ovibus."—"Peculatus." — Niebuhr, Hist. of Rom., ii., p. 300.) — 9. (Dion Cass., xxxvii., 37.)—10. (Gell., xvii., 7. — Instit., 2, tit. 6, s. 2.) —11. (Gell., xiv., 8.) — 12. (Plin., H. N., vii., 45. — Cic., Pro Dom., 47.)—13. (Liv. xl., 44.)—14. (Dion Cass., xl, 57. — Id., xxxviii., 13.—Cic., Pro Sextio 25.—Dig. 50, tit. 16, s. 203, De Portorio.)

remaining after the passing of this lex was the Vicesima.[1]

CÆCI'LIA DI'DIA (B.C. 88) forbade the proposing of a lex Satura, on the ground that the people might be compelled either to vote for something which they did not approve, or to reject something which they did approve, if it was proposed to them in this manner. This lex was not always operative.[2] (*Vid.* Lex.)

CALPU'RNIA DE A'MBITU. (*Vid.* Ambitus.)

CALPU'RNIA DE CONDICTIO'NE. (*Vid.* Per Condictionem.)

CALPU'RNIA DE REPETUNDIS. (*Vid.* Repetundæ.)

CANULE'IA (B.C. 445) established connubium between the patres and plebs, which had been taken away by the law of the Twelve Tables.[3]

CA'SSIA (B.C. 104), proposed by the tribune L. Cassius Longinus, did not allow a person to remain a senator who had been convicted in a judicium populi, or whose imperium had been abrogated by the populus.[4]

CA'SSIA,[5] which empowered the dictator Cæsar to add to the number of the patricii, to prevent their extinction.

CA'SSIA AGRA'RIA, proposed by the consul Sp. Cassius, B.C. 486.[6]

CA'SSIA TABELLA'RIA. (*Vid.* Tabellariæ Leges.)

CA'SSIA TERE'NTIA FRUMENTA'RIA (B.C. 63), for the distribution of corn among the poor citizens and the purchasing of it.[7]

CI'NCIA DE DONIS ET MUNE'RIBUS. (*Vid.* Cincia Lex.)

CLAU'DIA, a lex passed in the time of the Emperor Claudius, took away the agnatorum tutela in the case of women.[8]

CLO'DLÆ, the name of various plebiscita, proposed by Clodius when tribune, B.C. 59.

Clodia de Auspiciis prevented the magistratus from dissolving the comitia tributa, by declaring that the auspices were unfavourable. This lex, therefore, repealed the Ælia and Fufia. It also enacted that a lex might be passed on the Dies Fasti.[9] (*Vid.* Ælia Lex.)

Clodia de Censoribus. (*Vid.* Cæcilia.)

Clodia de Civibus Romanis Interemptis, to the effect that "*qui civem Romanum indemnatum interemisset ei aqua et igni interdiceretur.*"[10] It was in consequence of this lex that the interdict was pronounced against Cicero, who considers the whole proceeding as a privilegium.[11]

Clodia Frumentaria, by which the corn, which had formerly been sold to the poor citizens at a low rate, was given.[12]

Clodia de Sodalitatibus or de Collegiis, restored the sodalitia, which had been abolished by a senatus consultum of the year B.C. 80, and permitted the formation of new sodalitia.[13]

There were other so-called leges Clodiæ, which were, however, privilegia.

CŒ'LIA. (*Vid.* Tabellariæ Leges.)

CORNE'LIÆ. Various leges passed in the dictatorship of Sulla, and by his influence, are so called.

Agraria, by which many of the inhabitants of Etruria and Latium were deprived of the complete civitas and retained only the commercium, and a large part of their lands were made publicum, and given to military colonists.

De Falsis. (*Vid.* Falsum.)

De Injuriis. (*Vid.* Injuria.)

Judiciaria. (*Vid.* Judex, p. 553.)

Majestatis. (*Vid.* Majestas.)

Nummaria. (*Vid.* Falsum.)

De Proscriptione and Proscriptis. (*Vid.* Proscriptio.)

De Parricidio. (*Vid.* Cornelia Lex de Sicariis.)

De Sacerdotiis. (*Vid.* Sacerdotia.)

De Sicariis. (*Vid.* Cornelia Lex de Sicariis.)

Sumtuariæ. (*Vid.* Sumtuariæ Leges.)

Testamentaria. (*Vid.* Falsum.)

Unciaria appears to have been a lex which lowered the rate of interest, and to have been passed about the same time with the leges Sumtuariæ of Sulla.[1]

De Vadimonio. (*Vid.* Vadimonium.)

There were other leges Corneliæ, such as that de Sponsoribus (*vid.* Intercessio), which may be leges of L. C. Sulla.

There were also leges Corneliæ which were proposed by the tribune C. Cornelius about B.C. 67, and limited the edictal power by compelling the prætors *jus dicere ex edictis suis perpetuis.*[2] (*Vid.* Edictum.)

Another lex of the same tribune enacted that no one "*legibus solveretur,*" unless such a measure was agreed on in a meeting of the senate at which two hundred members were present, and afterward approved by the people; and it enacted that no tribune should put his veto on such a senatus consultum.[3]

There was also a lex Cornelia concerning the wills of those Roman citizens who died in captivity (*apud hostes*). (*Vid.* Legatum, p. 574.)

De Vi Publica. (*Vid.* Vis Publica.)

CORNE'LIA BÆ'BIA DE AMBITU, proposed by the consuls P. Cornelius Cethegus and M. Bæbius Tamphilus, B.C. 181.[4] This law is sometimes, but erroneously, attributed to the consuls of the preceding year, L. Æmilius and Cn. Bæbius. (*Vid.* Ambitus.)

DI'DIA. (*Vid.* Sumtuariæ Leges.)

DOMI'TIA DE SACERDO'TIIS. (*Vid.* Sacerdotia.)

DUI'LIA (B.C. 449), a plebiscitum proposed by the tribune Duilius, which enacted "*qui plebem sine tribunis reliquisset, quique magistratum sine provocatione creasset, tergo ac capite puniretur.*"[5]

DUI'LIA MÆ'NIA de unciario fœnore, B.C. 357. The same tribunes, Duilius and Mænius, carried a measure which was intended in future to prevent such unconstitutional proceedings as the enactment of a lex by the soldiers out of Rome, on the proposal of the consul.[6]

FA'BIA DE PLA'GIO. (*Vid.* Plagium.)

FALCI'DIA. (*Vid.* Legatum.)

FA'NNIA. (*Vid.* Sumtuariæ Leges.)

FLAMI'NIA, was an agraria lex for the distribution of lands in Picenum, proposed by the tribune C. Flaminius in B.C. 228 according to Cicero, or in B.C. 232 according to Polybius. The latter date is the more probable.[7]

FLA'VIA AGRA'RIA, B.C. 60, for the distribution of lands among Pompey's soldiers, proposed by the tribune L. Flavius, who committed the consul Cæcilius Metellus to prison for opposing it.[8]

FRUMENTA'RIÆ. Various leges were so called

1. (Dion Cass., xxxvii., 51.—Cic. ad Att., ii., 16.—Id., ad Quint. Fr., i., 10.)—2. (Cic., Phil., v., 3.—Id., Pro Dom., 16, 20.—Id., ad Att., ii., 9.)—3. (Liv., iv., 1, 4.—Cic., Rep., ii., 37.)—4. (Ascon. in Cic., Cornel., p. 78, ed. Orelli.)—5. (Tacit., Ann. xi., 25.)—6. (Liv., ii., 41.—Dionys., viii., 76.)—7. (Cic., Verr., iii., 70.—Id. ib., v., 21.)—8. (Gaius, i., 171.)—9. (Dion Cass., xxxviii., 13.—Cic. in Vatin., 17.—Id. in Pison., 4, 5.)—10. (Vell. Paterc., ii., 45.)—11. (Pro Dom., 18, &c.—Post Redit. in Sen., 2, 5, &c.)—12. (Dion Cass., xxxviii., 13.—Cic., Pro Dom., 10.)—13. (Cic. in Pis., 4.—Id., Pro Sext., 25.—Id., ad Att., iii., 15.—Dion Cass., xxxviii., 13.)

1. (Festus, s. v. Unciaria.)—2. (Ascon. in Cic., Cornel., p. 58.—Dion Cass., xxxvi., 23.)—3. (Ascon. in Cic., Cornel., p. 57, 58.)—4. (Liv., xl., 19.—Schol. Bob. in Cic., Pro Sulla, p. 361, ed. Orelli.)—5. (Liv., iii., 55.)—6. (Liv., vii., 16.)—7. (Cic., Acad., ii., 5.—Id., De Senect., 4.—Polyb., ii., 21.)—8. (Cic. ad Att., i., 18, 19.—Dion Cass., xxxvii., 50.)

which had for their object the distribution of grain among the people at a low price or gratuitously. (*Vid.* Apuleia, Cassia Terentia, Clodia, Livia, Octavia, Sempronia.)

FU'FIA DE RELIGIO'NE, B.C. 61, was a privilegium which related to the trial of Clodius.[1]

FU'FIA JUDICIA'RIA. (*Vid.* Judex, p. 553.)

FU'RIA, or FU'SIA CANI'NIA, limited the number of slaves to be manumitted by testament. (*Vid.* Manumissio.)

FU'RIA DE SPONSU. (*Vid.* Intercessio.)

FU'RIA or FUSIA TESTAMENTA'RIA. (*Vid.* Legatum.)

GABI'NIA TABELLA'RIA. (*Vid.* Tabellariæ.)

There were various Gabiniæ leges, some of which were privilegia, as that for conferring extraordinary power on Cn. Pompeius for conducting the war against the pirates.[2]

A Gabinia lex, B.C. 58, forbade all loans of money at Rome to legationes from foreign parts (*Salaminii cum Romæ versuram facere vellent, non poterant, quod lex Gabinia vetabat*[3]). The object of the lex was to prevent money being borrowed for the purpose of bribing the senators at Rome.

GE'LLIA CORNE'LIA, B.C. 72, which gave to Cn. Pompeius the extraordinary power of conferring the Roman civitas on Spaniards in Spain, with the advice of his consilium (*de consilii sententia*[4]).

GENU'CIA, B.C. 341, forbade altogether the taking of interest for the use of money.[5] Other plebiscita of the same year are mentioned by Livy.[6]

GA'LLIÆ CISALPI'NÆ. (*Vid.* Rubria.)

HIERO'NICA was not a lex properly so called. Before the Roman conquest of Sicily, the payment of the tenths of wine, oil, and other produce had been fixed by Hiero, and the Roman quæstors, in letting these tenths to farm, followed the practice which they found established.[7]

HORA'TIA, proposed by M. Horatius, made the persons of the tribunes, the ædiles, and others sacrosancti.[8] Another lex Horatia mentioned by Gellius[9] was a privilegium.

HORTE'NSIA DE PLEBISCITIS. (*Vid.* Plebiscitum.)

Another lex Hortensia enacted that the nundinæ, which had hitherto been feriæ, should be dies fasti. This was done for the purpose of accommodating the inhabitants of the country.[10]

HOSTI'LIA DE FASTIS is mentioned only in the Institutes of Justinian.[11]

ICI'LIA, B.C. 456, by which the Aventinus was assigned to the plebs. This was the first instance of the ager publicus being assigned to the plebs.[12]

Another lex Icilia, proposed by the tribune Sp Icilius, B.C. 470, had for its object to prevent all interruption to the tribunes while acting in the discharge of their duties. In some cases the penalty was death.[13]

JU'LIÆ. (*Vid.* Juliæ Leges.)

JU'NIA DE PEREGRI'NIS, proposed B.C. 126 by M. Junius Pennus, a tribune, banished peregrini from the city.

A lex of C. Fannius, consul, B.C. 122, contained the same provisions respecting the Latini and Italici; and a lex of C. Papius, perhaps B C. 65, contained the same respecting all persons who were not domiciled in Italy.[14]

1. (Cic. ad Att., i., 13, 16.)—2. (Cic., Pro Lege Manil., 17.—Vell. Paterc. ii., 31.—Dion Cass., xxxvi., 6.—Plut., Pomp., 25.) — 3. (Cic. ad Att., v., 21.—Id. ib., vi., 1, 2.)—4. (Cic., Pro Balbo, 8, 14.)—5. (Liv., vii., 42.)—6. (vii., 42.)—7. (Cic., Verr., ii., 13, 26, 60.—Id. ib., iii., 6, &c.)—8. (Liv., iii., 55.)—9. (vi., 7.)—10. (Macrob., i., 16.—Plin., H. N., xviii., 3.)—11. (iv., tit. 10.)—12. (Liv., iii., 21, 32.—Dionys., x., 32.—Niebuhr, Hist. of Rome, ii., p. 299.)—13. (Dionys., vii., 17.—Cic., Pro Sextio, 37. —Niebuhr, ii., p. 231.)—14. (Cic., De Off., iii., 11.—Brut., 26, 28 —De Leg. Agr., i., 4.—Festus, s. v. Respublicas.)

JU'NIA LICI'NIA. (*Vid.* Licinia Junia.)

JU'NIA NORBA'NA, of uncertain date, but probably about A.D. 17, enacted that when a Roman citizen had manumitted a slave without the requisite formalities, the manumission should not in all cases be ineffectual, but the manumitted person should have the status of a Latinus.[1] (*Vid.* Latinitas, Libertus.)

JU'NIA REPETUNDA'RUM. (*Vid.* Repetundæ.)

JU'NIA VELLE'IA, A.D. 8, allowed a postumus to be instituted heres, if he should be born in the lifetime of the testator. It also so far modified the old law, that a person who, by the death of a heres institutus, after the testator had made his will, became a heres quasi agnascendo, did not break the will if he was instituted heres.[2]

LÆTO'RIA. (*Vid.* Curator.)

Sometimes the lex proposed by Volero for electing plebeian magistrates at the comitia tributa is cited as a lex Lætoria.[3]

LICI'NIA DE SODALI'TIIS. (*Vid.* Ambitus.)

LICI'NIA JU'NIA, or, as it is sometimes called, Junia et Licinia, passed in the consulship of L. Licinius Murena and Junius Silanus, B.C. 62, enforced the Cæcilia Didia, in connexion with which it is sometimes mentioned.[4]

LICI'NIA MU'CIA DE CIVIBUS REGUNDIS, passed in the consulship of L. Licinius Crassus and Q. Mucius Scævola, B.C. 95, which enacted a strict examination as to the title to citizenship, and deprived of the exercise of civic rights all those who could not make out a good title to them. This measure partly led to the Marsic war.[5]

LICI'NIA SUMTUA'RIA. (*Vid.* Sumtuariæ Leges.)

LICI'NIÆ ROGA'TIONES. (*Vid.* Rogationes Liciniæ.)

LI'VIÆ were various enactments proposed by the tribune M. Livius Drusus, B.C. 91, for establishing colonies in Italy and Sicily, distributing corn among the poor citizens at a low rate, and admitting the fœderatæ civitates to the Roman civitas. He is also said to have been the mover of a law for adulterating silver by mixing with it an eighth part of brass.[6] Drusus was assassinated, and the senate declared that all his leges were passed contra auspicia, and were therefore not leges.[7]

LUTA'TIA DE VI. (*Vid.* Vis.)

MÆ'NIA LEX is only mentioned by Cicero,[8] who says that M. Curius compelled the patres "ante auctores fieri," in the case of the election of a plebeian consul, "which," adds Cicero, "was a great thing to accomplish, as the lex Mænia was not yet passed." The lex therefore required the patres to give their consent, at least to the election of a magistratus, or, in other words, to confer, or agree to confer, the imperium on the person whom the comitia should elect. Livy[9] appears to refer to this law. It was probably proposed by the tribune Mænius, B.C. 287.

MAJESTA'TIS. (*Vid.* Majestas.)

MAMI'LIA DE COLO'NIIS. The subject of this lex and its date are fully discussed by Rudorff,[10] who shows that the lex Mamilia, Roscia, Peducæa, Alliena, Fabia, is the same as the "lex Agraria quam Gaius Cæsar tulit,"[11] and that this Gaius Cæsar is the Emperor Caligula.

MANI'LIA, proposed by the tribune C. Manilius,

1. (Gaius, i., 16, 17, 22.—Id., iii., 56.—Ulp., Frag., tit. 1.)—2. (Gaius, ii., 134.—Ulp., Frag., xxii., 19.)—3. (Liv., ii., 56, 57.)—4. (Cic., Pro Sextio, 64; Phil., v., 3; ad Att., ii., 9; iv., 16; in Vatin., 14.)—5. (Cic., De Off., iii., 11.—Id., Brut., 16.—Id., Pro Balb., 21, 24.)—6. (Plin., H. N., xxxiii., 3.)—7. (Cic., Leg., ii., 6, 12.—Id., Pro Dom., 16.—Liv., Epit., 71.—Appian, Bell Civ., i., 35.—Ascon. in Cic., Cornel., p. 62.)—8. (Brutus, 14.)—9. (i., 17.)—10. (Zeitschrift, vol. ix.)—11. (Dig. 47, tit 21., s. 3.)

B.C. 66, was a privilegium by which was conferred on Pompey the command in the war against Mithradates. The lex was supported by Cicero when prætor.[1]

The leges Manilianæ, mentioned by Cicero,[2] were evidently not leges proper, but probably forms which it was prudent for parties to observe in buying and selling.

MA'NLIA, also called LICI'NIA, B.C. 196, created the triumviri epulones.[3]

MA'NLIA DE VICE'SIMA. (*Vid.* Vicesima.)

MA'RCIA, probably about the year B.C. 352, "adversus feneratores."[4]

MA'RCIA, an agrarian law proposed by the tribune L. Marcius Philippus, B.C. 104.[5]

MA'RIA, proposed by Marius when tribune, B.C. 119, for narrowing the pontes at elections.[6]

ME'MMIA or RE'MMIA. (*Vid.* Calumnia.)

ME'NSIA. This lex enacted that if a woman who was a Roman citizen (*civis Romana*) married a peregrinus, the offspring was a peregrinus. If there was connubium between the peregrinus and the woman, the children, according to the principle of connubium, were peregrini, as the legal effect of connubium was that children followed the condition of their father (*liberi semper patrem sequuntur*). If there were no connubium, the children, according to another rule of law, by which they followed the condition of the mother, would have been Roman citizens; and it was the object of the law to prevent this.[7]

MINU'CIA, B.C. 216, created the triumviri mensarii.[8]

OCTA'VIA, one of the numerous leges frumentariæ which repealed a Sempronia Frumentaria. It is mentioned by Cicero[9] as a more reasonable measure than the Sempronia, which was too profuse.

OGU'LNIA, proposed by the tribunes B.C. 300, increased the number of pontifices to eight and that of the augurs to nine; it also enacted that four of the pontifices and five of the augurs should be taken from the plebes.[10]

O'PPIA. (*Vid.* Sumtuariæ Leges.)

O'RCHIA. (*Vid.* Sumtuariæ Leges.)

OVI'NIA, of uncertain date, was a plebiscitum which gave the censors certain powers in regulating the lists of the senators (*ordo senatorius*): the main object seems to have been to exclude all improper persons from the senate, and to prevent their admission, if in other respects qualified.[11] The lex Ovinia of Gaius,[12] if the reading is right, was perhaps a different lex.

PA'PIA DE PEREGRI'NIS. (*Vid.* Junia de Peregrinis.)

PA'PIA POPPÆA. (*Vid.* Juliæ Leges.)

A lex Papia on the manner of choosing the vestal virgins is mentioned by Gellius;[13] but the reading appears to be doubtful, and perhaps it ought to be called lex Popilia.

PAPI'RIA or JU'LIA PAPI'RIA DE MULCTA'RUM ÆSTIMATIONE (B.C. 430), fixed a money value according to which fines were paid, which formerly were paid in sheep and cattle.[14] Gellius[15] and Festus[16] make this valuation part of the Aternian law (*vid.* Aternia Tarpeia), but in this they appear to be mistaken, according to Niebuhr.[17]

PAPI'RIA, by which the as was made semunci-

1. (De Lege Manilia.—Plut., Pomp., 30.—Dion Cass., xxxvi., 35.)—2. (De Or., i., 58.)—3. (Liv., xxxiii., 42.—Cic., De Or., iii., 19.)—4. (Gaius, iv., 23.—Liv., vii., 21.)—5. (Cic., De Off., ii., 21.)—6. (Cic., De Leg., iii., 17.—Plut., Mar., 4.)—7. (Gaius, i., 78.—Ulp., Frag., v., tit. 8.)—8. (Liv., xxiii., 21.)—9. (Brut., 62.—De Off., ii., 21)—10. (Liv., x., 6-9.)—11. (Festus, s. v. "Præteriti Senatores."—Cic., De Leg, iii., 12.)—12. (iv., 109.)—13. (i., 12)—14. (Liv., iv., 30.—Cic., De Rep., ii., 35.)—15. (s. v. Peculatus.)—16 (Hist. of Rome, ii., p. 300.)

alis,[1] one of the various enactments which tampered with the coinage.

PAPI'RIA, B.C. 332, proposed by the prætor Papirius, gave the Acerrani the civitas without the suffragium. It was properly a privilegium, but is useful as illustrating the history of the extension of the civitas Romana.[2]

PAPI'RIA, of uncertain date, enacted that no ædes should be declared consecratæ without a plebiscitum (*injussu Plebis*[3]).

PAPI'RIA PLAU'TIA, a plebiscitum of the year B.C. 89, proposed by the tribunes C. Papirius Carbo and M. Plautius Silvanus, in the consulship of Cn. Pompeius Strabo and L. Porcius Cato, is called by Cicero[4] a lex of Silvanus and Carbo.[5]

PAPI'RIA POETE'LIA. (*Vid.* Poetelia.)

PAPI'RIA TABELLARIA. (*Vid.* Tabellariæ Leges.)

PEDUCÆA, B.C. 113, a plebiscitum, seems to have been merely a privilegium, and not a general law against incestum.[6]

PESULA'NIA provided that if an animal did any damage, the owner should make it good or give up the animal.[7] There was a general provision to this effect in the Twelve Tables,[8] and it might be inferred from Paulus that this lex extended the provisions of the old law to dogs.

PETRE'IA, a lex under this title, De Decimatione Militum, in case of mutiny, is mentioned by Appian.[9]

PETRO'NIA, probably passed in the reign of Augustus, and subsequently amended by various senatus consulta, forbade a master to deliver up his slave to fight with wild beasts. If, however, the master thought that his slave deserved such a punishment, he might take him before the authorities (*judex*), who might condemn him to fight if he appeared to deserve it.[10]

PINA'RIA[11] related to the giving of a judex within a limited time.

PLÆTO'RIA. (*Vid.* Curator.)

PLAU'TIA or PLO'TIA DE VI. (*Vid.* Vis.)

PLAU'TIA or PLO'TIA JUDICIA'RIA is mentioned by Asconius[12] as having enacted that fifteen persons should be annually taken from each tribe to be placed in the album judicum.

POETE'LIA, B.C. 358, a plebiscitum, was the first lex against ambitus.[13]

POETE'LIA PAPI'RIA, B.C. 326, made an important change in the liabilities of the Nexi.[14] (*Vid.* Nexi.)

POMPEIÆ. There were various leges so called

POMPEIA, proposed by Cn. Pompeius Strabo, the father of Cn. Pompeius Magnus, probably in his consulship, B.C. 89, gave the jus Latii or Latinitas to all the towns of the Transpadani, and probably the civitas to the Cispadani.[15]

POMPEIA DE A'MBITU. (*Vid.* Ambitus.)

POMPEIA JUDICIA'RIA. (*Vid.* Judex.)

POMPEIA DE JURE MAGISTRA'TUUM[16] forbade a person to be a candidate for public offices (*petitio honorum*) who was not at Rome; but J. Cæsar was excepted. This was, doubtless, the old law, but it had apparently become obsolete.

POMPEIA DE PARRICI'DIIS. (*Vid.* Cornelia de Sicariis.)

POMPEIA TRIBUNI'TIA (B.C. 70) restored

1. (Plin., H. N., xxxiii., 3.)—2. (Liv., viii., 17.)—3. (Cic., Pro Dom., 49.)—4. (Pro Archia, 4.)—5. (*Vid.* Civitas, Fœderata Civitates, and Savigny, "Volksschluss der Tafel von Heraclea," Zeitschrift, ix.)—6. (Cic., De Nat. Deor., iii., 30.—Ascon. in Cic., Mil., p. 46.)—7. (Paulus, S. R., 1, 15, s. 1, 3.)—8. (Dirksen, Uebersicht, &c., p. 532.)—9. (De Bell. Civ., ii., 47.)—10. (Dig. 48, tit. 8, s. 11; 18, tit. 1, s. 42.—Gell., v., 14.)—11. (Gaius, iv., 15.)—12. (In Cic. Cornel., p. 79.)—13. (Liv., vii., 15.)—14. (Liv., viii., 28.)—15. (Savigny, "Volksschluss der Tafel von Heraclea," Zeitschrift, ix.)—16. (Suet., Jul., 28.—Dion Cass., xl., 56.—Cic. ad Att., viii., 3.)

the old tribunitia potestas, which Sulla had nearly destroyed.[1] (*Vid.* TRIBUNI.)

POMPEIA DE VI was a privilegium, and only referred to the case of Milo.[2]

POPI'LIA. (*Vid.* PAPIA.)

PO'RCIÆ DE CA'PITE CIVIUM or DE PRO-VOCATIO'NE enacted that a Roman citizen should not be scourged or put to death.[3]

PO'RCIA DE PROVI'NCIIS (about B.C. 198). The passage in Livy[4] ("*Sumtus quos in cultum prætorum*," &c.) is supposed to refer to a Porcia lex, to which the plebiscitum De Thermensibus refers; and the words quoted by Cicero[5] ("*Nc quis emat mancipium*") are taken, as it is conjectured, from this Porcia lex.

PUBLI'CIA permitted betting at certain games which required strength, as running and leaping.[6]

PUBLI'LIA DE SPONSO'RIBUS. (*Vid.* INTERCESSIO.)

PUBLI'LIÆ of the dictator Q. Publilius Philo, B.C. 339.[7] (*Vid.* PUBLILIÆ LEGES.)

PUBLI'LIÆ LEGES of the tribune Q. Volero Publilius, B.C. 472. (*Vid.* PUBLILIÆ LEGES.)

PU'PIA, mentioned by Cicero,[8] seems to have enacted that the senate could not meet on comitiales dies.

QUI'NTIA was a lex proposed by T. Quintius Crispinus, consul B.C. 9, and enacted by the populus for the preservation of the aquæductus. The lex is preserved by Frontinus.[9]

RE'GIA. (*Vid.* REGIA LEX.)

RE'GLÆ. (*Vid.* JUS CIVILE PAPIRIANUM.)

RE'MMIA. (*Vid.* CALUMNIA.)

REPETUNDA'RUM. (*Vid.* REPETUNDÆ.)

RHO'DIA. The Rhodians had a maritime code which was highly esteemed. Some of its provisions were adopted by the Romans, and have thus been incorporated into the maritime law of European states. Strabo[10] speaks of the wise laws of Rhodes and their admirable policy, especially in naval matters; and Cicero[11] to the same effect. The Digest[12] contains so much of the lex Rhodiorum as relates to jactus, or the throwing overboard of goods in order to save the vessel or remainder of the cargo. This lex Rhodiorum de Jactu is not a lex in the proper sense of the term.

RO'SCIA THEATRA'LIS, proposed by the tribune L. Roscius Otho, B.C. 67, which gave the equites a special place at the public spectacles in fourteen rows or seats (*in quatuordecim gradibus sive ordinibus*) next to the place of the senators, which was in the orchestra. This lex also assigned a certain place to spendthrifts (*decoctores*[13]). The phrase "*sedere in quartuordecim ordinibus*" is equivalent to having the proper census equestris which was required by the lex. There are numerous allusions to this lex,[14] which is sometimes simply called the Lex of Otho,[15] or referred to by his name.[16] This lex is supposed by some writers to have been enacted in the consulship of Cicero, B.C. 63.[17] (*Vid.* JULIA LEX THEATRALIS.)

RU'BRIA. The province of Gallia Cisalpina ceased to be a provincia, and became a part of Italia about the year B.C. 43. When this change took place, it was necessary to provide for the administration of justice, as the usual modes of provincial administration would cease with the determination of the provincial form of government. This was effected by a lex, the name of which is unknown, but a large part of it, on a bronze tablet, is preserved in the Museum at Parma. This lex arranged the judiciary establishment of the former provincia, and appointed II. viri and IV. viri juri dicundo: a præfectus Mutinensis is also mentioned in the lex. In two passages of this lex,[1] a lex Rubria is mentioned, which, according to some, is an earlier lex, by which Mutina was made a præfectura; and, according to others, the lex Rubria is this very lex De Cisalpina. This subject is discussed by Savigny[2] and by Puchta.[3]

This lex has been published several times; the latest edition is "*Tavola legislativa della Gallia Cisalpina ritrovata in Veleia et restituita alla sua vera lezione da D. Pietro de Lama, Parma*, 1820." We only possess the end of the nineteenth chapter of this lex, which treats of the Novi Operis Nuntiatio; the twentieth chapter, on the Damnum Infectum, is complete; the twenty-first treats of Pecunia Certa Credita, but only of Execution; the twenty-second treats in like manner of similar actions; there is only the beginning of the twenty-fourth, which treats of the division of an hereditas (*qvei de familia cerciscunda deividunda ivdicivm sibei darei reddeive*, &c., *postulaverint*, &c). The matter of this lex, therefore, so far as we know it, purely concerns procedure, as Puchta remarks.

RUPI'LIÆ LEGES (B.C. 131) were the regulations established by P. Rupilius and ten legati for the administration of the province of Sicily, after the close of the first servile war. They were made in pursuance of a consultum of the senate. Cicero[4] speaks of these regulations as a decretum of Rupilius (*quod is de decem legatorum sententia statuit*), which he says they call lex Rupilia; but it was not a lex proper. The powers given to the commissioners by the lex Julia Municipalis were of a similar kind.

SACRA'TÆ, mentioned by Livy[5] and by Cicero.[6] Leges were properly so called which had for their object to make a thing or person *sacer*, as in Livy[7] (*de sacrando cum bonis capite ejus qui*, &c.). The consecratio was in fact the sanction by which a lex was to be enforced.[8] In the latter case it was the opinion of the jurisconsulti (*juris interpretes*) that the lex did not make "sacrosancti" the persons for whose protection it was designed, but that it made "sacer" (*sacrum sanxit*) any one who injured them; and this interpretation is certainly consistent with the terms of the lex.[9]

A lex Sacrata Militaris is also mentioned by Livy,[10] but the sanction of the lex is not stated.

SA'TURA. (*Vid.* LEX, p. 580.)

SCANTI'NIA, proposed by a tribune: the date and contents are not known, but its object was to suppress unnatural crimes. It existed in the time of Cicero.[11] The lex Julia de Adulteriis considered this offence as included in stuprum, and it was punishable with a fine; but by the later imperial constitution the punishment was death.[12]

SCRIBO'NIA. The date and whole import of this lex are not known; but it enacted that a right to servitutes should not be acquired by usucapion,[13] from which it appears that the law was once different. A "libertas servitutum" could be gained by usucapion, or, rather, disuse, for the lex only applied to that usucapion which established a servitus (*servitutem constituebat*), and not to that so-called usucapion which took away the right (*sustulit*

1. (Suet. Jul., 5. — Vell. Paterc., ii., 30.)—2. (Cic., Phil., ii., 9.— Ascon. and Schol. Bob. in Argumen. Milon.) — 3. (Liv., x., 9.—Cic., De Rep., ii., 31.—Id., Pro Rabir., 3, 4.)—4. (xxxii., 27.) — 5. (Verr., ii., 4, 5.)—6. (Dig. 11, tit. 5.)—7. (Liv., viii., 12.) —8. (ad Quint. Fr., ii., 13; ad Fam., i., 4.) — 9. (De Aquæduct. Roman.)—10. (p. 652, Casaub.)—11. (Pro Leg. Manil., c. 18.) — 12. (14, tit. 2.) — 13. (Cic., Phil., ii., 18.) — 14. (Dion, xxxvi., 25. — Vell. Paterc., ii., 32.— Liv., Epit., 99. — Cic., Pro Murena, 19.)—15. (Juv., xiv., 324.) — 16. (Hor., Epod., iv., 16.) —17. (ad Att., ii., 1.)

1. (c. xx., l. 29, 38.)—2. (Zeitschrift, ix.)—3. (Zeitschrift, x. "Ueber den Inhalt der Lex Rubria de Gallia Cisalpina.")—4 (In Verr., lib. ii., 13, 16.)—5. (ii., 54.)—6. (De Off., iii., 33.)—7 (ii., 8.)—8. (Liv., iii., 55.)—9. (Festus, s. v. Sacratæ leges.)—10 (viii., 41.)—11. (Auson., Epig., 89.—Juv., ii., 44.—Cic ad Fam. viii., 12, 14.)—12. (Suet., Dom., 8.—Paulus, S. R., ii, tit. 26 s. 13.)—13. (Dig 41, tit. 3, s. 4, § 29.)

vermuteri). It is, perhaps, doubtful if the passage of Cicero[1] should be alleged in proof of this usucapion formerly existing.

SEMPRO'NIÆ. Various leges proposed by the Gracchi were so named. (*Vid.* Semproniæ Leges.)

SEMPRONIA DE FŒ'NORE, B.C. 193, was a plebiscitum proposed by the tribune M. Sempronius,[2] which enacted that the law (*jus*) about money lent (*pecunia credita*) should be the same for the Socii and Latini (*Socii ac nomen Latinum*) as for Roman citizens. The object of the lex was to prevent Romans from lending money in the name of the Socii, who were not bound by the fenebres leges. The lex could obviously only apply within the jurisdiction of Rome.

SERVI'LIA AGRA'RIA, proposed by the tribune P. S. Rullus in the consulship of Cicero, B.C. 63, was a very extensive agraria rogatio. It was successfully opposed by Cicero;[3] but it was in substance carried by J. Cæsar, B.C. 59 (*vid.* Julia Lex Agraria), and is the lex called by Cicero lex Campana,[4] from the public land called Ager Campanus being assigned under this lex.

SERVI'LIA GLAU'CIA DE CIVITA'TE. (*Vid.* Repetundæ.)

SERVI'LIA GLAU'CIA DE REPETUNDIS. (*Vid.* Repetundæ.)

SERVI'LIA JUDICIA'RIA, B.C. 106. See the article Judex, p. 553, and the various passages in Cicero.[5] It is assumed by some writers that a lex of the tribune Servilius Glaucia repealed the Servilia Judiciaria two years after its enactment.[6]

SI'LIA.[7] The legis actio called condictio was established by this lex in the case when the demand was a determinate sum of money (*certa pecunia*).

SILVA'NI ET CARBO'NIS. (*Vid.* Papiria Plautia.)

SULPI'CIÆ, proposed by the tribune P. Sulpicius Rufus, a supporter of Marius, B.C. 88, enacted the recall of the exiles, the distribution of the new citizens and the libertini among the thirty-five tribes, that the command in the Mithradatic war should be taken from Sulla and given to Marius, and that a senator should not contract debt to the amount of more than 2000 denarii.[8] The last enactment may have been intended to expel persons from the senate who should get in debt. All these leges were repealed by Sulla.[9]

SULPI'CIA SEMPRO'NIA, B.C. 304. No name is given to this lex by Livy,[10] but it was probably proposed by the consuls. It prevented the dedicatio of a templum or altar without the consent of the senate or a majority of the tribunes.[11]

SUMTUA'RIÆ. (*Vid.* Sumtuariæ Leges.)

TABELLA'RIÆ. (*Vid.* Tabellariæ Leges.)

TARPE'IA ATE'RNIA. (*Vid.* Aternia Tarpeia.)

TERENTI'LIA, proposed by the tribune C. Terentilius, B.C. 462, but not carried, was a rogatio which had for its object an amendment of the constitution, though in form it only attempted a limitation of the imperium consulare.[12] This rogatio probably led to the subsequent legislation of the Decemviri.

TESTAMENTA'RIÆ. Various leges, such as the Cornelia, Falcidia, Furia, and Voconia, regulated testamentary dispositions.

THO'RIA. The importance of this lex requires that it should have a separate notice. (*Vid.* Thoria Lex.)

TI'TIA, similar in its provisions to the lex Plaetoria.

TI'TIA DE TUTO'RIBUS. (*Vid.* Julia Lex et Titia, and Gaius, i., 195.)

TREBO'NIA, a plebiscitum proposed by L. Trebonius, B.C. 448, which enacted that if the ten tribunes were not chosen before the comitia were dissolved, those who were elected should not fill up the number (*co-optare*), but that the comitia should be continued till the ten were elected.[2]

TRIBUNI'TIA. (*Vid.* Tribunitia Lex.)

TU'LLIA DE AMBITU. (*Vid.* Ambitus.)

TU'LLIA DE LEGATIO'NE LI'BERA. (*Vid.* Legatus, p. 576.)

VALERI'Æ of P. Valerius Publicola. (*Vid.* Valeriæ Leges.)

VALE'RIA HORA'TIA. (*Vid.* Plebiscitum.)

VA'RIA. (*Vid.* Majestas.)

VATI'NIA DE PROVI'NCIIS was the enactment by which J. Cæsar obtained the province of Gallia Cisalpina with Illyricum for five years, to which the senate added Gallia Transalpina. This plebiscitum was proposed by the tribune Vatinius.[3] A Trebonia lex subsequently prolonged Cæsar's imperium for five years.

VATI'NIA. (*Vid.* Repetundæ.)

VATI'NIA DE COLONIS, under which the Latina Colonia (*vid.* Latinitas) of Novum-Comum in Gallia Cisalpina was planted, B.C. 59.[4]

LEGES DE VI. (*Vid.* Vis.)

VIA'RIA. A Viaria lex which Cicero says[5] the tribune C. Curio talked of; but nothing more seems to be known of it.

Some modern writers speak of leges Viariæ, but there do not appear to be any leges properly so called. The provisions as to roads in many of the agrarian laws were parts of such leges, and had no special reference to roads.[6]

VICESIMA'RIA. (*Vid.* Vicesimaria.)

VI'LLIA ANNA'LIS. (*Vid.* Ædiles, p. 25.)

VISE'LLIA made a man liable to a criminal prosecution who, being a Latinus, assumed to exercise the rights of an ingenuus.[7]

VOCO'NIA. (*Vid.* Voconia Lex.)

This list of leges may not be quite complete, and the dates of some of them may not be perfectly accurate. Still it contains all the leges that are of any importance for the understanding of Roman History and Jurisprudence. Those which are not specially noticed here are referred to their proper heads, particularly when there are many leges relating to one subject, as ambitus, repetundæ, &c. Several of the Roman leges were modified by senatus consulta. The senatus consulta, which are properly laws, are enumerated under Senatus Consultum.

LEXIARCHICON. (*Vid.* Demus, p. 348.)

LEXIARCHOI. (*Vid.* Ecclesia, p. 385.)

LEXIS. (*Vid.* Dice, p. 358.)

*LIBANO'TIS (λιβανωτίς), a plant, our Rosemary. The Greek name is derived from λίβανος, "incense," and has reference to the strong aromatic odour emitted; the Latin name *Rosmarinus*, which the poets commonly write as two words, *Ros marinus*, alludes to the circumstance of the plant's being "used by the ancients in sprinkling, as we read in the Scriptures of hyssop, and of its growing in places near the seacoast. Virgil is supposed to be the first author who mentions it by the name of *Ros* (*marinus*). Theophrastus describes two species, the first, or λιβανωτὶς ἄκαρπος, is the true *Rosmarinus officinalis*; the other, the λ. κάρπιμος, is the *Ath-*

1. (Pro Cæcin., 26.)—2. (Liv., xxxv., 7.)—3. (In Rullum.)—4. (ad Att., ii., 18.)—5. (Brut., 43, 44, 63, 86.)—6. (Cic., Brut., 62.)—7. (Gaius, iv., 19.)—8. (Plut., Sull., 8.)—9. (App., Bell. Civ., i., 55.—Liv., Epit., 77.)—10. (ix., 46.)—11. (Compare Gaius, ii., 5–7.)—12. (Liv., iii., 9.)

1. (Dig. 11, tit 5, s. 3.)—2. (Liv., ii., 64, 65.)—3. (Dion Cass., xxxviii., 8.—Appian, Bell. Civ., ii., 13.—Suet., Jul., 22.—Vell Paterc., ii., 44.)—4. (Suet., Jul., 28.)—5. (ad Fam., viii.)—6 (Frontinus, De Coloniis.)—7. (Cod. ix., tit. 21.)

Prenanta libanotis, according to Stackhouse. Sprengel is decidedly of opinion that the first species of Dioscorides is the *Cachrys libanotis*; the second, the *Ferula nodiflora*; the third he hesitates about admitting as the *Prenanthe purpurea*."[1]

*LIBANO'TUS (λιβάνωτος), Frankincense. The name, however, is also applied to the Frankincense-tree itself. "Forskael, the Danish traveller," observes Adams, "gave the name of *Amyris Kataf* to the Frankincense-tree, and Colebrook calls it *Boswellia turifera*. However, as Stackhouse and Sprengel state, there is still great uncertainty about the tree which produces the frankincense. Dr. Harris remarks, that 'what is called "pure incense" is no doubt the same as the *mascula thura* of Virgil.' Dr. Martyn farther states, that the ancients called the best sort of incense 'male.' A late writer on this class of medicinal substances, Dr. Maton, says, 'Some authors have considered the genuine λίβανος (*Thus*) to have been obtained from the *Juniperus Lycia*, and to constitute the *Olibanum* of our shops, but I cannot find any passage in the ancient authors sufficiently precise to corroborate this conjecture.' According to Ammonius and the scholiast on Aristophanes, the tree is, properly speaking, to be named λίβανος, and the term λιβάνωτος is to be restricted to the Frankincense itself. Theophrastus, however, does not use the terms in this sense."[2]

LIBA'TIO. (*Vid.* Sacrificium.)

LIBELLA. (*Vid.* Denarius.)

LIBELLUS is the diminutive form of liber, and signifies, properly, a little book. A libellus was distinguished from other kinds of writing by being written, like our books, by pages, whereas other writings were written *transversa charta*.[3] A libellus, however, did not necessarily consist of several pages. It was used by the Romans as a technical term in the following cases:

1. *Libelli accusatorum* or *accusatorii* were the written accusations which in some cases a plaintiff, after having received the permission to bring an action against a person, drew up, signed, and sent to the judicial authorities, viz., in the city to the prætor, and in a province to the proconsul.[4] (Compare Actio, p. 17.) The form in which a libellus accusatorius was to be written is described by Ulpian in a case of adultery.[5] The accuser had to sign the libellus, and if he could not write, he was obliged to get somebody else to do it for him. If the libellus was not written in the proper legal form, it was invalid, but the plaintiff had still the right to bring the same action again in its legal form.[6]

2. *Libelli famosi* were what we call libels or pasquinades, intended to injure the character of persons. A law of the Twelve Tables inflicted very severe punishments on those who composed defamatory writings against any person.[7] During the latter part of the Republic this law appears to have been suspended, for Tacitus[8] says that, previous to the time of Augustus, libels had never been legally punished,[9] and that Augustus, provoked by the audacity with which Cassius Severus brought into disrepute the most illustrious persons of the age, ordained, by a lex majestatis, that the authors of libelli famosi should be brought to trial. On this occasion, Augustus, who was informed of the existence of several such works, had a search made at Rome by the ædiles, and in other places by the local magistrates, and ordered the libels to be burned; some of the authors were subjected to punishment.[1] A law quoted by Ulpian[2] ordained that the author of a libellus famosus should be intestabilis, and during the latter period of the Empire we find that capital punishment was not only inflicted upon the author, but upon those persons in whose possession a libellus famosus was found, or who did not destroy it as soon as it came into their hands.[3]

3. *Libellus memorialis*, a pocket or memorandum book.[4] The libellus, from which Cicero[5] communicates a memorandum of Brutus, appears to have been a book of this kind.

4. The word libellus was also applied to a variety of writings, which in most cases, probably, consisted of one page only:

a. To short letters addressed to a person for the purpose of cautioning him against some danger which threatened his life,[6] and to any short letters or reports addressed to the senate or private individuals.[7]

b. To the bills called *libelli gladiatorii* or *munerarii*, which persons who gave gladiatorial exhibitions distributed among the people. (*Vid.* Gladiatores, p. 476.)

c. To petitions to the emperors.[8] The emperors had their especial officers or secretaries who attended to all petitions (*libellis præfectus*[9]), and who read and answered them in the name of the emperor.[10] Such a libellus is still extant."[11]

d. To the bill of appeal called *libellus appellatorius*, which a person who did not acquiesce in a judicial sentence had to send in after the lapse of two or three days.[12]

e. To the bills stuck up in the most frequented parts of the city, in case of a debtor having absconded.[13] Such bills were also stuck upon the estates of such a debtor, and his friends who wished to pay for him sometimes pulled down such bills.[14]

f. To bills in which persons announced to the public that they had found things which had been lost, and in which they invited the owner to claim his property.[15] The owner gave to the finder a reward (εὑρετρα), and received his property back. Sometimes the owner also made known to the public by a libellus what he had lost, stated his name and residence, and promised to give a reward to the person who found his property and brought it back to him.[16]

LIBER (βιβλίον), a Book. The most common material on which books were written by the Greeks and Romans was the thin coats or rind (*liber*, whence the Latin name for a book) of the Egyptian papyrus. This plant was called by the Egyptians Byblos (βύβλος), whence the Greeks derived their name for a book (βιβλίον). It formed an article of commerce long before the time of Herodotus,[17] and was extensively used in the western part of Europe, as is proved by the number of rolls of papyri found at Herculaneum. In the sixth century of the Christian æra the duty on imported papyrus was abolished by Theodoric the Great, on which occasion Cassiodorus wrote a letter,[18] in which he congratulates the world on the cessation of a tax so unfavourable to the progress of learning and of commerce. The papyrus-tree grows in swamps to the height of ten feet and more, and paper was prepared from the

1. (Theophrast., H. P., ix., 11.—Dioscor., iii., 79.—Virg., Georg., ii., 213.—Adams, Append., s. v.)—2. (Theophrast., H. P., ix., 4.—Dioscor., i., 81.—Asiatic Researches, vol. ix., p. 377.—Aristoph., Plut., 703, with schol.—Adams, Append., s. v.)—3. (Suet., Jul., 56.)—4. (Cod. 9, tit. 2, s. 8.—Dig. 48, tit. 5, s. 2, 17, 29; 47, tit. 2, s. 74.)—5. (Dig. 48, tit. 2, s. 3.)—6. (Juv., vi., 244, &c.—Tacit., Ann., iii., 44.—Plin., Epist., vii., 27.—Compare Brisson, De Form., v., c. 187, &c.)—7. (Cic., De Repub., iv., 10.—Arnob., iv., p. 151.)—8. (Ann., i., 72.)—9. (Compare Cic. ad Fam., iii., 11.)

1. (Dion Cass., lvi., 27.)—2. (Dig. 47, tit. 10, s. 5.)—3. (Cod. 9, tit. 36.)—4. (Suet., Jul., 56.)—5. (ad Att., vi., 1, § 5.)—6. (Suet., Jul., 81.—Id., Calig., 15.)—7. (Suet., Jul., 56.—Id., Octav., 84.—Cic. ad Fam., xi., 11.)—8. (Suet., Octav., 53.—Mart., viii., 31, 3; 82, 1.)—9. (Dig. 20, tit. 5.)—10. (Suet., Domit., 14.)—11. (*Vid.* Gruter, Inscript., p. dcvii., 1.)—12. (Dig. 40, tit. 1.)—13. (Cic., Pro Quinct., 6, 15, 19.—Rein, Röm. Privatr., p. 499.)—14. (Senec., De Benef., iv., 12.)—15. (Plaut., Rud., v. 2, 7, &c.—Dig. 47, tit. 2, s. 44.)—16. (Propert., iii., 21, 21, &c.—17. (v., 58.)—18. (xi., 38.)

thin coats or pellicles which surround the plant in the following manner according to Pliny.[1] The different pieces were joined together by the turbid Nile water, as it has a kind of glutinous property. A layer of papyrus (*scheda* or *philyra*) was laid flat on a board, and a cross layer put over it; and being thus prepared, the layers were pressed, and afterward dried in the sun. The sheets were then fastened or pasted together, the best being taken first, and then the inferior sheets. There were never more than twenty in a scapus or roll. The papyri found in Egyptian tombs differ very much in length, but not much in breadth, as the breadth was probably determined by the usual length of the strips taken from the plant. The length might be carried to almost any extent by fastening one sheet to another. The writing was in columns, with a blank slip between them.[2] The form and general appearance of the papyri rolls will be understood from the following woodcut, taken from paintings found at Pompeii.[3]

The paper (*charta*) made from the papyrus was of different qualities. The best was called after Augustus, the second after Livia, the third, which was originally the best, was named Hieratica, because it was appropriated to the sacred books. The finest paper was subsequently called Claudia, from the Emperor Claudius. The inferior kinds were called *Amphitheatrica*, *Saïtica*, *Leneotica*, from the places in Egypt where it was made, and also *Fanniana*, from one Fannius, who had a celebrated manufactory at Rome. The kind called *Emporetica* was not fit for writing, and was chiefly used by merchants for packing their goods, from which circumstance it obtained its name.[4]

Next to the papyrus, parchment (*membrana*) was the most common material for writing upon. It is said to have been invented by Eumenes II., king of Pergamus, in consequence of the prohibition of the export of papyrus from Egypt by Ptolemy Epiphanes.[5] It is probable, however, that Eumenes introduced only some improvement in the manufacture of parchment, as Herodotus mentions writing on skins as common in his time, and says that the Ionians had been accustomed to give the name of skins (*διφθέραι*) to books.[6] Other materials are also mentioned as used for writing on, but books appear to have been almost invariably written either upon papyrus or parchment.

The ancients wrote usually on only one side of the paper or parchment, whence Juvenal[7] speaks of an extremely long tragedy as

> "*summi plena jam margine libri*
> *Scriptus* et in tergo *necdum finitus Orestes.*"

Such works were called *Opistographi*,[8] and are also said to be written *in aversa charta*.[9]

The back of the paper, instead of being written upon, was usually stained with saffron colour or the cedrus[10] (*croceæ membrana tabellæ*[11]). We learn from Ovid that the cedrus produced a yellow colour.[12]

1. (H. N., xiii., 23.)—2. (Egyptian Antiquities, vol. ii., ch. 7, Lond., 1836.)—3. (Gell, Pompeii, p. 187.)—4. (Plin., H. N., xiii., 23, 24.)—5. (Plin., H. N., xiii., 21.)—6. (v., 58.)—7. (i., 5.)—8. (Plin., Epist., iii., 5.)—9. (Mart., viii., 62.)—10. (Lucian, Πρὸς ἀπαίδ., 16, vol. i i., p. 113.)—11. (Juv., vii., 23.—Pers., i., 10.)—12. (Ovid, Tr. t., iii., 1, 13.)

As paper and parchment were dear it was frequently the custom to erase or wash out writing of little importance, and to write upon the paper or parchment again, which was then called *Palimpsestus* (*παλιμψήστος*). This practice is mentioned by Cicero,[1] who praises his friend Trebatius for having been so economical as to write upon a palimpsest, but wonders what those writings could have been which were considered of less importance than a letter.[2]

The paper or parchment was joined together so as to form one sheet, and when the work was finished, it was rolled on a staff, whence it was called a *volumen*; and hence we have the expression *evolvere librum*.[3] When an author divided a work into several books, it was usual to include only one book in a volume or roll, so that there were generally the same number of volumes as of books. Thus Ovid[4] calls his fifteen books of Metamorphoses "*mutatæ ter quinque volumina formæ*."[5] When a book was long, it was sometimes divided into two volumes; thus Pliny[6] speaks of a work in three books, "*in sex volumina propter amplitudinem divisi*."

In the papyri rolls found at Herculaneum, the stick on which the papyrus is rolled does not project from the papyrus, but is concealed by it. Usually, however, there were balls or bosses, ornamented or painted, called *umbilici* or *cornua*, which were fastened at each end of the stick, and projected from the papyrus.[7] The ends of the roll were carefully cut, polished with pumice-stone, and coloured black; they were called the *geminæ frontes*.[8]

To protect the roll from injury, it was frequently put in a parchment case, which was stained with a purple colour, or with the yellow of the lutum. Martial[9] calls such a covering a *purpurea toga*. Something of the same kind is meant by the Greek *sittybæ* (*σιττύβαι*[10]), which Hesychius explains by *δερμάτιναι στολαί*.

The title of the book (*titulus*, *index*) was written on a small strip of papyrus or parchment with a light red colour (*coccum* or *minium*). Winkelmann supposed that the title was on a kind of ticket suspended to the roll, as is seen in the paintings at Herculaneum (see woodcut), but it was most probably stuck on the papyrus itself.[11] We learn from Seneca[12] and Martial[13] that the portraits of the authors were often placed on the first page of the work.[14] Compare the articles Atramentum, Bibliopola, Bibliotheca, Calamus, Capsa, Stylus.

LIBERA'LIA. (*Vid.* Dionysia, p. 366.)

LIBERA'LIS CAUSA. (*Vid.* Assertor.)

LI'BERI. (*Vid.* Ingenui, Libertus.)

LIBERO'RUM JUS. (*Vid.* Julia et Papia Poppæa Lex.)

LIBERTUS, LIBERTI'NUS. Freemen (*liberi*) were either ingenui (*vid.* Ingenui) or libertini. Libertini were those persons who had been released from legal servitude (*qui ex justa servitute manumissi sunt*[15]). A manumitted slave was libertus (that is, liberatus) with reference to his master; with reference to the class to which he belonged after manumission, he was libertinus. According to Suetonius, libertinus was the son of a libertus in the time of the censor Appius Claudius, and for some time after;[16] but this is not the meaning of the word in the extant Roman writers.

There were three modes of legitima manumissio, the vindicta, the census, and the testamentum: if

1. (ad Fam., vii., 18.)—2. (Compare Catull., xxii., 5.—Martial, xiv., 7.)—3. (Cic. ad Att., ix., 13.)—4. (Trist., i., 1, 117.)—5. (Compare Cic., Tusc., iii., 3.—Id., ad Fam., xvii., 17.)—6. (Epiii., 5.)—7. (Martial, iii., 2.—Id., v., 6, 15.—Tibull., iii., 1, 13.—Ovid, Trist., i., 1, 8.)—8. (Ovid, l. c.)—9. (x., 93.)—10. (Cic ad Att., iv., 5.)—11. (Compare Tibull., l. c.)—12. (De Trans An., 9.)—13. (xiv., 186.)—14. (Becker, Gallus, i., p 163–174.)—15. (Gaius, i., 11.)—16. (Claud., c. 24.)

the manumitted slave was above thirty years of age, if he was the quiritarian property of his master, and if he was manumitted in proper form (*legitime, justa et legitima manumissione*), he became a civis Romanus: if any of these conditions were wanting, he became a Latinus, and in some cases only a dediticius. (*Vid.* MANUMISSIO.) Thus there were, as Ulpian observes, three kinds of liberti: cives Romani, Latini Juniani, and dediticii.

The status of a civis Romanus and that of a dediticius have been already described. (*Vid.* CIVITAS, DEDITICII.)

Originally, slaves who were so manumitted as not to become cives Romani, were still slaves; but the prætor took them under his protection, and maintained their freedom, though he could not make them cives Romani. The lex Junia gave them a certain status, which was expressed by the phrase Latini Juniani: they were called Latini, says Gaius,[1] because they were put on the same footing as the Latini coloniarii, and Juniani, because the Junia lex gave them freedom, whereas before they were by strict law (*ex jure Quiritium*) slaves. Gaius[2] says that the lex Junia declared such manumitted persons to be as free as if they had been Roman citizens by birth (*cives Romani ingenui*), who had gone out from Rome to join a Latin colony, and thereby had become Latini coloniarii: this passage, which is not free from difficulty, is remarked on by Savigny.[3]

A Latinus could attain the civitas in several ways.[4] (*Vid.* LATINITAS.) As the patria potestas was a jus peculiar to Roman citizens, it followed that a Latinus had not the patria potestas over his children. If, however, he had married either a Latina and had begotten a child, who would, of course, be a Latinus, or had married a Roman civis, and had begotten a child, which, by a senatus consultum of Hadrian, would be a Romanus civis, he might, by complying with the provisions of the lex Ælia Sentia, in the former case obtain the civitas for himself, his wife, and child, and in both cases acquire the patria potestas over his child just as if the child had been born in justæ nuptiæ.[5]

In considering the legal condition of libertini, it is necessary to remember that even those who were cives Romani were not ingenui, and that their patroni had still certain rights with respect to them. The Latini were under some special incapacities; for the lex Junia, which determined their status, neither gave them the power of making a will, nor of taking property under a will, nor of being named tutores in a will. They could not, therefore, take either as heredes or legatarii, but they could take by way of fideicommissum.[6] The sons of libertini were ingenui, but they could not have gentile rights; and the descendants of libertini were sometimes taunted with their servile origin.[7]

The law which concerns the property (*bona*) of libertini may be appropriately considered under PATRONUS: see also INGENUI.

LIBERTUS (GREEK) (Ἀπελεύθερος), a freedman. It was not unfrequent for a master at Athens to restore a slave to freedom, or to allow him to purchase it. The state into which a slave thus entered was called ἀπελευθερία, and he was said to be ταῦ ἑαυτόν.[8] It is not quite certain whether those persons who are termed οἱ χωρὶς οἰκοῦντες[9] were likewise freedmen, as the grammarians assert, or whether they were persons yet in slavery, but living separated from their master's household; but in Demosthenes[10] the expression χωρὶς ᾠκει is evidently used as synonymous with "he has been emancipated." A slave, when manumitted, entered into the status of a μετοικός (*vid.* METOICOS), and, as such, he had not only to pay the μετοίκιον, but a triobolon in addition to it. This triobolon was probably the tax which slaveholders had to pay to the Republic for each slave they kept, so that the triobolon paid by freedmen was intended to indemnify the state, which would otherwise have lost by every manumission of a slave.[1] The connexion of a freedman with his former master was, however, not broken off entirely on his manumission, for he had throughout his life to regard him as his patron (προστάτης), and to fulfil certain duties towards him. In what these duties consisted beyond the obligation of showing gratitude and respect towards his deliverer, and of taking him for his patron in all his affairs, is uncertain, though they seem to have been fixed by the laws of Athens.[2] Whether the relation existing between a person and his freedman descended to the children of the latter, is likewise unknown. That a master, in case his freedman died, had some claims to his property, is clear from Isæus.[3] The neglect of any of the duties which a freedman had towards his former master was prosecuted by the ἀποστασίου δίκη. (*Vid.* ΑΠΟΣΤΑΣΙΟΥ ΔΙΚΗ.)

The Spartans likewise restored their slaves sometimes to freedom, but in what degree such freedmen partook of the civic franchise is not known. That they could never receive the full Spartan franchise is expressly stated by Dion Chrysostomus;[4] but Müller[5] entertains the opinion that Spartan freedmen, after passing through several stages, might in the end obtain the full franchise; this opinion, however, is more than doubtful. Spartan freedmen were frequently used in the armies and in the fleet, and were, according to Myro,[6] designated by the names of ἀφέται, ἀδέσποτοι, ἐρυκτῆρες, δεσποσιναῦται, and νεοδαμώδεις.

LIBITINA'RII. (*Vid.* FUNUS, p. 459.)

LIBRA, *dim.* LIBELLA (σταθμός), a Balance, a pair of Scales. The principal parts of this instrument were, 1. The beam (*vid.* JUGUM), whence anything which is to be weighed is said ὑπὸ ζυγὸν ἀναβλήθηναι, literally, "to be thrown under the beam."[7] 2. The two scales, called in Greek τάλαντα[8] and πλάστιγγε,[9] and in Latin *lances*.[10] (*Vid.* LANX.) Hence the verb ταλαντεύω is employed as equivalent to σταθμάω and to the Latin *libro*, and is applied as descriptive of an eagle balancing his wings in the air.[11] The beam was made without a tongue, being held by a ring or other appendage (*ligula*, ῥῦμα), fixed in the centre. (See the woodcut.) Specimens of bronze balances may be seen in the British Museum, and in other collections of antiquities, and also of the steelyard (*vid.* STATERA), which was used for the same purpose as the libra. The woodcut to the article CATENA shows some of the chains by which the scales are suspended from the beam. In the works of ancient art, the balance is also introduced emblematically in a great variety of ways. Cicero[12] mentions the balance of Critolaus, in which the good things of the soul were put into one scale, and those of the body and all external things into the other, and the first was found to outweigh the second, though it included both earth

1. (i., 22; iii., 56.)—2. (iii., 56.)—3. (Zeitschrift, ix., p. 329.)—4. (Gaius, i., 28, &c.—Ulp., Frag., tit. 3.)—5. (Gaius, i., 30, 66.)—6. (Gaius, i., 24.)—7. (Hor., Serm., i., 6, 46.)—8. (Demosth., Pro Phorm., p. 945.)—9. (Demosth., Philip., i., p. 50.) 10. (c. Euerg. et Mnesib., p. 1161.)

1. (Böckh, Publ. Econ. of Athens, ii., p. 48.)—2. (Meyer and Schöm., Att. Proc., p. 473, &c.—Petit., Legg. Att., ii., 6, p. 261.—Compare Plato, De Leg., xi., p. 915.)—3. (De Nicostr. hæred., c. 9.—Rhetor. ad Alex., i., 16.—Compare Bunsen, De Jur. hæred. Ath., p. 51.)—4. (Orat., xxxvi., p. 448, B.)—5 (Dor., iii., 3, § 5.)—6. (ap. Athen., vi., p. 271.)—7. (Ælian, V. H., x., 6.)—8. (Hom., Il., viii., 69.—Id. ib., xii., 433.—Id. ib. xvi., 659.—Id. ib., xix., 223.— Id. ib., xxii., 209.—Aristoph. Ran., 809.)—9. (Aristoph., Ran., 1425.)—10. (Virg., Æn., xii. 725.—Pers., iv., 10.—Cic., Acad., iv., 12.)—11. (Philostr. at. Jun Imag., 6.—Welcker, ad loc.)—12. (Tusc., v., 17.)

and sea. In Egyptian paintings the balance is often introduced for the sake of exhibiting the mode of comparing together the amount of a deceased man's merits and of his defects. The annexed woodcut

is taken from a beautiful bronze patera, representing Mercury and Apollo engaged in exploring the fates of Achilles and Memnon, by weighing the attendant genius of the one against that of the other.[1] A balance is often represented on the reverse of the Roman imperial coins; and, to indicate more distinctly its signification, it is frequently held by a female in her right hand, while she supports a cornucopia in her left, the words ÆQVITAS AVGVSTI being inscribed on the margin, so as to denote the justice and impartiality with which the emperors dispensed their bounty.

The constellation libra is placed in the zodiac at the equinox, because it is the period of the year at which day and night are equally balanced.[2]

The mason's or carpenter's level was called *libra* or *libella* (whence the English name) on account of its resemblance in many respects to a balance.[3] Hence the verb *libro* meant to level as well as to weigh. The woodcut to the article CIRCINUS, which is inserted sideways, shows a *libella fabrilis* having the form of the letter A, and the line and plummet (*perpendiculum*) depending from the apex.

LIBRA or AS, a pound, the unit of weight among the Romans and Italians. Many ancient specimens of this weight, its parts and multiples, have come down to us; but of these some are imperfect, and the rest differ so much in weight that no satisfactory conclusion can be drawn from them. The difference between some of these specimens is as much as two ounces. An account of some of the most remarkable of them is given by Hussey[4] and Böckh.[5] This variety is to be accounted for partly by the well-known carelessness of the Romans in keeping to their standards of weights, and partly by the fact that many of the extant weights are from provincial towns, in which this carelessness was notoriously greater than in the metropolis.

The Roman coins furnish a mode of calculating the weight of the *libra*, which has been more relied on than any other by most modern writers. The As will not help us in this calculation, because its weight, though originally a pound, was very early diminished, and the existing specimens differ from each other very greatly. (*Vid.* As.) We must, therefore, look only to the silver and gold coins. Now the average weight of the extant specimens of the denarius is about 60 grains, and in the early ages of the coinage 84 denarii went to the pound. (*Vid.* DENARIUS.) The pound, then, by this calculation, would contain 5040 grains Again, the *aurei* of the early gold coinage were equal in weight to a *scrupulum* and its multiples. (*Vid.* AURUM.) Now the scrupulum was the 288th part of the pound (*vid.* UNCIA), and the average of the scrupular aurei has been found by Letronne to be about $17\frac{1}{2}$ grains Hence the pound would be $288 \times 17\frac{1}{2} = 5040$ grains, as before. The next aurei coined were, according to Pliny, 40 to the pound, and, therefore, if the above calculation be right, =126 grains; and we do find many of this weight. But, well as these results hang together, there is great doubt of their truth; for, besides the uncertainty which always attends the process of calculating a larger quantity from a smaller, on account of the multiplication of a small error, we have every reason to believe that the existing coins do not come up to their nominal weight, for there was an early tendency in the Roman mint to make money below weight[1] (compare AS, AURUM, DENARIUS), and we have no proof that any extant coins belonged to the *very earliest* coinage, and, therefore, no security that they may not have been depreciated. In fact, there are many specimens of the denarius extant which weigh more than the above average of 60 grains. It is therefore probable that the weight of 5040 grains, obtained from this source, is too little.

Another mode of determining the pound is from the relation between the Roman weights and measures. The chief measures which aid us in this inquiry are the amphora, or quadrantal, and the congius. The solid contents of the amphora were equal to a cube of which the side was one Roman foot, and the weight of water it contained was 80 pounds. Hence, if we can ascertain the length of the Roman foot independently, it will give us the solid contents of the amphora, from which we can deduce the weight of the Roman pound. But it may be obtained at once from the congius of Vespasian, which holds 10 Roman pounds, and was found by Dr. Hase (in 1721) to contain 52037·69 grains troy of distilled water. (*Vid.* CONGIUS.) This would give for the pound 5203·769 grains troy, or very nearly 5204 grains $=11\frac{1}{4}$ ounces and 60·45 grains. By another experiment (in 1680), Auzout found the congius to contain 51463·2 grains troy. This would make the pound 5146·32 grains troy, which is only 57·449 grains less than before. Hussey considers that Dr. Hase's experiment is more to be relied on than Auzout's, as being more recent. The difference may be partly owing to another cause, which throws doubt on the whole calculation. The interior surface of the congius may have been injured by time and other causes, and its capacity therefore increased. Wurm asserts this as a fact.[2] Again, the nature of the fluid employed in the experiment, its temperature, and the height of the barometer, would all influence the result, and the error from these sources must occur twice, namely, at the original making of the congius, and at the recent weighing of its contents. Still these errors are probably small, and therefore we may take the weight of 5204 grains troy, as obtained from this experiment, to be the nearest approximation to the weight of the Roman pound. This result very little exceeds that obtained from the coins; and as we have seen that the latter give too small a weight, the excess may be viewed rather as a correction than a contradiction. For it gives as the weight of the denarius of 84 to the pound nearly 62 grains, and many denarii weigh as much, or even more. The scruple would be 18·07 grains, which only exceeds the average of extant specimens by about half a grain.[3] Wurm, who de-

1. (Winckelmann, Mon. Ined., 133.—Millin, Peint. de Vases Ant., t. i., pl. 19, p. 39.)—2. (Virg., Georg., i., 208.—Plin., H. N., xviii., 25.—Schol. in Arat., 89.)—3. (Varro, De Re Rust., i., 6.—Columella, ii., 13.—Plin., H. N., xxxvi., 22.)—4. (Ancient Weights, &c., ix., § 3.)—5. (Metrolog. Untersuch., p 170.)

1. (Plin., H. N., xxxiii., 13, 46.)—2. (De Pond., &c., p. 78.)—3. (*Vid.* Hussey, Ancient Weights, &c. chap. ix.)

pet is solely on the coins, makes it 5053·635 grains troy,[1] and Böckh arrives at nearly the same result.[2]

The uncial division, which has been noticed in speaking of the coin As, was also applied to the weight. The following table shows the divisions of the pound, with their value in ounces and grains, avoirdupois weight :

	Unciæ.	Oz.	Grs.
As or Libra	12	$11\frac{3}{4}$	60·45
Deunx	11	$10\frac{3}{4}$	64·54
Dextans or Decuncis	10	$9\frac{1}{4}$	38·50
Dodrans	9	$8\frac{1}{4}$	42·57
Bes or Bessis	8	$7\frac{3}{4}$	76·75
Septunx	7	$6\frac{3}{4}$	80·88
Semis or Semissis	6	$5\frac{3}{4}$	84·95
Quincunx	5	$4\frac{1}{2}$	89·05
Triens	4	$3\frac{1}{2}$	93·14
Quadrans or Teruncius	3	$2\frac{3}{4}$	97·21
Sextans	2	$1\frac{3}{4}$	101·29
Sescuncia or Sescunx	$1\frac{1}{2}$	$1\frac{1}{4}$	103·624
Uncia	1	$0\frac{3}{4}$	105·36 or 433·666

The divisions of the ounce are given under UNCIA. Where the word *pondo*, or its abbreviations P. or POND., occur with a simple number, the weight understood is the *libra*.

The name *libra* was also given to a measure of horn, divided into twelve equal parts (*unciæ*) by lines marked on it, and used for measuring oil.[3]

LIBRA'RII, the name of slaves who were employed by their masters in writing or copying in any way. They must be distinguished from the scribæ publici, who were freemen (*vid.* SCRIBÆ), and also from the booksellers (*vid.* BIBLIOPOLA), to both of whom this name was also applied. The slaves to whom the name of librarii was given may be divided into three classes :

1. *Librarii* who were employed in copying books, called *scriptores librarii* by Horace.[4] These librarii were also called in later times *antiquarii*.[5] Isiodore[6] says that the librarii copied both old and new books, while the antiquarii copied only old books. Becker,[7] however, thinks that, when the cursive character came into general use, the name of antiquarii was applied to the copyists who transcribed books in the old uncial character. The name of librarii was also given to those who bound books,[8] and to those who had the care of libraries.

2. *Librarii a studiis* were slaves who were employed by their masters, when studying, to make extracts from books, &c.[9] To this class the *notarii*, or short-hand writers, belonged, who could write down rapidly whatever their masters dictated to them.[10]

3. *Librarii ab epistolis*, whose principal duty was to write letters from their masters' dictation.[11] To this class belonged the slaves called *ad manum*, *a manu*, or *amanuenses*. (*Vid.* AMANUENSIS.)

LIBRA'TOR is, in general, a person who examines things by a LIBRA ; but the name was, in particular, applied to two kinds of persons.

1. *Librator aquæ*, a person whose knowledge was indispensable in the construction of aquæducts, sewers, and other structures for the purpose of conveying a fluid from one place to another. He examined by a hydrostatic balance (*libra aquaria*) the relative heights of the places from and to which the water was to be conducted. Some persons at Rome made this occupation their business, and were engaged under the curatores aquarum, though architects were also expected to be able to act as libratores.[1]

2. *Libratores* in the armies were probably soldiers who attacked the enemy by hurling with their own hands (*librando*) lances or spears against them.[2] Lipsius[3] thinks that the libratores were men who threw darts or stones against the enemy by means of machines, *tormenta*.[4] But this supposition can scarcely be supported by any good authority. During the time of the Republic, libratores are not mentioned in the Roman armies.

LI'BRIPENS. (*Vid.* MANCIPATIO.)

LIBURNA, LIBU'RNICA (Λιβυρνίς, Λίβυρνον), commonly a bireme with the mast amidship, as appears from Lucian,[5] but not unfrequently of larger bulk, as may be inferred from comparing Florus, iv., 2, with Suetonius, *Octav.*, 17, from which passages we learn that the fleet of Augustus at Actium consisted of vessels from the trieres, the lowest line of battle ship, to the hexeres, and that the ships were Liburnicæ. Horace[6] alludes to the immense size of the ships of Antony compared with these Liburnicæ. From the description of them by Varro, as quoted by A. Gellius,[7] they appear to have been originally somewhat similar to the light Indian boats, literally sewn together, which are now used to cross the surf in Madras Roads. The Liburni stitched the planks of their boats together probably only in their earliest and rudest shape, as is still the practice in Malabar. Pliny[8] informs us that the material of which these vessels were constructed was pine timber, as clear from resin as could be obtained. The piratical habits of the Illyrian nation, from whose ships the Romans affixed this term to their own, are described by Appian,[9] who also confirms Lucian in the statement that they were commonly biremes. From its resemblance in shape to these vessels, the Liburnum or litter derives its name. Its convenience is well described by Juvenal,[10] though some commentators think that this passage refers to Liburnian slaves who carried the litter. The sharpness of the beak of these ships, which was probably of also great weight (Böckh conjectures in the trieres of nearly four talents), is clearly indicated by Pliny.[11] The same writer also informs us that they were constructed sharp in the bows, to offer the least possible resistance to the water. The Navis Rostrata and Liburnica were the same.[12]

The term Liburna became incorporated into the Latin tongue simply from the assistance rendered to Augustus by the Liburni as a maritime power at the battle of Actium. From this period, experience having shown their efficiency, this class of vessels became generally adopted by the Romans.[13] In a similar manner, many naval terms, from the excellence of a foreign construction, have been introduced into our language from the Dutch, French, Spanish, and Italian, as brigantine, galleon, felucca, frigate, &c. After the period of the naturalization of the word in the Latin language, it lost its local and particular force, and became applied to other kinds of ships.

LICHAS. (*Vid.* PES.)

*LICHEN (λειχήν), the Lichen. "The *Lichen* of Pliny," observes Adams, "would appear to be different from that of Dioscorides. The former is the *Marchantia conica*, L. The other is not so easily determined. Sprengel inclines to the *Peltigera*

1. (De Pond., &c., p. 16.)—2. (Metrolog. Untersuch., § 9.)—3. (Suet., Jul., c. 38.—Galen, De Comp. Med. Gen., i., 17 ; vi., 8.—Hor., Sat., II., ii., 59–61.)—4. (Ep. ad Pis., 354.)—5. (Cod. 12, tit. 19, s. 10.—Cod. Theod., 4, tit. 8, s. 2.—Isid., Orig., vi., 14.)—6. (l. c.)—7. (Gallus, i., p. 164.)—8. (Cic. ad Att., iv., 4.)—9. (Orelli, Inscr., 719. — Suet., Claud., 28. — Cic. ad Fam., xvi., 21) — 10. (Plin., Ep., iii., 5. — Martial, xiv., 208.) — 11. (Orelli Inscr. 2437, 2997, &c.—Becker, Gallus, i., p. 180.)

1. (Plin., Epist., x., 50.—Frontin., De Aquæd., 105.—Compare Vitruv., viii., 6. — Cod. 10, tit. 66, s. 1.) — 2. (Tacit., Ann., ii., 20. — Id. ib., xiii., 39.—In both these passages some MSS. have "libritores.")—3. (ad Tacit., Ann., l. c.)—4. (Compare his Poliorcet., iv., 3.)—5. (Vol. v., p. 262, ed. Bip.)—6. (Epod., i., 1.)—7. (xvii., 3.)—8. (H. N., xvi., 17.)—9. (De Bell. Illyr., 3.)—10 (iii., 240.)—11. (H. N x., 32.)—12. (Plin., H. N., ix., 5.)—13 (Veget., iv., 23)

canina, sive *Aphthosa*, Hoffm. The λειχῆνες ἵππων, described in the M.M. of the ancients, were the well-known callosities which form at the knees of horses, called *spavins* in English, and *l'eparvin* in French. The term λειχήν was also applied to a cutaneous disease allied to leprosy."

LICI'NIÆ ROGATIO'NES. (*Vid.* ROGATIONES LICINIÆ.)

LIC'TOR, a public officer, who attended on the chief Roman magistrates. The number which waited on the different magistrates is stated in the article FASCES.

The office of lictor is said to have been derived by Romulus from the Etruscans.[1] The etymology of the name is doubtful; Gellius[2] connects it with the verb *ligare*, because the lictors had to bind the hands and feet of criminals before they were punished. The lictors went before the magistrates one by one in a line; he who went last or next to the magistrate was called *proximus lictor*, to whom the magistrate gave his commands;[3] and, as this lictor was always the principal one, we also find him called *primus lictor*,[4] which expression some modern writers have erroneously supposed to refer to the lictor who went first.

The lictors had to inflict punishment on those who were condemned, especially in the case of Roman citizens;[5] for foreigners and slaves were punished by the carnifex; and they also, probably, had to assist in some cases in the execution of a decree or judgment in a civil suit. The lictors also commanded (*animadverterunt*) persons to pay proper respect to a magistrate passing by, which consisted in dismounting from horseback, uncovering the head, standing out of the way, &c.[6]

The lictors were originally chosen from the plebs,[7] but afterward appear to have been generally freedmen, probably of the magistrate on whom they attended.[8]

Lictors were properly only granted to those magistrates who had the imperium. Consequently, the tribunes of the plebs never had lictors,[9] nor several of the other magistrates. Sometimes, however, lictors were granted to persons as a mark of respect or for the sake of protection. Thus, by a law of the triumvirs, every vestal virgin was accompanied by a lictor whenever she went out,[10] and the honour of one or two lictors was usually granted to the wives and other female members of the imperial family.[11]

There were also thirty lictors, called *Lictores Curiati*, whose duty it was to summon the curiæ to the comitia curiata; and when these meetings became little more than a form, their suffrages were represented by the thirty lictors.[12]

LIGO (*δίκελλα* or *μάκελλα*) was a hatchet formed either of one broad iron or of two curved iron prongs, which was used by the ancient husbandmen to clear the fields from weeds.[13] The ligo seems also to have been used in digging the soil and breaking the clods.[14]

LI'GULA, a Roman measure of capacity, containing one fourth of the CYATHUS, and therefore equal to ·0206 of a pint English.[15]

*LIGUSTRUM, a plant about which considerable uncertainty prevails. It is commonly, however, regarded as the *Privet*. Virgil mentions it in one of his Eclogues, but all that can be gathered from what he says of it is, that the flowers are white and of no value. "Pliny," observes Martyn, "says it is a tree, for in the 24th chapter of the 12th book, where he is speaking of the *cypros* of Egypt, he uses the following words: 'Quidam hanc esse dicunt *arborem* quæ in Italia Ligustrum vocatur.' Thus, also, we find in the tenth chapter of the 24th book, 'Ligustrum eadem *arbor* est quæ in Oriente cypros.' If the *ligustrum* of Pliny was that which is now commonly known by that name, by us called *privet* or *primprint*, and by the Italians *guistrico*, which seems a corruption of *ligustrum*, then he was mistaken in affirming it to be the same with the *cypros* of Egypt, which is the *elhanne* or *alcanna*. Matthiolus, in his commentaries on Dioscorides, says that Servius, among others, took the *ligustrum* to be that sort of *convolvulus* which we call *great bindweed*. Where Matthiolus found this opinion of Servius I cannot tell, unless he made use of some copy very different from those which we now have. We find no more in our copies of Servius than that the *ligustrum* is a very white but contemptible flower. Still it must be acknowledged that the great bindweed has a very fair claim to be accounted the *ligustrum* of Virgil, on account of its name being derived from 'binding' (*a ligando*), from the pure whiteness of its flower, and from its being, at the same time, a contemptible weed. We may also, with good reason, suspect that our *privet* is not the plant intended, because the flowers are not fair enough, and yet are too sweet to be rejected with contempt. But it weighs something on the other side, that Pliny has called the *ligustrum* a tree in two different places. In conformity, therefore, with the most common opinion, I have translated the term *ligustrum* by 'privet;' but if any one would change it for 'bindweed,' I shall not greatly contend with him."[1]

*LIGUST'ICUM (Λιγυστικόν). "Woodville agrees with the earlier commentators on Dioscorides and Galen, in referring this to the well-known plant, the *Ligusticum Levisticum*, or common Lovage; but this opinion is questioned by Alston Sprengel, also, is not quite satisfied, and rather inclines to the *Laserpitium Silcr*. Apicius recommends it frequently as a condiment."[2]

*LIL'IUM (κρίνον), the Lily, or *Lilium candidum*, L. The Persian term *laléh*, which is a name for all the liliaceous plants, and especially for the tulip (of which last the ancients knew nothing), has passed, on the one hand, into the family of Northern languages, under the forms of "*lily*," "*lilie*," &c., and on the other into the Greek and Latin, for λείριον and *lilium* only differ by a very usual change of letters. (*Vid.* LIRIUM.) "We need have no hesitation," remarks Adams, "in determining the common κρίνον of the Greeks to have been the *Lilium candidum*, L. Dioscorides describes another species with purple flowers, which Sprengel is in doubt whether to set down as the *Lilium martagon* or *L. Chalcedonicum*."[3]

LIMA, a File, was made of iron or steel, for the purpose of polishing metal or stone, and appears to have been of the same form as the instruments used for similar purposes in modern times.[4]

LIMBUS (*παρυφή*), the border of a tunic[5] or a scarf.[6] This ornament, when displayed upon the tunic, was of a similar kind with the CYCLAS and INSTITA,[7] but much less expensive, more common and more simple. It was generally woven in the

1. (Liv., i., 8.)—2. (xii., 3.)—3. (Liv., xxiv., 44.—Sall., Jug., 2.—Cic. in Verr., 2, Act. v., 54.—De Div., i., 28.—Orelli, Inscr., 3218.)—4. (Cic. ad Quint. Fratr., i., 1, § 7.)—5. (Liv., ii., 5.—Id., viii., 7.)—6. (Liv., xxiv., 44.—Sen., Ep., 64.)—7. (Liv., ii., 55.)—8. (Compare Tacit., Ann., xiii., 27.)—9. (Plut., Quæst. Rom., 81.)—10. (Dion Cass., xlvii., 19.)—11. (Tacit., Ann., i., 14.—Id. ib., xiii., 2.)—12. (Gell., xv., 27.—Cic., Agr., ii., 12.—Orelli, Inscr., 2176, 2922, 3240.)—13. (Ovid, Ex Pont., i., 8, 59.—Mart., iv., 64.—Stat., Theb., iii., 589.—Colum., x., 89.)—14. (Hor., Carm., iii., 6, 38.—Epist., i., 14, 27.—Ovid, Am., iii., 10, 31.—Compare Dickson, on the Husbandry of the Ancients, i., p. 415.)—15. (Columella, R. R., xii., 21.)

1. (Martyn ad Virg., Eclog., ii., 18.)—2. (Dioscor., iii., 51.—Adams, Append., s. v.)—3. (Fée, Flore de Virgile, p. lxxviii.—Adams, Append., s. v. λείριον.)—4. (Plin., H. N., xxxvii., 8, 32.—Id. ib., ix., 35, 54.—Id. ib., xxviii., 9, 41.—Plaut., Menæch., ii., i., 9.)—5. (Corippus, De Laud. Just., ii., 117.)—6. (Virg., Æn., iv., 137.—Serv. in loc.)—7. (Serv. in Virg., Æn., ii., 616.)

same piece with the entire garment of which it formed a part, and it had sometimes the appearance of a scarlet or purple band upon a white ground; in other instances it resembled foliage,[1] or the scrolls and meanders introduced in architecture. A very elegant effect was produced by bands of gold thread interwoven in cloth of Tyrian purple,[2] and called *ληροί* or *leria*.[3] Demetrius Poliorcetes was arrayed in this manner (*χρυσοπαρύφοις ἁλουργίσι*[4]). Virgil[5] mentions a scarf enriched with gold, the border of which was in the form of a double meander. In illustration of this account, examples of both the single and the double meander are introduced at the top of the annexed woodcut. The other eight specimens of limbi are selected to show some of the principal varieties of this ornament, which present themselves on Etruscan vases and other works of ancient art. The effect of the limbus as a part of the dress is seen in the woodcuts at pages 27, 93, 188, 208, 225, 314.

The use of the limbus was almost confined to the female sex among the Greeks and Romans, but in other nations it was admitted into the dress of men likewise.

An ornamental band, when used by itself as a fillet to surround the temples or the waist, was also called limbus.[6] Probably the limbolarii mentioned by Plautus[7] were persons employed in making bands of this description.

LIMEN. (*Vid.* Janua, p. 524.)

LIMES. (*Vid.* Agrimensores.)

LIMITA'TIO. (*Vid.* Agrimensores.)

LI'NEA, *dim.* LINE'OLA, a linen thread or string (from *linum*, flax), a line.[8] A string smeared with raddle (*rubrica*, *μίλτος*) and drawn tight, was used by carpenters and masons to impress a straight mark upon boards of wood, slabs of marble, &c.[9] Hence arose the proverb *στάθμης ἀκριβεστέρος*, meaning "more exact than rectitude itself."[10] Since the string made no mark unless coloured, the pursuit of an object without discrimination and distinctness of purpose was called using the *linea alba*, or *λεύκη στάθμη*.[11] The cup or box used to hold the raddle was called *μιλτεῖον*.[12]

By an extension of the signification, any straight mark (*γραμμή*), however produced, was called *linea*;[13] and hence the same terms, both in Latin and Greek (*linea*, *γραμμή*), were applied to a mathematical line.[14] Hence, also, a narrow boundary of any kind was denoted by these terms, and especially the boundary of human life,[1] and the boundary in the stadium from which the combatants started or at which they stopped.[2]

Linea also meant a fishing-line; the line used in sounding (*vid.* Catapirater); that employed in agriculture and gardening;[3] and a measuring-line.[4]

*LINOSPARTUM (*λινόσπαρτον*), according to Stackhouse, the *Lygeum spartum*. Sprengel holds that it is either this or the *Stipa terracissima*.[5]

*LINOSPERMUM (*λινόσπερμον*), Linseed, used as an article in the ancient *Materia Medica*.[6]

LINTER, a boat similar to the *μονόξυλα πλοῖα* used, according to Pliny,[7] on the Malabar coast. The ancient British boat, at present in the courtyard of the Museum, formed of one tree, gives an excellent exemplification of the rudest form of the linter. Pliny[8] tells us that the Germans had boats of this description that held thirty men, and the British vessel just alluded to would certainly carry nearly this complement. The passage in Tacitus[9] is too corrupt to be admitted as any authority for a larger description of ships being included under this term. In Ovid[10] it is applied to Charon's bark, which was obviously worked by a single man. Cæsar separates the linter from the navis,[11] and also represents the former as one remove, in early boat-building, from the ratis or raft.[12] In another passage[13] he classes them with the scaphæ. Tibullus[14] represents them to have been of light draught of water, like our wherries.

> "*Et qua Velabri regio patet ire solebat*
> *Exiguus pulsa per vada linter aqua.*"

Ausonius[15] indicates that a chain of them formed a pontoon, and also classes them with the other light boats.[16] Horace[17] describes the linter as a towboat worked by a single mule, which differs from the sense affixed to it by Propertius,[18] who distinguishes between the swift linter and the slow ratis or tow boat.

> "*Et modo tam celeres mireris currere lintres*
> *Et modo tam tardas funibus ire rates.*"

These passages give a twofold sense to linter or wherry and towboat.

The name linter was also applied to a kind of tub or trough made of one block of wood, which was used by country people for various purposes, such as for conveying and pressing the grapes.[19]

*LINUM (*λίνον*), the *Linum usitatissimum*, or common Flax. "Most authors agree with Virgil," observes Martyn, "that flax burns or impoverishes the soil. Columella says it is so exceedingly noxious that it is not safe to sow it, unless you have a prospect of great advantage from it. '*Lini semen, nisi magnus est ejus in ea regione quam colis proventus, et pretium proritat, serendum non est; agris enim præcipue noxium est.*'"[20]

*LINUM VIVUM, Asbestine linen, or linen made out of Asbestos. (*Vid.* Amianthus, Asbestos.)

*LIPARÆUS LAPIS, a stone of which Sir John Hill speaks as follows: "The Lipara stone is a small stone, usually about the bigness of a filbert, of an irregular and uncertain shape, and porous, friable constitution, like that of the pumices, but more easily crumbling into powder between the fingers than even the softest kind of them. The colour is generally a dusky gray, and the whole ex-

1. (Virg., Æn., i., 649.—Ovid, Met., vi., 127.)—2. (Ovid, Met., v., 51.)—3. (Festus, s. v.—Brunck, Anal., i., 483.)—4. (Plutarch, Demetr., 41.)—5. (Æn., v., 251.)—6. (Stat., Theb., vi., 367.—Id., Achill., ii., 176.—Claud., De Cons. Mall. Theod., 118.)—7. (Aul., III., v., 45.)—8. (Varro, De Re Rust., i., 23.—Col., De Re Rust., viii., 11.)—9. (Cato, De Re Rust., 14.—Hom., Il., xv., 410.—Od., v., 245.—Ib., xvii., 341.—Schol. in Il. cc.)—10. (Erasm., Chil.)—11. (Gell., N. A., Præf.—Plato, Char., p. 63, ed. Heindorff.)—12. (Brunck, Anal., i., 221.)—13. (Gell., N. A., x., 1.)—14. (Euclid.—Brunck, Anal., ii., 195.)

1. (Hor., Epist., i., 16, 79.—Diod. Sic., xvii., 118.—Eurip., Ion, 1514.)—2. (Schol. in Pind., Pyth., ix., 208.)—3. (Col., De Re Rust., iii., 13.)—4. (Col., ib., iii., 15.—Cic. ad Quint. Fratr., iii., 1.)—5. (Theophrast., H. P., i., 18.)—6. (Adams, Append., s. v.)—7. (H. N., vi., 26.)—8. (Il. N., xvi., 76.)—9. (Hist., v., 23.)—10. (Epist. ad Liv., i., 428.)—11. (B. G., vii., 60.)—12. (Ib., i., 12.)—13. (B. C., i., 28.)—14. (Il., v., 33, 34.)—15. (Grammat., 349.)—16. (Epist. Paul., 22, 31.)—17. (Sat., I., v., 20.)—18. (I., xiv., 3.)—19. (Virg., Georg., i., 262.—Cato, De Re Rust., 11.—Tibull., I., v., 23.)—20. (Martyn ad Virg., Georg., i., 77.)

ternal face of it evidently shows that it has suffered a change by fire."[1] Dr. Moore thinks that it was a kind of obsidian.[2]

*LITHARG'YRUS (λιθάργυρος), Litharge. "The ancient Litharge, like the modern, was procured during the purification of silver from the lead with which it was usually combined in its natural state. The *scoria* or *dross* which is formed during the process, obtains the name of Litharge. In the language of modern chemistry, it is called the semivitrified protoxyde of lead."[3]

*LITHOSPERMUM (λιθόσπερμον), the *Lithospermum officinale*, or Gromwell.[4]

LITHOSTRO'TA. (*Vid.* HOUSE, ROMAN, p. 520.)

LITIS CONTESTA'TIO. "Contestari" is when each party to a suit (*uterque reus*) says, "Testes estote." Two or more parties to a suit (*adversarii*) are said contestari litem, because, when the judicium is arranged (*ordinato judicio*), each party is accustomed to say, "Testes estote."[5] The Litis Contestatio was therefore so called because persons were called on by the parties to the suit to "bear witness," "to be witnesses." It is not here said what they were to be witnesses of, but it may be fairly inferred, from the use of the words contestatio and testatio in a similar sense in other passages,[6] that this contestatio was the formal termination of certain acts, of which the persons called to be witnesses were at some future time to bear record. Accordingly, the contestatio, spoken of in the passage of Festus, must refer to the words ordinato judicio, that is, to the whole business that has taken place in jure, and which is now completed. This interpretation seems to be confirmed by the following considerations.

When the legis actiones were in force, the procedure consisted of a series of oral acts and pleadings. The whole procedure, as was the case after the introduction of the formulæ, was divided into two parts, that before the magistratus, or in jure, and that before the judex, or in judicio. That before the magistratus consisted of acts and words by the parties and by the magistratus, the result of which was the determination of the form and manner of the future proceedings in judicio. When the parties appeared before the judex, it would be necessary for him to be fully informed of all the proceedings in jure; this was effected in later times by the formula, a written instrument under the authority of the prætor, which contained the result of all the transactions in jure in the form of instructions for the judex. But there is no evidence of any such written instructions having been used in the time of the legis actiones, and this must therefore have been effected in some other way. The Litis Contestatio, then, may be thus explained: the whole proceedings in jure took place before witnesses, and the contestatio was the conclusion of these proceedings; and it was the act by which the litigant parties called on the witnesses to bear record before the judex of what had taken place in jure.

This, which seems a probable explanation of the original meaning of Litis Contestatio, may be compared, to some extent, with the apparently original sense of recorder and recording in English law.[7]

When the formula was introduced, the Litis Contestatio would be unnecessary, and there appears no trace of it in its original sense in the classical jurists. Still the expressions Litis Contestatio and Lis Contestata frequently occur in the Pandect, but only in the sense of the completion of the proceedings in jure, and this is the meaning of the phrases Ante litem contestatam, Post litem contestatam.[1] As the Litis Contestatio was originally and properly the termination of the proceedings in jure, it is easily conceivable that, after this form had fallen into disuse, the name should still be retained to express the conclusion of such proceedings. When the phrase Litem Contestari occurs in the classical jurists, it can mean nothing more than the proceedings by which the parties terminate the procedure in jure, and so prepare the matter in dispute for the investigation of the judex.

It appears from the passage in Festus that the phrase Contestari litem was used because the words "Testes estote" were uttered by the parties after the judicium ordinatum. It was therefore the uttering of the words "Testes estote" which gave rise to the phrase Litis Contestatio; but this does not inform us what the Litis Contestatio properly was. Still, as the name of a thing is derived from that which constitutes its essence, it may be that the name here expresses the thing, that is, that the Litis Contestatio was so called for the reason which Festus gives, and that it also consisted in the litigant parties calling on the witnesses to bear record. But as it is usual for the whole of a thing to take its name from some special part, so it may be that the Litis Contestatio, in the time of the legis actiones, was equivalent to the whole proceedings in jure, and that the whole was so called from that part which completed it.

The time when the proper Litis Contestatio fell into disuse cannot be determined, though it would seem that this must have taken place with the passing of the Æbutia lex and the two leges Juliæ, which did away with the legis actiones except in certain cases. It is also uncertain if the proper Litis Contestatio still existed in those legis actiones which were not interfered with by the leges above mentioned; and if so, whether it existed in the old form or in a modified shape.

This view of the matter is by Keller, in his well-written treatise "Ueber Litis Contestation und Urtheil nach Classischem Römischem Recht," Zurich, 1827. Other opinions are noticed in his work. The author labours particularly to show that the expression Litis Contestatio always refers to the proceedings in jure, and never to those in judicio.

LITRA, a Sicilian silver coin, which was equal in value to the Æginetan obol. (*Vid.* DRACHMA.) Since the word has no root in the Greek language, but is merely the Greek form of the Latin *libra*,[2] and since we find it forming part of an uncial system similar to that used in the Roman and Italian weights and money (*vid.* AS, LIBRA), its twelfth part being called ὀγκία (the Roman *uncia*), and six, five, four, three, and two of these twelfth parts being denominated respectively ἡμίλιτρον, πεντόγκιον, τετρᾶς, τριᾶς, and ἑξᾶς, it is evident that the Greeks of Sicily, having brought with them the Æginetan obol, afterward assimilated their system of coinage to that used by their Italian neighbours, making their obol to answer to the *libra*, under the name of λίτρα. In the same way, a Corinthian stater of ten obols was called in Syracuse a δεκάλιτρον, or piece of ten litras.[3]

The *cotyla*, used for measuring oil, which is mentioned by Galen (*vid.* COTYLA), is also called by him λίτρα. Here the word is only a Greek form of *libra*. (*Vid.* LIBRA, *sub fin.*)

*LITRON. (*Vid.* NITRON.)

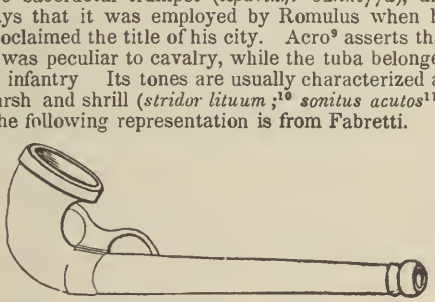
1. (Hill ad Theophrast., De Lapid., c. 25.)—2. (Anc. Mineralogy, p. 132.)—3. (Dioscor., v., 102.—Adams, Append., s. v.)—4. (Dioscor., iii., 148.)—5. (Festus, s. v. Contestari.)—6. (Dig. 28, tit 1, s. 20.—Ulp., Frag., xx., § 9.)—7. (Penny Cyclopædia, art. Recorder.)

1. (Gaius, iii., 180; iv., 114.)—2. (Festus, s. v. Lues: "Λίτρα enim libra est.")—3. (Aristot. ap. Pollux, iv., 24 173; ix., 6, 80.—Müller, Dorians, iii., 10, § 12.)

LI'TUUS. Müller[1] supposes this to be an Etruscan word signifying *crooked*. In the Latin writers it is used to denote,

1. The crooked staff borne by the augurs, with which they divided the expanse of heaven, when viewed with reference to divination (*templum*), into regions (*regiones*); the number of these, according to the Etruscan discipline, being sixteen, according to Roman practice, four.[2] Cicero[3] describes the lituus as "*incurvum et leviter a summo inflexum baculeum*;" and Livy[4] as "*baculum sine nodo aduncum.*" It is very frequently exhibited upon works of art. The figure in the middle of the following illustrations is from a most ancient specimen of Etruscan sculpture in the possession of Inghirami,[5] representing an augur; the two others are Roman denarii.

2. A sort of trumpet slightly curved at the extremity.[6] It differed both from the *tuba* and the *cornu*,[7] the former being straight, while the latter was bent round into a spiral shape. Lydus[8] calls the lituus the sacerdotal trumpet (*ἱερατικὴν σάλπιγγα*), and says that it was employed by Romulus when he proclaimed the title of his city. Acro[9] asserts that it was peculiar to cavalry, while the tuba belonged to infantry. Its tones are usually characterized as harsh and shrill (*stridor lituum*;[10] *sonitus acutos*[11]). The following representation is from Fabretti.



LIXÆ. (*Vid.* Calones.)

LOCA'TI ET CONDUCTI ACTIO. (*Vid.* Locatio.)

LOCA'TIO, CONDU'CTIO. This contract exists when a certain sum of money (*certa merces*) is agreed to be given by one person in consideration of certain work and labour to be done by another, or in consideration of such other person allowing the use and enjoyment of a thing which is to be returned. The parties to such a contract were respectively the locator and conductor. The rules as to locatio and conductio were similar to those which concerned buying and selling (*emtio et venditio*). This being the definition, a question often arose whether the contract was one of locatio and conductio; as in the case where a thing was given to a man to be used, and he gave the lender another thing to be used. Sometimes it was doubted whether the contract was locatio and conductio or emtio and venditio; as in the case where a thing was let (*locata*) forever, as was done with lands belonging to municipia, which were let on the condition that, so long as the rent (*vectigal*) was paid, neither the conductor nor his heirs could be turned out of the land; but the better opinion was in favour of this being a contract of locatio and conductio. (*Vid.* Emphyteusis.) Other questions of a like kind are proposed by Gaius.[1]

The locator had his action for the merces and the restitution of the thing, and generally in respect of all matters that formed a part of the contract (*lex locationis*). The conductor also had his action for the enjoyment of the thing; and if the matter was something to be done (*operæ*), there was an actio ex conducto, and generally there was an action in respect of all things that formed part of the conductio (*lex conductionis*[2]).

LOCHUS. (*Vid.* Army, Greek, p. 98, 99, 100.)

LO'CULUS. (*Vid.* Funus, p. 460.)

LODIX, *dim.* LODI'CULA (*σάγιον*), a small shaggy blanket.[3] Sometimes two lodices sewed together were used as the coverlet of a bed.[4] The Emperor Augustus occasionally wrapped himself in a blanket of this description on account of its warmth.[5] It was also used as a carpet (*ancilla lodicidam in pavimento diligenter extendit*[6]). The Romans obtained these blankets from Verona.[7] The lodix was nearly, if not altogether, the same as the *sagulum* worn by the Germans.[8] (*Vid.* Sagum.)

LOGISTAI. (*Vid.* Euthyne.)

LOGO'GRAPHOI (*λογογράφοι*) is a name applied by the Greeks to two distinct classes of persons.

1. To the earlier Greek historians previous to Herodotus, though Thucydides[9] applies the name logographer to all historians previous to himself, and thus includes Herodotus among the number. The Ionians were the first of the Greeks who cultivated history; and the first logographer, who lived about Olym. 60, was Cadmus, a native of Miletus, who wrote a history of the foundation of his native city. The characteristic feature of all the logographers previous to Herodotus is, that they seem to have aimed more at amusing their hearers or readers than at imparting accurate historical knowledge. They described in prose the mythological subjects and traditions which had previously been treated of by the epic, and especially by the cyclic poets. The omissions in the narratives of their predecessors were probably filled up by traditions derived from other quarters, in order to produce, at least in form, a connected history.[10]

2. To persons who wrote judicial speeches or pleadings, and sold them to those who were in want of them. These persons were called *λογοποιοί* as well as *λογογράφοι*. Antiphon, the orator, was the first who practised this art at Athens, towards the close of the Peloponnesian war.[11] After this time, the custom of making and selling speeches became very general; and though the persons who practised it were not very highly thought of, and placed on a par with the sophists,[12] yet we find that orators of great merit did not scruple to write speeches of various kinds for other persons. Thus Lysias wrote for others numerous *λόγους εἰς δικαστήριά τε καὶ βουλὰς καὶ πρὸς ἐκκλησίας εὐθέτους*, and, besides, *παν ηγυρικοῦς, ἐρωτικούς*, and *ἐπιστολικούς*.[13]

1. (Die Etrusker, iv., 1, 5.)—2. (Müller, iii., 6, 1.—Cic., De Div., ii., 18.)—3. (De Div., i., 7.)—4. (i., 18.)—5. (Monumenti Etruschi, tom. vi., tav P. 5, 1.)—6. (Festus, s. v.—Gell., v., 8.)—7. (Hor., Carm., II., i., 17.—Lucan, i., 237.)—8. (De Mens., iv, 50.)—9. (ad Horat., Carm., I., i., 23.)—10. (Lucan, i., 237.)—11. (Ennius ap. Fest., s. v.—Stat., Theb., vi., 228, &c.—*Vid.* Müller, Die Etrusker, iv., 1, 5.)

1. (iii., 142–147.)—2. (Dig. 19, tit. 2.)—3. (Juv., vii., 66.)—4. (Mart., xiv., 148.)—5. (Suet., Octav., 83.)—6. (Petron., Sat., 20.)—7. (Mart., xiv., 152.)—8. (Tac., Germ., 6.)—9. (i., 21.)—10. (Thirwall, Hist. of Greece, ii., p. 127, &c.—Müller, Hist. of Greek Lit., i., p. 206, &c.—Wachsmuth, Hellen. Alterth., ii., 2, p. 443, &c.)—11. (Plut., Vit. Dec. Orat., p. 832, ed. Frankf.—Aristot., Rhet., i., 33.)—12. (Demosth., De Fals. Leg., p. 417. 420.—Plat., Phædr., p. 257, C.—Anaxim., Rhet., xxxvi., 22 and 24.—Compare Plat., Euthyd., p. 272, A.; 289, D.; 305, A.)—13. (Dionys. Hal., Lys., p. 82, ed. Sylburg.—Compare Meier and Schöm., Att. Proc., p. 707.)

ΛΟΙΔΟΡΙΑΣ ΔΙΚΗ. (*Vid.* ΚΑΚΗΓΟΡΙΑΣ ΔΙΚΗ.)

*LOLIUM, Darnel, a common weed in cornfields. Virgil applies to it the epithet of *infelix*.[1]

LONCHE (λόγχη). (*Vid* HASTA, p. 488.)

*LONCHI'TIS (λογχῖτις), a plant, a kind of Fern. Dioscorides mentions two species, the first of which Matthiolus and Sprengel make to be the *Serapius lingua*. The other, according to Sprengel, is the *Aspidium Lonchitis*, Sw.[2]

LO'PE (λώπη), LOPOS (λῶπος), *dim.* LOPION (λώπιον), the ancient Greek name of the AMICTUS, whether consisting of the hide of an animal or of cloth. Having fallen into disuse as a colloquial or prosaic term,[3] it was retained, though employed very sparingly, by the poets.[4] We also find it retained in λωποδύτης, literally, *one who puts on the amictus*, a term properly applicable to those persons who frequented the thermæ in order to steal the clothes of the bathers[5] (*vid.* BATHS, p. 147), but used in a more general sense to denote thieves and highwaymen of all classes. From the same root was formed the verb ἐκλωπίζειν, meaning to take off the amictus, to denude.[6]

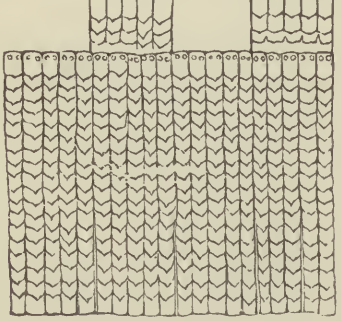
LOPHOS. (*Vid.* GALEA.)

LORA'RII. (*Vid.* FLAGRUM.)

LORI'CA (θώραξ), a Cuirass.

The epithet λινοθώρηξ, applied to two light-armed warriors in the Iliad,[7] and opposed to χαλκοχίτων, the common epithet of the Grecian soldiers, indicates the early use of the linen cuirass. It continued to be worn to much later times among the Asiatics, especially the Persians,[8] the Egyptians, the Phœnicians,[9] and the Chalybes.[10] Iphicrates endeavoured to restore the use of it among the Greeks,[11] and it was occasionally adopted by the Romans, though considered a much less effectual defence than a cuirass of metal.[12]

A much stronger material for cuirasses was horn, which was applied to this use more especially by the Sarmatæ and Quadi, being cut into small pieces, which were planed and polished, and fastened like feathers upon linen shirts.[13] Hoofs were employed for the same purpose. Pausanias,[14] having made mention of a thorax preserved in the Temple of Æsculapius at Athens, gives the following account of the Sarmatians: Having vast herds of horses, which they sometimes kill for food or for sacrifice, they collect their hoofs, cleanse and divide them, and shape them like the scales of a serpent (φολίσιν) · they then bore them and sew them together,



so that the scales overlap one another, and in general appearance they resemble the surface of a green fir-cone. This author adds, that the loricæ made of these horny scales are much more strong and impenetrable than linen cuirasses, which are useful to hunters, but not adapted for fighting. The preceding woodcut, taken from Meyrick's Critical Inquiry into Ancient Armour (plate iii.), exhibits an Asiatic cuirass exactly corresponding to this description. It consists of slices of some animal's hoof, which are stitched together, overlapping each other in perpendicular rows, without being fastened to any under garment. The projection nearest the middle must be supposed to have been worn over the breast, and the other over the back, so as to leave two vacant spaces for the arms.

This invention no doubt preceded the metallic scale armour. The Rhoxolani, a tribe allied to the Sarmatians, defended themselves by wearing a dress consisting of thin plates of iron and hard leather.[1] The Persians wore a tunic of the same description, the scales being sometimes of gold[2] (θώρηκα χρύσεον λεπιδωτόν[3]); but they were commonly of bronze (*thoraca indutus aënis squamis*[4]). The method of hooking them together, so as to be imbricated, and to fit closely to the body, at the same time not hindering its free motion, is described by Heliodorus,[5] who says that the Persians covered their horses also with this kind of armour. The basis of the cuirass was sometimes a skin, or a piece of strong linen, to which the metallic scales, or "feathers," as they are also called, were sewed.[6] The warriors of Parthia, Dacia, and other countries, armed in this species of mail, are compared to moving statues of resplendent steel;[7] and that this description was not the mere extravagance of poetry, is manifest from the representation of men so attired on the column of Trajan.

The epithet λεπιδωτός, as applied to a thorax, is opposed to the epithet φολιδωτός.[8] The former denotes a similitude to the scales of fish (λεπίσιν), the latter to the scales of serpents (φολίσιν). The resemblance to the scales of serpents, which are long and narrow, is exhibited on the shoulders of the Roman soldier in the woodcut at page 95. These scales were imitated by long flexible bands of steel, made to fold over one another according to the contraction of the body. They appear very frequently on the Roman monuments of the times of the emperors, and the following woodcut places in

immediate contrast a θώραξ λεπιδωτός on the right and φολιδωτός on the left, both taken from Bartoli's *Arcus Triumphales*.

The Roman hastati wore cuirasses of chain-mail,

1 (Virg., Georg., i., 154.)—2. (Dioscor., iii., 151.)—3. (Phryn., Ecl., p. 461, ed. Lobeck.)—4. (Hom., Od., xiii., 224.—Apoll. Rhod., ii., 32.—Schol. in loc.—Anacreon, Fragm., 79.—Theocrit, xiv., 66.—Brunck, Anal., i., 230; ii., 185.)—5. (Schol. in Hom., l. c.)—6. (Soph., Trachin., 925.)—7. (ii., 529, 830.—Schol. ad loc.)—8. (Xen., Cyrop., vi., 4, § 2.—Plut., Alex., p. 1254, ed. Steph.)—9. (Herod., ii., 182.—Id., iii., 47.—Paus., vi., 19, § 4.)—10. (Xen., Anab., iv., 7, § 15.)—11. (Nepos, Iphic., i., 4.)—12. (Sueton., Galba, 19.—Arrian, Tact., p. 14, ed. Blancard.)—13 (Amm. Marcell., xvii., 12, ed. Wagner.)—14. (i., 21. 1.)

1. (Tacit., Hist., i., 79.)—2. (Herod., vii., 61.)—3. (ix., 22.)—4. (Virg., Æn., xi., 487.)—5. (ix., p. 431, 432, ed. Comm.)—6. (Virg., Æn., xi., 770.—Serv. in loc.—Justin, xli., 2, 10.)—7 (Heliodor., l. c.—Claudian in Rufin., ii., 358–363.)—8. (Arrian Tact., p. 13, 14.)

i. e., hauberks or habergeons (ἁλυσιδωτοὺς θώρακας[1]). Virgil several times mentions hauberks, in which the rings, linked or hooked into one another, were of gold (*loricam consertam hamis, auroque trilicem*[2]). According to Val. Flaccus,[3] the Sarmatæ covered both themselves and their horses with chain-mail.

In contradistinction to the flexible cuirasses, or coats of mail, which have now been described, that commonly worn by the Greeks and Romans, more especially in the earlier ages, was called θώραξ στάδιος or στατός, because, when placed upon the ground on its lower edge, it stood erect. In consequence of its firmness, it was even used as a seat to rest upon.[4] It consisted principally of the two γύαλα, viz., the breastplate (*pectorale*), made of hard leather, or of bronze, iron, or sometimes the more precious metals, which covered the breast and abdomen,[5] and of the corresponding plate which covered the back.[6] Both of these pieces were adapted to the form of the body, as may be perceived in the representation of them in the woodcuts at pages 95, 133, 418. The two figures here introduced are designed to show the usual difference of form and appearance between the antique Greek thorax and that worn by the Roman emperors and generals. The right-hand figure is from one of Mr. Hope's fictile vases,[1] and bears a very strong resemblance to a Greek warrior painted on one of Sir W. Hamilton's.[2] The figure on the left hand is taken from a marble statue of Caligula found at Gabii.[3] The Gorgon's head over the breast, and the two griffons underneath it, illustrate the style of ornament which was common in the same circumstances.[4] (*Vid.* Ægis, p. 27.) The execution of these ornaments in relief was more especially the work of the Corinthians.[5]

The two plates were united on the right side of the body by two hinges (*vid.* Cardo, p. 215), as seen in the equestrian statue of the younger Balbus at Naples, and in various portions of bronze cuirasses still in existence. On the other side, and sometimes on both sides, they were fastened by means of buckles (περόναι[6]). (*Vid.* Fibula.) In the Temple of Diana at Ephesus was a picture representing women employed in assisting Patroclus

to arm himself by buckling his cuirass.[7] In Roman statues we often observe a band surrounding the waist and tied before. The breastplate and the backplate were farther connected together by leathern straps passing over the shoulders, and fastened in front by means of buttons or of ribands tied in a bow. In the last woodcut both of the connecting ribands in the right-hand figure are tied to a ring over the navel. The breastplate of Caligula has a ring over each breast, designed to fulfil the same purpose.

Bands of metal often supplied the place of the leathern straps, or else covered them so as to become very ornamental, being terminated by a lion's head or some other suitable figure appearing on each side of the breast, as in the preceding figure of Caligula. The most beautiful specimens of enriched bronze shoulder-bands now in existence are those which were found A.D. 1820, near the river Siris in S. Italy, and which are preserved in the British Museum. They were originally gilt, and represent in very salient relief two Grecian heroes combating two Amazons. They are seven inches in length, and belong to the description of bronzes called ἔργα σφυρήλατα, having been beaten into form with wonderful skill by the hammer. The Chevalier Bröndsted[7] has illustrated the purpose which they served, by showing them in connexion with a portion of another lorica, which lay upon the shoulders behind the neck. This fragment was found in Greece. Its hinges are sufficiently preserved to show most distinctly the manner in which the shoulder-bands were fastened to them (see woodcut).

"Around the lower edge of the cuirass," observes Bröndsted, "were attached straps, four or five inches long, of leather, or perhaps of felt, and covered with small plates of metal. These straps served in part for ornament, and partly, also, to protect the

1. (Polyb., vi., 21.—Athen., v., 22.—Arrian, l. c.)—2. (Virg., Æn., iii., 467.—Id. ib., v., 259.—Id. ib., vii., 639.)—3. (Argon., vi., 232.)—4. (Paus., x., 27, § 2.)—5. (Hom., Il., v., 99.—Id. ib., xiii., 507, 587.—Id. ib., xvii., 314.)—6. (Paus., x., 26, § 2.—Hom., Il., xv., 530.)—7. (Paus., l. c.)

1. (Costumes of the Ancients, i., 102.)—2. (i., 4.)—3. (Visconti, Mon. Gab., No. 38.)—4. (Mart., VII., i., 1-4.)—5. (Cic., Verr., Act. II., iv., 44.)—6. (Paus., l. c.)—7. (Bronzes of Siris, London, 1836.)

lower region of the body in concert with the belt (*ζώνη*) and the band (*μίτρα*)." They are well shown in both the figures of the preceding woodcut. (See also the woodcuts at pages 86, 268, 418.)

Instead of the straps here described, which the Greeks called *πτέρυγες*,[1] the Chalybes, who were encountered by Xenophon on his retreat,[2] had in

the same situation a kind of cordage. Appendages of a similar kind were sometimes fastened by hinges to the lorica at the right shoulder, for the purpose of protecting the part of the body which was exposed by lifting up the arm in throwing the spear or using the sword.[3]

Of Grecian cuirasses the Attic were accounted the best and most beautiful.[4] The cuirass was worn universally by the heavy-armed infantry and by the horsemen (*vid.* ARMY, p. 107), except that Alexander the Great gave to the less brave of his soldiers breastplates only, in order that the defenceless state of their backs might decrease their propensity to flight.[5] These were called half-cuirasses (*ἡμιθωράκια*). The thorax was sometimes found to be very oppressive and cumbersome.[6]

*LOTUS (*λωτός*). "The *Loti* of the ancients may be arranged under the following heads: I. The *λωτὸς* upon which the horses pastured was a sort of Clover; it may be confidently set down as the *Trifolium officinale*, or common Melilot. It is very probable, however, that the term may not have been restricted to it, but may have comprehended others of the trefoils. II. Under the *Lotus aquaticus* the ancients comprehended three Egyptian plants of the Water-lily tribe, namely, the *Nymphæa Lotus*, *Nymphæa nelumbo*, and *Arum colocasia*: the first two are well described by Herodotus.[7] III. Under the *Lotus arbor* were comprehended the *Celtis Australis*, several species of Rhamnus, and the *Diospyros Lotus*.—This is the celebrated *Lotus* of the Lotophagi, an African people, whom Dionysius the geographer and Ptolemy place in the vicinity of the Great Syrtis, or Gulf of Sidra. But, according to Rennell and Park, the tree which produces the lotus-bread is widely disseminated over the edge of the Great Desert, from the locality indicated by the ancients to the borders of the Atlantic." For farther information respecting the ancient Loti, more especially the kind from which the Lotophagi obtained both bread and wine, see *Eustathius* in Hom., Od., p. 337, ed. Basil.—Schol. in Plat., Repub., viii.—Sprengel's Dissertation on the Loti.—Schweighaeuser ad Athen., xiv., 16.—Heeren's Researches, &c., vol. iv., c. 1; v., 4.—Fée, Flore de Virgile, p. lxxx., &c.[8]

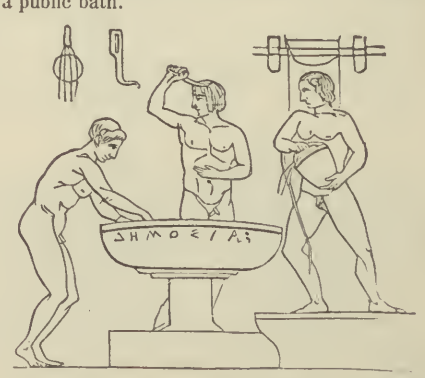
LOUTRON, LOETRON (*λουτρόν*, *λοετρόν*), a Bath. The use of the bath in the Homeric ages is explained on pages 143, 144; it remains to speak of the Greek baths in the republican period. At Athens the frequent use of the public baths was regarded in the time of Socrates and Demosthenes as a mark of luxury and effeminacy.[1] Accordingly, Phocion was said to have never bathed in a public bath (*ἐν βαλανείῳ δημοσιεύοντι*[2]), and Socrates to have made use of it very seldom.[3] It was, however, only the warm baths (*βαλανεῖα*, called by Homer *θερμὰ λουτρά*) to which objection was made, and which in ancient times were not allowed to be built within the city.[4] The estimation in which such baths were held is expressed in the following lines of Hermippus:[5]

> Μὰ τὸν Δί', οὐ μέντοι μεθύειν τὸν ἄνδρα χρὴ
> τὸν ἀγαθὸν, οὐδὲ θερμολουτεῖν, ἃ σὺ ποιεῖς.

In the Clouds of Aristophanes, the *δίκαιος λόγος* warns the young man to abstain from the baths (*βαλανείων ἀπέχεσθαι*[6]), which passage, compared with l. 1028–1037, shows that warm baths are intended by the word *βαλανεῖα*.

The baths (*βαλανεῖα*) were either public (*δημόσια*, *δημοσιεύοντα*) or private (*ἴδια*, *ἰδιωτικά*). The former were the property of the state, but the latter were built by private individuals, and were opened to the public on the payment of a fee (*ἐπίλουτρον*). Such private baths are mentioned by Plutarch[7] and Isæus,[8] who speak of one which was sold for 3000 drachmæ.[9] Baths of this kind may also have been intended sometimes for the exclusive use of the persons to whom they belonged.[10] A small fee appears to have been also paid by each person to the keeper of the public baths (*βαλανεύς*), which in the time of Lucian was two oboli.[11]

We know very little of the baths of the Athenians during the republican period, for the account of Lucian in his Hippias relates to baths constructed after the Roman model. On ancient vases, on which persons are represented bathing, we never find anything corresponding to a modern bath in which persons can stand or sit; but there is always a round or oval basin (*λουτήρ* or *λουτήριον*) resting on a stand (*ὑπόστατον*), by the side of which those who are bathing are represented standing undressed and washing themselves, as is seen in the following woodcut, taken from Sir W. Hamilton's vases.[12] The word ΔΗΜΟΣΙΑ upon it shows that it belonged to a public bath.



The next woodcut is also taken from the same work,[13] and represents two women bathing. The one on the right hand is entirely naked, and holds a looking-glass in her right hand; the one on the left wears only a short kind of *χιτώνιον*. Eros is represented hovering over the bathing vessel.

Besides the *λουτῆρες* and *λουτήρια*, there were also vessels for bathing large enough for persons to sit

1. (Xen., De Re Equest., xii., 4.)—2. (Anab., iv., 7, § 15.)—3. (Xen., De Re Equest., xii., 6.)—4. (Ælian, V. H., iii., 24.)—5. (Polyæn., iv., 3, 13.)—6. (Tac., Ann., i., 64.)—7. (ii., 92.—Compare Savary, Lettres sur l'Egypte.)—8. (Adams, Append., s. v.)

1. (Demosth., c. Polycl., p. 1217.)—2. (Plut., Phoc., 4.)—3. (Plato, Symp., p. 174.)—4. (Athen., i., p. 18, B.)—5. (ap. Athen., l. c.)—6. (l. 978.)—7. (Demetr., 24.)—8. (De Dicæog. hæred., p. 101.)—9. (De Philoct. hæred., p. 140.)—10. (Xen., Rep. Ath., ii., 10.)—11. (Lucian, Lexiph., 2, vol. ii., p. 320.)—12. (Tischbein, i., pl. 58.)—13. (i., pl. 59.)

n, which are called ἀσάμινθοι by Homer and πύελοι by the later Greeks,[1] and are described on page 143. In the baths there was also a kind of sudatio or vapour bath, called πυρία or πυριατήριον, which is mentioned as early as the time of Herodotus.[2] The Lacedæmonians also made use of a dry sudatio or bath. (*Vid.* Baths, p. 144.)

The persons who bathed probably brought with them strigils, oil, and towels. The strigil, which was called by the Greeks στλεγγίς or ξύστρα, was usually made of iron, but sometimes, also, of other materials.[3] One of the figures in the preceding woodcut is represented with a strigil in his hand; several strigils are figured in page 150. The Greeks also used different materials for cleansing or washing themselves in the bath, to which the general name of ῥύμμα was given, and which were supplied by the βαλανεύς.[4] This ῥύμμα usually consisted of a ley made of lime or wood-ashes (κονία), of nitrum, and of fuller's earth (γῆ κιμωλία[5]).

The bath was usually taken shortly before the δεῖπνον, or principal meal of the day. It was the practice to take first a warm or vapour, and afterward a cold bath,[6] though in the time of Homer the cold bath appears to have been taken first, and the warm bath afterward. The cold water was usually poured on the back or shoulders of the bathers by the βαλανεύς or his assistants, who are called παραχύται.[7] The vessel from which the water was poured was called ἀρύταινα.[8] In the first of the preceding woodcuts a παραχύτης is represented with an ἀρύταινα in his hands.

Among the Greeks a person was always bathed at birth, marriage, and after death (*vid.* Funus, p. 455); whence it is said of the Dardanians, an Illyrian people, that they bathe only thrice in their lives, at birth, marriage, and after death.[9] The water in which the bride was bathed (λουτρὸν νυμφικόν[10]), at Athens, was taken from the fountain of Kallirrhoë, which was called from the time of Peisistratus Ἐννεάκρουνος.[11] Compare Pollux, iii., 43.—Harpocrat., *s. v.* Λουτροφόρος, who says that the water was fetched by a boy, who was the nearest relative, and that this boy was called λουτροφόρος. He also states that water was fetched in the same way to bathe the bodies of those who had died unmarried, and that on the monuments of such a boy was represented holding a water-vessel (ὑδρία). Pollux,[12] however, states that it was a female who fetched the water on such occasions, and Demosthenes speaks of ἡ λουτροφόρος on the monument of a person who had died unmarried. In remains of ancient art we find girls represented as λουτροφόροι, but never boys.[2]

LOUTROPH'ORUS. (*Vid.* Loutron.)

LUCAR. (*Vid.* Histrio, p. 507.)

LUCERES. (*Vid.* Tribus.)

LUCERNA (λύχνος), an Oil-lamp. The Greeks and Romans originally used candles, but in later times candles were chiefly confined to the houses of the lower classes. (*Vid.* Candela.) A great number of ancient lamps has come down to us, the greater part of which are made of terra-cotta (τροχήλατοι[3]), but also a considerable number of bronze. Most of the lamps are of an oval form, and flat upon the top, on which there are frequently figures in relief. (See the woodcuts, p. 114, 350, 408.) In the lamps there are one or more round holes, according to the number of wicks (*ellychnia*) burned in it; and as these holes were called, from an obvious analogy, μυκτῆρες or μύξαι, literally, nostrils or nozzles, the lamp was also called *Monomyxos*, *Dimyxos*, *Trimyxos*, or *Polymyxos*, according as it contained one, two, three, or a greater number of nozzles or holes for the wicks. (*Vid.* Ellychnium.) The following example of a *dimyxos lucerna*, upon which there is a winged boy with a goose, is taken from the *Museo Borbonico*, iv., 14.

The next woodcut, taken from the same work,[4] represents one of the most beautiful bronze lamps which has yet been found. Upon it is the figure of a standing Silenus.

The lamps sometimes hung in chains from the ceiling of the room,[5] but generally stood upon a stand. (*Vid.* Candelabrum.) Sometimes a figure holds the lamp, as in the following woodcut,[6] which also exhibits the needle or instrument spoken of under Ellychnium, which served to trim the wick, and is attached to the figure by means of a chain.

We read of *lucernæ cubiculares*, *balneares*, *tricli-*

1. (Schol. ad Aristoph., Equit., 1055.—Hesych., s. v. Πύαλος. —Pollux, Onom., vii., 166, 168.)—2. (iv., 75.—Compare Pollux, Onom., vii., 168.—Athen., v., p. 207, *f.*—Id., xii., p. 519, *c.*—Plut., Cim., 1.)—3. (Plut., Inst. Lac., 32.—Ælian, V. H., 12, 29.)—4. (Aristoph., Lysistr., 377.)—5. (Aristoph., Ran., 710, and Schol.—Plat., Rep., iv., p. 430.)—6. (Plut., de primo frig., 10.—Paus., ii., 34, § 2.)—7. (Plat., Rep., i., p. 344.—Lucian, Demosth. Encom., 16, vol. iii., p. 503.—Plut., De Invid., 6.—Id., Apophth. Lac., 49.)—8. (Aristoph., Equit., 1087.—Theophrast., Char., 9.)—9. (Nicol. Damasc., ap. Stob., v., 51, p. 152, ed. Gaisf.)—10. (Aristoph., Lysistr., 378.)—11. (Thucyd., ii., 15.)—12. (l. c.)

1. (c. Leochar., p. 1089, 23.—Compare p. 1086, 14, &c.)—2. (Brönsted, Brief Description of thirty-two ancient Greek Vases, pl. 27.—Consult Beckər, Charikles, ii., p. 135–146; p. 459–462.) —3. (Aristoph., Eccles., 1.)—4. (i., 10.)—5. (Virg., Æn., i., 726. —Petron., 30.)—6. (Museo Borbon., vii., 15.)

cubiculares, *sepulcrales*, &c.; but these names were only given to the lamps on account of the purposes to which they were applied, and not on account of a difference in shape. The *lucernæ cubiculares* burned in bedchambers all night.[1]

Perfumed oil was sometimes burned in the lamps.[2]

LUDI is the common name for the whole variety of games and contests which were held at Rome on various occasions, but chiefly at the festivals of the gods; and as the ludi at certain festivals formed the principal part of the solemnities, these festivals themselves are called ludi. Sometimes, however, ludi were also held in honour of a magistrate or of a deceased person, and in this case the games may be considered as ludi privati, though all the people might take part in them.

All ludi were divided by the Romans into two classes, viz., *ludi circenses* and *ludi scenici*,[3] accordingly as they were held in the circus or in the theatre; in the latter case they were mostly theatrical representations with their modifications; in the former, they consisted of all or a part of the games enumerated in the articles Circus and Gladiatores. Another division of the ludi into *stati*, *imperativi*, and *votivi*, is analogous to the division of the feriæ. (*Vid.* Feriæ, p. 435.)

The superintendence of the games and the solemnities connected with them was in most cases intrusted to the ædiles. (*Vid.* Ædiles.) If the lawful rites were not observed in the celebration of the ludi, it depended upon the decision of the pontiffs whether they were to be held again (*instaurari*) or not. An alphabetical list of the principal ludi is subjoined.

LUDI APOLLINA'RES were instituted at Rome during the second Punic war, after the battle of Cannæ (212 B.C.), at the command of an oracle contained in the books of the ancient seer Marcius (*carmina Marciana*[4]). It was stated by some of the ancient annalists that these ludi were instituted for the purpose of obtaining from Apollo the protection of human life during the hottest season of summer; but Livy and Macrobius adopt the account founded upon the most authentic document, the carmina Marciana themselves, that the Apollinarian games were instituted partly to obtain the aid of Apollo in expelling the Carthaginians from Italy, and partly to preserve, through the favour of the god, the Republic from all dangers. The oracle suggested that the games should be held every year, under the superintendence of the prætor urbanus, and that ten men should perform the sacrifices according to Greek rites. The senate, complying with the advice of the oracle, made two senatus consulta; one that, at the end of the games, the prætor should receive 12,000 asses to be expended on the solemnities and sacrifices, and another that the ten men should sacrifice to Apollo, according to Greek rites, a bull with gilded horns, and two white goats also with gilded horns, and to Latona a heifer with gilded horns. The games themselves were held in the Circus Maximus, the spectators were adorned with chaplets, and each citizen gave a contribution towards defraying the expenses.[1] The Roman matrons performed supplications, the people took their meals in the propatulum with open doors, and the whole day—for the festival lasted only one day—was filled up with ceremonies and various other rites. At this first celebration of the ludi Apollinares, no decree was made respecting the annual repetition suggested by the oracle, so that in the first year they were simpy ludi votivi or indictivi. The year after (211 B.C.), the senate, on the proposal of the prætor Calpurnius, decreed that they should be repeated, and that, in future, they should be vowed afresh every year.[2] The day on which they were held varied every year according to circumstances. A few years after, however (208 B.C.), when Rome and its vicinity were visited by a plague, the prætor urbanus, P. Licinius Varus, brought a bill before the people to ordain that the Apollinarian games should in future always be vowed and held on a certain day (*dies status*), viz., on the sixth of July, which day henceforward remained a dies solennis.[3] The games thus became votivi et stativi, and continued to be conducted by the prætor urbanus.[4] But during the Empire the day of these solemnities appears again to have been changed, for Julius Capitolinus[5] assigns them to the 26th of May.

LUDI AUGUSTA'LES. (*Vid.* Augustales.)

LUDI CAPITOLI'NI were said to have been instituted by the senate on the proposal of the dictator M. Furius Camillus, in the year 387 B.C., after the departure of the Gauls from Rome, as a token of gratitude towards Jupiter Capitolinus, who had saved the Capitol in the hour of danger. The decree of the senate at the same time intrusted the superintendence and management of the Capitoline games to a college of priests, to be chosen by the dictator from among those who resided on the Capitol and in the citadel (*in arce*), which can only mean that they were to be patricians.[6] These priests were called Capitolini.[7] One of the amusements at the Capitoline games, which was observed as late as the time of Plutarch, was that a herald offered the Sardiani for public sale, and that some old man was led about, who, in order to produce laughter, wore a toga prætexta, and a bulla puerilis which hung down from his neck.[8] According to some of the ancients, this ceremony was intended to ridicule the Veientines, who were subdued, after long wars with Rome, and numbers of them sold as slaves, while their king, represented by the old man with the bulla (such was said to have been the costume of the Etruscan kings), was led through the city as an object of ridicule.

The Veientines were designated by the name Sardiani or Sardi, because they were believed to have come from Lydia, the capital of which was Sardes. This specimen of ancient etymology, however, is set at naught by another interpretation of the cere-

1. (Mart., xiv., 39.—Id., x., 38.)—2. (Petron., 70.—Mart., x., 38, 9.—Consult Passeri, "Lucernæ fictiles."—Böttiger, "die Sileaus-lampen." Amalth., iii., p. 168, &c.—Becker, Charikles, ii., p. 215, &c.—Id., Gallus, ii., p. 201, &c.)—3. (Cic., De Leg., ii., 15.)—4. (Liv., xxv., 12.—Macrob., Sat., i., 17.)

1. (Festus, s. v. Apollinares.)—2. (Liv., xxvi., 23.)—3. (Liv., xxvii., 23.)—4. (Cic., Phil., ii., 13.)—5. (Maxim. et Balbin., c. 1.)—6. (Liv., v., 50, 52.)—7. (Cic. ad Quint. Fratr., ii., 5.)—8. (Plut., Quæst. Rom., p. 277.—Fest., s. v. Sardi venales.)

nearly, given by Sinnius Capito. According to this author, the name Sardiani or Sardi had nothing to do with the Veientines, but referred to the inhabitants of Sardinia. When their island was subdued by the Romans in B.C. 238, no spoils were found, but a great number of Sardinians were brought to Rome and sold as slaves, and these proved to be slaves of the worst kind.[1] Hence arose the proverb "*Sardi venales; alius alio nequior;*"[2] and hence, also, the ceremony at the Capitoline games. When or at what intervals these ludi were celebrated is not mentioned. During the time of the Empire they seem to have fallen into oblivion, but they were restored by Domitian, and were henceforth celebrated every fifth year, under the name of agones Capitolini.[3]

LUDI CIRCE'NSES, ROMA'NI or MAGNI, were celebrated every year during several days, from the fourth to the twelfth of September, in honour of the three great divinities, Jupiter, Juno, and Minerva,[4] or, according to others, in honour of Jupiter, Consus, and Neptunus Equestris. They were superintended by the curule ædiles. For farther particulars, see CIRCUS, p. 255, &c.

LUDI COMPITALI'CII. (*Vid.* COMPITALIA.)

LUDI FLORA'LES. (*Vid.* FLORALIA.)

LUDI FUNEBRES were games celebrated at the funeral pyre of illustrious persons. Such games are mentioned in the very early legends of the history of Greece and Rome, and they continued, with various modifications, until the introduction of Christianity. It was at such a ludus funebris that, in the year 264 B.C., gladiatorial fights were exhibited at Rome for the first time, which henceforward remained the most essential part in all ludi funebres (*Vid.* GLADIATORES, p. 475.) The duration of these games varied according to circumstances. They lasted sometimes for three, and sometimes for four days, though it may be supposed that, in the majority of cases, they did not last more than one day. On one occasion 120 gladiators fought in the course of three days, and the whole Forum was covered with triclinia and tents, in which the people feasted.[5] It was thought disgraceful for women to be present at these games, and Publius Sempronius separated himself from his wife because she had been present without his knowledge at ludi funebres.[6] These ludi, though on some occasions the whole people took part in them, were not ludi publici, properly speaking, as they were given by private individuals in honour of their relations or friends. (Compare FUNUS, p. 462.)

LUDI HONORA'RII are expressly mentioned only by Suetonius,[7] who states that Augustus devoted thirty days, which had been occupied till that time by ludi honorarii, to the transaction of legal business. What is meant by ludi honorarii is not quite certain. According to Festus,[8] they were the same as the Liberalia. Scaliger, however, in his note on Suetonius, has made it appear very probable that they were the same as those which Tertullian[9] says were given for the purpose of gaining honours and popularity, in contradistinction to other ludi, which were intended either as an honour to the gods, or as ὁσία for the dead. At the time of Augustus, this kind of ludi, which Tacitus[10] seems to designate by the name *inania honoris*, were so common that no one obtained any public office without lavishing a considerable portion of his property on the exhibition of games. Augustus, therefore, wisely assigned thirty of the days of the year, on which such spectacles had been exhibited previously, to the transaction of business, *i. e.*, he made these thirty days fasti.[1]

LUDI LIBERA'LES. (*Vid.* DIONYSIA, p. 366.)

LUDI MARTIALES were celebrated every year on the first of August, in the circus, and in honour of Mars, because the Temple of Mars had been dedicated on this day.[2] The ancient calendaria mention also other ludi martiales, which were held in the circus on the 12th of May.

LUDI MEGALE'NSES. (*Vid.* MEGALESIA.)

LUDI NATALI'TII are the games with which the birthday of an emperor was generally celebrated. They were held in the circus, whence they are sometimes called circenses.[3] They consisted generally of fights of gladiators and wild beasts. On one occasion of this kind, Hadrian exhibited gladiatorial combats for six days, and one thousand wild beasts.

LUDI PALATI'NI were instituted by Livia in honour of Augustus, and were held on the Palatine.[4] According to Dion Cassius they were celebrated during three days, but according to Josephus[5] they lasted eight days, and commenced on the 27th of December.[5]

LUDI PISCATO'RII were held every year on the 6th of June, in the plain on the right bank of the Tiber, and were conducted by the prætor urbanus on behalf of the fishermen of the Tiber, who made the day a holyday.[7]

LUDI PLEBE'II were, according to Pseudo-Asconius,[8] the games which had been instituted in commemoration of the freedom of the plebeians after the banishment of the kings, or after the secession of the plebes to the Aventine. The first of these accounts is not borne out by the history of the plebeian order, and it is more probable that these games were instituted in commemoration of the reconciliation between the patricians and plebeians after the first secession to the Mons Sacer, or, according to others, to the Aventine. They were held on the 16th, 17th, and 18th of November, and were conducted by the plebeian ædiles.[9] It is sufficiently clear from the ancient calendaria, that the ludi plebeii were not, as some have supposed, the same as, or a part of, the ludi Romani.

LUDI PONTIFICA'LES were probably nothing but a particular kind of the ludi honorarii mentioned above. They were for the first time given by Augustus, when, after the death of Lepidus, he obtained the office of pontifex maximus.[10]

LUDI QUÆSTO'RII were of the same character as the preceding games. They were instituted by the Emperor Claudius,[11] who decreed that all who obtained the office of quæstor should, at their own expense, give gladiatorial exhibitions. Nero did away with this obligation for newly-appointed quæstors,[12] but it was revived by Domitian.[13]

LUDI SÆCULA'RES. If we were to judge from their name, these games would have been celebrated once in every century or sæculum; but we do not find that they were celebrated with this regularity at any period of Roman history, and the name ludi sæculares itself was never used during the time of the Republic. In order to understand their real character, we must distinguish between the time of the Republic and of the Empire, since at

1. (Fest., l. c.—Aurel. Vict., De Vir. Illustr., c. 57.)—2. (Cic. ad Fam., vii., 24.)—3. (*Vid.* Jos. Scaliger, Auson. Lect., i., 10.)—4. (Cic. in Verr., v., 14.)—5. (Liv., xxxi., 50.—Id., xxii., 30.—Id., xxxix., 46.—Plin., H. N., xxxv., 7.)—6. (Plut., Quæst. Rom., p. 267, B.—Val. Max., vi., 3, § 12.—Compare Suet., Octav., 44.)—7. (Octav., 32.)—8. (s. v. Honorarios ludos.)—9. (De Spect., c. 21.)—10. (Agric., 6.)

1. (Compare Ernesti and F. A. Wolf ad Sueton., l. c.)—2. (Dion Cass., lx., 5.—Suet., Claud., 4.)—3. (Capitol., Antonin. Pius, 5.—Spartian, Hadr., 7.)—4. (Dion Cass., lvi., sub fin.)—5. (Ant. Jud., xix., 1.)—6. (*Vid.* Suet., Calig., 56, with Scaliger's note.)—7. (Ovid, Fast., vi., 235, &c.—Fest., s. v. Piscatoludi.)—8. (ad Verr., i., p. 143, ed. Orelli.)—9. (Liv., xxviii., 10—Id., xxxix., 7.)—10. (Suet., Octav., 44.)—11. (Suet., Claud., 24.—Tacit., Ann., ii., 22.)—12. (Tacit., Ann., xiii., 5.)—13. (Suet., Domit., 4.)

these two periods these ludi were of an entirely different character.

During the time of the Republic they were called *ludi Tarentini*, *Terentini*, or *Taurii*, while during the Empire they bore the name of *ludi sæculares*.[1] Their origin is described by Valerius Maximus, who attributes their institution to the miraculous recovery of three children of one Valerius, who had been attacked by a plague raging at that time in Rome, and were restored to health by drinking some water drawn at a place in the Campus Martius called Tarentum. Valerius afterward offered sacrifices in Tarentum to Dis and Proserpina, to whom the recovery of his children was supposed to be owing, spread lectisternia for the gods, and held festive games for three successive nights, because his three children had been saved. The account of Valerius Maximus agrees in the main with those of Censorinus[2] and of Zosimus,[3] and all appear to have derived their information from the ancient annalist, Valerius Antias. While, according to this account, the Tarentine games were first celebrated by Valerius, another legend seems to consider the fight of the Horatians and Curiatians as connected with their first celebration. A third account[4] ascribes their first institution to the reign of Tarquinius Superbus. A fearful plague broke out, by which all pregnant women were affected in such a manner that the children died in the womb. Games were then instituted to propitiate the infernal divinities, together with sacrifices of steril cows (*taureæ*), whence the games were called ludi Taurii. These games and sacrifices took place in the Circus Flaminius, that the infernal divinities might not enter the city. Festus[5] and Censorinus ascribe the first celebration to the consul Valerius Poplicola. This account admits that the worship of Dis and Proserpina had existed long before, but states that the games and sacrifices were now performed for the first time to avert a plague, and in that part of the Campus Martius which had belonged to the last king Tarquinius, from whom the place derived its name Tarentum. Valerius Maximus and Zosimus, who knew of the celebration of these games by Valerius Poplicola, endeavour to reconcile their two accounts by representing the celebration of Poplicola as the second in chronological order. Other less important traditions are mentioned by Servius[6] and by Varro.[7]

As regards the names Tarenti or Taurii, they are perhaps nothing but different forms of the same word, and of the same root as Tarquinius. All the accounts mentioned above, though differing as to the time at which, and the persons by whom, the Tarentine games were first celebrated, yet agree in stating that they were celebrated for the purpose of averting from the state some great calamity by which it had been afflicted, and that they were held in honour of Dis and Proserpina. From the time of the consul Valerius Poplicola down to that of Augustus, the Tarentine games were only held three times, and again only on certain emergencies, and not at any fixed time, so that we must conclude that their celebration was in no way connected with certain cycles of time (*sæcula*). The deities in whose honour they were held during the Republic, continued, as at first, to be Dis and Proserpina. As to the times at which these three celebrations took place, the commentarii of the quindecimviri and the accounts of the annalists did not agree,[8] and the discrepancy of the statements still extant shows the vain attempts which were made in later times to prove that, during the Republic, the games had been celebrated once in every sæculum. All these misrepresentations and distortions arose in the time of Augustus. Not long after he had assumed the supreme power in the Republic, the quindecimviri announced that, according to their books, ludi sæculares ought to be held, and, at the same time, tried to prove from history that in former times they had not only been celebrated repeatedly, but almost regularly once in every century. The games of which the quindecimviri made this assertion were the ludi Tarentini.

The celebrated jurist and antiquary Ateius Capito received from the emperor the command to determine the ceremonies, and Horace was requested to compose the festive hymn for the occasion (*carmen sæculare*), which is still extant.[1] But the festival which was now held was in reality very different from the ancient Tarentine games; for Dis and Proserpina, to whom formerly the festival belonged exclusively, were now the last in the list of the divinities in honour of whom the ludi sæculares were celebrated. A description of the various solemnities is given by Zosimus. Some days before they commenced, heralds were sent about to invite the people to a spectacle which no one had ever beheld, and which no one would ever behold again. Hereupon the quindecimviri distributed, upon the Capitol and the Palatine, among the Roman citizens, torches, sulphur, and bitumen, by which they were to purify themselves. In the same places, and on the Aventine in the Temple of Diana, the people received wheat, barley, and beans, which were to be offered at nighttime to the Parcæ, or, according to others, were given as pay to the actors in the dramatic representations which were performed during the festive days. The festival took place in summer, and lasted for three days and three nights. On the first day the games commenced in the Tarentum, and sacrifices were offered to Jupiter, Juno, Neptune, Minerva, Venus. Apollo, Mercury, Ceres, Vulcan, Mars, Diana, Vesta, Hercules. Latona, the Parcæ, and to Dis and Proserpina. The solemnities began at the second hour of the night, and the emperor opened them by the river side with the sacrifice of three lambs to the Parcæ upon three altars erected for the purpose, and which were sprinkled with the blood of the victims. The lambs themselves were burned. A temporary scene like that of a theatre was erected in the Tarentum, and illuminated with lights and fires.

In this scene festive hymns were sung by a chorus, and various other ceremonies, together with theatrical performances, took place. During the morning of the first day, the people went to the Capitol to offer solemn sacrifices to Jupiter; thence they returned to the Tarentum, to sing choruses in honour of Apollo and Diana. On the second day, the noblest matrons, at an hour fixed by an oracle, assembled on the Capitol, performed supplications, sang hymns to the gods, and also visited the altar of Juno. The emperor and the quindecimviri offered sacrifices, which had been vowed before, to all the great divinities. On the third day, Greek and Latin choruses were sung in the sanctuary of Apollo by three times nine boys and maidens of great beauty, whose parents were still alive. The object of these hymns was to implore the protection of the gods for all cities, towns, and officers of the Empire. One of these hymns was the carmen sæculare by Horace, which was especially composed for the occasion, and adapted to the circumstances of the time. During the whole of the three days and nights, games of every description were carried on

1. (Festus, s. v. Sæculi ludi and Taurii ludi.—Val. Max., ii., 4, § 5.)—2. (De Die Nat., c. 17.)—3. (ii., 3.)—4. (Festus, s. v. Taurii ludi.—Serv ad Æn., ii., 140.)—5. (s. v. Sæculi ludi.)—6 (ad Æn., ii., 140.)—7. (ap Censorin.)—8. (Censorin., l. c.)

1. (Zosim, ii., 4.)

in all the circuses and theatres, and sacrifices were offered in all the temples.

The first celebration of the ludi sæculares in the reign of Augustus took place in the summer of the year 17 B.C.[1] The second took place in the reign of Claudius, A.D. 47;[2] the third in the reign of Domitian, A.D. 88;[3] and the last in the reign of Philippus, A.D. 248, and, as was generally believed, just 1000 years after the building of the city.[4]

LUDI TARENTI'NI or TAURII. (*Vid.* Ludi Sæculares.)

LUDUS (*Vid.* Gladiatores, p. 475.)

LUDUS DUO'DECIM SCRIPTO'RUM. (*Vid.* Latrunculi.)

LUDUS LATRUNCULO'RUM. (*Vid.* Latrunculi.)

LUDUS TROJÆ. (*Vid.* Circus, p. 256.)

LUPATUM. (*Vid.* Frenum, p. 452.)

LUPERCA'LIA, one of the most ancient Roman festivals, which was celebrated every year in honour of Lupercus, the god of fertility. All the ceremonies with which it was held, and all we know of its history, show that it was originally a shepherd-festival.[5] Hence its introduction at Rome was connected with the names of Romulus and Remus, the kings of shepherds. Greek writers and their followers among the Romans represent it as a festival of Pan, and ascribe its introduction to the Arcadian Evander. This misrepresentation arose partly from the desire of these writers to identify the Roman divinities with those of Greece, and partly from its rude and almost savage ceremonies, which certainly are a proof that the festival must have originated in the remotest antiquity. The festival was held every year on the 15th of February, in the Lupercal, where Romulus and Remus were said to have been nurtured by the she-wolf; the place contained an altar and a grove sacred to the god Lupercus.[6] Here the Luperci assembled on the day of the Lupercalia, and sacrificed to the gods goats and young dogs, which animals are remarkable for their strong sexual instinct, and thus were appropriate sacrifices to the god of fertility.[7] Two youths of noble birth were then led to the Luperci (*vid.* Luperci), and one of the latter touched their foreheads with a sword dipped in the blood of the victims; other Luperci immediately after wiped off the bloody spots with wool dipped in milk. Hereupon the two youths were obliged to break out into a shout of laughter. This ceremony was probably a symbolical purification of the shepherds. After the sacrifice was over, the Luperci partook of a meal, at which they were plentifully supplied with wine.[8] They then cut the skins of the goats which they had sacrificed into pieces, with some of which they covered parts of their body, in imitation of the god Lupercus, who was represented half naked and half covered with goatskin. The other pieces of the skins they cut in the shape of thongs, and, holding them in their hands, they ran with them through the streets of the city, touching or striking with them all persons whom they met in their way, and especially women, who even used to come forward voluntarily for the purpose, since they believed that the ceremony rendered them fruitful, and procured them an easy delivery in child-bearing. This act of running about with thongs of goatskin was a symbolic purification of the land, and that of touching persons a purification of men, for the words by which this act is designated are *februare* and *lustrare*.[1] The goatskin itself was called *februum*, the festive days *dies februata*, the month in which it occurred *Februarius*, and the god himself *Februus*.

The act of purifying and fertilizing, which, as we have seen, was applied to women, was without doubt originally applied to the flocks, and to the people of the city on the Palatine.[2] Festus[3] says the Luperci were also called *crepi* or *creppi*, from their striking with goatskins (*a crepitu pellicularum*), but it is more probable that the name crepi was derived from crepa, which was the ancient name for goat.[4]

The festival of the Lupercalia, though it necessarily lost its original import at the time when the Romans were no longer a nation of shepherds, was yet always observed in commemoration of the founders of the city. Antonius, in his consulship, was one of the Luperci, and not only ran with them, half naked, and covered with pieces of goatskin, through the city, but even addressed the people in the Forum in this rude attire.[5] After the time of Cæsar, however, the Lupercalia seem to have been neglected, for Augustus is said to have restored it,[6] but he forbade youths (*imberbes*) to take part in the running. The festival was henceforth celebrated regularly down to the time of the Emperor Anastasius. Lupercalia were also celebrated in other towns of Italy and Gaul, for Luperci are mentioned in inscriptions of Velitræ, Præneste, Nemausus, and other places.[7]

LUPERCI were the priests of the god Lupercus. They formed a college (*sodalitas*, ἑταιρία), the members of which were originally youths of patrician families, and which was said to have been instituted by Romulus and Remus.[8] The college was divided into two classes, the one called Fabii or Fabiani, and the other Quinctilii or Quinctiliani.[9] These names, which are the same as those with which the followers of Romulus and Remus were designated in the early Roman legends, seem to show that the priesthood was originally confined to certain gentes.[10] But if such were the case, this limitation does not seem to have existed for a very long time, though the two classes retained their original names, for Festus says that in course of time the number of Luperci increased, "*Quia honoris gratia multi in Lupercis adscribebantur.*" What was the original number of Luperci, and how long their office lasted, is unknown; but it is stated in inscriptions[11] that a person held the office of Lupercus twice, and another three times, and this fact shows, at least, that the priests were not appointed for life. Julius Cæsar added to the two classes of the college a third, with the name of Julii or Juliani,[12] and made Antonius their high-priest. He also assigned to them certain revenues (*vectigalia*), which were afterward withdrawn from them.[13] But it is uncertain whether Cæsar assigned these revenues to the whole college, or merely to the Julii. From this time the two ancient classes of the Luperci are sometimes distinguished from the new one by the name Luperci veteres.[14] Although in early times the Luperci were taken only from noble families, their strange and indecent conduct at the Lupercalia was offensive to the more refined Romans of a later age,[15] and Cicero[16] characterizes the college as

1. (Tacit., Ann., xi., 11.)—2. (Suet., Claud., 21.)—3. (Suet., Domit., 4, with Ernesti's note.)—4. (Jul. Capitol., Gord. Tert., c. 33.—Compare Scaliger, De Emend. Tempor., p. 486.—Hartung, Die Religion der Römer, ii., p. 92, &c., and the commentators ad Horat., Carm. Sæc.)—5. (Plut., Cæs., 61.)—6. (Aurel. Vict., De Orig. Gent. Rom., 22.—Ovid, Fast., ii., 267.)—7. (Plut., Rom., 21.—Serv. ad Æn. viii., 343.)—8. (Val. Max., ii., 9.)

1. (Ovid, Fast., ii., 31.—Fest., s. v. Februarius.)—2. (Varro, De Ling. Lat., v., p. 60, ed. Bip.)—3. (s. v. Crepos.)—4. (Festus, s. v. Capræ.)—5. (Plut., Cæs., 61.)—6. (Suet., Octav., 31.)—7. (Orelli, Inscr., n. 2251, &c.—Compare Luperci, and Hartung, Die Religion der Römer, ii., p. 176, &c.)—8. (Plut., Rom., 21.)—9. (Festus, s. v. Quinctiliani, Luperci, and Fabiani.)—10 (Ovid, Fast., ii., 378, who, however, confounds the Potitii and Pinarii with the Quinctilii and Fabii.)—11. (Orelli, n. 2256 and n. 4920.)—12 (Dion Cass., xliv., 6.—Suet., Jul., 73.)—13. (Cic., Philip., iii., 13, with the note of P. Manutius.)—14. (Orelli n. 2253.)—15. (Cic., Philip., ii., 34.)—16 (Ep. Cæl., 11.)

a "*Fera quædam sodalitas et plane pastoricia atque agrestis, quorum coitio illa silvestris ante est instituta quam humanitas atque leges.*" Respecting the rites with which they solemnized the Lupercalia, *vid.* LUPERCALIA.

*LUPUS (λύκος), the Wolf, or *Canis lupus*. (*Vid.* CANIS.)

LUPUS FE'RREUS, the Iron Wolf used by the besieged in repelling the attacks of the besiegers, and especially in seizing the battering-ram and diverting its blows. (*Vid.* ARIES, p. 93.)[1]

LUSTRA'TIO (*κάθαρσις*) was originally a purification by ablution in water. But the lustrations, of which we possess direct knowledge, are always connected with sacrifices and other religious rites, and consisted in the sprinkling of water by means of a branch of laurel or olive, and at Rome sometimes by means of the aspergillum (*vid.* CHERNIPS), and in the burning of certain materials, the smoke of which was thought to have a purifying effect. Whenever sacrifices were offered, it seems to have been customary to carry them around the person or thing to be purified. Lustrations were made in ancient Greece, and probably at Rome also, by private individuals when they had polluted themselves with any criminal action. Whole cities and states, also, sometimes underwent purifications, to expiate the crime or crimes committed by a member of the community The most celebrated purification of this kind was that of Athens, performed by Epimenides of Crete, after the Cylonian massacre.[2] Purification also took place when a sacred spot had been unhallowed by profane use, as by burying dead bodies in it, such as was the case with the island of Delos.[3]

The Romans performed lustrations on many occasions on which the Greeks did not think of them; and the object of most Roman lustrations was not to atone for the commission of crime, but to obtain the blessing of the gods upon the persons or things which were lustrated. Thus fields were purified after the business of sowing was over,[4] and before the sickle was put to the corn. (*Vid* ARVALES FRATRES, p. 109.) The manner in which sheep were lustrated every year at the festival of the Palilia is described by Ovid.[5] The shepherd towards evening sprinkled his flock with water, adorned the fold with branches and foliage, burned pure sulphur and various herbs, and offered sacrifices to Pales. The object of this lustration was to preserve the flock from disease, contagion, and other evils.[6] All Roman armies, before they took the field, were lustrated;[7] and, as this solemnity was probably always connected with a review of the troops, the word lustratio is also used in the sense of the modern review.[8] The rites customary on such occasions are not mentioned, but they probably resembled those with which a fleet was lustrated before it set sail, and which are described by Appian.[9] Altars were erected on the shore, and the vessels manned with their troops assembled in order close to the coast. Everybody kept profound silence, and priests standing close by the water killed the victims, and carried the purifying sacrifices (*καθάρσια*) in small boats three times around the fleet. On these rounds they were accompanied by the generals, who prayed to the gods to preserve the armament from all dangers Hereupon the priests divided the sacrifices into two parts, one of which was thrown into the sea, and the other burned upon the altars, while the multitude around prayed to the gods. (In Livy[10] a prayer is recorded, such as generals used to perform on these occasions.) When a Macedonian army was lustrated, a dog was cut in two pieces in the place where the army was to assemble, and one half of the dog was thrown at a distance on the right and the other to the left. The army then assembled in the place between the spots where the pieces had fallen.[1] But to return to the Romans. The establishment of a new colony was always preceded by a lustratio with solemn sacrifices.[2] The city of Rome itself, as well as other towns within its dominion, always underwent a lustratio after they had been visited by some great calamity, such as civil bloodshed, awful prodigies, and the like.[3] A regular and general lustratio of the whole Roman people took place after the completion of every lustrum, when the censor had finished his census and before he laid down his office. This lustratio (also called lustrum[4]) was conducted by one of the censors,[5] and held with sacrifices called Suovetaurilia,[6] because the sacrifices consisted of a pig (or ram), a sheep, and an ox. This lustratio, which continued to be observed in the days of Dionysius, took place in the Campus Martius, where the people assembled for the purpose. The sacrifices were carried three times around the assembled multitude.[7] Another regular lustration, which was observed every year in the month of February, was said to have been instituted because the god Februus was believed to be *potens lustrationum*, and because in this month the solemnities in honour of the dii manes took place.[8]

LUSTRUM (from luo, Gr. *λούω*) is, properly speaking, a lustration or purification, and in particular, the purification of the whole Roman people performed by one of the censors in the Campus Martius after the business of the census was over (*Vid.* CENSUS, LUSTRATIO.) As this purification took place only once in five years, the word lustrum was also used to designate the time between two lustra. Varro[9] erroneously derives the word lustrum from luo (I pay), because the vectigalia and tributa were paid every five years to the censors. The first lustrum was performed in B.C. 566, by King Servius, after he had completed his census,[10] and afterward it is said to have taken place regularly every five years after the census was over. The first censors were appointed in 443 B.C., and from this year down to 294 B.C , there had, according to Livy,[11] only been 26 pairs of censors, and only 21 lustra or general purifications, although, if all had been regular, there would have been 30 pairs of censors and 30 lustra. We must therefore conclude that sometimes the census was not held at all, or, at least, not by the censors. We also learn from this statement that the census might take place without the lustrum, and, indeed, two cases of this kind are recorded,[12] which happened in 459 and 214 B.C. In these cases the lustrum was not performed on account of some great calamities which had befallen the Republic.

The time when the lustrum took place has been very ingeniously defined by Niebuhr.[13] Six ancient Romulian years of 304 days each were, with the difference of one day, equal to five solar years of 365 days each, or the six ancient years made 1824 days, while the five solar years contained 1825 days. The lustrum, or the great year of the ancient Romans,[14] was thus a cycle, at the end of which the

1 (Liv., xxxviii., 3.—Veget., De Re Mil., ii., 25; iv., 23.)—2. (Diog. Luert., i., 10, § 3.)—3. (Thucyd., i., 8.—Id., iii., 104.)—4. (Ovid, Fast., i., 669.)—5. (Fast., iv., 735, &c.)—6. (Cato, De Re Rust., c. 141.)—7. (Dion Cass., xlvii., 38.—Appian, Hisp., c. 19.—Id., Civ., iv., 89, et passim.)—8. (Cic. ad Att., v., 20, § 2.—9. (Civ , v., 96 —10. (xxxvi , 42.—Id., xxix., 27.)

1. (Liv., xl., 6.—Curt., x., 9, § 12.)—2. (Cic., De Div., i., 45.—Barth. ad Stat., Theb., iv., p. 1073.)—3. (Appian, Bell. Civ., i., 26.—Liv., xxxv., 9.—Id., xlii., 20.)—4. (Fest., s. v.)—5. (Cic., De Div., i., 45.)—6. (Liv., i., 44.—Varro, De Re Rust., ii., 1.)—7. (Dionys., Ant. Rom., iv., p. 225.)—8. (Macrob., Sat., i., 13.—Compare Hartung, Die Relig. der Röm., i., p. 198, &c.)—9. (De Ling. Lat., v., 54, ed. Bip.)—10. (Liv., i., 44.—Dionys., iv., 22.)—11. (x., 47.)—12. (Liv., iii., 22.—Id., xxiv., 43.)—13. (Hist. of Rome, i., p. 277.)—14 (Censorin., De Die Nat., 18.)

beginning of the ancient year nearly coincided with that of the solar year. As the coincidence, however, was not perfect, a month of 24 days was intercalated in every eleventh lustrum. Now it is highly probable that the recurrence of such a cycle or great year was, from the earliest times, solemnized with sacrifices and purifications, and that Servius Tullius did not introduce them, but merely connected them with his census, and thus set the example for subsequent ages, which, however, as we have seen, was not observed with regularity. At first the irregularity may have been caused by the struggles between the patricians and plebeians, when the appointment of censors was purposely neglected to increase the disorders; but we also find that similar neglects took place at a later period, when no such causes existed.[1] The last lustrum was solemnized at Rome in A.D. 74, in the reign of Vespasian.[2]

Many writers of the latter period of the Republic and during the Empire use the word lustrum for any space of five years, and without any regard to the census,[3] while others even apply it in the sense of the Greek pentæteris or an Olympiad, which only contained four years.[4] Martial also uses the expression lustrum ingens for sæculum.[5]

LY'CAIA (*Λύκαια*), a festival with contests, celebrated by the Arcadians in honour of Zeus, surnamed *Λυκαῖος*. It was said to have been instituted by the ancient hero Lycaon, the son of Pelasgus.[6] He is also said, instead of the cakes which had formerly been offered to the god, to have sacrificed a child to Zeus, and to have sprinkled the altar with its blood. It is not improbable that human sacrifices were offered in Arcadia to Zeus Lycæus down to a very late period in Grecian history.[7] No farther particulars respecting the celebration of the Lycæa are known, with the exception of the statement of Plutarch,[8] that the celebration of the Lycæa in some degree resembled that of the Roman Lupercalia.

*LYCAPSUS (*λύκαψος*), a plant, which Sprengel makes to be the *Onosma Orientalis*. The Greek name is derived from *λύκος* ("a wolf") and *ὄψις* ("appearance"), because its flowers resembled the distended jaws of a wolf.

*LYCHNIS (*λυχνίς*), a plant. "The *λυχνὶς στεφανωματική* of Dioscorides is the *Agrostemma coronarium*, L., or Rose Campion. The *λυχνὶς ἀγρία* is referred by Sprengel and others to the *Agrostemma githago*, or Corn Cockle. But perhaps the opinion of Dodonæus, who suggested the *Lychnis dioica*, is entitled to as much or greater authority."[9]

*LYCHNI'TES (*λυχνίτης*), a term applied to both a gem and a stone. The gem, according to De Laet, was a variety of our garnet. The stone would appear to have been a variety of marble. The *λυχνίς* of Orpheus was most probably the gem.—The marble termed *lychnites* was so called because quarried by the light of lamps (*λύχνος*, "a lamp"), and as Pliny, on the authority of Varro, informs us, was the same as the Parian.[10]

LYCHNU'CHUS. (*Vid.* CANDELABRUM.)

*LYC'IUM (*λύκιον*), a medicinal substance obtained from the roots and branches of a thorny shrub growing in Lycia. "It is almost certain," observes Adams, "that the plant from which it was procured is the *Rhamnus infectorius*. This appears clear from Pliny's account of it. Sprengel and Millingen note the *Lycium Indicum* to have been the *Acacia catechu*, Willd., and yet, as Dr. Hill remarks, the description given by Dioscorides of the trees by no means agrees with any of those of which our catechu, or *Terra Japonica*, is made."[11]

*LYCOPSIS (*λύκοψ ς*), a plant, which Sibthorp has proved to be the *Echium Italicum*, or Italian Viper's-bugloss.

*LYDIUS LAPIS, the Touchstone. (*Vid.* BASANOS.)

*LYRA (*λύρα*), a species of Fish, the *Trigla Lyra*, L. It is called in French, *Gronau*; in English, the Piper, from a sort of hissing which it makes by the expulsion of the air through the gills when taken. Pennant says it is often caught on the western coasts of great Britain.[2]

LYRA (*λύρα*, Lat. *fides*), a Lyre, one of the most ancient musical instruments of the stringed kind. There can be scarcely any doubt that this and similar instruments were used by the Eastern nations and by the Egyptians long before the Greeks became acquainted with them, and that they were introduced among the Greeks from Asia Minor.[3] The Greeks themselves, however, attributed the invention of the lyre to Hermes, who is said to have formed the instrument of a tortoise-shell, over which he placed gut-strings.[4] As regards the original number of the strings of a lyre, the accounts of the ancients differ so widely that it is almost impossible to arrive at any definite conclusion. Diodorus[6] states that Hermes gave his lyre three strings, one with an acute, the other with a grave, and the third with a middle sound. Macrobius[6] says that the lyre of Mercury had four strings, which symbolically represented the four seasons of the year; while Lucian,[7] Ovid,[8] and others, assume that the lyre from the first had seven strings. All ancient writers who mention this invention of Hermes apply to it the name lyra, though its shape, in the description of Apollodorus and Servius, rather resembles that of the instrument which in subsequent times was designated by the name cithara (*κίθαρα* or *κίθαρις*), and in some degree resembled a modern guitar, in as far as in the latter the strings were drawn across the sounding bottom, whereas in the lyra of later times they were free on both sides. In the Homeric poems the name *λύρα* does not occur, with the exception of the Homeric hymn to Hermes; and from the expression which occurs in this hymn[9] (*λύρῃ κιθαρίζειν*), it appears that originally there was very little or no difference between the two instruments; that is to say, the instrument formerly used was a cithara in the later sense of the word.

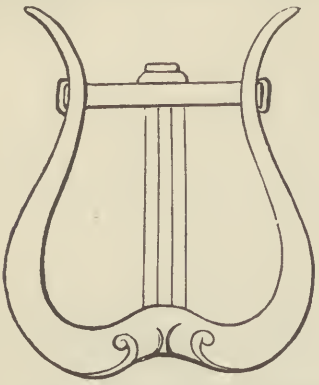
The instruments which Homer mentions as used to accompany songs are the *φόρμιγξ* and *κίθαρις*.[10] Now that the *φόρμιγξ* and the *κίθαρις* were the same instrument, appears to be clear from the expression *φόρμιγγι κιθαρίζειν*, and *κίθαρι φορμίζειν*.[11] The lyra is also called *χέλυς* or *χελώνη*, and in Latin *testudo*, because it was made of a tortoise-shell.

The obscurity which hangs over the original number of strings of the lyre is somewhat removed by the statement made by several ancient writers, that Terpander of Antissa (about 650 B.C.) added to the original number of four strings three new ones, and thus changed the tetrachord into a heptachord;[12]

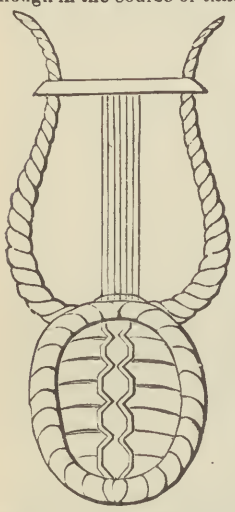
1. (Sueton., Octav., 37.—Claud., 16.)—2. (Censorin., l. c.)—3. (Ovid, Fast., ii., 183; iv., 701.—Id., Amor., iii., 6, 27.—Horat., Carm., ii., 4, 24; iv., 1, 6.)—4. (Ovid, Pont., iv., 6, 5, &c.—Mart., iv., 45.)—5. (Compare Scaliger, De Emend. Tempor., p. 183.—Ideler, Handb. der Chronol., ii., p. 77, &c.)—6. (Paus., viii., 2, § 1.)—7. (Porphyr., De Abstin., ii., 27.)—8. (Cæs., 61.)—9. (Theophrast., H. P., vi., 8.—Dioscor., iii., 104, 105.—Adams, Append., s. v.)—10. (Orpheus, De Lapid., 268.—Adams, Append., s. v.—Moore's Anc. Mineralogy, p. 77.)

1. (Dioscor., iv., 132.—Plin., H. N., xxiv., 76.—Adams, Append., s. v.)—2. (Aristot., H. A., iv., 9.—Ælian, N. A., x., 11.)—3. (Wilkinson, Manners and Customs of the Anc. Egypt., ii., p. 272, 288, &c.)—4. (Hom., Hymn. in Merc.—Apollod., iii., 10, 2.—Diod. Sic., v. 75.—Serv. ad Virg., Georg., iv., 464.)—5. (i. 16.)—6. (Sat., i., 19.)—7. (Deor. Dial., 7.)—8. (Fast., v., 106.)—9. (423.)—10. (Il., i., 603.—Od., viii., 248 and 261.)—11. (Od., i., 153, &c.)—12. (Euclid, Introd. Harm., p. 19.—Strab., xiii., p. 618.—Clem. Alex., Strom., vi., p. 814, ed. Potter.)

though it cannot be denied that there existed lyres with only three strings.[1] The following are representations of a tetrachord and a heptachord, and are both taken from the work of Blanchini.



The heptachord introduced by Terpander henceforth continued to be most commonly used by the Greeks, as well as subsequently by the Romans, though in the course of time many additions and improvements were made which are described below. In the ancient tetrachord, the two extreme strings stood to each other in the relation of a fourth (*διὰ τεσσάρων*), *i. e.*, the lower string made three vibrations in the time that the upper one made four. In the most ancient arrangement of the scale, which was called the diatonic, the two middle strings were strung in such a manner, that the three intervals between the four strings produced twice a whole tone and one semitone. Terpander, in forming his heptachord, in reality added a new tetrachord to the ancient one, but left out the third string of the latter, as there was between it and the fourth only an interval of a semitone. The heptachord thus had the compass of an octave, or, as the ancients called it, a diapason (*διὰ πασῶν*). The intervals between the seven strings in the diatonic scale were as follow: between one and two, a whole tone; between two and three, a whole tone; between three and four, a whole tone and a semitone; between four and five and five and six, a whole tone each; between six and seven, a semitone. The seven strings themselves were called, beginning from the highest, *νήτη, παρανήτη, παραμέση, μέση, λιχανός, παρυπάτη, ὑπάτη*.[2] Pindar himself made use of the heptachord, though in his time an eighth string had been added. In the time of Philip and Alexander, the number of strings was increased to eleven by Timotheus of Miletus,[3] an innovation which was severely censured by the Spartans, who refused to go beyond the number of seven strings.[4] It is, however, clear that the ancients made use of a variety of lyres, and in the representations which we still possess, the number of strings varies from three to eleven. About the time of Sappho and Anacreon, several stringed instruments, such as *magadis*, *barbiton*, and others, were used in Greece, and especially in Lesbos. They had been introduced from Asia Minor, and their number of strings far exceeded that of the lyre, for we know that some had a compass of two octaves, and others had even twenty strings, so that they must have more resembled a modern harp than a lyre.[1]



It has been remarked above that the name lyra occurs very seldom in the earliest Greek writers, and that originally this instrument and the cithara were the same. But about the time of Pindar innovations seem to have been introduced, by which the lyra became distinct from the cithara, the invention of which was ascribed to Apollo, and hence the name of the former now occurs more frequently.[2] Both, however, had in most cases no more than seven strings. The difference between the two instruments is described above; the lyre had a great and full-sounding bottom, which continued, as before, to be made generally of a tortoise-shell, from which, as Lucian[3] expresses it, the horns rose as from the head of a stag. A transverse piece of wood, connecting the two horns at or near their top ends, served to fasten the strings, and was called *ζύγον*, and in Latin *transtillum*. The horns were called *πήχεις* or *cornua*.[4] These instruments were often adorned in the most costly manner with gold and ivory.[5] The lyre was considered as a more manly instrument than the cithara, which, on account of its smaller-sounding bottom, excluded full sounding and deep tones, and was more calculated for the middle tones. The lyre, when played, stood in an upright position between the knees, while the cithara stood upon the knees of the player. Both instruments were held with the left hand, and played with the right.[6] It has generally been supposed that the strings of these instruments were always touched with a little staff called plectrum (*πλῆκτρον*) (see woodcut, p. 188), but among the paintings discovered at Herculaneum, we find several instances where the persons play the lyre with their fingers.[7] The lyre was at all times only played as an accompaniment to songs.

The Latin name *fides*, which was used for a lyre as well as a cithara, is probably the same as the Greek *σφίδες*, which, according to Hesychius,[8] signifies gut-string; but Festus[9] takes it to be the same as fides (faith), because the lyre was the symbol of harmony and unity among men.

The lyre (cithara or phorminx) was at first used in the recitations of epic poetry, though it was probably not played during the recitation itself, but only as a prelude before the minstrel commenced his story, and in the intervals or pauses between the several parts. The lyre has given its name to a species of poetry called lyric; this kind of poetry was originally never recited or sung without the accompaniment of the lyre, and sometimes also, of an appropriate dance. (Compare the article Musica.—Plutarch, *De Musica*.—Böckh, *De Metris Pindari*.—Drieberg, *Musikalische Wissenschaften der Griechen*; and by the same author, *Aufschlüsse über die Musik der Griechen*.—Müller, *Hist. of Gr. Lit.*, i., p 148, &c.

*LYSIMACHIUM (*λυσιμάχιον*) or LYSIMACHIA (*λυσιμαχίη*), a plant, which Woodville holds to be the *Lysimachia nummularia*, or Money-wort.

1. (Blanchini, "De Tribus Generibus Instrumentorum Musicæ Veterum Organicæ Dissertatio," tab. iv.)—2. (Böckh, De Metr. Pind., p. 205, &c.)—3. (Suidas, s. v. Τιμόθεος.—Müller, Dor., iv., 6, § 3.)—4. (Cic., De Leg., ii., 15.—Athen., xiv, p. 536.)

1. (Bode, Gesch. der Lyrisch. Dichtkunst der Hellenen, i., p 382, &c.—Compare Quintil., xii., 10.)—2. (Pind., Ol., x., 113.—Nem., iii., 19; xi., 8.—Pyth., viii., 42, et passim.)—3. (Dial Mor., 1.)—4. (Schol. Venet. ad Il., ii., 293.—Hesych., s. v. Ζύγα.—Cic., De Nat. Deor., ii., 59.)—5. (Auct. ad Heren., iv., 47.—Ovid, Met., xi., 167.)—6. (Ovid, Met., xi. 168.)—7. (Vid. also Ovid, Heroid., iii., 118.)—8. (s. v.)—9. (s. v.)

"Sprengel confidently determines the λ. of Dioscorides to be the *Lysimachia vulgaris*, or yellow Loosestrive; but the *Lysimachium* of Pliny he holds to be the *Lythrum salicaria.*"[1]

M.

MACEDONIA'NUM SENATUS CONSULTUM. (*Vid.* Senatus Consultum.)

MACCHUS. (*Vid.* Atellanæ Fabulæ, p. 119.)

MACELLUM (*ὀψοπωλία*;[2] *ὀψοπωλεῖον*, *κρεοπωλεῖον*), a provision-market, frequented by cooks, fishermen, poulterers, confectioners, butchers, and men of similar occupations.[3] (*Vid.* Forum, p. 451.) From *macellum*, a provision-merchant was called *macellarius* (*ὀψοπώλης*, *κρεοπώλης*[4]). The Athenians called their macellum *εἰς τοὐψον*, just as they called their slave-market *εἰς τὰ ἀνδράποδα*, their wine-market *εἰς τὸν οἶνον*, and other markets by the names of the commodities sold in them.[5]

*MACER (*μάκερ*), according to Moses Charras, the same as Mace. "This, however, is denied by Matthiolus," observes Adams, "with whom Sprengel agrees, although he admits that the Arabians confounded them together. He is disposed to believe it the bark of a Malabar tree described by Costa, and said to be called *Macre.*"[6]

MAGADIS. (*Vid.* Lyra; Musica, Greek.)

MAGISTER, which contains the same root as *mag-is* and *mag-nus*, was applied at Rome to persons possessing various kinds of offices, and is thus explained by Festus:[7] "*Magisterare, moderari. Unde magistri non solum doctores artium, sed etiam pagorum, societatum, vicorum, collegiorum, equitum dicuntur; quia omnes hi magis ceteris possunt.*" Paulus[8] thus defines the word: "*Quibus præcipua cura rerum incumbit, et qui magis quam ceteri diligentiam et sollicitudinem rebus, quibus præsunt, debent, hi magistri appellantur.*" The following is a list of the principal magistri:

Magister Admissionum. (*Vid.* Admissionales.)

Magister Armorum appears to have been the same officer as the magister militum.[9]

Magister Auctionis (*Vid.* Bonorum Emtio.)

Magister Bibendi. (*Vid* Symposium.)

Magister Collegii was the president of a collegium or corporation. (*Vid.* Collegium.)

Magister Epistolarum answered letters on behalf of the emperor.[10]

Magister Equitum. (*Vid.* Dictator, p. 361.)

Magister Libellorum was an officer or secretary who read and answered petitions addressed to the emperors. (*Vid.* Libellus, 4, c.) He is called in an inscription "*Magister libellorum et cognitionum sacrarum.*"[11]

Magister Memoriæ, an officer whose duty it was to receive the decision of the emperor on any subject, and communicate it to the public or the persons concerned.[12]

Magister Militum. (*Vid.* Army, Roman, p. 106.)

Magister Navis. (*Vid.* Exercitoria Actio.)

Magister Officiorum was an officer of high rank at the imperial court, who had the superintendence of all audiences with the emperor, and also had extensive jurisdiction over both civil and military officers.[13]

Magister Populi. (*Vid.* Dictator, p. 360.)

Magister Scriniorum had the care of all the papers and documents belonging to the emperor.[1]

Magister Societatis. The equites, who farmed the taxes at Rome, were divided into certain societies; and he who presided in such a society was called magister societatis.[2]

Magister Vicorum. Augustus divided Rome into certain regiones and vici, and commanded that the people of each vicus should choose magistri to manage its affairs.[3] From an inscription on an ancient stone referred to by Pitiscus,[4] it appears that there were four such magistri to each vicus. They were accustomed to exhibit the Ludi Compitalitii dressed in the prætexta.[5]

MAGISTRA'TUS. A definition of magistratus may be collected from Pomponius, *De Origine Juris.*[6] Magistratus are those "*qui juri dicundo præsunt.*" The king was originally the sole magistratus; he had all the potestas. On the expulsion of the kings, two consuls were annually appointed, and they were magistratus. In course of time other magistratus were appointed, so that Pomponius enumerates as the magistratus of his time "*qui in civitate jura reddebant,*" ten tribuni plebis, two consuls, eighteen prætors, and six ædiles. He adds that the præfecti annonæ et vigilum were not magistratus. The dictator was also a magistratus; and the censors; and the decemviri litibus judicandis. The governors of provinces with the title of proprætor or proconsul were also magistratus. Gaius attributes the jus edicendi to the magistratus populi Romani, without any restriction; but he says that the chief edictal power was possessed by the prætor urbanus and the prætor peregrinus, whose jurisdictio in the provinces was exercised by the præsides of provinces, and also by the curule ædiles, whose jurisdiction in the provinciæ populi Romani was exercised by the quæstors of those provinces.

The word magistratus contains the same elements as mag(ister) and mag(nus); and it signifies both the person and the office, as we see in the phrase "*se magistratu abdicare.*"[7] According to Festus, a magistratus was one who had "*judicium auspiciumque.*"

According to M. Messala the augur, quoted by Gellius,[8] the auspicia maxima belonged to the consuls, prætors, and censors, and the minora auspicia to the other magistratus; accordingly, the consuls, prætors, and censors were called majores, and they were elected at the comitia centuriata; the other magistratus were called minores. The magistratus were also divided into curules and those who were not curules: the magistratus curules were the dictator, consuls, prætors, censors, and the curule ædiles, who were so called because they had the jus sellæ curulis. The magistrates were chosen only from the patricians in the early Republic, but in course of time the plebeians shared these honours, with the exception of that of the interrex: the plebeian magistratus, properly so called, were the plebeian ædiles and the tribuni plebis.

The distinction of magistratus into majores who had the imperium, and the minores who had not, had a reference to jurisdiction also. The former term comprised prætors and governors of provinces; the latter, in the republican time, comprised ædiles and quæstors, and, under the Empire, the numerous body of municipal magistrates. The want of the imperium limited the power of the magistratus mi-

1. (Dioscor., iv., 3.—Adams, Append., s. v.)—2. (Athen., i., 6)—3. (Varro, De Re Rust., iii., 2, 17.—Id., De Ling. Lat., v., 32, p. 147, 148, ed. Spengel.—Plaut., Aulul., ii., 8, 3.—Ter., Eun., ii., 2, 24.—Hor., Sat., ii., 3, 229.—Id., Epist., i., 15, 31.—Seneca, Epist., 78.)—4. (Sueton., Jul., 26.—Id., Vespas., 19.—Varro, De Re Rust., iii., 2, 4.)—5. (Pollux, Onom., ix., 47.—Id. ib., x., 19.—Harpocr., s. v. Δεῖγμα.)—6. (Dioscor., i., 110.—Adams, Append., s. v.)—7. (s. v. Magisterare.)—8. (Dig. 50, tit. 16, s. 57.)—9. (Amm. Marc., xvi., 7; xx., 9.)—10. (Orelli, Inscr., 2352.)—11. (Orelli, n. c.)—12. (Amm. Marc., xv., 5.—Id., xxvii., 6.)—13. (Cod. 1, tit. 31; 12, tit. 16.—Cod. Theod., i., tit. 9; vi., tit. 9.—Amm. Marcell., xv., 5.—Id., xx., 2.—Id., xxii., 3.—Cassiod., Variar, vi., 6)

1. (Cod. 12, tit. 9.—Spartian., Æl. Ver., 4.—Lamprid., Alex. Sev., 26.)—2. (Cic., Verr., II., ii., 74.—Id. ad Fam., xiii., 9.—Id., Pro Planc., 13.)—3. (Suet., Octav., 30.—Id., Tib., 76.—Orelli, Inscr., 5, 813, 1530.)—4. (Lexicon, s. v.)—5. (Ascon. in Cic. Pison., p. 7, ed. Orelli.)—6. (Dig. 1, tit. 2.)—7. (Liv., xxiii., 23)—8 (xiii., 15.)

nores in various matters which came under their cognizance, and the want of it also removed other matters entirely from their jurisdictio (taking the word in its general sense). Those matters which belonged to jurisdictio in its limited sense were within the competence of the magistratus minores (*vid.* JURISDICTIO); but those matters which belong to the imperium were, for that reason, not within the competence of the magistratus minores. As proceeding from the imperium, we find enumerated the prætoriæ stipulationes, such as the cautio damni infecti, and ex novi operis nunciatione; and also the missio in possessionem, and the in integrum restitutio. Thus it appears that the limited jurisdictio was confined to the ordo judiciorum privatorum, and all the proceedings extra ordinem were based on the imperium: consequently, a minor magistratus could not exercise cognitio, properly so called, and could not make a decretum. This consideration explains the fact of two prætors for questions as to fideicommissa being appointed under Claudius: they had to decide such matters for all Italy, inasmuch as such matters were not within the competence of the municipal magistrates. The jurisdiction of the municipal magistrates of Cisalpine Gaul was limited, in many cases, to a certain sum of money, and this limitation was afterward extended to all Italy. Added to this, these magistrates had not the imperium, which, as already observed, limited their jurisdictio.

The magistratus minores could take cognizance of matters which were not within their jurisdictio, by delegatio from a superior magistratus. Thus, in the case of damnum infectum, inasmuch as delay might cause irreparable mischief, the prætor could delegate to the municipal magistratus, who were under him, the power of requiring the cautio.[1]

It became necessary to reorganize the administration of Gallia Cisalpina on its ceasing to be a province; and, as the jurisdictio was placed in the hands of municipal magistratus who had no imperium, it was farther necessary to determine what should be the form of procedure before these magistratus in all matters that were extra ordinem, that is, in such matters as did not belong to their competence because they were magistratus minores, but were specially given to them by a lex. The determining of this form of procedure was the object of the lex Rubria. (*Vid.* LEX RUBRIA.)[2]

The case of adoption (properly so called) illustrates the distinction of magistratus into majores and minores, as founded on the possessing or not possessing the imperium.[3] This adoption was effected "*imperio magistratus*," as, for instance, before the prætor at Rome: in the provinciæ the same thing was effected before a proconsul or legatus, both of whom, therefore, had the imperium. The municipal magistratus, as they had not the imperium, could not give validity to such an act of adoption.

*MAGNES (*μάγνης, μαγνῆτις*, and *μαγνίτις λίθος*), the Loadstone or Magnet. "The story of the discovery of this stone by one Magnes, a shepherd on Mount Ida, who found his hob-nailed shoes and iron-pointed staff cling to the rock upon which he trod, seems to be a poetical fiction, derived by Pliny from Nicander. The name is undoubtedly derived from the locality where the stone was first found." (Consult the following article.)[4]

*MAGNESIUS LAPIS, a stone found both at Magnesia in Thessaly, and near a city of the same name in Asia Minor. "As one and the same mineral substance," observes Dr. Moore, "received among the ancients different names, according as it was procured by different methods from different places, or from substances apparently unlike; so, on the other hand, things of dissimilar nature were called by the same name, merely because of some accidental agreement in colour, place of origin, or use to which they were applied. Thus the name 'magnet' (or Magnesian stone) was given, not only to what we call the native magnet, magnetic oxyde of iron, but to a substance wholly different, and which appears to have been some variety of steatite. It is highly probable that these two minerals, so different in character, were both denominated the magnetic (or Magnesian) stone, from their being both found in a country named Magnesia; for, of the five localities specified by Pliny, whence as many varieties of magnet were obtained, one is Magnesia in Thessaly, and another a city of Asia bearing the same name. And it was here, he says, a magnet was found, of a whitish colour, somewhat resembling pumice, and not attracting iron; which, taken in connexion with what Theophrastus says of the magnet, that it was suited for turning in the lathe, and of a silvery appearance, leads to the inference that this magnet was talc or steatite. This mineral contains a large proportion of the earth called *magnesia*, a name of which we may thus trace the origin, though perhaps a much purer form than this steatite affords, of the earth now called *magnesia*, may have been sometimes designated as the magnesian stone; for, when Hippocrates prescribes the use of it as a cathartic, it seems highly probable that he meant the native carbonate of Magnesia. He certainly does not intend the magnet, as well because it is not purgative, as because he elsewhere describes that differently as the stone which draws iron, and would have named it, not the Magnesian, but the Heraclean stone."[1]

*MAGU'DARIS (*μαγύδαρις*). Dioscorides applies this name to the root of the plant which produces asafœtida. Theophrastus, however, would seem to make it a distinct species or variety. (*Vid.* SILPHIUM.)[2]

*MAIA (*μαῖα*), a sort of Crab-fish described by Aristotle. Gesner says it is called *Araignèe de mer*, or Sea Spider. It is probably, says Adams, the *Cancer araneus*, L.[3]

*MAINIS (*μαινίς*), a species of fish, the *Sparus mæna*, called in French *Mendole*; and in modern Greek, according to Coray, *κεφαλα*.[4]

MAJESTAS is defined by Ulpian[5] to be "*crimen illud quod adversus populum Romanum vel adversus securitatem ejus committitur.*" He then gives various instances of the crime of majestas, some of which pretty nearly correspond to treason in English law; but all the offences included under majestas comprehend more than the English treason. One of the offences included in majestas was the effecting, aiding in, or planning the death of a magistratus populi Romani, or of one who had imperium or potestas. Though the phrase "*crimen majestatis*" was used, the complete expression was "*crimen læsæ, imminutæ, diminutæ, minutæ, majestatis.*"

The word majestas, consistently with its relation to *mag*(nus), signifies the magnitude or greatness of a thing. "*Majestas*," says Cicero,[6] "*est quædam magnitudo populi Romani;*" "*majestas est in imperii atque in nominis populi Romani dignitate.*" Accordingly the phrases "*majestas populi Romani*," "*imperii majestas*,"[7] signify the whole of that which

1. (Dig. 39, tit. 2, s. 4.)—2. (Puchta, Zeitschrift, x., p. 195.)—3. (Gaius, i., 99 b.—4. (Moore's Anc. Mineral., p. 116.)

1. (Plin., H. N., xxxvi., 25.—Theophrast., De Lapid., c. 73.—Moore's Anc. Mineralogy, p. 115.)—2. (Dioscor., iii., 84.—Theophrast., H. P., i., 11.—Id. ib., vi., 3.—Adams, Append., s. v.—3. (Aristot., H. A., viii., 19.)—4. (Aristot., H. A., vi., 1.—Plin., H. N., ix., 26.—Coray ad Xenocr.—Adams, Append., s. v.)—5. (Dig. 48, tit. 4, s. 1.)—6. (Part., 30.)—7. (Hor., Carm., iv., 15.)

constituted the Roman state; in other words, the sovereign power of the Roman state. The expression minuere majestatem consequently signifies any act by which this majestas is impaired; and it is thus defined by Cicero:[1] "*Majestatem minuere est de dignitate, aut amplitudine, aut potestate populi aut eorum quibus populus potestatem dedit, aliquid derogare.*"[2] The phrase majestas publica in the Digest is equivalent to the majestas populi Romani. In the republican period, the term majestas læsa or minuta was most commonly applied to cases of a general betraying or surrendering his army to the enemy, exciting sedition, and generally by his bad conduct in administration impairing the majestas of the state.[3]

The laws of the Twelve Tables punished with death a person who stirred up an enemy against Rome, or surrendered a Roman citizen to an enemy.[4] The leges majestatis seem to have extended the offence of majestas generally to all acts which impaired the majestas publica; and several of the special provisions of the lex Julia are enumerated in the passage just referred to.

It seems difficult to ascertain how far the lex Julia carried the offence of majestas with respect to the person of the princeps. Like many other leges, it was modified by senatus consulta and imperial constitutions; and we cannot conclude from the title in the Digest, "*Ad Legem Juliam Majestatis*," that all the provisions enumerated under that title were comprehended in the original lex Julia. It is stated by Marcianus, as there cited, that it was not majestas to repair the statues of the Cæsar which were going to decay; and a rescript of Severus and his son Antoninus Caracalla declared that if a stone was thrown and accidentally struck a statue of the emperor, that also was not majestas; and they also graciously declared that it was not majestas to sell the statues of the Cæsar before they were consecrated. Here, then, is an instance, under the title *Ad Legem Juliam Majestatis*, of the imperial rescripts declaring what was not majestas. But there is also an extract from Saturninus, De Judiciis, who says that if a person melted down the statues or *imagines* of the imperator which were already consecrated, or did any similar act, he was liable to the penalties of the lex Julia Majestatis. But even this does not prove that this provision was a part of the Julia lex as originally passed, for a lex, after being amended by senatus consulta or imperial constitutions, still retained its name.

The old punishment of majestas was perpetual interdiction from fire and water; but now, says Paulus,[5] that is, in the later imperial period, persons of low condition are thrown to wild beasts, or burned alive; persons of better condition are simply put to death. The property of the offender was confiscated, and his memory was infamous.

In the early times of the Republic, every act of a citizen which was injurious to the state or its peace was called perduellio, and the offender (*perduellis*) was tried before the populus (*populi judicio*), and, if convicted, put to death.[6] Cn. Fulvius[7] was charged with the offence of perduellio for losing a Roman army. According to Gaius, "*perduellis*" originally signified "*hostis*;"[8] and thus the old offence of perduellio was equivalent to making war on the Roman state. The trial for perduellio (*perduellionis judicium*) existed to the later times of the Republic; but the name seems to have almost fallen into disuse, and various leges were passed for the purpose of determining more accurately what should be majestas. These were a lex Apuleia, probably passed in the fifth consulship of Marius, the exact contents of which are unknown;[1] a lex Varia, B.C. 91; a lex Cornelia, passed by L. C. Sulla,[2] and the lex Julia already mentioned, and which, as we have seen, continued under the Empire to be the fundamental enactment on this subject. This lex Julia is by some attributed to C. J. Cæsar, and assigned to the year B.C. 48, and this may be the lex referred to in the Digest; some assume a second lex Julia, under Augustus, but perhaps without sufficient grounds.

Under the Empire the term majestas was applied to the person of the reigning Cæsar, and we find the phrases majestas Augusta, imperatoria, and regia. It was, however, nothing new to apply the term to the emperor, considered in some of his various capacities, for it was applied to the magistratus under the Republic, as to the consul and prætor.[3] Horace even addresses Augustus[4] in the terms "*majestas tua*," but this can hardly be viewed otherwise than as a personal compliment, and not as said with reference to any of the offices which he held. The extension of the penalties to various new offences against the person of the emperor belongs, of course, to the imperial period. Augustus availed himself of the lex for prosecuting the authors of famosi libelli (*cognitionem de famosis libellis, specie legis ejus, tractavit*[5]): the proper inference from the passage of Tacitus is, that the leges majestatis (for they all seem to be comprised under the term "*legem majestatis*") did not apply to words or writings, for these were punishable otherwise. The passage of Cicero[6] is manifestly corrupt, and, as it stands, inconsistent with the context; it cannot be taken as evidence that the lex Majestatis of Sulla contained any provisions as to libellous words, as to which there were other sufficient provisions. (*Vid.* Injuria.) Sigonius has attempted to collect the capita of the lex Majestatis of Sulla. Under Tiberius, the offence of majestas was extended to all acts and words which might appear to be disrespectful to the princeps, as appears from various passages in Tacitus.[7] The term perduellio was in use under the Empire, and seems to have been equivalent to majestas at that period.

An inquiry might be made into an act of majestas against the imperator even after the death of the offender; a rule which was established (as we are informed by Paulus) by M. Aurelius in the case of Druncianus, a senator who had taken part in the outbreak of Cassius, and whose property was claimed by the fiscus after his death. (Perhaps the account of Capitolinus,[8] and of Vulcatius Gallicanus,[9] is not inconsistent with the statement of Paulus.) A constitution of S. Severus and Antoninus Caracalla declared that, from the time that an act of majestas was committed, a man could not alienate his property or manumit a slave, to which the great (*magnus*) Antoninus (probably Caracalla is still meant) added, that a debtor could not, after that time, lawfully make a payment to him. In the matter of majestas, slaves could also be examined by torture in order to give evidence against their master: this provision, though comprehended in the code under the title Ad Legem Juliam Majestatis, was perhaps not contained in the original law, for Tiberius sold a man's slaves to the actor publicus,[10] in order that they might give evidence against their master, who was accused of repetundæ and also of majestas. Women were admitted

1. (De Invent., ii., 17.)—2. (*Vid.* Cic. ad Fam., iii., 11: "Majestatem auxisti.")—3. (Tacit., Ann., i., 72.)—4. (Dig. 48, tit. 4, s. 3)—5. (S. R., v, 39)—6 (Liv., ii., 41.—Id., vi., 20.)—7. (Liv., xxvi., 3.)—8 Dig. 50 tit. 16, s. 234.)

1. (Cic., De Or., ii., 25, 49)—2. (Cic. in Pis., 21.—Id., Pro Cluent., 35.)—3. (Cic., Philipp., xiii., 9.—Cic. in Pis., 11.)—4 (Epist., II., i., 288.)—5. (Tacit., Ann., i., 72.—Dion Cass., lvi. 27.—Suet., Octav., 55.)—6. (ad Fam., iii., 11.)—7. (Ann., i. 72 74; ii., 50, iii., 38. 66, 67, &c.)—8. (M. Ant. Phil., c. 26.) -9 (Avidius Cassius, c 9.)—10. (Ann., iii., 67.)

as evidence in a case of læsa majestas, and the case of Fulvia is cited as an instance.[1]

As to the phrase patria majestas, see PATRIA POTESTAS.

*MALABATHRUM (*μαλάβαθρον*). The Indian *μαλάβαθρον*, described in the Periplus of Arrian, is indisputably, according to Adams, the Betel, or, rather, the Aræca-nut enveloped in the leaves of the Betel. There are three species of Betel, namely, *Malabathron hydrosphærum*, *mesosphærum*, and *microsphærum*. Horace applies the word to an ointment or perfume, "*perfusus nitentes Malabathro Syrio capillos*," on which passage Porphyrion remarks, "*Malabathrum unguenti speciem esse scimus.*" Isidorus says of it, "*Folium* dictum, quod sine ulla radice innatans in Indiæ litoribus colligitur." It is uniformly called *folium* by Apicius. According to Geoffroy, it is the leaf of a kind of wild cinnamon-tree. Sprengel, in like manner, holds it to be a cassia-leaf. From this conflict of authorities, it would appear that the term, though properly signifying what we have mentioned in the beginning of this article, became gradually applied to other and different aromatics.[2]

*MAL'ACHE (*μαλάχη*). Sprengel, on the authority of Walpole, decides that the edible *μαλάχη* of the Greeks, or *μ. κηπευτή* of Dioscorides, was the *Malva sylvestris*. The *δενδρομαλάχη* of Galen he sets down as the *Althæa rozea*. According to Sibthorp, this is the officinal mallows of the modern Greeks. "As emollients, mallows are well known in medical practice, the Marsh-mallow (*Althæa officinalis*) being one of the most useful among this kind of remedial substances."[3]

*MALACIA (*μαλάκια*). "One of the inferior classes of animals, according to the Aristotelian arrangement, which nearly corresponds to that of Cuvier. The cuttle-fish and a few others were placed in this class. They are called *Mollia* by Pliny, who, however, is guilty of inconsistency in applying this term to the *μαλακόστρακα* on one or more occasions."[4]

*MALACOCRANEUS (*μαλακοκρανεύς*), a bird briefly noticed by Aristotle. Gesner concludes that it is the "*Pica glandaria*" of Pliny, namely, the Jay, or *Garrulus glandarius*, Brisson, the same as the *Corvus glandarius*, L.[5]

MA'LLEUS, *dim.* MALLE'OLUS (*ῥαιστήρ*: *σφύρα*, *dim.* *σφυρίον*), a Hammer, a Mallet. In the hands of the farmer, the mallet of wood served to break down the clods (*occare*) and to pulverize them.[6] The butcher used it in slaying cattle by striking the head, and we often read of it as used by the smith upon the anvil.[7] When several men were employed at the same anvil, it was a matter of necessity that they should strike in time, and Virgil accordingly says of the Cyclopes, "Inter se brachia tollunt *in numerum*."[8] The scene which he describes is represented in the annexed woodcut, taken from an ancient bas-relief, in which Vulcan, Brontes, and Steropes are seen forging the metal, while the third Cyclops, Pyracmon, blows the bellows.[9] Beside the anvil-stand (*vid.* INCUS) is seen the vessel of water in which the hot iron or bronze was immersed.[10]

But, besides the employment of the hammer upon the anvil for making all ordinary utensils, the smith

(*χαλκεύς*) wrought with this instrument figures called *ἔργα σφυρήλατα* (or *ὁλοσφύρητα*[1]), which were either small and fine, some of their parts being beaten as thin as paper, and being in very high relief, as in the bronzes of Siris (*vid.* LORICA, p. 598), or of colossal proportions, being composed of separate plates riveted together; of this, the most remarkable example was the statue of the sun of wrought bronze (*σφυρήλατος κολοσσός*;[2] *ῥαιστηροκοπία*[3]), seventy cubits high, which was erected in Rhodes. Another remarkable production of the same kind was the golden statue of Jupiter,[4] which was erected at Olympia by the sons of Cypselus. The right-hand figure of Hercules, in the woodcut at page 93, is taken from the remains of a very ancient bronze candelabrum, found in 1812 near Perugia, and now preserved in the Glyptothek at Munich. It consists of embossed plates, finely wrought with the hammer, and the small rivets for holding them together are still visible.

By other artificers the hammer was used in conjunction with the chisel (*vid.* DOLABRA), as by the carpenter (*pulsans malleus*;[5] woodcut, p. 62) and the sculptor.

The term *malleolus* denoted a hammer, the transverse head of which was formed for holding pitch and tow, which, having been set on fire, was projected slowly, so that it might not be extinguished during its flight, upon houses and other buildings in order to set them on fire, and which was, therefore, commonly used in sieges, together with torches and falaricæ.[6] (*Vid.* HASTA, p. 489.)

When the shoot of a vine was cut in order to be set in the ground, part of the stem was also cut away with it, and bore a resemblance to the head of a hammer; hence such cuttings were called *malleoli*.[7]

*MALINOTHALLE (*μαλινοθάλλη*), a plant which, according to Bauhin, some had taken for the *Cyperus esculentus*. Stackhouse adopts this opinion.[8]

*MALTHE (*μάλθη*), a fish mentioned by Oppian, Athenæus, and Ælian. All that we can ascertain of it, remarks Adams, is, that it was of the Cetaceous tribe.[9]

*MALVA. (*Vid.* MALACHE.)

*MALUM (*μῆλον*). "According to Macrobius the ancients applied the term *mala* to all kinds of fruit which have the hard part or kernel within, and the esculent part outside. The various kinds treated of by ancient authors will be found under their several heads."[10]

MALUS ('Ἱστός). The ancients had vessels with

1 (Dig. 48, tit. 4.—Cod. ix., tit. 8.)—2. (Dioscor., i., 11.—Isid., Orig., xviii., 9.—Adams, Append., s. v.)—3. (Theophrast., H. P., i., 3.—Dioscor., ii., 144.—Adams, Append., s. v.)—4. (Adams, Append., s. v.)—5. (Aristot., H. A., ix., 18.—Adams, Append., s. v.)—6. (Colum., De Re Rust., ii., 13.—Id. ib., xi., 2.—Virg., Georg., i., 105.—Brunck, Anal., ii., 53, 215.—Id. ib., iii., 44.—Aristoph., Pax, 566.—Pollux, Onom., i., 12.—Id. ib., x., 29.)—7. (Ovid, Met., ii., 627.—Hom., Il., xviii., 477.—Od., iii., 434.—Apoll. Rhod., iii., 1254.—Herod., i., 68.—Callim., Hymn. in Dian., 59.—Aristot., De Gen. Anim., v., 8.)—8. (Georg., iv., 174. Æn., viii., 452.)—9 (Æn., viii., 425.)—10. (Ib., v. 450, 451.)

1. (Brunck, Anal., ii., 222.)—2. (Theocrit., xxii., 47.)—3 (Philo, De 7 Spectac., 4, p. 14, ed. Orelli.)—4. (Strabo, viii., 6, 20.—Plat., Phædr., p. 232, Heindorf.)—5. (Coripp., De Laud. Just., iv., 47.)—6. (Liv., xxxviii., 6.—Non. Marcell., p. 556, ed. Lips.—Festus, s. v.—Cic., Pro Mil., 24.—Veget., De Re Mil., iv., 18.—Vitruv., x., 16, 9, ed. Schneider.)—7. (Cic., De Sen., 15.—Col., De Re Rust., iii., 6.—Id. ib., xi., 2.)—8. (Theophrast., H. P., iv., 8.—Adams, Append., s. v.)—9. (Adams, Append., s. v.)—10. (Macrob., Sat., iii., 19.—Adams, Append. s. v.)

one two, and three masts. The inscriptions recently discovered at Athens contain a perfect inventory of all the gear issued to trieres and tetreres, and they have been illustrated and deciphered by Böckh.[1] From this work we perceive that two masts were issued from the *νεώριον* for every trieres, and are enabled to correct Hesychius, who calls the *first* or mainmast *ἀκάτειος*, whereas this is unquestionably the *foremast*. The other lexicographers either omit the word, or give an imperfect sense to it. These inscriptions enable us to give it an exact signification. In II., 92, they give *ἱστοῦ μεγάλου* and *ἱστοῦ ἀκατείου* as distinct gear. The masts of the tetreres are similarly termed *ἱστούς*, XI., e. For a triakonter, two masts, both termed *ἱστοί*, appear, XVII., sub init. In two-masted ships the smaller mast was usually near the prore. In three-masted ships the size of the masts decreased as they approached the stem; the largest was the nearest to the stern. The mast was of one entire piece. Pliny[2] tells us the mast and the yards were usually of fir. Respecting the mode in which the yard was affixed to the mast, see the article ANTENNA. We do not find in the inscriptions alluded to, and which are mostly of the æra of Demosthenes, who is named in them, any terms by which parts of the mast are described. It seems to have been always issued to the trierarch as a piece of solid gear. The price of the large mast is given in these inscriptions (probably, as Böckh conjectures, with hoops, &c.) at 37 drachmæ. Pliny[3] attributes the invention of the mast to Dædalus.

MALUS OCULUS. (*Vid.* FASCINUM.)

MANCEPS has the same relation to mancipium that auspex has to auspicium. It is properly qui manu capit. But the word has several special significations. Mancipes were those who bid at the public lettings of the censors for the purpose of farming any part of the public property.[4] Sometimes the chief of the publicani generally are meant by this term, as they were no doubt the bidders and gave the security, and then they shared the undertaking with others, or underlet it.[5] The mancipes would accordingly have distinctive names, according to the kind of revenue which they took on lease, as decumani, portitores, pecuarii. Suetonius[6] says that the father of Petro was a manceps of labourers (*operæ*) who went yearly from Umbrium to Sabinum to cultivate the land; that is, he hired them from their masters, and paid so much for the use of them, as is now often done in slave countries. The terms mancipes thermarum et salinarum occur in the Thedosian Code.[7]

MANCIPA'TIO (*Vid.* MANCIPIUM.)

MA'NCIPI RES. (*Vid.* DOMINIUM.)

MANCI'PII CAUSA. The three expressions by which the Romans indicated the status in which a free person might be with respect to another, were in potestate, in manu, and in mancipio ejus esse.[8] In consequence of his potestas, a father could mancipate his child to another person, for in the old times of the Republic his patria potestas was hardly distinguished from property; the act of begetting was as equivalent to the acquisition of ownership. A husband had the same power over a wife in manu, for she was "filiæ loco." Accordingly, a child in potestate and a wife in manu were properly res mancipi and they were said to be in mancipio. Still such persons, when mancipated, were not exactly in the relation of slaves to the persons to whom they were mancipated, but they occupied a status between free persons and slaves, which was expressed by the words mancipii causa. Such persons as were in mancipii causa were not sui juris, and all that they acquired was acquired for the persons to whom they were mancipated. But they differed from slaves in not being possessed; they might also have an injuriarum actio for ill-treatment from those who had them in mancipio, and they did not lose the rights of ingenui, but these rights were only suspended. As to contracts, the person with whom they contracted might obtain the sale of such property (*bona*) as would have been theirs if they had not been in mancipii causa, as Gaius expresses it.[2] Persons in mancipii causa might be manumitted in the same way as slaves, and the limitations of the lex Ælia Sentia and Furia Caninia did not apply to such manumissions. The person who effected the manumission thereby acquired a kind of patronal right, which was of some importance in the matters of hereditas and tutela.

The strict practice of mancipatio had fallen into disuse in the time of Gaius, and probably still earlier, and it had then become a mere legal form by which the patria potestas was dissolved (*vid.* EMANCIPATIO), except a person was mancipated ex noxali causa. In case of delicts by the son, the father could mancipate him (*ex noxali causa mancipio dare*), and one act of mancipatio was considered sufficient;[3] but the son had a right of action for recovering his freedom, when he had worked out the amount of the damage.[4] Justinian put an end to the noxæ datio in the case of children, which, indeed, before his time had fallen into disuse.[5]

In his time, Gaius remarks,[6] that men were not kept in mancipii causa (*in eo jure*) for any long time, the form of mancipatio being only used (except in the case of a noxalis causa) for the purpose of emancipation. But questions of law still arose out of this form; for the three mancipationes, which were necessary in the case of a son, might not always have been observed. Accordingly, a child begotten by a son who had been twice mancipated, but born after the third mancipatio of his father, was still in the power of his grandfather. A child begotten by a son who was in his third mancipatio, came into his father's power if he was manumitted after that mancipation; but if the father died in mancipio, the child became sui juris.[7]

Coemptio, by which a woman came in manum, was effected by mancipatio, and the coemptio might be either matrimonii causa or fiduciæ causa. The fiduciæ causa coemptio was a ceremony which was necessary when a woman wished to change her tutores, and also when she wished to make a will: but a senatus consultum of Hadrian dispensed with the ceremony in the latter case.[8]

Dion Cassius[9] says that Tiberius Nero transferred or gave (*ἐξέδωκε*) his wife to Octavianus, as a father would do; and the transfer of his wife Marcia by the younger Cato to Quintus Hortensius[10] is a well-known story. It is probable that in both these cases the wife was in manu, and, accordingly, might be mancipated, and her children born to her new husband would be in his power.

The situation of a debtor who was adjudicated to his creditor resembled that of a person who was in mancipii causa.

MANCI'PIUM. The etymology of this word is the same as that of the word mancipatio, of which Gaius[11] says, "*Mancipatio dicitur quia manu res capitur.*" The term mancipium, then, is derived from the act of corporeal apprehension of a thing; and this corporeal apprehension is with reference to the transfer of the ownership of a thing. It was not a

1 ("Urkunden des Seewesens des Attischen Staates," Berlin, 1840.) — 2. (xvi., 76.) — 3. (vii., 57. — 4. (Festus, s. v. Manceps.—Cic. Pro Planc., 13.)—5. (Ascon. in Div. Ver., c. 10.) — 6. (Vesp., 1.) -7. (xiv. tit. 5, s. 3.)- 8 (Gaius, i., 49.)

1. (Gaius. ., 48–50.)—2. (iv., 80.)—3. (Gaius, iv., 75–78.—Liv., viii., 28.) — 4. (Mos. et Rom. Leg. Coll., ii., 3.) — 5 (Inst., iv., tit. 8, s. 7.) -6. (i., 141.)—7. (Gaius, i., 135.)—8. (Gaius, i., 115, &c.)—9 (xlviii., 44.)—10. (Plut., Cat. Min., c. 25.)—11. (i., 121)

ample corporeal apprehension, but one which was accompanied with certain forms described by Gaius:[1] "Mancipatio is effected in the presence of not less than five witnesses, who must be Roman citizens and of the age of puberty (*puberes*), and also in the presence of another person of the same status, who holds a pair of brazen scales, and hence is called Libripens. The purchaser (*qui mancipio accipit*), taking hold of the thing, says, I affirm that this slave (*homo*) is mine ex jure Quiritium, and he is purchased hy me with this piece of money (*æs*) and brazen scales. He then strikes the scales with the piece of money, and gives it to the seller as a symbol of the price (*quasi pretii loco*)." The same account of the matter is given more briefly by Ulpian.[2] This mode of transfer applied to all res mancipi, whether free persons or slaves, animals or lands. Lands (*prædia*) might be thus transferred, though the parties to the mancipatio were not on the lands; but all other things, which were objects of mancipatio, were only transferable in the presence of the parties, because corporeal apprehension was a necessary part of the ceremony. Gaius calls mancipatio "*imaginaria quædam venditio*;" for, though the law required this form for the transfer of the quiritarian ownership, the real contract of sale consisted in the agreement of the parties as to the price. The party who transferred the ownership of a thing pursuant to these forms was said "*mancipio dare*;" he who thus acquired the ownership was said "*mancipio accipere*." The verb "*mancipare*" is sometimes used as equivalent to "*mancipio dare*." Horace[3] uses the phrase "*mancipat usus*," which is not an unreasonable license: he means to say that "*usus*" or usucapion has the same effect as mancipatio, which is true; but usus only had its effect in the case of res mancipi, where there had been no mancipatio or in jure cessio.

Mancipatio is used by Gaius to express the act of transfer, but in Cicero the word mancipium is used in this sense.[4]

The division of things into res mancipi and nec mancipi had reference to the formalities requisite to be observed in the transfer of ownership. It is stated in the article Dominium what things were things mancipi. To this list may be added children of Roman parents, who were, according to the old law, res mancipi. (*Vid.* Mancipii Causa.) The quiritarian ownership of res mancipi could only be immediately transferred by mancipatio or in jure cessio; transfer by tradition only made such things in bonis. The quiritarian ownership of res nec mancipi was acquired by tradition only. Quiritarian ownership is called mancipium by the earlier Roman writers: the word dominium is first used by later writers, as, for instance, Gaius. Mancipatio could only take place between Roman citizens or those who had the commercium; which, indeed, appears from the words used by the purchaser.[5]

The old word, then, by which this formal transfer of ownership was made, was mancipium, which occurs in the Twelve Tables.[6] The word nexum or nexus is also sometimes used in the same sense. Cicero[7] defines "*abalienatio*" to be "*ejus rei quæ mancipi est*;" and this is effected either by "*traditio alteri nexu aut in jure cessio inter quos ea jure civili fieri possunt.*" According to this definition, "*abalienatio*" is of a res mancipi, a class of things determinate; and the mode of transfer is either by "*traditio nexu*" or by "*in jure cessio.*" The two modes correspond respectively to the "*mancipatio*" and "*in jure cessio*" of Gaius,[8] and, accordingly, mancipatio, or the older term mancipium, is equivalent to "*traditio nexu*:" in other words, mancipium was a nexus or nexum. Cicero[1] uses both words in the same sentence, where he speaks of various titles to property, and among them he mentions the jus mancipii and jus nexi. He may mean here to speak of the jus mancipii in its special sense, as contrasted with the jus nexi, which had a wider meaning; in another instance he uses both words to express one thing.[2] According to Ælius Gallus everything was "nexum" "*quodcunque per æs et libram geritur*;" and as mancipatio was effected per æs et libram, it was consequently a nexum. The form of mancipatio by the æs and libra continued probably till Justinian abolished the distinction between res mancipi and res nec mancipi. It is alluded to by Horace,[3] and the libra, says Pliny,[4] is still used in such forms of transfer.

When things were transferred mancipio, the vend or was bound to warranty in double of the amount of the thing sold.[5] A vendor, therefore, who had a doubtful title, would not sell by mancipium, but would merely transfer by delivery, and leave the purchaser to obtain the quiritarian ownership of the thing by usucapion.[6] Accordingly, Varro observes,[7] that if a slave was not transferred by mancipium, the seller entered into a stipulatio dupli, to be enforced by the buyer in the case of eviction; when the transfer was by mancipium, this stipulation was not necessary. The terms of the contract were called lex mancipii, but it is not necessary to infer from the passage of Cicero[8] that the lex contained the penalty, but merely that it contained what the seller warranted.[9]

It will easily result from what has been said, that mancipium may be used as equivalent to complete ownership, and may thus be opposed to usus, as in a passage of Lucretius that has been often quoted,[10] and to fructus.[11] Sometimes the word mancipium signifies a slave, as being one of the res mancipi this is probably the sense of the word in Cicero,[1] and certainly in Horace.[12] Sometimes mancipia is used generally for res mancipi,[14] unless rem mancipi is the right reading in that passage.

The subject of mancipium and mancipatio is discussed by Corn. Van Bynkershoek, *Opusculum de Rebus Mancipi et Nec Mancipi.*

MANDA'TI ACTIO. (*Vid.* Mandatum.)

MANDA'TUM exists when one person commissions another to do something without reward, and that other person undertakes to do it: and generally it may be stated, that whenever a man gives a thing to another to do, which, if the thing were to be done for pay (*merces*), would make the transaction a contract of locatio and conductio, the right to the actio mandati arises; as, if a man gives clothes to a fullo to be furhished up and cleaned, or to a tailor (*sarcinator*) to mend. The person who gave the commission was the mandator, he who received it was the mandatarius. The mandatum might be either on the sole account of the mandator, or on another person's account, or on the account of the mandator and another person, or on account of the mandator and mandatarius, or on the account of the mandatarius and another person. But there could be no mandatum on the account (*gratia*) of the mandatarius only; as if a man were to advise another to put his money out to interest, and it were lost, the loser would have no mandati actio against his adviser. If the advice were to lend the money to Titius, and the loan had the like result, it was a

1. (i., 119.)—2. (Frag., xix.)—3. (Epist., ii., 2, 159.)—4. (Cic., De Off., iii., 16. — Id., De Orat., i., 39.)— 5. (Gaius, i., 119. — Ulp., Frag., xix., 3.)—6. (Dirksen, Uebersicht, &c., p. 395.)—7. (Top. 5.)—8. (ii., 41.)

1. (De Harusp. Resp., c. 7.)—2. (ad Fam., iv., 30.)—3. (Epist., ii., 2, 158.)—4. (H. N., xxxiii, 3.)—5. (Paulus, S. R., ii., 16.)—6. (Plaut., Curc., iv., 2, 9.—Id., Persa, iv., 3, 55.)—7. (De Re Rustica. ii., 10.)—8. (De Or., i., 39.)—9. (*Vid.* Pro Murænâ, c. 2.)—10 (iii., 985.)—11. (Cic. ad Fam., vii., 29, 30.)—12. Top., 5.)- 13. (Epist., i., 6, 39.)—14. (Ulp., tit. xi., s. 2.)

question whether this was a case of mandatum ; but the opinion of Sabinus prevailed that it was. It was not mandatum if the thing was contra bonos mores, or, in other words, if the object of the mandatum was an illegal act. A mandatum might be general or special : and the mandatarius was bound to keep within the limits of the mandatum. The mandator had an utilis actio against such persons as the mandatarius contracted with ; and such persons had the like action against the mandator, and a directa actio against the mandatarius. The mandator and mandatarius had also respectively a directa actio against one another in respect of the mandatum : the actio of the mandatarius might be for indemnity generally in respect of what he had done bona fide. If the mandatarius exceeded his commission, he had no action against the mandator; but the mandator, in such case, had an action for the amount of damage sustained by the non-execution of the mandatum, provided it could have been executed. The mandatum might be recalled so long as no part of it was performed (*dum adhuc integra res est*). In the like case, it was also dissolved by the death of either party ; but if the mandatarius executed the mandatum after the death of the mandator, in ignorance of his death, he had his action, of course, against the heres. According to Cicero, a mandati judicium was "*non minus turpe quam furti* ;"[1] which, however, would obviously depend on circumstances. (*Vid.* Infamia.)

Mandatum is sometimes used in the sense of a command from a superior to an inferior. Under the Empire, the mandata principum were the commands and instructions given to governors of provinces and others. Frontinus[2] classes the mandata principum with lex and senatus consulta.[3]

MANDRÆ. (*Vid.* Latrunculi.)

*MANDRAG'ORAS (*μανδραγόρας*), the Mandrake. "It is to be remarked," observes Adams, "that the *μανδραγόρας* of Theophrastus is different from that of Dioscorides. Dodonæus determines the former to be the *Atropa Belladonna*. According to Sprengel, the *M.* of Dioscorides is the *Mandragoras vernalis*, Bertol., and the *M. fœmina* the *M. autumnalis*. On the *Mandragoras*, see an interesting disquisition in the *Hierobotanicon* of Celsius."[4]

MANDYAS. (*Vid.* Lacerna.)

MA'NICA, a Sleeve. Besides the use of sleeves sewed to the tunic, which, when so manufactured, was called Chiridota, or "*manicata tunica*,"[5] sleeves were also worn as a separate part of the dress. Palladius[6] mentions the propriety of providing "*ocreas manicasque de pellibus*," *i. e.*, leggins and sleeves made of hides, as useful both to the huntsman and to the agricultural labourer. The Roman gladiators wore, together with greaves, a sleeve of an appropriate kind on the right arm and hand,[7] as is exhibited in the woodcuts at page 477.

These parts of dress are mentioned together even as early as the Homeric age.[8] In this passage the manicæ (*χειρίδες*) seem to be mittens, worn on the hands to protect them from briers and thorns : and Eustathius, in his commentary on the passage, distinguishes between simple mittens, such as our labourers use in hedging, and gloves, which he calls *χειρίδες δακτυλῶται*.[9]

Gloves with fingers (*digitalia*[10]) were worn among the Romans for the performance of certain manual operations. Pliny the younger refers also to the use of manicæ in winter to protect the hands from cold.[11] Those used by the Persians were probably made of fur, perhaps resembling muffs; the Persians also wore gloves in winter (*δακτυλήθρας*[1]). In an enumeration of the instruments of torture used in the fourth century of the Christian era, we observe "the glove,"[2] but its construction or material is not described.

Handcuffs were called *manicæ*.[3]

Besides the *tunica manicata* with sleeves reaching either to the elbow or to the wrist, of which a description is given under Chiridota, there was another variety, in which the sleeves came down only a little below the shoulder (see woodcut, page 332). The Exomis had a short sleeve for the left arm only. The sleeves of the Persian tunic (Candys) were exceedingly wide.

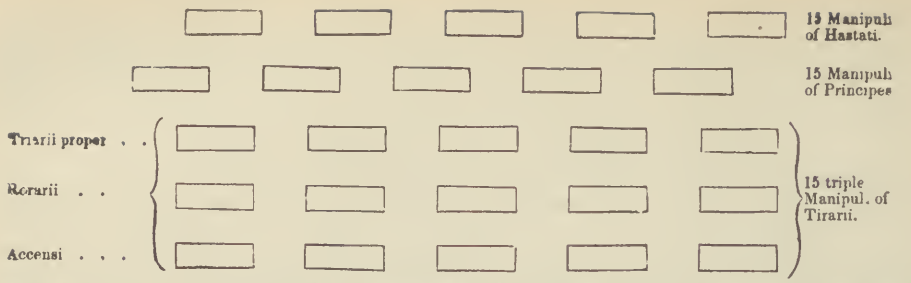
MANI'PULUS. The original meaning of the word, which is clearly derived from *manus*, was *a handful or wisp of hay, straw, fern, or the like* ;[4] and this, according to Roman tradition, affixed to the end of a pole, formed the primitive military standard in the days of Romulus ;[5] hence it was applied to a detachment of soldiers serving under the same ensign (see Varro, *Ling. Lat.*, v., 88 ; vi., 85, who connects it in this sense directly with *manus*) ; and when the ponderous mass of the phalanx was resolved into small battalions marshalled in open order, these were termed *manipuli*,[6] and varied in numbers at different periods according to the varying constitution of the legion.

1. The earliest account of their formation is given in Livy,[7] where the narrative is in itself sufficiently intelligible, although the whole chapter has been elaborately corrupted by Lipsius and others, who were determined to force it into accordance with the statements of Polybius, which refer to the Roman army as it existed 200 years later. According to the plain sense of the passage in question, the legion, in the year B.C. 377, was drawn up in three lines, as described on page 103. The front line, or *hastati*, consisted of 15 manipuli, each manipulus containing 62 soldiers, a centurion, and a vexillarius. The second line, or *principes*, consisted, in like manner, of 15 manipuli, this combined force of 30 manipuli being comprehended under the general appellation of *antepilani*. The third line, or *triarii*, was also drawn up in 15 divisions, but each of these was triple, containing 3 manipuli, 3 vexilla, and 186 men. In these triple manipuli the veterans, or *triarii* proper, formed the front ranks ; immediately behind them stood the *rorarii*, inferior in age and renown, while the *accensi*, less trustworthy than either, were posted in the extreme rear. The battle array may be represented as in the woodcut in the following page.

If the hastati and principes were successively repulsed, they retired through the openings left between the maniples of the triarii, who then closed up their ranks so as to leave no space between their maniples, and presented a continuous front and solid column to the enemy : the heavy-armed veterans in the foremost ranks, with their long *pila*, now bore the brunt of the onset, while the rorarii and accensi behind gave weight and consistency to the mass, an arrangement bearing evidence to a lingering predilection for the principle of the phalanx, and representing, just as we might expect at that period, the Roman tactics in their transition state. The only change made in the common reading of Livy, according to the above explanation, is the substitution suggested by Stroth, of "*Ordo scx-*

1. (Pro Rosc. Amer., c. 38.)—2. (De Aquæduct.)—3. (Gaius, ii., 155-158.—Id., iv., 83, 84.—Dig. 17, tit. 1.)—4. (Adams, Append., s. v.)—5. (Curt., iii., 7, p. 12, ed. Zumpt.)—6. (De Re Rust., i., 43.)—7. (Juv , vi., 255.)—8 (*Vid.* Odyss., xxiv., 228, 229.)—9. (p. 1960, init.)—10. (Varro, De Re Rust., i., 55.) 11. (Epist , iii., 5.)

1. (Xen., Cyrop., viii., 8, § 17.)—2. (Synes., Epist., 58.)—3. (Virg., Georg., iv., 439.—Æn., ii., 146.—Plaut., Asin., ii., 2, 38—Capt., iii., 5, 1.—Most., v., 1, 17.—Non. Marcell., s. v. Manicæ.)—4. (Virg., Georg., i., 400.—Id. ib., iii., 297.)—5. (Ovid, Fast., iii., 117.—Compare Plut., Rom., 8.—Aurel. Vict., Orig. Gent. Rom., 22.—Donat. in Ter., Eun., IV., vii., 61.—Isidor xviii., 3.)—6. (Niebuhr, Hist. of Rome, i., 469)—7. (viii. 8.)



agenos milites et duos, centurionem et vexillarium unum," for "*Ordo sexagenos milites, duos centuriones,*" &c., an emendation, the truth of which seems to be demonstrated by the context in the subsequent paragraph, where the triple vexillum or manipulus is said to have contained 186 men, *i. e.*, 3×62. It must be observed that the words *ordo, manipulus, vexillum,* are throughout the chapter employed as synonymous, and they continued to be used indifferently even in the time of Polybius,[1] *Καὶ τὸ μὲν μέρος ἕκαστον ἐκάλεσαν καὶ τάγμα καὶ σπεῖραν καὶ σημαίαν.* The numbers of the legion thus described are stated by Livy at 5000; the calculation will stand as follows:

Hastati	$15 \times 62 =$	930
Principes	$15 \times 62 =$	930
Triarii	$15 \times 186 =$	2790
Centuriones et Vexillarii	$=$	150
		4800

The remaining 200 may have been skirmishers not included in the manipular battalions; or we may suppose that Livy spoke in round numbers, in which case, instead of "*Scribebantur autem quatuor fere legiones quinis millibus peditum,*" we should adopt the almost necessary correction, "*Scribebantur autem quatuor legiones quinis fere millibus peditum.*"

2. In the time of Polybius (B.C. 150) the legion contained 4200 men, except in cases of great emergency, when it was augmented to 5000.[2] It was divided into 1200 hastati, 1200 principes, 600 triarii, the remaining 1200 being velites, who were distributed equally among the three lines. When the legion exceeded 4200, the numbers of the hastati, principes, and velites were increased in proportion, the number of triarii always remaining the same (600). The hastati, principes, and triarii were subdivided each into 10 *manipuli* or *ordines*, and in each manipulus there were two *centuriones*, two *optiones*, and two *signiferi:* hence, when the legion consisted of 4200, a manipulus of the hastati or of the principes would contain 120 men, including officers, and a manipulus of the triarii in all cases 60 men only.

3. At a subsequent period, probably during the wars of Marius, certainly before the time of Cæsar, the practice of marshalling an army in three lines was changed, and the terms hastati, principes, and triarii fell into disuse. The legion, as explained under ARMY, p. 104, was now divided into 10 *cohortes*, each *cohors* into three *manipuli*, and each manipulus into two *centuriæ*, the manipulus thus constituting $\frac{1}{30}$th part of the whole. It ought to be remarked, that the locus classicus on this subject (see p. 104) is a quotation by Aulus Gellius from "*Cincius, De Re Militari.*" This Cincius is generally supposed to be the same person as Cincius Alimentus the annalist; but this is manifestly impossible, for Alimentus served during the second Punic war, and Polybius, who flourished full fifty years later, gives no hint of any such arrangement of the Roman troops.

1. (vi., 20.) 2. (Polyb., vi., 20.)

4. We may infer that manipulus maintained its last-mentioned signification under the first emperors from Tacitus,[1] where Germanicus, when haranguing the mutinous legions "*Adsistentem contionem quia permixta videbatur, discedere in manipulos jubet, . . . vexilla præferri, ut id saltem discerneret cohortes:*" but in *Ann.*, xiv., 58, the word is applied more loosely to a detachment of 60 men, who were despatched under the command of a centurion to Asia for the purpose of putting Plautus to death.

5. Vegetius[2] (A.D. 375) employs *manipulus* as an antiquated term, equivalent to *contubernium*, indicating a company of 10 soldiers who messed together in the same tent.

Isidorus[3] defines a manipulus to be a body of 200 soldiers, which will apply to the period when the legion contained 6000 men. See, on the whole of this subject, Le Beau, *Mémoire du Maniple et ses parties* in the *Mémoires de l'Académie des Inscriptions*, &c., t. xxxii., p. 279. The views, however, of this writer are far from being uniformly correct.

MA'NSIO (*σταθμός*), a post-station at the end of a day's journey.

The great roads, which were constructed first by the kings of Persia and afterward by the Romans, were provided, at intervals corresponding to the length of a day's journey, with establishments of the same kind with the khans or caravanseras which are still found in the East. There were 111 such stations on the road from Sardes to Susa,[4] their average distance from one another being something less than 20 English miles. The khan, erected at the station for the accommodation of travellers, is called by Herodotus *κατάλυσις* and *καταγωγή*. To stop for the night was *καταλύειν*.[5] As the ancient roads made by the kings of Persia are still followed to a considerable extent,[6] so also there is reason to believe that the modern khan, which is a square building enclosing a large open court, surrounded by balconies with a series of doors entering into plain, unfurnished apartments, and having a fountain in the centre of the court, has been copied by uninterrupted custom from the Persic *κατάλυσις*, and that, whether on occasion of the arrival of armies or of caravans, they have also served to afford a shelter during the night both to man and beast.

The Latin term *mansio* is derived from *manere*, signifying to pass the night at a place in travelling. On the great Roman roads the mansiones were at the same distance from one another as on those of the Persian empire. They were originally called *castra*, being probably mere places of encampment formed by making earthen intrenchments. In process of time they included not only barracks and magazines of provisions (*horrea*) for the troops, but commodious buildings adapted for the reception of travellers of all ranks, and even of the emperor himself, if he should have occasion to visit them. At these stations the cisiarii kept gigs for hire and

1. (Ann., i., 34.)—2. (ii., 13.)—3. (ix., 3.)—4. (Herod., v., 52, 53; vi., 118.)—5. (Xen., Anab., i., 8.—Ælian, V. H., i., 32.)—6. (Heeren, Ideen, i., 2, p. 193–203, 713–720.)

for conveying government despatches. (*Vid.* Cisium.) The *mansio* was under the superintendence of an officer called *mansionarius*.

Besides the post-stations at the end of each day's journey, there were on the Roman military ways others at convenient intervals, which were used merely to change horses or to take refreshment, and which were called *mutationes* (ἀλλαγαί). There were four or five mutationes to one mansio. The *Itinerarium a Burdigala Hierusalem usque*, which is a road-book drawn up about the time of Constantine, mentions in order the mansiones from Bordeaux to Jerusalem, with the intervening *mutationes*, and other more considerable places, which are called either *civitates*, *vici*, or *castella*. The number of leagues (*leugæ*) or of miles between one place and another is also set down.

MANTE'LE (χειρόμακτρον, χειρεκμαγεῖον), a napkin. The circumstance that forks were not invented in ancient times, gave occasion to the use of napkins at meals to wipe the fingers;[1] also, when the meal was finished, and even before it commenced, an apparatus was carried round for washing the hands. A basin, called in Latin *malluvium*,[2] and in Greek χέρνιψ, χέρνιβον, or χειρόνιπτρον (*vid.* Chernips), was held under the hands to receive the water, which was poured upon them out of a ewer (*ureeolus*). Thus Homer describes the practice, and, according to the account of a recent traveller, it continues unchanged in the countries to which his description referred.[3] The boy or slave who poured out the water also held the napkin or towel for wiping the hands dry. The word *mappa*, said to be of Carthaginian origin,[4] denoted a smaller kind of napkin, or a handkerchief, which the guests carried with them to table.[5] The mantele, as it was larger than the *mappa*, was sometimes used as a table-cloth.[6] (*Vid.* Cœna, p. 275.) An anecdote is preserved of Lucilius the satirist, stating that, after he had been dining with Lælius, he ran after him in sport with a twisted napkin or handkerchief, as if to strike him (*obtorta mappa*[7]).

The napkins thus used at table were commonly made of coarse unbleached linen (ὠμολίνῳ[8]). Sometimes, however, they were of fine linen (ἐκτρίμματα λαμπρὰ σινδονυφῆ[9]). Sometimes they were woollen, with a soft and even nap (*tonsis mantelia villis*[10]). Those made of Asbestos must have been rare. The Romans, in the time of the emperors, used linen napkins embroidered or interwoven with gold,[11] and the traveller already quoted informs us that this luxury still continues in the East. Napkins were also worn by women as a headdress, in which case they were of fine materials and gay colours.[12] These were no doubt put on in a variety of elegant ways, resembling those which are in use among the females of Italy, Greece, and Asia Minor at the present day.

*MANTICHORA (μαντιχώρας, or, as some read it, μαντιχόρας), "an animal briefly noticed by Aristotle and Ctesias. Gesner concludes that it was the Hyena, or nearly allied to it. Schneider inclines to the opinion that it was some species of Porcupine. Heeren contends that the description of Ctesias is taken from one of the monstrous figures of animals on the ruins of Persepolis." The Mantichoras is said to have had the face and ears of a human being, the body of a lion, and the tail of a serpent, terminating like a scorpion's. Its cry resembled the blended notes of a pipe and a trumpet.[1]

*MANTIS (μαντίς). The μαντίς of Theocritus according to Adams, was most probably the *Cicada*, and the same authority considers it doubtful if the term ever stands for the *Cancer mantis*, L. The name is now applied to a genus of insects, the largest of which is the *M. precaria*, or Camel-cricket.[2] "Another amusing insect," observes Dodwell, "which is not uncommon in warm climates, is the *Mantis;* it is called *la morte* by the Italians, and *baton marchant* and *prie dieu* by the French. There are various kinds of them. The most common and the most beautiful are of a light green colour, with long wings, which they fold up in several plaits. They are, in general, about three inches in length, with long legs and claws, which they use with great dexterity in seizing their prey. This consists of any kind of insect which they can master. I have seen them catch wasps and bees. If, when they are in possession of their prey, any other insect settles within their reach, they first stick the former on some sharp spikes with which their legs are provided, and then catch the other."

MANTICE (μαντική). (*Vid.* Divinatio.)

MANU'BIÆ. (*Vid* Spolia.)

MANULEA'TUS. (*Vid.* Chiridota.)

MANUM, CONVENTIO IN. (*Vid.* Marriage, Roman.)

MANUMI'SSIO was the form by which slaves and persons in mancipii causa were released from those conditions respectively.

There were three modes of effecting a justa et legitima manumissio, namely, vindicta, census, and testamentum, which are enumerated both by Gaius and Ulpian[3] as existing in their time.[4] Of these the manumissio by vindicta is probably the oldest, and, perhaps, was once the only mode of manumission. It is mentioned by Livy as in use at an early period,[5] and, indeed, he states that some persons refer the origin of the vindicta to the event there related, and derive its name from Vindicius; the latter part, at least, of the supposition is of no value.

The ceremony of the manumissio by the vindicta was as follows: The master brought his slave before the magistratus, and stated the grounds (*causa*) of the intended manumission. The lictor of the magistratus laid a rod (*festuca*) on the head of the slave, accompanied with certain formal words, in which he declared that he was a free man ex jure Quiritium, that is, "*vindicavit in libertatem.*" The master in the mean time held the slave, and after he had pronounced the words "*hunc hominem liberum volo,*" he turned him round (*momento turbinis exit Marcus Dama*[6]) and let him go (*emisit e manu*), whence the general name of the act of manumission. The magistratus then declared him to be free, in reference to which Cicero[7] seems to use the word "addicere." The word vindicta itself, which is properly the res *vindicata*, is used for festuca by Horace.[8] Plautus[9] uses festuca.

It seems highly probable that this form of manumissio was framed after the analogy of the in jure vindicationes,[10] and that the lictor in the case of manumission represented the opposite claimant in the vindicatio.[11]

As for the explanation of the word vindicta, see Vindiciæ and Vindicatio.

1 (Xen., Cyrop., i., 3, § 51.)—2. (Festus, s. v.)—3. (Fellows's Journal, 1838, p. 153.)—4. (Quintil., i., 5, 57.)—5. (Hor., Sat., II., iv., 81.—Id. ib., II., viii., 63.)—6. (Martial, xii., 29.—Id., xiv., 139.)—7. (Heindorff ad Hor., Sat., II., i., 73.)—8. (Athen., ix., 79.)—9. (Philoxenus, ap. Athen., ix., 77.)—10. (Virg., Georg. iv., 377.—Æn., i., 702.)—11. (Lamprid., Al. Severus, c. 40.)—12. (Athen., ix., 79.)

1. (Aristot., H. A., ii., 3.—Ctes., Indic.—Ælian, N. A., iv., 21.—Heeren, Hist. Researches, vol. i., p. 155.—Adams, Append., s. v.)—2. (Theocr., Idyl., x., 18.—Adams, Append., s. v.—Dodwell's Tour, vol. ii., p. 46.)—3. (Frag., I.)—4. (Compare Cic., Top., 2, and Plautus, Cas., ii., 8, 68.)—5. (ii., 5.)—6. (Persius Sat., v., 78.)—7. (ad Att., vii., 2.)—8. (Sat., ii., 7, 76.)—9 (Mil. Glor., iv., 1, 15.)—10. (Gaius, iv., 16.)—11. (*Vid.* Unterholzner, Von den formen der Manumissio per Vindictam und Emancipatio, Zeitschrift, ii., 139.)

The manumissio by the census is thus briefly described by Ulpian: "Slaves were formerly manumitted by census, when at the lustral census (*lustrali censu*) at Rome they gave in their census (some read *nomen* instead of census) at the bidding of their masters." Persons in mancipio might also obtain their manumission in this way.[1]

In the absence of decisive testimony as to the origin of these two modes of manumissio, modern writers indulge themselves in a variety of conjectures. It may be true that originally the manumission by vindicta only gave libertas and not civitas; but this opinion is not probable. It may easily be allowed, that in the earliest period the civitas could only be conferred by the sovereign power, and that, therefore, there could be no effectual manumission except by the same power. But the form of the vindicta itself supposes, not that the person manumitted was a slave, but that he was a free person, against whose freedom his master made a claim. The proceeding before the magistratus was in form an assertion of the slave's freedom (*manu asserere liberali causa*), to which the owner made no defence, but he let him go as a free man. The proceeding then resembles the in jure cessio, and was, in fact, a fictitious suit, in which freedom (*libertas*) was the matter in issue. It followed as a consequence of the fiction, that when the magistratus pronounced in favour of freedom ex jure Quiritium, there could be no dispute about the civitas.

In the case of the census the slave was registered as a citizen with his master's consent. The assumption that the vindicta must have originally preceded the census, for which there is no evidence at all, is inconsistent with the nature of the proceeding, which was a registration of the slave, with his master's consent, as a citizen. A question might arise whether he should be considered free immediately on being entered on the censors' roll, or not until the lustrum was celebrated;[2] and this was a matter of some importance, for his acquisitions were only his own from the time when he became a free man.

The law of the Twelve Tables confirmed freedom which was given by will (*testamentum*). Freedom (*libertas*) might be given either *directo*, that is, as a legacy, or by way of fideicommissum. The slave who was made free directo was called orcinus libertus (or horcinus, as in Ulp., *Frag.*), for the same reason, perhaps, that certain senators were called orcini.[4] He who received his libertas by way of fideicommissum was not the libertus of the testator, but of the person who was requested to manumit him (*manumissor*): if the heres who was requested to manumit refused, he might be compelled to manumit on application being made to the proper authority. Libertas might be given by fideicommissum to a slave of the testator, of his heres, or of his legatee, and also to the slave of any other person (*extraneus*). In case of libertas being thus given to the slave of any other person, the gift of libertas was extinguished if the owner would not sell the slave at a fair price. A slave who was made conditionally free by testament, was called statu liber, and he was the slave of the heres until the condition was fulfilled. If a statu liber was sold by the heres, or if the ownership of him was acquired by usucapion, he had still the benefit of the condition: this provision was contained in the law of the Twelve Tables. If a slave was made free and heres by the testator's will, on the death of the testator he became both free and heres, whether he wished it or not. (*Vid.* Heres.)

The lex Ælia Sentia laid various restrictions on manumission. Among other things, it enacted that a slave under thirty years of age should not become a Roman citizen by manumission, unless the grounds of manumission were approved before a body called consilium, and the ceremony of vindicta was observed. This consilium at Rome consisted of five senators and five equites, all puberes; and in the provinces of twenty recuperatores, who were Roman citizens. If an insolvent master manumitted by testament a slave under thirty years, and at the same time made him his heres, the lex did not apply. This lex also annulled all manumissions made for the purpose of cheating creditors and defrauding patrons of their rights. The ceremony of manumitting slaves above thirty years of age had become very simple in the time of Gaius:[1] it might be in the public road (*in transitu*), as when the prætor or proconsul was going to the bath or the theatre. In fact, it was not the place which determined the validity of such an act, but it was the circumstance of its being done before a competent authority: hence it could take place before municipal magistratus who had the legis actio. The Romans never lost sight of the real groundwork of their institutions, whatever changes might be made in mere forms. The lex Ælia Sentia also prevented persons under twenty years of age from manumitting slaves, except by the vindicta, and with the approbation of the consilium. (*Vid.* Ælia Sentia.)

The lex Furia or Fusia Caninia fixed limits to the number of slaves who could be manumitted by will. The number allowed was a half, one third, one fourth, and one fifth of the whole number that the testator possessed, according to a scale fixed by the lex. As its provisions only applied to cases where a man had more than two slaves, the owner of one slave or of two slaves was not affected by this lex. It also provided that the slaves to whom freedom was given should be named. This lex only applied to manumission by testament. It was passed about A.D. 7, and several senatus consulta were made to prevent evasions of it.[2] This lex was repealed by Justinian.[3]

A form of manumission "inter amicos" is alluded to by Gaius. This was, in fact, no legal manumission, but it was a mere expression of the master's wish, which would have been sufficient in the absence of all positive law. This might be done by inviting the slave to table, writing him a letter, or in any other less formal way. It is stated that originally such a gift of freedom could be recalled, as to which there can be no doubt, as it was not legal freedom; but ultimately the prætor took persons who had been made free in this manner under his protection, and the lex Junia Norbana gave them the status called Latinitas.

A manumissio sacrorum causa is sometimes mentioned as a kind of manumission, whereas the words sacrorum causa point rather to the grounds of the manumission: the form might be the usual form.[4]

Besides the due observance of the legal forms, it was necessary, in order to effect a complete manumission, that the manumissor should have the quiritarian ownership of the slave. If the slave was merely in bonis, he only became a Latinus by manumission. A woman in tutela, and a pupillus or pupilla, could not manumit. If several persons were joint owners (*socii*) of a slave, and one of them manumitted the slave in such form as would have effected complete manumission if the slave had been the sole property of the manumissor, such manumissor lost his share in the slave, which accrued to the other joint owner or joint owners. Justinian enacted

1. (Gaius, i., 140.)—2. (Plaut., Poen., iv., 2, 83, &c.)—3. (Cic., De Or., i, 40.)—4. (Sueton., Octav., 35.)

1. (i., 20.)—2. (Suet., Octav., 40.—Gaius, i., 46.) — 3. (Cod v., tit. 3: "De Lege Fus. Can. tollenda.")—4. (Festus, s. v. Manumitti, Puri.—Savigny, Zeitschrift, iii. 405.)

that, if only one joint owner was willing to manumit a slave, the other might be compelled to manumit on receiving the price fixed by law for their shares. If one person had the usufructus and another the property of a slave, and the slave was manumitted by him who had the property, he did not become free till the usufructus had expired: in the mean time, however, he had no legal owner (*dominus*).

The act of manumission established the relation of patronus and libertus between the manumissor and the manumitted. When manumitted by a citizen, the libertus took the prænomen and the gentile name of the manumissor, and became, in a sense, a member of the gens of his patron. To these two names he added some other name as a cognomen, either some name by which he was previously known, or some name assumed on the occasion: thus we find the names M. Tullius Tiro, P. Terentius Afer, and other like names. If he was manumitted by the state as a servus publicus, he received the civitas and a prænomen and gentile name, or he took that of the magistratus before whom he was manumitted. The relation between a patronus and libertus is stated under PATRONUS.

At the time when Gaius wrote, the peculiar rights of Roman citizens were of less importance than they had been under the Republic. He states that all slaves who were manumitted in the proper form, and under the proper legal conditions, became complete Roman citizens. But this could not have been so in the earliest ages. The liberti of the plebeians, for instance, before their masters obtained the honores, could not be in a better condition than those who manumitted them, and their masters had not then the complete civitas. The want of ingenuitas also affected their status; but this continued to be the case even under the Empire. (*Vid.* INGENUI.)

Before the year B.C. 311, the libertini had not the suffragium, but in that year the censor Appius Claudius gave the libertini a place in the tribes, and from this time the libertini had the suffragium after they were duly admitted on the censors' roll.[1] In the year B.C. 304 they were placed in the tribus urbanæ, and not allowed to perform military service. In the censorship of Tiberius Gracchus, B.C. 169, they were placed in one of the tribus urbanæ determined by lot,[2] or, as Cicero[3] expresses it, the father of Tiberius and Caius Sempronii transferred the libertini (*nutu atque verbo*) into the tribus urbanæ. Subsequently, by a law of Æmilius Scaurus, about B.C. 116, they were restored to the four city tribes, and this remained their condition to the end of the Republic, though various attempts were made to give them a better suffrage.

A tax was levied on manumission by a lex Manlia, B.C. 357: it consisted of the twentieth part of the value of the slave, hence called vicesima.[4]

MANUS FERREA. (*Vid.* HARPAGO.)

MANUS INJE'CTIO is one of the five modi or forms of the legis actio according to Gaius.[5] It was, in effect, in some cases, a kind of execution. The judicati manus injectio was given by the Twelve Tables. The plaintiff (*actor*) laid hold of the defendant, using the formal words "*Quod tu mihi judicatus sive damnatus es sestertium x milia quæ dolo malo non solvisti ob eam rem ego tibi sestertium x milia judicati manus injicio.*" The defendant, who had been condemned in a certain sum, had thirty days allowed him to make payment in, and after that time he was liable to the manus injectio. The defendant was not permitted to make any resistance, and his only mode of defence was to find some responsible person (*vindex*) who would undertake his defence (*pro eo lege agere*). If he found no vindex, the plaintiff or creditor, for such the judgment really made him, might carry the defendant to his house, and keep him in confinement for sixty days, during which time his name and the amount of his debt were proclaimed at three successive nundinæ. If no one paid the debt, the defendant might be put to death or sold.[1] According to the words of the Twelve Tables, the person must be brought before the prætor (*in jus*), which, of course, means that he must be seized first: if, when brought before the prætor, he did not pay the money (*ni judicatum solvit*) or find a vindex, he might be carried off and put in chains, apparently without the formality of an addictio. The lex Publilia, evidently following the analogy of the Twelve Tables, allowed the manus injectio in the case of money paid by a sponsor, if the sponsor was not repaid in six months. The lex Furia de Sponsu allowed it against him who had exacted from a sponsor more than his just proportion (*virilis pars*). These and other leges allowed the manus injectio *pro* judicato, because in these cases the claim of the plaintiff was equivalent to a claim of a res judicata. Other leges granted the manus injectio pura, that is, non pro judicato, as the lex Furia Testamentaria and the Marcia adversus feneratores. But in these cases the defendant might withdraw himself from the manus injectio (*manum sibi depellere*), and defend his cause; but it would appear that he could only relieve himself from this seizure by actually undertaking to defend himself by legal means. Accordingly, if we follow the analogy of the old law, it was in these cases an execution if the defendant chose to let it be so; if he did not, it was the same as serving him with process to appear before the prætor. A lex, the name of which is obliterated in Gaius, allowed the person seized to defend his own cause except in the case of a "judicatus," and "*is pro quo depensum est*;" and, consequently, in the two latter cases, even after the passing of this lex, a man was bound to find a vindex. This continued the practice so long as the legis actiones were in use; "whence," says Gaius,[2] "in our time, a man '*cum quo judicati depensive agitur*' is compelled to give security '*judicatum solvi.*'" From this we may conclude that the vindex in the old time was liable to pay, if he could find no good defence to the plaintiff's claim; for, as the vindex could "lege agere," though the defendant could not, we must assume that he might show, if he could, that the plaintiff had no ground of complaint; as, for instance, that he had been paid; and that, if he had no good defence, he must pay the debt himself.

MAPPA. (*Vid.* MANTELE.)

*MAR'ATHRUM (*μάραθρον*), the Fennel, or *Anethum fœniculum*. Thus Apuleius remarks, "Græci *Marathron*, Latini *Fœniculum* vocant."[3]

*MARGARI'TA (*μαργαρίτης*, *μάργαρος*, &c.), the Pearl. "The fullest account of Pearls contained in any Greek author is to be found in Ælian.[4] The Indian pearl-fish of which he speaks is, no doubt, the *Avicula Margaritifera*. The shell which produces the finest pearls in Britain is the *Mya Margaritifera*, L., now called *Alasmodon Margaritiferum*." "The Pearl," observes Sir John Hill, "was in great esteem among the ancients even as early as the time of Job. By the Romans it was allowed the second rank among jewels. Pearls are produced in many kinds of shell-fish, but the finest, and what are properly the genuine Pearl, are bred in the *Concha Margaritifera plerisque, Berberi antiquis Indis dicta*." Theophrastus seems to have been very well acquainted with the history of the Pearl, and doubt-

1 (Plut., Poplic., 7.—Liv., ix., 46.—Diod. Sic., xx., 36.)—2. (Liv., xlv., 15.)—3. (De Or., i., 9.)—4. (Liv., vii., 16.—Id., xxvii., 10.—Cic. ad Att., ii., 16.)—5. (iv., 12.)

1. (Gell., xx., 1.)—2. (iv., 25.)—3. (Theophrast., H. P., i., 11.—Dioscor., iii., 84.—Adams, Append., s. v.)—4. (N. A. xv. 8.)—5. (List., Hist. Conch.)

less means this very shell by his ὀστρειῳ τινί. Androsthenes also confirms its being this very shell that the fine Oriental pearls are found in: ἓν δὲ ἴδιον καλοῦσιν ἐκεῖνοι Βερυεμι, ἐξ οὗ ἡ μαργαρῖτις λίθος. The Pearl is no more than a morbid excrescence from the animal in which it is found."[1] "The commerce of pearls appears to be of the highest antiquity. History, in fact, apprizes us that, from time immemorial, the princes of the East have sought after this kind of ornament with a sort of passion, and have employed it in all parts of their dress, and even in decorating instruments, furniture, &c. The Persians, according to Athenæus, paid for pearls with their weight in gold. The pearl mussels, therefore, must be like our common mussels, which, in spite of the prodigious quantity that have been eaten for so many years, do not appear to suffer any sensible diminution."[2] "The art of forcing shell-fish to produce pearls was known in the first centuries of the Christian era to the inhabitants of the coasts of the Red Sea, as we are told by the philosopher Apollonius, who thought that circumstance worthy of particular notice. The Indians dived into the sea after they had rendered it calm, and perhaps clearer, by pouring oil upon it. They then enticed the fish, by means of some bait, to open their shells, and having pricked them with a sharp-pointed instrument, received the liquor that flowed from them in small holes made in an iron vessel, in which they hardened into real pearls." For farther remarks on this subject, as well as on the invention of Linnæus for producing pearls, consult the remarks of Beckmann,[3] from whom the above has been taken.

MARIS or MARES (μάρις or μάρης) (Hesych., μαριστον), a Greek measure of capacity, which, according to Pollux[4] and Aristotle,[5] contained 6 cotylæ, =2·973 pints. Polyænus mentions a much larger measure of the same name, containing 10 congii, =7 galls. 3·471 pints.[6]

*MARMOR (μάρμαρος), Marble. "Strictly speaking," observes Adams, "the term *Marble* should be confined to those varieties of carbonate of lime which are susceptible of a polish; but the term was applied by the ancients to all stones susceptible of a good polish." The most celebrated of the antique marbles were the Parian, Pentelican, Chian, and Theban, for an account of which consult the several heads.[7]

MARRIAGE (GREEK) (Γάμος). The ancient Greek legislators considered the relation of marriage as a matter not merely of private, but also of public or general interest. This was particularly the case at Sparta, where the subordination of private interests and happiness to the real or supposed exigencies of the state was strongly exemplified in the regulations on this subject. For instance, by the laws of Lycurgus, criminal proceedings might be taken against those who married too late (γραφὴ ὀψιγαμίου) or unsuitably (γραφὴ κακογαμίου), as well as against those who did not marry at all (γραφὴ ἀγαμίου[8]). These regulations were founded on the generally recognised principle that it was the duty of every citizen to raise up a strong and healthy progeny of legitimate children to the state.[9] So entirely, in fact, did the Spartans consider the τεκνοποιΐα, or the production of children, as the main object of marriage, and an object which the state was bound to promote, that whenever a woman had no children by her own husband, she was not only allowed, but even required by the laws to cohabit with another man.[10] On the same principle, and for the purpose of preventing the extinction of his family, the Spartan king Anaxandrides was allowed to cohabit with two wives, for whom he kept two separate establishments: a case of bigamy which, as Herodotus[1] observes, was not at all consistent with Spartan, nor, indeed, with Hellenic customs. Thus the heroes of Homer appear never to have had more than one κουριδίη ἄλοχος,[2] though they are frequently represented as living in concubinage with one or more παλλακαί. Solon also seems to have viewed marriage as a matter in which the state had a right to interfere, for we are told that his laws allowed of a γραφὴ ἀγαμίου, though the regulation seems to have grown obsolete in later times; at any rate, there is no instance on record of its application.[3] Plato, too, may be quoted to prove how general was this feeling; for, according to his laws,[4] any one who did not marry before he was thirty-five was punishable not only with ἀτιμία, but also with pecuniary penalties; and he expressly states that, in choosing a wife, every one ought to consult the interests of the state, and not his own pleasure.[5]

But, independent of any public considerations, there were also private or personal reasons (peculiar to the ancients) which made marriage an obligation. Plato[6] mentions one of these, viz., the duty incumbent upon every individual to provide for a continuance of representatives to succeed himself as ministers of the Divinity (τῷ Θεῷ ὑπηρέτας ἀνθ' αὑτοῦ παραδιδόναι). Another was the desire felt by almost every one, not merely to perpetuate his own name, but also to prevent his "heritage being desolate, and his name being cut off" (ὅπως μὴ ἐξερημώσωσι τοὺς σφετέρων αὐτῶν οἴκους), and to leave some one who might make the customary offerings at his grave (ἀλλ' ἔσται τις καὶ ὁ ἐναγιῶν[7]). We are told that, with this view, childless persons sometimes adopted children.

The choice of a wife among the ancients was but rarely grounded upon affection, and scarcely ever could have been the result of previous acquaintance or familiarity. In many cases a father chose for his son a bride whom the latter had never seen, or compelled him to marry for the sake of checking his extravagances. Terence[8] thus illustrates the practice:

"*Pater præteriens modo*
Mihi apud forum, uxor tibi ducenda est, Pamphile hodie inquit: para."

In Plautus[9] a son promises his father that he will marry in these words:

"*Ego ducam, pater: etiam si quam aliam jubebis.*"

Representations of this sort may indeed be considered as exaggerations, but there must have been scenes in real life to which they in some measure correspond. Nor was the consent of a female to a match proposed for her generally thought necessary: she was obliged to submit to the wishes of her parents, and receive from them, it might be, a stranger for her husband and lord. Sophocles thus describes the lot of women in this respect: "When we are grown up (he makes a female say) we are driven away from our parents and paternal gods,"

καὶ ταῦτ', ἐπειδὰν εὐφρονὴ ζεύξῃ μία,
χρεὼν ἐπαινεῖν, καὶ δοκεῖν καλῶς ἔχειν.[10]

So also in Euripides,[11] Hermione declares that it is her father's business to provide a husband for her. The result of marriages contracted in this manner would naturally be a want of confidence and mutual understanding between husband and wife, until they

1. (Hill ad Theophrast., De Lapid., c. 64.)—2. (Griffith's Cuvier, vol. xii., p. 389.)—3. (Hist of Inventions, vol. ii., p. 2, &c.) 4. (Onom., i., 10.)—5. (H. A., viii., 9.)—6. (Wurm, p. 134.)—7. (Adams, Append., s. v. Μάρμαρος.)—8. (Pollux, Onom., viii., 40.—Plut., Lycurg., c. 15.)—9. (Müller, Dorians, iv., 4, § 3.)—10. (Xen., De Rep. Lac., i., 8.)

1. (vi., 39, 40.)—2. (Buttmann, Lexil., 73.)—3. (Platner, Process, &c., ii., p. 248.)—4. (Leg., iv., p. 721.)—5. (Leg., vi., 773.)—6. (l. c.)—7. (Isæus, De Apoll. hæred., p. 66, ed. Bekker.)—8. (Andria, i., 5.)—9. (Trinum., v., 2, 59.)—10. (Frag. Tereus.)—11. (Androm., 951.)

became better acquainted with, and accustomed to, each other. Xenophon[1] illustrates this with much *naïveté* in the person of Ischomachus, who says of his newly-married wife: "When at last she was manageable (*χειροήθης*), and getting tame, so that I could talk with her, I asked her," &c., &c. By the Athenian laws, a citizen was not allowed to marry with a foreign woman, nor conversely, under very severe penalties;[2] but proximity by blood (*ἀγχιστεία*), or consanguinity (*συγγένεια*), was not, with some few exceptions, a bar to marriage in any part of Greece; direct lineal descent was.[3] Thus brothers were permitted to marry with sisters even, if not *ὁμομήτριοι*, or born from the same mother, as Cimon did with Elpinice, though a connexion of this sort appears to have been looked on with abhorrence.[4] In the earlier periods of society, indeed, we can easily conceive that a spirit of caste or family pride, and other causes, such as the difficulties in the way of social intercourse, would tend to make marriages frequent among near relatives and connexions.[5] At Athens, however, in the case of a father dying intestate and without male children, his heiress had no choice in marriage; she was compelled by law to marry her nearest kinsman not in the ascending line; and if the heiress were poor (*θῆσσα*), the nearest unmarried kinsman either married her or portioned her suitably to her rank. When there were several coheiresses, they were respectively married to their kinsmen, the nearest having the first choice. (*Vid.* Epiclerus.) The heiress, in fact, together with her inheritance, seems to have belonged to the kinsmen of the family, so that, in early times, a father could not give his daughter (if an heiress) in marriage without their consent.[6] But this was not the case according to the later Athenian law,[7] by which a father was empowered to dispose of his daughter by will or otherwise, just as widows also were disposed of in marriage by the will of their husbands, who were considered their rightful guardians (*κύριοι*).[8]

The same practice of marrying in the family (*οἶκος*), especially in the case of heiresses, prevailed at Sparta: thus Leonidas married the heiress of Cleomenes, as being her *ἀγχιστεύς* or next of kin, and Anaxandrides his own sister's daughter. Moreover, if a father had not determined himself concerning his daughter, it was decided by the king's court who among the privileged persons or members of the same family should marry the heiress.[9] A striking resemblance to the Athenian law respecting heiresses is also found in the Jewish code, as detailed in *Numbers*,[10] and exemplified in *Ruth*.[11]

But match-making among the ancients was not, in default of any legal regulations, entirely left to the care and forethought of parents, for we read of women who made a profession of it, and who were therefore called *προμνήστριαι* or *προμνηστρίδες*.[12] The profession, however, does not seem to have been thought very honourable, nor to have been held in repute, as being too nearly connected with, or likely to be prostituted to, *προαγωγεία*.[13]

Particular days and seasons of the year were thought auspicious and favourable for marriage among the Greeks. Aristotle[14] speaks of the winter generally as being so considered, and at Athens the month Γαμηλιών, partly corresponding to our January, received its name from marriages being frequently celebrated in it. Hesiod[15] recommends marrying on the fourth day of the month:

Ἐν δὲ τετάρτῃ μηνὸς ἄγεσθαι ἐς οἶκον ἄκοιτιν.

but whether he means the fourth from the beginning or end of the month is doubtful. Euripides[16] speaks as if the time of the full moon were thought favourable,

ὅταν σελήνης εὐτυχὴς ἕλθῃ κύκλος,

in which he is confirmed by the expression *δίχομηνίδες ἑσπεραι*, or the full-moon nights in Pindar.[17] That this prepossession, however, was not general and permanent, appears from Proclus,[18] who informs us that the Athenians selected for marriages the times of new moon (*τὰς πρὸς σύνοδον ἡμέρας*), *i. e.*, when the sun and moon were in conjunction.

There was also some difference of opinion, on which it is not worth while to dilate, about the proper age for marrying; but, generally speaking, men were expected to marry between 30 and 35, and women about 20, or rather before.[19]

We proceed now to explain the usual preliminaries and accompaniments of marriage in various parts of Greece. The most important preliminary at Athens was the *ἐγγύησις* or betrothal, which was, in fact, indispensable to the complete validity of a marriage contract. It was made by the natural or legal guardian (*ὁ κύριος*) of the bride elect, and attended by the relatives of both parties as witnesses The law of Athens ordained that all children born from a marriage legally contracted in this respect should be *γνήσιοι*,[20] and consequently, if sons, *ἰσόμοιροι*, or entitled to inherit equally or in gavelkind. It would seem, therefore, that the issue of a marriage without espousals would lose their heritable rights, which depended on their being born *ἐξ ἀστῆς καὶ ἐγγυητῆς γυναῖκος*: *i. e.*, from a citizen and a legally betrothed wife. The wife's dowry was also settled at the espousals.[21]

But there were also several ceremonies observed either on or immediately before the day of marriage. The first of these were the *προτέλεια γάμων* or *προγάμεια*,[22] and consisted of sacrifices or offerings made to the *Θεοὶ γαμήλιοι*, or divinities who presided over marriage. They are generally supposed to have been made on the day before the *γάμος* or marriage; but there is a passage in Euripides[23] which makes it probable that this was not always the case. The sacrificer was the father of the bride elect; the divinities to whom the offering was made were, according to Pollux,[24] Hera, and Artemis, and the Fates, to whom the brides elect then dedicated the *ἀπαρχαί* of their hair. According to Diodorus Siculus[25] they were Zeus and Hera *τελεία* (Juno pronuba); but they probably varied in different countries, and were sometimes the *Θεοὶ ἐγχώριοι* or local deities. The offerings to Artemis were probably made with a view of propitiating her, as she was supposed to be averse to marriage. (*Vid.* Brauronia, p. 172.) We may also observe that Pollux uses *προγάμεια* as synonymous with *προτέλεια*, making *γάμος* identical with *τέλος*, as if marriage were the *τέλος* or perfection of man's being: whence *τέλειος*, connected with or presiding over marriage or a married person, and *δόμος ἡμιτέλης*, a house without a husband, or incomplete.[26] Another ceremony of almost general observance on the wedding-day was the bathing of both the bride and bridegroom in water fetched from some particular fountain, whence, as some think, the custom of placing the figure of a *λουτροφόρος*, or "water-carrier," over the tombs of those who died unmarried. (*Vid.* Loutron, p. 599.) After these preliminaries, the bride was generally conducted from her father's to the house of the

1. (Œcon., 7, 10.)—2. (Demosth., c. Neær., 1350.)—3. (Isæus, De Ciron. hæred., p. 72.)—4. (Becker, Charikles, ii., 448.)—5. (Compare Numbers, c. xxxvi.)—6. (Müller, Dorians, ii., 10, § 4.)—7. (Demosth., c. Steph., p. 1134.)—8. (Demosth., c. Aphob., 814.)—9. (Herod., vi., 57.—Müller, l. c.)—10. (c. xxvii., 1–11.)—11. (c. iv.)—12. (Pollux, Onom., iii., 31.)—13. (Plato, Theæt., 3, p. 150.)—14 (Polit., vii., 15.)—15. (Op. et D., 800.)

1. (Iphig. in Aul., 707.)—2. (Isth., vii., 45.)—3. (ad Hes., Op. et D., 782.)—4. (Plato, Leg., vi., p. 785.)—5. (Demosth., c. Steph., 1134.)—6. (Meier and Schömann, p. 415.)—7. (Pollux, Onom., iii., 38.)—8. (Iphig. in Aul., 642.)—9. (Onom., iii., 381.)—10. (v., 73.)—11. (Hom., Il., ii., 701.)

bridegroom at nightfall, in a chariot (*ἐφ' ἁμάξης*) drawn by a pair of mules or oxen, and furnished with a *κλινίς* or kind of couch as a seat. On either side of her sat the bridegroom and one of his most intimate friends or relatives, who, from his office, was called *παράνυμφος* or *νυμφευτής*; but, as he rode in the carriage (*ὄχημα*) with the bride and bridegroom, he was sometimes called the *πάροχος* (*ὁ ἐκ τρίτου ὁ παροχούμενος πάροχος ἐκλήθη*[1]). Hence Aristophanes[2] speaks of the "blooming Love guiding the supple reins," when Zeus was wedded to Hera, as the *Ζηνὸς πάροχος γάμων τῆς τ' εὐδαίμονος Ἥρας*.

The nuptial procession was probably accompanied, according to circumstances, by a number of persons, some of whom carried the nuptial torches (*δᾷδες νυμφικαί*[3]); and in some places, as in Bœotia, it was customary to burn the axle of the carriage on its arrival at the bridegroom's house, as a symbol that the bride was to remain at home and not go abroad.[4] If the bridegroom had been married before, the bride was not conducted to his house by himself, but by one of his friends, who was therefore called *νυμφαγωγός*.[5]

Both bride and bridegroom (the former veiled) were of course decked out in their best attire, with chaplets on their heads,[6] and the doors of their houses were hung with festoons of ivy and bay.[7] As the bridal procession moved along, the hymenæan song was sung to the accompaniment of Lydian flutes, even in olden times, as beautifully described by Homer[8] (*vid.* Chorus, p. 246), and the married pair received the greetings and congratulation of those who met them.[9] After entering the bridegroom's house, into which the bride was probably conducted by his mother, bearing a lighted torch,[10] it was customary to shower sweetmeats upon them (*καταχύσματα*) as emblems of plenty and prosperity.[11]

After this came the *γάμος* or nuptial feast, the *θοινὴ γαμική*, which was generally[12] given in the house of the bridegroom or his parents; and, besides being a festive meeting, served other and more important purposes. There was no public rite, whether civil or religious, connected with the celebration of marriage among the ancient Greeks, and therefore no public record of its solemnization. This deficiency, then, was supplied by the marriage feast, for the guests were of course competent to prove the fact of a marriage having taken place; and Demosthenes[13] says they were invited partly with such views. To this feast, contrary to the usual practice among the Greeks, women were invited as well as men; but they seem to have sat at a separate table, with the bride still veiled among them.[14] At the conclusion of this feast she was conducted by her husband into the bridal chamber; and a law of Solon[15] required that they should eat a quince together, as if to indicate that their conversation ought to be sweet and agreeable. The song called the Epithalamium was then sung before the doors of the bridal chamber, as represented by Theocritus in his 18th Idyl, where, speaking of the marriage of Helen, he says:

> Twelve Spartan virgins, the Laconian bloom,
> Choired before fair Helen's bridal room;
> To the same time with cadence true they beat
> The rapid round of many twinkling feet,
> One measure tripp'd, one song together sung
> Their hymenean all the palace rung.
>
> Chapman.

On which passage the scholiast remarks that epithalamia are of two kinds; some sung in the evening, and called *κατακοιμητικά*, and others in the morning (*ὀρθρια*), and called *διεγερτικά*.

The day after the marriage, the first of the bride's residence in her new abode, was called the *ἐπαύλια*; on which their friends sent the customary presents to the newly-married couple. On another day, the *ἀπαύλια*, perhaps the second after marriage, the bridegroom left his house to lodge apart from his wife at his father's-in-law, and the bride presented him with a garment called *ἀπαυλιστηρία*, in connexion with which, Pollux[1] observes, that the gifts made to the bride after the marriage were called *ἀπαύλια*. Some of the presents made to the bride by her husband and friends were called *ἀνακαλυπτήρια*, as being given on the occasion of the bride first appearing unveiled:[2] they were probably given on the *ἐπαύλια*, or day after the marriage.

Another ceremony observed after marriage was the sacrifice which the husband offered up on the occasion of his bride being registered among his own phratores (*γαμηλίαν* scil. *θυσίαν τοῖς φράτορσιν εἰσήνεγκεν*.[3]

The statement above made of the solemnities connected with marriage cannot, of course, be considered as applicable to all ages and circumstances, but rather as a representation of the customs generally observed at Athens in later times.

At Sparta the betrothal of the bride by her father or guardian (*κύριος*) was requisite as a preliminary of marriage, as well as at Athens.[4] Another custom peculiar to the Spartans, and a relic of ancient times, was the seizure of the bride by her intended husband,[5] but, of course, with the sanction of her parents or guardians.[6] She was not, however, immediately domiciled in her husband's house, but cohabited with him for some time clandestinely, till he brought her, and frequently her mother also, to his home.[7] A similar custom appears to have prevailed in Crete, where, as we are told,[8] the young men, when dismissed from the *ἀγελή* of their fellows, were immediately married, but did not take their wives home till some time afterward. Müller suggests that the children of this furtive kind of intercourse were called *παρθένιοι*.

We subjoin some particulars concerning the relation between man and wife among the ancient Greeks, prefacing them with a description of domestic married life from Lysias.[9] The speaker there says, "I have a small two-story house, of equal dimensions on the basement and first floor, both in the male and female apartments (*κατὰ τὴν γυναικωνῖτιν, κ. τ. λ.*). Now, after our little boy was born, his mother used to suckle it; and that she might not meet with any accident in going down the ladder (*ἡ κλῖμαξ*), whenever she wanted to wash, I lived up stairs, and the women below. And it was usual for my wife to leave me very frequently and sleep down stairs with the child, to give it the breast and keep it from crying. And one day, after dinner, the little fellow cried and fretted, and I told my wife to go and suckle it; now at first she would not, but at last I got angry with her, and ordered her to go: 'yes,' said she, 'that you may play with the servant-maid,'" &c.

Now, though the wife, as appears by this tale, usually took her meals with her husband, she did

1 (Harpocr., s. v.)—2. (Aves, 1735.)—3. (Aristoph., Pax, 1318.)—4. (Plut., Quæst. Rom., p. 111.)—5. (Hesych., s. v.—Pollux, Onom., iii., 40.)—6. (Becker, Charikles, ii., 467.)—7. (Plut., Amat., 10, p. 27.)—8. (Il., xviii., 490.—Hes., Scut. Herc., 273.)—9. (Aristoph., Pax, 1316.)—10. (Eurip., Phœniss., 311.)—11. (Schol. ad Aristoph., Plut., 768.)—12. (Becker, Charikles, ii., 189.)—13. (c. Onet., p. 869.)—14. (Lucian, Conviv., 8.—Athenæus, xiv., p. 644.)—15. (Plutarch in Vit., c. 20.)

1. (Onom., iii., 39.)—2. (Harpocr., s. v.)—3. (Demosth., c. Eubul., 1312, 1320.—Isæus, De Pyr. hæred., p. 45.)—4. (Müller, Dorians, ii., 4, § 2.)—5. (*Vid.* Herod., vi., 65.)—6. (Plut., Lycurg., 15.—Xen., De Rep. Lac., i., 5.)—7. (Müller, Dorians, l. c.)—8. (Strabo, x., p. 482.)—9 (De Cæde Eratosth., p. 92.)

not go out with him to dinner, nor sit at table with his guests when he had company.[1]

The duties of a good housewife are summed up by Plato[2] under the heads of *ταμιεία*, *θεραπεία*, and *παιδοτροφία*. The first of these included the domestic arrangements of the house and superintendence of the furniture, provisions, cookery, and servants; in fact, everything that came under the name of housekeeping.[3] But a trust of this kind was not reposed in a young wife till she had gained some experience; for what, says Xenophon,[4] could a wife, married at fifteen, be likely to know, who had lived in complete seclusion, and had only been taught by her mother to conduct herself virtuously (*σωφρονεῖν*)? The *θεραπεία* included the attendance upon the sick inmates of the house, whether free or slaves.[5] The *παιδοτροφία* was the physical education of the children, on which Plutarch[6] observes that mothers ought themselves to nurture and suckle their children, though frequently female citizens were hired as wet nurses.[7] The Spartan nurses were so famous that they were engaged even in foreign states; thus Alcibiades, we are told, was suckled by a Laconian nurse.[8] It is scarcely necessary to remark, that we have been speaking of a citizen in good circumstances, to which only our observations can apply.

The consideration in which women were held by their husbands, and the respect paid to them in ancient Greece, would naturally depend, in some degree, on their intellectual and moral character; but, generally speaking, the Greeks entertained comparatively little regard for the female character. They considered women, in fact, as decidedly inferior to men, qualified to discharge only the subordinate functions in life, and rather necessary as helpmates than agreeable as companions. To these notions female education for the most part corresponded, and, in fact, confirmed them; it did not supply the elegant accomplishments and refinement of manners which permanently engage the affections when other attractions have passed away. Aristotle[9] states that the relation of man to woman is that of the governor to the subject; and Plato,[10] that a woman's virtues may be summed up in a few words, for she has only to manage the house well, keeping what there is in it, and obeying her husband. Nor is it unimportant to remark, that Athenians, in speaking of their wives and children, generally said *τέκνα καὶ γυναῖκας*, putting their wives last: a phrase which indicates pretty clearly what was the tone of feeling on this subject. Moreover, before marriage, Grecian women were kept in a state of confinement, which amounted to little short of a deprivation of liberty, so that they are even said to have been watched and guarded in strong apartments,

ὀχυροῖσι παρθενῶσι φρουροῦνται καλῶς.[11]

nor was it thought becoming in them to be seen in public,[12] except on some particular occasions, when they appeared as spectators of, or participators in, religious processions; of which, young men desirous of getting married would naturally avail themselves to determine the object of their choice. Even after marriage the restrictions imposed upon young women of the middle and higher classes were of a very jealous and almost Oriental character. They occupied, as is well known, a separate part of the house, and in the absence of their husband it was thought highly improper for a man even to enter where they were.[1] From various passages of the Attic comedians, it would also seem that married women were required to keep at home (*οἰκουρεῖν*), and not allowed to go out of doors without the permission of their husbands. Thus, in a fragment of Menander,[2] we are told that married women are not allowed to pass the gate of the courtyard of the house,

πέρας γὰρ αὔλιος θύρα
Ἐλευθέρᾳ γυναικὶ νενόμιστ' οἰκίας·

and Aristophanes[3] speaks of their husbands forbidding them to go out. Again, on occasions of great public alarm (*e. g.*, when the news of the defeat at Chæroneia reached Athens), the women are spoken of, not as leaving their houses, but standing at their doors and inquiring after the fate of their husbands, a circumstance that is described as being discreditable to themselves and the city (*ἀναξίων αὐτῶν καὶ τῆς πόλεως*[4]). From a passage in Plutarch,[5] it appears that on this subject there was the same feeling at Thebes as well as at Athens; and the same writer[6] informs us that one of Solon's laws specified the conditions and occasions upon which women were to be allowed to leave their houses. In later times there were magistrates at Athens (the *γυναικονόμοι*), charged, as their name denotes, with the superintendence of the behaviour of women. (*Vid.* GYNAICONOMOI.)

But we must observe that the description given above of the social condition and estimation of women in Greece, does not apply to the heroic times as described by Homer, nor to the Dorian state of Sparta. With respect to the former, we have only space to remark, that the women of the Homeric times enjoyed much more freedom and consideration than those of later ages, and that the connexion between the sexes was then of a more generous and affectionate character than afterward. For another important distinction, see DOS, GREEK.

Among the Dorians generally, and in Sparta especially, the relation of the wife to the husband, and the regard paid to women, were for the most part the same as that represented by Homer to have prevailed universally among the ancient Greeks and as such, presented a strong contrast to the habits and principles of the Ionic Athenians, with whom the ancient custom of Greece, in this respect, was in a great measure supplanted by that of the East. At Sparta, for instance, the wife was honoured with the title of *δέσποινα*, or "mistress," an appellation not used unmeaningly or ironically, and which was common among the Thessalians and other nations of northern Greece.[8] Moreover, the public intercourse permitted by the Dorians between the sexes was (comparatively at least) of so free and unrestricted a character as to have given occasion for the well-known charges of licentiousness (*ἄνεσις*) against the Spartan women.[9] The influence, too, which the Lacedæmonian women enjoyed was so great, that the Spartans were blamed for submitting to the yoke of their wives; and even Aristotle[10] thought it necessary to account for the circumstance by the supposition that Lycurgus had failed in his attempt to regulate the life and conduct of the Spartan women as he had wished. In short, there was a great contrast and difference between the treatment of women in the Dorian and Ionian states of Greece, which is well described by Müller[11] in the following words: "Among the Ionians women were merely considered in an inferior and sensual light; and though the Æolians allowed their

1. (Isæus, De Pyrr. hæred., 39.—Demosth., c. Neær., 1352.)—2. (Leg., vii., p. 805.)—3. (Becker, Charikles, ii., p. 476.)—4. (Œcon., vii., 4.)—5. (Xen., Œcon., vii., 37.)—6. (De Educat. Puer., 5, p. 9.)—7. (Demosth., c. Eubul., 1309.)—8. (Plut., Lycurg., 16.)—9. (De Rep., i., cap. 2.)—10. (Meno, p. 71.)—11. (Eurip., Iph. in Aul.)—12. (Eurip., Orest., 108.)

1. (Demosth., c. Euerg., 1157 and 1150.)—2. (Meineke, p. 87.)—3. (Thesm., p. 790.)—4. (Lycurg., c. Leocr., p. 53, Bekker.)—5. (De Gen. Socr., 33)—6. (Solon, 21.)—7. (Becker, Charikles, ii., 415.)—8. (Müller, Dorians, ii., 4, § 4.)—9. (Eurip., Androm., 586.)—10. (Pol., ii., 6.)—11 (l. c.)

feelings a more exalted tone, as is proved by the amatory poetesses of Lesbos, the Dorians, as well at Sparta as in the south of Italy, were almost the only nation who considered the higher attributes of the female mind as capable of cultivation." In Sparta, too, the unmarried women lived more in public than the married. The former appeared with their faces uncovered, the latter veiled; and at Sparta, in Crete, and at Olympia, virgins were permitted to be spectators of the gymnastic contests, and married women only were excluded. The reverse of this was the case in Ionia.[1]

The preceding investigation will have prepared the reader for the fact, that the strictest conjugal fidelity was required, under very severe penalties, from the wife (*vid.* ADULTERIUM), while great laxity was allowed to the husband. The general practice is thus illustrated by Plautus:[2]

> "*Nam si vir scortum duxit clam uxorem suam,*
> *Id si rescivit uxor, impune est viro.*
> *Uxor viro si clam domo egressa est foras,*
> *Viro fit causa, exigitur matrimonio.*"

In cases of adultery by the wife, the Athenian law subjected the husband to *ἀτιμία* if he continued to cohabit with her; so that she was *ipso facto* divorced.[3] But a separation might be effected in two different ways: by the wife leaving the husband, or the husband dismissing the wife. If the latter supposed her husband to have acted without sufficient justification in such a course, it was competent for her after dismissal, or, rather, for her guardians, to bring an action for dismissal (*δικὴ ἀποπέμψεως* or *ἀποπομπῆς*): the corresponding action, if brought by the husband, was a *δικὴ ἀπολείψεως*. If, however, a wife were ill used in any way by her husband, he was liable to an action called a *δικὴ κακώσεως*,[4] so that the wife was not entirely unprotected by the laws: a conclusion justified by a fragment in Athenæus,[5] in which married women are spoken of as relying on its protection. But a separation, whether it originated from the husband or wife, was considered to reflect discredit on the latter (*ὁ γὰρ δίαυλός ἐστιν αἰσχύνην ἔχων*[6]), independent of the difficulties and inconveniences to which she was subjected by it. At Sparta, barrenness on the part of a wife seems to have been a ground for dismissal by the husband;[7] and from a passage in Chrysostom,[8] it has been inferred that women were in the habit of imposing supposititious children with a view of keeping (*κατασχεῖν*) their husbands: not but that the word admits of, if, indeed, it does not (from the tense) require, a different interpretation.

This article has been mainly composed from Becker's *Charikles*.[9] The duties of an Athenian wife are stated somewhat in detail by Xenophon.[10]

MARRIAGE (ROMAN), MATRIMO'NIUM, NU'PTIÆ. A legal Roman marriage was called justæ nuptiæ, justum matrimonium, as being conformable to jus (*civile*) or to law. A legal marriage was either cum conventione uxoris in manum viri, or it was without this conventio. But both forms of marriage agreed in this: there must be connubium between the parties, and consent: the male must also be pubes, and the woman viri potens. The legal consequences as to the power of the father over his children were the same in both.

A Roman marriage may be viewed, first, with reference to the conditions required for a justum matrimonium; secondly, with reference to the forms of the marriage; thirdly, with reference to its legal consequences.

1. (Müller, Dorians, ii., 2, § 2.)—2. (Mercat., iv., 6, 2.)—3. (Demosth., c. Neær., p. 1374.)—4. (p 179.)—5. (xiii., p. 559.)—6. (Frag. ap. Stob., p. 67, Gaisford.)—7. (Herod., vi., 61.)—8. (Orat. xv., p. 44*, R.)—9. (ii., p. 415.)—10. (Œcon. ad init.)

Unless there was connubium, there could be no Roman marriage. Connubium is defined by Ulpian to be "*uxoris jure ducendæ facultas*," or the faculty by which a man may make a woman his lawful wife. But, in truth, this is no definition at all, nor does it give any information. Connubium is merely a term which comprehends all the conditions of a legal marriage. Accordingly, the term is explained by particular instances: "Roman men citizens," says Ulpian, "have connubium with Roman women citizens (*Romanæ cives*); but with Latinæ and Peregrinæ, only in those cases where it has been permitted. With slaves there is no connubium."

Sometimes connubium, that is, the faculty of contracting a Roman marriage, is viewed with reference to one of its most important consequences, namely, the patria potestas: "for," says Gaius, "since it is the effect of connubium that the children follow the condition of their father, it results that, when connubium exists, the children are not only Roman citizens, but are also in the power of their father." Generally, it may be stated that there was only connubium between Roman citizens: the cases in which it at any time existed between parties, not both Roman citizens, were exceptions to the general rule. Originally, or, at least, at one period of the Republic, there was no connubium between the patricians and the plebeians; but this was altered by the lex Canuleia, which allowed connubium between persons of those two classes.

There was no connubium between many persons with respect to one another, who had severally connubium with respect to other persons. Thus there were various degrees of consanguinity within which there was no connubium. There was no connubium between parent and child, whether the relation was natural or by adoption; and a man could not marry an adopted daughter or granddaughter, even after he had emancipated her. There was no connubium between brothers and sisters, whether of the whole or of the half blood; but a man might marry a sister by adoption after her emancipation, or after his own emancipation. It became legal to marry a brother's daughter after Claudius had set the example by marrying Agrippina; but the rule was not carried farther than the example, and in the time of Gaius it remained unlawful for a man to marry his sister's daughter.[1]

There was no connubium, also, between persons within certain relations of affinity, as between a man and his socrus, nurus, privigna, and noverca.

Any illegal union of a male and female, though affecting to be, was not a marriage: the man had no legal wife, and the children had no legal father; consequently, they were not in the power of their reputed father. These restrictions as to marriage were not founded on any enactments: they were a part of that large mass of Roman law which belongs to jus moribus constitutum.

The marriage of Domitius, afterward the Emperor Nero, with Octavia, the daughter of Claudius, seems at first sight somewhat irregular. Nero was adopted by Claudius by a lex Curiata,[2] but he was already his son-in-law; at least, the sponsalia are mentioned before the adoption.[3] There seems to be no rule of law which would prevent a man from adopting his son-in-law; though, if the adoption took place before the marriage, it would be illegal, as stated by Gaius.

Persons who had certain bodily imperfections, as eunuchs, and others who, from any cause, could

1. (Frag., v., 3.)—2. (Gaius, i., 62.—Tacit. Ann., xii., 5.—Sueton., Claud., 26.)—3 (Tacit., Ann. xii., 25.)—4. (Tacit., Ann., xii., 9.)

never attain to puberty, could not contract marriage; for, though pubertas was in course of time fixed at a positive age (*vid.* Impubes), yet, as the foundation of the notion of pubertas was physical capacity for sexual intercourse, there could be no pubertas if there was a physical incapacity.

The essence of marriage was consent, and the consent, says Ulpian, "both of those who come together, and of those in whose power they are;" and "marriage is not effected by sexual union, but by consent." Those, then, who were not sui juris, had not, strictly speaking, connubium, or the "*uxoris jure ducendæ facultas;*" though, in another sense, they had connubium, by virtue of the consent of those in whose power they were, if there was no other impediment. According to the old law, there is no doubt that a father could give his child in marriage, unless the child was emancipated, without asking the child's consent.

The lex Julia et Papia Poppæa placed certain restrictions on marriage as to the parties between whom it could take place. (*Vid.* Julia et Papia Poppæa; Infamia.)

A man could only have one lawful wife at a time; and, consequently, if he were married, and divorced his wife, a second marriage would be no marriage unless the divorce were effectual.

The marriage cum conventione differed from that sine conventione, in the relationship which it effected between the husband and the wife; the marriage cum conventione was a necessary condition to make a woman a materfamilias. By the marriage cum conventione, the wife passed into the familia of her husband, and was to him in the relation of a daughter, or, as it was expressed, "*in manum convenit.*"[1] In the marriage sine conventione, the wife's relation to her own familia remained as before, and she was merely uxor. "Uxor," says Cicero,[2] "is a genus of which there are two species; one is materfamilias, '*quæ in manum convenit*;' the other is uxor only." Accordingly, a materfamilias is a wife who is in manu, and in the familia of her husband, and, consequently, one of his sui heredes, or in the manus of him in whose power her husband is. A wife not in manu was not a member of her husband's familia, and, therefore, the term could not apply to her. Gellius[3] also states that this was the old meaning of materfamilias. Matrona was, properly, a wife not in manu, and equivalent to Cicero's "*tantummodo uxor;*" and she was called matrona before she had any children. But these words are not always used in these their original and proper meanings.[4]

It does not appear that any forms were requisite in the marriage sine conventione; and, apparently, the evidence of such marriage was cohabitation matrimonii causa. The matrimonii causa might be proved by various kinds of evidence.

In the case of a marriage cum conventione, there were three forms, usus, farreum, and coemptio.

Marriage was effected by usus if a woman lived with a man for a whole year as his wife; and this was by analogy to usucapion of movables generally, in which usus for one year gave ownership. The law of the Twelve Tables provided that, if a woman did not wish to come into the manus of her husband in this manner, she should absent herself from him annually for three nights (*trinoctium*), and so break the usus of the year. The Twelve Tables probably did not introduce the usus in the case of a woman cohabiting with a man matrimonii causa, any more than they probably did in the case of other things; but, as in the case of other things, they fixed the time within which the usus should have its full effect, so they established a positive rule as to what time should be a sufficient interruption of usus in the case of matrimonial cohabitation, and such a positive rule was obviously necessary in order to determine what should be a sufficient legal interruption of usus.

Farreum was a form of marriage, in which certain words were used in the presence of ten witnesses, and were accompanied by a certain religious ceremony, in which panis farreus was employed; and hence this form of marriage was also called confarreatio. This form of marriage must have fallen generally into disuse in the time of Gaius, who remarks[1] that this legal form of marriage (*hoc jus*) was in use even in his time for the marriages of the flamines majores and some others. This passage of Gaius is defective in the MS., but its general sense may be collected from comparing it with Tacitus[2] and Servius.[3] It appears that certain priestly offices, such as that of flamen dialis, could only be held by those who were born of parents who had been married by this ceremony (*confarreati parentes*). Even in the time of Tiberius, the ceremony of confarreatio was only observed by a few. As to divorce between persons married by confarreatio see Divortium.

Coemptio was effected by mancipatio, and, consequently, the wife was in mancipio.[4] A woman who was cohabiting with a man as uxor, might come into his manus by this ceremony, in which case the coemptio was said to be matrimonii causa, and she who was formerly uxor became apud maritum filiæ loco. The other coemptio, which was called fiduciæ causa, and which was between a woman and a man not her husband, is considered under Testamentum and Tutela. If, however, an uxor made a coemptio with her husband, not matrimonii causa, but fiduciæ causa, the consequence was that she was in manu, and thereby acquired the rights of a daughter. It is stated by a modern writer, that the reason why a woman did not come in mancipium by the coemptio, but only in manum, is this, that she was not mancipated, but mancipated herself, under the authority of her father if she was in his power, and that of her tutors if she was not in the power of her father; the absurdity of which is obvious, if we have regard to the form of mancipatio as described by Gaius,[5] who also speaks[6] of mancipatio as being the form by which a parent released his daughter from the patria potestas (*e sua jure*), which he did when he gave his daughter in manum viri. The mancipatio must in all cases have been considered as legally effected by the father or the tutors.

Sponsalia were not an unusual preliminary of marriage, but they were not necessary. "*Sponsalia,*" according to Florentinus,[7] "*sunt mentio et repromissio nuptiarum futurarum.*" Gellius has preserved[8] an extract from the work of Servius Sulpicius Rufus de Dotibus, which, from the authority of that great jurist, may be considered as unexceptionable.[9] Sponsalia, according to Servius, was a contract by stipulationes and sponsiones, the former on the part of the future husband, the latter on the part of him who gave the woman in marriage. The woman who was promised in marriage was accordingly called sponsa, which is equivalent to promissa; the man who engaged to marry was called sponsus. The sponsalia, then, were an agreement to marry, made in such form as to give each party a right of action in case of non-performance, and the offending party was condemned in such damages as to the judex seemed just. This was the law (*jus*) of

1. (Cic., Top., 3.)—2. (Top., 3.)—3. (xviii., 6.)—4. (*Vid.* Ulp., Frag., ix.)

1. (i., 112.)—2. (Ann., iv., 16.)—3. (ad Æn., iv., 104, 374.)—4. (Gaius, i., 118.)—5. (i., 119.)—6. (i., 118.)—7. (Dig. 23, tit. 1, s. 1.)—8. (iv., 4.)—9. (Compare Varro, De Ling. Lat., vi., 70.)

sponsalia, adds Servius, to the time when the lex Julia gave the civitas to all Latium; whence we may conclude that alterations were afterward made in it. The sponsalia were, of course, not binding, if the parties consented to waive the contract; and either party could dissolve the contract, as either could dissolve a marriage, subject, however, to the right of action which the non-consenting party might have. If a person was in the relation of double sponsalia at the same time, he was liable to infamia. (*Vid.* Infamia.) Sometimes a present was made by the future husband to the future wife by way of earnest (*arrha, arrha sponsalitia*), or, as it was called, propter nuptias donatio.[1] Sponsalia might be contracted by those who were not under seven years of age. (*Vid.* Infans, Impubes.)

The consequences of marriage were:

1. The power of the father over the children of the marriage, which was a completely new relation; an effect, indeed, of marriage, but one which had no influence over the relation of the husband and wife. (*Vid.* Patria Potestas.)

2. The liabilities of either of the parties to the punishments affixed to the violation of the marriage union. (*Vid.* Adulterium, Divortium.)

3. The relation of husband and wife with respect to property, to which head belong the matters of dos, donatio inter virum et uxorem, donatio propter nuptias, &c. Many of these matters, however, are not necessary consequences of marriage, but the consequence of certain acts which are rendered possible by marriage.

In the later Roman history we often read of marriage contracts which have reference to dos, and generally to the relation of husband and wife viewed with reference to property. A title of the Digest[2] treats De Pactis Dotalibus, which might be made either before or after marriage.

The Roman notion of marriage was that of a complete personal unity of the husband and wife (*consortium omnis vitæ*), as shown by a continuous cohabitation, the evidence of continuing consent; for the dissent of either party, when formally expressed, could dissolve the relation. (*Vid.* Divortium.) Neither in the old Roman law nor in its later modifications was a community of property an essential part of the notion of marriage, unless we assume that originally all marriages were accompanied with the conventio in manum, for in that case, as already observed, the wife became filiæfamilias loco, and passed into the familia of her husband; or if her husband was in the power of his father, she became to her husband's father in the relation of a granddaughter. The legal deduction from this is, that her legal personality was merged in that of her husband, all her property passed to him by a universal succession,[3] and she could not thenceforward acquire property for herself. Thus she was entirely removed from her former family as to her legal status, and became as the sister to her husband's children. In other words, when a woman came in manum, there was a blending of the matrimonial and the filial relation. It was a good marriage without the relation expressed by in manu, which was a relation of parent and child superadded to that of husband and wife. It is a legitimate consequence that she could not divorce her husband, though her husband might divorce her; and if we assume that the marriage cum conventione was originally the only form of marriage (of which, however, we believe there is no proof), the statement of Plutarch (*vid.* Divortium), that the husband alone had originally the power of effecting a divorce, will consist with this strict legal deduction. It is possible, however, that, even if the marriage cum conventione was once the only form, there might have been legal means by which a wife in manu could effect a dissolution of the marriage, just as a person in mancipii causa had still certain personal rights against his legal owner. But conjecture is beyond our province, which is confined to matters of which there is evidence.

When there was no conventio, the woman remained a member of her own familia: she was to her husband in the same relation as any other Roman citizen, differing only in this, that her sex enabled her to become the mother of children who were the husband's children and citizens of the state, and that she owed fidelity to him so long as the matrimonial cohabitation continued by mutual consent. But her legal status continued as it was before: if she was not in the power of her father, she had for all purposes a legal personal existence independently of her husband, and, consequently, her property was distinct from his. It must have been with respect to such marriages as these that a great part, at least, of the rules of law relating to dos were established; and to such marriages all the rules of law relating to marriage contracts must have referred, at least so long as the marriage cum conventione existed and retained its strict character.

When marriage was dissolved, the parties to it might marry again; but opinion considered it more decent for a woman not to marry again. A woman was required by usage (*mos*) to wait a year before she contracted a second marriage, on the pain of infamia. (*Vid.* Infamia.)

The above is only an outline of the law of marriage, but it is sufficient to enable a student to carry his investigations farther.

It remains to describe the customs and rites which were observed by the Romans at marriages (*ritus nuptiales* or *nuptiarum solemnia justa*, *τὰ νομιζόμενα τῶν γάμων*) After the parties had agreed to marry, and the persons in whose potestas they were had consented, a meeting of friends was sometimes held at the house of the maiden for the purpose of settling the marriage contract, which was called sponsalia, and written on tablets (*tabulæ legitimæ*), and signed by both parties.[1] The woman, after she had promised to become the wife of a man, was called sponsa, pacta, dicta, or sperata.[2] From Juvenal[3] it appears that, at least during the imperial period, the man put a ring on the finger of his betrothed as a pledge of his fidelity. This ring was probably, like all rings at this time, worn on the left hand, and on the finger nearest to the smallest.[4] The last point to be fixed was the day on which the marriage was to take place. Towards the close of the Republic it had become customary to betroth young girls when they were yet children; Augustus therefore limited the time during which a man was allowed to continue betrothed to a girl,[5] and forbade men to be betrothed to girls before the latter had completed their tenth year, so that, the age of pubertas being twelve years, a girl might not be compelled to be betrothed longer than two years.[6]

The Romans believed that certain days were unfortunate for the performance of the marriage rites, either on account of the religious character of those days themselves, or on account of the days by which they were followed, as the woman had to perform certain religious rites on the day after her wedding, which could not take place on a dies ater. Days not suitable for entering upon matrimony were the Calends, Nones, and Ides of every month, all dies

1 (Cod. v., tit. 3.)—2. (23, tit 4.) 3. (Gaius i. 96, 98.)

1. (Juv., Sat., ii., 119, &c.—Id. ib., vi., 25, 200.—Gellius, iv. 4.)—2. (Gellius, l. c.—Plaut., Trinum., ii., 4, 99.—Nonius, iv. p. 213.) — 3. (Sat., vi., 27.) — 4. (Macrob., Sat., vii., 13.) — 5 (Suet., Octav., 34.)—6. (Dion Cass., liv., p. 609, Steph.)

atri, the whole months of May,[1] and February, and a great number of festivals.[2] Widows, on the other hand, might marry on days which were inauspicious for maidens.[3]

On the wedding-day, which in the early times was never fixed upon without consulting the auspices,[4] the bride was dressed in a long white robe with a purple fringe, or adorned with ribands.[5] This dress was called tunica recta,[6] and was bound round the waist with a girdle (*corona*, *cingulum*, or *zona*[7]), which the husband had to untie in the evening. The bridal veil, called flammeum, was of a bright yellow colour,[8] and her shoes likewise.[9] Her hair was divided on this occasion with the point of a spear.[10]

The only form of marriage which was celebrated with solemn religious rites was that by confarreatio; the other forms, being mere civil acts, were probably solemnized without any religious ceremony. In the case of a marriage by confarreatio, a sheep was sacrificed, and its skin was spread over two chairs, upon which the bride and bridegroom sat down with their heads covered.[11] Hereupon the marriage was completed by pronouncing a solemn formula or prayer, after which another sacrifice was offered. A cake was made of *far* and the *mola salsa* prepared by the vestal virgins,[12] and carried before the bride when she was conducted to the residence of her husband. It is uncertain whether this cake is the same as that which is called *mustaceum*,[13] and which was in the evening distributed among the guests assembled at the house of the young husband.

The bride was conducted to the house of her husband in the evening. She was taken with apparent violence from the arms of her mother, or of the person who had to give her away. On her way she was accompanied by three boys dressed in the prætexta, and whose fathers and mothers were still alive (*patrimi et matrimi*). One of them carried before her a torch of white thorn (*spina*), or, according to others, of pine wood; the two others walked by her side, supporting her by the arm.[14] The bride herself carried a distaff and a spindle with wool.[15] A boy, called camillus, carried in a covered vase (*cumera*, *cumerum*, or *camillum*) the so-called utensils of the bride and playthings for children (*crepundia*[16]). Besides these persons who officiated on the occasion, the procession was attended by a numerous train of friends both of the bride and the bridegroom, whose attendance was called *officium* and *ad officium venire*.[17] Plutarch[18] speaks of five wax candles which were used at marriages; if these were borne in the procession, it must have been to light the company which followed the bride; but it may also be that they were lighted during the marriage ceremony in the house of the bride.

When the procession arrived at the house of the bridegroom, the door of which was adorned with garlands and flowers, the bride was carried across the threshold by *pronubi*, *i. e.*, men who had only been married to one woman, that she might not knock against it with her foot, which would have been an evil omen.[19] Before she entered the house, she wound wool around the door-posts of her new residence, and anointed them with lard (*adeps suillus*) or wolf's fat (*adeps lupinus*[1]). The husband received her with fire and water, which the woman had to touch. This was either a symbolic purification (for Servius[2] says that the newly-married couple washed their feet in this water), or it was a symbolic expression of welcome, as the *interdicere aqua et igni* was the formula for banishment. The bride saluted her husband with the words *ubi tu Caius, ego Caia*.[3] After she had entered the house with distaff and spindle, she was placed upon a sheepskin, and here the keys of the house were delivered into her hands.[4] A repast (*cœna nuptialis*), given by the husband to the whole train of relatives and friends who accompanied the bride, generally concluded the solemnity of the day.[5] Many ancient writers mention a very popular song, Talasius or Talassio, which was sung at weddings;[6] but whether it was sung during the repast or during the procession is not quite clear, though we may infer, from the story respecting the origin of the song, that it was sung while the procession was advancing towards the house of the husband.

It may easily be imagined that a solemnity like that of marriage did not take place among the merry and humorous Italians without a variety of jests and railleries, and Ovid[7] mentions obscene songs which were sung before the door of the bridal apartment by girls after the company had left. These songs were probably the old Fescennina (*vid.* Fescennina), and are frequently called *Epithalamia*. At the end of the repast the bride was conducted, by matrons who had not had more than one husband (*pronubæ*), to the lectus genialis in the atrium, which was on this occasion magnificently adorned and strewed with flowers. On the following day the husband sometimes gave another entertainment to his friends, which was called repotia,[8] and the woman, who on this day undertook the management of the house of her husband, had to perform certain religious rites,[9] on which account, as was observed above, it was necessary to select a day for the marriage which was not followed by a dies ater. These rites probably consisted of sacrifices to the Dii Penates.[10]

The rites and ceremonies which have been mentioned above are not described by any ancient writer in the order in which they took place, and the order adopted above rests in some measure merely upon conjecture. Nor is it, on the other hand, clear which of the rites belonged to each of the three forms of marriage. Thus much only is certain, that the most solemn ceremonies, and those of a religious nature, belonged to confarreatio.

The position of a Roman woman after marriage was very different from that of a Greek woman. The Roman presided over the whole household; she educated her children, watched over and preserved the honour of the house, and, as the mater familias, she shared the honours and respect shown to her husband. Far from being confined, like the Greek women, to a distinct apartment, the Roman matron, at least during the better centuries of the Republic, occupied the most important part of the house, the atrium.[11]

*MARRU'BIUM, Horehound. The white Horehound is the *Marrubium vulgare*, or the *M. album* of the shops. The modern Greeks term it σκυολόχορ-

1. (Ovid, Fast., v., 490.—Plut., Quæst. Rom., p. 284.)—2. (Macrob., Sat., i., 15.—Ovid, Fast., ii., 557.)—3. (Macrob., Sat., l. c.—Plut., Quæst. Rom., p. 289.)—4. (Cic., De Div., i., 16.—Val. Max., ii., 1, 1.)—5. (Juv., ii., 124.)—6. (Plin., H. N., viii., 48.)—7. (Festus, s. v. Cingulo.)—8. (Plin., H. N., xxi., 8.—Schol. ad Juv., vi., 225.)—9. (Catull., lxii., 10.)—10. (Ovid, Fast., ii., 560.—Arnob. adv. Gent., ii., p. 91.—Plut., Quæst. Rom., p. 285.)—11. (Serv. ad Æn., iv., 374.)—12. (Serv. ad Virg., Eclog., viii., 82.)—13. (Juv., Sat., vi., 201.)—14. (Fest., s. v. Patrimi et matrimi.—Varro, ap. Charisium, i., p. 117.—Plin., H. N., xvi., 18.)—15. (Plin., H. N., viii., 48.—Plut., Quæst. Rom., p. 271.)—16. (Festus, s. v. Cumeram.—Plaut., Cistel., ii., 1, 5.)—17. (Suet., Calig., 25.—Id., Claud., 26.)—18. (Quæst. Rom., init.)—19. (Plut., Quæst. Rom., p. 271, c.—Plaut., Cas., iv., 4, 1.)

1. (Serv. ad Æn., iv., 19.—Plin., H. N., xxviii., 9.)—2. (ad Æn., iv., 104.)—3. (Plut., Quæst. Rom., l. c.)—4. (Festus, s. v. Clavis.)—5. (Plaut., Curc., v., 2, 61.—Suet., Calig., 25.)—6 (Plut., Quæst. Rom., l. c.—Liv., i., 9.—Dionys. Hal. Ant. Rom., ii., 31.—Festus, s. v. Talassionem.)—7. (Fast., i., 675.)—8. (Festus, s. v.—Horat., Sat., ii., 2, 60.)—9. (Macrob., Sat., i., 15.) —10. (Cic., De Repub., v., 5.)—11. (Compare Lipsius, Elect., i., 17.—Böttiger: Aldobrandin. Hochzeit, p. 124, &c.)

τον. Sibthorp found it in the Greek islands. The *πράσιον* of Theophrastus and Dioscorides is not only the same as this, but is also applied to other species. The *πράσιον αὐχμῶδες* of Theophrastus is the *M. Africanum*. The *ψευδοδίκταμνον* (false *δίκταμνον*) is the *M. pseudo dictamnus*, called in Attica, at the present day, *μαβρομάργο*, and in Laconia, *ἀσπροπικροπάνδυ*.[1]

MARSU'PIUM (*μαρσύπιον*, *βαλάντιον*), a Purse.[2]

The purse used by the ancients was commonly a small leathern bag, and was often closed by being drawn together at the mouth (*σύσπαστα βαλάντια*[3]). Mercury is commonly represented holding one in his hand, of which the annexed woodcut from an intaglio in the Stosch collection at Berlin presents an example.

MARTIA'LIS FLAMEN. (*Vid.* Flamen.)

MARTIA'LES LUDI. (*Vid.* Ludi Martiales.)

MARTYRIA (*μαρτυρία*) signifies strictly the deposition of a witness in a court of justice, though the word is applied metaphorically to all kinds of testimony. We shall here explain, 1, what persons were competent to be witnesses at Athens; 2, what was the nature of their obligation; 3, in what manner their evidence was given; 4, what was the punishment for giving false evidence.

None but freemen could be witnesses. The incapacity of women may be inferred from the general policy of the Athenian law, and the absence of any example in the orators where a woman's evidence is produced. The same observation applies to minors.

Slaves were not allowed to give evidence, unless upon examination by torture (*βάσανος*). There appears to have been one exception to this rule, viz., that a slave might be a witness against a freeman in case of a charge of murder,[4] though Platner[5] thinks this only applied to the giving information. The party who wished to obtain the evidence of a slave belonging to his opponent challenged him to give up the slave to be examined (*ἐξήτει τὸν δοῦλον*). The challenge was called *πρόκλησις*. The owner, if he gave him up, was said *ἐκδοῦναι* or *παραδοῦναι*. But he was not obliged so to do, and the general practice was to refuse to give up slaves, which, perhaps, arose from humanity, though the opponent always ascribed it to a fear lest the truth should be elicited. The orators affected to consider the evidence of slaves, wrung from them by torture, more valuable and trustworthy than that of freemen; but it must be observed, they always use this argument when the slave had *not* been examined.[6]

Citizens who had been disfranchised (*ἠτιμωμένοι*) could not appear as witnesses (any more than as jurors or plaintiffs) in a court of justice; for they had lost all honourable rights and privileges.[7] But there was no objection to alien freemen.[8] We learn from Harpocration,[9] that in actions against freedmen for neglect of duty to their patrons (*ἀποστασίου δίκαι*), foreigners were not allowed to put in an affidavit that the action was not maintainable (*μὴ εἰσαγώγιμον εἶναι*). But this can hardly be considered an exception, for such affidavits gave an undue advantage to the party for whom they were made.

Neither of the parties to a cause was competent to give evidence for himself, though each was compelled to answer the questions put by the other. The law declared *τοῖν ἀντιδίκοιν ἐπάναγκες εἶναι ἀποκρίνασθαι ἀλλήλοις τὸ ἐρωτώμενον, μαρτυρεῖν δὲ μή*.[1] That the friends of the party who pleaded for him (called *συνήγοροι*) were not incompetent to give evidence, appears from the fragment of Isæus, *Pro Euphil.*, and also from Æschines, who, on his trial for misconduct in the embassy, calls Phocion to assist him both as a witness and an advocate.[2]

The obligation to attend as a witness, both in civil and criminal proceedings, and to give such evidence as he is able to give, arises out of the duty which every man owes to the state; and there is no reason to believe that any persons (except the parties themselves) were exempted from this obligation. The passages which Platner[3] and Schömann[4] cite in support of the contrary view prove nothing more than that the near relations of a party were *reluctant* to give evidence against him, whereas the fact that they were bound by law to give evidence may be inferred from Demosthenes.[5]

The party who desired the evidence of a witness summoned him to attend for that purpose. The summons was called *πρόσκλησις*.[6] If the witness promised to attend, and failed to do so, he was liable to an action called *δίκη λειπομαρτυρίου*. Whether he promised or not, he was bound to attend: and if his absence caused injury to the party, he was liable to an action (*δίκη βλάβης*). This is the probable distinction between these forms of action, as to which there has been much doubt.[7]

The attendance of the witness was first required at the *ἀνάκρισις*, where he was to make his deposition before the superintending magistrate (*ἡ ἐμὸν δικαστηρίου*). The party in whose favour he appeared generally wrote the deposition at home upon a whitened board or tablet (*λελευκωμένον γραμματεῖον*), which he brought with him to the magistrate's office, and, when the witness had deposed thereto, put into the box (*ἐχῖνος*) in which all the documents in the cause were deposited. If the deposition was not prepared beforehand, as must always have been the case when the party was not exactly aware what evidence would be given, or when anything took place before the magistrate which could not be foreseen, as, for instance, a challenge, or question and answer by the parties; in such a case it was usual to write down the evidence upon a waxen tablet. The difference between these methods was much the same as between writing with a pen on paper, and with a pencil on a slate; the latter could easily be rubbed out and written over again if necessary.[8] If the witness did not attend, his evidence was, nevertheless, put into the box; that is, such evidence as the party intended him to give, or thought he might give, at the trial. For all testimonial evidence was required to be in writing, in order that there might be no mistake about the terms, and the witness might leave no subterfuge for himself when convicted of falsehood.[9] The *ἀνάκρισις* might last several days, and, so long as it lasted, fresh evidence might be brought, but none could be brought after the last day, when the box was sealed by the magistrate, and kept so by him till the day of trial.[10]

1. (Dioscor., iii., 119.—Plin., H. N., xx., 22.—Theophrast., H. P., vi., 1, 2.—Billerbeck, Flora Classica, p. 153, 154.)—2. (Non Marcellus, s. v.—Varro, De Re Rust., iii., 17.—Plaut., Men., II., i., 29.—Id. ib., II., iii., 33, 35.—Id. ib., V., vii., 47.—Id., Pœn., III., v., 37.—Id., Rud., V., ii., 26.—Xen., Conviv., iv., 2.)—3. (Plat., Conviv., p. 404, ed. Bekker.)—4. (Antiph., De Morte Her., 728.)—5. (Att. Proc., p. 215.)—6. (Demosth., c. Aphob., 848.—Id., c. Onet., 874.—Hudtwalcker, Ueber die Diäteten, p 44, &c.)—7. (Demosth., c. Neær., 1353.—Wachsmuth, II., i., p. 244.)—8. (Demosth., c. Lacr., 927, 929.—Æschin., De Fals Leg., 49, ed. Steph.)—9. (*s. v. Διαμαρτυρία.*)

1. (Demosth., c. Steph., 1131.)—2. (De Fals. Leg., p. 51, 53 ed. Steph.)—3. (Att. Proc., p. 217.)—4. (Att. Proc., p. 671.)—5. (c. Aphob., 849, 850, 855.)—6. (Demosth., c. Timoth., 1194.) 7. (Meier and Schömann, Att. Proc., p. 387 - Platner, Att Proc., p. 221.)—8. (Demosth., c. Steph., 1132.)—9. (Demosth., c. Steph., 1115, 1130.)—10. (Demosth., c. Aphob., 836.—Id., c Bœot. de Nom., 999.—Id., c. Euerg. et Mner., 1143.—Id., c Conon., 1265.)

The form of a deposition was simple. The following example is from Demosthenes:[1] Archenomides, son of Archedamas of Anagyrus, testifies that articles of agreement were deposited with him by Androcles of Sphettus, Nausicrates of Carystus, Artemon and Apollodorus, both of Phaselus, and that the agreement is still in his hands." Here we must observe that, whenever a document was put in evidence at the trial, as an agreement, a will, the evidence of a slave, a challenge, or an answer given by either party at the *ἀνάκρισις*, it was certified by a witness, whose deposition was at the same time produced and read.[2]

The witness, whether he had attended before the magistrate or not, was obliged to be present at the trial, in order to confirm his testimony. The only exception was when he was ill or out of the country, in which case a commission might be sent to examine him. (*Vid.* EKMARTYRIA.) All evidence was produced by the party during his own speech, the *κλεψύδρα* being stopped for that purpose.[3] The witness was called by an officer of the court, and mounted on the raised platform (*βῆμα*) of the speaker while his deposition was read over to him by the clerk; he then signified his assent, either by express words, or bowing his head in silence.[4] In the editions that we have of the orators, we see sometimes Μαρτυρία written (when evidence is produced) and sometimes Μάρτυρες. The student must not be deceived by this, and suppose that sometimes the deposition only was read, sometimes the witnesses themselves were present. The old editors merely followed the language of the orators, who said, "call the witnesses," or "mount up, witnesses," or "the clerk shall read you the evidence," or something to the same effect, varying the expression according to their fancy.[5]

If the witness was hostile, he was required either to depose to the statement read over to him, or to take an oath that he knew nothing about it (*μαρτυρεῖν ἢ ἐξομνύειν*). One or the other he was compelled to do, or, if he refused, he was sentenced to pay a fine of a thousand drachma to the state, which sentence was immediately proclaimed by the officer of the court, who was commanded *κλητεύειν* or *ἐκκλητεύειν αὐτόν*, *i. e.*, to give him notice that he was in contempt and had incurred the fine.[6]

An oath was usually taken by the witness at the *ἀνάκρισις*, where he was sworn by the opposite party at an altar (*πρὸς τὸν βωμὸν ἐξωρκίσθη*). If he had not attended at the *ἀνάκρισις*, he might be sworn afterward in court, as was always the case when a witness took the oath of denial (*ἐξώμοσε*). In the passage just cited from Lycurgus, the expression *λαβόντας τὰ ἱερά* means nothing more than touching the altar or its appurtenances, and has no reference to victims.[7] Whether the witness was always bound to take an oath is a doubtful point.[8]

The oath of the witness (the ordinary *νόμιμος ὅρκος*) must not be confounded with the oath taken by one of the parties, or by some friend or other person, out of court, with a view to decide the cause or some particular point in dispute. This was taken by the consent of the adversary, upon a challenge given and accepted; it was an oath of a more solemn kind, sworn by (or upon the heads of) the children of the party swearing (*κατὰ τῶν παίδων*), or by perfect or full-grown victims (*καθ' ἱερῶν τελείων*), and often with curses upon himself or his family (*κατ' ἐξωλείας*), and sometimes was accompanied with peculiar rites, such as passing through fire (*διὰ τοῦ πυρός*). The mother, or other female relative of the party (who could not be a witness), was at liberty to take this oath.[1]

On some extraordinary occasions we find that freemen were put to the torture by a special decree of the people or the senate, as on the occasion of the mutilated Hermes busts,[2] and they were less scrupulous about aliens than about citizens; but (as a general rule) it is certain that freemen could not be tortured in courts of justice, and even an emancipated slave, Demosthenes says, it would be an act of impiety (*οὐδ' ὅσιον*) to give up for such a purpose.[3]

With respect to hearsay evidence, see E MARTYRIA; and with respect to the affidavit called *διαμαρτυρία*, see HERES, GREEK, p. 496.

We have hitherto spoken only of causes which came before the dicasts in the ordinary way, and have said nothing of those which were decided by the public arbitrators. The above remarks, however, will equally apply to the latter, if the reader will bear in mind that the arbitrator performed the duties of the magistrate at the *ἀνάκρισις* as well as those of the *δικασταί* at the trial. He heard the witnesses and received the depositions from day to day, as long as he sat, and kept the *ἐχῖνος* open until the last day (*κυρίαν ἡμέραν*).[4]

If the witness in a cause gave false evidence, the injured party was at liberty to bring an action against him (*δίκη ψευδομαρτυριῶν*) to recover compensation. The proceeding was sometimes called *ἐπίσκηψις*, and the plaintiff was said *ἐπισκήπτεσθαι τῇ μαρτυρίᾳ* or *τῷ μάρτυρι*.[5] This cause was probably tried before the same presiding magistrate as the one in which the evidence was given.[6] The form of the plaintiff's bill, and of the defendant's plea in denial, will be found in Demosthenes.[7] From the same passage we also learn that the action for false testimony was a *τιμητὸς ἀγών*, in which the plaintiff laid his own damages in the bill; and from Demosthenes[8] it appears that the dicasts had power not only to give damages to the plaintiff, but also to inflict the penalty of *ἀτιμία* by a *προστίμησις*.[9] A witness who had been a third time convicted of giving false testimony was *ipso jure* disfranchised.[10] The main question to be tried in the cause against the witness was, whether his evidence was true or false; but another question commonly raised was, whether his evidence was material to the decision of the previous cause.[11]

When a witness, by giving false evidence against a man upon a criminal trial, had procured his conviction, and the convict was sentenced to such a punishment (for instance, death or banishment) as rendered it impossible for him to bring an action, any other person was allowed to institute a public

1. (c. Lacr., 927.)—2. (Demosth., Pro Phorm., 946, 949, 957. —Id., c. Phænipp., 1046.—Id., c. Steph., 1120.)—3. (Isæus, De Pyrr. hæred., 39, ed. Steph.—Demosth., c. Eubul., 1305.)—4. (Lys., De Eratos. Mort., 94, ed. Steph.—Æsch., De Fals. Leg., 49, ed. Steph.—Demosth., c. Meid., 560.—Id., c. Phorm., 913.—Id., c. Steph., 1109.—Id., c. Eubul., 1305.)—5. (*Vid.* Lys., Pro Mantith., 147, ed. Steph.—Isæus, De Pyrr. hær., 45, ed. Steph.—Demosth., c. Callipp., 1236.—Id., c. Neær., 1352.)—6. (Demosth., c. Aphob., 850.—Id., c. Neær., 1373.—Id., c. Theocr., 1324.—Æsch., c. Timarch., 10, ed. Steph.—Isæus, De Astyp. hæred., 76, ed. Steph.—Id., c. Leocr., 150, ed. Steph.—Meier and Schömann, Att. Proc., p. 672.—Platner, Att. Proc., p. 219.)—7. (Valckenaer, Opusc. Philol., vol. i., p. 37–39.)—8. (*Vid.* Demosth., c. Coron., 1265.—Id., c. Steph., 1119.—Id., c. Eubul., 1305.—Æsch., De Fals. Leg., 49, ed. Steph.—Schömann, Att. Proc., p. 675.)

1. (Demosth., c. Aphob., 852. — Id., c. Bœot., De Dote, 1011. —Id., c. Timoth., 1203.—Id., c. Callip., 1240.—Id., c. Conon., 1269. — Id., c. Neær., 1365. — Wachsmuth, II., i., 335. — Hudtwalcker, 52–57.)—2. (Thirlwall, Hist. of Greece, c. 25, p. 393.) —3. (Demosth., c. Aphob., 856.—Id., c. Timoth., 1200.—Meier, Att. Proc., p. 684.)—4. (*Vid.* Demosth., c. Meid., 541.—Id., c. Timoth., 1190.—Meier and Schömann, Att. Proc., p. 676.)—5 (Isæus, De Pyrrh. hæred., 39.—Id., De Dicæog. hæred., 52, ed. Steph.—Demosth., c. Aphob., 846, 856.—Harpocrat., s. v. Ἐπεσκήψατο.)—6. (Meier, Att. Proc., p. 45.)—7. (c. Steph., 1115.)—8. (c. Aphob., 849, 859.)—9. (*Vid.* also Isæus, De Dicæog. hæred., 52.)—10. (Meier, Att. Proc., p. 383.)—11. (Demosth., c. Euerg. et Mnes., 1139, 1161.—Id., c. Aphob., 853–856.—Id., Steph., 1117.– Platner, Att. Proc., i., 400, &c.)

prosecution against the witness, either by a *γραφή*, or perhaps by an *εἰσαγγελία* or *προβολή*.[1]

After the conviction of the witness, an action might be maintained against the party who suborned him to give false evidence, called *δίκη κακοτεχνιῶν*.[2] And it is not improbable that a similar action might be brought against a person who had procured false evidence to be given of a defendant having been summoned, after the conviction of the witness in a *γραφὴ ψευδοκλητείας*.[3]

It appears that, in certain cases, a man who had lost a cause was enabled to obtain a reversal of the judgment (*δίκη ἀνάδικος*) by convicting a certain number of the adverse witnesses of false testimony. Thus, in inheritance causes, the law enacted *ἐὰν ἁλῷ τις τῶν ψευδομαρτυριῶν, πάλιν ἐξ ἀρχῆς εἶναι περὶ αὐτῶν τὰς λήξεις*.[4] This was the more necessary, on account of the facility afforded to the parties to stop the progress of these causes by affidavits (*vid.* Diamartyria), and also because no money could compensate an Athenian for the loss of an inheritance. The same remedy was given by the law to those who had been convicted in a *δίκη ψευδομαρτυριῶν* or in a *γραφὴ ξενίας*. In the last case, the convicted person who proceeded against the witness was compelled to remain in prison until the determination of his suit.[5] We are informed that these are the only cases in which a judgment was allowed to be reversed in this way; but whether there were not more cases than these has been justly doubted by Schömann.[6] The scholiast on Plato[7] is evidently wrong in supposing that it was necessary, under the Athenian law, to convict more than half the number of the witnesses. This appears from the passage above cited from Isæus on the estate of Hagnias.

We conclude by noticing a few expressions. *Μαρτυρεῖν τινι* is to testify in favour of a man, *καταμαρτυρεῖν τινος* to testify against. *Μαρτύρεσθαι* to call to witness (a word used poetically), *διαμαρτύρεσθαι*, and sometimes *ἐπιμαρτύρεσθαι, τοὺς παρόντας*, to call upon those who are present to take notice of what passes, with a view to give evidence.[8] *Ψευδομαρτυρεῖν* and *ἐπιορκεῖν* are never used indifferently, which affords some proof that testimony was not necessarily on oath. The *μάρτυς* (witness in the cause) is to be distinguished from the *κλητήρ* or *κλήτωρ*, who merely gave evidence of the summons to appear.

MASTE'RES (*μαστῆρες*). (*Vid.* Zetetai.)

*MAST'ICHE (*μαστίχη*), Gum Mastich. "This is correctly described as the resin of the Lentiscus by Dioscorides and Pliny. It is the *Pistachia Lentiscus*. The Chian Mastich is particularly commended by Galen."[9] The wood of the Pistachia Lentiscus, according to Sibthorp, is much esteemed by the Greeks at the present day for fuel. They call the tree *σχῖνος*. The mastich or gum is only collected in Scio. The ashes of the wood are used by the Athenian soap-boilers for making the ley for the manufacture of soap. In Zante it is also considered as furnishing the best lixivium. The tanners employ it with valanida in the preparation of leather. In Ithaca an oil (*σχινολάδι*) is expressed from the berry. The *σχῖνος* of the modern Greeks is also the *σχῖνος* of Theophrastus. The ancient verb *σχινίζομαι* signifies "to chew mastich" or "the wood of the mastich-tree," in order to sweeten the breath and cleanse the teeth. The gum is now much used by the women of Turkey for the same purpose.[1]

MASTI'GIA. (*Vid.* Flagrum.)

MATERFAMI'LIAS. (*Vid.* Marriage, Roman, p. 623.)

MATRA'LIA, a festival celebrated at Rome every year on the 11th of June, in honour of the goddess Mater Matuta, whose temple stood in the Forum Boarium. It was celebrated only by Roman matrons, and the sacrifices offered to the goddess consisted of cakes baked in pots of earthenware.[2] Slaves were not allowed to take part in the solemnities or to enter the temple of the goddess. One slave, however, was admitted by the matrons, but only to be exposed to a humiliating treatment, for one of the matrons gave her a blow on the cheek, and then sent her away from the temple. The matrons on this occasion took with them the children of their sisters, but not their own, held them in their arms, and prayed for their welfare.[3] The statue of the goddess was then crowned with a garland by one of the matrons who had not yet lost a husband.[4] The Greek writers and their Roman followers, who identify the Mater Matuta with Leucothea or Ino, explain the ceremonies of the Matralia by means of the mythological stories which relate to this Greek goddess. But the real import of the worship of the Mater Matuta appears to have been to inculcate upon mothers the principle that they ought to take care of the children of their sisters as much as of their own, and that they should not leave them to careless slaves, the contempt for whom was symbolically expressed by the infliction of a blow on the cheek of the one admitted into the temple.[5]

MATRIMO'NIUM. (*Vid.* Marriage, Roman.)

MATRO'NA. (*Vid.* Marriage, Roman, p. 623.)

MAUSOLE'UM. (*Vid.* Funus, p. 461.)

MAZO'NOMUS (*μαζονόμος, dim. μαζονόμιον*[6]), from *μάζα*, a loaf or a cake; properly a dish for distributing bread; but the term is applied also to any large dish used for bringing meat to table.[7] (*Vid.* Cœna, p. 274.) These dishes were made either of wood,[8] of bronze,[9] or of gold.[10]

MEDIASTI'NI, the name given to slaves used for any common purpose, and are said by the scholiast upon Horace[11] to be those "*qui in medio stant ad quævis imperata parati*." The name is chiefly given to certain slaves belonging to the familia rustica,[12] but is also applied sometimes to slaves in the city.[13]

*MED'ICA (*Μηδική*), a plant, the Lucerne or Purple Medick (*Medicago sativa*). It has its name from Media, according to the ancient authorities, because it was brought from that country into Greece at the time of the Persian war under Darius. It passed into England from France and Switzerland. Some of the English botanists, according to Martyn, called it *Burgundy trefoil* and *Medick fodder*.[14]

*MEDICA MALA (*Μηδικὰ μῆλα*), the fruit of the Citron-tree, or *Citrus Medica*, L. Sprengel and Stackhouse think that the Orange (*Citrus aurantium*) was also comprehended under the term. (*Vid.* Citrus.)[15]

MEDICI'NA (*Ἰατρική*), the name of that science which, as Celsus says,[16] "*Sanitatem ægris promittit*,"

1. (Andoc., De Myst., 4.—Platner, Att. Proc., 411.—Meier, Att. Proc., 382.)—2. (Demosth., c. Timoth., 1201.—Id., c. Euerg. et Mnes., 1139.)—3. (Meier, Att. Proc., 759.)—4. (Isæus, De Hagn. hæred., 88, ed. Steph.—Id., De Dicæog. hæred., 50, 51.)—5. (Demosth., c. Timocr., 741.)—6. (Att. Proc., 761.)—7. (Leg., xi., 14.)—8. (Demosth., c. Euerg. et Mnes., 1150.)—9. (Dioscor., i., 90.—Plin., H. N., xxiv., 28.—Adams, Append., s. v.)

1. (Dodwell's Tour, vol. i., p. 239.)—2. (Varro, De Ling. Lat., iv., p. 31, Bip.—Ovid, Fast., vi., 475, &c.)—3. (Plut., Camill., 5.—Id., Quæst. Rom., p. 267.)—4. (Tertull., Monogam., c. 17.)—5. (Compare Hartung, Die Relig. der Römer, ii., p. 75.)—6. (Athen., v., 30, 34.)—7. (Varro, De Re Rust., iii., 4.)—8. (Pollux, Onom., vii., 87.)—9. (Athen., iv., 31.)—10. (Athen., v., 27.)—11. (Epist., i., 14, 14.)—12. (Cic., Cat., ii., 3.—Colum., i., 9.—Id., ii., 13.)—13. (Dig. 4, tit. 9, s. 1, § 5; 7, tit. 7, s. 6.)—14. (Martyn ad Virg., Georg., i., 215.)—15. (Dioscor., i., 166.—Theophrast., i., 13.—Adams, Append., s. v.)—16. (De Medic., lib. i., Præfat.)

and whose object Hippocrates defines[1] to be "the delivering sick persons from their diseases, and the diminishing the force of sicknesses, and the not undertaking the treatment of those who are quite overcome by sickness, as we know that medicine is here of no avail." For other definitions of the art and science of Medicine given by the ancients, see Pseudo-Galen.[2] The invention of medicine was almost universally attributed by the ancients to the gods.[3] Another source of information was the observing the means resorted to by animals when labouring under disease. Pliny[4] gives many instances in which these instinctive efforts taught mankind the properties of various plants, and the more simple surgical operations. The wild goats of Crete pointed out the use of the Dictamnus and vulnerary herbs; dogs, when indisposed, sought the *Triticum repens*, and the same animal taught to the Egyptians the use of purgatives, constituting the treatment called Syrmaïsm. The hippopotamus introduced the practice of bleeding, and it is affirmed that the employment of clysters was shown by the ibis.[5] Sheep with worms in their liver were seen seeking saline substances, and cattle affected with dropsy anxiously looked for chalybeate waters. We are told[6] that the Babylonians and Chaldeans had no physicians, and in cases of sickness the patient was carried out and exposed on the highway, that any persons passing by who had been affected in a similar manner might give some information respecting the means that had afforded them relief. Shortly afterward, these observations of cures were suspended in the temples of the gods, and we find that in Egypt the walls of their sanctuaries were covered with records of this description. The priests of Greece adopted the same practice, and some of the tablets suspended in their temples are of a curious character, which will illustrate the custom. The following votive memorials are given by Hieron. Mercurialis:[7] "Some days back, a certain Caius, who was blind, learned from an oracle that he should repair to the temple, put up his fervent prayers, cross the sanctuary from right to left, place his five fingers on the altar, then raise his hand and cover his eyes. He obeyed, and instantly his sight was restored, amid the acclamations of the multitude. These signs of the omnipotence of the gods were shown in the reign of Antoninus." "A blind soldier named Valerius Apes, having consulted the oracle, was informed that he should mix the blood of a white cock with honey, to make up an ointment to be applied to his eyes for three consecutive days: he received his sight, and returned public thanks to the gods." "Julian appeared lost beyond all hope from a spitting of blood. The god ordered him to take from the altar some seeds of the pine, and to mix them with honey, of which mixture he was to eat for three days. He was saved, and came to thank the gods in presence of the people."

The whole science of medicine was divided into five parts,[1] viz.: Φυσιολογική, Physiology and Anatomy (*vid.* Physiologia); Αἰτιολογική, Ætiology, or the doctrine of the causes of disease; Παθολογική, Pathology (*vid.* Pathologia); Ὑγιεινόν, Hygiene, or the art of *preserving* health; Σημειωτική, Semeiology, or the knowledge of the symptoms of disease, including Diagnosis (*vid.* Semeiotica); and Θεραπευτική, Therapeutics, or the art of healing (*vid.* Therapeutica). With regard to the medical literature of the ancients, "When," says Littré,[1] "one searches into the history of medicine and the commencement of the science, the first body of doctrine that one meets with is the collection of writings known under the name of the works of Hippocrates. The science mounts up directly to that origin, and there stops. Not that it had not been cultivated earlier, and had not given rise to even numerous productions, but everything that had been made before the physician of Cos has perished. We have only remaining of them scattered and unconnected fragments; the works of Hippocrates have alone escaped destruction; and, by a singular circumstance, there exists a great gap after them as well as before them. The medical works from Hippocrates to the establishment of the school of Alexandrea, and those of that school itself, are completely lost, except some quotations and passages preserved in the later writers; so that the writings of Hippocrates remain alone among the ruins of an cient medical literature." The Asclepiadæ, to which family Hippocrates belonged, were the supposed descendants of Æsculapius (Ἀσκλήπιος), and were, in a manner, the hereditary physicians of Greece. They professed to have among them certain secrets of the medical art, which had been handed down to them from their great progenitor, and founded several medical schools in different parts of the world. Galen mentions[2] three, viz., Rhodes, Cnidos, and Cos. The first of these appears soon to have become extinct, and has left no traces of its existence behind. From the second proceeded a collection of observations called Κνίδιαι Γνῶμαι, "Cnidian Sentences," a work of much reputation in early times, which is often mentioned by Hippocrates,[3] and which appears to have existed in the time of Galen.[4] The school of Cos, however, is by far the most celebrated, on account of the greater number of eminent physicians that sprang from it, and especially from having been the birthplace of the great Hippocrates. We learn from Herodotus[5] that there were also two celebrated medical schools at Crotona in Magna Græcia, and Cyrene in Africa, of which he says that the former was in his time more esteemed in Greece than any other, and in the next place came that of Cyrene. But neither of these require any particular notice here, nor will it be necessary to do more than mention the more celebrated medical sects, referring for farther particulars to their names in this work. The oldest, and perhaps the most influential of these, was that of the Dogmatici, founded about B.C. 400 by Thessalus, the son, and Polybus, the son-in-law of Hippocrates, and thence called also the *Hippocratici*. These retained their influence till the rise of the Empirici, founded by Serapion of Alexandrea and Philinus of Cos in the third century B.C., after which time every member of the medical profession, during a long period, ranged himself in one of these two sects. In the first century B.C., Themison founded the sect of the Methodici, who held doctrines nearly intermediate between those of the two sects already mentioned. About two centuries later, the Methodici were divided into numerous sects, as the doctrines of particular physicians became more generally received. The chief of these sects were the Pneumatici and Eclectici; the former founded by Athenæus about the middle or end of the first century A.D.; the latter about the same time, either by Agathinus of Sparta or his pupil Archigenes. The Episynthetici (called also Hectici) are supposed to have agreed very nearly in their tenets with those of the Eclectici.

1. (De Arte, tom. i., p. 7, ed. Kühn.)—2. (Introd., seu Medicus, c. 6, tom. 14, p. 686–8, ed. Kühn.)—3. (Hippocr., De Prisca Medic., tom. i., p. 39.—Pseudo-Galen, Introd., cap. i., p. 674.—Cic., Tusc. Disc., iii., 1.—Plin., H. N., xxix., 1.)—4. (H. N., viii., 41.)—5. (Compare Pseudo-Galen, Introd., c. 1, p. 675.)—6. (Herod., i., 197.—Strabo, xvi., c. 1, ed. Tauchn.—Pseudo-Galen, Introd., 1 c.)—7. (De Arte Gymnast., Amstel., 4to, 1672, p. 2, 3.)—8. (Pseudo-Galen, Introd., c. 7, p. 689.)

1. (Œuvres Complètes d'Hippocrate, tom. i., Introd., ch. I, p. 3.)—2. (De Meth. Med., i., 1, tom. x., p. 5, ὁ.)—3. (De Rat. Vict. in Morb. Acut.)—4. (Comment. in Hippocr., lib. cit. tom. xv., p. 427.)—5. (iii., 131.)

It only remains to mention the principal medical authors after Hippocrates whose works are still extant, referring for more particulars respecting their writings to the articles on CHIRURGIA, DIÆTETICA, PATHOLOGIA, PHARMACEUTICA, PHYSIOLOGIA, SEMEIOTICA, and THERAPEUTICA. Celsus is supposed to have lived in the Augustan age, and deserves to be mentioned more for the elegance of his style, and the neatness and judiciousness of his compilation, than for any original contributions to the science of Medicine. Indeed, many persons have doubted whether Celsus were really a professional man, or whether he only wrote his work "De Medicina" as a sort of rhetorical exercise.[1] Dioscorides of Anazarba, who lived in the first century after Christ, was for many centuries the greatest authority in Materia Medica, and was almost as much esteemed as Galen in Medicine and Physiology, or Aristotle in Philosophy. Aretæus, who probably lived in the time of Nero, is an interesting and striking writer, both from the beauty of his language and from the originality of his opinions. The next in chronological order, and perhaps the most valuable, as he is certainly the most voluminous, of all the medical writers of antiquity, is Galen, who reigned supreme in all matters relating to his art till the commencement of modern times. He was born at Pergamus A.D. 131, came early in life to Rome, where he lived in great honour, and passed great part of his days, and died A.D. 201. After him, the only writers deserving particular notice are Oribasius of Pergamus, physician to the Emperor Julian in the fourth century after Christ; Aëtius of Amida, who lived probably in the sixth century; Alexander Trallianus, who lived something later; and Paulus Ægineta, who belongs to the end of the seventh.

ME'DICUS (Ἰατρός), the name given by the ancients to every professor of the healing art, whether physician or surgeon, and, accordingly, both divisions of the medical profession will here be included under that term. In Greece and Asia Minor physicians seem to have been held in high esteem; for, not to mention the apotheosis of Æsculapius, who was considered as the father of it, there was a law at Athens that no female or *slave* should practise it.[2] Ælian mentions one of the laws of Zaleucus among the Epizephyrian Locrians, by which it was ordered that if any one, during his illness, should drink wine contrary to the orders of his physician, even if he should recover, he should be put to death for his disobedience;[3] and, according to Mead, there are extant several medals struck by the people of Smyrna in honour of different persons belonging to the medical profession.[4] The following observation concerning these medals is given by Kühn:[5] "*Alii, idque haud dubie rectius, verosimilius existimabant nomina in hisce nummis obvia minime significare medicos, qui de Smyrnæis suæ medicæ artis cognitione bene meruerint, sed potius summos illius urbis magistratus.* Vid. partim Cl. Wise, in *Mus. Bodlei.*, p. 140, qui Meadianæ sententiæ acerbus extitit censor, partim Jos. Eckhel, in *Doctr. Num. Veter.*, to. ii., p. 539, et Jo. Cph. Raschen, in *Lex Univ. Rei Num. Vet.*, to. iv., p. 2, Lips., 1790–8, qui p. 1219, plures scriptores de Smyrnæorum nummis adduxit." (In voce "Apollophanes.") If the decree of the Athenians (published among the letters of Hippocrates) be genuine, and if Soranus[6] can be depended on, the same honours were conferred upon that physician as had before been given to Hercules; he was voted a golden crown, publicly initiated into the Eleusinian mysteries, and maintained in the Prytaneum at the state's expense.[1]

As there were no hospitals among the ancients, the chief places of study for medical pupils were the Ἀσκληπιεῖα, or temples of Æsculapius, where the votive tablets furnished them with a collection of cases. The Asclepiadæ (*vid.* MEDICINA) were very strict in examining into and overlooking the character and conduct of their pupils, and the famous Hippocratic oath (which, if not drawn up by Hippocrates himself, is certainly almost as ancient) requires to be inserted here, as being the most curious medical monument of antiquity. "I swear by Apollo the physician, by Æsculapius, by Hygeia, and Panaceia, and all the gods and goddesses, calling them to witness that I will fulfil religiously, according to the best of my power and judgment, the solemn promise and the written bond which I now do make. I will honour as my parents the master who has taught me this art, and endeavour to minister to all his necessities. I will consider his children as my own brothers, and will teach them my profession, should they express a desire to follow it, without remuneration or written bond. I will admit to my lessons, my discourses, and all my other methods of teaching, my own sons, and those of my tutor, and those who have been inscribed as pupils and have taken the medical oath; but no one else. I will prescribe such a course of regimen as may be best suited to the condition of my patients, according to the best of my power and judgment, seeking to preserve them from anything that might prove injurious. No inducement shall ever lead me to administer poison, nor will I ever be the author of such advice: neither will I contribute to an abortion. I will maintain religiously the purity and integrity both of my conduct and of my art. I will not cut any one for the stone, but will leave that operation to those who cultivate it (ἐκχωρήσω δὲ ἐργάτησιν ἀνδράσι πρήξιος τῆσδε). Into whatever dwellings I may go, I will enter them with the sole view of succouring the sick, abstaining from all injurious views and corruption, especially from any immodest action towards women or men, freemen or slaves. If during my attendance, or even unprofessionally in common life, I happen to hear of any circumstances which should not be revealed, I will consider them a profound secret, and observe on the subject a religious silence. May I, if I rigidly observe this my oath, and do not break it, enjoy good success in life, and in [the practice of] my art, and obtain general esteem forever; should I transgress and become a perjurer, may the reverse be my lot." As regards the passage of the oath, given above in the original Greek (ἐκχωρήσω δὲ, κ. τ. λ.), though the writer has translated it thus, both here and also in page 241, he does not feel at all sure that the other construction, viz., making πρήξιος τῆσδε depend on ἐκχωρήσω, is not preferable. With regard to the oath itself, it is generally considered to be spurious;[2] but M. Littré, the editor of the new Paris edition of Hippocrates, believes it to be genuine. For a copious and learned explanation of every clause of the oath, see Meibom's edition, Gr. and Lat., Lugd. Bat., 4to, 1643.

Some idea of the income of a physician in those times may be formed from the fact mentioned by Herodotus,[3] that the Æginetans (about the year B.C. 532) paid Democedes from the public treasury one talent per annum for his services, *i. e.* (if we reckon, with Hussey,[4] the Æginetan drachma to be worth

1. (*Vid.* Mich. Christ. Just. Eschenbach, Epistola, &c., ubi "De Celso non Medico Practico disseritur," Lips., 4to, 1772; also Le Clerc's and Sprengel's Histories of Medicine.)—2. (Hyginus, Fab., 274.)—3. (Var. Hist., ii., 37.)—4. (Dissertatio de Nummis quibusdam a Smyrnæis in Medicorum honorem percussis, 4to, Lond., 1724.)—5. (Additam. ad Elench. Medicor. Veter. a Jo. A. Fabricio, in Biblioth. Græca exhibitum, 4to, Lips., 1826–9.)—6. (In Vita Hippocr.)

1. (Compare Plin., H. N., vii., 37.)—2. (*Vid.* J. C. Ackermann, Hist. Liter. Hippocr., in Fabr. Bibl. Gr., ed Harles, or in Kühn's ed. of Hippocr.)—3. (iii., 131.)—4 (Ancient Weights and Money, &c.)

1s. 1¾d.), not quite 344*l.*; he afterward received from the Athenians one hundred minæ, *i. e.* (reckoning, with Hussey, the Attic drachma to be worth 9¾d.), rather more than 406*l.*; and he was finally attracted to Samos by being offered by Polycrates a salary of two talents, *i. e.* (if the Attic standard be meant) 487*l.* 10*s.* It should, however, be added, that Valckenaer doubts the accuracy of this statement of Herodotus with respect to the Æginetans and Athenians (and apparently with reason), on the ground that the latter people, at the time of their greatest wealth, only allowed their ambassadors two drachmæ (or 1*s.* 7½d.) per day, *i. e*, somewhat less than thirty pounds per annum.[1] A physician, called by Pliny both Erasistratus[2] and Cleombrotus,[3] is said by him to have received one hundred talents for curing King Antiochus, which (if we suppose the Attic talents of the standard of Alexander's coinage to be meant, which, according to Hussey, was worth 243*l.* 15*s.*) would amount to 24,375*l.* If, however, the Alexandrean standard, which is found in the coins of the Ptolemies, be meant, it would amount (reckoning the drachma as 1*s.* 3¾d.) to 39,375*l.*; an almost incredible sum. It seems to have been not uncommon among the Greeks in those times (as afterward in the later Roman Empire: see ARCHIATER) for states to maintain physicians, who were paid at the public cost;[4] and these, again, had attendants, for the most part slaves, who exercised their calling among people of low condition.[5]

The Romans derived their knowledge of medicine at first from the Etrurians and afterward from the Greeks. In the most ancient times the haruspices practised medicine in connexion with the augurs, and, in the opinion of Sprengel,[6] who regarded the ancient Roman legends as historical facts, it was probably some of these that Amulius sent to Rhea Silva, when she was pregnant, to examine the nature of her mysterious disease.[7] One of the most ancient customs at Rome, in order to ward off epidemic diseases, and to appease the anger of the gods, was the interrogating the books bought by Tarquin of the Sibyl. In the earlier times of the Roman Republic, physicians are said by Pliny to have been unknown,[8] and for some time afterward the exercise of the profession was in a great measure confined to persons of servile rank; for the richer families, having slaves who were skilled in all sorts of trades, &c., generally possessed one or more that understood medicine and surgery.[9] To this practice, however, there were many exceptions: *e. g.*, the physician who was taken prisoner with Julius Cæsar by the pirates at the island of Pharmacusa,[10] and who is called his friend by Plutarch;[11] Archagathus, who, being the first foreign surgeon that settled at Rome, had a shop bought for him at the public expense, and was presented with the jus Quiritium B.C. 219;[12] Artorius, who is known to have been a physician,[13] and who is called the friend of Augustus;[14] Asclapo, whom Cicero calls his friend;[15] Asclepiades, the friend of Crassus the orator;[16] Eudemus, who is called by Tacitus[17] the friend and physician of Livia; and others. The hatred borne by Cato the censor against the Greek physicians, as well as the Greek philosophers at Rome, is well known, but it is not true that he caused them to be expelled from Rome.[1] With respect to the income made by eminent physicians in the early times of Rome, the writer is not aware of any data for ascertaining it; at the beginning of the Empire, we learn from Pliny[2] that Albutius, Arruntius, Calpetanus, Cassius, and Rubrius gained 250,000 sesterces per annum, *i. e.* (reckoning, with Hussey, the mille nummi (*sestertium*) to be worth, after the reign of Augustus, 7*l.* 16*s.* 3*d.*), 1953*l.* 2*s.* 6*d.*; that Quintus Stertinius made it a favour that he was content to receive from the emperor 500,000 sesterces per annum (or 3906*l.* 5*s.*), as he might have made 600,000 sesterces (or 4687*l.* 10*s.*) by his private practice; and that he and his brother, who received the same annual income from the Emperor Claudius, left between them at their death, notwithstanding large sums that they had spent in beautifying the city of Naples, the sum of thirty millions of sesterces (or 234,375*l.*).

Of the previous medical education necessary to qualify a physician at Rome for the legal practice of his profession in the early times, we know nothing; afterward, however, this was under the superintendence of the archiatri. (*Vid.* ARCHIATER.)

Two other medical titles that we meet with under the emperors were *Iatrosophista* (see the word) and *Actuarius*, Ἀκτονάριος. The latter was a title at the court of Constantinople, given apparently only to physicians, and quite distinct from the use of the word found in the earlier Latin authors.[3] Besides Joannes the son of Zacharias, who is better known by his title of Actuarius than by his real name, several other physicians are recorded as having arrived at this dignity.

MEDIMNUS (*μέδιμνος* or *μέδιμνος σιτηρός*), the principal dry measure of the Greeks. It was used especially for measuring corn. It had different sizes in the different states of Greece. The Attic medimnus was equal to six Roman modii. (Nepos, *Vit. Att.*, c. 2.—Cic., *in Verr.*, II., iii., 45, 46, where Cicero explains 50,000 medimni by 300,000 modii, and 36,000 medimni by 216,000 modii.—Suidas, *s. v.*—Rhemn. Fann., v., 64.

"*Hujus dimidium fert urna, ut et ipsa medimni Amphora, terque capit modium.*")

Suidas makes the medimnus =108 litræ, confounding it apparently with the metretes. The medimnus contained 11 galls. 7·1456 pints English. It was divided into the following parts:

			Galls.	Pints.
6 *ἕκτοι*,	each	=	1	7·8576
12 *ἡμίεκτα*	"			7·9288
48 *χοίνικες*	"			1·9822
96 *ξέσται*	"			·9911
192 *κοτύλαι*	"			·4955

of which the *χοῖνιξ*, *ξέστης*, and *κοτύλη* and their farther subdivisions were common to the dry and fluid measures, but the *χοῖνιξ* was of different sizes (*Vid.* METRETES, CHŒNIX, XESTES, COTYLA.)

*MEDION (Μήδιον), according to Lobelius, a species of Violet. This opinion, however, is rejected by Dodonæus and Bauhin. According to Adams, the prevailing opinion now is, that it was the *Campanula laciniata*.[4]

MEDITRINA'LIA was one of the festivals connected with the cultivation of vineyards. It took place on the eleventh of October, on which day the people of Latium began to taste their new wine (*mustum*), and to offer libations of it to the gods. In drinking the new wine it was customary to pro-

1. (Aristoph., Acharn., 66.)—2. (H. N., xxix., 3.)—3. (H. N., vii. 37.)—4. (Xen., Mem., iv., 2, § 5.—Plato, Gorg., § 23.—Strabo, iv. p. 125.—Diod. Sic., xii., 13.)—5. (Plato, De Leg., iv., p. 720, ed. Steph.—Böckh, Publ. Econ. of Athens, vol. i., p. 160.)—6. (Hist. de la Méd.)—7. (Dionys. Hal., i., 78.)—8. (H. N., xxix., 5.)—9. (Middleton's Essay, "De Medicorum apud Romanos degentium conditione," Cantab., 1726, 4to, and the various answers to it that appeared on its publication.)—10. (Sueton., Jul., 4.)—11. (*Vid.* Casaubon's note on Suetonius.)—12. (Cassius Hemina ap. Plin., H. N., xxix., 6.)—13. (Cæl. Aurel., De Morb. Acut., iii., 14, p. 224.)—14. (Plutarch, Brut., c. 41, ed. Tauchn., where, however, it should be noticed that some editions read 'Αντώνιος instead of 'Αρτώριος.)—15. (ad Fam., xiii., 20.)—16. (Cic., De Orat., i., 14.)—17. (Ann., iv., 3.)

1. (*Vid.* Sprengel, Hist. de la Med.)—2. (H. N., xxix., 5.)—3 (*Vid.* Du Cange, Gloss. Græc., tom. i., p. 40, and Possini, Gloss ad Pachymer. Hist. Andronici, tom. i., p. 366, seq., and tom. ii., p. 468, 469.)—4. (Dioscor., iv., 18.—Hardouin ad Plin., H. N. xxvii., 79.—Bauhin, Pinax, p. 143.—Adams, Append., s. v.)

nounce the words, "*vetus novum vinum bibo, veteri novo morbo medeor.*"[1] Varro derives the name of the festival from the healing power of the new wine, but Festus speaks of a goddess Meditrina.

MEGALE'SIA, MEGALENSIA, or MEGALENSES LUDI, a festival with games celebrated at Rome in the month of April, and in honour of the great mother of the gods (Cybele, *μεγάλη θεός*, whence the festival derived its name). The statue of the goddess was brought to Rome from Pessinus in the year 203 B.C., and the day of its arrival was solemnized with a magnificent procession, lectisternia, and games, and great numbers of people carried presents to the goddess on the Capitol.[2] The regular celebration of the Megalesia, however, did not begin till twelve years later (191 B.C.), when the temple which had been vowed and ordered to be built in 203 B.C., was completed and dedicated by M. Junius Brutus.[3] But, from another passage of Livy,[4] it appears the Megalesia had already been celebrated in 193 B.C. The festival lasted for six days, beginning on the 4th of April. The season of this festival, like that of the whole month in which it took place, was full of general rejoicings and feasting. It was customary for the wealthy Romans on this occasion to invite one another mutually to their repasts, and the extravagant habits and the good living during these festive days were probably carried to a very high degree, whence a senatus consultum was issued in 161 B.C., prescribing that no one should go beyond a certain extent of expenditure.[5]

The games which were held at the Megalesia were purely scenic, and not circenses. They were at first held on the Palatine in front of the temple of the goddess, but afterward also in the theatres.[6] The first ludi scenici at Rome were, according to Valerius Antias, introduced at the Megalesia, *i. e.*, either in 193 or 191 B.C. The day which was especially set apart for the performance of scenic plays was the third of the festival.[7] Slaves were not permitted to be present at the games, and the magistrates appeared dressed in a purple toga and prætexta, whence the proverb *purpura Megalensis*. The games were under the superintendence of the curule ædiles,[8] and we know that four of the extant plays of Terence were performed at the Megalesia. Cicero,[9] probably contrasting the games of the Megalesia with the more rude and barbarous games and exhibitions of the circus, calls them *maxime casti, solemnes, religiosi.*[10]

*MELAMPYRON (*μελάμπυρον*), the *Melampyrum arvense*, or Field Cow-wheat, according to Sprengel and Stackhouse.[11]

*MELAN'CRANIS (*μελαγκρανίς*), a species of *Schœnus* (*σχοῖνος*). Sprengel makes it the *Schœnus nigricans*, or Black Bog-rush.[12]

*MELAN'ION (*μελάνιον*), according to Stackhouse, that variety of the *Viola odorata* which goes by the English name of the "dark blue double violet."[13]

*MELANTE'RIA (*μελαντηρία*), the Inkstone. Dioscorides says of it, that "some have taken it to be the same with sory (*σόρυ*), from which it is distinct, though not unlike." Sprengel thinks the *μελαντηρία* of Dioscorides different from that of Galen. The former he holds to be an arseniate of copper, the other cannot be so well ascertained. Dr. Kidd says, "The *Melanteria*, or Inkstone of Pliny, seems to be a variety of sulphate of iron, that has been formed in a matrix containing vegetable astringent matter, which, uniting with the metallic salt, has produced natural ink." Dr. Hill calls it a vitriol, consisting principally of iron with a little copper.[1]

*MELANTHION (*μελάνθιον*), according to Sprengel, the *Nigella sativa*, or Pepper-wort. The seed of the *μελάνθιον* was called *Gith*. Pliny mentions its various uses in medicine.[2]

*MELANU'RUS (*μελανουρός*), a species of Fish, the *Sparus Melanurus*, called in Italian *ochiata*, in French *oblade*. It is the *Oblada* of Cuvier. It is a silvery fish, striped with blackish, and having a broad black spot on each side of the tail, from which latter circumstance its Greek name (which means "black tail") is derived.[3]

*ME'LEA (*μηλέα*). This term, used by itself, may, according to Adams, be supposed generally to apply to the *Pyrus malus*, or Crab Apple. The *ὀρι-μαλίς* of Theocritus, he thinks, may be presumed to be the same.[4]

*MELE'AGRIS (*μελεαγρίς*), the Guinea-hen or Pintado, the *Numida Meleagris* of Linnæus. It was a bird well known to the ancients, and not uncommon, we may suppose, in the time of Pausanias, who says it was an offering in the mysteries of Isis, of persons in a moderate condition of life. The Greeks expressed the screaming of this bird by *κακκάζειν*. The description given by Clitus, the disciple of Aristotle, as referred to by Athenæus, was properly applied to the Guinea-fowl by Paulmier, contrary to the explanation of Casaubon and Scaliger. Varro and Pliny confound the *Meleagris* with the *Gallina Africana*, but Columella distinguishes them from one another The difference, however, is by no means striking, and indicates merely a variety in the species. Care must be taken not to confound the Turkey with the Meleagris, as the former bird was not known in Europe before the discovery of America.[5]

MEL'IA (*μελία*). (*Vid.* HASTA, p. 488.)

*MELIA (*μελία*), a species of Ash, most probably, according to Sibthorp and others, the *Fraxinus ornus*. The *βουμελία* of Theophrastus was the *Fraxinus excelsior*, as Stackhouse and Schneider have stated.[6]

*MELIA TERRA (*Μηλία γῆ*), Melian Earth, so called from the island of Melos, where it was obtained. "The Melian earth of the ancients," says Sir John Hill, "was a fine white marl, of a loose, crumbling texture, and easily soluble in water and other fluids. Some have imagined it to have been of other colours; but that it was really white we have the unquestionable authority of Pliny. The occasion of this error is no more than the confounding of *Μήλιος* with *Μήλινος*, which last comes from *μῆλον*, "an apple," and has no connexion whatever with the former."[7]

*MELILO'TUS (*μελίλωτος*), a species of plant, the Melilot, or *Melilotus officinalis*, according to Sprengel. Stackhouse calls it the *Trifolium officinale*, which is only another name for the same plant.[8]

*MELIME'LA (*μελίμηλα*). Diophanes, a writer mentioned in the *Geoponica*, makes these to have been apples ingrafted upon quinces. They are called *Mala mustea* by Varro.[9]

1. (Varro, De Ling. Lat., v., p. 57, Bip. — Festus, s. v. Meditrinalia.)—2. (Liv., xxix., 14.)—3. (Liv., xxxvi., 36.)—4. (xxxiv., 54.)—5. (Gellius, ii., 24.—Compare xviii., 2.)—6. (Cic., De Harusp. Resp., 11, &c.)—7. (Ovid, Fast., iv., 377.—Æl. Spart., Antonin. Caracc., c. 6.)—8. (Liv., xxxiv., 54.)—9. (De Harusp. Resp., 12.)—10. (*Vid.* Ovid, Fast., iv., 179–372.—P. Manutius, ad Cic. ad Fam., ii., 11.)—11. (Theophrast., H. P., viii., 4.)—12. (Theophrast., H. P., iv., 13.—Adams, Append., s. v.)—13. Theophrast., H. P., vi., 6, 7.—Adams, Append., s. v.)

1. (Dioscor., v., 179.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—2. (Dioscor., iii., 83.—Plin., H. N., xx., 17.)—3. (Aristot., H. A., viii., 2.—Ælian, N. A., i., 41.—Griffith's Cuvier, vol. x., p. 168.)—4. (Theophrast., H. P., i., 3; iv., 10.—Dioscor., i., 159.—Theocrit., Id., v., 93.)—5 (Aristot., H. A., vi., 2—Athenæus, xiv., 20.—Beckmann's Hist. of Inv., vol. ii., p. 230, &c.)—6. (Theophrast., H. P., iii., 3.—Dioscor., i., 108.—Adams, Append., s. v.)—7. (Dioscor., v., 180.—Hill ad Theophrast., De Lapid., 107.)—8. (Theophrast., C. P., vi., 14.—Dioscor., iii., 41.—Nicand., Ther., 897.—Adams, Append., s. v.)—9 (Geopon., x., 20.—Dioscor., i., 161.—Diophanes ap. Geopon.—Varro, De R. R., i., 59.—Adams, Append., s. v.)

*MELI'NE (*μελίνη*), the *Panicum milliaceum*, or Millet.*

*MELIS, the Badger, or *Ursus meles*. Galen has been supposed to allude to it, as being an animal *μεταξύ πως ἄρκτου καὶ συός*.[1]

*MELISSA (*μελίσσα* or *-ττα*), the Bee. (*Vid.* Apis.)

*MELISSOPHYLLON (*μελισσόφυλλον*), a plant, so called because the *bees* are fond of its *leaves*, as Dioscorides informs us. It has stalks and leaves, according to the same authority, like black horehound, only they are bigger and narrower, not so rough, and smelling like citron. This description, Martyn thinks, agrees very well with the *Melissa* or *Baum*, a common herb in English gardens. Varro informs us that the Latin name for this plant was *apiastrum*; Columella, however, speaks of *apiastrum* and *melissophyllon* (or *meliphyllum*) as of two different herbs.[2]

*MELOLONTHE (*μηλολόνθη*), a species of Beetle, most probably the *Scarabæus melolonthe*, or Cockchafer.[3]

*MELO'PEPON (*μηλοπέπων*). The great difficulty in determining what the *melopepones* were, arises from the circumstance of the ancient authors who treated of the summer fruits frequently interchanging the terms by which they were designated. "Even Ludovicus Nonnius," observes Adams, "who has bestowed so much pains in illustrating the *Res Cibaria* of the ancients, admits himself much at a loss in deciding what the *melopepones* were, but, upon the whole, inclines to think that they were a peculiar kind of melons. Schneider, in like manner, supposes the *μηλοπέπων* to be referable to the *Cucumis melo*, L. At all events, it is certain that the *μηλοπέπων* of the Greeks is the '*melo*' of Palladius. The term *melopepo* is now applied to the *Squash*, a fruit used for food both in the East and in America. May not this have been the *μηλοπέπων* of the Greeks?"[4]

*MEMAI'CYLON (*μεμαίκυλον*), the fruit of the Wild Strawberry-tree. (*Vid.* Arbutus.)[5]

MEMBRA'NA (*Vid.* Liber.)

*MENANTHUS (*μένανθος*). The Bog Bean, an aquatic plant. "This," observes Adams, "is clearly the *τρίφυλλος* of the Geoponica. From the union of these two terms the Bog-bean derives its scientific name, *Menyanthes trefoliata*. Some authorities erroneously take it for the *ἰσόπυρον* of Dioscorides. It may be supposed that it is the *μηνυανθές* of Nicander, but Sprengel contends that the latter is the *Psoralea bituminosa*, L., on what authority, however, I cannot discover."[7]

MENELA'EIA (*μενελάεια*), a festival celebrated at Therapnæ, in Laconia, in honour of Menelaus and Helena, who were believed to be buried there.[8] Menelaus was to the Lacedæmonians what Nestor was to the Messenians, a model of a wise and just king, and hence they raised him to the rank of one of the great gods,[9] and honoured him and Helena with annual and solemn sacrifices at Therapnæ, which continued to be offered in the days of Isocrates.[10] These solemnities are sometimes called Ἑλένια.[11]

MENSA (*τράπεζα*), a Table. The simplest kind of table was one with three legs, round, called *cillibа*,[1] and in Greek *τρίπους*.[2] It is shown in the drinking-scene painted on the wall of a wine-shop at Pompeii.[3] (See woodcut.) The term *τράπεζα*, though commonly used in Greek for a table of any

kind, must have denoted one which indicated a higher degree of luxury and refinement, since it meant, according to its etymology, a four-legged table. (See woodcut, p. 188.) Horace used at Rome a dining-table of white marble, thus combining neatness with economy.[4] For the houses of the opulent, tables were made of the most valuable and beautiful kinds of wood, especially of maple (*σφενδαμνινή*,[5] *acerna*[6]), or of the citrus of Africa, which was a species of cypress or juniper (*Citrea*[7]). For this purpose the Romans made use of the roots and tubers of the tree, which, when cut, displayed the greatest variety of spots, beautiful waves, and curling veins. The finest specimens of tables so adorned were sold for many thousand pounds.[8] Besides the beauty of the boards (*ἐπιθήματα*), the legs of these tables were often very tasteful, being carved in imitation of lion's or tiger's feet, and made of ivory.[9]

One of the principal improvements was the invention of the *monopodium*, a round table supported by a single foot; this, with other elegant kinds of furniture, was introduced into Rome from Asia Minor by Cn. Manlius.[10] Under the Roman emperors semicircular tables were introduced, called *mensæ lunatæ*, from comparing them to the half-moon, and *sigmata*, because they had the form of that letter, C.[11] This lunate table was surrounded by a sofa of the same form, called *stibadium*, which was adapted to hold seven or eight persons.[12]

As the table was not very large, it was usual to place the dishes and the various kinds of meat upon it, and then to bring it, thus furnished, to the place where the guests were reclining.[13] On many occasions, indeed, each guest either had a small table to himself, or the company was divided into parties of two or three, with a separate table for each party, as is distinctly represented in the woodcut at page 326. Xenophon describes a great entertainment given by Seuthes, king of the Thracians, at which the guests formed a large circle, a small three-legged table being placed before each person.[14] Although it is certain that dishes were in many cases brought to be laid before the guests upon the table, yet the common practice of bringing to them the board, already supplied, gave origin to such phrases as *mensam apponere* or *opponere*,[15] and *mensam auferre* or *removere*.[16] As the board of the table is

1. (Theophrast., C. P., ii., 12.)—2. (Adams, Append., s. v.)—3. (Theophrast., H. P., vi., 1.—Dioscor., iii., 108.—Nicand., Ther., 554.—Plin., H. N., xxi., 20.—Martyn ad Virg., Georg., iv., 64.—Adams, Append., s. v.)—4. (Aristot., H. A., v., 4.—Adams, Append, s. v.)—5. (P. Ægin., i., 80.—Bauhin, Pinax, 619.—Adams, Append, s. v.)—6. (Theophrast., H. P., iii., 15.)—7. (Theophrast., H. P., iv., 11.—Geopon., ii., 4.—Nicand., Ther., 520, 528.—Sprengel ad Dioscor., iii., 13.—Adams, Append., s. v.)—8. (Pans., iii., 19, § 9.)—9. (Isocr., Panath., p. 247, B.)—10. (Helen Encom., p. 218, D.)—11. (*Vid.* Creuzer Symbol. p. 38.)

1. (Festus, s. v.—Varro, De Ling. Lat., v., 25, p. 123, ed Spengel.—Hor., Sat., I., iii., 13.—Ovid, Met., viii., 662.)—2. (Xen., Anab., vii., 3, § 10.—Athen., iv., 21, 35; v., 28.)—3. (Gell's Pompeiana, 1832, vol. ii., p. 11.)—4. (Sat., I., vi., 116.)—5. (Athen., ii., 32.)—6. (Hor., Sat., II., viii., 10.—Mart., xiv. 90.)—7. (Cic., Verr., II., iv., 17.—Mart., ii., 43.—Id., xiv., 89.—Plin., H. N., xiii., 29.)—8. (Plin., H. N., xiii., 29.—Id. ib. xvi., 26, 84.—Tertull., De Pallio, sub fin.—Aikin, on Ornamental Woods, p. 23, 24.)—9. (Athen., l. c.—Mart., ii., 43, 49.)—10. (Plin., H. N., xxxiv., 8.)—11. (Lamprid., Hel., 25, 29.)—12. (Mart., x., 48.—Id., xiv., 87.)—13. (Athen., ii., 55.—Id., iv. 28.)—14. (Anab., vii., 3, § 21.)—15. (Plaut., Asin., V., i., 2.—Most., I., iii., 150.—Cic., Att. xiv., 21.—Ovid, Met., viii., 670.—16. (Plaut., Amphit., II., v., 175.—Virg., Æn., i., 216.)

called by a distinct name, *ἐπίθημα*,[1] it appears that it was very frequently made separate from the tripod or other stand (*κιλλίβας*) on which it was fixed.

Among the Greeks the tables were not covered with cloths at meals, but were cleansed by the use of wet sponges[2] or of fragrant herbs.[3]

Under the influence of the ideas of hospitality, which have prevailed universally in the primitive states of society, the table was considered sacred.[4] Small statues of the gods were placed upon it.[5] On this account Hercules was worshipped under the title *τραπέζιος* and *ἐπιτραπέζιος*. The Cretans ate in public; and in the upper part of their *ἀνδρεῖον*, or public dining-room, there was a constant table set apart for strangers, and another sacred to Jupiter, called *τράπεζα ξενία*, or *Δίος ξενίου*.[6]

The two principal courses of a *δεῖπνον* and cœna, or a Greek and Roman dinner, were called respectively *πρώτη τράπεζα*, *δεύτερα τράπεζα*, and *mensa prima*, *mensa secunda*. (*Vid.* Cœna, Deipnon.)

A stone tablet, supported by four other stones, was sometimes used, as it is in modern times, to cover a grave.[7] (*Vid.* Funus, p. 457.)

MENSA'RII, MENSULA'RII, or NUMULA'RII, were a kind of public bankers at Rome who were appointed by the state; they were distinct from the argentarii, who were common bankers, and did business on their own account.[8] The mensarii had their banks (*mensæ*), like ordinary bankers, in the Forum, and in the name of the ærarium they offered ready money to debtors who could give security to the state for it. Such an expediency was devised by the state only in times of great distress. The first time that mensarii (*quinqueviri mensarii*) were appointed was in 352 B.C., at the time when the plebeians were so deeply involved in debt that they were obliged to borrow money from new creditors in order to pay the old ones, and thus ruined themselves completely.[9] (Compare Interest of Money, and Argentarii.) On this occasion they were also authorized to ordain that cattle or land should be received as payment at a fair valuation. Such bankers were appointed at Rome at various times, and whenever debts weighed heavily upon the people, but, with the exception of the first time, they appear, during the time of the Republic, to have always been triumviri mensarii.[10] One class of mensarii, however (perhaps an inferior order), the *mensularii* or *numularii*, seem to have been permanently employed by the state, and these must be meant when we read, that not only the ærarium, but also private individuals, deposited in their hands sums of money which they had to dispose of.[11] As Rome must have often been visited by great numbers of strangers, these public bankers had also, for a certain per centage, to exchange foreign money and give Roman coinage instead, and also to examine all kinds of coins, whether they were of the proper metal, and genuine or not.[12] During the time of the Empire, such permanent mensarii were appointed under the control of the præfectus urbi, and formed a distinct corporation.[13]

Bankers appointed by the state also existed in other ancient towns, and Cicero[14] mentions mensarii at Temnos, in Asia Minor, who were appointed by the people.

MENSIS (*μήν*), a Month. The division of the year into twelve lunar months must have been known to the Greeks from very early times, for in the Homeric poems the lunar months appear quite familiar to them. The day of the new moon, or the first day of every month (*νουμηνία*), was sacred to Apollo.[1] The month itself, however, does not seem to have been subdivided into any other periods than those of the increase and decrease of the moon (*τοῦ μὲν φθίνοντος μηνὸς, τοῦ δ' ἱσταμένοιο*[2]). In the time of Hesiod[3] the lunar month was reckoned as containing 30 days, although it must have been known to have contained in reality less than 30 days. (*Vid.* Calendar, p. 190.) The discrepancy between the lunar and solar year rendered it necessary every other year to intercalate a thirteenth month (*μὴν ἐμβόλιμος*), which, however, is not mentioned either in Homer or Hesiod, and the time of its introduction is unknown.[4] This necessarily produced confusion in the number of days of a year, to avoid which Solon established the rule that at Athens months of 30 and 29 days should alternate with each other,[5] and called the thirtieth day (*τριακάς*) of a month *ἕνη καὶ νέα*, as such a day partly belonged to the month which was ending, and partly to the new month.[6] Thus arose a regular lunar year of 354 days, and, in order to make this agree with the solar year, a month was intercalated every third year (*τριέτηρις*[7]). Respecting the names of the Attic months and their division into decads, see Calendar[8] and Clinton.[9] The Hecatombæon, or first month of the Attic year, coincides very nearly with our July, and Scirrophorion, or the last, with our June.[10] While in Attica the 12 lunar months were established for religious purposes, the various kinds of business of ordinary life were here, as in other parts of Greece, regulated according to various other phenomena, such as the rising and setting of certain stars,[11] the arrival and departure of the birds of passage,[12] and the like.

The months of the other Greek states differed from those of the Athenians not only in their names, but also in the time of their commencement,[13] and it was only in very few instances that the beginning of the months in another Greek state perfectly coincided with the Attic months. This is the more surprising as they were all lunar months, and should, consequently, have all commenced on the first day of a new moon; but this difference arose from the different modes of intercalation to make the lunar year agree with the solar one, so that the difference was not very great. In all parts of Greece, however, the division of a month into decads, and the mode of stating the day of a month, were the same as those customary in Attica.

Among the Spartan months we only know the names of five, viz., Gerastius, Artemisius, Phlyasius, Hecatombeus, and Carneus. The last of these answered to the Attic Metageitnion[14] and the Artemisius to the Attic Elaphebolion.[15] The others are uncertain. That the Spartan months in their commencement differed by two days from the Attic ones, is clear from Thucydides.[16]

The chronology of the Bœotians seems to have been very irregular in early times, and the time of the commencement of their months differed from that of the Attic months;[17] but in 371 B.C. their months appear to have perfectly coincided with those of Attica.[18] The first month of the Bœotian year was called Bucatius, and coincided with the

1. (Athen., l. c.—Pollux, Onom., x., 81.)—2. (Hom., Od., i., 111.—Id. ib., xx., 151.—Mart., xiv., 144.)—3. (Ovid, Met., viii., 665.)—4. (Juv., ii., 110.)—5. (Arnob. contra Gentes, lib. ii.)—6. (Athen., iv., 22.—Höck's Kreta, iii., p. 120–128.)—7. (Becker, Charikles, ii., p. 191, 193.)—8. (Dig. 2, tit. 13, s. 6.)—9. (Liv., vii., 21;—10. (Liv., xxiii., 21.—Id., xxvi., 36.)—11. (Tacit., Ann., vi., 17.—Dig. 16, tit. 3, s. 7; 42, tit. 5, s. 24.)—12. (Dig. 46, tit. 3, s. 39.)—13. (Dig. 1, tit. 12, s 1.—Cod. Theod., 16, tit. 4, s. 5.)—14 (Pro Flacco, 19.)

1. (Od., xx., 156, with the schol.—Id. ib., xxi., 258.—Compare x., 14; xii., 325.—Hesiod., Op. et D., 770.)—2. (Od., xiv., 162.)—3. (l. c.)—4. (Ideler, Handb. der Chronol., i., p. 263, &c.)—5. (Geminus, c. 6.)—6. (Plut., Sol., 25.—Diog. Laert., i., 2, 9, and 11.)—7. (Censorin., c. 18.)—8. (l. c.)—9. (Fast. Hell., i., Append., xix.)—10. (Ideler, l. c., p. 286.)—11. (Æsch., Prom., 453.)—12. (Aristoph., Av., 710.—Hesiod, Op. et D., 448.)—13. (Aristox., Harmon. Elem., ii., p. 30, ed. Meurs.—Plut., Aristid., 19, sub fin.)— 4. (Plut., Nic., 28.)—15. (Thucyd., v., 19.)—16. (iv., 118, 119; v., 19.) – 7. (Plut., Aristid., 19.)—18. (Plut., Camil., 19.)

Attic Gamelion.[1] Besides this first month, the names of six others are known, viz., Hermæus (Attic Anthesterion), Prostaterius (Attic Elaphebolion), Hippodromius (Attic Hecatombæon[2]), Panemus (Attic Metageitnion[2]), Alalcomenius (Attic Maimacterion), and Damatrius (Attic Pyanepsion).

Among the months of the Eleans only the name of one is known with certainty, viz., the Elaphius, which is described as the month in which the vernal equinox took place. But there are two other names, Parthenius and Apollonius, which are likewise believed to be the names of Elean months.[4]

The first of the Delphian months seems to have been the Bysius, which coincided with the Attic Munychion. It fell at the time of the vernal equinox, and in it the Pythian games were celebrated. Besides this, the names of eight others are known, viz., Theoxenius, Ilæus, Domus, Synelius, Thelutius, Bucatius, Heraclius (Attic Thargelion), and Dionysius.[5]

Of the months of the Corcyræans only three are known, viz., Machaneus, Artemitius, and Eucleius, which was the twelfth.

The Cretan months are Imalius, Artamitius, Thermolæus, Dromæus, &c.

The Sicilian months were Carneius (Att. Metageitnion), Panemos, &c.[6]

The Cyprian months are all known, but most of their names seem to belong to the time of the Roman Empire. They are, Ænicus, Junius (anciently Adonis), Cæsareus, Sebastus, Autocratoricus, Demarchexasius, Plethypatus, Archiereus, Hesthius, and Romæus.

The Macedonians, like the Greeks, divided their year into 12 lunar months, and their names and order of succession may be gathered from Josephus and Suidas. Their year began in the autumn, and their first month fell partly in our October and partly in our November. The names and the order of their months were as follow: Dius, Apellæus, Audynæus, Peritius, Dystrus, Xanthicus, Artemisius, Dæsius, Panemus, Lous, Gorpiæus, and Hyperberetæus. The Macedonian months, after the time of Alexander, were adopted by the Syro-Macedonian cities, and by the Greek cities of Asia generally, and were retained until the reformation of the Roman calendar by J. Cæsar, after which time all the Greeks, both in Europe and in Asia, gradually began to adopt the new Roman calendar, though the ancient names of their months, as well as the ancient time of the commencement of their year, remained in most cases as they had been before.[7] For an account of the Roman months, see CALENDAR, ROMAN.

MENSO'RES, Measurers or Surveyors. This name was applied to various classes of persons whose occupation was the measurement of things.

1. It was applied to land-surveyors, who measured and defined the extent of fields, and appear to have been the same as the agrimensores.[8] (Compare AGRIMENSORES.)

2. To persons who measured in the Roman camps the space to be occupied by the tents. They must be distinguished from the metatores, who selected the place for a camp.[9]

3. To a class of officers during the time of the Empire who provided quarters for the soldiers in the towns through which they passed and where they made a temporary stay. They not only assigned to each soldier the house in which he was to be quartered, but also wrote the name of the occupant upon the doorpost, and he who effaced or destroyed this name was punished as a falsi reus.[1]

4. Mensor ædificiorum is sometimes applied to architects, or more especially to such architects as conducted the erection of public buildings, the plans of which had been drawn up by other architects.[2]

5. Mensores frumentarii was the name of officers who had to measure the corn which was conveyed up the Tiber for the public granaries.[3] They were stationed in the port near Ostia, and were employed under the præfectus annonæ. Their name is mentioned in various ancient inscriptions.

ME'NUSIS (*μήνυσις*). (*Vid.* ECCLESIA.)

MERCEDONIOS or MERCIDI'NOS. (*Vid.* CALENDAR, ROMAN, p. 194.)

MERENDA. (*Vid.* CŒNA, p. 275.)

MERIDIA'NI. (*Vid.* GLADIATORES, p. 476.)

*MEROPS (*μέροψ*), a species of Bird, the *Merops apiaster*, or Bee-eater. "It is rarely met with in England," says Adams, "but is common in the south of Europe, and hence its frequent mention in the classics."[4]

*MESPI'LE (*μεσπίλη*) or MESPI'LUS (*μέσπιλος*) the Medlar-tree, or *Mespilus tanacetifolia*, Smith "The two species of Medlar described by Dioscorides, and subsequent writers on the *Materia Medica*, are referred by Sprengel to the *Mespilus azarolus*, Smith (Azarola, or Neapolitan Medlar), and the *M. Germanica* (common Medlar)."[5]

METÆ. (*Vid.* CIRCUS, p. 253.)

METAGEI'TNIA, a festival celebrated by the Attic demos Melite, in honour of Apollo Metageitnion. The chief solemnities consisted in offering sacrifices, and the festival was believed to commemorate the emigration (*γειτνίασις πρὸς ἑτέρους*) of the inhabitants of Melite to Diomis.[6]

METHO'DICI (*Μεθοδικοί*), an ancient medical sect, whose history begins with Themison, a pupil of Asclepiades, in the first century B.C.[7] He differed from his master in many respects, condemned his errors,[8] contributed much to rectify his principles, and introduced a greater precision into his system.[9] He was the first who chose the middle way between the tenets of the Dogmatici and Empirici, the traces of which he believed he discovered in the theory of his master. Their doctrines are thus summed up by Celsus:[10] "They assert that the knowledge of no cause whatever bears the least relation to the method of cure; and that it is sufficient to observe some general symptoms of distempers; and that there are three kinds of diseases, one bound, another loose (the word in the original is *fluens*, that is, a disorder attended with some discharge), and the third a mixture of these. For that sometimes the excretions of sick people are too small, sometimes too large; and sometimes one particular excretion is deficient, while another is excessive. That these kinds of distempers are sometimes acute and sometimes chronic, sometimes increasing, sometimes at a stand (where our author means the *ἀκμή* of a disease, after which it increases no more), and sometimes abating. As soon, then, as it is known to which of these classes a distemper belongs, if the body be bound, it must be opened; if it labours under a flux, it must be restrained; if the distemper be complicated, then the most urgent malady must be first opposed. And that one kind of treatment is required in acute, an-

1. (Plut., Pelop., 25.)—2. (Plut., Camill., 19.)—3. (Plut., l. c.)—4. (Ideler, Handb., i., p. 366.)—5. (Corsini, Fast. Att., ii., p. 437.)—6. (*Vid.* Corsini, l. c.)—7. (Compare Clinton, Fast. Hell., ii., Append., iv.)—8 (Colum., v., 1.)—9. (Veget., De Re Mil., ii., 7.)

1. (Cod. Theod., 7, tit. 8, s. 4.)—2. (Plin., Epist., x., 28, 29.)—3. (Dig. 27, tit. 1, s 26.—Cod. Theod., 14, tit. 9, s. 9, and tit. 15, s. 1.)—4. (Aristot., H. A., v., 1.—Ælian, N. A., i., 49.—Adams, Append., s. v.)—5. (Theophrast., H. P.—Dioscor., i., 169.—Adams, Append., s. v.)—6. (Plut., De Exil., p. 601, B.—Compare Suidas and Harpocration, s. v. Μεταγειτνιών.)—7. (Plin., H. N., xxix., 5.)—8. (Cæl. Aurel., Chron., i., 1, p. 287 c. 4, p. 323, ed. Amman.)—9. (Galen, Introd., c. 1, tom. xiv., p 683, 684, ed. Kühn.)—10 (De Medic., lib. i., Præfat.)

other in inveterate distempers; another when diseases are increasing, another when at a stand, and another when inclining to health. That the observation of these things constitutes the art of medicine, which they define as a certain way of proceeding, which the Greeks call *method* (Μέθοδος), and affirm it to be employed in considering those things that are common to the same distempers: nor are they willing to have themselves classed either with the rationalists (*i. e.*, the Dogmatici) or with those who regard only experiments (*i. e.*, the Empirici); for they dissent from the first sect in that they will not allow medicine to consist in forming conjectures about the occult things; and also from the other in this, that they hold the observation of experiments to be a very small part of the art."—(Futvoye's translation.)

As the seeking after the causes of diseases seemed to him to rest on too uncertain a foundation, for this reason he wished to establish his system upon the analogies and indications common to many diseases (κοινότης), without reflecting that these analogies are often as occult, and even oftener, than all the causes of the *Dogmatici*. However, this idea of the common analogies of the morbid state had the great advantage of contributing afterward to the perfection of the science of Semeiology. If, says Sprengel,[1] Themison had chosen for his basis analogies that were easy to be recognised, or really morbid states, instead of simple maladies of the solid parts, of which he only admitted a very small number, the system of the Methodici would have been the best of all; but, deceived by the Corpuscular Philosophy of his master Asclepiades, he would not admit any other common symptoms than those given by the *Strictum* and the *Laxum*, the being confined or relaxed, and the intermediate state. Thus he was compelled to contradict himself, and commit the more errors the more he tried to escape by the μέθοδος the tenets both of the Empirici and Dogmatici. Themison appears to have written several works, which are now lost, but of which the titles are preserved by Cælius Aurelianus.[2] His followers were very numerous, but the following only deserve notice here: Soranus, the author of several works, of which two only are still extant, Περὶ Σημείων Καταγμάτων, "De Signis Fracturarum," and Περὶ Μήτρας καὶ Γυναικείου Αἰδοίου, "De Utero et Pudendo Muliebri;" Cælius Aurelianus, the principal writer of this sect, whose work "De Morbis Acutis et Chronicis" is one of the most valuable of antiquity; Moschion, author of the work Περὶ τῶν Γυναικείων Παθῶν, "De Mulierum Passionibus;" Thessalus of Tralles, of whom nothing remains, but who was, in a manner, the second founder of the sect, and who (if we may trust Galen, who always mentions him with the greatest contempt) conferred no honour on the medical professsion either by his talents or his character.

METOIKOI (Μέτοικοι) is the name by which, at Athens and in other Greek states, the resident aliens were designated, and these must be distinguished from such strangers as made only a transitory stay in a place, for Harpocration[3] expressly mentions as a characteristic of a μέτοικος that he resided permanently in the place. No city of Greece, perhaps, had such a number of resident aliens as Athens, as none afforded to strangers greater advantages and conveniences, or a more agreeable mode of living. In the census instituted by Demetrius Phalereus (309 B.C.), the number of resident aliens at Athens was 10,000, in which number women and children were probably not included.[4] These aliens were persons from all parts of Greece, as well as from barbarous countries, such as Lydians, Phrygians, and Syrians, or Attic freedmen (*vid.* Libertus, Greek), and these people had chosen Athens as their adoptive country, either on account of its resources for amusement and instruction, or on account of the facilities it afforded for carrying on mercantile business. The latter class of persons seems to have been by far the most numerous. The jealousy with which the citizens of the ancient Greek republics kept their body clear of intruders, is also manifest in their regulations concerning aliens. However long they might have resided in Athens, they were always regarded as strangers, whence they are sometimes called ξένοι; and to remind them of their position, they had on some occasions to perform certain degrading services to the Athenian citizens. The services (*vid.* Hydriaphoria) were, however, in all probability, not intended to hurt the feelings of the aliens, but were simply acts symbolical of their relation to the citizens.

Aliens were not allowed to acquire landed property in the state they had chosen for their residence, and were, consequently, obliged to live in hired houses or apartments,[1] and hence the letting of houses was a subject of much speculation and profit at Athens. As the aliens did not constitute a part of the state, and were yet in constant intercourse and commerce with its members, every alien was obliged to select a citizen for his patron (προστάτης), who was not only the mediator between them and the state, through whom alone they could transact any legal business, whether private or public, but was, at the same time, answerable (ἐγγυητής) to the state for the conduct of his client.[2] On the other hand, however, the state allowed the aliens to carry on all kinds of industry and commerce under the protection of the law; in fact, at Athens, nearly all business was in the hands of aliens, who on this account lived for the most part in the Piræus.[3]

Each family of aliens, whether they availed themselves of the privilege of carrying on any mercantile business or not, had to pay an annual tax (μετοίκιον or ξενικά) of twelve drachmæ, or, if the head of the family was a widow, of only six drachmæ.[4] If aliens did not pay this tax, or if they assumed the right of citizens, and probably, also, in case they refused to select a patron, they not only forfeited the protection of the state, but were sold as slaves. (*Vid.* ΑΠΡΟΣΤΑΣΙΟΥ ΓΡΑΦΗ.) In some cases, however, though they are of rare occurrence, aliens, without having the isopolity, might become exempt from the μετοίκιον (ἀτέλεια μετοικίου) as well as from other obligations.[5] Extraordinary taxes and liturgies (εἰσφοραί and λειτουργίαι) devolved upon aliens no less than upon citizens,[6] though there must have been a difference between the liturgies performed by citizens and those performed by aliens. In what this difference consisted is nowhere expressly mentioned, but we have reason to believe that, with the exception of the trierarchy and gymnasiarchy, all other liturgies might devolve upon aliens, though perhaps only on certain occasions, as the choregia at the festival of the Lenæa.[7] The extraordinary taxes (εἰσφοραί) which aliens had to pay, seem also, in some degree, to have differed from those paid by citizens; and it is clear from Demosthenes[8] that they were taxed higher than citizens of the same census. The aliens were also obliged, like citizens, to serve in the regular armies and in

1. (Hist. de la Méd.)—2. (De Morb. Chron., i., I, p. 285; i., 4 p. 323; ii., 7 p. 387, &c.)—3. (s. v.)—4. (Athen., vi., p. 272.)

1. (Demosth., Pro Phorm., p. 946.—Xen., De Vectig., ii., 2—Aristot., Œcon., ii., 2, 3.—Compare Böckh's Publ. Econ., i., § 24.)—2. (Etymol. M., s. v. Ἀπροστασίου.)—3. (Xen., De Vectig., c. 2.—Id., De Rep. Ath., i., 12.)—4. (Böckh, Publ. Econ., iii., § 7.—Isæus ap. Harpocrat., s. v. Μετοίκιον.)—5. (Demosth., c. Aristocrat., p. 691.—Plut., Vit. dec. Orat., p. 842.—Demosth., c. Aristog., p. 787.—Suidas, s. v. Μετοίκιον.)—6. (Demosth., c. Androt., p. 612.)—7. (Schol. ad Aristoph., Plut., 954.—Compare Böckh, Publ. Econ., iv., § 10.)—8. (c. Androt., p. 609 and 612.)

the fleet, both abroad and at home, for the defence of the city.[1] Respecting those *μέτοικοι* who had obtained the *ἰσοτέλεια*, see CIVITAS, p. 259. The heirs of a *μέτοικος* who died in Attica were under the jurisdiction of the polemarch.[2]

The preceding account of the condition of the aliens at Athens will apply, with very few modifications, to most other parts of Greece.[3]

METRE'TES (*μετρητής*), the principal Greek liquid measure. The Attic metretes was equal in capacity to the amphora, containing 8 galls. 7·365 pints English. (*Vid.* AMPHORA.) It was divided into

		Galls.	Pints.
1½ *κεράμια*,	each =	5	7·577
12 *χοῦς*	"		5·9471
48 *χοίνικες*	"		1·4867
72 *ξέσται*	"		·9911
144 *κοτύλαι*	"		·4955

(*Vid.* CHOUS, CHŒNIX, XESTES, COTYLA.) The smaller liquid measures were of very variable sizes; their names were *μύστρον* (*vid.* MYSTRUM), *ὀξύβαφον* (*vid.* OXYBAPHUM), *κύαθος* (*vid.* CYATHUS), *κόγχη* (*vid.* CONCHA), *χύτη* (*vid.* CHEME), *κοχλιάριον* (*vid.* COCHLEAR).

In other places the metretes had a different size. Galen[4] says that the Syrian metretes contained 120 *ξέσται*. The Macedonian metretes is inferred to have been much smaller than the Attic, from the circumstance mentioned by Aristotle[5] of an elephant's drinking 14 of them at once.

METRO'NOMI (*μετρονόμοι*) were officers at Athens belonging to that class which we might term police-officers. They were, like all officers of this kind, appointed by lot. Their number is stated differently: some say that there were fifteen (ten for the Piræeus and five for the city); some say twenty-four (fifteen for the Piræeus and nine for the city); and others state that there were only ten, five for the Piræeus and five for the city.[6] Böckh[7] would alter all these passages of the grammarians so as to make them say that the whole number of metronomi was fifteen, and that ten were for the city and five for the Piræeus, because the sitophylaces were distributed in the same manner. But there does not appear sufficient ground for such a bold alteration, and it seems, at any rate, probable that the number of these officers, as the grammarians state, was necessarily greater in the port-town than in the city, for there must have been more business for them in the Piræeus than at Athens, which was not the case with the sitophylaces. The duties of the metronomi were to watch that the weights and measures used by tradesmen and merchants should have the size and weight prescribed by the laws, and either to punish offenders or to receive complaints against them, for the real nature of the jurisdiction of the metronomi is not known.[8]

METRO'POLIS. (*Vid.* COLONIA, p. 284.)

*MEUM (*μήον*), a plant, the *Meum Athamanticum*, or *Ligusticum Meum*, Hooker; in English, Spignel, Meu, or Bald-money. Moses Charras says of it, 'Meum or Spignel is called Athamantic from the mountain Athamas in Thessaly, where it grows plentifully. The leaves are small, and like those of anise."[9]

*MILAX (*μίλαξ*), a plant, the Bindweed, of which several kinds are mentioned by the ancient writers. The more common form of the name is *Smilax*, which see.

MILLIA'RE, MILLIA'RIUM, or MILLE PASSUUM (*μίλιον*), the Roman mile, consisted of 1000 paces (*passus*) of 5 feet each, and was, therefore, =5000 feet. Taking the Roman foot at 11·6496 English inches (*vid.* PES), the Roman mile would be 1618 English yards, or 142 yards less than the English statute mile. By another calculation, in which the foot is taken at 11·62 inches, the mile would be a little more than 1614 yards. The number of Roman miles in a degree of a large circle of the earth is a very little more than 75. The most common term for the mile is *mille passuum*, or only the initials M. P.; sometimes the word *passuum* is omitted.[1] The Roman mile contained 8 Greek stadia.

The milestones along the Roman roads were called *milliaria*. They were also called *lapides*; thus we have *ad tertium lapidem* (or without the word *lapidem*) for three miles from Rome. Augustus erected a gilt pillar in the Forum, where the principal roads terminated, which was called *milliarium aureum*; but the miles were not reckoned from it, but from the gates of the city. Such central marks appear to have been common in the principal cities of the Roman Empire. The "London stone" in Cannon-street is supposed to have marked the centre of the Roman roads in Britain.[2]

*MILOS (*μῖλος*), the *Taxus baccata*, or Yew-tree. "Nicander," says Adams, "gives a very accurate account of its effects as a poison."[3]

*MILTOS (*μίλτος*), "the *Reddle* of Kirwan and Aikin, and *Red Chalk* of Jameson and Philips. It is the *Rubrica* of the Latins, and not the *Minium*, as has been supposed. Theophrastus describes two kinds, the *αὐτόματος*, or native, and the *τεχνική*, or factitious; this last is formed from yellow-ochre by burning. Reddle was used extensively in ancient times for painting ships, and hence Homer calls them *μιλτοπάρηοι*."[4]

MIMUS (*μῖμος*) is the name by which, in Greece and at Rome, a species of the drama was designated, though the Roman mimus differed essentially from the Greek *μῖμος*.

The Greek mimus seems to have originated among the Greeks of Sicily and southern Italy, and to have consisted originally of extempore representations or imitations of ridiculous occurrences of common life at certain festivals, like the Spartan deicelistæ. At a later period these rude representations acquired a more artistic form, which was brought to a high degree of perfection by Sophron of Syracuse (about 420 B.C.). He wrote his pieces in the popular dialect of the Dorians and a kind of rhythmical prose.[5] The mimes of Sophron are designated as *μῖμοι σπουδαῖοι*, which were probably of a more serious and ethical character, and *μῖμοι γέλοιοι*, in which ridiculous buffoonery preponderated. Such mimes remained after the time of Sophron a favourite amusement of the Greeks, and Philistion of Magnesia, a contemporary of Augustus, was a celebrated actor in them.[6]

Among the Romans, the word mimus was applied to a species of dramatic plays as well as to the persons who acted in them. It is certain that the Romans did not derive their mimus from the Greeks in southern Italy, but that it was of native growth. The Greek mimes were written in prose, and the name *μῖμος* was never applied to an actor, but if

1 (Xen., De Vectig., l. c.—Thucyd., ii., 13; iv., 90.—Demosth., c. Philip., i., p. 50.—Thucyd., i., 143.—Id., iii., 16.)—2. (Demosth., c. Steph., ii., p. 1135.)—3. (Compare Petitus, Leg. Att., ii., 5, p. 246, &c.—F. A. Wolf, Proleg. ad Leptin., p. lxvi., &c.—Hermann, Polit. Ant., § 115.)—4. (Frag., c. 7.)—5. (H. A., viii., 9.)—6. (Harpocrat., Suidas, Phot., and Lex. Seg., s. v. Μετρονόμοι.)—7. (Publ. Econ., i., § 9, n. 193.)—8. (Meier and Schömann, Att. Proc., p. 93, &c.)—9. (Dioscor., i., 3.—Adams, Append., s. v.)

1. (Cic. ad Att., iii., 4.—Sallust, Jug., c. 114.)—2. (Plin., H. N., iii., 5.—Id. ib., xv., 18.—Tacit., Hist., i., 73.—Suet., Oth., 6.)—3. (Theophrast., H. P., iii., 4.—Id. ib., iv., 1.—Nicand., Alex., 624.—Adams, Append., s. v.)—4. (Theophrast., De Lapid., c. 71.—Dioscor., v. 111, 112.—Hom., Il., ix., 125.—Adams, Append., s. v.)—5. (Quintil., i., 8.)—6. (*Vid.* Müller, Dor., iv., 7, § 5.)

used of a person, it signified one who made grimaces. The Roman mimes were imitations of foolish and mostly indecent occurrences,[1] and scarcely differed from comedy except in consisting more of gestures and mimicry than of spoken dialogue, which was not the case in the Greek mimes. The dialogue was, indeed, not excluded from the Roman mimes, but was only interspersed in various parts of the representation, while the mimic acting continued along with it, and uninterruptedly from the beginning to the end of a piece. At Rome such mimes seem originally to have been exhibited at funerals, where one or more persons (*mimi*) represented in a burlesque manner the life of the deceased. If there were several mimi, one of them, or their leader, was called archimimus.[2]

During the latter period of the Republic such farces were also represented in theatres; but it appears that they did not attain any high degree of perfection before the time of Cæsar, for it is not until then that writers of mimes are mentioned: Cn. Matius, Decius Laberius, and Publ. Syrus were the most distinguished among them.[3] These coarse and indecent performances, of which Sulla was very fond, had greater charms for the Romans than the regular drama; hence they were not only performed on the stage, but even at repasts in the houses of private persons. On the stage they were performed as farces after tragedies, and during the Empire they gradually supplanted the place of the Atellanæ. The exact time, however, when the Atellanæ yielded to the mimes, is uncertain. It was peculiar to the actors in these mimes neither to wear masks, nor the cothurnus, nor the soccus, whence they are sometimes called planipedes.[4] As the mimes contained scenes taken from common life, such as exhibited its most striking features, their authors are sometimes called biologi or ethologi,[5] and the works themselves were distinguished for their richness in moral sentences. That distinguished and living persons were sometimes exposed to ridicule in these mimes, is clear from J. Capitolinus.[6]

MINA. (*Vid.* Talentum.)

*MIN'IUM. (*Vid.* Cinnabari.)

MINOR. (*Vid.* Curator, Infans.)

*MINTHOS or MINTHE (*μίνθος, μίνθη*), Garden Mint, or *Mentha sativa*.[7]

MIRMILLO'NES. (*Vid.* Gladiatores, p. 476.)

MISSIO was the technical term used by the Romans to express the dismissal of soldiers from service in the army. Such a dismissal might take place for three reasons, and there were, consequently, three kinds of missio: 1. *Missio honesta*, which was given to soldiers who had served the legitimate number of years; 2. *Missio causaria*, which was granted to soldiers who could no longer bear the fatigue of military service on account of ill health; and, 3. *Missio ignominiosa*, by which a man was excluded from the service in the army for crime or other bad conduct.[8]

As regards the *missio honesta*, it was granted by the law to every soldier who had attained the age of 46, or who had taken part in 20 campaigns, and to every horseman who had served in ten campaigns. The legitimate time of service was called legitima stipendia.[9] Sometimes, however, soldiers obtained the missio honesta through the favour of their general, before they had served the legitimate time. But this missio is distinguished from the real missio honesta, and was called *missio ex favore* or *missio gratiosa*. Persons who had obtained it might, if it was discovered, be called upon by the censors to re-enter the army.[1] The same must have been the case with persons who had obtained the missio causaria, and who, after their return home, had recovered from their illness, and had not yet attained the age at which they were altogether exempt from service.

The *missio ignominiosa* or *cum ignominia* was inflicted as a punishment not only upon individuals, but upon whole divisions, and even whole legions of an army,[2] and it might be applied to the highest officers no less than to common soldiers.[3] In dismissing soldiers for bad conduct, it was generally expressed that they were sent away cum ignominia, but sometimes the ignominia was not expressly mentioned, though it was understood as a matter of course. All soldiers sent away in disgrace were stripped of their arms and everything which characterized them as soldiers, and they were neither allowed to remain in the camp nor to return to Rome; they were, in fact, labouring under perfect infamia, and compelled to live in exile. In some cases, however, the sentence might be withdrawn, especially if the general discovered that he had been led by a mistake to pronounce it.[4]

In all cases of missio it was necessary to release the soldiers from the military oath (*sacramentum*) which they had taken on entering the service This act was called *exauctoratio*. During the time of the Republic and the early period of the Empire, the word *exauctorare* simply signified to release from the military oath, without implying that this was done cum ignominia;[5] but during the latter period of the Empire, it is almost exclusively applied to soldiers dismissed cum ignominia.[6] From the passage of Tacitus above referred to, it is clear that, at least in his time, exauctoratio was sometimes used as synonymous with missio, with this difference, that exauctoratio was granted to those who had only served in sixteen campaigns, and, consequently, had no claims to the advantages which were reserved for those who had served in twenty campaigns.

The military oath was taken by all the soldiers of an army at the beginning of every new campaign; and at the end of it, when the troops were disbanded and sent home, they were released from their oath;[7] in cases where the general enjoyed a triumph, the dismissal of the army, and, consequently, the exauctoratio also, did not take place until this solemnity was over.[8]

MISSIO. (*Vid.* Gladiatores, p. 476.)

ΜΙΣΘΩ'ΣΕΩΣ ΔΙΚΗ (*μισθώσεως δίκη*), or ΜΙΣΘΩ'ΣΕΩΣ ΟΙ'ΚΟΥ ΔΙΚΗ (*μισθώσεως οἴκου δίκη*), is the action brought against a guardian for either having neglected to make profitable use of the property of his ward, or for having made no use of it at all. Use might be made of such property either by letting it, if it consisted of lands or houses, or by putting it to interest if it consisted of money. The *δίκη μισθώσεως* must have been of a twofold character, either public or private, that is, it might be brought against the guardian, during the minority of his ward, by any person who took an interest in the welfare of the orphan, or it was brought by the orphan himself after his coming of age. Complaints

1. (Ovid, Trist., ii., 515.—Val. Max., ii., 6, § 7.)—2. (Suet., Vespas., 19.—Gruter, Inscript., 1089, 6.)—3. (Gellius, xv., 25.—Suet., Jul., 39.—Cic. ad Fam., xii., 18.)—4. (Diomed., iii., 487.—Gellius, i., 11.—Macrob., Sat., ii., 1.)—5. (Cic., Pro Rabir., 13.—Id., De Orat., ii., 59.)—6. (M. Ant. Philos., c. 29.—Compare Reuvens, Collectan. Literar., i., p. 51, &c.—Osann, Analect. Crit., i., p. 67, &c.—Ziegler, "De Mimis Romanorum," Götting., 1788.)—7. (Hippocr., Affect., 529.—Theophrast., C. P., iv., 5.)—8. (Dig. 3, tit. 2, s. 2; 49, tit. 16, s. 18.)—9. (Liv., xviii 25.)

1. (Liv., xliii., 14, 15.)—2. (Liv., vii., 39.—Id., xxvi., 1.—Suet., Jul., 69.—Id., Octav., 24.)—3. (Hirt., De Bell. Afr., 54.—Suet., Calig., 44.—Val. Max., ii., 7, § 3.—Dig. 3, tit. 2, s. 2.)—4. (Suet., Jul., 69.)—5. (Liv., viii., 34.—Id., xxxvi., 40.—Tacit., Ann., 36.)—6. (Suet., Vit., 10.—Lamprid., Alex. Sev., 12, 52.)—7. (Liv., xli., 5.)—8. (Liv., xxxvi., 40.—Compare Lipsius, De Mil. Rom., v. 19.)

of this kind were brought before the first archon. In cases where the guardian would not or could not occupy himself with the administration of the property of his ward, he might request the archon to let the whole substance of his ward's property to the highest bidder, provided the testator had not expressly forbidden this mode of acting in his will.[1] The letting of such property took place by auction, and probably in the presence of a court of justice, for we read that the court decided in cases where objections were made against the terms of letting the property.[2] The person who took the property had to pay an annual per centage for the right of using it, and this per centage frequently amounted to more than 12 per cent. per annum. If one man alone was unwilling to take the whole property on such conditions, it might be divided and let to several persons separately.[3] The tenant or tenants of the property of an orphan had to give security (*ἀποτίμημα*) for it, and to mortgage (*ἀποτιμᾶν*) his own estate, and the archon sent especial persons, *ἀποτιμηταί*, to value his property, and to ascertain whether it was equivalent to that of the orphan.[4] The technical term for letting the property of an orphan, whether it was done by the guardian himself or by the archon, was *μισθοῦν*, and those who took it were said *μισθοῦσθαι τὸν οἶκον* (*οἶκος* here signifies the whole substance of the property). The tenants of the estate of an orphan had the right, and perhaps the obligation, to protect it against any other person.[5] It is not clear what resource was open to an orphan against a tenant who did not fulfil his obligations, but it is probable that, if any dispute arose, the guardian or the archon alone was answerable, and had to procure justice to the orphan.[6]

ΜΙΣΘΟΥ ΔΙΚΗ (*μισθοῦ δίκη*), or ΜΙΣΘΩ΄ΣΕΩΣ ΔΙΚΗ (*μισθώσεως δίκη*), is the name of a private action which might be brought against persons who refused to pay for services which had been performed for them, provided it had been agreed that they should be paid for; and, secondly, against persons who either had not or had imperfectly performed the services for which they were paid. It made no difference whether the service was performed by physical or intellectual powers, as teachers, sophists, actors, authors, and similar persons were paid at Athens,[7] and it is natural to suppose that these persons, like others, made agreements, either written or by word of mouth, respecting the remuneration to be given to them. In case either party thought themselves wronged, they might bring the *μισθοῦ δίκη* against the offender. Protagoras had written a book called *δίκη ὑπὲρ μισθοῦ*, and an instance is recorded of an action of this kind in which he demanded payment of one of his pupils.[8] It is not improbable that his work contained an account of this lawsuit.[9]

*MI΄SY (*μίσυ*), Roman Vitriol, so called, or yellow Copperas (*κλωρὸς χαλκάνθος*). (*Vid.* Chalcantilus.)[10]

MITRA. (*Vid.* Calantica, Zona.)

MIXTA ACTIO. (*Vid.* Actio, p. 17.)

MNA. (*Vid.* Talentum.)

MNEMATA, MNEMEIA. (*Vid.* Fanus, p. 457.)

MNOIA. (*Vid.* Cosmi, p. 316.)

MOCHLOS. (*Vid.* Janua, p. 526.)

MO΄DIUS, the principal dry measure of the Romans, was equal to one third of the amphora,[11] and therefore contained 1 gall. 7·8576 pints English. It was divided into

	Pints.
2 Semimodii or Semodii, each =	7·9288
16 Sextarii . . . . . "	·9911
32 Heminæ . . . . . "	·4955
64 Quartarii . . . . . "	·2477
128 Acetabula . . . . "	·1238
192 Cyathi . . . . . "	·0825
768 Ligulæ . . . . . "	·0206

The modius was one sixth of the medimnus. (*Vid.* Acetabulum, Cyathus, Ligula. Medimnus, Sextarius.)

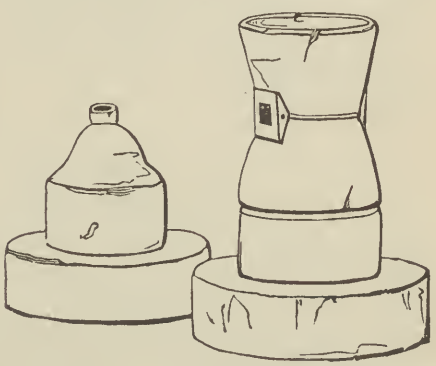
ΜΟΙΧΕΙΑΣ ΓΡΑΦΗ (*μοιχείας γραφή*). (*Vid.* Adulterium.)

MOLA (*μύλος*), a Mill. All mills were anciently made of stone, the kind used being a volcanic trachyte or porous lava (*pyrites*,[1] *silices*,[2] *pumicea*[3]), such as that which is now obtained for the same purpose at Mayen and other parts of the Eifel in Rhenish Prussia. This species of stone is admirably adapted for the purpose, because it is both hard and cavernous, so that, as it gradually wears away, it still presents an infinity of cutting surfaces.

Every mill consisted of two essential parts, the upper millstone, which was movable (*catillus*, *ὄνος*, *τὸ ἐπιμύλιον*[4]), and the lower, which was fixed, and by much the larger of the two.[5] Hence a mill is sometimes called *molæ* in the plural. The mills mentioned by ancient authors are the following:

I. The handmill or quern, called *mola manuaria*, *versatilis*, or *trusatilis*.[6]

The islanders of the Archipelago use in the present day a mill, which consists of two flat round stones about two feet in diameter. The upper stone is turned by a handle (*κώπη*[7]) inserted at one side, and has a hole in the middle into which the corn is poured. By the process of grinding, the corn makes its way from the centre, and is poured out in the shape of flour at the rim.[8] The description of this machine exactly agrees with that of the Scottish quern, formerly an indispensable part of domestic furniture.[9] There can be no doubt that this is the flour-mill in its most ancient form. In a very improved state it has been discovered at Pompeii. The annexed woodcut shows two which were



found standing in the ruins of a bakehouse. In the left-hand figure the lower millstone only is shown. The most essential part of it is the cone, which is surmounted by a projection containing originally a strong iron pivot. The upper millstone, seen in its place on the right hand of the woodcut, approaches the form of an hourglass, consisting of two hollow cones joined together at the apex, and provi-

1. (Demosth., c. Aphob., p. 837.—Compare 853, 857.—Lys., c. Diogit., p. 906.)—2. (Isæus, De Philoctem. hæred., p. 141, &c.)—3. (Isæus, De Menecl. hæred., p. 13.)—4. (Suidas, s. v. '*Αποτιμηταί*.)—5. (Isæus, De Hagn. hæred., p. 289.)—6. (Meier and Schömann, Att. Proc., p. 295, 532.—Böckh, Publ. Econ., vol. ii., p. 78, &c.)—7. (Böckh, Publ. Econ., i., § 21.)—8. (Diog. Laert., ix., 8, § 8.)—9. (Meier and Schömann, Att. Proc., p. 534, &c.)—10. (Moore's Anc. Mineral., p. 95.—Salmas., Exercit. Plin., p. 815, a. AB.)—11. (Volusius Mæcianus. — Festus. — Rhemn. Fann. ap. Wurm, § 67.)

1. (Plin., H. N., xxxvi., 30.) — 2. (Virg., Moret., 23–27.) — 3 (Ovid, Fast., vi., 318.)—4. (Deut., xxiv., 6.)—5. (Wernsdorf, Poetæ Lat. Min., vi., 2, 51.) — 6. (Plin., H. N., xxxvi., 29.—Gell., iii., 3. — Cato, De Re Rust., 10.) — 7. (Schol. in Theocrit., iv., 58.)—8. (Tournefort, Voyage, Lett. 9.)—9. (Pennant, Tour in Scotland, 1769, p. 231, and 1772, p. 328.)

ded at this point with a socket, by which the upper stone was suspended upon the iron pivot, at the same time touching on all sides the lower stone, and with which it was intended to revolve. The upper stone was surrounded at its narrowest part with a strong band of iron; and two bars of wood were inserted into square holes, one of which appears in the figure, and were used to turn the upper stone. The uppermost of the two hollow cones served the purpose of a hopper. The corn with which it was filled gradually fell through the neck of the upper stone upon the summit of the lower, and, as it proceeded down the cone, was ground into flour by the friction of the two rough surfaces, and fell on all sides of the base of the cone into a channel formed for its reception. The mill here represented is five or six feet high.

The handmills were worked among the Greeks and Romans by slaves. Their pistrinum was consequently proverbial as a place of painful and degrading labour, and this toil was imposed principally on women.[1]

In every large establishment the handmills were numerous in proportion to the extent of the family. Thus, in the palace of Ulysses there were twelve, each turned by a separate female, who was obliged to grind every day the fixed quantity of corn before she was permitted to cease from her labour.[2]

II. The cattle-mill, *mola asinaria*,[3] in which human labour was supplied by the use of an ass or some other animal.[4] The animal devoted to this labour was blindfolded.[5] The mill did not differ in its construction from the larger kinds of handmill.

III. The water-mill (*mola aquaria*, ὑδραλέτης). The first water-mill of which any record is preserved was connected with the palace of Mithradates in Pontus.[6] That water-mills were used at Rome is manifest from the description of them by Vitruvius.[7] A cogged wheel, attached to the axis of the water-wheel, turned another which was attached to the axis of the upper millstone: the corn to be ground fell between the stones out of a hopper (*infundibulum*) which was fixed above them.[8] Ausonius, as quoted below, mentions their existence on the Ruwer near Treves; and Venantius Fortunatus, describing a castle built in the sixth century on the banks of the Moselle, makes distinct mention of a tail-race, by which "the tortuous stream is conducted in a straight channel."[9] In Ireland water-mills were introduced even some centuries before this date.[10]

IV. The floating mill.

When Rome was besieged by the Goths, A.D. 536, and when the stoppage of the aqueducts rendered it impossible to use the public corn-mills (*οἱ τῆς πόλεως μύλωνες*) in the Janiculum, so that the citizens were in danger of starvation, Belisarius supplied their place by erecting floating mills upon the Tiber. Two boats being moored at the distance of two feet from each other, a water-wheel, suspended on its axis between them, was turned by the force of the stream, and put in motion the stones for grinding the corn, by which the lives of the besieged were preserved.[11]

V. The saw-mill.

Ausonius mentions mills situated on some of the streams falling into the Moselle, and used for cutting marble into slabs.[12]

VI. The pepper-mill. A mill for grinding pepper, made of boxwood, is mentioned by Petronius (*mole buxea piper trivit*[1]).

*MOLYBDÆNA. (*Vid.* Plumbago.)

*MOLYBDOS. (*Vid* Plumbum.)

MONE'TA, the mint or place where money was coined. The mint of Rome was a building on the Capitoline, and attached to the temple of Juno Moneta, as the ærarium was to the temple of Saturn.[1] This temple was vowed by Camillus, and dedicated in 344 B.C., on the spot where the house of M. Manlius Capitolinus had once been standing. Some writers describe the art of coining as having been known to the Italians from the earliest times, and assign its invention to Janus;[3] but this and similar accounts are nothing more than fables. The statement of Pliny,[4] who assigns the invention of coining to Servius Tullius, has somewhat more of an historical aspect; and he derives the name pecunia from the circumstance that the coins were originally marked with the image of some animal. The earliest Roman coins were of æs (*vid.* Æs), and not struck, but cast in a mould. (See the representation of such a mould on page 449.) The moulds, however, were sometimes without any figure, and merely shaped the metal, and in this case the image, as well as the name of the gens, &c., were struck upon it by means of a hammer upon an anvil on which the form was fixed. As the strokes of the hammer were not always equal, one coin, though equal in value with another, might differ from it in thickness and shape. Greater equality was produced at the time when the Romans began to strike their money; but when this custom became general is not known. Respecting the changes which were introduced at Rome at various times in the coinage, see the articles Æs, Argentum, and Aurum.

In the early times of the Republic we do not read of any officers who were charged with the superintendence of the mint, and respecting the introduction of such officers we have but a very vague statement of Pomponius.[5] Their name was triumviri monetales, and Niebuhr[6] thinks that they were introduced at the time when the Romans first began to coin silver, *i. e.*, 269 B.C. The triumviri monetales had the whole superintendence of the mint, and of the money that was coined in it. A great number of coins, both of gold and silver, is signed by one of these triumvirs in the following manner: III. VIR AAAFF, that is, *triumvir auro, argento, ære flando feriundo*,[7] or III. VIR. A.P.F., that is, *ad pecuniam feriundam*. Other coins, on the other hand, do not bear the signature of a triumvir monetalis, but the inscription CUR. X. FL. S.C., *i. e.*, *curator denariorum flandorum ex senatus consulto*, or are signed by prætors, ædiles, and quæstors. J. Cæsar not only increased the number of the triumviri monetales to four, whence some coins of his time bear the signature IIII. VIR. A.P.F., but intrusted certain slaves of his own with the superintendence of the mint.[8] The whole regulation and management of the Roman mint and its officers during the time of the Republic, is involved in very great obscurity.

The coining of money at Rome was not a privilege belonging exclusively to the state, but from the coins still extant we must infer that every Roman citizen had the right to have his own gold and silver coined in the public mint, and under the superintendence of its officers. The individual or gens who had their metal coined, stated its name as well as the value of the coin. This was a kind

1. (Hom., Od., vii., 104.—Exod., xi., 5.—Matt., xxiv., 41.)—2. (Od., xx., 105–119.—Compare Cato, De Re Rust., 56.)—3. Cato, De Re Rust., 10.—Matt., xviii., 6.)—4. (Ovid, Fast., vi., 318.)—5. (Apul., Met., ix.)—6. (Strabo, xii., 3, § 30.)—7. (x., 5, ed. Schneider.)—8. (See also Brunck, Anal., ii., 119.—Pallad., De Re Rust., i., 42.)—9. (Poem., iii., 10.)—10. (Transactions of the Royal Irish Academy, xviii., pt. 3, p. 163–165.)—11. (Procop., De Bell. Goth., i., 15.)—12. (Mosella, 362, 363.)

1. (Sat., 74.)—2. (Liv., vi., 20.)—3. (Macrob., Sat., i., 7.—Athen., xv., p. 692.)—4. (H. N., xxxiii., 3.)—5. (Dig. i., tit. 2, § 30.)—6. (Hist. of Rome, iii., p. 646.)—7. (Cic., De Leg., iii., 3—P. Manut. ad Cic. ad Fam. vii., 13.)—8. (Suet. Jul., 76—Compare Cic., Philipp., vii., 1.)

guarantee to the public, and nearly all the coins of the republican period coined by a gens or an individual bear a mark stating their value. As long as the Republic herself used pure silver and gold, bad money does not seem to have been coined by any one; but when, in 90 B.C., the tribune Livius Drusus suggested the expediency of mixing the silver which was to be coined with one eighth of copper, a temptation to forgery was given to the people, and it appears henceforth to have occurred frequently. As early as the year 86 B.C., forgery of money was carried on to such an extent, that no one was sure whether the money he possessed was genuine or false and the prætor M. Marius Gratidianus saw the necessity of interfering.[1] He is said to have discovered a means of testing money, and of distinguishing the good from the bad denarii.[2] In what this means consisted is not clear; but some method of examining silver coins must have been known to the Romans long before this time.[3] Sulla inflicted heavy punishment upon the coiners of false money. All Roman money was generally coined at Rome, but in some particular cases the mints of other Italian towns, as in the provinces, were used; for we must remember that, during the time of the Republic, subject countries and provinces were not deprived of the right of coining their own money. This right they even retained under the Empire for a long time, though with some modifications; for while some places were allowed to coin their money as before, others were obliged to have upon their coins the head of the emperor or of some member of his family. Silver and gold, however, were only coined in places of the first rank. When all Italy received the Roman franchise, all the Italians used the Roman money, and, in consequence, lost the right to coin their own.

It has been stated above that probably every Roman citizen had a right to have his gold and silver coined, but none had the right to put his own image upon a coin, and not even Sulla ventured to act contrary to this custom. The coins apparently of the republican period with the portraits of individuals were, according to Eckhel, coined at a later time, and by the descendants of those persons whose portraits are given. Cæsar was the first to whom this privilege was granted, and his example was followed by many others, as we see from the coins of Sext. Pompeius. The emperors assumed the right to put either their own images or those of members of their families upon their coins.

From the time of Augustus, the triumviri, generally speaking, no longer put their name on any coin, and it became the exclusive privilege of the emperor to coin silver and gold. The senate, intrusted with the administration of the ærarium, retained the right of only coining copper, whence almost all copper coins of this period are marked with S. C. or EX S.C. But this lasted only till the time of Gallienus, when the right of coining all money became the exclusive privilege of the emperors. As, however, the vast extent of the Empire rendered more than one mint necessary, we find that in several provinces, such as Gaul and Spain, Roman money was coined under the superintendence of quæstors or proconsuls. Roman colonies and provinces now gradually ceased to coin their own money. In the western parts of the Empire, this must have taken place during the first century of our era, but in the East the Roman money did not become universal till after the time of Gallienus. From the time of the Emperor Aurelian, a great number of cities of the Empire possessed mints in which Roman money was coined, and during the latter period of the Empire, the superintendents of mints are called procuratores, or præpositi monetæ.

The persons who were employed as workmen in a mint were called *monetarii*. Their number at Rome appears to have been very great during the latter period of the Empire, for in the reign of Aurelian they nearly produced a most dangerous rebellion.[1] They seem generally to have been freedmen.[2]

In Greece, every free and independent city had the right to coin its own money. Sparta and Byzantium are said to have only coined iron money,[3] but no ancient iron coin has ever been found. Respecting the time when money was first coined in Greece, see ARGENTUM, p. 90. The Greek term for money was *νόμισμα*, from *νόμος*, because the determination of its value was fixed by law or contract.[4]

The mint at Athens was called *ἀργυροκοπεῖον*. (*Vid.* ARGYROCOPEION.) We do not hear of any officers connected with the management or the superintendence of the Athenian mint. How far the right of coining money was a privilege of the central government of Attica, is unknown. But the extant coins show that at least some demes of Attica had the right of coining, and it is probable that the government of Athens only watched over the weight and the purity of the metal, and that the people, in their assembly, had the right of regulating everything concerning the coining of money.[5] The Attic gold and silver coins were always of very pure metal, and we have only one instance in which the state, at a time of great distress, used bad metal. This was in the archonship of Antigenes and Callias, B.C. 407 and 406.[6] Individuals who coined bad money were punished with death.[7] (*Vid.* NOMIΣMATOΣ ΔIAΦΘOPAΣ ΔIKH.) The place where money was coined is always indicated on Greek coins; either the name of the place is stated, or some symbolical representation of the place, as the owl on Athenian and a peacock on Samian coins. These symbols are generally of a religious nature, or connected with the worship of the gods or heroes.

For farther information on this subject, see Eckhel, *Doctrina Numorum Veterum*, and especially the Prolegomena generalia in vol. i.

MONETA'RII. (*Vid.* MONETA.)

MONI'LE (*ὅρμος*), a Necklace. Necklaces were worn by both sexes among the most polished of those nations which the Greeks called barbarous, especially the Indians, the Egyptians, and the Persians. (*Vid.* ARMILLA.) Greek and Roman females adopted them more particularly as a bridal ornament.[8]

The simplest kind of necklace was the *monile baccatum*, or bead necklace,[9] which consisted of berries, small spheres of glass, amethyst, &c., strung together. This is very commonly shown in ancient paintings. (See woodcuts, p. 96, 263.) The right-hand figure in the woodcut at page 263, and the head of Minerva at page 466, exhibit a frequent modification of the bead necklace, a row of drops hanging below the beads. These drops, when worn, arrange themselves upon the neck like rays proceeding from a centre. To this class of necklaces belongs one in the Egyptian collection of the British Museum (see the next woodcut), in which small golden lizards alternate with the drops. The figure in the woodcut immediately underneath this exhibits the central portion of a very ancient and exquisitely wrought necklace, which was found at S

1. (Cic., De Off., iii., 20.)—2. (Plin., H. N., xxxiii., 46.)—3. (Liv., xxxii., 2.)

1. (Aurel. Vict., De Cæs., 35.—Vopisc., Aurel., 38.)—2. (Muratori, Inscript., 968, n. 5.)—3. (Pollux, Onom., vii., 106.)—4. (Aristot., Ethic., v., 8.)—5. (Aristoph., Eccles., 810, &c.)—6. (Aristoph., Ran., 673, with the schol., and 678.)—7. (Demosth., c. Lept., p. 508.)—8. (Lucan, ii., 361.—Claud., De vi. Cons. Honor., 527.)—9. (Virg., Æn., i., 657.—Lamprid., Alex. Sev., 41.)

Agatha, near Naples, in the sepulchre of a Greek lady. It has 71 pendants. Above them is a band consisting of several rows of the close chainwork which we now call Venetian. (*Vid.* CATENA.)

We also give here the central portions, exhibiting the patterns of three splendid gold necklaces, purchased from the Prince of Canino for the British Museum. These were found in Etruscan tombs. The ornaments consist of circles, lozenges, rosettes, ivy-leaves, and hippocampi. A heart depends from the centre of one of the necklaces.

The necklace was sometimes made to resemble a serpent coiled about the neck of the wearer, as was the case with that given as a nuptial present by Venus to Harmonia, which was ornamented in so elaborate a manner that Nonnus devotes 50 lines of his *Dionysiaca*[1] to its description. This same necklace afterward appears in the mythology as the bribe by which Eriphyle was tempted to betray her husband.[2]

The beauty and splendour, as well as the value of necklaces, were enhanced by the insertion of pearls and precious stones, which were strung together by means of linen thread, silk, or wires and links of gold. For this purpose emeralds, or other stones of a greenish hue (*smaragdi*), were often employed (*virides gemmæ*[3]). Amber necklaces are mentioned in the Odyssey.[4] Some account of the various kinds of links is given in the article CATENA. The hooks or clasps for fastening the necklace behind the neck were also various, and sometimes neatly and ingeniously contrived. Besides a band encircling the neck, there was sometimes a second, or even a third row of ornaments, which hung lower down, passing over the breast.[5]

Very valuable necklaces were sometimes placed, as dedicated offerings, upon the statues of Minerva, Venus, and other goddesses,[6] and this was in accordance with the description of their attire given by the poets.[7] Horses and other favourite animals were also adorned with splendid necklaces (*aurea*;[8] *gemmata monilia*[9]). (*Vid.* TORQUES.)

1. (v., 125, &c.)—2. (Apollodor., iii., 4, 2; 6, 2–6.—Diod. Sic., iv., 65; v., 49.—Serv. in Æn., vi., 445.)—3. (Juv., vi., 363.)—4. (xv., 459; xviii., 295.)—5. (Hom., Hymn. i. in Ven., 11.—Ovid, Met., x., 264.—Böttiger, Sabina, ii., p. 129.)—6. (Sueton., Galb., 18.)—7. (Hom., Hymn. i. in Ven., 88.)—8. (Virg., Æn., vii., 278.)—9. (Ovid, Met., x, 113.—Claudian, Epig., xxxvi, 9.—Aul Gell. v., 5.)

MONOPO'DIUM. (*Vid.* MENSA, p. 612.)

MONOXYLON. (*Vid.* LINTER.)

MONUMENTUM. (*Vid.* FUNUS, p. 461.)

MORA. (*Vid* ARMY, GREEK, p. 98.)

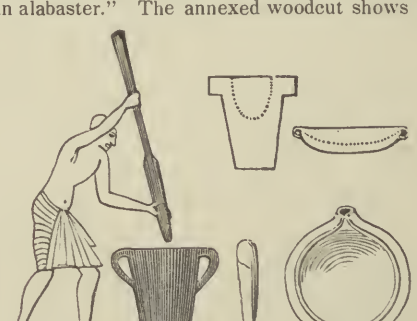
*MOR'EA (*μορέα* or *μοραία*), the *Ficus Morus*, L., or Black Mulberry-tree. It is the *συκάμινος* of Theophrastus, a name, however, which was sometimes applied to the *Ficus Sycamorus*, or Sycamore. The *μόρον βατῶδες* of Athenæus and the other diætetical writers was the fruit of the *Ficus Morus*.[1]

*MORM'YRUS (*μόρμυρος*), the *Sparus Mormyrus*, L., or Morme, a species of Spare. This fish, according to Belon, is very like the *μελανουρός*. (*Vid.* MELANURUS.)[2]

*MOPOXΘOΣ ΛIΘOΣ, a species of mineral "According to Sprengel, it is called *Speckstein* and *Seifenstein* in Germany. It consists," he says, "of talc, alumine, and silica, with a small proportion of iron and manganese. Dr. Jameson supposes it a variety of fuller's earth. Dr. Hill says it is an indurated clay, and that it is now called French Chalk."[3]

MORTA'RIUM, also called PILA and PILUM[4] (*ὅλμος, ἴγδη,*[5] *ἴγδις*, apparently from the root of *icere*, to strike), a Mortar.

Before the invention of mills (*vid.* MOLA), corn was pounded and rubbed in mortars (*pistum*), and hence the place for making bread, or the bakehouse, was called *pistrinum*.[6] Also, long after the introduction of mills, this was an indispensable article of domestic furniture.[7] Hesiod,[8] enumerating the wooden utensils necessary to a farmer, directs him to cut a mortar three feet, and a pestle (*ὕπερον, κοπάνον, pistillum*) three cubits long. Both of these were evidently to be made from straight portions of the trunks or branches of trees, and the thicker and shorter of them were to be hollowed. They might then be used in the manner represented in a painting on the tomb of Remeses III. at Thebes (see woodcut, left-hand figure, taken from Wilkinson, ii., p. 383); for there is no reason to doubt that the Egyptians and the Greeks fashioned and used their mortars in the same manner. (See also Wilkinson, iii., p. 181, showing three stone mortars with metal pestles.) In these paintings we may observe the thickening of the pestle at both ends, and that two men pound in one mortar, raising their pestles alternately, as is still the practice in Egypt. Pliny[9] mentions the various kinds of stone selected for making mortars, according to the purposes which they were intended to serve. Those used in pharmacy were sometimes made, as he says, "of Egyptian alabaster." The annexed woodcut shows the



forms of two preserved in the Egyptian collection

1. (Dioscor., i., 180.—Celsus, iii., 18.—Adams, Append., s. v.)—2. (Aristot., H. A., vi., 17.—Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—3. (Dioscor., v., 151.—Adams, Append., s. v.)—4. (Plin., H. N., xviii., 3.—Id. ib., xxxiii., 26.)—5. (Schol. in Hes., Op. et D., 421.)—6. (Servius in Virg., Æn., i., 170.)—7. (Plaut., Aul., i., ii., 17.—Cato, De Re Rust., 74–76.—Colum. De Re Rust., xii., 55.)—8. (Op. et D., 421.)—9. (H. N., xxxvi., 43.)

the British Museum, which exactly answer to this description, being made of that material. They do not exceed three inches in height: the dotted lines mark the cavity within each. The woodcut also shows a mortar and a pestle, made of baked white clay, which were discovered A.D. 1831, among numerous specimens of Roman pottery, in making the northern approaches to London bridge.[1]

Besides the uses already mentioned, the mortar was employed in pounding charcoal, rubbing it with glue in order to make black paint (*atramentum*[2]); in making plaster for the walls of apartments;[3] in mixing spices, and fragrant herbs, and flowers for the use of the kitchen;[4] and in metallurgy, as in triturating cinnabar to obtain mercury from it by sublimation.[5]

The philosopher Anaxarchus was pounded to death with iron pestles in a mortar.[6]

MOS. (*Vid.* Jus, p. 560.)

*MOSCHUS (*μόσχος*), the Musk Stag, or *Moschus moschiferus*, L. "The first mention of this animal occurs in the works of the Arabian medical authors, whose descriptions of it are copied, or referred to by Simeon Seth. Seth says that musk was got from India and China. He compares the animal which furnished it with the gazelle: *ζώου τινὸς μονοκέρωτος μεγίστου, ὁμοίου δορκάδι.*"[7]

MOTHAKES (*Μόθακες*), MOTHO'NES (*Μόθωνες*). (*Vid* Civitas, Greek, p. 260.)

MOUNYCH'IA (*Μουνύχια*), a festival celebrated in honour of Artemis Munychia. Plutarch[8] says that it was instituted to commemorate the victory over the Persians at Salamis, and that it was held every year on the sixteenth of Munychion.[9] The sacrifices which were offered to the goddess on this day consisted of cakes called *ἀμφιφῶντες*, either because at this season the full moon was seen in the west at the moment the sun rose in the east, or, as is more probable, and also confirmed by most authorities, because these cakes were adorned all round with burning candles.[10] Eustathius[11] says that these cakes were made of cheese.

MOUSEIA (*Μούσεια*), a festival with contests, celebrated at Thespiæ in Bœotia, in honour of the Muses.[12] It was held every fifth year, and with great splendour.[13] From Æschines[14] it appears that there was also a festival called Museia, which was celebrated in schools.

MUCIA'NA CAUTIO. (*Vid.* Cautio.)

MUNERA'TOR. (*Vid.* Gladiatores, p. 475.)

MU'NICEPS, MUNICI'PIUM. (*Vid.* Colonia, p. 283, Fœderatæ Civitates.)

MUNUS. (*Vid.* Honores.)

MUNUS. (*Vid.* Gladiatores, p. 475)

MUNYCHIA. (*Vid.* Mounychia.)

MURA'LIS CORO'NA. (*Vid.* Corona, p. 311.)

*MURÆNA, the Muræna (or Lamprey), a species of Eel, the *Muræna Helena*, L. The Linnæan name has arisen from the remark of Athenæus, that it was the "Helen" (choicest dish) at banquets. This fish is about three feet long, and sometimes more. It weighs as much as twenty to thirty pounds; is very much extended in the Mediterranean, and was held in high estimation by the ancients. The *πλώται ἐγχέλεις* were a much esteemed kind, procured from Sicily, called in Latin *flutæ*, whence the French name *la Flutte*. The *Muræ*næ were carefully reared by the Romans in their fishponds; they were even taught to be obedient to the voice; and the orator Hortensius is said to have wept over the loss of one, of which death had deprived him. Antonia, the wife of Drusus, adorned a favourite muræna with pendants.[1]

MU'RRHINA VASA or MU'RREA VASA were first introduced into Rome by Pompey, who dedicated cups of this kind to Jupiter Capitolinus.[2] The material of which these vases were made is much disputed; but their value was very great.[3] Pliny[4] says that seventy talents were given for one holding three sextarii, and speaks of a murrhine trulla which cost 300 talents. Nero gave even 300 talents for a capis or drinking-cup.

Pliny[5] says that these murrhine vessels came from the East, principally from places within the Parthian empire, and chiefly from Caramania. He describes them as made of a substance formed by a moisture thickened in the earth by heat, and says that they were chiefly valued on account of their variety of colours. Modern writers differ much respecting the material of which they were composed. Some think that they were variegated glass, and others that they were made of onyx, since that stone presents a variety of colours; but the latter conjecture is overthrown by a passage of Lampridius,[6] who speaks of onyx and murrhine vases. Most recent writers, however, are inclined to think that they were true Chinese porcelain, and quote in support of their opinion the words of Propertius:[7]

"*Murreaque in Parthis pocula cocta focis.*"

This opinion would be rendered still more probable if we could place dependance on the statement of Sir W. Gell,[8] "that the porcelain of the East was called Mirrha di Smyrna to as late a date as 1555."[9]

*MUS (*μῦς*), the Mouse. "Gesner holds," remarks Adams, "that this term is most generally applied to the domestic mouse, meaning, I suppose, the *Mus musculus*, L. The term *musculus* is obtained from Pliny, who applies it to the smaller domestic mouse. The ancients, however, were acquainted with other species of this genus; thus the *ἀρουραῖοι μύες* of Aristotle and Hesychius are to be referred, no doubt, to the *Mus agrestis*, L.; the *ὑραξ* of Nicander was probably the Black Rat, or *Mus rattus*, L.; and the *γηγυήλιξ*, or *ἄγριος μῦς*, would appear to have been the Field Mouse, or *Mus sylvaticus*. The *Sorex* of Pliny is set down by Gesner as being the Dormouse, or *Glis muscardinus*. The *Mus araneus* of the Latin authors, namely, the *μῦς τύφλος* or *μυγάλη* of the Greeks, was the *Sorex arancus*, or common Shrew; frequent mention of it occurs in the ancient works on Toxicology. The *μῦς δίπους* of Herodotus and Aristotle is the Jerboa, or *Dipus sagitta*. The *πτώξ* of Theophrastus may be supposed to be the *Mus jaculus*."[10]

MU'SCULUS was, according to the description of Vegetius,[11] one of the smaller military machines, by which soldiers, in besieging a town, were protected while engaged in filling up the ditches round the besieged place, so that the movable towers (*turres ambulatoriæ*) of the besiegers might be able to approach the walls without obstacle. A more minute description of a musculus is given by Cæsar.[12] The one which he describes was nine feet long, and was constructed in the following manner: Two beams of equal length were placed upon the ground at the distance of four feet from each other, and upon them

1 (Archæologia, vol. 24, p. 199, plate 44.)—2. (Vitruv., vii., 10, ed. Schneider.)—3. (Plin., H. N., xxxvi., 55.)—4. (Athen., ix., 70.—Brunck, Anal., iii., 51.)—5. (Plin., H. N., xxxiii., 41.—Id ib., xxxiv., 22.)—6. (Diog. Laert., ix., 59.—Menag., ad loc.—Tertull., Apol., p. 39, ed. Rigalt.)—7. (Adams, Append., s. v.)—8. (De Gloss. Athan., p. 349, F.)—9. (Compare Suidas and Harpocrat., s. v. *Μουνυχιών.*)—10. (Athen., xiv., p. 645.—Suidas, s. v. *Ἀνάστατοι.*—Hesych. and Etymol. Mag., s. v. *Ἀμφιφῶν.*)—11. (ad Il., xviii.)—12. (Paus., ix., 31, 3.)—13. (Plut., Amat., p. 748, F.)—14. (c. Timarch.)

1. (Aristot., H. A., i., 5, &c.—Ælian, N. A., i., 32, &c.—Plin., H. N., ix., 55.—Macrob., Sat., iii., 15.—Adams, Append., s. v.)—2. (Plin., H. N., xxxvii., 7.)—3. (Sen., De Benef., vii., 9.—Id., Epist., 119.—Martial, iii., 82, 25.—Dig. 33, tit. 10, s. 3, § 4.)—4. (l. c.)—5. (xxxvii., 8.)—6. (Heliogab., 32.)—7. (iv., 5, 26.)—8. (Pompeiana, vol. i., p. 98, 99.)—9. (Becker, Gallus, i., p. 143.)—10. (Adams, Append., s. v.)—11. (De Re Mil., iv., 16.)—12. (De Bell. Civ., ii., 10, &c.)

were fixed little pillars five feet high. Their top ends were joined by transverse beams, which formed a gentle slope on either side of the roof, of which they formed the framework. The roof was then entirely covered with pieces of wood two feet broad, which were fastened with metal plates and nails. Around the edge of this roof, square pieces of wood four cubits broad were fixed, for the purpose of keeping together the bricks and mortar with which the musculus was then covered. But that these materials, which were intended to protect the musculus against fire, might not suffer from water, the bricks and mortar were covered with skins; and that these skins, again, might not suffer from the fire or stones which the besieged might throw upon the musculus, the whole was covered with rags of cloth. The whole of this machine was constructed under the cover of a vinea, and close by the Roman tower. At a moment when the besieged were least expecting any attack, the musculus was moved on against the wall of the town. The men engaged under it immediately began to undermine the wall, and thus to make a breach in it; and while this work was going on, the besiegers kept up a lively fight with the besieged, in order to prevent them from directing their attacks against the musculus.[1] The musculus described by Cæsar was evidently designed for different purposes than the one mentioned by Vegetius, and the former appears to be only a smaller, but a more indestructible kind of vinea than that commonly used.

MUSEIA. (*Vid.* Mouseia.)

MUSE'UM (*Μουσεῖον*) was the name given to an institution, founded by Ptolemy Philadelphus, about B.C. 280, for the promotion of learning and the support of learned men.[2] We learn from Strabo[3] that the museum formed part of the palace, and that it contained cloisters or porticoes (*περίπατος*), a public theatre or lecture-room (*ἐξέδρα*), and a large hall (*οἶκος μέγας*), where the learned men dined together. The museum was supported by a common fund, supplied apparently from the public treasury; and the whole institution was under the superintendence of a priest, who was appointed by the king, and after Egypt became a province of the Roman Empire, by the Cæsar.[4] Botanical and zoological gardens appear to have been attached to the museum.[5] The Emperor Claudius added another museum to this institution.[6]

MUSIC (GREEK). In compiling the following article, little more has been attempted than to give an outline of facts which rest upon positive evidence, and, at the same time, to present them in such a form as to serve for an introduction to the original sources. Hence it necessarily consists, in a great measure, of technical details, which, however, can present no difficulty to persons acquainted with the first elements of the modern theory; and nothing has been said in the way of deduction except in one or two cases, where the interest of the subject and the apparent probability of the conclusions seemed to permit it.

The term *Ἁρμονική* was used by the Greek writers to denote what is now called the Science of Music; *μουσική* having, as is well known, a much wider signification. *Ἁρμονική ἐστιν ἐπιστήμη θεωρητικὴ καὶ πρακτικὴ τῆς τοῦ ἡρμοσμένου φύσεως. Ἡρμοσμένον δέ ἐστιν τὸ ἐκ φθόγγων καὶ διαστημάτων, ποιὰν τάξιν ἐχόντων, συγκείμενον.*[7]

The following sevenfold division of the subject, which is adopted by the author just quoted, as well as by others, will be partly adhered to in the present article: I. Of Sounds (*περὶ φθόγγων*). II. Of Intervals (*περὶ διαστημάτων*). III. Of Genera (*περὶ γενῶν*). IV. Of Systems (*περὶ συστημάτων*). V. Of Modes (*περὶ τόνων*). VI. Of Transition (*περὶ μεταβολῆς*). VII. Of Composition (*περὶ μελοποιίας*). It must be observed that the term *τόνος* is used in different senses. First it signifies *degree of tension*, and so *pitch*, whence its application to denote *mode*, the modes being scales which differed in pitch: and then it is taken for *result of tension*; whence its meaning as the name of an interval, *tone*, because a tone is the interval through which the voice is most naturally raised at one effort.[1]

A sound is said to be *musical* when it has a determinate *pitch* (*τάσις*). When two sounds differ in pitch, one is said to be more *acute* (*ὀξύς*), the other more *grave* (*βαρύς*); or, in common language, one is called higher, and the other lower. The term *ἐμμελής* applied to a sound either signifies *simply*, that it is capable of being used in a melody, or *relatively*, that it is capable of being used in the *same melody* with some other sound or system of sounds; the latter is its most common meaning.

An interval is the difference, or, rather, distance between two sounds of different pitch. When we compare the intervals between two pairs of sounds, we judge them, in certain cases, to be similar or *equal*. If the more acute sound of one of them be then raised, that interval is said to become greater than the other. It is this property of intervals (their being comparable in respect of magnitude) which enables us to classify them, and enumerate their several kinds.

Intervals are either *consonant* (*σύμφωνα*) or *dissonant* (*διάφωνα*), according as the two sounds may or may not be heard at the same time without offending the ear.[2] Strictly speaking, it is impossible to define the limit between the two classes, and this seems to be acknowledged by the later writers, who distinguish various degrees of consonance and dissonance. Originally, the only intervals reckoned consonant were the octave or eighth (*διὰ πασῶν*), the fifth (*διὰ πέντε* or *δι' ὀξειῶν*), the fourth (*διὰ τεσσάρων* or *συλλαβῆ*), and any interval produced by adding an octave to one of these. But all intervals less than the fourth, or intermediate between any of those two just enumerated (as the sixth, tenth, &c.), were considered as dissonant. The principal intervals, less than the fourth, employed in Greek music, were the double tone (*δίτονον*), nearly equal to the modern major third; the tone and half (*τριημιτόνιον*), nearly the same as the minor third; the tone (*τόνος*), equal to the modern major tone; the half tone (*ἡμιτόνιον*), and the quarter tone (*δίεσις*).[3] Other writers speak of *ὁμοφωνία*, or unison; *ἀντιφωνία*, or the consonance of the octave; and *παραφωνία*, or the consonance of the fourth and fifth. The latter author considers *παραφωνία* to be intermediate between consonance and dissonance, and mentions the tritone or sharp fourth as an example of it.

If two strings, perfectly similar except in length, and stretched by equal tensions, be made to vibrate, the number of vibrations performed in a given time by each is inversely proportional to its length; and the *interval* between the sounds produced is found to depend only on the *ratio of the lengths*, *i. e.*, of the numbers of vibrations. Thus,

if the ratio be	$\frac{1}{2}$,	the interval is an octave;
if	"	$\frac{2}{3}$,	"	a fifth;
if	"	$\frac{3}{4}$,	"	a fourth;
if	"	$\frac{8}{9}$,	"	a major tone.

1. (Compare Cæs., De Bell. Civ., iii., 80.—De Bell. Alex., 1.) 2. (Athenæus, v., p. 203.)—3. (xviii., p. 794.)—4. (Strabo, l. c.)—5. (Philostr., Apollon., vi., 24.—Athen., xiv., p. 654.)—6. (Suet., Claud., 42, with Casaubon's note.)—7. (Euclid, Int. Harm., p. 1.)

1. (*Vid.* Aristid., p. 22.—Eucl., 19.)—2. (Eucl., p. 8.)—3. (Eucl., p. 8.)—4. (*Vid.* Aristot., *Probl.*, xix., 39, and Gaudentius, p. 11.)

The discovery of these ratios is attributed, probably with truth, to Pythagoras. But the accounts of the experiments by which he established them[1] are plainly false, since they contradict the known fact that, when similar and equal strings are stretched by *different* tensions, the numbers of vibrations are as the *square roots* of the tensions.[2]

The *τόνος* or tone was defined to be the difference between the fourth and fifth; so that the corresponding ratio would be determined either by experiment, or by simply dividing $\frac{3}{2}$ by $\frac{4}{3}$.

It is remarkable that each of the four ratios enumerated above is *superparticular*; *i. e.*, the two terms of each differ from one another by unity. Euclid seems to consider no intervals consonant except such as correspond to superparticular (*ἐπιμόριος*) or multiple (*πολλαπλασίων*) ratios; the latter being such as $\frac{2}{1}$, $\frac{3}{1}$, $\frac{4}{1}$, &c. On this theory the *octave and fourth* ($\frac{8}{3}$) would be dissonant, but the *octave and fifth* ($\frac{3}{1}$) consonant.[3] And it is also worthy of notice, that all the intervals employed in the modern theory are either such as correspond to superparticular ratios, or are produced from such by compounding them with the octave. Thus the ratio corresponding to the

major third is $\frac{4}{5}$;
minor third " $\frac{5}{6}$;
minor tone " $\frac{9}{10}$;
major semitone " $\frac{15}{16}$.

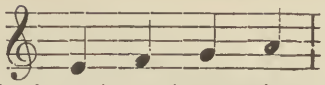
It seems, therefore, extraordinary, that analogy should not have led at once to the discovery at least of the major and minor third, as soon as the connexion between intervals and ratios had been observed. However, no such discovery was then made, or, if made, it was neglected; and this affords at once an explanation of the fact that intervals less than the fourth were reckoned dissonant; for the *δίτονον*, or double major tone, is greater than the true consonant major third (which consists of a major and minor tone) by an interval expressed by the ratio $\frac{80}{81}$, a difference quite sufficient to destroy the consonance of the interval. In fact, when a keyed instrument is tuned according to the equal temperament, the major thirds are too great by an interval little more than half of this ($\frac{126}{127}$ nearly), and yet are only just tolerable. This subject is important, because it bears immediately upon the question whether harmony was used in the Greek music.

An aggregate of two or more intervals, or, rather, a series of sounds separated from one another by intervals, constituted a system. Systems were named from the number of sounds which they comprehended. Thus an octachord was a system of eight sounds, a pentachord of five, and so on: and usually, though not necessarily, the number of sounds corresponded to the interval between the extreme sounds.

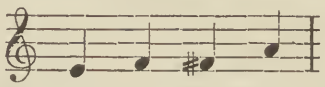
The fundamental system in ancient music was the *tetrachord*, or system of four sounds, of which the extremes were at an interval of a fourth. In modern music it is the octachord, and comprehends an octave between the extremes. The important and peculiar property of the latter system, namely, the *completeness* of its scale, was fully understood, as the name of the interval *διὰ πασῶν* sufficiently indicates;[4] but it was not taken in theory for the foundation of the scale, or, at any rate, was considered as made up of two tetrachords.

The *genus* of a system depended upon the distribution of the two intermediate sounds of the tetrachord. The Greek musicians used three genera:

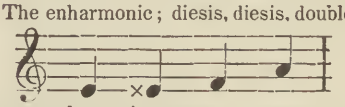
I. The diatonic, in which the intervals between the four sounds were (ascending) semitone, tone, tone:



II. The chromatic; semitone, semitone, tone and a half:



III. The enharmonic; diesis, diesis, double tone:



(The second note is meant to represent a sound half way between E and F, for which the modern system supplies no notation.)

Of these genera the diatonic was allowed to be the most ancient and natural, and the enharmonic the most modern and difficult; the latter, however, seems soon to have become the favourite, with theorists at least, for Aristoxenus complains that all writers before his time had devoted their treatises almost entirely to it, to the neglect of the two others.[1]

The only difference between the ancient and modern diatonic is, that in the former all the tones are major tones, whereas in the latter, according to the theory generally admitted, major and minor tones occur alternately.[2] The interval called a semitone in the above descriptions is, therefore, strictly neither equal to the modern major semitone, nor to half a major tone, but the ear would hardly appreciate the difference in *melody*.

Besides these genera, certain *colours* (*χρόαι*) or specific modifications of them are enumerated.[3]

The enharmonic had only one *χρόα*, namely, the genus itself, as described above: it is commonly called simply *ἁρμονία*.

The chromatic had three: 1st, *χρῶμα τονιαῖον*, or simply *χρῶμα*, the same as the genus; 2d, *χρῶμα ἡμιόλιον*, in which intervals of three eighths of a tone were substituted for the two semitones; 3d, *χρῶμα μαλακόν*, in which intervals of one third of a tone were similarly employed.

The diatonic had two *χρόαι*: 1st, *διάτονον σύντονον*, or simply *διάτονον*, the same as the genus; 2d, *διάτονον μαλακόν*, in which an interval of three fourths of a tone was substituted for the second semitone (ascending).

The following table will exhibit at one view the intervals between the sounds of the tetrachord, taken in the ascending order, according to each of these *χρόαι*, the tone being represented by unity, and two tones and a half being supposed to make up a fourth, a supposition which is not exactly true, but is commonly adopted by the ancient writers as sufficiently accurate for their purpose.[4]

I. Diatonic . . .	1. *διάτονον* (*σύντονον*)	$\frac{1}{2}$,	1, 1.
	2. *διάτονον μαλακόν* .	$\frac{1}{2}$,	$\frac{3}{4}$, $\frac{5}{4}$.
II. Chromatic . .	1. *χρῶμα* (*τονιαῖον*) . .	$\frac{1}{2}$,	$\frac{1}{2}$, $\frac{3}{2}$.
	2. *χρῶμα ἡμιόλιον* . .	$\frac{3}{8}$,	$\frac{3}{8}$, $\frac{7}{4}$.
	3. *χρῶμα μαλακόν* . .	$\frac{1}{3}$,	$\frac{1}{3}$, $\frac{14}{8}$.
III. Enharmonic . . .	*ἁρμονία*	$\frac{1}{4}$,	$\frac{1}{4}$, 2.

There seems to be little evidence that any of these *χρόαι* were practically used, except the three principal ones, *διάτονον*, *χρῶμα*, *ἁρμονία*. But it would be wrong to conclude hastily that the others would be impossible in practice, or necessarily unpleasing. In the *soft* diatonic, for instance, the in-

1 (*Vid.* Nicomachus, p. 10.) — 2. (*Vid.* Whewell's Dynamics, pa[illegible], p. 331, ed. 1834.)—3. (*Vid.* Eucl., Sect. Can., p. 24.)—4 (*Vid.* also Aristides, p. 16, 17.)

1. (Aristox., p. 2 and 19.)—2. (*Vid.* Crotch's Elements of Musical Composition, chap. ix.)—3. (Eucl., p. 10.)—4. (*Vid* Eucl. Sectio Canonis. Theor., xv.)

terval which is roughly described as five fourths of a tone, would be greater than a major tone, but less than a minor third; now there are two intervals of this kind, corresponding to the *superparticular* ratios $\frac{6}{7}$ and $\frac{7}{8}$, which ought, therefore, by analogy, to be consonant, or, at any rate, capable of being employed as well as the tone and semitone; and, although they are not used in modern music, or, at least, not admitted in theory,[1] nothing but experiment can determine how far the ear might become accustomed to them. These intervals exist in the natural scales of the horn, trumpet, &c., and are, in fact, used instead of the minor third and tone in the harmony of the dominant seventh, both by stringed instruments and voices, when unaccompanied by *tempered* instruments. If this view be correct, the intervals of the tetrachord in the *διάτονον μαλακόν* would probably correspond to the ratios $\frac{13}{14}$, $\frac{12}{13}$, $\frac{7}{8}$, and similar considerations might be applied to the other *χρόαι*.

The four sounds of the tetrachord were distinguished by the following names: *ὑπάτη* (sc. *χορδή*) was the *lowest*; *νήτη* or *νεάτη* the highest; *παρυπάτη* the lowest but one, and *παρανήτη* the highest but one. Παρανήτη was also frequently called *λιχανός*, probably because, in some ancient instrument, the corresponding string was struck by the forefinger; and *παρυπάτη* was afterward called *τρίτη* in certain cases. These names were used in all the genera; but the name of the genus was commonly added to *λιχανός* (thus, *λιχανὸς διάτονος*, *χρωματική*, or *ἐναρμόνιος*), perhaps because the position of this sound with respect to *ὑπάτη* and *νήτη* is what chiefly determines the *character* of the genus. When the two lowest intervals of the tetrachord, taken together, were less than the remaining one, those two were said to form a *condensed interval* (*πυκνόν*). Thus the interval between *ὑπάτη* and *λιχανός* is *πυκνόν* in the enharmonic and chromatic genera. The three sounds of the *πυκνόν* were sometimes called *βαρυπυκνός*, *μεσοπυκνός*, and *ὀξυπυκνός*, and sounds which did not belong to a *πυκνόν* were called *ἀπυκνοί*.

It is not to be supposed that the tetrachord could long continue to furnish the entire scale used in practice, though it was always considered as the element of the more comprehensive systems which gradually came into use. The theory of the genera, as has been seen, required only the tetrachord for its full development, though it certainly could not have been invented till after the enlargement of the scale.

Terpander is said to have invented the seven-stringed lyre,[1] which seems not to have been obsolete in Pindar's time;[2] its scale consisted of an octave, with one sound omitted.[3] The addition of this omitted sound (attributed to Lycaon or Pythagoras) would give an octachordal lyre with a complete octave for its scale. And an instrument called *magadis*, which must have had a still greater compass, was very early known, and is said to have had twenty strings as used by Anacreon.[4]

When two tetrachords were joined, so that the highest sound of one served also for the lowest of the other, they were said to be *conjunct* (*συνημμένα*). But if the highest sound of one were a tone lower than the lowest of the other, they were called *disjunct* (*διεζευγμένα*), thus:

B C D E F G A conjunct.

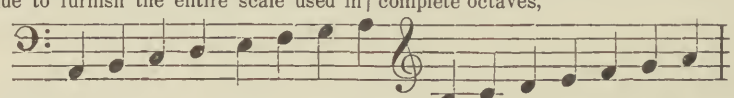
E F G A B C D disjunct.

In the latter case, the tone (between A and B) which separates them was called *τόνος διαζευκτικός*.[5]

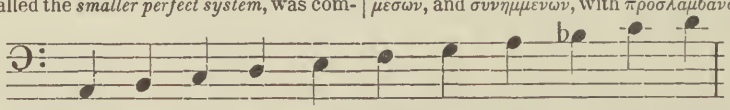
A hendecachordal system, consisting of three tetrachords, of which the middle one was conjunct with the lower, but disjunct from the upper, thus,

B C D E F G A B C D E,

is supposed to have been used about the time of Pericles.[6] In such a system the lowest tetrachord was called (*τετράχορδον*) *ὑπατῶν*, the middle *μέσων*, and the highest *διεζευγμένων*. Afterward a single sound (called *προσλαμβανόμενος*) was added at an interval of a tone below the lowest of *ὑπατῶν*, and a conjunct tetrachord (called *ὑπερβολαίων*) was added above. And thus arose a system of two complete octaves,



which was called the *greater perfect system*. Another system, called the *smaller perfect system*, was composed of three conjunct tetrachords, called *ὑπατῶν*, *μέσων*, and *συνημμένων*, with *προσλαμβανόμενος*, thus:



and these two together constituted the *immutable system* (*σύστημα ἀμετάβολον*) described by all the writers later than Aristoxenus, and probably known to him.[2]

The sounds in these systems were named in the way before described, the names of the tetrachords only being added, and *μέση* and *παραμέση* being substituted for *νήτη μέσων* and *ὑπάτη διεζευγμένων* respectively. Thus, taking the sounds in the ascending order,

A	*προσλαμβανόμενος*	
B	*ὑπάτη ὑπατῶν*	
C	*παρυπάτη ὑπατῶν*	*τετράχορδον ὑπατῶν.*
D	*λιχανὸς ὑπατῶν*	
E	*ὑπάτη μέσων*	
F	*παρυπάτη μέσων*	*τ. μέσων.*
G	*λιχανὸς μέσων*	
A	*μέση*	

So far the sounds are common to the greater and smaller systems. Then follow, in the greater,

B	*παραμέση*	
C	*τρίτη διεζευγμένων*	*τ. διεζευγμένων*
D	*παρανήτη διεζευγμένων*	
E	*νήτη διεζευγμένων*	
F	*τρίτη ὑπερβολαίων*	*τ. ὑπερβολαίων.*
G	*παρανήτη ὑπερβολαίων*	
A	*νήτη ὑπερβολαίων*	

The interval between *μέση* and *παραμέση* is a tone. But in the smaller system, *μέση* serves also for the lowest sound of the tetrachord *συνημμένων*, which terminates the scale, thus:

A	*μέση.*
*b*B	*τρίτη συνημμένων.*
C	*παρανήτη συνημμένων.*
D	*νήτη συνημμένων.*

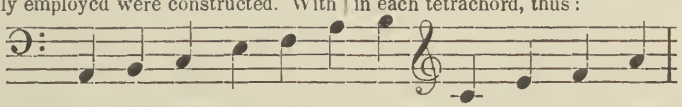
1. (*Vid.* Smith's Harmonies, sect. iv., art. 10.)—2. (Eucl., p. 17.)

1. (Eucl. p. 19.)—2. (Pyth., ii., 70.)—3. (Arist., Probl., xix., 7, 25, 32.)—4. (*Vid.* Böckh, De Metr. Pind., lib. iii., cap. 7, 11.)—5. (Eucl., p. 17.)—6. (Böckh.)

In adapting the modern notation to these scales, we have represented them in the diatonic genus; but the same arrangement of the tetrachords was adopted in the others. Those sounds of the immutable system which were the same in all the genera, namely, *προσλαμβανόμενος*, *ὑπάτη ὑπατῶν*, *ὑπάτη μέσων*, *μέση*, *παραμέση*, *νήτη συνημμένων*, *νήτη διεζευγμένων*, and *νήτη ὑπερβολαίων*, were called fixed (*ἑστῶτες*), being, in fact, except the first, the extreme sounds of the several tetrachords. The rest, being the intermediate sounds, on the position of which the genus depended, were called movable (*κινούμενοι*).

Μέση was certainly considered a sort of key-note to the whole system,[1] and *προσλαμβανόμενος* was added to complete the octave below *μέση*.[2] This addition is supposed to have been made later than the time of Plato, but earlier than Aristoxenus.[3]

The greater of the two systems thus described appears to have superseded the other in practice; in fact, it is evidently the most natural of the two. But it must not be supposed that it was necessarily used in its complete form as the scale of any instrument; it was rather a theoretical canon by which the scales really employed were constructed. With regard to its *fitness* for use, it may be observed, that in the diatonic genus the effect of such a system would not perceptibly differ, so long as the *melody* only was required, from that of the corresponding notes (given above) as played on a modern instrument with or without temperament. The chromatic scale is quite unlike anything now employed; and though it was not considered the most difficult, was certainly the least natural (*Τεχνικώτατον δὲ τὸ χρῶμα*[1]). The modern minor scale, A, B, C, D, E, ♭F, ♯G, A, can hardly be considered an exception to the assertion, that the chromatic scale is quite unlike anything now employed, for its essential character, as now used, depends so little upon the chromatic interval between F and ♯G, that this peculiarity is usually got rid of in melody by raising the F or lowering the ♯G, according to circumstances. Hence the popular but incorrect way of representing the ascending and descending minor scales.[2] But it is impossible to form a decided judgment of the merits of the chromatic scale without a much greater knowledge of the rules of composition than seems now attainable. The effect of the enharmonic must have been nearly the same as that of the diatonic, supposing *λιχανός* to be left out in each tetrachord, thus:



Indeed, Plutarch relates, on the authority of Aristoxenus, that Olympus was led to the invention of this genus by observing that a peculiar and beautiful character was given to melody when certain notes of the scale, and particularly *λιχανός*, were left out.[4] It is therefore most probable that this was the original form of the enharmonic scale, and that it was more ancient than the highly artificial chromatic. In this form it would be both natural and easy. But afterward, when additional sounds were interposed between B and C, E and F, it would of course become, as it is always described, the most difficult of all the genera, without, however, ceasing to be natural; for these additional sounds could certainly be neither used by a composer nor executed by a singer as *essential* to the melody, but must rather have been introduced as passing or ornamental notes, so that the general effect of the genus would remain much the same as before. The assertion of Aristoxenus (see p. 28, 53), that no voice could execute more than two quarter tones in succession, evidently supports this view. (Compare what is said by Aristides[5] of the rare use of intervals of *three* and *five* quarter tones.) Thus the enharmonic would derive its distinctive character more from the largeness of the highest interval of the tetrachord than from the smallness of the two others. Aristoxenus[6] expressly mentions the important influence which the magnitude of the interval between *λιχανός* and *νήτη* had upon the character of the genus, and blames the musicians of his own time for their propensity to diminish this interval for the sake of *sweetness* (*τούτου δ' αἴτιον τὸ βούλεσθαι γλυκαίνειν ἀεί*). That a peculiar character really is given to a melody by the occurrence of a larger interval than usual between certain sounds of the scale, is a well-known fact, exemplified in many national airs, and easily proved by the popular experiment of playing on the black keys only of a piano forte. (See Burney[7] on the *Old Enharmonic*.)

The genus of a system was determined, as has been explained, by the *magnitude* of certain of its intervals. The *species* (*εἶδος*) depended upon the *order* of their succession. Hence, supposing no system to be used which was not similar to some part of the *σύστημα ἀμετάβολον*, every system would have as many species as it had intervals, and no more.[1]

The tetrachord, for example, had three species in each genus, thus (diatonic),

1st. ½, 1, 1. 2d. 1, ½, 1. 3d. 1, 1, ½.

(where 1 stands for a tone).

The species of a system was often described by indicating two sounds of the *σύστημα ἀμετάβολον* between which a similar one might be found. Of the seven species of the octachord, the first was exemplified by the octave comprehended between *ὑπάτη ὑπατῶν* and *παραμέση*; the second by that between *παρυπάτη ὑπατῶν* and *τρίτη διεζευγμένων*; and so on. The order of the intervals in these seven species would be as follows in the diatonic genus (ascending):

1st.	½,	1,	1,	½,	1,	1,	1.
2d.	1,	1,	½,	1,	1,	1,	½.
3d.	1,	½,	1,	1,	1,	½,	1.
4th.	½,	1,	1,	1,	½,	1,	1.
5th.	1,	1,	1,	½,	1,	1,	½.
6th.	1,	1,	½,	1,	1,	½,	1.
7th.	1,	½,	1,	1,	½,	1,	1.

This distinction of species is important, because it formed *originally* the chief difference between the *modes* (*τόνοι*). Unfortunately, there are no means of determining what was the real difference between *melodies* written in these several scales; and the difficulty of forming any probable hypothesis on this subject is increased by what is said of *μέση* in the passage quoted above from the Aristotelic Problemata. *Πάντα γὰρ τὰ χρηστὰ μέλη πολλάκις τῇ μέσῃ χρῆται, καὶ πάντες οἱ ἀγαθοὶ ποιηταὶ τὴν μέσην ἁπάντων, κἂν ἀπέλθωσι, ταχὺ ἐπανέρχονται, πρὸς δὲ ἄλλην οὕτως οὐδεμίαν.* For, since the position of *μέση* was determined by the intervals adjacent to it, any series of sounds *beginning or ending with μέση* would give a system always of the

1. (*Vid.* Arist., Probl., xix., 20.)—2. (Aristides, p. 10.)—3. Böckh.)—4. (*Vid.* Plutarch's Dialogue on Music, Mém. de l'Acad. des Inscriptions, vol. x., 126.)—5. (p. 28.)—6. (p. 23.)—7. (Vol. i., p. 27.)

1. (Aristides, p. 19.)—2. (*Vid.* Dehn, Theoretisch-praktische Harmonielehre. p. 67, 68.)—3. (Euclid, p. 14.)

same species. Possibly the author of the Problemata does not use the term *μέση* in the same sense as Euclid.

However, it is certain that the seven species of the octachord above described were anciently (*ὑπὸ τῶν ἀρχαίων*[1]) denoted by the names Mixolydian, Lydian, Phrygian, Dorian, Hypolydian, Hypophrygian, and Hypodorian; and it seems likely that they always differed in pitch as well as species, the Mixolydian being the highest and the Hypodorian the lowest. Hence it is conjectured that there were originally only three modes, corresponding to the three species of tetrachord, and that these were the Dorian, Phrygian, and Lydian; because the octachord in each of these three modes is made up of two similar disjunct tetrachords, which are of the first species in the Dorian, the second in the Phrygian, and the third in the Lydian.

Aristides describes also six *enharmonic* modes of very ancient origin (*αἷς οἱ πάνυ παλαιότατοι πρὸς τὰς ἁρμονίας κέχρηνται*[2]), consisting of different species of octachords, and quotes the well-known passage in Plato[3] as referring to them. The order of the intervals is given as follows (see the notes of Meibomius upon the passage):

Lydian . .	¼,	2,	1,	¼,	¼,	2,	¼.
Dorian . .	1,	¼,	¼,	2,	1,	¼,	¼, 2.
Phrygian .	1,	¼,	¼,	2,	1,	¼,	¼, 1.
Iastian . .	¼,	¼,	2,	1½,	1.		
Mixolydian .	¼,	¼,	1,	1,	¼,	¼,	3.
Syntonolydian	¼,	¼,	2,	1½,	2.		

It will be observed that these scales do not all comprehend exactly an octave; and none of them, except the Lydian, is coincident with any part of the *σύστημα ἀμετάβολον*. That systems were not always restricted to the *immutable* form, is proved by what Euclid says of *compound* systems, with more than one *μέση*. None of these scales is decidedly unnatural, except, perhaps, the Mixolydian. Of course it is impossible to recognise their characters as described by Plato, in the absence of examples of their application in actual melody. Their principal interest, therefore, consists in the evidence which they afford of the antiquity of *enharmonic* systems, *i. e.*, of systems formed by omitting certain sounds of the diatonic scale. For, unless we take this view of them, and consider the quarter tones as unessential additions, it seems quite impossible to understand how they could be used at all.

The difference of species, considered as the characteristic distinction of modes, is evidently spoken of as a thing antiquated and obsolete, not only by Aristides (who was certainly later than Cicero[4]), but also by Euclid. As to Aristoxenus, the fragments which remain of his writings contain no allusion to such a distinction at all. In his time, it appears that the number of modes was thirteen; and later writers reckon fifteen.[5] The descriptions of these fifteen modern modes are very scanty, but they indicate pretty plainly that they were nothing more than transpositions of the *greater perfect system*; their names were Hypodorian, Hypoiastian, Hypophrygian, Hypoæolian, Hypolydian, Dorian, Iastian, Phrygian, Æolian, Lydian, Mixolydian, Hyperiastian, Hyperphrygian, Hyperæolian, Hyperlydian. The Hypodorian was the lowest in pitch, and the *προσλαμβανόμενοι* of the others were successively higher by a semitone; and only that part of each scale was used which was within the compass of the voice. It seems likely that the ancient modes mentioned by Euclid, and described above, consisting of octachords taken, as regards their *species*, from different parts of the *σύστημα ἀμετάβολον*, would, as regards *pitch*, be each so placed as to lie between *ὑπάτη μέων* and *νήτη διεζευγμένων* of the modern mode of the same name. For they certainly did always differ in pitch, as the name *τόνος* shows; and there is no reason to believe that their relative position was ever changed: the system of notation, moreover, confirms this supposition. But for details on this subject we must refer to the dissertation of Böckh,[1] where it is treated at length. The only important results, however, are, first, that the modes did anciently differ in *species*; secondly, that in process of time this difference either disappeared entirely, or ceased to be their distinguishing mark; and, thirdly, that their general *pitch* was always different. The ideas conveyed by these general assertions of the real character and effect of the Greek music are excessively vague and unsatisfactory, but an examination into particulars does not tend to make them at all more definite or clear.

There can be little doubt that different rhythms and degrees of slowness or quickness, as well as different metres and styles of poetry, would soon be appropriated to the modes, so as to accord with their original musical character; and these differences would in time naturally supersede the old distinction of species, and come to be looked on as their characteristic marks: so that, at length, all the species might even be used in each mode, for the sake of additional variety. With regard to the poetry, indeed, it is certain that particular measures were considered appropriate to different modes,[2] and it has even been attempted to divide Pindar's Odes into Dorian, Æolian, and Lydian.[3] The rhythm of the music must have depended chiefly, if not entirely, upon that of the words, or else have been of a very simple and uniform character, since there is no mention of a notation for it as distinct from the metre of the poetry. Probably, therefore, nothing like the modern system of *musical* rhythm existed; and, if so, this must have formed one of the most essential points of difference between the ancient and modern music. How the rhythm of mere *instrumenta* music was regulated, or what variety it admitted, does not appear. There is no reason, however, to believe that music without words was practised to any extent, though it was certainly known; for Plato speaks with disapprobation of those who used *μέλος καὶ ῥυθμὸν ἄνευ ῥημάτων, ψιλῇ κιθαρίσει τε καὶ αὐλήσει προσχρώμενοι*,[4] and others mention it.[5]

On the last two of the heads enumerated in dividing the whole subject, very little real information can be obtained. In fact, they could not be intelligibly discussed without *examples*, a method of illustration which, unfortunately, is never employed by the ancient writers. *Μεταβολή* was the transition from one genus to another, from one system to another (as from disjunct to conjunct, or *vice versâ*), from one mode to another, or from one style of melody to another,[6] and the change was made in the same way as in modern *modulation* (to which *μεταβολή* partly corresponds), viz., by passing through an intermediate stage, or using an element common to the two extremes between which the transition was to take place.[7]

Μελοποιία, or composition, was the application or use of all that has been described under the preceding heads. This subject, which ought to have been the most interesting of all, is treated of in such a very unsatisfactory way, that one is almost forced to suspect that only an *exoteric* doctrine is contained in the works which have come down to us. On composition *properly* so called, there is nothing but an enumeration of different kinds of *sequence* of notes, viz.: 1. *ἀγωγή*, in which the sounds

1. (Eucl., p. 15.)—2 (p. 21.)—3. (Rep., iii., 10.)—4. (*Vid.* p. 70.)—5. (Eucl., p. 19 -Aristid., p. 23, 24.)

1. (iii., 8.)—2. (Plat., Leg., ii., p 67( )—3 (Böckh, iii., 1)—4. (Leg., ii., p. 669.)—5. (Böckh iii 11.)—6 (Eucl., 20) 7. (*Vid.* Euclid, 21.)

followed one another in a regular ascending or descending order; 2. *πλοκή*, in which intervals were taken alternately ascending and descending; 3. *περτεία*, or the repetition of the same sound several times successively; 4. *τονή*, in which the same sound was sustained continuously for a considerable time.[1] Besides this division, there are several classifications of melodies, made on different principles. Thus they are divided according to *genus*, into diatonic, &c.; according to *mode*, into Dorian, Phrygian, &c.; according to *system*, into grave, acute, and intermediate (*ὑπατοειδής*, *νητοειδής*, *μεσοειδής*). This last division seems merely to refer to the general pitch of the melody; yet each of the three classes is said to have a distinct *turn* (*τρόπος*), the grave being *tragic*, the acute *nomic* (*νομικός*), and the intermediate *dithyrambic*. Again, melody is distinguished by its character (*ἦθος*), of which three principal kinds are mentioned, *διασταλτικόν*, *συσταλτικόν*, and *ἡσυχαστικόν*, and these terms are respectively explained to mean aptitude for expressing a magnanimous and heroic, or low and effeminate, or calm and refined character of mind. Other subordinate classes are named, as the erotic, epithalmian, comic, and encomiastic.[2] No account is given of the *formal* peculiaritics of the melodies distinguished by these different characters, so that what is said of them merely excites our curiosity, without tending in the least to satisfy it.

The most ancient system of notation appears to have consisted merely in the appropriation of the letters of the alphabet to denote the different sounds of the scale; and the only alteration made in it was the introduction of new signs, formed by accenting letters, or inverting, distorting, and mutilating them in various ways, as the compass of the scale was enlarged. A great, and seemingly unnecessary, complexity was caused by the use of two different signs for each sound; one for the voice, and the other for the instrument. These two signs were written, one above the other, immediately over the syllable to which they belonged. They are given by several of the Greek writers, but most fully by Alypius. The instrumental signs appear to have been chosen arbitrarily; at least, no law is now discoverable in them: hut the vocal (which were probably more ancient) follow an evident order. The sounds of the middle part of the scale are denoted by the letters of the Ionian alphabet (attributed to Simonides) taken in their natural order; and it is remarkable that these signs would be just sufficient for the sounds comprised in the six modes supposed to be the most ancient, if the compass of each were an octave, and they were pitched at intervals of a semitone above one another. Accented or otherwise altered letters are given to the higher and lower sounds. To learn the system perfectly must have required considerable labour, though its difficulty has been much exaggerated by some modern writers.[3] A few specimens of Greek melody expressed in the ancient notation have come down to us. An account of them may be found in Burney,[4] where they are given in modern notes with a conjectural rhythm. The best of them may also be seen in Böckh[5] with a different rhythm. It is composed to the words of the first Pythian, and is supposed by Böckh to be certainly genuine, and to belong to a time earlier than the fifteen modes. Its merits have been very variously estimated; probably the best that can be said of it is, that no certain notion can now be obtained of its real effect as anciently performed.

It has long been a matter of dispute whether the ancients practised *harmony*, or music in parts. We believe there are no sufficient grounds for supposing that they did. The following are the facts usually appealed to on each side of the question. In the first place, the writers who professedly treat of music make no mention whatever of such a practice, this omission constitutes such a very strong prima facie evidence against it, that it must have settled the question at once but for supposed positive evidence from other sources on the other side. It is true that *μελοποιΐα*, which might have been expected to hold a prominent place in a theoretical work, is dismissed very summarily; but still, when the subjects which *ought* to be explained are enumerated, *μελοποιΐα* is mentioned with as much respect as any other, while *harmony* is entirely omitted. In fact, there seems to be no Greek word to express it; for *ἁρμονία* signifies a well-ordered *succession* of sounds,[1] and *συμφωνία* only implies the concord between a single pair of sounds, without reference to succession. That the Greek musicians were acquainted with *συμφωνία* is proved by many passages, though we are not aware that they ever mention the concord of *more* than two sounds. But the subject of concord, so long as succession is not introduced, belongs rather to acoustics than to music. There is, however, a passage,[2] where succession of concords is mentioned: *Διὰ τί ἡ διὰ πασῶν συμφωνία ᾄδεται μόνη; μαγαδίζουσι γὰρ ταύτην, ἄλλην δὲ οὐδεμίαν.* *Μαγαδίζειν* signified the singing or playing in two parts at an interval of an octave; and the word is derived from *μαγαδίς*, the name of a stringed instrument which had sufficient compass to allow a succession of octaves to be played on it. (This practice of *magadizing* could not fail, of course, to arise as soon as men and women attempted to sing the same melody at once.) The obvious meaning of the passage, then, is, that since no interval except the octave could be *magadized* (the effect of any other is well known to be intolerable), *therefore* no interval was employed at all; implying that no other kind of counterpoint than magadizing was thought of. But the words are certainly capable of a somewhat milder interpretation.

In the next place, the constitution of the scale was, as has been seen, very unfit for harmony, the beauty of which depends so essentially upon the use of *thirds*. The true major third was either not discovered or not admitted to be consonant till a very late period, Ptolemy being the earliest extant author who speaks of the *minor tone*;[3] a fact which is so extraordinary and so contrary to all that could have been anticipated, as to destroy all confidence in any *à priori* reasonings on the subject, and to exclude all but actual evidence on either side. The positive evidence *in favour* of the existence of counterpoint consists chiefly in certain indications of two modes having been sometimes used at once Thus the expression in Horace,[4]

> "*Sonante mistum tibiis carmen lyrâ*
> *Hac Dorium, illis barbarum,*"

is interpreted to mean that the lyre was played in the Dorian mode, and the *tibiæ* in the *Lydian*; so that, if the *ancient* Dorian and Lydian octave were employed, the former being of the fourth species, while the latter was of the second, and pitched two tones higher, the series of intervals heard would consist of fourths and major thirds, or, rather, double tones.

Again, there are passages such as,

> *Αἰολεὺς ἔβαινε Δωρίαν κέλευθον ὑμνῶν,*[5]

which are supposed to indicate that poetry written

1 (Euclid, 22.)—2. (Euclid, 21.—Aristid., 29.)—3 (*Vid.* Böckh. iii. 9.)—4 (vol. i., p 83.)—5 (iii., 12.)

1. (*Vid.* Burney, i., 131.)—2. (Arist., Probl., xix., 18.)—3 (*Vid.* Burney, i., 448.)—4. (Epod., ix., 5.)—5. (Quoted from Pindar by the scholiast on Pyth., ii., 127.)

in one mode, and sung accordingly, was accompanied by instruments in another. For a view of the most that can be made of such arguments, see Böckh, iii., 10. Our knowledge of the real use of the modes is so very imperfect, that not much reliance can be placed on them; and, at any rate, they would only prove the existence of a kind of *magadizing*, modified by taking scales of different (instead of the same) species for the two parts, so as to avoid the succession of intervals absolutely the same. This would certainly be the very lowest kind of counterpoint; but if anything more had been practised, it would be absolutely impossible to account for the utter silence of the theoretical writers, which is all but fatal, even to such a limited hypothesis. It is only necessary to add that the influence of *instruments* upon the development of the art ought to be kept in view in considering this question. The Greeks had only two kinds of instrumental music, *αὐλησις* and *κιθάρισις*. The *αὐλος* was always a pipe pierced with holes, so as to have an artificial scale. The simple tube or trumpet does not appear to have been used as a musical instrument, so that the scale of natural harmonics was probably unknown; and this may partly account for the major third escaping observation. And anything like the *modern* system of harmony could probably no more have been invented without the assistance of keyed instruments, than the Elements of Euclid could have been composed in the total absence of drawing materials. For a fuller account of ancient musical instruments, see Böckh, iii., 11.

The chief authorities on the subject of this article are the "Antiquæ Musicæ Auctores Septem," viz., Aristoxenus, Euclid, Nicomachus, Alypius, Gaudentius, Bacchius, Aristides Quintilianus, and Martianus Capella, edited by Meibomius, in one volume (Amsterdam, 1652), to the pages of which the preceding quotations refer; the Harmonics of Ptolemy (with an Appendix by Wallis, *Op. Mathemat.*, tom. iii.); the Dialogue of Plutarch, and a section of the Aristotelic Problemata; Burney, *History of Music*; Böckh, *De Metris Pindari*; Dricberg, *Musikalische Wissenschaften der Gricchen*, and *Aufschlüsse über die Musik der Griechen*; Bode, *Gesch. der Lyrisch. Dichtkunst der Hellenen* (Lips.,1838.)

MUSIC (ROMAN). It may well be believed, that in music as in the other arts, the genius of Greece had left little for Romans to do but admire and imitate. Yet we must not forget that another element had been introduced into the arts of Rome, as well as into her language and government; one which was derived from Etruria, and partook of an Oriental character. Every species of musical instrument found on Greek works of art is found also on Etruscan. No doubt the early Roman music was rude and coarse; still, from the most ancient times, mention is made of hymns and flutes in their triumphal processions: so Servius, in his comitia, made two whole centuries of *cornicines* and *tibicines*; and the Twelve Tables allowed at funerals ten players on the flute, and enjoined that "the praises of great men should be sung in mournful songs (*neniæ*) accompanied by the flute."

The year B.C. 365 marks an era in Roman music by its adaptation to theatrical amusements. It is in this year we find mention of a *lectisternium*, at which actors were first brought from Etruria, who, without verses, danced in dumb show to the sound of the flute. Some time later Livy[1] mentions a curious tale of the desertion of certain Roman flute-players, who were only brought back by an amusing stratagem. We learn from Valerius Maximus[2] that the Roman flute-players were incorporated into a college, and Ovid,[3] speaking of their importance says,

> "*Temporibus veterum tibicinis usus avorum*
> *Magnus, et in magno semper honore fuit.*
> *Cantabat fanis, cantabat tibia ludis,*
> *Cantabat mœstis tibia funcribus.*"

Nero, as Suetonius[4] tells us, played on the flute, and came in a sort of triumphal procession through Italy, bearing the spoils he had won in 1800 musical contests. The same writer informs us, that the emperor, to preserve his voice, used to lie on his back with a thin plate of lead on his stomach; that he took frequent emetics and cathartics, and at last transacted all business in writing.

There does not appear to be any trace of a Roman musical system entirely distinct from the Greek. A passage in Cicero would lead us to suppose that the laws of contrast, of light and shade, of loud and soft, of swelling and diminishing, were understood by the Romans,[5] and another passage from Apuleius decidedly proves that the Romans had instrumental music distinct from their vocal; on both of which points there is no clear evidence to decide the question with reference to the Greeks. Still the Roman musical writers, as St. Augustin, Macrobius, Martianus Capella, Cassiodorus, and Boethius (all of whom flourished between the fourth and sixth centuries of the Christian era), did nothing to improve the science of music, and were little more than copyists of their Greek predecessors. The great improvement which the Romans introduced (rather a practical than a theoretical one) was a simplification of the musical nomenclature, effected by rejecting the arbitrary signs in use among the Greeks, and substituting for them the first fifteen letters of the Roman alphabet.[6] This simplification they were enabled to make by a reduction of the modes: indeed, it seems very probable that this complicated system had in practice entirely fallen into disuse, as we know that the diatonic *genus* had usurped the place of the two other *genera*. (*Vid.* Music, Greek.)

Of all Latin authors, Boethius gives the most profound account of the subject. His work is a carrying out of the old Pythagorean system, and is a mere abstract speculation on the nature of music, which, viewed as one of the *quadrivium* or four mathematical sciences, has its foundation in number and proportion. A full analysis of the work may be seen in Hawkins.[7] It contains, 1st, an investigation into the ratios of consonances; 2d, a treatise on several kinds of proportion; 3d, a declaration of the opinions of different sects with respect to the division of the monochord and the general laws of harmony.

Before this time, St. Ambrose had introduced the practice of antiphonal singing in the church at Milan. Of the nature of the Ambrosian chant we only know that it consisted in certain progressions, corresponding with different species of the diapason. It is described as a kind of recitation, more like reading than singing.

It was by St. Gregory the Great that the octave was substituted for the tetrachord as the fundamental division of the scale. The first octave he denoted by capital letters, A, B, C, &c.; the second by small letters, a, b, c, &c.; and when it became necessary to extend the system, marked the third by small letters doubled, aa, bb, &c. There is no proof that the Romans, any more than the Greeks, had any notation with reference to time. Where vocal music was united with instrumental, the time was marked by the metre of the song: the want of a notation of time would make us doubt whether

1. (ix., 30.)—2. (ii., 5.)

1. (Fast., vi., 657.)—2. (Nero, 24.)—3. 'De Orat., iii., 44.)—4 (Hawkins, vol. i., p. 279.)—5. (i., p. 338.)

any but a very simple style of merely instrumental music prevailed among them.[1]

For a general account of ancient music, the reader is referred to the previous article.

MUSI'VUM OPUS. (*Vid.* HOUSE, ROMAN, p. 520.)

*MUSMON (*μούσμων*), an animal noticed by Strabo, and said to be engendered between a she-goat and a ram. Others held it to be what is now called the *Mouffle* of Sardinia and of Corsica, the original of our sheep, or, according to Aldrovandi, the Spanish Sheep.[2]

MUSTAX (*μύσταξ*), Mustaches. The different parts of the beard (*vid.* BARBA) had different names, which also varied with its age and appearance. The young beard, first appearing on the upper lip, was called *ὑπήνη*, or *ὑπήνη πρώτη*,[3] and the youth just arrived at puberty, who was graced with it, was *πρῶτον ὑπηνήτης*.[4] By its growth and development it produced the mustaches, which the Greeks generally cherished as a manly ornament.[5] To this practice, however, there seems to have been one exception. The Spartan EPHORI, when they were inducted, made a proclamation requiring the people to shave their mustaches and obey the laws.[6] For what reason they gave the former command does not appear.[6]

*MUSTE'LA (*γαλῆ*), the Weasel. Pliny speaks of two kinds, the tame or domestic, answering to the *γαλή*, and the wild, or *ἰκτις*. "There is considerable difficulty, however," remarks Adams, "in determining exactly what the *Ictis* of the Greeks and Romans was. Schneider, in his commentary on Nicander, pronounces it to be the Ferret; but in his edition of Aristotle's Natural History, he decides, upon the authority of Cetti, an Italian, that the *Ictis* is a *peculiar species* of the Ferret, which the Sardinians call *Boccamele*, namely, the *Mustela furo*."[7]

MUTATIO'NES. (*Vid.* MANSIO.)

MU'TUUM. The mutui datio is mentioned by Gaius as an instance of an obligatio "*quæ re contrahitur*." It exists when things "*quæ pondere numero mensurave constant*," as coined money, wine, oil, corn, æs, silver, gold, are given by one man to another so as to become his, but on the condition that other things of a like kind shall be returned. If the condition is that the same thing shall be returned, it is not mutuum. (*Vid.* COMMODATUM.) Inasmuch as the thing was in this case so given as to become the property of the receiver, the Roman jurists were led to the absurdity of saying that *mutuum* was so called for this reason (*quod ex meo tuum fit*). This contract was the foundation of a certi condictio to the lender, provided he was the owner of the things, and had the power of alienation: otherwise he had no action till the things were consumed. If the borrower lost the things by any accident, as fire, shipwreck, &c., he was still bound: the reason of which clearly was, that by the mutui datio the things became his own. The lender could have no interest from the borrower, unless interest had been agreed on, or unless there was delay in returning the thing. The borrowing by way of mutuum and at interest are opposed by Plautus.[8] The senatus consultum Macedonianum did not allow a right of action to a lender against a filiusfamilias to whom he had given money "mutua," even after the death of the father.[1]

*MYAGRUM (*μύαγρον*), a plant, which Harduin and Stephens refer to a species of *Camelina*, and which Sprengel, accordingly, holds to be the *Camelina sativa*, Crantz. The English name for the *Myagrum* of Linnæus is, according to Adams, "Gold of Paradise," and Hooker, he says, calls this plant the *Camelina sativa*.[2]

*MYAX (*μυάξ*), a term applied more especially to the *Mytilus edulis*, or common Mussel, but which appears to have a more extensive application.[3]

*MYLIÆ (*μύλιαι*). "The *Pyritæ* and *Molares*," says Sir John Hill, "are masses of mineral, saline, and sulphureous matter, either in detached pieces of different figures and textures, or in whole veins." They also, as Adams remarks, often contain gold, silver, copper, and iron in small quantities.[4]

*MYOPS (*μύωψ*). (*Vid* ŒSTRUS.)

*MYOSO'TIS (*μυὸς ὠτίς*), a plant, of which Dioscorides describes two species. The first of these Sprengel supposes to have been the *Parietaria Cretica*. The other he decides to be the well-known plant called "Forget-me-not," or *Myosotis palustris*.[5]

*MYRICA (*μυρίκη*), the Tamarisk. "Stackhouse," observes Adams, "sets down the *μυρίκη* of Theophrastus as being the *Myrica cordifolia*. Sprengel, Schneider, and Dierbach agree in holding it to be the *Tamarix Gallica*, or French tamarisk-tree. Linnæus makes a distinction between the *Myrica* and *Tamarix*, although Pliny had acknowledged them as synonymous. Damm contends that the notices of the *μυρίκη* in Homer indicate that it must have been '*arboris speciem non nimis humilem*.' I can find nothing, however, in these passages of Homer which would lead me to doubt of its applicability to the French tamarisk, a shrub which grows to about 20 feet in height."[6]

*MYRMEX (*μύρμηξ*), a term applicable both to the *Formica fusca*, or common Ant, and to the *Formica rufa*, or Pismire. Dodwell gives an interesting account of the Herculean Ant, with which the gardens at Athens abound, and which are employed as a means of exterminating the small red ant that infest the orange and lemon trees.[7]

*MYRUS (*μύρος*), the *Myræna Myrus*, or *M. ophis*, L., a species of Murey or Eel. Rondelet says it wants the spots and scales of the Muræna: this accords with Aristotle's description of it.[8]

MYSTA (*Μύστα*), a festival celebrated by the inhabitants of Pellene, in Achaia, in honour of Demeter Mysia. The worship of this goddess was introduced at Pellene from a place called Mysia, in the neighbourhood of Argos.[9] The festival of the Mysia near Pellene lasted for seven days, and the religious solemnities took place in a temple surrounded by a beautiful grove. The first two days men and women took part in the celebration together; on the third day the men left the sanctuary, and the women, remaining in it, performed during the night certain mysterious rites, during which not even male dogs were allowed to remain within the sacred precincts. On the fourth day the men returned to the temple, and men and women now received each other with shouts of laughter, and assailed each other with various railleries.[10] Other particulars are not known.

MYSTAE (*μύσται*). (*Vid.* ELEUSINIA.)

1. (Hawkins's History of Music, vol. i.—Burney's History of Music, vol. i.)—2. (Adams, Append., s. v.)—3. (Diod. Sic., v., 28.—Philostr., Sen. Im., i., 30.—Id. ib., ii., 7, 9.)—4. (Hom., Il., xxiv., 348.—Od., x., 279.—Schol. in loc.—Brunck, Anal., iii., 44. —Ælian, V. H., x., 18.—Plat., Protag.)—5. (Theocrit., xiv., 4.—Antiphanes, ap. Athen., iv., 21.—Pollux, Onom., ii., 80.—Id. ib., x., 120.)—6. (Plut., De Sera Num. Vind., p. 976, ed. Steph.—Proclus in Hes., Op. et D., 722.—Müller, Dor., iii., 7, § 7.—Id. ib., iv., 2, § 5.—Becker, Charikles, ii., p. 391.)—7. (Adams, Append., s. v. *ἰκτις*.)—8. (Asin., i., 3, 95.)

1. (Gaius, iii., 90.—Dig. 12, tit., 1, "De Rebus Creditis.")—2. (Dioscor., iv., 115.—Flora Scotica, p. 198.—Adams, Append., s. v.)—3. (Aristot., H. A., iv., 4.)—4. (Hill ad Theophrast., De Lapid., c. 19.—Adams, Append., s. v.)—5. (Dioscor., ii., 214.)—6. (Theophrast., H. P., i., 15 —Dioscor., i., 116.—Damm, Lex Hom.—Hom., Il., 6, 39, &c.—Adams, Append., s. v.)—7. (Dodwell's Tour, vol. ii., p. 47.)—8. (Aristot., H. A., v., 11.—Schneider ad Æl., N. A., xiv., 15.—Adams, Append., s. v.)—9 (Paus., ii., 18, § 3.)—10. (Paus., vii., 27, § 4.)

MYSTE'RIA. As each mystery or mystic festival is described in a separate article, a few general observations will only be required under this head. The names by which they were designated in Greece are *μυστήρια*, *τελεταί*, and *ὄργια*. The name *ὄργια* (from *ἔοργα*) originally signified only sacrifices accompanied by certain ceremonies, but it was afterward applied especially to the ceremonies observed in the worship of Dionysus, and, at a still later period, to mysteries in general.[1] *Τελετή* signifies, in general, a religious festival,[2] but more particularly a lustration or ceremony performed in order to avert some calamity either public or private.[3] *Μυστήριον* signifies, properly speaking, the secret part of the worship, but it was also used in the same sense as *τελετή*, and for mystic worship in general.

Mysteries, in general, may be defined as sacrifices and ceremonies which took place at night, or in secret, within some sanctuary, which the uninitiated were not allowed to enter. What was essential to them were objects of worship, sacred utensils, and traditions with their interpretation, which were withheld from all persons not initiated. We must, however, distinguish between mysteries properly so called, that is, such in which no one was allowed to partake unless he had undergone a formal initiation, and the mystic ceremonies of certain festivals, the performance of which, though confined to particular classes of persons or to a particular sex, yet did not require a regular initiation. Our attention in this article will be confined to the mysteries properly so called.

It appears to have been the desire of all nations of antiquity to withhold certain parts of their religious worship from the eyes of the multitude, in order to render them the more venerable.[4] But that the ancient mysteries were nothing but the impositions of priests, who played upon the superstitious and ignorant, is an opinion which, although entertained by Limburg-Brouwer, the latest writer on the subject,[5] certainly cannot satisfy those who are accustomed to seek a more solid and vital principle in all religious institutions that have ever had any lasting influence upon mankind. The persons united and initiated to celebrate the mysteries in Greece were neither all priests, nor did they belong to the ignorant and superstitious classes of society, but they were, on the contrary, frequently the most distinguished statesmen and philosophers. It has been remarked under ELEUSINIA (p. 396), that it is far more probable that the mysteries in the various parts of Greece were remains of the ancient Pelasgian religion. The associations of persons for the purpose of celebrating them must therefore have been formed at the time when the overwhelming influence of the Hellenic religion began to gain the upper hand in Greece, and when persons who still entertained a reverence for the worship of former times united together, with the intention of preserving and upholding among themselves as much as possible of the religion of their forefathers. It is natural enough that they formed themselves, for this purpose, into societies, analogous to the brotherhoods in the Church of Rome,[6] and endeavoured to preserve against the profanation of the multitude that which was most dear to them. Hence the secrecy of all the Greek mysteries, and hence the fact that the Greek mysteries were almost invariably connected with the worship of the old Pelasgian divinities. The time when mysteries were established as such must have been after the great changes and disturbances produced by the Dorian migration, although tradition referred their institution to Orpheus, the Curetes, the Idæan Dactyles, Dionysus, &c., who belong to a much earlier period. These traditions, however, may in so far be regarded as true, as the mysteries were only a continuation and propagation of the ancient religion. It must, however, be admitted, that in subsequent times new elements were added to the mysteries which were originally foreign to them. The development of philosophy, and, more especially, the intercourse with the East and with Egypt, appear to have exercised a considerable influence upon their character.

The most celebrated mysteries in Greece were those of Samothrace and Eleusis. (*Vid.* CABEIRIA, ELEUSINIA.) But several other places and divinities had their peculiar mysteries, *e. g.*, the island of Crete those of Zeus;[1] Argolis those of Hera;[2] Athens those of Athena and Dionysus[3] (*vid.* DIONYSIA); Arcadia those of Artemis;[4] Ægina those of Hecate.[5] But not only the worship of the great gods, but also that of some ancient heroes was connected with mysteries.[6]

The benefits which the initiated hoped to obtain were security against the vicissitudes of fortune, and protection from dangers both in this life and in the life to come. The principal part of the initiation, and that which was thought to be most efficacious in producing the desired effects, were the lustrations and purifications, whence the mysteries themselves are sometimes called *καθάρσια* or *καθαρμοί*.

Offences against and violations of the mysteries were at Athens under the jurisdiction of the archon king, and the court, in such cases, only consisted of persons who were themselves initiated (*μεμυημένοι*), and were selected from the heliastæ for the purpose.[7] Even in cases which were brought before an ordinary court, the judges were only initiated persons, if the case had any connexion with the mysteries.[8] That no one but the initiated might hear the transactions in such a case, the court was surrounded by public slaves, to keep all profane persons at a distance.[9]

The Roman religion had no such mysteries as that of the Greeks, but only mystic rites and ceremonies connected with the celebration of certain festivals. The Bacchanalia were of foreign origin, and of short duration. (*Vid.* DIONYSIA.)

A very full account of the Greek mysteries is given by Limburg-Brouwer, *Hist. de la Civilisat. Mor. et Relig. des Grecs*, tom. iv., p. 180–415, and chapter xxvi. of the same work contains a useful survey of the various opinions upon the subject which have been entertained by modern scholars and philosophers.

*MYSTICE'TUS (*μυστίκητος*). "This term occurs in the common editions of Aristotle's Natural History, and hence Linnæus calls the common whale *Balæna Mysticetus*. Schneider, however, reads *μῦς τὸ κῆτος*. It is the *Musculus* of Pliny.[10]

MYSTRUM (*μύστρον*), a Greek liquid measure, of which there were two sizes, called the large and small mystrum. The small, which was the more common of the two, was $\frac{1}{2\frac{1}{4}}$th of the cotyla, and $\frac{1}{4}$th of the cyathus, and therefore contained ·0208 of an English pint.[11] Galen adds that the smaller mystrum contained 2½ drachms; the larger was $\frac{1}{18}$th of the cotyla, and contained 3½ drachms; but that the most exact mystrum (*τὸ δικαιότατον μύστρον*)

1. (Lobeck, Aglaophamus, i, p. 305.)—2. (Aristot., Rhet., ii., 24.—Pind., Nem., x., 63.)—3. (Plato, De Rep., ii., p. 264, E.)—4. (Strabo, p. 717.)—5. (Histoire de la Civilisation Morale et Relig. des Grecs, tom. iv., p. 199.)—6. (Porphyr., De Abstin., iv. 5.)

1. (Strabo, p. 718.—Athen., ix., 18.)—2. (Paus., ii., 38, § 2.)—3. (Plut., Alcib., 34.)—4. (Paus., viii., 23, § 3.)—5. (Paus., ii., 30, § 2.)—6. (Paus., iv., 34, § 6.—Id. ib., ii., 1.—Id. ib., ii., 30, § 5.—Herod., v., 83.)—7. (Pollux, Onom., viii., 141.)—8. (Andocid., De Myst., p. 14.)—9. (Pollux, Onom., viii., 123.)—10. (Adams, Append., s. v.—Plin., H. N., xi., 37.)—11. (Galen, Frag. c. 15.)

held 8 scruples, that is, $2\frac{2}{3}$d drachms. According to this, the small mystrum would be $\frac{2}{3}$ths of the larger. But in the 13th chapter of the same fragment he makes the large mystrum $=\frac{1}{8}$d of the cotyla, and the small mystrum $\frac{1}{4}$th of the large. In c. 4 he makes the large mystrum =3 oxybapha, and the small $=1\frac{1}{2}$d. Cleopatra makes the large $=\frac{1}{16}$th of the cotyla, the small $=\frac{1}{2\frac{1}{2}}$d.[1]

*MYZŌN or MYXON (*μύζων, μύξων*), a variety of the Mullet. Artedi calls it *Chylon Myxo anthorum.*[2]

N

NÆ'NIA. (*Vid.* Funus, p. 459.)

*NAPY (*νάπυ*), a term applied by Theophrastus, Galen, and others to the *Sinapis nigra*, or common Mustard. Dr. Milligan, however, in his edition of Celsus, sets it down for the *Sinapis alba*, or White Mustard.[3]

*NARCISSUS (*νάρκισσος*), a plant. The name is especially referable to the *Narcissus poeticus*, or Daffodil, but it was most probably applied on some occasions to other species.[4]

*NARDUS (*νάρδος*). "By Nard," says Dr. Harris, "was meant a highly aromatic herb, growing in the Indies, and called *Nardostachys* by Dioscorides and Galen." It is fully described by Moses Charras. "That the ancient Nards were Valerians, is now," remarks Adams, "universally admitted. Sprengel shows that the Indian Nard of the ancients was the species of Valerian called *Patrinia Jatamansi*, Don. The *νάρδος Κελτική* is referable to the *Valeriana Celtica* and *Saliunca*, All. The *νάρδος ὀρεία* is the species now called *Valeriana tuberosa*. Tournefort named it *V. maxima Pyrenaïca.*"[5]

*NARCE (*νάρκη*). (*Vid* Torpedo.)

*NARTHEX. (*Vid.* Ferula.)

NATALI'TII LUDI. (*Vid.* Ludi Natalitii.)

NATA'LIBUS RESTITU'TIO. (*Vid.* Ingenui.)

NATA'TIO, NATATO'RIUM. (*Vid.* Baths, p. 148).

NAVA'LIA were docks at Rome where ships were built, laid up, and refitted. They were attached to the emporium outside of the Porta Trigemina, and were connected with the Tiber.[6] The emporium and navalia were first included within the walls of the city by Aurelian.[7]

The docks (*νεώσοικοι* or *νεώρια*) in the Piræus at Athens cost 1000 talents; and having been destroyed in the anarchy by the contractors for three talents, were again restored and finally completed by Lycurgus.[8] They were under the superintendence of regular officers called *ἐπιμεληταὶ τῶν νεωρίων*. (*Vid.* Epimeletai, 5.)

NAVA'LIS CORO'NA. (*Vid* Corona. p. 310.)

NAVARCHUS (*ναύαρχος*) is the name by which the Greeks designated both the captain of a single ship and the admiral of a fleet. The office itself was called *ναυαρχία*. The admiral of the Athenian fleet was always one of the ten generals (*στρατηγοί*) elected every year, and he had either the whole or the chief command of the fleet.[9] The chief officers who served under him were the trierarchs and the pentecontarchs, each of whom commanded one vessel; the inferior officers in the vessels were the *κυβερνῆται*, or helmsmen, the *κελευσταί*, or commanders of the rowers, and the *πρωρᾶται*, who must have been employed at the prow of the vessels.[1] (Compare Strategos.)

Other Greek states who kept a navy had likewise their navarchs. A Spartan navarchus is mentioned by Xenophon,[2] and under him served an officer called *ἐπιστολεύς*.[3] The navarchia of Sparta, however, was an innovation of later times, when the Spartans had acquired a fleet and possessions in foreign countries. The office was distinct from that of the kings, and Aristotle[4] calls it *σχεδὸν ἑτέρα βασιλεία*.[5]

The navarchus in Rhodes seems to have been their chief military officer. We find him authorized to conclude treaties with foreign nations,[6] and sent on embassies in the name of the Republic.[7]

NAUCRA'RIA (*ναυκραρία*) is the name of a division of the inhabitants of Attica. The four Attic phylæ were each divided into three phratries, and each of these twelve phratries into four naucraries, of which there were thus forty-eight. This division is ascribed to Solon;[8] but Herodotus,[9] in relating the insurrection of Cylon, mentions magistrates at Athens called *πρυτάνις τῶν ναυκράρων*, so that the naucraries must have existed long before Solon. There is, however, some difficulty connected with this passage of Herodotus, inasmuch as Thucydides,[10] in relating the same event, mentions the nine archons instead of the prytanes of the naucraries. Wachsmuth[11] endeavours, very ingeniously, to reconcile Herodotus and Thucydides, by supposing that the prytanes of the naucraries were the same as the trittyarchs, the assessors of the first archon, and were thus identified by Thucydides with the archons themselves. What the naucraries were previous to the legislation of Solon is not stated anywhere, but it is not improbable that they were political divisions similar to the demes in the constitution of Cleisthenes, and were made, perhaps, at the time of the institution of the nine archons, for the purpose of regulating the liturgies, taxes, or financial and military affairs in general.[12] Tittmann,[13] moreover, supposes, with some probability, that they were, like the demes of Attica, local divisions. Hence the grammarians inform us that *ναύκραρος*, or the chief officer of every naucrary, was the same as the demarch. At any rate, however, the naucraries before the time of Solon can have had no connexion with the navy, and the word *ναύκραρος* cannot be derived from *ναῦς*, a ship, but from *ναίω*, and *ναύκραρος* is only another form for *ναύκληρος* in the sense of a householder, as *ναῦλον* was used for the rent of a house.[14]

Solon, in his legislation, thus only retained the old institution of the naucraries. His innovation probably was, that he charged each of them with the equipment of one trireme and with the mounting of two horsemen.[15] All military affairs, as far as regards the defraying of expenses, probably continued, as before, to be regulated according to naucraries. Cleisthenes, in his change of the Solonian constitution, retained the division into naucraries for military and financial purposes,[16] but he increased their number to fifty, making five of each of his ten tribes, so that now the number of their ships was increased from forty-eight to that of fifty, and that of horsemen from ninety-six to one hundred. The statement of Herodotus,[17] that the Athenians, in their war against Ægina, had only fifty ships of their own,

1. (Wurm, De Pond., p. 130.)—2. (Aristot., H. A., v., 9; vi., 17.)—3. (Theophrast., H. P., i, 19.—Galen, De Simpl., viii.—Adams, Append., s. v.)—4. (Theophrast., H. P., vi., 6.—Id. ib., vii., 12.—Dioscor., iv., 158.—Adams, Append., s. v.)—5. (Harris, Nat. Hist. of the Bible, p. 390.—Adams, Append., s. v.)—6. (Liv., xxxv., 10.—Id., xl., 51.—Id., xlv., 2.)—7. (Vopisc., Aurel., 21.)—8. (Isocr., Areopag., 25.—Böckh, Publ. Econ., ii., § 10.)—9. (Plut., Themist., 18.)

1. (Xenoph., De Republ. Ath., 1, 2, 20.)—2. (Hellen., ii., 1, § 7.)—3. (Pollux, Onom., i., 96.—Sturz, Lex. Xen., ii., p. 321.)—4. (Polit., ii., 6, p. 69, ed. Göttling.)—5. (*Vid.* Weber, "De Gytheo et Lacedæmoniorum reb. Navalib.," p. 73, &c.)—6. (Polyb., xvii., 1.)—7. (Polyb., xxx., 8.—Liv., xlv., 25.)—8. (Photius, s. v. *Ναυκραρία*.)—9. (v., 71.)—10. (i., 126.)—11. (Hellen. Alt., i., 1, p. 246.)—12. (Böckh, Publ. Econ., ii., § 21.)—13. (Griech Staatsv., p. 269.)—14. (Pollux, Onom., x., 20.—Wachsmuth. Hellen. Alt., i., 1, p. 239.—Thirlwall, Hist. of Gr., ii., p. 52.)
15. (Pollux, viii., 108.)—16. (Phot., l. c.)—17. (vi., 89.)

is thus perfectly in accordance with the fifty naucraries of Cleisthenes. The functions of the former *ναύκραροι*, as the heads of their respective naucraries, were now transferred to the demarchs. (*Vid.* DEMARCHI.)[1] The obligation of each naucrary to equip a ship of war for the service of the Republic may be regarded as the first form of trierarchy.[2] As the system of trierarchy became developed and established, this obligation of the naucraries appears to have gradually ceased and to have fallen into disuse. (Compare TRIERARCHIA.)

NAUCRA'ROS. (*Vid.* NAUCRARIA.)

NAVES. (*Vid.* SHIPS.)

NAUMA'CHIA was the name given to the representation of a seafight among the Romans, and also to the place where such engagements took place. These fights were sometimes exhibited in the circus or amphitheatre, sufficient water being introduced to float ships, but more generally in buildings especially devoted to this purpose. The first representation of a seafight on an extensive scale was exhibited by Julius Cæsar, who caused a lake to be dug for the purpose in a part of the Campus Martius, called by Suetonius the "Lesser Codeta:"[3] this lake was afterward filled up in the time of Augustus, on account of the malaria arising from the stagnant water in it.[4] Augustus also dug a lake (*stagnum*) near the Tiber for the same purpose, and planted around it a grove of trees (*nemus*).[5] This naumachia was the first permanent one; it continued to be used after others had been made, and was subsequently called the "vetus naumachia."[6] Claudius exhibited a magnificent seafight on the lake Fucinus.[7] Nero appears to have preferred the amphitheatre for these exhibitions.[8] Domitian made a new naumachia, and erected a building of stone around it, in which the spectators might sit to see the engagement.[9] Representations of naumachiæ are sometimes given on the coins of the emperors.[10]

The combatants in these seafights, called *Naumachiarii*,[11] were usually captives,[12] or criminals condemned to death,[13] who fought, as in gladiatorial combats, until one party was killed, unless preserved by the clemency of the emperor. The ships engaged in the seafights were divided into two parties, called respectively by the names of different maritime nations, as Tyrians and Egyptians,[14] Rhodians and Sicilians,[15] Persians and Athenians,[16] Corcyræans and Corinthians, Athenians and Syracusans, &c.[17] These seafights were exhibited with the same magnificence and lavish expenditure of human life as characterized the gladiatorial combats and other public games of the Romans. In Nero's naumachia there were sea-monsters swimming about in the artificial lake,[18] and Claudius had a silver triton placed in the middle of the lake Fucinus, who was made, by machinery, to give the signal for attack with a trumpet.[19] Troops of Nereids were also represented swimming about.[20] In the seafight exhibited by Titus there were 3000 men engaged,[21] and in that exhibited by Domitian the ships were almost equal in number to two real fleets (*pæne justæ classes*[22]). In the battle on the lake Fucinus there were 19,000 combatants,[1] and fifty ships on each side.[2]

NAUTA. (*Vid.* EXERCITORIA ACTIO.)

NAU'TICON (*ναυτικόν*). (*Vid.* INTEREST OF MONEY, p. 545.)

*NAUTILUS (*ναυτίλος*). This shell-fish is graphically described by Aristotle, Oppian, and Phile. It is the *Argonauta Argo*, L., or the Paper Nautilus.

NAUTODICAA (*ναυτοδίκαι*) are called *ἀρχαί* or magistrates by most of the ancient grammarians,[3] while a few others call them *δικασταί*.[4] The concurrent authority of most of them, together with a passage of Lysias,[5] the only Attic orator who mentions the nautodicæ, renders it more than probable that they were a magistracy. This can be the less doubtful, as the words *δικάζειν* and *δικαστής* are sometimes used of magistrates in their capacity of *εἰσαγωγεῖς*.[6] (*Vid.* EISAGOGEIS.) All testimonies of the ancients, however, agree that the nautodicæ had the jurisdiction in matters belonging to navigation and commerce, and in matters concerning such persons as had entered their names as members of a phratria without both their parents being citizens of Athens, or, in other words, in the *δίκαι ἐμπόρων* and *δίκαι ξενίας*. The time when nautodicæ were first instituted is not mentioned, but the fact that they had the jurisdiction in cases where a person had assumed the rights of a phrator, without his father and mother being citizens, shows that their institution must belong to a time when it was sufficient for a man to be a citizen if only his father was a citizen, whatever his mother might be, that is, previous to the time of Pericles[7] (compare CIVITAS, p. 259), and perhaps as early as the time of Cleisthenes. The nautodicæ were appointed every year by lot in the month of Gamelion, and probably attended to the *δίκαι ἐμπόρων* only during the winter, when navigation ceased, whereas the *δίκαι ξενίας* might be brought before them all the year round.

It is a well-known fact, that the two actions (*δίκαι ἐμπόρων* and *δίκαι ξενίας*) which we have here assigned to the nautodicæ belonged, at least at one time, to the thesmothetæ.[8] Several modern writers, such as Böckh, Baumstark, and others, have, therefore, been led to suppose, that all the grammarians who call the nautodicæ *ἀρχαί* are mistaken, and that the nautodicæ were not *εἰσαγωγεῖς* in the cases above mentioned, but *δικασταί*. But this mode of settling the question does not appear to us to be as satisfactory as that adopted by Meier and Schömann.[9] In all the speeches of Demosthenes, no trace occurs of the nautodicæ; and in the oration against Lacritus,[10] where all the authorities are mentioned before whom such a case as that of Lacritus might be brought, the orator could scarcely have failed to mention the nautodicæ, if they had still existed at the time. It is, therefore, natural to suppose that the *δίκαι ἐμπόρων*, at the time of Philip of Macedonia, when they became *δίκαι ἐμμηνοι* (*vid.* EMMHNOI ΔΙΚΑΙ), were taken from the nautodicæ and transferred to the thesmothetæ. And as the Republic could not now think it any longer necessary to continue the office of nautodicæ merely on account of the *δίκαι ξενίας*, these latter were likewise transferred to the thesmothetæ, and the office of the nautodicæ was abolished. The whole period during which nautodicæ existed at Athens would thus comprehend the time from the legislation of Cleisthenes, or soon after, to Philip of Macedonia. One difficulty, however, yet remains, for nautodicæ are mentioned by Lucian[11] in a dialogue

1. 'Harpocrat., s. v. *Δήμαρχος*.)—2. (Lex. Rhet., p. 283.)—3. (Dion Cass., xliii., 23.—Suet., Jul., 39.)—4. (Dion Cass., xlv., 17.)—5. (Suet., Octav., 43.—Tacit., Ann., xii., 56.—Id. ib., xiv., 15.)—6. (Suet., Tit., 7.—Dion Cass., lxvi., 25.—Ernesti ad Suet., Tib., 72.)—7. (Tacit., Ann., xii., 56.—Suet., Claud., 21.—Dion Cass., lx., 33.)—8. (Dion Cass., lxi., 9; lxii., 15.)—9. (Dion Cass., lxvi., 8.—Suet., Dom., 4, 5.)—10. (Scheffer, De Militia Navali, iii., 2, p. 189, 191.)—11. (Suet., Claud., 21.)—12. (Dion Cass., xlviii., 19.)—13. (Dion Cass., lx., 33.)—14. (Suet., Jul., 31.)—15. (Suet., Claud., 21.—Dion Cass., lx., 33.)—16. (Dion Cass., lxi., 9.)—17. (Id., lxvi., 25.)—18. (Suet., Nero, 12.—Dion Cass., lxi., 9.)—19. (Suet., Claud., 21.)—20. (Mart., De Spectac., 26.)—21. (Dion Cass., lxvi., 25.)—22. (Suet., Dom., 4.)

1. (Tacit., Ann., xii., 56.)—2. (Dion Cass., lx., 33.)—3. (Harpocrat.—Suidas.—Lex. Rhet., s. v. *Ναυτοδίκαι*.)—4. (Hesych., s. v.)—5. (De Pecun. Publ., p. 189, Eremi.)—6. (Meier, Att. Proc., p. 28.)—7. (Plut., Pericl., 37.)—8. (Meier, Att. Proc., p. 64, &c.)—9. (Att. Proc., p. 85, &c.)—10. (p. 940.)—11. (ii., p. 203, ed. Bip.)

which the author represents as having taken place after the death of Alexander. Those who are unwilling to believe that Lucian here, as in other places, has been guilty of an anachronism, must suppose that the nautodicæ were, after their abolition, restored for a time, of which, however, there is no other evidence.[1]

NEBRIS, a Fawn's Skin (from *νεβρός*, a fawn: *vid.* Ægis), worn originally by hunters and others as an appropriate part of their dress, and afterward attributed to Bacchus,[2] and, consequently, assumed by his votaries in the processions and ceremonies which they observed in honour of him.[3] (*Vid.* Dionysia, p. 363, 365.) The annexed woodcut, taken from Sir Wm. Hamilton's *Vases*,[4] shows a priestess of Bacchus in the attitude of offering a nebris to him or to one of his ministers. The works of ancient

art often show it as worn not only by male and female bacchanals, but also by Pans and Satyrs. It was commonly put on in the same manner as the ægis or goatskin, by tying the two fore legs over the right shoulder so as to allow the body of the skin to cover the left side of the wearer.[5] In the Dionysiac processions, the fawn's skin worn by the god, besides its natural spots, which were greatly admired, was enriched with gems.[6]

*NEBRI'TES (*νεβρίτης*), a precious stone, mentioned in the Orphic poem. De Laet supposes it either an agate or a jasper.[7]

NEFASTI DIES. (*Vid.* Dies, p. 362.)

NEGATI'VA, NEGATO'RIA ACTIO. (*Vid.* Confessoria Actio.)

NEGOTIO'RUM GESTO'RUM A'CTIO. This was an action which a man might have against another who had managed his affairs for him in his absence, without being commissioned to do so (*sine mandato*). The action was not founded either on contract or delict, but was allowed for convenience' sake (*utilitatis causa*). The person whose business was transacted by another, and the person who transacted the business, might severally have an action against one another in respect of that which "*ex bona fide alterum alteri præstare oportet.*" The action of the self-constituted agent was sometimes called contraria, by analogy to similar actions in other cases. He was bound to make good any loss that was incurred during his administration by dolus or culpa, and in some instances even loss that had been incurred by casus. On the other hand, he had his action for all expenses properly incurred, and in some cases even if the result was unfortunate to the absent person; as if he paid for medical attendance on a sick slave, and the slave died, notwithstanding all his care: but various difficulties might easily be suggested as to such cases as these,[1] and the rule must be qualified by the condition of the thing undertaken being a thing profitable (to the owner) to be undertaken, though the result might be unprofitable.[2]

NEKRODEIPNON. (*Vid.* Funus, p. 458.)

NEKROTHAPTAI. (*Vid.* Funus, p. 459.)

NEKUSIA. (*Vid* Funus, p. 458.)

NEMEAN GAMES (*νέμεα, νεμεῖα*, or *νεμαῖα*), one of the four great national festivals of the Greeks. It was held at Nemea, a place near Cleonæ in Argolis. The various legends respecting its origin are related in the argumenta of the scholiasts to the Nemea of Pindar, with which may be compared Pausanias[3] and Apollodorus.[4] All these legends, however, agree in stating that the Nemea were originally instituted by the Seven against Thebes in commemoration of the death of Opheltes, afterward called Archemorus. When the Seven arrived at Nemea, and were very thirsty, they met Hypsipyle, who was carrying Opheltes, the child of the priest of Zeus and of Eurydice. While she showed to the heroes the way to the nearest well, she left the child behind, lying in a meadow, which, during her absence, was killed by a dragon. When the Seven, on their return, saw the accident, they slew the dragon, and instituted funeral games (*ἀγὼν ἐπιτάφιος*), to be held every third year (*τριετηρικός*). Other legends attribute the institution of the Nemean games to Heracles, after he had slain the Nemean lion; but the more genuine tradition was that he had either revived the ancient games, or, at least, introduced the alteration by which they were from this time celebrated in honour of Zeus. That Zeus was the god in honour of whom the games were afterward celebrated, is stated by Pindar.[5] The games were at first of a warlike character, and only warriors and their sons were allowed to take part in them; subsequently, however, they were thrown open to all the Greeks (*δημοτικὸν πλῆθος συνέδραμε*). The games took place in a grove between Cleonæ and Phlius.[6] The various games, according to the enumeration of Apollodorus,[7] were horse-racing, running in armour in the stadium,[8] wrestling, chariot-racing and discus, boxing, throwing the spear and shooting with the bow, to which we may add musical contests. The scholiasts on Pindar describe the agon very imperfectly as *ἱππικός* and *γυμνικός*. The prize given to the victors was at first a chaplet of olive-branches, but afterward a chaplet of green parsley. When this alteration was introduced is not certain, though it may be inferred from an expression of Pindar,[10] who calls the parsley (*σέλινον*) the *βοτάνα λεόντος*, that the new prize was believed to have been introduced by Heracles. The presidency at these games, and the management of them, belonged at different times to Cleonæ, Corinth, and Argos, and from the first of these places they are sometimes called *ἀγὼν Κλεώναιος*. The judges who awarded the prizes were dressed in black robes,

1. (Compare Böckh, Publ. Econ., i., § 9.—Baumstark, "De Curatoribus Emporii et Nautodicis apud Athenienses," p. 65–78.)—2. (Eurip., Bacch., 99, 125, 157, 790, ed. Matth.—Aristoph., Ranæ, 1209.—Dionys. Perieg., 702, 946.—Rufus Festus Avienus, 1129.)—3. (Seneca, Œdip., ii., 436.—Brunck, Anal., , 483.)—4 (i., 37.)—5. (Ovid, Met., vi., 593.)—6. (Claud., De iv cons. Honor., 605.)—7 (Orpheus, De Lapid., 742.)

1. (Dig. 3, tit., 5, s. 10.)—2. (Dig. 44, tit. 7, s. 5.—Dig. 3, tit 5, De Negotiis Gestis.)—3. (ii., 15, § 2, &c.)—4. (iii., 6, § 4.) —5. (Nem., iii., 114.)—6. (Strabo, viii., 6, p. 210, ed. Tauchn.) —7. (l. c.)—8. (Paus., ii., 15, § 2.)—9. (Paus., viii., 50, § 2.—Plut., Philop., 11.)—10. (Nem., vi., 71.)

and an instance of their justice, when the Argives presided, is recorded by Pausanias.[1]

Respecting the time at which the Nemean games were held, the scholiast on Pindar[2] merely states that they were held on the 12th of the month of Panemus, though in another passage he makes a statement which upsets this assertion. Pausanias[3] speaks of winter Nemea, and manifestly distinguishes them from others which were held in summer. It seems that for a time the celebration of the Nemea was neglected, and that they were revived in Ol. 53, 2, from which time Eusebius dates the first Nemead. Henceforth it is certain that they were for a long time celebrated twice in every Olympiad, viz., at the commencement of every second Olympic year in the winter, and soon after the commencement of every fourth Olympic year in the summer. This has been shown by Böckh in an essay *über die Zeitverhältnisse der Demosth. Rede gegen Midias*, in the transactions of the Berlin Acad., 1818, 1819.—*Histor. Philol. Klasse*, p. 92, &c.—Compare Ideler, *Handb. der Chronol.*, ii., p. 666, &c. About the time of the battle of Marathon, it became customary in Argolis to reckon according to Nemeads.

In 208 B.C., Philip of Macedonia was honoured by the Argives with the presidency at the Nemean games,[4] and Quinctius Flaminius proclaimed at the Nemea the freedom of the Argives.[5] The Emperor Hadrian restored the horse-racing of boys at the Nemea, which had fallen into disuse. But after this time they do not seem to have been much longer celebrated, as they are no longer mentioned by any of the writers of the subsequent period.[6]

NE'NIA. (*Vid.* Funus, p. 459.)

NEO'COROI. (*Vid.* Æditui.)

NEODAMO'DEIS. (*Vid.* Civitas, Greek, p. 260; Helots, p. 492.)

NEO'RIA, NEOSOI'KOI. (*Vid.* Navalia.)

*NEPENTHES (*νήπενθες*). Among the many conjectures which have been started concerning the *Nepenthes*, that one appears very plausible which supposes it to have been *Opium*, or the juice of the *Papaver somniferum*.[7]

NEPTUNA'LIA, a festival of Neptune, celebrated at Rome, of which very little is known.[8] The day on which it was held was probably the 23d of July. In the ancient calendaria this day is marked as *Nept. ludi et feriæ*, or *Nept. ludi*, from which we see that the festival was celebrated with games. Respecting the ceremonies of this festival, nothing is known except that the people used to build huts of branches and foliage (*umbræ*[9]), in which they probably feasted, drank, and amused themselves.[10]

*NE'RION (*νήριον*) the *Nerium oleander*, or Rosebay. The modern Greek name is *πικροδάφνη*. Sibthorp says it is very common throughout Greece, and that it marks the torrent-bed and fringes the banks of the Ilissus. The flowers are used as an ornament, and cover the bazar at Athens. The leaves boiled, or the dried leaves powdered, are employed as remedies for the itch; boiled in oil, they serve as a liniment for rheumatic pains. In Cyprus it retains the ancient name of *ῥοδοδάφνη*, and the Cypriotes adorn their churches with the flowers on feast-days.[11]

*NERI'TES (*νηρίτης*). According to Rondelet and Gesner, the *νηρίτης* of Aristotle is a species of *Concha*, whereas that of Ælian is a species of *Cochlea*; the *C. Nerite*, as Adams thinks, of Linnæus It is called the Sea-snail.[1]

NEXI. (*Vid.* Nexum.)

NEXUM is defined by Manilius to be "*omne quod per libram et æs geritur, in quo sint mancipi.*" Mucius Scævola has a different definition: "*quæ per æs et libram fiant ut obligentur, præterquam quæ mancipio dentur.*" Varro,[2] who has preserved both these definitions, prefers the latter, as being consistent with the etymology of the word: "*quod obligatur per libram, neque suum sit, inde Nexum dicitur.*" As an illustration, he adds: "*Liber qui suas operas in servitutem pro pecunia quam debeat dat, dum solvercat, nexus vocatur, ut ab ære obæratus.*" The difference in these definitions arises solely from the different aspect under which the nexum is viewed. Every nexum was in the form of a sale, and, consequently, viewed as to its formal part, nexum comprehended mancipium. The testamenti factio was also included under nexum. Viewed as to its object and legal effect, nexum was either the transfer of the ownership of a thing, or the transfer of a thing to a creditor as a security: accordingly, in one sense, nexum included mancipium, as explained in Mancipium; in another sense, mancipium and nexum are opposed in the same way in which sale and mortgage or pledge are opposed. The formal part of both transactions consisted in a transfer per æs et libram. This explanation is consistent with the definitions of the jurists and the uses of these two words.

The person who became nexus by the effect of a nexum or nexus (for this form of the word also is used) was said nexum inire.[3] The phrases nexi datio, nexi liberatio, respectively express the contracting and the release from the obligation.

The Roman law as to the payment of borrowed money (*pecunia certa credita*[4]) was very strict A curious passage of Gellius[5] gives us the ancient mode of legal procedure in the case of debt, as fixed by the Twelve Tables. If the debtor admitted the debt, or had been condemned in the amount of the debt by a judex, he had thirty days allowed him for payment. At the expiration of this time he was liable to the manus injectio (*vid.* Manus Injectio), and ultimately to be assigned over to the creditor (*addictus*) by the sentence of the prætor. The creditor was required to keep him for sixty days in chains, during which time he publicly exposed the debtor on three nundinæ, and proclaimed the amount of his debt. If no person released the prisoner by paying the debt, the creditor might sell him as a slave or put him to death. If there were several creditors, the letter of the law allowed them to cut the debtor in pieces, and to take their share of his body in proportion to their debt. Gellius says that there was no instance of a creditor ever having adopted this extreme mode of satisfying his debt. But the creditor might treat the debtor, who was addictus, as a slave, and compel him to work out his debt; and the treatment was often very severe.

It is remarkable, that in this passage Gellius does not speak of nexi, but only of addicti; which is sometimes alleged as evidence of the identity of nexus and addictus, but it proves no such identity If a nexus is what he is here supposed to be, the law of the Twelve Tables could not apply; for when a man had once become nexus with respect to one creditor, he could not become nexus to another; and if he became nexus to several at once, in this case the creditors must abide by their contract in taking a joint security. This law of the Twelve Tables only applied to the case of a debtor

1 (viii., 40, § 3.)—2. (Argum. ad Nem.)—3 (ii., 15, § 2.)—4. (Liv., xxvii., 30, &c.—Polyb., x., 26.)—5. (Liv., xxxiv., 41.—Polyb., x., 26.)—6. (*Vid.* Villoison, Histoire de l'Acad. des Inscript. et Bell. Lett., vol. xxxviii., p. 29, &c.—Schömann, "Plutarchi Agis et Cleomenes," &c., § 10.)—7. (Hom., Od., iv., 220.—Theophrast. H. P., ix., 15.)—8. (Varro, De Ling. Lat., v., p. 56, Bipont.)—9. (Festus, s. v. Umbræ.)—10. (Horat., Carm., iii., 28, 1, &c.—Tertull., De Spect., 6.)—11. (Dioscor., iv., 82.—Walpole's Memoirs, &c., vol. i., p. 239.)

1. (Adams, Append., s. v.)—2. (De Ling. Lat., vi., 5.)—3. (Liv., vii., 19.)—4. (*Vid.* Lex Gall. Cisalp., 21, 22.)—5. (xx., 1.)

being assigned over by a judicial sentence to several creditors, and it provided for the settlement of their conflicting claims. The distinction between a nexum and a res judicata is obvious enough, though some writers have missed it.

The precise condition of a nexus has, however, been a subject of much discussion among scholars, and it is not easy to reconcile all the passages in which the term occurs so as to deduce from them a consistent view of the matter. Sometimes, indeed, nexus appears to be used in the same sense as addictus, which cannot cause any difficulty if we consider that the effect of being nexus and addictus was the same, as will presently be made probable.

As a nexum was effected per æs et libram, it was in the form of a sale, and, of course, there was an object of sale; and this object of sale might be a thing or a person. A free man could not properly be the object of a sale, but it requires only a slight acquaintance with Roman law to perceive that this difficulty could be got over by a fiction. As in the case of manumission per vindictam there was a fiction that the slave was free, so there might here be a fiction that the freeman was a slave. And if this is not admitted as a probable solution, it cannot be denied that there is as much difficulty in understanding the coemtio of a female, who was sui juris, which, as a legal fact, is quite certain, as the formal sale of a freeman with his consent. The notion of a freeman giving himself into the power of another, so far from being foreign to the notions of Roman law, as some writers have asserted, is perfectly consistent with them, as we see in the instance of adrogation. The nexum, then, being in the form of a sale, the nexus was in a servile condition as a necessary consequence of the nexum, and the opinion that there must be an addictio to give effect to the nexum is inconsistent with the notion of the nexum. According to this view, a nexus, as soon as the contract of nexum was made, was in the condition of an addictus, and both were treated as slaves. But it has been urged that "one cannot discover any reason for this self-pledging (*nexum*), since every insolvent, even when there was no nexum, must become his creditor's slave (*addictus*), and how can we understand that the abolition of the nexum was such an advantage gained by the plebeians,[1] if the addictio still remained, which might be obtained when there was no nexum; and it cannot be denied that it did remain?" The advantage consists precisely in the difference between a contract which cannot be enforced against a person without the forms of legal proceeding, and a contract which at once gives a man a power over his debtor without any application to a court of justice. The effect of the abolition of the nexum, in this its special sense, while the addictio still existed, may be illustrated by the supposed case of a landlord's remedy for the recovery of his rent by distress being abolished, while his other remedies under the contract for letting and hiring remained.

It is remarked by Göttling,[2] that "the comparison of the adrogatio and the adoptio gives the clearest proof of the correctness of Savigny's view, who rejects the notion of a freeman pledging himself. In the case of the adrogatio of a Roman, who is sui juris, there was no mancipatio which such person could effect of himself; but in the case of adoption, a mancipatio occurs, and it is effected by the living father and the son together. In the case of coemtio, it certainly appears as if the woman of herself effected a self-mancipation; she, however, is not herself *auctor*, but her guardian is auctor." There may be some weight in this observation, the point of which appears to be this: there was mancipatio in the case of adoption, where the adopted person was in the power of another, but no mancipatio in the case of adrogation, where the adopted person was not in the power of another. The tacit conclusion, then, seems to be, that if in one case there was no mancipatio, and yet a person was brought into the power of another with his own consent, there could be no mancipatio when a person consented to put himself into a servile relation to another; for it is here assumed that a nexum was voluntary. But this is not a legitimate conclusion. It is easy to see that mancipatio in the case of adoption, where the son was in the power of the father, was a sufficient form, considering that the person adopted was only a filiusfamilias; and that adrogation, which was of a person who was sui juris, was a very different matter, and required other forms to be observed, because the person adrogated was not a filiusfamilias. (*Vid.* Adoption.) A nexum effected no change of familia, like an adoption or adrogation; and, while its object was different from that of both of these ceremonies, it is quite consistent for its form to have been the same as the form of the one, and different from the form of the other.

The mode in which Göttling[1] explains this matter of the nexum is as follows: "A free citizen can come into a mancipii causa when he cannot pay a loan (*æs confessum*) out of his own means. What in such case he has to give security for, that to which he has bound himself, is called nexum (namely, æs); hence the phrases nexi datio, nexi liberatio. The person who does such an act is called *nexum* (from nexus nexûs) *iniens*, *nexum faciens*; but after he has received the loan in the above solemn manner, he is nexu obligatus, nexu vinctus: as soon as he has failed to fulfil his obligation, and, in consequence of such failure, has been addicted (*addictus*), and given in mancipium by the magistrate, he is called nexus (adjective), qui se nexum dedit:" a more confused account of the thing, or one more remote from legal precision, cannot be imagined.

The lex Pœtilia (B.C. 326) alleviated the condition of the nexi. So far as we can understand its provisions, it set all the nexi free, or made them soluti,[2] and it enacted that, for the future, there should be no nexum (*cautumque in posterum ne necterentur*), and that no debtor should, for the future, be put in chains. Addictio, however, still continued in force after the lex Pœtilia, as we see in several instances.[3] It appears from the lex Galliæ Cisalpinæ,[4] that in the case of other actions there was only a possessio bonorum, but in the case of pecunia certa credita there was personal execution. The enactment of the lex Julia, which introduced the bonorum cessio, and gradual changes in society, must have diminished the frequency of the addictio. (*Vid.* Bonorum Cessio.)

Neither the addictus nor the nexus was a slave, and his ingenuitas was only in suspense. As to the nexum, it must have been necessary that the effect of the legal act by which the ingenuus was made a nexus should be done away with by another legal act; and this seems to be the nexi liberatio which was done per æs et libram. It also appears, from a passage in Livy,[5] that a certain person, who was judicatus pecuniæ, and is not described as nexus, was released from his obligation per æs et libram. In the time of Gaius, an imaginary form of payment per æs et libram was retained in cases where the

1 (Liv., viii., 28.)—2. (Gesch. der Röm. Staatsverfassung.)

1. (p. 123.)—2. (Liv., viii., 28, "nexi soluti."—3. (Liv., xxiii., 14.—Sall., Cat., 33.—Cicero, Pro Flacco, 20.)—4. (c. 21, 22.)—5 (viii., 14.)

obligation was contracted either per æs et libram, or was due ex judicati causa.[1] There seems, indeed, no reason why this ceremony should have been used in the case of an addictus who wished to be restored to his former state, for the addictio was by implication only to have an effect till the debt was paid. It might be contended that such was the effect of the nexum also; but we must distinguish between the effect of a sentence of the prætor and a solemn act like that of the nexum, which was in form a transfer of ownership. The addictus was protected against injuria from his master,[2] and it is said that he retained his name and tribe; but it is somewhat difficult to understand how he retained his tribe, since he had sustained infamia. Upon the discharge of his obligations, the addictus, it seems, returned to his former status.

It was Niebuhr's opinion that the nexum, when it became a form of giving security, had not its complete effect until the debtor was unable to pay, and was brought into the condition of a debtor-slave by the addictio. An answer to this is contained in a passage already quoted. If it required an addictio to make a person nexus, what was the use of a nexum when a man might become addictus, even when there was no nexum? The only intelligible solution of all these difficulties is, that a nexum had an immediate effect.

It seems to be a legal consequence of a nexum and an addictio, that the children, if they were in the power of the parent, must follow his condition, as in the case of adrogation.

In the case mentioned in Livy,[3] where the son is said to have been nexus for his father's debt (*cum se nexum dedisset*), it may be that the father bound his son only, which he could certainly do just in the same way as he could mancipate him. If the son was not in his father's power, he could still bind himself on behalf of his father. The expression in Livy does not enable us to determine which of the two possible cases was the real case, but it seems probable that the son was in the power of the father.

The meaning of the provision in the Twelve Tables, as cited by Gellius, as to cutting the debtor in pieces, has been a subject of much discussion. Taylor, in his essay (*Comment. ad L. Decemviralem de Inope Debitore in partis dissecando*), attempts to prove that Gellius misunderstood the old law, and that the words of the Twelve Tables, "*partis secanto: si plus minusve secuerint se fraude esto*," mean that the several creditors are entitled to have the "partis," that is, the "operæ" of the addictus, divided or distributed among them; and he goes on to explain the rest of the law in these terms: "*Communis sit servus eorum, qui quidem adfucrint; et sine fraude esto, si ceteri toties procitati suas quoque partis in debitore non vindicaverint.*" But the arguments of Taylor are by no means satisfactory. The conjecture that the "partis" are the shares of the creditors arising from the sale of the debtor, is also unsupported by any proof. This monstrous enactment, if we take it literally, shocks all our notions of humanity, but it has been well observed that it is by no means inconsistent with the spirit of the old Roman law; and the fact of an actual division of a debtor's body not being on record, is no proof against, and hardly furnishes a presumption against the existence of such a law. The Romans had no prisons for debtors. The creditor was the debtor's jailer, and we know that in the oldest time he was often a cruel keeper. When there were several creditors who claimed the body of a debtor, he might be kept by any one for the benefit of himself and the rest till the sixty days were over; but after that time, if the creditors could not agree among themselves, there was no possible mode of settling their conflicting claims than that which the law of the Decemviri gave them, and which they might adopt if they chose. Such a law could never be carried into effect in any country, as the legislators must have well known, and thus, while its terms fully satisfied the claims of the creditors, in practice it may have turned out really favourable to the debtor. (*Vid.* the remarks of Gellius on this part of the law.[1]) But the solution of the difficulty is quite a different matter from the fact of its existence, which is in no way to be questioned because we cannot explain it.

The various authorities on the subject of the nexum and addictio are referred to by Rein, *Das Röm. Privatrecht*, p. 313, &c. The writer of this article has not had the advantage of seeing the essay of Savigny, *Ueber das altrömische Schuldrecht*, Berlin, 1834, and is only generally acquainted with it from other works. The whole subject is still encumbered with difficulty, as will appear from a reference to the various writers on this subject. The note of Walter[2] appears to contain the true statement as to the difference between the effect of a nexum and a res judicata; but he rejects the notion of a man selling or pledging himself.

NIMBUS VITREUS. (*Vid.* Nix.)

*NITRUM (*νίτρον*). "It is scarcely necessary to remark," says Adams, "that the Latin *Nitrum* and the Greek *νίτρον* was a very different substance from the modern nitrate of potass; but it is not so easy to determine its real nature. Geoffroy, indeed, looked upon it as having been of the same nature as the salt of tartar or potash; but it is much more probable that it was a native composition of soda. It appears from Martial and Serapion that it was nearly allied to common salt, which we know to be a compound of soda. From the circumstance incidentally mentioned in the Bible, that an effervescence was produced by pouring vinegar upon it, we may also determine, with some confidence, that it was a carbonate. It seems probable, then, that it was a carbonate of soda. This is also the opinion of Coray, no mean authority on such a matter. Dr Kidd, however, maintains that, though the terms *natron* and *nitrum* are commonly applicable to the native carbonate of soda, they were sometimes applied likewise to saltpetre and sal ammoniac. He thinks that Pliny, in the following sentence, applies it to the latter: '*Calce aspersum reddit odorem vehementem.*' The *νίτρον* is called *χαλιστραῖον* by Plato, from Chalistra, a lake in Macedonia."[3]

NIX (*χιών*), Snow, was used by the Greeks and Romans in various ways as an accompaniment to their meals in warm weather. The great antiquity of the practice is shown by Athenæus.[4] They drank water cooled by the admixture of snow.[5] Also, when the wine was mixed in the vase (*vid.* Crater), snow was poured into it instead of water, so as to cool and to dilute it at the same time.[6] Fragments of ice were put into the cups of wine with the same view.[7] Another method of applying the snow was by passing wine through a strainer or colander filled with snow; by this process the wine was also rendered clear.[8] The "nimbus vitreus," mentioned by Martial,[9] seems to have been a glass colander, which was filled with snow so as to look like a cloud, and from which the wine, after passing through the snow, descended in a shower. Moreover, we learn

1. (Gaius, iii., 173–175.)—2. (Gaius, i., 141.)—3. (viii., 28.)

1. (xv., 1.)—2. (Gesch. des Röm. Rechts, p. 642, n 6.)—3. (Adams, in Edinb. Med. and Surg. Journal, No. 113.—Id., Append., s v.)—4. (iii., 97–99.)—5. (Mart., xii., 17.—Id., xiv., 117—Gell., xix., 5.)—6. (Mart., v., 66—Plin., Epist., i 15.)—7 (Athen., xiii., 43.—Seneca, Epist., 79.—Id., Qu. Nat., iv., 13.—Pacatus, Theodos. Pan., 14.)—8. (Mart., ix., 23; xiv 103, 104—Seneca, De Dr. Prov., 3.)—9. (xiv., 112.)

that the water which was poured upon the hands of the guests before a splendid dinner was sometimes cooled with snow.[1]

In consequence of this abundant use of snow and ice, they became articles of traffic.[2] They were brought to Rome in carts and wagons, kept in ice-houses,[3] and surrounded with chaff and shaggy blankets to prevent them from melting,[4] agreeably to the practice still adopted in many parts of Europe and Asia. (*Vid.* Psyleter.)

NODUS, in a special sense, was applied to the following parts of dress: I. The knot used in tying on the scarf (*vid.* Chlamys) or other article constituting the Amictus. This was often effected by the aid of a brooch (*vid.* Fibula), a ring, or some jewel,[5] but frequently in the method shown in the woodcut of Diana at page 245. II. The knot of hair (*κόρυμβος, κρωβύλος*), either at the top or at the back of the head, adopted by both sexes in fastening their long hair, which was turned upward or backward for the purpose (*crine rursus adducto revocare nodo*[6]). Examples may be seen in the woodcuts at p. 291, 292, 314, 443. III. The knot of leather worn by boys of the poorer classes at Rome instead of the golden Bulla.

NOMEN (GREEK) (*ὄνομα*). The Greeks, as is well known, bore only one name,[7] and it was one of the especial rights of a father to choose the names for his children, and to alter them if he pleased.[8] It was customary to give to the eldest son the name of the grandfather on his father's side. The history of Greece contains many instances of this custom, and Sositheus[9] says, "I gave to my eldest son, as is just (*ὥσπερ καὶ δίκαιόν ἐστι*), the name of my father."[10] What custom was generally followed with regard to the other children may be inferred from the same passage, for Sositheus goes on to say, that he called his second son after the name of his wife's father, the third after a relative of his wife, and the fourth son after his own grandfather on his mother's side. Mothers seem also sometimes to have assumed the right of giving the names to their children,[11] and it may be that, as in the case described by Aristophanes,[12] sometimes a quarrel arose between the parents, if they could not agree upon the name to be given to a child. A boy also sometimes received the name of his father, as in the cases of Demosthenes and Demades, or one similar to that of his father. Nausinicus thus called his son Nausiphilus, and Callicrates called his son Callistratus.[13] A similar method was sometimes adopted in the names of several brothers; thus two brothers, in the speech of Lysias against Diagiton, are called Diodotus and Diogiton. In some cases, lastly, the name of a son was a patronymicon, formed from the name of the father, as Phocion, the son of Phocos.

The day on which children received their names was the tenth after their birth.[14] According to some accounts, a child received its name as early as the seventh, or even fifth day after its birth. (*Vid.* Amphidromia.) The tenth day, called *δεκάτη*, however, was a festive day, and friends and relatives were invited to take part in a sacrifice and a repast, whence the expressions *δεκάτην θύειν* and *δεκάτην ἑστιᾶν*. If in a court of justice proofs could be adduced that a father had held the *δεκάτη*, it was sufficient evidence that he had recognised the child as his own.[15]

The fact that every Greek had only one name rendered it necessary to have an innumerable variety of names, and never has a nation shown more taste, ingenuity, and invention in devising them than the ancient Greeks. But, however great the number of names might be, ambiguity and confusion could not be avoided, and in reading the works of the Greeks we are not always certain whether the same name in different passages or writers belongs to one or to several persons. The Greeks themselves were aware of this, and, where accuracy was of importance, they used various means to prevent mistakes. Sometimes they added the name of the father in the genitive case, as *Ἀλκιβιάδης ὁ Κλεινίου*, *Πλειστοάναξ ὁ Πανσανίου*: sometimes they added the name of the place or country in which a person was born, in the form of an adjective, as *Θουκυδίδης ὁ Ἀθηναῖος*, *Ἡρόδοτος Ἁλικαρνασσεύς*, *Χαρμαντίδης Παιανιεύς*, *Δικαίαρχος ὁ Μεσσήνιος*, &c.; sometimes they added an epithet to the name, expressing either the occupation or profession which a person followed, or indicating the school to which he belonged. Instances are of such frequent occurrence that it is superfluous to quote any The custom of adding the father's name was called *πατρόθεν ὀνομάζεσθαι*.[1]

In common life the Greeks had yet another means of avoiding ambiguity, and this was the frequent use of nicknames, expressive of mental or bodily peculiarities and defects. Thus Demosthenes was from his childhood called *Βάταλος*.[2] Aristophanes[3] mentions several names of birds which were used as nicknames; other nicknames are preserved in Athenæus.[4]

NOMEN (ROMAN). In the earliest history of Rome there occur persons who are designated by only one name, such as Romulus, Remus, and others, while there are many, also, who bear two names The Romans of a later age were themselves uncertain as to the legitimate number of names borne by the earliest Romans; and while Varro,[5] Appian,[6] and others stated that the earliest Romans used only to have one name, their opponents adduced a great many instances in which persons had two. This question will perhaps be placed in a more proper light, and become more satisfactorily settled, if we consider separately the three distinct elements of which the Roman nation was composed in its origin, and it will then be found that both Varro and his opponents are right or wrong according as their assertions are applied to one or to all of the three tribes.

The Sabines, from the earliest times down to the end of their existence, had two names,[7] one indicating the individual as such (*prænomen*), *e. g.*, Albus, Volesus, Pompus,[8] Talus,[9] Caius, Titus, Quintus, Appius, &c., and the second the gens to which the individual belonged, which terminated, like the Roman nomina gentilicia, in *ius* or *eius*, *e. g.*, Tatius, Pompilius, Claudius, &c. It is, moreover, a feature peculiar to the Sabines, that a person sometimes, instead of a prænomen and a nomen gentilicium, had two nomina gentilicia, one indicating the gens of his father, and the other that of his mother. The latter sometimes preceded and sometimes followed the former. This custom is clear from Livy,[10] who mentions a Campanian (Sabine) woman, Paculla Minia, who was married to a man who bore the name of Cerrinius from his gens, and one of the sons of these parents was called Minius Cerrinius. Another instance is the name of the Sabine augur Attius Na

1 (Petron., Sat., 31.)—2. (Euthydes ap. Athen.). c.—Plin., H. N., xix., 4, 19.)—3. (Seneca, l. c.)—4. (Plutarch, Sympos., vi., 6.)—5. (Virg., Æn., i., 320; vi., 301; xi., 776.—Claud., De Rapt. Pros., ii., 40.)—6. (Seneca, Œdip., ii.—Virg., Æn., iv., 138.—Hor., Epod., xi., 28.)—7. (Paus., vii., 7, § 4.)—8. (Demosth., c. Bœot., i., p. 1002–1006.—Id., c Macart., p. 1075, &c.)—4. (ap. Demos.h., c. Macart., l. c.)—10. (Compare Eustath. ad Il., v., 546.)—11. (Eurip., Phœn., 58.)—12. (Nub., 60, &c.)—13. (Böckh ad Pind., Pyth., iv., p. 265.)—14. (Aristoph., Av, 922, &c.)—15. (Demosth., c Bœot., i., p. 1001, &c.—Id., c. Bœot., ii., p. 1017. -Isæus, De Pyrrh. hæred., p. 60.)

1. (Paus., vii., 7, § 4.—Xen., Œcon., 7, § 3.)—2. (Æsclin., c. Timarch., p. 139, 142.—Demosth., De Coron., p. 288.)—3. (Av., 1291, &c.)—4. (vi., p. 242.—Compare Becker, Charikles, i., p. 23, &c.)—5. (ap. Val. Max., Epitome de Nominum Ratione.)—6. (Rom. Hist., Præf., 13.)—7. (Val. Max., De Nominum Ratione.)—8. (Val. Max., l. c.)—9. (Festus, s. v.)—10. (xxiii. 13, 17.)

vius, where, according to Dionysius,[1] Attius is the ὄνομα συγγενετικόν. Dionysius, however, must be mistaken in making Navius an ὄνομα προσηγορικόν, if he meant this to be the same as the Roman prænomen, which the name Navius never was. In all probability, therefore, both Attius and Navius are nomina gentilicia. A third instance seems to be Minatius Magius,[2] the son of Decius Magius. This practice must have been very common among the Sabines, for in most cases in which the two names of a person have come down to us, both have the termination *ius*, as Marius Egnatius, Herius Asinius,[3] Statius Gellius,[4] Ofilius Calavius. A more complete list of such Sabine names is given by Göttling,[5] who supposes that a son bore the two nomina gentilicia of his father and mother only as long as he was unmarried, and that at his marriage he only retained the nomen gentilicium of his father, and, instead of that of his mother, took that of his wife. Of this, however, there is not sufficient evidence. Thus much is certain, that the Sabines at all times had two names, one a real prænomen, or a nomen gentilicium serving as a prænomen, and the second a real nomen gentilicium, derived from the gens of the father. The Sabine women bore, as we have seen in the case of Paculla Minia, likewise two names, *e. g.*, Vestia Oppia, Faucula Cluvia,[6] but whether, in case they both terminate in *ia*, they are nomina gentilicia, and whether the one, as Göttling thinks, is derived from the gens of the woman's father, and the other from that of her husband, cannot be decided. Many Sabines appear also to have had a cognomen besides their prænomen and nomen gentilicium; but, wherever this occurs, the prænomen is generally omitted, *e. g.*, Herennius Bassus,[7] Calavius Perolla,[8] Vettius Cato,[9] Insteius Cato, Popædius Silo, Papius Mutilus.[10] Such a cognomen must, as among the Romans, have distinguished the several familiæ contained in one gens.

The Latins in the earliest times had generally only one name, as is seen in the instances adduced by Varro,[11] Romulus, Remus, Faustulus, to which we may add the names of the kings of the aborigines (Latins), Latinus, Ascanius, Capetus, Capys, Procas, Numitor, Amulius, and others. When, therefore, Varro and Appian say that the earliest Romans had only one name, they were probably thinking of the Latins. There occur, indeed, even at an early period, Latins with two names, such as Geminus Metius, Metius Suffetius, Vitruvius Vaccus, Turnus Herdonius, &c.; but these names seem to be either two nomina gentilicia, or one a nomen gentilicium and the other a cognomen, and the Latins do not appear to have had genuine prænomina, such as occur among the Sabines, and afterward among the Romans.

The Etruscans in the Roman historians generally bear only one name, as Porsenna, Spurinna, which apparently confirms the opinion of Varro; but on many urns in the tombs of Etruria, such names terminating in *na* are frequently preceded by a prænomen. Müller,[12] and Göttling,[13] who follows him, are of opinion that no Etruscan ever bore a nomen gentilicium, and that the names terminating in *na* are mere cognomina or agnomina. Niebuhr,[14] on the other hand, thinks, and with more probability, that the Etruscan *na* corresponds to the Sabine and Roman *ius*, and that, accordingly, such names as Porsenna, Spurinna, Cæcina, Perperna, Vibenna, Ergenna, Mastarna, &c., are real nomina gentilicia.

From this comparison of the three original tribes it is clear that, when the Romans became united into one nation, they chiefly followed the custom of the Sabines, and perhaps that of the Latins.[1] Originally every Roman citizen belonged to a gens, and derived his name (*nomen* or *nomen gentilicium*) from his gens. The nomen gentilicium generally terminated in *ius*, or with a preceding *e*, in *eius*, which in later times was often changed into *æus*, as Annius, Anneius and Annæus; Appuleius and Appulæus. Nomina gentilicia terminating in *ilius* or *elius*, sometimes change their termination into the diminutive *illus* and *ellus*, as Opillus, Hostillus, Quintillus, and Ofellus, instead of Opilius, Hostilius, Quintilius, and Ofelius.[2] Besides this nomen gentilicium, every Roman had a name, called prænomen, which preceded the nomen gentilicium, and which was peculiar to him as an individual, *e. g.*, Caius, Lucius, Marcus, Cneius, Sextus, &c. In early times this name was given to boys when they attained the age of pubertas, that is, at the age of fourteen, or, according to others, at the age of seventeen,[3] when they received the toga virilis.[4] At a later time it was customary to give to boys a prænomen on the ninth day after their birth, and to girls on the eighth day. This solemnity was preceded by a lustratio of the child, whence the day was called *dies lustricus*, *dies nominum*, or *nominalia*.[5] The prænomen given to a boy was in most cases that of the father, but sometimes that of the grandfather or great-grandfather. Hence we frequently meet with instances like M. Tullius, M. F., that is, Marcus Tullius, Marci filius, or C. Octavius, C. F., C. N., C. P., that is, Caius Octavius, Caii filius, Caii nepos, Caii pronepos. Sometimes, however, the prænomen was given without any reference to father or grandfather, &c. There existed, according to Varro, about thirty prænomina, while nomina gentilicia were innumerable. These two names, a prænomen and a nomen gentilicium, or simply nomen, were indispensable to a Roman, and they were, at the same time, sufficient to designate him; hence the numerous instances of Romans being designated only by these two names, even in cases where a third or fourth name was possessed by the person. Plebeians, however, in many cases, only possessed two names, as C. Marius, Q. Sertorius, Cn. Pompeius, &c. The prænomen characterized a Roman citizen as an individual, and gave him, as it were, his caput (*vid.* Caput) at the time when he received it. As women had not the full caput of men, they only bore the feminine form of the nomen gentilicium, as Cornelia, Sempronia, Tullia, Terentia, Porcia, &c. In later times, however, we find that women also sometimes had a prænomen, which they received when they married, and which was the feminine form of the prænomen of their husbands, such as Caia, Lucia, Publia.[6] Caia Cæcilia, the wife of L. Tarquinius, if the name be historical, is an exception to this rule.[7] When Macrobius[8] states that girls received their name (he evidently means the prænomen) on the eighth day after their birth, he alludes, as in the case of boys receiving theirs on the ninth day, to an innovation of later times, and among the female prænomina given at such an early age, we may reckon Prima, Secunda, Tertia, Quarta, Postuma, &c.[9] Vestal virgins, at the appointment to their priesthood (*captio*), when they left the patria potestas, received, like married women, a prænomen, *e. g.*, Caia Tarratia or Caia Suffetia.[10]

1. (iii., p. 203.)—2. (Vell. Paterc., ii., 16.)—3. (Appian, Bell. Civ., i., 40.)—4. (Liv., ix., 44.)—5. (Gesch. der Röm. Staatsv., p. 6, note 3.)—6. (Liv., xxvi., 33.)—7. (Liv., xxiii., 43.)—8. (Liv., xxxiii., 8.)—9. (Appian, Bell. Civ., i., 40.)—10. (Vell. Paterc., ii., 16.)—11. (ap. Val. Max., l. c.)—12. (Etrusk., i., p. 413, &c.)—13. (l. c., p. 31.)—14 (Hist. of Rome, i., 381, note 922, and p. 500, note 1107.)

1. (Val. Max., l. c.)—2. (Horat., Sat., ii., 2, 3, et passim.)—3. (Gellius, x., 28.)—4. (Fest., s. v. Pubes.—Scævola ap. Val. Max., l. c.)—5. (Macrob., Sat., i., 16.—Tertull., De Idolol., 6.)—6. (Scævola ap. Val. Max., l. c.)—7. (Val. Max., l. c.—Vid. Cic., Pro Muræn., 12.)—8. (l. c.)—9. (Varro, De Ling. Lat., viii., p. 141, Bipont.—Suet., Jul., 50.—J. Capitol., Max. et Balb. 5.)—10. (Plin., H. N., xxxiv., 11.)

Every Roman citizen, besides belonging to a gens, was also a member of a familia contained in a gens, and, as a member of such a familia, he had or might have a third name or cognomen. Such cognomina were derived by the Romans from a variety of mental or bodily peculiarities, or from some remarkable event in the life of the person who was considered as the founder of the familia. Such cognomina are Asper, Imperiosus, Magnus, Maximus, Publicola, Brutus, Capito, Cato, Naso, Labeo, Cæcus, Cicero, Scipio, Sulla, Torquatus, &c. These names were in most cases hereditary, and descended to the latest members of a familia; in some cases they ceased with the death of the person to whom they were given for special reasons. Many Romans had a second cognomen (*cognomen secundum* or *agnomen*), which was given to them as an honorary distinction, and in commemoration of some memorable deed or event of their life, *e. g.*, Africanus, Asiaticus, Hispallus, Cretensis, Macedonicus, Numantianus, &c. Such agnomina were sometimes given by one general to another, sometimes by the army and confirmed by the chief general, sometimes by the people in the comitia, and sometimes they were assumed by the person himself, as in the case of L. Cornelius Scipio Asiaticus. Sometimes also, a person adopted a second cognomen which was derived from the name of his mother, as M. Porcius Cato Salonianus or Saloninus, who was the son of M. Cato Censorius and of Salonia.[1]

The regular order in which these names followed one another was this: 1. prænomen; 2. nomen gentilicium: 3. cognomen primum; 4. cognomen secundum or agnomen. Sometimes the name of the tribe to which a person belonged was added to his name, in the ablative case, as Q. Verres Romilia,[2] C. Claudius Palatina,[3] Ser. Sulpicius Lemonia.[4] No one was allowed to assume a nomen gentilicium or a cognomen which did not belong to him, and he who did so was guilty of falsum.[5]

It must have been in comparatively few cases that persons had a fourth name or agnomen; but the three others were, at least at a late period, when the plebeian aristocracy had become established, thought indispensable to any one who claimed to belong to an ancient family.[6] In the intercourse of common life, however, and especially among friends and relatives, it was customary to address one another only by the prænomen or cognomen, as may be seen in the letters of Cicero. It was but very seldom that persons were addressed by their nomen gentilicium. The most common mode of stating the name of a person, in cases where legal accuracy was not the object, was that of mentioning the prænomen and cognomen, with the omission of the nomen gentilicium, which was easily understood. Thus Caius Julius Cæsar would, during the better ages of the Republic and in familiar address, be called Caius, otherwise Caius Cæsar, or even Caius Julius, but never Julius Cæsar, which was only done during the latter period of the Republic and under the Empire, as in Albius Tibullus, Cornelius Nepos, Menenius Agrippa, &c. A very common mode of stating the name of a person during these latter times was that of merely mentioning the cognomen, provided the person bearing it was sufficiently known or notorious, as we speak of Milton and Johnson, without adding any other distinction, although there are many persons bearing the same name. The most common of these cases among the Romans are Verres, Carbo, Cato, Cæpio, Cicero, Cæsar, Sulla, &c. In the time of Augustus and Tiberius, it became very common to invert the ancient order of nomen and cognomen, and to say, *e. g.*, Drusus Claudius, or Silvanus Plautius, instead of Claudius Drusus and Plautius Silvanus.

Roman women had likewise sometimes a cognomen, although instances of it are very rare. It was sometimes, like that of men, derived from personal peculiarities, such as Rufa and Pusilla;[7] sometimes from the nomen gentilicium of their husbands, as Junia Claudilla, Ennia Nævia,[8] Livia Ocellina,[9] and sometimes from the cognomen of their husbands, as Cæcilia Metella.

During the latter part of the Republic and the early period of the Empire, when the Roman franchise was given to whole countries and provinces, the persons who thus acquired the civitas frequently adopted the prænomen and nomen of the person through whose interest they had obtained the distinction, or of the emperor himself. After the time of Caracalla (A.D. 212), when all the free inhabitant of the Empire had obtained the Roman franchise, and when the gentilician relations which had already gradually fallen into oblivion were totally forgotten, any person might adopt what name he pleased, either ancient or newly invented, and even change his name if he did not like it;[5] and henceforth the ancient Roman names disappear from the history of the Empire with incredible rapidity.

If a person, by adoption, passed from one gens into another, he assumed the prænomen, nomen, and cognomen of his adoptive father, and added to these the name of his former gens, with the termination *anus*. Thus C. Octavius, after being adopted by his uncle C. Julius Cæsar, was called C. Julius Cæsar Octavianus, and the son of L. Æmilius Paullus, when adopted by P. Cornelius Scipio, was called P. Cornelius Scipio Æmilianus. (*Vid.* Adoption, Roman.) There were, however, two gentes, viz., the gens Antonia and the gens Flaminia, which, in case of any of their gentiles being adopted into another gens, took the termination *inus* instead of *anus*, as Antoninus and Flamininus, instead of Antonianus and Flaminianus. Sometimes, also, the cognomen of the former family was retained, and added, without any alteration, to the name of the adoptive father, as in the case of Q. Servilius Cæpio Brutus.[6] This was only done in case the cognomen was of great celebrity; and it sometimes underwent a change in the termination. Thus Claudius Marcellus, when adopted by Cornelius Lentulus, was called Cornelius Lentulus Marcellinus.[7] If one man adopted two brothers, the adoptive father might choose any prænomen at his discretion, in order to distinguish his adoptive sons from each other. Thus, when Augustus adopted the two sons of Agrippa, he gave to the one the prænomen Caius, and to the other the prænomen Lucius.[8] During the early period of the Empire, it appears to have sometimes occurred that a person, when adopted into another gens, added his own nomen gentilicium without any alteration, to that of his adoptive father, as in the cases of C. Plinius Cæcilius Secundus and L. Ælius Aurelius Commodus.[9] Besides this, many other irregularities occurred in cases of adoption during the period of the Empire, but it is not necessary for our purpose to enumerate them here.

Slaves had only one name, and usually retained that which they had borne before they came into slavery. If a slave was restored to freedom, he received the prænomen and nomen gentilicium of his former master, and to these was added the name

1. (Gellius, xiii., 19.—Plut., Cat. Maj., 24.)—2. (Cic. in Verr., i., 8.)—3. (Cic. in Verr., ii., 43.)—4. (Cic., Philip., ix., 7.)—5. (Dig. 48, tit. 11, s. 13.)—6. (Juv., x., 127.)

1. (Vell. Paterc., ii., 97, 112.)—2. (Horat., Sat., ii., 3, 216.)—3. (Suet., Calig., 12.)—4. (Suet., Galb., 3.)—5. (Cod. 9, tit. 25.)—6. (Eckhel, Doctr. Num., vol. v., p. 59.)—7. (Eckhel, Doctr. Num., vol. v., p. 59 and p. 187.)—8. (Vell. Paterc., ii., 96.)—9. (Dion Cass., Excerpt., lib. lxxii., c. 15.)

which he had had as a slave. He became thus, in some measure, the gentilis of his former master, in as far as he had the same nomen gentilicium, but he had none of the other claims which a freeborn gentilis had.[1] Instances of such freedmen are Titus Ampius Menander, a freedman of T. Ampius Balbus;[2] L. Cornelius Chrysogonus, a freedman of L. Cornelius Sulla;[3] M. Tullius Laurea and M. Tullius Tiro, freedmen of M. Tullius Cicero. It appears, however, that the emancipator sometimes avoided giving to his freedman his nomen gentilicium, for Dion Cassius[4] mentions a freedman of J. Cæsar whose nomen gentilicium is Licinius. If the state emancipated a servus publicus, and gave him the franchise at the same time, any prænomen and nomen were given to him, or he took these names from the magistrate who performed the act of emancipation in the name of the state, and then received a cognomen derived from the name of the city, as Romanus or Romanensis.[5]

ΝΟΜΙΣΜΑΤΟΣ ΔΙΑΦΘΟΡΑΣ ΓΡΑΦΗ (*νομίσματος διαφθορᾶς γραφή*) is the name of the public action which might, at Athens, be brought against any one who coined money either too light in weight or not consisting of the pure metal prescribed by the law. The lawful punishment inflicted upon a person in case he was convicted was death.[6] What action might be brought against those who coined money without the sanction of the Republic, and how such persons were punished, is not known.[7]

NOMOPHYLACES (*Νομοφύλακες*). This name denotes certain magistrates or official persons of high authority, who exercised a control over other magistrates, and, indeed, over the whole body of the people, it being their duty to see that the laws were duly administered and obeyed. Mention is made of such officers at Sparta and elsewhere, and some of the Greek philosophers who wrote on legislation appear to have thought that such a body of men was essential to the well-being of a social community.[8] No such body existed at Athens, for they must have had a power too great for the existence of a democracy. The senate of 500, or the areopagitic council, performed in some measure the office of law-guardians;[9] but the only persons designated by this name appear to have been inferior functionaries (a sort of police), whose business it was to prevent irregularities and disturbances in the public assemblies. Even their existence has been doubted by modern writers: some think they have been confounded with the *θεσμοθέται*. Another hypothesis is, that the office was never introduced until the time of Demetrius Phalereus, who, when he was invested with the authority of lawgiver by Cassander, gave to the Eleven the additional duty of watching the conduct of all the other magistrates, with a view to introduce a more aristocratical government. In favour of this opinion, it has been observed, that the office of *νομοφύλακες* is only mentioned by grammarians, and they refer to Dinarchus, who was the friend and contemporary of Demetrius.[10]

NOMOS (*νόμος*). This word comprehends the notion not only of established or statute law, but likewise of all customs and opinions to which long prescription or natural feeling gives the force of law; as Euripides[11] expresses it, *τὸ ἐν χρόνῳ μακρῷ νόμιμον ἀεὶ φύσει τε πεφυκός*. In the heroic ages, before the period of authentic history begins, we find in the Homeric and other poems traces of a general belief among the Greeks that government ought to be controlled by law. As even the supreme God was supposed to be subject to a higher power, Fate or Ἀναγκή, so the *Διοτρεφὴς βασιλεύς* was bound to govern according to the rules of justice, *δίκη, νόμος, εὐνομίη*.[1] Government, though monarchical and hereditary, was nevertheless limited, *ἐπὶ ῥητοῖς γέρασι*.[2] The monarchs were *ξυνήτορες ἠδὲ μέδοντες*, bound to consult for the good of their people, and to listen to the advice of their counsellors, or the chief men of the state (*γέροντες, ἄνακτες*, &c.), and also to administer justice, *δίκας θέμιστας, εὐδικίας*.[3]

These notions of law and justice were necessarily vague. The regal power, though limited in practice, appears to have been absolute in theory, and, as such, was easily liable to be abused. We find complaints of the abuse of power in Hesiod;[4] and Wachsmuth[5] remarks that the Odyssey contains indications of a struggle of the nobility against the sovereign. That many beneficial concessions were made by the kings to their people before the age of authentic history, is not improbable. The changes introduced by Theseus may be considered in this light. But the first great step towards the establishment of *constitutional law* appears to have been taken by the Athenians, when they abridged the power of the Medontidæ, and rendered government *responsible*, *τὴν βασιλείαν μετέστησαν εἰς ἀρχὴν ὑπεύθυνον*.[6]

The transition from customary or traditionary law to fixed civil ordinances must have taken place gradually. When people came to unite in cities (*συνῳκίζοντο*), and form compact societies, they began to feel the necessity of having permanent laws to define and secure their civil rights. The notion soon sprang up that society was formed for the good of all classes. The expression *τὸ κοινόν*, formerly applied to national leagues and confederacies,[7] came to denote a united body of citizens, and equal laws were claimed for all. From this body, indeed, were excluded all such persons as came under the definition of *περίοικοι*, provincials,[8] or serfs, like the Helots, and all slaves of every kind. It was only the townsman (*πολίτης*) and the freeman who could enjoy the privileges of a citizen. The emigrant (*ἀτίμητος μεταναστής*), though, if he became a resident (*μέτοικος*), he was, upon certain conditions, admitted to the protection of the law, was never placed on the same footing as the native.

Before any written codes appeared, law was promulgated by the poets or wise men, who sang the great deeds of their ancestors, and delivered their moral and political lessons in verse. Such was the *ῥήτρα* (declared law) of Sparta and Tarentum. The laws of Charondas were sung as *σκόλια* at Athens.[9] The influence exercised by these men arose in a great measure from the belief that they were divinely inspired, a power which was ascribed to most of the ancient lawmakers. Thus the laws of Minos were said to be a revelation from Jupiter;[10] Lycurgus was the confidant of the Delphic god; Zaleucus of Pallas.[11] Some have supposed that the use of *νόμος*, in the sense of *law*, was derived from the circumstance of laws having first been in verse, as the same word denotes *measure* or *tune*. But this is not surprising, when we consider that prin

1. (Cic., Top., 6.)—2. (Cic. ad Fam., xiii., 70.)—3. (Cic., Pro Rosc. Am., 2, &c.)—4. (liv., 21.)—5. (Varro, De Ling. Lat., vii., p. 124, &c., Bipont.—Liv., iv., 61.)—6. (Demosth., c. Lept., p. 508.—Id., c. Timocr., p. 765, &c.)—7. (*Vid.* Petitus, Leg. Att., p. 510.)—8. (Schömann, Ant. Jur. Pub. Gr., p. 130.—Plato, Leg., vi., p. 252.—Xen., Œcon., ix., 14.)—9. (Arist., Pol., vi., 5, sub fin.—Andoc., De Myst., 11.)—10. (*Vid.* Schneider's note to Aristotle, Pol., vi, 5, § 10.—Wachsmuth, i., 1, p. 209.—Meier, Att. Proc., p. 68–73.)—11. (Bacch., 893.)

1. (Hom., Od., xvii., 487.—Pind., Pyth., ii., 157.—Herod., iii., 38.—Hes., Op. et D., 274.)—2. (Thucyd., i, 13.)—3. (Il., ii., 660.—Ib., xvi., 542.—Od., xix., 3.—Ib., iv., 689.)—4. (Op. et D., 39, 258.)—5. (Hell. Alt., i., i., c. 18.)—6. (Paus., iv., 5, § 10.)—7. (Herod., v., 109.)—8. (Herod., vi., 58.—Id., ix., 11.)—9. (Ælian, ii., 39.—Arist., Probl., xix., 28.—Athenæus, xiv, p. 619.—Wachsmuth, Hell. Alt., i., i., p. 201, 208.)—10. (Pausan., iii, 2, § 4.)—11. (Wachsmuth, i., i., p. 204.)

cipes of harmony are necessary not only to music and poetry, but to the adjustment of the various relations of civil society; and both meanings may well be derived from *νέμειν* (*distribuere suum cuique*).

As civilization advanced, laws were reduced to writing, in the shape either of regular codes or distinct ordinances, and afterward publicly exhibited, engraved on tablets, or hewn on columns.[1] The first written laws we hear of are those of Zaleucus.[2] The first at Athens were those of Draco, called *θεσμοί*, and by that name distinguished from the *νόμοι* of Solon.[3] From the origin of this word, one would suppose that it signified ordained or statute law, *τεθεὶς νόμος*: but it is frequently used like *θέμις*, in the sense of natural right or social usage.[4] The six inferior archons were called *θεσμοθέται*, because a great variety of causes fell under their cognizance, and, in the absence of a written code, those who declare and interpret the laws may be properly said to make them.[5]

The laws of Lycurgus were not written. He enjoined that they should never be inscribed on any other tablet than the hearts of his countrymen.[6] Those of Solon were inscribed on wooden tablets, arranged in pyramidal blocks turning on an axis, called *ἄξονες* and *κύρβεις*.[7] They were first hung in the Acropolis, but afterward brought down to the Prytaneum.[8] Archives were established for the custody of Athenian laws in the temple of the mother of the gods (*ἐν τῷ μητρῴῳ*), with a public servant (*δημόσιος*) to take care of them.[9] Others were hung up in various public places, so that any citizen might have access to them, to read or take extracts. For instance, laws which concerned the jurisdiction of the archon were hung up in his office; those which concerned the senate (*βουλευτικοὶ νόμοι*) in their council-room, and so on.[10] After the expulsion of the thirty tyrants, in the archonship of Euclides, a decree was passed by the assembly to restore the ancient laws, and appoint a committee to revise them, and propose any alterations or additions that might seem necessary. The new and old laws were all to be written out in the enlarged Ionian alphabet, which had not come into use in Solon's time; and the whole code, thus revised, was transcribed on the walls of the portico (*εἰς τὴν στοὰν ἀνέγραψαν*). At the same time it was enacted that no magistrate should be allowed to use an unwritten law (*ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἑνός*).[11]

According to these statutes of Solon, and those which were subsequently enacted at various times, the magistrates and the judges at Athens were bound to administer the law, executive and judicial. The heliastic body, acting in their capacity of judges or jurors (as to their legislative, see NOMOTHETES), were sworn *περὶ μὲν ὧν νόμοι εἰσὶ, κατὰ τοὺς νόμους ψηφιεῖσθαι, περὶ δὲ ὧν μή εἰσι, γνώμῃ τῇ δικαιοτάτῃ*.[12] In all causes, whether civil or criminal, the parties procured copies or extracts of such laws as were material to the questions to be tried, and brought them before the *ἡγεμὼν δικαστηρίου* at the *ἀνάκρισις*, by whom they were consigned to the *ἐχῖνος*, and produced at the trial, to be read to the *δικασταί* by the *γραμματεύς*. If any man produced before the judges a fictitious law (*οὐκ ὄντα νόμον*), he was punishable with death.[13]

1. (Lyc., c. Leoc., 165, ed. Steph.—Aristot., Pol., v., 9, § 2. — Plato, Leg., v., p. 738.) — 2. (Wachsmuth, I., i., p. 208.) — 3. (Andoc., De Myst., p. 11, ed. Steph.)—4. (Hom., Il., ix., 134; xi., 778. — Od., xxiii., 296.) — 5. (Thirlwall, Hist. of Gr., vol. ii., p. 17.)—6. (Thirlwall, i., p. 336.)—7. (Harpocrat.—Suidas, s. v.—Plut., Solon, 25.)—8. (Harpocrat., s. v. *ὁ κάτωθεν νόμος*. — Pausan., i., 18, § 3.) — 9. (Demosth., De Fals. Leg., 381; c. Aristog., 799.)—10. (Demosth., c. Aristoc., 627–643; c. Timoc., 706. —Wachsm., I., i., p. 266. — Meier and Schömann, Att. Proc., p. 170, 660.)—11. (Audoc., De Myst., 11–13, ed. Steph.)—12. (Meier and Schöm., Att. Proc., p. 128.)—13. (Demosth., c. Arist., 807.)

As the *δικασταί* (chosen as explained under DIKASTES) performed the functions of both judge and jury, it is evident that the important question, how the laws of Athens worked, depends on the discretion which *in practice* they exercised in the interpretation of the written law. This is only to be discovered by a careful perusal of the Attic orators, and is too wide a question to be discussed here. Much light is thrown on the subject by Aristotle,[1] who, in treating of judicial matters, always has in view the practice of the Athenian courts. He reckons the *νόμοι* among the *ἄτεχνοι πίστεις*, and advises the orator, when the law of the country is against him (*ἐὰν ἐνάντιος ᾖ ὁ γεγραμμένος τῷ πράγματι*), to appeal to the universal law of justice or equity (*τῷ κοινῷ νόμῳ καὶ τοῖς ἐπιεικέσιν, ὡς δικαιοτέροις*). For (says he) if the written law is contrary to justice, it is not a law, *οὐ γὰρ ποιεῖ τὸ ἔργον τοῦ νόμου*. From this it may be seen, that the notions entertained by the Athenians of the discretion to be exercised by a judge were somewhat different from our own. There existed at Athens no class of persons corresponding to our counsel or attorneys, whose business or profession it was to expound the laws. The office of the *ἐξηγηταί* related only to religious observances. (*Vid.* EXEGETAI.) According to the principle of the constitution, every citizen was bound to watch over the preservation of the laws, and to inform against and prosecute any persons who transgressed them. The people, either on the bench or in the assembly, were the ultimate judges.[2]

As to the difference between *νόμος* and *ψήφισμα*, and as to the manner in which laws were enacted or repealed, see NOMOTHETES.

NOMOTH'ETES (*νομοθέτης*), legislator, is a word which may be applied to any person who causes laws to be enacted. Thus Pericles and Themistocles are called *νομοθέται*, movers or proposers of laws.[3] It is, however, more commonly given to those eminent men whose laws have been celebrated for their intrinsic merit, or for the important influence which they exercised over the destinies of their country. Such were Minos of Crete, Draco at Athens, Zaleucus at Locri, and Charondas, whose laws were distinguished for their *ἀκρίβεια*, and were received at Rhegium, Catana, and other Chalcidian states.[4] Many other men have been honoured with this title, either for having improved the laws of their countrymen, or as having, by their writings, their counsel, and their good example, led to the introduction of a sound moral discipline among them. These were the sages or wise men, called by Diogenes Laertius[5] *συνετοί τινες καὶ νομοθετικοί*. Pittacus of Lesbos, Phidon of Argos, Thales of Miletus, Bias of Priene, Chilon, who improved the laws of Lycurgus, and Pythagoras, may be reckoned in this class.[6] But the name of *νομοθέτης* is given *κατ' ἐξοχήν* to Solon and Lycurgus; for they not only introduced codes of laws, but were founders of *constitutions* (*πολιτεῖαι*), which, though from time to time modified and altered, and sometimes even suspended, remained more or less in force so long as Athens and Sparta existed as republics.[7] So high was the esteem in which Solon was held by the Athenians, as the founder of their social polity, that, although many important reforms were effected at various periods, he still continued to be regarded as *the lawgiver* (*ὁ νομοθέτης*), and the whole body of laws passed under his name. Wachsmuth[8] remarks, that on this account, whenever a law of Solon is cited, we may suspect that

1. (Rhet., i., 15.)—2. (Lycurg., c. Leoc., 148, ed. Steph.)—3. (Lys., c. Nicom., 186, ed. Steph.) — 4. (Aristot., Pol., ii., 9, § 8 —Hermann, Pol. Ant., § 88, 89.)—5. (i., 40.)—6. (Wachsm., I. i., p. 212.)—7. (Aristot., Pol., ii., 9, § 1.)—8. (I., i., 268.)

it contains interpolation On the other hand, we should bear in mind that in all the changes which took place in the Athenian constitution, the reformers aimed at preserving the main principles of Solon's policy. Clisthenes, who established the *δῆμοι*, remodelled the *φυλαί*, and made other changes, is characterized by Aristotle[1] as having for his object *αὐξῆσαι τὴν δημοκρατίαν*.

There is this remarkable difference between the legislation of Solon and that of other Greek lawgivers, that he did not (as they did) endeavour to secure fixity and finality for his institutions. Zaleucus and Charondas are said to have made it a capital crime to propose new laws. Lycurgus forbade young men to censure the laws; and when he went on his last journey, from which he never returned (the story says), he bound his countrymen by an oath to observe all his laws till his return. Solon exacted a similar oath of the Athenians for only ten years.[2]

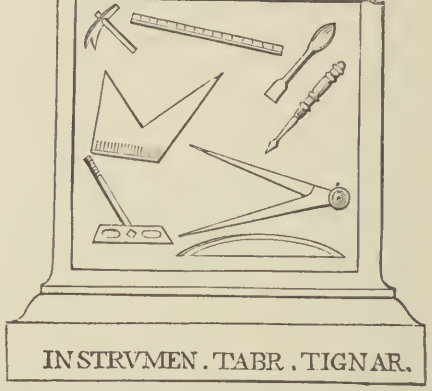
But Solon also devised regulations by which the laws might undergo periodical revision, and be amended as occasion required. At the first *κυρία ἐκκλησία* in every year, any person was at liberty to point out defects in the existing code or propose alterations. If his motion was deemed worthy of attention, the third assembly might refer the matter to a legislative committee, called *νομοθέται*. This committee was selected by lot from the heliastic body; it being the intention of Solon to limit the power of the popular assembly by means of a superior board emanating from itself, composed of citizens of mature age, bound by a stricter oath, and accustomed to weigh legal principles by the exercise of their judicial functions. The number of the committee so appointed varied according to the exigency of the occasion. The people appointed five advocates (*σύνδικοι*) to attend before the board and maintain the policy of the existing institution. If the proposed measure met the approval of the committee, it passed into law forthwith. Besides this, the thesmothetæ were officially authorized to review the whole code, and refer all statutes which they considered unworthy of being retained to the *νομοθέται*.[3]

Hence appears the difference between *ψήφισμα* and *νόμος*. The mere resolution of the people in assembly was a *ψήφισμα*, and only remained in force a year, like a decree of the senate. Nothing was a *law* that did not pass the ordeal of the *νομοθέται*. The democracy of Solon was therefore one of that kind, in which (as Aristotle says), *κύριος ἦν ὁ νόμος ἀλλ' οὐ τὸ πλῆθος*.[4] *Privilegia* required to be passed by six thousand of the people in assembly, giving their votes secretly. The naturalization of a foreigner is an example of a *privilegium*, for which two votes of different assemblies were necessary.[5]

Propositions to be submitted to the people were first approved by the senate of 500, and then called *προβουλεύματα*. The mover of a law was said *θεῖναι* or *γράφειν νόμον*, the people who passed it *θέσθαι*. To endict a man for proposing illegal measures was called *γράφεσθαί τινα παρανόμων*. As to the proceedings in such a case, see ΠΑΡΑΝΟΜΩΝ ΓΡΑΦΗ.

NONÆ. (*Vid.* CALENDAR, ROMAN.)

NORMA (*γνώμων*), a square used by carpenters, masons, and other artificers, to make their work rectangular.[6] It was made by taking three flat wooden rulers (*vid.* REGULA) of equal thickness, one of them being two feet ten inches long, the others each two feet long, and joining them together by their extremities so as to assume the form of a right-angled triangle.[1] This method, though only a close approximation, must have been quite sufficient for all common purposes. For the sake of convenience, the longest side, *i. e.*, the hypotenuse of the triangle, was discarded, and the instrument then assumed the form in which it is exhibited among other tools in the woodcut at p. 252. A



square of a still more simple fashion, made by merely cutting a rectangular piece out of a board, is shown on another sepulchral monument, found at Rome and published by Gruter,[2] and copied in the woodcut which is here introduced.

From the use of this instrument, a right angle was also called a *normal* angle.[3] Anything misshapen was called *abnormis*.[4]

NOTA CENSORIA was the remark which the censors in their lists wrote by the side of the name of a Roman citizen who deserved censure for misdemeanour or immoral conduct. For one important branch of the power of the Roman censors was the *disciplina* or *cura morum*, whence they are called by Cicero[5] *præfecti moribus et magistri veteris disciplinæ et severitatis*. This part of the censorial power appears at first to have extended no farther than to censure and to punish the bad conduct of a citizen in so far as it had an injurious influence on his census,[6] but gradually it acquired the character of a complete superintendence of the whole private and public life of a citizen. This part of their office invested them with a peculiar kind of jurisdiction, which in many respects resembles that which in modern times is exercised by public opinion; for there are innumerable actions which, though acknowledged by every one to be bad and immoral, yet do not come within the reach of the positive laws of a country. Even in cases of real crimes, the positive laws frequently punish only the particular offence, while in public opinion the offender, even after he has undergone punishment, is still incapacitated for certain honours and distinctions, which are granted only to persons of unblemished character. Hence the Roman censors might brand a man with their nota censoria in case he had been convicted of a crime in an ordinary court of justice, and had already suffered punishment for it.[7] The *nota censoria*, also called *animadversio* or *notatio censoria*, together with the punishment and the

1. (Pol., ii., 6, § 11.)—2. (Herod., i., 29.—Wachsm., I., i., p. 211.—Thirlwall, Gr. Hist., i., 295.)—3. (Hermann, Pol. Ant., § 131.—Wachsm., I., i., p. 260 —Thirlwall, ii., p. 46.—Demosth., c. Timoc., 706.)—4. (Pol., IV., 4, § 3.—Hermann, Pol. Ant., § 67, n 8.—Demosth., c. Aristoc., 649, 651.)—5 (Demosth., c. Neær., 1375.)—6. (Philo de 7 orb. Spect., 2.—Vitruv., vii., 3.—Plin., H. N., xxxvi., 22, s. 51 —Prudent., Psycho n., 828.)

1. (Isid., Orig., xix., 19.)—2. (l. c., p. 229.)—3. (Quintil., xi. 3, p. 446, ed. Spalding.)—4. (Hor., Sat., ii., 2, 3.)—5. (Pro Cluent., 26.)—6 (Liv., iv., 8.)—7 (Val. Max., ii., 9, § 6.)

cause of its infliction, were marked by the side of the name of the guilty citizen (*causam notæ subscribere*)[1]. The consequence of such a nota was only *ignominia*, and not infamia[2] (*vid.* INFAMIA, ROMAN, p. 535), and the censorial edict was not a *judicium* or res *judicata*,[3] for its effects were not lasting, but might be remedied by the improved conduct of the guilty person, or removed by the following censors, by a judicial decision, or by a lex. A nota censoria was, moreover, not valid unless both censors agree[4] The ignominia was thus only a transitory capitis diminutio, which does not even appear to have deprived a magistrate of his office,[4] and certainly did not disqualify persons labouring under it for obtaining a magistracy, for being appointed as judices by the prætor, or for serving in the Roman armies. Mam. Æmilius was thus, notwithstanding the animadversio censoria, made dictator.[5]

A person might be branded with a censorial nota in a variety of cases, which it would be impossible to specify, as in a great many instances it depended upon the discretion of the censors and the view they took of a case; and sometimes even one set of censors would overlook an offence which was severely chastised by their successors.[6] But the offences which are recorded to have been punished by the censors are of a threefold nature.

I. Such as occurred in the private life of individuals, *e. g.*, 1. Living in celibacy at a time when a person ought to be married to provide the state with citizens.[7] The obligation of marrying was frequently impressed upon the citizens by the censors, and the refusal to fulfil it was punished with a fine (*æs uxorium*[8]). 2. The dissolution of matrimony or betrothment in an improper way, or for insufficient reasons.[9] 3. Improper conduct towards one's wife or children, as well as harshness or too great indulgence towards children, and disobedience of the latter towards their parents.[10] 4. Inordinate and luxurious mode of living, or spending more money than was proper. A great many instances of this kind are recorded.[11] At a later time the leges sumtuariæ were made to check the growing love of luxuries. 5. Neglect and carelessness in cultivating one's fields.[12] 6. Cruelty towards slaves or clients.[13] 7. The carrying on of a disreputable trade or occupation,[14] such as acting in the theatres.[15] 8. Legacy-hunting, defrauding orphans, &c.

II. Offences committed in public life, either in the capacity of a public officer or against magistrates. 1. If a magistrate acted in a manner not befitting his dignity as an officer, if he was accessible to bribes or forged auspices.[16] 2. Improper conduct towards a magistrate, or the attempt to limit his power, or to abrogate a law which the censors thought necessary.[17] 3. Perjury.[18] 4. Neglect, disobedience, and cowardice of soldiers in the army.[19] 5. The keeping of the equus publicus in bad condition. (*Vid.* EQUITES.)

III. A variety of actions or pursuits, which were thought to be injurious to public morality, might be forbidden by the censors by an edict,[20] and those who acted contrary to such edicts were branded with the nota and degraded. For an enumeration of the offences that might be punished by the censors with ignominia, see Niebuhr, *Hist. of Rome*, ii., p. 399, &c.

The punishments inflicted by the censors generally differed according to the station which a man occupied, though sometimes a person of the highest rank might suffer all the punishments at once, by being degraded to the lowest class of citizens. But they are generally divided into four classes:

1. *Motio* or *ejectio e senatu*, or the exclusion of a man from the number of senators. This punishment might either be a simple exclusion from the list of senators, or the person might at the same time be excluded from the tribes and degraded to the rank of an ærarian.[1] The latter course seems to have been seldom adopted; the ordinary mode of inflicting the punishment was simply this: the censors, in their new lists, omitted the names of such senators as they wished to exclude, and in reading these new lists in public, passed over the names of those who were no longer to be senators. Hence the expression *præteriti senatores* is equivalent to *e senatu ejecti*.[2] In some cases, however, the censors did not acquiesce in this simple mode of proceeding, but addressed the senator whom they had noted, and publicly reprimanded him for his conduct.[3] As, however, in ordinary cases, an ex-senator was not disqualified by his ignominia for holding any of the magistracies which opened the way to the senate, he might at the next census again become a senator.[4]

2. The *ademptio equi*, or the taking away the equus publicus from an eques. This punishment might likewise be simple, or combined with the exclusion from the tribes and the degradation to the rank of an ærarian.[5] (*Vid.* EQUITES, p. 416.)

3. The *motio e tribu*, or the exclusion of a person from his tribe. This punishment and the degradation to the rank of an ærarian were originally the same; but when, in the course of time, a distinction was made between the tribus rusticæ and the tribus urbanæ, the motio e tribu transferred a person from the rustic tribes to the less respectable city tribes; and if the farther degradation to the rank of an ærarian was combined with the motio e tribu, it was always expressly stated.[6]

4. The fourth punishment was called *referre in ærarios*,[7] or *facere aliquem ærarium*,[8] and might be inflicted on any person whom the censors thought to deserve it. (*Vid.* ÆRARII.) This degradation, properly speaking, included all the other punishments, for an eques could not be made an ærarius unless he was previously deprived of his horse, nor could a member of a rustic tribe be made an ærarius unless he was previously excluded from it.[9]

A person who had been branded with a nota censoria might, if he thought himself wronged, endeavour to prove his innocence to the censors (*causam agere apud censores*[10]), and if he did not succeed, he might try to gain the protection of one of the censors, that he might intercede on his behalf. If neither of the censors would intercede, he might appeal to the tribunes, or to the people itself. But cases in which this last refuge was resorted to must have occurred very seldom, and where they happened they were mostly unsuccessful attempts; whence Dionysius,[11] with some justice, says that the censorship was an ἀρχὴ ἀνυπεύθυνος.[12]

1. (Gellius, xvii., 21.—Cic., Pro Cluent., 42.)—2. (Cic., De Rep., iv., 6.)—3. (Cic., Pro Cluent., 1. c.)—4. (Liv., xxiv., 18.)—5. (Liv., iv., 31.)—6. (Cic., De Senect., 12.)—7. (Val. Max., ii., 9, § 1.)—8. (Fest., s. v. Uxorium.—Liv., Epit., 59.—Plut., Camill., 2.—Gellius, i., 6.—Id., iv., 20.)—9. (Val. Max., ii., 9, § 2.—Varro, De Ling. Lat., v., p. 70, Bipont.)—10. (Plut., Cat. Maj., 17.—Compare Cic., De Republ., iv., 6.—Dionys. Hal., xx., 3.)—11. (Liv., Epit., 14.—Id., xxxix., 44.—Plut., Cat. Maj., 18.—Gellius, iv., 8.—Val. Max., ii., 9, § 4.)—12. (Gellius, iv., 12.—Plin., H. N., xviii., 3.)—13. (Dionys., xx., 3.)—14. (Dionys., i. c.)—15. (Liv., vii., 2.)—16. (Cic., De Senect., 12.—Liv., xxxix., 42.—Val. Max., ii., 9, § 3.—Plut., Cat. Maj., 17.—Cic., De Divin., i., 16.)—17. (Liv., iv., 24.—Cic., De Orat., ii., 64.—Val. Max., ii., 9, § 5.—Gellius, iv., 20.)—18. (Cic., De Off., i., 13.—Liv., xxiv., 18.—Gellius, vii., 18.)—19. (Val. Max., ii., 9, § 7.—Liv., xxiv., 18.—Id., xxvii., 11.)—20. (Gellius, xv., 11.)

1. (Liv., xxiv., 18.)—2. (Liv., xxxviii., 28.—Id., xxvii., 11.—Id., xxxiv., 44.—Festus, s. v. Præteriti.)—3. (Liv., xxiv., 18.)—4. (Cic., Pro Cluent., 42.—Plut., Cic., 17.)—5. (Liv., xxiv., 18, 43.—Id., xxvii., 11.—Id., xxix., 37.—Id., xliii., 16.)—6. (Liv., xlv., 15.—Plin., H. N., xviii., 3.)—7. (Liv., xxiv., 18.—Cic., Pro Cluent., 43.)—8. (Liv., xxiv., 43.)—9. (Liv., iv., 24.—Id., xxiv., 18, &c.)—10. (Varro, De Re Rust., i., 7.)—11. (xviii., 19.)—12. (Compare Göttling, Gesch. der Röm. Staatsv., p. 340, &c.)

NOTA'RII. (*Vid.* Librarii.)

NOTITIA DIGNITA'TUM, or, more fully, "*Notitia Dignitatum et Administrationum omnium tam Civilium quam Militarium in partibus Orientis et Occidentis*," is the title of a work containing a list of the civil and military offices and dignities of the Roman Empire. It does not contain the names of any of the officers, but merely the titles belonging to them. The work is of very great importance to those who wish to become acquainted with the internal organization and administration of the Roman Empire during its latter period. At what time the book was written, or by what author, is unknown, though it is generally supposed that it was composed between the year A.D. 425 and 452. The last edition of it is that by E. Böcking, in 2 vols. 8vo, Bonn, 1839 and 1840.

NOVA'LE (*Vid.* Aratrum, p. 80.)

NOVA'TIO. (*Vid.* Obligationes, p. 674.)

NOVELLÆ or NOVELLÆ CONSTITUTIO'NES form a part of the corpus juris. Most of them were published in Greek, and their Greek title is Αὐτοκράτορος Ἰουστινιανοῦ Αὐγούστου Νεαραὶ Διατάξεις. Some of them were published in Latin, and some in both languages. The first of these novellæ of Justinian belongs to the year A.D. 535 (Nov. 1), and the latest to the year A.D. 565 (Nov. 137); but most of them were published between the years 535 and 539. These constitutiones were published after the completion of the second edition of the Code, for the purpose of supplying what was deficient in that work. Indeed, it appears that, on the completion of his second edition of the Code, the emperor designed to form any new constitutions which he might publish into a body by themselves, so as to render a third revision of the Code unnecessary, and that he contemplated giving to this body of law the name of Novellæ Constitutiones.[1] It does not, however, appear that any official compilation of these new constitutions appeared in the lifetime of Justinian. The Greek text of the Novellæ, as we now have them, consists of 168 novellæ, of which 159 belong to Justinian, and the rest to Justin the Second and to Tiberius: they are generally divided into chapters.

There is a Latin epitome of these novellæ by Julian, a teacher of law at Constantinople, which contains 125 novellæ. The epitome was probably made in the time of Justinian, and the author was probably antecessor at Constantinople.

There is also another collection of 134 novellæ in a Latin version made from the Greek text. This collection is generally called Liber Authenticorum: the compiler and the time of the compilation are unknown. This collection has been made independently of the Greek compilation. It is divided into nine collationes, and the collationes are divided into tituli.

The most complete work on the history of the Novellæ is by Biener, *Geschichte der Novellen*. See also *Beytrag zur Litterar-Geschichte des Novellen-Auszugs von Julian*, Von Haubold, *Zeitschrift*, &c., iv.

NOVEMBER. (*Vid.* Calendar, Roman.)

NOVENDIA'LE (sc. *sacrum*) was the name given to two different festivals. I. It was the name of a festival lasting nine days, which was celebrated as often as stones rained from heaven. It was originally instituted by Tullus Hostilius, when there was a shower of stones upon the Mons Albanus, and was frequently celebrated in later times.[2] II. This name was also given to the sacrifice performed nine days after a funeral. (*Vid.* Funus, p. 462.)

NOVI HO'MINES. After the senate and the higher offices of the state were opened to the plebeians, a new order of nobles arose, and the term *Nobiles* was applied to those persons whose ancestors had been magistratus curules. (*Vid.* Magistratus.) Those persons, on the contrary, whose ancestors had not been so distinguished, were called *Ignobiles*; and when those who belonged to the latter class obtained any of the higher magistracies, they were called *Novi Homines*, or upstarts.[1] The nobiles attempted to keep all the higher offices of the state in their own body, and violently opposed all candidates who did not belong to their order.[2] Some of the most distinguished men in the state were, however, novi homines, as T. Coruncanius, who lived before the first Punic war, Sp. Carvilius, M. Cato, Mummius, the conqueror of Achaia, C. Marius, and Cicero.[3]

NOVI O'PERIS NUNTIA'TIO. (*Vid.* Operis Novi Nuntiatio.)

*NOUME'NIUS (νουμήνιος), "the name of a bird mentioned by Hesychius. Gesner supposes it to be the Curlew, or *Arquata* of Latin authors. Linnæus forms the scientific name of the Curlew by the junction of the Greek and Latin names, i. e., *Numenius Arquata*."[4]

NOXA. (*Vid.* Noxalis Actio.)

NOXA'LIS ACTIO. If a filiusfamilias or a slave committed theft or injuria, the person injured had a noxalis actio, or a legal remedy for the noxa or wrong done to him, against the father (*paterfamilias*) or the owner of the slave, as the case might be, but he had no action against the son or the slave. The word noxa (from noc-eo) properly signified injury done; in its legal sense it comprehended every delictum.[5] The father or the master might either pay damages to the injured person, or surrender the offender to him. The surrender of the offender was expressed by the phrase "noxæ dare or dedere;" and the acceptance of the offender in satisfaction of the injury was expressed by the phrase "noxæ accipere:" in these expressions "noxa" does not mean "punishment," as is sometimes supposed, but the meaning of the expression is, that the person was surrendered in respect of or as a compensation for his noxa. In the Institutes,[6] noxa is defined to be the person or thing that does the mischief, and noxia the mischief that is done.

Noxales actiones were given both by leges and by the edict. In the case of furtum they were given by the Twelve Tables, and in the case of damni injuria by the lex Aquilia. In the case of injuriæ and of vi bonorum raptorum, they were given by the edict. This action was said "caput sequi," which is thus explained by instances: if a son or slave committed noxa, the action was against the father or owner, so long as the offender was in his power; if the offender became sui juris, the injured party had a directa actio against him; and if he came into the power of another person, that other person was liable to the action. If a paterfamilias committed a noxa, and was adopted (adrogated), the actio, which was originally against him (*directa*), became an action against the adopting person. A paterfamilias or master could have no action against a son or slave in respect of a noxa done to him, the ground of which was that no obligatio could be contracted between such parties; and as the foundation of all obligatio was wanting in such case, it followed that there could be no action against such son or slave if he became sui juris, nor against another person into whose power he might come. If another person's slave or son committed noxa,

1. (Const., Cordi., s. 4.)—2. (Liv., i., 31.—Id., xxi., 62.—Id., xxv., 7.—Id., xxvi., 23.—Id., xxvii., 37.—Id., xxix., 34.)

1. (Cic., c. Rull., ii., 1, 2.—Id., Pro Cluent., 40.—Appian, De Bell. Civ., ii., 2.—Plut., Cat. Maj., 1.)—2. (Liv., xxii., 34, 35.—Id., xxxix., 41.—Sallust, Bell. Jug., 73.)—3. (Vell. Pat., ii., 128—Walter, Gesch. des Röm. Rechts, p. 125.)—4. (Adams, Append., s. v.)—5. (Dig. 50 tit. 16 s. 238.)—6. (iv., tit. 8.)

and then came into the power of the injured person, it was a question between the two schools whether the right of action was extinguished, or only suspended so as to revive in case the offending party was released from the power of the injured person. The opinion of the Proculiani, which was in favour of the suspension only, appears more consistent with the principles on which this right of action was founded.

The mode of the "noxæ deditio" was by mancipatio. The Proculiani contended that three mancipationes were required by the law of the Twelve Tables (*vid.* Emancipatio); but the Sabiniani contended that the law only applied to the case of voluntary mancipations, and that one mancipatio was sufficient.

If the father or owner made no defence to a noxalis actio, the offender was given up by a decree of the prætor to the injured person, and thus became his prætorian property (*in bonis*). If several slaves committed theft, the edict required the master to pay only the amount of damage which would be payable in case a single freeman had committed the theft.

Justinian abolished the noxæ datio in the case of children, observing that it appeared from the ancient jurists that there might be an action against a filiusfamilias in respect of his delicts.[1]

NUDIPEDA'LIA. (*Vid.* Calceus, p. 189.)

NUDUS (*γυμνός*). These words, besides denoting absolute nakedness, which was to be *ἀναμπέχονος καὶ ἀχίτων*,[2] were applied to any one who, being without an Amictus, wore only his tunic or indutus.[3] In this state of nudity the ancients performed the operations of ploughing, sowing, and reaping.[4] Thus Cincinnaattus was found naked at the plough when he was called to be dictator, and sent for his *toga* that he might appear before the senate.[5] The accompanying woodcut is taken

from an antique gem in the Florentine collection, and shows a man ploughing in his tunic only. The light and thin clothing of Hetæræ was denoted by the use of the same epithets.[6] (*Vid.* Coa Vestis.)

This term, applied to the warrior, expressed the absence of some part of his armour.[7] Hence the light-armed were called *γυμνῆτες*. (*Vid.* Arma, p. 94.)

NUMMULA'RII or NUMULA'RII. (*Vid.* Mensarii.)

NUMMUS or NUMUS. (*Vid.* Sestertius.)

NUNCUPA'RE. (*Vid.* Testamentum.)

NU'NDINÆ is invariably and justly derived by all the ancient writers from *novem* and *dies*, so that it literally signifies the ninth day.[8] In ancient calendaria, all the days of the year, beginning with the first of January, are divided into what we may call weeks, each containing eight days which are marked by the letters A, B, C, D, E, F, G, H. Now it is admitted on all hands that this division is made to mark the nundinæ, for every eighth day, according to our mode of speaking, was a nundinæ. There were thus always seven ordinary days between two nundinæ. The Romans, in their peculiar mode of reckoning, added these two nundinæ to the seven ordinary days, and, consequently, said that the nundinæ recurred every ninth day, and called them *nundinæ*, as it were *novemdinæ*. A similar mode of stating the number of days in a week is still customary in Germany, where, in common life, the expression *eight days* is used for a week, and the French and Italians, in the same manner, call a fortnight *quinze jours* and *quindici giorni*.

The number of nundinæ in the ancient year of ten months was 38; and care was always taken that they should not fall on the calends of January nor upon the nones of any month,[1] and, in order to effect this, the 355th day of the lunar year (*dies intercalaris*) was inserted in such a manner as to avoid the coincidence of the nundinæ with the primæ calendæ or the nones. Macrobius says that it was generally believed, that if the nundinæ fell upon the primæ calendæ, the whole year would be signalized by misfortunes; the nones were avoided because the birthday of King Servius Tullius was celebrated on the nones of every month, as it was known that he was born on the nones of some month, though the month itself was not known. Now, as on the nundines, the country-folk (plebeians) assembled in the city, the patricians feared lest the plebeians assembled at Rome on the nones might become excited, and endanger the peace of the Republic. These reasons are, indeed, very unsatisfactory, as Göttling[2] has shown, and it is more probable that the calends of January were ill suited to be nundinæ, because this day was generally spent by every father in the bosom of his own family, and that the nones were avoided because, as Ovid[3] says, *Nonarum tutela deo caret.* But at the time when the Julian calendar was introduced, these scruples, whatever they may have been, were neglected, and in several ancient calendaria the nundinæ fall on the first of January as well as on the nones. (*Vid.* Græv., *Thesaur.*, viii., p. 7, and the calendarium given in the article Calendar.) Both before and after the time of Cæsar, it was sometimes thought necessary, for religious reasons, to transfer the nundinæ from the day on which they should have fallen to another one.[4] The nundinæ themselves were, according to Plutarch,[5] sacred to Saturn, and, according to Granius Licinianus,[6] the Flaminica offered at all nundinæ a sacrifice of a ram to Jupiter.

It is uncertain to whom the institution of the nundinæ is to be ascribed, for some say that it was Romulus,[7] and others that it was Servius Tullius[8] who instituted them, while the nature of the things for which they were originally set apart seems to show that their institution was as old as the Romulian year of ten months, or, at least, that they were instituted at the time when the Roman population extended beyond the precincts of the city itself. For the nundinæ were originally market-days for the country-folk, on which they came to Rome to sell the produce of their labour, and on which the king settled the legal disputes among them. When, therefore, we read that the nundinæ were feriæ or dies nefasti, and that no comitia were allowed to be

1. (Gaius, iv., 75–79.—Instit., iv., tit. 8.—Dig. 9, tit. 4.)—2. (Compare Moschus, iv., 98.)—3. (Aristoph., Eccles., 409.—John, xi., 7)—4. (Hes., Op. et D., 391.—Proclus, ad loc.—Virg., Georg., i 299.—Servius, ad loc.—Ælian, V. H., vi., 11.—Id., xiii., 27.—Matt., xxiv, 18.)—5. (Plin., H. N., xviii., 4.—Aur. Victor, De Vir. Illust., 17.—Liv., iii., 26.)—6. (Athen., xiii., 24, 35.)—7. (Hom., Il., xxi., 50.—Jos., Ant. Jud., vi., 2, § 2.—Gell., x., 13.—Xen., De Rep. Lac., xi., 9.)—8. (Dionys. Hal., Ant. Rom., vii., p. 463.—Macrob., Sat., i., 16.—Festus, s. v. *Nundinalem Cocum.*)

1. (Macrob., Sat., i., 13.—Dion Cass., xl., 47.—Id., xlviii., 33.)—2. (Gesch. der Röm. Staatsv., p. 183.)—3. (Fast., i., 58.)—4 (Dion Cass., lx., 24.)—5. (Quæst. Rom., p. 275, B.)—6. (ap Macrob., Sat., i., 16.)—7. (Dionys. Hal., ii., p. 98, ed. Sylt.—Tuditanus ap. Macrob., Sat. l. c.)—8 (Cassius Hemina ap. Macrob., l. c.)

held, we have to understand this of the populus, and not of the plebes; and while for the populus the nundinæ were feriæ, they were real days of business (*dies fasti* or *comitiales*) for the plebeians, who on these occasions pleaded their causes with members of their own order, and held their public meetings (the ancient comitia of the plebeians) and debates on such matters as concerned their own order, or to discuss which they were invited by the senate.[1] How long this distinction existed that the nundinæ were nefasti for the patricians and fasti for the plebeians, is not quite clear. In the law of the Twelve Tables they appear to have been regarded as fasti for both orders,[2] though, according to Granius Licinianus,[3] this change was introduced at a later time by the lex Hortensia, 286 B.C. This innovation, whenever it was introduced, facilitated the attendance of the plebeians at the comitia centuriata. In the ancient calendaria, therefore, the nundinæ and dies fasti coincide. The subjects to be laid before the comitia, whether they were proposals for new laws or the appointment of officers, were announced to the people three nundinæ beforehand (*trinundino die proponere*[4]).

The nundinæ being thus at all times days of business for the plebeians (at first exclusively for them, and afterward for the patricians also), the proceedings of the tribunes of the people were confined to these days, and it was necessary that they should be terminated in one day;[5] that is, if a proposition did not come to a decision in one day, it was lost, and if it was to be brought again before the people, the tribunes were obliged to announce it three nundines beforehand, as if it were quite a new subject.

Instead of *nundinæ*, the form *nundinum* is sometimes used, but only when it is preceded by a numeral, as in *trinundinum* or *trinum nundinum*. (See the passages above referred to.) It is also used in the expression *internundinum* or *inter nundinum*, that is, the time which elapses between two nundinæ.[6] The word nundinæ is sometimes used to designate a market-place, or a time for marketing in general.[7]

NU'NDINUM. (*Vid.* NUNDINÆ.)

NUNTIA'TIO. (*Vid.* OPERIS NOVI NUNTIATIO.)

NU'PTIÆ. (*Vid.* MARRIAGE, ROMAN.)

*NYCTE'RIS (*νυκτερίς*), the common Bat, or *Vespertilio murinus*. "It is not improbable," remarks Adams, "that the *ἄρπνια* of the ancient poets was the *Vespertilio spectrum*, or Vampyr."[8]

*NYCTICO'RAX (*νυκτικόραξ*), a bird described by Aristotle and other ancient authors. "The *Nyeticorax* of modern naturalists is a species of Heron, but the *νυκτικόραξ* of Aristotle would rather appear to have been a species of Owl. It might be supposed the *Stryx nyctea*, or Great White Owl, if it were ascertained that it is found in the south of Europe."[9]

*NYMPHÆA (*νυμφαία*), a plant. "The description of it," says Adams, "which is given by Theophrastus, is not sufficiently precise to enable us to determine whether he meant to apply it to the *Nymphæa alba* or the *lutea*, i. e., the White or the Yellow Water Lily. The two species described by Dioscorides are referable to the two species of *Nymphæa* which we have mentioned. The *Nymphæa lutea* is now held to be a distinct genus, and is called *Nuphar lutea* by Smith, Hooker, and other late botanists. The term *Nuphar* is said to be an Egyptian word, signifying 'the medicine of the Nile.' It occurs among the synonymes of Dioscorides. By the Arabian authors it is called *Nenufar*, which is a corruption of *Nuphar*. Sibthorp found the *Nuphar lutea* growing in the lakes of Thessaly, as described by Dioscorides."[1]

NYMPHAGO'GUS (*νυμφαγωγός*). (*Vid.* M. MARRIAGE, GREEK, p. 620.)

O.

OATH (GREEK). An oath (*ὅρκος*) is an appeal to some superior being, calling on him to bear witness that the swearer speaks the truth, or intends to perform the promise which he makes. Hence the expressions *ἴστω Ζεύς*, *θεὸν μαρτύρομαι*, and others of the same import, so frequently used in the taking of oaths.[2] It is obvious that such an appeal implies a belief, not only in the existence of the being so called upon, but also in his power and inclination to punish the false swearer; and the force of an oath is founded on this belief. Hence an oath is called *θεῶν ὅρκος*.[3] *Ζεὺς ὅρκιος*[4] is the god who has regard to oaths, and punishes their violation. *Ζῆν' ἔχων ἐπώμοτον*[5] means (according to Suidas) *ὅρκου ἐγγυητήν*.

We find early mention in the Greek writers of oaths being taken on solemn and important occasions, as treaties, alliances, vows, compacts, and agreements, both between nations and individuals. Thus, when the Greeks and Trojans agree to decide the fate of the war by a single combat between Menelaus and Paris, they ratify their agreement by an oath.[6] The alliance between Crœsus and the Lacedæmonians is confirmed by an oath.[7] So is the treaty between the Medes and Lydians, whose rites in swearing (as Herodotus tells us[8]) were the same as those of the Greeks, with this addition, that they made an incision in their arms and tasted each other's blood. We may farther notice the treaty of peace between the Athenians and Peloponnesians, upon which every state was to swear *ἐπιχώριον ὅρκον τὸν μέγιστον*,[9] the vow of the Ionian women,[10] that of the Phocæans,[11] and the promise of Circe to Ulysses.[12] The reliance placed in an oath is specially shown in the dialogue between Ægeus and Medea in Euripides,[13] and the speech of Minerva in Euripides.[14] For other examples we refer the reader to Sophocles, *Œd. Tyr.*, 647; *Œd. Col.*, 1637; *Trachin.*, 1183.—Herod., vi., 74.—Hom., *Il.*, ix., 132.

That the Greeks (as a nation) were deeply imbued with religious feeling, and paid high regard to the sanctity of oaths, may be gathered from the whole tenor of their early history, and especially from the writings of the poets Homer, Æschylus, and Pindar.[15] They prided themselves on being superior in this respect to the barbarians.[16] The treacherous equivocation practised by the Persians at the siege of Barca[17] would have been repugnant to the feelings of a people whose greatest hero declared that he hated like hell one

"Ος χ' ἕτερον μὲν κεύθῃ ἐνὶ φρεσὶν, ἄλλο δὲ βάζῃ.[18]

The poets frequently allude to the punishment of perjury after death, which they assign to the infer

1. (Dionys. Hal., vii., p. 463. — Macrob., l. c.—Plin., H. N., xviii., 3.—Festus, s. v. Nundinas. — Compare Niebuhr, Hist. of Rome, ii., p. 213, &c.) — 2. (Gellius, xx., 1, § 49.) — 3. (ap. Macrob., l. c.) — 4. (Macrob., l. c. — Cic. ad Fam., xvi., 12. — Id., Philipp., v., 3.—Id., Pro Dom., 16.—Liv., iii., 35.)—5. (Dionys. Hal., ix., p. 598.) — 6. (Varro and Lucil. ap. Nonium, iii., 145.) —7. (Cic., De Leg. Agr., ii., 33.—Id., Philipp., v., 4.)— 8. (Aristot., H. A., i., 1.—Ælian, N. A., vi., 45.— Adams, Append., s. v.) —9. (Aristot., H. A., ii., 12.— Id. ib., viii., 5. — Id. ib., ix., 23.— Adams, Append., s. v.)

1. (Theophrast., H. P., ix., 13. — Dioscor., iii., 138, 139. — Adams, Append., s. v.) — 2. (Soph., Trach., 399. — Id., Antig., 184.—St. Paul, Galat., i., 20.)—3. (Hom., Hymn. ad Merc., 272, 515. — Pind., Ol., vii., 119.)—4. (Soph., Philoct., 1324.)—5. (Soph., Trach., 1190.)—6. (Il., iii., 276.)—7. (Herod., i., 69.)—8. (i., 74.)—9. (Thucyd., v., 47.)—10. (Herod., i., 146.)—11 (Id. ib., 165.)—12. (Od., x., 345.)—13. (Med., 736–760.)—14 (Suppl., 1196.)—15. (*Vid.* Thirlwall, Hist. of Greece, vol. i. c. 6, § 3.)—16. (Ælian, V. H., xiv., 2.)—17. (Herod., iv., 201.) 18. (Il., ix., 313.)

nal gods or Furies;[1] and we find many proofs of a persuasion that perjurers would not prosper in this world.[2] One of the most striking is the story told by Leutychides to the Athenians of Glaucus the Spartan, who consulted the Pythian oracle whether he should restore a deposite, or deny on oath that he had ever received it; and who, for merely deliberating upon such a question, was cut off with his whole family.[3]

Anciently the person who took an oath stood up, and lifted his hands to heaven, as he would in prayer; for an oath was a species of prayer, and required the same sort of ceremony.[4] Oaths were frequently accompanied with sacrifice or libation.[5] Both sacrifice and libation are used in the compact of the Greeks and Trojans in *Il.*, iii., 276. The victims on such occasions were not eaten, but, if sacrificed by the people of the country, were buried in the ground; if by strangers, were thrown into the sea or a river.[6]

The parties used also to lay their hands upon the victims, or on the altar, or some other sacred thing, as if by so doing they brought before them the deity by whom the oath was sworn, and made him witness of the ceremony. Hence the expressions *τρὸς τὸν βωμὸν ἐξορκίζειν, ὀμνύναι καθ' ἱερῶν.*[7] In Homer,[8] Juno, making a solemn promise to Sleep, takes the Earth in one hand and Heaven in the other, and swears by Styx and the subterranean gods. To touch the head, hand, or other part of the body of the person to whom the promise was made, was a common custom. The hand especially was regarded as a pledge of fidelity, and the allusions to the junction of hands in making contracts and agreements abound in the ancient writers.[9] Other superstitious rites were often superadded, to give greater solemnity to the ceremony,[10] which appear to be ridiculed by Aristophanes.[11]

The different nations of Greece swore by their own peculiar gods and heroes; as the Thebans by Hercules, Iolaus, &c., the Lacedæmonians by Castor and Pollux, the Corinthians by Neptune;[12] the Athenians swore principally by Jupiter, Minerva, Apollo (their *πατρῶος θεός*), Ceres, and Bacchus.

The office or character of the party, or the place, or the occasion often suggested the oath to be taken. Thus Iphigenia, the priestess, swears by Diana in Euripides, *Iph. in Taurus* Menelaus bids Antilochus swear by Neptune (the equestrian god), the subject being on horses.[13] So Philippides, in Aristophanes,[14] is made ridiculously to swear *νὴ τὸν Ποσειδῶ τὸν ἵππιον.* Achilles swears by his sceptre,[15] Telemachus by the sorrows of his father.[16] Hence the propriety of the famous oath in Demosthenes by the warriors who fought at Marathon, &c. Here we may observe, that as swearing became a common practice with men upon trivial occasions and in ordinary conversation, they used to take oaths by any god, person, or thing, as their peculiar habits, or predilections, or the fancy of the moment dictated. Pythagoras, on this account, swore by the number Four.[17] Socrates used to swear *νὴ τὸν κύνα*, in which he was absurdly imitated by others.[1] Aristophanes, so keenly alive to all the foibles of his countrymen, takes notice of this custom, and turns it into ridicule. Hence he makes the sausage-dealer swear *νὴ τον Ἑρμῆν τὸν ἀγοραῖον,*[2] Socrates *μα τὴν Ἀναπνοήν*, &c.[3]

Women also had their favourite oaths. As the men preferred swearing by Hercules, Apollo, &c., so the other sex used to swear by Venus, Ceres, and Proserpine, Juno, Hecate, Diana; and Athenian women by Aglauros, Pandrosus, &c.[4]

The security which an oath was supposed to confer, induced the Greeks, as it has people of modern times, to impose it as an obligation upon persons invested with authority, or intrusted with the discharge of responsible duties.[5] The Athenians, with whom the science of legislation was carried to the greatest perfection, were, of all the Greek states, the most punctilious in this respect. The youth, entering upon his 20th year, was not permitted to assume the privileges of a citizen, or to be registered in the *ληξιαρχικὸν γραμματεῖον*, without taking a solemn oath in the Temple of Aglauros to obey the laws and defend his country. (The form of his oath is preserved in Pollux.[6]) The archon, the judge, and the arbitrator were required to bind themselves by an oath to perform their respective duties.[7] (*Vid.* Dicastes.) As to the oath taken by the Senate of Five Hundred, see Demosthenes.[8] As to the oath of the witness, and the voluntary oath of parties to an action, see Martyria. The importance, at least apparently, attached to oaths in courts of justice, is proved by various passages in the orators.[9] Demosthenes constantly reminds his judges that they are on their oaths, and Lycurgus[10] declares that *τὸ συνέχον τὴν δημοκρατίαν ὅρκος ἐστίν.*

The experience of all nations has proved the dangerous tendency of making oaths too common The history of Athens and of Greece in general furnishes no exception to the observation. While in the popular belief and in common parlance oaths continued to be highly esteemed, they had ceased to be of much real weight or value. It is impossible to read the plays of Aristophanes, the orators, and other writers of that period, without seeing that perjury had become a practice of ordinary occurrence. The poet who wrote that verse which incurred the censure of the comedian, *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος,*[11] was not the only person who would thus refine. The bold profligacy described by Aristophanes[12] was too often realized in action. To trace the degeneracy of the Greek character belongs not to this place. We conclude by reminding our readers that in a later age the Greeks became a by-word among the Romans for lying and bad faith.[13]

A few expressions deserve notice. Νή is used by Attic writers in affirmative oaths, *μά* in negative. The old form of affirmation, still preserved by the other Greeks, and used by Xenophon, was *ναί μά.*[14] Νή is nothing more than another form of *ναί*, used with an accusative case, *μά* being omitted, as it often is in negative oaths.[15] Νή, however, is never used by the tragedians, who always employ a paraphrase in affirmative oaths, such as *θεὸν μαρτύρεσθαι.* Ἐπομνύναι is used affirmative-

1. (Hom., Il., iv., 157.—Id. ib., xix., 260.—Pind., Olymp., ii., 118.—Aristoph., Ran., 274.)—2. (Hom., Il., iv., 67, 270.—Id. ib., vii., 351.—Hesiod, Op. et D., 280.—Thucyd., vii., 18.)—3. (Herod., vi., 86.—Pausan., ii., 18, 149.—Id., viii., 7, 612.—Juv., Sat., xiii., 202.)—4. (Hom., Il., xix., 175, 254.—Pind., Ol., vii., 119) —5. (Hom., Il., iv., 158.—Aristoph., Acharn., 148.—Id., Vesp., 1048.)—6. (Il., iii., 310.—Ib., xix., 267.)—7. (*Vid.* Reiske, Index ad Demosth., s. v. *Ὀμνύναι.*—Harpocrat., s. v. *Λίθος.*—Thucyd., v., 47.—Göller, ad loc.—Juv., Sat., xiv., 219 —Ovid, Epist. Dido ad Æn., 129.) —8. (Il., xiv., 270.)—9. (Eurip., Medea, 496.—Soph., Philoct., 812.—Id., Trach., 1183.—Ovid, Ep. Phyllis ad Demoph., 21.—Id. ib., Briseis ad Ach., 107.—Hom., Hymn. ad Ven., 26.)—10. (Æsch., Sept. c. Theb., 42.—Soph., Antig., 264. Demosth., c. Con., 1269.)—11. (Lysist., 188.)—12. (Aristoph., Acharn., 774, 860, 867.—Equites, 609.—Lysist., 81, 148.)—13. (Il., xxiii., 585.)—14. (Nub., 83.)—15. (Il., i., 234.)—16. (Od., xx., 339.)—17. (Lucian, Pythag., 4.—Plut., De Plac. Phil., i., 3, 1318.)

1. (Athen., ix., p. 376.)—2. (Equit., 297.)—3. (Nub., 627.—See farther, Vesp., 83.—Aves, 54, 1611.—Ran., 336, 1169.)—4. (Lucian, Dial. Meretr., 7.—Xen., Mem., i., 5, § 5.—Aristoph. Lysist., 81, 148, 208, 439.—Id., Eccles., 70.—Id., Thesm., 286, 383, 533.—Theocr., Idyll., xv., 14.)—5. (Plato, De Leg., xii., p. 948.) —6. (viii., 105.)—7. (*Vid.* Pollux, l. c.—Hudtwalcker, über die Diät., p. 10.)—8. (c. Timocr., 745.)—9. (Andoc., De Myst., 5.—Lycurg., c. Leocr., 157, ed. Steph.—Antiph., De m. Herod., 139, 140, ed. Steph.—Demosth., c. Aphob., 860.)—10. (l. c.)—11. (Eurip., Hippol., 612.—Aristoph., Thesm., 275.)—12. (Nub., 1232–1241.—Equit., 298.)—13. (Cic., Pro Flacco, 4.—Juv., Sat., iii., 60, &c.)—14. (Xen., Mem., ii., 7, § 14.—Id., Apol. Socr. 20.)—15 (Soph., Œd. Tyr., 660, 1088.—Id., Electr., 758, 1063.

ly, ἀπομνύναι negatively, according to Eustathius.[1] Διόμνυσθαι is to swear strongly, to protest.[2] Ὅρκιον, though often used synonomously with ὅρκος, signifies, more strictly, a compact ratified by oath; ὅοκια τέμνειν is to make a compact with oaths and sacrifice; and through the frequent practice of sacrificing on such occasions, it came that ὅρκιον was sometimes used for the victim itself.[3] In the phrase ὀμνύναι καθ' ἱερῶν, the original meaning of κατά was, that the party laid his hand upon the victims; but the same phrase is used metaphorically in other cases, where there could be no such ceremony. Thus κατὰ χιλίων ἐυχὴν ποιήσασθαι χιμάρων[4] is to make a vow to offer a thousand kids; *as though the party vowing laid his hands upon the kids at the time, as a kind of stake.* The same observation applies to ὀμνύναι κατ' ἐξωλείας.

OATH (ROMAN) (*jusjurandum, juramentum*). The subject of Roman oaths may be treated of under four different heads, viz.: 1. Oaths taken by magistrates and other persons who entered the service of the Republic. 2. Oaths taken in transactions with foreign nations in the name of the Republic. 3. Oaths taken before the prætor or in the courts of justice. 4. Oaths, or various modes of swearing in common life.

I. *Oaths taken by magistrates and other persons who entered the service of the Republic.*—After the establishment of the Republic, the consuls, and subsequently all the other magistrates, were obliged, within five days after their appointment, to promise, on oath, that they would protect and observe the laws of the Republic (*in leges jurare*[5]). Vestal virgins and the flamen dialis were not allowed to swear on any occasion,[6] but whether they also entered upon their sacred offices without taking an oath analogous to that of magistrates is unknown. When a flamen dialis was elected to a magistracy, he might either petition for an especial dispensation (*ut legibus solveretur*), or he might depute some one to take the oath for him. But this could not be done unless the permission was granted by the people. The first Roman consuls seem only to have sworn that they would not restore the kingly government, nor allow any one else to do so,[7] and this may have been the case till, all fears of such a restoration having vanished, the oath was changed into a jusjurandum in leges. The consular oath was occasionally taken under the Empire.[8]

During the later period of the Republic we also find that magistrates, when the time of their office had expired, addressed the people, and swore that during their office they had undertaken nothing against the Republic, but had done their utmost to promote its welfare.[9] In some cases a tribune of the people might compel the whole senate to promise, on oath, that they would observe a plebiscitum, and allow it to be carried into effect, as was the case with the lex Agraria of Saturninus. The censor Q. Metellus, who refused to swear, was sent into exile.[10] During the time of the Empire, all magistrates, on entering their office, were obliged to pledge themselves by an oath that they would observe the acta Cæsarum (*jurare in acta Cæsarum*[11]), and the senators had to do the same regularly every year on the first of January.[12]

All Roman soldiers, after they were enlisted for a campaign, had to take the military oath (*sacramentum*), which was administered in the following manner: Each tribunus militum assembled his legion, and picked out one of the men, to whom he put the oath, that he would obey the commands of his generals, and execute them punctually. The other men then came forward, one after another, and repeated the same oath, saying that they would do like the first (*idem in me*[1]). Livy[2] says that, until the year 216 B.C., the military oath was a real sacramentum (*vid.* Sacramentum), *i. e.*, the soldiers took it voluntarily, and promised (with imprecations) that they would not desert from the army, and not leave their ranks except to fight against the enemy or to save a Roman citizen. But in the year 216 B.C. the soldiers were compelled by the tribunes to take the oath, which the tribunes put to them, that they would meet at the command of the consuls, and not leave the standards without their orders, so that in this case the military oath became a jusjurandum. But Livy here forgets that, long before that time, he has represented[3] the soldiers taking the same jusjurandum. A perfect formula of a military oath is preserved in Gellius.[4] It may be here remarked that any oath might be taken in two ways: the person who took it either framed it himself, or it was put to him in a set form, and in this case he was said *in verba jurare*, or *jurare verbis conceptis*. Polybius[5] speaks of a second oath which was put to all who served in the army, whether freemen or slaves, as soon as the castrametatio had taken place, and by which all promised that they would steal nothing from the camp, and that they would take to the tribunes whatever they might happen to find. The military oath was, according to Dionysius,[6] the most sacred of all, and the law allowed a general to put to death, without a formal trial, any soldier who ventured to act contrary to his oath. It was taken upon the signa, which were themselves considered sacred. In the time of the Empire a clause was added to the military oath, in which the soldiers declared that they would consider the safety of the emperor more important than anything else, and that they loved neither themselves nor their children more than their sovereign.[7] On the military oath in general, compare Brissonius, *De Formul.*, iv., c 1–5.

II. *Oaths taken in transactions with foreign nations in the name of the Republic.*—The most ancient form of an oath of this kind is recorded by Livy,[8] in a treaty between the Romans and Albans. The pater patratus pronounced the oath in the name of his country, and struck the victim with a flint-stone, calling on Jupiter to destroy the Roman nation in like manner, as he (the pater patratus) destroyed the animal, if the people should violate the oath. The chiefs or priests of the other nation then swore in a similar manner by their own gods. The ceremony was sometimes different, inasmuch as the fetialis cast away the stone from his hands, saying, "*Si sciens fallo, tum me Diespiter salva urbe arceque bonis ejiciat, uti ego hunc lapidem.*[9] Owing to the prominent part which the stone (*lapis silex*) played in this act, Jupiter himself was called Jupiter Lapis,[10] and hence it was, in after times, not uncommon among the Romans, in ordinary conversation, to swear by Jupiter Lapis.[11] In swearing to a treaty with a foreign nation, a victim (a pig or a lamb) was in the early times always sacrificed by

1. (Hom., Od., ii., 377.)—2. (Soph., Trach., 378.)—3. (Hom., Il., iii., 245.)—4. (Arist., Equit., 660.)—5. (Liv., xxxi., 50.—Compare Dionys. Hal., v., p. 277.)—6. (Liv., l. c.—Festus, s. v. Jutare.—Plut., Quæst. Rom., p. 275.)—7. (Liv., ii., 1.—Dionys., l. c.)—8. (Plin., Paneg., 64.)—9. (Cic. ad Fam., v., 2, § 7.—Id., Pro Sulla, 11.—Id., in Pison., 3.—Id., Pro Dom., 35.—Dion Cass., xxxvii., p. 52.—Id., xxxviii., p. 72.—Id., liii., p. 568, ed. Steph.—Liv., xxix., 37.)—10. (Appian, De Bell. Civ., i., 29.—Cic., Pro Sext., 47.—Plut., Mar., 29.)—11. (Suet., Tib., 67.—Tacit., Ann., i., 72.—Id. ib., xiii., 26.—Id. ib., xvi., 22.—Dion Cass., xlvii., p. 384, &c.)—12. (Dion Cass., lxviii., p. 724.—Compare Lipsius, Excurs. A. ad Tacit., Ann., xvi., 22.)

1. (Polyb., vi., 21.—Fest., s. v. Præjurationes.)—2. (xxii., 38.—3. (iii., 20.)—4. (xvi., 4.—Compare Dionys. Hal., v., p. 359—Id., viii., p. 555, ed. Sylb.)—5. (vi., 33.)—6. (xi., p. 723.)—7. (Arrian, Epict., iii., 14.—Suet., Calig., 15.—Ammian. Marcell. xxi., 5.)—8. (i., 24.)—9. (Fest., s. v. Lapidem.)—10. (Polyb., iii., 25.)—11. (Gellius, i., 21.—Cic. ad Fam., vii., 1, 12.—Plut. Sulla, 10.)

the fetialis (whence the expressions *fœdus icere*, ὅρκια τέμνειν), and the priest, while pronouncing the oath, probably touched the victim or the altar.[1] (Compare FETIALES.) This mode of swearing to a treaty through the sacred person of a fetialis was observed for a long time; and after the second Punic war, the fetiales even travelled to Africa to perform the ancient ceremonies.[2] The jus fetiale, however, fell into disuse as the Romans extended their conquests; and as, in most cases of treaties with foreign nations, the Romans were not the party that chose to promise anything on oath, we hear of no more oaths on their part; but the foreign nation or conquered party was sometimes obliged to promise with a solemn oath (*sacramentum*) to observe the conditions prescribed by the Romans, and documents recording such promises were kept in the Capitol.[3] But in cases where the Romans had reason to mistrust, they demanded hostages, as being a better security than an oath, and this was the practice which in later times they adopted most generally. At first the Romans were very scrupulous in observing their oaths in contracts or treaties with foreigners, and even with enemies; but attempts were soon made by individuals sophistically to interpret an oath and explain away its binding character;[4] and from the third Punic war to the end of the Republic, perjury was common among the Romans in their dealings with foreigners as well as among themselves.

III. *Oaths taken before the prætor or in courts of justice.*—In general, it may be observed, that if anything had been promised by a person on oath, the promise had, in a court of justice, no more binding power than it would have had without the oath, and the oath was in such case merely a stronger promise as far as the conscience of the person who took it was concerned.[5] But if a slave, for the sake of obtaining his liberty, had promised on oath to perform certain services to his master, the oath was considered binding.[6] The emperors also, in some cases, considered the promise of a free citizen, when it was confirmed by an oath, as binding.[7]

Sometimes, when a case was brought before the prætor, the plaintiff might put the defendant to his oath (*deferre jusjurandum*) either in regard to the whole case in question, or to a part of it. If the oath was taken, the whole question, or that part of it to which the oath applied, was settled at once, and the litis contestatio, or a formal judicium, was superfluous. But if the defendant refused to take the oath, he might, in return, put the plaintiff to his oath (*referre jusjurandum*), to make him declare *se non calumniæ causa agere*. (*Vid.* CALUMNIA.) But if the defendant neither swore himself, nor put the plaintiff to his oath of calumny, he admitted the necessity of a judicium. If the oath merely referred to a part of it, so that the defendant only acknowledged part of what the plaintiff alleged, a judicium was still necessary, but its formula was of course modified.[8] Respecting the oath of calumnia, to which the defendant might in all cases put the plaintiff, and to which the latter also might be put by the prætor, see CALUMNIA. The formula of an oath before the prætor depended upon the person who put it.[9]

A judex or judices appointed by the prætor were obliged to promise on oath to discharge their duties according to the laws.[10] Rein[11] denies that, after a judex was given by the prætor, either of the litigant parties had the right to put th other to an oath; but from the Digest[1] it is clear that it might be done by the party *cui onus probationis incumbebat*, provided he himself had before taken the jusjurandum calumniæ. When documents in the trial of a cause were laid before the judex, of which he doubted the genuineness or correctness, he might make the party who brought them forward establish their correctness or genuineness by an oath.[2]

The witnesses who gave their evidence in civil proceedings before a judex, sometimes confirmed their testimony by an oath, which they either took voluntarily, or which was put to them by the judex. In judicia publica, the witnesses had always to give their evidence on oath.[3] We have no means of ascertaining whether, in all instances of civil causes, witnesses might be compelled to take an oath, but it seems probable that in a civil cause a witness generally did not give his evidence on oath, unless he himself chose to do so, or the judex, for special reasons, thought it advisable that he should.

False swearing (*pejerare*, *perjurium*) was not regarded by the Romans as it is by us. Swearing was merely a matter of conscience, and, consequently, the person who was guilty of false swearing was responsible to the Deity alone. Perjury does not appear to have been punished more severely than false witness in general given without an oath. When, therefore, Valerius Maximus[4] speaks of *infamia perjurii*, he uses infamia in a popular, and not a strictly legal sense. The manner in which the Romans regarded perjury is implied in an expression of Cicero,[5] who says, "*Perjurii pœna divina, exitium; humana, dedecus.*" Hence every oath was accompanied by an execration,[6] and perjury, therefore, was an act which belonged more to the jurisdiction of the censors than to an ordinary court of justice.[7] Witnesses convicted of having given false testimony, with or without oath, were punished.[8] (Compare FALSUM.)

IV. *Oaths or various modes of swearing in common life.*—The practice of swearing, or calling upon some god or gods as witnesses to the truth of assertions made in common life or in ordinary conversations, was as common among the Romans as among the Greeks. The various forms used in swearing may be divided into three classes:

1. Simple invocations of one or more gods, as *Hercle* or *Meherele*, that is, *ita me Hercules juvet, amet*, or *servet*;[9] *Pol*, *Perpol*, or *Ædepol*, that is, *per Pollucem; per Jovem Lapidem*, or simply *per Jovem; per superos; per deos immortales; medius fidius*, that is, *ita me Dius* (Δίος) *filius juvet*;[10] *ita me deus amet*, or *dii ament*. Sometimes, also, two or a great number of gods were invoked by their names.[11] The genii of men were regarded as divine beings, and persons used to swear by their own genius or by that of a friend, and during the Empire by that of an emperor.[12] Women as well as men swore by most of the gods, but some of them were peculiar to one of the sexes. Thus women never swore by Hercules, and men never by Castor. Varro, moreover, said that in ancient times women only swore by Castor and Pollux, while in the extant writers we find men frequently swearing by Pollux.[13] Juno and Venus were mostly invoked by women, but also by lovers and effeminate men in general.[14]

1. (Virg., Æn., xii., 201, &c.—Liv., xxi., 45.)—2. (Liv., xxx., 43.)—3. (Liv., xxvi., 24.)—4. (Gellius, vii., 18.—Liv., iii., 20.—id., xxii., 61.—Cic., De Off., iii., 27, &c.)—5. (Dig. 2, tit. 14, s 7, § 16.)—6. (Dig. 38, tit. 1, s. 7.—Compare 40, tit. 12, s. 44.)—7. (Cod. 2, tit. 37, s. 1.)—8. (Dig. 12, tit. 2, s. 34, § 6, &c.—Quintil., v., 6.)—9. (Dig. 12, tit. 2, s. 3, § 4, and s. 5.)—10. (Cic., De Invent., i., 39.)—11. (Röm. Privatr., p. 477, &c.)

1. (22, tit. 3, s. 25, § 3.)—2. (Dig. 12, tit. 2, s. 31.—Cod. 4, tit 1, s. 2.)—3. (Cic., Pro Rosc. Com., 15.—Id., Pro Sulla, 7.—Id., Pro Font., 9.—Id., Pro Balb., 5.—Quintil., v., 7.—Val Max., viii., 5, § 5.)—4. (viii., 5, 5.)—5. (De Leg., ii., 9.)—6. (Plut., Quæst. Græc., p. 275, Franc.)—7. (Cic., De Off., i., 13.—Liv., xxiv., 18.—Gellius, vii., 18.)—8. (Dig. 22, tit. 5, s. 16.)—9. (Fest., s. v. Mecastor.)—10. (Fest., s. v.—Varro, De Ling. Lat., iv., p. 20, Bip.)—11. (Plaut., Bacchid., iv., 8, 51.—Terent., Andr., iii., 2, 25.)—12 (Horat., Epist., i., 7, 94.—Suet., Calig., 27.)—13. (Gellius, x., 6.)—14. (Plaut., Amphit., ii., 2, 210.—Tibull., iv., 13, 15.—Ov., iv., ii., 98.—Ovid, Amor., ii., 7, 27—Id ib., ii., 8, 18.)

2. Invocations of the gods, together with an execration, in case the swearer was stating a falsehood. Execrations of this kind are, *Di me perdant*;[1] *dii me interficiant*;[2] *dispeream*;[3] *ne vivam*;[4] *ne salvus sim*,[5] &c.

3. Persons also used to swear by the individuals or things most dear to them. Thus we have instances of a person swearing by his own or another man's head,[6] by his eyes,[7] by his own welfare or that of his children,[8] by the welfare of an emperor,[9] &c.

Respecting the various forms of oaths and swearing, see Brissonius, *De Formul.*, viii., c. 1–18.

OBÆ. (*Vid.* Tribus, Greek.)

OBELISCUS (ὀβελίσκος) is a diminutive of *Obelus* (ὀβελός), which properly signifies a *sharpened thing*, a *skewer* or *spit*, and is the name given to certain works of Egyptian art. (Herodotus[10] uses ὀβελός in the sense of an obelisk.) A detailed description of such works would be inconsistent with the plan of this work, but some notice of them is required by the fact that several of them were transported to Rome under the emperors. Ammianus Marcellinus[11] says that "an obelisk is a very rough stone, in the shape of a kind of landmark or boundary-stone, rising with a small inclination on all sides to a great height; and in order that it may imitate a solar ray by a gradual diminution of its bulk, it terminates in a prolongation of four faces united in a sharp point. It is very carefully smoothed." Most ancient writers consider obelisks as emblematic of the sun's rays.[12]

An obelisk is, properly, a single block of stone, cut into a quadrilateral form, the sides of which diminish gradually, but almost imperceptibly, from the base to the top of the shaft, but do not terminate in an apex upon the top, which is crowned by a small pyramid, consisting of four sides terminating in a point. The Egyptian obelisks were mostly made of the red granite of Syene, from which place they were carried to the different parts of Egypt. They were generally placed in pairs at the entrance to a temple, and occasionally in the interior, and were usually covered with hieroglyphical inscriptions.

Obelisks were first transported to Rome under Augustus, who caused one to be erected in the circus, and another in the Campus Martius.[13] The former was restored in 1589, and is called at present the Flaminian obelisk. Its whole height is about 116 feet, and without the base about 78 feet. The obelisk in the Campus Martius was set up by Augustus as a sundial. It stands at present on the Monte Citorio, where it was placed in 1792. Its whole height is about 110 feet, and without the base about 71 feet. Another obelisk was brought to Rome by Caligula, and placed on the Vatican in the Circus of Caligula.[14] It stands at present in front of St. Peter's, where it was placed in 1586, and its whole height is about 132 feet, and without the base and modern ornaments at the top about 83 feet. But the largest obelisk at Rome is that which was originally transported from Heliopolis to Alexandrea by Constantine, and conveyed to Rome by his son Constantius, who placed it in the Circus Maximus.[15] Its present position is before the north portico of the Lateran Church, where it was placed in 1588. Its whole height is about 149 feet, and without the base about 105 feet.

There are eight other obelisks at Rome besides those mentioned above, but none of them are of historical importance. There are also obelisks in various other places, as at Constantinople, Arles, Florence, Catana in Sicily, &c., some of which are works of Egyptian art, and others only imitations.

There are two small obelisks in the British Museum, which were brought by the French from Cairo.[1]

OBELOS. (*Vid.* Veru.)

OBLIGATIONES. Obligatio is defined[2] to be "a bond of law by which we are under a necessity of paying (*solvendæ*) anything according to the laws of our state." This definition has only reference to one part of an obligation, namely, the right of action, which is inseparable from the notion of a Roman obligation. According to Paulus,[3] the substance of an obligation consists in another person binding himself to give to us something, or to do something, or to secure or make good something (*ad dandum aliquid, vel faciendum, vel præstandum*). This "binding" must, however, be understood of a "legal binding," that is, the party who fails to perform what he has engaged to do, must be liable to legal compulsion; in other words, the duty which he owes may be enforced by suit or action. Any agreement which is binding according to positive morality, but which, for any reason, cannot be legally enforced, is not properly an obligatio, but still the Romans gave such agreement the name of obligatio, and added the term naturalis, by which it is opposed to civilis and prætoria or honoraria. The obligationes civiles were those which were created by enactments (*legibus*), or generally were established by the jus civile; prætoriæ or honorariæ were those which owed their origin to the jurisdiction of the prætor. Viewed with reference to the events on which the law operated to give obligations a binding force, obligationes arose either from contract or quasi contract, and delict (*maleficium*, *delictum*), or quasi delict.[4] According to Gaius, every obligatio arises either from contract or delict.

Contract (*contractus*) was made in four ways—re, verbis, litteris, and consensu.

As an example of a contract re, Gaius mentions mutuum. (*Vid.* Mutuum.) Also, if a man received what was not due from a person who paid by mistake, the payer had his remedy for the recovery just as if it were a case of mutuum. But "this kind of obligation," observes Gaius, "does not appear to arise from contract, because he who gives with the intention of payment rather intends to dissolve or put an end to (*distrahere*) a transaction (*negotium*) than to commence or to constitute (*contrahere*) a transaction." In such a case the English law has a fiction of a promise to pay on the part of the person who has received the money.

To the contracts made re, there also belong Commodatum, Depositum, and Pignus.

The obligatio verbis was contracted by oral question and answer between the parties. The form of words was: Dari Spondes? Spondeo; Dabis? Daho; Promittis? Promitto; Fidepromittis? Fidepromitto; Fidejubes? Fidejubeo; Facies? Faciam. The words dari spondes? spondeo, were so peculiarly Roman, that their legal effect could not be preserved if their meaning was transferred into another language; nor could a valid obligatio with a peregrinus be made by the use of the word spondeo.[5] The evidence of such an obligatio must have been the presence of witnesses.[6]

It is to this form of contract by question and an

1 (Plaut., Mil. Glor., iii., 2, 20.—Id., Cistell., ii., 1, 21.)—2. (Plaut., Mostell., i., 3, 35.)—3. (Horat., Sat., i., 9, 47.)—4. (Cic. ad Fam., vii., 23.—Mart., x., 12, 3.)—5. (Cic. ad Att., xvi., 3.)—6. (Dig. 12, tit. 2, s. 3, § 4.—Ovid, Trist., v., 4, 45.—Id., Heroid., iii., 107.—Juv., vi., 16.)—7. (Plaut., Menæchm., v., 9, 1.—Ovid, Amor., ii., 16, 44.)—8. (Dig. 12, tit. 2, s. 5.—Plin., Epist., ii., 20.)—9. (Cod. 2, tit. 4, s. 41.)—10. (ii., 111.)—11. (xvii., 4.)—12. (Compare Plin., H. N., xxxvi., 14.)—13. (Plin., H. N., xxxvi., 14.)—14. (Plin., H. N., xxxvi., 15; xvi., 76, § 2.)—15 (Amm. Marc., xvii., 4.)

1. (Zoega, De Usu et Origine Obeliscorum.—Egyptian Antiquities, vol. i., c. 14, 15, London, 12mo, 1832.)—2. (Inst., iii., tit. 13.)—3. (Dig. 44, tit. 7, s. 3.)—4. (Inst., iii., tit. 13.)—5 (Gaius, iii. 93, 179.)—6 (Cic., Pro Rosc. Com., 5.)

swer (*ex interrogatione et responsione*) that the terms "stipulari" and "stipulatio" refer. The word "stipulari" properly refers to him who asks the question, "*Si quis ita dari stipuletur; Post mortem meam dari spondes; vel ita, Cum morieris, spondes?*" The person who asked the question was stipulator; he who answered the question was promissor, and he was said spondere.[1] Sometimes the whole form of words which comprises the question and the answer is comprehended in the term stipulatio,[2] and the participle "stipulata" is sometimes used in a passive sense.[3]

A stipulatio which contained an impossible condition was invalid (*inutilis*). As the stipulatio was effected by words, it was a necessary consequence that the parties should have power to speak and hear, and on this ground was founded the rule of law that a mutus and a surdus could not be parties to a stipulatio. As to the ability of pupilli and infantes with respect to obligationes, see IMPUBES and INFANS. The stipulator might have another party to the contract on his behalf, who was called adstipulator. The adstipulator had the same right of action as the stipulator, and, therefore, a payment in respect of the stipulatio could be made to him as well as to the stipulator; and the stipulator had an actio mandati against the adstipulator for the recovery of anything that he had received.

There were some peculiarities in the adstipulatio. The right of action did not pass to the heres of the adstipulator, and the adstipulation of a slave for his master had no effect, though in all cases he could acquire for his master by stipulation. The same rule of law appeared to apply to him who was in mancipio, for he was servi loco. If a son who was in the power of his father became his adstipulator, he did not acquire anything for his father, though he acquired for him by stipulatio. Still his adstipulatio gave the son a right of action, provided he was released from the father's power without a capitis diminutio, as, for instance, by the father's death, or by being inaugurated flamen dialis. The same rule of law applied to a filiafamilias and to a wife in manu.

Those who were bound for the promissor were called sponsores, fidepromissores, fidejussores. (*Vid.* INTERCESSIO.)

The case of an obligatio literis is illustrated by Gaius[4] by the instance of nomina transcripticia, as when a creditor who has a debt due from a person in respect of a sale, or a letting, or a partnership, enters it in his book (*codices*, or *tabulæ expensi et accepti*) as a debt (*expensum illi fert*:[5] *expensum tulisse non dicit, cum tabulas non recitat*). This was called "*Nomen transcripticium a re in personam.*" It was called *transcriptio a persona in personam* when a creditor entered in his books a debt as due from a third party, which was really due from another party, but which that other party had transferred (*delegavit*) to the creditor.

Cicero clearly alludes to this literarum obligatio in his Oration pro Roscio Comœdo. He says,[6] speaking of the plaintiff's demand, "his claim is for a certain sum of money (*pecunia certa*), and this must be either 'data' (a case of obligatio re), or 'expensa lata' (the literarum obligatio), or stipulata (an obligatio verbis)."

Some difficulty arises about the mode of converting an obligation of a different kind into an obligatio literis. The subject is discussed by Unterholzner[7] in an ingenious essay, which, however, was written before the publication of the MS. of Gaius, and it has since been discussed by other writers. Unterholzner conjectured that a third party, with the consent of the debtor and creditor, made the entry in his own books; but there is no evidence in support of this assumption. Theophilus[1] represents the literarum obligatio as a novatio or change of an obligation of one kind into an obligation of another kind, and this, he says, was effected both by words and writing (*ῥήμασι καὶ γράμμασι*). It was effected, according to him, by the creditor writing to the debtor (*γράφειν ῥήματα πρὸς αὐτόν*) to ask his consent to the old obligation being made into a new one of a different kind, and by the debtor consenting. As stated by him, the obligatio literis might be an obligatio contracted by a letter of the creditor to the debtor, and the debtor's reply. In principle, there would be no objection to its being contracted by the debtor's consent expressed by a subscription in the creditor's books. The literarum obligatio of Theophilus, however, rather seems to correspond to the other kinds of literarum obligatio referred to by Gaius,[2] where he says, "this obligation can be contracted by chirographa and syngrapha, that is, if a man writes that he owes a sum of money or will pay it; provided, however, there be no stipulatio on the same account." It is not impossible that Gaius means that the creditor might convert an obligation of another kind into that of pecunia expensa by the bare entry of it in his book; for it is no objection to this, as Unterholzner has it, "that a unilateral writing on the part of the creditor should have the effect of putting another person under an obligatio," for an obligatio was already contracted, which the creditor would have to prove; but if he could prove it, the law gave him all the advantage of a creditor for pecunia certa, if he had complied with certain forms. Gaius[3] certainly may be understood as asserting that this obligatio was contracted simply "*expensum ferendo:*" but it seems to be the general opinion that this literarum obligatio required the consent of the debtor either orally in the presence of witnesses or by letter;[4] and this is not inconsistent with Gaius; for, though he says that the debtor is bound by the "*expensum ferendo*," that does not exclude his consent, but merely shows what is necessary in order to make the consent legally binding.

The obligationes consensu were emtio and venditio, locatio, conductio, societas, mandatum. All obligationes by contract, of course, required consent and the evidence of consent; but "these obligationes," says Gaius,[5] "are said to be contracted *consensu*, because no peculiar form of words or writing was required, but the consent of the parties to the transaction was sufficient." Accordingly, such transactions could take place between persons at a distance from one another, but a verborum obligatio required the presence of the parties. The actions founded on these obligationes consensu were bonæ fidei.

A legal obligatio implies a right of action against the person who owes the duty (*qui obligatur*). This right of action (*ex contractu*) might be acquired by any person who was sui juris. It might also be acquired for him by those who were in his potestas, manus, and mancipium; and by free men and slaves whom a man possessed bona fide, with certain exceptions. This right of action might also be acquired by a man through the acts of a free man who was his agent, so far that he could require the cession of the obligatio so acquired.

An obligatio was terminated (*tollitur*) in various

1. (Gaius, iii., 100, 105.—Dig. 45, tit. 1, s. 113: "De Verborum Obligationibus.")—2. (Dig. 45, tit. 1, s. 5, § 1.)—3. (Cic., Pro Rosc. Com., 5.)—4. (iii., 128.)—5. (Compare Cic., Pro Rosc. Com., 4, 5.)—6. (c. 5.)—7. ("Ueber die Rede des Cicero für den Schauspieler Q. Roscius," Zeitschrift, i., 248.)

1. (ad tit. 1: "De Lit. Oblig.")—2. (iii., 134.)—3. (iii., 137)—4. (Cic., Pro Rosc. Com., 5.—Val. Max., viii., 2, 2.)—5. (iii 135.)

ways. The most common way was by payment (*solutio*) of what was due. A man, with the consent of the creditor, might pay another's debt, but the two schools differed as to the legal consequence of such payment. The Proculiani, as usual, adhering strictly to fundamental principles, maintained that the debtor was still under his obligatio, but if the money was demanded of him by the creditor, he had a good plea of dolus malus (*exceptio doli mali*).

An obligatio might be terminated by acceptilatio. An obligation contracted per æs et libram might be determined in the same way, and also one arising "ex judicati causa." (*Vid.* Nexum.) An obligatio might also be determined by novatio, which is the change of an existing duty (*debitum*) into another obligation, and the determination of the former obligation.[1] This is explained by the following instance:[2] If I stipulate that Titius shall give me what is due from you, a new obligatio arises by the intervention of a new person, and the former obligation is determined by being replaced by the latter; and sometimes a former obligatio may be determined by a subsequent stipulatio, though the subsequent stipulatio may be invalid. If the stipulation was from the same person, it required the addition of something to effect a novatio, as the addition of a condition, or the circumstance of adding to or subtracting from the time contained in the terms of the covenant. As to the case of a condition, it was the law in the time of Gaius that there was no novatio until the condition was fulfilled, and till that time the former obligatio continued. The opinion of the great jurist Servius Sulpicius as to the condition immediately effecting a novatio, was not law in the time of Gaius (*alio jure utimur*).

An obligatio was also determined by the litis contestatio, if the proceedings had taken place in a legitimum judicium. It is stated generally, under the articles litis contestatio and legitimum judicium, what is the import of these terms respectively. The original obligation (*principalis obligatio*) was determined by the litis contestatio, and the defendant (*reus*) was then bound (*tenetur*) by the litis contestatio. If he was condemned, the litis contestatio ceased to have any effect, and he was bound by the judgment (*ex causa judicati*). It was a consequence of these doctrines, that, after a litis contestatio in a legitimum judicium, a man could not bring his action on the original contract; for if his declaration or demand was dari mihi oportere, it was bad (*inutilis*), for after the litis contestatio the dari oportere had ceased. In the case of a judicium quod imperio continetur, the obligatio existed and the action could be brought, but the demand might be answered by a plea (*exceptio*) of a res judicata or in judicium deducta. In the judicia imperio continentia the exceptio rei judicatæ corresponds to the condemnatio in the legitima judicia, and the exceptio rei in judicium deductæ to the litis contestatio. On this subject the reader may consult Keller, *Ueber Litis Contestation*, p. 11, &c.

Obligationes arising from contract passed by universal succession to the heres. There were no means of transferring obligationes from the creditor to another person except by a novatio, which was effected by the assignee stipulating with the debitor with the consent of the creditor, the effect of which was to release the debitor from his former obligatio, and to bind him by a new one. If this novatio was not effected, the assignee could only sue as the cognitor or procurator of the assignor, and not in his own name.[3]

From the consideration of obligationes arising from contracts, Gaius[1] passes to the consideration of obligationes "*quæ ex delicto oriuntur*;" and these delicts, which are the foundation of these obligationes, are Furtum, Bona Rapta or Rapina, Damnum, and Injuria. All these obligationes he considers to be comprised in one genus, whereas the obligationes ex contractu are distributed into four genera.

The arrangement by the Roman jurists of obligationes ex delicto with obligationes ex contractu was founded on the circumstance that both classes of obligationes were the foundation of rights *in personam*, or rights against a determinate individual or determinate individuals; but there is an important difference in the origin of the two rights. The rights ex contractu are rights founded on lawful acts, and rights ex delicto are rights founded on infringements of other rights.

The obligationes quasi ex contractu are not enumerated by Gaius, but they are discussed in the Institutes of Justinian.[2] These obligationes do not properly arise either from contract or delict; but, inasmuch as they are founded on acts which are not delicts, they must be considered as belonging to contract rather than to delict, if we will refer them to one of these classes. But, in fact, these quasi contracts belong to neither class. Instances of these quasi contracts, enumerated in the Institutes, are "*absentis negotiorum gestio*" (*vid.* Negotiorum Gestorum Actio), the "*tutelæ judicium*," a "*communis res sine societate*," as when a thing has been bequeathed and given to several persons, and some other instances.

These quasi contracts are arranged in the Institutes of Justinian after obligationes ex contractu, and the obligationes quasi ex delicto are placed immediately after the obligationes ex delicto. Instances of these obligationes quasi ex delicto enumerated in the Institutes[3] are, "*si judex litem suam fecerit*," and the case of "*dejectum effusumve*," and others.

We may now examine more closely the meaning of the term obligatio, and other terms used in relation to the law of contracts. Its etymology (*lig-o*, to bind) points merely to the obligatory part of a contract, or to the duty owing by one of the parties to the contract (*debitor*) to the other party (*creditor*), or to the duties mutually owing from the one to the other. The word which, as opposed to obligatio or "binding," expresses the determination of such binding, is "solutio;" and, generally, some form of the word "solvo" is the appropriate term to express the legal termination of the obligatio. But, inasmuch as duties owing by one party to the contract, or duties mutually owing by the parties to the contract, imply a right in the other party to the contract, or imply mutual rights in the parties to the contract, the word obligatio is often used to express both the rights and the corresponding duties which arise out of the contract. Consistently with this, we find the right of the creditor spoken of as his obligatio, and the duty of the debtor as his obligatio. There is no special name in the Roman law for a right against a determinate person or determinate persons. The name for ownership or property is dominium, to which is opposed the name obligationes as descriptive of rights against determinate persons.

It is correctly remarked (Austin, *An outline of a course of Lectures on General Jurisprudence*), "that in the writings of the Roman lawyers the term obligatio is never applied to a duty which answers to a right *in rem*." But as the duty answering to a right *in rem* is only the duty of forbearance, that is, of not doing anything, there is no great inconveni-

1. (Dig. 46, tit. 2: "De Novationibus et Delegationibus"—2. Gaius, iii., 176.)—3. (Gaius, i., 38, &c.)

1. (iii., 182.)—2. (iii., tit. 27.)—3. (iv., tit. 5.)

ence in the want of a name: as soon as an act is done which is an infringement of the right, or, in other words, a delictum (in one sense in which the Romans use this word), an obligation arises by force of such act (*obligatio ex delicto*), and gives the injured person a right of action against the wrong-doer.

A contractus, as it will appear from what has been said, required the consent of all the parties to it. Those obligationes which were said to be founded on "consent" (*consensus*) were said to be so founded only because consent was sufficient,[1] and no peculiar form of words or expression was required; whereas, in the obligationes contracted "re," "verbis," and "literis," certain acts, words, or writing were required. In those contracts where particular forms were not required in order to convert them into obligationes, any words or acts were sufficient which were evidence of consent. What words and acts are evidence of consent, cannot, of course, be determined generally in any system of jurisprudence. But certain acts or events exclude the notion of consent, even if the formal parts of a contract have been most scrupulously observed; constraint by force or threats (*vis, metus*), and fraud (*dolus*), and, in many cases, error (*error, ignorantia*), either render the agreement absolutely null, or give the party who has been constrained, deceived, or in error, various modes of defence against the claims of the other party.

An obligatio supposes two persons; the person to whom the duty is due, or the creditor, and the person from whom it is due, or the debitor. But there may be more than two parties to an obligatio, either as creditores or debitores, or both, all of whom may be comprehended under the general name of rei.[2] With reference to a person who is under the same obligatio, a person may be called correus. But when there are several parties to an obligatio, there are properly several obligationes, and this is the case whether the creditor is one and the debitores are several, or the creditores are several and the debitor is one, or both the creditores and debitores are several. In the obligatio pro rata, the claims of the several creditores, or the duties of the several debitores, are determinate parts of a whole, which is made up by the parts being united in one formal obligatio. There are cases when several creditores may claim the whole (*solidum*), or several debitores may owe the whole (*solidum*): where a creditor claims the whole against several debitores, there are, in fact, several obligationes binding on the several debitores. If he can only claim the whole once, he may claim it from any of the debitores; but when he has been satisfied by one debitor, his whole claim is extinguished.

An obligatio may be unilateral, that is, may only give a right of action to one of the parties to it, as in the case of mutuum, stipulatio, and others; or it may be bilateral, that is, it may give a right to each party against the other, as emtio, venditio, locatio, conductio.

It remains to explain some other terms which are of frequent occurrence.

The most general name for any agreement is conventio, pactio, pactum conventum, and its essence is consent: "*conventionis verbum generale est, ad omnia pertinens, de quibus negotii contrahendi transigendique causa consentiunt, qui inter se agunt.*"[3] Conventiones, then, were juris gentium, and, as a genus, were divisible into species. Those conventiones which were the foundation of a right of action were called contractus, of which the Roman law acknowledged the four kinds already mentioned. As these contractus are distinguished by particular names, they have been named by modern writers contractus nominati, as opposed to other contracts presently to be mentioned, which they have named innominati. Contractus nominati, as has been shown, were contracts made or accompanied by certain forms: if these forms were wanting in the conventio, it could not belong to the class of contractus nominati; but if the matter of the conventio was a civile negotium or a civilis causa, it formed an obligatio, and was the foundation of an action "*præscriptis verbis*" or "*in factum*;" or, as it is clearly expressed by Julian,[1] this is the actio "*ad quam necesse est confugere, quoties contractus existunt, quorum appellationes nullæ jure civili proditæ sunt.*" All the events upon which these actions could arise may be reduced to the four following heads: "*aut do tibi ut des, aut do ut facias, aut facio ut des, aut facio ut facias.*" An example of the first class will show the difference between these innominate and nominate contracts: if I give a man money for a thing, this is buying and selling, and is a nominate contract; but if I give a man a thing for another thing, this is exchange, and it is an innominate contract, but still it is the foundation of a civilis obligatio. These innominate contracts take the name of contracts from their resemblance to proper contracts in the Roman sense; but, as they are not referrible to any one of such contracts, it is necessary to form them into a separate class. These contracts, as it will appear from the description just given of them, have their foundation in an act (a giving or doing) by one of the parties, and so far resemble contracts re. Accordingly, the contract is not complete so long as a thing remains to be given or done by the debitor; and the creditor may have his action (*condictio*) for the recovery of a thing which he has given, and for which the debtor has not made the return (a giving or an act) agreed upon. The creditor has also his action generally (*præscriptis verbis*) for the completion of the contract, or for compensation to the amount of the injury sustained by its non-performance.

All other conventiones were simply pacta, the characteristic of which is that they were not originally the foundation of actions, but only of pleas or answers (*exceptiones*); that is, if an agreement (*conventio, pactio*) could not be referred to the one or other class of contracts, it did not give a right of action. Now all conventiones were the foundation either of actiones or of exceptiones. Conventiones were contractus when they were made with certain forms; when they were not made with these forms, but still on good consideration (*causa*), they were the foundation of a civilis obligatio. When there was no causa, there was no obligatio created by such conventio, and it is added,[2] "therefore a nuda pactio does not produce an obligatio, but an exceptio:" whence it follows that a nuda pactio is a pactio sine causa, or a pactio for the benefit of one party only. Sometimes nuda conventio is used as equivalent to nuda pactio.[3] It is a mistake to say that pactum by itself means a one-sided contract. Pactum is a term as general as conventio (*pactum a pactione—est autem pactio duorum pluriumve in idem placitum consensus*[4]), and is a part of all contracts, as conventio is. There might be a pactum or pactio relating to marriage, the establishment of a servitus in provincial lands, and other matters. But pactum, as included in the law of obligationes, obtained a limited signification; and it was used to signify agreements not included among the contractus, but still binding agreements, as being found-

1. (Gaius, iii., 135.—2. (Cic. De Or., ii., 43.)—3. (Dig. ii., 1, 14.)

1. (Dig. 19, tit. 5: "De præscriptis verbis," &c.)—2. (Dig. 2, tit. 14, s. 7, § 4.)—3. (Dig. 15, tit. 5, s. 15.)—4. (Dig. 2, tit. 4, s. 1.)—5. (Gaius, ii., 31.)

ed on a causa Some of these obligatory pacta were he foundation of an actio civilis, and some of them were protected by the prætor: ait prætor: "*Pacta conventa quæ neque dolo malo neque adversus leges plebiscita senatus consulta edicta decreta principum neque quo fraus cui eorum fiat facta erunt servabo.*"[1] The parties to a pactum were said "*pacisci.*" Anything might be the subject of a "*pactum*" which did not involve an illegality. If an illegal pactum was made, it was still illegal, though it had been confirmed by a stipulatio or any other form. The matter relating to pacta is not arranged in the Digest under the head of Obligationes et Actiones,[2] but in the same book with the titles De Jurisdictione, &c.

Savigny contends that the notion of agreement, or of contract in its general sense (*vertrag*), is too narrowly conceived by jurists in general. He defines agreement to be the "union of several persons in one concordant declaration of will whereby their legal relations are determined." Consequently, the notion of contract or agreement must be extended to other things than to contracts which produce obligationes: for instance, tradition is characterized by all the marks of an agreement; and the fact that the declaration of their will by the parties to the tradition is insufficient to effect complete tradition without the external act by which possession is acquired, does not in the least affect the essence of the agreement. In like manner, easements (*servitutes*) take their rise from agreement. The imperfect conception of an agreement has arisen from not separating in some cases the obligatory agreement from those acts for which such obligatory agreement is generally a preparation, and of which it is an accompaniment. This becomes more apparent if we consider the case of a gift, which is a real agreement, but without any obligation: it is merely a giving and receiving by mutual consent. This general notion of agreement is contained in the words of Ulpian already quoted, in which he defines pactio to be "*duorum pluriumve*," &c. It does not seem, however, that the Romans applied the terms pactio, pactum, and conventio to any agreements except those which were the foundation of obligationes.[3]

Pollicitatio is a proffer or offer on the part of a person who is willing to agree (*pollicitatio offerentis solius promissum*[4]). A pollicitatio, of course, created no obligatio. The word is frequently used with reference to promises made by a person to a state, city, or other body politic, such as the promise to erect a building, to exhibit public shows, &c. Such pollicitationes were binding when there was a causa, as a promise made with reference to a dignity (*honor*) conferred or to be conferred. A pollicitatio sine causa was also obligatory if the person began to do what he had promised, as if he laid the foundation of a building or cleared the ground (*Huic theatro ex privatorum pollicitationibus multa debentur*[5]).

A person who vowed anything was also bound (*voto obligatus*).

(Gaius, iii., 88, &c.—*Inst.*, iii., tit. 13, &c.—Dig. 47, tit. 7, *De Obligationibus et Actionibus.*—Mühlenbruch. *Doctrina Pandectarum*, lib. iii., *De Obligationibus.*—Marezoll, *Lehrbuch*, &c. The matter of obligationes is arranged by Gans, *System des Römischen Civilrechts*, p. 60, *Vom Obligationenrecht.*)

OBOLUS. (*Vid.* Drachma.)

OBSIDIONA'LIS CORONA. (*Vid.* Corona, p. 309.)

OBSO'NIUM. (*Vid.* Opsonium.)

1. (Dig. 2, tit. 14, s. 7.)—2. (Dig. 44, tit. 7.)—3. (Savigny, System des Heut. Röm. Rechts, iii.)—4. (Dig. 50, tit. 12, s. 3.)—5. (*Vid.* Plin. Epist., x., 48.—Id. ib., v., 12.)

OCCUPA'TIO. The word is used by Cicero[1] to express the acquisition of ownership by occupation, or the taking possession of that which has no owner. Among the modes of acquiring ownership "naturali ratione," that is, by such means as are in all nations acknowledged to be lawful means of acquiring ownership, Gaius[2] enumerates the taking possession of those things quæ nullius sunt, as animals of the chase, birds and fishes, and such things are said "*occupantis fieri.*"[3]

*OCHNE (ὄχνη), the Pear-tree, or *Pyrus communis*. Theocritus has ὄχνας. (*Vid.* Pyrus.)[4]

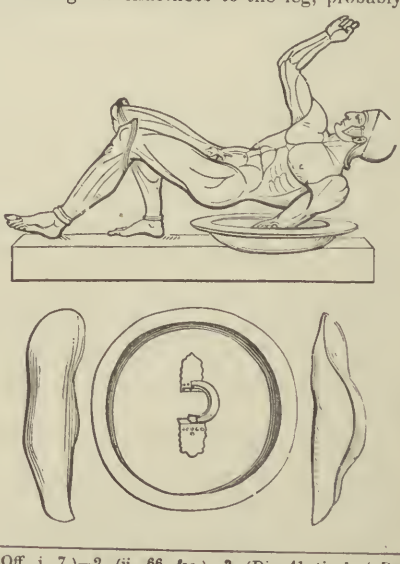
*OCHRA (ὤχρα), our Yellow Ochre, *i. e.*, the ochrey brown iron ore of Jameson. It was much used by the ancient painters, and likewise as a medicine.[5]

*OCHRUS (ὤχρος), the *Pisum Ochrys*, a species of Pease that grows plentifully among corn in Italy and Sicily.[6]

*OCIMOEI'DES (ὠκιμοειδές), a plant, which Matthiolus and Bauhin hold to be a species of *Lychnis*, an opinion, however, which is rejected by Dodonæus. Sprengel agrees with Lobelius and Dalechamp in referring it to the *Saponaria Ocimoides.*[7]

*O'CIMUM or O'CYMUM (ὄκιμον, ὄκιμον), a plant, which Adams makes the same with the *Ocymum Basilicum*, or Sweet Basil.[8]

O'CREA (κνημίς), a Greave, a Leggin. A pair of greaves (κνημῖδες) was one of the six articles of armour which formed the complete equipment of a Greek or Etruscan warrior (*vid.* Arma, p. 94), and likewise of a Roman soldier as fixed by Servius Tullius.[9] They were made of bronze,[10] of brass,[11] of tin,[12] or of silver and gold,[13] with a lining probably of leather, felt, or cloth. Another method of fitting them to the leg so as not to hurt it was by the interposition of that kind of sponge which was also used for the lining of helmets (*vid.* Galea, p. 466), and which Aristotle describes as being remarkable for thinness, density, and firmness. The greaves, lined with these materials, as they were fitted with great exactness to the leg, probably re



1. (Off., i., 7.)—2. (ii., 66, &c.)—3. (Dig 41, tit 1: "De acquirendo rerum dominio.")—4. (Hom., Odyss., vii., 120.—Theocritus, Idyll., i., 134.—Adams, Append., s. v.)—5. (Dioscor., v. 108.—Adams, Append., s. v.)—6. (Theophrast., H. P., viii., 3 10.—Adams, Append., s. v.)—7. (Dioscor., iv., 28.—Galen, De Simpl., viii.—Adams, Append., s. v.)—8. (Theophrast., H. P., i., 19.—Id. ib., vii., 1.—Dioscor., ii., 170.—Adams, Append., s. v.)—9. (Liv., i., 43.)—10. (Alcæus, Frag., i., ed. Matthiæ.)—11. (Hes., Scut., 122.)—12. (Hom., Il., xviii., 612.—Id. ib., xxi., 592.)—13. (Virg., Æn., vii., 634.—Id. ib., viii., 624.—Id. ib., xi., 488.)

quired, in many cases, no other fastening than their own elasticity. Often, nevertheless, they were farther secured by two straps, as may be seen in the woodcut at p. 94. Their form and appearance will be best understood from the preceding woodcut. The upper figure is that of a fallen warrior, represented among the sculptures, now at Munich, belonging to the temple in Ægina. In consequence of the bending of the knees, the greaves are seen to project a little above them. This statue also shows very distinctly the ankle-rings (*ἐπισφύρια*), which were used to fasten the greaves immediately above the feet. The lower portion of the same woodcut represents the interior view of a bronze shield and a pair of bronze greaves, which were found by Signor Campanari in the tomb of an Etruscan warrior, and which are now preserved in the British Museum. These greaves are made right and left.

That the Greeks took great delight in handsome and convenient greaves may be inferred from the epithet *εὐκνημῖδες*, as used by Homer, and from his minuteness in describing some of their parts, especially the ankle-rings, which were sometimes of silver.[1] The modern Greeks and Albanians wear greaves, in form resembling those of their ancestors, but made of softer materials, such as velvet, ornamented with gold, and fastened with hooks and eyes.

Among the Romans, greaves made of bronze, and richly embossed, were worn by the gladiators. Some such have been found at Pompeii.[2] It appears that in the time of the emperors greaves were not entirely laid aside as part of the armour of the soldiers.[3] At an earlier period the heavy-armed wore a single greave on the right leg.[4] Leggins of ox-hide or strong leather, probably of the form already described, and designated by the same names both in Greek and Latin, were worn by agricultural labourers[5] and by huntsmen.[6]

OCTOBER. (*Vid.* Calendar, Roman.)

OCTO'PHORON (*Vid.* Lectica, p. 571.)

ŒCUS. (*Vid* House, Roman, p. 517.)

*OË or OIE (*ὄη, οἴη*), the *Pyrus sorbus*, or Service-tree. Its fruit is called *οὔα* by Dioscorides.[7]

*ŒNANTHE (*οἰνάνθη*), a plant, about which many conjectures have been formed. Sprengel prefers that of Lobelius, who held it to be the *Pedicularis tuberosa*, L. "From my acquaintance, however," observes Adams, "with the *Œnanthe pimpinelloides*, or Parsley Waterdropwort, I cannot help tkinking that *it* agrees pretty well with the description of Dioscorides. The *Œnanthe crocata*, a species very similar in appearance, but very different in quality, is entirely out of the question, although Dr. Milligan holds it to be the *Œnanthe* of Celsus. The term *οἰνάνθη* is likewise applied to the flowers of the wild vine."[8]

*II A small bird mentioned by Aristotle. It is supposed to have been the *Saxicola Œnanthe*, Bechstein. Its English name is *Wheatear*; its Scotch, *Chacker*.[9]

*ŒNAS (*οἰνάς*), the common Pigeon, or *Columba Œnas*.[10]

ŒNO'PHORUM (*οἰνόφορον*), a Basket, or other contrivance for carrying bottles of wine; a wine-basket. This was sometimes used by those who took their own wine with them in travelling, in order to avoid the necessity of purchasing it on the road.[1] A slave, called the wine-bearer (*οἰνοφόρος*[2]) carried it probably on his back.

*ŒNOTHE'RA (*οἰνοθήρα*), according to Sprengel, the *Epilobium angustifolium*, or narrow-leaved Willow-herb. "The commentators, however," remarks Adams, "are in general very undecided regarding it."[3]

*ŒSTRUS (*οἶστρος*). "Bochart and Aldrovandi," remarks Adams, "have proved most satisfactorily, that by the Greek poets, &c., the terms *οἶστρος* and *μύωψ* were used indiscriminately; but that Aristotle and other writers on matters of science apply the former to a species of gadfly (meaning, I presume, the *Œstrus bovis*, or Breeze), and the latter to a species of horsefly (the *Tabanus bovinus*). This, it appears to me, is the most satisfactory account of the matter. But yet I think it right to mention that Schneider, treating of the *μύωψ* of Ælian, professes himself unable to determine whether it was a species of *Œstrus*, *Tabanus*, or *Hippobosca*; and in another place he offers it as a conjecture, that the *οἶστρος* of Aristotle was a species of *Culex*. It seems agreed that the *Asilus* of Virgil was the Breeze." (*Vid.* Asilus.)[4]

OFFENDIX. (*Vid.* Apex.)

OGULNIA LEX. (*Vid.* Lex, p. 584.)

OIKIAΣ ΔIKH (*οἰκίας δίκη*), an action to recover a house, in which (as in any other action where property was the subject of litigation) the dicasts decided (*διεδίκασεν*) to which of the parties the house belonged, and adjudged it to him (*ἐπεδίκασεν*). Nothing farther being requisite, the suit was an *ἀτίμητος ἀγών*. Certain speeches of Lysias, Isæus, and Hyperides, which are now lost, were upon this subject. The *οἰκίας δίκη* was only to recover the house itself; the by-gone rents, or mesne profits, were recoverable in an action called *ἐνοικίου δίκη*. (*Vid.* Enoikiou Dike.)[5]

OFFICIUM ADMISSIO'NUM. (*Vid.* Admissionalis.)

OINOCHOOI (*οἰνοχόοι*). (*Vid.* Symposium.)

OIONISTICE (*οἰωνιστική*). (*Vid.* Divinatio, p 369.)

*OLI'VA, the Olive-tree. (*Vid.* Elaia and Cotinos.)

OLLA, *ant.* AULA,[6] *dim.* OLLULA (*λέβης*; *χύτρος*, *χύτρα*, *dim.* *χυτρίς*), a vessel of any material, round and plain, and having a wide mouth; a pot, a jar.

Besides being made of earthenware[7] (*ὀστρακίνη*, *testacea*) and bronze (*χαλκῆ*, *ænea*,[8] *ænum*;[9] *λέβης χάλκεος*[10]), the ancients also made these vessels of different kinds of stone, which were turned upon the lathe. At Pleurs, a village near Chiavenna, to the north of the Lake of Como, the manufacture of vessels from the potstone found in a neighbouring mountain is still carried on, and has probably existed there from the time of Pliny, who makes express mention of it.[11] Some of these vessels are nearly two feet in diameter, and, being adapted to bear the fire, are used for cooking (*Oculis observare ollam pultis, ne aduratur*[12]).

The following woodcut is taken from a vase in the British Museum, which was found at Canino in Etruria. The painting upon it represents the story of Medea boiling an old ram with a view to persuade the daughters of Pelias to put him to death.[13]

1. (Hom., Il., iii., 331.—Id. ib., xi., 18.)—2. (Gell. Pompeiana, 1817, plate 18.—Donaldson, Pompeii, vol. ii.)—3. (Lamprid., Al. Sever., 40.)—4. (Veget., De Re Mil., i., 20.)—5. (Hom., Od., xxiv., 228.—Plin., H. N., xix., 7.—Pallad., De Re Rust., i., 43.)—6. (Hor., ii., 3, 234.)—7. (Theophrast., H. P., ii., 10.—Adams, Append., s. v.)—8. (Theophrast., H. P., vi., 6.—Dioscor., iii., 133.—Id., v., 5.—Adams, Append., s. v.)—9. (Aristot., H. A., ix. 36.—Adams, Append. s. v.)—10. (Aristot., H. A., v., 11.)

1. (Hor., Sat., I., vi., 109.—Juv., Sat., vii., 11.—Pers., Sat., v., 140.—Mart., vi., 88.—Apulejus, Met., viii.—Tertull., De Jejun., 9.)—2. (Plin., H. N., xxxiv., 8, s. 19.)—3. (Theophrast., H. P., ix., 10. — Dioscor., iv., 116. — Adams, Append., s. v.) — 4. (Ælian, N. A., vi., 37.—Adams, Append., s. v.)—5. (Meier, Att. Proc., p. 492.) — 6. (Plaut., Aulul., passim.) — 7. (Antiphanes ap. Athen., x., 70.)—8. (Æsop., Fab., 329.—Cato, De Re Rust., 81.)—9. (Ovid, Met., vii., 318–321.)—10. (Herod., i., 48.)—11 (H. N., xxxvi., 22, s. 44.)—12 (Varro ap. Non. Marcell., p. 543 ed. Merceri.—Festus, s. v. Aulas.) —13. (Ovid, Met., vii., 318–321.—Hygin., Fab., 24.)

The pot has a round bottom, and is supported by a tripod, under which is a large fire. The ram, restored to youth, is just in the act of leaping out of the pot. Instead of being supported by a separate tripod, the vessel was sometimes made with the feet all in one piece, and it was then called in Greek *τρίπους* (*vid.* TRIPOS), *χυτρόπους*,[1] and *πυρίστάτης*.

Besides being placed upon the fire in order to boil water or cook victuals, the ancients used pots to carry fire, just as is now done by the modern inhabitants of Greece, Italy, and Sicily.[2] They also used small pots containing fire and pitch, to annoy the enemy in sieges by throwing them from slings and military engines.

A late traveller in Asia Minor informs us that the Turks wash their hands in the following manner: A boy or servant pours water upon the hands, the water falling into a vessel which is placed underneath to receive it.[3] So in the Odyssey,[4] a servant brings water in a golden ewer (*προχόῳ*), and pours it upon the hands of the guest over a jar (*λεβήτι*) of silver. Numerous passages of ancient authors show that this practice has always prevailed in the same countries.

The Argives and Æginetans drank out of small, coarse pots of their own manufacture, rather than purchase cups of superior quality from Athens.[5] (*Vid.* FICTILE, p. 440.)

Ollæ were also used to hold solids and keep them in store, while amphoræ rendered the same service in regard to liquids. (*Vid.* AMPHORA.) Thus grapes were kept in jars as at present.[6] Although pots were commonly made solely with a view to utility, and were therefore destitute of ornament and without handles, yet they were sometimes made with two handles (*δίωτοι*) like amphoræ; and, when they were well turned upon the wheel, well baked, smooth and neat, and so large as to hold six congii (=4½ gallons nearly), they were, as we learn from Plato,[7] considered very beautiful.

Pots were used, as with us, in gardening.[8]

Another very remarkable use of these vessels of earthenware among the Greeks was to put infants into them to be exposed,[9] or to be carried anywhere.[1] Hence the exposure of children was called *ἐγχυτρίζειν*,[2] and the miserable women who practised it *ἐγχυτρίστριαι*.[3]

In monumental inscriptions the term *olla* is frequently applied to the pots which were used to receive the ashes of the slaves or inferior members of a family, and which were either exposed to view in the niches of the COLUMBARIUM, or immured in such a manner as to show the lid only. Some good specimens of cinerary ollæ are preserved in the British Museum, in a small apartment so constructed as to exhibit accurately the manner of arranging them. (*Vid.* above, p. 287, 288, 461, and numerous plates in Bartoli's *Antichi Sepolcri*.)

The lid of the olla was called *ἐπίθημα* and *operculum*. It generally corresponded in the material and the style of ornament with the olla itself.[4]

*OLOLYGON (*ὀλολύγων*), "the name of an animal," says Adams, "mentioned by Theocritus. The scholiast calls it a swallow; some have referred it to the lark; and others have supposed it a frog! From the probable derivation of the word (*i. e.*, from *ὀλολύγη*), I am disposed to agree with the scholiast."[5]

*OLOST'ION (*ὀλόστιον*), a plant mentioned by Dioscorides. "Little, however, can be made," says Adams, "from his brief description of it. It is decidedly *not* the *Stellaria Holosteum*, or Greater Stichwort, as Ruellius supposed; nor the *Plantago albicans*, as Dodonæus suggested. Whether or not the *Holosteum umbellatum*, as Tabermontanus and Sprengel contend, possesses the requisite character, I dare not venture to decide, as I have no acquaintance with that plant."[6]

OLYMPIAD (*Ὀλυμπιάς*), the most celebrated chronological æra among the Greeks, was the period of four years, which elapsed between each celebration of the Olympic games. The olympiads began to be reckoned from the victory of Corœbus in the footrace, which happened in the year B.C. 776.[7] Timæus of Sicily, however, who flourished B.C. 264, was the first writer who regularly arranged events according to the conquerors in each olympiad, with which æra he compared the years of the Attic archons, the Spartan ephors, and that of the Argive priestesses.[8] His practice of recording events by olympiads was followed by Polybius, Diodorus Siculus, Dionysius of Halicarnassus, and sometimes by Pausanias, Ælian, Diogenes Laertius, Arrian, &c. It is twice adopted by Thucydides[9] and Xenophon.[10] The names of the conquerors in the footrace were only used to designate the olympiad, not the conquerors in the other contests. Thucydides,[11] however, designates two olympiads by the name of the conquerors in the pancratium; but this appears only to have been done on account of the celebrity of these victors, both of whom conquered twice in the pancratium. Other writers, however, adhere so strictly to the practice of designating the olympiad only by the conqueror in the footrace, that even when the same person had obtained the prize in other contests as well as in the footrace, they only mention the latter. Thus Diodorus[12] and Pausanias[13] only record the conquest of Xenophon of Corinth in the footrace, although he had also conquered at the same festival in the pentathlum.

The writers who make use of the æra of the olympiads usually give the number of the olympiad (the first corresponding to B.C. 776), and then the name of the conqueror in the footrace. Some wri-

1. (Hes., Op. et Dies, 748.—Schol. in Soph., Aj., 1405.)—2. (Xen., Hellen., iv., 5, § 4.)—3. (Fellows's Excursion in Asia Minor, p. 153.)—4. (ii., 136.)—5. (Herod., v., 88.)—6. (Col., De Re Rust., xii., 43.)—7. (Hipp. Maj., p. 153, 154, ed. Heindorff.)—8. (Cato, De Re Rust., 51.)—9. (Aristoph., Ran., 1188.—Schol ad loc. —Mœris, s. v. Ἐχυτισμός.)

1. (Aristoph., Thesm., 512–516.—Schol. ad loc.)—2. (Hesych. s. v.)—3. (Suidas, s. v.)—4. (Herod., i., 48.—Col., I. c.—5. (Theocrit., vii., 139.—Adams, Append., s. v.)—6. (Diosc., iv., 11.—Galen, De Simpl., viii.—Adams, Append., s. v.)—7. (Paus., v., 8, § 3.—Id., viii., 26, § 3.—Strabo, viii., p. 355.)—8. (Polyb., xii., 12, 1.)—9. (iii., 8; v., 49.)—10 (Hellen., i 2, § 1; ii., 3, § 1.)—11. (ll cc.)—12. (xi 70.)—13 iv., 24, § 2

OLYMPIAD

ters also speak of events as happening in the first, second, third, or fourth year, as the case may be, of a certain olympiad; but others do not give the separate years of each olympiad. The rules for converting olympiads into the year B.C., and *vice versa*, are given under CALENDAR (GREEK), p. 191; but, as this is troublesome, we subjoin for the use of the student a list of the olympiads, with the years of the Christian æra corresponding to them, from the beginning of the olympiads to A.D. 301. To save space, the separate years of each olympiad, with the corresponding years B.C., are only given from the 47th to the 126th Olympiad, as this is the most important period of Grecian history; in the other olympiads the first year only is given. In consulting the following table, it must be borne in mind that the Olympic games were celebrated about midsummer (*vid.* OLYMPIC GAMES), and that the Attic year commenced at about the same time. If, therefore, an event happened in the second half of the Attic year, the year B.C. must be reduced by one. Thus Socrates was put to death in the 1st year of the 95th Olympiad, which corresponds in the following table to B.C. 400; but, as his death happened in Thargelion, the 11th month of the Attic year, the year B.C. must be reduced by one, which gives us B.C. 399, the true date of his death.

B.C.	Ol.		B.C.	Ol.		B.C.	Ol.	
776.	1.	1.	590.		3.	542.		3.
772.	2.	1.	589.		4.	541.		4.
768.	3.	1.	588.	48.	1.	540.	60.	1.
764.	4.	1.	587.		2.	539.		2.
760.	5.	1.	586.		3.	538.		3.
756.	6.	1.	585.		4.	537.		4.
752.	7.	1.	584.	49.	1.	536.	61.	1.
748.	8.	1.	583.		2.	535.		2.
744.	9.	1.	582.		3.	534.		3.
740.	10.	1.	581.		4.	533.		4.
736.	11.	1.	580	50.	1.	532.	62.	1.
732.	12.	1.	579.		2.	531.		2.
728.	13.	1.	578.		3.	530.		3.
724.	14.	1.	577.		4.	529.		4.
720.	15.	1.	576.	51.	1.	528.	63.	1.
716.	16.	1.	575.		2.	527.		2.
712.	17.	1.	574.		3.	526.		3.
708.	18.	1.	573.		4.	525.		4.
704.	19.	1.	572.	52.	1.	524.	64.	1.
700.	20.	1.	571.		2.	523.		2.
696.	21.	1.	570.		3.	522.		3.
692.	22.	1.	569.		4.	521.		4.
688.	23.	1.	568.	53.	1.	520.	65.	1.
684.	24.	1.	567.		2.	519.		2.
680.	25.	1.	566.		3.	518.		3.
676.	26.	1.	565.		4.	517.		4.
672	27.	1.	564.	54.	1.	516.	66.	1.
668.	28.	1.	563.		2.	515.		2.
664.	29.	1.	562.		3.	514.		3.
660.	30.	1.	561.		4.	513.		4.
656.	31.	1.	560.	55.	1.	512.	67.	1.
652.	32.	1.	559.		2.	511.		2.
648.	33.	1.	558.		3.	510.		3.
644.	34.	1.	557.		4.	509		4.
640.	35.	1.	556.	56.	1.	508.	68.	1.
636.	36.	1.	555.		2.	507.		2.
632.	37.	1.	554.		3.	506.		3.
628.	38.	1.	553.		4.	505.		4.
624.	39.	1.	552.	57.	1.	504.	69.	1.
620.	40.	1.	551.		2.	503.		2.
616.	41.	1.	550.		3.	502.		3.
612	42.	1.	549.		4.	501.		4.
608	43.	1.	548.	58.	1.	500.	70.	1.
604.	44.	1.	547.		2.	499.		2.
600	45.	1.	546.		3.	498.		3.
596	46	1.	545.		4.	497.		4.
592.	47.	1.	544.	59.	1.	496.	71.	1.
591		2.	543.		2.	495.		2.
494.		3.	419.		2	344.	109.	
493.		4.	418.		3.	343		2
492.	72.	1.	417.		4.	342.		3
491.		2.	416.	91.	1.	341.		4
490		3.	415.		2.	340.	110.	1
489		4.	414.		3.	339.		2
488.	73.	1.	413.		4.	338.		3.
487.		2	412.	92	1.	337.		4
486.		3.	411.		2.	336.	111.	1
485.		4.	410.		3.	335.		2
484.	74.	1.	409.		4.	334.		3
483.		2.	408.	93.	1.	333.		4
482.		3.	407.		2.	332.	112.	1
481.		4.	406.		3.	331.		2
480.	75.	1.	405.		4.	330.		3.
479.		2.	404.	94.	1.	329.		4.
478.		3.	403.		2.	328.	113.	1.
477.		4.	402.		3.	327.		2.
476.	76.	1.	401.		4.	326.		3.
475.		2.	400.	95.	1.	325.		4.
474.		3.	399.		2.	324.	114.	1
473.		4.	398.		3.	323.		2.
472.	77.	1.	397.		4.	322.		3
471.		2.	396.	96.	1.	321.		4.
470.		3.	395.		2.	320.	115.	1.
469.		4.	394.		3.	319.		2.
468.	78.	1.	393.		4.	318.		3.
467.		2.	392.	97.	1.	317.		4.
466.		3.	391.		2.	316.	116.	1.
465.		4.	390.		3.	315.		2.
464.	79.	1.	389.		4.	314.		3.
463		2.	388.	98.	1.	313.		4.
462		3.	387.		2	312.	117.	1
461.		4.	386.		3.	311.		2
460.	80.	1.	385.		4.	310.		3
459.		2.	384.	99.	1.	309.		4.
458.		3.	383.		2.	308.	118.	1.
457.		4.	382.		3.	307.		2.
456.	81.	1.	381.		4.	306.		3.
455.		2.	380.	100.	1.	305.		4.
454.		3.	379.		2.	304.	119.	1.
453.		4.	378.		3.	303.		2.
452.	82.	1.	377.		4.	302.		3.
451.		2.	376.	101.	1.	301.		4
450.		3.	375.		2.	300.	120.	1
449.		4.	374.		3.	299.		2
448.	83.	1.	373.		4.	298.		3.
447.		2.	372.	102.	1.	297.		4.
446.		3.	371.		2.	296.	121.	1.
445.		4.	370.		3.	295.		2.
444.	84.	1.	369.		4.	294.		3.
443.		2.	368.	103.	1.	293.		4.
442		3.	367.		2.	292.	122.	1.
441.		4.	366.		3.	291.		2.
440.	85.	1.	365.		4.	290.		3.
439.		2.	364.	104.	1.	289.		4.
438.		3.	363.		2.	288.	123.	1.
437.		4.	362.		3.	287.		2.
436.	86.	1.	361.		4.	286.		3
435.		2.	360.	105.	1.	285.		4.
434.		3.	359.		2.	284.	124.	1.
433.		4.	358.		3.	283.		2.
432.	87.	1.	357.		4.	282.		3
431.		2.	356.	106.	1.	281.		4
430.		3.	355.		2.	280.	125.	1
429.		4.	354.		3.	279.		2.
428.	88.	1.	353.		4.	278.		3
427.		2.	352.	107.	1.	277.		4
426.		3.	351		2.	276.	126.	1
425.		4.	350.		3.	275.		2
424.	89.	1.	349.		4.	274.		3
423.		2.	348.	108.	1	273.		4
422.		3.	347.		2.	272.	127.	1
421.		4.	346.		3.	268.	128.	1
420.	90.	1	345.		4.	264.	129.	1

B.C.	Ol.	
260	130.	1.
256.	131.	1.
252	132	1.
248	133	1
244	134	1.
240	135.	1.
236	136.	1.
232	137	1.
228	138	1.
224	139.	1.
220.	140.	1.
216.	141.	1.
212.	142.	1.
208.	143.	1.
204	144.	1.
200	145.	1.
196	146.	1.
192	147.	1.
188	148.	1.
184.	149	1.
180.	150.	1.
176.	151.	1.
172.	152.	1.
168.	153.	1.
164.	154.	1.
160.	155.	1.
156.	156.	1.
152.	157.	1.
148.	158.	1.
144	159	1.
140	160	1.
136.	161.	1.
132.	162.	1.
128.	163.	1.
124.	164.	1.
120.	165.	1.
116.	166.	1.
112.	167.	1.
108.	168.	1.
104.	169.	1.
100.	170.	1.
96	171.	1.
92.	172.	1.
88.	173.	1.
84.	174.	1.
80.	175.	1.
76.	176.	1.
72.	177.	1.

B.C.	Ol.	
68.	178.	1.
64.	179.	1.
60.	180.	1.
56.	181.	1.
52.	182.	1.
48.	183.	1.
44.	184.	1.
40.	185.	1.
36.	186.	1.
32.	187.	1.
28.	188.	1.
24.	189.	1.
20.	190.	1.
16.	191.	1.
12.	192.	1.
8.	193.	1.
4.	194.	1.

A.D.	Ol.	
1.	195.	1.
5.	196.	1.
9.	197.	1.
13.	198.	1.
17.	199.	1.
21.	200.	1.
25.	201.	1.
29.	202.	1.
33.	203.	1.
37.	204.	1.
41.	205.	1.
45.	206.	1.
49.	207.	1.
53.	208.	1.
57.	209.	1.
61.	210.	1.
65.	211.	1.
69.	212	1.
73.	213.	1.
77.	214.	1.
81.	215.	1.
85.	216.	1.
89.	217.	1.
93.	218.	1.
97.	219.	1.
101.	220.	1.
105.	221.	1.
109.	222.	1.
113.	223.	1.

A.D.	Ol.	
117	224.	1.
121.	225.	1.
125.	226.	1.
129.	227.	1.
133.	228.	1.
137.	229.	1
141.	230.	1
145.	231.	1.
149.	232.	1.
153.	233.	1.
157.	234.	1.
161.	235.	1.
165.	236.	1.
169.	237.	1.
173.	238.	1.
177.	239.	1.
181.	240.	1.
185.	241.	1.
189.	242.	1.
193.	243.	1.
197.	244.	1.
201.	245.	1.
205.	246.	1.
209.	247.	1.
213.	248.	1.
217.	249.	1.
221.	250.	1.
225.	251.	1.
229.	252.	1.
233.	253.	1.
237.	254.	1.
241.	255.	1.
245.	256.	1.
249.	257.	1.
253.	258.	1.
257.	259.	1.
261.	260.	1.
265.	261.	1.
269.	262.	1.
273.	263.	1.
277.	264.	1.
281.	265.	1.
285.	266.	1.
289.	267.	1.
293.	268.	1.
297.	269.	1.
301.	270.	1.

Many of the ancient writers did not consider history to begin till the Olympiad of Corœbus, and regarded as fabulous the events said to have occurred in preceding times.[1]

The old olympiad æra appears only to have been used by writers, and especially by historians. It does not seem ever to have been adopted by any state in public documents. It is never found on any coins, and scarcely ever on inscriptions. There are only two inscriptions published by Böckh in which it appears to be used.[2] A new olympiad æra, however, came into use under the Roman emperors, which is found in inscriptions and was used in public documents. This æra begins in Ol. 227, 3 (A.D. 131), in which year Hadrian dedicated the Olympieion at Athens; and, accordingly, we find Ol. 227, 3, spoken of as the first olympiad. Ol. 228, 3 (A.D. 135), as the second olympiad, &c.[3]

OLYMPIC GAMES (Ὀλύμπια), the greatest of the national festivals of the Greeks. It was celebrated at Olympia in Elis, the name given to a small plain to the west of Pisa, which was bounded on the north and northeast by the mountains Cronius and Olympus, on the south by the river Alpheus, and on the west by the Cladeus, which flows into the Alpheus. Olympia does not appear to have been a town, but rather a collection of temples and public buildings, the description of which does not come within the plan of this work.

The origin of the Olympic games is buried in obscurity. The legends of the Elean priests attributed the institution of the festival to the Idæan Heracles, and referred it to the time of Cronos. According to their account, Rhea committed her newborn Zeus to the Idæan Dactyli, also called Curetes, of whom five brothers, Heracles, Pæonæus, Epimedes, Iasius, and Idas, came from Ida in Crete to Olympia, where a temple had been erected to Cronos by the men of the Golden Age; and Heracles, the eldest, conquered his brothers in a footrace, and was crowned with the wild olive-tree. Heracles hereupon established a contest, which was to be celebrated every five years, because he and his brothers were five in number.[1] Fifty years after Deucalion's flood they said that Clymenus, the son of Cardis, a descendant of the Idæan Heracles, came from Crete and celebrated the festival; but that Endymion, the son of Æthlius, deprived Clymenus of the sovereignty, and offered the kingdom as a prize to his sons in the footrace; that, a generation after Endymion, the festival was celebrated by Pelops to the honour of the Olympian Zeus; that when the sons of Pelops were scattered through Peloponnesus, Amythaon, the son of Cretheus and a relative of Endymion, celebrated it; that to him succeeded Pelias and Neleus in conjunction, then Augeas, and at last Heracles, the son of Amphitryon, after the taking of Elis. Afterward Oxylus is mentioned as presiding over the games, and then they are said to have been discontinued till their revival by Iphitus.[2] Most ancient writers, however, attribute the institution of the games to Heracles, the son of Amphitryon,[3] while others represent Atreus as their founder.[4]

Strabo[5] rejects all these legends, and says that the festival was first instituted after the return of the Heraclidæ to the Peloponnesus by the Ætolians, who united themselves with the Eleans. It is impossible to say what credit is to be given to the ancient traditions respecting the institution of the festival; but they appear to show that religious festivals had been celebrated at Olympia from the earliest times, and it is difficult to conceive that the Peloponnesians and the other Greeks would have attached such importance to this festival, unless Olympia had long been regarded as a hallowed site. The first historical fact connected with the Olympian games is their revival by Iphitus, king of Elis, who is said to have accomplished it with the assistance of Lycurgus, the Spartan lawgiver, and Cleosthenes of Pisa; and the names of Iphitus and Lycurgus were inscribed on a disc in commemoration of the event, which disc Pausanias saw in the Temple of Hera at Olympia.[6] It would appear from this tradition, as Thirlwall[7] has remarked, that Sparta concurred with the two states most interested in the establishment of the festival, and mainly contributed to procure the consent of the other Peloponnesians. The celebration of the festival may have been discontinued in consequence of the troubles consequent upon the Doric invasion, and we are told that Iphitus was commanded by the Delphic oracle to revive it as a remedy for intestine commotions and for pestilence, with which Greece

1. (Censorinus, De Die Natal., c. 21.—African. ap. Euseb., Præp., x., 10, p. 487, D.—Clinton, Fast. Hell., vol. ii., Introd., pt. ii.)—2. (Corp. Inscrip., n. 2682, 2999.)—3. (Corp. Inscrip., n. 342, 446, 1345.—Krause, Olympia, p. 60, &c.—Wurm, De Pond., &c., § 94, &c.)

1. (Paus., v., 7, § 4.)—2. (Paus., v., 8, § 1, 2.)—3. (Apollod. ii., 7, § 2.—Diod. Sic., iv., 14.—Compare Strabo, viii., p. 355.)—4. (Vell. Paterc., i., 7.—Hermann, Pol. Ant., § 23, n. 10.)—5 (viii., p. 354, 355.)—6. (Paus., v., 4, § 4; v., 20, § 1.—Plut., Lycurg., 1, 23.' –7. (Hist. of Greece, ii., p. 386.)

was then afflicted. Iphitus thereupon induced the Eleans to sacrifice to Heracles, whom they had formerly regarded as an enemy, and from this time the games were regularly celebrated.[1] Different dates are assigned to Iphitus by ancient writers, some placing his revival of the olympiad at B.C. 384, and others, as Callimachus, at B.C. 828.[2] The interval of four years between each celebration of the festival was called an olympiad; but the olympiads were not employed as a chronological æra till the victory of Corœbus in the footrace, B.C. 776. (*Vid.* OLYMPIAD.)

The most important point in the renewal of the festival by Iphitus was the establishment of the *ἐκεχειρία*, or sacred armistice, the formula for proclaiming which was inscribed in a circle on the disc mentioned above. The proclamation was made by peace-heralds (*σπονδοφόροι*), first in Elis and afterward in the other parts of Greece; it put a stop to all warfare for the month in which the games were celebrated, and which was called *ἱερομηνία*. The territory of Elis itself was considered especially sacred during its continuance, and no armed force could enter it without incurring the guilt of sacrilege. When the Spartans, on one occasion, sent forces against the fortress Phyrcum and Lepreum during the existence of the Olympic truce (*ἐν ταῖς Ὀλυμπιακαῖς σπονδαῖς*), they were fined by the Eleans, according to the Olympic law, 2000 minæ, being two for each Hoplite.[3] The Eleans, however, pretended not only that their lands were inviolable during the existence of the truce, but that, by the original agreement with the other states of Peloponnesus, their lands were made sacred forever, and were never to be attacked by any hostile force;[4] and they farther stated that the first violation of their territory was made by Pheidon of Argos. But the Eleans themselves did not abstain from arms, and it is not probable that such a privilege would have existed without imposing on them the corresponding duty of refraining from attacking the territory of their neighbours. The later Greeks do not appear to have admitted this claim of the Eleans, as we find many cases in which their country was made the scene of war.[5]

The Olympic festival was probably confined at first to the Peloponnesians; but, as its celebrity extended, the other Greeks took part in it, till at length it became a festival for the whole nation. No one was allowed to contend in the games but persons of pure Hellenic blood: barbarians might be spectators, but slaves were entirely excluded. All persons who had been branded by their own states with atimia, or had been guilty of any offence against the divine laws, were not permitted to contend.[6] When the Hellenic race had been extended by colonies to Asia, Africa, and other parts of Europe, persons contended in the games from very distant places; and in later times a greater number of conquerors came from the colonies than from the mother-country. After the conquest of Greece by the Romans, the latter were allowed to take part in the games. The emperors Tiberius and Nero were both conquerors, and Pausanias[7] speaks of a Roman senator who gained the victory. During the freedom of Greece, even Greeks were sometimes excluded, when they had been guilty of a crime which appeared to the Eleans to deserve this punishment. The horses of Hieron of Syracuse were excluded from the chariot-race through the influence of Themistocles, because he had not taken part with the other Greeks against the Persians.[8] All the Lacedæmonians were excluded in the 90th Olympiad because they had not paid the fine for violating the Elean territory, as mentioned above;[1] and similar cases of exclusion are mentioned by the ancient writers.

No women were allowed to be present, or even to cross the Alpheus during the celebration of the games, under penalty of being hurled down from the Typæan rock. Only one instance is recorded of a woman having ventured to be present, and she, although detected, was pardoned in consideration of her father, brothers, and son having been victors in the games.[2] An exception was made to this law in favour of the priestess of Demeter Chamyne, who sat on an altar of white marble opposite to the Hellanodicæ.[3] It would appear from another passage of Pausanias that *virgins* were allowed to be present, though *married* women were not (*παρθένους δὲ οὐκ εἴργουσι θεασάσθαι*[4]); but this statement is opposed to all others on the subject, and the reading of the passage seems to be doubtful.[5] Women were, however, allowed to send chariots to the races; and the first woman whose horses won the prize was Cynisca, the daughter of Archidamus and sister of Agesilaus.[6] The number of spectators at the festival was very great; and these were drawn together, not merely by the desire of seeing the games, but partly through the opportunity it afforded them of carrying on commercial transactions with persons from distant places,[7] as is the case with the Mohammedan festivals at Mecca and Medina. Many of the persons present were also deputies (*θεωροί*) sent to represent the various states of Greece; and we find that these embassies vied with one another in the number of their offerings, and the splendour of their general appearance, in order to support the honour of their native cities. The most illustrious citizens of a state were frequently sent as *θεωροί*.[8]

The Olympic festival was a Pentaeteris (*πενταετηρίς*), that is, according to the ancient mode of reckoning, a space of four years elapsed between each festival, in the same way as there was only a space of two years between a *τριετηρίς*. According to the scholiast on Pindar,[9] the Olympic festival was celebrated at an interval sometimes of 49, sometimes of 50 months; in the former case in the month of Apollonius, in the latter in that of Parthenius. This statement has given rise to much difference of opinion from the time of J. Scaliger; but the explanation of Böckh in his commentary on Pindar is the most satisfactory, that the festival was celebrated on the first full moon after the summer solstice, which sometimes fell in the month of Apollonius, and sometimes in Parthenius, both of which he considers to be the names of Elean or Olympian months: consequently, the festival was usually celebrated in the Attic month of Hecatombæon. It lasted, after all the contests had been introduced, five days, from the 11th to the 15th days of the month inclusive.[10] The fourth day of the festival was the 14th of the month, which was the day of the full moon, and which divided the month into two equal parts (*διχόμηνις μήνα*[11]).

The festival was under the immediate superintendence of the Olympian Zeus, whose temple at Olympia, adorned with the statue of the god made by Phidias, was one of the most splendid works of art in Greece.[12] There were also temples and altars

1. (Paus., l. c.)—2. (Clinton, Fast. Hellen., p. 409, *t.*)—3. (Thucyd., v., 49.)—4. (Strabo, viii., p. 358.)—5. (Xen., Hellen., iii., 2, § 23, &c.; vii., 4, &c.)—6. (Compare Demosth., c. Aristocrat., p. 631, 632.)—7. (v., 20, § 4.)—8. (Plut., Them., 25.—Ælian, V. H., ix., 5.

1. (Thucyd., v., 49, 50.—Paus., iii., 8, § 2.)—2. (Paus., v., 6, § 5.—Ælian, V. H., x., 1.)—3. (Paus., vi., 20, § 6.—Compare Suet., Ner., c. 12.)—4. (vi., 20, § 6.)—5. (*Vid.* Valckenaer ad Theocr., Adon., p. 196, 197.)—6. (Paus., iii., 8, § 1.)—7. (Vell. Paterc., i., 8.—Justin, xiii., 5: "Mercatus Olympiacus.")—8. (Thucyd., vi., 16.—Andoc., c. Alc., p. 126, 127, ed. Reiske.)—9. (ad Ol., iii., 35, ed. Böckh.)—10. (Schol. ad Pind., Ol., v., 6.)—11. (Pind., Ol., iii., 19.—Schol. ad loc.)—12. (Paus., v., 10, &c.)

ic most of the other gods. The festival itself may be divided into two parts, the games or contests (*ἀγὼν Ὀλυμπιακός, ἀέθλων ἅμιλλαι, κρίσις ἀέθλων, τεθμὸς ἀέθλων, νικαφορίαι*), and the festive rites (*ἑορτή*) connected with the sacrifices, with the processions, and with the public banquets in honour of the conquerors. Thus Pausanias distinguishes between the two parts of the festival when he speaks of *τὸν ἀγῶνα ἐν Ὀλυμπίᾳ πανήγυρίν τε Ὀλυμπιακήν*.[1] The conquerors in the games, and private individuals, as well as the theori or deputies from the various states, offered sacrifices to the different gods; but the chief sacrifices were offered by the Eleans in the name of the Elean state. The order in which the Eleans offered their sacrifices to the different gods is given in a passage of Pausanias.[2] There has been considerable dispute among modern writers, whether the sacrifices were offered by the Eleans and the theori at the commencement or at the termination of the contests: our limits do not allow us to enter into the controversy, but it appears most probable that certain sacrifices were offered by the Eleans as introductory to the games, but that the majority were not offered till the conclusion, when the flesh of the victims was required for the public banquets given to the victors.

The contests consisted of various trials of strength and skill, which were increased in number from time to time. There were in all twenty-four contests, eighteen in which men took part, and six in which boys engaged, though they were never all exhibited at one festival, since some were abolished almost immediately after their institution, and others after they had been in use only a short time. We subjoin a list of these from Pausanias,[3] with the date of the introduction of each, commencing from the Olympiad of Corœbus: 1. The footrace (*δρόμος*), which was the only contest during the first 13 olympiads. 2. The *δίαυλος*, or footrace, in which the stadium was traversed twice, first introduced in Ol. 14. 3. The *δόλιχος*, a still longer footrace than the *δίαυλος*, introduced in Ol. 15. For a more particular account of the *δίαυλος* and *δόλιχος*, *vid.* STADIUM. Some words appear to have dropped out of the passage of Pausanias to which we have just referred. In every other case he mentions the name of the first conqueror in each new contest, but never the name of the conqueror in the same contest in the following olympiad. In this passage, however, after giving the name of the first conqueror in the diaulos, he adds, *τῇ δὲ ἑξῆς Ἀκανθος*. There can be little doubt that this must be the name of the conqueror in the dolichos, which is also expressly stated by Africanus.[4] 4. Wrestling (*πάλη*); and, 5. The Pentathlum (*πένταθλον*), which consisted of five exercises (*vid.* PENTATHLUM), both introduced in Ol. 18. 6. Boxing (*πυγμή*), introduced in Ol. 23. (*Vid.* PUGILATUS.) 7. The chariot-race, with four full-grown horses (*ἵππων τελείων δρόμος ἅρμα*), introduced in Ol. 25. 8. The Pancratium (*παγκράτιον*), (*vid.* PANCRATIUM); and, 9. The horserace (*ἵππος κέλης*), both introduced in Ol. 33. 10 and 11. The footrace and wrestling for boys, both introduced in Ol. 37. 12. The Pentathlum for boys, introduced in Ol. 38, but immediately afterward abolished. 13. Boxing for boys, introduced in Ol. 41. 14. The footrace, in which men ran with the equipments of heavy-armed soldiers (*τῶν ὁπλιτῶν δρόμος*), introduced in Ol. 65, on account of its training men for actual service in war. 15. The chariot-race with mules (*ἀπήνη*), introduced in Ol. 70; and, 16. The horserace with mares (*κάλπη*), described by Pausanias,[5] introduced in Ol. 71, both of which were abolished in Ol. 84. 17. The chariot-race with two full-grown horses (*ἵππων τελείων συνωρίς*), introduced in Ol. 93. 18 and 19. The contest of heralds (*κήρυκες*) and trumpeters (*σαλπιγκταί*), introduced in Ol. 96.[1] 20. The chariot-race with four foals (*πώλων ἅρμασιν*), introduced in Ol. 99. 21. The chariot-race with two foals (*πώλων συνωρίς*), introduced in Ol. 128. 22. The horserace with foals (*πώλος κέλης*), introduced in Ol. 131. 23. The Pancratium for boys, introduced in Ol. 145. 24. There was also a horserace (*ἵππος κέλης*) in which boys rode,[2] but we do not know the time of its introduction. Of these contests, the greater number were in existence in the heroic age; but the following were introduced for the first time by the Eleans: all the contests in which boys took part, the footrace of Hoplites, the races in which foals were employed, the chariot-race in which mules were used, and the horserace with mares (*κάλπη*). The contests of heralds and trumpeters were also probably introduced after the heroic age.

Pausanias[3] says that, up to the 77th Olympiad, all the contests took place in one day; but, as it was found impossible in that Olympiad to finish them all in so short a time, a new arrangement was made. The number of days in the whole festival which were henceforth devoted to the games, and the order in which they were celebrated, have been a subject of much dispute among modern writers, and in many particulars can be only matter of conjecture. The following arrangement is proposed by Krause:[4] On the first day the initiatory sacrifices were offered, and all the competitors classed and arranged by the judges. On the same day the contest between the trumpeters took place; and to this succeeded, on the same day and the next, the contests of the boys, somewhat in the following order: the footrace, wrestling, boxing, the pentathlum, the pancratium, and, lastly, the horserace. On the third day, which appears to have been the principal one, the contests of the men took place, somewhat in the following order: the simple footrace, the diaulos, the dolichos, wrestling, boxing, the pancratium, and the race of Hoplites. On the fourth day, the pentathlum, either before or after the chariot and horseraces, which were celebrated on this day. On the same day, or on the fifth, the contests of the heralds may have taken place. The fifth day appears to have been devoted to processions and sacrifices, and to the banquets given by the Eleans to the conquerors in the games.

The judges in the Olympic games, called Hellanodicæ (*Ἑλλανοδίκαι*), were appointed by the Eleans, who had the regulation of the whole festival. It appears to have been originally under the superintendence of Pisa, in the neighbourhood of which Olympia was situated; and, accordingly, we find in the ancient legends the names of Œnomaus, Pelops, and Augeas as presidents of the games. But after the conquest of Peloponnesus by the Dorians, on the return of the Heraclidæ, the Ætolians, who had been of great assistance to the Heraclidæ, settled in Elis, and from this time the Ætolian Eleans obtained the regulation of the festival, and appointed the presiding officers.[5] Pisa, however, did not quietly relinquish its claim to the superintendence of the festival, and it is not improbable that at first it had an equal share with the Eleans in its administration. The Eleans themselves only reckoned three festivals in which they had not had the presidency, namely, the 8th, in which Pheidon and the Piseans obtained it; the 34th, which was celebrated under

1. (v., 4, ◊ 4.)—2. (v., 14., ◊ 5.)—3. (v., 8, ◊ 2, 3; 9, ◊ 1, 2.—Compare Plut., Symp., v., 2.)—4. (apud Euseb., Chron., i., Ἑλλ. ὁλ., p. 39.)—5. (v., 9, ◊ 1, 2.)

1. (African. ap. Euseb., Chron., i., Ἑλλ. ὁλ., p. 41.—Paus., v., 22, ◊ 1.—Compare Cic. ad Fam., v., 12.)—2. (Paus., vi., 2, ◊ 4; 12, ◊ 1; 13, ◊ 6.)—3. (v., 9, ◊ 3.)—4. (Olympia, p. 106.)—5. (Strabo, viii., p. 357, 358.)

the superintendence of Pantaleon, king of Pisa; and the 104th, celebrated under the superintendence of the Piseans and Arcadians. These olympiads the Eleans called *ἀνολυμπίαδες*, as celebrated contrary to law.

The hellanodicæ were chosen by lot from the whole body of the Eleans. Pausanias[2] has given an account of their numbers at different periods; but the commencement of the passage is, unfortunately, corrupt. At first, he says, there were only two judges chosen from all the Eleans, but that in the 25th Ol. (75th Ol.?) nine hellanodicæ were appointed, three of whom had the superintendence of the horseraces, three of the pentathlum, and three of the other contests. Two olympiads after, a tenth judge was added. In the 103d Ol. the number was increased to 12, as at that time there were 12 Elean phylæ, and a judge was chosen from each tribe; but, as the Eleans afterward lost part of their lands in war with the Arcadians, the number of phylæ was reduced to eight in the 104th Ol., and, accordingly, there were then only eight hellanodicæ. But in the 108th Ol. the number of hellanodicæ was increased to 10, and remained the same to the time of Pausanias.[3]

The hellanodicæ were instructed for ten months before the festival by certain of the Elean magistrates, called *νομοφύλακες*, in a building devoted to the purpose near the market-place, which was called Ἑλλανοδικαιών.[4] Their office probably only lasted for one festival. They had to see that all the laws relating to the games were observed by the competitors and others, to determine the prizes, and to give them to the conquerors. An appeal lay from their decision to the Elean senate.[5] Their office was considered most honourable. They wore a purple robe (*πορφυρίς*), and had in the stadium special seats appropriated to them.[6] Under the direction of the hellanodicæ was a certain number of *ἀλύται*, with an *ἀλυτάρχης* at their head, who formed a kind of police, and carried into execution the commands of the hellanodicæ.[7] There were also various other minor officers under the control of the hellanodicæ.

All free Greeks were allowed to contend in the games who had complied with the rules prescribed to candidates. The equestrian contests were necessarily confined to the wealthy; but the poorest citizens could contend in the athletic contests, of which Pausanias[8] mentions an example. This, however, was far from degrading the games in public opinion; and some of the noblest as well as meanest citizens of the state took part in these contests. The owners of the chariots and horses were not obliged to contend in person; and the wealthy vied with one another in the number and magnificence of the chariots and horses which they sent to the games. Alcibiades sent seven chariots to one festival, a greater number than had ever been entered by a private person;[9] and the Greek kings in Sicily, Macedon, and other parts of the Hellenic world contended with one another for the prize in the equestrian contests.

All persons who were about to contend had to prove to the hellanodicæ that they were freemen of pure Hellenic blood, had not been branded with atimia, nor guilty of any sacrilegious act. They farther had to prove that they had undergone the preparatory training (*προγυμνάσματα*) for ten months previous, and the truth of this they were obliged to swear to in the *βουλευτήριον* at Olympia before the statue of Zeus Ὅρκιος. The fathers, brothers, and gymnastic teachers of the competitors, as well as the competitors themselves, had also to swear that they would be guilty of no crime (*κακούργημα*) in reference to the contests.[1] All competitors were obliged, thirty days previous to the festival, to undergo certain exercises in the gymnasium at Elis, under the superintendence of the hellanodicæ.[2] The different contests, and the order in which they would follow one another, were written by the hellanodicæ upon a tablet (*λεύκωμα*) exposed to public view.[3]

The competitors took their places by lot, and were, of course, differently arranged, according to the different contests in which they were to be engaged. The herald then proclaimed the name and country of each competitor.[4] When they were all ready to begin the contest, the judges exhorted them to acquit themselves nobly, and then gave the signal to commence. Any one detected in bribing a competitor to give the victory to his antagonist was heavily fined; the practice appears to have been not uncommon, from the many instances recorded by Pausanias.[5]

The only prize given to the conqueror was a garland of wild olive (*κότινος*), which, according to the Elean legends, was the prize originally instituted by the Idæan Heracles.[6] But, according to Phlegon's account,[7] the olive crown was not given as a prize upon the revival of the games by Iphitus, and was first bestowed in the seventh olympiad with the approbation of the oracle at Delphi. This garland was cut from a sacred olive-tree, called *ἐλαία καλλιστέφανος*, which grew in the sacred grove of Altis in Olympia, near the altars of Aphrodite and the Hours.[8] Heracles is said to have brought it from the country of the Hyperboreans, and to have planted it himself in the Altis.[9] A boy, both of whose parents were still alive (*ἀμφιθαλὴς παῖς*), cut it with a golden sickle (*χρυσῷ δρεπάνῳ*). The victor was originally crowned upon a tripod covered over with bronze (*τρίπους ἐπίχαλκος*), but afterward, and in the time of Pausanias, upon a table made of ivory and gold.[10] Palm branches, the common tokens of victory on other occasions, were placed in their hands. The name of the victor, and that of his father and of his country, were then proclaimed by a herald before the representatives of assembled Greece. The festival ended with processions and sacrifices, and with a public banquet given by the Eleans to the conquerors in the prytaneum.[11]

The most powerful states considered an Olympic victory, gained by one of their citizens, to confer honour upon the state to which he belonged; and a conqueror usually had immunities and privileges conferred upon him by the gratitude of his fellow-citizens. The Eleans allowed his statue to be placed in the Altis, or sacred grove of Zeus, which was adorned with numerous such statues, erected by the conquerors or their families, or at the expense of the states of which they were citizens. On his return home, the victor entered the city in a triumphal procession, in which his praises were celebrated frequently in the loftiest strains of poetry. (Compare ATHLETÆ, p. 120.)

Sometimes the victory was obtained without a contest, in which case it was said to be *ἀκονιτί*. This happened either when the antagonist who was assigned neglected to come, or came too late, or when an athletes had obtained such celebrity by former conquests, or possessed such strength and skill, that no one dared to oppose him.[12] When one state conferred a crown upon another state, a

1. (Paus., vi., 22, § 2; 4, § 2.)—2. (v., 9, § 4, 5.)—3. (Paus., l. c.)—4. (Paus., vi., 24, § 3.)—5. (Paus., vi., 3, § 3.)—6. (Paus., v., 20, § 5, 6, 7.—Bekker, Anecdot., p. 249, 4.)—7. (Lucian, Herm., c. 40, vol. i., p. 738, ed. Reitz.—Etym. Mag., p. 72, 13.)—8. (vi., 10, § 1.)—9. (Thucyd., vi., 16.)

1. (Paus., v., 24, § 2.)—2. (Paus., vi., 26, § 1-3; 24, § 1.)—3. (Compare Dion Cass., lxxix., 10.)—4. (Compare Plato, Leg., viii., p. 833.)—5. (v., 21.)—6. (Paus., v., 7, § 4.)—7. (Περὶ τῶν Ὀλυμπίων, p. 140.)—8. (Paus., v., 13, § 3.)—9. (Pind., Ol., iii. 14.—Müller, Dor., ii., 12, § 3.)—10. (Paus., v., 12, § 3; 20, § 1-2.)—11. (Paus., v., 15, § 8.)—12. (Paus., vi., 7, § 2.)

proclamation to this effect was frequently made at the great national festivals of the Greeks.[1]

As persons from all parts of the Hellenic world were assembled together at the Olympic games, it was the best opportunity which the artist and the writer possessed of making their works known. It in fact, to some extent, answered the same purpose as the press does in modern times. Before the invention of printing, the reading of an author's works to as large an assembly as could be obtained, was one of the easiest and surest modes of publishing them; and this was a favourite practice of the Greeks and Romans. Accordingly, we find many instances of literary works thus published at the Olympic festival. Herodotus is said to have read his history at this festival; but, though there are some reasons for doubting the correctness of this statement, there are numerous other writers who thus published their works, as the sophist Hippias, Prodicus of Ceos, Anaximenes, the orator Lysias, Dion Chrysostom, &c.[2] It must be borne in mind that these recitations were not contests, and that they formed, properly, no part of the festival. In the same way painters and other artists exhibited their works at Olympia.[3]

The Olympic games continued to be celebrated with much splendour under the Roman emperors, by many of whom great privileges were awarded to the conquerors. (*Vid.* Athletæ, p. 120.) In the sixteenth year of the reign of Theodosius, A.D. 394 (Ol. 293), the Olympic festival was forever abolished; but we have no account of the names of the victors from Ol. 249.

Our limits do not allow us to enter into the question of the influence of the Olympic games upon the national character, but the reader will find some excellent remarks on this subject in Thirlwall's *Hist. of Greece*, vol. i., p. 390, &c.

There were many ancient works on the subject of the Olympic games and the conquerors therein. One of the chief sources from which the writers obtained their materials must have been the registers of conquerors in the games, which were diligently preserved by the Eleans (Ἡλείων ἐς τοὺς Ὀλυμπιονίκας γράμματα;[4] τὰ Ἠλείων γράμματα ἀρχαῖα[5]). One of the most ancient works on this subject was by the Elean Hippias, a contemporary of Plato, and was entitled ἀναγραφὴ Ὀλυμπιονικῶν.[6] Aristotle also appears to have written a work on the same subject.[7] There was a work by Timæus of Sicily, entitled Ὀλυμπιονῖκαι ἢ χρονικὰ πραξίδια, and another by Eratosthenes (born B.C. 275), also called Ὀλυμπιονῖκαι.[8] The Athenian Stesicleides is mentioned as the author of an ἀναγραφὴ τῶν ἀρχόντων καὶ Ὀλυμπιονικῶν,[9] and Pliny[10] speaks of Agriopas as a writer of *Olympionicæ*.

There were also many ancient works on the Greek festivals in general, in which the Olympic games were of course treated of. Thus the work of Dicæarchus, Περὶ Ἀγώνων,[11] contained a division entitled ὁ Ὀλυμπικός.[12]

One of the most important works on the Olympic games was by Phlegon of Tralles, who lived in the reign of Hadrian; it was entitled Περὶ τῶν Ολυμπίων, or Ὀλυμπίων καὶ Χρονικῶν Συναγωγή, was comprised in 16 books, and extended from the first Olympiad to Ol. 229. We still possess two considerable fragments of it. The important work of Julius Africanus, Ἑλλήνων Ὀλυμπιάδες ἀπὸ τῆς πρώτης, &c., is preserved to us by Eusebius; it comes down to Ol. 249. Dexippus of Athens, in his χρονικὴ ἱστορία, carried down the Olympic conquerors to Ol. 262.

In modern works much useful information on the Olympic games is given in Corsini's *Dissert. Agonisticæ*, and in Böckh's and Dissen's editions of Pindar. See also Meier's article on the Olympic games, and Rathgeber's articles on Olympia, Olympieion, and Olympischer Jupiter in Ersch and Gruber's *Encyclopädie*.—Dissen, *Ueber die Anordnung der Olympischen Spiele*, in his *Kleine Schriften*, p. 185; and Krause, *Olympia oder Darstellung der grossen Olympischen Spiele*, Wien, 1838.

In course of time, festivals were established in several Greek states in imitation of the one at Olympia, to which the same name was given. Some of these are only known to us by inscriptions and coins; but others, as the Olympic festival at Antioch, obtained great celebrity. After these Olympic festivals had been established in several places, the great Olympic festival is sometimes designated in inscriptions by the addition of "in Pisa," ἐν Πείσῃ.[1] We subjoin from Krause an alphabetical list of these smaller Olympic festivals. They were celebrated at

Ægæ in Macedonia. This festival was in existence in the time of Alexander the Great.[2]

Alexandrea.[3] In later times the number of Alexandrean conquerors in the great Olympic games was greater than from any other state.

Anazarbus in Cilicia. This festival was not introduced till a late period.[4]

Antioch in Syria. This festival was celebrated at Daphne, a small place 40 stadia from Antioch, where there was a large sacred grove watered by many fountains. The festival was originally called Daphnea, and was sacred to Apollo and Artemis,[5] but was called Olympia after the inhabitants of Antioch had purchased from the Eleans, in A.D. 44, the privilege of celebrating Olympic games. It was not, however, regularly celebrated as an Olympic festival till the time of the Emperor Commodus. It commenced on the first day of the month Hyperberetæus (October), with which the year of Antioch began. It was under the presidency of an alytarches. The celebration of it was abolished by Justin, A.D. 521. The writings of Libanius, and of Chrysostom, the Christian father, who lived many years at Antioch, give many particulars respecting this festival.

Athens. There were two festivals of the name of Olympia celebrated at Athens, one of which was in existence in the time of Pindar,[6] who celebrates the ancestors of the Athenian Timodemus as conquerors in it, and perhaps much earlier.[7] It was celebrated to the honour of Zeus, in the spring, between the great Dionysia and the Bendidia.[8] The other Olympic festival at Athens was instituted by Hadrian, A.D. 131, from which time a new Olympic æra commenced.[9] (*Vid.* Olympiad.)

Attalia in Pamphylia. This festival is only known to us by coins.[10]

Cyzicus on the Propontis.[11]

Cyrene in Africa.[12]

Dium in Macedonia. These games were instituted by Archelaus, and lasted nine days, corresponding to the number of the nine Muses. They were celebrated with great splendour by Philip II. and Alexander the Great.[13]

1. (Demosth., De Cor., p. 265.)—2. (Compare Lucian, Herod., c. 3, 4, vol. i., p. 834, Reitz.)—3. (Lucian, l. c.)—4. (Paus., iii., 21, 1; v., 21, 5; vi., 2, 1.)—5. (Id., v., 4, 4.)—6. (Plut., Numa, 1.)—7. (Diog., v., 26.)—8. (Diog., viii., 51.)—9. (Diog., ii., 56.)—10. (H. N., viii., 34.)—11. (Diog., v., 47.)—12 (Athen., xiv., p. 620, *d*.)

1. (Compare Böckh, Inscr., n. 247, p. 361, 362, n. 1068, p. 564.)—2. (Arrian, Anab., i., 11.)—3. (Gruter, Inscr., p. cccxiv., n. 240.)—4. (Eckhel, Doctr. Num., iii., p. 44.)—5. (Strabo, xvi., p. 750.—Athen., v., p. 194.)—6. (Pind., Nem., ii., 23, &c.—Schol. ad loc.)—7. (Schol. ad Thuc., i., 126.)—8. (Böckh, Inscr., p. 53, p. 250–252.)—9. (Corsini, Fast. Att., vol. ii., p. 105, 110, &c.—Spartian., Hadr., 13.)—10. (Rathgeber, l. c., p. 326.)—11. (Böckh, Inscr., n. 2810.)—12. (Böckh, Explicat. Pind., p. 328.)—13. (Diod., xvii., 16.—Dion Chrys., vol. i., p. 73, Reiske. Suidas, s. v. Ἀναξανδρίδης.)

Ephesus. This festival appears by inscriptions, in which it is sometimes called Ἀδριανὰ Ὀλύμπια ἐν Ἐφέσῳ, to have been instituted by Hadrian.[1]

Elis. Besides the great Olympic games, there appear to have been smaller ones celebrated yearly.[2]

Magnesia in Lydia.[3]

Neapolis.[4]

Nicæa in Bithynia.[5]

Nicopolis in Epirus. Augustus, after the conquest of Antony off Actium, founded Nicopolis, and instituted games to be celebrated every five years (ἀγὼν πεντετηρικός) in commemoration of his victory. These games are sometimes called Olympic, but more frequently bear the name of Actia. They were sacred to Apollo, and were under the care of the Lacedæmonians.[6] (*Vid.* ACTIA.)

Olympus in Thessaly, on the mountain of that name.[7]

Pergamos in Mysia.[8]

Side in Pamphylia.[9]

Smyrna. Pausanias[10] mentions an agon of the Smyrnæans, which Corsini[11] supposes to be an Olympic festival. The Marmor Oxoniense expressly mentions Olympia at Smyrna, and they also occur in inscriptions.[12]

Tarsus in Cilicia. This festival is only known to us by coins.[13]

Tegea in Arcadia.[14]

Thessalonica in Macedonia.[15]

Thyatira in Lydia.[16]

Tralles in Lydia.[17]

Tyrus in Phœnicia.[18]

*ÓL'YRA (ὄλυρα). Didymus describes this as εἶδος σπέρματος παραπλησίου κριθῇ. "In fact," says Adams, "it can scarcely admit of a doubt that it was a variety of Spelt, namely, *Triticum Spelta*, L."[19]

*OMPHAX (ὄμφαξ), a species of precious stone, most probably, according to Sir John Hill, the *Beryllus oleaginus* of Pliny. Theophrastus informs us that it was one of the gems used for engraving seals.[20]

*ONI'TIS (ὀνῖτις), a plant, which the scholiast on Nicander and Hesychius agree in identifying with the ὀρίγανον, or Sweet Marjoram, the *Origanum onites*, L.[21]

*ONOBRYCHIS (ὀνόβρυχίς), the *Onobrychis sativa*, called, in English, Cock's Head or Saintfoin.[22]

*ONOS (ὄνος), the Ass, or *Equus Asinus*, L. "The wild Ass," says Adams, "is the *Para* of Scripture, and the ὄναγρος of the Greeks." "The domestic ass," says Smith, "supposed to be derived from the wild hymar of the Desert and the horse of Asia, enters at a remote period into the circle of human economic establishments. The first-mentioned, as might be expected, resided in the same regions where the dawn of civilization first commenced, and, gifted with inferior powers of resistance, is presumed to have been subjugated several ages before the second, because we find it repeatedly in the Pentateuch before the horse is noticed; such as in the sacrifice of Abraham; in his visits to Egypt, where he received presents from Abimelech; and in the spoils of Shechem, where asses are numbered with other cattle, but horses are not mentioned. Yet that noble animal, by nature provided with greater physical capabilities, with more intelligence, and more instinctive capacities for adapting his existence to the circumstances of domestication in every region, is, in his servitude, grown larger, more adorned, more acute, and more educational than in a state of nature; while the ass, in similar circumstances, has degenerated from his pristine character, becoming, even in the greater part of Persia, smaller in stature, less fleet, less intelligent, and, by his own impulses, less the associate of man. When the horse, from thorough domesticity, is again cast upon his own resources, he resumes his original independence, provides for his own safety and that of the herd under his care, without altogether losing his acquired advantages; the ass, on the contrary, although never a spontaneous associate in his domestication, is nowhere known to have again become wild, or to have sought his freedom with a spirit of persevering vigilance; and in cases where, by accident, he has found himself in freedom, he has made no energetic efforts to retain it, nor recovered qualities that restore him to the filiation of the hymar or the kulan. When emancipated, he becomes, without effort, the prey of the lion, the tiger, the hyena, or the wolf, and in America he has been known to succumb under the beak of a condor. It is evident that the difference in the relative condition of the two species is, with regard to the ass, not entirely referable to human neglect and want of kindness, but, in part at least, must be ascribed to inferior sensibility and weaker intellectual power, both being alike evinced by the hardness of his hide, by his satisfaction with coarser food, and his passive stubbornness."[1]

*II. A species of fish, the same with the γάδις of Athenæus, and probably the *Bacchus* of Pliny The name would appear to have been applied to more than one species of the *Gadus*, but more especially to the *Gadus merluchius*, or Hake. Adams considers it doubtful whether the Greeks were acquainted with the *Gadus eglefinus*, or Haddock.[2]

*ONOSMA (ὄνοσμα, called also ὄνομα and ὀνομίς) a plant, a species of *Anchusa*, or one of its congeners. Hardouin says of it, "*Nihil aliud onosmi esse censuerim præter Anchusam degenerem.*" Stephens also holds it to be a species of Alkanet Sprengel maintains that it is either the *Anchusa undulata*, or *Lithospermum cæruleo-purpureum*.[3]

*ONYX, I. "In mineralogy the term *onyx* was applied, 1. To a semipellucid stone of a fine flinty texture, namely, the *Onyx agate* of Cleaveland: 2. To a variety of gypseous alabaster, from which small vases were formed."[4] (*Vid.* ALABASTER.)

*II. A term used by Dioscorides, Galen, and the other writers on the Materia Medica, to signify the *operculum*, or cover of the *Strombus lentiginosus*.[5]

OPA'LIA, a Roman festival in honour of Opis, which was celebrated on the 14th day before the Calends of January (Dec. 19th), being the third day of the Saturnalia, which was also originally celebrated on the same day, when only one day was devoted to the latter festival. It was believed that Opis was the wife of Saturnus, and for this reason the festivals were celebrated at the same time.[6] The worshippers of Opis paid their vows sitting, and touched the earth on purpose, of which she was the goddess.[7]

1. (Böckh, Inscr., n. 2810.—Compare n. 2987, 3000.)—2. (Anec. Gr., ed. Siebenk, p. 95.)—3. (Rathgeber, l. c., p. 326, 327.)—4. (Corsini, Diss. Agon., iv., 14, p. 103.)—5. (Eustath. ad Dionys. Perieg., p. 172, 173, in Geogr. Min., ed. Bernhardy.)—6. (Strabo, vii., p. 325.)—7. (Schol. ad Apoll., Rhod. Argon., i., 599.)—8. (Böckh, Inscr., n. 2810. — Mionnet, ii., 610, n. 626.) — 9. (Rathgeber, p. 129.)—10. (vi., 14, § 1.)—11. (Diss. Agon., i., 2, p. 20.)—12. (Gruter, Inscr., p. 314, 1.—Böckh, Inscr., ad n. 3720.) — 13. (Krause, p. 228.) — 14. (Böckh, Inscr., n. 1513, p. 700.) — 15 (Krause, p. 230.) — 16. (Rathgeber, p. 328.) — 17. (Krause, p. 233.)—18 (Rathgeber, p. 328.)—19. (Hom., Il., viii., 560.—Theophrast., H. P., viii., 1.— Dioscor., ii., 113.— Adams, Append., s. v.)—20. (Hill ad Theophrast., De Lapid., c. 54.) — 21. (Nicand., Alex., l. 56 —Adams, Append., s. v.)—22. (Dioscor., iii., 160.)

1. (Smith, Horses.)—2. (Aristot., H. A., viii, 15.—Adams, Append., s. v.)—3. (Dioscor., iii., 137.—Adams, Append., s. v — Hardouin ad Plin., H. N., xxvii., 86.)—4. (Adams, Append., s. v.) — 5. (Adams, Append., s. v.) — 6. (Macrob., Sat., i., 12. — Varro, De Ling. Lat., vi., 22, ed. Müller — Festus, s. v. Opalia. —7. (Macrob., l. c.)

•OP'ALUS (ὤπαλος, ὀπάλλιος), the Opal "The *opalus* of Pliny," observes Dr. Moore, "is too well characterized, and its peculiar lustre or opalescence too accurately described by him, to leave any doubt that it was what we call precious Opal. Pliny is not the only one among the ancients, as Jameson supposed, who makes mention of this gem. The Orphic poem commends the beauty of the ὀπάλλιος, and evidently alludes to its other name παιδέρως, in saying that it has the delicate complexion of a lovely youth (ἱμερτοῦ τέρενα χρόα παιδός). This gem also, Pliny says, the Indians so well imitated in glass, that the counterfeit could hardly be detected. The Opal was perhaps too highly valued to be frequently engraved. There are very few engraved specimens of this mineral preserved in collections. But that it sometimes was used as a ringstone, we learn from the story Pliny tells of a senator named Nonius, who, possessing an opal valued at 20,000 sesterces, which Antony coveted, was proscribed in consequence, and fled, saving of his whole fortune this ring alone."[1]

O'PERIS NOVI NUNTIA'TIO was a summary remedy provided by the edict against a person who was making an opus novum. An opus novum consisted in either adding something in the way of building (*ædificando*), or taking away something so as to alter the appearance of a thing (*facies operis*). The object of the nuntiatio was either the maintenance of a right (*jus*), or to prevent damage (*damnum*), or to protect the public interest (*publicum jus*). The owner of the property which was threatened with damage by the opus novum, or he who had an easement (*servitus*) in such property, had the jus nunciandi.[2] Nuntiatio consisted in protesting against and forbidding the progress of the opus novum on the spot where the work was proceeding, and in the presence of the owner or of some person who was there present on his account. The nuntiatio did not require any application to, or interference on the part of the prætor. It was a rule of law that the nuntiatio must take place before the work was completed: after it was completed, the operis novi nuntiatio had no effect, and redress could only be obtained by the interdict quod vi aut clam.

If the opus novum consisted in building on the complainant's ground, or inserting or causing anything to project into his premises, it was better to apply at once to the prætor, or to prevent it per manum, that is, as it is explained "jactu lapilli," which was a symbol of the use of force for self-protection.

The edict declared that after a nuntiatio nothing should be done until the nuntiatio was declared illegal (*nuntiatio missa* or *remissa fiat*) or a security (*satisdatio de opere restituendo*) was given. If the person to whom the notice was given persevered, even if he had a right to do what he was doing, yet, as he was acting against the prætor's edict, he might be compelled to undo what he had done. By the nuntiatio, the parties were brought within the jurisdiction of the prætor. In cases where there was danger from the interruption of the work, or the person who was making the opus novum denied the right of the nuntians, he was allowed to go on upon giving a cautio or security for demolition or restoration, in case the law was against him. When the cautio was given or the nuntians waived it, the party was entitled to an interdictum prohibitorium for his protection in prosecuting the work.

The effect of the nuntiatio ceased when the cautio was given; when the nuntians died, when he alienated the property in respect of which he claimed the jus nuntiandi, or when the prætor permitted the work to go on (*operis novi nuntiatione . . . . remeisserit*;[1] *ante remissam nuntiationem*.[2]

*ΟΦΙΣ ΘΑΛΑΤΤΙΟΣ (ὄφις θαλάττιος), a species of fish. "Ælian holds it to be the same as the Μύρος. It is therefore, most probably, the *Muræna ophis*, L. Rondelet says of it that it is very like the Conger Eel. Belon and Gesner both mention that it is seldom met with."[3]

*OPHI'TES (ὀφίτης), according to some, a variety of *Serpentine*. "Others, however, describe it, more accurately, as a mixture of reddish brown common serpentine, leek and pistachio green precious serpentine, white granular foliated limestone, and small portions of diallage. Of the ophites there are three varieties specified by Dioscorides; one black and heavy, a second ash-coloured and spotted, the third containing white lines. The first was perhaps green porphyry, the Ophites of Waller; the second steatite; and the third the kind just described."[4]

OPI'MA SPO'LIA. (*Vid.* SPOLIA.)

OPINATO'RES were officers under the Roman emperors, who were sent into the provinces to obtain provisions for the army. The provisions had to be supplied to them within a year. The etymology of the name is uncertain.[5]

OPISTOGRAPHI. (*Vid.* LIBER.)

*OPOBAL'SAMUM (ὀποβάλσαμον), the resinous juice of the *Amyris Gilcadensis*.

*ΟΠ'ΟΣ ΜΗΔ'ΙΚΟΣ (ὀπὸς Μηδικός), the same as our asafœtida, namely, the Gum-resin of the *Ferula Asa-fœtida*. It is the *Laser* and *Laserpitium* of the Latins. The ὀπὸς Συριακός was merely a variety of it.

O'PPIA LEX. (*Vid.* SUMTUARIÆ LEGES.)

*OPSIA'NOS (ὀψιανός). "From Pliny's account of this stone," observes Adams, "there is every reason to conclude that it was the same as the *Obsidian* of modern mineralogists. It is nearly allied to pumice, and consists mostly of silex and alumine. According to Sir J. Hill, it was named ὀψιανός, ἀπὸ τῆς ὄψεως, because, when polished, it was used as a looking-glass." He adds, "the true origin of the name being forgotten from the false spelling of the word, after ages thought it had received it from one *Obsidius*, whom they imagined the first finder of it."[6]

OPSO'NIUM or OBSO'NIUM (ὄψον, *dim.* ὀψάριον; ὀψήμα,[7] denoted everything which was eaten with bread. Among the ancients, loaves, at least preparations of corn in some form or other, constituted the principal substance of every meal. But together with this, which was the staff of their life, they partook of numerous articles of diet called *opsonia* or *pulmentaria*,[8] designed also to give nutriment, but still more to add a relish to their food. Some of these articles were taken from the vegetable kingdom, but were much more pungent and savoury than bread, such as olives, either fresh or pickled, radishes, and sesamum.[9] Of animal food, by much the most common kind was fish, whence the terms under explanation were, in the course of time, used in a confined and special sense to denote fish only, but fish variously prepared, and more especially salt fish, which was most extensively employed to give a relish to the vegetable diet either at breakfast[10] or at the principal meal.[11] For the same reason, ὀψοφάγος meant a gourmand or epicure, and ὀψοφαγία gluttony.[12]

1. (Moore's Anc. Mineral., p 152.)—2. (Dig. 43, tit. 25.)

1. (Lex Gall. Cis., x.—Dig. 39, tit. 1, s. 22.)—2. (Dig. 39, tit. 1.)—3. (Aristot., H. A., ii., 14.—Ælian, N. A., xiv., 15.—Adams, Append., s. v.)—4. (Moore's Anc. Mineralogy, p 80.)—5. (Cod. 12, tit. 38, s. 11.—Cod. Theod., 7, tit. 4, s. 26; 11, tit. 7, s. 16.)—6. (Plin., H. N., xxxvii., 10.—Adams, Append., s. v.)—7. (Plut., Sympos. Prob., iv., 1.)—8. (Cato, De Re Rust., 58.—Hor., Sat., II., ii., 20.)—9. (Plato, De Repub., ii., p. 85, ed. Bekker.—Xen., Œcon., viii., 9.)—10. (Menander, p. 70, ed. Meineke.)—11. (Plaut., Aubul., II., vi., 3.)—12. (Athen., x., 24–37.)

Of the different parts of fishes, the roe was the most esteemed for this purpose. It is still prepared from the fish in the very same waters adjoining Myus in Ionia, which were given to Themistocles by the King of Persia.[1] A jar was found at Pompeii containing caviare made from the roe of the tunny.[2]

Some of the principal *ταριχεῖαι*, or establishments for curing fish, were on the southern coast of Spain ;[3] but the Greeks obtained their chief supply from the Hellespont,[4] and more especially Byzantium first rose into importance after its establishment by the Milesians in consequence of the active prosecution of this branch of industry. Of all seas, the Euxine was accounted by the ancients the most abundant in fish, and the catching of them was aided by their migratory habits, as in the autumn they passed through the Bosporus towards the south, and in spring returned to the Euxine in order to deposite their spawn in its tributary rivers. At these two seasons they were caught in the greatest quantity, and, having been cured, were shipped in Milesian bottoms, and sent to all parts of Greece and the Levant. The principal ports on the Euxine engaged in this traffic were Sinope and Panticapæum.[5]

Among the fish used for curing were different kinds of sturgeon (*ἀντακαίος*[6]), tunny (*σκομβρός*[7], *scomber*, *πηλαμύς*, a name still in use, with some modification, among the descendants of the ancient Phocæans at Marseilles[8]), and mullet. A minute discussion of their qualities, illustrated by quotations, may be seen in Athenæus.[9]

Plato mentions the practice of salting eggs, which was no doubt intended to convert them into a kind of opsonium.[10] The treatise of Apicius, *De Opsoniis*, is still extant in ten books.

The Athenians were in the habit of going to market (*εἰς τοῦψον*) themselves in order to purchase their opsonia (*ὀψωνεῖν*,[11] *opsonare*). (*Vid.* Macellum, Tintinnabulum.) But the opulent Romans had a slave, called *opsonator* (*ὀψώνης*), whose office it was to purchase for his master. It was his duty, by learning what flavours were most acceptable to him, by observing what most delighted his eyes, stimulated his appetite, and even overcame his nausea, to satisfy, as much as possible, all the cravings of a luxurious palate.[12] We may also infer, from an epigram of Martial,[13] that there were *opsonatores*, or purveyors, who furnished dinners and other entertainments at so much per head, according to the means and wishes of their employers. Spon[14] has published two inscriptions from monuments raised to the memory of Romans who held the office of purveyors to the imperial family. At Athens both the sale and the use of all kinds of opsonia were superintended by two or three special officers, appointed by the senate, and called *ὀψονόμοι*.[15]

OPTIO. (*Vid.* Centurio.)

OPTIMA'TES is synonymous with optimi, and, accordingly, signifies the best men in the state, whether of noble or plebeian origin. But at Rome, where the reverence for the *mores et instituta majorum* formed such a prominent feature of the national character, the name optimates was applied to a political party, which we may call the conservative or aristocratic party, in contradistinction to the popular party, with its desire for change and improvement. As long as the patricians and plebeians were the only two parties in the Republic, there was no occasion for the appellation of optimates, though Livy,[1] applying expressions very common in his own days, makes M. Horatius Barbatus distinguish between populares and optimates instead of between patricians and plebeians. But at the time when a new nobility, consisting of wealthy plebeians as well as patricians, had been formed, and occupied the place formerly held by the patricians, the term optimates began to be applied frequently to persons belonging to this new order of nobiles, and mostly comprehended the ordo senatorius and the ordo equestris. When, at a still later period, the interests of the senators and equites became separated, the name optimates was used in a narrower sense, and only comprised the party consisting of the senate and its champions, in opposition to the popular party, which was now sometimes designated by the name of plebs.[2] There is a locus classicus on optimates in Cicero,[3] but in defining the classes of persons to which he applies the term optimates, he rather follows the etymological than the conventional meaning which the word had assumed in his days. His object in so doing was to remove from the party of the optimates, to which he himself belonged, the odium attached to it by the popular party.[4]

ORA'CULUM (*μαντεῖον*, *χρηστήριον*) was used by the ancients to designate both the revelations made by the deity to man, as well as the place in which such revelations were made. The deity was in none of these places believed to appear in person to man, and to communicate to him his will or knowledge of the future, but all oracular revelations were made through some kind of medium, which, as we shall see hereafter, was different in the different places where oracles existed. It may, on first sight, seem strange, that there were comparatively speaking, so few oracles of Zeus, the father and ruler of gods and men. But although, according to the belief of the ancients, Zeus himself was the first source of all oracular revelations, yet he was too far above men to enter with them into any close relation ; other gods, therefore, especially Apollo, and even heroes, acted as mediators between Zeus and men, and were, as it were, the organs through which he communicated his will.[5] The fact that the ancients consulted the will of the gods on all important occasions of public and private life, arose partly from the general desire of men to know the issue of what they are going to undertake, and partly from the great reverence for the gods, so peculiar to the ancients, by which they were led not to undertake anything of importance without their sanction ; for it should be borne in mind that an oracle was not merely a revelation to satisfy the curiosity of man, but, at the same time, a sanction or authorization by the deity of what man was intending to do or not to do. We subjoin a list of the Greek oracles, classed according to the deities to whom they belonged.

I. Oracles of Apollo.

1. *The Oracle of Delphi* was the most celebrated of all the oracles of Apollo. Its ancient name was Pytho, which is either of the same root as *πυθέσθαι*, to consult, or, according to the Homeric hymn on Apollo,[6] derived from *πύθεσθαι*, to putrefy, with reference to the nature of the locality. Respecting the topography of the Temple of Apollo, see Pausanias[7] and Müller.[8] In the innermost sanctuary (the *ἄδυτον* or *μέγαρον*) there was the statue of Apollo,

1. (Thucyd., i., 138.—Cornelius Nepos, Them., x., 3.—Diod. Sic., xi., 57.) — 2. (Gell, Pompeiana, 1832, vol. i., p. 178.) — 3. (Strabo, iii., 4.) — 4. (Hermippus ap. Athen., i., 49, p. 27, c.) — 5. (Hegewisch, Colonieen der Griechen, p. 80.)—6. (Herod., iv., 53.—Schneider, Ecl. Phys., i., p. 65 : ii., p. 48.)—7. (Hermippus, l. c.)—8. (Passow, Handwörterbuch, s. v.)—9. (iii., 84–93.) —10. (Symp., p. 404, ed. Bekker)—11. (Theophrast., Char., 28.) —12 (Sen., Epist., 47. — Compare Hor., Sat., I., ii., 9 ; II., vii., 106.—Plaut., Menæch., II., ii., 1. — Id., Mil., III., ii., 73.) — 13. (xiv., 217.) — 14. (Misc. Erud. Ant., p. 214.) — 15. (Athen., vi., 12.)

1. (iii., 39.)— 2. (Tacit., Annal., iv., 32.) — 3. (Pro Sext., 45.) —4. (Compare Cic. ad Att., i., 17, 18, 19.)—5. (Soph., Œd. Col. 629.—Æsch. Eumen., 19, 611, &c.)—6. (185 &c.)—7. (x., 14 § 7.) — 8 (In Dissen's Pindar, ii., p 628.)

which was, at least in later times, of gold; and before it there burned upon an altar an eternal fire, which was fed only with fir-wood.[1] The inner roof of the temple was covered all over with laurel garlands,[2] and upon the altar laurel was burned as incense. In the centre of this temple there was a small opening (*χάσμα*) in the ground, from which, from time to time, an intoxicating smoke arose, which was believed to come from the well of Casotis, which vanished into the ground close by the sanctuary.[3] Over this chasm there stood a high tripod, on which the pythia, led into the temple by the prophetes (*προφήτης*), took her seat whenever the oracle was to be consulted. The smoke rising from under the tripod affected her brain in such a manner that she fell into a state of delirious intoxication, and the sounds which she uttered in this state were believed to contain the revelations of Apollo. These sounds were carefully written down by the prophetes, and afterward communicated to the persons who had come to consult the oracle.[4]

The pythia (the *προφῆτις*) was always a native of Delphi,[5] and when she had once entered the service of the god she never left it, and was never allowed to marry. In early times she was always a young girl, but after one had been seduced by Echecrates the Thessalian, the Delphians made a law that in future no one should be elected as prophetes who had not attained the age of fifty years, but, in remembrance of former days, the old woman was always dressed as a maiden.[6] The pythia was generally taken from some family of poor country-people. At first there was only one pythia at a time; but when Greece was in its most flourishing state, and when the number of those who came to consult the oracle was very great, there were always two pythias, who took their seat on the tripod alternately, and a third was kept in readiness in case some accident should happen to either of the two others.[7] The effect of the smoke on the whole mental and physical constitution is said to have sometimes been so great, that in her delirium she leaped from the tripod, was thrown into convulsions, and after a few days died.[8]

At first oracles were only given once every year, on the seventh of the month of Bysius (probably the same as Πύθιος, or the month for consulting), which was believed to be the birthday of Apollo;[9] but as this one day, in the course of time, was not found sufficient, certain days in every month were set apart for the purpose.[10] The order in which the persons who came to consult were admitted was determined by lot;[11] but the Delphian magistrates had the power of granting the right of *προμαντεία*, *i. e.*, the right of consulting first, and without their order being determined by lot, to such individuals or states as had acquired claims on the gratitude of the Delphians, or whose political ascendency seemed to give them higher claims than others. Such was the case with Crœsus and the Lydians,[12] with the Lacedæmonians,[13] and Philip of Macedonia.[14] It appears that those who consulted the oracle had to pay a certain fee, for Herodotus states that the Lydians were honoured with *ἀτελεία* by the Delphians. The pythia always spent three days before she ascended the tripod in preparing herself for the solemn act, and during this time she fasted, and bathed in the Castalian well, and dressed in a simple manner; she also burned in the temple laurel leaves and flour of barley upon the altar of the god.[1] Those who consulted the oracle had to sacrifice a goat, or an ox, or a sheep, and it was necessary that these victims should be healthy in body and soul, and to ascertain this they had to undergo a peculiar scrutiny. An ox received barley, and a sheep chick-pease, to see whether they ate them with appetite; water was poured over the goats, and if this put them into a thorough tremble, the victim was good.[2] The victim which was thus found elegible was called *ὁσιωτῆρ*.[3] Wachsmuth[4] states that all who came to consult the oracle wore laurel garlands surrounded with ribands of wool, but the passages from which this opinion is derived only speak of such persons as came to the temple as suppliants.[5]

The Delphians, or, more properly speaking, the noble families of Delphi, had the superintendence of the oracle. Among the Delphian aristocracy, however, there were five families which traced their origin to Deucalion, and from each of these one of the five priests, called *ὅσιοι*, was taken.[6] Three of the names of these families only are known, viz., the Cleomantids, the Thracids,[7] and the Laphriads.[8]

The *ὅσιοι*, together with the highpriest or prophetes, held their offices for life, and had the control of all the affairs of the sanctuary and of the sacrifices.[9] That these noble families had an immense influence upon the oracle is manifest from numerous instances, and it is not improbable that they were its very soul, and that it was they who dictated the pretended revelations of the god.[10]

Most of the oracular answers which are extant are in hexameters, and in the Ionic dialect. Sometimes, however, Doric forms also were used.[11] The hexameter was, according to some accounts, invented by Phemonoe, the first pythia. This metrical form was chosen, partly because the words of the god were thus rendered more venerable, and partly because it was easier to remember verse than prose.[12] Some of the oracular verses had metrical defects, which the faithful among the Greeks accounted for in an ingenious manner.[13] In the times of Theopompus, however, the custom of giving the oracles in verse seems to have gradually ceased; they were henceforth generally in prose, and in the Doric dialect spoken at Delphi. For, when the Greek states had lost their political liberty, there was little or no occasion to consult the oracle on matters of a national or political nature, and the affairs of ordinary life, such as the sale of slaves, the cultivation of a field, marriages, voyages, loans of money, and the like, on which the oracle was then mostly consulted, were little calculated to be spoken of in lofty poetical strains.[14] When the oracle of Delphi lost its importance in the eyes of the ancients, the number of persons who consulted it materially decreased, and in the days of Plutarch one pythia was, as of old, sufficient to do all the work, and oracles were only given on one day in every month.

The divine agency in Pytho is said to have first been discovered by shepherds who tended their flocks in the neighbourhood of the chasm, and whose sheep, when approaching the place, were seized with convulsions.[15] Persons who came near the

1. (Æsch.,Choeph.,1036.—Plut., De Elap. Delph.)—2. (Æsch., Eumen., 39.)—3. (Paus., x., 24, § 5.)—4. (Diodor., xvi., 26.—Strabo, ix., 3, p. 277, &c., Tauchnitz.—Plut., De Orac. Defec.)—5. (Eurip., Ion, 92.)—6. (Diod., l. c.)—7. (Plut., Quæst. Gr., c. 9.)—8. (Plut., De Orac. Defec., c. 51.)—9. (Plut., Quæst. Gr., c. 9.)—10. (Plut., Alex., 14.)—11. (Æsch., Eumen., 32.—Eurip., Ion, 422.)—12. (Herod., i., 54.)—13. (Plut., Per., 21.)—14. (Demosth., c. Phil., iii., p. 119.)

1. (Schol. ad Eurip., Phœn., 230.—Plut., De Pyth. Or., c. 6.)—2. (Plut., De Or. Def., 49.)—3. (Plut., Quæst. Gr., 9.)—4. (Hellen. Alt., ii., 2, p. 264.)—5. (Herod., vii., 14.—Æsch., Choeph., 1035.)—6. (Eurip., Ion, 411.—Plut., Quæst. Gr., c. 9.)—7. (Diod., xvi., 24.—Lycurg., c. Leocrat., p. 158.)—8. (Hesych., s. v.)—9. (Herod., viii., 136.)—10. (*Vid.* especially Lycurg., c. Leocrat., p. 158.—Herod., vii., 141; vi., 66.—Plut., Pericl., 21.—Eurip., Ion, 1219, 1222, 1110.)—11. (Herod., iv., 157, 159.)—12. (Plut., De Pyth. Or., 1.)—13. (Plut., l. c., c. 5.)—14. (Plut., De Pyth. Or., 28.)—15 (Diod., xvi., 26.—Plut., De Defect. Or., c. 42.)

place showed the same symptoms, and received the power of prophecy. This, at last, induced the people to build a temple over the sacred spot. According to the Homeric hymn on Apollo, this god was himself the founder of the Delphic oracle, but the local legends of Delphi stated that originally it was in the possession of other deities, such as Gæa, Themis, Phœbe, Poseidon, Night, Cronos, and that it was given to Apollo as a present.[1] Other traditions, again, and these, perhaps, the most ancient and genuine, represented Apollo as having gained possession of the oracle by a struggle, which is generally described as a fight with Python, a dragon, who guarded the oracle of Gæa or Themis.

The oracle of Delphi, during its best period, was believed to give its answers and advice to every one who came with a pure heart, and had no evil designs: if he had committed a crime, the answer was refused until he had atoned for it;[2] and he who consulted the god for bad purposes was sure to accelerate his own ruin.[3] No religious institution in all antiquity obtained such a paramount influence, not only in Greece, but in all countries around the Mediterranean, in all matters of importance, whether relating to religion or to politics, to private or to public life, as the oracle of Delphi. When consulted on a subject of a religious nature, the answer was invariably of a kind calculated not only to protect and preserve religious institutions, but to command new ones to be established,[4] so that it was the preserver and promoter of religion throughout the ancient world. Colonies were seldom or never founded without having obtained the advice and the directions of the Delphic god.[5] Hence the oracle was consulted in all disputes between a colony and its metropolis, as well as in cases where several states claimed to be the metropolis of a colony.[6] The Delphic oracle had at all times a leaning in favour of the Greeks of the Doric race, but the time when it began to lose its influence must be dated from the period when Athens and Sparta entered upon their struggle for the supremacy in Greece; at this time the partiality for Sparta became so manifest, that the Athenians and their party began to lose all reverence and esteem for it,[7] and the oracle became a mere instrument in the hands of a political party. In the times of Cicero and Plutarch, many believed that the oracle had lost the powers which it had possessed in former days, but it still continued to be consulted down to the times of the Emperor Julian, until at last it was entirely done away with by Theodosius.

Notwithstanding the general obscurity and ambiguity of most of the oracles given at Delphi, there are many, also, which convey so clear and distinct a meaning, that they could not possibly be misunderstood, so that a wise agency at the bottom of the oracles cannot be denied. The manner in which this agency has been explained at different times, varies greatly according to the spirit of the age. During the best period of their history, the Greeks, generally speaking, had undoubtedly a sincere faith in the oracle, its counsels and directions. When the sphere in which it had most benefited Greece became narrowed and confined to matters of a private nature, the oracle could no longer command the veneration with which it had been looked upon before. The pious and believing heathens, however, thought that the god no longer bestowed his care upon the oracle, and that he was beginning to withdraw from it; while freethinkers and unbelievers looked upon the oracle as a skilful contrivance of priestcraft which had then outgrown itself. This latter opinion has also been adopted by many modern writers. The early Christian writers, seeing that some extraordinary power must in several cases have been at work, represented it as an institution of the evil spirit. In modern times opinions are very much divided. Hüllmann, for example, has endeavoured to show that the oracle of Delphi was entirely managed and conducted by the aristocratic families of Delphi, which thus are described as forming a sort of hierarchical senate for all Greece. If so, the Delphic senate surely was the wisest of all in the history of the ancient world. Klausen, on the other hand, seems to be inclined to allow some truly divine influence, and, at all events, thinks that, even in so far as it was merely managed by men, it acted in most cases according to lofty and pure moral principles.

The modern literature on the Delphic oracle is very rich, the most important works are: C. F. Wilster, *De Religione et Oraculo Apollinis Delphici*, Hafniæ, 1827.—H. Piotrowski, *De Gravitate Oraculi Delphici*, Lipsiæ, 1829.—R. H. Klausen, *in Ersch und Gruber's Encyclopädie, s. v. Orakel.*—K. D. Hüllmann, *Würdigung des Delphischen Orakels*, Bonn, 1837.—W. Götte, *Das Delphische Orakel, in seinem politischen, religiösen und sittlichen Einfluss auf die alte Welt*, Leipzig, 1839.

2. *Oracle at Abæ, in Phocis.* An oracle was believed to have existed here from very early times,[1] and was held in high esteem by the Phocians.[2] Some years before the Persian invasion, the Phocians gained a victory over the Thessalians, in which they obtained, among other spoils, four thousand shields, half of which they dedicated in the Temple of Apollo at Abæ, and half in that of Delphi.[3] The oracle was, like many others, consulted by Crœsus, but he does not seem to have found it agreeing with his wishes.[4] In the Persian invasion of Xerxes the Temple of Abæ was burned down, and, like several temples destroyed in this invasion, it was never rebuilt. The oracle itself, however, remained, and before the battle of Leuctra it promised victory to the Thebans; but in the Phocian or sacred war, when some Phocian fugitives had taken refuge in the ruins, they were entirely destroyed by the Thebans.[5] But even after this calamity the oracle seems to have been consulted, for the Romans, from reverence for the oracle, allowed the inhabitants of Abæ to govern themselves. Hadrian built a small temple by the side of the old one, some walls of which were still standing as ruins in the time of Pausanias.[6]

3. *Oracle on the Hill of Ptoon*, in the territory of Thebes. The oracle was here given through the medium of a man called *πρόμαντις*, and the first promantis was said to have been Teneros, a son of Apollo.[7] The oracles were usually given in the Æolian dialect; but when Mys, the Carian, consulted the god, the answer was given in the Carian language,[8] so that, instead of the three Thebans who generally wrote down the oracles, the Carian was obliged to do it himself.[9] When Alexander the Great destroyed Thebes, the oracle also perished.[10] In the time of Plutarch the whole district was completely desolate.[11]

4. *Oracle of Apollo at Ismenion*, in Bœotia, south of Thebes. The Temple of Apollo Ismenios was the national sanctuary of the Thebans. The oracle was here not given by inspiration, as in other places,

1. (Æsch., Eumen., 3, &c.—Compare Paus., x., 5.—Ovid, Met., i., 321.—Argum. ad Pind., Pyth.—Tzetzes, Lycoph., 202.) —2. (Herod., i., 19, 22.)—3. (Herod., iv., 86.—Paus., ii., 18, § 8.)—4. (Demosth., c. Meid., 15.—Herod., v., 82; i., 165, &c.)—5. (Cic., De Div., i., 1.)—6. (Thucyd., i., 25, 28.—Diod., xv., 13.)—7. (Plut., Demosth., 20.)

1. (Paus., x., 35, § 2.)—2. (Soph., Œd. Tyr., 899.—Herod., viii., 33.)—3. (Herod., viii., 27.)—4. (Herod., i., 46.)—5. (Paus., l. c.)—6. (x., 35, § 2, 3.)—7. (Strab., ix., 2, p. 267, Tauchnitz.—Paus., ix., 33, § 3.)—8. (Paus., l. c.)—9. (Herod., viii., 135.)—10. (Paus., ix., 33, § 3.)—11. (De Orac. Defec., c. 8.)

but from the inspection of the victims.[1] On one occasion it gave its prophecy from a huge cobweb in the Temple of Demeter.[2]

5. *Oracle of Apollo at Hysiæ*, on the frontiers of Attica. This place contained an oracle of Apollo with a sacred well, from which those drank who wished to become inspired. In the time of Pausanias the oracle had become extinct.[3]

6. *Oracle of Apollo at Tegyra*, was an ancient and much-frequented oracle, which was conducted by prophets. The Pythia herself, on one occasion, declared this to be the birthplace of Apollo. In the time of Plutarch the whole district was a wilderness.[4]

7. *Oracle of Apollo in the village of Eutresis*, in the neighbourhood of Leuctra.[5] This oracle became extinct during the Macedonian period.[6]

8. *Oracle of Apollo at Orobiæ*, in Eubœa. Apollo here bore the surname of the Selinuntian.[7]

9. *Oracle of Apollo in the Lyceum at Argos*. The oracle was here given by a prophetess.[8]

10. *Oracle of Apollo Deiradiotes*, on the acropolis of Larissa. The oracle was given by a prophetess, who was obliged to abstain from matrimonial connexions once in every month. She was believed to become inspired by tasting of the blood of a lamb which was sacrificed during the night. This oracle continued to be consulted in the days of Pausanias.[9]

11. *Oracle of Apollo at Didyma*, usually called the oracle of the Branchidæ, in the the territory of Miletus. This was the oracle most generally consulted by the Ionians and Æolians.[10] The temple, however, was said to have been founded previously to the arrival of the Ionians on the coast of Asia,[11] and the altar was said to have been built by Heracles, and the temple by Branchos, a son of Apollo, who had come from Delphi as a purifying priest.[12] Hence his oracle, like that of Delphi, combined purifying or atoning rites with the practice of prophesying.[13] The real antiquity of the oracle, however, cannot be traced farther back than the latter half of the 7th century before our æra.[14] The priests, called Branchidæ, who had the whole administration of the oracle, were said to be the descendants of Branchos. The high-priest bore the name of Stephanephorus. Among them was one family which possessed the hereditary gift of prophecy, and was called the family of the Euangelidæ.[15] The oracle was under the especial management of a prophet, whose office did not last for life. The oracles were probably inspired in a manner similar to that at Delphi.[16] Crœsus made to this oracle as munificent presents as to that of Delphi.[17] The principles which it followed in its counsels and directions were also the same as those followed by the Delphians. The Persians burned and plundered the temple, as had been predicted by the pythia of Delphi,[18] but it was soon restored, and adorned with a fine brazen statue of Apollo,[19] which Xerxes, on his retreat, carried with him to Ecbatana. A part of the Branchidæ had surrendered to Xerxes the treasures of the temple, and were, at their own request, transplanted to Bactriana,[20] where their descendants are said to have been severely punished by Alexander for their treachery.[21] Seleucus sent the statue of Apollo back to Didyma, because the oracle had saluted him as king.[1] The oracle continued to be consulted after the faithlessness of its ministers. Some ruins of the temple at Didyma are still extant.[2]

12. *Oracle of Apollo at Claros*, in the territory of Colophon. It was said to have been founded by Cretans under Rhacius, previous to the settlement of the Ionians in Asia Minor. The early legends put this oracle in connexion with Delphi, from whence Manto, the daughter of Teiresias, came to Claros, married Rhacius, and gave birth to Mopsos, from whom the prophets of Claros were probably believed to be descended.[3] This oracle was of great celebrity, and continued to be consulted even at the time of the Roman emperors.[4] The oracles were given through an inspired prophet, who was taken from certain Milesian families He was generally a man without any refined education, had only the names and the number of the persons who consulted the oracle stated to him, and then descended into a cavern, drank of the water from a secret well, and afterward pronounced the oracle in verse.[5]

13. *Oracle of Apollo at Grynea*, in the territory of the Myrinæans.[6]

14. *Oracle of Apollo Gonnapœus*, in Lesbos.[7]

15. *Oracle of Apollo at Abdera*.[8]

16. *Oracle of Apollo in Delos*, which was only consulted in summer.[9]

17. *Oracle of Apollo at Patara*, in Lycia, was only consulted in winter. The prophetess (*πρόμαντις*) spent a night in the temple to wait for the communications which the god might make to her.[10]

18. *Oracle of Apollo at Telmessus*. The priests of this institution did not give their answers by inspiration, but occupied themselves chiefly with the interpretation of dreams, whence Herodotus[11] calls them *ἐξηγηταί*. But they also interpreted other marvellous occurrences. Near Telmessus there was another oracle of Apollo, where those who consulted it had to look into a well, which showed them in an image the answer to their questions.[12]

19. *Oracle of Apollo at Mallos*, in Cilicia.[13]

20. *Oracle of the Sarpedonian Apollo*, in Cilicia.[14]

21. *Oracle of Apollo at Hybla*, in Caria.[15]

22. *Oracle of Apollo at Hiera Kome*, on the Mæander, a celebrated oracle, which spoke in good verses.[16]

II. Oracles of Zeus.

1. *Oracle of Zeus at Olympia*. In this, as in the other oracles of Zeus, the god did not reveal himself by inspiration, as Apollo did in almost all of his oracles, but he merely sent signs which men had to interpret. Those who came to consult the oracle of Olympia offered a victim, and the priest gave his answers from the nature of the several parts of the victim, or from accidental circumstances accompanying the sacrifice.[17] The prophets or interpreters here belonged to the family of the Iamids. In early times the oracle was much resorted to, and Sophocles[18] mentions it along with the most celebrated oracles; but in later times it was almost entirely neglected, probably because oracles from the inspection

1. (Herod., viii., 134.)—2. (Diod., xvii., 10.—Compare Paus., ix., 10, § 2, &c.)—3. (Paus., ix., 2, § 1.)—4. (Plut., De Orac. Def., c. 8.—Pelop., 16.—Steph. Byz., s. v. Τέγυρα.)—5. (Steph. Byz., s. v. Εὔτρησις.—Eustath. ad Il., ii., 502.)—6. (Plut., De Orac. Defec., c. 5.)—7. (Strab., x., 1, p. 320, ed. Tauchnitz.)—8. (Plut., Pyrrh., 31.)—9. (ii., 24, § 1.)—10. (Herod., i., 158.)—11. (Paus., vii., 2, § 4.)—12. (Paus., v., 13, § 6.—Strab., xiv., 1, p. 165.)—13. (Müller, Dor., ii., 2, § 6.)—14. (Soldan, p. 553, &c.) —15. (Conon, 44.)—16. (Paus., v., 7, § 3.)—17. (Herod., i., 46, &c.)—18. (Herod., vi., 19.)—19. (Paus., ii., 10, § 4; ix., 10, § 2. —Compare Müller, Arch. der Kunst, § 86.)—20. (Strabo, l. c.) —21. (Curt., viii., 5.)

1. (Paus., i., 16, § 3.—Diod., ix., 90.)—2. (Compare the commentators on Herod., i., 92.—Suid., s. v. Βραγχίδαι.—Droysen, Gesch. Alex. des Grossen, p. 307; and an excellent essay by W. G. Soldan, Das Orakel der Branchiden, in Zimmerman's Zeitschrift für die Alterthumswiss., 1841, No. 66, &c.)—3. (Paus., vii., 3, § 1, 2.)—4. (Paus., vii., 5, § 1, &c.—Strabo, xiv., 1, p. 178, Tauch.—Tacit., Annal., xii., 22.)—5. (Tacit., Annal., ii., 54.)—6. (Hecat., Fragm., 211.)—7. (Schol., Aristoph. Nub. 145.) — 8. (Pindar ap. Tzetzes, Lycophr., 445.) — 9. (Callim., Hymn. in Del., i.—Serv. ad Virg., Æn., iv., 143.)—10. (Herod., i., 182.—Serv. ad Virg., Æn., iv., 143.)—11. (i., 78. — Compare Cic., De Div., i., 41.—Arrian, ii., 3.)—12. (Paus., vii., 21, § 6.)— 13. (Strabo, xiv., 5, p. 231, &c.—Arrian, ii., 5.) — 14. (Diodor., Exc., xxxviii., 12.)—15. (Athen., xv., p. 672.)—16. (Liv., xxxviii., 13.—Steph. Byz., s. v.)—17. (Herod., viii., 134. — Strabo, viii., 3, p. 171.)—18. (Œd. Tyr., 900.)

of victims might be obtained anywhere. The spot where the oracles were given at Olympia was before the altar of Zeus.[1] It was especially those who intended to take part in the Olympic games that consulted the oracle about their success,[2] but other subjects were also brought before it.

2. *Oracle of Zeus at Dodona.* Here the oracle was given from sounds produced by the wind. The sanctuary was situated on an eminence.[3] Although in a barbarous country, the oracle was in close connexion with Greece, and in the earliest times apparently much more so than afterward.[4] Zeus himself, as well as the Dodonæans, were reckoned among the Pelasgians, which is a proof of the ante-Hellenic existence of the worship of Zeus in these parts, and perhaps of the oracle also.[5] The oracle was given from lofty oaks covered with foliage,[6] whence Æschylus[7] mentions the speaking oaks of Dodona as great wonders. Beech-trees, however, are also mentioned in connexion with the Dodonæan oracle, which, as Hesiod[8] said, dwelled in the stem of a beech-tree. Hence we may infer that the oracle was not thought to dwell in any particular or single tree, but in a grove of oaks and beeches. The will of the god was made manifest by the rustling of the wind through the leaves of the trees, which are therefore represented as eloquent tongues. In order to render the sounds produced by the winds more distinct, brazen vessels were suspended on the branches of the trees, which, being moved by the wind, came in contact with one another, and thus sounded till they were stopped.[9] Another mode of producing the sounds was this: There were two columns at Dodona, one of which bore a metal basin, and the other a boy with a scourge in his hand; the ends of the scourge consisted of little bones, and, as they were moved by the wind, they knocked against the metal basin on the other column.[10] According to other accounts, oracles were also obtained at Dodona through pigeons, which, sitting upon oak-trees, pronounced the will of Zeus.[11] The sounds were in early times interpreted by men,[12] but afterward, when the worship of Dione became connected with that of Zeus, by two or three old women, who were called *πελείαδες* or *πέλαιαι*, because pigeons were said to have brought the command to found the oracle.[13] In the time of Herodotus,[14] the names of the three prophetesses were Promeneia, Timarete, and Nicandra. They were taken from certain Dodonæan families, who traced their pedigree back to the mythical ages. There were, however, at all times priests called *τόμουροι*[15] connected with the oracle, who on certain occasions interpreted the sounds; but how the functions were divided between them and the Pelææ is not clear. In the historical times, the oracle of Dodona had less influence than it appears to have had at an earlier period, but it was at all times inaccessible to bribes, and refused to lend its assistance to the Doric interest.[16] It was chiefly consulted by the neighbouring tribes, the Ætolians, Acarnanians, and Epirotæ,[17] and by those who would not go to Delphi on account of its partiality for the Dorians. There appears to have been a very ancient connexion between Dodona and the Bœotian Ismenion.[18]

The usual form in which the oracles were given at Dodona was in hexameters; but some of the oracles yet remaining are in prose. In 219 B.C., the temple was destroyed by the Ætolians, and the sacred oaks were cut down,[1] but the oracle continued to exist and to be consulted, and does not seem to have become totally extinct until the third century of our æra. In the time of Strabo, the Dodonæan prophetesses are expressly mentioned, though the oracle was already decaying, like all the others.[2]

(Compare Cordes, *De Oraculo Dodonæo*, Grönningen, 1826.—J. Arneth, *Ueber das Taubenorakel von Dodona*, Wien, 1840.—L. von Lassaulx, *Das Pelasgische Orakel des Zeus zu Dodona, ein Beitrag zur Religionsphilosophie*, Würzburg, 1840.)

3. *Oracle of Zeus Ammon*, in an oasis in Libya, not far from the boundaries of Egypt. According to the traditions current at Dodona and Thebes in Egypt, it was founded by the latter city,[3] and the form in which the god was represented at Thebes and in the Ammonium was the same; he had in both places the head of a ram.[4] The Greeks became acquainted with this oracle through the Cyreneans, and Sparta was the first city of Greece which formed connexions with it.[5] Its example was followed by the Thebans, Olympians, Dodonæans, Eleans, and others, and the Athenians sent frequent theories to the Ammonium even before Ol. 91,[6] and called one of their sacred vessels Ammonis.[7] Temples of Zeus Ammon were now erected in several parts of Greece. His oracle in Libya was conducted by men who also gave the answers.[8] Their number appears to have been very great, for, on some occasions, when they carried the statue about in a procession, their number is said to have been eighty.[9] In the time of Strabo,[10] the oracle was very much neglected and in a state of decay. The Greek writers who are accustomed to call the greatest god of a barbarous nation Zeus, mention several oracles of this divinity in foreign countries.[11]

III. Oracles of other Gods.

The other gods who possessed oracles were consulted only concerning those particular departments of the world and human life over which they presided. *Demeter* thus gave oracles at Patræ in Achaia, but only concerning sick persons, whether their sufferings would end in death or recovery. Before the sanctuary of the goddess there was a well, surrounded by a wall. Into this well a mirror was let down by means of a rope, so as to swim upon the surface. Prayers were then performed and incense offered, whereupon the image of the sick person was seen in the mirror either as a corpse or in a state of recovery.[12] At Pharæ, in Achaia, there was an oracle of *Hermes*. His altar stood in the middle of the market-place. Incense was offered here, oil-lamps were lighted before it, a copper coin was placed upon the altar, and after this the question was put to the god by a whisper in his ear. The person who consulted him shut his own ears, and immediately left the market-place. The first remark that he heard made by any one after leaving the market-place was believed to imply the answer of Hermes.[13]

There was an *Oracle of Pluto and Cora* at Charax or Acharaca, not far from Nysa, in Caria. The two deities had here a temple and a grove, and near the latter there was a subterraneous cave of a miraculous nature, called the cave of Charon; for persons suffering from illness, and placing confidence in the

1. Pind., Ol., vi., 70.)—2. (Pind., Ol., viii., 2.)—3. (Æsch., Prom., 830.)—4. (Hom., Il., xvi., 233.)—5. (Hes. and Ephor., ap. Strab., vii., 7, p. 124, &c.)—6. (Hom., Od., xiv., 328; xix., 297.)—7. (Prom., 832.—Compare Soph., Trach., 1170.)—8. (Fragm., 39.—Soph., Trach., 169.—Herod., ii., 55.)—9. (Suid., s. v. Δωδώνη.—Philist., Imag., ii.)—10. (Steph. Byz., s. v. Δωδώνη.—Suid., s. v. Δωδωναῖον χαλκεῖον.—Strabo, Excerpt. ex lib. vii., fin., p. 128, Tauch.)—11. (Dionys. Hal., i., p. 12, Sylburg.)—12. (Strab., vii., 7, p. 126, Tauch.)—13. (Soph., Trach., 169, with the schol.—Herod., l. c.—Paus., x., 12, § 5.)—14. (l. c.)—15. (Strab., l. c.)—16. (Corn. Nep., Lysand., 3.)—17. (Paus., vii., 21, § 1.—Herod., ix., 93.)—18. (Strab., ix., 1, p. 250, Tauch.—Compare Mülle, Orchom., p. 397.)

1. (Polyb., iv., 67.)—2. (Strab., vii., 7, p. 124.)—3. (Herod., ii., 42, 54, &c.)—4. (Herod., iv., 181.)—5. (Paus., iii., 18, § 2.)—6. (Böckh, Staatsh., ii., 258.)—7. (Hesych. and Suid., s. v. Ἄμμων.—Harpoc., s. v. Ἀμμωνίς.)—8. (Diodor., xvii., 51.)—9. (Diodor., iii., 50.)—10. (xvii., 1, p. 458.)—11. (Herod., ii., 29—Diod., iii., 6.)—12. (Paus., vii. 21, § 5.)—13. (Paus. vii., 22 § 2.)

power of the gods, travelled to this place, and stayed for some time with experienced priests, who lived in a place near the cave. These priests then slept a night in the cavern, and afterward prescribed to their patients the remedies revealed to them in their dreams. Often, however, they took their patients with them into the cave, where they had to stay for several days in quiet, and without taking any food, and were sometimes allowed to fall into the prophetic sleep, but were prepared for it, and received the advice of the priests; for to all other persons the place was inaccessible and fatal. There was an annual panegyris in this place, probably of sick persons who sought relief from their sufferings. On the middle of the festive day, the young men of the gymnasium, naked and anointed, used to drive a bull into the cave, which, as soon as it had entered, fell down dead.[1]

At Epidaurus Limera, oracles were given at the festival of *Ino*. (*Vid.* INOA.) The same goddess had an oracle at Œtylon, in which she made revelations in dreams to persons who slept a night in her sanctuary.[2] *Hera Acræa* had an oracle between Lechæon and Pagæ.[3]

IV. ORACLES OF HEROES.

1. *Oracle of Amphiaraus*, between Potniæ and Thebes, where the hero was said to have been swallowed up by the earth. His sanctuary was surrounded by a wall, and adorned with columns, upon which birds never settled, and birds or cattle never took any food in the neighbourhood.[4] The oracles were given to persons in their dreams, for they had to sleep in the temple[5] after they had prepared themselves for this *incubatio* by fasting one day, and by abstaining from wine for three days.[6] The Thebans were not allowed to consult this oracle, having chosen to take the hero as their ally rather than as their prophet.[7] Another oracle of Amphiaraus was at Oropus, between Bœotia and Attica, which was most frequently consulted by the sick about the means of their recovery. Those who consulted it had to undergo lustrations, and to sacrifice a ram, on the skin of which they slept a night in the temple, where in their dreams they expected the means of their recovery to be revealed to them.[8] If they recovered, they had to throw some pieces of money into the well of Amphiaraus in his sanctuary. The oracle was said to have been founded by the Thebans.[9]

2. *Oracle of Amphilochus*. He was the son of Amphiaraus, and had an oracle at Mallos, in Cilicia, which Pausanias calls the most trustworthy of his time.[10]

3. *Oracle of Trophonius* at Lebadeia, in Bœotia.[11] Those who wished to consult this oracle had first to purify themselves by spending some days in the sanctuary of the good spirit and good luck (*ἀγαθοῦ Δαίμονος καὶ ἀγαθῆς Τύχης*), to live sober and pure, to abstain from warm baths, but to bathe in the river Hercyna, to offer sacrifices to Trophonius and his children, to Apollo, Cronos, King Zeus, Hera Henιocha, and to Demeter Europe, who was said to have nursed Trophonius; and during these sacrifices a soothsayer explained from the intestines of the victims whether Trophonius would be pleased to admit the consultor. In the night in which the consultor was to be allowed to descend into the cave of Trophonius, he had to sacrifice a ram to Agamedes, and only in case the signs of this sacrifice were favourable, the hero was thought to be pleased to admit the person into his cave. What took place after this was as follows: Two boys, 13 years old, led him again to the river Hercyna, and bathed and anointed him. The priests then made him drink from the well of oblivion (*Λήθη*), that he might forget all his former thoughts, and from the well of recollection (*Μνημοσύνη*), that he might remember the visions which he was going to have. They then showed him a mysterious representation of Trophonius, made him worship it, and led him into the sanctuary, dressed in linen garments, with girdles around his body, and wearing a peculiar kind of shoes (*κρηπῖδες*) which were customary at Lebadeia. Within the sanctuary, which stood on an eminence, there was a cave, into which the person was now allowed to descend by means of a ladder. Close to the bottom, in the side of the cave, there was an opening into which he put his feet, whereupon the other parts of the body were likewise drawn into the opening by some invisible power. What the persons here saw was different at different times. They returned through the same opening at which they had entered, and the priests now placed them on the throne of Mnemosyne, asked them what they had seen, and led them back to the sanctuary of the good spirit and good luck. As soon as they had recovered from their fear, they were obliged to write down their vision on a little tablet which was dedicated in the temple. This is the account given by Pausanias, who had himself descended into the cave, and writes as an eyewitness.[1] The answers were probably given by the priests according to the report of what persons had seen in the cave. This oracle was held in very great esteem, and did not become extinct until a very late period; and though the army of Sulla had plundered the temple, the oracle was much consulted by the Romans,[2] and in the time of Plutarch it was the only one among the numerous Bœotian oracles that had not become silent.[3]

4. *Oracle of Calchas*, in Daunia, in southern Italy Here answers were given in dreams, for those who consulted the oracle had to sacrifice a black ram, and slept a night in the temple, lying on the skin of the victim.[4]

5. *Oracles of Asclepius* (Æsculapius). The oracles of Asclepius were very numerous; but the most important and most celebrated was that of Epidaurus. His temple here was covered with votive tablets, on which persons had recorded their recovery by spending a night in the temple. In the temples of Æsculapius and Serapis at Rome, recovery was likewise sought by incubatio in his temple. F. A. Wolf has written an essay, *Beitrag zur Gesch des Somnambulismus aus dem Alterthum*,[6] in which he endeavours to show that what is now called Mesmerism, or animal magnetism, was known to the priests of those temples where sick persons spent one or more nights for the purpose of recovering their health. Other oracles of the same kind are mentioned in that essay, together with some of the votive tablets still extant.

6. *Oracle of Heracles* at Bura, in Achaia. Those who consulted it prayed and put their questions to the god, and then cast four dice painted with figures, and the answer was given according to the position of these figures.[7]

7. *Oracle of Pasiphaë* at Thalamiæ, in Laconia where answers were given in dreams while persons spent the night in the temple.[8]

8. *Oracle of Phrixus*, in Iberia, near Mount Cau

1. (Strabo, xiv., 1, p. 189. — Compare xii., 8, p. 75, Tauchn.) —2. (Paus., iii., 26, § 1.)—3. (Strab., viii., 6, p. 213.)—4. (Paus., ix., 8, § 2.)—5. (Herod., viii., 134.)—6. (Philost., Vit. Apoll., ii., 37.)—7. (Herod., l. c.)—8. (Paus., i., 34, § 2, &c.)—9. (Strab., ix., 1, p. 252, Tauchn.)—10. (Paus., i., 34, § 2.—Dion Cass., xvii., 7.)—11. (Paus., ix., 37, § 3.)

1. (Paus., ix., 39, § 3, &c.—Compare Philost., Vit. Apoll. viii., 19.)—2. (Orig., c. Cels., vii., p. 355.)—3. (Plut., De Orac. Defec., c. 5.)—4. (Strabo, vi., 3, p. 53.)—5. (Suet., Claud., 25. —6. (Vermischte Schriften, p. 382, &c.)—7 (Paus., vii., 25, § 6.)—8. (Plut., Cleom., 7.—Agis, 9.—Cic., De Div., i., 43.)

sacrificed.[1]

V. Oracles of the Dead.

Another class of oracles are the *Oracles of the Dead* (*νεκυομαντεῖον* or *ψυχοπομπεῖον*), in which those who consulted called up the spirits of the dead, and offered sacrifices to the gods of the lower world. One of the most ancient and most celebrated places of this kind was in the country of the Thesprotians, near Lake Aornos.[2] Another oracle of this kind was at Heraclea, on the Propontis.[3]

Respecting the Greek oracles in general, see Wachsmuth, *Hellen. Alterth.*, ii., 2, p. 260, &c.—Klausen *in Ersch und Gruber's Encyclop.*, *s. v. Orakel.*

VI. Italian Oracles.

Oracles in which a god revealed his will through the mouth of an inspired individual did not exist in Italy. The oracles of Calchas and Æsculapius, mentioned above, were of Greek origin, and the former was in a Greek heroum on Mount Garganus. The Romans, in the ordinary course of things, did not feel the want of such oracles as those of Greece, for they had numerous other means to discover the will of the gods, such as the Sibylline books, augury, haruspices, signs in the heavens, and the like, which are partly described in separate articles, and partly in Divinatio.[4] The only Italian oracles known to us are the following:

1. *Oracle of Faunus.*—His oracles are said to have been given in the Saturnian verse, and collections of his vaticinia seem to have existed at an early period.[5] The places where his oracles were given were two groves, the one in the neighbourhood of Tibur, round the well of Albunea, and the other on the Aventine.[6] Those who consulted the god in the grove of Albunea, which is said to have been resorted to by all the Italians, had to observe the following points: The priest first offered a sheep and other sacrifices to the god. The skin of the victim was spread on the ground, and the consultor was obliged to sleep upon it during the night, after his head had been thrice sprinkled with pure water from the well, and touched with the branch of a sacred beech-tree. He was, moreover, obliged, several days before this night, to abstain from animal food and from matrimonial connexions, to be clothed in simple garments, and not to wear a ring on his fingers. After he fell asleep on the sheepskin, he was believed to receive his answer in wonderful visions, and in converse with the god himself.[7] Ovid[8] transfers some of the points to be observed in order to obtain the oracle on the Albunea, to the oracle on the Aventine. Both may have had much in common, but from the story which he relates of Numa, it seems to be clear that on the Aventine certain different ceremonies also were observed.

2. *Oracles of Fortuna* existed in several Italian towns, especially in Latium, as at Antium and Præneste. In the former of these towns two sisters Fortunæ were worshipped, and their statues used to bend forward when oracles were given.[9] At Præneste the oracles were derived from lots (*sortes*), consisting of sticks of oak with ancient characters graven upon them. These lots were said to have been found by a noble Prænestine of the name of Numerius Suffucius, inside of a rock which he had cleft open at the command of a dream by which he had been haunted. The lots, when an oracle was to be given, were shaken up together by a boy, after which one was drawn for the person who consulted the goddess.[1] The lots of Præneste were, at least with the vulgar, in great esteem as late as the time of Cicero, while in other places of Latium they were mostly neglected. The Etruscan Cære, in early times, had likewise its sortes.[2]

3. *An Oracle of Mars* was, in very ancient times, according to Dionysius,[3] at Tiora Matiena, not far from Teate. The manner in which oracles were here given resembled that of the pigeon oracle at Dodona; for a woodpecker (*picus*), a bird sacred to Mars, was sent by the god and settled upon a wooden column, whence he pronounced the oracle.

On Roman oracles in general, see Niebuhr, *Hist. of Rome*, i., p. 508, &c.

ORA'RIUM was a small handkerchief used for wiping the face, and appears to have been employed for much the same purposes as our pocket-handkerchief. It was made of silk or linen. In the *Etym. Mag.*[4] it is explained by *προσώπου ἐκμαγεῖον*. Aurelian introduced the practice of giving *oraria* to the Roman people to use *ad favorem*, which appears to mean for the purpose of waving in the public games in token of applause, as we use our hats and handkerchiefs for the same purpose.[5]

ORATIO'NES PRI'NCIPUM. The orationes principum are frequently mentioned by the Roman writers under the Empire; but those which are discussed under this head have reference to legislation only, and were addressed to the senate. Under the Christian emperors particularly, these orationes were only a mode of promulgating law as constituted by the emperor; and we have an instance of this even in the reign of Probus ("*Leges, quas Probus ederet, senatus consultis propriis consecraret*[1]") Under the earlier emperors, the orationes were in the form of propositions for laws addressed to the senate, who had still, in appearance, though not in reality, the legislative, that is, the sovereign power. This second kind of orationes are often cited by the classical jurists, as in the following instance from Gaius:[7] "*ex oratione divi Hadriani senatus consultum factum est.*"

Many of the orationes of the Roman emperors, such as are quoted by the Augustæ Historiæ Scriptores, are merely communications to the senate, such, for instance, as the announcement of a victory.[8] These orationes are sometimes called litteræ or epistolæ by the non-juristical writers; but the juristical writers appear to have generally avoided the use of epistola in this sense, in order not to confound the imperial orationes with the rescripta, which were often called epistolæ. It appears that the Roman jurists used the terms libellus and oratio principis as equivalent; for the passages which have been referred to in support of the opinion that these two words had a different sense,[9] show that libellus and oratio principis are the same, for the oratio is here spoken of by both names. These orationes were sometimes pronounced by the emperor himself, but apparently they were commonly in the form of a written message, which was read by the quæstors:[10] in the passage last referred to, these imperial messages are called indifferently libri and epistolæ. Accordingly, we read of litteræ and orationes being sent by the emperor to the senate.[11] The mode of proceeding upon the receipt of one of these orationes may be collected from the preamble

1. (Strab., xi., 3, p. 410.—Tacit., Ann., vi., 34.)—2. (Diodor., v., 22.—Herod., v., 92, § 7.—Paus., ix., 30, § 3.)—3. (Plut., Cam., 6.)—4. (Strabo, xvii., 1, p. 459, &c.)—5. (Aurel. Vict., De orig. gent. Rom., c. 4.)—6. (Virg., Æn., vii., 81, &c.—Ovid, Fast., iv., 650, &c.)—7. (Virg., l. c.—Isidor., viii., 11, 87.)—8. (l. c.)—9. (Macr., Sat., i., 23.—Compare Horat., Carm., i., 35, 1.—Suet., Calig., 57, with Ernesti's note.—Domit., 15.)

1. (Cic., De Divin., ii., 41.)—2. (Liv., xxi., 62.)—3. (i., p. 12.)—4. (p. 804, 27, ed. Sylburg.)—5. (Vopisc., Aurel., 48.—Casaub. ad loc.—Augustin, De Civ. Dei, xxii., 8.—Prudent., *περὶ Στεφ.*, i., 86.—Hieron. ad Nepotian., Ep., 2.)—6. (Prob. Imp. ap. Flav. Vopisc., 13.)—7. (ii., 285.)—8. (Maxim. Duo. ap. J. Capitol., 12, 13.)—9. (Dig. 5, tit. 3, s. 20, 22.)—10. (Dig. 1, tit. 13.)—11 (Tacit., Ann., iii., 52; xvi., 7

of the senatus consultum contained in the Digest.[1] These orationes were the foundation of the senatus consulta which were framed upon them, and when the orationes were drawn up with much regard to detail, they contained, in fact, the provisions of the subsequent senatus consultum. This appears from the fact that the oratio and the senatus consultum are often cited indifferently by the classical jurists, as appears from numerous passages.[2] The oratio is cited as containing the reasons or grounds of the law, and the senatus consultum for the particular provisions and words of the law. To the time of Sep. Severus and his son Caracalla, numerous senatus consulta, founded on orationes, are mentioned; and numerous orationes of these two emperors are cited. But after this time they seem to have fallen into disuse, and the form of making and promulgating law by imperial constitutiones was the ordinary mode of legislation.

There has been much discussion on the amount of the influence exercised by the orationes principum on the legislation of the senate. But it seems to be tolerably clear, from the evidence that we have, and from the nature of the case, that the oratio might either recommend generally some legislative measure, and leave the details to the senate, or it might contain all the details of the proposed measure, and so be in substance, though not in form, a senatus consultum; and it would become a senatus consultum on being adopted by the senate, which, in the case supposed, would be merely a matter of form. In the case of an oratio, expressed in more general terms, there is no reason to suppose that the recommendation of the emperor was less of a command; it was merely a command in more general terms.

(Zimmern, *Gesch. des Röm. Privatrechts*, i., p. 79, and Dirksen, *Ueber die Reden der Röm. Kaiser und deren Einfluss auf die Gesetzgebung*, *Rhein. Mus. für Jurisprudenz*, ii.)

ORATOR. Cicero remarks[3] that a "certain kind of causes belong to jus civile, and that jus civile is conversant about laws (*lex*) and custom (*mos*) appertaining to things public and private, the knowledge of which, though neglected by most orators, seems to me to be necessary for the purposes of oratory." In his treatise on the Orator, and particularly in the first book, Cicero has given his opinion of the duties of an orator, and his requisite qualifications, in the form of a dialogue, in which Lucius Licinius Crassus and M. Antonius are the chief speakers. Crassus was himself a model of the highest excellence in oratory; and the opinions attributed to him as to the qualifications of an orator were those of Cicero himself, who, in the introductory part of the first book,[4] declares that "in his opinion no man can deserve the title of a perfect orator unless he has acquired a knowledge of all important things and of all arts, for it is out of knowledge that oratory must blossom and expand; and if it is not founded on matter which the orator has fully mastered and understood, it is idle talk, and may almost be called peurile." According to Crassus, the province of the orator embraces everything: he must be enabled to speak well on all subjects. Consequently, he must have a knowledge of the jus civile,[5] the necessity for which Crassus illustrates by instances; and he should not only know the jus civile as being necessary when he has to speak in causes relating to private matters and to private judicia, but he should also have a knowledge of the jus publicum, which is conversant about a state as such, and he should be familiar with the events of history, and instances derived from the experience of the past. Antonius[1] limits the qualifications of the orator to the command of language pleasant to the ear, and of arguments adapted to convince in causes in the Forum and on ordinary occasions. He farther requires the orator to have competent voice and action, and sufficient grace and ease. Antonius[2] contends that an orator does not require a knowledge of the jus civile, and he instances the case of himself, for Crassus allowed that Antonius could satisfactorily conduct a cause, though Antonius, according to his own admission, had never learned the jus civile, and had never felt the want of it in such cases as he had defended (*in jure*).

The profession, then, of the orator, who, with reference to his undertaking a client's case, is also called patronus,[3] was quite distinct from that of the jurisconsultus (*vid.* JURISCONSULTI), and also from that of the advocatus, at least in the time of Cicero,[4] and even later.[5] An orator who possessed a competent knowledge of the jus civile would, however, have an advantage in it, as Antonius admits;[6] but as there were many essentials to an orator which were of difficult attainment, he says that it would be unwise to distract him with other things. Some requisites of oratory, such as voice and gesture, could only be acquired by discipline; whereas a competent knowledge of the law of a case (*juris utilitas*) could be got at any time from the jurisconsulti (*periti*) or from books. Antonius thinks that the Roman orators in this manner acted more wisely than the Greek orators, who, being ignorant of law, had the assistance of practitioners called Pragmatici: the Roman orators intrusted the maintenance of the law to the high character of their professed jurists.

So far as the profession of an advocate consists in the skilful conduct of a cause, and in the supporting of his own side of the question by proper argument, it must be admitted, with Antonius, that a very moderate knowledge of law is sufficient; and, indeed, even a purely legal argument requires not so much the accumulation of a vast store of legal knowledge, as the power of handling the matter when it has been collected. The method in which this consummate master of his art managed a cause is stated by himself;[7] and Cicero, in another passage,[8] has recorded his merits as an orator. Servius Sulpicius, who was the greatest lawyer of his age, had a good practical knowledge of the law, but others had this also; and it was something else which distinguished Sulpicius from all his contemporaries: "Many others, as well as Sulpicius, had a great knowledge of the law; he alone possessed it as an art. But the knowledge of law by itself would never have helped him to this, without the possession of that art which teaches us to divide the whole of a thing into its parts, by exact definition to develop what is imperfectly seen, by explanation to clear up what is obscure; first of all, to see ambiguities, then to disentangle them: lastly, to have a rule by which truth and falsehood are distinguished, and by which it shall appear what consequences follow from premises, and what do not." With such a power Sulpicius combined a knowledge of letters and a pleasing style of speaking. As a forensic orator, then, he must have been one of the first that ever lived; but still, among the Romans, his reputation was that of a jurist, while Antonius, who had no knowledge of the law, is put on a level, as an orator (*patronus*), with L. Cras-

1. (5, tit. 3.)—2. (Dig. 2, tit. 15, s. 8; 5, tit. 3, s. 20, 22, 40; 11, tit. 4, s. 3, &c.)—3. (Or. Part., c. 28.)—4. (c. 6.)—5. (i., 44, &c.)

1. (i., 49.)—2. (i., 58.)—3. (De Or., i., 56.—Brut., 38.)—4 (ii., 74.)—5. (De Orat., Dial., 34.)—6. (i., 59.)—7 (De Or., ii. 72.)—8 (Brut., 37.)—9. (Brut., 41.)

sus, who, of all the eloquent men of Rome, had the best acquaintance with the law.

Oratory was a serious study among the Romans. The master of the art, Cicero, tells us by what painful labour he attained to excellence.[1] Roman oratory reached its perfection in the century which preceded the Christian æra. Its decline dates from the establishment of the imperial power under Augustus and his successors; for though there were many good speakers, and more skilful rhetoricians under the Empire, the oratory of the Republic was rendered by circumstances unsuitable for the senate, for popular assemblies, or for cases of crimes and high misdemeanours.

In the dialogue De Oratoribus, which is attributed to Tacitus, Messala, one of the speakers,[2] attempts to assign the reasons for the low state of oratory in the time of Vespasian, when the dialogue was written, compared with its condition in the age of Cicero and of Cicero's predecessors. He attributes its decline to the neglect of the discipline under which children were formerly brought up, and to the practice of resorting to rhetoricians (*rhetores*), who professed to teach the oratorical art. This gives occasion to speak more at length of the early discipline of the old orators, and of Cicero's course of study as described in the *Brutus*. The old orators[3] learned their art by constant attendance on some eminent orator and by actual experience of business: the orators of Messala's time were formed in the schools of rhetoric, and their powers were developed in exercises on fictitious matters. These, however, it is obvious, were only secondary causes. The immediate causes of the decline of eloquence appear to be indicated by Maternus, another speaker in the dialogue, who attributes the former flourishing condition of eloquence to the political power which oratory conferred on the orator under the Republic, and to the party struggles and even the violence that are incident to such a state of society. The allusion to the effect produced by the establishment of the imperial power is clear enough in the following words, which refer both to the imperial and the republican periods: "*cum mixtis omnibus et moderatore uno carentibus, tantum quisque orator saperet, quantum erranti populo persuaderi poterat.*"

ORBUS. (*Vid.* Juliæ Leges, p. 557.)

ORCA. (*Vid.* Sitella.)

ORCHE'SIS (ὄρχησις). (*Vid.* Saltatio.)

ORCHESTRA. (*Vid.* Theatrum.)

ORCHIA LEX. (*Vid.* Sumtuariæ Leges.)

*ORCHILUS ('Ορχίλος), a species of Bird. "In the Lexicon of Photius it is explained by βασιλικός, and Gesner holds that it is identical with the πρέσβυς, βασιλεύς, and τροχίλος, although it is to be remarked that Aristotle treats separately of the βασιλεύς. Gesner applies all these terms to the *Regulus*, or Golden-crested Wren. It must be admitted, however, that the ancient descriptions of the small birds, or *Passeres*, are so brief, that they often cannot be recognised or distinguished from one another with any degree of accuracy. But, at the same time, Aristotle's description of the τύραννος is so graphic that no ornithologist can fail to recognise the Golden-crested Wren in it. Aristophanes also identifies the βασιλεύς and the ὀρχίλος."[4]

*ORCHIS (ὄρχις). "Sibthorp seems to have settled that the κύνος ὄρχις of Galen and Dioscorides is the *Orchis papillonacea*. The σεράπιας cannot be ascertained with any certainty. Fuchsius refers this last, and Stackhouse the ὄρχις of Theophrastus, to the *Orchis morio*, or Meadow Orchis."[5]

1. (Brut., 91, &c.)—2. (c. 28, &c.)—3. (c. 34.)—4. (Aristoph., Av., l. 568.—Adams, Append., s. v.)—5. (Theophrast., H. P., ix., 18.—Dioscor., iii., 131, 132.—Adams, Append., s. v.)

ORCINUS LIBERTUS. (*Vid.* Manumissio, p. 616.)

ORCINUS SENATOR. (*Vid.* Senatus.)

ORDINA'RIUS JUDEX. (*Vid.* Judex Pedaneus.)

ORDO is applied to any body of men who form a distinct class in the community, either by possessing distinct privileges, pursuing certain trades or professions, or in any other way. Thus Cicero[1] speaks of the "*ordo aratorum, sive pecuariorum, sive mercatorum.*" In the same way, the whole body of sacerdotes at Rome is spoken of as an ordo,[2] and separate ecclesiastical corporations are called by the same title (*ordo collegii nostri*;[3] *ordo seviralium*[4]). The libertini and scribæ also formed separate ordines.[5] The senate and the equites are also spoken of respectively as the ordo senatorius and ordo equestris (*vid.* Senatus; Equites, p. 417); but this name is never applied to the plebes. Accordingly, we find the expression "*uterque ordo*" used without any farther explanation to designate the senatorial and equestrian ordines.[6] The senatorial ordo, as the highest, is sometimes distinguished as "*amplissimus ordo.*"[7]

The senate in colonies and municipia was called ordo decurionum[8] (*vid.* Colonia, p. 282), and sometimes simply ordo,[9] ordo amplissimus,[10] or ordo splendidissimus.[11]

The term ordo is also applied to a company or troop of soldiers, and is used as equivalent to centuria: thus centurions are sometimes called "*qui ordines duxerunt*,"[12] and the first centuries in a legion "*primi ordines.*"[13] Even the centurions of the first centuries are occasionally called "*primi ordines.*"[14]

O'RGANUM. (*Vid.* Hydraula.)

O'RGIA. (*Vid.* Mysteria.)

*OREICHALCUM. (*Vid.* Æs.)

*OREOSELI'NUM (ὀρεοσέλινον), a plant, which Dodonæus makes to be the *Selinum Oreoselinon*. According to Sprengel, however, the plant just mentioned is not indigenous in Greece; he inclines, therefore, with Gesner, to the opinion that it is the *Athamanta libanotis*.[15]

*ORIG'ANUS (ὀρίγανος or -ον). "Galen and Dioscorides describe three species; the ὀρίγανος Ἡρακλεωτική, ὀνιτίς, and ἀγριορίγανος. The first, according to Sprengel, is the *Origanum Heracleoticum*; the second, the *Onites* or *Creticum*; and the third, the *O. sylvestre album*. Theophrastus distinguishes the ὀρίγανος into two species, λευκή and μέλαινα, which Stackhouse refers simply to the *Origanum marjorana*, or Bastard Marjorum."[16]

ORNAMENTA TRIUMPHA'LIA. (*Vid.* Triumphus.)

ORNA'TRIX (κοσμώτρια), a female slave who dressed and adorned ladies' hair.[17] So much attention was paid by the Roman ladies to the dressing of their hair, that they kept slaves specially for this purpose, and also had them instructed by a master in the art.[18] These slaves were frequently the confidants of their mistresses, and were sometimes highly prized, whence we find them mention

1. (c. Verr., II., ii., 6.)—2. (Festus, s. v. Ordo Sacerdotum.)—3. (Orelli, Inscr., n. 2417.)—4. (Id., n. 2229.)—5. (Suet., De Grammat., 18.—Cic., c. Verr., II., i., 47; iii., 79.)—6. (Suet., Aug., 15.—Vell. Paterc., ii., 100.)—7. (Plin., Ep., v., 3.—Suet., Otho, 8.—Vesp., 2.)—8. (Dig. 50, tit. 2, s. 2, § 7.—Orelli, Inscr., n. 1167.)—9. (Tacit., Hist., ii., 52.—Dig. 50, tit. 2, s. 2, § 3.—Orelli, n. 3734.—10. (Cic., Pro Cæl., 2.)—11. (Orelli, n. 1180, 1181.)—12. (Cic., Phil., i., 8.—Cæs., Bell. Civ., i., 13.)—13. (Cæs., Bell. Gall., v., 28, 44.)—14. (Cæs., Bell. Gall., v., 30; vi., 7.—Liv., xxx., 4.—Gronov. ad loc.)—15. (Dioscor., iii., 69.—Theophrast., H. P., vii., 6.—Galen, De Simpl., viii.—Adams, Append., s. v.)—16. (Theophrast., H. P., vi., 1.—Dioscor., iii., 29.—Galen, De Simpl.—Adams, Append., s. v.)—17. (Ovid, De Art. Am., iii., 239.—Suet., Claud., 40.)—18. (Dig. 32, tit. i., § 65.)

ed in inscriptions.[1] Some attained great skill in their art, as Cypassis, whom Ovid[2] addresses,

"*Ponendis in mille modos perfecta capillis,*
Comere sed solas digna Cypassi deas;"

and Nape, whom Ovid[3] also describes as skilled

"*Colligere incertos et in ordine ponere crines.*"[4]

*OROBAN'CHE (*ὀροβάγχη*). "The ὀροβάγχη of Theophrastus," observes Adams "would appear decidedly to be a species of *Cuscuta* or dodder of Thyme. The ὀροβάγχη of Dioscorides is held by Sprengel to he the *Orobanche caryophyllea*. The ὀροβάγχη is called ὀστρολέων by writers of a later age."[5]

*OR'OBOS (*ὄροβος*), the *Ervum ervilia*, or Tare, according to Stackhouse, Dierbach, and Sprengel.[6]

*OROSPIZOS (*ὀρόσπιζος*), a hird, a species of mountain Chaffinch. Adams makes it the Brambling, or *Fringilla montifringilla*.[7]

*ORTYGOME'TRA (*ὀρτυγομήτρα*). According to Gesner and Hardouin, it is the bird called in Italy *Re de Qualie*, or "King of the Quails." Ornithologists now give the name of *Ortygometra crex* to the common Landrail.[8]

*ORTYX (*ὄρτυξ*), the *Tetrao coturnix*, L., or Quail.[9]

*ORYX (*ὀρύξ*). "Dr. Shaw inclines to the opinion, that the *Oryx* of the Greeks, or *Thau* of the Hebrews, was the Buffalo. It is much more probable, however, that it was a species of Antelope. It is graphically described in the *Cynegetica* of Oppian."[10]

*ORYZA (*ὄρυζα*), the *Oryza sativa*, or Rice.[11]

OSCHOPHORIA ('Ωσχοφορία or 'Οσχοφορία), an Attic festival, which, according to some writers, was celebrated in honour of Athena and Dionysus,[12] and according to others, in honour of Dionysus and Ariadne.[13] The time of its celebration is not mentioned by any ancient writer, but Corsini[14] supposes, with great probability, that it was held at the commencement of the Attic month Pyanepsion. It is said to have been instituted by Theseus. Its name is derived from ὦσχος, ὄσχος, or ὀσχη, a branch of vines with grapes, for it was a vintage festival; and on the day of its celebration, two youths, called ὀσχοφόροι, whose parents were alive, and who were elected from among the noblest and wealthiest citizens,[15] carried, in the disguise of women, branches of vines with fresh grapes from the Temple of Dionysus in Athens to the ancient Temple of Athena Skiras in Phalerus. These youths were followed by a procession of persons who likewise carried vine-branches, and a chorus sang hymns called ὠσχοφορικὰ μέλη, which were accompanied by dances.[16] In the sacrifice which was offered on this occasion, women also took part; they were called δειπνοφόροι, for they represented the mothers of the youths, carried the provisions (ὄψα καὶ σιτία) for them, and related stories to them. During the sacrifice, the staff of the herald was adorned with garlands, and when the libation was performed, the spectators cried out ἐλελεῦ, ἰοὺ, ἰού.[17] The ephebi taken from all the tribes had on this day a contest in racing from the city to the Temple of Athena Skiras, during which they also carried the ὄσχη, and the victor received a cup filled with five different things (πεντάπλοος, πενταπλόα or πενταπλη), viz. wine, honey, cheese, flour, and a little oil.[1] According to other accounts, only the victor drank from this cup. The story which was symbolically represented in the rites and ceremonies of this festival, and which was said to have given rise to it is related by Plutarch[2] and by Proclus.[3]

OSCILLUM, a diminutive through *osculum* from *os*, meaning 'a little face," was the term applied to faces or heads of Bacchus, which were suspended in the vineyards to be turned in every direction by the wind. Whichsoever way they looked, they were supposed to make the vines in that quarter fruitful.[4] The left-hand figure in the annexed woo'

cut is taken from an oscillum of white marble in the British Museum. The back of the head is wanting, and it is concave within. The mouth and pupils of the eyes are perforated. It represents the countenance of Bacchus with a mild and propitious expression (*molle, honestum*[5]). A fillet, spirally twisted about a kind of wreath, surrounds the head, and descends by the ears towards the neck. The metallic ring by which the marble was suspended still remains. The other figure is from an ancient gem,[6] representing a tree with four oscilla hung upon its branches. A Syrinx and a Pedum are placed at the root of the tree.

From this noun came the verb *oscillo*, meaning "to swing." Swinging (*oscillatio*) was among the bodily exercises practised by the Romans.[7]

OSTIA'RIUM was a tax upon the doors of houses, which appears to have been sometimes levied in the provinces.[8] Cicero[9] calls it *acerbissima exactio*. There was a similar tax, called *columnarium*, imposed upon every pillar that supported a house.[10]

O'STIUM. (*Vid.* Janua.)

OSTRACISMUS. (*Vid.* Banishment, Greek, p. 135.)

*OSTRACODERMA (ὀστρακόδερμα). "This term," says Adams, "in its most extensive sense, comprehended two great orders of marine animals, namely, the σκληρόστρακα and the μαλακόστρακα. Under the σκληρόστρακα were ranked oysters, urchins, mussels, &c.; under the μαλακόστρακα, crabs of all kinds, craw-fish, &c. It must be borne in mind, however, that the general term ὀστρακόδερμα is often applied in a restricted sense to the σκληρόστρακα, or *Testacea*, and that ὄστρεα and ὀστράκια are occasionally used in the same sense, *i. e.*, are applied to the *Testacea*."[11]

OSTRAKON (ὄστρακον). (*Vid.* Fictile.)

*OSTR'EUM (ὄστρεον), a term most properly applied to the *Ostrea edulis*, or common Oyster, but sometimes to the whole class of *Crustacea*, or ἐστρακόδερμα. "The Greeks, and more especially the

1. (Orelli, Inscr., n. 2878, 2933, 4715, 4443.)—2. (Amor., ii., 8.)—3. (Amor., i., 9.)—4. (Compare Juv., vi., 486.—Tertull., De Cult. Fem., 6.)—5. (Theophrast., H. P., viii., 8.—Dioscor., ii., 171.—Geopon., ii., 42.—Adams, Append., s. v.)—6. (Dioscor., ii., 131.—Theophrast., H. P., iii., 13.—Adams, Append., s. v.)—7. (Aristot., H. A., viii., 5.)—8. (Aristot., H. A., viii., 14.—Adams, Append., s. v.)—9. (Aristot., H. A., ix., 11.)—10. (Shaw's Travels, ii., p. 280.—Oppian, Cyneg., ii., 445.—Aristot., H. A., ii., 2.—Adams, Append., s. v.)—11. (Theophrast., H. P., iv., 4.)—12. (Phot., p. 322, Bekker.)—13. (Plut., Thes., 23.)—14. Fast. Att., ii., p. 354.)—15. (Schol. ad Nicand., Alexiph., 109.) -16. (Athen., xiv, p. 631.)—17. (Plut., Thes., 22.)

1. (Athen., xi., p. 495.)—2. (Thes., 22, 23.)—3. (p. 388, ed Gaisford.—Compare Bekker's Anecdot., p. 318.—Etym. Mag. and Hesych., s. v. Ὠσχοι.—Suid., s. v. Ὠσχοφορία and Ὠσχοφόρος.)—4. (Virg., Georg., ii., 388-392.)—5. (Virg., l. c.)—6. (Maffei, Gem. Ant., iii., 64.)—7. (Festus, s. v.—Hygin., Fab. 130.)—8. (Cæs., Bell. Civ., iii., 32.)—9. (ad Fam., iii., 8.)—10. (Cæs., l. c.—Cic. ad Att., xiii., 6.—Burmann, De Vect., c. 12, p. 205.)—11. (Adams, Append., s. v.—Id., Commentary on Paul of Ægina, p. 129.)

Romans, when they levied contributions upon land and sea, throughout the then known world, to cover the table of a Lucullus or an Apicius, held oysters in very high estimation, and attached no small importance to the localities from which they were imported. Those of the Hellespont, of Venice, of the Bay of Cumæ in Italy, and of Rutupiæ (Richborough) in England, were the kinds which they preferred; but they especially attached a very great value to those which, brought from these different places, and perhaps from quarters still more remote, were transported in large boats (*lacubus ligneis*) and deposited in the Lucrine lake, where they grew remarkably fat. The first Roman who entertained the notion of establishing this sort of park or oysterbed was Sergius Orata, at Baiæ, in the time of the Marsian war. It appears that the Romans preferred those oysters which have the edges of the mouth of a deep brown, almost black, and that they gave them a particular name, that of *Calliblephara*, a word which is nevertheless supposed to be corrupted. The Romans ate oysters raw, and also cooked with various seasonings, into which entered pepper, the yolks of eggs, vinegar, oil, wine, &c. But it is not probable that they made so great a consumption of them as do modern nations."[1]

*OSTRI'TES (*ὀστρίτης*). Sprengel supposes this to be petrified oysters; but it would rather seem to have been a peculiar stone of the *Ollaris* kind."[2]

*OSTRYA (*ὀστρύα*), a species of tree, which Stackhouse makes to have been the *Carpinus betulus*, or Hornbeam-tree. Sprengel, however, more correctly prefers the *Ostrya vulgaris*, which, according to Sibthorp, still retains its ancient name in Greece.[3]

*OTIS (*ὠτίς*), the Bustard. "It is the *Tarda* of Pliny, and hence its scientific name of *Otis Tarda*. The poet Nemesianus gives it the appellation of *Τελμᾶς*." The Greek name comes from the long feathers near the ears (*οὖς, ὠτός*, "an ear").[4]

OULAMOI (*οὐλαμοί*). (*Vid.* Army, Greek, p. 98.)

ΟΥΣΙΑΣ ΔΙΚΗ (*οὐσίας δίκη*). (*Vid.* ΕΞΟΥΛΗΣ ΔΙΚΗ.)

OVA'TIO, a lesser triumph; the terms employed by the Greek writers on Roman history are *εὐα, εὐαστής, πεζὸς θρίαμβος*. The circumstances by which it was distinguished from the more imposing solemnity (*vid.* Triumphus) were the following: The general did not enter the city in a chariot drawn by four horses, but on foot; he was not arrayed in the gorgeous gold-embroidered robe, but in the simple toga prætexta of a magistrate; his brows were encircled with a wreath, not of laurel, but of myrtle; he bore no sceptre in his hand; the procession was not heralded by trumpets, headed by the senate, and thronged with victorious troops, but was enlivened by a crowd of flute-players, attended chiefly by knights and plebeians, frequently without soldiers; the ceremonies were concluded by the sacrifice, not of a bull, but of a sheep.[5] The word *ovatio* seems clearly to be derived from the kind of victim offered; and we need pay little respect to the opinion of Festus,[6] who supposes it to have been formed from the glad shout O! O! frequently reiterated, nor to that of Dionysius, whose system required him to trace every custom to a Grecian origin, and who therefore maintains that it is corrupted from the Bacchanalian *εὐοι*. Dionysius makes another mistake in assigning a bay chaplet to the conqueror on these occasions, since all the Roman writers agree with Plutarch in representing that the myrtle crown, hence called *ovalis corona*, was a characteristic of the ovation.[1] (Compare Corona, p. 311, 312.

In later times the victor entered upon horseback, and the ovations celebrated by Octavianus, Drusus, Tiberius, &c., are usually recorded by Dion Cassius by a reference to this circumstance.[3]

An ovation was granted when the advantage gained, although considerable, was not sufficient to constitute a legitimate claim to the higher distinction of a triumph, or when the victory had been achieved with little bloodshed, as in the case of Postumius Tubertus, who first received this honour;[4] or when hostilities had not been regularly proclaimed;[5] or when the war had not been completely terminated, which was one of the ostensible reasons for refusing a triumph to Marcellus on his return from Sicily;[6] or when the contest had been carried on against base and unworthy foes; and hence, when the servile bands of Athenion and Spartacus were destroyed by Perperna and Crassus, these leaders celebrated ovations only,[7] although the latter, by a special resolution of the senate, was permitted to wear a laurel crown.

OVI'LE. (*Vid.* Comitia, p. 297.)

OVI'NIA LEX. (*Vid.* Lex, p. 584.)

*OVIS (*ὄις*), the common Sheep, or *Capra Ovis*. The terms *ὄις, πρόβατον*, and *μῆλον* are applied indiscriminately to this animal by the Greek writers. "The *Axis* of Pliny is applied by Buffon to the animal known by the vague names of the *Hind of Sardinia* and the *Deer of the Ganges*."[8]

OXY'BAPHUM. (*Vid.* Acetabulum.)

P. Φ. Ψ.

PACTIO, PACTUM. (*Vid.* Obligationes, p 675, 676.)

*PADUS (*πάδος*), the *Prunus Padus*, or Bird cherry-tree.[9]

PÆAN (*παιήων, παιάν, παιών*), a hymn or song, which was originally sung in honour of Apollo, and seems to be as old as the worship of this deity The etymology of the word is doubtful. Some suppose that it obtained its name from Pæon, the god of healing; but in the Homeric poems Pæon is always spoken of as a separate divinity, distinct from Apollo. Other writers, with still less probability, connect it with *παίω*, "to strike."

The pæan was always of a joyous nature, and its tune and sounds expressed hope and confidence. The sound of *ἰή* appears to have been invariably connected with it.[10] It was sung by several persons, one of whom probably led the others, and the singers either marched onward or sat together at table. Thus Achilles, after the death of Hector, calls upon his companions to return to the ships, singing a pæan on account of the glory they had gained;[11] and the Achæans, after restoring Chryseis to her father, are represented as singing a pæan to Apollo at the end of the sacrificial feast, in order to appease his wrath.[12] From these passages it is clear that the pæan was a song of thanksgiving when danger was passed, and also a hymn to propitiate the god. It was sung at the solemn festivals of Apollo, and especially at the Hyacinthia (*εἰς τὰ Ὑακίνθια ἐπὶ τὸν παιᾶνα*[13]), and was also sung from very early times in the Pythian temples.[14]

1. (Griffith's Cuvier, vol. xii., p. 372.)—2. (Adams, Append., s. v.)—3. (Theophrast., H. P., i., 8.—Adams, Append., s. v.)—4. (Aristot., H. A., ii., 12.—Ælian, N. A., ii., 28.)—5. (Plut., Marcell., c. 22.—Dionys. Hal., v., 47.—Gell., v., 6.—Liv., iii., 10.—Id., xxvi., 21.)—6. (s. v. Ovantes.)

1. (Festus, s. v. Ovalis Corona.—Plin., H. N., xv., 29.—Plut., Gell., ll. cc.)—2. (Serv. in Virg., Æn., iv., 543.)—3. (Dion Cass., xlviii., 31.—Id., xlix., 15.—Id., liv., 8, 33.—Id., lv., 2.)—4. (Plin., H. N., xv., 29.)—5. (Festus.—Gell., ll. cc.)—6. (Plut., l. c.—Liv., xxvi., 21.)—7. (Florus, iii., 19.—Plin., Gell., l. c.)—8. (Adams, Append., s. v.)—9. (Theophrast., H. P., iv., 1.)—10. (Athen., xv., p. 696, *c.*, *f.*, 701, *b.*, *c.*)—11. (Il., xxii., 391.)—12. (Il., i., 473.)—13. (Xen., Hell., iv., 5, § 11.—Ages., ii., 17.)—14. (Hom., Hymn. ad Apoll., 514.—Eurip., Ion, 125, &c.)

The pæan was also sung as a battle-song, both before an attack on the enemy and after the battle was finished.[1] This practice seems to have chiefly prevailed among the Dorians, but was also common among the other Greek states. The origin of it is said to have arisen from the fact that Apollo sung it after his victory over the Pythian dragon. The pæan sung previous to an engagement was called by the Spartans *παιὰν ἐμβατήριος*.[2] The scholiast on Thucydides[3] says that the pæan which was sung before the battle was sacred to Ares, and the one sung after to Apollo; but there are strong reasons for believing that the pæan, as a battle-song, was in later times not particularly connected with the worship of Apollo.[4] It is certain that the pæan was in later times sung to the honour of other gods besides Apollo. Thus Xenophon relates that the Lacedæmonians on one occasion sung a pæan to Poseidon, to propitiate him after an earthquake,[5] and also that the Greek army in Asia sung a pæan to Zeus.[6]

In still later times pæans were sung in honour of mortals. Thus Aratus sung pæans to the honour of the Macedonian Antigonus;[7] a pæan, composed by Alexinus, was sung at Delphi in honour of the Macedonian Craterus; and the Rhodians celebrated Ptolemæus I., king of Egypt, in the same manner.[8] The Chalcidians, in Plutarch's time, still continued to celebrate in a pæan the praises of their benefactor, Titus Flaminius.[9]

The practice of singing the pæan at banquets, and especially at the end of the feast, when libations were poured out to the gods, was very ancient. It is mentioned by Alcman, who lived in the seventh century B.C.[10] The pæan continued to be sung on such occasions till a late period.[11]

PÆDAGO'GIA. (*Vid.* PÆDAGOGUS.)

PÆDAGO'GUS (*παιδαγωγός*), a Tutor. The office of tutor in a Grecian family of rank and opulence[12] was assigned to one of the most trustworthy of the slaves. The sons of his master were committed to his care on attaining their sixth or seventh year, their previous education having been conducted by females. They remained with the tutor (*magister*) until they attained the age of puberty.[13] His duty was rather to guard them from evil, both physical and moral, than to communicate instruction, to cultivate their minds, or to impart accomplishments. He went with them to and from the school or the GYMNASIUM;[14] he accompanied them out of doors on all occasions; he was responsible for their personal safety, and for their avoidance of bad company.[15] The formation of their morals by direct superintendence belonged to the *παιδονόμοι* as public officers, and their instruction in the various branches of learning, *i. e.*, in grammar, music, and gymnastics, to the *διδάσκαλοι* or *præceptores*, whom Plato,[16] Xenophon,[17] Plutarch,[18] and Quintilian[19] expressly distinguish from the *pædagogi*. These latter even carried the books and instruments which were requisite for their young masters in studying under the sophists and professors.

This account of the office is sufficient to explain why the *παιδαγωγός* so often appears on the Greek stage, both in tragedy, as in the *Medea*, *Phœnissæ*, and *Ion* of Euripides, and in comedy, as in the *Bacchides* of Plautus. The condition of slavery accounts for the circumstance, that the tutor was often a Thracian,[1] an Asiatic, as is indicated by such names as Lydus,[2] and sometimes a eunuch.[3] Hence, also, we see why these persons spoke Greek with a foreign accent (*ὑποβαρβαρίζοντες*[4]). On rare occasions the tutor was admitted to the presence of the daughters, as when the slave, sustaining this office in the royal palace at Thebes, accompanies Antigone while she surveys the besieging army from the tower.[5]

Among the Romans, the attendance of the tutor on girls as well as boys was much more frequent, as they were not confined at home according to the Grecian custom.[6] As luxury advanced under the emperors, it was strikingly manifested in the dress and training of the beautiful young slaves who were destined to become *pædagogi*, or, as they were also termed, *pædagogia* and *pueri pædagogiani*.[7] Augustus assigned to them a separate place, near his own, at the public spectacles.[8] Nero gave offence by causing free boys to be brought up in the delicate habits of pædagogi.[9] After this period numbers of them were attached to the imperial family for the sake of taste and ornament, and not only is the modern word *page* a corruption of the ancient appellation, but it aptly expresses the nature of the service which the pædagogia at this later era afforded.

In palaces and other great houses the pages slept and lived in a separate apartment, which was also called *pædagogium*.[10]

*PÆDEROS (*παιδέρως*), I. a name applied to the Opal. (*Vid.* OPALUS.) — II. Most probably the same as the *σαίλαξ Ἀρκαδῶν*, or, in other words, according to Sprengel, the *Quercus faginea*.[11]

PÆ'NULA was a thick cloak, chiefly used by the Romans in travelling instead of the toga, as a protection against the cold and rain.[12] Hence we find the expression of *scindere pænulam*[13] used in the sense of greatly pressing a traveller to stay at one's house. The pænula was worn by women as well as by men in travelling.[14] It appears to have been a long cloak without sleeves, and with only an opening for the head, as is shown in the following figure taken from Bartholini. If this is a real example of a pænula, it would seem that the dress was

1. (Thucyd., i., 50; iv., 43; ii., 91; vii., 44.—Xen., Anab., i., 8, 17, &c.)—2. (Plut., Lyc., 22.)—3. (i., 50.)—4. (Bode, Gesch. der Lyrisch. Dichtkunst der Hellenen, vol. i., p. 9, 10, &c.)—5. (Hell., iv., 7, § 4.)—6. (Anab., iii., 2, § 9.)—7. (Plut., Cleom., 16.)—8. (Athen., xv., p. 696, *e.*, *f.*)—9. (Plut., Flam., 16.)—10. (Strab., x., p. 482.)—11. (Xen., Symp., ii., 1.—Plut., Symp., vii., 8, § 4.)—12. (Plato, De Repub., i., p. 87, ed. Bekker.—Id., De Leg., vii., p. 41, 42.)—13. (Ter., Andr., I., i., 24.)—14. (Plato, Lysis., p 118.)—15. (Bato ap. Athen., vii., p. 279.)—16 (Ll. cc.)—17. (De Lac. Rep., ii., 1; iii., 2.)—18. (De Lib. Ed. 7.)—19 (Inst. Or., I., i., 8, 9.)

1. (Plato, Alcib., i., p. 341, ed. Bekker.)—2. (Plaut., L. c.)—3 (Herod., viii., 75.—Corn. Nep., Themist., iv., 3.—Polyæn., i., 30, 2.)—4. (Plato, Lysis., p 145, ed. Bekker.)—5. (Eurip., Phœn., 87–210.)—6. (Val. Max., vi., 1, 3.)—7. (Plin., H. N. xxxiii., 12, s. 54.—Sen., Epist., 124.—Id., De Vita Beata, 17.—Tertull., Apol., 13.)—8. (Sueton., Octav., 44.)—9 (Sueton., Ner., 28.)—10. (Plin., Epist., vii., 27.)—11. (Pausan., ii., 10—Adams, Append., s. v.)—12. (Cic., Pro Mil., 20.—Quintil., vi., 3, § 66.)—13. (Cic. ad Att., xiii., 33.)—14 (Dig. 34, tit. 2, s. 23.)

sewed in front about half way down, and was divided into two parts, which might be thrown back by the wearer so as to leave the arms comparatively free: it must have been put on over the head. This figure explains the expression of Cicero,[1] "*pænula irretitus*," and of the author of the Dialogus de Oratoribus,[2] "*pænulis adstricti et velut inclusi*."

Under the emperors the pænula was worn in the city as a protection against the rain and cold,[3] but women were forbidden by Alexander Severus to wear it in the city.[4] At one time, however, the pænula appears to have been commonly worn in the city instead of the toga, as we even find mention of orators wearing it when pleading causes;[5] but this fashion was probably of short duration.

The pænula was usually made of wool,[6] and particularly of that kind which was called Gausapa (*vid.* GAUSAPA) (*pænula gausapina*[7]). It was also sometimes made of leather (*pænula scortea*[8]). Seneca[9] speaks of "*pænulæ aut scorteæ*," but he appears only to use this expression because pænulæ were usually made of wool.[10]

*PÆONÍA (*παιονία*), the same with the *Glycyside* (*γλικυσίδη*) or Pæony, which see.

PAGANA'LIA. (*Vid.* PAGI.)

PAG V'NI. (*Vid.* PAGI.)

PAG V'NICA. (*Vid.* PILA.)

PAGI were fortified places, to which the country-people might retreat in case of a hostile inroad, and are said to have been instituted by Servius Tullius,[11] though the division of the country-people into pagi is as old as the time of Numa.[12] Each of the country tribes was divided into a certain number of pagi, which name was given to the country adjoining the fortified village as well as to the village itself. There was a magistrate at the head of each pagus, who kept a register of the names and of the property of all persons in the pagus, raised the taxes, and summoned the people, when necessary, to war. Each pagus had its own sacred rites, and an annual festival called *Paganalia*.[13] The *pagani*, or inhabitants, of the pagi, had their regular meetings, at which they passed resolutions, many of which have come down to us.[14] The division of the country-people into pagi continued to the latest times of the Roman Empire, and we find frequent mention of the magistrates of the pagi under the names of magistri, præfecti, or præpositi pagorum[15].

The term pagani is often used in opposition to milites, and is applied to all who were not soldiers, even though they did not live in the country (*milites et pagani*[16]). Hence we find pagani or citizens applied as a term of reproach to soldiers who did not perform their duty,[17] in the same way as Julius Cæsar addressed his rebellious soldiers on one occasion as Quirites. The Christian writers gave the name of pagani to those persons who adhered to the old Roman religion, because the latter continued to be generally believed by the country-people after Christianity became the prevailing religion of the inhabitants of the towns.

PAIDONOMOS (*παιδονόμος*) was a magistrate at Sparta, who had the general superintendence of the education of the boys. His office was considered very honourable, and he was always chosen from the noblest citizens. He had to make a general inspection of the boys, and to punish very severely all those who had been negligent or idle, for which purpose *μαστιγοφόροι* were assigned to him by Lycurgus. Those who were refractory he might bring before the ephors. The more immediate inspection of the gymnastic exercises of the boys belonged to magistrates called *βιδιαῖοι*.[1] (*Vid.* BIDIÆI.)

PAIDOTRIBAI (*παιδοτριβαί*). (*Vid.* GYMNASIUM, p. 483.)

PAINTING (*Pictura; Ars delineandi; Γραφή, Γραφική, Ζωγραφία*). I. The art of imitating the appearances of bodies upon an even surface, by means of light and shade of colour, was an art most extensively cultivated by the ancients, but especially by the Greeks, among whom it was certainly carried to the highest degree of technical development.

II. *Authorities.*—The principal original sources of information upon the history of ancient art, are Pausanias, the elder Pliny, and Quintilian; the writings also of Lucian, Ælian, Aristotle, Athenæus, Plutarch, the elder and younger Philostratus, and Cicero, contain many hints and maxims invaluable to the historian of art. The best modern works on the subject are: Junius, "De Pictura Veterum," and the "Catalogus Artificum," Roter., 1694, folio, which contain almost all the passages in ancient authors relating to the arts; but the Catalogue is the more valuable portion of the work Sillig, "Catalogus Artificum," Dresden, 1827, 8vo, an indispensable supplement to the Catalogue of Junius; this excellent work, written equally for the scholar and the artist, has been translated into English under the title of a "Dictionary of the Artists of Antiquity," 1837 (an important error, however, in this translation demands notice; the term *enamel* is throughout erroneously used in the place of *encaustic*); Müller, "Handbuch der Archäologie der Kunst," Breslau, 1835, 8vo, 2d ed., a most useful work, but written more for the antiquary than the artist; Böttiger, "Ideen zur Archäologie der Malerei," Dresden, 1811, 8vo, first part, from the earliest times until Polygnotus and his contemporaries, inclusive; Durand, "Histoire de la Peinture Ancienne," London, 1725, folio, a translation of book xxxv. of Pliny, with copious notes; Carlo Dati, "Vite dei Pittori Antichi," Florence, 1667, 4to, the lives of Zeuxis, Parrhasius, Apelles, and Protogenes; Thiersch, "Ueber die epochen der bildenden Kunst unter den Griechen," Munich, 1829, 8vo., 2d ed.; Raoul Rochette, "Recherches sur l'emploi de la Peinture," &c., Paris, 1836, 4to.; and the lectures of Fuseli upon ancient painting, and of Flaxman upon sculpture. Other works have been written upon general and particular subjects bearing more or less upon painting, such as those of Heyne, Meyer, Hirt, Hermann, Kugler, Völkel, Jacobs, Creuzer, Grund, Caylus, Levesque, Millin, D'Hancarville, Quatremère de Quincy, Inghirami, Visconti, Millingen, and others too numerous to mention here. Of the celebrated work of Winckelmann, "Geschichte der Kunst des Alterthums," only a very small portion is devoted to painting.

III. *Painting in its earliest state.*—The legends relating to the origin of painting in Greece, though they may have no real historical value, are at least interesting to the lovers of art. One legend, which is recorded by Pliny,[2] and is adverted to by Athenagoras,[3] relates the origin of the delineation of a

1. (Pro Mil., l. c.)—2. (c. 39.)—3 (Juv., v., 79.)—4. (Lamprid., Alex. Sev., 27.)—5. (Dial., De Orat., 39.)—6. (Plin., H. N., viii., 48, s. 73.)—7. (Mart., xiv., 145.)—8. (Mart., xiv., 130.)—9. (Quæst. Nat., iv., 6.)—10. (Bartholini, "De Pænula."—Bekker, Gallus, ii., p. 93.)—11. (Dionys. Hal., iv., 15.)—12. (Dionys. Hal., ii., 76.)—13. (Dionys. Hal., iv., 15.—Varro, De Ling. Lat., vi., 24, 26, ed. Müller.—Macrob., Sat., i., 16.—Ovid, Fast., i., 669.)—14. (Orelli, Inscr., n. 3793, 4083, 106, 202, 2177.)—15. (Orelli, Inscr., n. 121, 3795, 3796.—Cod. Theod., 2, tit. 30, s. 1; 8, tit. 15, s. 1.—Walter, Geschichte des Röm. Rechts, p. 30, 384.)—16. (Plin., Ep., x., 18.—Juv., xvi., 32.—Suet., Octav., 27; Galba, 19.—Dig. 11, tit. 4, s. 1; 48, tit. 19, s. 14, &c.)—17. (Tacit., Hist., iii., 24.)

1. (Xen., Rep. Lac., ii., 2.—Id. ib., iii., 10.—Id. ib., iv., 6.—Plut., Lyc., 17.—Hesych., s. v.—Krause, Gymnastik und Agonistik der Hellenen, p. 254, 677.)—2. (H. N., xxxv., 43.)—3 (Legat., Pro Christ., 14, p. 59, ed. Dechair.)

shadow or shade (*σκία, σκιαγραφή*[1]), which is the essential principle of design, the basis of the imitative and plastic arts. The legend runs as follows: The daughter of a certain Dibutades, a potter of Sicyon, at Corinth, struck with the shadow of her lover, who was about to leave her, cast by her lamp upon the wall, drew its outline (*umbram ex facie lineis circumscripsit*) with such force and fidelity, that her father cut away the plaster within the outline, and took an impression from the wall in clay, which he baked with the rest of his pottery. This singular production, according to tradition, was still preserved in Corinth until the destruction of the city by Mummius. There seem to be, however, other claimants to the honour of having invented skiagraphy (*σκιαγραφία*). Athenagoras[2] mentions Saurias of Samos, who traced his horse's shadow in the sun with the point of his spear, and Crato of Sicyon, whom he styles the inventor of drawing or outline (*γραφική*), for he was the first to practise the art upon tablets with prepared grounds (*ἐν πίνακι λελευκωμένῳ*). Pliny[3] mentions, upon the testimony of Aristotle, that Euchir (*Εὔχειρ*), a relation of Dædalus, invented painting in Greece. Although Pliny's account[4] of the origin and progress of painting in Greece is somewhat circumstantial, his information can still not be considered as authentic matter of history; and the existence of several of the most ancient artists, mentioned by Pliny and many Greek writers, is very questionable. Besides those already spoken of, we find mention of Philocles of Egypt; Cleanthes, Ardices, and Cleophantus of Corinth; Telephanes of Sicyon, Eugrammus, and others. (Upon the meanings of some of these names, see Böttiger, *Ideen zur Archäologie*, p. 138, and Thiersch, *Epoch.*, &c., note 22.)

Sculpture is generally supposed to be a more ancient art than *painting*; but this arises from an imperfect comprehension of the nature of the two arts, which are *one* in origin, end, and principle, and differ only in their development. Design is the basis of both; colour is essential to neither, nor can it be said to belong more particularly to the latter (*γραφική*) than to the former (*πλαστική*). Coloured works in plastic, in imitation of nature, were in ancient times as common, and probably more so, than coloured designs; the majority of the illustrations upon the vases are colourless. The staining of the human body, or the colouring of images, is the common notion of the origin of painting; but simple *colouring* and *painting*, strictly speaking, are quite distinct; the distinction between "to colour," *χρώζειν, colorem inducere*, and "to paint," *ζωγραφεῖν, pingere, delineare*.[5] The colouring of the early wooden images, the ancient *ξόανα* or the *ἑρμαῖ*, the *παλλάδια* and the *δαίδαλα*, must have certainly preceded any important essays in painting, or the representation of forms upon an even surface by means of colour and light and shade combined. But this is no stage in the art of painting, and these figures were most probably coloured by the artists who made them, by the old *πλάσται* or *ἑρμογλύφαι* themselves; the existence, however, of the art of design is established by the existence of the plastic art. It is perhaps to this species of painting that Pliny alludes when he says,[6] "*Plastæ laudatissimi fuere Damophilus et Gorgasus iidemque pictores.*"

We will now, as briefly as possible, consider the gradual development of painting, and the information relating to its progressive steps, preserved in ancient writers. The simplest form of design or drawing (*γραφική*) is the outline of a shadow, without any intermediate markings, or the shape of a shadow itself (*a silhouette*), in black white, or in colour (*umbra hominis lineis circumducta*); this kind of drawing was termed *σκιαγραφία*. But this simple figure or shade, *σκία* (*σκιαγράμμα*), when in colour, was also essentially a monochrom (*μονοχρώματον*). The next step was the outline, the "pictura linearis," the monogram (*μονόγραμμον*); this is said to have been invented by Philocles of Egypt or Cleanthes of Corinth, but first practised by Ardices of Corinth and Telephanes of Sicyon; it was the complete outline with the inner markings, still without colour, such as we find upon the ancient vases, or such as the celebrated designs of Flaxman, which are perfect monograms. These outlines were most probably originally practised upon a white ground (*ἐν πίνακι λελευκωμένῳ*), for Pliny remarks that they were first coloured by Cleophantus of Corinth, who used "testa trita," by which we should perhaps understand that he was the first to draw them upon a coloured or red ground, such as that of the vases.[1]

The next step is the more perfect form of the monochrom, alluded to above; in this, light and shade were introduced, and in its most perfect state it was, in everything that is essential, a perfect picture. "These "monochromata" were practised in all times, and by the greatest masters. Pliny, speaking of Zeuxis,[2] says, "*pinxit et monochromata ex albo*;" *ex albo*, that is, in gray and gray, similar to the *chiariscuri* of the Italians. They are described by Quintilian,[3] "*qui singulis pinxerunt coloribus, alia tamen eminentiora, alia reductiora fecerunt.*" They were painted also red in red. Pliny[4] tells us that the old masters painted them in vermilion, "*Cinnabari veteres, quæ etiam nunc vocant chromata, pingebant*," and also in red lead, but that afterward the rubrica or red ochre was substituted for these colours, being of a more delicate and more agreeable tint.

Hygiemon, Dinias, and Charmadas are mentioned by Pliny[5] as having been famous ancient monochromists; their age is not known, but they most probably practised the simpler form, such as we find upon the most ancient vases. Four monochroms in the latter style, red in red, were discovered in Herculaneum.[6] They are paintings of a late date, and are of considerable merit in every respect, but the colours have been nearly destroyed by the heat, and the pictures are in some places defaced; they are painted upon marble. They were probably all executed by the same artist, Alexander of Athens. ΑΛΕΞΑΝΔΡΟΣ ΑΘΗΝΑΙΟΣ ΕΓΡΑΦΕΝ is an inscription upon one of them,[7] which represents five females, with their names attached, two of whom are playing at the ancient game with the *tali* (*ἀστραγαλισμός*). These tablets are in the collection of ancient paintings of the Museo-Borbonico at Naples, Nos. 408, 409, 410, 411.

The next and last essential step towards the full development or establishment of the art of painting (*ζωγραφία*) was the proper application of local colours in accordance with nature. This is, however, quite a distinct process from the simple application of a variety of colours before light and shade were properly understood, although each subject may have had its own absolute colour. The local colour of an object is the colour or appearance it assumes in a particular light or position, which colour depends upon, and changes with, the light and the surrounding objects; this was not thoroughly understood until a very late period, but there will be occasion to speak of this hereafter. Probably Eumarus of Athens, and certainly Cimon of Cleonæ belonged to the class of ancient tetrachromists or

1. (Pollux, Onom., vii., 128.)—2. (l. c.)—3. (H. N., vii., 57.)—4. (H. N., xxxv., 5.)—5. (Pollux, Onom., vii., 126.)—6. (xxxv., 36.)

1. (Plin., H. N., xxxv., 5.)—2. (xxx., 36.)—3. (xi., 3, § 46.)—4. (xxxiii., 39.)—5. (xxxv., 34.)—6. Le Antichità d'Ercolano, vol. i., pl. 1, 2, 3, 4.)—7. (pl. 1.)

polychromists, for painting in a variety of colours, without a due, or, at least, a partial observance of the laws of light and shade, is simply polychromy; and a picture of this latter description is a much more simple effort than the rudest forms of the monochrom in chiaroscuro. There are a few examples of this kind of polychrom upon the most ancient vases. In the works of Eumarus of Athens, however, there must have been some attention to light and shade, and in those of Cimon of Cleonæ still more. The names of Eumarus and Cimon are generally connected with each other, but Eumarus must have preceded Cimon some time. He was the first, according to Pliny,[1] who distinguished the male from the female in painting: "*qui primus in pictura marem feminamque discreverit, . . . figuras omnes imitari ausum.*" The most obvious distinction which here suggests itself can be scarcely alluded to by Pliny, or Eumarus must belong to a very early period, for we find that distinction very decidedly given on even the most ancient vases, whenever the figure is naked. That Eumarus dared or ventured to imitate all figures, may imply that he made every distinction between the male and the female, giving also to each sex a characteristic style of design, and even in the compositions, draperies, attitudes, and complexions of his figures, clearly illustrating the dispositions and attributes of each, exhibiting a robust and vigorous form in the males, and making the females slighter and more delicate. These qualities are all perfectly compatible with the imperfect state of the art of even so early a period, and they may also be very evident, notwithstanding ill-arranged composition, defective design, crude colour, and a hard and tasteless execution.

IV. *Painting in Asia Minor and in Magna Græcia.*—It is singular that the poems of Homer do not contain any mention of painting as an imitative art, nor is there mention of any artist similar to Dædalus, or Hephæstus, or Vulcan, who might represent the class of painters. This is the more remarkable, since Homer speaks of rich and elaborate embroidery as something not uncommon; it is sufficient to mention the splendid diplax of Helen,[2] in which were worked many battles of the Greeks and Trojans fought on her account. This embroidery is actual painting in principle, and is a species of painting in practice; and it was considered such by the Romans, who termed it "*pictura textilis*,"[3] "*textili stragulo, magnificis operibus picto*;"[4] that is, painted with the needle, embroidered, *acu picto* (*pingebat acu*;[5] *pictus acu*[6]). The various allusions also to other arts, similar in nature to painting, are sufficient to prove that painting must have existed in some degree in Homer's time, although the only kind of painting he notices is the "red-cheeked" and "purple-cheeked ships" (*νῆες μιλτοπάρῃοι*;[7] *νέας φοινικοπαρήους*[8]), and an ivory ornament for the faces of horses, which a Mæonian or Carian woman colours with purple.[9] The description of the shield of Achilles, worked by Vulcan in various coloured metals, satisfactorily establishes the fact that the plastic art must have attained a considerable degree of development in the time of Homer, and therefore determines also the existence of the art of design (*ars delineandi*; *γραφική*).

Painting seems to have made considerable progress in Asia Minor, while it was still in its infancy in Greece, for Candaules, king of Lydia (B.C. 716), is said to have purchased at a high price a painting of Bularchus, which represented a battle of the Magnetes.[10] This tradition, however, is rejected by Müller,[1] for the insufficient reason that Pliny, in the second passage quoted, uses the expression "*Magnetum exitii* or *excidii*" instead of "*Magnetum prælium*," as in the first; since the only known destruction of Magnesia took place, according to Archilochus, through the Treres, under Ardys, the successor of Gyges, after Olym. 26 (B.C. 677), about 40 years after the death of Candaules. This date is, however, doubtful; but, supposing the contrary, the expression "*in qua erat Magnetum prælium*" is sufficiently clear and decisive, independently of it.[2] It would appear, from the expression of Pliny,[3] that Candaules paid the painter as much gold coin as would cover the picture. This painting of Bularchus is not an isolated fact in evidence of the early cultivation of painting in Asia; there is a remarkable passage in Ezekiel, who prophesied about 600 B.C., relating to pictures of the Assyrians:[4] "Men portrayed upon the wall, the images of the Chaldeans *portrayed with vermilion*, girded with girdles upon their loins, exceeding in *dyed attire* upon their heads, all of them princes to look to, after the manner of the Babylonians of Chaldea, the land of their nativity."

The old Ionic or Asiatic painting, the "*genus picturæ Asiaticum*," as Pliny[5] terms it, most probably flourished at the same time with the Ionic architecture, and continued as an independent school until the sixth century B.C., when the Ionians lost their liberty, and with their liberty their art. Herodotus[6] mentions that, when Harpagus besieged the town of Phocæa (B.C. 544), the inhabitants collected all their valuables, their statues and votive offerings from the temples, leaving only their *paintings*, and such works in metal or of stone as could not easily be removed, and fled with them to the island of Chios; from which we may conclude that paintings were not only valued by the Phocæans, but also common among them. Herodotus[7] also informs us that Mandrocles of Samos, who constructed for Darius Hystaspis the bridge of boats across the Bosporus (B.C. 508), had a picture painted representing the passage of Darius's army, and the king seated on a throne, reviewing the troops as they passed, which he dedicated in the Temple of Hera at Samos.

After the conquest of Ionia, Samos became the seat of the arts.[8] The Heræum at Samos, in which the picture of Mandrocles was placed, was a general depository for works of art, and in the time of Strabo appears to have been particularly rich in paintings, for he terms it a "picture-gallery" (*πινακοθήκη*[9]). Consecrated or votive pictures on panels or tablets (*πίνακες ἀνακειμένοι* or *γραφαὶ ἀνακείμεναι*) constituted a considerable portion of the *ἀναθήματα* or votive offerings in the temples of Greece, most of which, in a later period, had a distinct building or gallery (*οἴκημα*) attached to them, disposed for the reception of pictures and works of this class.[10]

After the decline of the Ionian art, it flourished among the Greeks in Italy and Sicily, and especially in Crotona, Sybaris, and Tarentum. Aristotle[11] speaks of a magnificent cloth or pallium (*ἱμάτιον*) of Alcisthenes of Sybaris, which measured 15 cubits, was of the richest purple, and in it were worked the representations of cities, of gods, and of men. It came afterward into the possession of the tyrant Dionysius the elder, who sold it to the Carthaginians for 120 talents. This is sufficient evidence of the existence of painting among the Italiots, and even of painting of a high degree.

1. (xxxv., 34.)—2. (Il., iii., 126.)—3. (Cic., Verr., II., iv., 1.) 4. (Id., Tusc., v., 21.)—5. (Ovid, Met., vi., 23.)—6. (Virg., Æn., ix., 582.)—7. (Il., ii., 637.)—8. (Od., xi., 123.)—9. (Il., iv., 141.) 10 (Plin., H. N., xxxv., 34.)

1. (Aeol., &c., § 74.)—2. (*Vid.* Clinton, Fast Hellen., tab. 712, 3.)—3. (vii., 39.)—4. (xxiii., 14, 15.)—5. (xxxv., 36, § 75.)—6. (i., 164.)—7. (iv., 88.)—8. (Herod., iii., 60.)—9. (xiv., p. 637.)—10. (Paus., i., 22, § 4; x., 25, § 1, 2.—Athenæus xiii., p. 606, *b*.—Strabo, ix., p. 396.—11. (De Mirab. Auscult. c. 99.)

Pliny would induce us to believe that painting was established throughout Italy as early as the time of Tarquinius Priscus.[1] He mentions some most ancient paintings at Cære; and a naked group of Helen and Atalanta, of beautiful forms, painted upon the wall of a temple at Lanuvium, and some paintings by the same artist in the Temple of Juno at Ardea, accompanied with an inscription in ancient Latin characters, recording the name of the artist and the gratitude of Ardea.[2]

V. *Painting in Greece.*—Cimon of Cleonæ is the first important character we meet with in the history of painting in Greece. His exact period is very uncertain, but he was probably a contemporary of Solon, and lived at least a century before Polygnotus. It is not at all necessary, as Pliny supposes, that he must have preceded Bularchus, which would place him two centuries earlier, as he may have easily acquired the art in one of the Ionian cities, for in the time of Solon there was a very extensive intercourse between Greece and the Asiatic colonies. The superior quality of the works of Cimon, to which Pliny and Ælian bear sufficient testimony, is a strong reason for assigning him a later date; but his having been contemporary with Dionysius of Colophon, who copied the works of Polygnotus, is quite out of the question. This has been inferred from the occurrence of the name Cimon in connexion with that of Dionysius in Simonides;[3] but, as Müller[4] has observed, Μίκων ought to be there most probably substituted for Κίμων.

Cimon improved upon the inventions of Eumarus; he was the first who made foreshortenings (*catagrapha*), and drew the figure in a variety of attitudes; he first made muscular articulations, indicated the veins, and gave natural folds to drapery.[5] The term "catagrapha," which Pliny uses, evidently signifies any oblique view of the figure or countenance whatever, whether in profile or otherwise; in technical language, *foreshortenings*.

We learn from Ælian[6] that Cimon was much better paid for his works than any of his predecessors. This alone implies a great superiority in his works and a vast improvement in art. He appears to have emancipated painting from its archaic rigidity; and his works probably occupied a middle place between the productions of the earlier school and those of Polygnotus of Thasos.

At the time of Polygnotus (B.C. 460), partly on account of the changes which took place in the Greek character subsequent to the Persian invasion, and partly in consequence of his own great works in Athens and at Delphi, painting attracted the attention of all Greece; but, previous to this time, the only cities that had paid any considerable attention to it were Ægina, Sicyon, Corinth, and Athens. Sicyon and Corinth had long been famous for their paintings upon vases and upon articles of furniture; the school of Athens was of much later date than the others, and had attained no celebrity whatever, until the arrival of Polygnotus from Thasos raised it to that pre-eminence which, through various circumstances, it continued to maintain for more than two centuries, although very few of the great painters of Greece were natives of Athens.

It has been attempted hitherto, as far as our space would admit of, to trace the progressive steps of Grecian painting from its infancy until it attained that degree of development requisite to entitle it to the name of an independent art; but, before entering upon the consideration of the painting of the Greeks in its complete development, it will be well to examine both their technic systems and their mechanical means.

VI. *Technic.* — *Vehicles, Materials, &c.* (*φάρμακα, ὕλαι*, &c.[1]). The Greeks painted with wax, resins, and in water-colours, to which they gave a proper consistency, according to the material upon which they painted, with gum (*gummi*), glue (*glutinum*), and the white of egg (*ovi albumen*); gum and glue were the most common. It does not appear that they ever painted in oil; the only mention of oil in ancient writers in connexion with painting is the small quantity which entered into the composition of encaustic varnish, to temper it.[2] They painted upon wood, clay, plaster, stone, parchment, and canvass; the last was, according to one account,[3] not used till the time of Nero; and though this statement appears to be doubtful ("*depictam in tabula sipariove imaginem rei*"[4]), the use of canvass must have been of late introduction, as there is no mention of it having been employed by the Greek painters of the best periods. They generally painted upon panels or tablets (*πίνακες, πινάκια, tabulæ, tabellæ*), and very rarely, if ever, upon walls; and an easel similar to what is now used was common among the ancients, who called it *ὀκρίβας* or *καλύβας*.[5] Even in the time of Pliny, when wall-painting was common, those only who painted easel-pictures (*tabulæ*) were held in esteem: "*sed nulla gloria artificum est nisi eorum qui tabulas pinxere*;"[6] that is, those who painted history or fable upon panels, in what is termed the historic or great style, the *megalographia* of Vitruvius,[7] and the *χρηστογραφία* of Plutarch.[8] These panels, when finished, were fixed into frames of various descriptions and materials,[9] and encased in walls.[10] The ornamental panel-painting in the houses of Pompeii is evidently an imitation of this more ancient and more costly system of decorating walls. The wood of which these panels or tablets were generally made was called larch (*abies larix, larix femina*, Ἐλάτη[11]), and they were grounded or prepared for painting with chalk or white plaster; this prepared ground was termed *λεύκωμα*, which term was applied, also, to the tablet itself when thus prepared[12] (*ἐν πίνακι λελευκωμένῳ*[13]).

The style or cestrum used in drawing and for spreading the wax colours, pointed at one end and broad and flat at the other, was termed *γραφίς* by the Greeks and cestrum by the Romans; it was generally made of metal. There is a representation of an instrument of this description in one of the paintings of Herculaneum.[14] The hair-pencil (*penicillus, penicillum*) was termed *ὑπογραφίς*, and apparently, also, *ῥαβδίον* (*χρώζειν διὰ τοῦ ῥαβδίου*:[15] *vid.* Letronne, *Encaustic, Journ. des Sav.*, Sept., 1835, on the meaning of *ῥαβδίον*).

The ancients used also a palette very similar to that used by the moderns, although it appears that there is no absolute mention of the palette in any ancient author. The fact, however, is sufficiently attested by the figure of Painting discovered in the so-called Pantheon at Pompeii, which holds the palette and brushes in her left hand.[16] In the same work (plate 98), a female who is painting is represented holding something in her left hand which ap-

1. (xxxv., 6.)—2. (Plin., H. N., xxxv., 6, 37.)—3. (Anthol. Palat., ix., 758.—Append., ii., p. 648.)—4. (Archäol., § 99, 1.)—5. (xxxv., 34.)—6. (V. H., viii., 8.)

1. (Pollux, Onom., vii., 128.)—2. (Vitruv., vii., 9.—Plin., H. N., xxxiii., 40.)—3. (Plin., H. N., xxxv., 33.)—4. (Quint., Inst. Or., vi., 1, § 32.—*Vid.* Raoul Rochette, p. 331.)—5. (Pollux, Onom., vii., 129.)—6. (xxxv., 37.)—7. (vii., 4, 5.)—8. (Arat., 13.)—9. (Plin., xxxv., 45.)—10. (Plin., H. N., xxxv., 10.—Cic. in Verr., iv., 55.—Dig. 19, tit. 1, s. 17, § 3.—Müller, Archäol., § 319, 5.—*Vid.* Raoul Rochette, Sur l'emploi de la Peinture, &c., a work devoted to the discussion of this subject.)—11. (Theophr., H. Pl., iii., 9, 7.—Plin., H. N., xvi., 73.)—12. (Suidas, s. v.)—13. (Athenag., l. c.)—14. (Antichita d'Ercolano, vol. iii., pl. 45.)—15. (Timæus, Lex. Plat., s. v. *Χραίνειν.*)—16. (Zahn, Die schönsten ornamente und merkwürdigsten gemälde aus Pompeii Herculanum und Stabiæ, Berlin, 1828.)

appears to be a palette, but it is not well defined even in the original. (Museum of Naples, No. 383, "La femme Peintre," Pompéi. In the *Antichita d'Ercolano*, it is given as a female copying a Hermes, vol. vii., pl. 1.) In the grotesque drawing of a portrait-painter at work, copied by Mazois[1] from a picture in the Casa Carolina at Pompeii, a small table serves as a palette, and stands close to his right hand; it appears to have seventeen different tints upon it. It is most probable that the "tabella" of Pliny and the πινάκιον of Pollux (or even the πυξίον[2]) signified also palette as well as tablet.

The ancient authors have left us less information concerning the media or vehicles (*φάρμακα*) used by the painters of antiquity than on any other matter connected with ancient painting. Gum and glue, commis, gummi, glutinum, glutinum taurinum, were evidently in common use.[3] Pliny[4] speaks of a sarcocolla (*Penæa Sarcocolla*, Linnæus) as a gum most useful to painters. The Greeks received it from Persia.[5] Its substance has been analyzed by M. Pelletier.[6]

Mastich, a resin of the *Pistacia Lentiscus*, now much used by painters, is also mentioned by Greek and Roman writers;[7] the best was produced in the island of Chios. It was termed *ῥητίνη σχινίνη* and *μαστίχη*, also *ἀκανθινὴ μαστίχη*, *resina lentiscina*, *mastiche*. There were various kinds; Pliny mentions a kind from Pontus which resembled bitumen. This resin was not improbably mixed with the Punic wax prepared for painting in encaustic; for the Abate Requeno, who made many experiments in encaustic (*Saggi sul ristabilimento dell' antica arte dei Greci e Romani pittori*, Parma, 1787), asserts that it amalgamates well with wax; the same writer is also of opinion that the ancient encaustic painters used also amber (*succinum*) and frankincense or olibanum (*Thus masculum*) in the preparation of their colours. Pliny,[8] speaking of verdigris, remarks that it was sometimes mixed with frankincense. He also mentions[9] other resins and substances which are useful to painters, and[10] particularly turpentine (*terebinthina*), of which, as now, there were formerly various kinds.[11]

The method of preparing wax, or Punic wax (*cera Punica*), as it was termed, is preserved in Pliny[12] and Dioscorides.[13] It was the ordinary yellow wax, purified and bleached by being boiled three distinct times in sea-water, with a small quantity of nitre, applying fresh water each time. When taken out of the water the third time, it was covered with a thin cloth and placed in the sun to dry. Wax thus purified was mixed with all species of colours, and prepared for painting; but it was applied, also, to many other uses, as polishing statues, walls, &c.

Pliny speaks of two kinds of bitumen or asphaltum (*ἄσφαλτος*), the ordinary, and a white Babylonian bitumen.[14] It was used as a varnish for bronze statues. For an account of the colours used by the ancient painters, see the article Colores.

VII. *Methods of Painting.*—There were two distinct classes of painting practised by the ancients, in water colours and in wax, both of which were practised in various ways. Of the former, the principal were fresco, al fresco; and the various kinds of distemper (a tempera), with glue, with the white of egg, or with gums (a guazzo); and with wax or resins when these were rendered by any means vehicles that could be worked with water. Wax becomes a water-colour medium when boiled with sarcocolla or mastich, according to the Abate Requeno, who mixed five ounces of mastich with two of wax, which, when boiled, he cooled in a basin of water; turpentine becomes such when well mixed with the white of egg and water. The yolk of egg, when mixed with vinegar, also makes a good working vehicle for this species of painting, but it does not require water. Of the latter mode, or painting in wax, the principal was through fire (*διὰ πυρός*), termed encaustic (*ἐγκαυστική*, *encaustica*). The painting in wax, *κηρωτικὴ ψῖφος*, or ship painting (*incramenta navium*[1]), was distinct from encaustic[2] (*κηρογραφία κατεπεποίκιλτο*, which is distinct from *εἰκόνες . . . . ἐν ἐγκαύμασι γραφόμεναι διὰ πυρός*[3]).

Fresco was probably little employed by the ancients for works of imitative art, but it appears to have been the ordinary method of simply colouring walls, especially among the Romans. The walls were divided into compartments or panels, which were termed abaci, *ἄβακες*; the composition of the stucco, and the method of preparing the walls for painting, is described by Vitruvius.[4] They first covered the wall with a layer of ordinary plaster, over which, when dry, were successively added three other layers of a finer quality, mixed with sand; above these were placed still three layers of a composition of chalk and marble dust, the upper one being laid on before the under one was quite dry, and each succeeding coat being of a finer quality than the preceding. By this process the different layers were so bound together, that the whole mass formed one solid and beautiful slab, resembling marble, and was capable of being detached from the wall, and transported in a wooden frame to any distance.[5] Vitruvius remarks that the composition of the ancient Greek walls was so excellent, that persons were in the habit of cutting away slabs from them and converting them into tables, which had a very beautiful appearance. This colouring al fresco, in which the colours were mixed simply in water, as the term implies, was applied when the composition was still wet (*udo tectorio*), and on that account was limited to certain colours, for no colours except earths can be employed in this way, that have not already stood the test of fire. Pliny[6] mentions those colours which could not be so employed: purpurissum, Indicum, cæruleum, Melinum, auripigmentum, Appianum, and cerussa; instead of Melinum they used parætonium, a white from Egypt, which was by the Romans considered the best of whites. (*Vid.* Colores.)

The care and skill required to execute a work in fresco, and the tedious and expensive process of preparing the walls, must have effectually excluded it from ordinary places. The majority of the walls in Pompeii are in common distemper; but those of the better houses, not only in Pompeii, but in Rome and elsewhere, especially those which constitute the ground of pictures, are in fresco. All the pictures, however, are apparently in distemper of a superior kind, or a guazzo, but the impasto is of various qualities; in some it appears to have the consistency of oil painting without its defects, in others it is very inferior.

Ordinary distemper, that is, with glue or size, is probably the most ancient species of painting; many of the ancient ornamental friezes and painted bassi-relievi in the temples and ruins in Egypt, and also many of the most ancient remains in Italy, are painted in this manner.

The fresco walls, when painted, were covered with an encaustic varnish, both to heighten the

1. (Les Ruines de Pompéi, part ii., p. 68.)—2. (x., 59.)—3. (Plin., H. N., xxxv., 25.—Vitruv., vii., 10.)—4. (xiii., 20.)—5. (Dioscor., iii., 99.)—6. (*Vid.* Merat, Dict. Méd. Scien.)—7. (Plin., H. N. xii., 36; xxiv., 28.—Dioscor., i., 96.—Theophr., H. P., vi., 4, —8. (xxxiv., 26.)—9. (xiv., 25.)—10. (xxiv., 22.)—11. (*Vid.* Geoffroy, Mater. Méd.—Excursus, vi., ad Plin., xxiv., 22, ed. Lemaire.)—12. (xxi., 49.)—13. (ii., 105.)—14. (xxxv., 51.)

1. (Liv., xxviii., 45.)—2. (Compare Athenæus, v., p. 204, b.)—3. (Plut., Mor. Amator., 16.)—4. (vii., 3.)—5. (Vitruv., ii., 8.—Plin., H. N., xxxv., 49.)—6. (xxxv., 31.)

colours, and to preserve them from the injurious effects of the sun or the weather. Vitruvius[1] describes the process as a Greek practice, which they termed καῦσις. When the wall was coloured and dry, Punic wax, melted and tempered with a little oil, was rubbed over it with a hard brush (*seta*); this was made smooth and even by applying a *cautcrium* (καυτήριον), or an iron pan, filled with live coals, over the surface, as near to it as was just necessary to melt the wax: it was then rubbed with a candle (wax?) and a clean linen cloth in the way that naked marble statues were done.[2] The Abate Requeno supposes that the candles were used as a species of delicate cauterium, simply to keep the wax soft, that it might receive a polish from the friction of the linen; but it is a subject that presents considerable difficulty.

This kind of varnish was applied apparently to plain walls only, for Sir Humphrey Davy discovered no remains whatever, in the baths of Titus, of an encaustic varnish upon paintings, although the plain walls had generally traces of a red varnish of this description. Neither Pliny nor Vitruvius mention anything about colour; but this is evidently a most simple addition, and does not interfere at all either with the principle or the application of the varnish. Paintings may have possibly been executed upon the walls after they were thus varnished.

A method apparently very generally practised by the Roman and later Greek painters was encaustic, which, according to Plutarch,[3] was the most durable of all methods; it was in very little use by the earlier painters, and was not generally adopted until after the time of Alexander. Pliny[4] defines the term thus: "*ceris pingere ac picturam inurere*," to paint with wax or wax colours, and to *burn in* the picture afterward with the cauterium; it appears, therefore, to have been the simple addition of the process of *burning in* to the ordinary method of painting with wax colours. There were various kinds of encaustic, with the pencil and with the cestrum; but the difference between them cannot have been very great, for Pausias, whose style was in encaustic with the cestrum, nevertheless undertook to repair the paintings of Polygnotus at Thespiæ, which were painted in the ordinary manner, in water colours, with the pencil. Pliny,[5] in enumerating the most celebrated painters of antiquity, speaks separately of those who excelled in either class; chap. 36 is devoted to those who painted in the ordinary method with the pencil, and chap. 40 principally to those who painted in encaustic. Ceræ (waxes) was the ordinary term for painters' colours among the Romans, but more especially encaustic colours, and they kept them in partitioned boxes, as painters do at present ("*Pictores loculatas magnas habent arculas, ubi discolores sint ceræ*"[6]). They were most probably kept dry in these boxes, and the wet brush or pencil was rubbed upon them when colour was required, or they were moistened by the artist previous to commencing work. From the term ceræ, it would appear that wax constituted the principal ingredient of the colouring vehicle used: but this does not necessarily follow, and it is very improbable that it did; there must have been a great portion of gum or resin in the colours, or they could not have hardened. Wax was undoubtedly a most essential ingredient, since it apparently prevents the colours from cracking: ceræ, therefore, might originally simply mean colours which contained wax, in contradistinction to those which did not, but was afterward applied generally by the Romans to the colours of painters, as, for instance, by Statius,[1] "*Apellea cupierent te scribere cerâ*" The sponge (σπογγία, *spongia*), spoken of by Pliny and other writers in connexion with painting, affords some proof that painting in water-colours was the method generally practised by the ancient painters, which is also corroborated by the small vessel placed close to the palette or table of the portrait-painter of the Casa Carolina of Pompeii, evidently for the purpose of washing his single brush in. Seneca[2] notices the facility and rapidity with which a painter takes and lays on his colours. That wax or resins may be used as vehicles in water-colours has been already mentioned.

The origin of encaustic painting is unknown. It was practised in two ways with the cestrum, namely, in wax and on ivory, and in a third manner with the pencil. The last method, according to Pliny, was applied chiefly to ship painting; the colours were laid on hot. His words are, "*Encausto pingendi duo fuisse antiquitus genera constat, cera, et in ebore, cestro id est viriculo, donec classes pingi cœpere. Hoc tertium accessit, resolutis igni ceris penicillo utendi, quæ pictura in navibus nec sole nec sale ventisque corrumpitur.*"[3] This passage, from its conciseness, presents many difficulties. "*Cera, cestro*," that is, in wax with the cestrum; this was the method of Pausias: "*in ebore, cestro;*" this must have been a species of drawing with a hot point upon ivory, for it was, as is distinctly said, without wax, "*cera, et in ebore.*" The third method, "*resolutis igni ceris penicillo utendi*," though first employed on ships, was not necessarily confined to ship-painting; and if the assertion of Pliny is correct, it must have been a very different style of painting from the ship-colouring of Homer, since he says it was of a later date than the preceding methods. The "*inceramenta navium*" of Livy, and the κηρογραφία of Athenæus, mentioned above, may have been executed in this third method of Pliny; the use of the cauterium, or process of burning in, is here not alluded to; but, since he defined encaustic to be "*ceris pingere ac picturam inurere*," its employment may be understood in this case also. It is difficult, however, to understand what effect the action of the cauterium could have in the second method (*in ebore, cestro*), which was without wax. It would appear, therefore, that the definition alluded to is the explanation of the first-mentioned method only; and it is probable that the ancient methods of painting in encaustic were not only three, but several; the καῦσις of Vitruvius, mentioned also by himself, is a fourth, and the various modes of ship-painting add others to the number. Pliny[5] himself speaks of "zopissa," a composition of wax and pitch, which was scraped from ships; and it is difficult to suppose that the higher class of encaustic was practised with the cestrum only, since the pencil is such an infinitely more efficient instrument for the proper mixing and application of colours (Κεράσασθαι τὰ χρώματα, καὶ εὔκαιρον ποιεῖσθαι τὴν ἐπιβολήν αὐτῶν[6]). The wax-painting on the fictile vases, mentioned by Athenæus,[7] can have been scarcely executed with the cestrum; and it is also unlikely that it was done with hot colours, as the painting of the "*figlinum opus*" mentioned by Pliny[8] may have been. But as there were various methods of painting in encaustic, it follows that the colours designed for this species of painting were also invariably prepared, and those which were suited for one style may have been quite unfit for another. All these styles, however, are comparatively simple, compared with that of Pausias, in wax with the cestrum, "*cera, cestro;*" and it is dif-

1 (vii., 9.)—2. (Compare Plin., H. N., xxxiii., 40.)—3. (l. c.)—4. (xxxv., 39.)—5. (xxxv.)—6. (Varro, De Re Rust., iii., 17.)

1. (Sylv., I., i., 100.)—2 (Ep., 121, 5.)—3. (xxxv., 41.)—4. (xxxv., 39.)—5. (xvi., 23.)—6. (Lucian, Imag., 7, vol. ii., p. 468 R.)—7. (v., p. 200, 6.)—8. (xxxvi., 64.)

ficult for a modern practitioner to understand how a large and valuable picture could be produced by such a method, unless these colours of ceræ, which painters of this class, according to Varro,[1] kept in partitioned boxes, were a species of wax crayons, which were worked upon the panel with the broad end of the cestrum (which may have had a rough edge), within an outline or monogram previously drawn or cut in with the pointed end, and were afterward fixed, and toned or blended by the action of the cauterium. Painters were in the habit of inscribing the word *ἐνέκαυσεν*, "burned it in," upon pictures executed in encaustic, as *Νικίας ἐνέκαυσεν*, *Λυσίππος ἐνέκαυσεν*.[2]

VIII. *Polychromy.*—The practice of varnishing and polishing marble statues has been already incidentally noticed. The custom was very general; ancient statues were also often painted, and what is now termed polychrome sculpture was very common in Greece, for the acrolithic and the chryselephantine statues were both of this description. Many works of the latter class, which were of extraordinary magnificence and costliness, are described by Pausanias. The term polychromy, thus applied, was apparently unknown to the ancients; this species of painting is called by Plutarch[3] *ἀγαλμάτων ἔγκαυσις*, and appears to have been executed by a distinct class of artists (*ἀγαλμάτων ἐγκαυσταί*). They are mentioned also by Plato,[4] *οἱ ἀνδριάντας γράφοντες* and if it is certain that Plato here alludes to painting statues, it is clear that they were occasionally entirely painted, in exact imitation of nature; for he expressly remarks, that it is not by applying a rich or beautiful colour to any particular part, but by giving its local colour to each part, that the whole is made beautiful (*ἀλλ' ἀθρει εἰ τὰ προσήκοντα ἑκάστοις ἀποδιδόντες, τὸ ὅλον καλὸν ποιοῦμεν*). That this was, however, not a general practice, is evident from the dialogue between Lycinus and Polystratus, in Lucian,[5] where it is clearly, though indirectly stated, that the Venus of Cnidus by Praxiteles, and other celebrated statues, were not coloured, although they may have been ornamented in parts, and covered with an encaustic varnish.

The practice of colouring statues is undoubtedly as ancient as the art of statuary itself; although they were perhaps originally coloured more from a love of colour than from any design of improving the resemblance of the representation. The Jupiter of the Capitol, placed by Tarquinius Priscus, was coloured with minium.[6] In later times the custom seems to have been reduced to a system, and was practised with more reserve. Considerable attention also seems to have been paid to the effect of the object as a work of art. Praxiteles being asked which of his marble works he most admired, answered, those which Nicias had a hand in, "*quibus Nicias manum admovisset*;" so much, says Pliny,[7] did he attribute to his circumlitio. Nicias, therefore, who painted in encaustic, seems *in his youth* to have been an *ἀγαλμάτων ἐγκαυστής*, or painter of statues, and, from the approval of Praxiteles, excelled apparently in this description of painting or colouring.

This view differs very materially from those which have been hitherto advanced upon this subject, but it has not been adopted without mature consideration.

In the "circumlitio" of Nicias, the naked form was, most probably, merely varnished, the colouring being applied only to the eyes, eyebrows, lips, and hair, to the draperies, and the various ornaments of dress; and there can be little doubt that fine statues, especially of females, when carefully and tastefully coloured in this way, must have been extremely beautiful, the encaustic varnish upon the white marble must have had very much the effect of a pale transparent flesh. Gold was also abundantly employed upon ancient statues; the hair of the Venus de Medicis was gilded; and in some, glass eyes and eyelashes of copper were inserted, examples of which are still extant.

The practice, also, of colouring architecture seems to have been universal among the Greeks, and very general among the Romans. It is difficult to define exactly what the system was, for there is scarcely any notice of it in ancient writers; a few casual remarks in Vitruvius and Pausanias are all we possess of any value. Our information is drawn chiefly from the observations of modern travellers; for traces of colour have been found upon most of the architectural ruins of Greece, and upon the ancient monuments of Italy and Sicily; but, with the exception of the Doric ruins at Corinth and the Temple of Ægina, which are not of marble, the colouring was confined to the mouldings and other ornaments, the friezes, the metopes, and the tympana of the pediments. The exterior of the wall of the cella of the Ægina temple, and the columns of the Corinthian ruins, were covered with stucco and coloured red. It does not appear that the exterior walls, when of marble were ever coloured, for no traces of colour have been found upon them. At an early age, before the use of marble, when the temples and public edifices were constructed mostly of wood, the use of colour must have been much more considerable and less systematic; but, during the most refined ages, the colouring, otherwise quite arbitrary, appears to have been strictly confined to the ornamental parts. From the traces found upon ancient monuments, we are enabled to form a very tolerable idea of the ancient system of decorating mouldings. They were painted in various ways and in a great variety of colours, and a tasteful combination of colours must have added greatly to the effect of even the richest mouldings. The ordinary decorations were foliage, ova, and beads; but upon the larger mouldings on which foliage was painted, the outlines of the leaves were first engraved in the stone. Gilding and metalwork were also introduced, particularly in the Doric order; the architrave of the Parthenon at Athens was decorated with gilded shields. Friezes that were adorned with sculpture appear to have been invariably coloured, as also the tympana of the pediments; in the Parthenon these parts were of a pale blue; in some of the Sicilian monuments red has been found. Some interior polychrome cornices of Pompeii are given in the work of Zahn.[1]

In later times, among the Romans, the practice of colouring buildings seems to have degenerated into a mere taste for gaudy colours. Pliny and Vitruvius both repeatedly deplore the corrupt taste of their own times. Vitruvius[2] observes that the decorations of the ancients were tastelessly laid aside, and that strong and gaudy colouring and prodigal expense were substituted for the beautiful effects produced by the skill of the ancient artists. Pompeii, with much that is chaste and beautiful, has many traces also of what Vitruvius and Pliny complain of. Plate 99 of Zahn affords a beautiful specimen of the ancient wall-painting of Pompeii in courts and interiors. For a farther account of this subject, see Kugler, "*Ueber die Polychromie der Griechischen Architectur und Sculptur und ihre Grenzen*," Berlin, 1835.

IX. *Vase Painting.*—The fictile vase-painting of the Greeks was an art of itself, and was prac-

1. (*De re*, c.)—2 (Plin., H. N., xxxv., 10, 39.)—3. (De Glor. Athen., 6.)—4. (De Repub., iv., 420, c.)—5. (Imag., 5, 8.)—6. (Plin., xxxv., 45.)—7. (xxxv., 40.)

1. (Die schönsten Ornamente, &c., pl. 91)—2. (vii., 5)

tised by a distinct class of artists,[1] who must have required peculiar instruction, and probably exercised the art according to a prescribed system. It is, however, impossible to say anything positive regarding the history of this branch of ancient painting, as scarcely anything is known. The designs upon these vases (which the Greeks termed *λήκυθοι*) have been variously interpreted, but they have been generally considered to be in some way connected with the initiation into the Eleusinian and other mysteries.[2] They were given as prizes to the victors at the Panathenæa and other games, and seem to have been always buried with their owners at their death, for they have been discovered only in tombs.

Vase-painting cannot be adduced to determine the general nature or character of ancient painting as a liberal or imitative art; though the rude designs upon the vases throw considerable light upon the progressive development of the art as relates to style of design, and in some degree upon the principles of Grecian composition of the early times; but their chief interest and value consist in the faithful pictures they afford of the traditions, customs, and habits of the ancients.

The ancient vase-painters were probably attached to the potteries, or the establishments in which the vases were made; or themselves constituted distinct bodies, which, from the general similarity of style and execution of the designs upon the vases, is not improbable. They do not seem to have been held in any esteem, for their names have not been preserved by any ancient writer; and we only know the names of four, from their being inscribed upon the vases themselves, viz., Taleides, Assteas, Lasimos, and Calliphon.[3]

The words *καλός* and *καλή*, found frequently upon the ancient vases, are explained to be simple acclamations of praise and approval, supposed to be addressed to the person to whom the vase was presented; the words are frequently preceded or followed by a name, evidently that of the person for whom the vase was designed. The inscription also *ἡ παῖς καλή* has been found on some vases, which have probably been designed as presents for young females. D'Hancarville[4] supposes that vase-painting had entirely ceased about the time of the destruction of Corinth, and that the art of manufacturing vases began to decline towards the reign of Trajan, and arrived at its last period about the time of the Antonines and Septimius Severus. Vase-painting had evidently ceased long before the time of Pliny, for in his time the painted vases were of immense value, and were much sought after; but the manufacture of the vases themselves appears to have been still extensive, for he himself mentions fourteen celebrated potteries of his own time, eight in Italy and six elsewhere. The vases, however, appear to have been merely remarkable for the fineness or durability of the clay and the elegance of their shape.[5] For the composition of the clay with which these fictilia were made, see Fictile.

Even in the time of the Empire, painted vases were termed "operis antiqui," and were then sought for in the ancient tombs of Campania and other parts of Magna Græcia. Suetonius[6] mentions the discovery of some vases of this description in the time of Julius Cæsar, in clearing away some very ancient tombs at Capua. It is also remarkable, that not a single painted vase has been yet discovered in either Pompeii, Herculaneum, or Stabiæ, which is of itself almost sufficient to prove that vase-painting was not practised, and also that painted vases were extremely scarce. We may form some idea of their value from the statement of Pliny,[1] that they were more valuable than the Murrhine vases. (*Vid.* Murrhina Vasa.) The paintings on the vases, considered as works of art, vary exceedingly in the detail of the execution, although in style of design they may be arranged in two principal classes, the black and the yellow; for those which do not come strictly under either of these two heads are either too few or vary too slightly to require a distinct classification. The majority of the vases that have been as yet discovered, have been found in ancient tombs about Capua and Nola.

The black vases, or those with the black figures upon the stained reddish-yellow terra-cotta, the best of which were found at Nola, are the most ancient, and their illustrations consist principally of representations from the early mythological traditions; but the style of these vases was sometimes imitated by later artists. (Plate 56, vol. iv., of D'Hancarville is an example.) The inferior examples of this class have some of them traces of the graphis or cestrum upon them, which appear to have been made when the clay was still soft; some also have lines or scratches upon the figures, which have been added when the painting was completed. The style of the design of these black figures, or skiagrams, is what has been termed the Egyptian or Dædalian style. The varieties in this style are occasionally a purple tint instead of the black; or the addition of a red sash or a white vest, and sometimes a white face and white hands and feet. A curious and interesting example of this kind of polychrom. in black, red, and white, was discovered near Athens in 1813, representing on one side a Minerva with a spear and shield, in the Dædalian style, and on the reverse, in a somewhat better style, a young man driving a biga of most ancient construction; it is supposed to represent Erichthonius. Near the Minerva is the following inscription, written from right to left: ΤΟΝ ΑΘΕΝΕΟΝ ΑΘΛΟΝ ΕΜΙ, *τῶν Ἀθηνέων ἄθλον εἰμί*, "I am the prize of the Athenæa" (Panathenæa). It is supposed to be of the time of Solon.[2]

The vases with the yellow monograms, or, rather, the black monograms upon the yellow grounds, constitute the mass of ancient vases. Their illustrations are executed with various degrees of merit: those of inferior execution, also of this class, have traces of the graphis upon them, which appear to have been drawn upon the soft clay; the only colour upon these, independent of that of the clay, is the dark back-ground, generally black, which renders the figures very prominent. The designs upon the better vases are also merely monograms, with the usual dark back-grounds, but there is a very great difference between the execution of these and that of those just alluded to; there are no traces whatever of the graphis upon them; their outlines are drawn with the hair pencil, in colour, similar to that of the back-ground, which is a species of black varnish, probably asphaltum; or, perhaps, rather prepared with the gagates lapis (jet?) (*γαγάτης*) of Pliny, for he remarks that it is indelible when used on this kind of earthenware.[3]

The best of these vases, which probably belong to about the time of Alexander, are conspicuous for a very correct style of design, although they are invariably carelessly executed, especially in the extremities, but exhibit, at the same time, a surprising facility of hand. The celebrated vase of Sir W.

1. (Aristoph., Eccles., 995, 996, ed. Bekker.)—2. (Lanzi, De' Vasi Antichi dipinti.—Christie, Disquisitions upon the painted Greek Vases.—Böttiger Ideen, &c.)—3. (Millin, Peintures de Vases Antiques, vol. i., pl 3, pl. 44; vol. ii., pl. 37, pl. 61.—Miltingen, Anc. Uned. Mon., pl. 27.)—4. (Collection of Vases, &c., Introd.)—5. (xxxv., 46.)—6. (Jul. Cæs., 81)

1. (xxxv., 46.)—2. (Millingen. Anc. Uned. Mon., pl 1.)—3 (xxxvi., 34)

Hamilton's collection, now in the British Museum, the paintings of which represent Hercules and his companions in the gardens of the Hesperides, and the race of Atalanta and Hippomenes, exhibits, for design, composition, and execution, perhaps the finest specimen of ancient vase-painting that has been yet discovered: the style of design is perfect, but the execution, though on the whole laborious, is in many parts very careless.[1]

There appears to be no example of the more perfect monochrom[2] upon ancient vases, and examples of the polychrom are very rare. In Sir W. Hamilton's collection there are a few examples in which various colours have been added after the ordinary monogram has been completed, for they are not incorporated with the vase, as the black and ground tints are, but are subject to scale, and are easily rubbed off. They consist of white, red, yellow, and blue colours. These vases are apparently of a later date than the above, for the style of design is very inferior.

The museums of Naples, Paris, London, and other cities, afford abundant examples of these ancient vases; the Museo Borbonico at Naples contains alone upward of 2500 specimens. The subjects of the illustrations are almost always connected with ancient mythology, and the execution is generally inferior to the composition.

No opinion of the style of the designs upon ancient vases can be formed from the generality of the great works purporting to illustrate them which have been published of late years. Very few are at all accurate in the lines and proportions, especially of the extremities, and in some even the composition is not faithfully imitated. This is particularly the case with the splendid works published by Dubois-Maissonneuve, Laborde, and some others, in which the illustrations are drawn with a care, precision, and uniformity of character quite foreign to the paintings on the vases. They all appear to be drawn rather according to common and perfect standards of the different styles, than to be the faithful imitations of distinct original designs. Plates 25 and 26 of the first volume of Maissonneuve, purporting to be faithful imitations of the design upon the celebrated Nola vase (in the Museum at Naples, No. 1846), representing a scene from the destruction of Troy, bear but little resemblance to the original. This remark is applicable, also, to the work of D'Hancarville and other productions, but in a less degree. Perhaps the work which illustrates most faithfully the style of the designs upon ancient vases, as far as it goes, is that in course of publication by Gerhard.[3] The specimens, also, of ancient paintings published by Raoul Rochette[4] have every appearance of being faithful imitations of the originals.

X. *Remains of Ancient Painting.*—There is a general prejudice against the opinion that the painting of the Greeks equalled their sculpture; and the earlier discoveries of the remains of ancient paintings at Pompeii and Herculaneum tended rather to increase this prejudice than to correct it. The style of the paintings discovered in these cities was condemned both by Pliny and Vitruvius, and yet almost every species of merit may be discovered in them. What, therefore, must have been the productions which the ancients themselves esteemed their immortal works, and which, singly, were estimated equal to the wealth of cities?[5]

These remains of Pompeii and Herculaneum induced Sir Joshua Reynolds to form a decided opinion upon ancient painting. He remarks,[6] "From the various ancient paintings which have come down to us, we may form a judgment, with tolerable accuracy, of the excellences and the defects of the arts among the ancients. There can be no doubt but that the same correctness of design was required from the painter as from the sculptor; and if what has happened in the case of sculpture had likewise happened in regard to their paintings, and we had the good fortune to possess what the ancients themselves esteemed their master-pieces, I have no doubt but we should find their figures as correctly drawn as the Laocoon, and probably coloured like Titian." This opinion has been farther confirmed by later discoveries at Pompeii, especially by the great mosaic of the Casa del Fauno, discovered in 1831, supposed to represent the battle of Issus.[1] But the beauty of ancient sculpture alone is itself a powerful advocate in favour of this opinion; for when art has once attained such a degree of excellence as the Greek sculpture evinces, it is evident that nothing mediocre or even inferior could be tolerated. The principles which guide the practice of both arts are in design and proportion the same; and the style of design in painting cannot have been inferior to that of sculpture. Several of the most celebrated ancient artists were both sculptors and painters: Phidias and Euphranor were both; Zeuxis and Protogenes were both modellers; Polygnotus devoted some attention to statuary; and Lysippus consulted Eupompus upon style in sculpture. The design of Phidias and Euphranor in painting cannot have been inferior in style to that of their sculpture; nor can Eupompus have been an inferior critic in his own art than in that of Lysippus. We have, besides, the testimony of nearly all the Greek and Roman writers of every period, who, in general, speak more frequently and in higher terms of painting than of sculpture. "*Si quid generis istiusmodi me delectat, pictura delectat,*" says Cicero[2]

The occasional errors in perspective, detected in some of the architectural decorations in Pompeii, have been assumed as evidence that the Greek painters generally were deficient in perspective. This conclusion by no means follows, and is entirely confuted by the mosaic of the battle of Issus, in which the perspective is admirable; in many other works, also, of minor importance, the perspective has been carefully attended to. We know, moreover, that the Greeks were acquainted with perspective at a very early period; for Vitruvius[3] says, that when Æschylus was teaching tragedy at Athens, Agatharcus made a scene, and left a treatise upon it. By the assistance of this, Democritus and Anaxagoras wrote upon the same subject, showing how the extension of rays from a fixed point of sight should be made to correspond to lines according to natural reason; so that the images of buildings in painted scenes might have the appearance of reality, and, although painted upon flat, vertical surfaces, some parts should seem to recede and others to come forward. This class of painting was termed scenography (*σκηνογραφία*) by the Greeks, and appears to have been sometimes practised by architects. Clisthenes of Eretria is mentioned as architect and scenograph (*σκηνογράφος*).[4] Serapion, Eudorus, and others, were celebrated as scene-painters.[5] Scene-painting was, perhaps, not generally practised until after the time of Æschylus, for Aristotle[6] attributes its introduction to Sophocles.

The most valuable and the most considerable of ancient paintings that have yet been discovered are: The so-called Aldobrandini Marriage, Nozze

1. (D'Hancarville, plates 127, 128, 129, 130.)—2. (*Vid.* No. III., p. 681.)—3. (Auserlesene Griechische Vasenbilder, Berlin, 1839.)—4. (Peintures Antiques.)—5. (Plin., H. N., xxxv., 32.)—6. (Notes to Fresn., 37.)

1. (Mosaic, No. XV.)—2. (ad Fam., vii., 23.)—3. (vii., præf.)—4. (Diog., ii., 125.)—5. (Plin., H. N., xxxv., 37, 40.)—6. (Poet., 4.)

Aldobrandine, originally the property of the Aldobrandini family, which was found on the Esquiline Mount during the pontificate of Clement VIII., Ippolito Aldobrandini, and was placed by Pius VII. in the Vatican: this painting, which is on stucco, and contains ten rather small figures in three groups, is a work of considerable merit in composition, drawing, and colour, and is executed with great freedom;[1] and the following paintings of the Museo Borbonico at Naples, which are conspicuous for freedom of execution and general technical excellence: the two Nereids found in Stabiæ, Nos. 561 and 562, Cat.; Telephus nourished by the roe, &c., from Herculaneum, No. 495; Chiron and Achilles, also from Herculaneum, No. 730; Briseis delivered to the heralds of Agamemnon, from Pompeii,[2] No. 684; and the nine Funambuli or rope-dancers, which are executed with remarkable skill and facility. (Mus. Borb., Ant. d'Ercol., and Zahn contain engravings from these works; for fac similes of ancient paintings, see "*Recueil de Peintures antiques, imitées fidèlement pour les couleurs et pour le trait, d'après les desseins coloriés faits par P. S. Bartoli*," &c., Paris, 1757, folio.)

XI. *Period of Development. Essential Style.*—With Polygnotus of Thasos (B.C. 463) painting was fully developed in all the essential principles of imitation, and was established as an independent art in practice. The works of Polygnotus were conspicuous for expression, character, and design; the more minute discriminations of tone and local colour, united with dramatic composition and effect, were not accomplished until a later period. The limited space of this article necessarily precludes anything like a general notice of all the various productions of Greek painters incidentally mentioned in ancient writers. With the exception, therefore, of occasionally mentioning works of extraordinary celebrity, the notices of the various Greek painters of whom we have any satisfactory knowledge will be restricted to those who, by the quality or peculiar character of their works, have contributed towards the establishment of any of the various styles of painting practised by the ancients.

Polygnotus is frequently mentioned by ancient writers, but the passages of most importance relating to his style are in the *Poetica* of Aristotle[3] and in the *Imagines* of Lucian.[4] The notice in Pliny[5] is very cursory: he mentions him among the many before Olympiad 90, from which time he dates the commencement of his history, and simply states that he added much to the art of painting, such as opening the mouth, showing the teeth, improving the folds of draperies, painting transparent vests for women, or giving them various coloured headdresses. Aristotle speaks of the general character of the design and expression of Polygnotus, Lucian of the colour; in which respects both writers award him the highest praise. Aristotle,[6] speaking of imitation, remarks, that it must be either superior, inferior, or equal to its model, which he illustrates by the cases of three painters: "Polygnotus," he says, "paints men better than they are, Pauson worse, and Dionysius as they are." This passage alludes evidently to the general quality of the design of Polygnotus, which appears to have been of an exalted and ideal character. In another passage[7] he speaks of him as an *ἀγαθὸς ἠθογράφος*, or an excellent delineator of moral character and expression, and assigns him, in this respect, a complete superiority over Zeuxis. From the passage in Lucian, we may infer that Polygnotus, Euphranor, Apelles, and Aëtion were the best colourists among the ancients, according to the general opinion (*ἅριστοι ἐγένοντο κεράσασθαι τὰ χρώματα, καὶ εὔκαιρον ποιεῖσθαι τὴν ἐπιβολὴν αὐτῶν*). He notices, also, in the same passage, the truth, the elegance, and the flowing lightness of the draperies of Polygnotus.

Pausanias mentions several of the works of Polygnotus, but the most important were his two great paintings, or series of paintings, in the Lesche of the Temple of Apollo at Delphi, to a description of which Pausanias devotes six chapters.[1] On the right, as you entered, was the overthrow of Troy, and the Greeks sailing to their native land; on the other side was painted the descent of Ulysses to Hades, to consult the soul of Tiresias concerning his safe return to his native country. These paintings, in the composition of which Polygnotus seems to have illustrated every existing poem upon the subjects, were termed the Iliad and Odyssey of Polygnotus. They excited the wonder and admiration of Pausanias, although they had been already painted six hundred years when he saw them. Polygnotus has been termed the Michael Angelo of antiquity. From the method adopted by Pausanias in describing these pictures, their composition has been generally condemned. It is, however, by no means certain that they were not a series of pictures painted upon panels of wood, and inserted into the wall, according to the ancient practice; but, even supposing them to have been distinct groups painted upon the walls themselves, as they have been treated by the brothers Riepenhausen,[2] their composition should not be hastily condemned.

The painting of the destruction of Troy (and the other was similar in style) seems to have contained three rows of figures, with the names of each written near them, in distinct groups, covering the whole wall, each telling its own story, but all contributing to relate the tale of the destruction of Troy. It is evident, from this description, that we cannot decide upon either the merits or the demerits of the composition, from the principles of art which guide the rules of composition of modern times. Neither perspective nor composition, as a whole, are to be expected in such works as these, for they did not constitute single compositions, nor was any unity of time or action aimed at; they were painted histories, and each group was no farther connected with its contiguous groups, than that they all tended to illustrate different facts of the same story.

The style of Polygnotus was strictly ethic, for his whole art seems to have been employed in illustrating the human character; and that he did it well, the surname of Ethograph (*Ἠθογράφος*), given to him by Aristotle and others, sufficiently testifies. His principles of imitation may be defined to be those of individual representation, independently of any accidental combination of accessories; neither the picturesque, nor a general and indiscriminate picture of nature, formed any part of the art of Polygnotus or of the period. Whatever, therefore, was not absolutely necessary to illustrate the principal object, was indicated merely by a symbol: two or three warriors represented an army, a single hut an encampment, a ship a fleet, and a single house a city; and, generally, the laws of basso-relievo appear to have been the laws of painting, and both were still, to a great extent, subservient to architecture.

The principal contemporaries of Polygnotus were Dionysius of Colophon, Plistænetus and Panænus of Athens, brothers of Phidias, and Micon, also of Athens.

Dionysius was apparently an excellent portrait

1. (Böttiger and Meyer, Die Aldobrandinische Hochzeit, Dresden, 1810.)—2. (Sir W. Gell, Pompeiana, pl. 39 and 40.)—3. (c. 1 and 6.)—4. (c. 7.)—5. (xxxv., 35.)—6. (c. 2.)—7. (c. 6.)

1. (x., 25–31.)—2. (Peintures de Polygnote à Delphes dessinées et gravées de après la déscription d' Pausanias.)

painter, the Holbein of antiquity, for, besides the testimony of Aristotle, quoted above, Plutarch[1] remarks, that the works of Dionysius wanted neither force nor spirit, but that they had the appearance of being too much laboured. Polygnotus also painted portraits, for Plutarch[2] mentions that he painted his mistress Elpinice, the sister of Cimon, as Laodicea, in a picture in the Ποικίλη στοά, or Pœcile at Athens, which received its name from the paintings of Polygnotus, Micon, Panænus, and others, executed in the periods of Cimon and Pericles; this colonnade was previously called στοὰ Πεισιανάκτιος.[3] What these paintings were we learn from Pausanias,[4] viz., the battle of the Athenians and Spartans at Œnoe; the painter of this piece is not known, but it was probably Plistænetus, who is mentioned by Plutarch[5] as a famous battle painter; the battle of Theseus and the Athenians with the Amazons, by Micon;[6] the battle of Marathon, by Panænus,[7] and the rape of Cassandra, &c., by Polygnotus.[8] These paintings, after adorning the Pœcile for about eight centuries, were removed from Athens in the time of Arcadius.[9] Raoul Rochette infers from this that they were upon panels.

Panænus is termed by Strabo[10] the nephew of Phidias: he assisted Phidias in decorating the statue and throne of the Olympian Jupiter. Micon was particularly distinguished for the skill with which he painted horses. Ælian[11] relates that he was once ridiculed by a certain Simon, skilled in such matters, for having painted eyelashes to the under eyelids of one of his horses—a critical nicety scarcely to have been expected in so early an age.

Prize contests, also, were already established, in this early period, at Corinth and at Delphi. Pliny[12] mentions that Panænus was defeated in one of these at the Pythian games, by Timagoras of Chalcis, who himself celebrated his own victory in verse.

The remarks of Quintilian[13] respecting the style of this period are very curious and interesting, although they do not accord entirely with the testimonies from Greek writers quoted above. He says that, notwithstanding the simple colouring of Polygnotus, which was little more than a rude foundation of what was afterward accomplished, there were those who even preferred his style to the styles of the greatest painters who succeeded him; not, as Quintilian thinks, without a certain degree of affectation.

XII. *Establishment of Painting. Dramatic Style.*—In the succeeding generation, about 420 B.C., through the efforts of Apollodorus of Athens and Zeuxis of Heraclea, dramatic effect was added to the essential style of Polygnotus, causing an epoch in the art of painting, which henceforth comprehended a unity of sentiment and action, and the imitation of the local and accidental appearances of objects, combined with the historic and generic representations of Polygnotus. The contemporaries of Apollodorus and Zeuxis, and those who carried out their principles, were Parrhasius of Ephesus, Eupompus of Sicyon, and Timanthes of Cythnus, all painters of the greatest fame. Athens and Sicyon were the principal seats of the art at this period.

Apollodorus, says Plutarch,[14] invented *tone* (φθορὰν καὶ ἀπόχρωσιν σκιᾶς), which is well defined by Fuseli[15] as "the element of the ancient Ἁρμογή, that imperceptible transition which, without opacity, confusion, or hardness, united local colour, demitint, shade, and reflexes." This must, however, not be altogether denied to the earlier painters; for Plutarch himself[1] attributes the same property to the works of Dionysius (*ἰσχὺν ἔχοντα καὶ τόνον*), though in a less degree. The distinction is, that what in the works of Dionysius was really merely a gradation of *light and shade*, or gradual diminution of light, was in those of Apollodorus a gradation *also of tints*, the tint gradually changing according to the degree of light. The former was termed τόνος, the latter ἁρμογή; but the English term *tone*, when applied to a coloured picture, comprehends both; it is equivalent to the "splendor" of Pliny.[2]

Apollodorus first painted men and things as they really appeared; this is what Pliny[3] means by "*Hic primus species exprimere instituit.*" The rich effect of the combination of light and shade with colour is also clearly expressed in the words which follow: "*primusque gloriam penicillo jure contulit;*" also, "*neque ante eum tabula ullius ostenditur, quæ teneat oculos.*" We may almost imagine the works of a Rembrandt to be spoken of; his pictures riveted the eye. Through this striking quality of his works, he was surnamed the *shadower*, σκιαγράφος.[4] He was in the habit of writing upon his works, "It is easier to find fault than to imitate," μωμήσεταί τις μᾶλλον ἢ μιμήσεται,[5] which Pliny[6] relates of Zeuxis.

Zeuxis combined a certain degree of ideal form with the rich effect of Apollodorus. Quintilian[7] says that he followed Homer, and was pleased with powerful forms even in women. Cicero[8] also praises his design. Zeuxis painted many celebrated works, but the Helen of Croton, which was painted from five of the most beautiful virgins in the city, was the most renowned, and under which he inscribed three verses[9] in the third book of the Iliad.[10] Stobæus[11] relates an anecdote of the painter Nicomachus and this Helen, where the painter is reported to have observed to one who did not understand why the picture was so much admired "Take my eyes, and you will see a goddess." We learn from another anecdote, recorded by Plutarch,[12] that Zeuxis painted very slowly.

Parrhasius is spoken of by ancient writers in terms of the very highest praise. He appears to have combined the magic tone of Apollodorus and the exquisite design of Zeuxis with the classic invention and expression of Polygnotus; and he so circumscribed all the powers and ends of art, says Quintilian,[13] that he was called the "Legislator." He was himself not less aware of his ability, for he termed himself the prince of painters (Ἑλλήνων πρῶτα φέροντα τέχνης[14]). He was, says Pliny,[15] the most insolent and most arrogant of artists.

Timanthes of Cythnus or Sicyon was distinguished for invention and expression; the particular charm of his invention was, that he left much to be supplied by the spectator's own fancy; and, although his productions were always admirable works of art, still the execution was surpassed by the invention. As an instance of the ingenuity of his invention, Pliny[16] mentions a sleeping Cyclops that he painted upon a small panel, yet conveyed an idea of his gigantic form by means of some small satyrs, who were painted measuring his thumb with a thyrsus. He was celebrated also for a picture of the sacrifice of Iphigenia. (See the admirable remarks of Fuseli upon this picture, *Lecture* i.) Timanthes defeated Parrhasius in a professional contest, in which the subject was the

1. (Timol., 36.)—2. Cimon, 4.)—3. (Plut., l. c.)—4. (i., 15.)—5. (De Glor. Athen. 2.)—6. (Plin., H. N., xxxv., 35.)—7. (Plin., H. N., xxxv., 34.)—8. (Plin., H. N., xxxv., 35.)—9. (Synesius, Epist., 54 and 135.)—10. (viii., p. 354.)—11. (H. A., iv., 50.)—12. (xxxv., 35.)—13. (Inst. Orat., xii., 10.)—14. (De Glor. Athen., 2)—15. (Lect. i.)

1 (Timol., 36.)—2. (xxxv., 11.)—3. (xxxv., 36.)—4. (Hesych., s. v.)—5. (Plut., De Glor. Athen., 2.)—6. (l. c.)—7. (l. c.)—8. (Brut., 18.)—9. (156–158.)—10. (Val. Max., iii., 7, § 3—Cic., De Invent., ii., 1.—Ælian, V. H., iv., 12, &c.)—11. (Serm., 61.)—12. (Pericl., 13.)—13. (l. c.)—14. (Athen., xii., p 543, c.)—15. (xxxv., 36.—Compare Athen., xv., p. 687, b.—16 (xxxv., 36, § 6.)

combat of Ulysses and Ajax for the arms of Achilles.[1]

Eupompus of Sicyon was the founder of the celebrated Sicyonian school of painting which was afterward established by Pamphilus. Such was the influence of Eupompus's style, that he added a third, the Sicyonic, to the only two distinct styles of painting then recognised, the Helladic or Grecian and the Asiatic, but subsequently to Eupompus distinguished as the Attic and the Ionic; which, with his own style, the Sicyonic, henceforth constituted the three characteristic styles of Grecian painting.[2] We may judge, from the advice which Eupompus gave Lysippus, that the predominant characteristic of this style was individuality; for upon being consulted by Lysippus whom of his predecessors he should imitate, he is reported to have said, pointing to the surrounding crowd, "Let nature be your model, not an artist."[3] This celebrated maxim, which eventually had so much influence upon the arts of Greece, was the first professed deviation from the principles of the generic style of Polygnotus and Phidias.

XIII. *Period of Refinement.*—The art of this period, which has been termed the Alexandrean, because the most celebrated artists of this period lived about the time of Alexander the Great, was the last of progression or acquisition; but it only added variety of effect to the tones it could not improve, and was principally characterized by the diversity of the styles of so many contemporary artists. The decadence of the art immediately succeeded; the necessary consequence, when, instead of excellence, variety and originality became the end of the artist. "*Floruit circa Philippum, et usque ad successores Alexandri*," says Quintilian,[4] "*pictura præcipue, sed diversis virtutibus;*" and he then enumerates some of the principal painters of this time, with the excellences for which each was distinguished. Protogenes was distinguished for high finish; Pamphilus and Melanthius for composition; Antiphilus for facility; Theon of Samos for his prolific fancy; and for grace Apelles was unrivalled; Euphranor was in all things excellent; Pausias and Nicias were remarkable for chiaroscuro of various kinds; Nicomachus was celebrated for a bold and rapid pencil; and his brother Aristides surpassed all in the depth of expression. There were also other painters of great celebrity during this period: Philoxenus of Eretria, Asclepiodorus of Athens, Athenion of Maronea, Echion, Cydias, Philochares, Theomnestus, Pyreicus, &c.

This general revolution in the theories and practice of painting appears to have been greatly owing to the principles taught by Eupompus at Sicyon. Pamphilus of Amphipolis succeeded Eupompus in the school of Sicyon, which from that time became the most celebrated school of art in Greece. Pamphilus had the reputation of being the most scientific artist of his time; and such was his authority, says Pliny,[5] that chiefly through his influence, first in Sicyon, then throughout all Greece, noble youths were taught the art of drawing before all others. "*Graphice, hoc est, pictura in buxo,*" that is, drawing, in which the elementary process consisted in drawing lines or outlines with the graphis upon tablets of box; the first exercise was probably to draw a simple line (Γραμμὴν ἑλκύσαι[6]) It was considered among the first of liberal arts, and was practised exclusively by the freeborn, for there was a special edict prohibiting slaves from exercising it. The course of study in this school occupied ten years, and the fee of admission was an Attic talent: Pliny mentions that Apelles and Melanthius both paid this fee. Apelles studied under Ephorus of Ephesus before he became the pupil of Pamphilus: Pausias also studied encaustic under Pamphilus. The course of study comprehended instruction in drawing, arithmetic, geometry, anatomy, and painting in all its branches. Pamphilus was the first painter, says Pliny, who was skilled in all the sciences, particularly arithmetic and geometry, without which he denied that art could be perfected. By these sciences, as applied to painting, we must probably understand those principles of proportion and motion which can be reduced to rule: by arithmetic, the system of the construction and the proportions of the parts of the human body; by geometry, perspective, and the laws of motion, that is, so much of them as is necessary to give a correct representation of, and a proper balance to, the figure. Pamphilus seems to have painted but few pictures, but they were all conspicuous for beauty of composition.

Nicomachus of Thebes was, according to Pliny,[1] the most rapid painter of his time; but he was as conspicuous for the force and power of his pencil as for its rapidity; Plutarch[2] compares his paintings with the verses of Homer. Nicomachus had many scholars, of whom Philoxenus of Eretria was celebrated as a painter of battles; a battle of Alexander and Darius by him, is mentioned by Pliny[3] as one of the most celebrated paintings of antiquity; but they were all surpassed by his own brother Aristides, who appears to have been the greatest master of expression among the Greeks. We must, however, apply some modification to the expression of Pliny,[4] that Aristides first painted the mind and expressed the feelings and passions of man, since ἤθη, as it is explained by Pliny in this passage, cannot be denied to Polygnotus, Apollodorus, Parrhasius, Timanthes, and many others.

The picture of Aristides, which represented an infant at the breast of its wounded and dying mother at the sack of a city, was one of the most celebrated paintings of the ancients. It was remarkable for the expression of the agony of the mother lest the child should suck blood instead of milk from her failing breast. It was sent by Alexander to Pella.[5]

The works of Aristides were in such repute, that Attalus, king of Pergamus, gave a hundred talents for only one of his pictures. This was nearly two centuries after his death; but he also received great prices himself. Pliny mentions that a certain Mnason, tyrant of Elatea, paid him for a battle of the Persians, in which were a hundred figures (most probably of a small size), at the rate of ten minæ for each figure. The same prince, who appears to have been a great patron of the arts, gave Asclepiodorus, for pictures of the twelve gods, 300 minæ each; and he gave also to Theomnestus (otherwise unknown) for every picture of a hero, 100 minæ. Asclepiodorus was a native of Athens; he was celebrated for composition or grouping; Plutarch[6] classes him with Euphranor and Nicias.

Pausias of Sicyon painted in encaustic with the cestrum, and seems to have surpassed all others in this method of painting; Pliny[7] terms him "*primus in hoc genere nobilis*," from which it would appear that he either distinguished himself earlier than Euphranor or Nicias, who both excelled in this style; he was, however, the pupil of Pamphilus and the contemporary of Apelles. Pausias was conspicuous for a bold and powerful effect of light and shade, which he enhanced by contrasts and strong foreshortenings. A large picture of a sacrifice of a

1. (Ælian, l. c.—Plin., l. c.)—2. (Plin., xxxv., 36, § 7.)—3. (Plin., xxxiv., 19, § 6.)—4. (l. c.)—5 (xxxv., 36.)—6. (Pollux, Onom. vii., 128.)

1. (l. c.)—2. (Timol., 36.)—3. (xxxv., 36.)—4. (l. c.)—5 (Plin., H. N., l. c.)—6. (De Glor. Athen., 2.)—7. (xxxv. 40.)

bull, of this description, was very celebrated; he painted a black bull upon a light ground; the animal was powerfully foreshortened, and its shadow was thrown upon a part of the surrounding crowd, by which a remarkable effect was produced.[1]

Apelles was a native of Ephesus or of Colophon,[2] according to the general testimony of Greek writers, although Pliny[3] terms him of Cos. Pliny asserts that he surpassed all who either preceded or succeeded him; the quality, however, in which he surpassed all other painters will scarcely bear a definition; it has been termed grace, elegance, beauty, χάρις, venustas. Fuseli[4] defines the style of Apelles thus: "His great prerogative consisted more in the unison than the extent of his powers; he knew better what he could do, what ought to be done, at what point he could arrive, and what lay beyond his reach, than any other artist. Grace of conception and refinement of taste were his elements, and went hand in hand with grace of execution and taste in finish; powerful and seldom possessed singly, irresistible when united."

The most celebrated work of Apelles was perhaps his Venus Anadyomene, Venus rising out of the waters.[5]

"*In Veneris tabula summam sibi ponit Apelles.*"

The beautiful goddess was represented squeezing the water with her fingers from her hair, and her only veil was the silver shower which fell from her shining locks. Ovid elegantly alludes to it in the following lines.[6]

"*Sic madidos siccat digitis Venus uda capillos,*
Et modo maternis tecta videtur aquis."

So great, indeed, was the admiration of the ancients for this picture, that, according to the same poet,[7] Venus chiefly owed to it her great reputation for beauty.

"*Si Venerem Cous nunquam pinxisset Apelles,*
Mersa sub æquoreis illa lateret aquis."

Apelles excelled in portrait, and, indeed, all his works appear to have been portraits in an extended sense; for his pictures, both historical and allegorical, consisted nearly all of single figures. He enjoyed the exclusive privilege of painting the portraits of Alexander.[8] One of these, which represented Alexander wielding the thunder-bolts of Jupiter, termed the Alexander Κεραυνοφόρος, so pleased the monarch that he ordered twenty talents of gold to be given to him. Plutarch[9] says that this picture was the origin of the saying that there were two Alexanders, the one of Philip the invincible, the other of Apelles the inimitable. It appears to have been a master-piece of effect; the hand and lightning, says Pliny, seemed to start from the picture; and Plutarch[10] informs us that the complexion was browner than Alexander's, thus making a finer contrast with the fire in his hand, which apparently constituted the light of the picture. Pliny[11] tells us that Apelles glazed his pictures in a manner peculiar to himself, and in which no one could imitate him. When his works were finished, he covered them with a dark transparent varnish (most probably containing asphaltum), which had a remarkable effect in harmonizing and toning the colours, and in giving brilliancy to the shadows. Sir J. Reynolds discovered in this account of Pliny "an artist-like description of the effect of glazing or scumbling, such as was practised by Titian and the rest of the Venetian painters."[12] There is a valuable though incidental remark in Cicero[13] relating to the colouring of Apelles, where he says that the tints of the Venus Anadyomene were not blood, but a resemblance of blood. The females, and the pictures generally, of Apelles, were most probably simple and unadorned; their absolute merits, and not their *effect*, constituting their chief attraction. Clemens Alexandrinus[1] has preserved a memorable reproof of Apelles to one of his scholars, who, in a picture of Helen, had been lavish of ornament: "Youth, since you could not paint her beautiful, you have made her rich."

Protogenes of Caunus, a contemporary of Apelles, was both statuary and painter; he was remarkable for the high finish of his works. Petronius[2] remarks, that the excessive detail and finish of the works of Protogenes, vying with nature itself, inspired him with a certain feeling of horror ("*non sine quodam horrore tractavi*"). His most celebrated work was his figure of Ialysus with his dog; Pliny[3] and Plutarch[4] both mention that Protogenes was occupied seven years with this picture; and Pliny says he painted it over four times ("*huic picturæ quater colorem induxit*"); from which it would appear that the way in which the ancients imbodied their colours in their pictures can have differed little, if at all, from the manner practised by the majority of the artists of the modern schools of painting. The four times of Protogenes most probably were the dead colouring, a first and a second painting, and, lastly, scumbling with glazing. Plutarch[5] says that when Apelles saw this picture, he was at first speechless with astonishment, but presently remarked that it was a great and a wonderful work, but that it was deficient in those graces for which his own pictures were so famous.

Euphranor the Isthmian was celebrated equally as painter and statuary; he was, says Pliny,[6] in all things excellent, and at all times equal to himself. He was distinguished for a peculiarity of style of design; he was fond of a muscular limb, and adopted a more decided anatomical display generally, but he kept the body light in proportion to the head and limbs. Pliny says that Euphranor first represented heroes with dignity. Parrhasius was said to have established the canon of art for heroes; but the heroes of Parrhasius were apparently more divine, those of Euphranor more human. We have examples of both these styles in the Apollo and the Laocoön, and in the Meleager and the Gladiator, or the Antinous and the Discobolus. It was to this distinction of style which Euphranor apparently alluded when he said that the Theseus of Parrhasius had been fed upon roses, but his own upon beef.[7] Euphranor painted in encaustic, and executed many famous works; the principal were, a battle of Mantinea, and a picture of the twelve gods.[8]

Nicias of Athens was celebrated for the delicacy with which he painted females, and for the rich tone of chiaroscuro which distinguished his paintings. He also painted in encaustic. His most celebrated work was the νεκυία, or the region of the shades of Homer (*necromantia Homeri*), which he declined to sell to Ptolemy I. of Egypt, who had offered sixty talents for it, and preferred presenting to his native city, Athens, as he was then sufficiently wealthy. Nicias also painted some of the marble statues of Praxiteles.[9]

Athenion of Maronea, who painted also in encaustic, was, according to Pliny,[10] compared with, and even preferred by some to, Nicias; he was more austere in colouring, but in his austerity more pleas-

1. (Plin., l. c.)—2. (Suidas, s. v.)—3. (l. c.)—4. (Lect. i.)—5. (Propert., iii., 9, 11.)—6. (Trist., ii., 527.)—7. (Art. Amat., iii., 401.)—8. (Hor., Ep., II., i., 239.)—9. (Fort. Alex. Mag., 2, 3.)—10. (Alex., 4.)—11. (l. c.)—12. (Notes to Fresn., 37.)—13. (De Nat. Deor., i., 27.)

1. (Pædagog., ii., 12.)—2. (Sat., 83.)—3. (l. c.)—4. (Demet., 22.)—5. (l. c.)—6. (xxxv., 40.)—7. (Plut., De Glor. Athen., 2.—Plin., l. c.)—8. (Plin., l. c.—Plut., l. c.—Paus., i., 3.—Lucian, Imag., 7.—Val. Max., viii. 11, § 5.—Eustath. ad Il., i., 529, &c.)—9. (Plin., xxxv., 40—Plu., Mor. Epicur., c. 11.—*Vid.* No. VIII.)—10. (l. c.)

ing; and if he had not died young, says Pliny, he would have surpassed all men in painting. He appears to have looked upon colours as a mere means, to have neglected pictorial effect, and, retaining individuality, and much of the refinement of design of his contemporaries, to have endeavoured to combine them with the generic style of Polygnotus and Phidias (*u. in ipsa pictura eruditio eluceat*). His picture of a groom with a horse is mentioned by Pliny as a remarkable painting.

Philochares, the brother of the orator Æschines, was also a painter of the greatest merit, according to Pliny,[1] although he is contemptuously termed by Demosthenes[2] "a painter of perfume-pots and tambours" (*ἀλαβαστροθήκας καὶ τύμπανα*).

Echion also, of uncertain country, is mentioned by Cicero[3] and Pliny[4] as a famous painter. Pliny speaks of a picture of a bride by him as a noble painting, distinguished for its expression of modesty. A great compliment is also incidentally paid to the works of Echion by Cicero,[5] where he is apparently ranked with Polycletus.

Theon of Samos was distinguished for what the Greeks termed *φαντασίαι*, according to Quintilian,[6] who also ranks him with painters of the highest class. Pliny,[7] however, classes him with those of the second degree. Ælian gives a spirited description of a young warrior painted by Theon.[8]

XIV. *Decline.*—The causes of the decline of painting in Greece are very evident. The political revolutions with which it was convulsed, and the various dynastic changes which took place after the death of Alexander, were perhaps the principal obstacles to any important efforts of art; the intelligent and higher classes of the population, upon whom painters chiefly depend, being to a great extent engrossed by politics or engaged in war. Another influential cause was, that the public buildings were already rich in works of art, almost even to the exhaustion of the national mythology and history; and the new rulers found the transfer of works already renowned a more sure and a more expeditious method of adorning their public halls and palaces, than the more tardy and hazardous alternative of requiring original productions from contemporary artists.

The consequence was, that the artists of those times were under the necessity of trying other fields of art; of attracting attention by novelty and variety: thus rhyparography (*ῥυπαρογραφία*), pornography, and all the lower classes of art, attained the ascendency, and became the characteristic styles of the period. Yet, during the early part of this period of decline, from about B.C. 300 until the destruction of Corinth by Mummius, B.C. 146, there were still several names which upheld the ancient glory of Grecian painting; but subsequent to the conquest of Greece by the Romans, what was previously but a gradual and scarcely sensible decline, then became a rapid and a total decay.

In the lower descriptions of painting which prevailed in this period, Pyreicus was pre-eminent; he was termed Rhyparographos (*ῥυπαρογράφος*), on account of the mean quality of his subjects. He belonged to the class of genre-painters, or "peintres du genre bas," as the French term them. The Greek *ῥυπαρογραφία*, therefore, is apparently equivalent to our expression, the Dutch style. Pyreicus,[9] says Pliny, painted barbers' shops and cobblers' stalls, shell-fish, eatables of all sorts, and the like; and, although an humble walk, he excelled so greatly that he obtained the highest fame; and his small pictures were more valuable than the greatest works of many masters; in execution, few surpassed him.

1. (xxxv., 10.)—2. (Fals. Legat., p. 415, Reiske.)—3. (Brut., 18.)—4. (xxxv., 36.)—5. (Parad., v., 2.)—6. (l. c.)—7. (xxxv., 40.)—8. (V. H., ii., 44.)—9. (xxxv., 37.)

"*Pyreicus parva vindicat arte locum,*"

says Propertius[1] (*Pyreicus* is the emendation of Welcker[2] on the authority of Cod. Vat., I., iv. With the common reading, Parrhasius, the line is unintelligible.) Pornography, or obscene painting, which in the time of the Romans was practised with the grossest license,[3] prevailed especially at no particular period in Greece, but was apparently tolerated to a considerable extent at all times. Parrhasius, Aristides, Pausanias, Nicophanes, Chærephanes, Arellius, and a few other *πορνογράφοι* are mentioned as having made themselves notorious for this species of license.[4]

Of the few painters who still maintained the dignity of the dying art, the following may be mentioned: Mydon of Soli; Nealces, Leontiscus, and Timanthes of Sicyon; Arcesilaus, Erigonus, and Pasias, of uncertain country; and Metrodorus of Athens, equally eminent as painter and as philosopher. The school of Sicyon, to which the majority of the distinguished painters of this period belonged, is expressly mentioned by Plutarch[5] as the only one which still retained any traces of the purity and the greatness of style of the art of the renowned ages. It appears to have been still active in the time of Aratus, about 250 B.C., who seems to have instilled some of his own enterprising spirit into the artists of his time. Aratus was a great lover of the arts, but this did not hinder him from destroying the portraits of the Tyrants of Sicyon; one only, and that but partially, was saved.[6]

It was already the fashion in this age to talk of the inimitable works of the great masters; and the artists generally, instead of exerting themselves to imitate the master-pieces of past ages, seem to have been content to admire them. All works bearing great names were of the very highest value, and were sold at enormous prices. Plutarch mentions that Aratus bought up some old pictures, but particularly those of Melanthus and Pamphilus, and sent them as presents to Ptolemy III. of Egypt, to conciliate his favour, and to induce him to join the Achæan league. Ptolemy, who was a great admirer of the arts, was gratified with these presents, and presented Aratus with 150 talents in consideration of them.[7] These were, however, by no means the first works of the great painters of Greece which had found their way into Egypt. Ptolemy Soter had employed agents in Greece to purchase the works of celebrated masters.[8] Athenæus also[9] expressly mentions the pictures of Sicyonian masters which contributed to add to the pomp and display of the celebrated festival of Ptolemy Philadelphus at Alexandrea.

From the time of Alexander the spirit of the Greeks animated Egyptian artists, who adopted the standard of Grecian beauty in proportion and character. Antiphilus, one of the most celebrated painters of antiquity, was a native of Egypt, perhaps of Naucratis, and appears to have lived at the court of Ptolemy Soter. Many other Greek painters also were established in Egypt, and both the population and arts of Alexandrea were more Greek than Egyptian.[10]

Among the most remarkable productions of this period were the celebrated ship of Hiero II. of Syracuse, which had Mosaic floors, in which the whole history of the fall of Troy was worked with admirable skill,[11] and the immense ship of Ptolemy Philopator, on the prow and stern of which were carved

1. (iii., 9, 12.)—2. (ad Philostr., 396.)—3. (Propert., ii., 3.—Sueton., Tib., 43, and Vit. Hor.)—4. (Athen., xiii., p. 587, *b.*—Plut., De aud. Poët., 3.—Plin., xxxv., 37.)—5. (Arat., 12.)—6. (Plut., Arat., 13.)—7. (Plut., Arat., 12.)—8. (Plut., Mor. Epicur., c. 11.)—9. (v., p. 196, *c.*)—10. (Quint., xii., 10.—Plin. xxxv., 37 and 40.—Athen., v. 196, seqq.)—11. (Athen., v., 207 *c.*)

colossal figures eighteen feet in height; and the whole vessel, both interior and exterior, was decorated with painting of various descriptions.[1]

Nearly a century later than Aratus we have still mention of two painters at Athens of more than ordinary distinction, Heracleides a Macedonian, and Metrodorus an Athenian. The names of several painters, however, of these times are preserved in Pliny but he notices them only in a cursory manner. When Paulus Æmilius had conquered Perseus, B.C. 168, he commanded the Athenians to send him their most distinguished painter to perpetuate his triumph, and their most approved philosopher to educate his sons. The Athenians selected Metrodorus the painter, professing that he was preeminent in both respects. Heracleides was a Macedonian, and originally a ship-painter; he repaired to Athens after the defeat of Perseus.[2] Plutarch, in his description of the triumph of Paulus Æmilius,[3] says that the paintings and statues brought by him from Greece were so numerous that they required 250 wagons to carry them in procession, and that the spectacle lasted the entire day. P. Æmilius appears at all times to have been a great admirer of the arts, for Plutarch[4] mentions that after his first consulship he took especial care to have his sons educated in the arts of Greece, and, among others, in painting and sculpture, and that he accordingly entertained masters of those arts (*πλάσται καὶ ζωγράφοι*) in his family; from which it is evident that the migration of Greek artists to Rome had already commenced before the general spoliations of Greece. Indeed, Livy[5] expressly mentions that many artists came from Greece to Rome upon the occasion of the ten days' games appointed by Fulvius Nobilior, B.C. 186. But Rome must have had its Greek painters even before this time; for the picture of the feast of Gracchus's soldiers after the battle of Beneventum, consecrated by him in the Temple of Liberty on the Aventine, B.C. 213,[6] was in all probability the work of a Greek artist.

The system adopted by the Romans of plundering Greece of its works of art, reprobated by Polybius,[7] was not without a precedent. The Carthaginians before them had plundered all the coast towns of Sicily, and the Persians, and even the Macedonians, carried off all works of art as the lawful prize of conquest.[8] The Roman conquerors, however, at first plundered with a certain degree of moderation;[9] as Marcellus at Syracuse, and Fabius Maximus at Tarentum, who carried away no more works of art than were necessary to adorn their triumphs or decorate some of the public buildings.[10] The works of Greek art brought from Sicily by Marcellus were the first to inspire the Romans with the desire of adorning their public edifices with statues and paintings; which taste was converted into a passion when they became acquainted with the great treasures and almost inexhaustible resources of Greece, and their rapacity knew no bounds. Plutarch says that Marcellus[11] was accused of having corrupted the public morals through the introduction of works of art into Rome, since from that period the people wasted much of their time in disputing about arts and artists. But Marcellus gloried in the fact, and boasted, even before Greeks, that he was the first to teach the Romans to esteem and to admire the exquisite productions of Greek art. We learn from Livy[12] that one of the ornaments of the triumph of Marcellus, 214 B.C., was a picture of the capture of Syracuse.

These spoliations of Greece, of the Grecian kingdoms of Asia, and of Sicily, continued uninterrupted for about two centuries; yet, according to Mucianus, says Pliny,[1] such was the inconceivable wealth of Greece in works of art, that Rhodes alone still contained upward of 3000 statues, and that there could not have been less at Athens, at Olympia, or at Delphi. The men who contributed principally to fill the public edifices and temples of Rome with the works of Grecian art, were Cn. Manlius, Fulvius Nobilior, who plundered the temples of Ambracia,[2] Mummius, Sulla, Lucullus, Scaurus, and Verres.[3]

Mummius, after the destruction of Corinth, B.C. 146, carried off or destroyed more works of art than all his predecessors put together. Some of his soldiers were found by Polybius playing at dice upon the celebrated picture of Dionysius by Aristides.[4] Many valuable works, also, were purchased on this occasion by Attalus III., and sent to Pergamum; but they all found their way to Rome on his death, B.C. 133, as he bequeathed all his property to the Roman people.[5] Scaurus, in his ædileship, B.C. 58, had all the public pictures still remaining in Sicyon transported to Rome on account of the debts of the former city, and he adorned the great temporary theatre which he erected upon that occasion with 3000 bronze statues.[6] Verres ransacked Asia and Achaia, and plundered almost every temple and public edifice in Sicily of whatever was valuable in it. Among the numerous robberies of Verres, Cicero[7] mentions particularly twenty-seven beautiful pictures taken from the Temple of Minerva at Syracuse, consisting of portraits of the kings and tyrants of Sicily.

From the destruction of Corinth by Mummius, and the spoliation of Athens by Sulla, the higher branches of art, especially in painting, experienced so sensible a decay in Greece, that only two painters are mentioned who can be classed with the great masters of former times: Timomachus of Byzantium, contemporary with Cæsar,[8] and Aëtion, mentioned by Lucian,[9] who lived apparently about the time of Hadrian.[10] Yet Rome was, about the end of the Republic, full of painters, who appear, however, to have been chiefly occupied in portrait, or decorative and arabesque painting: painters must also have been very numerous in Egypt and in Asia. Paintings of various descriptions still continued to perform a conspicuous part in the triumphs of the Roman conquerors. In the triumph of Pompey over Mithradates, the portraits of the children and family of that monarch were carried in the procession;[11] and in one of Cæsar's triumphs, the portraits of his principal enemies in the civil war were displayed, with the exception of that of Pompey.[12]

The school of art at Rhodes appears to have been the only one that had experienced no great change, for works of the highest class in sculpture were still produced there. The course of painting seems to have been much more capricious than that of sculpture, in which master-pieces, exhibiting various beauties, appear to have been produced in nearly every age from Phidias to Hadrian. A decided decay in painting, on the other hand, is repeatedly acknowledged in the later Greek and in the best Roman writers. One of the causes of this decay may be, that the highest excellence in painting requires the combination of a much greater variety of qualities; whereas invention and design,

1. (Athen., v., 204, *a*.)—2. (Plin., xxxv., 40.)—3. (in Vit., 32.)—4. (in Vit., 6.)—5. (xxxix., 22.)—6. (Liv., xxiv., 16.)—7. (ix., 3.)—8 (Diod. Sic., xiii., 90.—Polyb., ix., 6, § 1.—Liv., xxxi., 26.—Plin., H. N., xxxiv., 19.—Id. ib., xxxv., 36.)—9. (Cic. in Verr., v. 4.)—10. (Cic. in Verr., v., 52, seqq.—Plut., Fab. Max., 22—Id. Marcell., 30.)—11. (in Vit., 21.)—12. (xxvi., 21.)

1. (xxxiv., 17.)—2. (Liv., xxxviii., 44.)—3. (Liv., xxxix 5, 6, 7.—Plin., H. N., xxxiii., 53; xxxiv., 17; xxxvii., 6.)—4. (Strabo, viii., p 381.)—5. (Plin., xxxiii., 53.)—6. (Plin., xxxv., 40; xxxvi., 24.)—7. (in Verr., iv., 55.)—8. (Plin., H N., xxxv., 40, &c.)—9. (Imag., 7.—Herod., 5.)—10. (Müller, Archäol., § 211 1.)—11. (Appian, De Bell. Mith., 117.)—12. (Id., De Bell. Civ ii., 101.)

identical in both arts, are the sole elements of sculpture. Painters, also, are addicted to the pernicious, though lucrative practice of dashing off or despatching their works, from which sculptors, from the very nature of their materials, are exempt: to paint quickly was all that was required from some of the Roman painters.[1] Works in sculpture, also, through the durability of their material, are more easily preserved than paintings, and they serve, therefore, as models and incentives to the artists of after ages. Artists, therefore, who may have had ability to excel in sculpture, would naturally choose that art in preference to painting. It is only thus that we can account for the production of such works as the Antinous, the Laocoon, the Torso of Apollonius, and many others of surpassing excellence, at a period when the art of painting was comparatively extinct, or, at least, principally practised as mere decorative colouring, such as the majority of the paintings at Rome, Herculaneum, and Pompeii, now extant; though it must be remembered that these were the inferior works of an inferior age.

XV. *Roman Painting.*—The early painting of Italy and Magna Græcia has been already noticed, and we know nothing of Roman painting independent of that of Greece, though Pliny[2] tells us that it was cultivated at an early period by the Romans. The head of the noble house of the Fabii received the surname of Pictor, which remained in his family, through some paintings which he executed in the Temple of Salus at Rome, B.C. 304, which lasted until the time of the Emperor Claudius, when they were destroyed by the fire that consumed that temple. Pacuvius also, the tragic poet, and nephew of Ennius, distinguished himself by some paintings in the Temple of Hercules, in the Forum Boarium, about 180 B.C. Afterward, says Pliny,[3] painting was not practised by *polite hands* (*honestis manibus*) among the Romans, except, perhaps, in the case of Turpilius, a Roman knight of his own times, who executed some beautiful works with his left hand at Verona. Yet Quintus Pedius, nephew of Q. Pedius, coheir of Cæsar with Augustus, was instructed in painting, and became a great proficient in the art, though he died when young. Antistius Labeo also amused himself with painting small pictures.

Julius Cæsar, Agrippa, and Augustus were among the earliest great patrons of artists. Suetonius[4] informs us that Cæsar expended great sums in the purchase of pictures by the old masters; and Pliny[5] mentions that he gave as much as 80 talents for two pictures by his contemporary Timomachus of Byzantium, one an Ajax, and the other a Medea meditating the murder of her children. These pictures, which were painted in encaustic, were very celebrated works; they are alluded to by Ovid,[6] and are mentioned by many other ancient writers.

There are two circumstances connected with the earlier history of painting in Rome which deserve mention. One is recorded by Livy,[7] who informs us that the consul Tib. Sempronius Gracchus dedicated in the Temple of Mater Matuta, upon his return from Sardinia, B.C. 174, a picture of apparently a singular description; it consisted of a plan of the island of Sardinia, with representations of various battles he had fought there painted upon it. The other is mentioned by Pliny,[8] who says that Lucius Hostilius Mancinus, B.C. 147, exposed to view in the Forum a picture of the taking of Carthage, in which he had performed a conspicuous part, and explained its various incidents to the people. Whether these pictures were the productions of Greek or Roman artists, is doubtful; nor have we any guide as to their rank as works of art.

The Romans generally have not the slightest claims to the merit of having promoted the fine arts. We have seen that, before the spoliations of Greece and Sicily, the arts were held in no consideration in Rome; and even afterward, until the time of the emperors, painting and sculpture seem to have been practised very rarely by Romans; and the works which were then produced were chiefly characterized by their bad taste, being mere military records and gaudy displays of colour, although the city was crowded with the finest productions of ancient Greece.

There are three distinct periods observable in the history of painting in Rome. The first, or great period of Græco-Roman art, may be dated from the conquest of Greece until the time of Augustus, when the artists were chiefly Greeks. The second, from the time of Augustus to the so-called Thirty Tyrants and Dioclesian, or from the beginning of the Christian era until about the latter end of the third century, during which time the great majority of Roman works of art were produced. The third comprehends the state of the arts during the exarchate; when Rome, in consequence of the foundation of Constantinople, and the changes it involved, suffered similar spoliations to those which it had previously inflicted upon Greece. This was the period of the total decay of the imitative arts among the ancients.

The establishment of Christianity, the division of the Empire, and the incursions of barbarians, were the first great causes of the important revolution experienced by the imitative arts, and the serious check they received; but it was reserved for the fanatic fury of the iconoclasts effectually to destroy all traces of their former splendour.

Of the first of these three periods sufficient has been already said; of the second there remain still a few observations to be made. About the beginning of the second period is the earliest age in which we have any notice of portrait-painters (*imaginum pictores*) as a distinct class. Pliny mentions particularly Dionysius and Sopolis as the most celebrated at about the time of Augustus, or perhaps earlier, who filled picture-galleries with their works; the former was surnamed the anthropograph, because he painted nothing but men. About the same age, also, Lala of Cyzicus was very celebrated; she painted, however, chiefly female portraits, but received greater prices than the other two.[1]

Portraits must have been exceedingly numerous among the Romans; Varro made a collection of the portraits of 700 eminent men.[2] The portraits or statues of men who had performed any public service were placed in the temples and other public places, and several edicts were passed by the emperors of Rome respecting the placing of them.[3] The portraits of authors, also, were placed in the public libraries; they were apparently fixed above the cases which contained their writings, below which chairs were placed for the convenience of readers.[4] They were painted, also, at the beginning of manuscripts.[5] Respecting the imagines or wax portraits, which were preserved in "armaria" in the atria of private houses,[6] there is an interesting account in Polybius.[7] With the exception of Aetion, as already mentioned, not a single painter of this period rose to eminence, although some were, of course, more distinguished than others; as

1. (Juv., ix., 146.)—2. (H. N., xxxv., 7.)—3. (l. c.)—4. (Jul. Cæs., 47.)—5. (H. N., xxxv., 40.)—6 (Trist., ii., 525.)—7. (xli., 28.)—8. (H. N., xxxv., 7.)

1. (Plin., H. N., xxxv., 37, 40.)—2. (Plin., H. N., xxxv., 2.)—3. (Sueton., Tib., 26.—Calig., 34.)—4 (Cic. ad Att., iv., 10.—Sueton., Tib., 70.—Calig., 34.)—5. (Martial, xiv., 186.)—6 (Plin., xxxv., 2. -Senec., De Benef., iii., 28.)—7 (vi., 53

he profligate Arellius; Fabullus, who painted Nero's golden house; Dorotheus, who copied for Nero the Venus Anadyomene of Apelles; Cornelius Pinus, Accius Priscus, Marcus Ludius, Mallius, and others.[1] Portrait, decorative, and scene painting seem to have engrossed the art. Pliny and Vitruvius regret in strong terms the deplorable state of painting in their times, which was but the commencement of the decay; Vitruvius has devoted an entire chapter[2] to a lamentation over its fallen state; and Pliny speaks of it as a dying art.[3] The latter writer instances,[4] as a sign of the madness of his time (*nostræ ætatis insaniam*), the colossal portrait of Nero, 120 feet high, which was painted upon canvass, a thing unknown till that time.

Marcus Ludius, in the time of Augustus, became very celebrated for his landscape decorations, which were illustrated with figures actively employed in occupations suited to the scenes; which kind of painting became universal after his time, and apparently with every species of license. Vitruvius contrasts the state of decorative painting in his own age with what it was formerly, and he enumerates the various kinds of wall-painting in use among the ancients. They first imitated the arrangement and varieties of slabs of marble, then the variegated frames and cornices of panels, to which were afterward added architectural decorations; and, finally, in the exedræ were painted tragic, comic, or satyric scenes, and in the long galleries and corridors various kinds of landscapes, or even subjects from the poets and the higher walks of history. But these things were in the time of Vitruvius tastelessly laid aside, and had given place to mere gaudy display, or the most fantastic and wild conceptions, such as many of the paintings which have been discovered in Pompeii.

Painting now came to be practised by slaves, and painters, as a body, were held in little or no esteem. Respecting the depraved application of the arts at this period, see Plin., xxxv., 33.—Petron., *Sat.*, 88.—Propert., ii., 6.—Sueton., *Tib.*, 43.—Juven., ix., 145; xii., 28.

Mosaic, or *pictura de musivo*, *opus musivum*, was very general in Rome in the time of the early emperors. It was also common in Greece and Asia Minor at an earlier period, but at the time of which we are now treating it began to a great extent even to supersede painting. It was used chiefly for floors, but walls and also ceilings were sometimes ornamented in the same way.[5] There were various kinds of mosaic; the *lithostrota* were distinct from the *picturæ de musivo*. There were several kinds of the former, as the *sectile*, the *tessellatum*, and the *vermiculatum*, which are all mechanical and ornamental styles, unapplicable to painting, as they were worked in regular figures. As a general distinction between musivum and lithostrotum, it may be observed, that the picture itself was *de musivo* or *opus musivum*, and its frame, which was often very large and beautiful, was *lithostrotum*. The former was made of various coloured small cubes (*tesseræ* or *tessellæ*) of different materials, and the latter of small thin slabs, *crustæ*, of various marbles, &c.; the artists were termed *musivarii* and *quadratarii* or *tessellarii* respectively. Pliny[6] attributes the origin of mosaic pavements to the Greeks. He mentions the "asarotus œcus" at Pergamum, by Sosus, the most celebrated of the Greek musivarii, the pavement of which represented the remnants of a supper. He mentions, also at Pergamum, the famous Cantharus with the doves, of which the "Doves of the Capitol" is supposed to be a copy.[1] Another musivarius of antiquity was Dioscorides of Samos, whose name is found upon two mosaics of Pompeii.[2] Five others are mentioned by Müller.[3] There are still many great mosaics of the ancients extant. (See the works of Ciampini, Furietti, and Laborde.) The most interesting and most valuable is the one lately discovered in Pompeii, which is supposed to represent the battle of Issus. This mosaic is certainly one of the most valuable relics of ancient art, and the design and composition of the work are so superior to its execution, that the original has evidently been the production of an age long anterior to the degenerate period of the mosaic itself. The composition is simple, forcible, and beautiful, and the design exhibits in many respects merits of the highest order. (See Nicolini, *Quadro in musaico scoperto in Pompeii.*—Mazois, *Pompéi*, iv., 48 and 49; and Müller, *Denkmäler der alten Kunst*, i., 55.)

PALA (πτύον), a Spade.[4] The spade was but little used in ancient husbandry, the ground having been broken and turned over by the plough, and also by the use of large hoes and rakes. (*Vid.* Ligo, Rastrum.) But in some cases a broad cutting edge was necessary for this purpose, as, for example, when the ground was full of the roots of rushes or other plants.[5] Also in gardening it was an indispensable instrument, and it was then made on the same principle as the ploughshare, viz., by casing its extremity with iron.[6] The annexed woodcut, taken from a funereal monument at

Rome,[7] exhibits a deceased countryman with his falx and bidens, and also with a pala, modified by the addition of a strong crossbar, by the use of which he was enabled to drive it nearly twice as deep into the ground as he could have done without it. In this form the instrument was called *bipalium*, being employed in trenching (*pastinatio*), or, when the ground was full of roots to a considerable depth, in loosening them, turning them over, and extirpating them, so as to prepare the soil for planting vines and other trees. By means of this implement, which is still used in Italy, and called *vanga*, the ground was dug to the depth of two spades, or nearly two feet.[8]

Cato[9] mentions wooden spades (*palas ligneas*) among the implements necessary to the husbandman. One principal application of them was in

1 (Plin., H. N., xxxv., 37, &c.)—2. (vii., 5.)—3. (H. N., xxxv., 11.)—4. (xxxv., 33.)—5. (Plin., H. N., xxxvi., 60, 64.—Athenæus, xii., p. 542, *d*.—Senec., Ep., 86.—Lucan, x., 116.)—6 (H. N., xxxvi., 60.)

1. (Mus. Cap., iv., 69.)—2. (Mus. Borb., iv., 34.)—3. (Archæol., § 322, 4.)—4. (Cato, De Re Rust., 10.—Plin., H. N., xviii. 17, s. 27; 22, s. 35.)—5. (Plin., H. N., xviii., 8.)—6. (Colum., x., 45.)—7. (Fabretti, Inscr. Ant., p. 574.)—8. (Plin., H. N. xviii., 26, s. 62.—Cato, De Re Rust., c. 6, p. 214; xi., 3, p. 450 ed. Bip.)—9 (Ib., 11.)

winnowing. The winnowing-shovel, also called in Latin *ventilabrum*, is still generally used in Greece, and the mode of employing it is exhibited by Stuart in his "Antiquities of Athens." The corn which has been threshed lies in a heap upon the floor, and the labourer throws it to a distance with his shovel, while the wind, blowing strongly across the direction in which it is thrown, drives the chaff and refuse to one side.[1] The fruit of leguminous plants was purified and adapted to be used for food in the same manner.[2]

The term *pala* was applied anciently, as it is in modern Italian, to the blade or broad part of an oar. (*Vid.* Remus.) In a Ring, the broad part which held the gem was called by that name.

PALÆSTRA (παλαίστρα) properly means a place for wrestling (παλαίειν, πάλη), and appears to have originally formed a part of the gymnasium. The word was, however, used in different senses at various periods, and its exact meaning, especially in relation to the gymnasium, has occasioned much controversy among modern writers. It first occurs in Herodotus,[3] who says that Clisthenes of Sicyon built a dromos and a palæstra, both of which he calls by the general name of palæstra. At Athens, however, there was a considerable number of palæstræ quite distinct from the gymnasia, which were called by the names either of their founders, or of the teachers who gave instruction there; thus, for example, we read of the palæstra of Taureas.[4] Krause[5] contends that the palæstræ at Athens were appropriated to the gymnastic exercises of boys and youths (παῖδες and μειράκια), and the gymnasia to those of men; but Becker[6] has shown that this cannot be the true distinction, although it appears that certain places were, for obvious reasons, appropriated to the exclusive use of boys.[7] But that the boys exercised in the gymnasia as well, is plain from many passages[8] (παῖς ὡραῖος ἀπὸ γυμνασίου[9]), while, on the other hand, we read of men visiting the palæstræ.[10]

It appears most probable that the palæstræ were, during the flourishing times of the Greek republics, chiefly appropriated to the exercises of wrestling and of the pancratium, and were principally intended for the athletæ, who, it must be recollected, were persons that contended in the public games, and therefore needed special training. This is expressly stated by Plutarch,[11] who says "that the place in which all the athletæ exercise is called a palæstra;" and we also learn from Pausanias[12] that there were at Olympia palæstræ especially devoted to the athletæ. In Athenæus[13] we read of the great athletes Damippus coming out of the palæstra; and Galen (περὶ τοῦ διὰ μικρᾶς σφαίρας γυμνασίου, c. 5) places the athletæ in the palæstra.[14]

The Romans had originally no places corresponding to the Greek gymnasia and palæstræ; and when, towards the close of the Republic, wealthy Romans, in imitation of the Greeks, began to build places for exercise in their villas, they called them indifferently gymnasia and palæstræ.[15] The words were thus used by the Romans as synonymous; and, accordingly, we find that Vitruvius[16] gives a description of a Greek gymnasium under the name of palæstra.

PALA'RIA. (*Vid.* Palus.)

PALATI'NI LUDI. (*Vid.* Ludi Palatini.)

1. (Theocr., vii., 156.—Matt., iii., 12.—Luke, iii., 17.)—2. (Hom., Il., v., 499–502; xiii., 588–592.)—3. (vi., 126, 128.)—4. (Plat., Charm., init.)—5. (Gymnastik und Agonistik der Hellen., p. 117, &c.)—6 (Charikles, i., p. 311, 335, &c.)—7. (Æsch., c. Timarch., p. 35, Reiske.)—8. (Antiph., De Cæd. invol., p. 661, Reiske.)—9. (Aristoph., Av., 138, 140.)—10. (Lucian, Navig., 4, vol. iii., p. 251, Reitz.)—11. (Symp., ii., 4.)—12. (v., 15, § 5; vi., 21, § 2.)—13. (x., p. 417, *f.*)—14. (Krause, Ib., p. 115.)—15. (Cic. ad Att., i., 4, 8, 9, 10; ad Quint. Frat., i., 1, § 2; C. Verr., II., v., 72.)—16. (v., 11.)

PALE (πάλη, πάλαισμα, παλαισμοσύνη, or κατὰ βλητική, lucta, luctatio), Wrestling. The word πάλη is sometimes used in a wider sense, embracing all gymnastic exercises with the exception of dancing, whence the schools of the athletæ were called *palæstræ*, that is, schools in which the πάλη in its widest sense was taught.[1] (*Vid.* Palæstra.) There are also many passages in ancient writers in which πάλη and παλαίειν are used to designate any particular species of athletic games besides wrestling, or a combination of several games.

The Greeks ascribed the invention of wrestling to mythical personages, such as Palæstra, the daughter of Hermes,[3] Antæus and Cercyon,[4] Phorbas of Athens, or Theseus.[5] Hermes, the god of all gymnastic exercises, also presided over the πάλη. Theseus is said by Pausanias[6] to have been the first who reduced the game of wrestling to certain rules, and to have thus raised it to the rank of an art, whereas before his time it was a rude fight, in which bodily size and strength alone decided the victory. The most celebrated wrestler in the heroic age was Heracles. In the Homeric age wrestling was much practised, and a beautiful description of a wrestling match is given in the Iliad.[7] During this period wrestlers contended naked, and only the loins were covered with the περίζωμα,[8] and this custom probably remained throughout Greece until Ol. 15, from which time the perizoma was no longer used, and wrestlers fought entirely naked.[9] In the Homeric age, the custom of anointing the body for the purpose of wrestling does not appear to have been known; but in the time of Solon it was quite general, and was said to have been adopted by the Cretans and Lacedæmonians at a very early period.[12] After the body was anointed, it was strewed over with sand or dust, in order to enable the wrestlers to take a firm hold of each other. At the festival of the Sthenia in Argos, the πάλη was accompanied by flute-music. (*Vid.* Sthenia.)

When two athletæ began their contest, each might use a variety of means to seize his antagonist in the most advantageous manner, and to throw him down without exposing himself;[11] but one of the great objects was to make every attack with elegance and beauty, and the fight was for this, as well as for other purposes, regulated by certain laws.[12] Striking, for instance, was not allowed, but pushing an antagonist backward (ὠθισμός) was frequently resorted to.[13] It is probably on account of the laws by which this game was regulated, and the great art which it required in consequence, that Plutarch[14] calls it the τεχνικώτατον καὶ πανουργότατον τῶν ἀθλημάτων. But, notwithstanding these laws, wrestling admitted of greater cunning, and more tricks and stratagems, than any other game, with the exception of the pancratium,[15] and the Greeks had a great many technical terms to express the various stratagems, positions, and attitudes in which wrestlers might be placed. Numerous scenes of wrestlers are represented on ancient works of art.[16] (See woodcut in Pancratium).

The contest in wrestling was divided by the ancients into two parts, viz., the πάλη ὀρθή or ὀρθία (ὀρθοστάδην παλαίειν), that is, the fight of the ath-

1. (Plat., De Legg., vii., p. 795.—Herod., ix., 73.)—2. (Vid Krause, p. 400, note 2.)—3. (Apollod., ii., 4, § 9.)—4 (Plat., De Legg., vii., p. 796.)—5. (Schol. ad Pind., Nem., v., 49.)—6. (v., 39, § 3.)—7. (xxiii., 710, &c.—Compare Od., viii., 103, 126, 246—Hesiod, Scut. Herc., 302, where μάχειν ἑλκηδόν signifies the πάλη.)—8. (Il., xxiii., 700.)—9. (Thucyd., i., 6, with the schol.—Paus., i., 44, § 1.—Dionys. Hal., vii., 72.)—10. (Thucyd., l. c.—Plat., De Republ., v., p. 452.)—11. (Ovid, Met., ix., 33, &c.—Stat., Theb., vi., 831, &c.—Heliod., Æthiop., x., p. 235.)—12 (Plat., De Legg., viii., p. 834.—Cic., Orat., 68.—Lucian, Anach., 24.—Ælian, V. H., xi., 1.)—13 (Plut., Symp., ii., 5.—Lucian Anach., i., 24.)—14. (Symp., ii., 4.)—15 (Xen., Cyrop., i., 6, § 32.)—16. (Krause, i., p. 412, &c.)

…etæ as long as they stood upright, and the *ἀλίνδησις* or *κύλισις* (*lucta volutatoria*), in which the athletæ struggled with each other while lying on the ground. Unless they contrived to rise again, the *ἀλίνδησις* was the last stage of the contest, which continued until one of them acknowledged himself to be conquered. The *πάλη ὀρθή* appears to have been the only one which was fought in the times of Homer, as well as afterward in the great national games of the Greeks; and as soon as one athlete fell, the other allowed him to rise and continue the contest if he still felt inclined.[1] But if the same athlete fell thrice, the victory was decided, and he was not allowed to go on.[2] The *ἀλινδησις* was only fought in later times, at the smaller games, and especially in the pancratium. The place where the wrestlers contended was generally soft ground, and covered with sand.[3] Effeminate persons sometimes spread large and magnificent carpets on the place where they wrestled.[4] Each of the various tribes of the Greeks seems to have shown its peculiar and national character in the game of wrestling in some particular trick or stratagem, by which it excelled the others.

In a dietetic point of view, the *ἀλίνδησις* was considered beneficial to the interior parts of the body, the loins, and the lower parts in general, but injurious to the head, whereas the *πάλη ὀρθή* was believed to act beneficially upon the upper parts of the body. It was owing to these salutary effects that wrestling was practised in all the gymnasia as well as in the palæstræ, and that in Ol. 37 wrestling for boys was introduced at the Olympic games, and soon after in the other great games, and at Athens in the Eleusinia, and Thesea also.[5] The most renowned of all the Greek wrestlers in the historical age was Milon of Croton, whose name was known throughout the ancient world.[6] Other distinguished wrestlers are enumerated by Krause,[7] who has also given a very minute account of the game of wrestling, and everything connected with it, in his *Gymnastik und Agon. d. Hell.*, p. 400–439.

PALI'LIA, a festival celebrated at Rome every year on the 21st of April, in honour of Pales, the tutelary divinity of shepherds. Some of the ancient writers call this festival *Parilia*, deriving the name from *pario*, because sacrifices were offered on that day *pro partu pecoris*.[8] The 21st of April was the day on which, according to the early traditions of Rome, Romulus had commenced the building of the city, so that the festival was at the same time solemnized as the dies natalitius of Rome;[9] and some of the rights customary in later times were said to have been first performed by Romulus when he fixed the pomœrium.[10] Ovid[11] gives a description of the rites of the Palilia, which clearly shows that he regarded it as a shepherd-festival, such as it must originally have been when the Romans were real shepherds and husbandmen, and as it must have continued to be among country people in his own time, as is expressly stated by Dionysius; for in the city itself it must have lost its original character, and have been regarded only as the dies natalitius. The connexion, however, between these two characters of the festival is manifest, as the founders of the city were, as it were, the kings of shepherds, and the founders of a religion suited to shepherds.

The first part of the solemnities, as described by Ovid, was a public purification by fire and smoke. The things burned in order to produce this purifying smoke were the blood of the *October-horse*, the ashes of the calves sacrificed at the festival of Ceres, and the shells of beans. The people were also sprinkled with water; they washed their hands in spring-water, and drank milk mixed with must.[1] As regards the *October-horse* (*equus October*), it must be observed, that in early times no bloody sacrifice was allowed to be offered at the Palilia, and the blood of the October-horse, mentioned above, was the blood which had dropped from the tail of the horse sacrificed in the month of October to Mars in the Campus Martius. This blood was preserved by the vestal virgins in the Temple of Vesta, for the purpose of being used at the Palilia.[2] When, towards the evening, the shepherds had fed their flocks, branches of bay were used as brooms for cleaning the stables and for sprinkling water through them, and, lastly, the stables were adorned with bay boughs. Hereupon the shepherds burned sulphur, rosemary, fir-wood, and incense, and made the smoke pass through the stables to purify them; the flocks themselves were likewise purified by this smoke. The sacrifices which were offered on this day consisted of cakes, millet, milk, and other kinds of eatables. The shepherds then offered a prayer to Pales. After these solemn rites were over, the cheerful part of the festival began: bonfires were made of heaps of hay and straw, and under the sounds of cymbals and flutes the sheep were again purified by being compelled to run three times through the fire, and the shepherds themselves did the same. The festival was concluded by a feast in the open air, at which the people sat or lay upon benches of turf, and drank plentifully.[3]

In the city of Rome the festival must, at least in later times, have been celebrated in a different manner; its character of a shepherd-festival was forgotten, and it was merely looked upon as the day on which Rome had been built, and was celebrated as such with great rejoicings.[4] In the reign of Caligula, it was decreed that the day on which the emperor had come to the throne should be celebrated under the name of Palilia, as if the Empire had been revived by him, and had commenced its second existence.[5] Athenæus[6] says that before his time the name *Palilia* had been changed into *Romana* (Ῥωμαῖα). Whether this change of name was occasioned by the decree in the reign of Caligula just mentioned, is unknown.[7]

PALIMPSESTUS. (*Vid.* Liber.)

PALLA. (*Vid.* Pallium.)

PALL'ACE (*παλλακή*). (*Vid.* Concubina, Greek.)

PALLIA'TA FA'BULA. (*Vid.* Comœdia, page 300.)

PA'LLIUM, *dim.* PALLIOLUM, *poet.* PALLA[8] (*ἱμάτιον*, *dim.* *ἱματίδιον*; *Ion.* and *poet.* *φᾶρος*), a blanket or whittle, a sheet, a pall. The English *cloak*, though commonly adopted as the proper translation of these terms, conveys no accurate conception of the form, material, or use of that which they denoted. The article designated by them was always a rectangular piece of cloth, exactly, or, at least, nearly square (*τετράγωνα ἱμάτια*,[9] *quadrangulus*[10]). Hence it could easily be divided without loss

1. (Plat., De Legg., vii., p. 796.—Corn. Nep., Epam., 2.—Lucian, Lexiph., 5.) — 2. (Senec., De Benef., v., 3. — Æschyl., Agam., 171. — Anthol. Gr., tom. ii., p. 406, ed. Jacobs.) — 3. (Xen., Anab., iv., 8, § 26. — Lucian, Anach., 2.) — 4. (Athen., xii., p. 539.)—5. (Paus., v., 8, § 3; iii., 11, § 6.—Pind., Ol., viii., 68.—Gell., xv., 20.—Plut., Symp., ii., 5.)—6. (Herod., iii., 137. —Strab., vi., p. 262, &c.—Diodor., xii., 9.) — 7. (p. 135, &c.)— 8. (Fest., s. v. Pales. — Compare Popularia sacra: Varro, De Ling. Lat., v., p. 55, Bip.—Dionys., i., p. 75, Sylburg.)—9. (Festus, s. v. Parilibus.—Cic., De Div., ii., 47.—Varro, De Re Rust., ii., 1.—Plin., H. N., xviii., 66.)—10. (Dionys., l. c.)—11 (Fast., iv., 731 &c.)

1. (Ovid, Fast., l. c.—Compare Propert., iv., 1, 20.)—2. (Serlin., p 2, D.—Fest., s. v. October equus. — Plut., Romul., 12. —3. (Tibull., ii., 5, 87, &c. — Compare Propert., iv., 4, 75.)—4. (Athen., viii., p. 361.) — 5. (Suet., Calig., 16.) — 6. (l. c.) — 7 (Compare Hartung, Die Relig. der Römer, ii., p. 150, &c.) — 8 (Plaut., Men., II., iii., 41–47.—Ovid, Amor., III., i., 12; ii., 25.) —9. (Posidonius ap. Athen., v., p. 213.)—10. (Tertull., De Pallio. 1.)

or waste either into four parts[1] or into twelve.[2] It was, indeed, used in the very form in which it was taken from the loom (*vid.* TELA), being made entirely by the weaver (*τὸ ἱμάτιον ὑφῆναι*[3]), without any aid from the tailor except to repair (*sarcire, ἀκεῖσθαι*) the injuries which it sustained by time. Although it was often ornamented, more especially among the northern nations of Europe, with a fringe (*vid.* FIMBRIÆ), yet this was commonly of the same piece with the pall or blanket itself. Also, whatever additional richness and beauty it received from the art of the dyer, was bestowed upon it before its materials were woven into cloth, or even spun into thread. Most commonly it was used without having undergone any process of this kind. The raw material, such as wool, flax, or cotton, was manufactured in its natural state, and hence blankets and sheets were commonly white (*λευκὰ ἱμάτια*[4]), although, from the same cause, brown, drab, and gray were also prevailing colours. The more splendid and elegant tints were produced by the application of the murex (*muricata, conchyliata, purpurea, vestis; πορφυροῦν, ἁλουργῆ, ἱμάτια*[5]), the kermes (*coccineus, κόκκινον*), the argol (*fucatus*), and the saffron (*croceus, κροκωτόν*). (*Vid.* CROCOTA.) Pale green was also worn (*δμφάκινον*[6]). Black and gray pallia were either made from the wool of black sheep,[7] or were the result of the art of the dyer. They were worn in mourning (*μέλανα ἱμάτια*,[8] *φαιᾶν ἐσθῆτα*[9]), and by sorceresses.[10] The pallium of one colour (*ἰδιόχροον ἱμάτιον*, literally "the self-coloured blanket"[11]) was distinguished from the variegated (*ποικίλον*); and of this latter class the simplest kinds were the striped (*ραβδωτόν*[12]), in which the effect was produced by inserting alternately a woof of different colours, and the check or plaid (*scutulatum, tesselatum*), in which the same colours were made to alternate in the warp also. Zeuxis, the painter, exhibited at the Olympic games a plaid having his name woven in the squares (*τεσσερᾶ, πλινθία*) in golden letters.[13] An endless variety was produced by interweaving sprigs or flowers in the woof (*ἄνθεσι πεποικιλμένον*[14]). By the same process, carried to a higher degree of complexity and refinement, whole figures, and even historical or mythological subjects, were introduced, and in this state of advancement the weaving of pallia was the elegant and worthy employment of females of the first distinction,[15] and of Minerva, the inventress of the art, herself.[16] The greatest splendour was imparted by the use of gold thread.[17] Homer represents Penelope weaving a purple blanket for Ulysses, which also displayed a beautiful hunting-piece wrought in gold.[18] The epithet *δίπλαξ*, which is commonly applied by the poets to these figured palls, probably denoted that they were made on the principle of a quilt or a Scotch carpet, in which two cloths of different colours are so interlaced as to form one double cloth, which displays a pattern of any kind, according to the fancy of the artist.

Although pallia were finished for use without the intervention of the tailor, they were submitted to the embroiderer (*Phrygio; ποικιλτής, πλουμαριός*[19]), and still more commonly to the fuller (*vid.* FULLO), who received them both when they were new from the loom and when they were sullied through use. Hence it was a recommendation of this article of attire to be well trodden (*ἐύστιπτον*[1]) and well washed (*εὔπλυνές*[2]). The men who performed the operation are called *οἱ πλυνῆς, i. e.*, the washers, in an inscription found in the stadium at Athens. Another appellation which they bore, viz., *οἱ στιβεῖς*, the treaders,[3] is well illustrated by the woodcut representing them at their work in p. 453.

Considering pallium and palla, *ἱμάτιον* and *φᾶρος*, as generic terms, we find specific terms included under them, and denoting distinctions which depended on the materials of which the cloth was made. Among the Greeks and Romans, by far the most common material was wool.[4] The blanket made of it (*laneum pallium*[5]) was called (from the root of *lana*, wool) in Latin LÆNA, in Greek *χλαῖνα*: and as the blanket varied, not only in colour and ornament, but also in fineness, in closeness of texture (*ἱματίων λεπτότητας*[6]), and in size, some of these differences were expressed by the diminutives of *χλαῖνα*, such as *χλαίνιον, χλανίς*,[7] *χλανίδιον*,[8] *χλανίσκιον*,[9] and *χλανισκίδιον*.[10] In like manner, we find the sheet not only designated by epithets added to the general terms in order to denote that it was made of flax, *e. g.*, *ἱμάτιον λινοῦν, λίνεοι νεόπλυτα φάρεα*,[11] *pallium lineum*,[12] but also distinguished by the specific terms *linteum, linteamen; sindon*,[13] *σινδών*,[14] and its diminutive *σινδονίον*.[15] A coarse linen sheet was also called *φώσων*,[16] and a fine one *ὀθόνη, dim. ὀθόνιον*.[17] These specific terms are no doubt of Egyptian origin, having been introduced among the Hebrews, the Greeks, and the Romans, together with the articles of merchandise to which they were applied. On the same principle, a cotton sheet is called *palla carbasea*,[18] and a silk shawl is denominated *pallium Sericum*,[19] and *ὀθόνιον Σηρικόν*.[20]

The following instances of the application of sheets and blankets to the purposes of common life, show that their uses were still more various among the Greeks and Romans than with us; and although, in some of these cases, the application may have been accidental, it serves not the less on that account to demonstrate the form and properties of the thing spoken of, and the true meaning of the various names by which it was called:

I. They were used, as we use them, to spread over beds and couches, and to cover the body during sleep (*ἱμάτιον, ἱματισμός*,[21] *φᾶρος*,[22] *χλαῖνα*,[23] *χλανίσκιον*,[24] *pallium*[25]). In many of these cases, it is to be observed that the same blanket which was worn as a garment by day served to sleep in at night, in exact agreement with the practice which to the present day prevails among the Bedouin Arabs, who constantly use their large hykes for both purposes. (*Vid.* LECTUS, LODIX, TAPES.)

II. They were spread on the ground and used for carpets. Clitus, the friend of Alexander, when he held a levee, appeared walking *ἐπὶ πορφυρῶν ἱμα-*

1. (John, xix., 23.)—2. (1 Kings, xi., 30.)—3. (Plato, Charm., p. 86, 98, ed. Heindorf. — Hipp. Min., p. 210. ed. Bekker.) — 4. (Artem., ii., 3.)— 5. (Heracl. Pont. ap. Athen., xii., p. 512.)—6. (Pollux, Onom., vii., 56.)—7. (Theoc., v., 98.)— 8. (Xen., Hist. Gr., i., 7, § 8.—Artem., ... c.)—9. (Inscription in Fellows's Journal, 1838, p. 31.)—10. (Hor., Sat., I., viii., 23.)—11. (Artem., l. c.)—12. (Xen., Cyrop., viii., 3, § 8.) — 13. (Plin., H. N., xxxv., 9, s. 36, 2.)—14. (Plato, Republ., viii., p. 401, ed. Bekker.)— 15. (Hom., Il., iii., 125–128; xxii., 440, 441.)—16. (Apoll. Rhod., i., 721–768.) — 17. (Virg., Æn., iv., 262–264. — Plin., H. N., viii., 48; xxxiii., 19.—Auson., Epig., 37. — Themist., Orat., 21. — Q. Curt., viii., 3, 17.)—18. (Od., xix., 225–235.)—19. (Æsch., c. Timarch., p. 118, ed. Reiske.—Schol. ad loc.)

1. (Apollon. Rhod., ii., 30.) — 2. (Hom., Od., viii., 425.) — 3 (Schol. in Apoll. Rhod., l. c.) — 4. (Plaut., Mil., III., i., 93.— Xen., Œcon., vii., 36.—Theocr., l. c.) — 5. (Cic., De N. Deor., iii., 35.) — 6. (Ælian, V. H., iv., 3.) — 7. (Herod., iii., 139.— Athen., xii., p. 545, *a.*; 548, *a.*; 553, *a.*) — 8. (Herod., ii., 195, compared with Strabo, xvi., 1, § 20.—Plut., Symp. Procl., vi., 6. —Dionys., Ant. Rom., vii., 9.) — 9. (Aristoph., Acharn., 518.— Æsch., c. Timarch., p. 142.—Alciphron, i., 38.)—10. (Aristoph., Pax, 1002.)—11. (Orpheus, De Lapid., 702.)—12. (Isid. Hisp., Orig., xix., 25.) — 13. (Mart., Epig., iv., 12.) — 14. (Herod., ii., 86.—Mark, xiv., 51, 52.)—15. (Palladii, Vita Serap.)—16. (Pollux, vii., c. 16.)—17. (Hom., Il., iii., 141; xviii., 595. — Brunck, Anal., iii., 81.)—18. (Prudent., Psychom., 186, 187.)—19. (Stat., Sylv., III., iv., 89.) — 20. (Arrian, Peripl. Mar. Eryth., p. 164, 170, 173, 177, ed. Blancardi.)— 21. (Ælian., V. H., viii., 7; xii., 1.—Deut., xxiv., 13.—Theophr., Char., 23.)—22. (Soph., Trach., 916. — Compare 537.)—23. (Theocrit., xviii., 19; xxiv., 25.— Hom., Od., xiv., 500–521; xvii., 86, 179; xx., 4. 95, 143.—Id. Hymn. in Ven., 159–184.) — 24. (Alciph., l. c.) — 25. (Juv., vi. 202.—Spart., Hadr., 22.)

ριων.[1] This was an affectation of Eastern luxury. When the people at Jerusalem spread their hykes upon the ground,[2] they intended thereby to recognise Jesus as a king. (*Vid.* Tapes.)

III. They were hung over doors,[3] and used as awnings or curtains.[4] Thus Antigonus, sitting in his tent, heard two common soldiers reviling him, a blanket or sheet (*palla*) being interposed; he shook it a little, and said, "Go farther off, lest the king should hear you."[5]

IV. At the bath persons wiped and rubbed themselves not only with linen sheets (*linteis*), but with very soft blankets (*palliis ex mollissima lana factis*[6]). The coarse linen cloth used for this purpose was called *sabanum* (σάβανον).

V. Agamemnon[7] holds in his hand "a great purple φᾶρος" to serve as a banner floating in the air.

VI. Pallia, especially of linen and cotton, were used for sails (φώσσωνες,[8] λινόκροκον φᾶρος[9]).

VII. When Anthony's ships were on fire, his soldiers, having failed to extinguish it by water, which they could not obtain in sufficient quantity, threw upon it their thick blankets (ἱμάτια αὐτῶν τὰ παχέα[10]).

VIII. Thick coarse blankets, which had not been to the fuller (ἱμάτια ἀγνάπτα[11]), were wrapped round ice and snow to keep them from melting. (*Vid.* Nix.)

IX. A fine white blanket was sometimes used as a shroud (φᾶρος ταφήϊον,[12] ἱμάτιον[13]).

X. In Asia, horses and other animals used to ride upon were covered with beautiful pallia, especially upon occasions of ceremony or of rejoicing. Cyrus had 200 horses covered with striped cloths.[14] When the Persian ambassador, a few years ago, went to the levee in London, his horses were in like manner covered ῥαβδωτοῖς ἱματίοις.[15] (*Vid.* Tapes.) From this we must distinguish the use of woollen horsecloths in Europe.[16]

XI. The newly-born infant was wrapped in a blanket (φᾶρος[17]). (*Vid.* Incunabula.)

XII. Lastly, the blanket was the most common article of the Amictus. (*Vid.* Chlamys.) Hence we find it continually mentioned in conjunction with the Tunica, which constituted the indutus. Such phrases as "coat and waistcoat," or "shoes and stockings," are not more common with us than such as those which follow in ancient authors: *tunica palliumque*;[18] ἱμάτιον καὶ χιτών, in the will of a certain philosopher;[19] τὸ ἱμάτιον καὶ τὸν χιτωνίσκον; φᾶρος ἠδὲ χιτών;[20] χλαῖν.ιν τ' ἠδὲ χιτῶνα;[21] χλανὶς καὶ χιτωνίσκος.[22] The passages referred to in the note also exemplify the practice of naming these two articles of dress together.[23]

But, although the pallium and tunica were always regarded as essential parts of an entire dress, yet each of them might be worn without the other. Cases in which the tunic was retained and the blanket laid aside are explained under the article Nudus. It is also evident that the pallium would not be the most convenient kind of dress when the wearer of it had occasion to run; and we find that in such circumstances he either put it away entirely,[1] or folded it up as a Scottish Highlander folds his plaid, and threw it round his neck or over his shoulder.[2] Telemachus, in like manner, puts off his purple pallium, together with his swordbelt, when he is preparing to try his father's bow.[3] On the other hand, to wear the blanket without the under-clothing indicated poverty or severity of manners, as in the case of Socrates,[4] Agesilaus, and Gelon, king of Syracuse.[6]

The blanket was no doubt often folded about the body simply with a view to defend it from cold, and without any regard to gracefulness of appearance. It is thus seen on the persons of Polynices and Parthenopæus in the celebrated intaglio, now preserved at Berlin, representing five of the heroes who fought against Thebes, and copied on an enlarged scale in the annexed woodcut. The names of the several

heroes are placed beside them in Etruscan letters. This precious relic was found at Perugia. Winckelmann[7] reckons it the most ancient of all the works of art, and says that "it holds among intaglios the same place which Homer occupies among poets." It shows, therefore, how, from the remotest periods of antiquity, a man "swathed" himself in his blanket (σπαργανῶν ἑαυτὸν τοῖς τριβωνίοις[8]). By a slight adaptation, the mode of wearing it was rendered both more graceful and more convenient. It was first passed over the left shoulder, then drawn be

1 (Athen., xii, p. 539, *c.*)—2. (St. Matt., xxi., 8.—St. Mark, xi, 8—St. Luke, xix., 36.)—3. (Prudent. adv. Sym., ii., 726.)—4. (Athen., xii., p. 518, *a.*)—5. (Sen., De Ira, iii., 22.)—6. (Petron., Sat., 28.)—7. (Hom., Il., viii., 221.)—8. (Lycoph., v., 26.)—9. (Eurip., Hec., 1080.—Hom., Od., v., 258.)—10. (Dion Cass., i., 34.)—11. (Plut., Symp. Probl., vi., 6.)—12. (Hom., Il., xviii., 353.—Id., Odys., ii., 94, 100.)—13. (Xen., Cyrop., vii, 3, § 13.)—14. (Xen., Cyrop., viii., 3, § 16.)—15. (Compare St. Matthew, xxi., 7.—St. Mark, xi., 7.—St. Luke, xix., 35.)—16. (Veget., Art Veterin., i., 42; ii., 59.)—17. (Hom., Hymn. in Apoll., 121.)—18. (Cic. in Verr., II., v., 52.—Plaut., Epid., V., ii., 61.)—19. (Diog. Laert., v., 72.)—20. (Hom., Il., xxiv., 588.—Od., viii., 425.)—21. (Hom., Il., ii., 262.—Od., iv., 50; v., 229; viii., 455; x., 365, 451; xiv., 132, 154, 320, 341; xv., 330; xvii., 89.)—22. (Antiphanes, ap. Athen., xii., p. 545, *a*.)—23. (Aul. Gell., vi., 10.—Plaut., Trin., v., 2, 30.—Athen., v., p. 198, *c.*, *d.*, *f.*—Theophr., Char., 21.—St. Matthew, v., 40.—John, xix., 23–25.)

1. (Hom., Il., ii., 183.—Od., xiv., 500.)—2. (Plaut., Capt., IV., i., 12; iv., 2, 9.—Ter., Phorm., V., vi., 4.)—3. (Hom., Od., xxi., 118.—*Vid.* Acts, vii., 58.)—4. (Xen., Mem., i, 6, § 2.)—5. (Æl. V. H., vii., 13.)—6. (Diod. Sic., xi., 26.)—7. (Dèsc. des pierres gravées de Stosch, p. 344–347.)—8. (Athen., vi., p. 253.)

laid the back and under the right arm, leaving it bare, and then thrown again over the left shoulder. Of this we see an example in a bas-relief engraved by Dodwell.[1] Another very common method was to fasten the blanket with a brooch (*vid.* FIBULA) over the right shoulder (*ἀμφιπερονᾶσθαι*[2]), leaving the right arm at liberty, and to pass the middle of it either under the left arm, so as to leave that arm at liberty also, or over the left shoulder, so as to cover the left arm. We see Phocion attired in the last-mentioned fashion in the admired statue of him preserved in the Vatican at Rome.[3] (See woodcut.) The attachment of the blanket by means of the brooch caused it to depend in a graceful manner (*demissa ex humeris*[4]), and contributed mainly to the production of those dignified and elegant forms which we so much admire in ancient sculptures. When a person sat, he often allowed his blanket to fall from his shoulder, so as to envelop the lower part of his body only.

The sagum of the northern nations of Europe (see woodcut, p. 171) was a woollen pallium, fastened, like that of the Greeks, by means of a brooch, or with a large thorn as a substitute for a brooch.[5] The Gauls wore in summer one which was striped and checkered, so as to agree exactly with the plaid which still distinguishes their Scottish descendants; in winter it was thick, and much more simple in colour and pattern.[6] The Greeks and Romans also wore different pallia in summer and in winter. The thin pallium made for summer wear was called *λῆδος*, *dim.* *ληδάριον*,[7] and *σπεῖρον*, *dim.* *σπειρίον*,[8] in contradistinction from the warm blanket with a long nap, which was worn in winter (*læna*,[9] *χλαῖνα*,[10] *ἀχλαινοί*[11]). This distinction in dress was, however, practised only by those who could afford it. Socrates wore the same blanket both in summer and winter.[12]

One kind of blanket was worn by boys, another by men (*τὸ παιδικόν*, *τὸ ἀνδρεῖον ἱμάτιον*[13]). Women wore this garment as well as men. "Phocion's wife," says Ælian,[14] "wore Phocion's blanket:" but Xanthippe, as related by the same author,[15] would not wear that of her husband Socrates.[15] When the means were not wanting, women wore blankets, which were in general smaller, finer, and of more splendid and beautiful colours than those of men (*ἱμάτια ἀνδρεῖα*[17]), although men also sometimes displayed their fondness for dress by adopting in these respects the female costume. Thus Alcibiades was distinguished by his purple blanket, which trailed upon the ground;[18] for a train was one of the ornaments of Grecian as well as Oriental dress (*ἱματίων ἕλξεις*[19]), the general rule being that the upper garment should reach the knee, but not the ground.[20] When a marriage was celebrated, the bridegroom was conspicuous from the gay colour of this part of his dress.[21] The works of ancient art show that weights (*glandes*) were often attached to the corners of the pallium to keep it in its proper place and form.

Philosophers wore a coarse and cheap blanket, which, from being exposed to much wear, was called *τρίβων* and *τριβώνιον*[1] (*palliastrum*[2]). The same was worn, also, by poor persons,[3] by the Spartans,[4] and in a later age by monks and hermits (*φαιὸν τριβώνιον*,[5] *sagum rusticum*[6]). These blanketeers (*τριβωνοφόροι*[7]) often went without a tunic, and they sometimes supplied its place by the greater size of their pallium. It is recorded of the philosopher Antisthenes that "he first doubled his blanket,"[8] in which contrivance he was followed by his brother Cynics,[9] and especially by Diogenes who also slept and died in it, and who, according to some, was the inventor of this fashion.[10] The large pallium, thus used, was called *διπλοΐς* (*diplois*[11]), and also EXOMIS, because, being worn without the fibula, it left the right shoulder bare, as seen in the preceding figure of Polynices, and in the bas-relief in Dodwell's Tour already referred to;[12] and, when a girdle was added round the waist, it approached still more near to the appearance of the single-sleeved tunic, the use of which it superseded.

In addition to the ordinary modes of wearing the pallium, mentioned above, it was, on particular occasions, worn over the head, and sometimes so as to cover the face, more especially, I. In concealing grief, or any other violent emotion of the mind;[13] II. In case of rain;[14] III. In offering sacrifices, and in other acts of religion.[15] Of this custom Timanthes availed himself in his famous picture of the sacrifice of Iphigenia.[16] It is obvious how convenient the pallium was for concealing weapons or poison. The use of this garment to envelop the whole person gave origin to the metaphorical application of the verb *palliare*, meaning to hide or dissemble. (*Vid.* ABOLLA.)

Under the Roman Republic and the early emperors, the TOGA was worn by men instead of the pallium. They were proud of this distinction, and therefore considered that to be *palliatus* or *sagatus* instead of being *togatus* indicated an affectation of Grecian or even barbarian manners (*Græce pallio amictus*,[17] *Græci palliati*[18]). Cæcina, on his return from the north of Europe, offended the Romans (*togatos*) by addressing them in a plaid (*versicolore sagulo*) and trowsers. (*Vid.* BRACCÆ.)[19] A small square cloth (*palliolum*) was, however, worn by the Romans on their heads instead of a hat, when they were sickly or infirm;[20] and some of them even adopted the Greek pallium instead of the Roman toga.[21]

Among the Greeks as among ourselves, the manufacture of sheets, blankets, and other kinds of cloth employed different classes of work-people. The coarser kinds of blankets were made in Megaris, where this was the staple trade of the country, the work being performed by slaves.[22] At Athens there was a general cloth-market, called *ἱματιοπώλις ἀγορά*.[23]

PALMA. I. (*Vid.* PES.) *II. (*Vid.* PHŒNIX.)

PALMIPES. (*Vid.* PES.)

PALUDAMENTUM, according to Varro[24] and

1. (Tour through Greece, vol. i., p. 243.)—2. (Hom., Il., x., 131-136.—Stat., Theb., vii., 658, 659.—Apul., Flor., ii., 1.)—3. (Mus. Pio-Clement., tom. i., tav. 43.)—4. (Virg., Æn., iv., 263.)—5. (Tacit., Germ., 17.—Strab., iv., 4, 3.)—6. (Diod. Sic., v., 30.)—7. (Aristoph., Aves, 713, 717.)—8. (Hom., Od., ii., 102; vi., 179.—Xen., Hist. Gr., iv., 5, § 4.)—9. (Mart., xiv., 136.)—10. (Moeris, s. v.—Hom., Il., xvi., 224.—Od., xix., 529.—Plut., De Aud., p. 73, ed. Steph.)—11. (Callim., Hymn. in Dian., 115.)—12. (Xen., Mem., i., 6, § 2.)—13. (Plut., De Aud., init.)—14. (V. H., vii., 5.)—15. (vii., 10.)—16. (*Vid.* also Hom., Od., v., 229, 230; x., 542, 543.—Plaut., Mem., IV., ii., 36.—Herod., v., 87.)—17. (Aristoph., Eccles., 26, 75, 333.)—18. (Plut., Alcib., p. 350, 362, ed. Steph.)—19. (Plato, Alcib., i., p. 341, ed. Bekker.—Ovid, Met., xi., 166.—Quintil., xi., 3.)—20. (Ælian, V. H., xi., 10.—Theophr., Char., 4.)—21. (Aristoph., Plut., 530, 714.—Schol. in loc.)

1. (Aristoph., Plut., 897.—Athen., v., p. 211, *e*.—Themist., Orat., x., p. 155, ed. Dindorf.)—2. (Apul., Florid., i.)—3. (Isæus, De Dic., p. 94, ed. Reiske.—Polyæn., Strat., vii., 35.)—4. (Athen., xii., p. 535, *e*.—Ælian, V. H., vii., 13.)—5. (Synes., Epist., 147.)—6. (Hieron., Vita Hilar.)—7. (Palladii, Hist. Laus. in Vita Serap.)—8. (Diog. Laert., vi., 6, 13.)—9. (Brunck, Anal., ii., 22.—Hor., Epist., I., vii., 25.)—10. (Diog. Laert., vi., 22, 77.)—11. (Isid. Hisp., Orig., xix., 24.)—12. (Plaut., Mil., IV., iv., 43.—Ælian, V. H., ix., 34.)—13. (Hom., Il., xxiv., 163.—Od., viii., 83-95.—Xen., Cyr., v., 1, § 4-8.—Eurip., Suppl., 284.—Ion, 984.—Q. Curt., iv., 10, § 34; v., 12, § 8.—Ovid, Fast., ii., 824.—2d Sam., xv., 30; xix., 4.—Ezek., xii., 6.)—14. (Aristoph., Nub., 268.)—15. (Ovid, Met., i., 382, 398.)—16. (Plin., H. N., xxxv., 10, s. 36, § 6.—Val. Max., viii., 11, 6.—Quintil., ii., 13.—Cic., Orat., 22.)—17. (Plin., Epist., iv., 11.)—18. (Plaut., Curc., II., iii., 9.—Cic., Phil., v., 5; xiv., 1.—Sueton., Cæs., 48.—Val. Max., ii., 6, 10.)—19. (Tacit., Hist., ii., 20.)—20. (Suet., Claud., 2.—Quintil., xi., 3.)—21. (Suet., Tib., 13.)—22. (Xen., Mem., II., vii., 6.)—23. (Pollux, Onom., vii., 18.)—24. (De Ling. Lat., vii., 37.)

Festus,[1] originally signified any military decoration; but the word is always used to denote the cloak worn by a Roman general commanding an army, his principal officers and personal attendants, in contradistinction to the sagum (*vid.* SAGUM) of the common soldiers, and the toga, or garb of peace. It was the practice for a Roman magistrate, after he had received *imperium* from the comitia curiata, and offered up his vows in the Capitol, to march out of the city arrayed in the paludamentum (*exire paludatus*[2]), attended by his lictors in similar attire (*paludatis lictoribus*[3]); nor could he again enter the gates until he had formally divested himself of this emblem of military power, a ceremony considered so solemn and so indispensable that even the emperors observed it.[4] Hence Cicero declared that Verres had sinned "*contra auspicia, contra omnes divinas et humanas religiones,*" because, after leaving the city in his paludamentum (*cum paludatus exisset*), he stole back in a litter to visit his mistress.[5]

The paludamentum was open in front, reached down to the knees or a little lower, and hung loosely over the shoulders, being fastened across the chest by a clasp. A foolish controversy has arisen among antiquaries with regard to the position of this clasp, some asserting that it rested on the right shoulder, others on the left, both parties appealing to ancient statues and sculptures in support of their several opinions. It is evident, from the nature of the garment, as represented in the three following illustrations, that the buckle must have shifted from place to place, according to the movements of the wearer; accordingly, in the first cut, which contains two figures from Trajan's column, one representing an officer, the other the emperor with a tunic and fringed paludamentum, we observe the clasp on the right shoulder, and this would manifestly be its usual position when the cloak was not used for warmth, for thus the right hand and arm would be free and unembarrassed; but in the second cut, copied from the Raccolta Maffei, representing also a Roman emperor, we perceive that the

clasp is on the left shoulder; while in the third, the noble head of a warrior from the great mosaic of Pompeii, we see the paludamentum flying back in the charge, and the clasp nearly in front. It may be said that the last is a Grecian figure; but this, if true, is of no importance, since the chlamys and

the paludamentum were essentially, if not absolutely, the same. Nonius Marcellus considers the two terms synonymous, and Tacitus[1] tells how the splendid naumachia exhibited by Claudius was viewed by Agrippina dressed *chlamyde aurata*, while Pliny[2] and Dion Cassius,[3] in narrating the same story, use respectively the expressions *paludamento aurotextili* and χλαμύδι διαχρύσῳ.

The colour of the paludamentum was commonly white or purple, and hence it was marked and remembered that Crassus, on the morning of the fatal battle of Carrhæ, went forth in a dark-coloured mantle.[4]

PALUS, a Pole or Stake, was used in the military exercises of the Romans. It was stuck into the ground, and the tirones had to attack it as if it had been a real enemy; hence this kind of exercise is sometimes called *Palaria*.[5] Juvenal[6] alludes to it when he says, "*Quis non vidit vulnera pali?*" and Martial[7] speaks of it under the name of *stipes*, "*Aut nudi stipitis ictus hebes.*"[8]

PAMBOIOTIA (Παμβοιώτια), a festive panegyris of all the Bœotians, which the grammarians compare with the Panathenæa of the Atticans and the Panionia of the Ionians. The principal object of the meeting was the common worship of Athena Itonia, who had a temple in the neighbourhood of Coronea, near which the panegyris was held.[9] From Polybius,[10] it appears, that during this national festival no war was allowed to be carried on, and that in case of a war a truce was always concluded. The panegyris is also mentioned by Plutarch.[11] It is a disputed point whether the Pambœotia had any

1. (s. v.)—2. (Cic. ad Fam., viii., 10.)—3. (Liv., xl., 10, xlv., 39.)—4 (Tacit., Hist., ii., 89.—Compare Sueton., Vitell., c. 11.) 5. (In Verr., II., v., 13.)

1. (Ann., xii., 56.)—2. (H. N., xxxiii., 3.)—3. (lx, 33.)—4 (Val. Max., i., 6, § 11.—Compare Plin., H. N., xxii, 1.—Hirtius, De Bello Afric., c. 57.)—5. (Veget., i., 11.)—6. (vi., 247.)—7. (vii., 32, § 8.)—8. (Becker, Gallus, i., p 278.)—9. (Strabo, ix., p. 411.—Paus., ix., 34, § 1.)—10 (iv, 3; ix., 34.)—11 (Amat. Narrat p. 774, F.)

thing to do with the political constitution of Bœotia, or with the relation of its several towns to Thebes, which was at their head. The question is discussed in Sainte Croix, *Des gouvernements fédérat.*, p. 211, &c.—Raoul Rochette, *Sur la forme et l'administr. de l'état fédératif des Béotiens*, in the *Mém. de l'Acad. des Inscript.*, vol. VIII. (1827), p. 214, &c. — Wachsmuth, *Hell. Alt.*, I., i., p. 128, &c.

PANATHENÆA (Παναθήναια), the greatest and most splendid of the festivals celebrated in Attica in honour of Athena, in the character of Athena Polias, or the protectress of the city. It was said to have been instituted by Erichthonius,[1] and its original name, down to the time of Theseus, was believed to have been Athenæa; but when Theseus united all the Atticans into one body, this festival, which then became the common festival of all Atticans, was called Panathenæa.[2] According to this account, it would seem as if the name of the festival was derived from that of the city; but the original name Athenæa was undoubtedly derived from that of the goddess, and the subsequent appellation Panathenæa merely signifies the festival of Athena, common to, or celebrated by, all the Attic tribes conjointly. Panathenæa are indeed mentioned as having been celebrated previous to the reign of Theseus,[3] but these writers merely transfer a name common in their own days to a time when it was not yet applicable. The Panathenæa, which, as far as the character implied in the name is concerned, must be regarded as an institution of Theseus, were celebrated once in every year.[4] All writers who have occasion to speak of this festival agree in distinguishing two kinds of Panathenæa, the greater and the lesser, and in stating that the former were held every fifth year (πενταετηρίς), while the latter were celebrated once in every year. Libanius,[5] by mistake, calls the lesser Panathenæa τριετηρίς.

The time when the lesser Panathenæa (which are mostly called Panathenæa, without any epithet, while the greater are generally distinguished by the adjective μεγάλα) were celebrated, is described by Proclus,[6] in a vague manner, as following the celebration of the Bendidia; from which Meursius infers that the Panathenæa were held on the day after the Bendidia, that is, on the 20th of Thargelion. Petitus,[7] on the other hand, has shown from Demosthenes[8] that the Panathenæa must have fallen in the month of Hecatombæon, and Corsini[9] has farther proved, from the same passage of Demosthenes, that the festival must have commenced before the 20th of this month, and we may add that it was probably on the 17th. Clinton[10] has revived the opinion of Meursius.[11]

The great Panathenæa were, according to the unanimous accounts of the ancients, a pentaeteris, and were held in the third year of every olympiad.[12] Proclus[13] states that the great Panathenæa were held on the 28th of Hecatombæon. This statement, however, must not lead us to suppose that the great Panathenæa only lasted for one day; but Proclus, in mentioning this particular day, was probably thinking of the most solemn day of the festival on which the great procession took place,[14] and which was, in all probability, the last day of the festival, for it is expressly stated that the festival lasted for several days.[1] We have, moreover, every reason to suppose, with Böckh, that the great Panathenæa took place on the same days of the month of Hecatombæon on which the lesser Panathenæa were held, and that the latter were not held at all in those years in which the former were celebrated. Now if, as we have supposed, the lesser Panathenæa commenced on the 17th, and the last day of the greater festival fell on the 28th of Hecatombæon, we may, perhaps, be justified in believing that the lesser, as well as the greater Panathenæa, lasted for twelve days, that is, from the 17th to the 28th of Hecatombæon. This time is not too long, if we consider that the ancients themselves call the Panathenæa the longest of all festivals,[2] and if we bear in mind the great variety of games and ceremonies that took place during the season. When the distinction between the greater and lesser Panathenæa was introduced is not certain, but the former are not mentioned before Ol. 66, 3,[3] and it may, therefore, be supposed that they were instituted a short time before Ol. 66, perhaps by Pisistratus, for about his time certain innovations were made in the celebration of the Panathenæa, as is mentioned below. The principal difference between the two festivals only was, that the greater one was more solemn, and that on this occasion the peplus of Athena was carried to her temple in a most magnificent procession, which was not held at the lesser Panathenæa.

The solemnities, games, and amusements of the Panathenæa were: rich sacrifices of bulls, foot, horse, and chariot races, gymnastic and musical contests, and the lampadephoria; rhapsodists recited the poems of Homer and other epic poets, philosophers disputed, cockfights were exhibited, and the people indulged in a variety of other amusements and entertainments. It is, however, not to be supposed that all these solemnities and games took place at the Panathenæa from the earliest times. Gymnastic contests, horse and chariot races and sacrifices are mentioned in the legends belonging to the period anterior to the reign of Theseus.[4] The prize in these contests was a vase filled with oil from the ancient and sacred olive-tree of Athena on the acropolis.[5] A great many of such vases, called Panathenaic vases (ἀμφορεῖς Παναθηναικοί[6]), have in late years been found in Etruria, Southern Italy, Sicily, and Greece. They represent on one side the figure of Athena, and on the other the various contests and games in which these vases were given as prizes to the victors. The contests themselves have been accurately described from these vases by Ambrosch,[7] and the probable order in which they took place has been defined by Müller.[8]

The poems of Homer were only read by rhapsodists at the great Panathenæa;[9] and this custom commenced in the time of Pisistratus or of his son Hipparchus, after these poems had been collected. Afterward the works of other epic poets were also recited on this occasion.[10] Songs in praise of Harmodius and Aristogiton appear to have been among the standing customs at the Panathenæa. Musical contests in singing, and in playing the flute and the cithara, were not introduced at the Panathenæa until the time of Pericles; they were held in the Odeum.[11] The first who gained the victory in these contests was Phrynis, in Ol. 81, 1.[12] The prize for

1. (Harpocrat., s. v. Παναθήναια.—Marm. Par., Ep., 10.)—2. (Paus., viii., 2, § 1.—Plut., Thes., 24.—Apollod., iii., 14, § 6.—Hygin., Poet. Astron., ii., 13. — Suid., s. v. Παναθήναια.) — 3. (Apollod., iii., 15, § 7.—Diod., iv., 60.)—4. (Harpocr., Suid., s. v.)—5. (Argum. ad Demosth., Mid., p. 510.)—6. (ad Plat., Tim., p. 26, &c.) —7 (Leg. Att., p. 18.)—8. (c. Timocr., p. 708.)—9. (Fast. Att., ii., 357, &c.)—10. (Fast. Hellen., ii., p. 332, &c.)—11. (Comparé H. A. Müller, Panathenaica, c. 3.)—12. (Böckh, Staats., ii., p. 165, &c.) — 13. (ad Plat. Tim., p. 9.)—14. (Thucyd., vi., 56.)

1. (Schol. ad Eurip., Hec., 464. — Aristid., Panath., p. 147) —2. (Schol. ad Aristoph., Nub., 385.)—3. (Thucyd., vi., 56; i 20. — Herod., v., 56.) — 4. (Apollod. and Diod., ll. cc. — Plut. Thes., 24.)—5. (Pind., Nem., x., 35, &c.—Schol. ad Soph., Œd. Col., 698.)—6. (Athen., v., p. 199.)—7. (Annal. del. Instit., 1833, p. 64–89.)—8. (l. c., p. 80, &c.)—9. (Lycurg., c. Leocr., p. 161.) —10. (Plat., Hipparch., p. 228, B.—Ælian, V. H., viii., 2.)—11 (Plut., Pericl., 13.) — 12. (Schol. ad Aristoph., Nub., 971.—Marm. Par., Ep., 64.)

the victors in the musical contests was, as in the gymnastic contests, a vase, but with an additional chaplet of olive-branches.[1] Cyclic choruses and other kinds of dances were also performed at the Panathenæa,[2] and the pyrrhic dance in armour is expressly mentioned.[3] Of the discussions of philosophers and orators at the Panathenæa we still possess two specimens, the λόγος Παναθηναικός of Isocrates, and that of Aristides. Herodotus is said to have recited his history to the Athenians at the Panathenæa. The management of the games and contests was intrusted to persons called ἀθλοθέται, whose number was ten, one being taken from every tribe. Their office lasted from one great Panathenaic festival to the other.[4] It was formerly believed, on the statement of Diogenes Laertius,[5] that dramatic representations also took place at the Panathenæa, but this mistake has been clearly refuted by Böckh.[6]

The lampadephoria, or torch-race of the Panathenæa, has been confounded by many writers, and even by Wachsmuth,[7] with that of the Bendidia. On what day it was held, and in what relation it stood to the other contests, is unknown, though it is clear that it must have taken place in the evening. It has been supposed by some writers that the lampadephoria only took place at the great Panathenæa, but this rests upon the feeble testimony of Libanius,[8] while all other writers who mention this lampadephoria speak of it as a part of the Panathenæa in general, without the epithet μεγάλα, which is itself a sufficient proof that it was common to both festivals. The same is implied in a statement of the author of the Etymologicum Magnum.[9] The prize of the victor in the lampadephoria was probably the lampas itself, which he dedicated to Hermes.[10]

It is impossible to determine the exact order in which the solemnities took place. We may, however, believe that those parts which were the most ancient preceded those which were of later introduction. Another instance, in this respect, are the sculptures of the Parthenon (now in the British Museum), in which a series of the solemnities of the Panathenæa is represented in the great procession. But they neither represent all the solemnities—for the lampadephoria and some of the gymnastic contests are not represented—nor can it be supposed that the artists should have sacrificed beauty and symmetry merely to give the solemnities in precisely the same order as they succeeded one another at the festival. In fact, we see in these sculptures the flute and cithara players represented as preceding the chariots and men on horseback, though the contests in chariot and horse racing probably preceded the musical contests. But we may infer, from the analogy of other great festivals, that the solemnities commenced with sacrifices. The sacrifices at the Panathenæa were very munificent; for each town of Attica, as well as every colony of Athens, and, during the time of her greatness, every subject town, had to contribute to this sacrifice by sending one bull each.[11] The meat of the victims appears to have been distributed among the people; but, before the feasting commenced, the public herald prayed for the welfare and prosperity of the Republic. After the battle of Marathon the Platæans were included in this prayer.[12]

The chief solemnity of the great Panathenæa was the magnificent procession to the Temple of Athena Polias, which, as stated above, probably took place on the last day of the festive season. The opinion of Creuzer,[1] that this procession also took place at the lesser Panathenæa, is opposed to all ancient authorities with the exception of the scholiasts on Plato[2] and on Aristophanes,[3] and these scholiasts are evidently in utter confusion about the whole matter. The whole of this procession is represented in the frieze of the Parthenon, the work of Phidias and his disciples. The description and explanation of this magnificent work of art, and of the procession it represents, would lead us too far.[4] The chief object of this procession was to carry the peplus of the goddess to her temple. This peplus was a crocus-coloured garment for the goddess, and made by maidens called ἐργαστῖναι.[5] (Compare ARRHEPHORIA.) In it were woven Enceladus and the giants, as they were conquered by the goddess.[6] Proclus[7] says that the figures on the peplus represented the Olympic gods conquering the giants, and this, indeed, is the subject represented on a peplus worn by an Athena preserved in the Museum of Dresden. On one occasion, in later times, when the Athenians overwhelmed Demetrius and Antigonus with their flatteries, they also decreed that their images, along with those of the gods, should be woven into the peplus.[8] The peplus was not carried to the temple by men, but suspended from the mast of a ship;[9] and this ship, which was at other times kept near the Areopagus,[10] was moved along on land, it is said, by *subterraneous machines*. What these machines may have been is involved in utter obscurity. The procession proceeded from the Ceramicus, near a monument called Leocorium,[11] to the temple of Demeter at Eleusis, and thence along the Pelasgic wall and the Temple of Apollo Pythius to the Pnyx, and thence to the Acropolis, where the statue of Minerva Polias was adorned with the peplus.

In this procession nearly the whole population of Attica appears to have taken part, either on foot, on horseback, or in chariots, as may be seen in the frieze of the Parthenon. Aged men carried olive-branches, and were called θαλλοφόροι;[12] young men attended, at least in earlier times, in armour;[13] and maidens who belonged to the noblest families of Athens carried baskets, containing offerings for the goddess, whence they were called κανηφόροι.[14] Respecting the part which aliens took in this procession, and the duties they had to perform, see HYDRIAPHORIA.

Men who had deserved well of the Republic were rewarded with a gold crown at the great Panathenæa, and the herald had to announce the event during the gymnastic contests.[15] Prisoners, also, were allowed to enjoy freedom during the great Panathenæa.[16]

(Compare J. Meursii, *Panathenæa, liber singularis*, Lugd. Bat., 1619; C. Hoffmann, *Panathenaikos*, Cassel, 1835, 8vo; H. A. Müller, *Panathenaica*, Bonn, 1837, 8vo; C. O. Müller's Dissertation, *Quo anni tempore Panathenæa minora celebrata sint*, which

1. (Suid., s. v. Παναθήναια.) — 2. (Lys., De Muner. Accept., p 161.)—3. (Aristoph., Nub., 988, with the schol.)—4. (Pollux, Onom., viii., 8, 6.)—5. (iii., 56. — Compare Suidas, s. v. Τετραλογία.) —6. (Græc. Trag. Princip., p. 207.)—7. (Hell. Alt., ii., 2, p. 246.)—8. (Argum. ad Demosth., Mid., p. 510.)—9. (s. v. Κεραμεικός.) — 10. (Böckh, Corp. Inscript., i., n. 243, 250.) — 11. (Schol. ad Aristoph., Nub., 385.)—12. (Herod., vi., 111.)

1. (Symbol., ii., p. 810.)—2. (Republ., init.)—3. (Equit., 566.) 4. (*Vid.* Stuart, Antiq. of Athens, vol. ii. — Leake, Topogr. of Athens, p. 215, &c.—C. O. Müller, Handbuch der Archäol der Kunst, § 118.—H. A. Müller, Panath., p. 98, &c.)—5. (Hesych., s. v.)—6. (Eurip., Hec., 466.—Schol. ad Aristoph., Equit., 566. Suid., s. v. Πέπλος.—Virg., Cir., 29, &c.—Compare Plat., Euthyd., p. 6.) — 7. (ad Plat., Tim.)— 8. (Plut., Demetr., 10.) — 9. (Schol. Hom., Il., v., 734.—Philostr., Vit. Soph., i., 5, p. 550. — Compare Böckh, Græc. Trag. Princ., p. 193, &c. — Schol. ad Aristoph., Pac., 418.)—10. (Paus., i., 29, § 1.)—11. (Thucyd., i., 20.)—12. (Etym. Magn. and Hesych., s. v.)—13. (Thucyd., vi., 56.)—14. (Harpocr., s. v. Κανηφόρος.—Compare Thucyd., l. c.] —15. (Demosth., De Corona, p. 265. — Compare Meursius, Panath., p. 43.) — 16. (Ulpian ad Demosth., c. Timocr., p. 740 Compare Demosth., De Fals. Leg., p. 394.)

is reprinted in the Philological Museum, vol., ii., p. 227–235.)

PANCRATIASTÆ. (*Vid.* PANCRATIUM.)

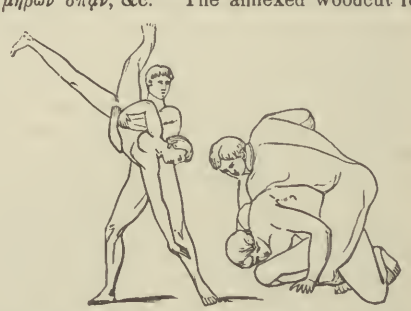
PANCRATIUM (*παγκράτιον*) is derived from *πᾶν* and *κράτος*, and accordingly signifies an athletic game, in which all the powers of the fighter were called into action. The pancratium was one of the games or gymnastic contests which were exhibited at all the great festivals of Greece; it consisted of boxing and wrestling (*πυγμή* and *πάλη*), and was reckoned to be one of the heavy or hard exercises (*ἀγωνίσματα βαρέα* or *βαρύτερα*), on account of the violent exertions it required, and for his reason it was not much practised in the gymnasia; and where it was practised, it was probably not without modifications, to render it easier for the boys. According to the ancient physicians, it had very rarely a beneficial influence upon health.[1]

At Sparta the regular pancratium was forbidden, but the name was there applied to a fierce and irregular fight, not controlled by any rules, in which even biting and scratching were not uncommon, and in which, in short, everything was allowed by which one of the parties might hope to overcome the other. In Homer we neither find the game nor the name of the pancratium mentioned, and, as it was not introduced at the Olympic games until Ol. 33,[2] we may presume that the game, though it may have existed long before in a rude state, was not brought to any degree of perfection until a short time before that event. It is scarcely possible to speak of an inventor of the pancratium, as it must have gradually arisen out of a rude mode of fighting, which is customary among all uncivilized nations, and which was kept up at Sparta in its original state. But the Greeks regarded Theseus as the inventor of the pancratium, who, for want of a sword, was said to have used this mode of fighting against the Minotaurus.[3] Other legends represented Heracles as having been victor in the pancratium,[4] and later writers make other heroes also fight the pancratium;[5] but these are mere fictions. After the pancratium was once introduced at Olympia, it soon found its way also into the other great games of Greece, and in the times of the Roman emperors, we also find it practised in Italy. In Ol. 145 the pancratium for boys was introduced at the Olympic games, and the first boy who gained the victory was Phædimus, a native of a town in Troas.[6] This innovation had been adopted before in others of the national games, and in the 61st Pythiad (Ol. 108) we find a Theban boy of the name of Olaides as victor in the pancratium in the Pythian games.[7] At the Isthmian games the pancratium for boys is not mentioned till the reign of Domitian;[8] but this may be merely accidental, and the game may have been practised long before that time.

Philostratus[9] says that the pancratium of men was the most beautiful of all athletic contests; and the combatants must certainly have shown to the spectators a variety of beautiful and exciting spectacles, as all the arts of boxing and wrestling appeared here united.[10] The combatants in the pancratium did not use the cestus, or if they did, it was the *ἱμαντες μαλακώτεροι* (*vid.* CESTUS), so that the hands remained free, and wounds were not easily inflicted.

The name of these combatants was pancratiastæ (*παγκρατιασταί*) or *πάμμαχοι*.[11] They fought naked, and had their bodies anointed and covered with sand, by which they were enabled to take hold of one another.[1] In cases where the contests of the pancratiastæ were not regulated by strict rules, it might, as at Sparta, sometimes happen, that the fighters made use of their teeth and nails;[2] but such irregularities probably did not occur at any of the great public games.

When two pancratiastæ began their contest, the first object which each of them attempted to accomplish was to gain a favourable position, each trying to make the other stand so that the sun might shine in his face, or that other inconveniences might prevent his fighting with success. This struggle (*ἀγὼν περὶ τῆς στάσεως*[3]) was only the introduction to the real contest, though, in certain cases, this preparatory struggle might terminate the whole game, as one of the parties might wear out the other by a series of stratagems, and compel him to give up farther resistance. Sostratus of Sicyon had gained many a victory by such tricks.[4] When the real contest began, each of the fighters might commence by boxing or wrestling, accordingly as he thought he should be more successful in the one than in the other. The victory was not decided until one of the parties was killed or lifted up a finger, thereby declaring that he was unable to continue the contest either from pain or fatigue.[5] It usually happened that one of the combatants, by some trick or other, made his antagonist fall to the ground, and the wrestling which then commenced was called *ἀνακλινοπάλη*, and continued till one of the parties declared himself conquered or was strangled, as was the case at Olympia with Arrhichion or Arrachion, of Phigalia in Ol. 54.[6] A lively description of a struggle of this kind is given by Philostratus.[7] Sometimes one of the fighters fell down on his back, on purpose that he might thus ward off the attacks of his antagonist more easily, and this is perhaps the trick called *ὑπτιασμός*. The usual mode of making a person fall was to put one foot behind his, and then to push him backward, or to seize him round his body in such a manner that, the upper part being the heavier, the person lost his balance and thus fell. Hence the expressions *μέσον λαμβάνειν*, *μεσολαβεῖν*, *μέσον αἱρεῖν*, *τὰ μέσα ἔχειν*, *διὰ μηρῶν σπᾶν*, &c.[8] The annexed woodcut rep-



resents two pairs of pancratiastæ; the one on the right hand is an example of the *ἀνακλινοπάλη*, and that on the left of the *μεσολαβεῖν*. They are taken from Krause's *Gymnastik und Agonistik d. Hellen.*, Taf., xxi., b., fig. 35, b. 31 b., where they are copied respectively from Grivaud, *Rec. d. Mon. Ant.*, vol. i., pl. 20, 21, and Krause, *Signorum. vet. icones*, tab. 10.

At Rome the pancratium is first mentioned in the games which Caligula gave to the people.[9] After this time it seems to have become extremely popu-

1 (Mercurialis, De Arte Gymnast., v., 7.)—2. (Paus., v., 8, § 3.)—3. (Schol. ad Pind., Nem., v., 89.)—4. (Paus., v., 8, § 1.—Hygin., Fab., 273.)—5. (Lucan, Pharsal., iv., 613, &c.)—6. (Paus., v., 8, in fin.)—7. (Paus., x., 7, § 3.)—8. (Corsini, Dissert. Agon., p. 101.)—9 (Imag., ii., 6.)—10. (Aristot., Rhet., i., 5.—Plut., Symp., ii., p 638, C.)—11. (Pollux Onom., iii., 30. 5.)

1. (Philost., l. c.—Aristoph., Pax, 848.)—2. (Philost., l. c.—Lucian, Demonax, c. 49.—Plut., Vit. Apoph., p. 234, D., ed Franc.)—3. (Æsch., c. Ctesiph., p. [illegible], ed. Steph.)—4. (Paus., vi., 4, § 1.)—5. (Faber, Agonist., i., 6. (Paus., viii., 40, § 1, &c.—Euseb., Chron., p. 150, Scalig.)—6. (l. c.)—8 (Scalig. ad Euseb., Chron., p. 48.)—9. (Dion Cass. lix., 13.)

tai, and Justinian (*Novell.*, cv, c. i, provided πάγκαρπον be, as some suppose, a mistake for παγκράτιον) made it one of the seven solemnities (πρόοδοι) which the consuls had to provide for the amusement of the people.

Several of the Greek pancratiastæ have been immortalized in the epinician odes of Pindar, namely, Timodemus of Athens,[1] Melissus and Strepsiades of Thebes,[2] Aristoclides, Cleander, and Phylacides of Ægina,[3] and a boy, Pytheas of Ægina.[4] But, besides these, the names of a great many other victors in the pancratium are known.[5]

The diet and training of the pancratiastæ was the same as that of other athletæ.[6] (*Vid.* ATHLETÆ.)

PANDECTÆ or DIGESTA. In the last month of the year A.D. 530, Justinian, by a constitution addressed to Tribonian, empowered him to name a commission for the purpose of forming a code out of the writings of those jurists who had enjoyed the jus respondendi, or, as it is expressed by the emperor, "*antiquorum prudentium quibus auctoritatem conscribendarum interpretandarumque legum sacratissimi principes præbuerunt.*" The compilation, however, comprises extracts from some writers of the republican period.[7] Ten years were allowed for the completion of the work. The instructions of the emperor were, to select what was useful, to omit what was antiquated or superfluous, to avoid unnecessary repetitions, to get rid of contradictions, and to make such other changes as should produce, out of the mass of ancient juristical writings, a useful and complete body of law (*jus antiquum*). The compilation was to be distributed into fifty books, and the books were to be subdivided into titles (*tituli*) The work was to be named Digesta, a Latin term indicating an arrangement of materials, or Pandectæ, a Greek word expressive of the comprehensiveness of the work. It was also declared that no commentaries should be written on this compilation, but permission was given to make paratitla or references to parallel passages, with a short statement of their contents.[8] It was also declared that abbreviations (*sigla*) should not be used in forming the text of the Digest. The work was completed in three years (17 Cal. Jan., 533), as appears by a constitution, both in Greek and Latin, which confirmed the work, and gave to it legal authority.[9]

Besides Tribonian, who had the general conduct of the undertaking, sixteen other persons are mentioned as having been employed on the work, among whom were the professors Dorotheus and Anatolus, who for that purpose had been invited from the law-school of Berytus, and Theophilus and Cratinus, who resided at Constantinople. The compilers made use of about two thousand different treatises, which contained above 3,000,000 lines (*versus*, στίχοι), but the amount retained in the compilation was only 150,000 lines. Tribonian procured this large collection of treatises, many of which had entirely fallen into oblivion, and a list of them was prefixed to the work, pursuant to the instructions of Justinian.[10] Such a list is at present only found in the Florentine MS. of the Digest, but it is far from being accurate. Still it is probably the index mentioned in the Constitutio Tanta, &c.[11]

The work is thus distributed into fifty books, which are subdivided into titles, of which there are said to be 422. Under each title are placed the extracts from the several jurists, numbered 1, 2, 3, and so on, with the writer's name and the name and division of the work from which the extract is made. These extracts are said to amount to 9123 No name corresponding to liber or titulus is given to these subdivisions of tituli which are formed by the extracts from the several writers, but Justinian has called them "leges," and, though not "laws" in the strict sense of the term, they were, in fact, "law;" and in the same sense the emperor calls the jurists "legislatores."[2] The fifty books differ materially, both in bulk, number of titles, and number of extracts. The glossatores and their followers, in referring to the Digest, sometimes indicate the work by P, p, or Π, and sometimes by D or ff, which according to some writers represents D, and according to others represents Π.

There was also a division of the whole fifty books into seven larger masses, called partes, which corresponded to the seven main divisions of the works on the Edict, and had also a special reference to the course of instruction then established. Thus the first pars comprises four books, the second pars comprises seven books, and so on.[3]

The number of writers from whose works extracts were made is thirty-nine, comprehending those jurists from whom extracts were made at second hand, as Qu. Mucius Scævola, the pontifex, from whom four fragments, and Ælius Gallus, from whom one fragment is taken; but omitting Servius Sulpicius Rufus, who is represented by Alfenus, distinguishing Ælius Gallus from Julius Aquila, Venuleius from Claudius Saturninus; assuming that there is only one Pomponius, and omitting Sabinus, whose name is erroneously inserted in the Florentine Index.[4]

The following is the list of jurists from whose writings the Digest was constructed, as it is given in the Palingenesia of Hommelius, who has arranged the matter taken from each writer under his name, and placed the names in alphabetical order. The dates of the jurists are chiefly founded on the authority of Zimmern. The figures in the third column indicate the proportions contributed to the Digest by each jurist, estimated in the pages of Hommelius: (*a*) denotes that the contribution is under one page of the Palingenesia. This list includes Sabinus. The extracts from many of the writers are few and short: those from Ulpian, which are more than a third of the whole, Paulus, Papinian, Julianus, Pomponius, Q. Cervidius Scævola, and Gaius are the largest.

		DATE.	
Sextus Cæcilius,	*Africanus* . .	Hadrian and the Antonini . . .	24
	Alfenus Varus,	a pupil of Servius, Sulpicius Rufus and contemporary with Cicero .	9
Furius	*Anthianus* .	Unknown . . .	(*a*)
Julius	*Aquila* . . .	perhaps about the time of Sep. Severus	(*a*)
Aurelius	*Arcadius*	Charisius, Constantine the Great	2½
	Callistratus .	Caracalla . . .	17½
Juventius	*Celsus* . .	Domitian and Hadrian . . .	23
	Florentinus .	Alex. Severus .	4
	Gaius	Hadrian and the Antonini	72

1. (Nem., ii.)—2. (Isth., iii. and vi.)—3. (Nem., iii.—Isth., iv., v., and vi.)—4. (Nem., v.)—5. (Compare Fellows, Discoveries in Lycia, p. 313, London, 1841.)—6. (Compare H. Mercurialis, De Arte Gymnast.—J. H. Krause, Die Gymnastik und Agonistik der Hellenen, vol. i., p. 534–556.)—7. (Const. Deo Auctore.)—8. (Const. Deo Auctore, s. 12.)—9. (Const. Tanta, &c., and Δέδοκεν.)—10. (Const Tanta, &c., s. 16.)—11. (Puchta, Bemerkungen über den Index Florentinus, Rhein, Mus., iii.)

1. (Const. Tanta, &c., s. 7.)—2. (Const. Tanta, &c., s 16.)—3. (Const. Tanta, &c., s. 2, "Igitur prima quidem pars," &c.)—4 (Zimmern, Geschichte des Röm Privatrechts, p. 224.)

			DATE.	
C. Ælius	*Gallus*	a contemporary of Cicero		(*a*)
Claudius	*Hermogenianus*,	Constantine the Great		9½
Priscus	*Javolenus*	Nerva and Hadrian		23½
Salvius	*Julianus*	a pupil of Javolenus		90
M. Antistius	*Labeo*	Augustus		12
Æmilius	*Macer*	Alex. Severus		10
Lucius Volusius,	*Mœcianus*	Antoninus Pius		8
Lucius Ulpius	*Marcellus*	The Antonini		32½
Ælius	*Marcianus*	Caracalla and Alex. Severus		38
Junius	*Mauricianus*	Antoninus Pius		1½
Rutilius	*Maximus*	Unknown		(*a*)
Arrius	*Menander*	Caracalla		3
Herennius	*Modestinus*	a pupil of D. Ulpianus		41½
Quintus	*Mucius*	Scævola, Pontifex Max., consul B.C. 95		1
Priscus	*Neratius*	Trajan		10
Lucius Æmilius,	*Papinianus*	S. Severus and Caracalla		104
Justus	*Papirius*	M. Aurelius		2½
Julius	*Paulus*	Alex. Severus		297
	Pomponius	Antoninus Pius		80
Licinius?	*Proculus*	Otho?		6
Licinius	*Rufinus*	Caracalla		1½
Massurius	*Sabinus*	Tiberius		1½
Claudius	*Saturninus*	The Antonini		1
Qu. Cervidius	*Scævola*	The Antonini		78½
Paternus	*Tarrentenus*	Commodus		(*a*)
Clemens	*Terentius*	Hadrian and the Antonini		3½
Q. Sep. Florens	*Tertullianus*,	S. Severus and Caracalla		1½
Claudius	*Tryphoninus*,	S. Severus and Caracalla		22
Salvius Aburnus	*Valens*	Hadrian & Antoninus Pius		3
	Venuleius	The Antonini		10
Domitius	*Ulpianus*	S. Severus and Alex. Severus		610

C. Ælius, the sixth on this list, must not be confounded with C. Aquilius Gallus, one of the masters of Servius Sulpicius, from whom there is no extract in the Digest. It follows, from the instructions of the emperor and the plan of the work, that the extracts from the jurists are not always given in their exact words. It is probable that many short passages were interpolated or altered, as a matter of necessity, though there seems to be no reason for supposing that these changes were carried farther than the nature of the case required. Still there is no doubt that the changes are such that the extracts from the old jurists cannot be used for many purposes without some caution and judgment.

The distribution of the matter of the Digest into books and titles has evidently been made according to a plan, as will be obvious on inspecting the list of tituli prefixed to the editions. Thus the 28th book treats of testaments, of the institution of a heres, &c., and the 29th of military testaments, and of codicils, &c.; in fact, of matters appertaining to universal succession by testament: the 30th, 31st, and 32d books treat of legacies and fiduciary bequests. There is a method of arrangement, therefore, so far as generally to bring things of the same kind together, but the compilation has no claims to being considered as a scientific arrangement of the matter of law. And, indeed, the compilers were evidently fettered in this respect by the emperor's instructions, which required them to arrange (*digerere*) the whole body of the law comprised in the Digest, according to the Code and the Edictum Perpetuum.

It has long been a matter of dispute whether the compilers of the Digest were guided by any, and if any, by what principle in the arrangement of the several extracts under the respective titles. This subject is examined in a very learned essay by Bluhme, entitled "Die Ordnung der Fragmente in den Pandektentiteln."[1] The investigation is, of course, founded on the titles of the several works of the jurists, which, as already observed, are given at the head of each extract: thus, for instance in the beginning of the third book, the first seven extracts are headed as follows: "Ulpianus Libro sexagesimo quarto ad Edictum;" "Idem Libro primo Fideicommissorum;" "Idem Libro quarto ad Sabinum;" "Idem Libro quinto ad Sabinum;" "Paulus Libro primo ad Sabinum;" "Julianus Libro trigesimo tertio Digestorum;" "Paulus Libro secundo ad Sabinum." These will serve as samples of the whole, and will explain the following remarks from Bluhme, whose conclusions are these: "The compilers separated all the writings from which extracts were to be made into three parts, and formed themselves into three committees. Each committee read through in order the books that had fallen to its lot, yet so that books which were closely related as to their contents were extracted at the same time. The books were compared with the Code of Justinian, and what was selected for the new compilation was placed under a title taken either from the Code, the Edict, or, in case of necessity, from the work itself which was extracted. What came under the same title was compared; repetitions were erased; contradictions were got rid of; and alterations were made when the contents of the extracts seemed to require it. When the three committees had finished their labours, the present Digest was formed out of the three collections of extracts. In order to accomplish this, they made that collection the foundation of each title which contained the most numerous, or, at least, the longest extracts. With these they compared the smaller collections, striking out, as they had done before, repetitions and contradictions, making the necessary additions, and giving more exact definitions and general principles. What remained over of the smaller collections without having had an appropriate place assigned to it, was placed after the first collection, and its place in the series after the first collection was generally determined by the number of extracts.

"The Digest does not seem to have been subjected to any farther revision."

Bluhme remarks, that although the constitutions *Deo Auctore*, *Imperatoriam*, *Tanta*, and *Cordi* contain much information on the economy of the Digest and the mode of proceeding of the compilers, only the two following facts are distinctly stated: 1. That the extracts from the writings of the jurists were arranged according to the titles of the Code and the Edict. 2. That the extracts were compared with the Code. Accordingly, everything else must be proved from an examination of the work itself, and this is the object of Bluhme's laborious essay. He observes, that if a person will examine the extracts in the titles De Verborum Significatione and De Regulis Juris,[2] he will find a regular order observable in the titles of the juristical works from which the extracts are taken. Gen

1. (Zeitschrift, iv.)—2. (50, tit. 16, 17.)

erally, the series of the books quoted shows that the original order of the works from which the extracts were to be made has not been altered; and the several works generally follow in both these titles in the same order. A similar remark applies to the title De Verborum Obligationibus,[1] though there is a variation in all the three titles as to the relative order of the three masses, which are presently to be mentioned. "In the remaining titles of the Digest," adds Bluhme, "at first sight it appears as if one could find no other distinction in the titles of the extracts than this, that one part of them has a certain kind of connexion, and another part merely indicates a motley assemblage of books out of which the extracts have been made. But, on a closer comparison, not only are three masses clearly distinguishable, but this comparison leads to the certain conclusion that all the writings which were used in the compilation of the Digest may be referred to three classes. The Commentaries on Sabinus (ad Sabinum), on the Edict (ad Edictum), and Papinian's writings, are at the head of these three classes. We may accordingly denote these three masses respectively by the names Sabinian, Papinian, and the Edict. In each of these classes, the several works from which extracts are made always follow in regular order." This order is shown by a table which Bluhme has inserted in his essay.

This article, if read in connexion with the articles Codex and Institutiones, will give some general notion of the legislation of Justinian, the objects of which cannot be expressed better than in the following words:

"Justinian's plan embraced two principal works, one of which was to be a selection from the jurists, and the other from the Constitutiones. The first, the Pandect, was very appropriately intended to contain the foundation of the law: it was the first work since the date of the Twelve Tables which in itself, and without supposing the existence of any other, might serve as a central point of the whole body of the law. It may be properly called a code, and the first complete code since the time of the Twelve Tables, though a large part of its contents is not law, but consists of dogmatic and the investigation of particular cases. Instead of the insufficient rules of Valentinian III., the excerpts in the Pandect are taken immediately from the writings of the jurists in great numbers, and arranged according to their matter. The Code also has a more comprehensive plan than the earliest codes, since it comprises both rescripts and edicts. These two works, the Pandect and the Code, ought properly to be considered as the completion of Justinian's design. The Institutiones cannot be viewed as a third work, independent of both: it serves as an introduction to them, or as a manual. Lastly, the novellæ are single and subsequent additions and alterations, and it is merely an accidental circumstance that a third edition of the Code was not made at the end of Justinian's reign, which would have comprised the novellæ that had a permanent application."[2]

There are numerous manuscripts of the Digest, both in libraries of the Continent and of Great Britain. A list of the MSS. of the Corpus Juris in the libraries of this country, which are principally in the colleges at Oxford and Cambridge, is given by Dr. Hach in the Zeitschrift.[3] But the MSS. of the Digest generally contain only parts of the work, and are not older than the twelfth century. The MS. called the Florentine is complete, and probably as old as the seventh century. It had been kept at Amalfi time out of mind, and was given to the Pisans by Lotharius the Second, after the capture of Amalfi, A.D. 1137, as a memorial of his gratitude to them for their aid against Roger the Norman. The Pisans kept it till their city was taken by the Florentines under Gino Caponi, A.D. 1406, who carried this precious MS. to Florence, where it is still preserved. An exact copy of this MS. was published at Florence in 1553, folio, with the title "Digestorum seu Pandectarum Libri Quinquaginta Ex Florentinis Pandectis repræsentati; Florentiæ In Officina Laurentii Tarrentini Ducalis Typographi MDLIII Cum Summi Pontif. Car. V. Imp. Henrici II. Gallorum Regis, Eduardi VI. Angliæ regis, Cosmi Medicis Ducis Florent. II. Privilegio." The facts relating to the history of the MS. appear from the dedication of Franciscus Taurellius to Cosmo, duke of Florence. This splendid work is invaluable to a scholar. The orthography of the MS. has been scrupulously observed. Those who cannot consult this work may be satisfied with the edition of the Corpus Juris by Charondas, which the distinguished printer of that edition, Christopher Plantinus, affirms to be as exact a copy of the Florentine edition as it could be made. As to the other editions of the Digest, see Corpus Juris.

PANDIA (*πάνδια*), an Attic festival, the real character of which seems to have been a subject of dispute among the ancients themselves; for, according to the Etymologicum M.[1], some derived it from Pandia, who is said to have been a goddess of the moon (this is also Wachsmuth's opinion, ii., 2, p. 140); others from the Attic king Pandion; others, again, from the Attic tribe Dias, so that the Pandia would have been in the same relation to this tribe as the Panathenæa to Athens; and others from *Διός*, and call it a festival of Zeus. Welcker[2] considers it to have been originally a festival of Zeus celebrated by all the Attic tribes, analogous to the Panathenæa, and thinks that when the confederacy, of which this festival was, as it were, the central point, became dissolved, the old festival remained, though its character was changed. It was celebrated at Athens in the time of Demosthenes.[3] Taylor, in his note on this passage, strangely confounds it with the Diasia, though it is well known that this festival was held on the 19th of Munychion, while the Pandia took place on the 14th of Elaphebolion.[4]

PANDOCEI'ON (*πανδοκεῖον*). (*Vid.* Caupona.)

PANE'GYRIS (*πανήγυρις*) signifies a meeting or assembly of a whole people for the purpose of worshipping at a common sanctuary. But the word is used in three ways: 1. For a meeting of the inhabitants of one particular town and its vicinity (*vid.* Ephesia); 2. For a meeting of the inhabitants of a whole district, a province, or of the whole body of people belonging to a particular tribe (*vid.* Delia, Pamboiotia, Panionia); and, 3. For great national meetings, as the Olympic, Pythian, Isthmian, and Nemean games. Although, in all panegyreis which we know, the religious character forms the most prominent feature, other subjects, political discussions and resolutions, as well as a variety of amusements, were not excluded, though they were, perhaps, more a consequence of the presence of many persons than objects of the meeting. As regards their religious character, the panegyreis were real festivals, in which prayers were performed, sacrifices offered, processions held, &c. The amusements comprehended the whole variety of games, gymnastic and musical contests, and entertainments. Every panegyris, moreover, was made by tradespeople a source of gain, and it may be pre-

1. (Dig. 45, tit. 1.)—2. (Savigny, Geschichte der Röm. Rechts im Mittelalter, i., p. 14.)—3. (vol. v.)

1. (s. v. *Πάνδια*.) — 2. (Æsch., Trilog., p. 303.) — 3. (c. Mid., p. 517.) — 4. (Compare Suidas and Hesych., s. v. *Πάνδια* — Böckh, Abhandl. der Berlin. Akademie, 1818, p. 65, &c.)

sumed that such a meeting was never held without a fair, at which all sorts of things were exhibited for sale.[1] In later times, when the love of gain had become stronger than religious feeling, the fairs appear to have become a more prominent characteristic of a panegyris than before; hence the Olympic games are called *mercatus Olympiacus*, or *ludi et mercatus Olympiorum*.[2] Festive orations were also frequently addressed to a panegyris, whence they are called *λόγοι πανηγυρικοί*. The Panegyricus of Isocrates, though it was never delivered, is an imaginary discourse of this kind. In later times, any oration in praise of a person was called panegyricus, as that of Pliny on the Emperor Trajan.

Each panegyris is treated of in a separate article. For a general account, see Wachsmuth, *Hell. Alt.*, i., 1, p. 104, &c.—Böckh *ad Pind., Ol.*, vii., p. 175, &c.—Hermann, *Polit. Ant.*, § 10.

PANELLE'NIA (*πανελλήνια*), a festival, or, perhaps, rather a panegyris of all the Greeks, which seems to have been instituted by the Emperor Hadrian, with the well meant but impracticable view of reviving a national spirit among the Greeks.[3]

*PAN'ICUM, Panic. (*Vid.* Meline.)

PANIO'NIA (*πανιώνια*), the great national panegyris of the Ionians on Mount Mycale, where their national god Poseidon Heliconius had his sanctuary, called the Panionium.[4] One of the principal objects of this national meeting was the common worship of Poseidon, to whom splendid sacrifices were offered on the occasion.[5] As a chief-priest for the conduct of the sacrifices, they always appointed a young man of Priene, with the title of king, and it is mentioned as one of the peculiar superstitions of the Ionians on this occasion, that they thought the bull which they sacrificed to be pleasing to the god if it roared at the moment it was killed.[6] But religious worship was not the only object for which they assembled at the Panionium; on certain emergencies, especially in case of any danger threatening their country, the Ionians discussed at their meetings political questions, and passed resolutions which were binding upon all.[7] But the political union among the Ionians appears, nevertheless, to have been very loose, and their confederacy to have been without any regular internal organization, for the Lydians conquered one Ionian town after another, without there appearing anything like the spirit of a political confederacy; and we also find that single cities concluded separate treaties for themselves, and abandoned their confederates to their fate.[8]

Diodorus[9] says that in later times the Ionians used to hold their meeting in the neighbourhood of Ephesus instead of at Mycale. Strabo, on the other hand, who speaks of the Panionic panegyris as still held in his own time, does not only not mention any such change, but appears to imply that the panegyris was at all times held on the same spot, viz., on Mount Mycale. Diodorus, therefore, seems to consider the Ephesian panegyris (*vid.* Ephesia) as having been instituted instead of the Panionia. But both panegyreis existed simultaneously, and were connected with the worship of two distinct divinities, as is clear from a comparison of two passages of Strabo, viii., 7, p. 220; xiv., i., p. 174.[10]

PANOPLIA (*πανοπλία*), a panoply or suit of armour.[11] The articles of which it consisted, both in the Greek and in the Roman army, are enumerated under Arma. Josephus, in a passage where he mentions all the essential parts of the Roman heavy armour except the spear (viz., *ὑποδήματα, θύρεος, ξίφος, κράνος, θώραξ*[1]), applies to them collectively the term *πανοπλία*.[2] According to Plutarch,[3] the ordinary weight of a panoply was a talent, *i. e.*, about 70 lbs.; but he states that the suit worn by one soldier of uncommon strength, viz., Alcimus, the Epirote, weighed two talents, or about a hundred weight. In estimating the military force of any country, the number of panoplies which it had in readiness was a most important item. Polybius mentions[4] that the citizens of Sinope, expecting to be attacked by Mithradates, obtained, among other preparations, a thousand suits of armour (*πανοπλίας χιλίας*). When one man slew another in battle, he was entitled to receive the panoply of the fallen.[5]

*PANTHE'RA. (*Vid.* Pardalis.)

PANTOMI'MUS is the name of a kind of actors peculiar to the Romans, who very nearly resembled in their mode of acting the modern dancers in the ballet. They did not speak on the stage, but merely acted by gestures, movements, and attitudes. All movements, however, were rhythmical, like those in the ballet, whence the general term for them is *saltatio, saltare;* the whole art was called *musica muta*[6]); and to represent Niobe or Leda was expressed by *saltare Nioben* and *saltare Ledam.*

Mimic dances of this kind are common to all nations, and hence we find them in Greece and Italy; in the former country they acquired a degree of perfection of which we can scarcely form an idea. But pantomimes, in a narrower sense, were peculiar to the Romans, to whom we shall therefore confine ourselves. During the time of the Republic the name pantomimus does not occur, though the art itself was known to the Romans at an early period; for the first histriones said to have been introduced from Etruria were, in fact, nothing but pantomimic dancers (*vid.* Histrio, p. 484), whence we find that under the Empire the names histrio and pantomimus were used as synonymous. The pantomimic art, however, was not carried to any degree of perfection until the time of Augustus; whence some writers ascribe its invention to Augustus himself, or to the great artists who flourished in his reign.[7] The greatest pantomimes of this time were Bathyllus, a freedman and favourite of Mæcenas, and Pylades and Hylas.[8] The great popularity which the pantomimes acquired at Rome in the time of Augustus, through these distinguished actors, was the cause of their spreading, not only in Italy, but also in the provinces, and Tiberius found it necessary to put a check upon the great partiality for them: he forbade all senators to frequent the houses of such pantomimes, and the equites were not allowed to be seen walking with them in the streets of Rome, or to attend their performances in any other place than the public theatres, for wealthy Romans frequently engaged male and female pantomimes to amuse their guests at their repasts.[9] But Caligula was so fond of pantomimes, that one of them, M. Lepidus Mnester, became his favourite, and, through his influence, the whole class of pantomimes again recovered their ascendency.[10] Nero not only patronised them, but acted himself as pantomime,[11] and from this time they retained the highest degree of popularity at Rome down to the latest times of the Empire.

1. (Paus., x., 32, § 9.—Strabo, x., 5, p. 388.—Dio Chrysost. Orat., xxvii., p. 528.)—2. (Justin., xiii., 5.—Vell. Paterc., i., 8.)—3. (Philostr., Vit. Soph., ii., 1, 5.—Böckh, Corp. Inscrip., p. 789; ii., p. 580.)—4. (Herod., i., 148.—Strab., viii., 7, p. 220, ed. Tauchn.—Paus., vii., 24, § 4.)—5. (Diodor., xv., 49.)—6. (Strabo, l. c.)—7. (Herod., i., 141, 170.)—8. (Herod., i., 169.)—9. (xv., 49.)—10 (Compare Tittmann's Griech. Staatsv., p. 668, &c.—Thirlwall's Gr. Hist., ii., p. 102.)—11. (Herod., i., 60.—Ælian, V. H., xiii., 37.—Athen., v., p. 208. *d*.)

1. (Bell. Jud., vi., 1, § 8.)—2. (*Vid.* Polyb., vi., 21.)—3. (Demetrius, p. 1646, ed. Steph.)—4. (iv., 56.)—5. (Plut., Alcib., p. 355, ed. Steph.)—6. (Cassiod., Var., i., 20.)—7. (Suid., s. v. Ὄρχησις παντόμιμος.)—8. (Juv., vi., 63.—Suet., Octav., 45.—Macrob., Sat., ii., 7.—Athen., i., p. 70.)—9. (Tacit., Annal., i., 77.)—10. (Suet., Calig., 36, 55, 57.—Tacit., Annal., xiv., 21.)—11 (Suet., Nero, 16, 26.)

As regards their mode of acting, we must first state that all pantomimes wore masks, so that the features of the countenance were lost in their acting. All the other parts of their body, however, were called into action, and especially the arms and hands, whence the expressions *manus loquacissimæ*, *digiti clamosi*, χεῖρες παμφῶνοι, &c. Notwithstanding their acting with masks, the ancients agree that the pantomimes expressed actions, feelings, passions, &c., more beautifully, correctly, and intelligibly than it would be possible to do by speaking or writing. They were, however, assisted in their acting by the circumstance that they only represented mythological characters, which were known to every spectator.[1] There were, moreover, certain conventional gestures and movements which everybody understood. Their costume appears to have been like that of the dancers in a ballet, so as to show the beauty of the human form to the greatest advantage, though the costume, of course, varied according to the various characters which were represented. See the manner in which Plancus is described by Velleius[2] to have danced the character of Glaucus. In the time of Augustus there was never more than one dancer at a time on the stage, and he represented all the characters of the story, both male and female, in succession.[3] This remained the custom till towards the end of the second century of our æra, when the several parts of a story began to be acted by several pantomimes dancing together. Women, during the earlier period of the Empire, never appeared as pantomimes on the stage, though they did not scruple to act as such at the private parties of the great. During the latter time of the Empire women acted as pantomimes in public, and in some cases they threw aside all regard to decency, and appeared naked before the public The Christian writers, therefore, represent the pantomimic exhibitions as the school of every vice and licentiousness.[4]

Mythological love-stories were from the first the favourite subjects of the pantomimes,[5] and the evil effects of such sensual representations upon women are described in strong colours by Juvenal.[6] Every representation was based upon a text written for the purpose. This text was called the *canticum*,[7] and was mostly written in the Greek language. Some of them may have represented scenes from, or the whole subjects of, Greek dramas; but when Arnobius[8] states that whole tragedies of Sophocles and Euripides were used as texts for pantomimic representations, he perhaps only means to say that a pantomimus sometimes represented the same story contained in such a tragedy, without being obliged to act or dance every sentiment expressed in it. The texts of the pantomimes or cantica were sung by a chorus standing in the background of the stage, and the sentiments and feelings expressed by this chorus were represented by the pantomimus in his dance and gesticulation. The time was indicated by the *scabellum*, a peculiar kind of *sole*, made of wood or metal, which either the dancer or one of the chorus wore. The whole performance was accompanied by musical instruments, but in most cases by the flute. In Sicily pantomimic dances were called βαλλισμοί, whence, perhaps, the modern words ball and ballet.[9]

1. (Juv., vi., 63; v., 121.—Horat., Epist., ii., 2, 125.—Suet., Nero, 54.—Vell. Paterc., ii., 83.)—2. (ii., 83.)—3. (Lucian, De Saltat., c. 67.—Jacobs ad Anthol., ii., 1, p. 308.)—4. (Tertull., De Spec., p. 269, ed. Paris.—*Vid.* Senec., Quæst. Nat., vii., 32. —Plin., Epist., v., 24.—Ammian. Marcell., xiv., 6.—Procop., Anecd., 9.)—5. (Ovid, Rem. Amor., 753.)—6. (vi., 63, &c.)—7. (Macrob., Sat., ii., 7.—Plin., Epist., vii., 24.)—8. (adv. Gent., 4.—Compare Anthol., i., p. 249.)—9. (Compare Lessing, Abhandlung von den Pantomimen der Alten.—Grysar, in Ersch und Gruber's Encycl., s. v. Pantomimische Kunst des Alterthums.—Welcker, Die Griechischen Tragödien, p. 1317, &c., 1409, &c., 1443, 1477, &c.)

*PAPA'VER (μήκων), the Poppy "With the aid of Matthiolus, Bauhin, and Sprengel," observes Adams, "I would arrange the poppies of the ancients as follows: 1st. The ἥμερος, or domesticated, is the *Papaver Rhœas*, or common red Poppy. 2d. The ῥοιάς is the *Papaver dubium*, or long, smooth-headed Poppy. 3d. The κερατῖτις is the *Glaucium luterum*, Scop. 4th. The ἀφρώδης is the *Gratiola officinalis*, called in English Hedge-hyssop." As regards the acquaintance of the ancients with Opium, consult the articles NEPENTHES and PHARMACEUTICA, p. 656, 765.[1]

PA'PIA POPPÆA LEX. (*Vid.* JULIÆ LEGES, p. 556.)

*PAPILIO (ψύχη), the Butterfly. "The metamorphosis of the Butterfly is distinctly described by Aristotle. The beautiful allegory of Psyche is derived from it."[2]

PAPI'RIA LEX. (*Vid.* LEX, p. 584.)

PAPY'RUS, I. (*Vid.* LIBER.)

*II. The *Cyperus Papyrus*, L. The Papyrus is an aquatic plant, growing abundantly in the waters of the Nile. Its roots are large and tortuous; its stem is triangular, gradually tapering as it shoots up gracefully to the height of fifteen or twenty feet, where it is very slender, and is surmounted by a fibrous tuft of fine filaments, which are again subdivided into others, bearing small seedy flowerets; the whole of the umbel forming a beautiful flowing plume. Paper was made from the inner rind of the stem. The plates or pellicles obtained near the centre were the best, and each cut diminished in value in proportion as it was distant from that part of the stem. (*Vid.* LIBER.)[3]

PAR IMPAR LUDERE (ἀρτιασμός, ἄρτ ἄζειν, ἄρτια ἢ περιττὰ παίζειν), the game at odd and even, was a favourite game among the Greeks and Romans. A person held in his hand a certain number of astragali or other things, and his opponent had to guess whether the number was odd or even.[4]

PARA'BASIS. (*Vid.* COMŒDIA.)

PARABOLON or PARABOLION (παράβολον, παραβόλιον), a small fee paid by the appellant party on an appeal (ἔφεσις) from an inferior to a superior tribunal; as, for instance, from an arbitrator or a magistrate, or from the court of the δημόται, or from the senate of Five Hundred, to the jury or heliastic court. As to the sum to be paid and other particulars, we are uninformed.[5]

PARACHY'TES (παραχύτης). (*Vid.* LOUTRON, p. 599.)

PARADI'SUS (παράδεισος) was the name given by the Greeks to the parks or pleasure-grounds which surrounded the country residences of the Persian kings and satraps. They were generally stocked with animals for the chase, were full of all kinds of trees, watered by numerous streams, and enclosed with walls.[6] These paradises were frequently of great extent; thus Cyrus, on one occasion, reviewed the Greek army in his paradise at Celænæ,[7] and on another occasion the Greeks were alarmed by a report that there was a great army in a neighbouring paradise.[8]

Pollux[9] says that παράδεισος was a Persian word, and there can be no doubt that the Greeks obtained it from the Persians. The word, however, seems to have been used by other Eastern nations, and not to have been peculiar to the Persians. Gese-

1. (Theoph., H. P., i., 9.—Id. ib., ix., 11, &c.—Dioscor., iv., 65, &c.—Adams, Append., s. v.)—2. (Aristot., H. A., v., 17—Adams, Append., s. v.)—3. (Library of Enter. Knowledge, vol. xxi., p. 131.)—4. (Pollux, Onom., ix., 101.—Plato, Lys., p. 207.—Hor., Sat., II., iii., 248.—Suet., Octav., 71.—Nux Eleg., 79.—Becker, Gallus, ii., p. 233.)—5. (Pollux, Onom., viii., 62, 63.—Meier, Att., Proc., 767, 772.)—6. (Xen., Anab., i., 4, § 10—Cyr., i., 3, § 14; 4, § 5.—Hellen., iv., 1, § 33.—Œc., iv., 13.—Diod. Sic., xvi., 41.—Curt., viii., 1, § 11, 12.—Gell., ii., 20.)—7. (Xen., Anab., i., 2, § 9.)—8. (Id., ii., 4, § 16.)—9. (ix, 13.)

nius[1] and other writers suppose it to be the same as the Sanscrit पर्देश (*paradésa*), but this word does not mean a *land elevated and cultivated*, as Gesenius and others say, but merely a *foreign country*, whence is derived पर्देशिनी (*pardêsinî*), *a foreigner*. The word occurs in Hebrew (פַּרְדֵּס, *paredês*) as early as the time of Solomon,[2] and is also found in Arabic (فردوس, *firdaus*) and Armenian (*pardes*[3]).

PARAGAUDA (παραγῶδης), the border of a tunic (*vid.* LIMBUS), enriched with gold thread, worn by ladies, but not allowed to men except as one of the insignia of office. These borders were among the rich presents given by Furius Placidus, A.D. 343, when he was made consul.[4] Under the later emperors the manufacture of them was forbidden except in their own gynæcea.[5] The term *paragauda*, which is probably of Oriental origin, seems also to have been converted into an adjective, and thus to have become the denomination of the tunic which was decorated with such borders.[6]

PARAGRAPHE (παραγραφή). This word does not exactly correspond with any term in our language, but may, without much impropriety, be called *a plea*. It is an objection raised by the defendant to the admissibility of the plaintiff's action: "*exceptio rei adversus actorem, actionemve, querentis aut de foro haud competente, aut de tempore, modove procedendi illegitimo.*"[7] Sir William Jones, in the preface to his translation of Isæus, compares it with a *demurrer*; but this is not so correct, because a demurrer is an objection arising out of an adversary's own statement of his case, whereas the παραγραφή was an objection depending on facts stated by the defendant himself, and therefore rather resembles a plea, or (more strictly) a special plea. This appears from the παραγραφικοὶ λόγοι of Demosthenes, in which we find the defendant introducing new allegations into the cause, and supporting them by proof. Thus, in the speech against Nausimachus and Xenopithes, the ground of objection is, that the father of the defendants having obtained a release from the plaintiffs, it was no longer open to the plaintiffs to bring an action for the same cause. But the first mention of this release is made by the defendants in their plea. In the speech against Zenothemis, the defendant objects that the ἐμπορικὴ δίκη does not lie, because there was no written contract between him and the plaintiff on a voyage to or from Athens; and this (says he) appears from the declaration itself (ἐν τῷ ἐγκλήματι). As parties could not be defeated at Athens by a technical objection to the pleadings, the defendant in the above case, notwithstanding the defective statement of the plaintiff in the declaration, was compelled to bring forward his objection by plea, and to support it before the jury. In the speech against Phormio, the plaintiff says that, as the defendant only denies that he has committed a breach of the contract, there was no occasion for a παραγραφή: the question merely was, whether the plaintiff's charge was true. It seems that a παραγραφή might be put in, not only when the defendant could show that the cause of action was discharged, or that it was not maintainable in point of law, but also when the form of action was misconceived, or when it was commenced at a wrong time, or brought before the wrong magistrate (ἡγεμὼν δικαστηρίου). In the last case the παραγραφή would answer to our *plea to the jurisdiction*.[1]

The παραγραφή, like every other answer (ἀντιγραφή) made by the defendant to the plaintiff's charge, was given in writing, as the word itself implies.[2] If the defendant merely denied the plaintiff's allegations, or (as we might say) *pleaded the general issue*, he was said εὐθυδικίαν or τὴν εὐθεῖαν εἰσιέναι, or ἀπολογεῖσθαι τὴν εὐθυδικίαν εἰσιών. In this case a court was at once held for the trial of the cause. If, however, he put in a παραγραφή, he maintained that the cause was not εἰσαγώγιμος (παρεγράψατο μὴ εἰσαγώγιμον εἶναι τὴν δίκην), and in that case a court was to be held to try the preliminary question, whether the cause could be brought into court or not. Upon this previous trial the defendant was considered the *actor*, and hence is said by Demosthenes[3] κατηγορεῖν τοῦ διώκοντος. He began, and had to maintain the ground of objection which he relied upon.[4] If he succeeded, the whole cause was at an end, unless the objection was only to the form of the action, or some other such technicality, in which case it might be recommenced in the proper manner. If, however, the plaintiff succeeded, the jury merely decided εἰσαγώγιμον εἶναι τὴν δίκην, and then the original action, which in the mean time had been suspended, was proceeded with.[5] Both parties on the trial of the παραγραφή were liable to the ἐπωβελία on failure to obtain a fifth part of the votes.

The course of proceeding on a παραγραφή was obviously calculated to delay the progress of the cause, and was therefore not looked on with favour by the dicasts. Προφάσεις, ὑπωμοσίαι, παραγραφαί, τὰ ἐκ τῶν νόμων, *excuses, delays, pleas, legal objections*, are classed together by the orator as being the manœuvres of defendants to defeat justice. Hence we find in the extant παραγραφικοὶ λόγοι, that the defendant, in order to remove the prejudice of the dicasts against himself, not only supports the ground of the παραγραφή, but discusses the general merits of the cause, and endeavours to show that there is no foundation for the plaintiff's complaint; and there is no doubt that the dicasts were materially influenced by such discussion, however in strictness irrelevant.[6] The same observation applies to the διαμαρτυρία. (*Vid.* HERES, GREEK.)[7]

There was no such thing as this proceeding by παραγραφή until after the expulsion of the thirty tyrants, when a law was passed, on the proposal of Archinus, ἀν τις δικάζηται παρὰ τοὺς ὅρκους, ἐξεῖναι τῷ φεύγοντι παραγράψασθαι, τοὺς δὲ ἄρχοντας περὶ τούτου πρῶτον εἰσάγειν, λέγειν δὲ πρότερον τὸν παραγραψάμενον, ὁπότερος δ' ἂν ἡττηθῇ, τὴν ἐπωβελίαν ὀφείλειν. The object of this law appears to have been, to enable any person against whom an information or prosecution might be brought, or action commenced, for any matter arising out of the late political troubles, to obtain the benefit of the general amnesty, by specially pleading the same, and so bringing his defence in a more solemn manner before the court. The same privilege was afterward extended to other grounds of defence (See the opening of the speech of Isocrates against Callimachus.) Before this time all special objections to the adversary's course of proceeding seem to have been called ἀντιγραφαί, and sometimes ἐξωμοσίαι, because an oath was taken by the party who tendered them.[8]

1. (Lexicon Hebr., p. 838, Lips., 1833.)—2. (Eccles., ii., 5.—Cant., iv., 13.)—3. (Schrœder, Dissert. Thesaur. Ling. Armen. præmiss., p. 56.)—4. (Fl. Vopisc., Aurel., p. 2146, ed. Salmas.)—5. (Cod. 11, tit. 8, s. 1, 2.)—6. (Lydus, De Mag., i., 17; ii., 4, 19.)—7. (Reiske, Index Gr. in Orat.)

1. (Demosth., c. Pantæn., 976.—Suidas, s. v. Παραγραφή and εὐθυδικία.)—2. (Demosth., c. Phorm., 912.)—3. (c. Phorm., 908.)—4. (Demosth., c. Steph., 1103.)—5. (Demosth., c. Zenoth., 888—Lys., De Publ. Pec., 148, ed. Steph.)—6. (Demosth., c. Mid. 541; c. Lacr., 924; c. Steph., 1117.—Pro Phorm., 944.—Argum Or. c. Zenoth.)—7. (Isæus, De Philoct. hær., 60.—De Apoll hær., 63, ed. Steph.—Demosth., c. Leoch., 1097.)—8. (Lysias, c Pancl., 166, ed. Steph.—Aristoph., Eccles., 1026.—Schol. ad loc —Suidas, s. v. Ἐξωμοσία.—Meier, Att. Proc., p. 644–650.)

PARACATABOLE (*παρακαταβολή*), a sum of money required of a plaintiff or petitioner in certain cases, as a security that his complaint or demand was not frivolous, or made on slight and insufficient grounds. Such was the deposite made in certain inheritance cases, viz., a tenth part of the value of the property sought to be recovered. (*Vid.* HERES, GREEK.) So, also, in the proceeding termed *ἐνεπίσκημμα*, which was a suit instituted against the public treasury by a creditor to obtain payment out of his debtor's confiscated goods, a fifth part of the value was deposited. It was returned to the petitioner if successful, otherwise it went to the state.[1] The money was deposited either at the *ἀνάκρισις* or on the commencement of the cause. The word *παρακαταβολή* signifies both the paying of the deposite and the money deposited; and, being a word of more general import, we find it used to denote other kinds of deposites, as the *πρυτανεῖα* and *παράστασις*.[2]

PARACATATHE'CE (*παρακαταθήκη*) generally signifies a deposite of something valuable with a friend or other person for the benefit of the owner. Thus, if I deliver my goods to a friend, to be taken care of for me, or if I deposite money with a banker, such delivery or *bailment*, or the goods bailed or delivered, or the money deposited, may be called *παρακαταθήκη*;[3] and the word is often applied metaphorically to any important trust committed by one person to another.[4] As every bailee is bound to restore to the bailor the thing deposited, either on demand (in case of a simple bailment), or on performance of the conditions on which it was received, the Athenians gave a *παρακαταθήκης δίκη* against a bailee who unjustly withheld his property from the owner, *ἀπεστέρησε τὴν παρακαταθήκην*.[5] An example of such an action against a banker is the *τοαπεζιτικὸς λόγος* of Isocrates. A pledge given to a creditor could not be recovered except on payment of the money owed to him; but, after selling the article, and satisfying his debt out of the proceeds, he would, of course, be bound to restore the surplus (if any) to the pledgor. It follows, from the nature of the *παρακ. δίκη*, that it was *ἀτίμητος*, but it is not improbable that the additional penalty of *ἀτιμία* might be inflicted on a defendant who fradulently denied that he had ever received the deposite.

The difficulty of procuring safe custody for money, and the general insecurity of movable property in Greece, induced many rich persons to make valuable deposites in the principal temples, such as that of Apollo at Delphi, Jupiter at Olympia, and others.[6] It may be observed that *τίθεσθαι*, *παρατατίθεσθαι*, *in the middle voice*, are always used of a person making a deposite *for his own benefit*, with the intention of taking it up again. Hence the expression *θέσθαι χάριν*, to confer an obligation, which gives the right (as it were) of drawing upon the obliged party for a return of the favour at some future time. *Κομίζεσθαι* is to recover your property or right.[7]

ΠΑΡΑΚΑΤΑΘΗ'ΚΗΣ ΔΙΚΗ. (*Vid.* PARACATATHECE.)

ΠΑΡΑΝΟΙ'ΑΣ ΓΡΑΦΗ'. This proceeding may be compared to our commission of lunacy, or writ *de lunatico inquirendo*. It was a suit at Athens that might be instituted by a son or other near relative against one who, by reason of madness or mental imbecility, had become incapable of managing his own affairs. If the complaint was well-grounded, the court decreed that the next heir should take possession of the lunatic's property, and probably, also, made some provision for his being put in confinement, or under proper care and guardianship.[1] It is related of Sophocles, that, having continued to write tragedies to an advanced age, and by reason thereof neglected his family affairs, he was brought before the court by his sons, and accused of lunacy; that he then read to the judges his Œdipus Coloneus, which he had just composed, and asked them if a man out of his mind could write such a poem as that; whereupon they acquitted him.[2] The story is told differently by the anonymous author of the life of Sophocles, who speaks of the suit as taking place between Iophon and his father, and seems to intimate that it was preferred before the *φράτορες*. In this last point he is supported by the scholiast on Aristophanes; but it can hardly be correct, as we have no other authority for supposing that the *φράτορες* had such a jurisdiction, and Pollux[3] expressly says that the *παρανοίας γραφή* came before the archon, to whom, indeed, it peculiarly belonged, as being a matter connected with family rights; and, if so, we are to understand that it came before the archon in the regular way, as *ἡγεμὼν δικαστηρίου*.[4] It is highly probable that there was some foundation for this anecdote of Sophocles. He might, perhaps, have given offence to his sons by that penuriousness which is said to have crept upon him in his old age; and Iophon, being a poet, and lying under the suspicion of being assisted by his father, might possibly be induced, by a mean jealousy, to bring this charge against him.[5] The play of Œdipus Coloneus appears to exhibit the wounded feelings of the writer. (See more especially v. 337, 441.)

ΠΑΡΑΝΟ'ΜΩΝ ΓΡΑΦΗ'. An indictment for propounding an illegal, or, rather, unconstitutional measure or law. We have seen (*vid.* NOMOTHETES) that any Athenian citizen was at liberty to make a motion in the popular assembly to pass a new law or amend an old one. In order to check rash and hasty legislation, the mover of any law or decree, though he succeeded in causing it to be passed, was still amenable to criminal justice if his enactment was found to be inconsistent with other laws that remained in force, or with the public interest.[6] Any person might institute against him the *γραφὴ παρανόμων* within a year from the passing of the law. If he was convicted, not only did the law become void, but any punishment might be inflicted on him, at the discretion of the judges before whom he was tried; for it was a *τιμητὸς ἀγών*. A person thrice so convicted lost the right of proposing laws in future. The cognizance of the cause belonged to the thesmothetæ.[7] The prosecutor was compelled to take an oath, called hy the same name as that taken to ohtain delay in courts of justice (*ὑπωμοσία*), because it had the effect of delaying the operation of the proposed measure, which otherwise might have come into force immediately.[8] Examples of such prosecutions are the speech of Demosthenes against Timocrates, and that of Æschines against Ctesiphon. They both comment on the importance of the prosecution, as tending to preserve the existing laws and maintain constitutional liberty.[9] Notwithstanding this check, the mania for legislation appears to have increased so greatly at Athens in later times, that Demosthenes[10] declares that *ψηφισμάτων οὐδ' ὁτιοῦν διαφέρουσιν οἱ νόμοι*. This arose

1. (Suidas, s. v. 'Ενεπίσκημμα.)—2. (Pollux, Onom., viii., 32.—Meier, Att. Proc., 604, 616–621.)—3. (Herod., vi., 86.—Demosth., Pro Phorm., 946.)—4. (Demosth., c. Aphob., 840.—Æsch., c. Timarch., 26, ed. Steph.—De Fals Leg., 47.)—5. (Pollux, Onom., vi., 154.)—6. (Meier, Att. Proc. p. 512–515.)—7. (Isocrat., c. Euthyn., 400, ed. Steph.)

1. (Suidas, s. v. Παρανοία.—Xen., Mem., i., 2, § 49.—Aristoph., Nub., 844.—Æsch., c. Ctes., 89, ed. Steph.)—2. (Cic., De Senect., 7.)—3. (viii., 89.)—4. (Meier, Att. Proc., p. 293–298.)—5. (*Vid.* Aristoph., Ran., 78.—Pax, 697.)—6. (Demosth., c. Timoc., 710, 711.)—7. (Schömann, Ant. jur. pub. Gr., p. 244.)—8 (Schömann, Ib., p. 224)—9. (Demosth., c. Timoc., 748, 749.—Æsch., c. Ctes., 54, 82, ed. Steph.)—10. (c. Leptin., p. 485.)

from the relaxation of that precautionary law of Solon, which required every measure to be approved by the νομοθεται before it could pass into law. (*Vid.* NOMOTHETES, and Schömann.[1]) It is obvious that, while the people in assembly had the power of making decrees which could remain in force for a year, if they wished to evade the law of Solon, all they had to do was to renew their decree from year to year, and thus, in practice, the *ψήφισμα* became *νόμος*.

If the year had elapsed, the propounder of the law could not be punished, though the law itself might be repealed in the ordinary way by the institution of proceedings before the *νομοθέται*, before whom it was defended by the five *σύνδικοι*. The speech against Leptines was made in a proceeding against the law itself, and not against the mover. As the author of the second argument says, *παρελθόντος τοῦ χρόνου, ἐν ᾧ ὑπεύθυνος ἦν κρίσει καὶ τιμωρίᾳ γράφων τις νόμον, ἐφαίνετο Λεπτίνης ἀκίνδυνος· ὅθεν πρὸς αὐτὸν, ἀλλ' οὐ κατ' αὐτοῦ ὁ λόγος*.[2]

PARA'NYMPHOS (*παράνυμφος*). (*Vid.* MARRIAGE, GREEK, p. 620.)

PARAPE'TASMA (*παραπέτασμα*). (*Vid.* VELUM.)

PARAPHERNA. (*Vid.* DOS, ROMAN.)

PARAPRESBEI'A (*παραπρεσβεία*) signifies any corrupt conduct, misfeasance, or neglect of duty on the part of an ambassador, for which he was liable to be called to account and prosecuted on his return home.[3] Ambassadors were usually elected by the people in assembly; they either had instructions given to them or not; in the latter case they were called *αὐτοκράτορες*, envoys with full powers, or plenipotentiary.[4] To act contrary to their instructions (*παρὰ τὸ ψήφισμα πρεσβεύειν*) was a high misdemeanour.[5] On their return home they were required immediately to make a report of their proceedings (*ἀπαγγέλλειν τὴν πρεσβείαν*), first to the Senate of Five Hundred, and afterward to the people in assembly.[6] This done, they were *functi officio*; but still, like all other persons who had held an office of trust, they were liable to render an account (*εὐθύνας*) of the manner in which they had discharged their duty.[7] The persons to whom such account was to be rendered were the *λογισταί*, and the officers associated with them, called *εὔθυνοι*. A *pecuniary* account was only rendered in cases where money had passed through the hands of the party; in other cases, after stating that he had neither spent nor received any of the public money, the accounting party was discharged, unless there was reason for thinking that he deserved to be proceeded against for misconduct. The *λογισταί* themselves had power to summon the party at once to appear as a criminal, and undergo the *ἀνάκρισις* in their office (*λογιστήριον*), upon which they would direct the *συνήγοροι* to prosecute; and this probably was the ordinary course in case of any pecuniary malversation. Accusations, however, of a more general nature were commonly preferred by individuals, giving information to the *λογισταί*, who, for the purpose of giving any citizen an opportunity of so doing, caused their *κήρυξ* to make proclamation in public assembly, that such a person was about to render his account, and to ask if any one intended to accuse him. If an accuser appeared, his charge would be reduced to the form of a *γραφή*, and the prosecution would be conducted in the usual way, the *λογισταί* being the superintending magistrates.[8] Magistrates who were annually elected rendered their accounts at the end of the official year; but ambassadors, who were extraordinary functionaries, had no time limited for this purpose. Æschines delayed giving an account of his embassy to Philip for three years.[1] We can hardly suppose, however (as Thirlwall states), that the time of rendering the account was optional with the ambassador himself, since, not to mention the power of the *λογισταί*, it was open to any man to move for a special decree of the people, that the party should be called to account immediately. The *γραφὴ παραπρεσβείας* was a *τιμητὸς ἀγών*;[2] and as it might comprise charges of the most serious kind, such as treachery and treason against the state, the defendant might have to apprehend the heaviest punishment. Æschines[3] reminds the dicasts of the great peril to which he is exposed, and makes a merit of submitting to his trial without fear. Besides the *γραφή*, an *εἰσαγγελία* might be brought against an ambassador, upon which the accused would be committed to prison, or compelled to give bail for his appearance. This course was taken by Hyperides against Philocrates, who avoided his trial by voluntary exile.[4]

ΠΑΡΑΠΡΕΣΒΕΙ'ΑΣ ΓΡΑΦΗ'. (*Vid.* PARAPRESBEIA.)

PARASANG (*ὁ παρασάγγης*), a Persian measure of length, frequently mentioned by the Greek writers. It is still used by the Persians, who call it فرسنگ (*ferseng*), which has been changed in Arabic into فرسخ (*farsakh*).

According to Herodotus,[5] the parasang was equal to 30 Greek stadia. Suidas[6] and Hesychius[7] assign it the same length; and Xenophon must also have calculated it at the same, as he says[8] that 16,050 stadia are equal to 535 parasangs (16,050÷535=30). Agathias,[9] however, who quotes the testimony of Herodotus and Xenophon to the parasang being 30 stadia, says that in his time the Iberi and Persians made it only 21 stadia. Strabo[10] also states that some writers reckoned it at 60, others at 40, and others at 30 stadia; and Pliny[11] informs us that the Persians themselves assigned different lengths to it. Modern English travellers estimate it variously at from 3½ to 4 English miles, which nearly agrees with the calculation of Herodotus.

The etymology of parasang is doubtful. Rödiger[12] supposes the latter part of the word to be the same as the Persian سنگ (*seng*), "a stone," and the former part to be connected with the Sanscrit पार (*pára*), "end," and thinks that it may have derived its name from the stones placed at the end of certain distances on the public roads of Persia.

PARASE'MON (*παράσημον*). (*Vid.* INSIGNE.)

PARASI'TI (*παράσιτοι*) properly denotes persons who dine with others. In the early history of Greece the word had a very different meaning from that in which it was used in later times. *Τὸ δὲ τοῦ παρασίτου ὄνομα πάλαι μὲν ἦν σεμνὸν καὶ ἱερόν*, says Athenæus;[13] and he proves from various decrees (*ψηφίσματα*) and other authorities that anciently the name *παράσιτος* was given to distinguished persons who were appointed as assistants to certain priests and to the highest magistrates. As regards the priestly and civil parasites, the accounts of their office are so obscure that we are scarcely able to form any definite notion of it. An ancient law[14] ordained

1. (p. 223.)—2. (Herrmann, Pol. Ant., § 132.)—3. (Demosth., c. Mid., 515.—De Fals. Leg., 342.)—4. (Thucyd., v., 45.—Æsch., c. Ctes., 62, ed. Steph.)—5. (Demosth., De Fals. Leg., 346.)—6. (Æsch., De Fals. Leg., 30, ed. Steph.—Aristoph., Ach., 61.—Schömann, Ant. jur. pub. Gr., p. 234.)—7. (Demosth., De Fals. Leg., 367, 406.)—8. (Pollux, Onom., viii., 40, 45.—Schömann, Ib., p. 240.—Meier, Att. Proc., 214–224.)

1. (Demosth., De Fals. Leg., 374.—Thirlwall, Gr. Hist., vol. vi., p. 26.)—2. (Meier, Att. Proc., 193.)—3. (De Fals. Leg., 28, 52.)—4. (Æschin., c. Ctes., 65, ed. Steph.)—5. (ii., 6, v., 53; vi., 42.)—6. (s. v.)—7. (s. v.)—8. (Anab., ii., 2, § 6.)—9. (ii., 21.)—10. (xi., p. 518.)—11. (H. N., vi., 30.)—12. (in Ersch und Gruber's Encyclopädie, s. v. Paras.)—13 (vi., p. 234.)—14 (Athen., l. c.)

that each of the priestly parasites should select from the *βουκολία* the sixth part of a medimnus of barley, and supply with it the Athenians who were present in the temple, according to the custom of their fathers; and this sixth of a medimnus was to be given by the parasites of Acharnæ. The meaning of this very obscure law is discussed by Preller.[1] Thus much, however, is clear, that the parasites were elected in the demi of Attica from among the most distinguished and most ancient families. We find their number to have been twelve, so that it did not coincide with that of the demi. This may be accounted for by supposing that in one demos two or more gods were worshipped, whose service required a parasite, while in another there was no such divinity. The gods in whose service parasites are mentioned are Heracles, Apollo, the Anaces, and Athena of Pallene. Their services appear to have been rewarded with a third of the victims sacrificed to their respective gods. Such officers existed down to a late period of Greek history, for Clearchus, a disciple of Aristotle, said that parasites in his own days continued to be appointed in most Grecian states to the most distinguished magistrates.[2] These, however, must have been different from the priestly parasites. Solon, in his legislation, called the act of giving public meals to certain magistrates and foreign ambassadors in the prytaneum, *παρασιτεῖν*,[3] and it may be that the parasites were connected with this institution.[4]

The class of persons whom we call parasites was very numerous in ancient Greece, and appears to have existed from early times, though they were not designated by this name. The comedies of Aristophanes contain various allusions to them, and Philippus, who is introduced in the Symposium of Xenophon, as well as a person described in some verses of Epicharmos preserved in Athenæus, are perfect specimens of parasites. But the first writer who designated these persons by the name of *παράσιτοι* was Alexis, in one of his comedies.[5] In the so-called middle and new Attic comedy, and in their Roman imitations, the parasites are standing characters; and although they are described in very strong colours in these comedies, yet the description does not seem to be much exaggerated, if we may judge from other accounts of real parasites. We shall not, therefore, be much mistaken in borrowing our description of parasites chiefly from these comedies.

The characteristic features common to all parasites are importunity, love of sensual pleasures, and, above all, the desire of getting a good dinner without paying for it. According to the various means they employed to obtain this object, they may be divided into three classes. The first are the *γελωτοποιοί*, or jesters, who, in order to get some invitation, not only tried to amuse persons with their jokes, but even exposed their own person to ridicule, and would bear all kinds of insult and abuse if they could only hope to gain the desired object. Among these we may class Philippus in the Symposium of Xenophon, Ergastilus in the Captivi, and Gelasimus in the Stichus of Plautus. The second class are the *κόλακες* or flatterers (*assentatores*), who, by praising and admiring vain persons, endeavoured to obtain an invitation to their house. Gnatho in the Eunuchus of Terence, and the Artotrogus in the Miles Gloriosus of Plautus, are admirable delineations of such characters. The third class are the *θεραπευτικοί*, or the officious, who, by a variety of services, even of the lowest and most degrading description, endeavoured to acquire claims to invitations.[1] Characters of this class are the parasites in the Asinaria and Menæchmi of Plautus, and more especially the Curculio and Saturio in the Persa of Plautus and the Phormio of Terence. From the various statements in comedies and the treatise of Plutarch, *De Adulatoris et Amici Discrimine*, we see that parasites always tried to discover where a good dinner was to be had, and for this purpose they lounged about in the market, the palæstræ, the baths, and other public places of resort. After they had fixed upon a person, who was in most cases, probably, an inexperienced young man, they used every possible means to induce him to invite them. No humiliation and no abuse could deter them from pursuing their plans. Some examples of the most disgusting humiliations which parasites endured, and even rejoiced in, are mentioned by Athenæus[2] and Plutarch.[3] During the time of the Roman emperors, a parasite seems to have been a constant guest at the tables of the wealthy.[4]

PARA'STADES (*παραστάδες*). (*Vid.* ANTÆ.)

PARA'STASIS (*παράστασις*). A fee of one drachm paid to an arbitrator by the plaintiff on bringing his cause before him, and by the defendant on putting in his answer. The same name was given to the fee (perhaps a drachm) paid by the prosecutor in most public causes.[5] (Compare DIÆTETÆ, p. 353.)

PARA'STATÆ (*παραστάται*). (*Vid.* ELEVEN, THE.)

PARAZO'NIUM. (*Vid.* ZONA.)

*PARD'ALIS (*πάρδαλις*). "Oppian describes two species of *Pardalis*, namely, the greater and the smaller. According to Buffon, the former is the Panther, and the latter the Ounce. It is beyond a doubt," he remarks, "that the little Panther of Oppian, the *Phet* or *Phed* of the Arabians, the *Foadh* of Barbary, the *Onza* or Ounce of the Europeans, are one and the same animal. There is great reason to think that it is also the *Pardus* of the ancients, and the *Panthera* of Pliny." Buffon adds, "It is highly probable, moreover, that the little Panther was called simply *Pard* or *Pardus*, and that, in process of time, the large Panther obtained the name of *Leopard* or *Leopardus*." "The Greeks," says Smith, speaking of the Panther and Leopard, "knew one of these from the time of Homer, which they named *Pardalis*, as Menelaus is said in the Iliad to have covered himself with the spotted skin of this animal. This they compared, on account of its strength and cruelty, to the lion, and represented it as having its skin varied with spots. Its name, even, was synonymous with spotted. The Greek translators of the Scriptures used the name *Pardalis* as synonymous with *Namer*, which word, with a slight modification, signifies 'the Panther,' at present, among the Arabians. The name Pardalis gave place among the Romans to those of *Panthera* and *Varia*. These are the words they used during the two first ages, whenever they had occasion to translate the Greek passages which mentioned the Pardalis, or when they themselves mentioned this animal. They sometimes used the word *Pardus* either for *Pardalis* or for *Namer*. Pliny even says that *Pardus* signified the male of Panthera or Varia. So, reciprocally, the Greeks translated *Panthera* by the word *Pardalis*. The term *Panthera*, although of Greek root, did not, then, preserve the sense of the word *πάνθηρ*, which is constantly marked as

1 (Polemonis Fragm., p. 115, &c.)—2. (Athen., vi., p. 235.)—3. (Plut., Sol., 24.)—4. (Compare Pollux, vi., c. 7.)—5. (Athen., vi., p. 235.)

1. (Plut., De Adul., 23; De Educat., 17.)—2. (vi., p. 249.)—3. (De Occult. viv., 1.—Sympos., vii., 6.—Compare Diog. Laert., ii., 67.)—4. (Lucian, De Parasit., 58.—Compare Becker, Charikles, i., p. 490, &c.—Le Beau, in the Hist. de l'Acad. des Inscript., vol. xxxi., p. 51, &c.—M. H. E. Meyer, in Ersch und Gruber's Encyclopädie, s. v. Parasiten.)—5 (Harpoc. s. v. Παράστασις.—Meier, Att. Proc., 614, 615.)

different from *Hyrdalis*, and by Oppian is said to be small and of little courage. The Romans, nevertheless, sometimes employed it to translate the word πάνθηρ, and the Greeks of the lower empire, induced by the resemblance of the names, have probably attributed to the Panther some of the characters which they found among the Romans on the Panthera. Bochart, without knowing these animals himself, has collected and compared with much sagacity everything that the ancients and the Orientalists have said about them. He endeavours to clear up these apparent contradictions by a passage in which Oppian characterizes two species of *Pardalis*, the great, with a shorter tail than the less. It is to this smaller species that Bochart would apply the word πάνθηρ. But there are found in the country known to the ancients two animals with spotted skins: the common Panther of naturalists, and another animal, which, after Daubenton, is named the Guepard (or Hunting Leopard). The Arabian authors have there also known and distinguished two of these animals; the first under the name of *Nemer*, the other under that of *Fehd;* and although Bochart considers the *Fehd* to be the Lynx, Cuvier rather inclines to think it the Hunting Leopard. The Guepard, then, would be the Panther, and there is nothing stated by the Greeks repugnant to this idea."[1]

*II. One of the large fishes mentioned by Ælian and Oppian, and by Suidas under κῆτος. Many conjectures have been made respecting it, the most probable of which, according to Adams, is, that it was the *Squalus tigrinus*, a species of Shark.[2]

*PARD'ALOS (πάρδαλος), a bird noticed by Aristotle. 'Aldrovandi and Buffon agree in holding it to be the *Tringa squatarola*, L., or the Gray Plover; but Dr. Trail prefers the *Charadrius pluvialis*, or Golden Plover. Schneider mentions that Billerbeck had advanced the opinion that it is the common Starling, or *Sturnus vulgaris*. This opinion, however, is entitled to no credit."[3]

*PARD'ION (πάρδιον). Schneider follows Pallas in referring this to the Camelopard, or *Giraffa Camelopardalis*.[4]

PAREDRI (πάρεδροι). Each of the three superior archons was at liberty to have two assessors (πάρεδροι), chosen by himself, to assist him, by advice and otherwise, in the performance of his various duties. The assessor, like the magistrate himself, had to undergo a δοκιμασία in the Senate of Five Hundred and before a judicial tribunal before he could be permitted to enter upon his labours. He was also to render an account (εὐθύνη) at the end of the year. The office is called an ἀρχή by Demosthenes.[5] The duties of the archon, magisterial and judicial, were so numerous, that one of the principal objects of having assessors must have been to enable them to get through their business. We find the πάρεδρος assisting the archon at the λῆξις δίκης.[6] He had authority to keep order at public festivals and theatres, and to impose a fine on the disorderly.[7] As the archons were chosen by lot (κληρωτοί), and might be persons of inferior capacity, and not very well fitted for their station, it might often be useful, or even necessary, for them to procure the assistance of clever men of business.[8] And perhaps it was intended that the πάρεδροι should not only assist, but in some measure check and control the power of their principals. They are spoken of as being βοηθοὶ, σύμβουλοι καὶ φύλακες. Demosthenes accuses Stephanus of buying his place of the Ἀρχων βασιλεύς.[1] It was usual to choose relatives and friends to be assessors; but they might at any time be dismissed, at least for good cause.[2] The thesmothetæ, though they had no regular πάρεδροι, used to have counsellors (σύμβουλοι), who answered the same purpose.[3] The office of πάρεδρος was called παρεδρία, and to exercise it παρεδρεύειν.

From the πάρεδροι of the archons we must distinguish those who assisted the εὔθυνοι in examining and auditing magistrates' accounts. The εὔθυνοι were a board of ten, and each of them chose two assessors.[4] (*Vid.* EUTHYNE.)

*PAREI'AS (παρεία), a species of Serpent, sacred to Æsculapius. Gesner concludes that it is the serpent called *Baron* in certain parts of Italy. According to the author of the Etymologicon Magnum, it is innoxious.[5]

PAREISGRAPHE (παρεισγραφή) signifies a fraudulent enrolment in the register of citizens. For this an indictment lay at Athens, called ξενίας γραφή; and, besides, the δημόται might, by their διαψήφισις, eject any person who was illegally enrolled among them. From their decision there might be an appeal to a court of dicasts; of which the speech of Demosthenes against Eubulides furnishes an example. If the dicasts confirmed the decision of the δημόται, the appellant party was sold for a slave. Spurious citizens are sometimes called παρέγγραπτοι, παρεγγεγραμμένοι.[6] The expression παρεισγραφῆς γραφή is not Attic.[7]

ΠΑΡΕΙΣΓΡΑΦΗ'Σ ΓΡΑΦΗ'. (*Vid.* PAREISGRAPHE.)

PARENTA'LIA. (*Vid.* FUNUS, p. 462.)

PA'RIES (τειχίον,[8] whence the epithet τειχιόεσσα, "full of houses," applied to cities;[9] τοῖχος,[10] whence τοιχορύκτης and τοιχωρύχος, "a house-breaker, a thief," and τοιχωρυχία, "burglary"), the wall of a house, in contradistinction from *murus*, the wall of a city. Among the numerous methods employed by the ancients in constructing walls, we find mention of the following:

I. The *paries cratitius*, *i. e.*, the wattled or the lath-and-plaster wall, made of canes or hurdles (*vid.* CRATES) covered with clay.[11] These were used in the original city of Rome to form entire houses;[12] afterward they were coated with mortar instead of clay, and introduced like our lath-and-plaster walls in the interior of houses.

II. Vitruvius[13] mentions as the next step the practice, common in his time among the Gauls, and continued to our own in Devonshire, of drying square lumps of clay and building them into walls, which were strengthened by means of horizontal bond-timbers (*jugamenta*) laid at intervals, and which were then covered with thatch.

III. The *paries formaceus*, *i. e.*, the *pisé* wall, made of rammed earth. (*Vid.* FORMA.)

IV. In districts abounding with wood, loghouses were common, constructed, like those of the Siberians and of the modern Americans in the back settlements, of the trunks of trees, which were more or less squared, were then laid upon one another in a horizontal position, and had their interstices filled with chips (*schidiis*), moss, and clay. After this

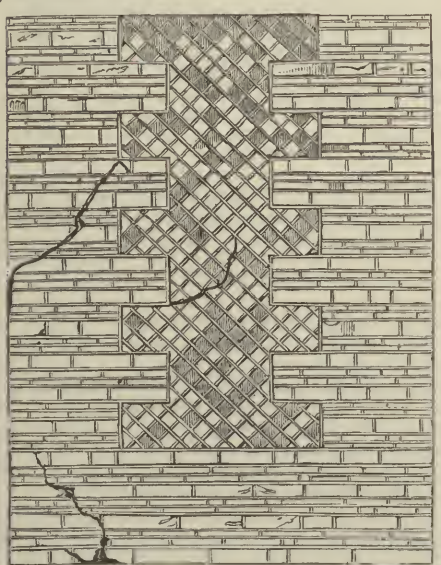
1. (Aristot., H. A., i., 1.—Oppian, Cyneg., iii., 63.—Adams, Append., s. 7.—Griffith's Cuvier, vol. ii., p. 459.)—2. (Ælian, N. A., xi., 14.—Oppian, Hal., i., 368.)—3. (Aristot., H. A., ix., 19.—Schneider ad Aristot., l. c.—Adams, Append., s. v.)—4. (Aristot., H. A., ii., 2.—Adams, Append., s. v.)—5. (c. Neær., 1369.)—6. (Demosth., c. Theoc., 1332.)—7. (Demosth., c. Mid., 532.)—8. (Demosth., c. Neær., 1372.)

1. (c. Neær., 1369.)—2. (Demosth., c. Neær., 1373.)—3. (Demosth., c. Theoc., 1330.—Schömann, Ant. jur. pub. Gr., p. 245.—Meier, Att. Proc., p. 57-59.)—4. (Schömann, Ib., 240.—Meier, Ib., 102.)—5. (Æl., N. A., iii., 12.—Lucan, Pharsal., ix., 721.—Adams, Append., s. v.)—6. (Æsch., De Fals. Leg., 38, 51, ed. Steph.)—7. (Schömann, Ant. jur. pub. Gr., 206.—Meier, Att. Proc., 347-349.)—8. (Hom., Od., xvi., 165, 343.)—9. (Il., ii., 559-646.)—10. (Il., ix., 219; xvi., 212.—Od., ii., 342; vii., 86, 95; xx., 302, 354.)—11 (Plin., H. N., xxxv., 14, s. 48.—Festus, s. v. Solea.)—12. (Ovid, Fast., iii., 183; vi., 261.—Vitruv., ii., 1.)—13. (l. c.)

manner the Colchians erected houses several stories high.[1]

V. The *paries lateritius*, *i. e.*, the brick wall. (*Vid.* LATER.) Among the Romans, the ordinary thickness of an outside wall was 18 inches (*sesquipes*), being the length of the common or Lydian brick; but, if the building was more than one story high, the walls at the bottom were either two or three bricks thick (*diplinthii aut triplinthii*), according to circumstances. The Egyptians sometimes exhibited a checkered pattern, and perhaps other devices, upon the walls of their houses by the alternation of white and black bricks.[2] The Romans, probably in imitation of the Etrurians, often cased the highest part of a brick wall with a range of terra cottas (*structura* and *lorica testacea*[3]), eighteen inches high, with projecting cornices, and spouts for discharging the water from the roof. (*Vid.* ANTEFIXA.)

VI. The *reticulata structura*,[4] *i. e.*, the reticulated, or resembling network. This structure consists in placing square or lozenge-shaped stones side by side upon their edges, the stones being of small dimensions, and cemented by mortar (*materia et calce et arena*). In many cases the mortar has proved more durable than the stone, especially where volcanic tufa is the material employed, as at Baiæ in the Bay of Naples, and in the villa of Hadrian near Tivoli. This kind of building is very common in the ancient edifices of Italy. Vitruvius says[5] that it was universally adopted in his time. Walls thus constructed were considered more pleasing to the eye, but less secure than those in which the stones lay upon their flat surfaces. The front of the wall was the only part in which the structure was regular, or the stones cut into a certain form, the interior being rubble-work or concrete (*fartura*), *i. e.*, fragments and chippings of stone (*cæmenta*, χάλιξ) imbedded in mortar. Only part of the wall was reticulated: to give it firmness and durability, the sides and base were built of brick or of squared stones, and horizontal courses of bricks were laid at intervals, extending through the length and thickness of the wall. These circumstances are well exemplified in the annexed woodcut, which is copied from the drawing of a wall at Pompeii, executed on the spot by Mr. Mocatta.



1. (Vitruv., l. c.—Compare Herod., iv., 108.—Vitruv., ii., 9.) —2. (Athen., v., p. 208, c.)—3. (Vitruv., ii., 8.—Pallad., De Re Rust., i., 11.)—4. (Plin., H. N., xxxvi., 22, s. 51.)—5. (ii., 8.)

VII. The *structura antiqua* or *incerta*, *i. e.*, the wall of irregular masonry, built of stones, which were not squared or cut into any exact form. The necessary consequence of this method of construction was, that a great part of the wall consisted of mortar and rubble-work.[1]

VIII. The *emplecton*, *i. e.*, the complicated wall, consisting, in fact, of three walls joined together Each side presented regular masonry or brickwork, but the interior was filled with rubble (*fartura*). To bind together the two outside walls, and thus render the whole firm and durable, large stones or courses of brickwork (*coagmenta*) were placed at intervals, extending through the whole thickness of the wall, as was done also in the structura reticulata. Walls of this description are not uncommon, especially in buildings of considerable size.

IX. The *paries e lapide quadrato*, *i. e.*, the ashlar wall, consisting entirely of stones cut and squared by the chisel. (*Vid.* DOLABRA.) This was the most perfect kind of wall, especially when built of marble. The construction of such walls was carried to the highest perfection by the architects of Greece; the temples of Athens, Corinth, and many cities of Asia Minor still attesting in their ruins the extreme skill bestowed upon the erection of walls. Considerable excellence in this art must have been attained by the Greeks even as early as the age of Homer, who derives one of his similes from the "nicely-fitted stones" of the wall of a house.[2] But probably in this the Greeks only copied the Asiatics; for Xenophon came to a deserted city in Mesopotamia, the brick walls of which were capped by a parapet of "polished shell marble."[3] Instead of using mortar, as in the last four kinds, the ancients gave solidity to their ashlar walls by cutting the stones so exactly as to leave no perceptible space between their contiguous surfaces. A tenon and mortice often united a stone to that which was above it, and the stones which were placed side by side were fastened together with iron cramps (*ansis ferreis*[4]) and lead.[5] Hence the Coliseum at Rome, and the other grand remains of ancient architecture throughout Europe, have been regarded by the moderns as iron and lead mines, and we see them mutilated by the pickaxe over all those points where cramps and tenons were known to be inserted. As a farther method of making the walls firm and compact, the Greeks placed at intervals bond-stones, which they called διατόνοι, because they extended through the whole thickness of the wall. The walls of the Temple of Jupiter at Cyzicus, built of the marble (the Proconnesian) for which that locality has always been renowned, were ornamented with a gold thread placed over all the seams of the stones.[6] Besides conferring the highest degree of beauty and solidity, another important recommendation of ashlar walls was, that they were the most secure against fire, an advantage to which St. Paul alludes when he contrasts the stones, valuable both for material and for workmanship (λίθους τιμίους), and the gold and silver which were exhibited in the walls of such a temple as that just mentioned, with the logs of wood, the thatch, the straw and cane, employed in building walls of the first four kinds.[7] Vitruvius also strongly objects to the *paries cratitius* on account of its great combustibility.[8]

Cicero, in a single passage of his Topica,[9] uses four epithets which were applied to walls. He opposes the *paries solidus* to the *fornicatus*, and the *communis* to the *directus*. The passage, at the same time, shows that the Romans inserted arches

1. (Vitruv., l. c.)—2. (Il., xvi., 212.)—3. (Anab., iii., 4, § 10.) —4. (Vitruv., l. c.) — 5. (Herod., i., 186.—Thucyd., i., 93.)—6 (Plin., H. N., xxxvi., 15, s. 22.)—7. (1 Cor., iii., 10–15.)—8. (ii 8, ad fin.)—9. (§ 4.)

(*vid.* FORNIX) into their "common" or party-walls. The annexed woodcut, representing a portion of the supposed Thermæ at Trêves,[1] exemplifies the frequent occurrence of arches in all Roman buildings, not only when they were intended for windows or doorways, but also when they could serve no other use than to strengthen the wall In this "*paries fornicatus*" each arch is a combination of two or more concentric arches, all built of brick.

This specimen also shows the alternation of courses of brick and stone, which is a common characteristic of Roman masonry. The "*paries solidus*," *i. e.*, the wall without openings for windows or doorways, was also called "a blind wall;"[2] and the *paries communis*,[3] *κοινὸς τοῖχος*,[4] which was the boundary between two tenements and common to them both, was called *intcrgerinus*, al. *intergerivus*,[5] and in Greek *μεσότοιχος*[6] or *μεσότοιχον*.[7] The walls, built at right angles to the party-wall for the convenience of the respective families, were the *parietes directi*.

Walls were adorned, especially in the interior of buildings, in a great variety of ways. Their plane surface was broken by panels. (*Vid.* ABACUS.) However coarse and rough their construction might be, every unevenness was removed by a coating, two or three inches thick, of mortar or of plaster with rough cast, consisting of sand, together with stone, brick, and marble, broken and ground to various degrees of fineness.[8] Gypsum also, in the state which we call plaster of Paris, was much used in the more splendid edifices, and was decorated with an endless variety of tasteful devices in bas-relief. Of these ornaments, wrought in stucco (*opus albarium*), specimens remain in the "Baths of Titus" at Rome. When the plasterer (*tector*, *κονιάτης*) had finished his work (*trullissatio*, *i. e.*, trowelling, *opus tectorium*), in all of which he was directed by the use of the square (*vid.* NORMA), the rule, and the line and plummet (*vid.* PERPENDICULUM), and in which he aimed at producing a surface not only smooth and shining, but as little as possible liable to crack or decay,[9] he was often succeeded by the painter in fresco (*udo tectorio*[10]). In many cases the plaster or stucco was left without any additional ornament; and its whiteness and freshness were occasionally restored by washing it with certain fine calcareous or aluminous earths dissolved in milk (*paræstonium*,[11] *terra Selinusia*[12]). A painted wall was commonly divided by the artist into rectangular compartments, which he filled, according to his taste and fancy, with an endless variety of landscapes, buildings, gardens, animals, &c.[1] (*Vid.* PAINTING, p. 715)

Another method of decorating walls was by incrusting them with slabs of marble (*crustæ*). The blocks designed for this purpose were cut into thin slabs by the aid of sawmills. (*Vid.* MOLA) Various kinds of sand were used in the operation, according to the hardness of the stone, emery (*naxia*[2]), being used for the hardest. This art was of high antiquity, and probably Oriental in its origin. The brick walls of the Mausoleum at Halicarnassus, built as early as 355 B.C., were covered with slabs of Proconnesian marble,[3] and this is the most ancient example upon record. In the time of Pliny,[4] slabs of a uniform colour were sometimes curiously inlaid with variously-coloured materials in such a way as to represent animals and other objects. In short, the beautiful invention now called Florentine Mosaic was then in use for the decoration of the walls of apartments. (*Vid.* EMBLEMA.) The common kind of Mosaic was also sometimes used in walls, as well as in floors and ceilings. The greatest refinement was the attempt to produce the effect of mirrors, which was done by inserting into the wall pieces of black glass manufactured in imitation of obsidian.[5] (*Vid* HOUSE, ROMAN, p. 516, 520; PAINTING, p. 715.)

PARILIA. (*Vid.* PALILIA.)

*PARIUM MARMOR (*Πάριος λίθος*), Parian Marble, a species of marble much celebrated in ancient times, and procured from the island of Paros It was used, for the most part, in statuary. "Among the marbles enumerated by Theophrastus and Pliny, that ranks first," remarks Dr. Moore, "with both, which, from the island of Paros, where it was obtained, was called Parian; and from the manner in which it was quarried, by the light of lamps, was sometimes, as Pliny, on the authority of Varro, tells us, designated by the name Lychnites. This is the stone 'whose colour was considered as pleasing to the gods; which was used by Praxiteles and other ancient sculptors, and celebrated for its whiteness by Pindar and Theocritus.'[6] Of this marble are the Venus de Medici, the Diana Venatrix, the colossal Minerva (called Pallas of Velletri), Ariadne (called Cleopatra), Juno (called Capitolina), and others. Of this are also the celebrated Oxford marbles, known as the Parian Chronicle." For a detailed account of the Parian quarries, and the marble contained there, consult *Clarke's Travels*, vol. 6, p. 133, *seq.*, *Lond. ed.*

PARMA, *dim.* PARMULA,[7] a round shield, three feet in diameter, carried by the *velites* in the Roman army (see p. 104). Though small, compared with the CLIPEUS, it was so strongly made as to be a very effectual protection.[8] This was probably owing to the use of iron in its framework. In the Pyrrhic dance it was raised above the head and struck with a sword, so as to emit a loud, ringing noise.[9] The parma was also worn by the EQUITES;[10] and for the sake of state and fashion, it was sometimes adorned with precious stones.[11]

We find the term *parma* often applied to the target (*vid.* CETRA), which was also a small round shield, and, therefore, very similar to the parma.[12] Virgil, in like manner, applies the term to the clipeus of the Palladium, because, the statue being small, the shield was small in proportion.[13]

1. (Wyttenbach's Guide, p. 60.)—2. (Virg., Æn., v, 589.)—3. (Ovid, Met., iv., 66.)—4. (Thucyd., ii., 3.)—5. (Festus, s. v.—Plin., H. N., xxxv., 14, s. 49.)—6. (Athen., vii., p. 281, *d.*)—7. (Eph., ii., 14.)—8. (Vitruv., vii., 3.—Acts, xxiii., 3.)—9. (Vitruv, vii., 3.)—10. (Vitruv., l. c.)—11. (Plin, H. N., xxxv., 6, s. 12.)—12. (Id. ib., 16, s. 56.)

1. (Vitruv., vii., 5.)—2. (Plin., H. N., xxxvi., 6, s. 9.)—3. (Plin., H. N., xxxvi., 6.)—4. (H. N., xxxv., 1.)—5. (Plin. H. N., xxxvi., 26, s. 67.)—6. (Moore's Anc. Mineralogy, p. 77.)—7. (Hor., Carm., ii., 7, 10.)—8. (Polyb., vi., 20.)—9. (Claud., De Vi. Cons. Honor., 628.)—10. (Sallust, Fragm. Hist., l. IV.)—11. (Propert., IV., ii., 21.)—12. (Propert., IV., ii., 40.—Mela, i. 5, 4.—Virg., Æn. x, 817.)—13. (Æn., ii., 175.)

The annexed woodcut represents a votive parma,

embossed (*σφυρήλατον*) (*vid.* MALLEUS) and gilded, representing on its border, as is supposed, the taking of Rome by the Gauls under Brennus, and its recovery by Camillus. It belonged formerly to the Woodwardian Museum, and is supposed by antiquaries to have been made in the time of Claudius or Nero. The boss (*umbo*) is a grotesque face, surrounded with ram's horns, foliage, and a twisted beard.[1]

*PARNOPS (*πάρνοψ*), a species of *Locusta*, or Grasshopper.[2]

*PARONYCH'IA (*παρωνυχία*), a species of Grass. "There is great uncertainty about it," remarks Adams. "Conformity of names gives some countenance to the conjecture of Lobelius, who held it to be our Whitlow Grass, namely, the *Draba verna*, [illegible]"

PARO'PSIS (*παροψίς*). Two different meanings are given to this word by the Greek grammarians; some interpret it as meaning any food eaten with the *ὄψον* (*vid.* OPSONIUM), as the *μάζα*, a kind of frumenty or soft cake, broth, or any kind of condiment or sauce;[4] and others a saucer, plate, or small dish.[5] It is plain, however, from the numerous passages collected by Athenæus,[6] that the word was used in both significations, and was the name of the dish or plate, as well as of its contents.[7] The Roman writers seem always to use it in the sense of a dish or plate;[8] and, according to Charisius, it was so called, "*quia in eo reponuntur obsonia, et ex eo in mensa comeduntur.*" The word is also written Parapsis.[9]

*PARRA, a bird of evil omen, about which great difference of opinion exists. Vanderbourg, one of the commentators on Horace (by which poet the *Parra* is once mentioned), is in favour of the Screech Owl.[10]

PARRICI'DA. (*Vid.* CORNELIA LEX DE SICARIIS.)

PARTHENIAI or PARTHENEIAI (*παρθενίαι* or *παρθενεῖαι*) are, according to the literal meaning of the word, children born by unmarried women (*παρθένοι*[11]). Some writers also designated by this name those legitimate children at Sparta who were born before the mother was introduced into the house of her husband.[12] The partheniæ, however, as a distinct class of citizens, appear at Sparta after the first Messenian war, and in connexion with the foundation of Tarentum; but the legends as to who they were differ from one another. Hesychius says that they were the children of Spartan citizens and female slaves; Antiochus[1] states that they were the sons of those Spartans who took no part in the war against the Messenians. These Spartans were made Helots, and their children were called partheniæ, and declared *ἄτιμοι*. When they grew up, and were unable to bear their degrading position at home, they emigrated, and became the founders of Tarentum. Ephorus,[2] again, related the story in a different manner. When the Messenian war had lasted for a considerable number of years, the Spartan women sent an embassy to the camp of their husbands, complained of their long absence, and stated that the Republic would suffer for want of an increase in the number of citizens if the war should continue much longer. Their husbands, who were bound by an oath not to leave the field until the Messenians were conquered, sent home all the young men in the camp, who were not bound by that oath, and requested them to cohabit with the maidens at Sparta. The children thus produced were called partheniæ. On the return of the Spartans from Messenia, these partheniæ were not treated as citizens, and, accordingly, united with the Helots to wage war against the Spartans. But, when this plan was found impracticable, they emigrated, and founded the colony of Tarentum.[3] (*Vid.* EPEUNAKTAI.) These stories seem to be nothing but distortions of some historical fact. The Spartans, at a time of great distress, had perhaps allowed marriages between Spartans and slaves or Laconians, or had admitted a number of persons to the franchise, but afterward endeavoured to curtail the privileges of these new citizens, which led to insurrection and emigration.[4]

*PARTHEN'ION (*παρθένιον*), a species of plant, which Sprengel makes to be the *Matricaria Parthenium*, the same with the *Pyrethrum Parthenium*. Hooker, in English, Fever-few. Sibthorp, with some hesitation, however, advocates the same opinion.[5]

*PASSER (*στρουθός*), the Sparrow. "The Greek term *στρουθός* is used by Paulus Ægineta in the same sense that *Passeres* is by Linnæus, as applying to the order of small birds. It is more particularly applied to the *Passer domesticus*, or House Sparrow. Gesner supposes the *πυργίτης* and *τραγλοδύτης* mere varieties of it; but it is more probable that the latter was the Hedge Sparrow, or *Accentor modularis*, Cuvier."[6]

PASSUS, a measure of length, which consisted of five Roman feet.[7] (*Vid.* PES.) The passus was not the step, or distance from heel to heel, when the feet were at their utmost ordinary extension, but the distance from the point which the heel leaves to that in which it is set down. The *mille passuum*, or thousand paces, was the common name of the Roman mile. (*Vid.* MILLIARE.)

PASTOPHORUS (*παστοφόρος*). The shawl, richly interwoven with gold (*χρυσόπαστος*), and displaying various symbolical or mythological figures, was much used in religious ceremonies to conduce to their splendour, to explain their signification, and also to veil their solemnity. The maidens who carried the figured peplus in the Panathenæa at Athens were called *ἀρρηφόροι*. In Egypt, the priests of Isis and Osiris, who probably fulfilled a similar

1. (Dodwell, De Parma Woodwardiana, Oxon., 1713. — Compare Bernd, Das Wappenwesen der Griechen und Römer, Bonn, 1841.)—2. (Strabo, xiii., 9.—Ælian, N. A., vi., 19.)—3. (Dios., iv., 54.—Adams, Append., s. v.)—4. (Pollux, Onom., vi., 56; x., 57.—Hemster., ad loc.)—5. (Hesych. and Suid., s. v.)—6. (ix., p. 367, 368.)—7. (Compare Xen., Cyr., i., 3, § 4.—Plut., De Adul. et Am., 9.—St. Matthew, xxiii., 26.)—8. (Juv., iii., 142.—Mart., xi., 27, 5.)—9. (Hesych., s. v.—Suet., Galb., 12.—Petron., 34 — Dig. 34, tit. 2, s. 19, § 9.)—10. (Vanderbourg ad Hor., Carm., iii., 27, 1.)—11. (Hom., Il., xvi., 180.)—12. (Hesych.; s v.- -Müller, Dor., iv., 4, § 2.)

1. (ap. Strab., vi., 3, p. 43, &c.)—2. (ap. Strab., vi., 3, p. 45.) — 3. (Compare Theopomp. ap. Athen., vi., p. 271.) — 4. (*Vid* Thirlwall, Hist. of Greece, i., p. 352, &c.) — 5. (Adams, Append., s. v.)—6. (Adams, Append., s v. *Στρουθός*.)—7 (Colum v., 1 —Vitruv., x., 14.)

office, were denominated *παστοφόροι*, and were incorporated [1] They appear to have extended themselves, together with the extension of the Egyptian worship, over parts of Greece and Italy, so that "the College of the Pastophori of Industria," a city of Liguria, is mentioned in an inscription found near Turin.[2] The Egyptian college was divided into minor companies, each containing ten pastophori, and each having at its head a leader who was called *decurio quinquennalis*, because he was appointed for five years.[3] Besides carrying the *παστός*, or sacred ornamental shawl, they performed other duties in connexion with the worship of the temple. It was the office of this class of priests to raise the shawl with the performance of an appropriate chant, so as to discover the god seated or standing in the adytum,[4] and generally to show the temple with its sacred utensils, of which, like modern sacristans, they had the custody.[5] In consequence of the supposed influence of Isis and her priesthood in healing diseases, the pastophori obtained a high rank as physicians.[6]

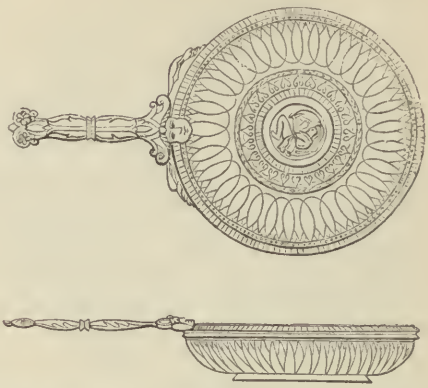
It must be observed, that, according to another interpretation of *παστός*, the pastophori were so denominated from carrying, not a shawl, but a shrine or small chapel, containing the image of the god. Supposing this etymology to be correct, it is no less true that the pastophori sustained the various offices which have been here assigned to them.

It was indispensably requisite that so numerous and important a body of men should have a residence appropriated to them in the temple to which they belonged. This residence was called *παστοφόριον*. The common use of the term, as applied by the Greeks to Egyptian temples, led to its application to the corresponding part of the Temple at Jerusalem by Josephus,[7] and by the authors of the Alexandrine version of the Old Testament.[8]

PATER FAMILIÆ. (*Vid.* Familia, Marriage (Roman), Patria Potestas.)

PATER PATRA'TUS. (*Vid.* Fetiales.)

PATE'RA, *dim.* PATELLA (*φιάλη*), a round dish, a plate, a saucer. Macrobius,[9] explaining the difference between the patera and the Carchesium, says that the former received its name from its flat, expanded form (*planum ac patens*). The pateræ of the most common kind are thus described by Festus:[10] "*Vasa picata parva, sacrificiis faciendis apta*" (*Nigra patella*,[11] *Rubicunda testa*[12]). They were small plates of the common red earthenware, on which an ornamental pattern was drawn in the manner described under the article Fictile,[13] and which were sometimes entirely black. Numerous specimens of them may be seen in the British Museum, and in other collections of ancient fictile vases. The more valuable pateræ were metallic, being chiefly of bronze; but every family, raised above poverty, possessed one of silver (*ἀργυρίς*), together with a silver salt-cellar. (*Vid.* Salinum.)[14] In opulent houses there was a plate of gold (*χρυσίς*[15]). These metallic plates were often adorned with figures, engraved or embossed upon them [16] A beautiful specimen is presented in the woodcut to the article Libra; and the accompanying woodcut exhibits a highly ornamented dish, also of bronze, designed to be used in the worship of Mars, and found at Pompeii.- The view of the upper surface is accompanied by a side view, showing the form and depth



of the vessel. The ornamental pateræ sometimes represented leaves of fern, which probably diverged from the centre (*filicatæ*[2]). Gems were set in others.[3] We read also of an amber dish (*electrinam*), having in the centre the countenance of Alexander the Great, and his history represented on the border.[4] The annexed woodcut contains a view and section of a plate of white marble in the British Museum, which was found in the ruins of Hadrian's Villa, and purchased by Mr. Townley. It is 11

inches in diameter, and 1¾ high. It is cut with skill and delicacy, the marble not being much more than a quarter of an inch thick. In the centre is sculptured a female bacchante, in a long tunic and with a scarf (*vid.* Chlamys) floating over her head. This centre-piece is encircled by a wreath of ivy. The decorations indicate the appropriation of the plate to the worship of Bacchus.

Plates were sometimes made so as to be used with either side downward, and were then distinguished by the epithet *ἀμφίθετος*.[5] In these the under surface was ornamented as well as the upper. The Massilians and other Ionic Greeks commonly placed the under surface uppermost. Plates were farther distinguished from one another by being either with or without a base (*πυθμήν*), a boss in the middle (*ὀμφαλωτὴ, μεσόμφαλος, φθοῖς*), feet (*βαλανωτή*), and handles.[6] In the preceding woodcuts the

1. (Diod. Sic., i., 29. — Porphyr., De Abstin., iv., 8. — Apul., Met., xi., p. 124, 128, ed. Aldi.) — 2. (Maffei, Mus. Veron., p. 230.) — 3. (Apul., Met., xi., ad fin.) — 4. (Clem. Alex., Pædag., iii., 2.)—5. (Horapollo, Hier., i., 41.)—6. (Clem. Alex., Strom., vi., 4, p. 758, ed. Potter.)—7. (Bell. Jud., iv., 12.)—8. (1 Chron., ix., 26, 33; xxiii., 28.—Jer., xxxv., 4.—1 Macc., iv., 38, 57.)—9. (Sat., v., 21.) — 10. (s. v. Patellæ.) — 11. (Mart., v., 120.) — 12. (xiv., 114.)—13. (p. 418.) — 14. (Plin., H. N., xxxiii., 12, s. 54.) —15. (Athen., xi., p. 497, 502. — Pind., Ol., vii., 1-3. — Virg., Georg., ii., 192.) — 16. (Cic., Verr., II., iv., 21. — Xen., Anab., iv., 7, § 27; vii., 3, § 27.)

1. (Donaldson's Pomp., vol. ii., pl. 78.)—2. (Cic., Parad., i., § 2.)—3. (Cic., Verr., II., iv., 24.—Virg., Æn., i., 728, 739.—Treb. Poll., Claud., p. 208, ed Salmas.) — 4. (Treb. Poll., Trig. Tyr. 13.) — 5. (Hom., Il., xxiii., 270, 616.) — 6. (Athen., xi., p. 501, 502.)

bronze patera has one handle: both the pateræ are made to stand upon a low base.

Small plates were sometimes used in cooking,[1] an operation more commonly performed in pots (*vid.* OLLA) and basins or bowls. (*Vid* PATINA.) They were used at meals to eat upon as we use them,[2] although it appears that very religious persons abstained from this practice on account of the customary employment of them in sacrificing to the gods.[3] A larger plate, in fact a round dish, was used to bring to table such an article of food as a flat fish.[4] Mustard[5] and ointments[6] were brought in saucers. The Greeks also drank wine out of plates or saucers,[7] as we see in the woodcut on p. 326, which represents a symposium, and in which the second and third figures from the right hand have each a saucer. It was, however, one of the refinements of luxury among the Asiatics, that the cup-bearer used the plate as a waiter to hold the cup into which he poured the wine; and, as the plate was without a handle (*ἄνευ ὤτων*), he took hold of it adroitly with three of his fingers.[8]

The use of pateræ at meals no doubt gave origin to the employment of them in sacrifices. On these occasions they held either solid food (*μικρὸν κρέας*,[9] *cibos*[10]), or any liquid intended to be poured out as a libation.[11] We find them continually represented in conjunction with the other instruments of sacrifice upon coins, gems, altars, bas reliefs, and the friezes of temples. In the ancient Doric temple at Rome, now dedicated to St. Adrian, the tasteful patera and the cranium of the bull are alternately sculptured on the metopes.[12]

Plates of the most precious materials and of the finest workmanship were sometimes given as prizes at the public games.[13]

PATHOLOGIA (*Παθολογική*), one of the five parts into which, according to some authors, the science of medicine among the ancients was divided (*vid.* MEDICINA), which, as its name implies (*πάθος, disease*, and *λόγος, a discourse*), had for its especial object the whole doctrine of disease, in what it consists, from what it springs, what changes it effects in the human frame, &c. It would be impossible here to attempt anything like a complete analysis of the opinions of the ancients on this subject; it will, perhaps, be sufficient to notice the doctrines of the two principal physicians of antiquity, Hippocrates and Galen, and to give a list of such of their treatises on the subject as are still extant, referring the reader for a more detailed account to the Histories of Medicine by Le Clerc and Sprengel, and especially to a little work by Sophocles ab Œconomus, entitled "Specimen Pathologiæ Generalis Veterum Græcorum," Berol., 8vo, 1833. Hippocrates, says Sprengel,[14] in his pathology occupied himself much less about the *immediate* than the *remote* causes of diseases. It is true that he admitted the theory of elementary humours, but he very rarely makes use of it in the explanation of the causes of different affections, and always in an indirect and obscure manner. We find in his writings very few speculations upon the essence of diseases In the treatise *Περὶ τῶν ἐν Κεφαλῇ Τραυμάτων*, "De Capitis Vulneribus,"[15] he explains inflammation by the blood's flowing into parts into which it had not penetrated before. In another passage[1] he has recourse to the elementary qualities to account for barrenness. He points out two general causes of spasms, fulness and emptiness,[2] and refers all external irritations to these two causes. He explains the formation of urinary calculi in a very simple manner: these extraneous bodies are owing to the accumulation of sandy particles contained in the urine.[3] Galen, in a very important passage,[4] says that "Hippocrates never deigned to admit the causes of diseases according to his imagination; he was convinced that it was always safer to refer them to phenomena that were plainly recognised. Thus he never proposes his own method of cure but when he believes it founded on experience." He rendered a great service to pathology by not multiplying to infinity, like the physicians of the Cnidian school (*vid.* MEDICINA, p. 629), the number of the sorts of diseases, and by observing with scrupulous attention the essential difference which exists between the same symptoms according as they arise from different causes.[5] It is upon these principles that he founded his excellent axioms of diagnosis, and complained that physicians had not sufficient experience to recognise whether weakness in diseases was the consequence of the emptiness of the vessels, of some other irritation, or of pain and the intensity of the malady; nor could they discern the accidents occasioned by the constitution of the individual. Thus he established between active and passive symptoms a distinction which he believed to be much more important than the classification of diseases according to species founded upon pure subtleties. He devoted his whole attention to the remote causes of disease, particularly to the air and winds. He began by explaining the action of heat and cold upon the human body,[6] and then pointed out the changes that the influence of the season and weather occasions in the general constitution. He thought a dry atmosphere more healthy than a very damp one.[7] He regarded the variations of the weather in the different seasons as a sufficient cause for a number of diseases peculiar to each part of the year. Many of these principles have perhaps only been founded upon a single observation; indeed, sometimes his observations were incorrect, because they were based upon insufficient reasonings. When, for example, he met with a disease in a town, situated opposite to such or such a quarter of the heavens, he did not fail to attribute it to the influence of the climate. For this reason he attributed abortion and hydrocele to the north wind, and the fecundity of women to the east wind. He even went so far as to think that water possessed particular qualities according to the different countries where it was met with and the winds to which it was exposed. The Humoral Pathology, as it is called, or the theory according to which all maladies are explained by the mixture of the four cardinal humours, viz., Blood, Bile, Mucus or Phlegm (*φλέγμα*), and Water, is found in the writings of Hippocrates, and is still more developed by Plato. The common source of all these humours is the stomach, from whence they are attracted by different organs when diseases develop themselves.[8] To each of these four humours was assigned a particular source; the bile is prepared in the liver, the mucus in the head, and the water in the spleen.[9] The bile causes all the acute diseases; the mucus contained in the head occasions catarrhs and rheumatism;[10] dropsy depends upon an affection of the

1. (Plin., H. N., xxx., 8, s. 21.)—2. (Varro, Eumen. ap. Non. Marc., xv., 6.—Hor., Epist., I., v., 2.)—3. (Cic., Fin., ii., 7.)—4. (Mart., xiii., 81.)—5. (Plin., H. N., xix., 8, s. 54.)—6. (Xenoph., p. 68, ed. Karsten.)—7. (Xen., Conv., ii., 23.)—8. (Xen., Cyr., i., 3, § 8, 9.)—9. (Varro, Man. ap. Non. Marc., l. c.)—10. (Ovid, Fast., vi., 310.)—11. (Virg., Æn., iii., 67; iv., 60; v., 98; v., 249; vii., 133; viii., 174.—Ovid, Met., ix., 160.—Fast., ii., 634; iv., 934.—Val. Flacc., v., 192.—Juv., iii., 26.—Heliod., Æthiop., ii., p. 98.—Athen., xi., p. 482.)—12. (Labacco, Ant. di Roma, 16, 17.)—13. (Hom., Il., xxiii., 270.—Pind., Isth., i., 20.)—14. (Hist. de la Méd.)—15. (tom. iii., p. 362, ed. Kühn.)

1. (Aphor., sect. v., § 62, tom. iii., p. 747.)—2. (Aphor. sect. vi., § 39, p. 754.)—3. (Aphor., sect. ii., § 71, p. 738.)—4. (Comment., i., in Lib. de Artic., p. 312, tom. xviii., A., ed Kühn.)—5. (Galen, De Meth. Med., lib. i., p. 15, tom. x.)—6 (Aphor., v., sect v., § 15, tom. iii., p. 740, 741.)—7. (Aphor., sect. iii., § 15, p. 722.)—8. (De Morb., lib. iv., tom. ii., p. 325.)—9. (Ibid.)—10 (De Loc. in Hom. tom. ii., p. 119.)

spleen.[1] The quantity of the bile determines the type of the fever, which is *continued* (*σύνοχος*) if the mass of this fluid is as considerable as it can be; *quotidian* if it is less abundant; *tertian* if it is still less; and *quartan* if there is mixed with it a certain proportion of viscous black bile, or *atrabile*.[2] This theory of the Humours is also exposed in a much more simple manner in another work, in which the autnor attributes all diseases to the mucus and bile.[3] The Humoral Pathology was developed by the pupils of Hippocrates with much greater precision than it had been before; it formed the most essential part of the system of the Dogmatici, and has been the basis of all those invented since. (*Vid.* Dogmatici.)

The following is Sprengel's analysis of the Pathology of Galen. He defines health to be that state in which the body is exempt from pain, and performs its usual functions without obstacle; and disease to be the contrary to this, viz., that state of the body (*διάθεσις, κατασκευή*) in which the functions are disturbed.[4] One must not confound with this state *the affection* (*πάθος*), that is to say, the effect of this disturbance of the functions.[5] That which determines this injury is the cause of the disease, the sensible effects of which are the *ἐπιγεννήματα*, or symptoms.[6] Diseases (*διαθέσεις*) are unnatural states either of the similar parts (*ὁμοιομερῆ*), or of the organs themselves (*ὀργανικά*).[7] Those of the similar parts proceed in general from the want of proportion among the elements,[8] of which one or two predominate.[9] In this manner arise eight different *δυσκράσιαι*.[10] The affections of the organs themselves depend upon the number, the figure, the quantity, or the situation of the parts.[11] Symptoms consist either in the derangement of a function or in the vicious state of the secretions.[12] The causes of disease are remote or proximate: the former contribute, up to a certain point, to the development of diseases; but they must agree perfectly with each other to give rise to a proximate cause. They may be external or internal; Galen calls the latter *antecedent*, *προηγουμέναι*, and the former *primitive*, *προκαταρκτικαί*.[13] Those which are internal depend almost always upon the superabundance (*πλῆθος*) or the deterioration of the humours (*κακοχυμία*[14]). When the blood is in too great a quantity, it is of importance to determine whether this superabundance is absolute, or only with reference to the strength of the patient. Hence arise two kinds of plethora which the modern schools have adopted.[15] Galen gives to every disorder of the humours the name of *putridity*, which takes place every time that a stagnant humour is exposed to a high temperature without evaporating.[16] For this reason, suppuration, and even the sediment of urine, are proofs of putridity.[17] In every fever there is a kind of putridity which gives out an unnatural heat, which becomes the cause of fever, because the heart, and afterward the arterial system, takes part in it.[18] All fevers arise from a deterioration of humours, with the exception of the ephemeral fever, which proceeds from a particular affection of the *πνεῦμα*.[4] Among the intermittent fevers, Galen attributes the *quotidian* to the disorder of the phlegm, the *tertian* to that of the bile, and the *quartan* to the putrefaction of the black bile, or *atrabile*. This last humour being the most difficult to set in motion, requires also the most time to bring on the attack. A very extraordinary thing, says Sprengel, is, that this arbitrary hypothesis is really supported by a great number of facts; and hence it has found, even in modern times, many supporters of no common merit.[2] Galen, like Hippocrates, explains inflammation very simply by the introduction of the blood into a part which did not before contain any.[3] If the *pneuma* insinuates itself at the same time, the inflammation is then *pneumatic*, *πνευματώδης*: it is, on the other hand, *pure*, *φλεγμονώδης*, when the blood penetrates alone; *œdematous*, *οἰδηματώδης*, if it is accompanied by phlegm; *erysipelatous*, *ἐρυσιπελατώδης*, when bile is joined with it; and *schirrous*, *σκιῤῥώδης*, if accompanied by atrabile.[4] He made the same division of hemorrhage as is admitted in the present day; he divides it into that which is produced by anastomosis, dilatation, &c.[6]

The following are the titles of the works relating to Pathology that are found in the collection of writings that bear the name of Hippocrates, but of these none are undoubtedly genuine (see Choulant, "Handbuch der Bücherkunde für die Ältere Medicin," Leipzig, 1841): 1. Περὶ Νούσων, "De Morbis;" 2. Περὶ Παθῶν, "De Affectionibus;" 3. Περὶ τῶν Ἐντὸς Παθῶν, "De Internis Affectionibus." 4. Περὶ Παρθενίων, "De Virginum Morbis;" 5. Περὶ Γυναικείης Φύσιος, "De Natura Muliebri," 6. Περὶ Γυναικείων, "De Mulierum Morbis;" 7. Περὶ Ἀφόρων, "De Sterilibus;" and 8. Περὶ Ὄψιος, "De Visu." The principal pathological works of Galen are, 1. his six books Περὶ τῶν Πεπονθότων Τόπων, "De Locis Affectis;" 2. Περὶ Διαφορᾶς Νοσημάτων, "De Differentiis Morborum;" 3. Περὶ τῶν ἐν τοῖς Νοσήμασιν Αἰτιῶν, "De Morborum Causis." There is also much matter relating to the subject of Pathology to be found in several other parts of his works.

PATIB'ULUM. (*Vid.* Furca.)

PAT'INA (*λεκάνη, dim. λεκάνιον al. λεκάριον, λεκανίσκη*,[6] *λεκανὶς, second dim. λεκανίδιον*[7]), a basin or bowl of earthenware, rarely of bronze[8] or silver.[9]

A patina, covered with a lid (*operculum*), was sometimes used to keep grapes instead of a jar,[10] a proof that this vessel was of a form intermediate between the Patera and the Olla, not so flat as the former, nor so deep as the latter. Hence it is compared to the crater.[11] (*Vid.* Crater.) This account of its shape accords with a variety of uses to which it was applied, viz., to hold water and a sponge for washing,[12] and clay for making bricks,[13] in vomiting,[14] and in smelting the ore of quicksilver.[15] But its most frequent use was in cookery and pharmacy.[16] Although the patera and the olla were also used, the articles of diet were commonly prepared, sometimes over a fire,[17] and sometimes without fire, in a patina, and more especially when they were accompanied with sauce or fluid.[18] Hence the word occurs in almost every page of Apicius, *De Opsoniis* (*vid.* Opsonium); and hence came its synonyme *ὀψ-*

1. (De Affect., tom. ii., p. 399, 400.)—2. (De Nat. Hom., tom. p. 369, 370.)—3. (De Morb., lib. i., tom. ii., p. 167.)—4. (De Diff. Sympt., lib. iii., p. 43, 44, tom. vii., ed. Kühn.—Meth. Med., lib. i., p. 41; lib. ii., p. 81, tom. x.—De Diff. Morb., c. ii., p. 837, tom. vi.)—5. (De Diff. Sympt., l. c.—De Locis Affect., lib. i., c. 3, tom. viii., p. 32.)—6. (De Diff. Sympt., lib. iii., p. 43.—Meth. Med., lib. ii., p. 81, tom. x.)—7. (Ibid., lib. ix., p. 646.)—8. (De Diff. Morb., c. ii., p. 840, tom. vi.)—9. (Meth. Med., lib. x., p. 646, tom. x.)—10. (De Anomal. Dyscras., p. 739, tom. vii.)—11. (Meth. Med., l. c.)—12. (Meth. Med., lib. xii., p. 811, tom. x.—De Diff. Sympt., p. 50, tom. vii.)—13. (De Tuenda Valet., lib. iv., p. 236, tom. vi.)—14. (De Tuenda Valet., lib. vi., p. 407, tom. vi.)—15. (De Plenitudine, cap. 3, p. 522, tom. vii.)—16. (Meth. Med., lib. ix., cap. 10, p. 763, tom. x.)—17 (Comm. 3 in lib. iii. Hippocr., Epidem., p. 740, tom. xvii., a.)—18. (De Venæ Sect. Therap., p. 264, tom. xi.)

1. (De Diff. Febr., lib. i., p. 295, 296, tom. vii.)—2. (De Diff. Febr., lib. ii., p. 336, tom. vii.—Compare Elsner's "Beyträge zur Fieberlehre," Königsb., 1789, 8vo.)—3. (Meth. Med., lib xiii., p. 876, tom. x.)—4. (Ibid., p. 879, tom. x.)—5. (Meth. Med., lib. v., p. 311, tom. x.)—6. (Athen., vi., p. 268.)—7. (Bekker, Anec., p. 794.)—8. (Pallad., De Re Rust., i., 40.—Plin., H. N., xxxiv., 11, s. 25.)—9. (Treb. Poll., Claud., p. 208, c.)—10 (Col., De Re Rust., xii., 43.)—11. (Schol. in Aristoph., Acharn., 1109.)—12. (Aristoph., Vesp., 598.)—13. (Aves, 1143, 1146.)—14. (Id., Nub., 904.)—15. (Plin., H. N., xxxiii., 8, s. 41.)—16 (Plin., H. N., xxiii., 2, s. 33.)—17. (Plaut., Pseud., III., ii., 51—Plin., H. N., xviii., 11, s. 26; xvii., 25, s. 80.)—18. (Hor. Sat., I., iii., 80.)

σάδκη. In the same bowl the food was commonly brought to table,[2] an example of which is λεκάνιον τῶν λαγώων κρεῶν, *i. e.*, "a basin of stewed hare."[3] But it is to be observed, that dishes (*vid.* LANX, PATERA) were used to bring to table those articles of food, the form and solidity of which were adapted to such vessels.

The silver bowl was sometimes ornamented, as with ivy-leaves (*hederata*[4]), or by the insertion of mirrors (*specillata*[5]). These bowls weighed from 10 to 20 lbs. each. Vitellius, wishing to obtain an earthenware bowl of immense size, had a furnace constructed on purpose to bake it.[6]

A method of divination by the use of a basin (λεκανομαντεία) is mentioned by Tzetzes on Lycophron, v. 813.

PATRES. (*Vid.* PATRICII.)

PATRIA POTESTAS. Potestas signifies generally a power or faculty of any kind by which we do anything. "Potestas," says Paulus,[7] "has several significations: when applied to magistratus, it is imperium; in the case of children, it is the patria potestas; in the case of slaves, it is dominium." According to Paulus, then, potestas, as applied to magistratus, is equivalent to imperium. Thus we find potestas associated with the adjectives prætoria, consularis. But potestas is applied to magistrates who had not the imperium, as, for instance, to quæstors and tribuni plebis;[8] and potestas and imperium are often opposed in Cicero. Thus it seems that this word potestas, like many other Roman terms, had both a wider signification and a narrower one. In its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power. In its narrower significations, it was, on the one hand, equivalent to imperium; and, on the other, it expressed the power of those functionaries who had not the imperium. Sometimes it was used to express a magistratus, as a person,[9] and hence in the Italian language, the word podestà signifies a magistrate.

Potestas is also one of the words by which is expressed the power that one private person has over another, the other two being manus and mancipium. The potestas is either dominica, that is, ownership, as exhibited in the relation of master and slave (*vid.* SERVUS), or patria, as exhibited in the relation of father and child. The mancipium was framed after the analogy of the potestas dominica. (*Vid.* MANCIPIUM.)

Patria potestas, then, signifies the power which a Roman father had over the persons of his children, grandchildren, and other descendants (*filiifamilias*, *filiæfamilias*), and generally all the rights which he had by virtue of his paternity. The foundation of the patria potestas was a legal marriage, and the birth of a child gave it full effect. (*Vid.* MARRIAGE, ROMAN.)

It does not seem that the patria potestas was ever viewed among the Romans as absolutely equivalent to the dominica potestas, or as involving ownership of the child; and yet the original notion of the patria came very near to that of the dominica potestas. Originally the father had the power of life and death over his son as a member of his familia: he could sell him, and so bring him into the mancipii causa; and he had the jus noxæ dandi as a necessary consequence of his being liable for the delicts of his child. He could also give his daughter in marriage, or give a wife to his son, divorce his child, give him in adoption, and emancipate him at his pleasure.

The father could exheredate his son, he could substitute another person as heir to him (*vid.* HERES), and he could, by his will, appoint him a tutor.

The general rights and disabilities of a filiusfamilias may be thus briefly expressed: "The child is incapable, in his private rights, of any power or dominion; in every other respect he is capable of legal rights."[1] The incapacity of the child is not really an incapacity of acquiring legal rights, for the child could acquire by contract, for instance; but everything that he acquired was acquired for his father.

As to matters that belonged to the jus publicum, the son laboured under no incapacities: he could vote at the comitia tributa, he could fill a magistratus, and he could be a tutor: for the tutela was considered a part of jus publicum.

The child had connubium and commercium, like any Roman citizen who was sui juris, but these legal capacities brought to him no present power or ownership. His marriage was legal (*justum*), but if it was accompanied with the in manum conventio, his wife came into the power of his father, and not into the power of the son. The son's children were in all cases in the power of their grandfather when the son was.

Inasmuch as he had commercium, he could be a witness to mancipationes and testaments, but he could not have property nor servitutes. He had the testamenti factio, as already stated, so far as to be a witness to a testament, but he could not make a testament, for he had nothing to dispose of; and he could not have a heres.

He could, as already observed, acquire rights for his father by contract, but none for himself, except in the case of an adstipulatio, an instance which shows the difference between a son and a slave. (*Vid.* OBLIGATIONES.) But he could incur obligations and could be sued like a paterfamilias. The foundation of these rules of law was the maxim that the condition of a master could be improved by the acts of his slaves, but not made worse; and this maxim applied equally to a son and a slave. Between the father and the son no civiles obligationes could exist; neither of them, consequently, could have a right of action against the other. Some writers have supposed that there was a difference between the capacities and incapacities of a filiusfamilias and a filiafamilias as to obligationes; but the reasons alleged by Savigny seem conclusively to show that there was no difference at all.

The incapacity of the child to acquire for himself, and his capacity to acquire for his father, as well as their mutual incapacity of acquiring rights of action against one another, are viewed by some modern writers as a consequence of a legal unity of person, while others affirm that there is no trace of such a fiction in the Roman law, and that the assumption is by no means necessary to explain the rule of law. Indeed, the fiction of such a unity is quite unnecessary, for the fundamental maxim already referred to, that a man may be made richer, but not poorer, by his slaves and children, is a simple positive rule. Though the child could not acquire for himself, yet all that he did acquire for his father might become his own in the event of his father's death, a circumstance which materially distinguished the acquisitions of a son from those of a slave; and, accordingly, the son is sometimes, though not with strict propriety, considered as a kind of joint owner with his father.

1 (Photius, Lex., s. v.)—2. (Xen., Cyr., i., 3, § 4.—Athen., iv., p. 149, *f*.—Plaut., Mil., III., i., 164.—Ter., Eun., IV., vii., 46.—Hor., Sat., II., viii., 43.)—3. (Aristoph., Acharn., 1009)—4. (Treb. Poll., l. c.)—5. (Fl. Vopisc., Probus, p. 224, ed. Salmas.) —6. (Plin., H. N., xxxv., 12, s. 46.—Juv., iv., 130-134.)—7. (Dig. 50, tit. 16. s. 225.)—8. (Cic., Pro Cluent., c. 27.—Suet. on., Claud., 13.—Juv., Sat., x., 100.)

1 (Savigny, System, &c., ii., 52.)

The rule as to the incapacity of a filiusfamilias for acquiring property was first varied about the time of Augustus, when the son was empowered to acquire for himself and to treat as his own whatever he got in military service. This was the castrense peculium, with respect to which the son was considered as a person sui juris.[1] But if the filiusfamilias died without having made any disposition of this peculium, it came to the father, and this continued to be the law till Justinian altered it; but in this case the property came as peculium, not as hereditas. The privileges of a filiusfamilias as to the acquisition of property were extended under Constantine to his acquisitions made during the discharge of civil offices; and as this new privilege was framed after the analogy of the castrense peculium, it was designated by the name quasi castrense peculium. Farther privileges of the same kind were also given by Constantine and extended under subsequent emperors (*bona quæ patri non adquiruntur*).

The patria potestas began with the birth of a child in lawful marriage. If a Roman had by mistake married a woman with whom he had no connubium, this being that connubium existed, he was allowed to prove his case (*causæ erroris probatio*), upon doing which, the child that had been born and the wife also became Roman citizens, and from that time the son was in the power of the father. This causæ probatio was allowed by a senatus consultum,[2] which, as it appears from the context, and a comparison with Ulpian's Fragments,[3] was an amendment of the lex Ælia Sentia. Other instances of the causæ probatio are mentioned by Gaius.

It was a condition of the patria potestas that the child should be born in marriage. By the old law, then, the subsequent marriage of the parents did not legitimate a child born before the marriage. But it seems to have early become the fashion for the emperor, as an act of grace, to place such child on the same footing as legitimate children. The legitimation per subsequens matrimonium only became an established rule of law under Constantine, and was introduced for the advantage of children who were born in concubinage. (*Vid.* Concubina.) In the time of Theodosius II., the rule was established by which a child was legitimated per oblationem curiae. To these two modes of legitimation Justinian added that per rescriptum principis. The child thus legitimated came into the familia and the potestas of his father as if he had been born in lawful marriage.

The patria potestas could also be acquired by either of the modes of adoption. (*Vid.* Adoption, Roman.)

The patria potestas was dissolved in various ways. It was dissolved by the death of the father, upon which event the grandchildren, if there were any, who had hitherto been in the power of their grandfather, came into the power of their father, who was now sui juris. It could also be dissolved in various ways during the lifetime of the father. A maxima or media capitis diminutio, either of the parent or child, dissolved the patria potestas; though, in the case of either party sustaining a capitis diminutio by falling into the hands of an enemy, the relation might be revived by postliminium. A father who was adrogated, and, consequently, sustained a minima capitis diminutio, came, together with his children, who had hitherto been in his power, into the power of his adoptive father. The emancipation of the child by the father was a common mode of dissolving the patria potestas, and was accompanied by the minima capitis diminutio. If a son was elected flamen dialis, or a daughter was chosen a vestal, the patria potestas ceased, and in the later period it was also dissolved by the son's attaining certain civil or ecclesiastical honours. The potestas of the father might cease without the son becoming sui juris, as in the case of the son being given in adoption.

The term patria potestas strictly expresses the power of the father, as such, which arises from the paternal relation; but the term also imports the rights of the child as a filiusfamilias or filiafamilias. Of these rights the most important was the capacity of being the suus heres of the father. Generally the parent could emancipate his child at his pleasure, and thus deprive him of the rights of agnation; but the law in this respect was altered by Justinian,[1] who made the consent of the child necessary.

PATRI'CII. This word is evidently a derivative from *pater*, which frequently occurs in the Roman writers as equivalent to senator. Patricii therefore signifies those who belonged to the patres "*rex patres eos* (*senatores*) *voluit nominari, patriciosque eorum liberos*;"[2] though it seems to be a mistake in these writers to suppose that the patricii were only the offspring of the patres in the sense of senators, and necessarily connected with them by blood. The connexion was, as we shall see hereafter, a much wider one, but, in consequence of it, patres and patricii are sometimes used as convertible terms, so that patricii stands for senators.[3] The words *patres* and *patricii* have thus radically the same meaning, and some of the ancients believed that the name patres was given to that particular class of the Roman population from the fact that they were fathers of families;[4] others that they were called so from their age,[5] or because they distributed land among the poorer citizens, as fathers did among their children.[6] But most writers refer the name to the patrocinium which the patricians exercised over the whole state, and over all classes of persons of whom it was composed.[7]

In considering who the patricians were, we have to distinguish three periods in the history of Rome. The first extends from the foundation of the city down to the establishment of the plebeians as a second order: the second, from this event down to the time of Constantine, during which time the patricians were a real aristocracy of birth, and, as such, formed a distinct class of Roman citizens opposed to the plebeians, and afterward to the new plebeian aristocracy of the nobiles: the third period extends from Constantine down to the middle ages, during which the patricians were no longer an aristocracy of birth, but were persons who merely enjoyed a title, first granted by the emperors, and afterward by the popes also.

First Period: from the foundation of the city to the establishment of the plebeian order. Niebuhr's researches into the early history of Rome have established it as a fact beyond all doubt, that during this period the patricians were the whole body of Roman citizens; that they were the *populus Romanus*: and that there were no other real citizens besides them.[8] The other parts of the Roman population, namely, clients and slaves, did not belong to the populus Romanus, and were not burghers or patricians. The senators or patres (in the narrower

1 (Juv., Sat. xvi., 51)—2. (Gaius, i., 67.)—3. (vii., 4.)

1. (Nov., 89, c. 11.)—2. (Cic., De Repub., ii., 12.—Liv., i. 8—Dionys., ii., p. 83, ed. Sylburg.)—3. (Plut., Romul., 13.—Lydus, De Mens., i., 20.—De Mag., i., 16.—Niebuhr, Hist. of Rome, i., p. 336.)—4. (Plut., Dionys., l. c.)—5. (Sallust, Cat. 6.)—6. (Fest., s. v. Patres Senatores.—Lyd., De Mens., iv., 50.)—7. (Plut. and Sallust, l. c.—Zonaras, vii., 8.—Suidas, s. v. Πατρίκιοι.)—8. (Niebuhr, Hist. of Rome, ii., p. 224, 225, note 507.—Cic., Pro Cæcin., 35.)

sense of the word) were a select body of the populus or patricians, which acted as their representative. The burghers or patricians consisted originally of three distinct tribes, which afterward became united into the sovereign populus. These tribes had founded settlements upon several of the hills which were subsequently included within the precincts of the city of Rome. Their names were Ramnes, Tities, and Luceres, or Ramnenses, Titienses, and Lucerenses. Each of these tribes consisted of ten curiæ, and each curia of ten gentes, and of the same number of decuries, which were established for representative and military purposes. (*Vid.* SENATUS.) The first tribe, or the Ramnes, were a Latin colony on the Palatine Hill, said to have been founded by Romulus. As long as it stood alone it contained only one hundred gentes, and had a senate of one hundred members. When the Titics, or Sabine settlers on the Quirinal and Viminal Hills, under King Tatius, became united with the Ramnes, the number of gentes, as well as that of senators, was increased to 200. These two tribes, after their union, continued probably for a considerable time to be the patricians of Rome, until the third tribe, the Luceres, which chiefly consisted of Etruscans, who had settled on the Cælian Hill, also became united with the other two as a third tribe. When this settlement was made is not certain: some say that it was in the time of Romulus;[1] others, that it took place at a later time.[2] But the Etruscan settlement was in all probability older than that of the Sabines,[3] though it seems occasionally to have received new bands of Etruscan settlers even as late as after the establishment of the Republic.

The amalgamation of these three tribes did not take place at once: the union between Latins and Sabines is ascribed to the reign of Romulus, though it does not appear to have been quite perfect, since the Latins on some occasions claimed a superiority over the Sabines.[4] The Luceres existed for a long time as a separate tribe without enjoying the same rights as the two other tribes, until Tarquinius Priscus, himself an Etruscan, caused them to be placed on a footing of equality with the others. For this reason he is said to have increased the number of senators to 300[5] (compare SENATUS), and to have added two vestal virgins to the existing number of four.[6] The Luceres, however, are, notwithstanding this equalization, sometimes distinguished from the other tribes by the name *patres* or *patricii minorum gentium;* though this name is also applied to other members of the patricians, *e. g.*, to those plebeian families who were admitted by Tarquinius Priscus into the three tribes, and in comparison with these, the Luceres are again called *patres majorum gentium.*[7] That this distinction between patricii majorum and minorum gentium was kept up in private life at a time when it had no value whatever in a political point of view, is clear from Cicero.[8] Tullus Hostilius admitted several of the noble gentes of Alba among the patricians (*in patres legit*),[9] viz., the Tullii (Julii?), Servilii, Quinctii, Geganii, Curiatii, and Clœlii, to which Dionysius[10] adds the gens Metilia. Ancus Marcius admitted the Tarquinii,[11] Tarquinius Priscus the Tullii,[12] Servius Tullius the Octavii,[13] and even Tarquinius Superbus seems to have had similar intentions.[1] We do not hear that the numbers of gentes was increased by these admissions, and must therefore suppose that some of them had already become extinct, and that the vacancies which thus arose were filled up with these new burghers.[2] During the time of the Republic, distinguished strangers and wealthy plebeians were occasionally made Roman patricians, *e. g.*, Appius Claudius and his gens,[3] and Domitius Ænobarbus.[4] As regards the kingly period, the Roman historians speak as if the kings had had the power of raising a gens or an individual to the rank of a patrician; but it is evident that the king could not do this without the consent of the senate and the curies; and hence Livy[5] makes Canuleius say, "per co-optationem in patres, aut ab regibus lecti," which lectio, of course, required the sanction of the body of patricians. In the time of the Republic, such an elevation to the rank of patrician could only be granted by the senate and the populus.[6]

Since there were no other Roman citizens but the patricians during this period, we cannot speak of any rights or privileges belonging to them exclusively; they are all comprehended under CIVITAS (ROMAN) and GENS. Respecting their relations to the kings, see COMITIA CURIATA and SENATUS. During this early period we can scarcely speak of the patricians as an aristocracy, unless we regard their relation to the clients in this light. (*Vid.* CLIENS.)

Second Period: from the establishment of the plebeian order to the time of Constantine. At the time when the plebeians became a distinct class of citizens, who shared certain rights with the patricians, the latter lost in so far as these rights no longer belonged to them exclusively. But by far the greater number of rights, and those the most important ones, still remained in the exclusive possession of the patricians, who alone were *cives optimo jure*, and were the patres of the nation in the same sense as before. All civil and religious offices were in their possession, and they continued, as before, to be the populus, the nation now consisting of the populus and the plebes. This distinction, which Livy found in ancient documents,[7] seems, however, in the course of time, to have fallen into oblivion, so that the historian seems to be scarcely aware of it, and uses populus for the whole body of citizens, including the plebeians. Under the Antonines, the term populus signified all the citizens with the exception of the patricii.[8] In their relation to the plebeians or the commonalty, the patricians now were a real aristocracy of birth. A person born of a patrician family was and remained a patrician, whether he was rich or poor, whether he was a member of the senate or an eques, or held any of the great offices of the state or not; there was no power that could make a patrician a plebeian. As regards the census, he might, indeed, not belong to the wealthy classes, but his rank remained the same. Instances of reduced patricians in the latter period of the Republic are the father of M. Æmilius Scaurus, and the family of the Sullas previous to the time of the great dictator of that name. The only way in which a patrician might become a plebeian was when, of his own accord, he left his gens and curia, gave up the sacra, &c.[9] A plebeian, on the other hand, or even a stranger, might, as we stated above, be made a patrician by a lex curiata. But this appears to have been done very seldom; and the

1. (Fest., s. v. Cælius Mons and Luceres.—Varro, De Ling. Lat., iv., p. 17.)—2. (Tacit., Ann., iv., 65.—Fest., s. v. Tuscum vicum.)—3. (*Vid.* Göttling, Geschichte der Röm. Staatsv., p. 94.)—4. (Dionys., ii., p. 123.)—5. (Dionys., iii., p. 199.—Liv., i., 35.—Cic., De Republ., ii., 20.)—6. (Dionys., l. c.—Fest., s. v. Sex vestæ sacerdotes.—Niebuhr, Hist. of Rome, i., p. 302, &c.)—7. (Compare Niebuhr, i., p. 304, and Göttling, p. 226, &c.)—8. (ad Fam., ix., 21.)—9. (Liv., i., 30.)—10. (iii., p. 170.)—11 (Dionys., iii., p. 186.)—12. (Dionys., iv., p. 208.)—13. (Sueton., Octav., i., &c.)

1. (Dionys., iv., p. 255.—Sueton., Vitell., 1.)—2. (Göttling, p. 222.)—3. (Liv., x., 8.—Compare Id., ii., 16.—Dionys., v., 308.—Sueton., Tib., 1.)—4. (Suet., Nero, 1.)—5. (iv., 4.)—6. (Liv., iv., 4; x., 8.) 7. (xxv., 12.)—8. (Gaius, i., 3.)—9. (Suet., Octav., 2.—Liv., iv., 16.—Plin., H. N., xviii., 4.—Zonar., vii., 19.—Ascon. Ped. in Scaur., p. 25, ed. Orell.)

consequence was, that in the course of a few centuries the number of patrician families became so rapidly diminished, that towards the close of the Republic there were not more than fifty such families.[1] Julius Cæsar, by the lex Cassia, raised several plebeian families to the rank of patricians, in order that they might be able to continue to hold the ancient priestly offices which still belonged to their order.[2] Augustus soon found it necessary to do the same by a lex Sænia.[3] Other emperors followed these examples: Claudius raised a number of senators, and such persons as were born of illustrious parents, to the rank of patricians;[4] Vespasian, Titus, and other emperors did the same.[5] The expression for this act of raising persons to the rank of patricians was *in patricios* or *in familiam patriciam adligere*.

Although the patricians, throughout this whole period, had the character of an aristocracy of birth, yet their political rights were not the same at all times. The first centuries of this period are an almost uninterrupted struggle between patricians and plebeians, in which the former exerted every means to retain their exclusive rights, but which ended in the establishment of the political equality of the two orders. (*Vid.* Plebs.) Only a few insignificant priestly offices, and the performance of certain ancient religious rites and ceremonies, remained the exclusive privilege of the patricians, of which they were the prouder, as in former days their religious power and significance were the basis of their political superiority.[6] At the time when the struggle between patricians and plebeians ceased, a new kind of aristocracy began to arise at Rome, which was partly based upon wealth and partly upon the great offices of the Republic, and the term nobiles was given to all persons whose ancestors had held any of the curule offices. (Compare Novi Homines.) This aristocracy of nobiles threw the old patricians, as a body, still more into the shade, though both classes of aristocrats united as far as was possible to monopolize all the great offices of the state;[7] but, although the old patricians were obliged in many cases to make common cause with the nobiles, yet they could never suppress the feeling of their own superiority; and the veneration which historical antiquity alone can bestow, always distinguished them as individuals from the nobiles. How much wealth gradually gained the upper hand, is seen from the measure adopted about the first Punic war, by which the expenses for the public games were no longer given from the ærarium, but were defrayed by the ædiles; and as their office was the first step to the great offices of the Republic, that measure was a tacit exclusion of the poorer citizens from those offices. Under the emperors the position of the patricians as a body was not improved; the filling up of the vacancies in their order by the emperors began more and more to assume the character of an especial honour, conferred upon a person for his good services or merely for personal distinction, so that the transition from this period to the third had been gradually preparing.

Respecting the great political and religious privileges which the patricians at first possessed alone, but afterward were compelled to share with the plebeians, see Plebs, and the articles treating of the several Roman magistracies and priestly offices. Compare also Gens, Curia, Senatus.

In their dress and appearance the patricians were scarcely distinguished from the rest of the citizens, unless they were senators, curule magistrates, or equites, in which case they wore, like others, the ensigns peculiar to these classes. The only thing by which they appear to have been distinguished in their appearance from other citizens, was a peculiar kind of shoes, which covered the whole foot and part of the leg, though they were not as high as the shoes of senators and curule magistrates. These shoes were fastened with four strings (*corrigiæ* or *lora patricia*), and adorned with a lunula on the top.[1] Festus[2] states that mulleus was the name of the shoes worn by the patricians; but the passage of Varro which he adduces only shows that the mullei (shoes of a purple colour) were worn by the curule magistrates.[3]

Third Period: from the time of Constantine to the Middle Ages. From the time of Constantine the dignity of patricius was a personal title, which conferred on the person to whom it was granted a very high rank and certain privileges. Hitherto patricians had been only genuine Roman citizens, and the dignity had descended from the father to his children; but the new dignity was created at Constantinople, and was not bestowed on old Roman families; but it was given, without any regard to persons, to such men as had for a long time distinguished themselves by good and faithful services to the Empire or the emperor. This new dignity was not hereditary, but became extinct with the death of the person on whom it was conferred; and when, during this period, we read of patrician families, the meaning is only that the head of such a family was a patricius.[4] The name patricius, during this period, assumed the conventional meaning of father of the empire,[5] and those who were thus distinguished occupied the highest rank among the illustres; the consuls alone ranked higher than a patricius.[6] The titles by which a patricius was distinguished were magnificentia, celsitudo, eminentia, and magnitudo. They were either engaged in actual service (for they generally held the highest offices in the state, at the court, and in the provinces), and were then called *patricii præsentales*, or they had only the title, and were called *patricii codicillares* or *honorarii*.[7] All of them, however, were distinguished in their appearance and dress from ordinary persons, and seldom appeared before the public otherwise than in a carriage. The emperors were generally very cautious in bestowing this great distinction, though some of the most arbitrary despots conferred the honour upon young men, and even on eunuchs. Zeno decreed that no one should be made patricius who had not been consul, præfect, or magister militum.[8] Justinian, however, did away with some of these restrictions. The elevation to the rank of patricius was testified to the person by a writ called diploma.[9]

This new dignity was not confined to Romans or subjects of the Empire, but was sometimes granted to foreign princes, such as Odoacer, the chief of the Heruli, and others. When the popes of Rome had established their authority, they also assumed the right of bestowing the title of patricius on eminent persons and princes, and many of the German emperors were thus distinguished by the popes. In several of the Germanic kingdoms the sovereigns imitated the Roman emperors and popes by giving to their most distinguished subjects the

1 (Dionys., i., p. 72.)—2. (Sueton., Jul., 41.—Tacit., Annal., xi., 25.—Dion Cass., xliii., 47; xlv., 2.)—3. (Tacit., l. c.—Dion Cass., xlix., 43; lii., 42.)—4. (Tacit., l. c.—Suet., Ota., 1.)—5. (Tacit., Agric., 9.—Capitol., M. Anton., 1.—Lamprid., Commod., 5.)—6. (*Vid.* Ambrosch, Studien und Andeutungen, &c., p. 58, &c.)—7. (Liv., xxii., 34; xxxix., 41.)

1. (Senec., De Tranq. An., 11—Plut., Quæst. Rom., 75.—Stat., Sylv., v., 2, 27.—Martial, i, 50; ii., 29.)—2. (s. v. Mulleos.)—3. (Compare Dion Cass., xlvi., 43.)—4. (Zosim., ii., 40.—Cassiod., Variar., vi., 2.)—5. (Amm. Marc. xxix., 2.—Cod. 12, tit. 3, § 5.)—6. (Isidor., ix., 4, 1, 3.—Cod. 3, tit. 24, s. 3; 12, tit. 3, s. 3.)—7. (Cassiod., viii., 9.—Savaron ad Sidon. Apoll., i., 3.)—8. (Cod. 3, tit. 24, s. 3.)—9. (Sidon Apoll., v., 16.—Suidas, s. Γραμματείδιον.—Compare Cassiod., vi., 2; viii., 21, &c.)

title of patricius, but these patricii were at all times much lower in rank than the Roman patricii, a title of which kings and emperors themselves were proud.[1]

PATRIMI ET MATRIMI, also called *Patrimes et Matrimes*, were those children whose parents were both alive[2] (*matrimes*; called by Dionysius[3] ἀμφιθαλεῖς), in the same way as *pater patrimus* signifies a father whose own father is still alive.[4] Servius,[5] however, confines the term *patrimi et matrimi* to children born of parents who had been married by the religious ceremony called confarreatio: it appears probable that this is the correct use of the term, and that it was only applied to such children so long as their parents were alive. We know that the flamines majores were obliged to have been born of parents who had been married by confarreatio;[6] and as the children called *patrimi et matrimi* are almost always mentioned in connexion with religious rites and ceremonies,[7] the statement of Servius is rendered more probable, since the same reason which confined the office of the flamines majores to those born of parents who had been married by confarreatio, would also apply to the children of such marriages, who would probably be thought more suitable for the service of the gods than the offspring of other marriages.[8]

PATRONOMI (πατρονόμοι) were magistrates at Sparta, who exercised, as it were, a paternal power over the whole state. Pausanias[9] says that they were instituted by Cleomenes, who destroyed the power of the γερουσία by establishing patronomi in their place. The γερουσία, however, was not abolished by Cleomenes, as it is again spoken of by Pausanias,[10] and also in inscriptions. The patronomi are mentioned by Philostratus[11] among the principal magistrates along with the gymnasiarchs and ephori; and their office is also spoken of by Plutarch.[12] Their number is uncertain; but Böckh[13] has shown that they succeeded to the powers which the ephori formerly possessed, and that the first patronomus was the ἐπώνυμος of the state, that is, gave his name to the year, as the first ephor had formerly done.[14]

PATRO'NUS. The act of manumission created a new relation between the manumissor and the slave, which was analogous to that between father and son. The manumissor became, with respect to the manumitted person, his patronus, and the manumitted person became the libertus of the manumissor. The word patronus (from pater) indicates the nature of the relation. If the manumissor was a woman, she became patrona; and the use of this word instead of matrona appears to be explained by the nature of the patronal rights. Viewed with reference to the early ages of Rome, this patronal relation must be considered a part of the ancient clientela; but from the time of the Twelve Tables at least, which contained legislative provisions generally on the subject of patronal rights, we may consider the relation of patronus and libertus as the same both in the case of patrician and plebeian manumissores.

The libertus adopted the gentile name of the manumissor. Cicero's freedman Tiro was called M. Tullius Tiro. The libertus owed respect and gratitude to his patron, and in ancient times the patron might punish him in a summary way for neglecting those duties. This obligation extended to the children of the libertus, and the duty was due to the children of the patron. In later times the patron had the power of relegating an ungrateful freedman to a certain distance from Rome, a law probably passed in the time of Augustus.[1] In the time of Nero it was proposed to pass a senatus consultum which should give a patron the power of reducing his freedman to slavery if he misconducted himself towards his patron. The measure was not enacted, but this power was given to the patron under the later emperors. The lex Ælia Sentia gave the patron a right of prosecuting his freedman for ingratitude (*ut ingratum accusare*[2]). An ingratus was also called libertus impius, as being deficient in pietas.

If the libertus brought an action against the patronus (*in jus vocavit*), he was himself liable to a special action on the case;[3] and he could not, as a general rule, institute a capital charge against his patron. The libertus was bound to support the patron and his children in case of necessity, and to undertake the management of his property and the tutela of his children: if he refused, he was ingratus.[4]

If a slave were the property of several masters, and were manumitted by all of them, and became a Roman citizen, all of them were his patroni.

The manumissor could secure to himself farther rights over his libertus by a stipulatio, or by taking an oath from him. The subjects of such agreements were gifts from the libertus to the patronus (*dona et munera*) and services (*operæ*). The oath was not valid unless the person was a libertus when he took it. If, then, he took the oath as a slave, he had to repeat it as a freeman, which seems to be the meaning of the passage of Cicero in which he speaks of his freedman Chrysogonus.[5] These operæ were of two kinds, officiales, which consisted in respect and affection, and fabriles, which are explained by the term itself. The officiales determined by the death of the patronus, unless there was an agreement to the contrary; but the fabriles, being of the nature of money or money's worth, passed to the heredes of the patronus like any other property. The patronus, when he commanded the operæ of his libertus, was said "*ei operas indicere* or *imponere*."[6]

The patron could not command any services which were disgraceful (*turpes*) or dangerous to life, such as prostitution or fighting in the amphitheatre, but if the libertus exercised any art or calling (*artificium*), even if he learned it after his manumission, the operæ in respect of it were due to the patron.

The lex Julia et Papia Poppæa released freedmen (except those who followed the ars ludicra, or hired themselves to fight with beasts) from all obligation as to gifts or operæ who had begotten two children and had them in their power, or one child five years old.[7]

If liberty was given directly by a testament, the testator was the manumissor, and his patronal rights would consequently belong to his children: if it was given indirectly, that is, per fideicommissum, the person who performed the act of manumission was the patronus. In those cases where a slave obtained his freedom under the senatus consultum Silanianum, the prætor could assign him a patronus; and if this was not done, that person was the patron of whom the libertus had last been the slave.[8]

The patronal rights were somewhat restricted

1. (Rein in Ersch und Gruber's Encyclop., s. v. Patricier.)—2 (Festus, s. v. Flaminia.)—3. (ii., 22.)—4. (Festus, s. v. Pater Patr.)—5. (ad Virg., Georg., 1, 31.)—6. (Tac., Ann., iv., 16.—Gaius, i., 112.)—7. (Cic., De Har. resp., 11.—Liv., xxxvii., 3.—Gell., i., 12.—Tacit., Hist., iv., 53.—Macrob., Saturn., 6.—Vopisc., Aurel., 19.—Orelli, Inscr., n. 2270.)—8. (Rein, das Röm. Privatrecht., p. 177.—Göttling, Geschichte der Röm. Staatsv., p. 90.)—9. (ii., 9, § 1.)—10. (iii., 11, § 2.)—11. (Vit. Apoll., iv., 32.)—12. (An seni sit resp. ger., c. 24.)—13. (Corp. Inscrip., vol i., p 605.)—14 (Compare Müller, Dor., iii., 7, § 8.)

1. (Tacit., Ann., xiii., 26.—Dion, lv., 13.)—2. (Dig. 40, tit. 9 s. 30.)—3. (Gaius, iv., 46.)—4. (Dig. 37, tit. 14, s. 19.)—5 (*ad* Att., vii., 2.—Compare Dig. 38, tit. 1, s. 7.)—6. (Gaius, iv., 162—Dig. 38, tit. 2, s. 29.)—7. (Dig. 38, tit. 1: De Operis Libertorum, s. 37.)—8. (Dig. 38, tit. 16, s. 3.)

when the act of manumission was not altogether the free act of the manumissor. For instance, the manumissor per fideicommissum had all the patronal rights, except the power to prosecute for ingratus, the right to be supported by the libertus, and to stipulate for munera and operæ: his rights against the property of the libertus were, however, the same as those of any other manumissor.[1] If a slave had given money to another person in order that this other person might purchase and manumit him, the manumissor had no patronal right, and he lost even the name of patron, if he refused to perform the act for which he had received the money, and allowed the slave to compel him to perform his agreement, which the slave could do by a constitution of M. Aurelius and L. Verus.[2] If a master manumitted his slave in consideration of a sum of money, he retained all patronal rights, but he could not stipulate for operæ. A person who purchased a slave, and on the occasion of the purchase agreed to manumit him, had all patronal rights except the right of prosecuting for ingratitude in case the slave compelled him to manumit pursuant to the constitution of M. Aurelius and L. Verus.[3]

It was the duty of the patron to support his freedman in case of necessity, and if he did not, he lost his patronal rights: the consequence was the same if he brought a capital charge against him. The lex Ælia Sentia, among its various provisions, contained several that related to the rights and duties of the patron.

A capitis diminutio, either of the patron or the libertus, dissolved the relation between them. (See Tacit., *Hist.*, ii., 92, where "jura libertorum" means "jura patronorum" or "jura in libertos.") The relation was dissolved when the libertus obtained ingenuitas by the natalium restitutio, but not when he merely obtained the jus aureorum annulorum. (*Vid.* INGENUUS.)

The most important of the patronal rights related to the property of liberti who died intestate or having made a testament.

The subject, so far as concerns the Ante-Justinian period, may be distributed under the two following heads: 1. The ordinary rules of law, and, 2. the extraordinary: the former comprehend the rules of the old civil law, and the edict on the bonorum possessio; and the latter, the bonorum possessio contra tabulas liberti and contra suos non naturales, the bonorum possessio contra tabulas libertæ, and the right to a virilis pars which was given by the lex Papia Poppæa.

By the law of the Twelve Tables, if a freedman died intestate without sui heredes, the patronus was his heir. This right was viewed as a right of agnation. The legitima patronorum tutela was not expressly mentioned in the Twelve Tables, but it was a legal consequence of the rule as to inheritance.[4] In the case of an intestate liberta, who could not have a suus heres, the patron was heres. The senatus consultum Orfitianum, which was passed after Gaius wrote,[5] and in the last year but one of the reign of M. Aurelius, made an alteration in this respect. The passage of Ulpian,[6] which was written when this senatus consultum was in force, says that, if a liberta died intestate, the patron succeeded to her property, because a mother could not have sui heredes; yet Ulpian himself[7] says that, whether the mother was ingenua or libertina, the children could succeed to her inheritance by the senatus consultum Orfitianum. This apparent contradiction is removed by the supposition that the senatus consultum gave the children in such cases an equal right with the patron.

These patronal rights belonged both to a patronus and a patrona, and to the liberi of a patronus.[1] The male children of the patronus had the same rights as the patronus himself; but the females had only the rights which the Twelve Tables gave to the males, and they had not the bonorum possessio contra tabulas testamenti liberti aut ab intestato contra suos heredes non naturales, until these rights were given them by the lex Papia Poppæa.[2] A difficulty which is raised by a passage in Justinian's legislation on the patronal rights is discussed by Unterholzner.[3] It seems that the children of a patrona had not, by the Twelve Tables, the same rights as the children of a patronus; but the lex Papia Poppæa probably made some change in this respect.[4]

In order that these patronal rights should exist, it was necessary that the libertus must have been made free by a Roman citizen, and have become a Roman citizen by the act of manumission. Accordingly, if a person obtained the citizenship, it was necessary that he should have a special grant of the jus patronatus in order that he might have patronal rights against his then freedmen, who must also, at the same time, become Roman citizens.[5] A capitis diminutio, as already observed, either of the patron or the libertus, destroyed the patronal rights to the inheritance.[6]

If there were several patroni or patronæ, they divided the inheritance equally, though their shares in the libertus when a slave might have been unequal. These patronal rights resembled a joint-tenancy in English law, for the surviver or survivers of the patroni had all the patronal rights to the exclusion of any children of a deceased patronus. A son of a patron also claimed the inheritance to the exclusion of the grandson of a patron. If the patroni were all dead, leaving several children, the hereditas was divided among all the children equally (*in capita*), pursuant to the law of succession in the case of agnation.[7]

A senatus consultum, which was passed in the time of Claudius, allowed a patron to assign his patronal rights to the inheritance of a libertus to any of his children whom he had in his power, to the exclusion of the rest.[8]

The Edict extended the bonorum possessio to patroni. The patronal rights of the civil law were founded on an assumed agnatio: those of the Edict were founded on an assumed cognatio. The Edict called to the bonorum possessio of liberti, 1. their children; 2. their heredes legitimi; 3. their cognati, who must, of course, be descendants; 4. the familia of the patronus; 5. the patronus and patrona, and their children and parents, by which provision was made in case the patronus or patrona had sustained a capitis diminutio, and so could not be called in the fourth order; 6. the husband or wife of the freedwoman or freedman; 7. the cognati of the manumissor.

Originally, if the freedman made a will, he could pass over (*præterire*) the patron. But by the Edict, unless he left him as much as one half of his property, the patron or his male children could obtain the bonorum possessio contra tabulas of one half of the property. If the libertus died intestate, leaving no suus heres except an adopted child, or a wife in manu, or a nurus in the manus of his son, the patron had a bonorum possessio of one half against these sui heredes. But if the libertus had children of his

. (Frag Vat., § 225.—Dig. 38, tit. 2, s. 29.)—2. (Dig. 40. tit 1, s. 4, 5.)—3. (Dig. 40, tit. 9, s. 30.)—4. (Ulp., Frag., xi., 3.)—5. (iii., 51.)—6. (Frag., xxix., 2.)—7. (lib. 12, ad Sabinum.—Dig 38, tit 17, s 1.)

1. (Ulp., Frag., xxvii.)—2. (Ulp., Frag., xxix., 4, 5.)—3. (Zeitschrift, v., p. 37.)—4. (Zeitschrift, v., p. 43, &c.)—5. (Plin., Ep x., 6.)—6. (Gaius, iii., 51.)—7. (Gaius, iii., 16 59, &c.)—8 (Dig. 38, tit. 4.)

own blood (*naturales*) either in his power at the time of his death, or emancipated, or given in adoption, and if these children were made heredes by his testament, or, being præteriti, claimed the bonorum possessio contra tabulas, the patron had no claim on the freedman's property. The patron was not excluded if the children of the freedman were exheredated.

By the lex Papia Poppæa, if a freedman had a property amounting to a hundred thousand sestertii and fewer than three children, the patronus had an equal share (*virilis pars*) with the children, whether the freedman died testate or intestate; and a patrona ingenua who had three children enjoyed the same privilege. Before the lex Papia, patronæ had only the rights which the Twelve Tables gave them; but this lex put ingenuæ patronæ who had two children, and libertinæ patronæ who had three children, on the same footing with respect to the bonorum possessio contra tabulas, and with respect to an adopted son, a wife in manu, or a nurus in manu filii, as the edict had placed patroni. The lex did the same for daughters of the patronus who had three children. The lex also gave to a patrona ingenua, but not to a libertina, who had three children, the same rights that it gave to a patronus.

According to the old law, as the liberta was in the legitima tutela of her patron, she could make no disposition of her property without his consent (*patrono auctore*). The lex Papia freed a liberta from this tutela if she had four children, and she could, consequently, then make a will without the consent of her patronus, but the law provided that the patronus should have an equal share with her surviving children.

In the case of a liberta dying intestate, the lex Papia gave no farther rights to a patrona who had children (*liberis honoratæ*) than she had before; and, therefore, if there had been no capitis diminutio of the patrona or the liberta, the patrona inherited the property, even if she had no children, to the exclusion of the children of the liberta. If the liberta made a will, the lex Papia gave to the patrona, who had the number of children required by that law, the same rights which the Edict gave to the patronus contra tahulas liberti. The same lex gave to the daughter of a patrona who had a single child, the same rights that the patronus had contra tabulas liberti. (Gaius, iii., 53—a passage which Unterholzner proposes to correct, but on very insufficient grounds.[1])

The rules of law as to the succession of the patronus to the property of Latini liberti differed in various respects from those that have been explained. Being viewed as a peculium, it had the incidents of such property. It came to the extranei heredes of the manumissor, but not to his exheredated children, in both which respects it differed from the property of a libertus who was a civis Romanus. If there were several patrons, it came to them in proportion to their interests in the former slave, and it was consistent with this doctrine that the share of a deceased patronus should go to his heres. The senatus consultum Largianum, which was passed in the time of Claudius, enacted that the property of Latini should go first to those who had manumitted them, then to their liberi who were not expressly exheredated, according to proximity, and then, according to the old law, to the heredes of the manumissor. The only effect of this senatus consultum was to prefer liberi, who were not expressly exheredated, to extranei heredes. Accordingly, an emancipated son of the patronus, who was præteritus, and who could not claim the bonorum possessio of his father's property contra tabulas testamenti, had a claim to the property of a Latinus per or to the extranei heredes.

1. (Zeitschrift, v., 45.)

As to the dediticii under the lex Ælia Sentia, there were two rules. The property of those who on their manumission would have become Roman citizens, but for the impediments thereto, came to their patroni as if they had been Roman citizens: they had not, however, the testamenti factio. The property of those who on their manumission would have become Latini, but for the impediments thereto, came to their patroni as if they had been Latini: on this Gaius remarks that in this matter the legislator had not very clearly expressed his intentions He had already made a similar remark as to a provision of the lex Papia.[1]

As to the other meanings of the word patronus, see CLIENS and ORATOR.

The subject of the patronatus is one of considerable importance towards a right understanding of many parts of the Roman polity. This imperfect outline may be filled up by referring to the authorities given in note [2].

PAVIMENTUM. (*Vid.* HOUSE, ROMAN, p. 519.)

*PAVO (ταώς), the Peacock, or *Pavo Cristatus*, L. "It is impossible to determine with precision the epocha of the domestication of the Peacock; we know well, however, that it must have been of the remotest antiquity, since the fleets of Solomon, in their distant voyages, brought back, every three years, to Palestine, peacocks, which are enumerated among the riches which the cargoes of these vessels contained. We are informed by Pliny that the orator Hortensius was the first Roman who had a peacock killed at his table, when he entertained the College of Pontiffs at a sumptuous banquet. The first who bred and fattened peacocks for culinary purposes was Aufidius Lurco, who realized by this means a revenue of sixty thousand sesterces. This was towards the time of the war with the pirates. In the feasts of the Emperors Vitellius and Heliogabalus, enormous dishes were frequently served up, composed of ragouts of the tongues and brains of peacocks. Buffon says that at first they were very rare in Europe. At Athens they were exhibited for many years at every festival of the new moon as an object of curiosity, and people used to run in crowds from the neighbouring towns and cities to behold them. This was after the time of Alexander; for that monarch, though well acquainted with Greece, had never seen them until he marched into India, where he found them flying wild on the banks of one of the rivers of the Pendjab. Towards the latter end of his reign they had so greatly multiplied in Greece, that Aristotle speaks of them as perfectly well known in that country." The Peacock was sacred to Juno, and was nurtured in honour of the goddess, in great numbers, at her temple in Samos. It is represented, also, on the coins of this island. According to one explanation, the star-bedecked tail of the bird seemed an image of the vault of heaven, and hence the Peacock was consecrated to Juno Urania as to the Queen of the Skies. Others, however, suppose the bird to have been held sacred to the goddess, from its announcing by its cry the changes of weather, &c.[2]

PAUPE'RIE, ACTIO DE. (*Vid.* PAUPERIES.)

PAUPE'RIES was the legal term for mischief done by an animal (*quadrupes*) contrary to the nature of the animal, as if a man's ox gored another

1. (iii., 47.)—2. (Gaius, iii., 39-76.—Ulpian, Frag., tit xxvii., xxix.—Dig. 37, tit. 14, 15; 38, tit. 1, 2, 3, &c.—Index to Paulus, Sent. Recept.—For Justinian's legislation, Inst., iii., 8, &c. —Unterholzner, Ueber das Patronatische Erbrecht, Zeitschrift, v., and the article GENS, with the references in Rein, Das Röm Privatrecht, p. 285, and in Walter, Geschichte des Röm. Rechts p. 507-516, and 684-689.)—3 (Griffith's Cuvier, vol. viii., 136 —Walpole's Memoirs, vol. i., p 261.)

man. In such cases the law of the Twelve Tables gave the injured person an action against the owner of the animal for the amount of the damage sustained. The owner was bound either to pay the full amount of damages, or to give up the animal to the injured person (*noxæ dare*). Pauperies excluded the notion of injuria; it is defined to be "*damnum sine injuria facientis factum*," for an animal could not be said to have done a thing "injuria." The actio de pauperie belonged to the class of noxales actiones.[1]

PAUSA'RII was the name given to the priests of Isis at Rome, because they were accustomed, in the processions in honour of Isis, to make pauses (*pausæ*) at certain chapels or places, called *mansiones*, by the road's side, to sing hymns and perform other sacred rites.[2]

The *portisculus*, or commander of the rowers in a vessel, was sometimes called *pausarius*,[3] because the rowers began and ceased (*pausa*) their strokes according to his commands. (*Vid.* PORTISCULUS.)

*PAUS'IA, a species of Olive. Virgil calls its berry bitter, because it was to be gathered before it was quite ripe, it having then a bitter or austere taste.[4]

PECHYS (πῆχυς). (*Vid.* CUBITUS.)

PECTEN (κτείς), a Comb. The Greeks and Romans used combs made of boxwood,[5] which they obtained, as we do, from the shores of the Euxine Sea. The mountain ridge of Cytorus, in Galatia, was particularly celebrated for this product.[6] (*Vid.* BUXUM.) The Egyptians had ivory combs,[7] which also came into use by degrees among the Romans.[8] The golden comb ascribed to the goddesses is, of course, imaginary.[9] The wooden combs found in Egyptian tombs are toothed on one side only; but the Greeks used them with teeth on both sides, as appears from the remains of combs found at Pompeii,[10] and from the representation of three combs, exactly like our small-tooth combs, on the Amyclæan marbles.[11]

The principal use of the comb was for dressing the hair,[12] in doing which the Greeks of both sexes were remarkably careful and diligent.[13] (*Vid.* COMA, p. 293.) To go with uncombed hair was a sign of affliction.[14] The use of the comb in cutting the hair is alluded to by Plautus.[15]

A comb with iron teeth was used in cornfields, to separate the grain from the straw while it was yet standing.[16] This method of reaping was called *pectinare segetem*. A painting in the sepulchral grotto of El Kab, in Egypt, represents a man combing flax for the purpose of separating the linseed from the stem. The rake used in making hay is called *rarus pecten*,[17] because its teeth are far apart; but this may be only a poetical use of the term.

Two portions of the Greek lyre were called the combs;[18] they may have been two rows of pegs, to which the strings were tied. In a figurative or metaphorical sense, the term was applied to the fingers of a man[19] and to the ribs of a horse.[20] The use of the comb in weaving, and the transference of its name to the plectrum, are explained under TELA.

PECUA'RII were a class of the publicani who farmed the public pastures (*pecua publica*[21]).

1. (Dig. 9, tit. 1.) — 2. (Orelli, Inscr., n. 1885. — Spartian., Pescenn. Nig., 6.—Caracall., 9.—Salm. ad loc.)—3. (Sen., Ep., 56.)—4. (Martyn ad Virg., Georg., ii., 86.)—5. (Brunck, Anal., ii., 221.—Ovid, Fast., vi., 23.—Mart., xiv., 25.)—6. (Ovid, Met., iv., 311.)—7. (Apul., Met., xi., p. 121, ed. Aldi.)—8. (Claudian, De Nupt Honor., 102.) — 9. (Callim. in Lav. Pall., 31.) — 10. (Donaldson's Pompeii, vol. ii., pl. 78.) — 11. (Memoirs relating to Turkey, edited by Walpole, p. 452.) — 12. (Ovid, Amor., i., xiv., 15.—Id., Met., xii., 409.)—13. (Herod., vii., 208. — Strabo, x., 3, § 8.)—14. (Soph., Œd. Col., 1257.)—15. (Capt., II., ii., 18.) —16. (Col., De Re Rust., ii., 21.)—17. (Ovid, Rem. Amor., 192.) —18. (Eratosth., Catasterr., 24.) — 19. (Æschyl., Agam., 1584.) —20. (Oppian, Cyneg., i., 296.) — 21. (Pseudo-Ascon. in Cic., Div. Verr., p. 113 ed. Orelli.—Liv., x., 47; xxxiii., 42.)

PECULA'TUS is properly the misappropriation or theft of public property. Labeo defines it thus: "*pecuniæ publicæ aut sacræ furtum, non ab eo factum, cujus periculo est.*" The person guilty of this offence was peculator. Cicero[1] enumerates peculatores with sicarii, venefici, testamentarii, and fures. The origin of the word appears to be pecus, a term which originally denoted that kind of movable property which was the chief sign of wealth. Originally trials for peculatus were before the populus or the senate.[2] In the time of Cicero, matters of peculatus had become one of the quæstiones perpetuæ, which imply some lex De Peculatu, and such a lex is by some writers enumerated among the leges Sullanæ, but without stating the authority for this assertion. Two leges relating to peculatus are cited in the Digest, lex Julia Peculatus and lex Julia de Residuis,[3] but these may be the same lex, though quoted as two leges, just as the lex Julia de Adulteriis comprised a provision De Fundo Dotali, which chapter is often quoted as if it were a separate lex. Matters relating to sacrilege were also comprised in the lex Julia Peculatus (*ne quis ex pecunia sacra, religiosa publicave auferat*, &c.); matters relating to the debasement of the coinage; the erasing or cancelling of tabulæ publicæ, &c. The lex de Residuis applied to those who had received public money for public purposes, and had retained it (*apud quem pecunia publica resedit*). The penalty under this lex, on conviction, was a third part of the sum retained. The punishment, which under the lex Julia Peculatus was originally aquæ et ignis interdictio, was changed into deportatio: the offender lost all his rights, and his property was forfeited. Under the Empire sacrilege was punished with death. A "sacrilegus" is one who plunders public sacred places.

PECU'LIO, ACTIO DE. (*Vid.* SERVUS.)

PECU'LIUM. (*Vid.* SERVUS.)

PECU'LIUM CASTRENSE. (*Vid.* PATRIA POTESTAS, p. 742.)

PECU'NIA. (*Vid.* ÆS, ARGENTUM, AURUM.)

PECU'NIA. (*Vid.* HERES, ROMAN, p. 497.)

PECU'NIA CERTA. (*Vid.* OBLIGATIONES, page 673.)

PEDA'NEUS JUDEX. (*Vid.* JUDEX PEDANEUS.)

PEDA'RII. (*Vid.* SENATUS.)

PE'DICA, formed from *pes* on the same analogy with MANICA (*περισκελίς, Ion. et Att. πέδη*[4]), a fetter, an ankle-ring.

Fetters were worn for the sake of restraint by lunatics,[5] criminals, and captives,[6] and by horses instead of a halter.[7] Another kind of fetter was the noose (*laqueus currax*[8]) used to catch birds, which was the appropriate employment of winter.[9] For the sake of ornament, fetters or ankle-rings were worn by females. (*Vid.* PERISCELIS.)

PEDI'SEQUI were a class of slaves, whose duty it was to follow their master when he went out of his house. This name does not appear to have been given to any slave who accompanied his master; but the pedisequi seem to have formed a special class, which was almost the lowest of all.[10] There was a similar class of female slaves, called *pedisequæ*.[11]

PEDUM (*κορύνη, λαγωβόλος*[12]), a Crook. Its curved extremity was used by the shepherds to lay hold of the sheep or goats, principally by their legs, so as to preserve them from running into danger, or

1. (Off., iii., 18.) — 2. (Liv., v., 32; xxxvii., 57; xxxviii., 54.) —3. (Dig. 48, tit. 13.) — 4. (Mœris, Attic.) — 5. (Mark, v., 4.— Luke, viii., 29.)—6. (Herod., i., 86–90; iii., 23; v., 77.— Xen., Anab., iv., 3, § 8.)—7. (Hom., Il., xiii., 36.) — 8. (Gratius, Cyneg., 89.)—9. (Virg., Georg., i., 307.) — 10. (Nep., Attic., 13.— Plaut., Mil. Glor., IV., ii. 18.)—11. (Plaut., Asin., I., iii., 31.— Compare Becker, Gallus, i., p. 101.) — 12 (Theocrit., vii., 42 128.)

to rescue them when they were in want of assistance.[1] The accompanying woodcut is taken from a painting found at Civita Vecchia.[2] It shows the crook in the hand of a shepherdess, who sits upon a rock, tending sheep and other cattle. (See also woodcut to OSCILLUM.)

The herdsman also used a crook, but less curved, with a heavy head, and hence called *καλαῦροψ*; he threw it at any of the herd which strayed from the rest.[3]

On account of its connexion with pastoral life, the crook is continually seen in works of ancient art in the hands of Pan,[4] and of satyrs, fauns, and shepherds. It was also the usual attribute of Thalia, as the muse of pastoral poetry.[5]

*PEG'ANON (*πήγανον*), the herb Rue. The two species described by Dioscorides are, in all probability, the *Ruta montana* and *hortensis*, the Mountain and Garden Rue. Linnæus named the former the *Peganum harmala*. Schneider thinks that the *πήγανον* of Theophrastus applies to the *Ruta graveolens* and *montana*.[6]

PEGMA (*πῆγμα*), a Pageant, *i. e.*, an edifice of wood, consisting of two or more stages (*tabulata*), which were raised or depressed at pleasure by means of balance-weights (*ponderibus reductis*[7]). These great machines were used in the Roman amphitheatres,[8] the gladiators who fought upon them being called *pegmares*.[9] They were supported upon wheels, so as to be drawn into the circus, glittering with silver and a profusion of wealth.[10] At other times they exhibited a magnificent though dangerous[11] display of fireworks.[12] Accidents sometimes happened to the musicians and other performers who were carried upon them.[13] When Vespasian and Titus celebrated their triumph over the Jews, the procession included pageants of extraordinary magnitude and splendour, consisting of three or four stages above one another, hung with rich tapestry, and inlaid with ivory and gold. By the aid of various contrivances, they represented battles and their numerous incidents, and the attack and defence of the cities of Judæa.[14]

The pageant was also used in sacrifices. A bull having been slain on one of the stages, the high-priest placed himself below, in a cavern, so as to receive the blood upon his person and his garments, and in this state he was produced by the flamines before the worshippers.[15]

The pegmata mentioned by Cicero[16] may have been movable bookcases.

1. (Virg., Buc., v., 88. — Servius ad loc. — Festus, s. v.) — 2. (Ant. d'Ercolano, t. iii., tav. 53.)—3. (Hom., Il., xxiii., 844–846. —Eustath. ad loc.—Apoll. Rhod. ., 974.)—4. (Sil. Ital., Pun., xiii., 334.) — 5. (Combe, Anc. Marbles of Br. Museum, part iii., pl. 5.)—6. (Theophrast., H. P., i., 3 —Adams, Append., s. v.)— 7. (Claudian, De Mallii Theod. Cons.. 323–328. — Sen., Epist., 89.)—8. (Juv., iv., 121.—Mart., i., 2, 2.—Sueton., Claud., 34.)— 9 (Calig., 26.)—10. (Plin., H. N., xxxiii., 3, s. 16)—11. (Vopisc., Carin., 15.) — 12. (Claudian, l. c.) — 13. (Phædr., v., 7, 7)—14. (Joseph., Bell. Jud., vii., 24.)—15. (Prudent., Peristeph. Rom Mart., 1008–1052.)—16 (ad Att., iv., 8.)

*PE'LAMYS (*πήλαμυς*), a species of *Scomber* or Thunny. According to Pallas, the *πηλαμίς* mentioned by Strabo as a fish of the Black Sea, is the *Mugil cephalus*, Linn. A species of *πήλαμυς* is at the present day denominated *Palymede* by the fishermen at Marseilles. The *σάρδα* was a pickle made from the *πήλαμυς*.[1]

*PELARGUS (*πέλαργος*), the common Stork, or *Ciconia alba*, Belon, the same as the *Ardea Ciconia*, L. Aristotle errs in making the Stork a hybernating bird. Ælian and Pliny state, more correctly, that it migrates like the Crane. (*Vid.* CICONIA.)[2]

PELA'TAI (*πελάται*) are defined by Pollux[3] and other authorities to be free labourers working for hire, like the *θῆτες*, in contradistinction to the Helots and Penestæ, who were bondsmen or serfs, having lost their freedom by conquest or otherwise. Aristotle[4] thus connects their name with *πέλας*: Πελάται, he says, from *πέλας*, *οἱον ἔγγιστα διὰ πενίαν προσίοντες: i. e.*, persons who are obliged by poverty to attach themselves to others. Timæus[5] gives the same explanation: Πελάτης, *ὁ ἀντὶ τροφῶν ὑπηρετῶν καὶ προσπελάζων*. In the later Greek writers, such as Dionysius of Halicarnassus and Plutarch, the word is used for the Latin cliens, though the relations expressed by the two terms are by no means similar. Plutarch[6] also uses the word rather loosely for Helots; and we are told of a nation of Illyrians (the Ardiæi) who possessed 300,000 prospelatæ, compared by Theopompus[7] with the Helots of Laconia.[8]

*PEL'ECAN (*πελεκάν*), the Pelican, called also, in Greek, *πελεκῖνος*. It is the *Onocrotalus* of Pliny, and hence its scientific name of *Pelecanus Onocrotalus*. The Greek name is derived from the axe-shaped bill of the bird (*πέλεκυς*, "an axe").[9]

*PELECI'NUS (*πελεκῖνος*), a plant, which Stackhouse and Sprengel refer to the *Coronilla securidaca*, or Joint-plodded Colutea. Dioscorides enumerates the *πελεκῖνος* among the synonymes of the *Hedysarum* (*ἡδύσαρον*).[10]

*Il. (*πηλεκῖνος*), a plant, the *Biserrula Pelecinus*. Stackhouse, however, makes it the same with the preceding.[11]

*PELEIAS (*πελειάς*), the Rock Dove or Stock Pigeon, the *Columba livia*, Brisson. It is particularly timid, and hence Homer gives it the epithet of *τρήρων*.[12]

PELLEX. (*Vid.* CONCUBINA, ROMAN.)

PELLIS (*δέρμα*, *δορά*), the hide or skin of a quadruped.

Before weaving was introduced into Europe, there is reason to believe that its inhabitants were universally clothed in skins. The practice continued among the less civilized nations,[13] and is often ascribed by the poets to heroes and imaginary beings. The following is an enumeration of the skins which were thus employed either in fiction or in real life: 1. The lion's skin (*λεοντῆ*). The story of the Nemean lion may have been founded in fact. The existence of these animals in Northern Greece, Thessaly, and Macedonia, is attested by Herodotus[14] and Aristotle;[15] and that they were comparatively abundant in Asia Minor is manifest from the descriptions in the Homeric poems. Hence Agamemnon, preparing to walk out from his tent by night, puts on, instead of a blanket (*vid.* PALLIUM), the hide of a great lion, while Menelaus clothes himself

1. (Ælian, N. A., xv., 10.—Aristotle, H. A., v., 9.)—2. (Aristot., H. A., viii., 5.—Adams, Append., s. v.) — 3. (iii., 82.) — 4 (ap. Phot., s. v. Πελάται.)—5. (Lex. Plat., s. v.)—6. (Ages., c 6.)—7. (ap. Ath., vi., 271, *d.*, *e.*)—8. (Müller, Dor., iii., 4, § 7 —Wachsmuth, I., i., p. 322.)—9. (Aristot., H. A., viii., 14.—Id. ib., ix., 11.)—10. (Theophrast., H. P., ix., 13.—Adams, Append., s. v.)—11. (Theophrast., H. P., viii., 8)—12. (Hom., Il., xxii., 140.—Adams, Append., s. v.)—13. (Virg., Georg., iii., 383.—Tacit., Germ., 17, 46.—Ovid, Trist., iii., 10, 19.)—14. (vii., 126.) —15. (H. A., vi., 31.)

n that of a leopard.[1] For this purpose the claws f the lion were carefully retained, and sometimes overed with thin plates of gold.[2] The manner of wearing the skin is described in the article ARMA, p. 93.[3] 2. The skin of the tigress was worn in the same manner as the lion's, covering the back from nead to foot,[4] and with the claws gilded.[5] 3. The leopard's or panther's skin (*παρδαλῆ*) is represented in the Iliad as worn, not only by Menelaus as above quoted, but by Paris, who adorns himself with it in the day, and in sight of the two armies.[6] It is also attributed to Jason.[7] It was greatly admired on account of its spots, and was thrown over the left shoulder like a pallium.[8] (*Vid.* DIONYSIA, p. 365.) The high-priest of the Egyptians wore a leopard's skin on grand occasions.[9] 4. Pan wore the skin of the lynx.[10] 5. The wolfskin (*λυκῆ*) seems to constitute the dress of Amphiaraus, who is the middle figure in the woodcut at p. 719. It was adopted as a defence from the nightly cold by Dolon.[11] 6. The foxskin is attributed only to barbarous nations, such as the Scythæ.[12] 7. The ermine derives its name from Armenia, with which country the ancients, especially the Ionians, carried on a trade in furs. Ermine skins were greatly admired for their delicacy and softness, and were taken to Persia to make robes for the grandees by being sewed together.[13] 8. The doeskin, worn by Pan over his left side.[14] (*Vid.* NEBRIS.) 9. The bear's skin was constantly worn instead of the blanket (*χλαῖνα*) by Ancæus, one of the Argonauts.[15] 10. The bull's hide was employed in like manner (*vid.* ARMA, p. 93), especially that of the young bull (*juvencus*[16]). 11. The goatskin (*αἰγίς, νάκος*) is mentioned, not only as the attribute of divine and mythological beings[17] (*vid.* ÆGIS), but as the common clothing of the goatherd[18] and the labouring man.[19] Nevertheless, the language of Varro[20] implies that his countrymen had ceased to clothe themselves in goatskins, which were abandoned to the less refined inhabitants of Getulia and Sardinia. The uncouth goatskin garment of the Sardinians was called *mastruca*. The term *σισύρα* or *σισύρνα* denoted an article of domestic furniture, which was made by sewing together several goatskins with the hair on.[21] 12. The sheepskin (*ὄϊα, νάκος, διφθέρα*) was worn not only by the Lacedæmonian Helots, but frequently by the laborious poor, as is still the case in many parts of Europe. The lambskin was called *ἀρνακίς*, and a dress, supposed to have had a sheepskin sewed to it below, *κατωνάκη*.

The preceding statement shows that, as civilization advanced among the Greeks and Romans, the use of hides for clothing was gradually abandoned, the pallium or blanket being substituted for them, and worn very much after the same fashion. Skins, however, continued to be used as coverings for beds and couches,[22] and as clothing for slaves and the poor, especially in the country. The northern nations of Europe retained the use of them in the highest ranks of society[23] (*pellita Getarum curia*[24]), while the Greeks and Romans constantly regarded it as a sign of rusticity and savage barbarism to be so clothed. Hence it was matter of censure and indignation when Rufinus, prime minister of the Emperor Honorius, first occupied the seat of justice in a furred robe (*mœrent captivæ pellito judice leges*[1]). Nevertheless, the taste which now prevails for the beautiful furs of the north of Europe and Asia, as is shown by Mr. Aikin in his admirable essay on this subject,[2] made at this time a rapid progress throughout the Roman Empire.

1. (Il., x., 22-30.)—2. (Virg., Æn., viii., 553.)—3. (Compare Diod. Sic., i., 24; xvi., 44.—Virg., Æn., viii., 177; ix., 306.)—4. (Virg., Æn., xi., 577.)—5. (Claudian, De Rapt. Proserp., i., 16-18.)—6. (Il., iii., 17.)—7. (Pind., Pyth., iv., 81.)—8. (Virg., Æn., viii., 460.)—9. (Wilkinson, Man. and Cust., vol. i., p. 279.)—10. (Hom., Hymn. in Pana, 23, 24.)—11 (Hom., Il., x., 334, 459.—Schol. in Il., iii., 17.)—12. (Sen., Epist., 91.)—13. (Ælian, H. A., xvii., 17.—Sen., l. c.—Justin, ii., 2, 9.—Amm. Marcell., xxii., 3.)—14. (Sil. Ital., Pun., xiii., 329-335.)—15. (Orpheus, Argon., 201, 202.—Compare Virg., Æn., v., 37.)—16. (Æn., xi., 673.)—17. (Sil. Ital., l. c.)—18. (Theocrit., vii., 15.)—19. (Virg., Mort., 22.)—20. (De Re Rust., ii., sub fin.)—21. (Schol. in Aristoph., Aves, 122.)—22. (Theocrit., v., 2-13, 50-58.)—23. (Claud., Il. cc.)—24. (Claudian Bell. Get., 481.)

*PELO'RIAS (*πελωρίας* or *-ις*), "a testaceous fish, of the genus *Chaura*. Athenæus says it is so called from *πελώριος*, as indicating its great size. Casaubon, however, contends that the name is derived from Pelorus, the Sicilian promontory. Its French name is *Pelourde*."

PELTA (*πέλτη*), a small Shield. Iphicrates, observing that the ancient CLIPEUS was cumbrous and inconvenient, introduced among the Greeks a much smaller and lighter shield, from which those who bore it took the name of *peltastæ*.[3] (*Vid.* ARMA, p. 94; ARMY, p. 99.) It consisted principally of a frame of wood or wickerwork,[4] covered with skin or leather, without the metallic rim. (*Vid.* ANTYX.)[5] Light and small shields of a great variety of shapes were used by numerous nations before the adoption of them by the Greeks. The round target (*vid.* CETRA) was a species of the pelta, so that the ancient Spaniards were all, as Strabo says,[6] peltastæ. The pelta is also said to have been quadrangular.[7] The Mosynœci, on the southern shore of the Euxine Sea, used peltæ (*γέῤῥα*) made of the hides of white oxen with the hair on, and in shape resembling an ivy-leaf.[8] A light shield of similar construction was part of the national armour of Thrace[9] and of various parts of Asia, and was, on this account, attributed to the Amazons, in whose hands it appears on the works of ancient art sometimes elliptic, as in the bronzes of Siris (woodcut, p. 598), and at other times variously sinuated on the margin, but most commonly with a semicircular indentation on one side (*lunatis peltis*[10]). An elegant form of the pelta is exhibited in the annexed woodcut, taken from a sepulchral urn in the Capitoline Museum at Rome, and representing Penthesilea, queen of the Amazons, in the act of offering aid to Priam.

Notwithstanding the general absence of metal, the pelta was sometimes ornamented.[11] That borne

1. (Claudian in Rufin., ii., 82-86.)—2. (Illustrations of Arts and Manufactures, Lond., 1841, p. 130, 131.)—3. (Diod. Sic., xv., 44.—Corn. Nep., Iphic., i., 3.)—4. (Xen., Anab., ii., 1, § 6.)—5. (Timæus, Lex. Plat., s. v.)—6. (iii., 3, p. 436, ed. Siebenkees.)—7. (Schol. in Thucyd., ii., 29.)—8. (Xen., Anab., 4, § 12.—Plin., H. N., xii., 5, 11.)—9. (Thucyd., ii., 29.—Eurip., Alcest., 516.—Id. Rhes., 407.—Max. Tyr., Diss., vii.)—10 (Virg., Æn., i., 490; xi. 663.)—11 (Virg., Æn., vii., 743.)

y Telamon in the attack on the Calydonian boar was adorned with a golden eagle.[1]

*PE'NELOPS (πηνέλοψ), the *Anas Penelops*, or Widgeon. (*Vid.* Anas.)

PENE'STAI (πενέσται), probably from πένεσθαι, *operari*.[2] The Penestæ of Thessaly are generally conceived to have stood in nearly the same relation to their Thessalian lords as the Helots of Laconia did to the Dorian Spartans, although their condition seems to have been, on the whole, superior.[3] They were the descendants of the old Pelasgic or Æolian inhabitants of Thessaly proper, and the following account is given of them by an author called Arthemachus, in his Euboica.[4] "The Æolian Bœotians who did not emigrate when their country, Thessaly, was conquered by the Thessalians,[5] surrendered themselves to the victors on condition that they should not be carried out of the country (whence, he adds, they were formerly called Μένεσται, but afterward Πενέσται) nor be put to death, but should cultivate the land for the new owners of the soil, paying, by way of rent, a portion of the produce of it: and many of them are richer than their masters." They were also called Λάτρεις. It appears, then, that they occupied an intermediate position between freemen and purchased slaves, being reduced to servitude by conquest, and resembling, in their fixed payments, the Ἑκτημόριοι of Attica. Moreover, they were not subject to the whole community, but belonged to particular houses, whence also they were called Θεσσαλοικέται. They were very numerous, for instance, in the families of the Aleuadæ and Scopadæ.[6] We may add, that among the Thessalian Penestæ Theopompus includes the descendants of the conquered Magnesians and Perrhæbians,[7] a statement which can only apply to a part of these nations, as, though reduced to dependance, they were not made entirely subject.[8]

From a passage in Demosthenes,[9] it appears that the Penestæ sometimes accompanied their masters to battle, and fought on horseback, as their knights or vassals: a circumstance which need not excite surprise, as Thessaly was so famous for cavalry. The Penestæ of Thessaly also resembled the Laconian Helots in another respect, for they often rose up in arms against their lords.[10] There were Penestæ among the Macedonians also.[11]

PENETRA'LE. (*Vid.* Templum.)

*PE'NIA (πηνία), an insect noticed by Aristotle, which Schneider suggests may have been the *Phalæna geometrica*.[12]

PENICILLUS. (*Vid.* Painting, p. 702.)

PENTACOSIOMEDIMNI. (*Vid.* Census.)

PENTAL'ITHOS (πενταλιθος). (*Vid.* Gymnasium, p. 483.)

*PENTAPHYLLON (πενταφυλλον). "We may be certain," says Adams, "that we are not far from the truth in setting this down for the *Tormentilla officinalis*, or common Tormentil, although the resemblance between it and its cognate genus, the *Potentilla*, be so great, that, in all probability, the ancients sometimes applied the same name to both.[13]

PENTATHLON (πένταθλον, *quinquertium*) was, next to the pancratium, the most beautiful of all athletic performances.[14] It does not appear to have been known in the heroic ages of Greece, although Apollodorus,[15] according to the usual practice of later times, describes Perseus as killing Acrisius in the pentathlon, and although its invention was attributed to Peleus.[1] These accounts are fabulous: the pentathlon was not practised until the time when the great national games of Greece began to flourish. The persons engaged in it were called pentathli (πενταθλοι[2]). The pentathlon consisted of five distinct kinds of games, viz., leaping (ἅλμα), footrace (δρόμος), the throwing of the discus (δίσκος), the throwing of the spear (σίγυννος or ἀκόντιον), and wrestling (πάλη),[3] which were all performed in one day and in a certain order, one after the other, by the same athletæ.[4] The pentathlon was introduced in the Olympic games in Ol. 18, and we may presume that soon after this it was also introduced at the other national games, as well as at some of the less important festivals, such as the Erotidia in Thespiæ.[5]

The order in which the different games of the pentathlon followed one another has been the subject of much discussion in modern times. The most probable opinion, however, is Böckh's,[6] which has been adopted by Dissen, Krause, and others, although G. Hermann has combated it in a little work called *De Sogenis Æginetæ victoria quinquert.*, Lipsiæ, 1822. The order adopted by Böckh is as follows: 1. The ἅλμα. This was the most prominent part of the pentathlon, and was sometimes used to designate the whole game. It was accompanied by flute-music.[7] Other writers, as Pausanias himself,[8] and Plutarch,[9] speak as if the whole pentathlon had been accompanied by the flute, but in these passages the whole game seems to be mentioned instead of that particular one which formed the chief part of it. 2. The footrace. 3. The discus. 4. The throwing of the spear. 5. Wrestling. In later times, probably after Ol. 77, the footrace may have been the fourth game instead of the second, so that the three games which gave to the pentathlon its peculiar character, viz., leaping, discus, and the spear, preceded the footrace and wrestling, and thus formed the so-called τριαγμός. The footrace of the pentathlon was probably the simple stadion or the diaulos, and not a race in armour, as has been supposed by some; for the statues of the victors in the pentathlon are never seen with a shield, but only with the halteres; besides which, it should be remembered that the race in armour was not introduced at Olympia until Ol. 65,[10] while the pentathlon had been performed long before that time. It is, moreover, highly improbable that even after Ol. 65 the race in armour should have formed a part of the pentathlon. In Ol. 38 the pentathlon for boys was introduced at Olympia, but it was only exhibited this one time, and afterward abolished.[11]

In leaping, racing, and in throwing the discus or spear, it was easy enough to decide who won the victory, even if several athletæ took part in it and contended for the prize simultaneously. In wrestling, however, no more than two persons could be engaged together at a time, and it is not clear how the victory was decided if there were several pairs of wrestlers. The arrangement probably was, that if a man had conquered his antagonist, he might begin a fresh contest with a second, third, &c., and he who thus conquered the greatest number of adversaries was the victor. It is difficult to conceive in what manner the prize was awarded to the victor in the whole pentathlon; for an athletæ might be conquered in one or two games and be victorious in the others, whereas it can have occurred but seldom

1. (Eurip., Meleag. Fr., 3.) — 2. (Dionys. Hal., ii., 9.) — 3. (Plat., Leg., vi., p. 776.)—4. (Athen., vi., p. 264.)—5. (Compare Thucyd., i., 12.)—6. (Theoc., xvi., 35.—Müller, Dor., iii., 4, 6.) 7. (Athen., vi., p. 265.)—8. (Herod., viii., 132.—Müller, l. c.) —9 (c. Arist., 687, 1.)—10. (Aristot., Pol., ii., 6.)—11. (Müller, l. c. — Wachsmuth, I., i., 168. — Thirlwall, Hist. of Greece, i., 437 —Clinton, Fast. Hell., App., c. 22.)—12. (Aristot., H. A., v., 17.)—13. (Theophrast., H. P., ix., 13.—Dioscor., iv., 42.—Adams, Append., s. v.)—14. (Herod., ix., 33.—Paus., iii., 11, 6.)—15. (ii. 4, § 4.)

1. (Schol. ad Pind., Nem., vii., 11.) — 2. (Herod., ix., 75. — Paus., i., 29, § 4.)—3. (Schol. ad Plat., Amat., p. 135.—Simonides in Anthol. Palat., tom. ii., p. 626, ed. Jacobs.)—4. (Schol. ad Soph., El., 691.—Paus., iii., 11, § 6.)—5. (Böckh, Cor. Inscr., n. 1590.)—6. (Comment. ad Pind., Nem., vii., 71, &c.)—7. (Paus., v., 7, § 4. —Id., v., 17, § 4.)—8. (vi., 14, § 5.)—9. (De Mus. c. 26.)—10 (Paus., v., 8, § 3.)—11. (Paus., v., 9, § 1.)

that one and the same man gained the victory in all the five. Who of the pentathli, then, was the victor? Modern writers have said that the prize was either awarded to him who had been victorious in all the five games, or to the person who had conquered his antagonist in at least three of the games; but nothing can be determined on this point with any certainty. That the decision as to who was to be rewarded was considered difficult by the Greeks themselves, seems to be implied by the fact that at Olympia there were three hellanodicæ for the pentathlon alone.[1]

As regards the *τριαγμός* mentioned above, several statements of ancient writers suggest that the whole of the pentathlon was not always performed regularly, and from beginning to end; and the words by which they designate the abridged game, *τριαγμός*, *ἀποτριάζειν*, and *τρισὶ περιεῖναι*, lead us to suppose that the abridged contest only consisted of three games, and most probably of those three which gave to the pentathlon its peculiar character, viz., leaping, and throwing the discus and the spear.[2] The reason for abridging the pentathlon in this manner may have been the wish to save time, or the circumstance that athletæ who had been conquered in the first three games were frequently discouraged, and declined continuing the contest. When the triagmos was introduced at Olympia is not mentioned anywhere, but Krause infers, with great probability, from Pausanias,[3] that it was in Ol. 77.

The pentathlon required and developed very great elasticity of all parts of the body, whence it was principally performed by young men;[4] and it is probably owing to the fact that this game gave to all parts of the body their harmonious development, that Aristotle[5] calls the pentathli the most handsome of all athletæ. The pentathlon was, for the same reason, also regarded as very beneficial in a medical point of view; and the Elean Hysmon, who had, from his childhood, suffered from rheumatism, was cured by practising the pentathlon, and became one of the most distinguished athletæ.[6] (Compare G. Fr. Philipp, *De pentathlo sive quinquertio commentatio*, Berlin, 1827.—Krause, *Gymnastik und Agonistik der Hellenen*, p. 476–497.)

ΠΕΝΤΗΚΟΣΤΗ', a duty of two per cent. levied upon all exports and imports at Athens.[7] Thus it was levied on corn,[8] which, however, could only be imported, exportation being prohibited by law;[9] and also on woollen cloth, and other manufactured goods.[10] On imports the duty was payable on the unloading;[11] on exports, probably, when they were put on board. The money was collected by persons called *πεντηκοστολόγοι*, who kept a book in which they entered all customs received. Demosthenes refers to their entry (*ἀπογραφή*) to prove that a ship was not laden with more than a certain quantity of goods.[12] The merchant who paid the duty was said *πεντηκοντεύεσθαι*. All the customs appear to have been let to farm, and probably from year to year. They were let to the highest bidders by the ten *πωληταί*, acting under the authority of the senate. The farmers were called *τελῶναι*, and were said *ὠνεῖσθαι τὴν πεντηκοστήν*. They might either collect the duty themselves, or employ others for that purpose. Several persons often joined together in the speculation, in which case the principal, in whose name the bidding took place, and who was responsible to the state, was called *ἀρχώνης* or *τελωνάρχης*. Sureties were usually required.[1] Whether the customs on different articles of merchandise were farmed altogether or separately, does not appear. The corn-duty, at least, was kept distinct:[2] and this was the case with another tax.[3] With respect to the amount of the revenue derived from this source, the reader may consult Böckh, *Staatshaush. der Ath.*, i., 337–342. The *πεντηκοστή* has been thought by some to be the same with the *ἐλλιμένιον* mentioned by Pollux;[4] but this was more probably a duty paid for the use of the harbour, whether goods were unladen or not, and was perhaps the same as the *ἑκατοστή*, mentioned by Xenophon[5] as being paid by foreign ships entering the Piræus, and alluded to by Aristophanes.[6] Böckh's conjecture, that, besides a personal harbour due, a duty was levied of one per cent. on all the goods on board, appears less probable; for it would be unreasonable to exact a customs duty on goods not landed; and if they were to be landed, why should the *πεντηκοστή* be required in addition to the *ἑκατοστή*?[7]

PENTECOS'TYS (*πεντηκοστύς*). (*Vid.* ARMY, GREEK, p. 98.)

*PENTEL'ICUM MARMOR (Πεντελικὸς λίθος), Pentelic Marble, obtained from Mount Pentelicus, near Athens, the modern name of which is *Pendele*. With this marble the Parthenon was built, as also the Temple of Ceres at Eleusis. Many celebrated statues were made of it. Its grain is finer than the Parian, but it does not retain its polish and beauty so well as the latter, being less homogeneous, and, consequently, more liable to decomposition.[8]

*PEP'ERI (*πέπερι*), Pepper. "Theophrastus describes the two kinds of pepper, *διττὸν δ' αὐτοῦ τὸ γένος, τὸ μὲν γὰρ στρόγγυλον, τὸ δὲ πρόμηκες*. The former is the *white*, the other the *black* Pepper. Solinus and Pliny give a full account of the ancient Peppers, containing, however, some errors, arising from want of information. Dr. Hill says 'the oldest Greek writers knew the three kinds of pepper in use at present, and have described them very well, although they erred in supposing them the fruit of the same plant in different degrees of maturity.' The plant which produces both the black and white kinds is named *Piper nigrum*; that which produces the long, *Piper longum*."[9]

*PEPLIS and PEPLUS (*πεπλίς, -ος*), two species of Spurge, namely, the *Euphorbia Peplis* and *Peplus*.[10]

PEPLUM (*πέπλος*), a Shawl, differing from the scarf (*vid.* CHLAMYS) in being much larger, and from the blanket (*vid.* PALLIUM) in being finer and thinner, and also considerably larger. It was sometimes used as a cover to protect valuable articles of furniture[11] or to adorn a throne,[12] but most commonly as a part of the dress of females;[13] although instances occur, even among the Greeks, in which it is worn by the other sex, unless we suppose the term to be in these instances improperly put for *φᾶρος*.[14] In Persia and other Eastern countries, the shawl was no doubt worn anciently, as it is at the present day, by both sexes.[15] Also in Bacchanalian processions it was worn by men, both in allusion to Oriental habits, and because they then avowedly assumed the dress of females.[16] This was commonly the

1. (Paus., v., 9, § 5.)—2. (Dion Chrysost., *Διογ.*, i., p. 279, ed Reiske.—Schol. ad Aristid. ap. Phot., Cod., p. 409, Bekker.—Müller, Archæol. d. Kunst, § 423, 3.)—3. (v., 9, § 3.)—4. (Schol. ad Plat., Amat., p. 135, D., &c.)—5. (Rhet., i., 5.)—6. (Paus., vi., 3, § 4.)—7. (Harpocr., s. v. *Πεντηκοστή*.)—8. (Demosth., c. Neær., 1353.)—9. (Demosth., c. Lacr., 941.)—10. (Demosth., c Meid, 558.)—11. (Demosth, c. Lacr. 932.)—12. (c Form., 909.)

1. (Demosth., c. Timocr., 713.—Andoc., De Myst., 17, ed Steph.—Wachsmuth, Il., i., 152.)—2. (Demosth., c. Neær., 1353.)—3. (Æsch., c. Timarch., 16.)—4. (viii., 132; ix., 30.)—5. (De Rep. Ath., i., 17.)—6. (Vesp., 658.)—7. (*Vid.* Böckh, Id., 343.)—8. (Theophrast., De Lapid., 14.—Adams, Append., s. v.)—9. (Theophrast., H. P., ix., 22.—Dioscor., ii., 188.—Solinus, Polyh., 65.—Plin., H. N., xii., 14.—Adams, Append., s. v.)—10. (Dioscor., iv., 165, 166.—Adams, Append., s. v.)—11. (Hom. Il., v., 194.)—12. (Od., vii., 96.)—13. (Hom., Il., v., 315, 734, 735.—Id. ib., viii., 384.—Od., xv., 123–128.—*Ἑανός*: Il., xiv. 178.—Eurip., Hec., 1013.—Id., Med., 791.—Theocrit., i., 33.—14. (Eurip., Ion, 1033.—Theocrit., vii., 17.)—15. (Æsch., Pers., 204, 474, 1030, 1061.)—16. (Eurip., Bacch., 783–791.)

garment which the Orientals rent as an expression of rage or grief.[1] Women of high rank wore their shawls so long as to trail upon the ground (*Τρωάδας ἑλκεσιπέπλους*,[2] *Ἑλένη πανύπεπλος*[3]). A shawl was sometimes wrapped about the head during sleep.[4] Like all other pieces of cloth used for the AMICTUS, it was often fastened by means of a brooch (*vid.* FIBULA[5]), and was thus displayed upon the statues of female divinities, such as Diana[6] and the goddess Rome.[7] It was, however, frequently worn without a brooch, in the manner represented in the annexed woodcut, which is copied from one of Sir Wm.

Hamilton's vases.[8] Each of the females in this group wears a shift falling down to her feet (*vid.* TUNICA), and over it an ample shawl, which she passes entirely round her body, and then throws the loose extremity of it over her left shoulder and behind her back, as is distinctly seen in the sitting figure. The shawl was also often worn so as to cover the head while it enveloped the body, and more especially on occasion of a funeral (see woodcuts, p. 458), or of a marriage, when a very splendid shawl (*παστός*[9]) was worn by the bride. The following woodcut[10] may be supposed to represent

the moment when the bride, so veiled, is delivered to her husband at the door of the nuptial chamber. He wears the PALLIUM only; she has a long shift beneath her shawl, and is supported by the pronuba. Thus veiled the poets represented Aurora and Night, but with this difference, that the one arose expanding a shawl dyed with saffron (*κροκόπεπλος Ἠώς*[1]), whereas a black one enveloped the other (*μελάμπεπλος Νύξ*[2]). In reference to the bridal shawl, the epithet *παστόφορος* was given to Venus.[3]

Of all the productions of the loom, shawls were those on which the greatest skill and labour were bestowed. So various and tasteful were the subjects which they represented, that poets delighted to describe them. The art of weaving them was entirely Oriental (*βαρβάρων ὑφάσματα*[4]): those of the most splendid dyes and curious workmanship were imported from Tyre and Sidon:[5] a whole book was written by Polemo "*concerning the Shawls at Carthage.*"[6] Hence "Shawls" (*πέπλοι*[7]) was one of the titles of works of an imaginative or descriptive character, and was adopted to intimate the variety of their subjects, and the beautiful mode of displaying them. A book, intended to depict some of the characters in the Iliad, and denominated "The Shawl," was ascribed to Aristotle.[8] As a specimen of the subjects delineated, a shawl may be mentioned which exhibited the frame of the world.[9] Euripides describes one which represented the sun, moon, and stars, and which, with various others containing hunting-pieces and a great variety of subjects, belonged to the Temple of Apollo at Delphi, and was used to form a magnificent tent for the purpose of an entertainment;[10] for it is to be observed, that stores of shawls were not only kept by wealthy individuals,[11] but often constituted a very important part of the treasures of a temple,[12] having been presented to the divinity on numerous occasions by suppliants and devotees.[13] (*Vid.* DONARIA, p. 376, PANATHENÆA, PASTOPHORUS.)

PER CONDICTIO'NEM. This legis actio, says Gaius, was so called because the plaintiff gave notice to the defendant to be present on the thirtieth day after the notice, in order that a judex might be appointed. It was an actio in personam, and applicable to those cases in which the plaintiff required the defendant to give something (*qua intendit dari oportere*). This legis actio was introduced by a lex Silia in the case of a fixed sum of money (*certa pecunia*), and by a lex Sempronia in the case of any definite thing. Gaius observes that it does not appear why this form of action was needed, for in a case of dari oportere there was the sacramentum and the per judicis postulationem. The name condictio was applied to actiones in personam, after the legis actiones fell into disuse, though improperly, for the notice (*denuntiatio*) whence the legis actio took its name was discontinued.[14]

PER JUDICIS POSTULATIO'NEM was one of the legis actiones. The passage in Gaius is wanting in which this form of action is described. It was applicable to a great variety of cases, and to some cases the same as the sacramentum was applicable. (*Vid.* PER CONDICTIONEM.)

PER MANUS INJECTIO'NEM. (*Vid.* MANUS INJECTIO.)

PER PI'GNORIS CAPIO'NEM or CAPTIO'NEM. This was one of the legis actiones, or old forms of procedure, which in some cases was founded on custom (*mos*), in others on enactments (*lex*). It was founded on military usage in the following

1. (Æschyl., ll. cc.—Eurip., Hec., 553–555.—Xen., Cyrop., viii., 1, § 13.—Id. ib., iii., 3, § 67.—Id. ib., v., 1, § 6.)—2. (Hom., Il., vi., 442.)—3. (Od., iv., 305.)—4. (Apollon. Rhod., iv., 1294, 1314, 1351.)—5. (Soph., Trach., 920.—Callim., Lav. Pall., 70.—Apollon. Rhod., iii., 833.)—6. (Brunck, Anal., iii., 206.)—7. (Apollin. Sidon., Carm., v., 18.)—8. (vol. iii., pl. 58.)—9. (1 Maccab., i., 27.)—10 (from Bartoli Admir. Rom. Ant., pl. 57.)

1. (Hom., Il., viii., 1.—Id. ib., xxiii., 227.)—2. (Eurip., Ion, 1150.)—3. (Brunck, Anal., iii., 4.)—4. (Eurip., Ion, 1159.)—5 (Hom., Il., vi., 289–294.)—6. (Athen., xii., p. 541.)—7. (Clem. Alex., Strom., vi., 1, p. 736, ed. Potter.)—8. (Eustath. in Il., ii., 557.)—9. (Mart. Capella, L. vi., in Maittaire's "Corpus Poetarum," vol. ii., p. 1446.)—10. (Ion, 1141–1162.)—11. (Hom., Od., xv., 104–108.)—12. (Eurip., Ion, 329, 330.)—13. (Hom., Il., vi., 271–304.—Virg., Æn., i., 480.—Id., Cir., 21–35.)—14. (Gaius, iv., 18, &c.)

cases A soldier might seize as a pledge (*pignus capere*) anything belonging to the person who had to distribute the æs militare, in case he did not make the proper payments; he might also make a seizure in respect of the money due to him for the purchase of a horse (*æs equestre*), and also in respect of the allowance for the food of his horse (*æs hordiarium*). The law of the Twelve Tables allowed a pignoris capio in respect of pay due for the hire of a beast, when the hire-money was intended for a sacrifice. By a special law (the name is not legible in the MS. of Gaius) the publicani had the right pignoris capionis in respect of vectigalia publica which were due by any lex. The thing was seized (*pignus capiebatur*) with certain formal words, and for this reason it was by some considered to be a legis actio. Others did not allow it to be a legis actio, because the proceeding was extra jus, that is, not before the prætor, and generally, also, in the absence of the person whose property was seized. The pignus could also be seized on a dies nefastus, or one on which a legis actio was not permitted.

It appears from a passage of Gaius, in which he speaks of the legal fiction that was afterward introduced into the formula by which the publicani recovered the vectigalia, that the thing seized was only taken as a security, and was redeemed by payment of the sum of money in respect of which it was seized. In case of non-payment, there must, however, have been a power of sale, and, accordingly, this pignoris capio resembles in all respects a pignus proper, except as to the want of consent on the part of the person whose property was seized. It does not appear whether this legis actio was the origin of the law of pledge, as subsequently developed, but it seems not improbable.[1]

PERA, *dim.* PE'RULA (πήρα), a Wallet, made of leather, worn suspended at the side by rustics and by travellers to carry their provisions,[2] and adopted, in imitation of them, by the Cynic philosophers.[3] (*Vid.* Baculus.) The cup for drinking was carried in the wallet.[4] The sower carried a wallet depending from his right shoulder to hold his seed.[5] The annexed woodcut is the representation of a goatherd with his staff and wallet, from the column of Theodosius, formerly at Constantinople.[6]

1 (Gaius, iv., 26, &c. — Cic., Verr., iii., 11. — "Pignoris capio:" Gell., vii., 10.) — 2. (Mart., xiv., 81.) — 3. (Diog. Laert., vi., 13. — Brunck, Anal., i., 223. — Id. ib., ii., 22, 28. — Auson., Epigr., 53.) — 4. (Senec., Epist., 91.) — 5. (Brunck, Anal., ii., 215.)—6. (Menestrier, Descr. de la Col. Hist. Par., 1702, pl. 16.)

*PERCA (πέρκη), the Perch. The River Perch or *Perca fluviatilis*, is noticed by Aristotle, Ælian, Dioscorides, Pliny, &c.; the Sea Perch, or *Perca marina*, by Aristotle, Oppian, Ovid, Pliny, Marcellus Sideta, &c.[1]

*PERCNOP'TERUS. (*Vid.* Aquila.)

*PERCNUS. (*Vid.* Aquila.)

*PERDIC'ION (περδίκιον), a plant, most probably, as Adams thinks, the Pellitory of the Wall, or *Parietaria officinalis*, which Sibthorp says still retains the name of περδίκακι in Greece. It is the ἑλξίνη ἑτέρα of Dioscorides.[2]

*PERDIX (πέρδιξ), the Partridge, or *Tetrao Perdix*. "Athenæus, I believe, is the only ancient author who takes notice of the Red-legged Partridge, or *Tetrao rufus*, L., sometimes called *Perdix Græca*. Gesner mentions that it is called 'the Quail' by the Italians." The *Tetrao rufus* is brought from Cephallenia to Zante, says Sibthorp, where it is kept in cages to sing, or, rather, call. The Red-legged and Gray Partridge were both seen in the vicinity of Salonica by Mr. Hawkins. The former frequented entirely the rocks and hills, the latter the cultivated ground in the plain.[3]

PERDUE'LLIO. (*Vid.* Majestas, p. 609.)

PERDUELLIO'NIS DUU'MVIRI were two officers or judges appointed for the purpose of trying persons who were accused of the crime of perduellio. Niebuhr believes that they were the same as the quæstores parricidii, and Walter[4] agrees with him, though in a later part of his work[5] he admits that they were distinct. It appears from a comparison of the following passages—Liv., i., 26.—Dig. 1, tit 2, s. 2, § 23.—Fest., *s. v. Parici* and *Sororium* —either that some of the ancient writers confound the duumviri perduellionis and the quæstores parricidii, or that, at least during the kingly period, they were the same persons; for, in giving an account of the same occurrence, some writers call the judges quæstores parricidii, while others call them duumviri perduellionis. After the establishment of the Republic, however, there can be no doubt that they were two distinct offices, for the quæstores were appointed regularly every year, whereas the duumviri were appointed very rarely, and only in cases of emergency, as had been the case during the kingly period.[6] Livy[7] represents the duumviri perduellionis as being appointed by the kings, but from Junius Gracchanus[8] it appears that they were proposed by the king and appointed by the populus (*reges populi suffragio creabant*). During the early part of the Republic they were appointed by the comitia curiata, and afterward by the comitia centuriata, on the proposal of the consuls.[9] In the case of Rabirius (B.C. 63), however, this custom was violated, as the duumviri were appointed by the prætor instead of by the comitia centuriata.[10] In the time of the emperors, no duumviri perduellionis were ever appointed.

The punishment for those who were found guilty of perduellio was death: they were either hanged on the *arbor infelix*, or thrown from the Tarpeian Rock. But when the duumviri found a person guilty, he might appeal to the people (in early times the populus, afterward the comitia centuriata), as was done in the first case which is on record,[11] and in the last, which is that of Rabirius, whom Cicero

1. (Aristot., H. A., i., 14. — Id. ib., ii., 13 — Ælian, N. A. xiv., 23.—Dioscor., iv. M., ii., 35.—Plin., xxxii., 9.—Id., ix., 16 — Ovid, Hal., 112. — Adams, Append., s. v.) — 2. (Theophrast, H. P., i., 11. — Dioscor., iv., 86. — Adams, Append., s. v.) — 3 (Aristot., H. A., i., 1. —Adams, Append., s. v.) — 4. (Gesch. des Röm. Rechts, p. 24, note 19.) — 5. (p. 855, note 20.) — 6. (Liv., ii., 41.—Id., vi., 20.—Dion Cass., xxxvii., 27.)—7. (i., 26.)—8. (Dig. 1, tit. 13, 1.—Compare Tacit., Ann., xi., 22.)—9. (Dig. 1, tit. 2, s. 2, § 23. — Cic., Pro Rabir., 4, &c.) — 10. (Dion Cass., l c.—Cic., l. c.—Suet., Jul 12.)—11. (Liv., i., 26.)

defended before the people in the oration still extant. Marcus Horatius, who had slain his sister, was acquitted, but was nevertheless obliged to undergo some symbolical punishment, as he had to pass under a yoke with his head covered. The house of those who were executed for perduellio was razed to the ground, and their relatives were not allowed to mourn for them [1]

PEREGRI'NUS, a stranger or foreigner. In ancient times the word peregrinus was used as synonymous with hostis,[2] but in the times of which we have historical records, a peregrinus was any person who was not a Roman citizen, though he might belong to an allied people, for the allied Latins and Hernicans are called peregrini,[3] and even the plebeians are sometimes designated by this name. All peregrini were either connected with Rome by ties of hospitality, or they were not. Respecting the former, *vid.* HOSPITIUM. The latter, if they had any business to transact at Rome, required a patronus, who undertook the management of their causes in the courts of justice. When the dominion of Rome became extended over a great part of Italy, whole towns and nations sometimes entered into the relation of client to some influential Roman, who then acted as their patronus. But in B.C. 247 a second prætor (*prætor peregrinus*) was appointed for the purpose of administering justice in matters between such peregrini as had taken up their abode at Rome. (*Vid.* PRÆTOR.) Whether a peregrinus had commercium or connubium with Rome depended upon the relation of his native country or town to Rome. The number of such peregrini who lived in the city of Rome appears to have had an injurious influence upon the poorer classes of Roman citizens, whence, on some occasions, they were driven out of the city. The first example of this kind was set in B.C. 127, by the tribune M. Junius Pennus.[4] They were expelled a second time by the tribune C. Papius, in B.C. 66.[5] The same measure was sometimes also adopted by the early emperors.[6] As peregrini were not citizens, they had none of the rights of citizens; their existence at Rome was merely an act of toleration on the part of the Romans.

During the last period of the Republic and the first centuries of the Empire, all the free inhabitants of the Roman world were, in regard to their political rights, either Roman citizens, or Latins, or peregrini, and the latter had, as before, neither commercium nor connubium with the Romans. They were either free provincials or citizens who had forfeited their civitas, and were degraded to the rank of peregrini,[7] or a certain class of freedmen, called peregrini dediticii.[8] (*Vid.* DEDITICII.) The most numerous class was, of course, that consisting of free provincials, many of whom also lived at Rome and in Italy. In matters concerning their own families or their property, they enjoyed in Roman courts of justice all those rights which the jus gentium claimed for them,[9] and even parts of the Roman law were transferred and applied to them.[10] If a peregrinus died at Rome, his property went either to the ærarium, or, if he had a patronus, the latter succeeded to it jure applicationis.[11] In the provinces, also, the peregrini were allowed to live according to their own laws and customs.[12] It appears that, from the time of the Marsic war, the peregrini were allowed to serve in the Roman armies. The Jews alone seem to have formed an exception on account of their religious duties.[1] This service in the Roman armies was in many cases the first step towards the civitas, for many were made citizens after the time of their service had elapsed; and in the reign of M. Aurelius, provincials are even said to have obtained the civitas immediately on their enlisting in the armies.[2] Since, in the reign of Antoninus Caracalla,[3] all the free inhabitants of the Empire were made cives Romani, peregrini henceforth no longer existed within the boundaries of the Empire, except in cases when barbarians, not subject to it, entered the Roman armies, or when new conquests were made, and in the case of peregrini dediticii. But, on the whole, it may be said that the Romans at that time divided the inhabitants of the whole world into Romans and barbarians.[4]

PE'RGULA appears to have been a kind of booth or small house, which afforded scarcely any protection except by its roof, so that those who passed by could easily look into it. It served both as a workshop[5] and a stall where things were exhibited for sale. We find, for instance, that painters exhibited their works in a pergula, that they might be seen by those who passed by;[6] and Apelles is said to have concealed himself in his pergula, behind his pictures, that he might overhear the remarks of those who looked at them.[7] Such places were occupied by persons who, either by working or sitting in them, wished to attract the attention of the public. Hence we find them inhabited by poor philosophers and grammarians, who gave instruction, and wished to attract notice in order to obtain pupils.[8]

It should be observed that scholars do not agree as to the real meaning of pergula: Scaliger[9] describes it as a part of a house built out into the street, as in some old houses of modern times; Ernesti[10] thinks that a pergula is a little room in the upper part of a house, which was occasionally used by poor philosophers as an observatory. But neither of these two definitions is so applicable to all the passages in which the word occurs as that which we have proposed.

*PERICLYM'ENON (περικλύμενον), the common Honeysuckle or Woodbine, the *Lonicera periclymenon*. Some botanical writers, however, prefer the other species, namely, the *L. caprifolium*.[11]

PERIDEIPNON (περίδειπνον). (*Vid.* FUNUS, p. 458.)

PERIŒCI (περίοικοι). This word properly denotes the inhabitants of a district lying around some particular locality, but is generally used to describe a dependant population, living without the walls or in the country provinces of a dominant city, and, although personally free, deprived of the enjoyment of citizenship, and the political rights conferred by it. The words σύνοικοι and μέτοικοι have an analogous meaning.

A political condition such as that of the περίοικοι of Greece, and like the vassalage of the Germanic nations, could hardly have originated in anything else than foreign conquest, and the περίοικοι of Laconia furnish a striking illustration of this. Their origin dates from the Dorian conquest of the Peloponnesus, when the old inhabitants of the country, the Achaians, submitted to their conquerors on certain conditions, by which, according to Ephorus,[13]

1. (Dig. 3, tit. 2, s. 11, § 3.)—2. (Varro, De Ling. Lat., iv., p. 8, Bip.—Cic., De Off., i., 12.)—3. (Liv., iii., 5.—Id., v., 19.—Id., viii., 5.)—4. (Cic., De Off., iii., 11.—Id., Brut., 28.—Fest., s. v. Respublica.)—5. (Cic., De Off., iii., 11.—Dion Cass., xxxvii., 9.) —6. (Suet., Octav., 42.)—7. (Suet., Claud., 16.—Dig. 2, tit. 4, s. 10, § 6.)—8. (Plin., Epist., x., 4.)—9. (Gaius, iii., 93, 132, 133.)—10. (Gaius, i., 47; iv., 37.)—11. (Cic., De Orat., i., 39.) —12. (Gaius, i., 92; iii., 96, 120, 134.)

1. (Joseph., Ant. Jud., xiv., 10, 11-19.)—2. (Walter, Geschichte des Röm. Rechts, p. 330, n. 91.)—3. (211-217.)—4. (Sidon. Apoll., Epist., i., 6.)—5. (Dig. 5, tit. 1, s. 19.)—6. (Lucil. ap. Lactant., i., 22.)—7. (Plin., H. N., xxxv., 36, § 12.—Salmas. ad Script. Hist. Aug., p. 458, 459.)—8. (Suet., Octav., 94.—De Illustr. Grammat., 18.—Flav. Vopisc., Saturnin., 10.—Juv., xi., 13.)—9. (ad Plaut., Pseud., i., 2, 79.)—10. (ad Suet., Octav., 94.)—11. (Dioscor., iv., 14.—Adams Append., s. v.)—12. (Strabo viii., p. 364.)

they were left in possession of their private rights of citizenship (ἰσοτιμία), such as the right of intermarriage with the Dorians, and also of their political franchise. They suffered, indeed, a partial deprivation of their lands, and were obliged to submit to a king of foreign race, but still they remained equal in law to their conquerors, and were eligible to all offices of state except the sovereignty. Ἰσόνομοι μετέχοντες καὶ πολιτείας καὶ ἀρχείων.[1] But this state of things did not last long: in the next generation after the conquest, either from the lust of increased dominion on the part of the Dorians, or from an unsuccessful attempt by the Achaians to regain their independence, the relation between the two parties was changed. The Achaians were reduced from citizens to vassals; they were made tributary to Sparta (συντελεῖς), and their lands were subjected to a tax, perhaps not so much for the sake of revenue as in token of their dependance;[2] they lost their rights of citizenship (ἰσοτιμία), such as that of intermarriage with the Dorians, the right of voting in the general assembly, and their eligibility to important offices in the state, such as that of a senator, &c. It does not, however, appear that the Perioeci (especially in the historic times) were generally an oppressed people, though kept in a state of political inferiority to their conquerors. On the contrary, the most distinguished among them were admitted to offices of trust,[3] and sometimes invested with naval command,[4] but probably only because they were better suited for it than the Spartans themselves, who did not set a high value on good sailorship. Moreover, the Perioeci sometimes served as heavy-armed soldiers or troops of the line: at the battle of Platæa, for instance, they supplied 10,000 men, 5000 hoplites and 5000 light-armed,[5] a circumstance which seems to imply a difference of rank connected with a difference of occupation among the Perioeci themselves. Again, at Sphacteria 292 prisoners were taken, of whom 120 were Spartans and the rest περίοικοι.[6] We also read of καλοὶ κἀγαθοί, or "accomplished and well-born" gentlemen, among the Perioeci, serving as volunteers in the Spartan service.[7] But still it is not to be expected, it is not natural, that men competent to the discharge of high functions in a state, and bearing its burdens, should patiently submit to an exclusion from all political rights. Accordingly, we find that, on the rising of the Helots in B.C. 464, some of the Perioeci joined them.[8] When the Thebans invaded Laconia (B.C. 369), the Perioeci were ready to help them.[9] In connexion with the insurrection of Cinadon, we are told that the Perioeci were most bitter against the ruling Spartans.[10] From these and other facts,[11] it appears that the Perioeci of Laconia, if not an oppressed, were sometimes a disaffected and discontented class; though, in cases of strong excitement, or of general danger to the whole of Greece, they identified themselves with their conquerors. The very relation, indeed, which subsisted between them, was sufficient to produce in Sparta a jealousy of her subjects, with corresponding feelings on their part. Nor can we suppose that the Dorians would willingly permit the Perioeci to acquire strength and opulence, or even to settle in large towns.[12] In fact, it is stated by Isocrates[13] that the Dorians intentionally weakened the Achaians, by dispersing them over a great number of hamlets, which they called πόλεις, though they were less powerful than the country parishes of Attica, and were situated in the most unproductive parts of Laconia, the best land of which was reserved for the Spartans. It is not, however, necessary to understand the orator as speaking of a uniform practice; and another of his statements, to the effect that the ephori could put any of the Perioeci to death[1] without trial, is either a perversion of the truth, or arose from his confounding the Perioeci with the Helots.

Still the grievances of the Perioeci were not after all, intolerable, nor do they seem to have been treated with wantonness or insolence. The distance at which many of them lived from Sparta must have rendered it impossible for them to share in the administration of the state, or to attend the public assemblies; a circumstance which must in some measure have blunted their sense of their political inferiority. Nor were they subjected to the restraints and severe discipline which the necessity of maintaining their political supremacy imposed upon the Spartans, making them more like an "army of occupation in a conquered country" or a "beleaguered garrison" than a society of men united for civil government and mutual advantage. By way of compensation, too, the Perioeci enjoyed many advantages (though not considered as privileges) which the Spartans did not. The trade and manufactures of the country were exclusively in their hands, and carried on by them with the more facility and profit, as they occupied maritime towns. The cultivation of the arts, also, as well in the higher as in the lower departments, was confined to the Perioeci, the Spartans considering it beneath themselves; and many distinguished artists, such as embossers and brass-founders, were found in the Laconian schools, all of whom were probably Perioeci.[2] Nor is there wanting other evidence, though not altogether free from doubts, to show that the Spartan provincials were not in the least checked or shackled in the development of their intellectual powers.[3] Moreover, it seems natural to suppose that they enjoyed civil rights in the communities to which they belonged, and which otherwise would scarcely have been called πόλεις; but whether or no these cities had the power of electing their own chief magistrate is a matter of conjecture. Ephorus, indeed,[4] informs us that, on the conquest of the Peloponnesus by the Dorians, they divided the country of Laconia into six districts, four of which were left in the possession of the Achaians, and governed by magistrates sent from Sparta; but we do not know how long this practice lasted, nor can we draw any conclusions with respect to the government of Laconia in general from the example of Cythera, to which a Spartan officer was annually sent, under the peculiar title of Κυθηροδίκης, or the "Justice of Cythera."

The number of Laconian (as they are called) or subject cities is said to have formerly amounted to 100.[5] Several of them lay on the coast, as Gythium, the port of Sparta; whence the whole coast of Laconia is called ἡ περιοικίς.[6] Many, however, lay more inland, as Thuria[7] and Cardamyle, which seems to have belonged to the old Messenia. The inhabitants of the district of Sciros (ἡ Σκιρῖτις), on the confines of Arcadia, seem to have been distinct from the other περίοικοι,[8] and in battle were posted by the cities on the left wing.[9] An enumeration of the principal of these cities is given in Clinton.[10] The Perioeci also occupied the island of Cythera, at the port of which the Lacedæmonian merchants usually put in on their voyages home

1. (Arnold, Thucyd., i., p. 641.)—2. (Ephor., l. c.)—3. (Thucyd., viii., 61.)—4. (Id., viii., 22.)—5. (Herod., ix., 61.)—6. (Müller, iii., 2, § 3.)—7. (Xen., Hell., v., 3, § 9.)—8. (Thucyd., i., 101.)—9. (Xen., Hell., vi., 5, 25.)—10. (Id., iii., 3, § 6.)—11 (Clinton, F. H., Append., xxii.)—12. (Thirlwall, Hist. of Greece, ii., 307.)—13. (Panath., p. 307.)

1. (p. 271.)—2. (Müller, Dor., iii., 2, § 3.)—3. (Thirl. and Müll., ll. cc.)—4. (l. c.)—5. (Strabo, viii., p. 362.)—6. (Thucyd., iii., 16.)—7. (Thucyd., i., 101.)—8 (Xen., Hell., v., 2, 24.)—9 (Thucyd., v., 67.)—10. (Fast. Hellen. Append., p. 22.)

from Egypt and Libya.[1] We have said that Periœci living in these towns were the descendants of the old inhabitants of the country, but we must not suppose they were exclusively so. Some of them, on the contrary, were foreigners, who had either accompanied the Dorians on their invasion of Laconia, or been afterward invited by them to supply the place of the dispossessed Achaians. One of these cities, Boia, is even said to have been founded by a Heracleid chief,[2] and another, Geronthræ, was peopled by colonists sent from Sparta, after it was evacuated by the old inhabitants.[3]

The number of Periœci in the Persian war is thus determined by Clinton:[4] "At the battle of Platæa, in B.C. 479, the Periœci supplied 10,000 men. If we assume this proportion to be the same as that which the Spartan force bore to the whole number on the same occasion, or five eighths of the whole number of citizens, this would give 16,000 for the males of full age, and the total population of this class of the inhabitants of Laconia would amount to about 66,000 persons."

In the later times of Spartan history, the Periœcian towns of the coast (*Laconicæ oræ castella et vici*) were detached from Sparta by T. Quintius Flamininus, and placed under the protection of the Achaian league.[5] Subsequently to this the Emperor Augustus released 24 towns from their subjection to Sparta, and formed them into separate communities, under laws of their own. They were consequently called Eleuthero-Lacones.[6] But, even in the time of Pausanias, some of the Laconian towns were not *αὐτονόμοι*, but dependant upon Sparta *συντελοῦσαι ἐς Σπάρτην*).

A class of Periœci, and also of Helots, has been said by Müller to be the basis of the Dorian form of government: we may therefore expect to find Periœci among other Dorian communities as well as at Sparta, as, for instance, Elis and Argos, and the Bœotian Thebes: the dependant towns of which states formed separate communities, as Thespiæ under Thebes, the Triphylian cities in Elis, and Orneæ under Argos, though they could not be called *αὐτονόμοι*.[7] From the last-mentioned town, which was long independent, but reduced about B.C. 580, all the Argive Periœci derived their name of Orneatæ. About the time of the Persian war, however, the inhabitants of the towns surrounding Argos were received into the city as *σύνοικοι*, and admitted to the rights of citizenship: a change which was attended with a revolution in the constitution of Argos, and gave additional force to its democracy.[8] The Dorian cities of Crete also had their Periœci,[9] as well as the colonies of Cyrene and Thera.[10]

The Periœci of antiquity have been compared to other bodies, such as the plebs of Rome, and the communities of the Athenian demi or parishes. But the only resemblance they bore to the latter was in the similarity of their position relative to the chief city of their country, nor did the former body stand in the same relation to the patricians as the Laconian provincials did to the Spartan citizens. Modern history furnishes fitter objects of comparison in the Norman conquest of England and the city of Augsburg.[11] The burghers or free citizens of Augsburg lived in the city, while there grew up about them a distinct and large community living without the city, chiefly formed of the emancipated vassals of the dominant class, and called "Pfahlbürger," or citizens of the "pale," the suburbs in which they lived being surrounded by palisades. The Norman conquest of England presents a striking parallel to the Dorian conquest of Laconia, both in its achievement and consequences. The Saxons, like the old Achaians, were deprived of their lands, excluded from all offices of trust and dignity, and reduced, though personally free, to a state of political slavery. The Normans, on the contrary, of whatever rank in their own country, were all nobles and warriors compared with the conquered Saxons, and for a long time enjoyed exclusively the civil and ecclesiastical administration of the land.

For farther details, see Arnold, *Thucyd.*, lib. i., c. 101, and Appendix ii.—Thierry, *Histoire de la Conquête de l'Angleterre par les Normands*, livres iv.–vii.

PERIP'OLOI. (*Vid.* Ephebus, p. 406.)

PERI'SCELIS (*περισκελίς*[1]). Much controversy has arisen with regard to the true meaning of this word. The etymology points out merely that it was something worn round the leg (*περὶ σκέλος*), but from the context of the passage in Horace where it is found, we must at once infer that it was a trinket. The scholiast explains it as "*ornamentum pedis circum crura*," and hence we can scarcely doubt that it denotes an anklet or bangle, especially since we know that these were commonly worn not only by the Orientals, the Egyptians, and the Greeks, but by the Roman ladies also.[2] This explanation perfectly accords with the expressions of Tertullian,[3] where the *periscelium* is spoken of as decorating the leg in the same manner as the bracelet adorns the wrist and the necklace the throat. The anklet is frequently represented in the paintings of Greek figures on the walls of Pompeii, as in the following representation of a Nereid.[4]

It must be observed, however, that the Greek lexicographers Hesychius, Photius, and Suidas interpret *περισκελῆ* and *περισκέλια* by *βρακκία*, *φεμινάλια*, and St. Jerome (*Epist. ad Fabiol.*) expressly states that the Greek *περισκελῆ* were the same with the Latin *feminalia*, that is, drawers reaching from the navel to the knees. In the Septuagint we find *περισκελές* (*sc. ἔνδυμα*) in Exod., xxviii., 42, xxxix., 28, Levit., vi., 10, and *περισκέλιον* in Levit., xvi., 4, which our translators uniformly render, and apparently with accuracy, *linen breeches*.

*PERIST'ERA (*περιστερά*), a term often applied indiscriminately to the different species and varieties of the genus *Columba*, but more especially applicable to the *C. domestica*, or Domestic Pigeon.[5]

*PERISTEREON (*περιστερεών*), the *Verbena officinalis*, or Vervain.[6]

PERISTRO'MA. (*Vid.* Tapes, Velum.)

PERISTY'LIUM. (*Vid.* House, Roman, p. 517.)

PERJU'RIUM. (*Vid.* Oath, Roman, p. 671.)

1. (Thucyd., iv., 53; vii., 57.) — 2. (Strabo, p. 364.) — 3. Paus., iii., 22, § 5.) — 4. (l. c.) — 5. (Müller, iii., 2, § 1.— Liv., xxxiv., 29 and 30; xxxviii., 31.) — 6. (Paus., iii., 21, § 6.) — 7. (Wachs., 1, i., p. 161.) — 8. (Müller, iii., 4, § 2.) — 9. (Arist., Pol., ii., 7.)—10. (Herod. iv., 161.)—11. (Arnold, Thucyd., vol. i., App. 1 and 2.)

1. (Long., Past., i., 2.—Menander ap. Polluc., Onom. iii., 154, v., 100. — Hor., Ep., 1., xvii., 56. — Petron., 67.) — 2. (Plin., H. N., xxxiii., 3, s. 12. — Compare Wilkinson's Anc. Egyp., vol. iii., p. 374.) — 3. (De Cultu Fem.in., ii., sub fin.) — 4. (Museo Borbon., tom. vi., tav. xxx.v.) — 5. (Adams, Append., s. v.) — 6. (Dioscor., iv., 60, 61.—Adams, Append., s. v.)

PERIZO'MA. (*Vid.* Subligaculum.)

PERO (*ἀρβύλη*, dim. *ἀρβυλίς*), a low boot of untanned hide (*crudus*[1]), worn by ploughmen (*peronatus arator*[2]) and shepherds, as exemplified in the woodcuts at p. 132, 667, and by others employed in rural occupations.[3] It had a strong sole,[4] and was adapted to the foot with great exactness.[5] It was also called *πηλοπάτις* on account of its adaptation for walking through clay and mire. This convenient clothing for the foot was not confined to the laborious and the poor. Sigismer, a royal youth of Gaul, and his companions, had such boots, or high shoes, with the hair remaining upon them (*perone setoso*), bound about the ankles, the knees and calves of the legs being entirely bare.[6] In the Greek mythology Perseus was represented wearing boots of this description, with wings attached to them.[7] Diana wore them when accoutred for the chase.[8] *Vid.* Cothurnus.)

PER'ONE (*περόνη*). (*Vid.* Fibula.)

PERPENDI'CULUM, the line and plummet, was used by bricklayers, masons, and plasterers, in ancient times, as it has been ever since.[9] The etymology of the name is obvious, and explains the construction of the instrument. With the addition of a frame fixing two points equidistant from the apex, as it appears on the tomb represented at p. 252, it also served the purpose of a level. (*Vid.* Libra, Paries.)

PERPE'TUA ACTIO. (*Vid.* Actio, p. 18.)

*PERSÆA (*περσαία*), according to Prosper Alpinus, the tree which produces the Sebesten Plums. Linnæus gives it the name of *Cordia myxa*.[10]

*PERSICA MALA (*Περσικὰ μῆλα*), according to Matthiolus and Nonnius, *Peaches*; but, as Adams remarks, there is a considerable degree of uncertainty on this head. Stackhouse sets down the *μηλέα Περσική* of Theophrastus as a variety of the *Citrus aurantium*, or Orange. "Seth," remarks Adams, "calls the *Persica* by the name of *Rhodacina* (*ῥοδάκινα*). He says that they are cooling, diluent, and laxative, but difficult to digest. If not the same as the modern Peach, the Persica was evidently a fruit nearly allied to it."[11]

PERSO'NA (*larva*, *πρόσωπον* or *προσωπεῖον*), a Mask. Masks were worn by Greek and Roman actors in nearly all dramatic representations. This custom arose undoubtedly from the practice of smearing the face with certain juices and colours, and of appearing in disguise at the festivals of Dionysus. (*Vid.* Dionysia.) Now, as the Greek drama arose out of these festivals, it is highly probable that some mode of disguising the face was as old as the drama itself. Chœrilus of Samos, however, is said to have been the first who introduced regular masks.[12] Other writers attribute the invention of masks to Thespis or Æschylus,[13] though the latter had probably only the merit of perfecting and completing the whole theatrical apparatus and costume. Phrynichus is said to have first introduced female masks.[14] Aristotle[15] was unable to discover who had first introduced the use of masks in comedy. Some masks covered, like the masks of modern times, only the face, but they appear more generally to have covered the whole head down to the shoulders, for we find always the hair belonging to a mask described as being a part of it; and this must have been the case in tragedy more especially, as it was necessary to make the head correspond to the stature of an actor which was heightened by the cothurnus.

I. Tragic Masks.—It may at first seem strange to us, that the ancients, with their refined taste in the perception of the beautiful in form and expression, should by the use of masks have deprived the spectators in their theatres of the possibility of observing the various expressions of which the human face is capable, and which, with us, contribute so much to theatrical illusion. But it must be remembered, that in the large theatres of the ancients it would have been impossible for the greater part of the audience to distinguish the natural features of an actor. The features of the masks were, for this same reason, very strong and marked. Again, the dramatis personæ of most of the ancient tragedies were heroes or gods, and their characters were so well known to the spectators that they were perfectly typical. Every one, therefore, knew immediately, on the appearance of such a character on the stage, who it was, and it would have been difficult to a Greek audience to imagine that a god or hero should have had a face like that of an ordinary actor. The use of the cothurnus also rendered a proportionate enlargement of the countenance absolutely necessary, or else the figure of an actor would have been ridiculously disproportionate. Lastly, the solemn character of ancient tragedy did not admit of such a variety of expressions of the countenance as modern tragedies, the object of which seems to be to exhibit the whole range of human passions in all their wild and self-devouring play. How widely different are the characters of ancient tragedy! It is, as Müller[1] justly remarks, perfectly possible to imagine, for example, the Orestes of Æschylus, the Ajax of Sophocles, or the Medea of Euripides, throughout the whole tragedy with the same countenance, though it would be difficult to assert the same of a character in any modern drama. But there is no necessity for supposing that the actors appeared throughout a whole piece with the same countenance; for, if circumstances required it, they might surely change masks during the intervals between the acts of a piece. Whether the open or half-open mouth of a tragic mask also contributed to raise the voice of the actor, as Gellius[2] thinks, cannot be decided here, though we know that all circumstances united to compel a tragic actor to acquire a loud and sonorous voice.

The masks used in ancient tragedies were thus, for the most part, typical of certain characters, and, consequently, differed according to the age, sex, rank, and other peculiarities of the beings who were represented. Pollux, from whom we derive most of our information on this subject, enumerates[3] 25 typical or standing masks of tragedy, six for old men, seven for young men, ten for females, and three for slaves. The number of masks which were not typical, but represented certain individuals with their personal peculiarities, such as the blind Thamyris, the hundred-eyed Argus, &c., must have been much more numerous, for Pollux, by way of example, mentions thirty of such peculiar masks. The standing masks of tragedy are divided by Pollux into five classes.

1. *Tragic masks for old men.*—The mask for the oldest man on the stage was called *ξυρίας ἀνήρ*, from the circumstance of the beard being smoothly shaved. The hair, which was in most cases attached to the masks, was white, and hung down, with the exception of a part above the forehead, which rose in an acute angle or in a round shape, and left the temples uncovered. This rising part

1. (Virg., Æn., vii., 690.—Brunck, Anal., i., 230.)—2. (Pers., v., 102.)—3. (Juv., xiv., 186.)—4. (Theocr., vii., 26.)—5. (Galen. in Hippocr., lib. iv.)—6. (Sid. Apollin., Epist., iv., 20.)—7. (Lycoph., 839.)—8. (Brunck, Anal., iii., 206.)—9. (Cic. ad Q. Frat., iii., 1.—Vitruv., vii., 3, § 5.—Plin., H. N., xxxv., 49; xxxvi., 22, s. 51.—Apul., De Deo Socr., p. 150, ed. Aldi.)—10. (Dioscor., i., 187.—Adams, Append., s. v.)—11. (Dioscor., i., 164.—Theophr., H. P., iv., 4.—Adams, Append., s. v.)—12. (Suidas, s. v. *Χοιρίλλος*.)—13. (Horat. ad Pis., 278.)—14 (Suidas, s. v. *Φρύνιχος*.)—15. (Poët., ii., 22.)

1. (Hist. of the Lit. of Anc. Greece, i., p. 298.)—2. (v., 7.)—3 (iv., 133, &c.)

of the hair was called *ὄγκος*. The cheeks of this mask were flat, and hanging downward. A second mask for old men, called *λευκὸς ἀνήρ*, had gray hair, floating around the head in locks, a full beard, and a prominent forehead, above which the hair formed a small *ὄγκος*. The countenance was probably pale, as the adjective *λευκός* seems to indicate. A third mask, called *σπαρτοπόλιος*, had black hair interspersed with gray, and was somewhat pale. It probably represented a hero of from 40 to 50 years of age, and in a suffering condition. The fourth mask, *μέλας ἀνήρ*, represented a hero in his full vigour, with black and curly hair and beard, strong features, and a high *ὄγκος*. This was probably the mask for most of the tragic heroes who were not very much advanced in age. For a secondary class of heroes there were two other masks, the *ξανθός* and the *ξανθότερος ἀνήρ*: the former represented a fair man with floating locks, a low *ὄγκος*, and a good colour in his countenance; the second, or fairer man, was pale, and of a sickly appearance.

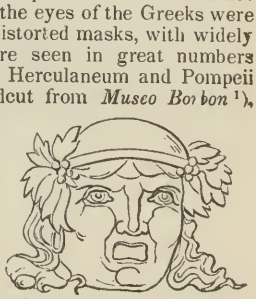
2. *Tragic masks for young men.*—Among these are mentioned, 1. The *νεανίσκος πάγχρηστος*, a mask intended to represent a man who had just entered the age of manhood, and was yet unbearded, but of a blooming and brownish complexion, and with a rich head of hair. The name *πάγχρηστος* probably indicates that the masks might be used in a great variety of parts. 2. The *νεανίσκος οὖλος*, or *ξανθός*, or *ὑπέρογκος*, a fair youth of a haughty or impudent character; his hair was curly, and formed a high *ὄγκος*: his character was indicated by his raised eyebrows. 3. *Νεανίσκος πάρουλος* resembled the preceding mask, but was somewhat younger. The counterpart of these two was, 4. The *ἁπαλός*, a young man of a delicate and white complexion, with fair locks and a cheerful countenance, like that of a youthful god. 5. *Πιναρός*. There were two masks of this name, both representing young men of an irascible appearance, of yellow complexion and fair hair; the one, however, was taller and younger, and his hair was more curly than that of the other. 6. *Ὠχρός*, a mask quite pale, with hollow cheeks, and fair, floating hair. It was used to represent sick or wounded persons. 7. The *πάρωχρος* might be used for the *πάγχρηστος* if this character was to be represented in a suffering or melancholy situation.

3. *Tragic masks for male slaves.*—Pollux mentions three, viz.: the *διφθερίας*, which had no *ὄγκος*, and wore a band round the smooth white hair. The countenance was pale, the beard gray, the nose sharp, and the expression of the eyes melancholy. The *σφηνοπώγων*, or the pointed beard, represented a man in his best years, with a high and broad forehead, a high *ὄγκος*, hardened features, and a red face. The *ἀνάσιμος*, or the pug-nose, was an impudent face, with fair, rising hair of a red colour, and without beard.

4. *Tragic masks for female slaves.*—Of these five specimens are mentioned, viz.: the *πολιὰ κατάκομος*, in earlier times called *παράχρωμος*, represented an old woman with long white hair, with noble but pale features, to indicate a person who had seen better days; the *γραῖδιον ἐλεύθερον*, an old freedwoman; the *γραῖδιον οἰκετικόν*, the old domestic slave; the *οἰκετικὸν μεσόκουρον*, a domestic slave of a middle age; and, lastly, the *διφθερῖτις*, a young female slave.

5. *Tragic masks for free women.*—The first of these, called *κατάκομος*, represented a pale lady, with long black hair, and a sad expression in her countenance. She generally shared the sufferings of the principal hero in a play. The second, called *μεσόκουρος ὠχρά*, resembled the former, with the exception that her hair was half shorn. She was a woman of middle age, and was probably intended to represent the wife of the chief hero, if he was not too advanced in age. The third is the *μεσόκουρος πρόσφατος*, representing a newly-married woman in full bloom, with long and floating hair. The fourth is the *κούριμος πάρθενος*, a maiden of mature age, with short hair divided on the middle of the forehead, and lying smoothly around the head. The colour of her countenance was rather pale. There was another mask of the same name, but it differed from the former by the following circumstances: the hair was not divided on the forehead or curled, but wildly floating, to indicate that she had much suffering to go through. The last is the *κόρη*, or young girl. This mask represented the beauties of a maiden's face in their full bloom, such as the face of Danaë, or any other great beauty was conceived to have been.

The account which Pollux gives of the tragic masks comprehends a great number, but it is small in comparison with the great variety of masks which the Greeks must have used in their various tragedies, for every hero and every god who was known to the Greeks as a being of a particular character, must have been represented by a particular mask, so that the spectators were enabled to recognise him immediately on his appearance. For this very reason, the countenances of the gods, heroes, and heroines must, in point of beauty, have been as similar as possible to their representations in statues and paintings, to which the eyes of the Greeks were accustomed; and the distorted masks, with widely open mouths, which are seen in great numbers among the paintings of Herculaneum and Pompeii (see the annexed woodcut from *Museo Borbon* [1]), would give but a very inadequate notion of the masks used at Athens during the most flourishing period of the arts. All the representations of tragic masks belonging to this period do not show the slightest trace of exaggeration or distortion in the features of the countenance, and the mouth is not opened wider than would be necessary to enable a person to pronounce such sounds as *oh* or *ha*. In later times, however, distortions and exaggerations were carried to a very great extent, but more particularly in comic masks, so that they, in some degree, were more caricatures than representations of ideal or real countenances.[2]



The annexed woodcut represents some masks, one apparently comic and the other tragic, which are placed at the feet of the choragus in the celebrated mosaic found at Pompeii.[3]

II. Comic Masks.—In the old Attic comedy, in which living and distinguished persons were so often brought upon the stage, it was necessary that the masks, though to some extent they may have been caricatures, should in the main points be faithful portraits of the individuals whom they were intended to represent, as otherwise the object of the comic poets could not have been attained. The chorus, on the other hand, as well as certain fantastic dramatis personæ, rendered sometimes a complete masquerade necessary; as in those cases when the choreutæ appeared with the heads of birds or

1. (vol. i., tab. 20.)—2 (Apollon., Vit. Apollon., v., 9, p. 195, ed. Olear.—Lucian, De Saltat., 27.—Anach., 23.—Nigrin., 11.—Somn. s. Gall., 26.)—3. (Museo Borbon., vol. ii., tab. 56.—Gell, Pomp., vol. i., pl. 45.)

of frogs, &c. We may remark here, by the way, that the chorus of tragedy appeared generally without masks, the Eumenides of Æschylus being probably only an exception to the general rule. The masks of the characters in the old Attic comedy were therefore, on the whole, faithful to life, and free from the burlesque exaggerations which we see in the masks of later times. A change was made in the comic masks when it was forbidden to represent in comedy the archon by imitating his person upon the stage,[1] and still more, shortly after, by the extension of this law to all Athenian citizens.[2] The consequence of such laws was, that the masks henceforth, instead of individuals, represented classes of men, *i. e.*, they were masks typical of men of certain professions or trades, of a particular age or station in life, and some were grotesque caricatures. A number of standing characters or masks was thus introduced in comedy. Pollux gives a list of such standing masks, which are divided, like those of tragedy, into five classes.

1. *Comic masks for old men.*—Nine masks of this class are mentioned. The mask representing the oldest man was called *πάππος πρῶτος*: his head was shaved to the skin, he had a mild expression about his eyebrows, his beard was thick, his cheeks hollow, and his eyes melancholy. His complexion was pale, and the whole expression of the countenance was mild. 2. The *πάππος ἕτερος* was of a more emaciated and more vehement appearance, sad and pale; he had hair on his head and a beard, but the hair was red and his ears broken. 3. The *ἡγεμών*, likewise an old man, with a thin crown of hair round his head, an aquiline nose, and a flat countenance. His right eyebrow was higher than the left. 4. The *πρεσβύτης* had a long and floating beard, and likewise a crown of hair round his head; his eyebrows were raised, but his whole aspect was that of an idle man. 5. The *ἑρμώνειος* was bald-headed, but had a beard and raised eyebrows, and was of angry appearance. 6. The *πορνοβοσκός* resembled the mask called *λυκομήδειος*, but his lips were contorted, the eyebrows contracted, and the head without any hair. 7. The *ἑρμώνειος δεύτερος* had a pointed beard, but was otherwise without hair. 8. The *σφηνοπώγων*, or pointed beard, was likewise bald-headed, had extended eyebrows, and was looking ill-tempered. 9. The *λυκομήδειος* had a thick beard, was conspicuous on account of his long chin, and the form of his eyebrows expressed great curiosity.

The annexed comic mask, representing an old man, is taken from the *Museo Borbon.*[3]

2. *Comic masks for young men.*—Pollux enumerates ten masks of this kind: 1. The *πάγχρηστος* formed the transition from the old to the young men; he had but few wrinkles on his forehead, showed a muscular constitution (*γυμναστικός*), was rather red in the face, the upper part of his head was bald, his hair was red, and his eyebrows raised. 2. The *νεανίσκος μέλας* was younger than the preceding one, and with low eyebrows. He represented a young man of good education, and fond of gymnastic exercises. 3. The *νεανίσκος οὖλος*, or the thick-haired young man, was young and handsome, and of a blooming countenance, his eyebrows were extended, and there was only one wrinkle upon his forehead. 4. The *νεανίσκος ἀπαλός*, his hair was like that of the *πάγχρηστος*, but he was the youngest of all, and represented a tender youth brought up in seclusion from the world. 5. The *ἀγροῖκος*, or rustic young man, had a dark complexion, broad lips, a pug-nose, and a crown of hair round his head. 6. The *ἐπίσειστος στρατιώτης*, or the formidable soldier, with black hair hanging over his forehead. 7. The *ἐπίσειστος δεύτερος* was the same as the preceding, only younger and of a fair complexion. 8. The *κόλαξ*, or the flatterer; and, 9. The *παράσιτος*, or parasite, were dark,[1] and had aquiline noses. Both were apparently of a sympathizing nature; the parasite, however, had broken ears, was merry-looking, and had a wicked expression about his eyebrows. 10. The *εἰκονικός* represented a stranger in splendid attire, his beard was shaved, and his cheeks pierced through. The *σικελικός* was another parasite.

3. *Comic masks for male slaves.*—Of this class seven masks are mentioned: 1. The mask representing a very old man was called *πάππος*, and had gray hair, to indicate that he had obtained his liberty. 2. The *ἡγεμὼν θεράπων* had his red hair platted, raised eyebrows, and a contracted forehead. He was among slaves the same character as the *πρεσβύτης* among freemen. 3. The *κάτω τριχίας* or *κάτω τετριχωμένος* was half bald-headed, had red hair and raised eyebrows. 4. The *οὖλος θεσπέσιος*, or the thick-haired slave, had red hair and a red countenance; he was without eyebrows, and had a distorted countenance. 5. The *θεράπων μέσος* was bald-headed and had red hair. 6. The *θεράπων τέττιξ* was bald-headed and dark, but had two or three slips of hair on his head and on his chin, and his countenance was distorted. 7. The *ἐπίσειστος ἡγεμών*, or the fierce-looking slave, resembled the *ἡγεμὼν θεράπων*, with the exception of the hair.

4. *Comic masks for old women.*—Pollux mentions three, viz.: the *γραῖδιον ἰσχνόν* or *λυκαίνιον*, a tall woman with many but small wrinkles, and pale but with animated eyes; the *παχεῖα γραῦς*, or the fat old woman with large wrinkles, and a band round her head keeping the hair together; and the *γραῖδιον οἰκουρόν*, or the domestic old woman. Her cheeks were hollow, and she had only two teeth on each side of her mouth.

5. *Comic masks for young women.*—Pollux mentions fourteen, viz.: 1. The *γυνὴ λεκτική*, or the talkative woman; her hair was smoothly combed down, the eyebrows rather raised, and the complexion white. 2. The *γυνὴ οὖλη* was only distinguished for her fine head of hair. 3. The *κόρη* had her hair combed smoothly, had high and black eyebrows, and a white complexion. 4. The *ψευδοκόρη* had a whiter complexion than the former, her hair was bound up above the forehead, and she was intended to represent a young woman who had not been married more than once. 5. Another mask of the same name was only distinguished from the former by the irregular manner in which the hair was represented. 6. The *σπαρτοπόλιος λεκτική*, an elderly woman who had once been a prostitute, and whose hair was partly gray. 7. The *παλλακή* resembled the former, but had a better head of hair. 8. The *τέλειον ἑταιρικόν* was more red in the face than the *ψευδοκόρη*, and had locks about her ears. 9. The *ἑταιρίδιον* was of a less good appearance, and wore a band round the head. 10. The *διάχρυσος ἑταίρα* derived the name from the gold with which her hair was adorned. 11. The *διάμιτρος ἑταίρα* from the variegated band wound around her head. 12. The *λαμπάδιον*, from the circumstance of her hair being dressed in such a manner, that it stood upright upon the head in the form of a lampas. 13

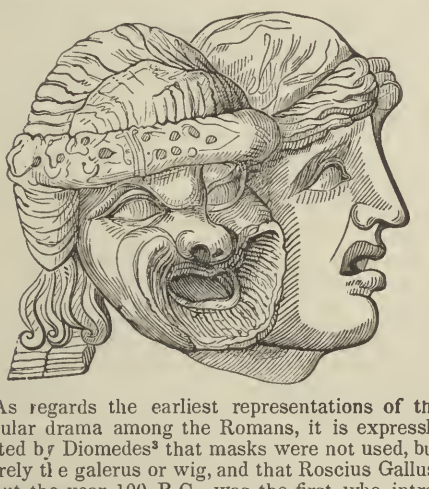
1. (Schol. ad Aristoph., Nub., 31.,—2. (Schol. ad Aristoph., Ach, 1149; Av., 1297.—Suidas, s. v. *Ἀντίμαχος*.)—3. (vol. i., tab. A.)

1. (Compare Athen. vi., p. 237.)

The *αὐρα περίκουρος* represented a female slave newly bought, and wearing only a white chiton. 14. The *παραψηφιστόν* was a slave distinguished by a pug-nose and her hair: she attended upon hetæræ, and wore a crocus-coloured chiton.

Numerous as these masks are, the list cannot by any means be considered as complete, for we know that there were other standing masks for persons following particular kinds of trade, which are not mentioned in Pollux. Mæson of Megara, for example, is said to have invented a peculiar mask, called after his own name *μαίσων*, another for a slave, and a third to represent a cook.[1] From this passage of Athenæus we also learn that Stephanus of Byzantium wrote a work *περὶ προσώπων*.

III. Masks used in the Satyric Drama.—The masks used in this species of the Greek drama were intended to represent Satyrs, Silenus, and similar companions of Dionysus, whence the expressions of the countenances and form of their heads may easily be imagined. Pollux only mentions the gray-headed Satyr, the unbearded Satyr, Silenus, and the *πάππος*, and adds that the characters of all the other Satyric masks either resembled these, or were sufficiently expressed in their names, *e. g.*, the Papposilenus was an old man with a very predominant animal character.[2] A grotesque mask of a Satyr, together with one of the finest specimens of a tragic mask, is contained in the Townly Gallery in the British Museum, and is represented below.



As regards the earliest representations of the regular drama among the Romans, it is expressly stated by Diomedes[3] that masks were not used, but merely the galerus or wig, and that Roscius Gallus, about the year 100 B.C., was the first who introduced the use of masks. It should, however, be remembered, that masks had been used long before that time in the Atellanæ,[4] so that the innovation of Roscius must have been confined to the regular drama, that is, to tragedy and comedy. As for the forms of Roman masks, it might be presumed that, being introduced from Greece at so late a period, they had the same defects as those used in Greece at the time when the arts were in their decline, and this supposition is confirmed by all works of art, and the paintings of Herculaneum and Pompeii, in which masks are represented; for the masks appear unnaturally distorted, and the mouth always wide open. The expressions of Roman writers also support this supposition.[5] We may mention here that some of the oldest MSS. of Terence contain representations of Roman masks, and from these MSS. they have been copied in several modern editions of that poet, as in the edition published at Urbino in 1726, fol., and in that of Dacier. The cut annexed contains representations of four of these masks prefixed to the Andria

When actors at Rome displeased their audience and were hissed, they were obliged to take off their masks; but those who acted in the Atellanæ were not obliged to do so.[1] The Roman mimes never wore masks. (*Vid.* Mimus.)[2]

PE'RTICA, the pole used by the Agrimensores, was also called Decempeda because it was ten feet long. On account of its use in assigning lands to the members of a colony, it is sometimes represented on medals by the side of the augurial plough.[3]

PES (*ποῦς*), a Foot. The Greeks and Romans, like most other nations, took their standards of length originally from the different parts of the human body, and the names which were thus given to the measures were retained after the measures themselves had been determined with greater nicety. The foot was the basis of their whole system of measures of length; and as the value of the Greek foot is easily obtained when that of the Roman is known, it will be convenient to notice the latter first.

I. *The Roman foot.*— There are five different ways of determining the length of the Roman foot These are, 1. From ancient measures still in existence; 2. From measurements of known distances along roads; 3. From measurements of buildings; 4. From the contents of certain measures of capacity; and, 5. From measurements of a degree of the earth's surface.

1. It might appear, at first thoughts, that ancient measures in actual existence would at once give the required information. But these measures are found to differ among themselves. They are of two kinds, foot-measures cut upon gravestones, and brass or iron measures, intended, in all probability, to be used as measures. From the nature of the case, the latter would probably be more exact than the former, and, in fact, the measures on the gravestones are rudely cut, and their subdivisions are of unequal length, so that they have no pretensions to minute accuracy; but, on the other hand, it would be absurd to suppose that they would have been made very far wrong. We may safely conclude that they would have about as much accuracy as a measure hastily cut on stone by a mason from the foot-rule used by him in working. Four such measures are preserved in the Capitol at Rome. They are called the Statilian, Cossutian, Æbutian, and Capponian feet. They have been repeatedly measured, but, unfortunately, the different measurements gave different results. The brass and iron foot-rules, of which several exist, do not precisely agree in length. There was anciently a standard foot-measure kept in the Capitol, called the *pes monetalis*, which was probably lost at the burning of the Capitol under Vitellius or Titus.

2. The itinerary measurements are of two kinds, according as they are obtained by measuring the distance from one place to another, or the dis-

1 (Athen., xiv., p. 659.)—2 (Compare Eichstädt, De Dramate Comico-Satyrico, p. 81.)—3. (iii., p. 486, ed. Putsch.)—4. (Fest. s. v. Personata.)—5 (Gell., v., 7.—Juv., iii., 175.)

1. (Festus, s. v. Personata Fabula.—Macrob., Sat., ii., 7.)—2 (Compare Fr. De Ficoroni, Dissertatio De larvis scænicis et figuris comicis ant. Rom., Rome, 1736 and 1750, 4to.—Fr. Stieve Dissertatio de rei scenicæ apud Romanos Origine.)—3. (Propert IV., i., 30.)

tance from one milestone to another on a Roman road. Both methods have the advantage of the diminution of error which always results from determining a lesser magnitude from a greater, but both are subject to uncertainty from turnings in the road, and from the improbability of the milestones having been laid down with minute accuracy; and two other serious objections apply to the former mode, namely, the difficulty of determining the points where the measurement began and ended, and the changes which may have taken place in the direction of the road. Both methods, however, have been tried; the former by Cassini, who measured the distance from Nîmes to Narbonne, and by Riccioli and Grimaldi, who measured that between Modena and Bologna, and the latter by Cassini, between Aix and Arles.

3. The measurement of buildings is rather a verification of the value of the foot as obtained from other sources than an independent evidence. It very seldom happens that we know the number of ancient feet contained in the building measured. We have one such example in the Parthenon, which was called Hecatompedon (hundred-footed)[1] from the width of its front; but even in this case we cannot tell exactly, till we know something of the length of the Greek foot, to what precise part of the front this measurement applies. Again, there is the obelisk in the Piazza del Popolo at Rome, and the Flaminian obelisk, the heights of which are given by Pliny.[2] But the actual heights of these obelisks, as compared with Pliny, would give a value for the foot altogether different from that obtained from other sources. Indeed, the numbers in Pliny are undoubtedly corrupt. An ingenious emendation by Stuart would remove the difficulty; but it is obvious that a passage which requires a conjectural emendation cannot be taken as an independent authority. There is another mode of deducing the value of the foot from buildings, of the dimensions of which we have no information. The building is measured, and the length thus obtained is divided by the supposed value of the ancient foot (as derived from other evidence); and if a remainder be left, this value of the foot is corrected so that there may be no remainder. It is assumed in this process that no fractions of feet were allowed in the dimensions of the building, and also that the plans were worked out with the most minute exactness, both of which assumptions are not very probable. In fact, these measurements have given different values for the foot. "Modern architects," says Mr. Hussey, "do not allow that such calculations could be depended on in modern buildings, for determining the true length of the measures by which they were planned. Nor are the dimensions of the parts of buildings of the Middle Ages in our own country, as Gothic churches and cathedrals, found to agree exactly, so as to give whole numbers of the standard measure." On the other hand, these measurements, like those on roads, have the advantage of involving, in all probability, very small errors, and of the diminution of the error by division

4. Villalpando and Eisenschmidt have attempted to deduce the length of the Roman foot from the solid content of the congius of Vespasian. (*Vid.* Congius.) Since the congius was the eighth of the amphora, and the content of the amphora was a cubic foot (*vid.* Amphora), the process is to multiply the content of the congius by 8, and extract the cube root of the product. But this process is very uncertain. First, there is a doubt about the content of the congius itself (*vid.* Libra); then it is hardly to be supposed that the content of the congius was actually adapted with perfect accuracy to the length of the foot; and, lastly, there is a farther risk of error in reversing this process.

5. Some French geographers, and especially M Gosselin, have supposed that the ancient astronomers were acquainted with the dimensions of a great circle of the earth, and that they founded their whole system of measures on the subdivisions of such a circle. The results of M. Gosselin's calculations agree well with those derived from other sources. But we need better evidence than this agreement to convince us that both the Greeks and Romans, at a very early period, formed a system of measures on such scientific principles; and it is incredible that, if such a system had really existed, there should be no allusion to it in any of the ancient geographers.

The average values of the Roman foot, obtained from these various sources, in terms of the English foot, are the following:

1. From ancient measures	·9718
2. From itinerary measurements . .	·97082
3. From measurements of buildings .	·96994
4. From the congius	·9832
5. From the length of a degree . . .	·9724

of which the first three are the most to be depended on; and of those three the average is ·9708, or 11·6496 inches, or 11½ ·1496 inches, which we may take as the probable value of the Roman foot.

Cagnazzi, whose researches are said by Niebuhr to have placed the true value of the Roman foot beyond a doubt,[1] gives it a greater length than the above, namely, ·29624 of a metre = ·9722 of a foot but this calculation is objected to by Böckh, as being derived by a process not perfectly true from the value of the pound, and as being confirmed only by one existing measure, and also as being at variance with the value of the Greek foot, obtained from independent sources.[2] Böckh's own calculation which agrees with that of Wurm, gives a value very little less than the above, namely, 131·15 Paris lines = ·9704649 of the English foot = 11·6456 inches.

The Romans applied the uncial division (*vid.* As) to the foot, which thus contained 12 *unciæ*, whence our *inches;* and many of the words used to express certain numbers of unciæ are applied to the parts of the foot.[3] It was also divided into 16 *digiti* (finger-breadths): this mode of division was used especially by architects and land-surveyors, and is found on all the foot-measures that have come down to us. *Pollex* (the thumb), which is used in modern Latin for *an inch*, is not found in the ancient writers, but Pliny[4] uses the adjective *pollicaris* (of a thumb's breadth or thickness). *Palmus* (a hand-breadth) was the fourth part of the foot, containing 4 digiti or 3 unciæ. There seems also to have been a larger palmus of 12 digiti or 9 unciæ.[5]

The following measures were longer than the foot. *Palmipes*, that is, *palmus et pes*, 1¼ feet, or 15 inches; *cubitus*, 1½ feet, is seldom used in Latin except as a translation of the Greek πῆχυς. (*Vid.* Cubitus.) *Ulna* (the arm) is used by later writers as equivalent to *cubitus;* but it was properly the translation of the Greek ὀργυιά: Pliny uses it for the whole length of the outstretched arms from finger to finger.[6] From the analogy of the as we have also *dupondium* for 2 feet,[7] and *pes sestertius* for 2½ feet.[8] *Passus* (a pace), 5 feet.[9] *Mille passus*, 5000 feet, or a mile. (*Vid.* Milliarium.) *Gradus*, = ½ passus. *Leuga* or *Lcuca* was a Gallic measure =

1 (Plutarch, Pericl., 13; Cato, 5.)—2. (H. N., xxxvi., 9.)

1. (Hist. of Rome, ii., p. 407.)—2. (Metrolog. Untersuch., p. 197.)—3. (Veget., De Re Milit., i., 5.—Plin., H. N., xxvii., 5, 11, xiii., 15.)—4. (H. N., xxvii., 9; xv., 24; xiii., 23.)—5. (Plin., H. N., xxi., 26.)—6. (H. N., xvi., 32, 40.—Compare Serv. ad Virg., Ecl., iii., 105.)—7. (Colum., iii., 15, &c.)—8. (Leg. xii. Tab., tab. viii.)—9. (Vitruv., x., 14.—Colum., v., 1.)

1500 passus or 1½ miles.[1] Stones are still found on the roads in France with distances marked on them in *Leugæ*. *Decempeda*, a pole (*pertica*) 10 feet long, was used in measuring land.[2] *Actus*, 12 decempedæ, or 120 feet. (*Vid.* Actus.) The following tables exhibit the Roman measures of length, with their values in English feet and inches:

1. *Ordinary Measures.*

	Pedes.	Feet.	Inches.
Digitus	$\frac{1}{16}$		·7281
Uncia	$\frac{1}{12}$		·9708
Palmus	$\frac{1}{4}$		2·9124
Pes	1		11·6496
Palmipes	1¼	1	2·5620
Cubitus	1½	1	5·4744

2. *Land Measures.*

	Pedes.	Yards.	Feet.	Inches.
Pes	1			11·6496
Gradus	2½		2	5·124
Passus	5	1	1	10·248
Decempeda	10	3		8·496
Actus	120	38	2	5·952
Mille Passus or Milliarium	5000	1618		

The square foot (*pes quadratus*) is called by Frontinus *constratus*, and by Boëthius *contractus*. Frontinus applies the term quadratus to the cubic foot. The principal square measure was the jugerum of 240 feet by 120. (*Vid.* Jugerum.)

Some have concluded, from the measurements of buildings, that the foot was slightly reduced about the time of Domitian, which Wurm accounts for by supposing that the *pes monetalis*, after being destroyed in the fire under Titus, was restored by Domitian in a careless manner. Both the fact and the explanation, however, appear to be very doubtful.

II. *The Greek foot.*—We have no ancient measures by which to determine the length of the Greek foot, but we have the general testimony of ancient writers that it was to the Roman in the ratio of 25 : 24. The Greek stadium, which contained 600 Greek feet, is said by Roman writers to contain 625 Roman feet; and also a Roman mile, or 5000 feet, was reckoned equal to 8 Greek stadia, or 4800 feet; both of these calculations give the above ratio of 25 : 24.[3] If, therefore, the Roman foot was ·9708 of the English, the Greek foot was equal to 1·01125 feet, or 12·135 inches.

This value is confirmed by the measurement of the Parthenon. "Stuart,"[4] says Mr. Hussey, "measured the upper step of the basement of the Parthenon, which is the platform on which the pillars stand, and is exactly that part of the building where we should expect that the measure would have been taken if the name Hecatompedon was really given to it on account of the dimensions. He found the width of the front to be 101 feet 1·7 inches, the length of the side 227 feet 7·05 inches; and since these two quantities are very nearly in the ratio of 100 to 225, he inferred that the two sides really contained these two numbers of feet. From this he calculated the value of the foot, from the front 12·137 inches, from the side 12·138 inches: of which the greatest exceeds the value given above by only ·003 of an inch." Other measurements of the Parthenon and of other buildings at Athens tend to the same result.

Strabo, however,[5] quotes from Polybius a calculation which would make the Greek and Roman foot equal, but it is perfectly clear that there is a mistake in this statement. Plutarch again[6] says expressly that the mile *is a little less than* 8 stadia, which would give a rather smaller ratio than that of 24 : 25 for the ratio of the Roman to the Greek foot. It is on the authority of this passage that Böckh gives the value above mentioned for the Roman foot. If, according to the supposition already noticed, a slight diminution took place in the Roman foot, this would account for the difference. But perhaps we ought not to consider this solitary passage of sufficient weight to influence the calculation.

The Greeks used different standards at different places and at different times. The foot which generally prevailed over Greece was that by which the stadium at Olympia was measured (*vid.* Stadium), which was the one we have been speaking of, and which was therefore the same as that used at Athens in her best days. Hyginus[7] mentions this foot as being used in Cyrene under the name of Ptolemeius.

The following table represents the parts and multiples of the Greek foot:

	Πόδες.	Yards.	Feet.	Inches.
δάκτυλος	$\frac{1}{16}$			·7584
κόνδυλος	$\frac{1}{8}$			1·5168
παλαιστή	¼			3 0336
λιχάς	½			6·0672
ὀρθόδωρον	$\frac{5}{8}$			7·584
σπιθαμή	¾			9·1008
ποῦς	1		1	0 135
πυγμή	1⅛		1	1·6512
πυγών	1¼		1	3·168
πῆχυς	1½		1	6·2016
βῆμα	2½		2	6·336
ξύλον	4½		4	6 6048
ὀργυιά	6		6	0 81
κάλαμος	10		10	1·35
ἄμμα	60	20		8·1
πλέθρον	100	33	2	1·5
στάδιον	600	202		9
δίαυλος	1200	404	1	6

The *δάκτυλος* (a finger-breadth) answers to the Roman *digitus*: the *κόνδυλος* (*knuckle*) was 2 finger-breadths: the *παλαιστή*, which was also called the *παλαιστῆς*, *δῶρον*, *δοχμή*, or *δακτυλοδόχμη*, was a hand-breadth. The *ὀρθόδωρον* was the length of the open hand. The *λιχάς* was a span from the thumb to the fore-finger; the *σπιθαμή* a span from the thumb to the little finger. The *πυγμή* was the distance from the elbow to the knuckle-joints, the *πυγών* from the elbow to the first joint of the finger, the *πῆχυς* (cubit) from the elbow to the tips of the fingers. Of this measure there were two sizes, the *μέτριος* and the royal; the latter was 3 finger-breadths longer than the other, which would make it nearly 20½ inches.

The square measures of the Greeks were the *ποῦς*, or square foot, the *ἄρουρα* =2500 square feet, and the *πλέθρον* =4 aruræ =10,000 square feet.

Certain peculiar foot-measures, differing from the ordinary ones, are mentioned by ancient writers. The Samian, which was the same as the Egyptian foot, is known, from the length of the Egyptian cubit as derived from the Nilometer (namely, 17·74278576 inches), to have contained 11·82852384 inches, or more than 11¾ inches. A larger foot than the common standard seems to have been used in Asia Minor. Heron[8] names the royal or Philæterian foot as being 16 finger-breadths, and the Italian as 13⅓, and he also mentions a mile (*μίλιον*) of 5400 Italian or 4500 royal feet. Ideler supposes that the Italian foot means the common Roman, and the royal a Greek foot larger than the common standard, corresponding to the stadium of 7 to the mile, which had been introduced before Heron's

1. (Ammian. Marc., xvi., 12.—Itin. Antonin.)—2. (Cic., Pro Mil., c. 27.—Pallad., ii., tit. 12.)—3. (Plin., H. N., ii., 23, 108.—Colum., v., 1.—Polyb., iii., 39.—Strabo, p. 322.)—4. (Antiq. Ath., ii., p. 8.)—5. (p 322.)—6. (C. Gracch., 7.)

1. (De Condit. Agr., p. 210.)—2. (De Mens., p. 368.)

time, namely, the tenth century. The *Pes Drusianus*, or foot of Drusus, contained 13½ Roman inches = 13·1058 English inches. It was used beyond the boundaries of Italy for measuring land, and was the standard among the Tungri in Lower Germany.[1]

PE'SSULUS. (*Vid.* Janua, p. 526.)

PESSOI (*πεσσοί*). (*Vid.* Latrunculi.)

PETALISMOS (*πεταλισμός*). (*Vid.* Banishment, Greek, p. 135.)

PE'TASUS. (*Vid.* Pileus.)

PETI'TOR. (*Vid.* Actor.)

PETAURISTÆ. (*Vid.* Petaurum.)

PETAURUM (*πέταυρον*, *πέτευρον*) is said by the Greek grammarians to have been a pole or board on which fowls roosted.[2] We also find the name of *petaurum* in the Roman games, and considerable doubt has arisen respecting its meaning. It seems, however, to have been a board moving up and down, with a person at each end, and supported in the middle something like our seesaw; only it appears to have been much longer, and, consequently, went to a greater height than is common among us. Some writers describe it as a machine, from which those who exhibited were raised to a great height, and then seemed to fly to the ground; but this interpretation does not agree so well with the passages of ancient authors as the one previously mentioned.[3] The persons who took part in this game were called *petauristæ* or *petauristarii*; but this name seems to have been also applied in rather a wider signification.[4]

PETO'RRITUM, a four-wheeled carriage, which, like the Essedum, was adopted by the Romans in imitation of the Gauls.[5] It differed from the Harmamaxa in being uncovered. Its name is obviously compounded of *petor*, four, and *rit*, a wheel. Festus,[6] in explaining this etymology, observes that *petor* meant four in Oscan and in Æolic Greek. There is no reason to question the truth of this remark; but, since petor meant four in many other European languages, it is more probable that the Romans derived the name, together with the fashion of this vehicle, from the Gauls. Gellius[7] expressly says that it is a Gallic word.

*PHAGRUS (*φάγρος*), called by Pliny the *Pagrus*, a species of fish, the *Sparus Pagrus*, L., called in English the Sea Bream or Braize.

*PHACOS (*φακός*), the *Cicer lens*, or Lentil. "Stackhouse," says Adams, "seems to stand alone in making it to be the *Ervum ervilia*. The *Lens palustris*, *φακὸς ὁ ἐπὶ τῶν τελμάτων*, Dioscor., seems to be generally admitted to be the *Lemna minor*, or Lesser Duck's-meat. The *φακὸς Ἰνδικός* of Theophrastus is the *Dolichos Catiang*, according to Sprengel."

*PHALÆNA (*φαλαίνα*), the Whale. (*Vid.* Balæna.)

*II. An insect referable to the genus *Phalæna*, or Moths. "De Pauw," says Adams, "makes the *φαλάγξ* of Phile to be the *φαλαίνα*. It appears, however with more propriety, to be referable to the *φαλάγγιον*."

PHALANGA or PALANGA[8] (*φάλαγξ*), any long cylindrical piece of wood, but especially,

1. Trunks or branches of trees, or portions of them, cut as articles of merchandise. The Æthiopians presented to the King of Persia *διηκοσίας φάλαγγας ἐβένου*, "200 pieces of ebony."[9]

2. Truncheons, said to have been first used in battle by the Africans in fighting against the Egyptians.[1]

3. Poles used to carry burdens in the manner represented in the woodcut, p. 57, or so as to combine the strength of two or more individuals. The carriers who used these poles were called *phalangarii*,[2] and also *hexaphori*, *tetraphori*, &c., according as they worked in parties of six, four, or two persons. The poles were marked at equal distances, and the straps which passed over the shoulders of the workmen were so fixed at the divisions, that each man sustained an equal share of the burden.[3]

4. Rollers placed under ships to move them on dry land, so as to draw them upon shore or into the water (*δουρατέοι κυλίνδροι*[4]). This was effected either by making use of the oars as levers, and, at the same time, fastening to the stern of the ship cables with a noose (*μηρίνθος*), against which the sailors pressed with their breasts, as we see in our canal navigation,[5] or by the use of machines.[6]

The trunk of the wild olive (*κοτίνος*) served to make such rollers,[7] and on the occasion here referred to, a phalanx made of this tree was erected upon a tomb instead of a stone column. Rollers were employed in the same manner to move military engines;[8] and we need not hesitate to conclude that columns of marble and other enormous stones designed for building were transported from the quarry by the same process.

If from the earliest periods the Greeks were familiar with the use of rollers ranged in long succession and moving parallel to one another, it might be expected that the term *phalanx* would be used by them metaphorically. We, accordingly, not only find it applied to denote the bones of the hand and foot, which are placed beside one another like so many rollers, but in the Iliad[9] the lines of soldiers ranged in close order, and following one another, are often called by the same expressive appellation, and hence arose the subsequent established use of the term in reference to the Greek army. (*Vid.* Army, Greek.)

*PHALANG'ION (*φαλάγγιον*), "a class of venomous spiders," says Adams, "several species of which are described by Nicander. These Sprengel attempts to determine, but his conclusions are not very satisfactory. He does not refer any of them to the genus *Phalangium*, L. Stackhouse concludes that the *φαλάγγιον* of Theophrastus includes the *Aranea avicularia* and the *A. Tarantula*; the former, however, is an American species, and, consequently, inadmissible."

PHALA'RICA. (*Vid.* Hasta, p. 489.)

PHALERA (*φάλαρον*), a boss, disc, or crescent of metal, in many cases of gold,[10] and beautifully wrought, so as to be highly prized.[11] Ornaments of this description, being used in pairs, are scarcely ever mentioned except in the plural number. The names for them are evidently formed from the term *φάλος*, which is explained under Galea, p. 466.[12] Besides the metallic ornaments of the helmet, similar decorations were sometimes, though very rarely, worn by warriors on other parts of their dress or armour, probably upon the breast.[13] The negro slaves who were kept by opulent Romans wore them suspended round their necks.[14] Also the tiara of the King of Persia was thus adorned.[15] But we

(Hussey on Ancient Weights, &c., Appendix.—Wurm, De Pond. cap. 6 and 7.—Böckh's Metrolog. Untersuch., p. 196, &c. —Idelei, Längen- und Flächen-masse. — Frêret, Observations sur le rapport des mésures Grecques et des mésures Romaines, Mém. de l'Acad. d'Inscrip., t. xxiv., p 551, &c.)—2. (Hesych., s. v.—Pollux, Onom., x., 156.)—3. (Lucil. ap. Fest., s. v. Petaurist.—Juv., xiv., 265. — Mart., xi., 21, 3. — Manil., v., 433.)—4. (Compare Petron., 53.)—5. (Hor., Sat., I., vi., 104.)—6. (s. v.)—7. (xv., 30.)—8. (Non. Marcell., p. 163, ed Mercer.)—9. (Herod., iii., 97.—Plin., H. N. xii., 4, s. 8.)

1. (Plin., H. N., vii., 56, s. 57.)—2. (Gloss. Ant., s. v.)—3 (Vitruv., x., 3, s. 8.)—4. (Brunck, Anal., iii., 89.—Apoll. Rhod., i., 375–389.)—5. (Orph., Argon., 239–249, 270–273.)—6. (Hor. Carm., I., iv., 2.)—7. (Apoll. Rhod., ii., 843–848.—Schol. in loc.) —8. (Cæs., Bell. Civ., ii., 10.)—9. (iv., 254, 281, 332, 427.)—10 (Herod., i., 215.—Athen., xii., p. 550. — Claudian, Epig., 34.)—11. (Cic., Verr., II., iv., 12.)—12. (Compare Hom., Il., xvi., 106. —13. (Virg., Æn., ix., 359, 458.)—14. (Sueton., Nero, 30.)—15 (Æschyl., Pers., 668.)

most commonly read of phaleræ as ornaments attached to the harness of horses,[1] especially about the head (*ἀμπυκτήρια φάλαρα*[2]), and often worn as pendants (*pensilia*[3]), so as to produce a terrific effect when shaken by the rapid motions of the horse (*turbantur phaleræ*[4]). These ornaments were often bestowed upon horsemen by the Roman generals in the same manner as the ARMILLA, the TORQUES the hasta pura (*vid.* HASTA, p. 490), and the crown of gold (*vid.* CORONA), in order to make a public and permanent acknowledgment of bravery and merit.[5]

PHARETRA (*φαρέτρα, ap. Herod. φαρετρεών*), a Quiver. A quiver, full of arrows, was the usual accompaniment of the bow. (*Vid.* ARCUS.) It was, consequently, part of the attire of every nation addicted to archery. Virgil applies to it the epithets *Cressa, Lycia, Threïssa*;[6] Ovid mentions the *pharetratus Geta*;[7] Herodotus represents it as part of the ordinary armour of the Persians.[8] Females also assumed the quiver, together with the bow, as in the case of the Amazons,[9] and of those Spartan, Tyrian, and Thracian virgins who were fond of hunting, and wore boots (*vid.* COTHURNUS, PERO) and other appropriate articles of dress.[10] On the same principle, the quiver is an attribute of certain divinities, viz., of Apollo,[11] Diana,[12] Hercules,[13] and Cupid.[14] The quiver, like the bow-case (*vid.* CORYTOS), was principally made of hide or leather,[15] and was adorned with gold[16] (*aurata*[17]), painting,[18] and braiding (*πολύῤῥαπτον*[19]). It had a lid (*πῶμα*[20]), and was suspended from the right shoulder by a belt (*vid.* BALTEUS), passing over the breast and behind the back.[21] Its most common position was on the left hip, in the usual place of the sword (*vid.* GLADIUS), and consequently, as Pindar says, "under the elbow"[22] or "under the arm" (*ὑπωλένιον*[23]). It was worn thus by the Scythians[24] and by the Egyptians,[25] and is so represented in the annexed figure of the Amazon Dinomache, copied from a Greek vase.[1] The left-hand figure in the same woodcut is from one of the Ægina marbles. It is the statue of an Asiatic archer, whose quiver (fractured in the original) is suspended equally low, but with the opening towards his right elbow, so that it would be necessary for him, in taking the arrows, to pass his hand behind his body instead of before it. To this fashion was opposed the Cretan method of carrying the quiver, which is exemplified in the woodcut, p. 245, and is uniformly seen in the ancient statues of Diana. There was an obvious necessity that the quiver should be so hung that the arrows might be taken from it with ease and rapidity, and this end would be obtained in any one of the three positions described. The warrior made the arrows rattle in his quiver as a method of inspiring fear.[2]

1 (Xen., Hellen., iv., 1, § 39.—Virg., Æn., v., 310.—Gell., v., 5.—Claudian, Epig., 36.)—2. (Soph., Œd. Col., 1069.—Eurip., Suppl., 586.—Greg. Cor., De Dialect., p. 508, ed. Schäfer.)—3. (Plin., H. N., xxxvii., 12, s. 74.)—4. (Claudian in iv. Cons. Honor., 548.)—5. (Juv., xvi., 60.—A. Gell., ii., 11.)—6. (Georg., iii., 345.—Æn., vii., 816; xi, 858.)—7. (De Ponto, I., viii., 6.)—8. (vii., 61.)—9. (Virg., Æn., v, 311.)—10. (Virg., Æn., i., 314-324, 336.)—11. (Hom., Il., i., 45.—Virg., Æn., iv., 149.)—12. (Virg., Æn., i., 500.)—13. (Hes., Scut. Herc., 129.—Apoll. Rhod., i., 1194.)—14. (Ovid, Met., i., 468.)—15. (Herod., ii., 141.)—16. (Anacr., xiv., 6.)—17. (Virg., Æn., iv., 138; xi., 858.)—18. (Ovid, Epist Her., xxi., 173.)—19. (Theocr., xxv., 265.)—20. (Hom., Il., iv., 116.—Od., ix., 314.)—21. (Hes., l. c.)—22. (Ol., ii., 150, s. 91.)—23. (Theocr., xvii., 30.)—24. (Schol. in Pind., 1 c.)—25. (Wilkinson, Man. and Cust., vol. i., p. 311, 391.)

PHARMACEUTICA (*Φαρμακευτική*), sometimes called *Φαρμακεία*,[3] is defined by Galen[4] to be that part of the science of medicine which cures diseases by means of drugs, *διὰ φαρμάκων*,[5] and formed, according to Celsus,[6] one of the three divisions of the whole science, or, more properly,[7] of that called Therapeutica. (*Vid.* THERAPEUTICA.)

With respect to the actual nature of the medicines used by the ancients, it is in most cases useless to inquire; the lapse of ages, loss of records, change of language, and ambiguity of description, have rendered great part of the learned researches on the subject unsatisfactory; and, indeed, we are in doubt with regard to many of the medicines employed even by Hippocrates and Galen. It is, however, clearly shown by the earliest records, that the ancients were in possession of many powerful remedies; thus Melampus of Argos, one of the most ancient Greek physicians with whom we are acquainted, is said to have cured Iphiclus, one of the Argonauts, of sterility by administering the rust (or *sesquioxide*) of iron in wine for ten days;[8] and the same physician used the black hellebore as a purge on the daughters of King Prœtus, who were afflicted with melancholy. Opium, or a preparation of the poppy, was certainly known in the earliest ages; it was probably opium that Helen mixed with wine, and gave to the guests of Menelaus, under the expressive name of *νηπενθες*,[9] to drive away their cares, and increase their hilarity; and this conjecture (says Dr. Paris, in his "Pharmacologia") receives much support from the fact that the *νηπενθες* of Homer was obtained from the Egyptian Thebes, and the tincture of opium (or laudanum) has been called "*Thebaic* tincture." Gorræus, however, in his "Definitiones Medicæ,"[10] thinks that the herb alluded to was the "Enula Campana," or Elecampane, which is also called "Helenium," with a traditional reference (as is supposed) to Helen's name. There is reason to believe that the pagan priesthood were under the influence of some powerful narcotic during the display of their oracular powers. Dr. Darwin thinks it might be the *Laurocerasus*, but the effects produced (says Dr. Paris) would seem to resemble rather those of opium, or perhaps of stramonium, than of the prussic (or hydrocyanic) acid. The sedative powers of the *Lactuca sativa*, or lettuce, were known also in the earliest times: among the fables of antiquity, we read that, after the death of Adonis, Venus threw herself on a bed of lettuces to lull her grief and repress her desires; and we are told that Galen, in the decline of life, suffered much from morbid vigi-

1. (Hope, Costume of the Ancients, i., 22.)—2. (Anacr., xxxi, Il.—Hes., l. c.)—3. (Pseudo-Gal., Introd., c. 7, tom. xiv., p. 690, ed. Kühn.)—4. (Comment. in Hippocr., De Acut. Morb. Victu, § 5, tom. xv., p. 425.)—5. (Compare Plato ap. Diog. Laert., iii., 1, sect. 50, § 85.)—6. (De Medic., lib. i., Præfat., p. 3, ed. Bip.)—7. (Compare Pseudo-Gal., Introduct., l. c.)—8. (Apollodor., i., 9, § 12, ed. Heyne.—Schol. in Theocr., Id., iii., 43.)—9. (Hom., Od., iv., 221.)—10. (s. v. *Νήπενθες*.)

tance, until he had recourse to eating a lettuce every evening, which cured him.[1] The *Scilla maritima* (sea onion or squill) was administered in cases of dropsy by the Egyptians, under the mystic title of the *Eye of Typhon*. Two of the most celebrated medicines of antiquity were hemlock and hellebore. With respect to the former, it seems very doubtful whether the plant which we denominate *Conium, κώνειον*, or *Cicuta*, was really the poison usually administered at the Athenian executions; and Pliny informs us that the word *Cicuta* among the ancients was not indicative of any particular species of plant, but of vegetable poisons in general. Dr. Mead[2] thinks that the Athenian poison was a combination of active substances; perhaps that described by Theophrastus[3] as the invention of Thrasyas, which was said to cause death without pain, and into which cicuta and poppy entered as ingredients. It was used as a poison by the people of Massilia also.[4] Its poisonous effects were thought to arise from its extreme coldness, and therefore Pliny[5] says that they can be prevented by drinking wine immediately after the hemlock has been taken. Lucretius,[6] however, tells us that goats eat it with impunity, and get fat upon it.

Of hellebore there were two kinds, the white (*Veratrum album*) and the black (*Helleborus niger*); the former of which, as Galen tells us,[7] is always meant by the word Ἑλλέβορος, when used alone without either of the above epithets. A description of both these medicines may be found in Theophrastus, *Hist. Plant.*, ix., 11. — Dioscorides, *Mat. Med.*, iv., 150, 151, 148, 149.—Plin., *H. N.*, xxv., 21, &c. The former acted as an emetic,[8] the latter as a purgative.[9] The plant was particularly celebrated for curing melancholy, insanity, &c., and Anticyra was recommended to all persons afflicted with these complaints, either because the black hellebore grew there in greater plenty than elsewhere, or because it could there be taken with greater safety. Hence the frequent allusions to this town among the ancient classical writers, and *naviget Anticyram* meant to say that the person was mad.[10] Persons in good health also took the white hellebore to clear and sharpen their intellect, as Carneades is said[11] to have done when about to write a book against Zeno.[12] For many centuries it was held in the highest estimation, and is praised by Aretæus,[13] Celsus,[14] and several other writers; about the end of the fifth century, however, after Christ, it appears to have fallen completely into disuse, as Asclepiodotus is mentioned by Photius[15] as having particularly distinguished himself by his success in reviving the employment of it.

Another celebrated medicine in ancient (and, indeed, in modern) times was the Theriaca, of which a farther account is given under that name. Some of their medicines were most absurd; we have not room here to give specimens of them, but they may be found, not only in the works of Cato and Pliny, but also in those of Celsus, Alexander Trallianus, &c., and even Galen himself. Of these errors, however, we ought to be the more indulgent when we remember the ridiculous preparations that kept their places in our own pharmacopœias till comparatively within a few years.

1. (Cf. Cels., De Medic., ii., 32.) — 2. (Mechan. Account of Poisons, Essay 4.)—3. (Hist. Plant., ix., 17.)—4. (Val. Max., ii., 6, § 7.)—5. (H. N., xxxv., 95.)—6. (v., 897.)—7. (Comment. ad Hippocr., Aphor., lib. v., apn. 1, tom. xvii., B., p. 781.) — 8. (Gell., xvii., 15.)—9. (Ibid.) — 10. (Ovid, ex Ponto, iv., 3, 53.—Hor., Sat., II., iii., 82, 165.—De Arte Poet., 300.—Pers., iv., 16. —Juv., xiii., 97.—Plut., De Cohib. Ira, &c.) — 11. (Gell., l. c.) —12. Compare Plin., l. c.—Val. Max., viii., 7, § 5.—Petron., c. 88.—Tertullian, De Anima, c. 6.—St. Jerome, Comment. i. in Epist. ad Galat. tom. iv., pt. i., p. 233, ed. Bened.)—13. (De Curat. Morb. Diuturn., i., c. 2, p. 302; c. 3, p. 304; c. 5, p. 317, &c., ed. Kühn.) —14. (De Medic., ii., 13; iii., 26, &c.) — 15. (Biblioth., Cod., 500.)

Many of the ancient physicians have written on the subject of drugs; the following list contains probably the titles of all the treatises that are extant: 1. Περὶ Φαρμάκων, "De Remediis Purgantibus;" 2. Περὶ Ἐλλεβορισμοῦ, "De Veratri Usu" (these two works are found among the collection that goes under the name of Hippocrates, but are both spurious[1]); 3. Dioscorides, Περὶ Ὕλης Ἰατρικῆς, "De Materia Medica," in five books (one of the most valuable and celebrated medical treatises of antiquity); 4. *Id.*, Περὶ Ἐυπορίστων, Ἁπλῶν τε καὶ Συνθέτων, Φαρμάκων, "De Facile Parabilibus, tam Simplicibus quam Compositis, Medicamentis," in two books (perhaps spurious[2]); 5. Marcellus Sidetа, Ἰατρικὰ περὶ Ἰχθύων, "De Remediis ex Piscibus;" 6. Galen, Περὶ Κράσεως καὶ Δυνάμεως τῶν Ἁπλῶν Φαρμάκων, "De Simpliciuni Medicamentorum Temperamentis et Facultatibus," in eleven books; 7. *Id.*, Περὶ Συνθέσεως Φαρμάκων τῶν κατὰ Τόπους, "De Compositione Medicamentorum secundum Locos," in ten books; 8. *Id.*, Περὶ Συνθέσεως Φαρμάκων τῶν κατὰ Γένη, "De Compositione Medicamentorum secundum Genera," in seven books; 9. *Id.*, Περὶ τῆς τῶν Καθαιρόντων Φαρμάκων Δυνάμεως, "De Purgantium Medicamentorum Facultate" (perhaps spurious[3]); 10. Oribasius, Συναγωγαὶ Ἰατρικαί, "Collecta Medicinalia," a compilation which consisted originally of seventy books according to Photius,[4] or, as Suidas says, of seventy-two: of these we possess at present rather more than one third, five of which (from the eleventh to the fifteenth) treat of Materia Medica; 11. *Id.*, Ἐυπόριστα, "Euporista ad Eunapium," or "De facile Parabilibus," in four books, of which the second contains an alphabetical list of drugs; 12. *Id.*, Σύνοψις, "Synopsis ad Eustathium," an abridgment of his larger work, in nine books, of which the second, third, and fourth are upon the subject of external and internal remedies; 13. Paulus Ægineta, Ἐπιτομῆς Ἰατρικῆς Βιβλία Ἑπτα, "Compendii Medici Libri Septem," of which the last treats of medicines; 14. Joannes Actuarius, "De Medicamentorum Compositione," in two books (translated from the Greek, and only extant in Latin); 15. Nicolaus Myrepsus, "Antidotarium" (also extant only in a Latin translation); 16. Cato, "De Re Rustica," contains a good deal of matter on this subject in various parts; 17. Celsus, "De Medicina Libri Octo," of which the fifth treats of different sorts of medicines; 18. Twelve books of Pliny's "Historia Naturalis" (from the twentieth to the thirty-second) are devoted to Materia Medica; 19. Scribonius Largus, "Compositiones Medicamentorum;" 20. Apuleius Barbarus, "Herbarium, seu de Medicaminibus Herbarum;" 21. Sextus Placitus Papyriensis, "De Medicamentis ex Animalibus;" 22. Marcellus Empiricus, "De Medicamentis Empiricis, Physicis, ac Rationalibus." The works of the Arabic physicians on this subject (though their contributions to Materia Medica and Chemistry are among the most valuable part of their writings) it would be out of place here to enumerate.

ΦΑΡΜΑ'ΚΩΝ or ΦΑΡΜΑΚΕΙ'ΑΣ ΓΡΑΦΗ', an indictment against one who caused the death of another by poison, whether given with intent to kill or to obtain undue influence.[5] It was tried by the court of Areopagus. That the malicious intent was a necessary ingredient in the crime, may be gathered from the expressions ἐκ προνοίας, ἐξ ἐπιβουλῆς καὶ προβουλῆς, in Antiphon.[6] The punishment was death, but might (no doubt) be mitigated

1. (*Vid.* Choulant, "Handbuch der Bücherkunde für die Ältere Medicin," Leipz., 8vo, 1841)—2. (*Vid.* Choulant, l. c.)—3 (*Vid.* Choulant, l. c.) — 4. (Biblioth., Cod., 217.)—5. (Pollux Onom., viii., 40, 117.—Demosth., c. Aristocr., 627. — Argum. Or. Antiph., Κατηγ. φαρμ.)—6. (l. c., iii., 112, ed. Steph

by the court under palliating circumstances. We have examples of such *γραφαί* in the speech of Antiphon already cited, and that entitled *περὶ τοῦ χορευτοῦ*.[1] Among the Greeks, women appear to have been most addicted to this crime, as we learn from various passages in ancient authors. Such women are called *φαρμακίδες* and *φαρμακευτρίαι*. Poisonous drugs were frequently administered as love-potions, or for other purposes of a similar nature. Men whose minds were affected by them were said *φαρμακᾶν*. Wills made by a man under the influence of drugs (*ὑπὸ φαρμάκων*) were void at Athens.[2]

PHAROS or PHARUS (*φάρος*), a Lighthouse. The most celebrated lighthouse of antiquity was that situated at the entrance to the port of Alexandrea. It was built by Sostratus of Cnidus, on an island which bore the same name, by command of one of the Ptolemies, and at an expense of 800 talents.[3] It was square, constructed of white stone, and with admirable art; exceedingly lofty, and in all respects of great dimensions.[4] It contained many stories (*πολυόροφον*[5]), which diminished in width from below upward.[6] The upper stories had windows looking seaward, and torches or fires were kept burning in them by night, in order to guide vessels into the harbour.[7]

Pliny[8] mentions the lighthouses of Ostia and Ravenna, and says that there were similar towers at many other places. They are represented on the medals of Apamea and other maritime cities. The name of Pharos was given to them in allusion to that at Alexandrea, which was the model for their construction.[9] The pharos of Brundisium, for example, was, like that of Alexandrea, an island with a lighthouse upon it.[10] Suetonius[11] mentions another pharos at Capreæ.

The annexed woodcut shows two phari remaining in Britain. The first is within the precincts of Dover Castle. It is about 40 feet high, octagonal externally, tapering from below upward, and built with narrow courses of brick and much wider courses of stone in alternate portions. The space within the tower is square, the sides of the octagon without and of the square within being equal, viz., each 15 Roman feet. The door is seen at the bottom.[12] A similar pharos formerly existed at Boulogne, and is supposed to have been built by Caligula.[13] The round tower here introduced is on the summit of a hill on the coast of Flintshire.[14]

PHA'ROS (*φᾶρος*). (*Vid.* Pallium.)

PHASE'LUS (*φάσηλος*) was a vessel rather long and narrow, apparently so called from its resemblance to the shape of a phaselus or kidney bean. It was chiefly used by the Egyptians, and was of various sizes, from a mere boat to a vessel adapted for long voyages.[1] Octavia sent ten triremes of this kind, which she had obtained from Antony, to assist her brother Octavianus; and Appian[2] describes them as a kind of medium between the ships of war and the common transport or merchant vessels. The phaselus was built for speed (*phaselus ille—navium celerrimus*[3]), to which more attention seems to have been paid than to its strength; whence the epithet *fragilis* is given to it by Horace.[4] These vessels were sometimes made of clay (*fictilibus phaselis*[5]), to which the epithet of Horace may perhaps also refer.

*PHASE'LUS or PHASE'OLUS (*φάσηλος, φασίολος*), the *Phaseolus vulgaris*, or common Kidney Bean.[6]

*PHASG'ANON (*φάσγανον*). "Sprengel," says Adams, "hesitates between the *Iris fœtidissima* and the *Gladiolus communis*, or common Sword Grass; Stackhouse between the latter and the *Iris Xiphium*. These doubts, however, are of older date."[7]

*PHASIA'NOS (*φασίανος* or *φασιανικὸς ὄρνις*), the Pheasant, or *Phasianus Colchicus*, L. According to the Greek legend, the Pheasant took its name, in that language, from the river Phasis in Colchis, and was exclusively confined to this latter country before the expedition of the Argonauts. These adventurers, it is said, on ascending the Phasis, beheld the birds in question spread along the banks of the river, and, bringing some of them back to their native country, bestowed upon it, says Montbeillard, a gift more precious than the golden fleece. At the present day, according to the same authority, the pheasants of Colchis or Mingrelia are the finest and largest in the known world.[8]

*PHASI'OLUS. (*Vid.* Phaselus.)

PHASIS (*φάσις*) was one of the various methods by which public offenders at Athens might be prosecuted; but the word is often used to denote any kind of information; as Pollux[9] says, *κοινῶς φάσεις ἐκαλοῦντο πᾶσαι αἱ μηνύσεις τῶν λανθανόντων ἀδικημάτων*. (*Vid.* Aristoph., *Eq.*, 300, and *Acharn.*, 823, 826, where the word *φαντάζω* is used in the same sense as *φαίνω*.) The word *συκοφάντης* is derived from the practice of laying information against those who exported figs. (*Vid.* Sycophantes.)

Though it is certain that the *φάσις* was distinguished from other methods of prosecution,[10] we are not informed in what its peculiarities consisted. According to Pollux,[11] it might be brought against those who committed offen against the mine laws, or the customs, or any oth part of the revenue; against any persons who brought false accusations against others for such offences; and against guardians who injured their wards. The charge, as in the *γραφή*, was made in writing (*ἐν γραμματείῳ*), with the name of the prosecutor and the proposed penalty (*τίμημα*) affixed, and also the names of the *κλητῆρες*. The same author says, *ἐφαίνοντο δὲ πρὸς τὸν ἄρχοντα*. Here we must either understand the word *ἄρχοντα* to be used in a more general sense, as denoting any magistrate to whom a jurisdiction belonged, or read, with Schömann,[12] *τοὺς ἄρχοντας*. For it is clear that the archon was not the only person before whom a *φάσις* might be preferred. In cases where corn had been carried to a foreign port, or money lent on a ship which did not bring a return cargo to Athens, and probably in all cases of offence

1. (Meier, Att. Proc., p. 311.)—2. (Demosth., c. Steph., 1133.)—3. (Plin., H. N., xxxvi., 12.—Steph. Byz., s. v. *Φάρος*.—Achill. Tat., v., 6.)—4. (Cæsar, Bell. Civ., iii., 112.)—5. (Strabo, xvii., 1, § 6.)—6. (Herodian, iv., 3.)—7. (Val. Flacc., vii., 84.—*Vid.* Bartoli, Luc. Ant., iii., 12.)—8. (l. c.)—9. (Herodian, l. c.—Suet., Claud., 20.—Brunck, Anal., ii., 186.)—10. (Mela, ii., 7, § 13.—Steph. Byz., l. c.)—11. (Tib., 74.)—12. (Stukely, Itin. Curiosum, p. 129.)—13. (Sueton., Calig., 46.—Montfaucon, Supplem., V., i., L. vi., 3, 4.)—14. (Pennant, Par. of Whiteford and Holywell. p. 112.)

1. (Virg., Georg., iv., 289.—Catull., 4.—Martial, x., 30, 13.—Cic. ad Att., i., 13.)—2. (Bell. Civ., v., 95.)—3. (Catull., l. c.)—4. (Carm., iii., 2, 27, 28.)—5. (Juv., xv., 127.)—6. (Dioscor., ii., 130.—Galen. De Simpl., viii.—Adams, Append., s. v.)—7. (Theophr., vii., 12.—Dioscor., iv., 20.—Adams, Append., s. v.)—8 (*Vid.* Aristot., v., 25, and Geopon., xiv., 19.—Athen., Deip. —Griffith's Cuvier, viii., 225.)—9 (viii., 47.)—10. (Demosth. c. Aristog., 793.—Isocr., c. Callim., 375, ed. Steph.)—11. (l. c.)—12. (De Comit., 178.)

against the export and import laws, the information was laid before the *ἐπιμεληταὶ τοῦ ἐμπορίου*.[1] Where public money had been embezzled or illegally appropriated, for which a *φάσις* was maintainable, the *σύνδικοι* were the presiding magistrates.[2] Offences relating to the mines came before the thesmothetæ.[3] Injuries done by guardians to their wards or wards' estate, whether a public prosecution or a civil action was resorted to, belonged to the jurisdiction of the archon, whose duty it was to protect orphans.[4] All *φάσεις* were *τιμητοὶ ἀγῶνες*, according to Pollux,[5] and he says *τὸ τιμηθὲν ἐγίγνετο τῶν ἀδικουμένων, εἰ καὶ ἄλλος ὑπὲρ αὐτῶν φήνειεν*. By this we are to understand that the *τίμημα* went to the state if the prosecution was one of a purely public nature, that is, where the offence immediately affected the state; but where it was of a mixed nature, as where a private person was injured, and the state only indirectly, in such case compensation was awarded to the private person. This was the case in prosecutions against fraudulent guardians. On the same ground, wherever the prosecutor had an interest in the cause beyond that which he might feel as the vindicator of public justice, as where he, or some third person on whose behalf he interposed, was the party directly injured, and might reap advantage from the result, he was liable to the *ἐπωβελία*, and also to the payment of the *πρυτανεῖα*, just as he would be in a private action. Probably this liability attached upon informations for carrying corn to a foreign port, as the informer there got half the penalty if successful.[6] Where the *φάσις* was of a purely public nature, the prosecutor would be subject only to the payment of the *παράστασις*, and to the thousand drachms if he failed to obtain a fifth part of the votes, according to the common practice in criminal causes.[7] Whether, in those of a mixed nature, he was liable to these payments, as well as to the *πρυτανεῖα* and *ἐπωβελία*, is a question which has been much discussed, but cannot be settled. We have no speech left us by the orators on the subject of a *φάσις*, but only mention of a lost speech of Lysias *πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου*.[8]

*PHASSA (*φάσσα*), the Ring-dove or Cushat, namely, the *Columba palumbus*, L. Sonini says the modern Greeks call the *Ramier* of the French *φάσσα*, and *le pigeon sauvage*, *τελίστερι*.[9]

*PHELLUS (*φέλλος*), the *Quercus suber*, or Cork-tree.[10]

PHERNE (*φερνή*). (*Vid.* Dos, Greek.)

PHIALA. (*Vid.* Patera.)

*PHILLYRE'A (*φιλλυρέα*), the *Phillyrea latifolia*, or Broad-leaved true Phillyrea. Sibthorp found it growing abundantly in Candia, the ancient Crete.[11]

*PHILYRA (*φιλύρα*), the *Tilia Europæa*, the Lime or Linden tree. Of the inner bark were formed strings for garlands, mats, &c.[12]

*PHLEOS (*φλέως*), a species of Reed. Sprengel makes it the *Arundo ampelodesmos*; Stackhouse, the *Arundo calamagrostis*.[13]

*PHLOMOS (*φλόμος*) or PHLOMIS (*φλόμις*). "From the brief description," remarks Adams, "of the *φλόμοι* and *φλόμιδες* by Dioscorides and Galen, it is difficult to determine their several genera and species. Matthiolus, Dodonæus, and Sprengel are agreed that the *φλόμος ἀγριά* is the *Phlomis fruticosa*, or Broad-leaved Sage-tree. The female *λευκὴ φλόμος* is the *Verbascum undulatum*, Lam., according to Sibthorp, and the male *λευκὴ φλόμος*, the *Verbascum Thapsus*, or Great Mullein, according to the same; but Sprengel appears to show satisfactorily that the female is the *Thapsus*, and the male the *undulatum*. The *Verbascum nigrum*, or Black Mullein, is well known. The first two species of the *φλόμις* are referred by Sprengel to the *Phlomis Samia*, L., and the *Phlomis lanarifolia*, Sibthorp. Clusius named the narrow-leaved Jerusalem Sage, *Phlomis lychnitis*."[1]

*PHLOX (*φλόξ*), a plant which Sprengel calls the *Agrostemma coronarium*. "Schneider mentions that Anguillara held it to be the "*fiore del veluto*" of the Italians. All the plants included in the genus *Phlox* of modern botanists are natives of the New World."[2]

*PHOCA (*φώκη*), the Seal, or *Phoca vitulina*, called by Pliny "*Vitulus marinus*," or Sea Calf. It was ranked among the *κήτη* by Homer.[3]

*PHOCÆNA (*φώκαινα*), the *Delphinus Phocæna*, L., or Porpoise. Julius Scaliger, Belon, Gesner, and Rondelet concur in referring the *Tursio* of Pliny to the Porpoise. Pliny and other writers of antiquity confound the *φώκη*, or Seal, with the *φώκαινα*, or Porpoise.[4]

*PHŒNICOPTE'RUS (*φοινικόπτερος*), the Flamingo, or *Phœnicopterus ruber*, L. The Greek name, which means "crimson-winged," is an epithet especially suitable to individuals of two years old, whose wings alone are of a fine carnation, while the neck and body are still invested with white plumes. The ancients held the flesh of the Flamingo in high estimation, and the tongue was especially regarded as an exquisite morsel; but such of the moderns as have tasted it declare it to be oily, and of an unpleasant marshy flavour.[5]

*PHŒNICU'RUS (*φοινικοῦρος*), a species of Bird, the *Sylvia Phœnicurus*, Lath., or Redstart. "The Redstart so nearly resembles the Redbreast in general appearance, that it is not to be wondered at that Aristotle took it for a Redbreast in its summer plumage."[6]

*PHŒNIX (*φοίνιξ*), I. a fabulous Egyptian bird.

*II. The *Phœnix dactylifera*, Date-tree, or greater Palm. "Theophrastus describes six species or kinds of palms; his *χαμαιρέφης* is the same as the *χαμαίζηλος φοινιξ* of Dioscorides, namely, the *Chamærops humilis*, L. The Thebaic Palms of Dioscorides are named *Crucifera Thebaica* by De Lisle; but, according to Sprengel, they were mere varieties of the common Palm. The ancients were well aware of the distinction of sex which exists in this tribe of trees. The *φοίνιξ πόα* of Dioscorides is undoubtedly the *Lolium perenne*, Perennial Darnel, or Rye Grass.[7]

PHO'NOS (*φόνος*), *Homicide*, was either *ἑκούσιος* or *ἀκούσιος*, a distinction which corresponds in some measure, but not exactly, with our *murder* and *manslaughter*; for the *φόνος ἑκούσιος* might fall within the description of justifiable homicide, while *φόνος ἀκούσιος* might be excusable homicide. Accord-

1. (Demosth., c. Theocr., 1323.)—2. (Isocr., c. Callim., 372.—Lys., De Publ. Pecun., 149.—De Aristoph. bon., 154, ed. Steph.) 3. (Meier, Att. Proc., 64.)—4. (Suidas, s. v. *Φάσις*.—Demosth., c. Onet., 865; c. Macr., 940; c. Nausim., 991.)—5. (viii., 48.) —6 (Demosth., c. Theocr., 1325 — Böckh, Staatsh. der Athener, i., 93.)—7. (Demosth., c. Theocr., 1323.)—8. (*Vid.* Böckh, Id., i, 376-382, 394-396.—Meier, Att. Proc., 247-252, 732.—Platner, Proc. und Kl., ii., 9-17.) —9. (Adams, Append., s. v.)—10. (Theophr., i., 5.)—11. (Dioscor., i., 125.—Theophr., H. P., i., 9 — Adams, Append., s. v.) —12. (Theophr., H. P., i., 12.—C. Pl., vi., 12. — Adams, Append., s. v.) —13. (Theophr., iv., 8, 10 —Adams, Append., s. v.)

1. (Dioscor., iv., 102.—Galen, De Simpl., viii.—Theophr., ix. 12. — Adams, Append., s. v.) — 2. (Theophr., H. P., vi., 6. — Adams, Append., s. v.) — 3. (Aristot., H. A., ii. — Oppian, Hal., i.—Ælian, N. A., xii.—Pliny.—Homer, Od., iv., 452.)—4. (Aristot., vi., 12; viii., 13. — Ælian. v., 4; ix., 59. — Xenocrates et Galen, De Alim.—Pliny, H. N., ix., 9.—Adams, Append., s v.) — 5. (Griffith's Cuvier, viii., 543. — Juvenal, ii.—Philost., vit. Apoll. — Celsus, ii., 18, with Dr. Milligan's note. —Adams, Append., s. v.)—6. (Aristot., H. A., ix., 36.—*Vid.* Geopon., xv., 1.) —7. (Theophr., i., 2, 13, &c.—Dioscor., i, 148, 149, 150.—Galen, De Simpl., viii.—*Vid.* Theophr., ii., 9.—Pliny, H. N., xxiii. 7.—Claudian, Nupt. Hon. et Mar., l. 66. — Ol. Celsii, Hierobot and Sir W. Drummond's articles in the Classical Journal, 25, 29, 31.—Dioscor., iv., 43.—Adams, Append., s. v.)

ing to the different circumstances under which the homicide was committed, the tribunal to which the case was referred, and the modes of proceeding at Athens, varied. All cases of murder (with one exception, to be hereafter noticed) were tried by the court of Areopagus; other cases of homicide were by the statutes of Draco) to be tried by the ἐφέται. All φονικαὶ δίκαι belonged to the jurisdiction of the ἄρχων βασιλεύς as ἡγεμὼν δικαστηρίου. He was anciently the sole judge in cases of unintentional homicide; for such an act was considered, in a religious point of view, as being a pollution of the city; and it became his duty, as guardian of religion, to take care that the pollution (ἄγος) was duly expiated. Draco, however, established the ἐφέται, first, as a court of appeal from the ἄρχων βασιλεύς; and soon after they began to perform the office of δικασταί, he being the presiding magistrate.[1] In discussing this subject, we have to consider the various courts established at Athens for the trial of homicide, the different species of crime therein respectively prosecuted, the manner of proceeding against the criminal, and the nature of the punishment to which he was liable. All these points are fully discussed by Matthiæ in his treatise *De Judiciis Athen.* in the *Miscellanea Philologica*, vol. i., to which more particular references are given in this article.

Solon, who seems to have remodelled the court of Areopagus, enacted that this court should try cases of murder and malicious wounding, besides arson and poisoning.[2] One would be deemed a murderer who instigated another to commit the deed, provided the purpose were accomplished.[3] Besides the court of Areopagus, there were four other courts of which the ἐφέται were judges: τὸ ἐπὶ Παλλαδίῳ, τὸ ἐπὶ Δελφινίῳ, τὸ ἐπὶ Πρυτανείῳ, and τὸ ἐν Φρεαττοῖ.[4] To the court ἐπὶ Παλλαδίῳ belonged cases of accidental homicide, manslaughter, and attempts to commit murder (βουλεύσεις). Such a case as that mentioned by Demosthenes,[5] of an unlawful blow followed by death, would be manslaughter. It seems, also, that this court had a concurrent jurisdiction with the Areopagus in charges of murderous conspiracy which was carried into effect. The law perhaps allowed the prosecutor to waive the heavier charge, and proceed against the offender for the conspiracy only.[6] As to the supposed origin of this court, see Harpocration.[7] To the court ἐπὶ Δελφινίῳ were referred cases where the party confessed the deed, but justified it: ἂν τις ὁμολογῇ μὲν κτεῖναι, ἐννόμως δέ φῇ δεδρακέναι. Demosthenes calls it ἁγιώτατον καὶ φρικωδέστατον.[8] As to the origin of this court, see Matthiæ, 152. In the τὰ ἐπὶ Πρυτανείῳ, the objects of prosecution were inanimate things, as wood, stone, or iron, which had caused the death of a man by falling on him.[9] Draco enacted that the cause of death should be cast out of the boundaries of the land (ὑπερορίζεσθαι), in which ceremony the ἄρχων βασιλεύς was assisted by the φυλοβασιλεῖς.[10] This was a relic of very rude times, and may be not inaptly compared with our custom of giving deodands. Matthiæ[11] thinks there was an ulterior object in the investigation, viz, that by the production of the instrument by which death was inflicted, a clew might be found to the discovery of the real murderer, if any. The court ἐν φρεαττοῖ was reserved for a peculiar case; where a man, after going into exile for an unintentional homicide, and before he had appeased the relatives of the deceased, was charged with having committed murder. He was brought in a ship to a place in the harbour called ἐν φρεαττοῖ, and there pleaded his cause on board ship, while the judges remained on land. If he was convicted, he suffered the punishment of murder; if acquitted, he suffered the remainder of his former punishment. The object of this contrivance was to avoid pollution (for the crime of the first act had not yet been expiated), and, at the same time, to bring the second offence to trial.[1]

To one or other of these courts all φονικαὶ δίκαι were sent for trial, and it was the business of the ἄρχων βασιλεύς to decide which. The task of prosecution devolved upon the nearest relatives of the deceased, and in case of a slave, upon the master. To neglect to prosecute, without good cause, was deemed an offence against religion; that is, in any relative not farther removed than a first cousin's son (ἀνεψιαδοῦς). Within that degree the law enjoined the relatives to prosecute, under penalty of an ἀσεβείας γραφή if they failed to do so.[2] They might, however (without incurring any censure), forbear to prosecute, where the murdered man had forgiven the murderer before he died;[3] or, in cases of involuntary homicide, where the offender gave the satisfaction which the law required, unless the deceased had given a special injunction to avenge him.[4]

The first step taken by the prosecutor was, to give notice to the accused to keep away from all public places and sacrifices. This was called πρόρρησις, and was given at the funeral of the deceased.[5] After this he gave a public notice in the market place, warning the accused to appear and answer to the charge: here he was said προειπεῖν or προαγορεύειν φόνου.[6] The next thing was to prefer the charge before the king archon. To such charge the term ἐπισκήπτεσθαι or ἐπεξιέναι was peculiarly applied.[7] The charge was delivered in writing; the prosecutor was said ἀπογράφεσθαι δίκην φόνου.[8] The king archon having received it, after first warning the defendant ἀπέχεσθαι τῶν μυστηρίων καὶ τῶν ἄλλων νομίμων,[9] proceeded in due form to the ἀνάκρισις. The main thing to be inquired into was the nature of the offence, and the court to which the cognizance appertained. The evidence and other matters were to be prepared in the usual way. Three months were allowed for this preliminary inquiry, and there were three special hearings, one in each month, called διαδικασίαι, or (according to Bekker's reading) προδικασίαι;[10] after which, in the fourth month, the king archon εἰσῆγε τὴν δίκην.[11] The defendant was allowed to put in a παραγραφή if he contended that the charge ought to be tried in one of the minor courts.[12]

All the φονικὰ δικαστήρια were held in the open air, in order that the judges might not be under the same roof with one suspected of impurity, nor the prosecutor with his adversary.[13] The king archon presided, with his crown taken off.[14] The parties were bound by the most solemn oaths; the one swearing that the charge was true, that he bore

1. (Suidas, s. v. Ἡγεμονία δικαστηρίου.—Pollux, Onom., viii., 90, 125.—Wachsmuth, II., i., 308.)—2. (Demosth., c. Aristocr., 627.)—3. (Demosth., c. Conon., 1264, 1265.—Matth., 148.)—4. (Harpocr. et Suid., s. v. Ἐφέται.)—5. (c. Neær., 1348.)—6. (Harpocr., s. v. Βουλεύσεως.—Antiph., τετραλ., 126, ed. Steph.—Matth., 150.)—7. (s. v. Ἐπὶ Παλλαδίῳ.—Pollux, Onom., viii., 118.)—8. (c. Aristocr., 644.—Harpocr., s. v. Ἐπὶ Δελφινίῳ.—Pollux, Onom., viii., 119.)—9. (Harpocr., s. v. Ἐπὶ Πρυτανείῳ.—Pollux, Onom., viii., 120.—Demosth., c. Aristocr., 645.)—10. (Meier, Att. Proc., 117.—Suidas, s. v. Νίκων.—Æsch., c. Ctesiph., 88, ed. Steph.)—11. (p. 154.)

1. (Demosth., c. Aristocr., 646.—Harpocr., s. v. Ἐν φρεαττοῖ—Pollux, Onom., viii., 120.—Matth., 155.)—2. (Demosth., c. Androt., 593; c. Macart., 1069; c. Euerg. et Mnes., 1160, 1161.—Antiph., De Her. Cæd., 135, ed. Steph.)—3. (Demosth., c. Pantæn., 983.)—4. (Lysias, c. Agor., 133, 138, ed. Steph.—Matth., 170.)—5. (Antiph., De Her. Cæd., 130, 139.—De Chor., 141, ed. Steph.—Demosth., c. Leptin., 505; c. Aristocr., 632; c. Euerg., 1160.)—6. (Demosth., c. Macart., 1068; c. Neær., 1348.)—7. (Pollux, Onom., viii., 33, 118.—Harpocr., s. v. Ἐπεσκήψατο.—Antiph., κατηγ. φαρμ., 111, ed. Steph.)—8. (Antiph. De Chor., 145, ed. Steph.)—9. (Pollux, Onom., viii., 66, 90.)—10. (Antiph., De Chor., 146, ed. Steph.)—11. (Matth., 160.)—12. (Pollux, Onom., viii., 57.)—13. (Antiph., De Her. Cæd., 130, ed. Steph.)—14. (Pollux, Onom., viii., 90.)

such a relationship to the deceased, and that he would, in conducting his case, confine himself to the question at issue; the other declaring the charge to be false.[1] The witnesses on both sides were sworn in like manner,[2] and slaves were allowed to appear as witnesses.[3] Either party was at liberty to make two speeches, the prosecutor beginning, as may be seen from the τετραλογία of Antiphon; but both were obliged to confine themselves to the point at issue.[4] Advocates (συνήγοροι) were not admitted to speak for the parties anciently, but in later times they were.[5] Two days were occupied in the trial. After the first day, the defendant, if fearful of the result, was at liberty to fly the country, except in the case of parricide. Such flight could not be prevented by the adversary, but the property of the exile was confiscated.[6] On the third day the judges proceeded to give their votes, for which two boxes or urns were provided (ὑδρίαι or ἀμφορεῖς), one of brass, the other of wood; the former for the condemning ballots, the latter for those of acquittal. An equal number of votes was an acquittal; a point first established (according to the old tradition) upon the trial of Orestes.[7]

As the defence might consist either in a simple denial of the killing, or of the intention to kill, or in a justification of the act, it is necessary to inquire what circumstances amounted to a legal justification or excuse. We learn from Demosthenes[8] that it was excusable to kill another unintentionally in a gymnastic combat, or to kill a friend in battle or ambuscade, mistaking him for an enemy; that it was justifiable to slay an adulterer if caught *in ipso delicto*, or a paramour caught in the same way with a sister or daughter, or even with a concubine, if her children would be free. (As to an adulterer, see Lysias.[9]) It was lawful to kill a robber at the time when he made his attack (εὐθὺς ἀμυνόμενον), but not after.[10] By a special decree of the people, made after the expulsion of the Thirty Tyrants, it was lawful to kill any man who attempted to establish a tyranny, or put down the democracy, or committed treason against the state.[11] A physician was excused who caused the death of a patient by mistake or professional ignorance.[12] This distinction, however, must be observed. Justifiable homicide left the perpetrator entirely free from pollution (καθαρόν). That which, though unintentional, was not perfectly free from blame, required to be expiated. See the remarks of Antiphon in the Τετραλογία, b. 123.

It remains to speak of the punishment.

The courts were not invested with a discretionary power in awarding punishment; the law determined this according to the nature of the crime.[13] Wilful murder was punished with death.[14] It was the duty of the thesmothetæ to see that the sentence was executed, and of the Eleven to execute it.[15] We have seen that the criminal might avoid it by flying before the sentence was passed. Malicious wounding was punished with banishment and confiscation of goods.[16] So were attempts to murder (βουλεύσεις). But where the design was followed by the death of him whose life was plotted against, and the crime was treated as a murder, it might be punished with death, at least if it was tried in the Areopagus; for it is doubtful whether the minor courts (except that ἐν φρεαττοῖ) had the power of inflicting capital punishment.[1] If the criminal who was banished, or who avoided his sentence by voluntary exile, returned to the country, an ἐνδειξις might forthwith be laid against him, or he might be arrested and taken before the thesmothetæ, or even slain on the spot.[2] The proceeding by ἀπαγωγή (arrest) might perhaps be taken against a murderer in the first instance, if the murder was attended with robbery, in which case the prosecutor was liable to the penalty of a thousand drachms if he failed to get a fifth of the votes.[3] But no murderer, even after conviction, could lawfully be killed, or even arrested, in a foreign country.[4] The humanity of the Greeks forbade such a practice. It was a principle of international law, that the exile had a safe asylum in a foreign land. If an Athenian was killed by a foreigner abroad, the only method by which his relatives could obtain redress was to seize natives of the murderer's country (not more than three), and keep them until the murderer was given up for judgment.[5]

Those who were convicted of unintentional homicide, not perfectly excusable, were condemned to leave the country for a year. They were obliged to go out (ἐξέρχεσθαι) by a certain time, and by a certain route (τακτὴν ὁδόν), and to expiate their offence by certain rites. Their term of absence was called ἀπενιαυτισμός. It was their duty, also, to appease (αἰδεῖσθαι) the relatives of the deceased, or, if he had none within a certain degree, the members of his clan, either by presents or by humble entreaty and submission. If the convict could prevail on them, he might even return before the year had expired. The word αἰδεῖσθαι is used not only of the criminal humbling himself to the relatives, but also of their forgiving him.[6] The property of such a criminal was not forfeited, and it was unlawful to do any injury to him, either on his leaving the country or during his absence.[7]

Such was the constitution of the courts and the state of the law as established by Solon, and mostly indeed, by Draco; for Solon retained most of Draco's φονικοὶ νόμοι.[8] But it appears that the jurisdiction of the ἐφέται in later times, if not soon after the legislation of Solon, was greatly abridged, and that most of the φονικαὶ δίκαι were tried by a common jury. It is probable that the people preferred the ordinary method of trial, to which they were accustomed in other causes, criminal as well as civil, to the more aristocratical constitution of the court of ἐφέται. Their jurisdiction in the courts ἐν φρεαττοῖ and ἐπὶ Πρυτανείῳ was, no doubt, still retained; and there seem to have been other peculiar cases reserved for their cognizance.[9] Whether the powers of the Areopagus, as a *criminal court*, were curtailed by the proceedings of Pericles and Ephialtes, or only their administrative and censorial authority as a *council*, is a question which has been much discussed. The strong language of Demosthenes[10] inclines one to the latter opinion. See also Dinarchus,[11] from which it appears there was no appeal from the decision of that court.[12]

1. (Antiph., De Her. Cæd., 130, 140; De Chor., 143, ed. Steph. —Demosth., c. Euerg., 1161.—Matth., 163.—Wachsmuth, II., i., 336.)—2. (Antiph., ib., et 131, ed. Steph.—Meier, Att. Proc., 675.)—3. (Meier, Att. Proc., 667.)—4. (Lys., c. Simon., 100.—Antiph., De Chor., 143, ed. Steph.)—5. (Matth., 164.)—6. (Pollux, Onom., viii., 117.—Demosth., c. Aristocr., 634, 643.—Matth., 167.)—7. (Æschyl., Eumen., 753. — Matth., 165.) — 8. (c. Aristocr., 637.)—9. (De Eratosth. Cæd., 94, ed. Steph.)—10. (Demosth., c. Aristocr., 629.)—11. (Lycurg., c. Leocr., 165.—Andoc., De Myst., 13, ed. Steph.)—12. (Antiph., τετραλ., 127, ed. Steph.)—13. (Demosth., c. Neær., 1372.)—14. (Antiph., De Her. Cæd., 130, ed. Steph.—Demosth., c. Mid., 528.)—15. (Demosth., c. Aristocr., 630.—Meier, Att. Proc., 74.—Schömann, Ant. Jur. Publ. Gr., 246.)—16. (Lys., c. Simon., 100.—Matth., 148.)

1. (Matth., 150.—Schömann, Ant. Jur. Publ. Gr., 294.—Meier, Att. Proc., 313.)—2. (Suidas, s. v. Ἐνδειξις.—Matth., 168.)—3. (Demosth., c. Aristocr., 647.—Meier, Att. Proc., 231.)—4. (Demosth., c. Aristocr., 631, 632.)—5. (Demosth., c. Aristocr., 647.—Pollux, Onom., viii., 50.—Harpocr. and Suidas, s. v. Ἀνδροληψιον.)—6. (Wachsmuth, II., i., 268.—Harpocr., s. v. Ὑποφονία. —Demosth., c. Pantæn., 983; c. Macart., 1069; c. Aristocr. 643.—Matth., 170.)—7. (Demosth., c. Aristocr., 634.)—8. (Demosth., c. Euerg., 1161; c. Aristocr., 636.—Wachsmuth, II., i 241.)—9. (Pollux, Onom., viii., 125.—Matth., 158.—Schömann, Ant. Jur. Pub. 296.)—10. (c. Aristocr., 641.)—11. (c. Aristog. init.)—12. (Matth., 166.—Platner, Proc. und Kl., i., 27.—Schömann, Ant. Jur. Pub., 301.—Thirlwall, Gr. Hist., vol iii., c. 17, p. 24.—Wachsmuth, II., i., 318.)

No extraordinary punishment was imposed by the Athenian legislator on parricide. Suicide was not considered a crime in point of law, though it seems to have been deemed an offence against religion; for, by the custom of the country, the hand of the suicide was buried apart from his body.[1]

ΦΟ'ΝΟΥ ΔΙΚΗ. (*Vid.* Phonos.)

ΦΟΡΑΣ ΑΦΑΝΟΥΣ, ΜΕΘΗΜΕΡΙΝΗΣ ΔΙΚΗ (*φορᾶς ἀφανοῦς, μεθημερινῆς δικη*) is enumerated by Pollux[2] among the Athenian *δίκαι*, but we have no satisfactory explanation of the meaning. Kühn (*vid.* note to Dindorff's edition) explains it thus: "*Actio in servos operarios, qui non præstabant domino φορὰν ἀφανοῦς, pensionem, mercedes de operis quæ erant ἀφανῆ, i. e., non incurrebant in oculos, uti facultates et opes manifestæ. Erat et φορὰ μεθημερινή, mercedes diurnæ. Φορὰν illam Gl. appellant, quia offerebatur domino a servis, vel conductor ferebat conductis operariis. Dicitur et ἀποφορά.*" This can hardly be correct, as we have no authority for supposing that an action could be brought by a master against his servant. It might, with greater probability, be conjectured to be an action by the owner of slaves employed in manufactures against the person to whom they were let out, to recover the reserved rent, which might be a certain portion of the profits accruing from day to day, and would be *ἀφανῆς* to the owner until he got an account from the other party. As to the practice of lending slaves, *vid.* Demosth., c. *Aphob.*, 819, 839. Meier[3] conjectures that the true reading might be *φωρᾶς, theft*, or *φώρας, search;* in which case the action would be one for unlawfully searching a person's house, either secretly (*ἀφανοῦς*), or openly in the daytime (*μεθημερινῆς*). The first conjecture, at least, is highly improbable, as there was a *δίκη κλοπῆς*.

PHORBEIA (*φορβεία*) was a strap fastened at the back of the head, with a hole in front fitting to the mouthpiece; it was used by pipers and trumpeters to compress their mouths and cheeks, and thus to aid them in blowing. See the references under Capistrum, and a woodcut on p. 240, which represents a woman with the *φορβεία*.

PHORMINX (*φόρμιγξ*). (*Vid.* Lyra.)

*PHOU (*φοῦ*), the *Valeriana officinalis* or great Wild Valerian.[4]

*PHOXI'NUS (*φοξῖνος*), the *Cyprinus Phoxinus*, L., or the Minnow. Gesner, however, questions this opinion.[5]

PHRATRIA (*φρατρία*). (*Vid.* Civitas, Greek.)

PHRY'GIO. (*Vid.* Pallium, p. 718.)

*PHRYGIUS LAPIS (*Φρύγιος λίθος*), the Phrygian stone of the ancients, according to Adams and other authorities, would appear to have been a pumice, with an admixture of alum and other ingredients.[6]

*PHRYNOS (*φρῦνος*), a species of Toad, "he *Rubeta* of the Latins. "Commentators are greatly puzzled," remarks Adams, "to determine what it was. After comparing the ancient accounts of it with the characters of the *Bufo cornutus*, as given in the *Encyclopedie Methodique*, I was forcibly struck with their coincidence, and it affords me pleasure to find that Schneider also identifies the *Phrynus* or *Rubeta* with the *Bufo cornutus*. Agricola confirms the ancient statements of its being venomous, but few modern naturalists agree with him. The φρῦνος κώφος (called *καλαμίτη* by the scholiast on Nicander) would seem to have been the *Bufo calamita* Russel supposed it venomous. Agricola calls it a small green animal, and denies that it is mute."[7]

*PHTHEIR (*φθείρ*), the *Pediculus communis*, or common Louse. Aristotle notices the lice which form on fishes. Donnegan, in speaking of these, calls them "a kind of small shellfish, that fixes upon and derives its food from the bodies of other fishes, familiar examples of which may be noticed in the common prawn (on the corslet of which a protuberance may often be observed, the parasite being covered by a coating of the shell), as also in the mussel."[1]

*II. The fruit of a species of Pine, the *Pinus Pinaster*. Consult the remarks of Ritter, in his *Vorhalle Europ. Volkergesch.*, p. 154, in relation to the *φθειροφάγοι* of antiquity.

ΦΘΟΡΑ ΤΩΝ ΕΛΕΥΘΕΡΩΝ (*φθορὰ τῶν ἐλευθερων*) was one of the offences that might be criminally prosecuted at Athens. The word *φθορά* may signify any sort of corruption, bodily or mental; but the expression *φθ. τ. ε.* comprehends, if it is not limited to, a crime too common among the Greeks, as appears from a law cited by Æschines.[2] On this subject, *vid.* Proagogeia, and Schömann, *Ant. Jur. Pub. Gr.*, p. 335, 338.

*PHYCIS (*φυκίς*), the *Blennius Phycis*, or Hake, called in Italian the *Fico*.[3]

*PHYCUS (*φῦκος*.) (*Vid.* Fucus.)

PHYGE (*φυγή*). (*Vid.* Banishment, Greek.)

PHYLARCHI (*φῦλαρχοι*), generally the prefects of the tribes in any state, as at Epidamnus, where the government was formerly vested in the *φύλαρχοι*, but afterward in a senate.[4] At Athens, the officers so called were (after the age of Cleisthenes) ten in number, one for each of the tribes, and were specially charged with the command and superintendence of the cavalry.[5] There can be but little doubt that each of the phylarchs commanded the cavalry of his own tribe, and they were themselves, collectively and individually, under the control of the two hipparchs, just as the taxiarchs were subject to the two strategi. According to Pollux,[6] they were elected, one from each tribe, by the archons collectively; but his authority can hardly be considered as conclusive on this point. Herodotus[7] informs us that, when Cleisthenes increased the number of the tribes from four to ten, he also made ten phylarchs instead of four. It has been thought, however,[8] that the historian should have said ten phylarchs in the place of the old *φυλοβασιλεῖς*, who were four in number, one for each of the old tribes.[9]

*PHYLLI'TIS (*φυλλῖτις*). "It appears probable," remarks Adams, "that the *φύλλον* alluded to by Dioscorides and Theophrastus was the *Mercurialis annua*. The *φύλλον* of Galen and of Paulus Ægineta is a very different substance, namely, the leaf of the *μαλάβαθρον*. Apicius uniformly calls the *Malabathrum*, or Cassia leaf, by the name of *Folium*."[10]

PHYLOBASILEIS (*φυλοβασιλεῖς*). The origin and duties of the Athenian magistrates so called are involved in much obscurity, and the little knowledge we possess on the subject is derived almost entirely from the grammarians. In the earliest times they were four in number, representing each one of the four tribes, and probably elected (but not for life) from and by them.[11] They were nominated from the Eupatridæ, and during the continuance of royalty at Athens these "kings of the tribes" were the constant assessors of the sovereign, and rather as his colleagues than counsellors.[12] From an expression in one of the laws of

1. (Æsch., c. Ctes., 88, ed. Steph.)—2. (Onom., viii., 31.)—3. (Att. Proc., 533.)—4. (Dioscor., i., 10.—Galen., De Simpl., viii.—Adams, Append., s. v.)—5. (Aristot., vi., 12, &c.—Adams, Append. s. v.)—6. (Dioscor., v., 140.—Galen., De Simpl., viii.—Adams, Append. s. v.)—7. (Adams, Append., s. v.)

1. (Aristot., H. A., v., 31.—Adams, Append., s. v.—Donnegan's Lex., 4th edit., s. v.)—2. (c. Timarch., 2, ed. Steph.)—3. (Aristot., vi., 3; viii., 10.—Oppian, Hal., i.—Athen., vii.—Pliny, H. N., ix., 26.—Adams, Append., s. v.)—4. (Aristot., Pol., v., 1.)—5. (Harpocr., s. v.—Pollux, Onom., viii., 94.)—6. (Onom., viii., 94.)—7. (v., 19.)—8. (Titmann, Staatsv., 274. 275.)—9. (*Vid.* Wachsmuth, Hell. Alt., i., 1, § 48, p. 270.)—10. Dioscor., iii. 111.—Galen., De Simpl., iv.—Adams, Append., s. v.)—11. (Hesych., s. v.)—12. (Thirlwall, Hist. of Greece, vol. ii., p. 11

Solon,[1] it appears that before his time the kings of the tribes exercised a criminal jurisdiction in cases of murder or high treason; in which respect, and as connected with the four tribes of the city, they may be compared with the "*duumviri perduellionis*" at Rome, who appeared to have represented the two ancient tribes of the Ramnes and Tities.[2] They were also intrusted (but perhaps in later times) with the performance of certain religious rites; and as they sat in the *βασίλειον*,[3] they probably acted as assessors of the *ἀρχων βασιλεύς*, or "*rex sacrificulus*," as they had formerly done of the king. Though they were originally connected with the four ancient tribes, still they were not abolished by Cleisthenes when he increased the number of tribes and otherwise altered the constitution of Athens, probably because their duties were mainly of a religious character.[4] They appear to have existed even after his time, and acted as judges, but in unimportant or merely formal matters. They presided, we are told,[5] over the court of the Ephetæ, held at the Prytaneium, in the mock trials over instruments of homicide (*αἱ τῶν ἀψύχων δίκαι*), and it was part of their duty to remove these instruments beyond the limits of their country (*τὸ ἐμπεσόν ἄψυχον ὑπερορίσαι*). We may reasonably conclude that this jurisdiction was a relic of more important functions, such as those described by Plutarch,[6] from which, and their connexion with the Prytaneium, it has been conjectured that they were identical with the old Prytanes.[7] Plutarch[8] speaks of them both as *βασιλεῖς* and *πρυτανεῖς*. In a *ψήφισμα*, quoted by Andocides,[9] the title of *βασιλεῖς* seems to be applied to them.

*PHYS'ALUS (*φύσαλος*) and PHYSE'TER (*φυσητήρ*). "Aristotle applies the term *φυσητήρ* to the spiracle or airhole of the whale. It is afterward applied by Strabo to the fish itself. Artedi accordingly refers it, with the *φύσαλος* of Ælian, to the *Balæna physalus*, or Fin-fish."[10]

PHYSIOLO'GIA (*Φυσιολογική*), one of the five divisions into which, according to some of the ancient writers, the whole science of medicine was divided. (*Vid.* MEDICINA.) It treats, as its name implies (*φύσις*, *nature*, and *λόγος*, a *discourse*), of the nature and functions of the human body, which agrees with the definitions found among Galen's works;[11] and as a knowledge of the *parts* of the human body (or *anatomy*) is a necessary step to a knowledge of its *functions*, it will be included here under the same head.

The first beginnings of anatomical knowledge would arise from the inspection of the victims offered in sacrifices, and from the dressing of wounds and other bodily injuries; the progress, however, that was thus made would naturally be very slow and imperfect, and it was soon found that anatomy could only be learned by a careful inspection of the internal parts of the animal frame, or, in other words, by systematic dissection. The Pythagorean philosopher, Alcmæon, is said by Chalcidius[12] to have been the first person who dissected animals (about B.C. 540); this was an important step, and with this anatomists remained content for more than two hundred years. Alcmæon appears to have made considerable advances on the knowledge of his predecessors. The most important of his discoveries was that of the Eustachian tube, or canal leading from the anterior and inner part of the tympanum to the fauces; and his mistake in saying that goats breathe through the ear (which is corrected by Aristotle[1]) may be easily explained by supposing that in the animal that he dissected the *membrana tympani* had been accidentally destroyed. Pliny notices this opinion of Alcmæon (though without correcting it), but attributes it to Archelaus.[2] Empedocles of Agrigentum (in the fifth century B.C.) was the first who noticed the *cochlea* of the ear (*κοχλιώδης χόνδρος*), which he thought was the immediate organ of hearing,[3] and also first gave the name *amnios* (*ἀμνιον* or *ἀμνεῖον*) to the innermost of the membranes surrounding the fœtus.[4] His contemporary Anaxagoras was perhaps the first person who tried to explain the difference of the sexes by the place occupied by the fœtus in the uterus; the male, said he,[5] is on the right side, the female on the left; and this opinion (though without the least foundation in fact) one is surprised to find received and repeated by Hippocrates,[6] Aristotle[7] (who, however, adds[8] that this is not certain, as sometimes the contrary takes place), and Galen.[9] The anecdote of the way in which Anaxagoras, by his knowledge of comparative anatomy, quieted a tumult occasioned at Athens by the sight of a goat with only one horn, may be seen in Plutarch.[10] Democritus of Abdera (B.C. 460–357) was particularly celebrated for his knowledge of anatomy, and in the graphic description of his appearance and way of living when visited by Hippocrates, the earth around where he was sitting is noticed as being covered with the carcasses of animals that he had dissected;[11] however, none of his opinions require to be particularly specified here.

The next great physiologist of antiquity, and the first whose writings are still extant, is Hippocrates (B.C. 460–357); though, in fact, it is not certain that any of the anatomical works that go under his name were really written by him.[12]

It would be impossible here to give anything like a complete analysis of the physiology of Hippocrates (and the same apology applies also to the other writers hereafter to be mentioned, particularly Aristotle and Galen); the reader must be content to find here a very brief account of some few facts and opinions, and to be referred for farther particulars to the different histories of medicine. Hippocrates called both arteries and veins indiscriminately by the name of *φλέψ*, the word *ἀρτηρία* in his writings being used to designate the *trachea*. (*Vid.* ARTERIA.) His knowledge of the bones appears to have been greater than that of the muscles, nerves, or viscera. Tendons and nerves he called *τόνοι* or *νεῦρα*, without knowing that the latter convey *sensation*, and arise from the brain; *motion*, he thought, was caused by all the tendinous white cords throughout the body without distinction. His theory of generation is (as may be inferred from the specimen alluded to above) very fanciful and imperfect; and his ignorance of human anatomy appears in his speaking of the *cotyledons* of the uterus,[13] the existence of which in woman was for a long time taken for granted, on account of their being found in the inferior animals. He says that the Scythians became impotent from being bled behind the ears,[14] a theory which may be explained and illustrated by the supposed course of the spermatic vessels.[15]

1. (Plut. in Vit., c. 19.)—2. (Niebuhr, R. H., i., p. 304, Engl. transl.)—3. (Pollux, Onom., viii., 111.)—4. (Wachsmuth, II., i., 307.)—5. (Pollux, Onom., viii., 120.)—6. (Solon, c. 19.)—7. (Wachsmuth, I., i., 246.—Müller, Eumen., § 67.)—8. (l. c.)—9. (De Myst., p. 11.)—10. (Aristot., H. A., vi., 11.—Strabo, p. 145. —Ælian, ix., 49.—Adams, Append., s. v.)—11. (Introd., c. 7, tom. xiv., p. 689.—Definit. Med., c. 11, tom. xix., p. 351, ed. Kühn.)—12. (Comment. in Plat. Timæum, p. 340, ed. Meurs.)

1. (Hist. Anim., i., 9, § 1, ed. Tauchn.)—2. (H. N., viii., 76.) —3. (Plut., De Phys. Philos. Decr., iv., 16.)—4. (Pollux, Onom. ii., 223.—Rufus Ephes., De Corp. Hum. Part. Appellat., p. 45 ed. Clinch.)—5. (Aristot., De Generat. Anim., iv., 1.)—6 (Aphor., § 5, 48, tom. iii., p. 745, ed. Kühn.)—7. (Hist. Anim., vii., 3, § 3.)—8. (Ibid.)—9. (De Usu Part. Corp. Hum., xiv., 4, tom. iv., p. 153, 154.)—10. (Pericl., c. 6.)—11. (Pseudo-Hippocr., Epist., tom. iii., p. 795, 796.)—12. (Choulant, Handbuch der Bücherkunde für die Ältere Medecin, Leipz., 8vo, 1841.)—13 (Aphor., § 5, 45, tom. iii., p. 745.)—14. (De Aëre, Aq. et Loc. tom. i., p. 561, 562.)—15. (Compare Hippocr. De Nat. Hom. tom. i., p. 364.—Nemes., De Nat. Hom., c. 25, p. 244, ed. Matth.)

Upon the whole, though the anatomical and physiological knowledge of Hippocrates has been highly extolled by those who overrate the ancient physicians as much as others ignorantly depreciate them, this must be allowed to be one of the most imperfect and unsatisfactory parts of his writings.

Plato has inserted a good deal of physiological matter in his "Timæus," which, with the first book of Xenophon's "Memorabilia," may be considered as the earliest specimens of what would be now called "Natural Theology." One of the most celebrated of Plato's anatomical opinions was, that part of the fluids that are drunk enters the trachea,[1] an assertion which for a long time occasioned great disputes among the anatomists of antiquity.[2] The word *νεῦρον* in his writings means a *ligament*;[3] both arteries and veins are called *φλέβες*;[4] and the word *ἀρτηρία* is applied to the *trachea*.[5] He says the heart is the origin of the veins and the fountain of the blood.[6] It may be added, that Cicero's fragment "*De Universitate*" is a translation of part of this dialogue; that Galen wrote a work "*De iis quæ Medice Scripta sunt in Platonis Timæo*," of which a Latin translation still exists,[7] and that there is also a Latin translation and commentary by Chalcidius. *Vid.* J. K. Lichtenstädt, "*Platon's Lehren auf dem Gebiete der Naturforschung und der Heilkunde. Nach den Quellen bearbeitet*," Leipz., 1826, 8vo.

Aristotle's knowledge of human anatomy was much superior to that of any of his predecessors: whether he acquired it by the dissection of animals only, it is now impossible to decide. Aristotle is the first author who gives the name *ἀορτή* to the principal artery in the human body;[8] however, he calls it *φλέψ*, and never seems to suppose the veins and arteries to be distinct and different from each other: and the word *ἀρτηρία*, in all his genuine writings, means the *trachea*.[9] He says the brain is entirely unsupplied with blood;[10] that the trachea receives neither fluid nor solid, but only air;[11] that man's brain is larger than that of any other animal;[12] that the heart contains three ventricles,[13] though in another place he seems to say that there are only two;[14] and that there are on each side eight ribs.[15]

Praxagoras, who was the preceptor of Herophilus, contributed much to the science of Physiology; but the honour of discovering that the arteries and veins are distinct, and of being the first who applied the word *ἀρτηρία* to the bloodvessels which now bear that name, is disputed by Kühn, "Commentatio De Praxagora Coo," *Opusc. Acad. Med. et Philolog.*, tom. ii., p. 128, sq.

Inferior to Hippocrates in medical skill, enjoying far less posthumous influence and renown, but much above him as anatomists, were Herophilus and Erasistratus, who were contemporaries, and lived in the third century before Christ. The former is said expressly by Galen[16] to have dissected human bodies, and the latter, in a fragment preserved by Galen,[17] speaks of himself as having dissected a human brain. They were probably the first persons who ventured to do this, and their example was followed by very few (if any) of their successors. The writer is not aware of any passage even in Galen's writings which proves that he dissected human bodies; while the numerous passages, both in Galen's works and in those of other anatomists, recommending the dissection of apes, bears, goats, and other animals, would seem indirectly to prove that human bodies were seldom or never used for that purpose.[1] Herophilus and Erasistratus are said also to have dissected criminals alive;[2] but whether this was really the case, or whether the story arose from their having been among the first who dissected human bodies, it is not easy to determine. They were the first persons who considered the nerves to be the organs of sensation,[3] though, like Aristotle, Herophilus continued to call them *canals*, *πόροι*.[4] However, he so far agreed with the ancient opinion on the subject as to say that some of the nerves arise from bones and connect the articulations,[5] thus confounding the nerves with the ligaments. He gave the name *ληνός* to the common point to which the sinuses of the dura mater converge,[6] which is still called, after him, the *torcular Herophili*. He was also the author of the name *calamus scriptorius*, which is still applied to the angular indentation in the posterior part of the medulla oblongata.[7] That part of the intestines which is called the *duodenum* (*δωδεκαδάκτυλος*) derived its name from him.[8] For farther information respecting Herophilus, see a memoir by K. F. H Marx, entitled "Herophilus; ein Beitrag zur Geschichte der Medicin," Carlsr., 8vo, 1838. Erasistratus was not less celebrated as an anatomist than Herophilus, though his name is connected with fewer discoveries. The *tricuspid valves* (*τριγλώχινες*), placed to guard the communication between the right auricle and ventricle, received their name from him.[9] The bile and the spleen he considered altogether useless.[10] The *trachea* derives its name from him, as he was the first person who added to the word *ἀρτηρία*, which had hitherto designated the windpipe, the epithet *τραχεῖα*, to distinguish it from the arteries, and he also corrected the opinion of Plato mentioned above.[11]

Eudemus, a contemporary of Herophilus, is mentioned together with him by Galen,[12] as having discovered the *pancreas*, though he does not give it any name.

Celsus (who is supposed to have lived in the first century after Christ), in his work "De Medicina," defends the necessity of the study of anatomy,[13] and seems to recommend the dissection of human bodies. He has inserted some anatomical matter in different parts of his work, but his language is not always technically correct, as the *trachea* he calls *arteria*,[14] though in other places that word means an *artery*;[15] *vena* sometimes means an *artery*;[16] *uterus* sometimes means the *abdomen*;[17] *nervus* sometimes means a *tendon*,[18] and sometimes even a *muscle*.[19] There is no anatomical discovery attached to his name.

Marinus, in the second century after Christ, is called by Galen[20] one of the restorers of anatomy, which appears to have fallen into neglect. He describes particularly the mesenteric glands,[21] fixed the number of the pairs of the cerebral nerves at seven, and first noticed the palatine nerves, which

1. (c. 45, ed. Stallbaum.)—2. (*Vid.* Guidot, Prolegom. ad Theoph., De Urin., p. 3, seq.)—3. (c. 50, &c.)—4. (c. 56.)—5. (c. 45.)—6. (Ibid.)—7. (tom. 5, ed. Chart.)—8. (Hist. Anim., i., 14, § 3; iii., 3, § 1.)—9. (Ib., i., 13, § 5, &c.; iii., 3, § 6, &c.)—10. (Ib., i., 13, § 3: iii., 3, § 8.)—11. (Ib., i., 13, § 8.)—12. (Ib., i., 13, § 2.)—13. (Ib., iii., 3, § 2; i., 14, § 2.)—14. (De Part. Anim., iii., 7, p. 86, ed. Tauchn.)—15. (Hist. Anim., i., 10, § 6.)—16. (De Uteri Dissect., c. 5, p. 895, tom. ii.)—17. (De Hippocr. et Plat. Decr., v.i., 3, p 602, 646, tom)

1. (*Vid.* Rufus Ephes., De Corp. Hum. Part. Appellat., i., p 33.—Galen, De Anat. Administrat., iii., 5, p. 384, tom. ii.—Id., De Musc. Dissect., c. 1, tom. xviii., B., p. 930.—Theophilus, De Corp. Hum. Fabr., lib. v., c. 11, 20.)—2. (Celsus, De Medic., lib. i., Præf., p. 6, ed. Bip.—Tertullian, De Anima, c. 10, p. 757.) 3. (Rufus Ephes., p. 65.)—4. (Galen, De Libr. Prop., c. 3, p. 30, tom. xix.)—5. (Rufus Ephes., l. c.)—6. (Galen, De Usu Part. Corp. Hum., ix., c. 6, p. 708, tom. iii.)—7. (Galen, De Administ. Anat., ix., c. 5, p. 731, tom. ii.)—8. (Galen, ib., p. 173.—De Locis Affect., vi., p. 311, tom. viii.—Theoph., De Corp Hum. Fabr., lib. ii., c. 7, § 10.)—9. (Galen, De Hippocr. et Plat. Decr., vi., p. 548, tom. v.)—10. (Galen, De Facult. Nat., ii., p. 100; tom. ii., lib. iii., p. 112.)—11. (Plut., Symp., vii., 1.—Macrob., Saturn., vii., 15.)—12. (De Semine, ii., 6, tom. iv., p. 646.)—13. (lib. i., Præf., p. 6, 19.)—14. (i., 5, p. 34; iv., 1, p. 169, &c.)—15. (ii., 10, p. 77, &c.)—16. (lib. i., Præf., p. 5, &c.)—17. (Ib., p. 11; iv., 1, p. 169.)—18. (viii., 1, p. 456.)—19 (vii., 18, p. 413.)—20. (De Hippocr. et Plat. Decr., viii., p. 650, tom. v.) —21. (Galen De Semine, ii., 6, tom. iv., p. 647.)

he considered as the fourth pair;[1] the auditory and facial nerves he reckoned as the fifth pair,[2] the lingual as the sixth.[3]

About the same time lived Rufus Ephesius, the author of a useful work entitled Περὶ Ὀνομασίας τῶν τοῦ Ἀνθρώπου Μορίων, "De Apellationibus Partium Corporis Humani." This, as its name implies, is not so much a treatise on Anatomy as on anatomical terms; and it may be mentioned that the second book of the Ὀνομαστικόν, "Onomasticon," of Julius Pollux contains also a list of the words used in medicine. Soranus, although belonging to the sect of the Methodici, who neglected Anatomy, has, in the fourth and fifth chapters of his work Περὶ Γυναικείων Παθῶν, "De Arte Obstetricia Morbisque Mulierum," given one of the most accurate descriptions of the uterus that remain from antiquity, and appears to have derived his knowledge from the dissection, not of animals, but of the human body.[4] The description of the uterus given by Moschion, his contemporary, in the early chapters of his work Περὶ τῶν Γυναικείων Παθῶν, "De Mulierum Passionibus," does not much differ from that by Soranus.

The next writer that we come to is Galen (A.D. 131–201), the most celebrated, and, at the same time, the most accurate and voluminous anatomist and physiologist of antiquity. Anatomy and Physiology seem to have been always Galen's favourite study, and his writings on these subjects continued to be the standard works of reference for many centuries. A very brief sketch of some of his opinions and discoveries is all that can be given; but it may be mentioned that there is "A Cursory Analysis of the Works of Galen, so far as they relate to Anatomy and Physiology," by Dr. Kidd, in the sixth volume of the "Transactions of the Provincial Medical and Surgical Association," from which most of the following remarks are taken. He considered the *venæ cavæ hepaticæ* of modern anatomy as the commencement or root of the venous system of the body at large.[5] He gives a clear description of the form and position of the *tricuspid* and *mitral valves*, and also of the *sigmoid valves* of the aorta and pulmonary artery.[6] He admitted that the arteries contain air,[7] but asserted, at the same time, that they naturally contain blood also;[8] and he remarked that it may be known when an artery is wounded, not only by the lighter colour of the blood which flows from it, but also by the pulsative manner in which the blood is projected from it.[9] He supposed that in all parts of the body there is a free anastomosis between the minute pores or channels which connect the arteries with the veins,[10] but he confesses that he is totally unable to explain why Nature, which does nothing uselessly or without design, should have made different vessels (viz., *arteries* and *veins*) to contain the same fluid.[11] In mythology, says Sprengel, Galen made some important discoveries, and boasts that he has given a description of eight muscles that were unknown before his time.[12] He first discovered certain branches of the eighth pair of nerves (called by him the *sixth*), to which, from the peculiarity of their course, he gave the name παλινδρομοῦντες, or "recurrent," a name which they still bear.

The twenty-fourth and twenty-fifth books of the Συναγωγαὶ Ἰατρικαί, "Collecta Medicinalia," of Oribasius, contain a system of Anatomy compiled from Rufus Ephesius, Galen, and Soranus; there is in them (as far as the writer is aware) nothing new, but in another place he mentions having himself dissected apes.

About the same time (the end of the fourth century after Christ) lived Nemesius, the author of a work Περὶ Φύσεως Ἀνθρώπου, De Natura Hominis. This is a very interesting little treatise, but it has enjoyed more celebrity than perhaps it deserves, on account of two curious passages; in one of which[2] he is supposed by some of the most zealous admirers of the ancients to have discovered the circulation of the blood, and in the other[3] the use of the bile. He plainly distinguishes the nerves from the tendons, saying that the former possess sensibility, which the latter do not.[4] An anonymous work, entitled Εἰσαγωγὴ Ἀνατομική, "Isagoge (or Introductio) Anatomica," is supposed to belong to the same age; it is chiefly taken from Aristotle's works, and does not require more particular notice.

The next work we come to is by Theophilus Protospatharius, who is generally supposed to have lived in the seventh century, but who probably belongs to a later date. It is entitled Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς, "De Corporis Humani Fabrica," and is in five books. It is, for the most part, taken word for word from Galen, "De Usu Partium Corporis Humani," and Hippocrates, "De Genitura" and "De Natura Pueri," from whom, however, he sometimes differs. The work of Mcletius (a monk who lived probably in the eighth or ninth century), Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς, "De Hominis Fabrica," does not require any particular notice; nor that by Constantinus Afer (who lived in the eleventh century), "De Membris Principalibus Corporis Humani."

Besides these works, which may be considered as more especially anatomical and physiological, several of the early Christian fathers have left treatises on Natural Theology, pointing out "the wisdom, and power, and goodness of God," as displayed in the structure of the human frame. Such are St. Ambrose, *De Noe et Area* (c. 6–9); Id., *Hexaëmeron* (vi., 9); St. Basil, Περὶ τῆς τοῦ Ἀνθρώπου Κατασκευῆς, "De Structura Hominis Orationes Tres" (which, however, is probably not genuine); St. Chrysostom, "Homil. XI. ad Antiochenos;" St. Gregory of Nyssa, De verbis "Faciamus Hominem," &c., Orationes Duæ; Id., Περὶ Κατασκευῆς Ἀνθρώπου, "De Hominis Opificio" (written as a supplement to his brother St. Basil's unfinished work, entitled Ἑξαήμερον, Hexaëmeron); Theodoret, Περὶ Πρόνοιας, "De Providentia," Orat. iii., iv.; and Lactantius, "De Opificio Dei." Some of these works are well worth reading for their scientific correctness as well as their piety; but some parts, it must be confessed, are very strange and fanciful. However, they add nothing to the amount of anatomical knowledge already in the world, as probably every statement in their writings that is not erroneous (and many of those that are) may be found in the works of Galen. The same may be said of the Arabian writers, of whom several (*e.g.*, Alzaharavius, Avicenna, Haly Abbas, Razes, &c.), have prefixed to their medical works a physiological introduction, which it would be out of place to notice here more particularly.

*PICA. (*Vid.* Citta.)

*PICEA. (*Vid.* Pinus.)

*PICUS, the Woodpecker, a bird sacred to Mars, and from which omens were wont to be drawn by the nations of Italy. A bird of this species guided a colony of the Sabines, sent out in consequence of a vow of a sacred spring (Ver Sacrum), and also

1. (Id., De Nervor. Dissect., p. 837, tom. ii.)—2. (Ib., p. 838.) 3. (Id., De Usu Part. Corp. Hum., xvi., 6, tom. iv., p. 294.)—4. (c. 5, p. 13, ed. Dietz.)—5. (De Usu Part. Corp. Hum., iv., c. 6, tom. iii., p. 272.)—6. (De Usu Part. Corp. Hum., vi., 13, 14, tom. iii., p 469, 476, seq.)—7. (An in Arter. Sang. Contin., tom. iv., p. 725.)—8. (Ib., p. 703, 704.)—9. (De Loc. Affect., l b. i., tom. viii., p. 5.)—10. (De Usu Part. Corp. Hum., vi., 16, tom. iii., p. 455.)—11. (An in Arter. Sang. Contin., tom. iv., p 722.)—12. (De Anat. Administ. l. 3, p. 231, tom. ii.)

1. (lib. vii., c. 6, p. 310, ed. H Steph.)—2. (c. 24, p 242, ed Matth.)—3. (c. 28, p. 260.)—4. (c. 27, p 251.)

gave name (*Piccntini*) to the new community. (*Vid.* Dryocolaptes)

PIGNORATI'CIA ACTIO. (*Vid.* Pignus.)

PI'GNORIS CA'PIO. (*Vid.* Per Pignoris Capionem.)

PIGNUS, a pledge or security for a debt or demand, is derived, says Gaius,[1] from *pugnus*, "*quia quæ pignori dantur, manu traduntur.*" This is one of several instances of the failure of the Roman jurists when they attempted etymological explanation of words. (*Vid.* Mutuum.) The element of pignus (*pig*) is contained in the word *pa(n)g-o* and its cognate forms.

A thing is said to be pledged to a man when it is made a security to him for some debt or demand. It is called pignus when the possession of the thing is given to him to whom it is made a security, and hypotheca when it is made a security without being put in his possession.[2] The law relating to pignus and hypotheca was in all essentials the same. The object of the pledging is that the pledgee shall, in case of necessity, sell the pledge and pay himself his demand out of the proceeds.

A pledge may be given (*res hypothecæ dari potest*) for any obligation, whether money borrowed (*mutua pecunia*), dos, in a case of buying and selling, letting and hiring, or mandatum; whether the obligatio is conditional or unconditional; for part of a sum of money as well as for the whole.[3] Anything could be the object of pledge which could be an object of sale:[4] it might be a thing corporeal or incorporeal, a single thing or a university of things. If a single thing was pledged, the thing with all its increase was the security, as in the case of a piece of land which was increased by alluvio. If a shop (*taberna*) was pledged, all the goods in it were pledged; and if some of them were sold and others brought in, and the pledger died, the pledgee's security was the shop and all that it contained at the time of the pledger's death.[5] If all a man's property was pledged, the pledge comprehended also his future property, unless such property was clearly excepted.

The act of pledging required no particular form, in which respect it resembled contracts made by consensus. Nothing more was requisite to establish the validity of a pledge than proof of the agreement of the parties to it. It was called contractus pigneratitius when it was a case of pignus, and pactum hypothecæ when it was a case of hypotheca: in the former case, tradition was necessary. A man might also, by his testament, make a pignus. The intention of a man to pledge could in any case be deduced either from his words or from any acts which admitted of no other interpretation than an intention to pledge.

A man could only pledge a thing when he was the owner and had full power of disposing of it; but a part owner of a thing could pledge his share. A man could pledge another man's property if the other consented to the pledge at the time or afterward, but in either case this must properly be considered the pledge of the owner for the debt of another. If a man pledged a thing which was not his, and afterward became the owner of it, the pledge was valid.[6]

The amount for which a pledge was security depended on the agreement: it might be for principal and interest, or for either; or it might comprehend principal and interest, and all costs and expenses which the pledgee might be put to on account of the thing pledged. For instance, a creditor would be entitled to his necessary expenses concerning a slave or an estate which had been pignerated.

Pignus might be created by a judicial sentence, as, for instance, by the decree of the prætor giving to a creditor power to take possession of his debtor's property (*missio creditoris in bona debitoris*), either a single thing, or all his property, as the case might be. But the permission or command of the magistratus did not effect a pledge, unless the person actually took possession of the thing. The following are instances: the immissio damni infecti causa (*vid.* Damnum Infectum.: legatorum servandorum causa, which had for its object the securing of a legacy which had been left sub conditione or die:[1] missio ventris in possessionem, when the pregnant widow was allowed to take possession of the inheritance for the protection of a posthumus: and the missio rei servandæ causa. The right which a person obtained by such immissio was called pignus prætorium. It was called pignoris capio when the prætor allowed the goods of a person to be taken who was behaving in contempt of the court, or allowed his person to be seized after a judgment given against him (*ex causa judicati*).

There was also among the Romans a tacita hypotheca, which existed not by consent of the parties, but by rule of law (*ipso jure*), as a consequence of certain acts or agreements, which were not acts or agreements pertaining to pledging[2] (*in quibus causis pignus vel hypotheca tacite contrahitur*). These hypothecæ were general or special. The following are instances of what were general hypothecæ. The fiscus had a general hypotheca in respect of its claims on the property of the subject, and on the property of its agents or officers: the husband on the property of him who promised a dos; and legatees and fideicommissarii in respect of their legacies or fideicommissa, on that portion of the hereditas of him who had to pay the legacies or fideicommissa. There were other cases of general hypothecæ.

The following are instances of special hypothecæ: The lessor of a prædium urbanum had an hypotheca in respect of his claims arising out of the contract of hiring on everything which the lessee brought upon the premises for constant use (*invecta et illata*). The lessor of a prædium rusticum had an hypotheca on the fruits of the farm as soon as they were collected.[3] A person who lent money to repair a house had an hypotheca on the house and the ground on which it stood, provided the money were laid out on it. Pupilli and minores had an hypotheca on things which were bought with their money.

The person who had given a pledge was still the owner of the thing that was pledged. He could therefore use the thing and enjoy its fruits. But the agreement might be that the creditor should have the use or profit of the thing instead of interest, which kind of contract was called antichresis, or mutual use: and if there was no agreement as to use, the creditor could not use the thing. The pledger could also sell the thing pledged, unless there were some agreement to the contrary, but such sale did not affect the right of the pledgee. If the pledger sold a movable thing that was pignerated without the knowledge and consent of the creditor, he was guilty of furtum. If the pledger, at the time of a pignus being given, was not the owner of the thing, but had the possession of it, he could still acquire the property of the thing by usucapion. (*Vid.* Possessio.)

The creditor could keep possession of a pignerated thing till his demand was fully satisfied, and he

1 (Dig. 50, tit. 16, s. 238.)—2. (Dig. 13, tit. 7, s. 9.—Isid., Orig., v., 25.—See also Cic. ad Fam., xiii., 56.)—3. (Dig. 20, tit. 1, s. 5.)—4. (Dig. 20, tit. 1, s. 9.)—5. (Dig. 20, tit. 1, s. 34.)—6. (Dig. 13, tit. 7, s. 20.—Dig. 20, tit. 2, s. 5.)

1. (Dig. 36, tit. 4.)—2. (Dig. 20, tit. 2.)—3. (Dig. 20, tit. 2, s. 7.—Dig. 19, tit. 2, s. 24.)

could maintain his right to the possession against any other person who obtained possession of the thing. He could also pledge the thing that was pledged to him. He had also the right, in case his demand was not satisfied at the time agreed on, to sell the thing and satisfy his demands out of the proceeds (*jus distrahendi sive vendendi pignus*). Gaius[1] illustrates the maxim that he who was not the owner of a thing could in some cases sell it, by the example of the pledgee selling a thing pledged; but he properly refers the act of sale to the will of the debtor, as expressed in the agreement of pledging; and thus, in legal effect, it is the debtor who sells by means of his agent, the creditor. An agreement that a pledge should be forfeited in case the demand was not paid at the time agreed on, was originally very common, but it was declared by Constantine to be illegal. (*Vid.* Commissoria Lex.) In case of a sale, the creditor, according to the later law, must give the debtor notice of his intention to sell, and after such notice he must wait two years before he could legally make a sale. If anything remained over after satisfying the creditor, it was his duty to give it to the debtor; and if the price was insufficient to satisfy the creditor's demand, his debtor was still his debtor for the remainder. If no purchaser at a reasonable price could be found, the creditor might become the purchaser, but still the debtor had a right to redeem the thing within two years on condition of fully satisfying the creditor.[2]

If there were several creditors to whom a thing was pledged which was insufficient to satisfy them all, he whose pledge was prior in time had a preference over the rest (*potior est in pignore qui prius credidit pecuniam et accepit hypothecam*[3]). There were some exceptions to this rule; for instance, when a subsequent pledgee had lent his money to save the pledged thing from destruction, he had a preference over a prior pledgee.[4] This rule has been adopted in the English law as to money lent on ships and secured by bottomry bonds.

Certain hypothecæ, both tacitæ and founded on contract, had a preference or priority (*privilegium*) over all other claims. The fiscus had a preference in respect of its claims; the wife in respect of her dos; the lender of money for the repair or restoration of a building; a pupillus with whose money a thing had been bought. Of those hypothecæ which were founded on contract, the following were privileged: the hypothecæ of those who had lent money for the purchase of an immovable thing, or of a shop, or for the building, maintaining, or improving of a house, &c., and had contracted for an hypotheca on the thing; there was also the hypotheca which the seller of an immovable thing reserved by contract until he was paid the purchase-money. Of these claimants, the fiscus came first; then the wife in respect of her dos; and then the other privileged creditors, according to their priority in point of time.

In the case of unprivileged creditors, the general rule, as already observed, was, that priority in time gave priority of right. But an hypotheca which could be proved by a writing executed in a certain public form (*instrumentum publice confectum*), or which was proved by the signatures of three reputable persons (*instrumentum quasi publice confectum*), had a priority over all those which could not be so proved. If several hypothecæ of the same kind were of the same date, he who was in possession of the thing had a priority.

The creditor who had for any reason the priority over the rest, was entitled to be satisfied to the full amount of his claim out of the proceeds of the thing pledged. A subsequent creditor could obtain the rights of a prior creditor in several ways. If he furnished the debtor with money to pay off the debt, on the condition of standing in his place, and the money was actually paid to the prior creditor, the subsequent creditor stepped into the place of the prior creditor. Also, if he purchased the thing on the condition that the purchase-money should go to satisfy a prior creditor, he thereby stepped into his place. A subsequent creditor could also, without the consent either of a prior creditor or of the debtor, pay off a prior creditor, and stand in his place to the amount of the sum so paid. This arrangement, however, did not affect the rights of an intermediate pledgee.[1]

The creditor had an actio hypothecaria in respect of the pledge against every person who was in possession of it, and had not a better right than himself. This right of action existed indifferently in the case of pignus and hypotheca. A lessor had this action for the recovery of the possession of a prædium, when the rent was not paid according to agreement. A creditor who had a pignus had also a right to the interdictum retinendæ et recuperandæ possessionis, if he was disturbed in his possession.

The pledgee was bound to restore a pignus on payment of the debt for which it had been given, and up to that time he was bound to take proper care of it. On payment of the debt he might be sued in an actio pignoraticia by the pledger for the restoration of the thing, and for any damage that it had sustained through his neglect. The remedy of the pledgee against the pledger for his proper costs and charges in respect of the pledge, and for any dolus or culpa on the part of the pledger relating thereto, was by an actio pignoratitia contraria.

The law of pledges at Rome was principally founded on the Edict. Originally the only mode of giving security was by a transfer of the quiritarian ownership of the thing by mancipatio or in jure cessio if it was a res mancipi, on the condition of its being reconveyed when the debt was paid (*sub lege remancipationis* or *sub fiducia*). (*Vid.* Fiducia.) But in this case the debtor had no security against the loss of his property. Afterward it seems that a thing was merely given to the creditor with the condition that he might sell it in case his demand was not satisfied. But, so long as the creditor could not protect his possession by legal means, this was a very insufficient security. Ultimately the prætor gave a creditor a right of action (*actio in rem*), under the name Serviana actio, for the recovery of the property of a colonus which was his security for his rent (*pro mercedibus fundi*); and this right of action was extended, under the name of quasi Serviana or hypothecaria, generally to creditors who had things pignerated or hypothecated to them.[2] As to the interdictum Salvianum, see Interdictum.

The Roman law of pledge was gradually developed, and it would be rather difficult to show in any satisfactory way the various stages of its growth. Some of the rules of law as to pledges mentioned in this article belong to a later period.

The Roman law of pledge has many points of resemblance to the English law, but more is comprehended under the Roman law of pledge than the English law of pledge, including in that term mortgage. Many of the things comprehended in the Roman law of pledge belong to the English law of lien, and to other divisions of English law which are not included under pledge or mortgage.[3]

There is an English treatise, entitled "The Law

1. (ii., 64.)—2. (Cod., viii., tit. 34, s. 3.)—3. (Dig. 20, tit. 4, s. 11.)—4. (Dig. 20, tit. 4, s. 5, 6.)

1. (Dig. 20, tit. 4, s. 16.)—2. (Inst., iv., tit. 6, s. 7.)—3 (Dig. 20, tit. 1, 2, 3, &c.—Cod. viii., tit. 14, 15, &c.)

of Pledges or Pawns, as it was in use among the Romans, &c., by John Ayliffe, London, 1732," which appears to contain all that can be said, but the author's method of treating the subject is not perspicuous.

PĪLA (*σφαῖρα*), a Ball. The game at ball (*σφαιριστική*) was one of the most favourite gymnastic exercises of the Greeks and Romans from the earliest times to the fall of the Roman Empire. As the ancients were fond of attributing the invention of all games to particular persons or occasions, we find the same to be the case with respect to the origin of this game;[1] but such statements do not deserve attention. What is more to the purpose in reference to its antiquity is, that we find it mentioned in the Odyssey,[2] where it is played by the Phæacian damsels to the sound of music, and also by two celebrated performers at the court of Alcinous in a most artistic manner, accompanied with dancing.

The various movements of the body required in the game of ball gave elasticity and grace to the figure, whence it was highly esteemed by the Greeks. The Athenians set so high a value on it, that they conferred upon Aristonicus of Carystus the right of citizenship, and erected a statue to his honour, on account of his skill in this game.[3] It was equally esteemed by the other states of Greece; the young Spartans, when they were leaving the condition of ephebi, were called *σφαιρεῖς*,[4] probably because their chief exercise was the game at ball. Every complete gymnasium had a room (*σφαιριστήριον, σφαίριστρα*) devoted to this exercise (*vid.* GYMNASIUM), where a special teacher (*σφαιριστικός*) gave instruction in the art; for it required no small skill and practice to play it well and gracefully.

The game at ball was as great a favourite with the Romans as the Greeks, and was played at Rome by persons of all ages. Augustus used to play at ball.[5] Pliny[6] relates how much his aged friend Spurinna exercised himself in this game for the purpose of warding off old age; and under the Empire it was generally played at by persons before taking the bath, in a room (*sphæristerium*) attached to the baths for the purpose; in which we read of the *pilicrepus*, or player at tennis.[7]

The game at ball was played at in various ways: the later Greek writers mention five different modes, *οὐρανία, ἐπίσκυρος, φαινίνδα, ἁρπαστόν, ἀπόρριξις*, and there were probably many other varieties. 1. *Οὐρανία* was a game in which the ball was thrown up into the air, and each of the persons who played strove to catch it before it fell to the ground.[8] 2. *Ἐπίσκυρος*, also called *ἐφηβική* and *ἐπίκοινος*, was the game at football, played in much the same way as with us, by a great number of persons divided into two parties opposed to one another.[9] This was a favourite game at Sparta, where it was played with great emulation.[10] 3. *Φαινίνδα*, called *ἐφετίνδα* by Hesychius,[11] was played by a number of persons, who threw the ball from one to another; but its peculiarity consisted in the person who had the ball pretending to throw it to a certain individual, and while the latter was expecting it, suddenly turning and throwing it to another. Various etymologies of this word are given by the grammarians.[12] 4. *Ἁρπαστόν*, which was also played at by the Romans, is spoken of under HARPASTUM. 5. *Ἀπόρριξις* was a game in which the player threw the ball to the ground with such force as to cause it to rebound, when he struck it down again with the palm of his hand, and so went on doing many times: the number of times was counted.[1] We learn from Plato,[2] that in one game of ball, played at by boys, though we do not know what kind it was, the boy who was conquered was called ass (*ὄνος*), and the one who conquered was named king (*βασιλεύς*).

Among the Romans, the game at ball was also played at in various ways. Pila was used in a general sense for any kind of ball; but the balls among the Romans seem to have been of three kinds: the *pila* in its narrower sense, a small ball; the *follis*, a great ball filled with air (*vid.* FOLLIS); and the *paganica*, of which we know scarcely anything, as it is only mentioned in two passages by Martial,[3] but from the latter of which we may conclude that it was smaller than the follis and larger than the pila. Most of the games at ball among the Romans seem to have been played at with the pila or small ball. One of the simplest modes of playing the ball, where two persons standing opposite to one another threw the ball from one to the other, was called *datatim ludere*.[4] But the most favourite game at ball seems to have been the *trigon*, or *pila trigonalis*, which was played at by three persons, who stood in the form of a triangle, *ἐν τριγώνῳ*. We have no particulars respecting it, but we are told that skilful players prided themselves upon catching and throwing the ball with their left hand.[5]

The ancient physicians prescribed the game at ball, as well as other kinds of exercise, to their patients; Antyllus[6] gives some interesting information on this subject.

The persons playing with the pila or small ball in the annexed woodcut are taken from a painting in the baths of Titus,[7] but it is difficult to say what particular kind of game they are playing at. Three of the players have two balls each.[8]

PILA. (*Vid.* MORTARIUM.)

PILA'NI. (*Vid.* ARMY, ROMAN, p. 103.)

PILENTUM, a splendid four-wheeled carriage, furnished with soft cushions, which conveyed the Roman matrons in sacred processions, and in going to the Circensian and other games.[9] This distinction was granted to them by the senate on account of their generosity in giving their gold and jewels on a particular occasion for the service of the state.[10] The vestal virgins were conveyed in the same manner.[11] The pilentum was probably very like the HARMAMAXA and CARPENTUM, but open at the sides, so that those who sat in it might both see and be seen.

PI'LEUS or P'ILEUM,[12] *pilea virorum sunt*,[13]

1 (Herod., i., 94.—Athen., i., p. 14, *d.*, *e.*—Plin., H. N., vii., 56.)—2. (vi., 100, &c.; viii., 370, &c.)—3. (Athen., i., p. 19, *a.*—Compare Suidas, s. v. *Ὄρχης.*)—4. (Paus., iii., 14, § 6.—Böckh, Corp. Inscr., n. 1386, 1432.)—5 (Suet., Octav., 83.)—6. (Ep., iii., 1.)—7. (Sen., Ep., 57.—Orelli, Inscr., n. 2591.)—8. (Pollux. Onom., ix., 106.—Hesych. and Phot., s. v.—Eustath. ad Od., viii., 372, p. 1601.)—9. (Pollux, Onom., ix., 104.)—10. (Siebelis ad Paus., iii., 14, § 6.)—11. (s. v.)—12. (Pollux, Onom., ix., 105 —Etym. Mag s. v. *Φεννίς.* —Athen., i., p. 15, *a.*)

1. (Pollux, Onom., ix., 105.)—2. (Theæt., p. 146.)—3. (vii., 32, 7; xiv., 43.)—4. (Plaut., Curc., ii., 3, 17.)—5. (Mart., xiv, 46; vii., 72, 9.)—6. (ap. Oribas., vi., 32.)—7. (Descr. des bains de Titus, pl. 17.)—8. (Bürette, De la Spheristique, p. 214, &c., in Mém. de l'Acad. des Inscr., vol. i.—Krause, Gymnastik und Agon. d. Hell., p 299, &c.—Becker, Gallus, vol. i., p. 268, &c.—9. (Virg., Æn., viii., 666.—Hor., Epist., II., i., 192.—Claudian, De Nupt. Honor., 285.—Isid. Hisp., Orig., xx., 12.)—10. (Liv. v., 25.)—11. (Prudentius contra Sym., ii., sub fin.)—12. (Non Marc., iii.)—13. (Serv. in Virg., Æn., ix, 616)

um. PILE'OLUS or PILE'OLUM[1] (*πῖλος*, dim. *πίλιον*, second dim. *πιλίδιον*; *πίλημα*, *πιλωτόν*), any piece of felt; more especially, a scullcap of felt. a hat.

There seems no reason to doubt that felting (*ἡ πιλητική*[2]) is a more ancient invention than weaving (*vid.* TELA), nor that both of these arts came into Europe from Asia.

From the Greeks, who were acquainted with this article as early as the age of Homer[3] and Hesiod,[4] the use of felt passed, together with its name, to the Romans. Among them the employment of it was always far less extended than among the Greeks. Nevertheless, Pliny, in one sentence, "*Lanæ et per se coactæ vestem faciunt*," gives a very exact account of the process of felting.[5] A Latin sepulchral inscription[6] mentions "a manufacturer of woollen felt" (*ianarius coactiliarius*), at the same time indicating that he was not a native of Italy (*Lariseus*).

The principal use of felt among the Greeks and Romans was to make coverings of the head for the male sex, and the most common kind was a simple scullcap. It was often more elevated, though still round at the top. In this shape it appears on coins, especially on those of Sparta, or such as exhibit the symbols of the Dioscuri; and it is thus represented, with that addition on its summit which distinguished the Roman flamines and Salii, in three figures of the woodcut to the article APEX. But the apex, according to Dionysius of Halicarnassus, was sometimes conical; and conical or pointed caps were certainly very common. One use of this form probably was to discharge the rain and wet, as when they were worn by fishermen[7] and by mariners. In the case of agricultural labourers,[8] the advantages of this particular shape are less obvious, and, accordingly, the bonnet worn by the ploughman in the woodcut, page 225, is very different from that of the reaper at page 429. A remarkable specimen of the pointed cap is that worn by the DESULTOR at page 350. Private persons also among the Romans, and still more frequently among the Greeks, availed themselves of the comforts of the felt cap on a journey, in sickness, or in case of unusual exposure.[9] On returning home from a party, a person sometimes carried his cap and slippers under his arm.[1]

In the Greek and Roman mythology, caps were symbolically assigned in reference to the customs above related. The painter Nicomachus first represented Ulysses in a cap, no doubt to indicate his seafaring life.[2] The preceding woodcut shows him clothed in the EXOMIS, and in the act of offering wine to the Cyclops.[3] He here wears the round cap, but more commonly both he and the boatman Charon (see woodcut, p. 426) have it pointed. Vulcan (see woodcut, p. 610) and Dædalus wear the caps of common artificers.

A cap of very frequent occurrence in the works of ancient art is that now generally known by the name of "the Phrygian bonnet." The Mysian pileus, mentioned by Aristophanes,[4] must have been one of this kind. For we find it continually introduced as the characteristic symbol of Asiatic life in paintings and sculptures of Priam (see woodcut, p. 750) and Mithras (woodcut, p. 15), and, in short, in all the representations, not only of Trojans and Phrygians, but of Amazons (woodcut, p. 765), and of all the inhabitants of Asia Minor, and even of nations dwelling still farther east. The representations of this Phrygian or Mysian cap in sculptured marble show that it was made of a strong and stiff material, and of a conical form, though bent forward and downward. By some Asiatic nations it was worn erect, as by the Sacæ, whose stiff peaked caps Herodotus describes under the name of *κυρβασίαι*. The form of those worn by the Armenians (*πιλοφόροι Ἀρμενίοι*[5]) is shown on various coins, which were struck in the reign of Verus on occasion of the successes of the Roman army in Armenia, A.D. 161. It is sometimes erect, but sometimes bent downward or truncated. The same variety may be observed in the Dacian caps as exhibited on the coins of Trajan, struck A.D. 103. (Compare the woodcut, p 378.) The truncated conical hat is most distinctly seen on two of the Sarmatians in the group at page 171. Strabo observes that caps of felt were necessary in Media on account of the cold.[6] He calls the Persian cap *πίλημα πυργωτόν, i. e.*, "felt shaped like a tower."[7]

Another singular variety of the Asiatic pileus was that of the Lycians, which was surrounded with feathers,[8] and must have resembled the head-dresses of some of the North American Indians.

Among the Romans the cap of felt was the emblem of liberty. When a slave obtained his freedom, he had his head shaven, and wore instead of his hair an undyed pileus (*πίλεον λευκόν*[9]). This change of attire took place in the Temple of Feronia, who was the goddess of freedmen.[10] The figure of Liberty on some of the coins of Antoninus Pius, struck A.D. 145, holds this cap in the right hand.

In contradistinction to the various forms of the felt cap now described, we have to consider others more nearly corresponding with the hats worn by Europeans in modern times. The Greek word *πέτασος*, *dim. πετάσιον*, derived from *πετάννυμι*, "to expand," and adopted by the Latins in the form *petasus*, dim. *petasunculus*, well expressed the distinctive shape of these hats. What was taken from their height was added to their width. Those already described had no brim: the petasus of every variety had a brim, which was either exactly or nearly circular, and which varied greatly in its

1. (Colum., De Arbor., 25.)—2. (Plato, Polit., ii., 2, p. 296, ed. Bekker.)—3. (Il., x., 265.)—4. (Op. et Dies, 542, 546.)—5. (H. N., viii., 48, s. 73.)—6. (Gruter, p. 648, n. 4.)—7. (Theocrit., xx., 13.—Brunck, Anal., ii., 212.)—8. (Hesiod, Op. et Dies, 545-547.)—9. (Mart., xiv., 132.—Sueton., Nero, 26.)

1. (Hor., Epist., I., xiii., 15.)—2. (Plin., H. N., xxxv., § 22.)—3. (Winckelmann, Mon. Ined., ii., 154.—Homer, Od., ix., 345-347.)—4. (Acharn., 429.)—5. (Brunck, Anal., ii., 146.)—6 (xi., p. 563, ed. Sieb.)—7. (xv., p. 231.)—8. (Herod., vii., 92.)—9. (Diod. Sic., Exc. Leg., xxii., p. 625, ed. Wess.—Plaut., Amphit., I., i., 306.—Persius, v., 82.)—10. (Servius in Virg., Æn., viii., 564.)

width. In some cases it is a circular disk without any crown at all, and often there is only a depression or slight concavity in this disk fitted to the top of the head. Of this a beautiful example is presented in a recumbent statue of Endymion, habited as a hunter, and sleeping on his scarf. It is to be added that this statue belongs to the Townley Collection in the British Museum, and shows the mode of wearing the petasus tied under the chin. In other instances it is tied behind the neck instead of being tied before it. (See the next woodcut.) Very frequently we observe a boss on the top of the petasus, in the situation in which it appears in the woodcuts, pages 62, 227, 332. In these woodcuts, and in that here introduced, the brim of the petasus is surmounted by a crown. Frequently the crown is in the form of a scullcap; we also find it surrounded by a very narrow brim. The Greek petasus, in its most common form, agreed with the cheapest hats of undyed felt now made in England. On the heads of rustics and artificers in our streets and lanes, we often see forms the exact counterpart of those which we most admire in the works of ancient art. The petasus is still also commonly worn by agricultural labourers in Greece and Asia Minor. In ancient times it was preferred to the scullcap as a protection from the sun,[1] and on this account Caligula permitted the Roman senators to wear it at the theatres.[2] It was used by shepherds,[3] hunters, and travellers.[4] The annexed woodcut is from a fictile vase belonging to Mr.

Hope,[5] and it represents a Greek soldier in his hat and blanket. (*Vid.* Pallium.) The ordinary dress of the Athenian ephebi, well exhibited in the Panathenaic frieze of the Parthenon, now preserved in the British Museum, was the hat and scarf.[6] (*Vid.* Chlamys.) Among imaginary beings, the same costume was commonly attributed to Mercury,[7] and sometimes to the Dioscuri.

Ancient authors mention three varieties of the petasus, the Thessalian,[8] Arcadian,[9] and the Laconian;[10] but they do not say in what the difference consisted. In like manner, it is by no means clear in what respects the Causia differed from the petasus, although they are distinctly opposed to one another by a writer in Athenæus.[1] Moreover, in the later Greek authors we find *πῖλος* used to denote a hat of other materials besides felt.[2]

On the use of felt in covering the feet, see Udo.

Felt was likewise used for the lining of helmets (*Vid.* Galea.) Being generally thicker than common cloth, it presented a more effectual obstacle to missile weapons. Hence, when the soldiers under Julius Cæsar were much annoyed by Pompey's archers, they made shirts or other coverings of felt and put them on for their defence.[3] Thucydides refers to the use of similar means to protect the body from arrows;[4] and even in besieging and defending cities, felt was used, together with hides and sackcloth, to cover the wooden towers and military engines.[5]

PILI'CREPUS. (*Vid.* Pila.)

*PILOS (*πῖλος*), most probably, according to Adams, the Gall of the Oak, or *Cyniphis nidus* Galla *dictus*" of the Edinburgh Dispensatory.[6]

PILUM. (*Vid.* Hasta, p. 489.)

PINACOTHE'CA (*πίναξ*, *θήκη*), a Picture-gallery. Marcellus, after the capture of Syracuse, first displayed the works of Greek painters and sculptors to his countrymen, whose taste for the fine arts was gradually matured by the conquests of L. Scipio, Flamininus, and L. Paullus, and grew into a passion after the spoils of Achaia had been transported by Mummius to Rome. Objects of this description were at first employed exclusively for the decoration of temples and places of public resort, but private collections were soon formed; and, towards the close of the Republic, we find that in the houses of the more opulent a room was devoted to the reception of paintings and statues.[7] In the time of Augustus, Vitruvius includes the pinacotheca among the ordinary apartments of a complete mansion, and gives directions that it should be of ample size and facing the north, in order that the light might be equable and not too strong.[8]

*PINNA (*πίννα*), a species of bivalved shellfish, of the muscle kind, the same with our pearl muscle. It is referable to the genus *Pinna*, L. The ancient stories respecting the *Pinna*, and its companion the small crab, are purely imaginary.[9] (*Vid.* Pinnophylax.)

*PINNOPH'YLAX (*πιννοφύλαξ* or *πιννοτήρης*), a minute species of Crab, the *Cancer Pinnoteres*, L., found in the shell of the *πίννα*, and supposed by the ancients to act as a watch or guard for the latter. Hence its Greek name of *πιννοφύλαξ*, from *πίννα* and *φύλαξ*, "a guard," and its other Greek appellation of *πιννοτήρης*, from *πίννα* and *τηρέω*, "to preserve" or "keep." The ancients believed that the Pinnophylax kept guard by the mouth of the Pinna as it lay open, and, when any small fish came near, it slightly bit, as a signal, the inner parts of the Pinna, passing within at the same time; the Pinna thereupon immediately closed its mouth, and banqueted along with the Pinnophylax upon the captive. Cuvier regards the whole story as fabulous. Pennant calls the *Pinnophylax* the Pea-crab, *Cancer pisum*.[10]

*PINUS (*πεύκη*), the Pine-tree. "The species of *Pines* are so indistinctly marked in the ancient works that they cannot now be recognised. Sprengel, after changing his mind several times on the subject, comes at last to the conclusion that the

1. (Suet., Octav., 82.)—2. (Dio Cass., lix., 7.)—3. (Callim., Frag., 125.)—4. (Plaut., Amph., Prol. 143; l., i., 287.—Pseud., II., iv., 45; IV., vii., 90.—Brunck, Anal., ii., 170.)—5. (Costume, i., 71.)—6 (Brunck, Anal., i., 5; ii., 41.—Philemon, p. 367, ed. Meineke.—Pollux, Onom., x., 164.)—7. (Arnob. adv. Gent., vi.—Martianus Capella, ii., 176.—Ephippus ap. Athen., xii., 537, *f.*)—8. (Dion Cass., l. c.—Callim., Frag., 124.—Schol. in Soph., Œd. Col., 316.)—9. (Brunck, Anal., ii., 384.—Diog. Laert., vi., 102.)—10 (Arrian, Tact., p. 12, ed. Blancardi.)

1. (xii., 537, *e.*)—2. (Athen., vi., 274.)—3. (Cæs., B. C., iii., 44.)—4. (iv., 34.—Schol. ad loc.)—5. (Æneas Tactius, 33.)—6 (Theophr., H. P., iii., 7.—Adams, Append., s. v.)—7. (Varro, R. R., i., 2, 59.—Cic. in Verr., II., i., 21.)—8. (Vitruv., i., 2; vi., 4, 7. —Compare Plin., H. N., xxxv., 2, 7, 11.—Mazois, Le Palais de Scaurus, cap. ix.—Becker, Gallus, vol. i., p. 92.)—9. (Guerin, Dict. d'Hist. Nat., s. v. Pinothère, vol. xiii., p. 606.)—10 (Id. ib.

πεύκη is the *Pinus cembra*, or Siberian Stone Pine. Stackhouse hesitates between it and the *P. pinea*, or Stone Pine. Its fruit is called στρόβιλοι." Sibthorp speaks as follows of the *Pinus maritima*, to which he gives the modern Greek name of πεύκος: "This is one of the most useful trees in Greece. It furnishes a resin (ῥητίνη), tar, and pitch (πίσσα), all of considerable importance for economical purposes. Throughout Attica, the wine is preserved from becoming acid by means of the resin, which is employed in the proportion of an oke and a half to 20 okes of wine. The tar and pitch for ship-building are taken from this tree and the πίτυς, or *Pinus pinea*. The resinous parts of the wood of the πεύκος are cut into small pieces, and serve for candles, called in modern Greek δάδια (a corruption of the ancient δᾶδες). The cones (κούνοι) are sometimes put into the wine barrels." A practice very general throughout Greece, but which is particularly prevalent at Athens, may perhaps, in some degree, account for the connexion of the fir-cone (surmounting the thyrsus) with the worship of Bacchus. Incisions are made into the fir-trees for the purpose of obtaining the turpentine, which distils copiously from the wound. This juice is mixed with the new wine in large quantities; the Greeks supposing that it would be impossible to keep it any length of time without this mixture. The wine has, in consequence, a very peculiar taste, but is by no means unpleasant after a little use. This, as we learn from Plutarch, was an ancient custom also: the Athenians, therefore, might naturally enough have placed the fir-cone in the hands of Bacchus.[1] (*Vid.* PITYS.)

*PIPER. (*Vid.* PEPERI.)

PISCATO'RII LUDI. (*Vid.* LUDI PISCATORII.)

PISCI'NA. (*Vid.* BATHS, p. 148.)

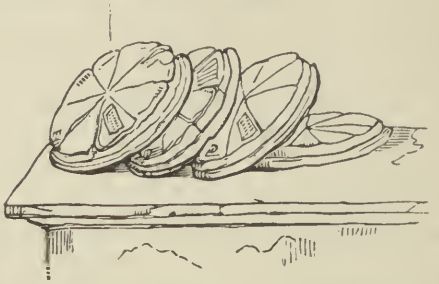
*PISSASPHALTOS (πισσάσφαλτος) probably the *Maltha*, or Mineral Pitch of modern mineralogists. Cleaveland says of it: "The ancients are reported to have employed it as a cement in the construction of walls and buildings."[2]

*PISTAC'IA (πιστάκια), the Pistachio-nut-tree, or *Pistachia vera*.[3] "The Pistachio nut is very celebrated," says Adams, "in the East and in Sicily. Galen says that it possesses a certain degree of bitterness and astringency, and that it proves useful in obstructions of the liver, but that it affords little nourishment. He adds that it is neither beneficial nor injurious to the stomach. Simeon Seth remarks that the moderns looked upon Pistacs as stomachic. Averrhoes highly of them. Rhases says they are of a hotter nature than almonds. Theophrastus describes the Pistachio-tree as a species of turpentine, and it is now acknowledged as such."

PISTILLUM. (*Vid.* MORTARIUM.)

PISTOR (ἀρτοποιός), a Baker, from *pinsere*, to pound, since corn was pounded in mortars before the invention of mills. (*Vid.* MOLA.) At Rome bread was originally made at home by the women of the house; and there were no persons at Rome who made baking a trade, or any slaves specially kept for this purpose in private houses, till B.C. 173.[4] In Varro's time, however, good bakers were highly prized, and great sums were paid for slaves who excelled in this art.[5] The name was not confined to those who made bread only, but was also given to pastry-cooks and confectioners, in which case, however, they were usually called *pistores dulciarii* or *candidarii*.[6] The bakers at Rome, like most other tradespeople, formed a collegium.[7]

Bread was often baked in moulds called *artoptæ* and the loaves thus baked were termed *artopticii*. In one of the bakehouses discovered at Pompeii several loaves have been found apparently baked in moulds, which may therefore be regarded as *artopticii*; they are represented below. They are flat, and about eight inches in diameter.



Bread was not generally made at home at Athens, but was sold in the market-place chiefly by women called ἀρτοπώλιδες.[2] These women seem to have been what the fish-women of London are at present; they excelled in abuse, whence Aristophanes[3] says, λοιδορεῖσθαι ὥσπερ ἀρτοπώλιδας.[4]

PISTRI'NUM. (*Vid.* MOLA, MORTARIUM.)

*PITHE'CUS. (*Vid.* SIMIA.)

*PITYOCAMPE (πιτυοκάμπη), the Caterpillar of the pine-tree. "Sprengel remarks that there are several species of caterpillars which infest pines, such as the *Liparis monacha*, *Lasiocampi pini*, &c. They are treated of as being deadly poisons by Dioscorides and the other writers on Toxicology."[5]

*PITYS (πίτυς), the *Pinus pinea*, or Stone Pine. "Stackhouse," says Adams, "complains of the difficulty of distinguishing the πεύκη from the πίτυς of Theophrastus. Both Sprengel and Stackhouse think they see traces of the Larch, or *Pinus larix*, in the πίτυς φθειροφόρος, but I agree with Schneider that there are no certain grounds for this opinion. Sprengel sets down the πίτυς of Dioscorides as being the *Pinus pinea*, or Stone Pine." According to Coray, the πίτυς is called in modern Greek κοκκωνάρια, from the fruit κοκκωνάριον, anciently called στρόβιλος. Κοκκώνη also was an ancient name. The kernels of the Stone Pine are brought to table in Turkey. According to Russell, they are very common in the kitchens of Aleppo. The seeds of the Stone Pine are still collected with great industry in Elis, and form an object of exportation to Zante and Cephallonia, as well as other places. Both the πίτυς and πεύκη are much used for ship-building. Their timber is said to be much harder and tougher than that of our northern firs, and, consequently, more lasting.[6]

PLÆTORIA LEX. (*Vid.* CURATOR.)

PLAGA. (*Vid.* RETE.)

PLAGIA'RIUS. (*Vid.* PLAGIUM.)

PLA'GIUM. This offence was the subject of a Fabia lex, which is mentioned by Cicero,[7] and is assigned to the consulship of Quintus Fabius and M. Claudius Marcellus, B.C. 183. The chief provisions of the lex are collected from the Digest:[8] "If a freeman concealed, kept confined, or knowingly, with dolus malus, purchased an ingenuus or libertinus against his will, or participated in any such acts; or if he persuaded another man's male or female slave to run away from a master or mistress, or without the consent or knowledge of the master

1 (Theophr., H. P., i., 3.—Dioscor., i., 86.—Adams, Append., s. v.—Walpole's Memoirs, vol. i., 235, 236.)—2. (Dioscor., i., 100.—Adams, Append., s. v.)—3. (Nicand., Pheriac., 891.—Adams. Comment. in Paul. Ægin., 107.)—4. (Plin., H. N., xviii., 11, s. 28.)—5. (Gell., xv., 19.)—6. (Mart., xvi., 222.—Orelli, nscr. 4263.)—7. (Dig. 3, tit. 4, s. 1.—Dig 27, tit. 1, s. 46.)

1. (Plin., H. N., xviii., 11, s. 27, 28.—Plaut., Aulul., ii., 9, 4.)—2. (Compare Aristoph., Vesp., 1389, &c.)—3. (Id., Ran., 856.)—4. (Becker, Charikles, vol. i., p. 284.)—5. (Adams, Append., s. v.)—6. (Theophr., H. P., iii., 7.—Id., c. Pl., i., 9.—Dioscor., i., 86.—Adams, Append., s. v.)—7 (Pro Rabirio, c. 3.)—8 (48, tit. 14, s. 6.)

or mistress concealed, kept confined, or purchased knowingly, with dolus malus, such male or female slave, or participated in any such acts, he was liable to the penalties of the lex Fabia." The penalty of the lex was pecuniary; but this fell into disuse, and persons who offended against the lex were punished according to the nature of their offence, and were generally condemned to the mines. A senatus consultum ad legem Fabiam did not allow a master to give or sell a runaway slave, which was technically called "fugam vendere;" but the provision did not apply to a slave who was merely absent, nor to the case of a runaway slave when the master had commissioned any one to go after him and sell him: it was the object of the provision to encourage the recovery of runaway slaves. The name of the senatus consultum by which the lex Fabia was amended does not appear. The word plagium is said to come from the Greek πλάγιος, oblique, indirect, dolosus. He who committed plagium was plagiarius, a word which Martial[1] applies to a person who falsely gave himself out as the author of a book; and in this sense the word has come into common use in our language.[2]

*PLAT'ANUS (πλάτανος), the Plane-tree. "There can be no doubt," remarks Adams, "that the πλάτανος of Theophrastus, Dioscorides, and others, is the *Platanus Orientalis*, or Eastern Plane-tree. Its fruit forms into spherical balls, which were called σφαίρια by the Greeks, and pilulæ by the Latins." Another name for this tree was πλατάνιστος. Both appellations are derived from πλατύς, "*broad*," as referring to the spreading branches and broad leaves of the Plane-tree.[3]

PLAUSTRUM or PLOSTRUM, *dim.* PLOSTELLUM (ἅμαξα, *dim.* ἁμαξίς), a Cart or Wagon. This vehicle had commonly two wheels, but sometimes four, and it was then called the *plaustrum majus*. The invention of four-wheeled wagons is attributed to the Phrygians.[4]

Besides the wheels and axle, the plaustrum consisted of a strong pole (*temo*), to the hinder part of which was fastened a table of wooden planks. The blocks of stone, or other things to be carried, were either laid upon this table without any other support, or an additional security was obtained by the use either of boards at the sides (ὑπερτερία[5]), or of a large wicker basket tied upon the cart (πείρινς[6]). The annexed woodcut, taken from a bas-relief at Rome, exhibits a cart, the body of which is supplied by a basket. Similar vehicles are still used in many parts of Europe, being employed more especially to carry charcoal.

In many cases, though not universally, the wheels were fastened to the axle, which moved, as in our children's carts, within wooden rings adapted for its reception, and fastened to the body. These rings were called in Greek ἁμαξόποδες, in Latin *arbusculæ*. The parts of the axis which revolved within them were sometimes cased with iron.[7]

1. (Ep., i., 53.)—2. (Dig. 48, tit. 15.—Cod., ix., 20.—Paulus, S R., i., tit. 6, A.)—3. (Theophr., H. P., i., 4.—Dioscor., i., 107.—Adams, Append., s. v.)—4. (Plin., H. N., vii., 56.)—5. (Hom., Od., vi., 70. — Plato, Theæt., p. 467, ed. Heindorff.)—6. (Hom., Il., xxiv., 267.—Od., xv., 131.)—7. (Vitruv., x., 20, s 14.)

The commonest kind of cart-wheel was that called *tympanum*, "the drum," from its resemblance to the musical instrument of the same name.[1] It was nearly a foot in thickness, and was made either by sawing the trunk of a tree across in a horizontal direction, or by nailing together boards of the requisite shape and size. It is exemplified in the preceding woodcut, and in the sculptures on the arch of Septimius Severus at Rome. Although these wheels were excellent for keeping the roads in repair, and did not cut up the fields, yet they rendered it necessary to take a long circuit in turning. They advanced slowly.[2] They also made a loud creaking which was heard to a great distance (*stridentia plaustra*,[3] *gementia*[4]). Their rude construction made them liable to be overturned with their load of stone, timber, manure, or skins of wine,[5] whence the Emperor Hadrian prohibited heavily-loaded wagons from entering the city of Rome.[6] The wagoner was sometimes required to aid the team with his shoulder. Accidents of this kind gave origin to the proverb "*Plaustrum perculi*," meaning, "I have had a misfortune."[7] Carts of this description, having solid wheels without spokes, are still used in Greece[8] and in some parts of Asia.[9]

PLEBEII LUDI. (*Vid.* Ludi Plebeii.)

PLEBES or PLEBS, PLEBEII. This word contains the same root as *im-pleo*, *com-pleo*, &c., and is, therefore, etymologically connected with πλῆθος, a term which was applied to the plebeians by the more correct Greek writers on Roman history, while others wrongly called them δῆμος or οἱ δημοτικοί.

The plebeians were the body of commons or the commonalty of Rome, and thus constituted one of the two great elements of which the Roman nation consisted, and which has given to the earlier periods of Roman history its peculiar character and interest. Before the time of Niebuhr, the most inconsistent notions were entertained by scholars with regard to the plebeians and their relations to the patricians; and it is one of his peculiar merits to have pointed out the real position which they occupied in the history of Rome.

The ancients themselves do not agree respecting the time when the plebeians began to form a part of the Roman population. Dionysius and Livy represent them as having formed a part of the Romans as early as the time of Romulus, and seem to consider them as the low multitude of outcasts who flocked to Rome at the time when Romulus opened the asylum.[10] If there is any truth at all in these accounts of the plebeians, we can only conceive them to have been the original inhabitants of the districts occupied by the new settlers (Romans), who, after their territory was conquered, were kept in that state of submission in which conquered nations were so frequently held in early times. There are also some other statements referring to such an early existence of the plebeians; for the clients, in the time of Romulus, are said to have been formed out of the plebeians.[11] In the early times of Rome, the position of a client was in many respects undoubtedly far more favourable than that of a plebeian, and it is not improbable that some of the plebeians may for this reason have entered into the relation of clientela to some patricians, and have given up the rights which they had as free plebeians; and occurrences of this kind may have given

1. (Varro, De Re Rust., i., 5.—Virg., Georg., ii., 444.)—2. (Virg., Georg., i., 138.)—3. (Virg., Georg., iii., 536.)—4. (Id., Æn., xi., 138.)—5. (Juv., iii., 241–243.)—6. (Spartian, Hadr., 22.)—7. (Plaut., Epid., IV., ii., 22.)—8. (Dodwell's Tour, vol. ii., p. 102, 103.)—9. (Sir R. K. Porter's Travels, vol. ii., p. 533.)—10. (Dionys., i., 8.—Liv., i., 8.)—11. (Dionys., ii. 9.—Plut. Romul., 13.—Cic., De Republ., ii., 9.—Festus, s. v. Patroci nia.)

rise to the story mentioned by the writers just referred to.

Whatever may be thought of the existence of plebeians at Rome in the earliest times, their number, at all events, cannot have been very great. The time when they first appear as a distinct class of Roman citizens, in contradistinction to the patricians, is in the reign of Tullus Hostilius. Alba, the head of the Latin confederacy, was in his reign taken by the Romans and razed to the ground. The most distinguished of its inhabitants were transplanted to Rome and received among the patricians; but the great bulk of Alban citizens, who were likewise transferred to Rome, received settlements on the Cælian Hill, and were kept in a state of submission to the populus Romanus, or the patricians. This new population of Rome, which in number is said to have been equal to the old inhabitants of the city, or the patricians, were the plebeians. They were Latins, and, consequently, of the same blood as the Ramnes, the noblest of the three patrician tribes.[1] After the conquest of Alba, Rome, in the reign of Ancus Marcius, acquired possession of a considerable extent of country, containing a number of dependant Latin towns, as Medullia, Fidenæ, Politorium, Tellenæ, and Ficana. Great numbers of the inhabitants of these towns were again transplanted to Rome, and incorporated with the plebeians already settled there, and the Aventine was assigned to them as their habitation.[2] Some portions of the land which these new citizens had possessed were given back to them by the Romans, so that they remained free land-owners as much as the conquerors themselves, and thus were distinct from the clients.

The order of plebeians, or the commonalty, which had thus been formed, and which far exceeded the populus in number, lived partly in Rome itself in the districts above mentioned, and partly on their former estates in the country subject to Rome, in towns, villages, or scattered farms. The plebeians were citizens, but not optimo jure; they were perfectly free from the patricians, and were neither contained in the three tribes, nor in the curiæ, nor in the patrician gentes. They were, consequently, excluded from the comitia, the senate, and all civil and priestly offices of the state. Dionysius is greatly mistaken in stating that all the new citizens were distributed among the patrician curies, and under this error he labours throughout his history, for he conceives the patricians and plebeians as having been united in the comitia curiata.[3] That the plebeians were not contained in the curies is evident from the following facts: Dionysius himself[4] calls the curies a patrician assembly; Livy[5] speaks of a lex curiata, which was made without any co-operation on the part of the plebeians; and those who confirm the election of kings or magistrates and confer the imperium, are in some passages called patricians, and in others curiæ,[6] which shows that both were synonymous. That the plebeians did not belong to the patrician gentes, is expressly stated by Livy.[7] The only point of contact between the two estates was the army; for, after the inhabitants of Alba had been transplanted to Rome, Tullus Hostilius doubled the number of legions of the Roman army.[8] Livy also states that Tullus Hostilius formed ten new turmæ of equites; but whether these new turmæ consisted of Albans, as Livy says, or whether they were taken from the three old tribes, as Göttling[9] thinks, is only matter of speculation. The plebeians were thus obliged to fight and shed their blood in the defence and support of their new fellow-citizens, without being allowed to share any of their rights or privileges, and without even the right of intermarriage (*connubium*) In all judicial matters they were entirely at the mercy of the patricians, and had no right of appeal against any unjust sentence, though they were not, like the clients, bound to have a patronus. They continued to have their own sacra which they had before the conquest, but they were regulated by the patrician pontiffs.[1] Lastly, they were free landowners, and had their own gentes. That a plebeian, when married to a plebeian woman, had the patria potestas over his children, and that, if he belonged to a plebeian gens, he shared in the jura and sacra gentilicia of that gens, are points which appear to be self-evident.

The population of the Roman state thus consisted of two opposite elements; a ruling class or an aristocracy, and the commonalty, which, though of the same stock as the noblest among the rulers, and exceeding them in numbers, yet enjoyed none of the rights which might enable them to take a part in the management of public affairs, religious or civil. Their citizenship resembled the relation of aliens to a state, in which they are merely tolerated on condition of performing certain services, and they are, in fact, sometimes called peregrini. While the order of the patricians was perfectly organized by its division into curiæ, decuriæ, and gentes, the commonalty had no such organization, except its division into gentes; its relations to the patricians were in no way defined, and it consequently had no means of protecting itself against any arbitrary proceedings of the rulers. That such a state of things could not last, is a truth which must have been felt by every one who was not blinded by his own selfishness and love of dominion. Tarquinius Priscus was the first who conceived the idea of placing the plebeians on a footing of equality with the old burghers, by dividing them into tribes, which he intended to call after his own name and those of his friends.[2] But this noble plan was frustrated by the opposition of the augur Attus Navius, who probably acted the part of a representative of the patricians. All that Tarquinius could do was to effect the admission of the noblest plebeian families into the three old tribes, who were distinguished from the old patrician families by the names of Ramnes, Tities, and Luceres secundi, and their gentes are sometimes distinguished by the epithet minores, as they entered into the same relation in which the Luceres had been to the first two tribes before the time of Tarquinius.[3] This measure, although an advantage to the most distinguished plebeian families, did not benefit the plebeians as an order; for the new patricians must have become alienated from the commonalty, while the patricians, as a body, were considerably strengthened by the accession of the new families.

It was reserved to his successor, Servius Tullius, to give to the commonalty a regular internal organization, and to determine their relations to the patricians. The intention of this king was not to upset the old constitution, but only to enlarge it, so as to render it capable of receiving within itself the new elements of the state. He first divided the city into four, and then the subject country around, which was inhabited by plebeians, into twenty-six regions or local tribes,[4] and in these regions he assigned lots of land to those plebeians who

1. (Liv., i., 30.—Dionys., iii., 29, 31.—Val. Max., iii., 4, § 1.) —2. (Liv., i., 33.—Dionys., iii., 31, 37.)—3. (iv., 12; ix., 41.)— —4. (iv., 76, 78.)—5. (v., 46.)—6. (Dionys., ii., 60; vi., 90; x., 4.—Liv., vi., 42.—Compare Niebuhr, Hist. of Rome, ii., p. 120.) —7. (x., 8.)—8 (Liv., i., 30)—9. (Gesch der Röm. Staatsv., 225)

1. (Fest., s. v. Municipalia sacra.)—2. (Verrius Flaccus ap Fest., s. v. Navia.—Liv., i., 36, &c.—Dionys., iii., 71.—Cic., De Republ., ii., 20.)—3. (Fest., s. v. Sex Vestæ Sacerdotes.—Cic., De Republ., ii., 20.—Liv., i., 35, 47.)—4. (Liv., i., 43 · Dionys., iv., 14, &c.)

were yet without landed property. Niebuhr[1] thinks that these allotments consisted of seven jugera each, an opinion which is controverted by Göttling.[2] As regards the four city tribes, it should be observed that the Aventine and the Capitol were not contained in them; the former forming a part of the country tribes, and the latter being, as it were, the city of the gods.[3] The twenty-six country tribes are not mentioned by Livy in his account of the Servian constitution, and where he first speaks of the whole number of tribes,[4] he only mentions twenty-one instead of thirty. Niebuhr[5] is undoubtedly right in reconciling this number with the thirty tribes of Servius, by the supposition that in the war with Porsenna Rome lost one third of her territory, *i. e.*, ten tribes, so that there were only twenty left. As, therefore, after the immigration of the Claudii and their clients, a new tribe was formed,[6] Livy is right in only mentioning twenty-one tribes. These thirty Servian tribes did not, at least originally, contain any patricians; and even after the Claudii had come to Rome, it is not necessary to suppose that the gens Claudia, which was raised to the rank of patrician, was contained in the new tribe, but the new tribe probably consisted of their clients, to whom lands were assigned beyond the Anio.[7] (Compare Tribus.) Some of the clients of the patricians, however, were probably contained in the Servian tribes.[8] Each tribe had its præfect, called tribunus.[9] (*Vid.* Tribunus.) The tribes had also their own sacra, festivals, and meetings (*comitia tributa*), which were convoked by their tribunes.

This division into tribes, with tribunes at their heads, was no more than an internal organization of the plebeians, analogous to the division of the patricians into thirty curiæ, without conferring upon them the right to interfere in any way in the management of public affairs, or in the elections, which were left entirely to the senate and the curiæ. These rights, however, they obtained by another regulation of Servius Tullius, which was made wholly independent of the thirty tribes. For this purpose he instituted a census, and divided the whole body of Roman citizens, plebeians as well as patricians, into five classes, according to the amount of their property. Taxation and the military duties were arranged according to these classes in such a manner that the heavier burdens fell upon the wealthier classes. The whole body of citizens thus divided was formed into a great national assembly called comitiatus maximus or comitia centuriata. (*Vid.* Comitia, p. 295, &c.) In this assembly the plebeians now met the patricians apparently on a footing of equality, but the votes were distributed in such a way that it was always in the power of the wealthiest classes, to which the patricians naturally belonged, to decide a question before it was put to the vote of the poorer classes. A great number of such noble plebeian families as, after the subjugation of the Latin towns, had not been admitted into the curies by Tarquinius Priscus, were now constituted by Servius into a number of equites, with twelve suffragia in the comitia centuriata. (*Vid.* Equites, p. 414, &c.) Lastly, Servius Tullius is said to have regulated the commercium between the two orders by about fifty laws[10] (Νόμους τοὺς μεν συναλλακτικοὺς καὶ τοὺς περὶ τῶν ἀδικημάτων).

In this constitution, the plebeians, as such, did not obtain admission to the senate, nor to the highest magistracy, nor to any of the priestly offices. To all these offices the patricians alone thought themselves entitled by divine right. The plebeians also continued to be excluded from occupying any portion of the public land, which as yet was only possessed by the patricians, and were only allowed to keep their cattle upon the common pasture, for which they had to pay to the state a certain sum It is true that by the acquisition of wealth plebeians might become members of the first property class, and that thus their votes in the comitia might become of the same weight as that of the patricians, but the possibility of acquiring such wealth was diminished by their being excluded from the use of the ager publicus. Niebuhr[1] infers from the nature of the Servian constitution that it must have granted to the plebeians greater advantages than those mentioned by our historians: he conceives that it gave to them the right of appeal to their own assembly, and to pass sentence upon such as grossly infringed their liberties; in short, that the Servian constitution placed them on the same footing in regard to the patricians as was afterward permanently effected by the laws of C. Licinius and L. Sextius. There is no doubt that such might and should have been the case, but the arguments which he brings forward in support of his hypothesis do not appear to be convincing, as has been pointed out by Göttling.[2] All that we know for certain is, that Servius gave to the body of the plebeians an internal organization by the establishment of the thirty plebeian tribes, and that in the comitia centuriata he placed them, at least apparently, on a footing of equality with the populus. Whether he intended to do more, or would have done more if it had been in his power, is a different question. But facts like those stated above were sufficient, at a later period, when the benefits actually conferred upon the plebeians were taken away from them, to make the grateful commonalty look upon that king as its great patron, and even regard him as having granted all those rights which subsequently they acquired after many years of hard struggle. Thus what he actually had done was exaggerated to what he possibly might have done or would have wished to do. In this light we have to regard the story that he intended to lay down his royal dignity, and to establish the government of two consuls, one of whom was to have been a plebeian.

During the reign of the last king, the plebeians not only lost all they had gained by the legislation of his predecessor,[3] but the tyrant also compelled them to work like slaves in his great architectural works, such as the cloacæ and the circus.

On the establishment of the Republic, the comitia centuriata, and perhaps the whole constitution, such as it had been before the reign of the last Tarquinius, were restored, so that the patricians alone continued to be eligible to all the public offices.[4] That the comitia centuriata were restored immediately after the banishment of the Tarquins, may be inferred from the words of Livy,[5] who says that the first consuls were elected *ex commentariis Servii Tullii*, for these words probably refer to the comitia centuriata, in which, according to the regulations of King Servius, the elections were to be held. There was still no connubium between the two orders, and the populus was still, in every respect, distinct from the plebs. Considering the fact that the patricians reserved for themselves all the powers which had formerly been concentrated in the king, and that these powers were now given to a number of patrician officers, we must admit that the plebeians, at the commencement of the Republic, were worse off than if the kingly rule had contin-

1. (ii., p. 169.) — 2. (p. 239, &c.) — 3. (Varro, De Ling. Lat., iv., p. 14, &c., ed. Bip.)—4. (ii., 21.—Compare Dionys., vii., 64.) —5. (i., p. 418.)—6. (Liv., ii., 16.)—7. (Liv., l. c.)—8. (Dionys., iv., 22, &c.)—9. (Dionys., iv., 14.—Appian, Civil., iii., 23.)—10. (Dionys., iv., 13.—Compare v., 2; vi., 22.—Göttling, p. 240.)

1. (i., p. 430, &c.)—2. (p. 265, &c.)—3. (Dionys., iv., 13, 44.) 4. (Liv., iv., 6; vi., 40, &c.; x., 8.) -5. (i., 60.)

ued under the institutions introduced by Servius. They, however, soon gained some advantages. The vacancies which had occurred in the senate during the reign of the last king were filled up with the most distinguished among the plebeian equites (*patres conscripti*)[1] (*vid.* SENATUS), and Valerius Publicola carried a number of *laws* by which the relations between patricians and plebeians were more accurately defined than they had hitherto been, and which also afforded some protection to the plebeians. (*Vid.* VALERIÆ LEGES.) Both orders acted in common only in the army and the comitia centuriata, in which, however, the patricians exercised an overwhelming influence, through the number of their clients who voted in them; and, in addition to this, all decrees of the centuries still required the sanction of the curiæ. Notwithstanding these disadvantages, the plebeians occupied a position which might soon have enabled them to rise to a perfect equality with the patricians, had not a great calamity thrown them back, and put an end to their political progress. This was the unfortunate war with Porsenna, in which a great number (a third) of the plebeians lost their estates, became impoverished, and perhaps, for a time, subject to the Etruscans.

In the mean while, the patricians, not satisfied with the exercise of all the authority in the state, appear not seldom to have encroached upon the rights granted to the plebeians by the Valerian laws.[2] Such proceedings, and the merciless harshness and oppression on the part of the rulers, could not fail to rouse the indignation and call forth the resistance of the plebeians, who gradually became convinced that it was impossible to retain what they possessed without acquiring more. The struggle which thus originated between the two parties is, as far as the commonalty is concerned, one of the noblest that has ever been carried on between oppressors and oppressed. On the one hand we see a haughty and faithless oligarchy applying all means that the love of dominion and selfishness can devise; on the other hand, a commonalty forbearing to the last in its opposition and resistance, ever keeping within the bounds of the existing laws, and striving after power, not for the mere gratification of ambition, but in order to obtain the means of protecting itself against fraud and tyranny. The details of this struggle belong to a history of Rome, and cannot be given here; we can only point out in what manner the plebeians gradually gained access to all the civil and religious offices, until at last the two hostile elements became united into one great body of Roman citizens with equal rights, and a state of things arose totally different from what had existed before.

After the first secession in B.C. 494, the plebeians gained several great advantages. First, a law was passed to prevent the patricians from taking usurious interest of money which they frequently lent to impoverished plebeians;[3] secondly, tribunes were appointed for the protection of the plebeians (*vid.* TRIBUNI); and, lastly, plebeian ædiles were appointed. (*Vid.* ÆDILES.) Shortly after, they gained the right to summon before their own comitia tributa any one who had violated the rights of their order,[4] and to make decrees (*plebiscita*), which, however, did not become binding upon the whole nation until the year B.C. 449. (*Vid.* PLEBISCITUM.) A few years after this (445 B.C.), the tribune Canuleius established, by his rogations, the connubium between patricians and plebeians.[5] He also attempted to divide the consulship between the two orders, but the patricians frustrated the realization of this plan by the appointment of six military tribunes, who were to be elected from both orders. (*Vid.* TRIBUNI.) But that the plebeians might have no share in the censorial power with which the consuls had been invested, the military tribunes did not obtain that power, and a new curule dignity, the censorship, was established, with which patricians alone were to be invested. (*Vid.* CENSOR.) Shortly after the taking of Rome by the Gauls, we find the plebeians again in a state little better than that in which they had been before their first secession to the Mons Sacer. In B.C. 421, however, they were admitted to the quæstorship, which opened to them the way into the senate, where henceforth their number continued to increase. (*Vid.* QUÆSTOR, SENATUS.) In B.C. 367, the tribunes L. Licinius Stolo and L. Sextius placed themselves at the head of the commonalty, and resumed the contest against the patricians. After a fierce struggle, which lasted for several years, they at length carried a rogation, according to which decemvirs were to be appointed for keeping the Sibylline books instead of duumvirs, of whom half were to be plebeians.[1] The next great step was the restoration of the consulship, on condition that one consul should always be a plebeian. A third rogation of Licinius, which was only intended to afford momentary relief to the poor plebeians, regulated the rate of interest. From this time forward the plebeians also appear in the possession of the right to occupy parts of the Ager Publicus.[2] In B.C. 366, L. Sextius Lateranus was the first plebeian consul. The patricians, however, who always contrived to yield no more than what it was absolutely impossible for them to retain, stripped the consulship of a considerable part of its power, and transferred it to two new curule offices, viz., that of prætor and of curule ædile. (*Vid.* ÆDILES, PRÆTOR.) But, after such great advantages had been once gained by the plebeians, it was impossible to stop them in their progress towards a perfect equality of political rights with the patricians. In B.C. 365, C. Marcius Rutilus was the first plebeian dictator; in B.C. 351, the censorship was thrown open to the plebeians, and in B.C. 336, the prætorship. The Ogulnian law, in B.C. 300, also opened to them the offices of pontifex and augur. These advantages were, as might be supposed, not gained without the fiercest opposition of the patricians; and even after they were gained and sanctioned by law, the patricians exerted every means to obstruct the operation of the law. Such fraudulent attempts led, in B.C. 286, to the last secession of the plebeians, after which, however, the dictator Q. Hortensius successfully and permanently reconciled the two orders, secured to the plebeians all the rights they had acquired until then, and procured for their plebiscita the full power of leges binding upon the whole nation.

In a political point of view, the distinction between patricians and plebeians now ceased, and Rome, internally strengthened and united, entered upon the happiest period of her history. How completely the old distinction was now forgotten, is evident from the fact that henceforth both consuls were frequently plebeians. The government of Rome had thus gradually changed from an oppressive oligarchy into a moderate democracy, in which each party had its proper influence, and the power of checking the other, if it should venture to assume more than it could legally claim. It was this constitution, the work of many generations

1. (Liv., ii., 1.—Dionys., v., 13.—Fest., s. v. Qui patres.—Plut., Public., 11.)—2. (Liv., ii., 27.)—3. (Dionys., vi., 83.)—4. (Fest., s. v. Sacer Mons.—Göttling, p. 300, &c.)—5. (Liv., iv., 44; v., 11, 12.—Dionys., x., 60; xi., 28.—Cic., De Republ., ii., 37.)

1. (Liv., vi., 37, 42.)—2. (Liv. vi., 16.—Niebuhr, iii., p. 1 &c.)

that excited the admiration of the great statesman Polybius.

We stated above that the plebeians, during their struggle with the patricians, did not seek power for the mere gratification of their ambition, but as a necessary means to protect themselves from oppression. The abuse which they, or, rather, their tribunes, made of their power, belongs to a much later time, and no traces of it appear until more than half a century after the Hortensian law; and even then this power was only abused by individuals, and not on behalf of the real plebeians, but of a degenerating democratical party, which is unfortunately designated by later writers by the name of plebeians, and thus has become identified with them. Those who know the immense influence which religion and its public ministers had upon the whole management of the state, will not wonder that the plebeians, in their contest with the aristocracy, exerted themselves as much to gain access to the priestly offices as to those of a purely political character, as the latter, in reality, would have been of little avail without the former. The office of curio maximus, which the plebeians sought and obtained nearly a century after the Ogulnian law,[1] seems, indeed, to afford ground for supposing that in this instance the plebeians sought a distinction merely for the purpose of extending their privileges; but Ambrosch[2] has rendered it more than probable that the office of curio maximus was at that time of greater political importance than is generally believed. It is also well known, that such priestly offices as had little or no connexion with the management of public affairs, such as that of the rex sacrorum, the flamines, Salii, and others, were never coveted by the plebeians, and continued to be held by the patricians down to the latest times.[3]

After the passing of the Hortensian law, the political distinction between patricians and plebeians ceased, and, with a few unimportant exceptions, both orders were placed on a footing of perfect equality. Henceforth the name populus is sometimes applied to the plebeians alone, and sometimes to the whole body of Roman citizens, as assembled in the comitia centuriata or tributa.[4] The term plebs or plebecula, on the other hand, was applied, in a loose manner of speaking, to the multitude or populace, in opposition to the nobiles or the senatorial party.[5]

A person who was born a plebeian could only be raised to the rank of a patrician by a lex curiata, as was sometimes done during the kingly period and in the early times of the Republic. Cæsar was the first who ventured in his own name to raise plebeians to the rank of patricians, and his example was followed by the emperors. (*Vid.* Patricii.)

It frequently occurs in the history of Rome that one and the same gens contains plebeian as well as patrician families. In the gens Cornelia, for instance, we find the plebeian families of the Balbi, Mammulæ, Merulæ, &c., along with the patrician Scipiones, Sullæ, Lentuli, &c. The occurrence of this phenomenon may be accounted for in different ways. It may have been that one branch of a plebeian family was made patrician, while the others remained plebeians.[6] It may also have happened that two families had the same nomen gentilicium without being actual members of the same gens.[7] Again, a patrician family might go over to the plebeians; and, as such a family continued to bear the name of its patrician gens, this gens apparently contained a plebeian family.[1] At the time when no connubium existed between the two orders, a marriage between a patrician and a plebeian had the consequence, that the same nomen gentilicium belonged to persons of the two orders.[2] When a peregrinus obtained the civitas through the influence of a patrician, or when a slave was emancipated by his patrician master, they generally adopted the nomen gentilicium of their benefactor,[3] and thus appear to belong to the same gens with him.

PLEBISCITUM, a name properly applied to a law passed at the comitia tributa on the rogation of a tribune. According to Lælius,[4] he who had authority to convene, not the universus populus, but only a part, could hold a concilium, but not comitia; and as the tribunes could not summon the patricii, nor refer any matter to them, what was voted upon the proposal of the tribunes was not a lex, but a scitum. But in course of time plebiscita obtained the force of leges properly so called, and, accordingly, they are sometimes included in the term leges. (*Vid.* Lex, p. 579.)

Originally a plebiscitum required confirmation. The progress of change as to this matter appears from the following passages. A lex Valeria, passed in the comitia centuriata B.C. 449,[5] enacted that the populus should be bound (*teneretur*) by that which the plebs voted tributim; and the same thing is expressed in other words thus: "*Scita plebis injuncta patribus.*" This lex was passed to settle the disputed question whether the patres were bound by plebiscita. A lex Publilia, 339 B.C.,[6] was passed, to the effect that plebiscita should bind all the Quirites; and a lex Hortensia, B.C. 286, to the effect that plebiscita should bind all the populus (*universus populus*), as Gaius[7] expresses it; or, "*ut e jure, quod plebes statuisset, omnes Quirites tenerentur,*" according to Lælius Felix, as quoted by Gellius; and this latter is also the expression of Pliny.[8] The lex Hortensia is always referred to as the lex which put plebiscita, as to their binding force, exactly on the same footing as leges.

If we might judge of the effect of the two preceding leges by the terms in which they are expressed, as above quoted, they were the same as the Hortensian lex. From the terms in which Livy speaks of the lex Valeria, it is clear that in that passage populus and patres are the same, and the only question in dispute was whether the plebiscita bound the rest of the state besides the plebs. Consistently with this, we read of the rogation of an agrarian plebiscitum shortly after, the carrying of which was only prevented by the senate prevailing on part of the tribunes to put their veto on the measure.[9] No allusion is made to any power of the senate to prevent the carrying of such a measure; but the want of such power must be supposed, in order that the narrative may be intelligible. In the case of the lex Canuleia,[10] it is said that the patres were at last prevailed upon to give their consent to the rogatio on the connubium of the patres and the plebs being proposed. In this case the consent of the patres was considered necessary; but as this was a plebiscitum, which diminished, as they supposed, their rights, it is not inconsistent to say the lex Valeria made the plebiscita binding on the populus, and yet that a plebiscitum could not alter the privileges of the populus. A plebiscitum might appertain to a matter which indifferently concerned all, and such a plebiscitum would, consistently with Livy's expression, be a lex. It is, however, stated

1. (Liv., xxvii., 6, 8.)—2. (Studien und Andeutungen, p. 95.)—3. (Dionys., v., 1.—Cic., Pro Dom., 14.—Fest., s. v. Major. Flam.)—4 (Liv., xxvii., 5.—Cic. ad Att., iv., 2.—Gell., x., 20.)—5. (Sallust, Jug., 63.—Cic. ad Att., i., 16.—Hor., Epist., ii., 1, 158.—Hirt., Bell. Alex., 5, &c.)—6. (Cic., Brut., 16.—De Legg., ii., 3.—Sueton., Ner., 1.)—7. (Cic., Brut., 16.—Tacit., Ann., xi., 48.)

1. (Liv., iv., 16.—Plin., H. N., xviii., 4.)—2. (Niebuhr, ii., p. 337, n. 756.—Suet., Octav., 2.)—3. (Cic. ad Fam., xiii., 35, 36.—c. Verr., iv., 17.—Appian, Civil., i., 100.)—4. (Gell., xv., 27.)—5. (Liv., iii., 55, 67.)—6. (Liv., viii., 12.)—7. (i., 3.)—8 (x. 10.)—9. (Liv., iv., 48.)—10. (Liv., iv., 1, &c.)

by several modern writers that the effect of the Valeria lex was to put plebiscita on the footing of leges centuriatæ, when they had been first approved by the senate, or were subsequently approved by the senate and confirmed by the curiæ. It is Niebuhr's opinion, that the effect of the lex Publilia was to render a senatus consultum a sufficient confirmation of a plebiscitum, and to make the confirmation of the curiæ unnecessary; and that the effect of the lex Hortensia was to render unnecessary even the confirmation of the senate, and to give to the tributa comitia complete legislative force. Thus, by the lex Publilia, the senate succeeded to the place of the curiæ, and the tribes to that of the old burghers.[1] According to this view, the lex Publilia was not a mere repetition of the lex Valeria, as it would seem to be from the terms of Livy. Numerous passages of Livy are cited by modern writers in confirmation of their views as to the first two of these leges, but, on the whole, it is not easy to come to any certain conclusions for them. It would be no improbable hypothesis that our accounts of all early Roman legislation should be exceedingly confused, and that they are so is apparent enough. It would also be no improbable hypothesis to suppose that much of early Roman legislation was irregularly conducted, of which fact, also, there is evidence. It farther appears to be clear enough, that without farther information we must remain ignorant of the precise effect of the two leges hereinbefore mentioned, which preceded the lex Hortensia. It cannot be a matter of doubt that the *objects* which a plebiscitum might embrace must have been as important to determine as the *forms* which should give it validity; and that these objects which could be comprised in a plebiscitum were more limited in number and extent before the passing of the lex Hortensia than after, is easily shown.

The principal plebiscita are mentioned under the article Lex.

PLECTRUM. (*Vid.* Lyra, p. 605.)

PLEMO'CHOAI (πλημοχόαι). (*Vid.* Eleusinia, p. 396.)

PLE'THRON (πλέθρον). (*Vid.* Pes, p. 763.)

PLINTHOS (πλίνθος). (*Vid.* Later.)

*PLOC'IMOS (πλόκιμος), a sort of Reed. According to Sprengel, the *Arundo ampelodesmos*.[2]

PLUMA'RII, a class of persons mentioned by Vitruvius,[3] Varro,[4] and in inscriptions. It cannot be decided with certainty what their exact occupation was: their name would lead us to suppose that it had something to do with feathers (*plumæ*). Salmasius[5] supposes that they were persons who wove in garments golden or purple figures made like feathers. The word, however, probably signifies all those who work in feathers, as *lanarii* those who work in wool, and *argentarii* those who work in silver. Seneca[6] speaks of dresses made of the feathers of birds.[7]

*PLUMBA'GO (μολύβδαινα), a term which was sometimes applied to *Plumbago* or *Graphite*, and sometimes to *Molybdate of Lead*. "What the Latins call *Plumbago*," says Agricola, "the Greeks term μολύβδαινα. It appears to be an oxyde of lead." Sprengel says it is found in the mountains of Austria, consisting of oxyde of lead with molybdic acid, silica, and carbonate of lime. He alludes, as Adams supposes, to the molybdate of lead, or the *Plombe jaune* of Brochant, the yellow lead spar of Jameson.[8]

*PLUMBUM (μόλυβδος), Lead. "The ancients," says Fallopius, "distinguished lead into two kinds, the black and the white, the latter of which the Greeks called κασσίτερος." The former of these, namely, the *Plumbum nigrum*, was, according to Adams, the same as our lead, and comprehended several of the native varieties of it. The κασσίτερος, or *Plumbum album*, was the "Pyramidal Tin Ore" of Jameson, or oxyde of tin. (*Vid.* Stannum.)[1]

PLYNTE'RIA (from πλύνειν, to wash) was a festival celebrated at Athens every year on the 25th of Thargelion, in honour of Athena, surnamed Aglauros,[2] whose temple stood on the Acropolis.[3] The day of this festival was at Athens among the ἀποφράδες, or *dies nefasti*; for the temple of the goddess was surrounded by a rope, to preclude all communication with it;[4] her statue was stripped of its garments and ornaments for the purpose of cleaning them, and was in the mean while covered over to conceal it from the sight of man.[5] The persons who performed this service were called πραξιεργίδαι.[6] The city was therefore, so to speak, on this day without its protecting divinity, and any undertaking commenced on it was believed to be necessarily unsuccessful. A procession was also held on the day of the Plynteria, in which a quantity of dried figs, called ἡγητορία, were carried about.[7] Other particulars are not known.

PLU'TEUS was applied in military affairs to two different objects: 1. A kind of shed, made of hurdles and covered with raw hides, which could be moved forward by small wheels attached to it, and under which the besiegers of a town made their approaches.[8] 2. Boards or planks placed on the vallum of a camp, on movable towers or other military engines, as a kind of roof or covering for the protection of the soldiers.[9]

The word pluteus was also applied to any board used for the purpose of protection or enclosure, as, for instance, to the board at the head of a bed.[10]

PNEUMATI'CI (Πνευματικοί), a medical sect, founded at Rome by Athenæus of Cilicia in the time of Nero and Vespasian, about A.D. 69.[11] This was at the time when the Methodici enjoyed their greatest reputation, from whom the Pneumatici differed principally in that, instead of the mixture of primitive atoms (ὄγκοι), they admitted an active principle of immaterial nature, to which they gave the name of πνεῦμα, spirit. This principle was the cause of health or disease, and from this word they derived their name. It is from Galen alone that we learn the doctrines of the founder of the Pneumatici, for of his numerous writings only a few fragments remain preserved by Oribasius. The theory of Plato had already laid the foundations of the doctrine of this ethereal substance, of which Aristotle was the first who gave a clear idea, in describing the ways by which the πνεῦμα is introduced into the body and the sanguineous system. The Stoics developed it still more, and applied it to the explanation of the functions of the body; and Erasistratus and his successors had made the πνεῦμα act a great part in the animal economy, whether in health or disease. This doctrine, therefore, of the Pneumatici could not be regarded as new. Galen, who gives the above history of it, asserts[12] that the Stoics followed the steps of Aristotle with respect to Physiology. The foundation, however, of the sect of the Methodici appears to have done away with much of the consideration

1. (in., 490, &c.)—2. (Theophr., H. P., iv., 11.—Adams, Append., s. v.)—3. (vi., 7, p. 177, ed. Bip.)—4. (ap. Nonium, ii., p. 716.)—5. (ad Vopisc., Carin., c. 20.)—6. (Ep., 90.)—7. (Becker, Gallus, i., p. 44–48.)—8. (Dioscor., v., 100.—Galen, De Simpl., iv.—Adams, Append., s. v. Μολύβδαινα.)

1. (Dioscor., v., 96.—Plin., H. N., xxiv., 47.—Isid., Orig., xvi., 21.—Adams, Append., s. v. Μόλυβδος.)—2. (Plut., Alcib., 34.—Harpocr. et Suidas, s. v.)—3. (Herod., viii., 53.—Hesych., s. v. Πλυντήρια.)—4. (Pollux, Onom., viii., 141.)—5. (Plut., l. c.—Xen., Hellen., i., 4, § 12.)—6. (Plut., l. c.—Hesych., s. v.)—7 (Etymol. Magn.—Hesych., s. v. Ἡγητορία.)—8. (Festus, s. v.—Veget., iv., 15.—Liv., xxxiv., 17.)—9. (Festus, s. v.—Cæs., Bell. Gall., vii., 25, 41, 72.)—10. (Suet., Cal., 26.)—11. (Galen, De Diff. Puls., iv., 10, p. 749, tom. viii., ed. Kühn.)—12. (De Facult. Natural., ii., c. 4, p. 92, tom. ii.)

which the theory of the πνεῦμα had formerly enjoyed. Those physicians who would not follow the sect of the Methodici chose that which revived the πνεῦμα, in order to oppose to the former sect a firmly-established principle, and agreed in that, as upon various other points, with the Stoics.[1] They thought especially that logic was indispensable to the perfection of science; for in many cases they disputed simply about names, and Galen tells us[2] that the Pneumatici would rather have betrayed their country than abjured their opinions. Like the greater part of the Stoics of his time, Athenæus had adopted all the doctrines of the Peripatetics.[3] What unfeniably proves it is, that, besides the doctrine of the *pneuma*, he developed the theory of the elements, much more, at least, than the Methodici were in the habit of doing. He recognised in the four known elements the positive qualities (ποιότης) of the animal body; but he often regarded them as real substances, and gave to the whole of them the name of *Nature* of Man.[4] Although the followers of this doctrine attributed, in general, the greater number of diseases to the *pneuma*,[5] nevertheless they paid at the same time great attention to the mixture of the elements. The union of heat and moisture is the most suitable for the preservation of health. Heat and dryness give rise to acute diseases, cold and moisture produce phlegmatic affections, cold and dryness give rise to melancholy. Everything dries up and becomes cold at the approach of death.[6] It cannot be denied, says Sprengel,[7] that the Pneumatici rendered great services to pathology, and discovered several new diseases. It is only to be regretted that they carried their subtleties too far. Thus, for instance, they established many more kinds of fever than there really exist in nature.[8] But their taste for subtleties shows itself nowhere more than in their doctrine of the pulse, which was more complex than that of any other sect. They commonly defined it to be an alternate contraction and dilatation of the arteries, and attributed this latter motion to the attraction and separation of the *pneuma* or spirit, which, according to the opinion of Aristotle, passes from the heart into the great arteries.[9] The *diastole* or *dilatation* pushes forward the spirit, and the *systole* or contraction draws it back, in the same way as the respiratory organs contract in drawing in the breath and dilate in letting it out.[10] The Pneumatici did not occupy themselves at all with the causes which produced the changes in the pulse, but confined themselves to collecting observations to serve as a basis for their prognostic.[11]

The following is a list of the physicians that belonged to the sect of the Pneumatici: Archigenes,[12] Herodotus,[13] Ægthinus,[14] Magnus,[15] Theodorus.[16] To these the name of Aretæus has been added by Le Clerc,[17] Wigan,[18] Barchusen,[19] Schulze,[20] and Haller;[21] but the passages brought forward in support of this opinion (for it rests only on internal evidence) are considered to be insufficient to prove the point by Petit,[22] Osterhausen,[23] and Ackermann.[24] Sprengel[25] thinks that he was brought up in the principles of the Pneumatici, and afterward embraced those of the Electici, as it is impossible to overlook the traces of the doctrines of the former sect that exist in his works. For farther information respecting this sect, the reader is referred to Wigan, Ackermann, Le Clerc, and Sprengel (from whom the above account is principally abridged), and especially Osterhausen, *loc. cit.*

1. (Galen, De Different. Puls. iii., p. 642, tom. viii.)—2. (De Different. Puls., ii., p. 630.)—3. (Galen, De Semine, ii., c. 2, p. 612, seq., tom. iv.)—4. (Id., De Element., i., p. 457, tom. i.)—5. (Pseudo-Galen, Introd., p. 699, tom. xiv.)—6. (Galen, De Temperam., i., c. 3, p. 522, tom. i.)—7. (Hist. de la Méd.)—8. (Id., De Different. Febr., ii., p. 370, tom. vii.)—9. (Id., De Different. Puls., iv., p. 756, 757, tom. viii.)—10. (Id., De Usu Puls., p. 162, tom. v.)—11. (Id., De Different. Puls., ii., p. 22, tom. viii.)—12. (Pseudo-Galen, Introd., c. 9, p. 699, tom. xiv., ed. Kühn.)—13. (Id., De Simpl. Medic. Temper. ac Facultat., i., 29, p. 432, tom. xi.; et De Diff. Puls., iv., 11, p. 751, tom. viii.)—14. (Id., De Diagnos. Puls., i., 3, p. 787, tom. viii.)—15. (Id., De Different. Puls., iii., 2, p. 646, tom. viii.)—16. (Diog. Laert., ii., 104.)—17. (Hist. de la Méd., p. 566, &c., ed. 1723.)—18. (Præf. in Aret.)—19. (Hist. Medic., p. 269.)—20. (Compend. Hist. Medic., Halæ, 1774, p. 332.)—21. (Biblioth. Medic. Pract., tom. i., p. 192, &c.)—22. (Præfat. ad Comment. in Aret.)—23. (Dissert. Inaug. de ectæ Pneumat. Medic. Hist., Altorf, 1791, 8vo.)—24. (De Areo, in edit. Kühn.)—25. (Hist. de la Méd., tom. ii., p. 82.)

*PNIGI'TIS (πνιγῖτις γῆ), Pnigitic Earth, so called from a village named Pnigeus, on the coast of Egypt, near which it was obtained. It consisted principally of alumine. "Dioscorides describes the Pnigitic earth as resembling the Eretrian, that is as being of a pale gray, cold to the touch, and adhering so firmly to the tongue as to hang to it suspended. Pliny confirms this account. Galen, Paulus Ægineta, and a number of later writers, affirm, on the contrary, that it is black, and a tough, stiff, and viscid clay. Agricola describes it as black, dense, soft, and partly astringent, partly acrid." Sir John Hill, from whom these remarks are taken, thinks that there were two kinds of Pnigitic earth. That the earlier one of these, the true Pnigitis of the ancients, was a kind of gray marl; and that afterward a medicinal earth of another colour and texture, a black, tough, and viscous clay, was found in the same vicinity with the former, and called by the same name. This latter he makes the Pnigitis of Galen and subsequent writers.[1]

PNYX. (*Vid.* Ecclesia, p. 384.)

PO'CULUM was any kind of drinking-cup. It must be distinguished from the *crater* or vessel in which the wine was mixed (*vid.* Crater), and from the *cyathus*, a kind of ladle or small cup, which was used to convey the wine from the crater to the poculum or drinking-cup. (*Vid.* Cyathus.) Thus Horace:[2]

> "*Tribus aut novem*
> *Miscentor cyathis pocula commodis.*"

PO'DIUM. (*Vid.* Amphitheatrum, p. 52.)

*POE (πόη). "Theophrastus would seem to restrict this term sometimes to a particular genus of grasses, like modern botanists. But Homer, Hesiod, and the Greek writers in general, apply it to all sorts of herbage."[3]

*POE'CILIS (ποικιλίς), the name of a bird mentioned by Aristotle. The scholiast on Theocritus makes it the same as the ἀκανθίς, or Siskin.[4]

*POE'CILUS (ποικίλος), the name of a fish mentioned by Oppian, and which Pennant suggests may be the *Squalus canicula*.[5]

PŒNA (Greek ποινή). The Roman sense of this word is explained by Ulpian[6] at the same time that he explains fraus and multa. Fraus is generally an offence, noxa; and pœna is the punishment of an offence, noxæ vindicta. Pœna is a general name for any punishment of any offence; multa is the penalty of a particular offence, which is now (in Ulpian's time) pecuniary. Ulpian says in his time, because by the law of the Twelve Tables the multa was pecuaria, or a certain number of oxen and sheep.[7] (*Vid.* Lex Aternia Tarpeia, p. 581.) Ulpian proceeds to say that pœna may affect a person's caput and existimatio, that is, pœna may be loss of citizenship and infamia. A multa was imposed according to circumstances, and its amount was determined by the pleasure of him who imposed it. A pœna was only inflicted when it was imposed by some lex or some other legal authority (*quo alio jure*). When no pœna was imposed, the

1. (Dioscor., v., 176.—Hill, Nat. Hist., p. 35.)—2. (Carm., iii., 19, 11.)—3. (Theophr., H. P., i., 3, 6.—Id. ib., vii., 3, 5.—Adams, Append., s. v.)—4. (Aristot., H. A. ix., 2.)—5. (Oppian, Hal., i., 381.)—6. (Dig. 50, tit. 16, s 13.)—7. (Plin., H. N., xviii., 3.—Festus, Multam Peculatus.)

a multa or penalty might be inflicted. Every person who had jurisdictio (this seems to be the right reading instead of judicatio) could impose a multa, and these were magistratus and præsides provinciarum. A pœna might be inflicted by any one who was intrusted with the judicial prosecution of the offence to which it was affixed. The legal distinction between pœna and multa is not always observed by the Roman writers.

POLEMAR'CHUS (πολεμάρχος). An account of the functions of the Athenian magistrate of this name is given under ARCHON. Athens, however, was not the only state of Greece which had officers so called. We read of them at Sparta and in various cities of Bœotia. As their name denotes, they were originally and properly connected with military affairs, being intrusted either with the command of armies abroad, or the superintendence of the war department at home: sometimes with both. The polemarchs of Sparta appear to have ranked next to the king when on actual service abroad, and were generally of the royal kindred or house (γένος).[1] They commanded single moræ,[2] so that they would appear to have been six in number,[3] and sometimes whole armies.[4] They also formed part of the king's council in war, and of the royal escort called δαμοσία,[5] and were supported or represented by the officers called συμφορεῖς.[6] The polemarchs of Sparta had also the superintendence of the public tables: a circumstance which admits of explanation from the fact that Lycurgus is said to have instituted the syssitia for the purposes of war, and, therefore, as military divisions, so that the Lacedæmonians would eat and fight in the same company.[7] But, in addition to their military functions and the duties connected therewith, the polemarchs of Sparta had a civil as well as a certain extent of judicial power,[8] in which respect they resembled the ἀρχων πολέμαρχος at Athens. In Bœotia, also, there were magistrates of this name. At Thebes, for instance, there appears to have been two, perhaps elected annually, and, from what happened when Phœbidas, the Lacedæmonian commander, seized the Cadmeia or citadel of Thebes (B.C. 382), we may infer that in times of peace they were invested with the chief executive power of the state and the command of the city, having its military force under their orders.[9] They are not, however, to be confounded with the Bœotarchs. At Thespiæ, also,[10] there were officers of this name, and likewise in Œtolia[11] and Arcadia. At Cynætha, in the latter country, the gates of the city were intrusted to the special care of the polemarchs: they had to keep guard by them in the daytime, and to close them at night, and the keys were always kept in their custody.[12]

*POLEMO'NIUM (πολεμώνιον), a species of plant; most probably, as Adams thinks, the *Polemonium cæruleum*. The same authority makes the popular name to be Greek Valerian.[13]

POLETAI (πωλῆται), a board of ten officers or magistrates (for they are called ἀρχή by Harpocration), whose duty it was to grant leases of the public lands and mines, and also to let the revenues arising from the customs, taxes, confiscations, and forfeitures. Of such letting the word πωλεῖν (not μισθοῦν) was generally used, and also the correlative words ὠνεῖσθαι and πρίασθαι. Their official place of business was called πωλητήριον. One was chosen from each tribe. A chairman presided at their meetings (ἐπρυτάνευε). In the letting of the revenue they were assisted by the managers of the theoric fund (τὸ θεωρικόν), and they acted under the authority of the senate of Five Hundred. They exercised a general control over the financial department of the administration. Resident aliens, who did not pay their residence tax (μετοίκιον), were summoned before them, and, if found to have committed default, were sold in a room called πωλητήριον τοῦ μετοικίου.[1] Other persons who had forfeited their freedom to the state were also sold by the πωλῆται, as foreigners who had been convicted of usurping the rights of citizenship.[2]

*POL'ION (πόλιον), a plant, which has been generally considered to be the *Teucrium Polium*, a species of Germander. "Sprengel and Stackhouse, however," remarks Adams, "agree in preferring the *Teucrium Creticum*. Schneider is, notwithstanding, disposed to agree with Columna in referring it to the *Santolina chamæcyparissus*, or Cypress-leaved Lavender Cotton. This last we are rather disposed to hold as one of the species of ἀβρότονον described by Dioscorides."[3]

POLITEIA, POLITES (πολιτεία, πολίτης). (*Vid.* CIVITAS, GREEK.)

POLLICA'RIS. (*Vid.* PES, p. 762.)

POLLICITA'TIO. (*Vid.* OBLIGATIONES, p. 676.)

POLLINCTO'RES. (*Vid.* FUNUS, p. 459.)

POL'OS (πόλος). (*Vid* HOROLOGIUM.)

*POLYCARPUM (πολύκαρπον), a plant, the *Polygonum Persicaria*.[4]

*POLYG'ALON (πολύγαλον), the *Polygala amara*, or Butterwort. Such, at least, is the opinion of Tragus, who is followed by Sprengel.[5]

*POLYGON'ATON (πολυγόνατον), a species of plant, the common name of which, according to Stephens and Bauhin, is Solomon's Seal. Sprengel also agrees in referring it to the *Convallaria multiflora*.[6]

*POLYG'ONUM (πολύγονον), a plant. "The πολύγονον ἄρρεν of Dioscorides is generally acknowledged to be the *Polygonum aviculare*, or Knot Grass. The π. θῆλυ is referred by Sprengel to the *Polygonum maritimum*. It is deserving of remark, however, that nearly all the older authorities, as, for example, Matthiolus, Dodonæus, and Bauhin, make the latter to have been the *Hippuris vulgaris*, or Mare's Tail. The πολύγονον is the Sanguinaria of Pliny."[7]

POLY'MITA. (*Vid.* TELA.)

*POL'YPUS (πολύπους or πώλυπος), the Polypus. Several species of the Polypus are described by Aristotle, most of which are to be referred to the genus *Hydra* of Linnæus. The *H. viridis* is its most remarkable species. The ancient writers use the general term *polypus* in speaking of these animals, but modern naturalists employ the appellation *octopus*, as specifying more distinctly a particular class, and the name *polypus* is now exclusively assigned to a tribe of the radiata. "Aristotle, Pliny, and, in fact, all the ancient writers, affirm that this animal issues from the water, and that it sometimes visits the land; avoiding, however, all the smooth places. Ælian and Athenæus add that it can also mount on trees! It appears that the octopi make their principal food of crustacea, as Aristotle observed long ago. They also feed on conchyliferous mollusca; and Pliny relates concerning them the trick, which has also been attributed to apes, of placing a little stone between the two valves of oysters, of

1. (Herod., vii., 173.)—2. (Xen., Rep. Lac., xi., 4.)—3. (Müller, Dorians, iii., 12, § 4.)—4. (Herod., l. c.)—5. (Xen., Hell., vi., 4, 14.)—6. (Müller, iii., 12, § 5.)—7. (Müller, iii., 12, § 4.)—8. (Id., iii., 7, § 8.)—9. (Xen., Hell., v., c. 2, 25.)—10. (Plut., Demetr., c. 39.)—11. (Polyb., iv., 79.)—12. (Aristot., Pol., vi., 10.)—13. (Dioscor., iv., 8.—Galen, De Simpl., vi.—Adams, Append., s. v.)

1. (Demosth., c. Aristog., 787.)—2. (Harpocr. et Suidas, s. v. Πωλῆται and μετοίκιον.—Pollux, Onom., viii., 99.—Böckh Staatsh. der Att., i., 167, 338, 353.—Meier, De bon. Damn., 41.)—3. (Theophr., H. P., i., 10.—Dioscor., iii., 114.—Adams, Append., s. v.)—4. (Hippoc., Morb. Mulier., i., 615.—Adams, Append., s. v.)—5. (Dioscor., iv., 140.—Adams, Append., s. v.)—6 (Dioscor., iv., 6.—Adams, Append., s. v.)—7 (Dioscor., iv., 4.—Adams, Append., s. v.)

which they are extremely fond, so as to prevent them from closing, and that then they extract the flesh. But how could an octopus take up a little stone and place it so adroitly, even supposing that the semi-hiatus of the oyster, continually filled by the tentacular cirrhi of the edges of its mantle, would permit it? It has been asserted, absurdly enough, that the octopus, when pushed by hunger, will gnaw its own arms, which possess the singular property of shooting forth again. But Aristotle and Pliny more justly attribute the fact of octopi being often found which have some fewer appendages than usual, to their having been eaten off by the conger eels. We are ignorant respecting the full size to which the octopi may attain. We find in the recitals of certain travellers, and even of some naturalists, that a species exists to which the name of *Kraken* has been given, which arrives at an immeasurable bulk, so as to resemble an island when it approaches the surface of the water, and to overset the largest vessel under full sail when it becomes entangled in their cordage. But we may be assured, without any fear of deceiving ourselves, that this is but an exaggeration of what has been said by the ancients, especially Pliny, concerning an octopus, which, according to Trebius, had a head of the size of a barrel containing fifteen amphoræ, and whose tentacular appendages, which, as well as the head, were presented to Lucullus, were thirty feet in length, knotted like clubs, and so thick that a man could scarcely embrace them round: the suckers resembled basins, and the teeth were in proportion. All that was preserved of the body weighed seven hundred pounds. There are other traits still more curious in the history of this most marvellous octopus. It was observed at Castera, in Bætica, in Spain, and was accustomed to come forth from the sea into the depôts for salted fish, &c., and to devour those provisions. The pertinacity of its robberies at length roused the indignation of the keepers; they built very lofty palisades, but all in vain; this persevering polypus succeeded in getting over them by taking advantage of a neighbouring tree, so that it could not be taken but by the sagacity of the dogs, which, having marked it one night as it was returning to the sea, intimated the affair to the keepers, who were struck with terror and astonishment at the novelty of this tremendous spectacle. In truth, the animal was of an immeasurable bulk; its colour was changed by the action of the brine, and it exhaled a most intolerable odour. Nevertheless, after a desperate combat with the dogs, which Pliny depicts with all the vigour of his poetical style, and by the efforts of men armed with tridents, it was at last killed, and the head was brought to Lucullus. Ælian also tells us that, in the course of time, these animals arrive at a most extraordinary bulk, so as to equal in size the largest cetacea. On this subject he favours us with a story pretty nearly similar to that of Trebius, of a polypus which, having devastated the magazines of the Iberian merchants, was *besieged* by a great number of persons, and cut in pieces with hatchets, just in the same style that woodmen cut down the thick branches of trees. Aristotle, indeed, tells us there are polypi whose arms are as much as five cubits in length, which would make above seven feet. But this is a long way behind the narrations of Trebius and Ælian, and falls still shorter of the wonders of the Northern romances concerning their *kraken*. The ancients tell us that the octopi are the enemies of the lobsters, which dread them, while they are themselves pursued by the murænæ, which devour their arms. They likewise inform us that their bite is stronger than that of the sepiæ, but not so venomous. Ælian adds, that it is said by fishermen that the octopi are attracted to the land by the fruit of the olive-tree."[1]

*POMAT'IAS (πωματίας), a species of esculent Snail, mentioned by Dioscorides. It is the *Helix Pomatia*.[2]

POMŒ'RIUM. This word is compounded of *post* and *mœrium* (*murus*), in the same manner as *pomeridiem* of *post* and *meridiem*, and thus signifies a line running by the walls of a town (*pone* or *post muros*). But the walls of a town here spoken of are not its actual walls or fortifications, but symbolical walls, and the course of the pomœrium itself was marked by stone pillars (*cippi pomœrii*[3]) erected at certain intervals. The custom of making a pomœrium was common to the Latins and Etruscans, and the manner in which it was done in the earliest times, when a town was to be founded, was as follows: A bullock and a heifer were yoked to a plough, and a furrow was drawn around the place which was to be occupied by the new town in such a manner that all the clods fell inward. The little mound thus formed was the symbolical wall, and along it ran the pomœrium, within the compass of which alone the city-auspices (*auspicia urbana*) could be taken.[4] That the actual walls or fortifications of a town ran near it may naturally be supposed, though the pomœrium might either be within or without them. This custom was also followed in the building of Rome, and the Romans afterward observed it in the establishment of their colonies. The sacred line of the Roman pomœrium did not prevent the inhabitants from building upon or taking into use any place beyond it, but it was necessary to leave a certain space on each side of it unoccupied, so as not to unhallow it by profane use.[5] Thus we find that the Aventine, although inhabited from early times, was for many centuries not included within the pomœrium.[6] The whole space included in it was called *ager effatus* or *fines effati*. The pomœrium of Rome was not the same at all times; as the city increased the pomœrium also was extended, but this extension could, according to ancient usage, only be made by such men as had by their victories over foreign nations increased the boundaries of the Empire,[7] and neither could a pomœrium be formed nor altered without the augurs previously consulting the will of the gods by augury, whence the *jus pomœrii* of the augurs.[8] The formula of the prayer which the augurs performed on such occasions, and which was repeated after them by the people who attended, is preserved in Festus.[9]

The original pomœrium of Romulus ran, according to Gellius,[10] around the foot of the Palatine, but the one which Tacitus[11] describes as the pomœrium of Romulus comprised a much wider space, and was, as Niebuhr thinks,[12] an enlargement of the original compass, taking in a suburb or borough. Niebuhr also believes that pomœrium properly denotes a suburb taken into the city. The Romulian pomœrium, according to Tacitus, ran from the Forum Boarium (the arch of Septimius Severus) through the valley of the Circus so as to include the ara maxima Herculis; then along the foot of the Palatine to the ara Consi, and thence from the Septizonium to the curiæ veteres (a little below the baths of Trajan), along the top of the Velia to the Sacellum Larium, and lastly by the Via Sacra to the Forum. From the eastern side of the Forum to

1. (Aristot., H. A., iv., 1.—Griffith's Cuvier, vol. xii., p. 289 seq.)—2. (Dioscor., Mat. Med., ii., 11.—Adams, Append., s. v. —3. (Varro, De Ling. Lat., iv., p. 40, ed. Bip.)—4. (Varro, De Ling. Lat., l. c.)—5. (Liv., i., 44.)—6. (Gell., xiii., 14.)—7 (Tacit., Annal., xii., 23.)—8. (Dionys., iv., 13.—Cic., De Div ii., 35.)—9. (s. v. Prosimurium.)—10. (l. c.)—11. (Annal., xii 24.)—12. (Hist. of Rome, i., p. 288.—Compare Bunsen, Beschreib. d. Stadt Rom., i., p. 138.—Sachse, Beschreib. von Rom i., p. 50.)

the Velabrun there was a swamp, so that Tacitus does not mention the line of the pomœrium here. Servius Tullius again extended the pomœrium,[1] but the Aventine was not included, either because the auspices here taken by Remus had been unfavourable, or, which is more probable, because there stood on this hill the temple of Diana, the common sanctuary of the Latins and Romans.[2] The Aventine did not become included within the pomœrium until the time of the Emperor Claudius.[3] Dionysius[4] states that, down to his time, nobody had extended the pomœrium since the time of King Servius, although we know from authentic sources that at least Augustus enlarged the pomœrium,[5] and the same is said of Sulla and J. Cæsar.[6] The last who extended the pomœrium of Rome was the Emperor Aurelian, after he had enlarged the walls of the city.[7]

POMPA (*πομπή*), a solemn procession, as on the occasion of a funeral, triumph, &c.[8] It is, however, more particularly applied to the grand procession with which the games of the circus commenced (*Pompa Circensis*). (*Vid.* Circus, p. 255.)

POMPEIÆ LEGES. (*Vid.* Lex, p. 584, 585.)

*POMPH'OLYX (*πομφόλυξ*). "Pompholyx," says Charras, "is a white, light powder, that sticks upon the tops of furnaces where they melt and refine copper, like flour of meal, and sometimes little poulses or blisters. They call it *Nil* or *Nihili*. Tutia comes from the same copper and at the same time as the pompholyx, but the weight of it causes it to stick about the lower part of the furnaces. The Greeks call Tutia by the name of *Spodium*." Hardouin, as Adams remarks, gives it the French name of "*La fleur de la Calamine*." Blancard gives it the English name of "The White Tutty," but it is generally called "Brown Ashes" or "White Calamy" in English.[9]

*POMP'ILUS (*πομπίλος*), a species of fish, supposed to be the *Coryphæna Pompilus*. It is of a rare kind, and, according to Rondelet, is sometimes sold for Spanish mackerel. Athenæus calls it the *ἱερὸς ἰχθύς*. Oppian makes it the *κάλλιχθυς*.[10]

PONS. (*Vid.* Bridge.)

PO'NTIFEX. The origin of this word is explained in various ways. Q. Scævola, who was himself pontifex maximus, derived it from *posse* and *facere*, and Varro from *pons*, because the pontiffs, he says, had built the Pons Sublicius, and afterward frequently restored it, that it might be possible to perform sacrifices on each side of the Tiber.[11] This statement is, however, contradicted by the tradition which ascribes the building of the Pons Sublicius to Ancus Marcius,[12] at a time when the pontiffs had long existed and borne this name. Göttling[13] thinks that *pontifex* is only another form for *pompifex*, which would characterize the pontiffs only as the managers and conductors of public processions and solemnities. But it seems far more probable that the word is formed from *pons* and *facere* (in the signification of the Greek *ῥέζειν*, to perform a sacrifice), and that, consequently, it signifies the priests who offered sacrifices upon the bridge. The ancient sacrifice to which the name thus alludes is that of the Argeans on the sacred or Sublician bridge, which is described by Dionysius.[1] (Compare Argei.) Greek writers sometimes translate the word, and call the pontiffs *ἐφυροποιοί*.

The Roman pontiffs formed the most illustrious among the great colleges of priests. Their institution, like that of all important matters of religion, was ascribed to Numa.[2] The number of pontiffs appointed by this king was four,[3] and at their head was the pontifex maximus, who is generally not included when the number of pontiffs is mentioned. Cicero,[4] however, includes the pontifex maximus when he says that Numa appointed five pontiffs Niebuhr[5] supposes, with great probability, that the original number of four pontiffs (not including the pontifex maximus) had reference to the two earliest tribes of the Romans, the Ramnes and Tities, so that each tribe was represented by two pontiffs In the year B.C. 300, the Ogulnian law raised the number of pontiffs to eight, or, including the pontifex maximus, to nine, and four of them were to be plebeians.[6] The pontifex maximus, however, continued to be a patrician down to the year B.C. 254, when Tib. Coruncanius was the first plebeian who was invested with this dignity.[7] This number of pontiffs remained for a long time unaltered, until, in 81 B.C., the dictator Sulla increased it to fifteen,[8] and J. Cæsar to sixteen.[9] In both these changes the pontifex maximus is included in the number. During the Empire the number varied, though, on the whole, fifteen appears to have been the regular number.

The mode of appointing the pontiffs was also different at different times. It appears that after their institution by Numa, the college had the right of co-optation, that is, if a member of the college died (for all the pontiffs held their office for life), the members met and elected a successor, who, after his election, was inaugurated by the augurs.[10] This election was sometimes called *captio*.[11] In the year 212 B.C., Livy[12] speaks of the election of a pontifex maximus in the comitia (probably the comitia tributa) as the ordinary mode of appointing this high-priest. But, in relating the events of the year 181 B.C., he again states that the appointment of the chief pontiff took place by the co-optation of the college.[13] How these anomalies arose (unless Livy expresses himself carelessly) is uncertain;[14] for, as far as we know, the first attempt to deprive the college of its right of co-optation, and to transfer the power of election to the people, was not made until the year B.C. 145, by the tribune C. Licinius Crassus; but it was frustrated by the prætor C. Lælius.[15] In 104 B.C. the attempt was successfully repeated by the tribune Cn. Domitius Ahenobarbus; and a law (lex Domitia) was then passed, which transferred the right of electing the members of the great colleges of priests to the people (probably in the comitia tributa), that is, the people elected a candidate, who was then made a member of the college by the co-optatio of the priests themselves, so that the co-optatio, although still necessary, became a mere matter of form.[16] The lex Domitia was repealed by Sulla in a lex Cornelia de Sacerdotiis (81 B.C.), which restored to the great priestly colleges their full right of co-optatio.[17] In the year 63 B.C. the law of Sulla was abolished, and the Domitian law was restored, but not in its full extent; for it was now determined that, in case of a vacancy, the college itself should

1. (Liv., i., 44.—Dionys., iv., 13.)—2. (Gell., l. c.—Varro, De Ling Lat., iv., p. 14, ed. Bip.)—3. (Gell., l. c.—Tacit., Annal., xii., 23.)—4. (l. c.)—5. (Bunsen, l. c., p. 139.)—6. (Tacit., Annal., l. c —Gell., l. c.—Fest., s. v. Prosimurium.—Cic. ad Att., xiii., 20.—Dion Cass., xliii., 50; xliv., 49.)—7. (Fl. Vopisc., Div. Aurel., 21.)—8. (Cic., Pro Mil., 13.—Suet., Jul., 37, &c.)—9. (Dioscor., v., 183.—Hardouin ad Plin., H. N., xxxiv., 33.—Blancard, Lex. Mid.—Adams, Append., s. v.)—10. (Ælian, N. A., ii., 15.—Id. ib., xv, 23.—Plin., H. N., xxxi., 11.—Oppian, i., 185.—Adams, Append., s. v.)—11. (Varro, De Ling. Lat., iv., p. 24, &c., ed. Bip.)—12. (Liv., i., 33.)—13. (Gesch. d. Röm. Staatsv., p. 173.)

1. (i., 38.)—2. (Liv., i., 20.—Dionys., ii., 73.)—3. (Liv., x., 6.)—4. (De Republ., ii., 14.)—5. (Hist. of Rom., i., p. 302, &c.—Compare iii., p. 410.—Liv., x., 6.—Cic., De Republ., ii., 9.)—6 (Liv., x., 6.)—7. (Liv., Epit., 18.)—8. (Liv., Epit., 89.)—9. (Dion Cass., xlii., 51.)—10. (Dionys., ii., 22, 73.)—11. (Gell., i., 12)—12. (xxv., 5.)—13. (Liv., xl., 42.)—14. (Göttling, l. c., p. 375.)—15. (Cic., De Am., 25.—Brut., 21.—De Nat. Deor., iii., 2.)—16. (Cic., De Leg. Agr., ii., 7.—Epist. ad Brut., i., 5.—Vell. Pat., ii., 12.—Sueton, Nero, 2.)—17. (Liv., Epit., 89.—Pseudo Ascon., in Divinat., p. 102, ed Orelli.—Dion Cass., xxxvii., 37.)

nominate two candidates, and the people elect one of them. This mode of proceeding is expressly mentioned in regard to the appointment of augurs, and was consequently the same in that of the pontiffs.[1] Julius Cæsar did not alter this modified lex Domitia, but M. Antonius again restored the right of co-optatio to the college.[2]

The college of pontiffs had the supreme superintendence of all matters of religion, and of things and persons connected with public as well as private worship. A general outline of their rights and functions is given by Livy[3] and Dionysius.[4] This power is said to have been given to them by Numa; and he also intrusted to their keeping the books containing the ritual ordinances, together with the obligation to give information to any one who might consult them on matters of religion. They had to guard against any irregularity in the observance of religious rites that might arise from a neglect of the ancient customs, or from the introduction of foreign rites. They had not only to determine in what manner the heavenly gods should be worshipped, but also the proper form of burials, and how the souls of the departed (manes) were to be appeased; in like manner, what signs either in lightning or other phenomena were to be received and attended to. They had the judicial decision in all matters of religion, whether private persons, magistrates, or priests were concerned; and in cases where the existing laws or customs were found defective or insufficient, they made new laws and regulations (*decreta pontificum*), in which they always followed their own judgment as to what was consistent with the existing customs and usages.[5] They watched over the conduct of all persons who had anything to do with the sacrifices or the worship of the gods, that is, over all the priests and their servants. The forms of worship and of sacrificing were determined by the pontiffs, and whoever refused to obey their injunctions was punished by them, for they were "*rerum quæ ad sacra et religiones pertinent, indices et vindices*."[6] The pontiffs themselves were not subject to any court of law or punishment, and were not responsible either to the senate or to the people. The details of these duties and functions were contained in books called libri pontificii or pontificales, commentarii sacrorum or sacrorum pontificalium,[7] which they were said to have received from Numa, and which were sanctioned by Ancus Marcius. This king is said to have made public that part of these regulations which had reference to the sacra publica;[8] and when, at the commencement of the Republic, the wooden tables on which these published regulations were written had fallen into decay, they were restored by the pontifex maximus C. Papirius.[9] One part of these libri pontificales was called indigitamenta, and contained the names of the gods, as well as the manner in which these names were to be used in public worship.[10] A second part must have contained the formulas of the jus pontificium.[11] The original laws and regulations contained in these books were in the course of time increased and more accurately defined by the decrees of the pontiffs, whence perhaps their name commentarii.[12] Another tradition concerning these books stated that Numa communicated to the pontiffs their duties and rights merely by word of mouth, and that he had buried the books in a stone chest on the Janiculum.[13] These books were found in 181 B.C., and one half of them contained ritual regulations and the jus pontificium, and the other half philosophical inquiries on these same subjects, and were written in the Greek language. The books were brought to the prætor urbanus Q. Petilius, and the senate ordered the latter half to be burned, while the former was carefully preserved. Respecting the nature and authenticity of this story, see Hartung, *Die Relig. d. Röm.*, i., p. 214, &c. Concerning the annales maximi which were kept by the pontifex maximus, and to which Livy[1] applies the name commentarii pontificum, see Annales.

As to the rights and duties of the pontiffs, it must first of all be borne in mind that the pontiffs were not priests of any particular divinity, but a college which stood above all other priests, and superintended the whole external worship of the gods.[2] One of their principal duties was the regulation of the sacra, both publica and privata, and to watch that they were observed at the proper times (for which purpose the pontiffs had the whole regulation of the calendar: *vid.* Calendar, p. 195, &c.) and in their proper form. In the management of the sacra publica they were in later times assisted in certain performances by the triumviri epulones (*vid.* Epulones), and had in their keeping the funds from which the expenses of the sacra publica were defrayed. (*Vid.* Sacra.)

The pontiffs convoked the assembly of the curies (comitia calata or curiata) in cases where priests were to be appointed, and flamines or rex sacrorum were to be inaugurated; also when wills were to be received, and when a detestatio sacrorum and adoption by adrogatio took place.[3] (*Vid.* Adoptio.) Whether the presence of the pontiffs, together with that of the augurs and two flamines, was necessary in the comitia curiata, also, in cases when other matters were transacted, as Niebuhr thinks,[4] does not appear to be quite certain. The curious circumstance that on one occasion the pontifex maximus was commanded by the senate to preside at the election of tribunes of the people, is explained by Niebuhr.[5]

As regards the jurisdiction of the pontiffs, magistrates and priests, as well as private individuals were bound to submit to their sentence, provided it had the sanction of three members of the college.[6] In most cases the sentence of the pontiffs only inflicted a fine upon the offenders,[7] but the person fined had a right to appeal to the people, who might release him from the fine. In regard to the vestal virgins and the persons who committed incest with them, the pontiffs had criminal jurisdiction, and might pronounce the sentence of death.[8] A man who had violated a vestal virgin was, according to an ancient law, scourged to death by the pontifex maximus in the comitium, and it appears that originally neither the vestal virgins nor the male offenders in such a case had any right of appeal. Göttling[9] considers that they had the right of appeal, but the passage of Cicero[10] to which he refers does not support his opinion. Incest in general belonged to the jurisdiction of the pontiffs, and might be punished with death.[11] In later times we find that, even in the case of the pontiffs having passed sentence upon vestal virgins, a tribune interfered, and induced the people to appoint a quæstor for the purpose of making a fresh inquiry into the case; and it sometimes happened that after

1. (Cic., Philipp., ii., 2.)—2. (Dion Cass., xliv., 53.)—3. (i., 20.)—4. (ii., 73.)—5. (Gell., ii., 28; x., 15.)—6. (Fest., s. v. Maximus pontifex.—Compare Cic., De Legg., ii., 8, 12.)—7. (Fest., s. v. Aliuta and Occisum.)—8. (Liv., i., 32.)—9. (Dionys., iii., 36.)—10. (Serv. ad Virg., Georg., i. 21.)—11. (Cic., De Republ., ii., 31.)—12. (Plin., H. N., xviii., 3.—Liv., iv., 3.—Cic., Brut., 14)—13. (Plut., Num., 22.—Plin., H. N., xiii., 27—Val. Max., I., i., 12—August., De Civit. Dei, vii., 34.)

1. (vi., i.)—2. (Cic., De Legg., ii., 8.)—3. (Gell., v., 19; xv., 27.)—4. (i., p. 342; ii., p. 223.)—5. (ii., p. 359, &c.)—6. (Cic., De Harusp. Resp., 6.)—7. (Cic., Philip., xi., 8.—Liv., xxxvii. 51.—Id., xl., 42.)—8. (Dionys., ix., 40.—Liv., xxii., 57.—Fest., s. v. Probrum.)—9. (p. 185.)—10. (De Republ., ii., 31.)—11. (Cic De Legg., ii., 19

this new trial th. sentence of the pontiffs was modified or annulled. Such cases, however, seem to have been mere irregularities, founded upon an abuse of the tribunitian power. In the early times the pontiffs, as a portion of the patricians, were in the possession of the civil as well as religious law, until the former was made public by C. Flavius. (*Vid* Actio, p. 17.) The regulations which served as a guide to the pontiffs in their judicial proceedings formed a large collection of laws, which was called the jus pontificium, and formed part of the libri pontificii.[2] (Compare Jus, p. 560, &c.) The new decrees which the pontiffs made, either on the proposal of the senate, or in cases belonging to the sacra privata, or that of private individuals, were, as Livy[3] says, innumerable.[4]

The meetings of the college of pontiffs, to which, in some instances, the flamines and the rex sacrorum were summoned,[5] were held in the curia regia on the Via Sacra, to which was attached the residence of the pontifex maximus and of the rex sacrorum.[6] As the chief pontiff was obliged to live in a domus publica, Augustus, when he assumed this dignity, changed part of his own house into a domus publica.[7] All the pontiffs were in their appearance distinguished by the conic cap called tutulus or galerus, with an apex upon it, and the toga prætexta.

The pontifex maximus was the president of the college, and acted in its name, whence he alone is frequently mentioned in cases in which he must be considered only as the organ of the college. He was generally chosen from among the most distinguished persons, and such as had held a curule magistracy, or were already members of the college.[8] Two of his especial duties were to appoint (*capere*) the vestal virgins and the flamines (*vid.* Vestales, Flamen), and to be present at every marriage by confarreatio. When festive games were vowed or a dedication made, the chief pontiff had to repeat over, before the persons who made the vow or the dedication, the formula in which it was to be performed (*præire verba*[9]). During the period of the Republic, when the people exercised sovereign power in every respect, we find that if the pontiff, on constitutional or religious grounds, refused to perform this solemnity, he might be compelled by the people.

A pontifex might, like all the members of the great priestly colleges, hold any other military, civil, or priestly office, provided the different offices did not interfere with one another. Thus we find one and the same person being pontiff, augur, and decemvir sacrorum ;[10] instances of a pontifex maximus being at the same time consul are very numerous.[11] But, whatever might be the civil or military office which a pontifex maximus held besides his pontificate, he was not allowed to leave Italy. The first who violated this law was Licinius Crassus, in B.C. 131 ;[12] but after this precedent pontiffs seem to have frequently transgressed the law, and Cæsar, though pontifex maximus, went to his province of Gaul.

The college of pontiffs continued to exist until the overthrow of paganism ;[13] but its power and influence were considerably weakened, as the emperors, according to the example of J Cæsar, had the right to appoint as many members of the great colleges of priests as they pleased.[1] In addition to this, the emperors themselves were always chief pontiffs, and, as such, the presidents of the college, hence the title of pontifex maximus (P. M. or PON. M.) appears on several coins of the emperors. If there were several emperors at a time, only one bore the title of pontifex maximus ; but in the year A.D. 238, we find that each of the two emperors Maximus and Balbinus assumed this dignity.[2] The last traces of emperors being at the same time chief pontiffs are found in inscriptions of Valentinian, Valens, and Gratianus.[3] From the time of Theodosius the emperors no longer appear in the dignity of pontiff; but at last the title was assumed by the Christian bishop of Rome.

There were other pontiffs at Rome, who were distinguished by the epithet minores. Various opinions have been entertained as to what these pontifices minores were. Niebuhr[4] thinks that they were originally the pontiffs of the Luceres ; that they stood in the same relation to the other pontiffs as the patres minorum gentium to the patres majorum gentium ; and that subsequently, when the meaning of the name was forgotten, it was applied to the secretaries of the great college of pontiffs. In another passage[5] Niebuhr himself demonstrates that the Luceres were never represented in the college of pontiffs, and his earlier supposition is contradicted by all the statements of ancient writers who mention the pontifices minores. Livy,[6] in speaking of the secretaries of the college of pontiffs, adds, "*quos nunc minores pontifices appellant ;*" from which it is evident that the name pontifices minores was of later introduction, and that it was given to persons who originally had no claims to it, that is, to the secretaries of the pontiffs. The only natural solution of the question seems to be this. At the time when the real pontiffs began to neglect their duties, and to leave the principal business to be done by their secretaries, it became customary to designate these scribes by the name of pontifices minores. Macrobius,[7] in speaking of minor pontiffs previous to the time of Cn. Flavius, makes an anachronism, as he transfers a name customary in his own days to a time when it could not possibly exist. The number of these secretaries is uncertain : Cicero[8] mentions the names of three minor pontiffs. The name cannot have been used long before the end of the Republic, when even chief pontiffs began to show a disregard for their sacred duties, as in the case of P. Licinius Crassus and Julius Cæsar. Another proof of their falling off, in comparison with former days, is, that about the same time the good and luxurious living of the pontiffs became proverbial at Rome.[9]

PONTIFI'CIUM JUS. (*Vid.* Jus, p. 560.)

PONTIFICA'LES LUDI. (*Vid.* Ludi Pontificales.)

PONTO, a Pontoon, was a vessel used for transporting troops across rivers. We are told that it was a kind of Gallic vessel, but we have no farther particulars respecting it.[10]

POPA. (*Vid.* Sacrificium)

POPI'NA. (*Vid.* Caupona, p. 226.)

POPULA'RIA. (*Vid.* Amphitheatrum, p 53.)

PO'PULUS. (*Vid.* Patricii.)

POPULIFU'GIA or POPLIFU'GIA, the day of the people's flight, was celebrated on the nones of July, according to an ancient tradition preserved by

1. (Ascon. ad Milon., p. 46, ed. Orelli.)—2. (Cic., De Orat., i., 43 —Id. ib., iii., 33. — Id., Pro Domo, 13.)—3. (xxxix., 16.)—4. (Compare Cic., De Leg., ii., 23.—Macrob., Sat., iii., 3.—Dionys. Hal., ii., 73.)—5. (Cic , De Harusp. Resp., 6.)—6. (Suet., Jul., 46.—Serv. ad Æn., viii., 363.—Plin., Epist., iv., 11.)—7. (Dion Cass., liv., 27.) — 8. (Liv., xxxv., 5. — Id., xl., 42.) — 9. (Liv , v., 40.—Id., ix., 46.—Id., iv., 27.)—10. (Liv., xl., 42.)—11. (Liv., xxviii., 38. — Cic., De Harusp. Resp., 6. — Compare Ambrosch, "Studien und Andeutungen," p. 229, note 105.) — 12. (Liv., Epit., lib. 59.—Val. Max , viii., 7, 6.—Oros., v., 10.)—13. (Arnob., iv., 35 —Symmach , Epist., ix., 128, 129.)

1. (Dion Cass., xlii., 51.—Id., xliii., 51.—Id., li., 20.—Id., lii 17.— Suet., Cæs., 31.) — 2. (Capitol., Maxim. et Balb., 8.) — 3 (Orelli, Inscr., n. 1117, 1118.) — 4. (i., p. 302, n. 775.) — 5. (iii. p. 411.)—6. (xxii., 57.—Compare Jul. Capitol., Opil. Macrin., 7. —7. (Sat., i., 15.)—8. (De Harusp. Resp., 6.)—9. (Horat , Carm ii., 14, 26, &c.—Mart., xii., 48, 12.—Macrob., Sat., ii., 9.—Id (Cæs., Bell. Civ., iii., 29.—Gell., x., 25)

Varro,[1] in commemoration of the flight of the people, when the inhabitants of Ficulea, Fidenæ, and other places round about, appeared in arms against Rome shortly after the departure of the Gauls, and produced such a panic that the Romans suddenly fled before them. Macrobius,[2] however, says that the populifugia was celebrated in commemoration of the flight of the people before the Tuscans, while Dionysius[3] refers its origin to the flight of the people on the death of Romulus. Niebuhr[4] seems disposed to accept the tradition preserved by Varro; but the different accounts of its origin given by Macrobius and Dionysius render the story uncertain.[5]

PORISTAI (*πορισταί*) were magistrates at Athens, who probably levied the extraordinary supplies (Πορισταί εἰσιν ἀρχή τις Ἀθήνησιν, ἥτις πόρους ἐζήτει[6]). Antiphon[7] classes them with the poletæ and practores; and Demosthenes[8] joins *τῶν χρημάτων ταμίαι καὶ πορισταί*, from which it would appear that they were public officers in his time, although the words do not necessarily prove this.[9]

*POROS (*πῶρος*). "Theophrastus," says Adams, "describes a species of marble under this name. He says it resembles the Parian in hardness and colour, and the *Tophus* (*πῶρος*) in lightness. The *Tophus* would seem to have been the Potstone of modern mineralogists. The medical authors likewise applied the term to the chalk-stones which form in the joints of persons who have long laboured under the gout."

PORPE (*πόρπη*). (*Vid.* FIBULA.)

PORTA (*πύλη, dim. πυλίς*), the gate of a city, citadel, or other open space enclosed by a wall, in contradistinction to JANUA, which was the door of a house or any covered edifice. The terms *porta* and *πύλη* are often found in the plural, even when applied to a single gate, because it consisted of two leaves.[10]

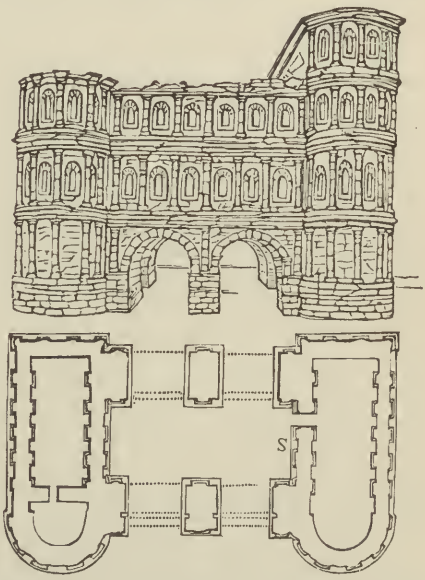
The gates of a city were, of course, various in their number and position. The ancient walls of Pæstum, Sepianum, and Aosta still remain, and enclose a square: the centre of each of the four walls was a gate. If, instead of being situated on a plain, a city was built on the summit of a precipitous hill, there was a gate on the sloping declivity which afforded the easiest access. If, in consequence of the unevenness of the ground, the form of the walls was irregular, the number and situation of the gates varied according to the circumstances. Thus Megara had 5 gates;[11] Thebes, in Bœotia, had 7; Athens had 8;[12] and Rome 20, or perhaps even more.

The jambs of the gate were surmounted, 1. by a lintel, which was large and strong in proportion to the width of the gate. The lintel of the centre gate leading into the Athenian acropolis is 17 feet long. 2. By an arch, as we see exemplified at Pompeii, Pæstum, Sepianum, Volterra, Autun, Bezançon, and Treves. 3. At Arpinum, one of the gates now remaining is arched, while another is constructed with the stones projecting one beyond another, after the manner represented in the woodcut at p. 85.[13]

At Como, Verona, and other ancient cities of Lombardy, the gate contains two passages close together, the one designed for carriages entering, and the other for carriages leaving the city. The same provision is observed in the magnificent ruin of a gate at Treves. (See the following woodcut, showing a view of it, together with its plan.) In other instances we find only one gate for carriages, but a smaller one on each side of it (*πάραπυλις*[1]) for foot-passengers. (See the plan of the gate of Pompeii, p. 224.) Each of the fine gates which remain at Autun has not only two carriage-ways, but, exterior to them, two sideways for pedestrians.[2] When there were no sideways, one of the valves of the large gate sometimes contained a wicket (*portula, πυλίς: ῥινοπύλη*) large enough to admit a single person. The porter opened it when any one wished to go in or out by night.[3]

The contrivances for fastening gates were in general the same as those used for doors (*vid.* JANUA), but larger in proportion. The wooden bar placed across them in the inside (*μοχλός*) was kept in its position by the following method. A hole, passing through it perpendicularly (*βαλανοδοκη*[4]), admitted a cylindrical piece of iron, called *βάλανος*, which also entered a hole in the gate, so that, until it was taken out, the bar could not be removed either to the one side or the other.[5] Another piece of iron, fitted to the *βάλανος*, and called *βαλανάγρα*, was used to extract it.[6] When the besiegers, for want of this key, the *βαλανάγρα*, were unable to remove the bar, they cut it through with a hatchet,[7] or set it on fire.[8]

The gateway had commonly a chamber, either on one side or on both, which served as the residence of the porter or guard. It was called *πυλών*.[9] Its situation is shown in the following plan. (See woodcut.) But the gateway was also, in many cases, surmounted by a tower, adapted either for defence (*portis turres imposuit*[10]), or for conducting the general business of government. In the gates of Como and Verona this edifice is three stories high. At Treves it was four stories high in the flanks, although the four stories remain standing in one of them only, as may be observed in the annexed woodcut. The length of this building is 115 feet; its



depth, 47 in the middle, 67 in the flanks; its greatest height, 92. All the four stories are ornamented in every direction with rows of Tuscan columns. The gateways are each 14 feet wide. The entrance of

1. (De Ling Lat., vi., 18, ed. Müller.)—2. (Saturn., iii., 2.)—3. (ii., 76.)—4. (Hist. of Rome, ii., p. 573.)—5. (Compare Arnold, Hist. of Rome, ii., p. 10.)—6. (Bekker, Anec., p 294, 19.)—7. (De Chor., p. 791, ed. Reiske.)—8. (Philip., i., p. 49, 15.)—9. (Böckh, Publ. Econ. of Athens, i., p. 223.)—10. (Thucyd., ii., 4.—Virg., Æn., ii., 330.)—11. (Reinganum, Megaris, p. 125, 26.)—12. (Ersch und Gruber, Encyc., s. v. Attica, p. 240, 241.)—13 (Keppel Craven, "Excurs. in the Abruzzi," vol. i., p 108.)

1. (Heliodor., viii., p. 394.)—2. (Millin, "Voyage dans les Départemens," &c., tom. i., ch. 22; Atlas, pl. 18, figs. 3, 4.)—3. (Polyb., viii, 20, 24.—Liv., xxv., 9.)—4. (Æn. Tact., 18.) 5. (Thucyd., ii, 4.—Aristoph., Vesp., 200.—*βεβαλάνωται*: Aves, 1159.)—6. (Æn. Tact., l. c.)—7. (Thucyd., iv., 111.—Polyb., viii., 23, 24. —8. (Æn. Tact., 19.)—9. (Polyb., viii., 20, 23, 24.)—10. (Cæs. B. G., vii., 9.—Virg., Æn., vi., 552-554.)

each appears to have been guarded, as at Pompeii (see p. 224), first by a portcullis, and then by gates of wood and iron. The barbican, between the double portcullis and the pair of gates, was no doubt open to the sky, as in the gates of Pompeii. This edifice was probably erected by Constantine.[1] Its rows of ornamental windows, and the general style of its architecture, afford sufficient indications, that, although very strong, it was not intended solely nor principally for the purposes of defence, but to be applied in time of peace to the various objects of civil government. To these latter purposes the gatehouse (*πυλών*) was commonly devoted, more especially in Eastern countries. Hence Polybius[2] calls a building at Alexandrea *τὸν χρηματιστικὸν πυλῶνα τῶν βασιλείων, i. e.*, "the gatehouse of the palace, used for the transaction of public business." In the Old Testament the references to this custom are very frequent. By metonymy, "the gates" meant those who administered justice at the gates, and wielded the powers of government.[3]

Statues of the gods were often placed near the gate, or even within it in the barbican, so as to be ready to receive the adoration of those who entered the city.[4] The probable position of the statue was the point S in the above plan. The gate was sometimes much ornamented. Sculptured elephants, for example, were placed upon the Porta Aurea at Constantinople.

PO'RTICUS (*στοά*), a walk covered with a roof, which is supported by columns at least on one side. A porticus was either attached to temples and other public buildings, or it was built independent of any other edifice. Such shaded walks and places of resort are almost indispensable in the southern countries of Europe, where people live much in the open air, as a protection from the heat of the sun and from rain. This was the case in ancient times to a much greater extent than at present. The porticoes attached to the temples were either constructed only in front of them, or went round the whole building, as is the case in the so-called Temple of Theseus at Athens. They were originally intended as places for those persons to assemble and converse in who visited the temple for various purposes. As such temple-porticoes, however, were found too small or not suited for the various purposes of private and public life, most Grecian towns had independent porticoes, some of which were very extensive; and as the Greeks, in all their public works, soon went beyond the limits of mere utility, these public walks were not only built in the most magnificent style, but were adorned with pictures and statues by the best masters. Of this kind were the pœcile and *στοὰ βασίλειος* at Athens,[5] and the *στοὰ Περσική* at Sparta.[6] The Skias at Sparta, where the popular assemblies were held, seems to have been a building of the same kind.[7] In most of these stoæ, seats (*exedræ*) were placed, that those who were tired might sit down. They were frequented not only by idle loungers, but also by philosophers, rhetoricians, and other persons fond of intellectual conversation. The Stoic school of philosophy derived its name from the circumstance that the founder of it used to converse with his disciples in a stoa. The Romans derived their great fondness for such covered walks from the Greeks; and as luxuries among them were carried in everything to a greater extent than in Greece, wealthy Romans had their private porticoes, sometimes in the city itself, and sometimes in their country-seats. In the public porticoes of Rome, which were exceedingly numerous and very extensive (as that around the Forum and the Campus Martius), a variety of business was occasionally transacted: we find that lawsuits were conducted here, meetings of the senate held, goods exhibited for sale, &c. (See Pitiscus,[1] who has given a complete list of all the porticoes of Rome.)

PORTI'SCULUS (*κελευστής*), an officer in a ship, who gave the signal to the rowers, that they might keep time in rowing. The same name was also given to the pole or hammer, by the striking of which he regulated the motion of the oars.[2] The duties of this officer are thus described by Silius Italicus:[3]

> "*Mediæ stat margine puppis,*
> *Quid voce alternos nautarum temperet ictus,*
> *Et remis dictet sonitum, pariterque relatis*
> *Ad sonitum plaudat resonantia cærula tonsis.*'

This officer is sometimes called *Hortator*,[4] or Pausarius.[5]

PORTITO'RES. (*Vid.* Publicani.)

PORTO'RIUM was one branch of the regular revenues of the Roman state, consisting of the duties paid on imported and exported goods: sometimes, however, the name portorium is also applied to the duties raised upon goods for being carried through a country or over bridges.[6] A portorium, or duty upon imported goods, appears to have been paid at a very early period, for it is said that Valerius Publicola exempted the plebes from the portoria at the time when the Republic was threatened with an invasion by Porsenna.[7] The time of its introduction is uncertain; but the abolition of it, ascribed to Publicola, can only have been a temporary measure; and as the expenditure of the Republic increased, new portoria must have been introduced. Thus the censors M. Æmilius Lepidus and M. Fulvius Nobilior instituted *portoria et vectigalia multa*,[8] and C. Gracchus again increased the number of articles which had to pay portoria.[9] In conquered places and in the provinces, the import and export duties, which had been paid there before, were generally not only retained, but increased, and appropriated to the ærarium. Thus we read of portoria being paid at Capua and Puteoli on goods which were imported by merchants.[10] Sicily, and, above all, Asia, furnished to the Roman treasury large sums which were raised as portoria.[11] In some cases, however, the Romans allowed a subject nation, as a particular favour, to raise for themselves whatever portoria they pleased in their ports, and only stipulated that Roman citizens and socii Latini should be exempted from them.[12] In the year 60 B.C., all the portoria in the ports of Italy were done away with by a lex Cæcilia, carried by the prætor Q. Metellus Nepos.[13] It appears, however, that the cause of this abolition was not any complaint by the people of the tax itself, but of the portitores, *i. e.*, the persons who collected it, and who greatly annoyed the merchants by their unfair conduct and various vexations. (*Vid.* Publicani.) Thus the Republic for a time only levied import and export duties in the provinces, until J. Cæsar restored the duties on commodities imported from foreign countries.[14] During the last triumvirate new portoria were introduced,[15] and Augustus partly increased the old import duties and partly instituted

1. (Wyttenbach's Roman Ant. of Treves, p. 9–39.)—2. (xv., 29.)—3. (Hom., Il., ix., 312.—Matth., xvi., 18.)—4. (Paus., iv., 33, § 4.—Lucret., i., 314.—Acts, xiv., 13)—5. (Athen., xiii., p. 577.—Paus., i., 3, § 1, &c.—6 (Paus., iii., 11, § 3.)—7. (Paus., vii., 12, § 8.)

1. (Lexicon, s. v. Porticus.)—2. (Festus, s. v.)—3. (vi., 360, &c.)—4. (Ovid, Met., iii., 618.—Plaut., Merc., iv., 2, 5.—Virg., Æn., iii., 128.)—5. (Compare Blomfield ad Æsch., Pers., 403.' 6. (Plin., H. N., xii., 31.—Sueton., Vitell., 14.)—7. (Liv., ii., 9—Compare Dionys., v., 22.)—8. (Liv., xl., 51.)—9. (Vellei. Pat., ii., 6.)—10. (Liv., xxxii., 7.)—11. (Cic., c. Verr., ii., 75.—Pro Leg. Manil., 6.)—12. (Liv., xxxviii., 44.—Gruter, Inscr., p. 500.' —13. (Dion Cass., xxxvii., 51.—Cic. ad Att., ii., 16.)—14 (Suet Jul., 43.)—15. (Dion Cass., xlviii., 34)

new ones. The subsequent emperors increased or diminished this branch of the revenue as necessity required, or as their own discretion dictated.

As regards the articles subject to an import duty, it may be stated in general terms, that all commodities, including slaves, which were imported by merchants for the purpose of selling them again, were subject to the portorium, whereas things which a person brought with him for his own use were exempted from it. A long list of such taxable articles is given in the Digest.[1] Many things, however, which belonged more to the luxuries than to the necessaries of life, such as eunuchs and handsome youths, had to pay an import duty, even though they were imported by persons for their own use.[2] Things which were imported for the use of the state were also exempt from the portorium. But the governors of provinces (*præsides*), when they sent persons to purchase things for the use of the public, had to write a list of such things for the publicani (*portitores*), to enable the latter to see whether more things were imported than what were ordered;[3] for the practice of smuggling appears to have been as common among the Romans as in modern times. Respecting the right of the portitores to search travellers and merchants, see PUBLICANI. Such goods as were duly stated to the portitores were called *scripta*, and those which were not, *inscripta*. If goods subject to a duty were concealed, they were, on their discovery, confiscated.[4]

Respecting the amount of the import or export duties, we have but very few statements in the ancient writers. In the time of Cicero, the portorium in the ports of Sicily was one twentieth (*vicesima*) of the value of taxable articles;[5] and as this was the customary rate in Greece,[6] it is probable that this was the average sum raised in all the other provinces. In the times of the emperors, the ordinary rate of the portorium appears to have been the fortieth part (*quadragesima*) of the value of imported goods.[7] At a late period, the exorbitant sum of one eighth (*octava*[8]) is mentioned as the ordinary import duty; but it is uncertain whether this is the duty for all articles of commerce, or merely for certain things.

The portorium was, like all other vectigalia, farmed out by the censors to the publicani, who collected it through the portitores. (*Vid.* VECTIGALIA, PUBLICANI.)[9]

PORTUMNA'LIA or PORTUNA'LIA, a festival celebrated in honour of Portumnus or Portunus, the god of harbours.[10] It was celebrated on the 17th day before the calends of September.[11]

POSCA, vinegar mixed with water, was the common drink of the lower orders among the Romans, as of soldiers when on service,[12] slaves,[13] &c.

POSEIDO'NIA (Ποσειδώνια), a festival held every year in Ægina in honour of Poseidon.[14] It seems to have been celebrated by all the inhabitants of the island, as Athenæus[15] calls it a panegyris, and mentions that, during one celebration, Phryne, the celebrated hetæra, walked naked into the sea in the presence of the assembled Greeks. The festival is also mentioned by Theodoretus,[16] but no particulars are known.

1. (39, tit. 4, s. 16.—Compare Cic., c. Verr., ii., 72, 74.)—2. (Suet., De clar. Rhet., 1.—Cod., iv., tit. 42, s. 2.)—3. (Dig. 39, tit. 4, s. 4.)—4. (Dig. 39, tit. 4, s. 16.)—5. (Cic., c. Verr., ii., 75.)—6. (Böckh, Staatsh., i., p. 348.)—7. (Suet., Vesp., 1.—Quintil., Declam., 359.—Symmach., Epist., v., 62, 65.)—8. (Cod., iv., tit. 61, s. 7.)—9. (Burmann, De Vect. Pop. Rom., p. 50–77.—R. Bosse, Grundzüge des Finanzwesens im Rom. Staat, Braunschweigh, 1803, 2 vols.—Hegewisch, Versuch über die Röm. Finanzen, Altona, 1804.)—10. (Varro, De Ling. Lat., vii., 19, ed. Müller.)—11. (Calendarium Maff.)—12. (Spart., Hadr., 10.)—13. (Plaut., Mil., iii., 2, 23.)—14. (Athen., xiii., p. 588.)—15. (xiii., p. 590.)—16 (Therap., 7)

POSSE'SSIO. Paulus[1] observes, "*Possessio appellata est, ut et Labeo ait, a pedibus*" (ed. Flor., "Sedibus"), "*quasi positio: quia naturaliter tenetur ab eo qui insistit.*" The absurdity of the etymology and of the reason is equal. The elements of possidere are either *pot* (pot-is) and *sedere*, or the first part of the word is related to *apud* and the cognate Greek form of ποτί (πρός).

Possessio, in its primary sense, is the condition or power by virtue of which a man has such a mastery over a corporeal thing as to deal with it at his pleasure and to exclude other persons from meddling with it. This condition or power is detention, and it lies at the bottom of all legal senses of the word possession. This possession is no legal state or condition, but it may be the source of rights, and it then becomes possessio in a juristical or legal sense. Still, even in this sense, it is not in any way to be confounded with property (*proprietas*). A man may have the juristical possession of a thing without being the proprietor, and a man may be the proprietor of a thing without having the juristical possession of it, and, consequently, without having the detention of it.[2] Ownership is the legal capacity to operate on a thing according to a man's pleasure, and to exclude everybody else from doing so. Possession, in the sense of detention, is the actual exercise of such a power as the owner has a right to exercise.

Detention becomes juristical possession and the foundation of certain rights when the detainer has the intention (*animus*) to deal with the thing as his own. If he deal with it as the property of another as exercising over it the rights of another, he is not said "*possidere*" in a juristical sense, but he is said "*alieno nomine possidere.*" This is the case with the commodatarius and with him who holds a deposite.[3]

When the detention is made a juristical possessio by virtue of the animus, it lays the foundation of a right to the interdict, and by virtue of usucapion it becomes ownership. The right to the interdict is simply founded on a juristical possession, in whatever way it may have originated, except that it must not have originated illegally with respect to the person against whom the interdict is claimed. (*Vid.* INTERDICTUM.) Simply by virtue of being possessor, the possessor has a better right than any person who is not possessor.[4] Usucapion requires not only a juristical possessio, but in its origin it must have been bona fide and founded on a justa causa, that is, there must be nothing illegal in the origin of the possessio. (*Vid.* USUCAPIO.)

The right which is founded on a juristical possessio is a jus possessionis, or right of possession, that is, a right arising from a juristical possession. The expression jus possessionis is used by the Roman jurists. The right to possess, called by modern jurists jus possidendi, belongs to the theory of ownership.

All juristical possession, then, that is, possessio in the Roman law as a source of rights, has reference only to usucapion and interdicts; and all the rules of law which treat possession as a thing of a juristical nature, have no other object than to determine the possibility of usucapion and of the interdicts.[5]

In answer to the question to which class of rights possession belongs, Savigny observes,[6] "So far as concerns usucapion, one cannot suppose the thing to be the subject of a question. No one thinks of asking to what class of rights a justa causa belongs, without which tradition cannot give owner-

1. (Dig. 41, tit. 2, s. 1.)—2. (Dig. 41, tit. 2, s. 12.)—3. (Dig. 41, tit. 2, s. 18, 30.)—4. (Dig. 43, tit. 17, s. 1, 2.)—5. (Savigny Das Recht des Besitzes, p. 24, &c.)—6. (§ 6.)

ship. It is no right, but it is a part of the whole transaction by which ownership is acquired. So is it with possession in respect to usucapion."

The right to possessorial interdicts belongs to the law of obligationes ex maleficiis. "The right to possessorial interdicts, then, belongs to the law of obligationes, and therein possession is only so far considered as containing the condition without which the interdicts cannot be supposed possible. The jus possessionis, consequently—that is, the right which mere possession gives—consists simply in the claim which the possessor has to the interdicts as soon as his possession is disturbed in a definite form Independent of this disturbance, bare possession gives no rights, neither a jus obligationis, as is self-evident, nor yet a right to the thing, for no dealing with a thing is to be considered as a legal act simply because the person so dealing has the possession of the thing."[1]

The term possessio occurs in the Roman jurists in various senses. There is possessio generally, and possessio civilis, and possessio naturalis.

Possessio denoted originally bare detention. But this detention under certain conditions becomes a legal state, inasmuch as it leads to ownership through usucapion. Accordingly, the word possessio, which required no qualification so long as there was no other notion attached to possessio, requires such qualification when detention becomes a legal state. This detention, then, when it has the conditions necessary to usucapion, is called possessio civilis; and all other possessio, as opposed to civilis, is naturalis. But detention may also be the foundation of interdicts, which notion of possession is always expressed by possessio simply, and this is the meaning of possessio when used alone and in a technical sense. As opposed to this sense of possessio, all other kinds of detention are also called naturalis possessio, the opposition between the natural and the juristical possession (*possessio*) being here expressed just in the same way as this opposition is denoted in the case of the civilis possessio. There is therefore, a twofold juristical possessio: *possessio civilis*, or possession for the purpose of usucapion, and *possessio*, or possession for the purpose of the interdict. It follows that possessio is included in possessio civilis, which only requires more conditions than possessio. If, then, a man has possessio civilis, he has also possessio, that is, the right to the interdict; but the converse is not true. Possessio naturalis, as above observed, has two significations, but they are both negative, and merely express in each case a logical opposition, that is, they are respectively not possessio civilis or possessio. The various expressions used to denote bare detention are "*tenere*," "*corporaliter possidere*," "*esse in possessione*."

In the case of a thing being pignorated, the person who pledges it has still the possessio ad usucapionem, but the pledgee alone has the possessio ad interdicta. It is not a possessio civilis which is the foundation of the pledger's title by usucapion; but by a special fiction he is considered to have such possession, and so the case is a special exception to the general rule, "*sine possessione usucapio contingere non potest.*"

Possessio justa is every possessio that is not illegal in its origin, whether such possessio be mere detention or juristical possessio. The word justa is here used, not in that acceptation in which it has reference to jus civile, and is equivalent to civilis or legitima, but in another sense, which is more indefinite, and means "rightful" generally, that is, not wrongful. The creditor who is in possession of a pledge has a justa possessio, but not a civilis possessio: he has, however, a juristical possessio, that is, *possessio*, and, consequently, a right to the interdicts. The missio in possessionem is the foundation of a justa possessio, but, as a general rule, not of a juristical possessio. Possessio injusta is the logical opposite of justa, and in the case of possessio injusta there are three special vitia possessionis, that is, when the possession has originated vi, clam, or precario[1] (*Hanc tu mihi vel vi, vel clam, vel precario fac tradas*).

With respect to the causa possessionis, there was a legal maxim: "*Nemo sibi ipse causam possessionis mutare potest.*" This rule is explained by Savigny by means of Gaius,[2] as having reference to the old usucapio pro herede, and the meaning of it was, that if a person had once begun to possess for any particular cause, he could not at his pleasure change such possessio into a possessio pro herede.[3]

A possessor bonæ fidei is he who believes that no person has a better right to possess than himself. A possessor malæ fidei is he who knows that he has no right to possess the thing.[4]

Besides these various meanings of possessio, possessor, possidere, at the bottom of all which lies the notion of possession, there are some other meanings. "To have ownership" is sometimes expressed by possidere; the thing which is the object of ownership is sometimes possessio; and the owner is possessor. This use of the word occurs frequently in the Code, and Pandect, and also in Cicero, Quintilian, Horace, and other writers. But it is remarked by Savigny that these meanings of possidere, possessio, &c., always refer to land as their object.

Possessio also denotes the relation of a defendant with respect to a plaintiff For instance, when ownership is claimed, the demand must be against a person in possession; but this does not mean that such person must have a juristical possession. In a vindicatio, accordingly, the plaintiff is called petitor, and the defendant is named possessor, because, in fact, he has the possession of that which the plaintiff claims. The procedure by the vindicatio was also adapted to the case of an hereditas, and here also the term possessor was applied to the defendant. In many cases the possessor was really such, and one object of the hereditatis petitio was to recover single things which the defendant possessed pro herede or pro possessore. But the term possessor was not limited to such cases, for the defendant is called possessor when the petitio is not about a matter of possession. He is called juris possessor, because he refuses to do something which the heres claims of him, or because he asserts his right to a portion of the hereditas.

The juristical notion of possession implies a thing which can be the object of ownership: it also implies that the possessor can be no other than a person who has a capacity for ownership.

The notion of possession is such that only one person at a time can possess the whole of a thing (*plures eandem rem in solidum possidere non possunt*). When several persons possess a thing in common, so that their possession is mutually limited, each, in fact, possesses only a definite part of the thing, but does not possess the other parts; and, though the division into parts is only ideal, this does not affect the legal consideration of the matter. Persons may also possess the same thing in different senses, as in the case of the debtor and his credit or who has received from him a pignus.

Though things incorporeal are not strictly ob

1. (Savigny, p. 34.)

1. (Terent., Eunuch., ii., 3.—Dig. 43, tit. 17, s. 1, 2.)—2 (Dig. 52, &c.)—3. (Savigny, p. 56.)—4 (Savigny, p. 84.)

jects of possession, yet there is a ju is quasi possessio of them, as, for instance, in the case of servitutes (*easements*). The exercise of a right of this kind is analogous to the possession of a corporeal thing: in other words, as real possession consists in the exercise of ownership, so this kind of possession, which is fashioned from analogy to the other, consists in the exercise of a jus in re, or of one of the component parts of ownership. In the case of possession, it is the thing (*corpus*) which is possessed, and not the property: by analogy, then, we should not say that the servitus or the jus in re is possessed. But as in the case of a jus in re there is nothing to which the notion of possession can be attached, while in the case of ownership there is the thing to which we apply the notion of possession, we are compelled to resort to the expression, juris quasi possessio, by which nothing more is meant than the exercise of a jus in re, which exercise has the same relation to the jus in re that proper possession has to ownership.[1]

In order to the acquisition of juristical possessio, apprehension and animus are necessary. The apprehension of a corporeal thing is such a dealing with it as empowers the person who intends to acquire the possession to operate on the thing to the exclusion of all other persons. But actual corporeal contact with the thing is not necessary to apprehension: it is enough if there is some act on the part of the person who intends to acquire possession, which gives him the physical capacity to operate on the thing at his pleasure. Thus, in the case of a piece of ground, he who enters upon part is considered to have entered upon the whole. A man may acquire possession of what is contained in a thing by delivery of the key which gives him access to the contents, in the presence of (*apud*) the thing. The case mentioned in the Digest[2] is that of the key of a granary being delivered in sight of the granary (*apud horrea*). The delivery of the key is not a symbolical delivery, as some have supposed, but it is the delivery of the means of getting at the thing.[3]

The animus consists in the will to treat as one's own the thing that is the object of our apprehension. All persons, therefore, who are legally incompetent to will, are incompetent to acquire a juristical possession. Children and lunatics are examples of such persons. If a man has the detention of a thing, he can acquire the possessio by the animus alone, for the other condition has been already complied with.

In order that juristical possession may be acquired, there must always be the animus on the part of him who intends to acquire the possession; but the act of apprehension (*corpus*) may be effected by another as his representative, if that other does the necessary acts, and with the intention of acquiring the possession for the other, and not for himself.[4] There must be a certain relation between the person for whom possession is thus acquired and the person who acquires it for him, either of legal power (*potestas*) or of agency: the former is the case of a slave or filiusfamilias who obeys a command, and the latter is the case of an agent who follows instructions (*mandatum*). A person who is the representative of another, and has the possessio of a thing, may by the animus alone cease to have the possessio, and transfer it to that other, retaining only the bare detention.

Possessio, that is, the right of possession, is, however, a thing that can be transferred without the transfer of ownership. In this case of derivative possessio, the apprehension is the same as in the case of acquiring a juristical possessio; but the animus with which the thing is apprehended cannot be the "*animus domini*," but merely the "*animus possidendi*," that is, the will to acquire the jus possessionis, which the possessor transfers, and nothing more. The detention of a thing may be transferred without the ownership, but the transfer of the detention is not always accompanied by a transfer of the jus possessionis. There are three classes into which all acts may be distributed which are accompanied with a transfer of detention: 1. those which are never the foundation of a derivative possessio 2. those which always are; and, 3. those which are sometimes. The first class comprehends such cases as those when the detention of a thing is transferred to an agent (*procurator*), and the case of a commodatum. (*Vid.* Commodatum.) The second class comprehends the case of the emphyteuta, which is a possessio, but only a derivative one, as the emphyteuta has not the animus domini; it also comprehends the case of the creditor who receives the detention of a pignus by a contractus pignoris, but it does not comprehend the case of a pignus prætorium, pignus in causa judicati captum, nor a pactum hypothecæ. In the case of a contractus pignoris, when the thing was delivered to the creditor he had *possessio*, that is, a right to the interdicts, but not *possessio civilis*, that is, the right of usucapion. The debtor had no *possessio* at all, but, by virtue of an exception to a general rule, he continued the usucapion that had been commenced. (*Vid.* Pignus.) The third class comprehends depositum and precarium.

The right of possession consists in the right to the protection of the interdict (*vid.* Interdictum), and this protection is also extended to jura in re. The relation of the juris quasi possessio to possessio has been already explained. The objects of this juris quasi possessio are personal servitutes, real servitutes, and jura in re which do not belong to the class of servitutes, of which superficies is the only proper instance. In all the cases of juris quasi possessio, the acquisition and the continuance of the right of possession depend on the corpus and animus; and the animus is to be viewed exactly in the same way as in the case of possession of a corporeal thing. The exercise of personal servitutes (particularly usus and ususfructus) is inseparable from the natural possession of the thing, and the possession of them is consequently acquired in the same way as the possession of a corporeal thing. As to the juris quasi possessio of real servitutes, there are two cases: either he who has a right to the servitus must do some act, which, if he had not the right, he might be forbidden to do (*servitus quæ in patiendo consistit*), or the owner of property has no right to do some particular thing, which, if the right did not exist, he might do (*servitus quæ in non faciendo consistit*). As to the first class, which may be called positive servitutes, the acquisition of the juris quasi possessio consists merely in doing some act which is the object of the right, and the doing of this act must be done for the purpose of exercising the right.[1] This rule applies to the jus itineris, actus, viæ, and others, which are independent of the possession of any other property. Such an act as the jus tigni immittendi, or the driving a beam into the wall of one's neighbour's house, is a right connected with the possession of another piece of property, and the possession of this right consists in the exercise of it. As to the second class, which may be called negative servitutes, the juris quasi possessio is acquired in consequence of

1. (Savigny, p. 166.)—2. (Dig. 18, tit. 1, s. 74.)—3. (Compare Lord Hardwicke's remarks on this matter, Ward v. Turner, 2 Ves.)—4. (Paulus, S. R., v tit. 2, s. 1.)

1. (Dig. 8, 5, 6, 25.)

the person whose right is thereby limited attempting to do some act contrary to the right of the person who claims the servitus, and meeting with opposition to such act, and acquiescing in the opposition.[1] This juris quasi possessio may also be founded on a legal title, that is, on any juristical act which can give such right

Every possession continues so long as the corpus and the animus continue. If both cease, or either of them ceases, the possession is gone.[2] As to the corpus, the possession is lost when, in consequence of any event, the possessor cannot operate on the thing at his pleasure, as before. In the case of movable things, the possession is lost when another person has got hold of them, either by force or secretly: in the case of immovable things, it is lost when a man has turned another out of the possession; but if, in the absence of the possessor, another occupies his land without his knowledge, he does not lose the possession till he attempts to exercise ownership over the land, and is prevented by the person then in possession of it, or, through fear, does not attempt to recover his possession. The possession thus acquired by the new possessor is a violenta possessio. If the former possessor knows the fact, and acquiesces by doing nothing, he loses the possession by the animus alone. In the case of possession being lost by the animus alone, it may be effected either expressly or tacitly; the only thing necessary is, that there must be an intention to give up the possession The possession is lost corpore et animo when the possessor gives up a thing to another to possess as his own. In the case of a juris quasi possessio, as well as in that of possessio proper, the continuance of the possessio depends on the corpus and animus together. There can be no juris quasi possessio without the animus possidendi; and if there be merely the animus possidendi, the juris quasi possessio must cease.

Possessio can be lost by a person who represents the possessor. Such person may himself acquire the possession by exercising the animus possidendi when it is accompanied with a sufficient corporeal act: in the case of movable things, this is furtum; in the case of immovable things, it is violent dispossession. The possession can be lost through the representative in all cases in which it would have been lost by the possessor if there had been no representation.

In many of the systematic expositions of Roman law, the theory of possessio is treated as introductory to the theory of ownership (*dominium*). The view which has been here given of it is also not universally acquiesced in. For instance, Gans, in his chapter on Possession,[3] begins with the two following sections:

§ 103. *Darstellung der verschiedenen herschenden Meinungen über den Besitz.—Der Besitz ist kein blosses factum, und entsteht nicht als recht, durch den umweg des unrechts.*

§ 104. *Der Besitz als das eigenthum nach der seite des bloss besonderen willens.—Anfangendes, präsumtives eigenthum.*

Savigny's view, on the contrary, is briefly this: "Possession is a fact (*factum*), so far as a mere factish (*unjuristical*) relation (*detention*) is the foundation of it. But possession is also a right, so far as rights are connected with the bare existence of the relation of fact. Consequently, possession is both fact and right."

Also: "The only right arising from bare possession is a right to the interdicts"—and "the right to the interdicts is founded on the fact of the exercise of ownership being obstructed wrongfully, as, for instance, by force."

It is shown in the article Agrariæ Leges that the origin of the Roman doctrine of possession may probably be traced to the possessio of the ager publicus. Possessio, possessor, and possidere are the proper technical terms used by the Roman writers to express the possession and the enjoyment of the public lands. These terms did not express ownership (*ex jure Quiritium*): they had, in fact, no more relation to ownership than the possessio of which this article treats. Still, the notion of this kind of use and enjoyment was such, that one may easily conceive how the term possessio became applicable to various cases in which there was no Quiritarian ownership, but something that had an analogy to it. Thus, in the case of damnum infectum, with reference to the second missio in possessionem (*ex secundo decreto*), the prætor says "*possidere jubebo*," which is equivalent to giving bonitarian ownership with the power of usucapion. A usufructus which could only be maintained by the jus prætorium, was a possessio usufructus as opposed to dominium usufructus. The expressions hereditatis or bonorum possessio do not mean the actual possession of the things, but the peculiar character of the prætoria hereditas: for this bonorum possessio has the same relation to the hereditas that bonitarian has to Quiritarian ownership. (*Vid.* Dominium, Heres) Now there is a clear analogy in all these instances to the possessio of the ager publicus, which consists in this, that in both cases an actual exclusive enjoyment of a particular person to a particular thing is recognised. This will also explain how property in provincial ground came to be called possessio: such property was not Quiritarian ownership, but it was a right to the exclusive enjoyment of the land; a right which the word possessio sufficiently expressed. Thus the name possessio was transferred from the right to its object, and ager and possessio were thus opposed: ager was a piece of land which was the object of Quiritarian ownership, and possessio a piece of land which was either accidentally an object only of bonitarian ownership, as a fundus Italicus of which there had been merely tradition; or it was land that could not be the object of Quiritarian ownership, such as provincial land[1] and the old ager publicus.

Other matters relating to possessio appear to be explained by this view of its historical origin. The interdictum recuperandæ possessionis relates only to land, a circumstance which is consistent with the hypothesis of the origin of possessio. The nature of the precarium, also, is explained, when we know that it expressed originally the relation between the patronus and the cliens who occupied the possessio of the patronus as a tenant at will, and could be ejected by the interdictum de precario if he did not quit on notice. Farther, we may thus explain the apparent inconsistency in the case of a lessee of ager vectigalis, who, though he had only a jus in re, had yet juristical possessio: the ager vectigalis was in fact fashioned according to the analogy of the old ager publicus, and it was a simple process to transfer to it that notion of possessio which had existed in the case of the ager publicus (*Vid.* Emphyteusis.)

This article, read in connexion with the article on the Agrariæ Leges and the Licinian Rogations (*vid.* Rogationes Liciniæ), will give the reader an outline of the law of possession both in relation to the ager publicus and privatus.

The preceding view of possession is from Savigny, *Das Recht des Besitzes*, fifth ed., 1827. There is

1. (Dig. 8, tit. 5, s. 6.)—2. (Dig. 41, tit. 2, s. 3, 46.)—3. (System des Röm. Civilrechts im Grundrisse, &c.)

1. (Javolenus, Dig. 50, tit. 16, s. [illegible])

an analysis of this excellent work by Warnkönig, "Analyse du traité de la possession par M. de Savigny, Liège, 1824;" and a summary view of Savigny's Theory is given by Mackeldey, *Lehrbuch*, &c., ii., p. 7.[1]

POSSE'SSIO BONO'RUM. (*Vid.* BONORUM POSSESSIO.)

POSSE'SSIO CLANDESTI'NA. (*Vid.* INTERDICTUM, p. 544.)

POSTICUM. (*Vid.* JANUA, p. 524.)

POSTLIMI'NIUM, JUS POSTLIMINII. "There are," says Pomponius,[2] "two kinds of postliminium, for a man may either return himself or recover something." Postliminium is farther defined by Paulus[3] to be the "right of recovering a lost thing from an extraneus and of its being restored to its former status, which right has been established between us (the Romans) and free people and kings by usage and enactments (*moribus ac legibus*); for what we have lost in war or even out of war, if we recover it, we are said to recover postliminio; and this usage has been introduced by natural equity, in order that he who was wrongfully detained by strangers should recover his former rights on returning into his own territories (*in fines suos*)." Again, Paulus says, "a man seems to have returned postliminio when he has entered our territory (*in fines nostros intraverit*), as a foundation is laid for a postliminium (*sicuti admittitur*[4]) (?) when he has gone beyond our territories (*ubi fines nostros excessit*). But if a man has come into a state in alliance (*socia*) or friendship with Rome, or has come to a king in alliance or friendship with Rome, he appears to have forthwith returned by postliminium, because he then first begins to be safe under the name of the Roman state." These extracts are made for the purpose of clearing up the etymology of this word, as to which there was a difference of opinion.[5] The explanation of Scævola, as given by Cicero, has reference to the etymology of the word, *post* and *limen*: "what has been lost by us and has come to an enemy, and, as it were, has gone from its own limen, and then has afterward (*post*) returned to the same limen, seems to have returned by postliminium." According to this explanation, the limen was the boundary or limit within which the thing was under the authority of Rome and an object of the Roman law. A recent writer[6] suggests that postliminium must be viewed in a sense analogous to pomoerium. There is a fanciful explanation of the matter by Plutarch[7] in his answer to the question, Why are those who have been falsely reported to have died in a foreign land, not received into the house through the door in case of their return, but let down through an opening in the roof?

If a Roman citizen, during war, came into the possession of an enemy, he sustained a diminutio capitis maxima, and all his civil rights were in abeyance. Being captured by the enemy, he became a slave; but his rights over his children, if he had any, were not destroyed, but were said to be in abeyance (*pendere*) by virtue of the jus postliminii: when he returned, his children were again in his power; and if he died in captivity, they became sui juris. Whether their condition as sui juris dated from the time of the captivity or of the death, was a disputed matter;[8] but Ulpian, who wrote after Gaius, declares that in such case he must be considered to have died when he was made captive; and this is certainly the true deduction from the premises. In the case of a filius or nepos being made captive, the parental power was suspended (*in suspenso*). If the son returned, he obtained his civic rights, and the father resumed his parental powers, which is the case mentioned in the Digest.[1] As to a wife, the matter was different: the husband did not recover his wife jure postliminii, but the marriage was renewed by consent. This rule of law involves the doctrine, that if a husband was captured by the enemy, his marriage, if any then existed, was dissolved. If a Roman was ransomed by another person, he became free, but he was in the nature of a pledge to the ransomer, and the jus postliminii had no effect till he had paid the ransom money.

Sometimes, by an act of the state, a man was given up bound to an enemy, and if the enemy would not receive him, it was a question whether he had the jus postliminii. This was the case with Sp. Postumius, who was given up to the Samnites, and with C. Hostilius Mancinus, who was given up to the Numantines; but the better opinion was that they had no jus postliminii:[2] and Mancinus was restored to his civic rights by a lex.[3]

Cicero[4] uses the word postliminium in a different sense; for he applies it to a man who had, by his own voluntary act, ceased to be a citizen of a state, and subsequently resumed his original civic rights by postliminium.

It appears that the jus postliminii was founded on the fiction of the captive having never been absent from home—a fiction which was of easy application; for as the captive, during his absence, could not do any legal act, the interval of captivity was a period of legal non-activity, which was terminated by his showing himself again.

The Romans acknowledged capture in war as the source of ownership in other nations, as they claimed it in their own case. Accordingly, things taken by the enemy lost their Roman owners; but when they were recovered, they reverted to their original owners. This was the case with land that had been occupied by the enemy, and with the following movables, which are enumerated by Cicero as res postliminii:[5] "*homo* (that is, slaves), *navis, mulus clitellarius, equus, equa quæ fræna recipere solet.*"[6] Arms were not res postliminii, for it was a maxim that they could not be honourably lost.

The recovery above referred to seems to mean the recovery by the Roman state or by the original owner. If an individual recaptured from an enemy what had belonged to a Roman citizen, it would be consistent that we should suppose that the thing recaptured was made his own by the act of capture; but if it was a res postliminii, this might not be the case. If a thing, as a slave, was ransomed by a person not the owner, the owner could not have it till he had paid the ransom: but it does not appear to be stated how the matter was settled if a Roman citizen recaptured property (of the class res postliminii) that had belonged to another Roman citizen. But this apparent difficulty may perhaps be solved thus: in time of war, no Roman citizen could individually be considered as acting on his own behalf under any circumstances, and, therefore, whatever he did was the act of the state. It is a remark of Labeo,[7] "*Si quid bello captum est, in præda est, non postliminio redit;*" and Pomponius[8] states, that if the enemy is expelled from Roman lands, the lands return to their former owners, being neither considered public land nor præda; in making which remark he evidently assumes the *general* doctrine

1. (*Vid.* also Gaius, iv., 138-170.—Inst., iv., tit. 15.—Dig. 41, tit. 2, 3; 43, tit. 16-23, 26, 31.—Cod., vii., tit. 32; viii., tit. 4, 5, 6, 9.—Cod. Theod., iv., tit. 22, 23.)—2. (Dig. 49, tit. 15, s. 14.)—3 (Dig. 49, tit. 15, s. 19.)—4. (The reading in Flor., Geb., and Spang. is "sicuti amittitur.")—5. (Cic., Top., 8.)—6. (Göttling, Geschichte der Röm. Staatsverfassung, p. 117.)—7. (Quæst Rom., 5)—8. (Gaius, i., 129.)

1. (49, tit. 15, s. 14.)—2. (Cic., De Or., i., 40—Id., De Off., iii., 30.—Id., Top., 8.—Id., Pro Cæcina, c. 34.—Dig. 49, tit 15, s. 4; 50, tit. 7, s. 17.)—3. (Dig. 50, tit. 7, s. 17.)—4. (Pro Balbo, c. 12.)—5. (Top., 8.)—6. (Compare Festus, s. v. Postliminium)—7. (Dig 49, tit. 15, s. 28.)—8. (Dig. 49, tit. 15, s. 20.)

laid down by Labeo. Paulus also, in his remark on Labeo's rule of law, merely mentions an exception to the rule, which was of a peculiar kind. If, then, anything taken in war was booty (*præda*), to what did the jus postliminii apply? It applied, at least, to all that was restored by treaty or was included in the terms of surrender, and slaves, no doubt, were a very important part of all such things as were captured or lost in time of war; and they were things that could be easily identified and restored to their owners. It also applied to a slave who escaped from the enemy and returned to his master. The maxim "*quæ res hostiles apud nos sunt, occupantium fiunt*,"[1] has no reference to capture from the enemy, as it sometimes seems to be supposed.[2]

It may be objected, that the explanation of one difficulty that has been already suggested raises another. According to this explanation, if a man in time of war recaptured his own slave, it would be præda, and he would not at once recover the ownership, as above supposed. The answer is, that it may be so, and that this matter of postliminium, particularly as regards things, waits for a careful investigation. As a general rule, all movables belonging to an enemy which were captured by a Roman army were præda, apparently not the property of the individual soldier who happened to lay his hands on them, but the property of the state, or, at least, of the army. Now the difficulty is to ascertain whether all movables so taken were præda, *except* res postliminii, or whether all things *so taken* were præda, res postliminii included. In the former case, the res postliminii would be the property of the owner when he could prove them to have been his . in the latter, when a thing had become præda, it had lost its capacity (if we may so speak) of being a res postliminii. The distinction here made is a fundamental one. The difficulty partly arises from the expression of Labeo above quoted, *Si quid*, &c., where the Florentine reading has been followed. But Bynkershoek[3] amends the reading into *Si quod*, &c., the propriety of which may be doubted.

If a man made a will before he was taken captive, and afterward returned, the will was good jure postliminii. If he died in captivity, the will was good by the lex Cornelia. The law of postliminium applied to time of peace as well as war, when the circumstances were such that the person or the thing could become the property of another nation,[4] as, for instance, of a nation that had neither an amicitia, hospitium, nor a fœdus with Rome; for such might be the relation of a nation to Rome, and yet it might not be hostis. A nation was not hostis, in the later acceptation of that term, till the Romans had declared war against it, or the nation had declared war against Rome. Robbers and pirates were not hostes, and a person who was captured by them did not become a slave, and therefore had no need of the jus postliminii.

PO'STUMUS. (*Vid.* HERES, ROMAN.)

*POTAMOGEI'TON (ποταμογείτων), the *Potamogeton natans*, or Floating Pondweed.[5]

*POTE'RION (ποτήριον), a species of plant. Pena and Lobelius held it to be the *Poterium spinosum*, L., but Sprengel is inclined to think, with Matthiolus and Clusius, that it is the *Astragalus Poterium*, Pall., being a species of Tragacanth, according to Linnæus.[6]

POTESTAS. (*Vid.* PATRIA POTESTAS.)

*POTHUS (πόθος), "a species of plant, which Sprengel, in the first edition of his R. H. H., sets down for the *Lychnis Chalcedonica*, and in the second for the *Amaryllis lutea*, but upon a doubtful reading according to Schneider. Bauhin, however, is pretty decided in favour of the *Lychnis Chalcedonica*."[1]

PRAC'TORES (πράκτορες), subordinate officers (ὄνομα ὑπηρεσίας, says Pollux[2]) who collected the fines and penalties (ἐπιβολάς and τιμήματα) imposed by magistrates and courts of justice, and payable to the state. The magistrate who imposed the fine, or the ἡγεμὼν δικαστηρίου, gave notice thereof in writing to the πράκτορες. He was then said ἐπιγράφειν τὸ τίμημα τοῖς πράκτορσιν, and the debtor's name παραδοθῆναι τοῖς πράκτορσιν. If the fine or any part thereof was to go to a temple, the like notice was sent to the ταμίαι of the god or goddess to whom the temple belonged.[3] The name of the debtor, with the sum which he was condemned to pay, was entered by the πράκτορες in a tablet in the Acropolis. Hence the debtor was said to be ἐγγεγραμμένος τῷ δημοσίῳ, or ἐν τῇ ἀκροπόλει. It was the business of the πράκτορες to demand payment of this sum, and, if they received it, to pay it over to the ἀποδέκται, and also to erase the name of the debtor in the register (ἐξαλείφειν or ἀπαλείφειν). Such erasure usually took place in the presence of some members of the senate. An ἔνδειξις lay against any man who made or caused to be made a fraudulent entry or erasure of a debt.[4] The collectors took no steps to enforce payment; but, after the expiration of the ninth πρυτανεία from the registering of the debt (or, in case of a penalty imposed on a γραφὴ ὕβρεως, after the expiration of eleven days), if it still remained unpaid, it was doubled, and an entry made accordingly.[5] Thereupon immediate measures might be taken for seizure and confiscation of the debtor's goods; but here the πράκτορες had no farther duty to perform, except, perhaps, to give information of the default to the senate.[6]

PRÆCI'NCTIO. (*Vid.* AMPHITHEATRUM, p. 53.)

*PRÆCO'CIA (πραικόκια), called *βερίκοκκα* in the *Geoponica*, the same as the *μῆλα 'Αρμενιακά*, being a variety of the Apricot, or *Prunus Armeniaca*.[7]

PRÆCO'NES, Criers, were employed for various purposes: 1. In sales by auction, they frequently advertised the time, place, and conditions of sale: they seem also to have acted the part of the modern auctioneer, so far as calling out the biddings and amusing the company, though the property was knocked down by the magister auctionis.[8] (*Vid.* AUCTIO.) 2. In all public assemblies they ordered silence.[9] 3. In the comitia they called the centuries one by one to give their votes, pronounced the vote of each century, and called out the names of those who were elected.[10] They also recited the laws that were to be passed. 4. In trials, they summoned the accuser and the accused, the plaintiff and defendant.[11] 5. In the public games, they invited the people to attend, and proclaimed the victors.[12] 6. In solemn funerals they also invited people to attend by a certain form; hence these funerals were called funera indictiva.[13] 7. When things were lost, they cried them and searched for

1. (Dig. 40, tit. 1, s. 51.)—2 (Kühlenbruch, Doctr. Pand., p. 242.)—3. (Op. Omn., i., p. 76.)—4. (Dig. 49, tit. 15, s 5.)—5. (Dioscor., iv., 99.)—6. (Dioscor., iii., 15 —Adams, Append. s. v.)

1. (Theophrast., H. P., vi., 8.—Bauhin, Pinax, 381.—Eustath. ad Hom., Od., xi., 201.—Adams, Append., s. v.)—2. (Onom., viii., 114.)—3. (Æsch., c. Timarch, 5.—Andoc., De Myst., 11, ed. Steph.—Demosth., c. Theocr., 1328.)—4. (Harpoc. and Suidas, s. v. 'Αγροφίνη, ἀποδέκται, ψευδεγγραφή.—Andoc., De Myst., 11, ed. Steph.—Demosth., c. Aristog., 778.—Id., c. Theocr., 1338.)—5. (Æsch., c. Timarch., 3, ed. Steph.—Demosth., c. Pant., 973.—Id., c. Theocr., 1322.—Id., c. Near, 1347.)—6. (Böckh, Staatsh. der Ath., i., 167, 171, 418, 421.)—7. (Dioscor., i., 165.—Geopon., x., 73.—Hardouin ad Plin., H. N., xv., 31.—Adams, Append., s. v.)—8. (Hor., Ep. ad Pis., 419.—Cic. ad Att., xii., 40.—Id., De Off., ii., 23.)—9. (Liv., iii., 47.—Suet., Pœn., prol. 11.)—10. (Cic. in Verr., II., v., 15.—Id., Pr. Mi., 35.)—11. (Suet., Tib. 11.)—12. (Cic. ad Fam., v, 12.)—13. (Festus, s. v. Quirites. -Suet., Jul., 84.)

...ent. 3 In the infliction of capital punishment, they sometimes conveyed the commands of the magistrates to the lictors.[2]

Their office, called *præconium*, appears to have been regarded as rather disreputable: in the time of Cicero, a law was passed preventing all persons who had been præcones from becoming decuriones in the municipia.[3] Under the early emperors, however, it became very profitable,[4] which was, no doubt, partly owing to fees to which they were entitled in the courts of justice and on other occasions, and partly to the bribes which they received from the suitors, &c.

PRÆCO'NIUM (*Vid.* PRÆCONES.)

PRÆDA. (*Vid.* POSTLIMINIUM.)

PRÆDIA'TOR. (*Vid.* PRÆS.)

PRÆDIATO'RIUM JUS. (*Vid.* PRÆS.)

PRÆ'DIUM. This word originally signified, according to Varro,[5] any property which was made a security to the state by a præs: "*Prædia dicta, item ut prædes, a præstando, quod ea pignori data publice mancupis fidem præstent.*" Subsequently the word was limited to signify land generally. In this sense prædia were divided into rustica and urbana, of which the following definition has been given: Rustica are those on which there are no ædes or which are in the country (*in agro*), and urbana are those which are in the city, and comprise buildings. Those incorporeal things which consisted not in the ownership of prædia, but in certain rights with respect to them, were called jura prædiorum. As to a difference in the mode of transferring such jura in the case of prædia rustica and urbana, see Gaius.[6] A prædium which was liable to a servitus was said "servire," and was "a prædium serviens."

Provincialia prædia were either stipendiaria or tributaria: the former were in those provinces which were considered to belong to the populus Romanus, and the latter in those provinces which were considered to belong to the Cæsar.[7]

Under the word Colonus a reference was made to prædium for an explanation of the term coloni of the later imperial period.

These coloni were designated by the various names of coloni, rustici, originarii, adscriptitii, inquilini, tributarii, censiti. A person might become a colonus by *birth*, with reference to which the term originarius was used. When both the parents were coloni and belonged to the same master, the children were coloni. If the father was a colonus and the mother a slave, or conversely, the children followed the condition of the mother. If the father was free and the mother a colona, the children were coloni, and belonged to the master of the mother. If the father was a colonus and the mother free, the children before the time of Justinian followed the condition of the father; afterward Justinian declared such children to be free, but finally he reduced them to the condition of coloni. If both parents were coloni and belonged to different masters, it was finally settled that the masters should divide the children between them, and if there was an odd one, it should go to the owner of the mother. If a man lived for thirty years as a colonus, he became the colonus of the owner of the land on which he lived; and, though he was still free, he could not leave the land: and a man who had possessed for thirty years a colonus belonging to another, could defend himself against the claim of the former owner by the præscriptio triginta annorum A constitution of Valentinian III. declared how free persons might become coloni by *agreement*, and, though there is neither this nor any similar regulation in the Code of Justinian, there is a passage which apparently recognises that persons might become coloni by such agreement.[1]

The coloni were not slaves, though their condition in certain respects was assimilated to that of slaves, a circumstance which will explain their being called servi terræ, and sometimes being contrasted with liberi. They had, however, connubium, which alone is a characteristic that distinguishes them clearly from slaves.[2] But, like slaves, they were liable to corporeal punishment, and they had no right of action against their master, whose relation to them was expressed by the term patronus.[3] The colonus was attached to the soil, and he could not be permanently separated from it by his own act, or by that of his patronus, or by the consent of the two. The patronus could sell the estate with the coloni, but neither of them without the other.[4] He could, however, transfer superabundant coloni from one to another of his own estates. When an estate held in common was divided, married persons and relatives were not to be separated. The ground of there being no legal power of separating the coloni and the estate was the opinion that such an arrangement was favourable to agriculture, and there were also financial reasons for this rule of law, as will presently appear. The only case in which the colonus could be separated from the land was that of his becoming a soldier, which must be considered to be done with the patron's consent, as the burden of recruiting the army was imposed on him, and in this instance the state dispensed with a general rule for reasons of public convenience.

The colonus paid a certain yearly rent for the land on which he lived: the amount was fixed by custom, and could not be raised; but, as the land-owner might attempt to raise it, the colonus had in such case for his protection a right of action against him, which was an exception to the general rule above stated.[5] There were, however, cases in which the rent was a money payment, either by agreement or by custom.

A farther analogy between the condition of servi and coloni appears from the fact of the property of coloni being called their peculium. It is, however, distinctly stated that they could hold property;[6] and the expressions which declare that they could have nothing "propria,"[7] seem merely to declare that it was not propria in the sense of their having power to alienate it, at least without the consent of their patroni. It appears that a colonus could make a will, and that, if he made none, his property went to his next of kin: for if a bishop, presbyter, deacon, &c., died intestate and without kin, his property went to the church or convent to which he belonged, except such as he had as a colonus, which went to his patronus, who, with respect to the ownership of the land, is called dominus possessionis.[8] Some classes of coloni had a power of alienating their property.[9]

The land-tax due in respect of the land occupied by the colonus was paid by the dominus; but the coloni were liable to the payment of the poll-tax, though it was paid in the first instance by the dominus, who recovered it from the colonus. The liability of the colonus to a poll-tax explains why this class of persons was so important to the state, and why their condition could not be changed without the consent of the state. It was only when the colonus had lived as a free man for thirty years that

1 (Plaut., Merc., iii., 4, 78.—Petron., 57.)—2. (Liv., xxvi., 15.)—3 (Cic. ad Fam., vi., 18.)—4. (Juv., iii., 157.—Id., vii., 6.—Mart., v., 56, 11.—Id., vi., 8, 5.)—5. (L. L., v., 40, ed. Müller.)—6. (ii., 29.)—7 (Gaius, ii., 21.)

1. (Cod., xi., tit. 47, s. 22.)—2. (Cod., xi., tit. 47, s. 24)—3 (Cod. Theod., v., tit. 11.)—4. (Cod., xi., tit. 47, s. 2, 7)—5 (Cod., xi., tit. 47, s. 5.)—6. (Cod. Theod., v., tit. 11.)—7. (Cod., xi., tit 49, s. 2.)—8. (Cod. Theod., v, tit. 3)—9. (Cod., xi., tit. 47, s. 23)

be could maintain his freedom by a præscriptio, but Justinian abolished this præscriptio, and thus empowered the dominus to assert his right after any lapse of time.[1] With respect to their liability to the poll-tax, the coloni were called *tributarii*, *censiti* or *censibus obnoxii*, *adscriptitii*, *adscriptitiæ conditionis*, and *censibus adscripti*. This term adscriptio appears to have no reference to their being attached to the land, but it refers to their liability to the poll-tax as being rated in the tax-books; and, accordingly, we find that the Greek term for adscriptitius is Ἐναπόγραφος.

As the coloni were not servi, and as the class of Latini and peregrini hardly existed in the later ages of the Empire, we must consider the coloni to have had the civitas, such as it then was; and it is a consequence of this that they had connubium generally. A constitution of Justinian, however,[2] declared the marriage of a colonus who belonged to another person and a free woman to be void. The constitution does not seem to mean anything else than that in this case the emperor took away the connubium, whether for the reasons stated by Savigny, or for other reasons, is immaterial. This special exception, however, proves the general rule as to connubium.

The origin of these coloni seems absolutely uncertain. They appear to be referred to in one passage of the Pandect[3] under the name of inquilinus, a term which certainly was sometimes applied to the whole class of coloni. The passage just referred to states that, if a man bequeaths as a legacy the inquilini without the prædia to which they adhere (*sine prædiis quibus adhærent*), it is a void legacy. Savigny conceives that this passage may be explained without considering it to refer to the coloni of whom we are speaking; but the explanation that he suggests seems a very forced one, and the same remark applies to his explanation of another passage in the Digest.[4] The condition of the old clients seems to bear some relation to that of the coloni, but all historical traces of one class growing out of the other are entirely wanting; and, indeed, all evidence of the real origin of the coloni seems to fail altogether.

Savigny observes that he does not perceive any historical connexion between the villeins (*villani*) of modern Europe and the coloni, though there is a strong resemblance between their respective conditions. There were, however, many important distinctions; for instance, the villein services due to the lord had nothing corresponding to them in the case of the coloni, so far as we know. Littleton's Tenures, section 172, &c., and Bracton,[5] may be consulted as to the incidents of villeinage.

This view of the condition of the coloni is from Savigny's Essay on the subject, which is translated in the Philological Museum, vol. ii.

PRÆFECTUS. (*Vid.* Army, Roman, p. 102.)

PRÆFECTUS ÆRA'RII. (*Vid.* Ærarium.)

PRÆFECTUS ANNO'NÆ, the præfect of the provisions, especially of the corn-market, was not a regular magistrate under the Republic, but was only appointed in cases of extraordinary scarcity, when he seems to have regulated the prices at which corn was to be sold.[6] The superintendence of the corn-market throughout the whole Republic was at a later period intrusted to Pompey for a period of five years;[7] and, in accordance with this example, Augustus took the same superintendence upon himself, and commanded that two persons, who had been prætors five years before, should be appointed every year for the distribution of the corn[1] (*curam frumenti populo dividundi*[2]). Subsequently Augustus assigned this duty to two persons of consular rank; but he also created an officer, under the title of *Præfectus Annonæ*, who must be distinguished from the above-mentioned officers. This office was a permanent one, and appears to have been only held by one person at a time: he had jurisdiction over all matters appertaining to the corn-market, and, like the *Præfectus Vigilum*, was chosen from the equites and was not reckoned among the ordinary magistrates.[4] The præfectus annonæ continued to exist till the latest times of the Empire: respecting his duties in later times, see Walter, *Gesch. des Röm Rechts*, p. 373, 374.

PRÆFECTUS AQUA'RUM. (*Vid.* Aquæ Ductus, p. 75.)

PRÆFECTUS CASTRO'RUM, præfect of the camp, is first mentioned in the reign of Augustus There was one to each legion.[5] We learn from Vegetius[6] that it was his duty to attend to all matters connected with the making of a camp, such as the vallum, fossa, &c., and also to the internal economy of it.

PRÆFECTUS CLASSIS, the commander of a fleet. This title was frequently given in the times of the Republic to the commander of a fleet;[7] but Augustus appointed two permanent officers with this title, one of whom was stationed at Ravenna on the Hadriatic, and the other at Misenum on the Tuscan Sea, each having the command of a fleet.[8]

PRÆFECTUS FABRUM. (*Vid.* Fabri.)

PRÆFECTUS JURI DICUNDO. (*Vid.* Colonia, p. 282.)

PRÆFECTUS PRÆTO'RIO was the commander of the troops who guarded the emperor's person. (*Vid.* Prætoriani.) This office was instituted by Augustus, and was at first only military, and had comparatively small power attached to it;[9] but under Tiberius, who made Sejanus commander of the prætorian troops, it became of much greater importance, till at length the power of these præfects became only second to that of the emperors.[10] The relation of the præfectus prætorio to the emperor is compared to that of the magister equitum to the dictator under the Republic.[11] From the reign of Severus to that of Diocletian, the præfects, like the viziers of the East, had the superintendence of all departments of the state, the palace, the army, the finances, and the law; they also had a court in which they decided cases.[12] The office of præfect of the prætorium was not confined to military officers; it was filled by Ulpian and Papinian, and other distinguished jurists.

Originally there were two præfects; afterward sometimes one and sometimes two; from the time of Commodus, sometimes three,[13] and even four. They were, as a regular rule, chosen only from the equites;[14] but, from the time of Alexander Severus, the dignity of senator was always joined with their office.[15]

Under Constantine the præfects were deprived of all military command, and changed into governors of provinces. He appointed four such præfects: the one who commonly attended on the imperial court had the command of Thrace, the whole of the East, and Egypt; the second had the command of Illyricum, Macedonia, and Greece, and usually res-

1. (Cod., xi. tit. 47, s. 23.)—2. (Nov., 22, c. 17.)—3. (Dig. xl., tit. 12.)—4. (50, tit. 15, s. 4.)—5. (fol. 6, 24.)—6. (Liv., iv., 12.—Niebuhr, Hist. of Rome, ii., p. 418.)—7. (Dion Cass., xxxix., —Cic. ad Att., v., 1.—I iv, Epit., 104.)

1. (Dion Cass., liv., 1.)—2. (Suet., Octav., 37.)—3. (Dion Cass., lv., 26, 31.)—4. (Dion Cass., lii., 24.—Dig. 1, tit. 2, s. 3 § 33; 14, tit. 1, s. 1, § 18; tit. 5, s. 8; 48, tit. 2, s. 13.)—5. (Vell Paterc., ii., 119.—Tac., Ann., i., 20, xiv, 37.)—6. (ii., 10.)—7 (Liv., xxvi., 48; xxxvi., 42.)—8. (Suet., Octav., 49.—Veg., iv., 32.—Tac., Hist., iii., 12.)—9. (Dion Cass., lii., 24; lv, 10.—Suet., Octav., 49.)—10. (Tac., Ann., iv., 1, 2.—Aurel. Vict., De Cæs., 9.)—11. (Dig. 1, tit. 11.)—12 (Dig. 12, tit 1, s. 40.)—13. (Lamp., Commod., 6.)—14. (Dion Cass., lii., 24.—Suet., Tit., 6.—Lamp., Commod., 4.)—15. (Lamprid., Alex. Sev., 21.)

ded first at Sirmium, afterward at Thessalonica; the third, of Italy and Africa; the fourth, who resided at Trèves, of Gaul, Spain, and Britain.[1] These præfects were the proper representatives of the emperor, and their power extended over all departments of the state: the army alone was not subject to their jurisdiction.[2]

PRÆFECTUS VIGILUM, the commander of the city guards. To protect the state against fires at night, robbery, housebreaking, &c., Augustus formed seven cohorts of watch-soldiers (*vigiles*), originally consisting of freedmen, but afterward of others, one for each of the two regiones into which the city was divided; each cohort was commanded by a tribune, and the whole were under a præfectus vigilum, who had jurisdiction in all ordinary cases of incendiaries, thieves, &c., but, if anything extraordinary occurred, it was his duty to report it to the præfectus urbi. This præfect was chosen from the equites, and was not reckoned among the ordinary magistrates.[3] We read of the præfectus vigilum under the reigns of Theodosius and Arcadius, at which time he had to refer all capital crimes to the præfect of the city.[4]

PRÆFECTUS URBI, præfect or warden of the city, was originally called *custos urbis*.[5] The name *præfectus urbi* does not seem to have been used till after the time of the decemvirs. The dignity of custos urbis, being combined with that of princeps senatus, was conferred by the king, as he had to appoint one of the decem primi as princeps senatus.[6] The functions of the custos urbis, however, were not exercised except in the absence of the king from Rome, and then he acted as the representative of the king: he convoked the senate, held the comitia, if necessary, and on any emergency might take such measures as he thought proper; in short, he had the imperium in the city.[7] Romulus is said to have conferred this dignity upon Denter Romulius, Tullus Hostilius upon Numa Martius, and Tarquinius Superbus upon Sp. Lucretius. During the kingly period, the office of warden of the city was probably for life. Under the Republic, the office and its name of custos urbis remained unaltered; but in 487 B.C. it was elevated into a magistracy, to be bestowed by election.[8] The custos urbis was in all probability elected by the curiæ, instead of whom Dionysius[9] mentions the senate. Persons of consular rank were alone eligible; and, down to the time of the decemvirate, every præfect that is mentioned occurs previously as consul. The only exception is P. Lucretius in Livy,[10] whose name, however, is probably wrong.[11] In the early period of the Republic, the warden exercised within the city all the powers of the consuls if they were absent: he convoked the senate,[12] held the comitia,[13] and in times of war even levied civic legions, which were commanded by him.

When the office of prætor urbanus was instituted, the wardenship of the city was swallowed up in it;[14] but, as the Romans were at all times averse to dropping altogether any of their old institutions, a præfectus urbi, though a mere shadow of the former office, was henceforth appointed every year, only for the time that the consuls were absent from Rome for the purpose of celebrating the feriæ Latinæ. This præfectus had neither the power of convoking the senate nor the right of speaking in it, as in most cases he was a person below the senatorial age, and was not appointed by the people, but by the consuls.[1] When Varro, in the passage of Gellius here referred to, claims for the præfectus urbi the right of convoking the senate, he is probably speaking of the power of the præfect such as it was previously to the institution of the office of prætor urbanus. Of how little importance the office of præfect of the city had gradually become, may be inferred from the facts that it was always given to young men of illustrious families,[2] and that J. Cæsar even appointed to it several youths of equestrian rank under age.[3] During the Empire such præfects of the city continued to be appointed so long as the feriæ Latinæ were celebrated, and were even invested with some kind of jurisdiction.[4] On some occasions, however, no præfectus urbi was appointed at all, and then his duties were performed by the prætor urbanus.[5]

An office very different from this, though bearing the same name, was instituted by Augustus on the suggestion of Mæcenas.[6] This new præfectus urbi was a regular and permanent magistrate, whom Augustus invested with all the powers necessary to maintain peace and order in the city. He had the superintendence of butchers, bankers, guardians, theatres, &c.; and, to enable him to exercise his power, he had distributed throughout the city a number of milites stationarii, whom we may compare to a modern police. He also had jurisdiction in cases between slaves and their masters, between patrons and their freedmen, and over sons who had violated the pietas towards their parents.[7] His jurisdiction, however, became gradually extended; and, as the powers of the ancient republican præfectus urbi had been swallowed up by the office of the prætor urbanus, so now the power of the prætor urbanus was gradually absorbed by that of the præfectus urbi; and at last there was no appeal from his sentence except to the person of the princeps himself, while anybody might appeal from a sentence of any other city magistrate, and, at a later period, even from that of a governor of a province, to the tribunal of the præfectus urbi.[8] His jurisdiction in criminal matters was at first connected with the quæstiones;[9] but from the third century he exercised it alone, and not only in the city of Rome, but at a distance of one hundred miles from it, and he might sentence a person to deportatio in insulam.[10] During the first period of the Empire and under good emperors, the office was generally held for a number of years, and in many cases for life;[11] but from the time of Valerian a new præfect of the city occurs almost every year.

At the time when Constantinople was made the second capital of the Empire, this city also received its præfectus urbi. The præfects at this time were the direct representatives of the emperors, and all the other officers of the administration of the city, all corporations, and all public institutions, were under their control.[12] They also exercised a superintendence over the importation and the prices of provisions, though these subjects were under the more immediate regulation of other officers.[13] The præfects of the city had every month to make a report to the emperor of the transactions of the senate,[14] where they gave their vote before the consulares.

1. (Zosimus, ii., 33.)—2. (Walter, Gesch. des Röm. Rechts, p. 294, 361.—Gibbon, Decline and Fall, c. 17.)—3. (Suet., Octav., 25, 30.—Appian, De Bell. Civ., v., 132.—Dion Cass., lii., 24, 33; lv, 26.—Dig. 1, tit. 2, s. 2, § 33; 1, tit. 15.)—4. (Cod., i., tit. 48.)—5. (Lydus, De Magistr., i., 34, 38.)—6. (Liv., i., 59, 60.—Dionys., ii., 12.)—7. (Tacit., Ann., vi., 11.—Liv., i., 59.)—8. (Lydus, De Magistr., i., 38.)—9. (viii., 64.)—10. (iii., 24.)—11. (Niebuhr, ii., p. 120, note 255.)—12. (Liv., iii., 9.—Gell., xiv., 7, § 4.)—13. (Liv., iii., 24.)—14. (Lydus, De Mens., 19.—De Magistr., ii., 6.)

1. (Gell., xiv., 8.)—2. (Tacit., Ann., iv, 36.)—3. (Dion Cass., lix., 42; xliii., 29, 48.)—4. (Tacit., Ann., vi., 11.—Suet., Nero, 7.—Claud., 4.—Dion Cass., liv., 17—J. Capitol., Anton. Phil., 4.)—5. (Dion Cass., xli., 14; xlix., 16.)—6. (Dion Cass., lii., 21.—Tacit., l. c.—Suet., Octav., 37.)—7. (Dig. 1, tit. 12, s. 1, § 5-14; 37, tit. 15, s. 1, § 2.)—8. (Vopisc., Florian., 5, 6.—Suet., Octav., 33.—Dion Cass., lii., 21, 33.—Dig. 4, tit. 4, s 38.)—9 (Tacit., Ann., xiv., 41, with the note of Lipsius.)—10 (Dig. 1, tit. 12, s. 1, § 3 and 4.)—11. (Dion Cass., lii., 21, 24; lxxviii., 14—J. Capitol., Anton. Pius, 8.—Lamprid., Commod., 14.—Vopisc. Carin., 16.)—12. (Cod., i., tit. 28, s. 4.—Symmach., Epist., x., 37, 43.—Cassiod., Variar., vi., 4.)—13. (Cod., i., tit. 28, s. 1—Orel., Inscr., n. 3116.)—14. (Symmach., Epist., x, 44.)

They were the medium through which the emperors received the petitions and presents from their capital.[1] At the election of a pope, the præfect of Rome had the care of all the external regulations.[2]

PRÆFECTU'RA. (*Vid* COLONIA, p. 282, 283.)

PRÆ'FICÆ (*Vid.* FUNUS, p. 459.)

PRÆFU'RNIUM. (*Vid.* BATHS, p. 151.)

PRÆJUDI'CIUM. This word, as appears from its etymology, has a certain relation to judicium, to which it is opposed by Cicero,[3] "*de quo non præjudicium, sed planc jam judicium factum.*" The commentator, who goes under the name of Asconius, observes on this passage, that a præjudicium is something which, when established, becomes an *exemplum* for the judices (*judicaturi*) to follow; but this leaves us in doubt whether he means something established in the same cause by way of preliminary inquiry, or something established in a different, but a like cause, which would be what we call a precedent. Quintilian[4] states that it is used both in the sense of a precedent, in which case it is rather *exemplum* than *præjudicium* (*res ex paribus causis judicatæ*), and also in the sense of a preliminary inquiry and determination about something which belongs to the matter in dispute (*judiciis ad ipsam causam pertinentibus*), whence also comes the name præjudicium. This latter sense is in conformity with the meaning of præjudiciales actiones or præjudicia, in which there is an intentio only, and nothing else.[5] (*Vid.* ACTIO.) These, accordingly, were called præjudiciales actiones, which had for their object the determination of some matter which was not accompanied by a condemnatio. For instance, the question might be whether a man is a father or not, or whether he has a potestas over his child: these were the subject of præjudiciales actiones. If a father denied that the child who was born of his wife, or with which she was then pregnant, was his child, this was the subject of a "*præjudicium cum patre de partu agnoscendo.*" If a judex should have declared that the child must be maintained by the reputed father, there must still be the præjudicium to ascertain whether the reputed father is the true father. If it was doubtful whether the mother was his wife, there must be a præjudicium on this matter before the præjudicium de partu agnoscendo. These præjudical actions, then, were, as it appears, actions respecting status, and they were either civiles or prætoriæ. It was a civilis actio when the question was as to libertas; the rest seem to have been prætoriæ actiones. Quintilian makes a third class of præjudicia, "*cum de eadem causa pronuntiatum est,*" &c.

Sometimes præjudicium means inconvenience, damage, injury, which sense appears to arise from the notion of a thing being prejudged, or decided without being fairly heard; and this sense of the word seems to be very nearly the same in which it occurs in our law in the phrase "without prejudice to other matters in the cause."[6]

PRÆLU'SIO. (*Vid.* GLADIATORES, p. 476.)

PRÆNO'MEN. (*Vid.* NOMEN, ROMAN.)

PRÆPO'SITUS, which means a person placed over, was given as a title in the later times of the Roman Empire to many officers: of these, the most important was the *præpositus sacri cubiculi*, or chief chamberlain in the emperor's palace.[7] Under him was the primicerius, together with the cubicularii and the corps of silentarii, commanded by three decuriones, who preserved silence in the interior of the palace.[8]

1. (Symmach., Epist., x., 26, 29, 35.—Cod., xii., tit. 49.)—2. (Symmach. Epist., x., 71–83.)—3. (Divinat., 4.)—4. (Inst. Orat., v., 1, 2.)—5. (Gaius, iv., 44.)—6. (Gaius, iii., 123; iv., 44. —Dig. 25, tit. 3.—Dig. 22, tit. 3, s. 8 —Inst., iv., tit. 6, s. 13.—Theophilus, Paraphr. ad Inst., iv., tit. 6, s. 13.)—7. (Cod., xii., tit. 5.—Cod. Theod., vi., tit. 8.)—8 (Cod., xii., tit. 16.—Walter, Gesch. des Röm Rechts, p. 360.)

PRÆROGATI'VA CENTU'RIA (*Vid.* COMITIA, p. 297.)

PRÆS. If we might trust a definition by Ausonius,[1] he was called vas who gave security for another in a causa capitalis; and he who gave security for another in a civil action was præs. But this authority cannot be trusted, and the usage of the words vas and præs was certainly not always conformable to this definition. According to Varro,[2] any person was vas who promised vadimonium for another, that is, gave security for another in any legal proceeding. Festus[3] says that vas is a sponsor in a res capitalis. If vas is genus, of which vas in its special sense, and præs are species, these definitions will be consistent. Under *Manceps* Festus remarks, that manceps signifies him who buys or hires any public property (*qui a populo emit conducitve*), and that he is also called præs because he is bound to make good his contract (*præstare quod promisit*) as well as he who is his præs.[4] According to this, præs is a surety for one who buys of the state, and so called because of his liability (*præstare*). But the etymology at least is doubtful, and, we are inclined to think, false. The passage of Festus explains a passage in the Life of Atticus,[5] in which it is said that he never bought anything at public auction (*ad hastam publicam*), and never was either manceps or præs. A case is mentioned by Gellius[6] in which a person was committed to prison who could not obtain prædes. The goods of a præs were called prædia,[7] and in Cicero[8] and Livy[9] "*prædibus et prædiis*" come together. The phrase "*prædibus cavere*," to give security, occurs in the Digest,[10] where some editions have "*pro ædibus cavere.*" (See the various readings, ed. Gebauer and Spangenberg.) The phrase "*prædes vendere*" means to sell, not the prædes properly so called, but the things which are given as a security.

Prædiatores are supposed by Brissonius to be the same as prædes,[11] at least so far as they were sureties to the state. But prædiator is defined by Gaius[12] to be one "who buys from the people," and from the context it is clear that it is one who buys a prædium, which is farther defined to be a thing pledged to the populus "*res obligata populo.*" The prædiator, then, is he who buys a prædium, that is, a thing given to the populus as a security by a præs; and the whole law relating to such matters was called jus prædiatorium.

PRÆSCRI'PTIO, or, rather, TEMPORIS PRÆSCRIPTIO, signifies the exceptio or answer which a defendant has to the demand of a plaintiff, founded on the circumstance of the lapse of time. The word, then, has properly no reference to the plaintiff's loss of right, but to the defendant's acquisition of a right by which he excludes the plaintiff from prosecuting his suit. This right of a defendant did not exist in the old Roman law. When the prætors gave new actions by their edict, they attached to them the condition that those actions must be brought within a year (*intra annum judicium dabo*), that is, a year from the time when the right of action accrued. These actions, then, were exceptions from the old rule, that all actiones were perpetuæ. This rule became extended by the longi temporis præscriptio, which established that in actions about ownership, or jura in re, ten, or in some cases twenty years, would give a præscriptio, when the possessor could show that he had complied with the main conditions of usucapion, without having acquired ownership by usucapion, for if he had, he had

1. (Idyll., xii., 9.)—2. (Ling. Lat., vi., 74, ed. Müller.)—3. (s. v. Vadem.)—4. (*Vid.* also Varro, l. c.)—5. (C. Nep., 6.)—6 (vii., 19.)—7. (Pseudo-Ascon. in Verr., II., i., 54.)—8. (l. c.)—9 (xxii., 60.)—10. (10, tit. 3, s. 6.)—11. (Cic., Pro Bal., c. 20.—ad Attic., xii., 14, 17.—Sueton., Claud., c. 9.—Val. Max., viii 12.)—12. (ii., 61.)

no need of any exceptio. This rule was farther extended by Constantine, and a period of 30 or 40 years, for it seems that the time was not quite settled, was to be considered sufficient for a præscriptio, though the defendant had not complied with the conditions of usucapion. A general constitution was made by Theodosius, A.D. 424. which, with some variations, appears in both the Codes ;[1] and it enacted that, as in the case of the actiones already mentioned, there should be no hereditatis petitio after 30 years, and that, after the same time, no personal action should be brought. The actio finium regundorum was excepted, and also the action of a creditor for his pignus or hypotheca against the debtor, but not against others. Præjudiciales actiones as to status are not enumerated among those against which there was a præscriptio, but they seem to be included in the general words of the law. Justinian, by a constitution of the year 530,[2] established the general rule of 30 years for all actions, with the exception of the actio hypothecaria, for which he required 40 years. His constitution enumerates the following actions to which the præscriptio of 30 years would apply: *Familiæ herciscundæ, Communi dividundo, Finium regundorum, Pro Socio, Furti et Vi Bonorum Raptorum;* and it adds, "*neque alterius cujuscunque personalis actio vitam longiorem esse triginta annis, &c., sed ex quo ab initio competit, et semel nata est, &c., post memoratum tempus finiri.*" It thus appears that all actions were originally perpetuæ, then some were made subject to præscriptio, and, finally, all were made so. In consequence of this change, the term perpetuæ, originally applied to actions that were not subject to præscriptio, was used to signify an actio in which 30 years were necessary to give a præscriptio, as opposed to actiones in which the right to a præscriptio accrued in a shorter time.[3]

The conditions necessary to establish a præscriptio were, 1. Actio nata, for there must be a right of action in order that a præscriptio may have an origin, and the date of its origin must be fixed by the date of the right of action. 2. There must be a continuous neglect on the part of the person entitled to bring the action, in order that the time of the præscriptio may be reckoned uninterruptedly. 3. Bona fides was not a necessary ingredient in a præscriptio as such, because it was the neglect of the plaintiff which laid the foundation of the præscriptio. But the longi temporis præscriptio was made like to usucapion as to its conditions, of which bona fides was one. Justinian[4] required a bona fides in the case of a thirty-year præscriptio; but this was no new rule, except so far as the possessor claimed the benefit of usucapio; and as the longi temporis præscriptio, as an independent rule of law, disappeared from the legislation of Justinian, the bona fides, as a condition of præscriptio, went with it. 4. The lapse of time, which was 30 years; but to this there were many exceptions.

The sources on the subject of præscriptio are referred to in Brinkmann's *Institutiones Juris Romani*, and Mühlenbruch's *Doctrina Pandectarum*, § 261 and § 481, on the distinction being ultimately abolished between præscriptio and usucapio. — Savigny, *System des heutigen Röm. Rechts*, vol. v., from whom this outline is taken. *Vid.* also USUCAPIO.

Præscriptio had a special sense in Roman pleadings, which Gaius has explained as existing in his time.[5] These præscriptiones were pro actore, and not pro reo; and an example will explain the term. It often happens that an obligatio is such that a man is bound to another to do certain acts at certain times, as, for instance, yearly, half yearly, or monthly. The payment of interest on money would be an example. At the close of any of these certain periods, the party to whom the obligatio was due might sue for what was due, but not for what was not due, though an obligatio was contracted as to future time. When a debt had become due in consequence of an obligatio, there was said to be a præstatio, or it was said "*aliquid jam præstari oportet:*" when the obligatio existed, but the præstatio was not due, it was "*futura præstatio,*" or it was said "*præstatio adhuc nulla est.*" If then the plaintiff wished to limit his demand to what was due, it was necessary to use the following præscriptio: "*Ea res agatur cujus rei dies fuit.*"[1] The name of præscriptiones, observes Gaius, is manifestly derived from the circumstance of their being prefixed (præscribuntur) to the formulæ, that is, they came before the intentio. In the time of Gaius the præscriptiones were only used by the actor; but formerly they were also used in favour of a defendant (reus), as in the following instance: "*Ea res agatur quod præjudicium hereditati non fiat,*" which in the time of Gaius was turned into a kind of exceptio or answer, when the petitor hereditatis, by using a different kind of actio, was prejudging the question of the hereditas (*cum petitor, &c. . . . præjudicium hereditati faciat*[2]). (*Vid.* PRÆJUDICIUM.)

Savigny shows that, in the legislation of Justinian, præscriptio and exceptio are identical, and that either term can be used indifferently. He observes, that the præscriptiones which in the old form of procedure were introduced into the formula for the benefit of the defendant, were properly exceptiones, and it was merely an accidental matter that certain exceptions were placed before the intentio instead of being placed at the end of the formula, as was the usual practice. Subsequently, as appears from Gaius, only the præscriptiones pro actore were prefixed to the formula; and those pro reo were placed at the end, and still retained, though improperly, the name of præscriptiones. Thus exceptio and præscriptio came to be used as equivalent terms, a circumstance to which the disuse of the ordo judiciorum contributed. Yet, in the case of particular exceptiones, one or other of the names was most in use, and the indiscriminate employment of them was an exception to the general rule. The prevalence of one or the other name, in particular cases, is easily explained: thus, the doli and rei judicatæ exceptiones were always at the end of the formula, and the temporis and fori præscriptiones in earlier times were placed at the beginning. Savigny adds, that in modern times præscriptio has acquired the sense of usucapion, but this is never the sense of the word præscriptio in the Roman law. Though exceptio and præscriptio came to be used as equivalent, yet neither exceptio nor præscriptio is used in the sense of temporis præscriptio without the addition of the words temporis, temporalis, triginta annorum, &c[3]

PRÆSES. (*Vid.* PROVINCIA.)

PRÆSUL. (*Vid.* SALII.)

PRÆTE'RITI SENATO'RES. (*Vid.* NOTA CENSORIA, p. 665.)

PRÆTEXTA. (*Vid.* TOGA.)

PRÆTEXTA'TA FA'BULA. (*Vid.* COMŒDIA, p. 300.)

PRÆTOR. According to Cicero,[4] prætor was a title which designated the consuls as the leaders of the armies of the state; and he considers the word to contain the same elemental parts as the verb *præire*. The period and office of the command

1. (Cod. Theod., iv., tit. 14.—Cod., vii., tit. 39, s. 3.)—2. (Cod., vii., tit. 40, s. 1.)—3. (Inst., iv., tit. 12.)—4. (Cod., vii., tit. 39, s 8.)—5. (iv., 130.)

1. (Compare Cic., De Or., i., 37.)—2. (Compare Gaius.—Dig 10, tit. 2, s. 1.)—3. (Savigny, System, &c. iv., 309; v., 163.)—4. (Leg., iii., 3.)

of the consuls might appropriately be called prætorium.[1] Prætor was also a title of office among the Latins.

The first prætor specially so called was appointed in the year B.C. 366, and he was chosen only from the patricians, who had this new office created as a kind of indemnification to themselves for being compelled to share the consulship with the plebeians.[2] No plebeian prætor was appointed till the year B.C. 337. The prætor was called collega consulibus, and was elected with the same auspices at the comitia centuriata.

The prætorship was originally a kind of third consulship, and the chief functions of the prætor (*jus in urbe dicere*,[3] *jura reddere*[4]) were a portion of the functions of the consuls, who, according to the passage of Cicero above referred to, were also called judices a judicando. The prætor sometimes commanded the armies of the state; and while the consuls were absent with the armies, he exercised their functions within the city. He was a magistratus curulis, and he had the imperium, and, consequently, was one of the magistratus majores: but he owed respect and obedience to the consuls.[5] His insignia of office were six lictors, whence he is called by Polybius ἡγεμών or στρατηγὸς ἑξαπέλεκυς, and sometimes simply ἑξαπέλεκυς. At a later period, the prætor had only two lictors in Rome.[6] The prætorship was at first given to a consul of the preceding year, as appears from Livy.

In the year B.C. 246 another prætor was appointed, whose business was to administer justice in matters in dispute between peregrini, or peregrini and Roman citizens; and, accordingly, he was called prætor peregrinus.[7] The other prætor was then called prætor urbanus "*qui jus inter cives dicit*," and sometimes simply prætor urbanus and prætor urbis. The two prætors determined by lot which functions they should respectively exercise. If either of them was at the head of the army, the other performed all the duties of both within the city. Sometimes the military imperium of a prætor was prolonged for a second year. When the territories of the state were extended beyond the limits of Italy, new prætors were made. Thus, two prætors were created B.C. 227, for the administration of Sicily and Sardinia, and two more were added when the two Spanish provinces were formed, B.C. 197. When there were six prætors, two stayed in the city, and the other four went abroad. The senate determined their provinces, which were distributed among them by lot.[8] After the discharge of his judicial functions in the city, a prætor often had the administration of a province, with the title of proprætor. Sulla increased the number of prætors to eight, which Julius Cæsar raised successively to ten, twelve, fourteen, and sixteen. Augustus, after several changes, fixed the number at twelve. Under Tiberius there were sixteen. Two prætors were appointed by Claudius for matters relating to fideicommissa when the business in this department of the law had become considerable; but Titus reduced the number to one, and Nerva added a prætor for the decision of matters between the fiscus and individuals. "Thus," says Pomponius, speaking of his own time, "eighteen prætors administer justice (*jus dicunt*) in the state."[9] M. Aurelius, according to Capitolinus,[10] appointed a prætor for matters relating to tutela, which must have taken place after Pomponius wrote. (*Vid.* Pandectæ.) The main duties of the prætors were judicial, and it appears that it was found necessary from time to time to increase their number, and to assign to them special departments of the administration of justice.

The prætor urbanus was specially named prætor, and he was the first in rank. His duties confined him to Rome, as is implied by the name, and he could only leave the city for ten days at a time. It was part of his duty to superintend the ludi Apollinares. He was also the chief magistrate for the administration of justice, and to the edicta of the successive prætors the Roman law owes in a great degree its development and improvement. Both the prætor urbanus and the prætor peregrinus had the jus edicendi,[1] and their functions in this respect do not appear to have been limited on the establishment of the imperial power, though it must have been gradually restricted as the practice of imperial constitutions and rescripts became common. (*Vid.* Edictum.)

The chief judicial functions of the prætor in civil matters consisted in giving a judex. (*Vid.* Judex.) It was only in the case of interdicts that he decided in a summary way. (*Vid.* Interdictum.) Proceedings before the prætor were technically said to be *in jure*.

The prætors also presided at trials of criminal matters. These were the quæstiones perpetuæ,[2] or the trials for repetundæ, ambitus, majestas, and peculatus, which, when there were six prætors, were assigned to four out of the number. Sulla added to these quæstiones those of falsum, de sicariis et veneficis, and de parricidis, and for this purpose he added two, or, according to some accounts, four prætors, for the accounts of Pomponius and of other writers do not agree on this point.[3] On these occasions the prætor presided, but a body of judices determined by a majority of votes the condemnation or acquittal of the accused. (*Vid.* Judicium.)

The prætor, when he administered justice, sat on a sella curulis in a tribunal, which was that part of the court which was appropriated to the prætor and his assessors and friends, and is opposed to the subsellia, or part occupied by the judices, and others who were present.[4] But the prætor could do many ministerial acts out of court, or, as it was expressed, *e plano* or *ex æquo loco*, which terms are opposed to *e tribunali* or *ex superiore loco*: for instance, he could, in certain cases, give validity to the act of manumission when he was out of doors, as on his road to the bath or to the theatre.[5]

The prætors existed with varying numbers to a late period in the Empire, and they had still jurisdictio.[6]

The functions of the prætors, as before observed, were chiefly judicial, and this article should be completed by a reference to Edictum, Imperium, Judex, Jurisdictio, Magistratus, Provincia. To the authorities referred to under Edictum may be added, "*Die Prätorischen Edicte der Römer, &c., von D. Eduard Schrader*, Weimar, 1815."

PRÆTO'RIA A'CTIO. (*Vid.* Actio, p. 17.)

PRÆTO'RIA COHORS. (*Vid.* Prætoriani.)

PRÆTORIA'NI, sc. *milites*, or *Prætoriæ Cohortes*, a body of troops instituted by Augustus to protect his person and his power, and called by that name in imitation of the *prætoria cohors*, or select troop, which attended the person of the prætor or general of the Roman army.[7] This cohort is said to have been first formed by Scipio Africanus out of the bravest troops, whom he exempted from all other duties except guarding his person, and to whom he gave sixfold pay;[8] but even in the early

1. (Liv., viii., 11.)—2. (Liv., vi., 42; vii., 1.)—3. (Liv., vi., 42.)—4. (Liv., vii., 1.)—5 (Polyb., xxxiii., 1.)—6. (Censorinus, c. 24)—7. (Dig. 1, tit. 2, s. 2, s. 28.)—8. (Liv., xxxii., 27, 28.)—9. (Dig. 1, tit. 2, s. 34.)—10 (M. Ant., c. 10.)

1. (Gaius, i., 2.)—2. (Cic., Brut., c. 27.)—3. (Suet., Jul., 41.—Dion Cass., xlii., 51.)—4. (Cic., Brut., 84.)—5. (Gaius, i., 20.)—6. (Cod., vii., tit. 62, s. 17; v., tit. 71, s. 18.)—7. (Sallust, Cat. 60.—Cic., Cat., ii., 11.—Cæs., B. Gall., i., 40.)—8. (Festus, s. v.

times of the Republic the Roman general seems to have been attended by a select troop.[1] In the time of the civil wars the number of the prætorian cohorts was greatly increased,[2] but the establishment of them as a separate force was owing to the policy of Augustus. They originally consisted of nine[3] or ten cohorts,[4] each consisting of a thousand men, horse and foot. They were chosen only from Italy, chiefly from Etruria and Umbria, or ancient Latium, and the old colonies,[5] but afterward from Macedonia, Noricum, and Spain also.[6] Augustus, in accordance with his general policy of avoiding the appearance of despotism, stationed only three of these cohorts in the capital, and dispersed the remainder in the adjacent towns of Italy.[7] Tiberius, however, under pretence of introducing a stricter discipline among them, assembled them all at Rome in a permanent camp, which was strongly fortified.[8] Their number was increased by Vitellius to sixteen cohorts, or 16,000 men.[9]

The prætorians were distinguished by double pay and especial privileges. Their term of service was originally fixed by Augustus at twelve years,[10] but was afterward increased to sixteen years; and when they had served their time, each soldier received 20,000 sesterces.[11] All the prætorians seem to have had the same rank as the centurions in the regular legions, since we are told by Dio[12] that they had the privilege of carrying a vitis (*ράβδος*) like the centurions. The prætorians, however, soon became the most powerful body in the state, and, like the janizaries at Constantinople, frequently deposed and elevated emperors according to their pleasure. Even the most powerful of the emperors were obliged to court their favour; and they always obtained a liberal donation upon the accession of each emperor. After the death of Pertinax (A.D. 193) they even offered the empire for sale, which was purchased by Didius Julianus;[13] but upon the accession of Severus in the same year they were disbanded, on account of the part they had taken in the death of Pertinax, and banished from the city.[14] The emperors, however, could not dispense with guards, and accordingly the prætorians were restored on a new model by Severus, and increased to four times their ancient number. Instead of being levied in Italy, Macedonia, Noricum, or Spain, as formerly, the best soldiers were now draughted from all the legions on the frontiers, so that the prætorian cohorts now formed the bravest troops of the Empire.[15] Dioclesian reduced their numbers and abolished their privileges;[16] they were still allowed to remain at Rome, but had no longer the guard of the emperor's person, as he never resided in the capital. Their numbers were again increased by Maxentius, but after his defeat by Constantine, A.D. 312, they were entirely suppressed by the latter, their fortified camp destroyed, and those who had not perished in the battle between Constantine and Maxentius were dispersed among the legions.[17] The new form of government established by Constantine did not require such a body of troops, and, accordingly, they were never revived. The emperor's body-guards now only consisted of the domestici, horse and foot under two comites, and of the protectores.[18]

1. (Liv., ii., 20.)—2. (Appian, Bell. Civ., iii., 67.—Id. ib., v., 3.) 3. (Tacit., Ann., iv., 5.—Suet., Octav., 49.)—4. (Dion Cass., lv., 24.)—5. (Tacit, l. c.—Id., Hist., i., 84.)—6. (Dion Cass., lxxiv., 2.)—7. (Suet., Octav., 49.)—8. (Tacit., Ann., iv., 2.—Suet., Tib., 37.—Dion Cass., lvii., 19.)—9. (Tacit., Hist., ii., 93.)—10. (Dion Cass., liv., 25.)—11. (Id., lv., 23.—Tacit., Ann., i., 17.)—12. (lv. 24.)—13. (Dion Cass., lxxiii., 11.—Spart., Julian., 2.—Herodian, ii., 7.)—14. (Dion Cass., lxxiv., 1.)—15. (Dion Cass., lxxiv., 2.—Herodian., iii, 13.)—16. (Aurel. Vict., De Cæs., 39.)—17. (Zosimus, ii., 17.—Aurel. Vict., De Cæs., 40.)—18 (Cod., xii., tit. 17.—Cod. Theod., vi., tit. 24.)

The commanders of the prætorians were called PRÆFECTI PRÆTORIO, whose duties, powers, &c., are mentioned in a separate article.

PRÆTO'RIUM was the name of the general's tent in the camp, and was so called because the name of the chief Roman magistrate was originally prætor, and not consul. (*Vid.* CASTRA, p. 220.) The officers who attended on the general in the *prætorium*, and formed his council of war, were called by the same name.[1] The word was also used in several other significations, which were derived from the original one. Thus the residence of a governor of a province was called the *prætorium*;[2] and the same name was also given to any large house or palace.[3] The camp of the prætorian troops at Rome, and frequently the prætorian troops themselves, were called by this name. (*Vid.* PRÆTORIANI.)

PRA'NDIUM. (*Vid.* CŒNA, p. 274.)

*PRASI'TES LAPIS (*πρασίτης λίθος*) "the *Prase* of Jameson and *Prasium* of Kirwan. It is a subspecies of quartz, and, as Cleaveland remarks, usually of a leek or dark olive colour. It is a gem, as Sir J. Hill says, of the lower class, and is known by our jewellers by the name of root of emerald. De Lact states that the *χρυσόπρασος* is a gem of greater value."[4]

*PRASIUM (*πράσιον*), a name applied to more than one species of the *Marrubium*, L., or Horehound.[5]

*PRASOCU'RIS (*πρασοκουρίς*), a species of larva or caterpillar noticed by Aristotle, Theophrastus, and Athenæus. Stackhouse refers it to the *Cimex prasinus*, or Lady-cow.[6]

*PRASON (*πράσον*), the Leek, or *Allium porrum*, L. (*Vid.* ALLIUM.)[7]

PRECA'RIUM. (*Vid.* INTERDICTUM, p. 544.)

PRELUM or PRÆLUM is a part of a press used by the ancients in making wine, olive oil, and paper. The press itself was called *torcular*, and the prelum was that part which was either screwed or knocked down upon the things to be pressed, in order to squeeze out the last juices.[8] Sometimes, however, prelum and torcular are used as convertible terms, a part being named instead of the whole. As regards the pressing of the grapes, it should be remembered that they were first trodden with the feet; but as this process did not press out all the juice of the grapes, they were afterward, with their stalks and peels (*scopi et folliculi*), put under the prelum.[9] Cato[10] advised his countrymen always to make the prelum of the wood of black maple (*carpinus atra*). After all the juice was pressed out of the grapes, they were collected in casks, water was poured upon them, and after standing a night they were pressed again. The liquor thus obtained was called lora; it was preserved in casks, and was used as a drink for workmen during the winter.[11] Respecting the use of the prelum in making olive-oil and in the manufacture of paper, see Plin., *H. N.*, xv., 1; xiii., 25.—Colum., xii., 50.

*PRESTER (*πρηστήρ*.) (*Vid.* DIPSAS.)

PRIMICE'RIUS, a name given to various officers and dignitaries under the later Roman Empire, is explained by Suidas[12] to be the person who holds the first rank in anything. The etymology of the word is doubtful: it is supposed that a person was

1. (Liv., xxx., 5.)—2. (Cic. in Verr., II., iv., 28; v., 35.—St. John, xviii., 28, 33.)—3. (Suet., Octav., 72.—Id., Cal., 37.—Juv., i., 75.—Dig. 50, tit. 16, s. 198.)—4. (Theophrast., De Lapid., c. 65.—Hill, ad loc.—Adams, Append., s. v.)—5. (Theophrast., H. P., vi., 1.—Dioscor., iii., 109.)—6. (Aristot., H. A., v., 17.—Theophrast., H. P., vii., 5.—Adams, Append., s. v.)—7. (Theophrast., H. P., vii., 1.)—8. (Serv. ad Virg., Georg., ii., 242.—Vitruv., vi. 9.)—9. (Varro, De Re Rust., i., 54.—Columella, xii., 38.)—10 (De Re Rust., 31.)—11. (Varro, l. c.)—12. (s. v.)

called *primicerius* because his name stood first in the wax (*cera*), that is, the tablet made of wax, which contained a list of persons of any rank.

The word primicerius does not seem to have been always applied to the person who was at the head of any department of the state or army, but also to the one second in command or authority, as, for instance, the *primicerius sacri cubiculi*, who was under the *præpositus sacri cubiculi*. (*Vid.* PRÆPOSITUS.) Various primicerii are mentioned, as the *primicerius domesticorum* and *protectorum*,[1] *fabricæ*,[2] *mensorum*,[3] *notariorum*,[4] &c.

PRIMIPILA'RIS. (*Vid.* CENTURIO.)

PRIMIPI'LUS. (*Vid.* CENTURIO.)

PRINCEPS JUVENTU'TIS. (*Vid.* EQUITES, p. 418.)

PRINCEPS SENATUS. (*Vid.* SENATUS.)

PRINCIPES. (*Vid.* ARMY, ROMAN, p. 103.)

PRINCI'PIA, PRINCIPA'LIS VIA. (*Vid.* CASTRA.)

*PRINOS (πρῖνος), "the *Quercus coccifera* or *Quercus ilex*" (which would appear to be varieties of the same species). "The κόκκος, *Vermes*, or Scarlet-grain, is produced on this tree by a certain class of insects."[5]

*PRISTIS (πρίστις), the *Squalus Pristis*, L., or *Pristis antiquorum*, L., the Sawfish, a large fish of the Shark tribe.[6]

PRIVILE'GIUM. (*Vid.* LEX, p. 581.)

ΠΡΟΑΓΩΓΕΙ'ΑΣ ΓΡΑΦΗ (προαγωγείας γραφή), a prosecution against those persons who performed the degrading office of pimps or procurers (προαγωγοί). By the law of Solon, the heaviest punishment (τὰ μέγιστα ἐπιτίμια) was inflicted on such a person (ἐάν τις ἐλεύθερον παῖδα ἢ γυναῖκα προαγωγεύσῃ[7]) According to Plutarch,[8] a penalty of twenty drachms was imposed for the same offence To reconcile this statement with that of Æschines, we may suppose with Platner[9] that the law mentioned by Plutarch applied only to prostitutes. An example of a man put to death for taking an Olynthian girl to a brothel (πήσας ἐπ' οἰκήματος) occurs in Dinarchus.[10] A prosecution of a man by Hyperides ἐπὶ προαγωγίᾳ is mentioned by Pollux.[11] A charge (probably false) was brought against Aspasia of getting free-born women into her house for the use of Pericles.[12] In connexion with this subject, see the γραφαὶ ΕΤΑΙΡΗΣΕΩΣ, and ΦΘΟΡΑΣ ΤΩΝ ΕΛΕΥΘΕΡΩΝ.[13]

PROB'OLE (προβολή), an accusation of a criminal nature, preferred before the people of Athens in assembly, with a view to obtain their sanction for bringing the charge before a judicial tribunal. It may be compared in this one respect (viz., that it was a preliminary step to a more formal trial) with our application for a criminal information, though in regard to the object and mode of proceeding there is not much resemblance. The προβολή was reserved for those cases where the public had sustained an injury, or where, from the station, power, or influence of the delinquent, the prosecutor might deem it hazardous to proceed in the ordinary way without being authorized by a vote of the sovereign assembly. In this point it differed from the εἰσαγγελία, that in the latter the people were called upon either to pronounce final judgment, or to direct some peculiar method of trial; whereas in the προβολή, after the judgment of the assembly, the parties proceeded to trial in the usual manner. The court before whom they appeared, however influenced they might be by the *præjudicium* of the people, were under no legal compulsion to abide by their decision; and, on the other hand, it is not improbable that, if the people refused to give judgment in favour of the complainant, he might still proceed against his adversary by a γραφή or a private action, according to the nature of the case.[1]

The cases to which the προβολή was applied were complaints against magistrates for official misconduct or oppression; against those public informers and mischief-makers who were called συκοφάνται; against those who outraged public decency at the religious festivals; and against all such as, by evil practices, exhibited disaffection to the state.[2]

With respect to magistrates,[3] Schömann thinks that the προβολαί could only be brought against them at those ἐπιχειροτονίαι which were held at the first κυρία ἐκκλησία in every Prytanea, when the people inquired into the conduct of magistrates, with a view to continue them in office or depose them, according to their deserts. An example of magistrates being so deposed occurs in Demosth., *c. Theocr.*, 1330. The people (says Schömann) could not proceed to the ἐπιχειροτονία except on the complaint (προβολή) of some individual; the deposed magistrate was afterward brought to trial, if the accuser thought proper to prosecute the matter farther. There appears, however, to be no authority for limiting the προβολαί against magistrates to these particular occasions; and other writers have not agreed with Schömann on this point.[4]

An example of a προβολή against sycophants is that which the people, discovering too late their error in putting to death the generals who gained the battle of Arginusæ, directed to be brought against their accusers.[5] Another occurs in Lysias,[6] where the words συλλήδδην ἅπαντες καὶ ἐν τῷ δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας κατέγνωτε, describe the course of proceeding in this method of prosecution.[7]

Those who worked the public mines clandestinely, and those who were guilty of peculation or embezzlement of the public money, were liable to a προβολή. A case of embezzlement is referred to by Demosthenes, *c. Mid.*, 584.[8]

But the προβολή which has become most celebrated, owing to the speech of Demosthenes against Midias, is that which was brought for misbehaviour at public festivals. We learn from the laws cited in that speech,[9] that προβολαί were enjoined against any persons who, at the Dionysian, Thargelian, or Eleusinian festival (and the same enactment was probably extended to other festivals), had been guilty of such an offence as would fall within the description of ἀτέβεια περὶ ἑορτήν. A riot or disturbance during the ceremony, an assault, or other gross insult or outrage, committed upon any of the performers or spectators of the games, whether citizen or foreigner, and even upon a slave, much more upon a magistrate or officer engaged in superintending the performance; an attempt to imprison by legal process, and even a levying of execution upon the goods of a debtor during the continuance of the festival, was held to be a profanation of its sanctity, and to subject the offender to the penalties of these statutes. For any such offence complaint was to be made to the prytanes (*i. e.*, the proedri), who were to bring forward the charge at an assembly to be held soon after the festival in the theatre

1. (Cod., xii., tit. 17, s. 2.)—2. (Cod., xi., tit. 9, s. 2.)—3. (Cod., xii., tit. 28, s. 1.)—4. (Cod., xii., tit. 7.)—5. (Theophrast., H. P., i., 6, 9.—Id. ib., iii., 3.—Adams, Append., s. v.)—6. (Aristot., H. A., vi., 12.)—7. (Æsch., c. Timarch., 3, 26, ed. Steph.)—8. (Sol., 23.)—9. (Proc. und Klag., ii., 216.)—10. (c. Demosth., 93, ed. Steph.)—11. (Onom., iii., 27.)—12. (Plut., Pericl., 32.—Aristoph., Acharn., 527.)—13. (Meier, Att. Proc., 332.)

1. (Platner, Proc. und Kl., i., 382.)—2. (Harpocr. and Suidas, s. v. Καταχειροτονία.—Pollux, Onom., viii., 46.—Æsch., De Fals. Leg., 47.—Isocr., περὶ ἀντιδ., 344, ed. Steph.)—3. (De Comit., 231.)—4. (Platner, Proc. und Kl., i., 385.—Meier, Att. Proc., 273.)—5. (Xen., Hell., i., 7, § 39.)—6. (c. Agorat., 135, ed Steph.)—7. (Schöm., De Com., 234.)—8. (Schöm., l. c.- Platner, Proc. und Kl., i., 381.)—9. (517, 518, 571.)

of Bacchus. The defendant was to be produced before the assembly. Both parties were heard, and then the people proceeded to vote by show of hands. Those who voted in favour of the prosecution were said *καταχειροτονεῖν*, those who were against it *ἀποχειροτονεῖν*. The complainant was said *προβάλλεσθαι τὸν ἀδικοῦντα*, and the people, if they condemned him, *προκαταγνῶναι*.[1]

Some difficulty has arisen in explaining the following words in the law above referred to: *τὰς προβολὰς παραδιδότωσαν ὅσαι ἂν μὴ ἐκτετισμέναι ὦσιν*. Platner[2] and Schömann[3] suppose that by these words the prytanes are commanded to bring before the people those complaints for which satisfaction has not been made by the offender to the prosecutor; and, to show that a compromise would be legal, Platner refers to Demosthenes, *c. Mid.*, 563, 583; to which we may add the circumstance that Demosthenes is said to have compromised his charge against Midias for a sum of money. Meier[4] explains it thus: that the prytanes (or, rather, the proedri) were to bring before the people all the *προβολαί*, except those of a trifling character, for which they were themselves empowered to impose a fine. (As to the power of fining, see *Att. Proc.*, 34.) If we suppose the complaint to take the name of *προβολή* upon its being presented to the proedri, the expression *ἐκτετισμένη προβολή* will cause no difficulty; for as *δίκην τίνειν* signifies to pay the damages awarded in an action, so *προβολὴν τίνειν* may signify to pay the fine imposed by the magistrates before whom the charge was brought; and *προβολήν* is not used improperly for *ἐπιβολήν*, any more than *δίκην* is for *τίμημα* in the other case. Perhaps there is more force in another objection urged by Platner, viz., that (according to this interpretation) the not bringing the case before the assembly is made to depend on the *non-payment*, and not (as might have been expected) on the *imposition* of the fine.

The people having given their sentence for the prosecution, the case was to be brought into the court of heliæa. In certain cases of a serious nature, the defendant might be required to give bail for his appearance or (in default thereof) go to prison.[5] The persons on whom devolved the *ἡγεμονία δικαστηρίου* were, according to Pollux,[6] the thesmothetæ. Meier[7] thinks this would depend on the nature of the case, and that, upon a charge for the profanation of a festival, the cognizance would belong to such of the three superior archons as had the superintendence thereof. This would no doubt) follow from the ordinary principles of Athenian jurisprudence; but it may be conceived that the extraordinary nature of the complaint by *προβολή* might take it out of the common course of practice.[8] The dicasts had to pronounce their verdict on the guilt of the party, and to assess the penalty, which might be death, or only a pecuniary fine, according to their discretion. The trial (it seems) was attended with no risk to the prosecutor, who was considered to proceed under the authority of the popular decree.[9]

PROBOULEUMA. (*Vid.* Boule, p. 168, 169.)

PROBOULOI (*πρόβουλοι*), a name applicable to any persons who are appointed to consult or take measures for the benefit of the people. Thus the delegates who were sent by the twelve Ionian cities to attend the Panionian council, and deliberate on the affairs of the confederacy, were called *πρόβουλοι*.[10] So were the deputies sent by the several Greek states to attend the congress at the Isthmus, on the occasion of the second Persian invasion; and also the envoys whom the Greeks agreed to send annually to Platæa.[2] The word is also used, like *νομοφύλακες*, to denote an oligarchical body, in whom the government of a state was vested, or who at least exercised a controlling power over the senate and popular assemblies. Such were the sixty senators of Cnidus; and a similar body appears to have existed at Megara, where, although democracy prevailed at an earlier period, the government became oligarchical before the beginning of the Peloponnesian war.[3] A body of men called *πρόβουλοι* were appointed at Athens, after the end of the Sicilian war, to act as a committee of public safety. Thucydides[4] calls them *ἀρχήν τινα πρεσβυτέρων ἀνδρῶν, οἵτινες περὶ τῶν παρόντων ὡς ἂν καιρὸς ᾖ προβουλεύσουσι*. They were ten in number.[5] Whether their appointment arose out of any concerted plan for overturning the constitution, is doubtful. The ostensible object, at least, was different; and the measures which they took for defending their country and prosecuting the war appear to have been prudent and vigorous. Their authority did not last much longer than a year; for a year and a half afterwards Pisander and his colleagues established the council of Four Hundred, by which the democracy was overthrown.[6] The first step which had been taken by Pisander and his party was to procure the election of a body of men called *ξυγγραφεῖς αὐτοκράτορες*, who were to draw up a plan, to be submitted to the people, for remodelling the constitution. Thucydides says they were ten in number. Harpocration[7] cites Androtion and Philochorus as having stated that thirty were chosen, and adds, *Ὁ δὲ Θουκυδίδης τῶν δέκα ἐμνημόνευσε μόνον τῶν προβούλων*. This and the language of Suidas[8] have led Schömann to conjecture that the *πρόβουλοι* were elected as *συγγραφεῖς*, and twenty more persons associated with them, making in all the thirty mentioned by Androtion and Philochorus.[9] Others have thought that the *συγγραφεῖς* of Thucydides have been confounded by grammarians with the thirty tyrants, who were first chosen *οἱ τοὺς πατρίους νόμους συγγράψωσι καθ' οὓς πολιτεύσουσι*.[10] These Athenian *πρόβουλοι* are alluded to by Aristophanes in the *Lysistrata*,[11] which was acted the year after the Sicilian defeat, and by Lysias, *c. Eratosth.*, 126, ed. Steph.

PROCHEIROTONI'A (*προχειροτονία.*) (*Vid.* Boule, p. 169)

PROCLE'SIS (*πρόκλησις.*) (*Vid.* Diaitetai, p. 353, 354.)

PROCONSUL is an officer who acts in the place of a consul without holding the office of consul itself; though the proconsul was generally one who had held the office of consul, so that the proconsulship was a continuation, though a modified one, of the consulship. The first time that we meet with a consul whose imperium was prolonged after the year of his consulship, is at the commencement of the second Samnite war, at the end of the consular year 327 B.C., when it was thought advisable to prolong the imperium (*imperium prorogare*) of Q. Publilius Philo, whose return to Rome would have been followed by the loss of most of the advantages that had been gained in his campaign.[12] The power of proconsul was conferred by a senatus consultum and plebiscitum, and was nearly equal to that of a regular consul, for he had the imperium and ju

1. (Demosth., c. Mid., 578, 583, 586.)—2. (Proc. und Kl., i., 394.)—3. (De Com., 238.)—4. (Att. Proc., 275.)—5. (Meier, Att. Proc., 276.) — 6. (viii., 87.)—7. (l. c.) — 8. (Platner, 385.) — 9. (Meier Att. Proc., 277.)—10. (Herod., vi., 7)

1. (Herod., vii., 172.)—2. (Plutarch, Arist., 21.)—3. (Aristot Pol., iv., 12, 8.—Id., vi., 5, 13.— Müller, Dor., iii., 9, § 10.—Wachsmuth, Alterth., I., ii., 91.—Schömann, Antiq. Jur. Publ. 82.)—4. (viii., 1.)—5. (Suidas, s. v. Πρόβουλοι.)—6. (Thucyd viii., 67.—Wachsmuth, I., ii., 197.)—7. (s. v. Συγγραφεῖς.)—8 (s. v. Πρόβουλοι.) —9. (Ant. Jur. Publ., 181.)—10. (Xen., Hel 3, § 2.—Göller ad Thucyd., viii., 67.)—11. (v., 467.)—12 (Liv viii., 23. 26)

nsdictio, but it differed inasmuch as it did not extend over the city and its immediate vicinity (see Niebuhr, *Röm. Gesch.*, iii., p. 214, who infers it from Gaius, iv., 104, 105), and was conferred without the auspicia by a mere decree of the senate and people, and not in the comitia for elections.[1] Hence, whenever a proconsul led his army back to Rome for the purpose of holding a triumph, the imperium (*in urbe*) was especially granted to him by the people, which was, of course, not necessary when a consul triumphed during the year of his office. Livy,[1] it is true, mentions men appointed with proconsular power at a much earlier period than the time of Publilius Philo; but there is this difference, that in this earlier instance the proconsular power is not an *imperium prorogatum*, but a fresh appointment as commander of the reserve, and Niebuhr[3] justly remarks that Livy here probably applies the phraseology of a much later time to the commander of the reserve; and this is the more probable, as Dionysius[4] speaks of this *ἀντιστρατηγός* as having been appointed by the consuls. Nineteen years after the proconsulship of Publilius Philo, 308 B.C., Livy[5] relates that the senate alone, and without a plebiscitum, prolonged the imperium of the consul Q. Fabius Maximus Rullianus; but it is manifest that here again Livy transfers a later institution to a time when it did not yet exist; for it was only by the lex Mænia (236 B.C.) that the senate obtained the right to prolong the imperium.

When the number of Roman provinces had become great, it was customary for the consuls, who during the latter period of the Republic spent the year of their consulship at Rome, to undertake at its close the conduct of a war in a province, or its peaceful administration.[6] There are some extraordinary cases on record in which a man obtained a province with the title of proconsul without having held the consulship before. The first case of this kind occurred in B.C. 211, when young P. Cornelius Scipio was created proconsul of Spain in the comitia centuriata.[7] During the last period of the Republic such cases occurred more frequently.[8] Respecting the powers and jurisdiction of the proconsuls in the provinces, see PROVINCIA.

After the administration of the Empire was newly regulated by Constantine, parts of certain dioceses were under the administration of proconsuls. Thus a part of the diocese of Asia, called Asia in a narrower sense, Achaia in the diocese of Macedonia, and the consular province in the diocese of Africa, were governed by proconsuls.[9]

PROCURA'TOR is the person who has the management of any business committed to him by another. Thus it is applied to a person who maintains or defends an action on behalf of another, or, as we should say, an attorney (*vid.* ACTIO, p. 19): to a steward in a family (*vid.* CALCULATOR): to an officer in the provinces belonging to the Cæsar, who attended to the duties discharged by the quæstor in the other provinces (*vid.* PROVINCIA): to an officer engaged in the administration of the fiscus (*vid.* FISCUS, p. 444); and to various other officers under the Empire.

PRODI'GIUM, in its widest acceptation, denotes any sign by which the gods indicated to men a future event, whether good or evil, and thus includes omens and auguries of every description.[10] It is, however, generally employed in a more restricted sense to signify some strange incident or wonderful appearance, which was supposed to herald the approach of misfortune, and happened under such circumstances as to announce that the calamity was impending over a whole community or nation rather than private individuals. The word may be considered synonymous with *ostentum*, *monstrum*, *portentum* "*Quia enim ostendunt, portendunt, monstrant, prædicunt; osteuta, portenta, monstra, prodigia dicuntur.*"[1] It should be observed, however, that *prodigium* must be derived from *ago*, and not from *dico*, as Cicero would have it.

Since prodigies were viewed as direct manifestations of the wrath of heaven, and warnings of coming vengeance, it was believed that this wrath might be appeased, and, consequently, this vengeance averted, by prayers and sacrifices duly offered to the offended powers. This being a matter which deeply concerned the public welfare, the necessary rites were in ancient times regularly performed, under the direction of the pontifices, by the consuls before they left the city, the solemnities being called *procuratio prodigiorum*. Although, from the very nature of the occurrences, it was impossible to anticipate and provide for every contingency, we have reason to know that rules for expiation, applicable to a great variety of cases, were laid down in the *Ostentaria*, the *Libri Rituales*, and other sacred books of the Etrurians,[2] with the contents of which the Roman priests were well acquainted; and when the prodigy was of a very terrible or unprecedented nature, it was usual to seek counsel from some renowned Tuscan seer, from the Sibylline books, or even from the Delphic oracle. Prodigies were frequently suffered to pass unheeded when they were considered to have no direct reference to public affairs, as, for example, when the marvel reported had been observed in a private mansion or in some town not closely connected with Rome, and in this case it was said *non suscipi*, but a regular record of the more important was carefully preserved in the Annals, as may be seen from the numerous details dispersed throughout the extant books of Livy.[3] For an interesting essay on the illustrations of Natural History to be derived from the records of ancient prodigies, see Heyne, *Opusc. Acad.*, iii., p. 198, 255.

PRODOSI'A (*προδοσία*). Under this term was included not only every species of treason, but also every such crime as (in the opinion of the Greeks) would amount to a betraying or desertion of the interests of a man's country. The highest sort of treason was the attempt to establish a despotism (*τυραννίς*) or to subvert the constitution (*καταλύειν τὴν πολιτείαν*), and in democracies *καταλύειν τὸν δῆμον* or *τὸ πλῆθος*. Other kinds of treason were a secret correspondence with a foreign enemy; a betraying of an important trust, such as a fleet, army, or fortress; a desertion of post; a disobedience of orders, or any other act of treachery or breach of duty in the public service.[4] It would be a betrayal of the state to delude the people by false intelligence or promises, or to disobey any special decree, such as that (for instance) which prohibited the exportation of arms or naval stores to Philip, and that which (after Philip had taken possession of Phocis) forbade Athenian citizens to pass the night out of the city.[5] But not only would *overt acts* of disobedience or treachery amount to the crime of *προδοσία*, but also the neglect to perform those active duties which the Greeks in general ex

1. (Liv., ix., 42.—Id., x., 22.—Id., xxxii., 28.—Id., xxiv., 13.)—2. (iii., 4.)—3. (Hist. of Rome, ii., p. 123)—4. (ix., 12.)—5. (ix., 42.)—6. (Cic., De Nat. Deor., ii., 3.—Liv., xxxiii., 25.—Cic. ad Fam., viii., 5, 13.)—7. (Liv., xxvi., 18.)—8. (Plut., Æmil Pau., 4.—Cic., De Leg., i., 20.)—9. (Walter, Gesch. des Röm Rechts, p. 382, &c.)—10 (Virg., Æn., v., 638.—Serv. ad loc Plin., H. N., xi., 37.—Cic. in Verr., II., iv., 49.)

1. (Cic., De Div., i., 42.)—2. (Cic., De Div., i., 33.—Müller, Etrusker, i., p. 33, 36, 343; ii., 30, 99, 122, 131, 146, 337.)—3 (See Liv., ii., 42; iii., 10; xxiv., 44; xxxvii., 3; xliii., 13.—Müller, Die Etrusker, ii., p. 191.—Hartung, Die Religion der Römer, i., p. 96.)—4. (Demosth., Pro Cor., 242.—Id., c. Lept. 481.—Id., c. Timocr., 745.—Id., c. Timoth., 1204.—Id., Pro Cor Trierarch., 1230.—Lys., c. Agor., 130, 131, ed. Steph.—Lycurg c. Leocr., 155, ed. Steph.)—5. (Demosth., c. Lept., 487, 498 – Id., Pro Cor., 238.—Id., De Fals. Leg., 432)

pected of every good citizen. Cowardice in battle (*δειλία*) would be an instance of this kind; so would any breach of the oath taken by the *ἔφηβοι* at Athens, or any line of conduct for which a charge of disaffection to the people (*μισοδημία*) might be successfully maintained.[1] Thus we find persons, whose offence was the propounding unconstitutional laws, or advising bad measures, or the like, charged by their political opponents with an attempt to overthrow the constitution.[2] Of the facility with which such charges might be made at Athens, especially in times of political excitement, when the most eminent citizens were liable to be suspected of plots against the state, history affords abundant proof; and Greek history, no less than modern, shows the danger of leaving the crime of treason undefined by the law, and to be interpreted by judges.[3] One of the most remarkable trials for constructive treason at Athens was that of Leocrates, who left the city after the defeat at Chæronea, and was prosecuted by Lycurgus for desertion of his country. The speech of Lycurgus is preserved to us, and is a good specimen of his eloquence. The facts of the case are stated in p. 150, ed. Steph. The nature of the charge may be seen from various expressions of the orator, such as *προδοὺς τοὺς νεὼς καὶ τὰ ἕδη καὶ τὰς ἐν τοῖς νόμοις ὑσίας* (147), *μὴ βοηθήσας τοῖς πατρίοις ἱεροῖς, ἐγκαταλιπὼν τὴν πόλιν* (148), *οὐ συμβεβλημένος οὐδὲν εἰς τὴν τῆς πόλεως σωτηρίαν* (153), *φεύγων τὸν ὑπὲρ τῆς πατρίδος κίνδυνον* (154), and the like. The defence of the accused was, that he did not leave Athens with a traitorous intention (*ἐπὶ προδοσίᾳ*), but for the purposes of trade (*ἐπὶ ἐμπορίᾳ*).[4]

The ordinary method of proceeding against those who were accused of treason or treasonable practices was by *εἰσαγγελία*, as in the case of Leocrates.[5] In some cases a *γραφή* might be laid before the thesmothetæ.[6] We read of an old law, by which the jurisdiction in trials for high treason was given to the archon *βασιλεύς*.[7] But it could hardly be expected that in a Greek city state offences would always be prosecuted according to the forms of law; and we find various instances in which magistrates, generals, and others, took a summary method for bringing traitors and conspirators to justice. Thus a certain person, named Antiphon, who had promised Philip to burn the Athenian arsenal, was seized by the council of Areopagus, and afterward put to the torture and condemned to death by the people.[8] As to the power of the Areopagus, see farther Lycurgus, *c. Leoc.*, 154. The people in assembly might, of course, direct any extraordinary measures to be taken against suspected persons, as they did in the affair of the Hermes busts,[9] and by their *ψήφισμα* might supersede even the form of a trial. So fearful were the Athenians of any attempt to establish a tyranny or an oligarchy, that any person who conspired for such purpose, or any person who held an office under a government which had overthrown the constitution, might be slain with impunity. Every citizen, indeed, was under an obligation to kill such a person, and for so doing was entitled by law to honours and rewards.[10]

The regular punishment appointed by the law for most kinds of treason appears to have been death,[11] which, no doubt, might be mitigated by decree of the people, as in the case of Miltiades[1] and many others. The less heinous kinds of *προδοσία* were probably punished at the discretion of the court which tried them.[2] The goods of traitors who suffered death were confiscated, and their houses razed to the ground; nor were they permitted to be buried in the country, but had their bodies cast out in some place on the confines of Attica and Megara. Therefore it was that the bones of Themistocles, who had been condemned for treason, were brought over and buried secretly by his friends.[3] The posterity of a traitor became *ἄτιμοι*, and those of a tyrant were liable to share the fate of their ancestor.[4] Traitors might be proceeded against even after their death, as we have seen done in modern times. Thus the Athenians resolved to prosecute Phrynichus, who had been most active in setting up the oligarchy of the Four Hundred (*τὸν νεκρὸν κρίνειν προδοσίας*), and also to subject his defenders to the punishment of traitors in case of a conviction. This was done. Judgment of treason was passed against Phrynichus. His bones were dug up, and cast out of Attica; his defenders put to death; and his murderers honoured with the freedom of the city.[5]

ΠΡΟΔΟΣΊΑΣ ΓΡΑΦΗ (*προδόσιας γραφή*). (*Vid.* Prodosia.)

PROEDRI. (*Vid.* Boule, p. 168, 170.)

PROEDROSÍA or PROEDROSÍAI (*προηδρόσια* and *προηδροσίαι*) were sacrifices (or, according to other writers, a festival) offered to Demeter at the time when the seeds were sown, for the purpose of obtaining a plentiful harvest.[6] According to Suidas, the Athenians performed this sacrifice in Ol. 5, on behalf of all the Greeks; but from all the other accounts it would appear that the Athenians did so at all times, and that the instance mentioned by Suidas is only the first time that proedrosia were offered by the Athenians for all the Greeks. They are said to have been instituted on the command of some oracle, at a time when all the world was suffering from scarcity or from the plague.[7]

PROEISPHORA (*προεισφορά*). (*Vid.* Eisphora, p. 392.)

ΠΡΟΕΙΣΦΟΡΑΣ ΔΙΚΗ (*προεισφορᾶς δίκη*), an action brought by a member of a symmoria, to recover a rate paid on account of another. The symmoriæ being so arranged that three hundred of the richest men were selected to form a superior board, responsible to the state in the first instance for the collection of a property tax, the people passed a decree, in case of need, commanding them to pay the whole tax in advance. These then were entitled to be reimbursed by the remaining nine hundred of the symmoriæ, and each of them probably had a certain number assigned to him by the strategi for that purpose, against whom he might bring actions for contribution according to their respective assessments. To recover money so advanced was called *προεισφορὰν κομίζεσθαι*.[8] This cause, like others relating to the property tax and the trierarchy, belonged to the jurisdiction of the strategi.[9]

PROELIA'LES DIES. (*Vid.* Dies, p. 362.)

PROFESTI DIES. (*Vid.* Dies, p. 362.)

PROGAMEIA. (*Vid.* Marriage, Greek, page 619.)

1. (Xen., Cyrop., vi., 4, § 14; 3, § 27.—Eurip., Phœniss., 1003.—Andoc., c. Alcib., 30, ed. Steph.—Lycurg., c. Leocr., 157, ed. Steph.—Demosth., Pro Cor., 242.)—2. (Demosth., *περὶ συνταξ.*, 170.—Æsch., c. Timarch., 1.—Id., c. Ctes., 82, ed. Steph.—Lys., Pro Polyst., 159, ed. Steph.)—3. (Aristoph., Eq., 236, 475, 862.—Vesp., 483, 953.—Wachsmuth, Hell. Alt., I., ii., 154; 11., i., 178.)—4. (See Argument, and p. 155.)—5. (Pollux, Onom., viii., 52.)—6. (Demosth., c. Steph., 1137.)—7. (Meier, Att. Proc., 50.)—8 (Demosth., Pro Cor., 271.—Æsch., c. Ctes., 89, ed. Steph.)—9. (Thucyd., vi., 60, 61.)—10. (Andoc., De Myst., 12, 13, ed. Steph.—Lys., *Δημ. καταλ. ἀπολ.*, 172, ed. Steph.)—11. (Xen., Hellen., i., 7, § 22.—Demosth., Pro Cor., 238.—Lycurg., c. Leocr., 148, 152, ed. Steph.)

1. (Herod., vi., 136.)—2. (Demosth., c. Timocr., 740.—Id., c. Theocr., 1344.)—3. (Thucyd., i., 138.)—4. (Meursius, Them. Att., ii., 2, 15.—Platner, Proc. und Klag., ii., 82.—Meier, Att. Proc., 341, De bon Damn., 11–13, 136.)—5. (Thucyd., viii., 92.—Lysias, c. Agor., 136.—Lycurg., c. Leocr., 164, ed. Steph.)—6. (Suidas.—Hesych.—Etymol. Mag., s. v.—Arrian in Epict., iii., 21.)—7. (Suid., s. v. Εἰρεσιώνη.—Compare Lycurg., Fragm., c Menes.)—8. (Demosth., c. Pantæn., 977.—Id. c. Phænipp 1046.—Id., c. Polycl., 1208.)—9. (Böckh, Staatsh. der Ath., ii 70, 71.—Meier, Att. Proc., 107, 550.)

PROIX (*προῖξ*). (*Vid.* Dos, Greek.)

PRO...ETA'RII. (*Vid.* Caput.)

PROMETHEI'A (Προμήθεια), a festival celebrated at Athens in honour of Prometheus.[1] The time at which it was solemnized is not known, but it was one of the five Attic festivals which were held with a torch-race in the Ceramicus[2] (compare Lampadephokia), for which the gymnasiarch had to supply the youths from the gymnasia. Prometheus himself was believed to have instituted this torch-race, whence he was called the torch-bearer.[3] The torch-race of the Prometheia commenced at the so-called altar of Prometheus in the Academia,[4] or in the Ceramicus, and thence the youths with their torches raced to the city.[5]

PROMISSOR. (*Vid.* Obligationes, p. 673.)

PROMULSIS. (*Vid.* Cœna, p. 275.)

PRO'NUBÆ, PRO'NUBI. (*Vid.* Marriage, Roman, p. 625.)

PROPNIGE'UM. (*Vid.* Baths, p. 151.)

PROPRÆTOR. (*Vid.* Provincia.)

PROPRI'ETAS. (*Vid.* Dominium.)

PROQUÆSTOR. (*Vid.* Quæstor.)

PRORA. (*Vid.* Ships.)

PROSCE'NIUM. (*Vid.* Theatrum.)

PROSCLE'SIS (*πρόσκλησις*). (*Vid.* Dice, p. 358.)

PROSCRIPTIO. The verb *proscribere* properly signifies to exhibit a thing for sale by means of a bill or advertisement: in this sense it occurs in a great many passages. But in the time of Sulla it assumed a very different meaning, for he applied it to a measure of his own invention,[6] namely, to the sale of the property of those who were put to death at his command, and who were themselves called *proscripti*. Towards the end of the year 82 B.C., Sulla, after his return from Præneste, declared before the assembly of the people that he would improve their condition, and punish severely all those who had supported the party of Marius.[7] The people appear tacitly to have conceded to him all the power which he wanted for the execution of his design, for the lex Cornelia de Proscriptione et Proscriptis was sanctioned afterward, when he was made dictator.[8] This law, which was proposed by the interrex L. Valerius Flaccus at the command of Sulla, is sometimes called lex Cornelia[9] and sometimes lex Valeria. Cicero[10] pretends not to know whether he should call it a lex Cornelia or Valeria.[11]

Sulla drew up a list of the persons whom he wished to be killed, and this list was exhibited in the Forum to public inspection. Every person contained in it was an outlaw, who might be killed by any one who met him with impunity, even by his slaves and his nearest relatives. All his property was taken and publicly sold. It may naturally be supposed that such property was sold at a very low price, and was in most cases purchased by the friends and favourites of Sulla; in some instances, only part of the price was paid at which it had been purchased.[12] The property of those who had fallen in the ranks of his enemies was sold in the same manner.[13] Those who killed a proscribed person, or gave notice of his place of concealment, received two talents as a reward; and whoever concealed or gave shelter to a proscribed, was punished with death.[14] But this was not all; the proscription was regarded as a corruption of blood, and, consequently, the sons and grandsons of proscribed persons were forever excluded from all public offices.[1]

After this example of a proscription had once been set, it was readily adopted by those in power during the civil commotions of subsequent years. This was the case during the triumvirate of Antonius, Cæsar, and Lepidus (43 B.C.). Their proscription was not less formidable than that of Sulla, for 2000 equites and 300 senators are said to have been murdered.[2]

PROSECUTO'RIA ACTIO. (*Vid.* Actio, p. 17.)

PROSTIME'MA (*προστίμημα*). (*Vid.* Timema.)

PROST'ATES (*προστάτης*). (*Vid.* Libertus, Greek; Metoikoi.)

ΠΡΟΣΤ'ΑΤΗΣ ΤΟΥ ΔΗ'ΜΟΥ (*προστάτης τοῦ δήμου*), a leader of the people, denoted at Athens and in other democratical states a person who by his character and eloquence placed himself at the head of the people, and whose opinion had the greatest sway among them:[3] such was Pericles. It appears, however, that *προστάτης τοῦ δήμου* was also the title of a public officer in some Doric states.[4]

PROTH'ESIS (*πρόθεσις*). (*Vid.* Funus, p. 456.

PROTHES'MIA (*προθεσμία*), the term limited for bringing actions and prosecutions at Athens. In all systems of jurisprudence some limitation of this sort has been prescribed, for the sake of quieting possession, and affording security against vexatious litigation. The Athenian expression *προθεσμίας νόμος* corresponds to our *statute of limitations*. The time for commencing actions to recover debts or compensation for injuries appears to have been limited to five years at Athens. *Τοῖς ἀδικουμένοις ὁ Σόλων τὰ πέντε ἔτη ἱκανὸν ἡγήσατ' εἶναι εἰσπράξασθαι.*[5] Inheritance-causes stood on a peculiar footing. When an estate had been adjudged to a party, he was still liable to an action at the suit of a new claimant for the whole period of his life, and his heir for five years afterward. This arose from the anxiety of the Athenians to transmit inheritances in the regular line of succession. (*Vid.* Heres, Greek.) The liability of bail continued only for a year (*ἐγγύαι ἐπέτειοι ἦσαν*), and, of course, no proceeding could be taken against them after the expiration of the year.[6] It is doubtful whether any period was prescribed for bringing criminal prosecutions, at least for offences of the more serious kind, though, of course, there would be an indisposition in the jury to convict if a long time had elapsed since the offence was committed.[7] Certain cases, however, must be excepted. The *γραφὴ παρανόμων* could only be brought within a year after the propounding of the law;[8] and the *εὐθῦναι* against magistrates were limited to a certain period, according to Pollux.[9] Amnesties or pardons, granted by special decrees of the people, scarcely belong to this subject.[10] The term *προθεσμία* is applied also to the time which was allowed to a defendant for paying damages, after the expiration of which, if he had not paid them, he was called *ὑπερήμερος*, *ὑπερπρόθεσπος*, or *ἐκπρόθεσμος*.[11]

PROTHYRA (*πρόθυρα*). (*Vid.* House, Greek, p. 514.)

PROTRYGI'A (Προτρύγια), a festival celebrated in honour of Dionysus, surnamed Protryges, and of Poseidon.[12] The origin and mode of celebration of

1. (Xen., De Rep. Ath., 3, § 4.—Harpocrat., s. v. *Λαμπάς*.)—2. (Harpocrat., l. c.—Schol. ad Aristoph., Ran., 131.)—3. (Hygin., Poet. Astron., ii., 15.—Eurip., Phœniss., 1139.—Philostr., Vit. Soph., ii., 20.)—4. (Paus., i., 30, § 2.)—5. (Welcker, Æschyl. Trilog., p. 120, &c.)—6. (Vell. Paterc., ii., 28.)—7. (Appian, Bell. Civ., i., 95.)—8. (Cic., De Leg., i., 15.—Id., De Leg. Agr., ii., 2, &c.—Appian, Bell. Civ., i., 98.)—9. (Cic. in Verr., i., 47.)—10. (Pro Rosc. Amer., 43.)—11. (Compare Schol. Gronov., p. 435, ed. Orelli.)—12. (Sallust, Fragm., p. 238, ed. Gerlach.)—13. (Cic., Pro Rosc. Amer., 43.)—14. (Cic. in Verr., i., 47.—Plut., Sul., 31.—Suet., Jul., 11.)

1. (Plut., l. c.—Vell. Paterc., ii., 28.—Quintil., xi., 1, 85.)—2. (Appian, Bell. Civ., iv., 5.—Vell. Paterc., ii., 66.—Suet., Octav. 27.—Liv., Epit., lib. 120.)—3. (Plato, Rep., viii., p. 565, c.)—4. (Müller, Dor., iii., 9, § 1.—Wachsmuth, i., 2, p. 435, &c.—G. C. Müller, De Corcyr. Repub., p. 49.—K. F. Hermann, Lehrbuch, &c., § 69, 3, 4.)—5. (Demosth., Pro Phorm., 952.—Id., c. Nausim., 989.—Harpocrat., s. v. *Προθεσμίας νόμος*.)—6. (Demosth., c. Apatur., 901.)—7. (Lys., c. Simon., 98.—*Περὶ τοῦ σηκοῦ*, 109; c. Agor., 137, ed. Steph.)—8. *Παρανόμων γραφή*, and Schöm., De Comit., 278.)—9. (Onom., viii., 45.)—10. (Vid. Æsch., c. Timarch., 6, ed. Steph.)—11. (Meier, Att. Proc., 636, 746.)—12. (Hesych., s. v.—Ælian, V. H., iii., 41.)

this festival at Tyre are described by Achilles Tatius[1]

PROVIN'CIA. The original meaning of this word seems to be "a duty" or "matter intrusted to a person," as we see in various passages; though some writers, apparently not correctly, consider this sense of "provincia" to be derived from that ordinary acceptation of it which will presently be mentioned. The etymology appears to be uncertain; but, if the usual orthography be correct, it is difficult to assign any other meaning to the verb than to "push forward," to "drive before one," and in this sense provincia is the commission which a Roman general received to drive the enemy from the Roman state.[2] But this sense of the word, if it was the original one, became changed in the course of time, or perhaps it received additions to its meaning. Thus, for instance, in the age of Cicero, provincia denoted a part of the Roman dominion beyond Italy which had a regular organization and was under Roman administration. This is the ordinary sense of the word, that of a foreign territory in a certain relation of subordination to Rome. It is clear, however, from Livy,[3] that the word was also used, before the establishment of any provincial governments, to denote a district or enemy's country which was assigned to a general as the field of his operations; a circumstance which confirms the correctness of the primary meaning of the word, as above explained.

The Roman state, in its complete development, consisted of two parts with a distinct organization, Italia and the provinciæ. There were no provinciæ in this sense of the word till the Romans had extended their conquests beyond Italy; and Sicily[4] was the first country that was made a Roman province: Sardinia was made a province B.C. 235. The Roman province of Gallia Ulterior in the time of Cæsar was sometimes designated simply by the term provincia,[5] a name which has been perpetuated in the modern Provence.

A conquered country received its provincial organization either from the Roman commander, whose acts required the approval of the senate, or the government was organized by the commander and a body of commissioners appointed by the senate out of their own number. The mode of dealing with a conquered country was not uniform. When constituted a provincia, it did not become to all purposes an integral part of the Roman state; it retained its national existence, though it lost its sovereignty. The organization of Sicily was completed by P. Rupilius, with the aid of ten legates, and his constitution is sometimes referred to under the name of leges Rupiliæ. (*Vid.* Lex, p. 585.) The island was formed into two districts, with Syracuse for the chief town of the eastern, and Lilybæum of the western district: the whole island was administered by a governor annually sent from Rome. He was assisted by two quæstors, and was accompanied by a train of præcones, scribæ, haruspices, and other persons, who formed his cohors. The quæstors received from the Roman ærarium the necessary sums for the administration of the island, and they also collected the taxes, except those which were farmed by the censors at Rome. One quæstor resided at Lilybæum, and the other with the governor or prætor at Syracuse. The governor could dismiss the quæstors from the province if they did not conform to his orders, and could appoint legati to do their duties. The whole island was not treated exactly in the same way. Seventeen conquered towns forfeited their land, which was restored on condition of the payment of the decima and the scriptura. But this restoration must not be understood as meaning that the ownership of the land was restored, for the Roman state became the owner of the land, and the occupiers had at most a possessio. These taxes or dues were let to farm by the censors at Rome. Three cities, Messana, Tauromenium, and Netum, were made fœderatæ civitates, and retained their land. The duties of fœderatæ civitates towards the Roman state are explained in another place. (*Vid.* Fœderatæ Civitates.) Five other cities, among which were Panormus and Segesta, were liberæ et immunes that is, they paid no decimæ; but it does not appear whether they were free from the burdens to which the fœderatæ civitates, as such, were subject by virtue of their fœdus with Rome. Before the Roman conquest of Sicily, the island had been subject to a payment of the tenth of wine, oil, and other products, the collecting of which had been determined with great precision by a law or regulation of King Hiero (*lex Hieronica*). The regulations of Hiero were preserved, and these tenths were let to farm by the quæstors in Sicily to Sicilians and Romans settled in Sicily: the tenths of the first-mentioned towns were let to farm to Romans in Rome. The towns which paid the tenths were called by the general name of stipendiariæ.

For the administration of justice, the island was divided into fora or conventus, which were territorial divisions. Sicilians who belonged to the same town had their disputes settled according to its laws; citizens of different towns had their disputes decided by judices appointed by lot by the governor; in case of disputes between an individual and a community, the senate of any Sicilian town might act as judices, if the parties did not choose to have as judices the senate of their own towns; if a Roman citizen sued a Sicilian, a Sicilian was judex; if a Sicilian sued a Roman citizen, a Roman was judex; but no person belonging to the cohors of a prætor could be judex. These were the provisions of the Rupiliæ leges. Disputes between the lessees of the tenths and the aratores were decided according to the rules of Hiero.[1] The settlement of the municipal constitution of the towns was generally left to the citizens; but in some instances, as in the case of C. Claudius Marcellus and the town of Alesa, a constitution was given by some Roman, at the request, as it appears, of the town. The senate and the people still continued as the component parts of the old Greek cities. Cicero mentions a body of 130 men, called censors, who were appointed to take the census of Sicily every five years, after the fashion of the Roman census.[2] The island was also bound to furnish and maintain soldiers and sailors for the service of Rome, and to pay tributum for the carrying on of wars. The governor could take provisions for the use of himself and his cohors on condition of paying for them. The Roman state had also the portoria, which were let to farm to Romans at Rome.

The governor had complete jurisdictio in the island, with the imperium and potestas. He could delegate these powers to his quæstors, but there was always an appeal to him, and for this and other purposes he made circuits through the different conventus.

Such was the organization of Sicilia as a province, which may be taken as a sample of the general character of Roman provincial government. Sicily obtained the Latinitas from Julius Cæsar, and the civitas was given after his death;[3] but notwith-

1. (ii., init.)—2. (Göttling, Gesch. der Röm. Staatsv., p. 413.)—3. (ii., 40; iii., 2.)—4 (Cic. in Verr., II., ii.)—5. (Cæs., Bell. Gall., i., 1, 7, &c.)

1. (Cic. in Verr., II., ii., 13.)—2. (in Verr., I., ii., 55, &c.)—3. (Cic. ad Att., xiv., 12.)

standing this, there remained some important distinctions between Sicily and Italy, as hereafter explained. The chief authority for this account of the provincial organization of Sicily is the Verrine orations of Cicero.

Hispania was formed into two provinces, Citerior or Tarraconensis, and Ulterior or Bætica. Hispania Citerior was divided into seven conventus: Carthaginiensis, Tarraconensis, Cæsaraugustanus, Cluniensis, Asturum, Lucensis, and Bracarum. The diversity of the condition of the several parts of the province appears from the enumeration of coloniæ, oppida civium Romanorum, Latini veteres, Fœderati, oppida stipendiaria. Hispania Bætica was divided into four juridici conventus: Gaditanus, Cordubensis, Astigitanus, Hispalensis. The oppida consisted of coloniæ, municipia, Latio antiquitus donata, which appear to be equivalent to Latini veteres, libera, fœderata, stipendiaria.[1] The provincia of Lusitania was divided into three conventus: Emeritensis, Pacensis, and Scalobitanus. The classes of oppida enumerated are coloniæ, municipia civium Romanorum, oppida Latii antiqui or veteris, stipendiaria.[2] This example will give some idea of the Roman mode of administering a province for judicial purposes. All Hispania received the Latinitas from Vespasian.[3] The province paid a fixed vectigal or land-tax in addition to the tributum which was collected hy præfecti, and in addition to being required to deliver a certain quantity of corn. And the prætor had originally the right to purchase a twentieth part at what price he pleased.[4]

This organization was not confined to the Western provinces. In Asia, for instance, there was a Smyrnæus conventus which was frequented by a great part of Æolia; the term conventus was applied both to the territorial division made for the administration of justice, and also to the chief city or place "*in quem conveniebant.*" Ephesus gave name to another conventus. As the conventus was mainly formed for judicial purposes, the term jurisdictio is sometimes used as an equivalent. Thus Pliny[5] speaks of the Sardiana jurisdictio, which is the same as Sardianus conventus. The object of this division is farther shown by such phrases as "*eodem disceptant foro,*" "*Tarracone disceptant populi* xliii."

Strabo remarks[6] that the boundaries of Phrygia, Lydia, Caria, and Mysia were confused, and that the Romans had added to the confusion by not attending to the subsisting national divisions, but making the administrative divisions different (*τὰς διοικήσεις*), in which are the fora (*ἀγοράς*, MS.) and the administration of justice. The word *ἀγορά* probably represents conventus (as to the reading, see Casaubon's note). The conventus, it appears, were sometimes held (*conventus acti*) in the winter;[7] but in Cæsar's case this might be a matter of convenience. Cicero proposed to do the same in his province.[8] The expression "*forum agere*" is equivalent to "*conventum agere.*"

The conventus were attended by the Romans who were resident in the province, among whom were the publicani, and generally by all persons who had any business to settle there. The judices for the decision of suits were chosen from the persons who attended the conventus. Other acts were also done there which were not matters of litigation, but which required certain forms in order to be legal. In the case of manumission by persons under thirty years of age, certain forms were required by the lex Ælia Sentia, and in the provinces it was effected on the last day of the conventus;[1] from which it appears that conventus means also the time during which business was transacted at the place "*in quem conveniebant.*"

The governor, upon entering on his duties, published an edict, which was often framed upon the Edictum Urbanum. Cicero, when proconsul of Cilicia, says that on some matters he framed an edict of his own, and that as to others he referred to the Edicta Urbana.[2] Though the Romans did not formally introduce their law into the provinces, and so much of it as applied to land and the status of persons was inapplicable to provincial land and provincial persons, great changes were gradually introduced by the edictal power, both as to the forms of procedure and all other matters to which the Roman law was applicable, and also by special enactments.[3]

There was one great distinction between Italy and the provinces as to the nature of property in land. Provincial land could not be an object of Quiritarian ownership, and it was accordingly appropriately called possessio. The ownership of provincial land was either in the populus or the Cæsar: at least this was the doctrine in the time of Gaius.[4] Provincial land could be transferred without the forms required in the case of Italian land, but it was subject to the payment of a land-tax (vectigal). Sometimes the jus Italicum was given to certain provincial towns, by which their lands were assimilated to Italian land for all legal purposes. With the jus Italicum such towns received a free constitution, like that of the towns of Italy, with magistrates, as decemviri, quinquennales (censores), and ædiles, and also a jurisdictio. It was a ground of complaint against Piso that he exercised jurisdictio in a libera civitas.[5] Towns possessing the jus Italicum in Hispania, Gallia, and other countries, are enumerated. The Latinitas or jus Latii also, which was conferred on many provincial towns, appears to have carried with it a certain jurisdictio; and those who filled certain magistratus in these towns thereby obtained the Roman civitas.[6] It is not easy to state what was the precise condition of the coloniæ Romanæ and Latinæ which were established in the provinces: if the name is a certain indication of their political condition, that is pretty well ascertained.

It has been stated that the terms Italia and provinciæ are opposed to one another as the component parts of the Roman state, after it had received its complete development. Under the emperors we find Gallia Cisalpina or Citerior an integral part of Italy, and without a governor, the provincial organization having entirely disappeared. In the year B.C. 49, when Cæsar crossed the Rubicon on his march towards Rome, it was a province of which he was proconsul, a circumstance which gives a distinct meaning to this event. Cicero still calls it Provincia Gallia at the epoch of the battle of Mutina. In the autumn of B.C. 43, D. Brutus, the proconsul of the Provincia Gallia, was murdered, and from that time we hear of no more proconsuls of this province, and it is a reasonable conjecture that those who then had all the political power were unwilling to allow any person to have the command of an army in a district so near to Rome. The name Italia was, however, applied to this part of Italia before it became an integral portion of the peninsula by ceasing to be a provincia.[7] On the determination of the provincial form of government in Gallia Cisalpina, it was necessary to give to this part

1. (Plin., iii., 1, 3.)—2 (Plin., iv., 22.)—3. (Plin., ii., 3.)—4. (Liv., xliii., 2.—Compare Tacit., Agric., 19.—Cic. in Verr., iii., 81, De æstimato frumento.)—5. (v., 29.)—6. (xiii., p. 629.)—7. (Cæs., B. Gall., , 54 vi., 44.)—8. (ad Att., v., 14.)

1. (Gaius, i., 20.)—2. (ad Att., vi., 1.)—3. (Gaius, i., 183 185 iii., 122.)—4. (ii., 7.)—5. (Cic., De Prov. Cons., 3.)—6. (Strab. p. 186, ed. Casaub.)—7. (Cæs., Bell. Gall., *i.*, 54; v. 1; vi, 44 &c.—Cic., Phil., v., 12.)

of Italy a new organization suited to the change of circumstances, particularly as regarded the administration of justice, which was effected by the lex Rubria de Gallia Cisalpina. The proconsul of Gallia Cisalpina had the imperium, but, on his functions ceasing, the jurisdictio was placed in the hands of the local magistrates who had not the imperium. These magistratus could give a judex: in some cases their jurisdiction was unlimited; in others it did not extend to cases above a certain amount of money; they could remit a novi operis nuntiatio, require a cautio in case of damnum infectum, and, if it was not given, they could grant an action for damages.

The Roman provinces up to the battle of Actium, as enumerated by Sigonius, are, Sicilia, Sardinia et Corsica, Hispania Citerior et Ulterior, Gallia Citerior, Gallia Narbonensis et Comata, Illyricum, Macedonia, Achaia, Asia, Cilicia, Syria, Bithynia et Pontus, Cyprus, Africa, Cyrenaica et Creta, Numidia, Mauritania. Those of a subsequent date, which were either new or arose from a subsequent division, are, according to Sigonius, Rhætia, Noricum, Pannonia, Mœsia, Dacia, Britannia, Mauritania Cæsariensis and Tingitana, Ægyptus, Cappadocia, Galatia, Rhodus, Lycia, Commagene, Judæa, Arabia, Mesopotamia, Armenia, Assyria. The accuracy of this enumeration is not warranted. It will appear that it does not contain Lusitania, which is one of the two divisions of Hispania Ulterior, the other being Bætica: Lusitania may, however, not have had a separate governor. Originally the whole of Spain, so far as it was organized, was divided into the two provinces Citerior and Ulterior; the division of Ulterior into Bætica and Lusitania belongs to a later period. Under Augustus, Gallia was divided into four provinces: Narbonensis, Celtica or Lugdunensis, Belgica, and Aquitania. The Provincia of Cæsar's Commentaries, from which term the modern name Provence is derived, appears to have corresponded to the subsequent province Narbonensis. He had also the province of Gallia Cisalpina or Citerior,[1] which, as already explained, was subsequently incorporated with Italia as an integral part of it. Cicero speaks of the two Galliæ as then united in one imperium under C. Julius Cæsar, and he farther distinguishes them by the names of Citerior and Ulterior.[2] The same expressions are used by Cæsar in his Commentaries.[3]

Strabo[4] gives the division into provinces (ἐπάρχιαι) as constituted by Augustus. The provinces of the populus (δῆμος) were two consular provinces (ὑπατικαί) and ten prætorian provinces (στρατηγίαι). The rest of the eparchies, he says, belong to the Cæsar. Lusitania is not enumerated among the eparchies of the populus, and if it was a distinct eparchy, it must have belonged to the Cæsar according to the principle of the division of the provinces, as stated by Strabo. The list of provinces in the "Demonstratio Provinciarum"[5] mentions the province of Asturia et Gallœca Lusitania. Dion Cassius[6] states the distribution of the provinces by Augustus as follows: the provinces of Africa, Numidia, Asia, Hellas (Achæa) with Epirus, Dalmatia, Macedonia, Sicilia, Creta with the Cyrenaica, Bithynia with the adjacent Pontus, Sardinia, and Bætica, belonged to the senate and the people (δῆμος and γερουσία); Tarraconensis, Lusitania, all Gallia, Cœle-Syria, Phœnice, Cilicia, Cyprus, and Ægyptus, belonged to Augustus. He afterward took Dalmatia from the senate, and gave to them Cyprus and Gallia Narbonensis, and other changes were made subsequently.

1 (Cæs., B. Gall., i., 54)—2. (De Prov. Cons., ii., 15, 16.)—(Bell. Gall., i, 7; v., 1, 2)—4. (xvii., p. 840, ed. Casaub.)—(Mythog. Vat., Bode)—6. (liii., 12.)

At first prætors were appointed as governors of provinces, but afterward they were appointed to the government of provinces upon the expiration of their year of office at Rome, and with the title of proprætores. In the later times of the Republic the consuls also, after the expiration of their year of office, received the government of a province, with the title of proconsules: such provinces were called consulares. Cicero was proconsul of Cilicia B.C. 55, and his colleague in the consulship, C. Antonius, obtained the proconsulship of Macedonia immediately on the expiration of his consular office. The provinces were generally distributed by lot, but the distribution was sometimes arranged by agreement among the persons entitled to them. By a Sempronia lex the proconsular provinces were annually determined before the election of the consuls, the object of which was to prevent all disputes. A senatus consultum of the year 55 B.C. provided that no consul or prætor should have a province till after the expiration of five years from the time of his consulship or prætorship. A province was generally held for a year, but the time was often prolonged. When a new governor arrived in his province, his predecessor was required to leave it within thirty days.

The governor of a province had originally to account at Rome (*ad urbem*) for his administration from his own books and those of his quæstors; but after the passing of a lex Julia, B.C. 61, he was bound to deposite two copies of his accounts (*rationes*) in the two chief cities of his province, and to forward one (*totidem verbis*) to the Ærarium.[1] If the governor misconducted himself in the administration of the province, the provincials applied to the Roman senate, and to the powerful Romans who were their patroni. The offences of repetundæ and peculatus were the usual grounds of complaint by the provincials; and if a governor had betrayed the interests of the state, he was also liable to the penalties attached to majestas. Quæstiones were established for inquiries into these offences; yet it was not always an easy matter to bring a guilty governor to the punishment that he deserved.

With the establishment of the imperial power under Augustus, a considerable change was made in the administration of the provinces. Augustus took the charge of those provinces where a large military force was required; the rest were left to the care of the senate and the Roman people.[2] Accordingly, we find in the older jurists[3] the division of provinciæ into those which were "*propriæ populi Romani*," and those which were "*propriæ Cæsaris*;" and this division, with some modifications, continued to the third century. The senatorian provinces were distributed among consulares and those who had filled the office of prætor, two provinces being given to the consulares and the rest to the prætorii: these governors were called proconsules or præsides, which latter is the usual term employed by the old jurists for a provincial governor. The præsides had the jurisdictio of the prætor urbanus and the prætor peregrinus, and their quæstors had the same jurisdiction that the curule ædiles had at Rome.[4] The imperial provinces were governed by legati Cæsaris with prætorian power, the proconsular power being in the Cæsar himself, and the legati being his deputies and representatives. The legati were selected from those who had been consuls or prætors, or from the senators. They held their office and their power at the pleasure of the emperor, and he delegated to them both military command and jurisdictio, just as a proconsul in the republican period delegated these powers to his legati. These legati had also legati under them. No quæstors were sent to the

1. (Cic. ad Fam., ii., 17; v., 20.)—2. (Strabo, xvii., p. 840.)—3. (Gaius, ii., 21.)—4. (Gaius, i., 6.)

provinces of the Cæsar, and for this reason, observes Gaius, *this* edict (*hoc edictum*) is not published in those provinces, by which he appears, from the context, to mean the edict of the curule ædiles In place of the quæstors, there were procuratores Cæsaris, who were either equites or freedmen of the Cæsar. Egypt was governed by an eques, with the title of præfectus. The procuratores looked after the taxes, paid the troops, and generally were intrusted with the interests of the fiscus. Judæa, which was a part of the province of Syria, was governed by a procurator who had the powers of a legatus. It appears that there were also procuratores Cæsaris in the senatorian provinces, who collected certain dues of the fiscus, which were independent of what was due to the ærarium. The regular taxes, as in the Republican period, were the poll-tax and land-tax. The taxation was founded on a census of persons and property, which was established by Augustus. The portoria and other dues were farmed by the publicani, as in the republican period.

The governors of the senatorial provinces and the legati of the Cæsar received their instructions from him, and, in all cases not thus provided for, they had to apply to the Cæsar for special directions. The rescripta of the emperors to the provincial governors are numerous. Justice was administered in the provinces according to the laws of the provinces, and such Roman laws as were specially enacted for them, and according to imperial constitutiones, senatus consulta, and the edict of the governors. In some instances the provisions of Roman laws were extended to the provinces.[1]

The organization of the Italian towns under the Empire has been already explained in the article Colonia, and the same observations apply, in general, to the senates of provincial towns which have been made with respect to the functions of the senates of Italian towns. Even in the provinces, the names senate and senator occur in the sense, respectively, of curia and decuriones. But there was a great distinction between the magistratus of provincial and those of Italian towns. The functions of these personages in the provincial towns were generally munera (*burdens*), and not honores. (*Vid.* Honores.) Such honores as have reference to religious functions they certainly had, and probably others also; but they had nothing corresponding to the duumviri juri dicundo of the Italian towns, that is, no functionary "qui jus dicebat." The only exception were such towns as had received the jus Italicum, the effect of which, as elsewhere explained, appears to have been, in brief, to give to a certain city and district the same character that it would have had if it had been a part of the Italic soil, but only so far as affected the whole district: it did not affect the status of individuals. Freedom from the land-tax, and a free constitution in Italian form, with duumviri J. D., quinquennales, ædiles, and jurisdictio, were essential ingredients of this jus Italicum. Sicily received the civitas after the death of Julius Cæsar, and from the occurrence of the mention of duumviri in the inscriptions of a Sicilian town, Savigny draws the probable inference that the Sicilian towns received the jus Italicum also: at least, if in any case we can show that any provincial city had duumviri, we may conclude that such city had the jus Italicum, and, consequently, magistratus with jurisdictio. The regular jurisdictio in all the provinces was vested in the governor, who exercised it personally and by his legati: with reference to his circuits in the provincia, the governor, in the later ages of the Empire, was called judex ordinarius, and sometimes simply judex. Tho towns which had the jus Italicum were, as already observed, not under his immediate jurisdictio though a right of appeal to the governor from the judgment of the duumviri must be considered as always existing. The provincial towns had the management of their own revenue; and some of the principal towns could coin money. It does not appear that the religion of the provincials was ever interfered with, nor had it been put under any restraint in the republican period.

The constitution of Caracalla, which gave the civitas to all the provinces and towns of the Empire, merely affected the personal status of the people. The land remained provincial land when the jus Italicum had not been communicated to it, and the cities which had not received the jus Italicum were immediately under the jurisdictio of the governors. This constitution, however, must have made considerable changes in the condition of the provincials; for, when they all became Roman citizens, the Roman incidents of marriage, such as the patria potestas, and the Roman law of succession in case of intestacy, would seem to be inseparable consequents of this change, at least so far as the want of the jus Italicum did not render it inapplicable.

The constitution of the provincial towns was materially affected by the establishment of defensores, whose complete title is "*Defensores Civitatis Plebis Loci.*" Until about the time of Constantine, so far as the Pandect shows, defensor was the title of persons who were merely employed in certain municipal matters of a temporary kind. In the year A.D. 365, the defensores appear as regularly established functionaries.[1] They were elected by the decuriones and all the city; but, unlike the magistratus, they could not be elected out of the body of decuriones. The office was originally for five years, but after the time of Justinian only for two years. The principal business of the defensor was to protect his town against the oppression of the governor.[2] He had a limited jurisdictio in civil matters, which Justinian extended from matters to the amount of 60 solidi to matters to the amount of 300 solidi. There was an appeal from him to the governor.[3] He could not impose a multa, but he could appoint a tutor. In criminal matters, he had only jurisdictio in some of the less important cases.

The number of senators, both in the Italic and provincial towns, seems to have been generally one hundred; and this was the number in Capua.[4] But the number was not in all places the same. Besides the actual members, the album decurionum comprised others who were merely honorary members. The album of the town of Canusium, of the year A.D. 223, which has been preserved, consists of 148 members, of whom 30 were patroni, Roman senators, and 2 were patroni, Roman equites; the remainder were 7 quinquennalicii, a term which is easily explained by referring to the meaning of the term quinquennales (*vid.* Colonia, p. 283), 4 allecti inter quinquennales, 22 duumviralicii, 19 ædilicii, 21 pedani, 34 prætextati. The distinction between pedani and prætextati Savigny professes himself unable to explain. In many towns, the first persons in the list of actual senators were distinguished from the rest, and generally the first ten, as decemprimi, of which there is an example in Livy;[5] and in the case of Ameria, and of Centuripæ in Sicily.[6]

It has been previously shown, that, at the time when the Roman republica had attained its complete development, Italia and the provinciæ were the two great component parts of the Empire; and one great distinction between them was this, that in

1. (Gaius, i., 47.—Ulp., Frag., xi., 20.)

1. (Cod., i., tit. 55, "De Defensoribus.")—2. (Cod., i., tit. 55, s. 4.)—3. (Nov., 15, c. 5.)—4. (Cic. in Rull. ii. 35.)—5. (xxix. 15: "Magistratus denosque princ.pes.")—6 (Cic. Pro Rose. Amer., c. 9.—Id. in Verr., ii., 67.)

Italia the towns had magistratus with jurisdictio; in the provinces, except in places which had received the jus Italicum, the governor alone had jurisdictio. But with the growth and development of the imperial power a greater uniformity was introduced into the administration of all parts of the Empire, and ultimately Italy itself was under a provincial form of government. (*Vid.* Colonia.) As above shown, the relation of the governor to the province was not the same when a city had magistratus and when it had not; and, consequently, it was in this respect not the same in Italy as in the provinces.

The constitution of Constantine was based on a complete separation of the civil and military power, which were essentially united in the old system of provincial government: Justinian, however, ultimately reunited the civil and military power in the same person. The governor, who had civil power, was called rector, judex, judex ordinarius; and of these governors there were three classes, consulares, correctores, præsides, among whom the only distinction was in the extent and rank of their government. In the writings of the older jurists, which are excerpted in the Pandect, the præses is a general name for a provincial governor.[1] The military power was given to duces, who were under the general superintendence of the magistri militum. Some of these duces were called comites, which was originally a title of rank given to various functionaries, and among them to the duces; and when the title of comes was regularly given to certain duces, who had important commands, the name dux was dropped, and comes became a title. This was more particularly the case with important commands on the frontier.[2] The comes is mentioned in imperial constitutions before the dux, whence we infer his higher rank.[3]

It remains to add a few remarks on the exercise of the jurisdictio, so far as they have not been anticipated in speaking of the functionaries themselves. In Italy, and in the towns which had the privileges of Italian towns, all matters, as a general rule, came before the magistratus in the first instance; but in certain excepted matters, and in cases where the amount in question was above a certain sum (the precise amount of which is not known), the matter came before the governor of the province in the first instance, or in Italy before the Roman prætor. Until the middle of the fourth century A.D., all matters in the provincial towns which had not magistratus came before the governor in the first instance; but about this time the defensor acquired a power like that of the magistratus of the privileged towns, though more limited. The old form of proceeding in civil matters has been explained elsewhere (*vid.* Judex): the magistratus empowered the judex to make a condemnatio; and this institution was the ordo judiciorum privatorum. That which the magistratus did without the aid of a judex was extra ordinem. (*Vid.* Interdictum.) The same institution prevailed in those towns which had a magistratus, for it was of the essence of a magistratus or of jurisdictio to name a judex.[4] Under the emperors, it gradually became common for the magistratus to decide various cases without the aid of a judex, and these are the extraordinariæ cognitiones spoken of in the Digest.[5] In the reign of Diocletian, the ordo judiciorum, as a general rule, was abolished in the provinces, and the pedanei judices (*hoc est qui negotia humiliora disceptent*) were only appointed by the præses when he was very much occupied with business, or for some trifling matters (*vid.* Judex Pedaneus[1]); and in the time of Justinian the institution had entirely disappeared,[2] and, as it is conjectured, both in Rome and the municipia.

By the aid of the judices, two prætors were able to conduct the whole judicial business between citizens and peregrini at Rome; and by the aid of the same institution, the judicial business was conducted in the jurisdictiones out of Rome. In no other way is it conceivable how the work could have been got through. But when the ordo judiciorum was abolished, the difficulty of transacting the business must have been apparent. How this was managed is explained by Savigny, by referring to the growth of another institution. Even in the time of the Republic, the prætors had their legal advisers, especially if they were not jurists themselves; and when all the power became concentrated in the Cæsars, they were soon obliged to form a kind of college for the despatch of business of various kinds, and particularly judicial matters which were referred to the Cæsar. This college was the Cæsar's consistorium or auditorium. The provincial governors had their body of assessors, which were like the Cæsar's auditorium;[3] and it is a conjecture of Savigny, which has the highest probability in its favour, that the new institution was established in the municipal towns and in the provincial towns, so that here also the magistratus and the defensor had their assessors.

Besides the jurisdictio which had reference to litigation, the so-called contentiosa jurisdictio, there was the voluntaria. Matters belonging to this jurisdictio, as manumission, adoption, emancipation, could only be transacted before the magistratus populi Romani, and, unless these powers were specially given to them, the municipal magistrates had no authority to give the legal sanction to such proceedings; though in the old municipia it is probable that the power of the magistratus was as little limited in the voluntaria as in the contentiosa jurisdictio. In the imperial period it was usual to perform many acts before the public authorities, and in the three cases of large gifts, the making of a will, and the opening of a will, it was necessary for these acts to be done before a public authority. Such acts could be done before a provincial governor, and also before the curia of a city in the presence of a magistratus and other persons. (Compare the Constitution of Honorius, Cod. Theod., xii., tit. 1, s. 151, and a Novel of Valentinian, Nov. Theod., tit. 23, with Savigny's remarks on them.)

Though the general administration of the Roman provinces is adequately understood, there are differences of opinion as to some matters of detail one cause of which lies in the differences which actually existed in the administration of the provinces, and which had their origin in the different circumstances of their conquest and acquisition, and in the diversity of the native customary law in the different provinces, with a large part of which the Romans originally did not interfere. A general view of the provinces should therefore be completed and corrected by a view of the several provinces

The authorities for this imperfect view of the provincial government have been generally referred to. They are, more particularly, Sigonius, *De Antiquo Jure Provinciarum*, lib. i.–iii.—Göttling, *Geschichte der Römischen Staatsverfassung*.—Walter, *Geschichte des Römischen Rechts*, where the authorities are very conveniently collected and arranged, and chap. xxxi., notes 76, 79, wherein he differs from Savigny as to the jus Italicum; in chapter xxxvii., Walter has described the provincial divisions of the Empire, which existed about the middle of the fifth century

1. (Dig. 8, tit. 18.)—2. (Cod. Theod., vii., tit. 1, s. 9.)—3. (Cod. Theod., viii., tit. 7, s. 11: "Ad magistros militum, et comites, et duces omnes.")—4. (Lex Gall. Cisalp., c. 20.)—5. (50, tit. 13.)

1. (Cod., iii., tit. 3, s. 2.)—2. (Inst., iv., tit. 15, s. 8.)—3. (Dig. 1, tit. 22.)

A.D —Savigny, *Geschichte des Röm. Rechts im Mittelalter*, vol. i.—Puchta, *Ueber den Inhalt der Lex Rubria*, Zeitschrift, &c., vol. x.

*PROUMNOS (*προῦμνος*), a name given, according to Galen, to the Wild Plum.[1]

PROVOCA'TIO. (*Vid.* Appellatio, Roman.)

PROVOCATO'RES. (*Vid.* Gladiatores, p. 476.)

PROXENIA (*προξενία*), PROXENOS (*πρόξενος*). (*Vid.* Hospitium.)

PRUDENTES. (*Vid.* Jurisconsulti.)

*PRUNUM, the Plum, called in Greek *κοκκύμηλον*. (*Vid.* Coccymelea.) It is the fruit of the *Prunus domestica*, L.

*PRUNUS (*κοκκυμηλέα*), the Plum-tree, or *Prunus domestica*, L. (*Vid.* Coccymelea.) Theophrastus and Dioscorides designate the Plum-tree by the name of *κοκκυμελέα*. It is also called by Theophrastus *προύνη*. Galen styles it *προύμνη*. The compound term *κοκκυμηλέα*, however (meaning the tree that bears for fruit little balls or pillules), is the most classical form of expression. The term *προύνη*, whence comes the Latin *prunus*, seems to be a barbarian word Græcised. The Plum-tree is originally from the mountains in the vicinity of Damascus.[2]

PRYTANEION (Πρυτανεῖον). The Πρυτανεῖα of the ancient Greek states and cities were to the communities living around them, the common houses of which they in some measure represented, what private houses were to the families which occupied them. Just as the house of each family was its home, so was the Πρυτανεῖον of every state or city the common home of its members or inhabitants, and was consequently called the *ἑστία πόλεως*, the "focus" or "penetrale urbis."[3] This correspondence between the Πρυτανεῖον, or home of the city, and the private home of a man's family, was at Athens very remarkable. A perpetual fire, or *πῦρ ἀσβεστον*, was kept continually burning on the public altar of the city in the Prytaneium, just as in private houses a fire was kept up on the domestic altar in the inner court of the house.[4]

The same custom was observed at the Prytaneium of the Eleans, where a fire was kept burning night and day.[5] Moreover, the city of Athens exercised in its Prytaneium the duties of hospitality, both to its own citizens and strangers. Thus foreign ambassadors were entertained here, as well as Athenian envoys on their return home from a successful or well-conducted mission.[6] Here, too, were entertained from day to day[7] the successive prytanes, or presidents of the senate, together with those citizens who, whether from personal or ancestral services to the states, were honoured with what was called the *σίτησις ἐν Πρυτανείῳ*, the "*victus quotidianus in Prytaneo*,"[8] or the privilege of taking their meals there at the public cost. This was granted sometimes for a limited period, sometimes for life, in which latter case the parties enjoying it were called *ἀείσιτοι*. The custom of conferring this honour on those who had been of signal service to the state and their descendants was of so great antiquity, that one instance of it was referred to the times of Codrus; and in the case to which we allude, the individual thus honoured was a foreigner, a native of Delphi.[9] Another illustration of the uses to which the Prytaneium was dedicated is found in the case of the daughters of Aristeides, who, on the death of their father, were considered as the adopted children of the state, and married from (*ἐκδοθεῖσαι*) that common home of the city, just as they would have been from their father's home had he been alive.[1] Moreover, from the ever-burning fire of the Prytaneium, or home of a mother state, was carried the sacred fire which was to be kept burning in the prytaneia of her colonies; and if it happened that this was ever extinguished, the flame was rekindled from the prytaneium of the parent city.[2] Lastly, a Prytaneium was also a distinguishing mark of an independent state, and is mentioned as such by Thucydides,[3] who informs us that before the time of Theseus every city or state (*πόλις*) of Attica possessed a Prytaneium. The Achæans, we are told,[4] called their Prytaneium *λήϊτοι* (from *λεώς*, populus), or the "town-hall," and exclusion from it seems to have been a sort of civil excommunication.

The Prytaneium of Athens lay under the Acropolis, on its northern side (near the *ἀγορά*), and was, as its name denotes, originally the place of assembly of the *πρυτανεῖς*: in the earliest times it probably stood on the Acropolis. Officers called *πρυτανεῖς* were intrusted with the chief magistracy in several states of Greece, as Corcyra, Corinth, Miletus,[5] and the title is sometimes synonymous with *βασιλεῖς*, or princes, having apparently the same root as *πρῶτος* or *πρότατος*. At Athens they were in early times probably a magistracy of the second rank in the state (next to the archon), acting as judges in various cases (perhaps in conjunction with him), and sitting in the Prytaneium. That this was the case is rendered probable by the fact, that even in after times the fees paid into court by plaintiff and defendant, before they could proceed to trial, and received by the dicasts, were called *πρυτανεῖα*.[6] This court of the Prytaneium, or the *τὰ ἐπὶ Πρυτανείῳ*, is said[7] to have been presided over by the *φυλοβασιλεῖς*, who, perhaps, were the same as the *πρυτεις*.

In later ages, however, and after the establishment of the courts of the heliæa, the court of the Prytaneium had lost what is supposed to have been its original importance, and was made one of the courts of the ephetæ, who held there a species of mock trial over the instruments by which any individual had lost his life, as well as over persons who had committed murder, and were not forthcoming or detected.

The tablets or *ἄξονες*, otherwise *κύρβεις*, on which Solon's laws were written,[8] were also deposited in the Prytaneium;[9] they were at first kept on the Acropolis, probably in the old Prytaneium, but afterward removed to the Prytaneium in the *ἀγορά*, that they might be open to public inspection.[10] Ephialtes is said to have been the author of this measure,[11] but their removal may have been merely the consequence of the erection of a new Prytaneium on the lower site in the time of Pericles.[12]

PRY'TANEIS. (*Vid.* Prytaneion, Boule, page 168, 170.)

*PSAR (*ψάρ*), the Starling, or *Sturnus vulgaris*. Starlings are gregarious, and hence mention is made by Homer of "a cloud of starlings."[13]

*PSEN (*ψήν*), the insect on the fig-tree which performs the work of caprification. It is the *Cynips Psenes* of modern naturalists.[14]

PSEPHISMA (*ψήφισμα*). (*Vid* Boule, p. 169 Nomothetes, p. 664.)

PSEPHOS (*ψῆφος*). The Athenian dicasts, in giving their verdict, voted by ballot. For this pur-

1. (Galen, De Simpl., vii. — Theophr., ix., 1. — Adams, Append., s. v.)—2. (Theophr., H. P., i., 18; iv., 1. — Dioscor., i., 138 — Fée, Flore de Virgile, p. cxxxiv.) — 3. (Cic., De Leg., ii., 12.—Liv., xli., 20 —Dionys., ii., 23, 65.)—4. (Pollux, Onom., i., 7.—Arnold ad Thucyd., ii., 15.)—5. (Paus., v., 15, § 5.)—6. (Aristoph., Ach., 125.—Pollux, Onom., ix. 40.) — 7. (Böckh, Publ. Econ., i., p. 329.) — 8. (Cic., De Orat. i., 54.) — 9. (Lycur., c. Leocr., p. 158.)

1. (Plut., Arist., c. 27.) — 2. (Duker ad Thucyd., i., 24.) — 3 (ii., 15.)—4. (Herod., vii., 197)—5. (Wachsmuth, I., i., 194.)—6. (Pollux, Onom., viii., 38.)—7. (Id. ib., viii., 120.)—8. (Plut., Sol., 25.)—9. (Paus., i., 18, § 3.)—10. (Pollux, Onom., viii., 128.) —11. (Harpocr., s. v. Ὁ κάτωθεν νόμος.)—12. (Thirlwall, Hist of Greece, ii., p. 54.)—13. (Hom., Il., xvii., 755.—Didymi, schol. ad loc.—Adams, Append., s. v.) 14. (Theophr., H. P. ii., 9.—Adams, Append., s. v.)

pose they used either seashells, *χοιρίναι*,[1] or beans (hence the *δῆμος* is called *κυαμοτρώξ* by Aristophanes[2]), or balls of metal (*σπόνδυλοι*), or stone (*ψῆφοι*). These last were the most common: hence *ψηφίζεσθαι* and its various derivatives are used so often to signify *voting, determining*, &c. The balls were either pierced (*τετρυπημέναι*) and whole (*πλῆρεις*), the former for condemnation, the latter for acquittal,[3] or they were black and white, for the same purposes respectively, as the following lines show.[4]

"*Mos erat antiquus niveis atrisque lapillis,*
His damnare reos, illis absolvere culpa."

There might be three methods of voting. First, the secret method, called *κρύβδην ψηφίζεσθαι*, when each dicast had two balls given him (say a black and a white); two boxes (*κάδοι, καδίσκοι*, or *ἀμφορεῖς*) were prepared, one of brass, called the judgment-box (*κύριος*), into which the dicast put the ball by which he gave his vote, and the other of wood, called *ἄκυρος*, into which he put the other ball, and the only object of which was to enable him to conceal his vote. Each box had a neck or funnel (*κημός, i. e., ἐπίθημα μιᾶς ψήφου χώραν ἔχον*), into which a man could put his hand, but only one ball could pass through the lower part into the box.[5] Secondly, there might be only one box, in which the dicast put which of the two balls he pleased, and returned the other to the officer of the court. Thirdly, there might be two boxes, one for condemnation, the other for acquittal, and only one ball.[6] The first method was most commonly practised at Athens. Where, however, there were several parties before the court, as in inheritance causes, to one of whom an estate or other thing was to be adjudged, it was customary to have as many ballot-boxes as there were parties, or, at least, parties in distinct interests; and the dicast put the white or whole ball into the box of that person in whose favour he decided. (*Vid.* Heres, Greek.) The same system of balloting was employed when the dicasts voted on the question of damages. Hence the verdict on the question, *guilty or not guilty*, or *for the plaintiff or defendant* (to distinguish it from the other), is called *πρώτη ψῆφος*.[7] A curious custom was in vogue in the time of Aristophanes. Each dicast had a waxen tablet, on which, if the heavier penalty was awarded, he drew a long line (lengthway on the tablet); if the lighter penalty, he drew a short line (breadthway on the tablet). We must suppose, not that the voting took place in this way, but that, on the votes being counted, the jurors took a note of the result for their own satisfaction; unless we resort to this hypothesis, viz., that the drawing lines on the tablets was an act preliminary to the division, whereby the jury intimated to the parties how the matter was likely to go unless they came to a compromise. Such intimation might be necessary in those cases where, the estimates of the parties being widely different, the one proposing too high a penalty, the other too low a one, the jury wished to inform the more unreasonable party that, unless he offered them some better alternative, they should adopt the estimate of his adversary. (As to this point, see Meier, *Att. Proc.*, 181.) The tablet is called by Aristophanes *πινάκιον τιμητικόν*. In the expression *τιμᾶν τὴν μακρόν*, we understand *γραμμήν* or *τίμησιν*.[8]

1. (Aristoph., Vesp., 333, 349; Eq., 1332.)—2. (Equit., 41.)—3. (Æsch., c. Timarch., 11, ed. Steph.—Harpocr., s. v. *Τετρυπημένη.*)—4. (Ovid, Met., xv., 41.)—5. (Aristoph., Vesp., 99, 751.)—6. (Harpocr., s. v. *Καδίσκος.*)—7. (Æsch., c. Ctes., 82. ed. Steph.—Demosth., De Fals. Leg., 434; c. Aristocr., 676; c. Aristog., 795; c. Neær., 1347.)—8. (Vesp., 106, 167, 850.—Compare Pollux, Onom., viii., 16, 17, 123.—Meier, Att. Proc., 720, 726.—Platner Proc. und Klag., i., 188.—Wachsmuth II., i., 344.)

In the popular assemblies, the common method of voting was by show of hands. (*Vid.* Cheirotonia. There were some occasions, however, when the ballot was employed, as when it was deemed important that the voting should be secret, or that the numbers should be accurately counted. Thus, to pass a law for the naturalization of a foreigner, or for the release of a state debtor, or for the restoration of a disfranchised citizen, and, indeed, in every case of a *privilegium*, it was necessary that six thousand persons should vote in the majority, and in secret.[1] On the condemnation of the ten generals who gained the battle of Arginusæ, the people voted by ballot, but openly, according to the second of the plans above mentioned. The voting was then by tribes, *κατὰ φυλάς*.[2] Secret voting by the senate of Five Hundred is mentioned in Æschines,[3] and in ostracism the voting was conducted in secret.[4]

The people or jury were said *ψηφίζεσθαι, ψῆφον φέρειν* or *θέσθαι, to vote, or give their vote or judgment. Ψῆφον τιθέναι, to cast accounts*, is used with a different allusion.[5] The presiding magistrate or officer, who called on the people to give their votes, was said *ἐπιψηφίζειν, ψῆφον ἐπάγειν* or *διδόναι*, though the last expression is also used in the sense of *voting in favour of a person. Ψηφίζεσθαι, to vote, to resolve, ἀποψηφίζεσθαι, to acquit*, and other derivations from *ψῆφος*, are often used metaphorically, where the method of voting was *χειροτονία*, and conversely. *Χειροτονεῖν*, however, is not used, like *ψηφίζεσθαι*, with the accusative of the thing voted. As to this, see Schömann, *De Com.*, 123.

*PSETTA (*ψῆττα*), a species of fish, mentioned by Aristotle, Ælian, Oppian, and others. According to Adams, it would seem to have been the *Pleuronectes Passer*, or Sea Flounder, called in French *Turbot buclé*. The *ψῆττα* of Athenæus, on the other hand, is referred by Artedi and the writer on Ichthyology in the Encyclopedie Methodique, to the *Pleuronectes Platessa*, or Plaise. The name is often written *ψίττα*.[6]

ΨΕΥΔΕΓΓΡΑΦΗΣ ΓΡΑΦΗ (*ψευδεγγραφῆς γραφή*). It is shown under Practores that the name of every state debtor at Athens was entered in a register by the practores, whose duty it was to collect the debts, and erase the name of the party when he had paid it. The entry was usually made upon a return by some magistrate, to whom the incurring of the debt became officially known; as, for instance, on a return by the *πωλῆται* that such a person had become a lessee of public lands or farmer of taxes, at such a rate or on such terms. In case the authorities neglected to make the proper return, any individual might, on his own responsibility, give information to the registering officers of the existence of the debt; and thereupon the officers, if they thought proper, might make an entry accordingly, though it would probably be their duty to make some inquiry before so doing. If they made a false entry, either wilfully, or upon the suggestion of another person, the aggrieved party might institute a prosecution against them, or against the person upon whose suggestion it was made. Such prosecution was called *γραφὴ ψευδεγγραφῆς*. It would lie, also, where a man was registered as debtor for more than was really due from him. And the reader must understand the like remedy to be open to one who was falsely recorded as a debtor by the *ταμίαι τῶν θεῶν*. Whether this form of proceeding could be adopted against magistrates for making a false return, or whether the rem-

1. (Andoc., De Myst., 12, ed. Steph.—Demosth., c. Timocr., 715, 719; c. Neær., 1375.)—2. (Xen., Hell., i., 7, § 9.)—3. (c. Timarch, 5, ed. Steph.)—4. (Schömann, De Comit., 121–128, 245.)—5. (Demosth., Pro Cor., 304.)—6. (Aristot., H. A., iv., 11; v., 9.—Id., ix., 37.—Ælian, N. A., xiv. 3.—Coray ad Xenoc., p. 90.—Adams, Append., s. v.)

edy against them could only be at the ἐπιχειροτονίαι or εὐθύναι, we cannot say. The γραφὴ ψευδεγγραφῆς was brought before the thesmothetæ. If the defendant was convicted, the name of the complainant was struck out of the register, and that of the defendant was entered in his stead, as debtor for the same amount. The γραφὴ βουλεύσεως was similar to this, only it lay in those cases where a man who had been a state debtor had paid all that was due, but his name was not erased, or, having been erased, was re-entered. We may presume that fraudulent or malicious motives were necessary to be proved on such a charge; but it is reasonable, also, to suppose, that in any case of gross negligence, fraud or malice might (as matter of course) be presumed by the dicasts.[1]

*ΨΕΥΔΗΣ ΣΜΑΡΑΓΔΟΣ (ψευδὴς Σμάραγδος), the Bastard Emerald. "By bastard gems," says Adams, "the ancients meant crystals, tinged of the colours of the precious stones by the admixture of metallic particles."[2]

*PSEUDOBOUN'IUM (ψευδοβούνιον), a plant, which Dodonæus, Matthiolus, and Bauhin held to be the *Barbarea*, or Winter Cress; but Sprengel follows Lobelius in referring it to the *Pimpinella tenuis*.[3]

*PSEUDODICTAMNUM (ψευδοδίκταμνον), a plant, which Stackhouse sets down for the *Origanum Ægyptiacum*; but Sprengel adopts the opinion of Dodonæus, who makes it the *Marrubium Pseudodictamnum*, or Bastard Dittany.[4]

ΨΕΥΔΟΚΛΗΤΕΙ'ΑΣ ΓΡΑΦΗ (ψευδοκλητείας γραφή), a prosecution against one who had appeared as a witness (κλητὴρ or κλήτωρ) to prove that a defendant had been duly summoned, and thereby enabled the plaintiff to get a judgment by default. To prevent fraud, the Athenian law directed that the names of the witnesses who attended the summons should be subscribed to the bill of plaint or indictment (ἔγκλημα), so that the defendant, if he never had been summoned, and judgment had nevertheless been given against him by default, might know against whom to proceed. The false witness (κλητήρ) was liable to be criminally prosecuted, and punished at the discretion of the court. Even death might be inflicted in a case of gross conspiracy.[5] A person thrice convicted of this offence was, as in the case of other false testimony, *ipso jure* disfranchised; and even for the first offence the jury might, if they pleased, by a προστίμησις, inflict the penalty of disfranchisement upon him.[6] Here we may observe this distinction, that the proceeding against the false witness to a summons was of a criminal nature, while the witness in the cause (μάρτυρ) was liable only to a civil action. The cause might be that the former offence was more likely to do mischief. The magistrate before whom the defendant neglected to appear, when, by the evidence of the witness, it was shown that he had been duly summoned, had no discretion but to pronounce judgment against him; whereas the dicasts, to whom the witness gave false evidence at the trial, might disbelieve him, and find their verdict according to the truth. If the fraud was owing to a conspiracy between the plaintiff and the witness, it is probable that an action at the suit of the defendant would lie against the former, to recover compensation; for, though the conviction of the witness would lead to a reversal of the judgment, still he (the defendant) might have suffered damage in the mean time, which the setting aside of the judgment would not repair. Such action (it has been conjectured) might be a δίκη συκοφαντίας, or, perhaps, κακοτεχνιῶν. If the name of the witness had been fraudently used by the plaintiff, and the witness had thereby been brought into trouble, we may conclude, by analogy to the case of other witnesses, that he had a δίκη βλάβης against the plaintiff.[1] The γραφὴ ψευδοκλητείας came before the thesmothetæ, and the question at the trial simply was, whether the defendant in the former cause had been summoned or not.[2]

ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ ΔΙΚΗ (ψευδομαρτυριῶν δίκη). (*Vid.* MARTYRIA, p. 627.)

PSILOI (ψιλοί.) (*Vid.* ARMA, p. 94; ARMY, GREEK, p. 99.)

*PSIMMYTH'ION (ψιμμύθιον), the "*Cerussa*" of the Romans, and our "White Lead." The ancient ceruse, like the modern, was prepared by exposing lead to the vapours of vinegar. The ancient process is minutely described by Theophrastus.[3]

*PSITT'ACUS or PSITT'ACE (ψιττακός, -ή), the Parrot. "If it be true," remarks Adams, "as stated by Dodonæus, that the Parrot is a native of the extremities of Syria, the Greeks may have been acquainted with it before the invasion of India by Alexander. It is first mentioned by Aristotle, unless Ctesias have a prior claim, who speaks of the βίττακος. The species of parrot with which the ancients may be supposed to have been best acquainted is the green parrot with a red collar, namely, the *Psittacus Alexandri* of modern naturalists." "The ancients," says Pidgeon, "were acquainted with several kinds of Parrot, among which the most celebrated was that sent from India to Alexander in the course of his expedition into that country. Mr. Vigors, who has written on a group of Psittacidæ known to the ancients, and has treated this subject with his accustomed elegance of style, methodical discrimination, and classical research, tells us that the ancient writers are unanimous in informing us, that the parrots known to their times came exclusively from India. In that country these birds were ever held in the highest estimation. We are informed by Ælian that they were the favourite inmates of the palaces of princes, and were looked up to as objects of sacred reverence by the religious feelings of the people. From this quarter they were introduced into Europe at the time of the Macedonian conquest, and the specific name of *Alexandri*, applied by modern science to the type of the group, in honour of the first European discoverer, serves to perpetuate the name of a warrior, who, it is said by some, valued the conquests that extended the boundaries of his empire chiefly as they served to extend the boundaries of science. It was not until the time of Nero that the parrots of Africa became known to the Romans. Some of these birds were among the discoveries made in the course of an expedition sent out by that prince. They came apparently from the neighbourhood of the Red Sea; and it is probable that, as the country became more known, numbers of the same race were imported from it into Rome, and formed the chief part of those victims of the parrot tribe which in after times are said to have supplied the inordinate luxury and wantonness of Heliogabalus."[4]

PSYKTER (ψυκτήρ), *dim.* ψυκτηρίδιον, a Wine-cooler.[5] Respecting the general use of ice and

1. (Pollux, Onom., viii., 40, 43.—Harpocr. et Suidas, s. v. Βουλεύσεως, ψευδεγγραφή, ψευδέγγραφος δίκη. — Böckh, Staatsh. der Att., i., 419.—Meier, Att. Proc., 337.—Platner, Proc. und Klag., ii., 117.)—2. (Theophr., De Lapid.—Adams, Append., s. v.)—3. (Dioscor., iv., 123 —Galen, De Simpl., viii.—Adams, Append., s. v.)—4. (Dioscor., iii., 34.—Galen, De Simpl., viii.—Theophr., ix., 16.—Adams, Append., s. v.) — 5. (Demosth., c. Nicostr., 1252.)—6. (Andoc De Myst., 10, ed. Steph.—Meier, De Bon. Damn., 125.)

1. (Demosth., c. Aphob., 849.) -2. (Platner, Proc. und Klag., i., 417.—Meier, Att. Proc., 336, 577, 758.)—3. (Dioscor., v., 103 —Galen, De Simpl., viii.—Theophr., De Lapid.—Nicand., Alex —Adams, Append., s. v.)—4. (Dodon., Sic., ii., 53.—Aristot., H A., viii., 14.—Ctesias ap. Phot., Bibl., p. 66.—Adams, Append., s. v.—Griffith's Cuvier, vol. vii., p. 556.) — 5. (Plato, Convv., 332, *d.*—Tim., Lex. Plat., s. v.—Menander, p. 177, ed. Meineke —Athen., xi., 469, 502, 503.)

snow among the ancients for cooling wine, see NIX. The vessel specially adapted for this operation was sometimes made of bronze[1] or silver.[2] One of earthenware is preserved in the Museum of Antiquities at Copenhagen. It consists of one deep vessel for holding ice, which is fixed within another for holding wine. The wine was poured in at the top. It thus surrounded the vessel of ice, and was cooled by the contact. It was drawn off so as to fill the drinking-cups by means of a cock at the bottom. Thus the *ψυκτήρ* was a kind of CRATER; and, accordingly, where Phylarchus,[3] in describing the mode of life of Cleomenes, king of Sparta, uses the former term, Plutarch[4] adopts the latter.

The size of the *ψυκτήρ* was very various. It contained from two quarts[5] to a great number of gallons.[6] It was sometimes given as a prize to the winners in the game of the COTTABOS.

*PSYLLA (*ψύλλα*), the Flea, or *Pulex irritans*, L. The name is applied, also, to another insect engendered in turnips or radishes, which Stackhouse makes to be the *Tenthredo rapæ*.[7]

*PSYLLION (*ψύλλιον*), the *Plantago Psyllium*, or Fleawort.[8]

*PSYLON (*ψύλων*), probably the *Cyprinus Tinca*, L., or Tench. "Willoughby does not hesitate to affirm that Ausonius is the only ancient author who notices the Tench. He may be presumed, then, to have overlooked the description of the *ψύλων* and *γναφεύς* by Aristotle and Athenæus, which certainly appear to apply to the Tench. Schneider, in his edition of Aristotle's Natural History, reads *τίλων* instead of the common lection *ψύλων*."[9]

*PTARMICE (*πταρμική*), a plant. "Although," remarks Adams, "Dalechamp referred it to the *Arnica montana*, I can see no good reason for not referring it to the *Achillea Ptarmica*, or Sneezewort, which answers very well to the description of Dioscorides."[10]

*PTELEA (*πτελέα*), the Common Elm, or *Ulmus campestris*, L.[11]

*PTERIS (*πτέρις*), the Fern. "When we consider the general resemblance which several of the ferns have to one another, we have cause to apprehend that botanists in ancient times did not distinguish them very nicely from one another. The *πτέρις*, then, although Sprengel sets it down for the *Aspidium filix mas*, was probably not restricted to it."[12]

*PTERNIX (*πτέρνιξ*), a plant, according to Sprengel, the *Acarna cancellata*.[13]

PYANEPSIA (Πυανέψια), a festival celebrated at Athens every year on the seventh of Pyanepsion, in honour of Apollo.[14] It was said to have been instituted by Theseus after his return from Crete.[15] The festival, as well as the month in which it took place, are said to have derived their names from *πύαμος*, another form for *κύαμος*, *i. e.*, pulse or beans, which were cooked at this season and carried about.[16] A procession appears to have taken place at the Pyanepsia, in which the *εἰρεσιώνη* was carried about. This *εἰρεσιώνη* was an olive-branch surrounded with wool and laden with the fruits of the year, for the festival was in reality a harvest-feast. It was carried by a boy whose parents were still living, and those who followed him sang certain verses, which are preserved in Plutarch.[1] The procession went to a temple of Apollo, and the olive-branch was planted at its entrance. According to others, every Athenian planted, on the day of the Pyanepsia, such an olive-branch before his own house, where it was left standing till the next celebration of the festival, when it was exchanged for a fresh one.[2]

PUBES, PUBERTAS. (*Vid.* CURATOR, IMPUBES, INFANS.)

PUBLICA'NI, farmers of the public revenues of the Roman state (*vectigalia*.) Their name is formed from *publicum*, which signifies all that belongs to the state, and is sometimes used by Roman writers as synonymous with vectigal.[3] The revenues which Rome derived from conquered countries, consisting chiefly of tolls, tithes, harbour-duties, the scriptura or the tax which was paid for the use of the public pasture-lands, and the duties paid for the use of mines and saltworks (*salinæ*), were let out, or, as the Romans expressed it, were sold by the censors in Rome itself to the highest bidder.[4] This sale generally took place in the month of Quinctilis, and was made for a lustrum.[5] The terms on which the revenues were let were fixed by the censors in the so-called *leges censoriæ*.[6] The people or the senate, however, sometimes modified the terms fixed by the censors in order to raise the credit of the publicani,[7] and in some cases even the tribunes of the people interfered in this branch of the administration.[8] The tithes raised in the province of Sicily alone, with the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the districts of Sicily itself, according to a practice established by Hiero.[9] The persons who undertook the farming of the public revenue of course belonged to the wealthiest Romans. Their wealth and consequent influence may be seen from the fact that, as early as the second Punic war, after the battle of Cannæ, when the ærarium was entirely exhausted, the publicani advanced large sums of money to the state on condition of repayment after the end of the war.[10] But what class of Romans the publicani were at this time is not stated; scarcely half a century later, however, we find that they were principally men of the equestrian order,[11] and down to the end of the Republic, as well as during the early part of the Empire, the farming of the public revenues was almost exclusively in the hands of the equites, whence the words equites and publicani are sometimes used as synonymous.[12]

The publicani had to give security to the state for the sum at which they bought one or more branches of the revenue in a province; but as for this reason the property of even the wealthiest individual must have been inadequate, a number of equites generally united together and formed a company (socii, societas, or corpus), which was recognised by the state,[13] and by which they were enabled to carry on their undertakings upon a large scale. Such companies appear as early as the second Punic war.[14] The shares which each partner of such a company took in the business were called partes, and if they were small, particulæ.[15] The responsible person in each company, and the one who contracted with the state, was called manceps[16] (*vid.* MANCEPS); but

1. (Athen., iv., 142.)—2. (v., 199.)—3. (ap. Athen., iv., 142.)—4. (Cleom., p. 1486, ed Steph.)—5. (Plato, l. c.)—6. (Athen., *l.*, 199, *d.*, *f.*)—7. (Theophr., vii., 7.—Adams, Append., s. v.)—8. (Dioscor., iv., 70.—Galen, De Simpl., viii.—Adams, Append., s. v.)—9. (Aristot., vi., 14.—Dor. ap. Athen., vii.—Hesych., s. v. Γναφεύς.—Adams, Append., s. v.)—10. (Dioscor., ii., 191.—Galen, De Simpl., viii.—Adams, Append., s. v.)—11. (Dioscor., ii., 191.—Theophr., ii., 8.—Galen, De Simpl., viii.—Adams, Append., s. v.)—12 Theophr., i., 10; ix., 13.—Dioscor., iv., 183.—Galen, De Simpl., viii.—Adams, Append., s. v.)—13. (Theophr., H. P., vi., 1.—Adams, Append., s. v.)—14. (Harpocr., Hesych., Suidas, v. Πυανέψια.)—15. (Plut., Thes., 22.)—16. (Harpocr. et Suid., v. Athen., ix., p. 408.)

1. (l. c.—Compare Clem. Alex., Strom., iv., p. 474.—Eustath ad Il., xxii.—Suid., s. v. Εἰρεσιώνη, and Etym. Mag., where a different account is given.)—2. (Schol. ad Aristoph., Plut., 1050.)—3. (Dig. 39, tit. 4, s. 1, § 1; 50, tit. 16, s. 16.—Suet., Nero, 1.—Cic., Pro Rabir. Post., 2.—Val. Max., vi., 9, § 7.)—4. (Cic., De Leg. Agr., ii., 21; c. Verr., iii., 7.)—5. (Macrob., Sat., i., 12.)—6. (Cic. ad Quint. Frat., i., 1.—Varro, De Re Rust., ii., 1.—Fest., s. v. Produit.)—7. (Plut., Flamin., 19.—Polyb., vi, 17.—Liv., xxxix., 44.)—8. (Liv., xliii., 16.)—9. (Cic., c. Verr., ii., 3, 64, 33, &c.)—10. (Val. Max., v., 6, § 8.—Liv., xxiv., 18.—Compare xxiii., 48, &c.)—11. (Liv., xliii., 16.)—12. (Cic., c. Verr., i., 51; ii., 71; ad Att., ii., 1.—Suet., Octav., 24.—Tacit., Ann., iv., 6.)—13. (Dig. 3, tit. 4, s. 1.)—14. (Liv., xxiii., 48, 49.)—15. (Cic. Pro Rabir. Post., 2.—Val. Max., vi., 9, § 7.)—16. (Festus s. v. Manceps.—Pseudo-Ascon. in Divinat., p. 113, ed. Orelli.)

there was also a magister to manage the business of each society, who resided at Rome, and kept an extensive correspondence with the agents in the provinces.[1] He seems to have held his office only for one year; his representative in the provinces was called sub magistro, who had to travel about and superintend the actual business of collecting the revenues. The ἀρχιτελώνης in St. Luke[2] is probably such a sub magistro. The magister at Rome had also to keep the accounts which were sent in to him (*tabulæ accepti et expensi*). The credit of these companies of publicani and the flourishing state of their finances were of the utmost importance to the state, and, in fact, its very foundation; and of this the Romans were well aware, and Cicero[3] therefore calls them the "*ornamentum civitatis et firmamentum reipublicæ*."[4] It has been already mentioned that the publicani, in case of need, acted as a kind of public bank, and advanced large sums of money to the state,[5] which therefore thought them worthy of its especial protection. But they abused their power at an early period, in the provinces as well as at Rome itself; and Livy[6] says "*ubi publicanus est, ibi aut jus publicum vanum, aut libertas sociis nulla.*"[7]

Nobody but a Roman citizen was allowed to become a member of a company of publicani; freedmen and slaves were excluded.[8] No Roman magistrate, however, or governor of a province, was allowed to take any share whatever in a company of publicani,[9] a regulation which was chiefly intended as a protection against the oppression of the provincials. During the later period of the Empire various changes were introduced in the farming of the public revenues. Although it was, on the whole, a rule that no person should be compelled to take any share in a company of publicani, yet such cases sometimes occurred.[10] From the time of Constantine, the leases of the publicani were generally not longer than for three years.[11] Several parts of the revenue which had before been let to publicani, were now raised by especial officers appointed by the emperors.[12]

All the persons hitherto mentioned as members of these companies, whether they held any office in such a company or not, and merely contributed their shares and received their portions of the profit,[13] did not themselves take any part in the actual levying or collecting of the taxes in the provinces. This part of the business was performed by an inferior class of men, who were said *operas publicanis dare*, or *esse in operis societatis*.[14] They were engaged by the publicani, and consisted of freemen as well as slaves, Romans as well as provincials.[15] This body of men is called *familia publicanorum*, and comprehended, according to the prætor's edict,[16] all persons who assisted the publicani in collecting the vectigal. Various laws were enacted in the course of time, which were partly intended to support the servants of the publicani in the performance of their duty, and partly to prevent them from acts of oppression.[17]

The separate branches of the public revenue in the provinces (*decumæ, portoria, scriptura*, and the revenues from the mines and saltworks) were mostly leased to separate companies of publicani, whence they were distinguished by names derived from that particular branch which they had taken in farm; *e. g.*, decumani, pecuarii or scripturarii, salinarii or mancipes salinarum, &c.[1] (Compare Decumæ, Portorium, Salinæ, Scriptura.) On some occasions, however, one company of publicani farmed two or more branches at once; thus we have an instance of a societas farming the portorium and the scriptura at the same time.[2] The commentator, who goes by the name of Asconius, asserts that the portitores were publicani who farmed the portorium; but from all the passages where they are mentioned in ancient writers, it is beyond all doubt that the portitores were not publicani properly so called, but only their servants engaged in examining the goods imported or exported, and levying the custom-duties upon them. They belonged to the same class as the publicans of the New Testament.[3] Respecting the impudent way in which these inferior officers sometimes behaved towards travellers and merchants, see Plaut., *Menæch.*, i., 2, 5, &c.—Cic. *ad Quint. Fr.*, i., 1.—Plut., *De Curiosit*, p. 518, *e*.[4]

PUBLICIA'NA IN REM ACTIO was given to him who obtained possession of a thing ex justa causa, and had lost the possession before he had acquired the ownership by usucapion. This was a prætorian action, so called from a prætor Publicius, and the fiction by which the possessor was enabled to sue was that he had obtained the ownership by usucapion.[5] This actio was an incident to every kind of possessio which was susceptible of usucapion (the thirty years' excepted). In the old Roman law this actio resembled the vindicatio, and in the newer Roman law it was still more closely assimilated to it, and consequently, in this actio, mere possession was not the only thing considered, but the matter was likened to the case where ownership and possession were acquired at the same time by occupatio or traditio. Accordingly, possessio for the purposes of usucapion may be viewed in two ways: viewed with respect to the ownership of which it is the foundation, it is a subject of jurisprudence as bare possession; viewed with reference to the Publiciana actio, which is incident to it, it is viewed as ownership. The owner of a thing might also avail himself of this action if he had any difficulty in proving his ownership.

This action was introduced for the protection of those who had a civilis possessio, but that only, and, consequently, could not recover a thing by the rei vindicatio, an action which a man could only have when he had the Quiritarian ownership of a thing. According to the definition, a man could have this actio both for a thing which he had in bonis, and for a thing of which he had a civilis possessio without having it in bonis; and his action was good even against the Quiritarian owner; for if such owner pleaded his ownership, the plaintiff might reply that the thing had been sold and delivered, and therefore was his in bonis. The Publiciana actio of the plaintiff, who had a civilis possessio without having the thing in bonis, was not good against the owner, who had the right of ownership in fact, while the plaintiff had it only in fiction; nor was it good against another who had a civilis possessio, for that possessio was as good as his own. His action was good against a possessor who had not a civilis possessio. In this action the plaintiff had to prove that he possessed civiliter before the time when he lost the possession. (*Vid.* Possessio.)

The object of the action was the recovery of the thing and all that belonged to it. In the legislation of Justinian, the distinction between res mancipi

1. (Cic. ad Att., v., 15; c. Verr., ii., 74.)—2. (xix., 2.)—3. (Cic., Pro Leg. Manil, 6.)—4. (Pro Planc., 9.)—5. (Compare Cic. ad Fam., v., 20.)—6. (xlv., 18.)—7. (Compare Livy, xxv., 3, 4.)—8. (Pseudo-Ascon. in Divinat., p. 113.—Cic., c. Verr., iii., 39.)—9. (Cic., c. Verr., iii., 57.)—10. (Burmann, Vectig. Pop. Rom., p. 138, &c.)—11. (Cod., vi., tit. 61, s. 4.)—12. (Burmann, l. c., p. 141, &c.)—13. (Cic. ad Att., i., 19.—Nepos, Att., 6.)—14. (Val. Max., vi., 9, § 8.—Cic., c. Verr., iii., 41.—Id., ad Fam., xiii., 9.—Compare c. Verr., ii., 70.—Pro Planc., 19.)—15. (Cic., c. Verr., ii., 77.—De Prov. Cons., 5.)—16. (Dig. 30, tit. 4, s. 1.)—17. (*Vid.* Digest., 39, tit. 4: De Publicanis et vectigal. et commissis.—Gaius, iv., 28.)

1. (Pseudo-Ascon., l. c.)—2. (Cic., c. Verr., ii., 70.—3. (St Luke, v., 27, 29.)—4. (Compare Burmann, De Vectig., 9.)—5 (Gaius, iv., 36.)

and nec mancipi was abolished, and ownership could in all cases be transferred by tradition. The Publiciana actio, therefore, became useless for any other purpose than a case of bonæ fidei possessio, and this seems to explain why the words "non a domino" appear in the edict as cited in the Digest,[1] while they do not appear in Gaius.[2]

The Publiciana actio applied also to servitutes, the right to which had not been transferred by mancipatio or in jure cessio, but which had been enjoyed with the consent of the owner of the land. As the legislation of Justinian rendered the old forms of transfer of servitutes unnecessary, the Publiciana actio could then only apply to a case of possessio.[3]

PU'BLICUM. (*Vid.* Publicani.)

PUBLICUM, PRIVATUM JUS. (*Vid.* Jus, p. 561.)

PU'BLICUS AGER. (*Vid.* Agrariæ Leges.)

PUBLI'LIA LEX. In the consulship of L. Pinarius and P. Furius, B.C. 472, the tribune Publilius Volero proposed in the assembly of the tribes that the tribunes should in future be appointed in the comitia of the tribes (*ut plebeii magistratus tributis comitiis fierent*) instead of by the centuries, as had formerly been the case, since the clients of the patricians were so numerous in the centuries that the plebeians could not elect whom they wished.[4] This measure was violently opposed by the patricians, who prevented the tribes from coming to any resolution respecting it throughout this year; but in the following year, B.C. 471, Publilius was re-elected tribune, and together with him C. Lætorius, a man of still greater resolution than Publilius. Fresh measures were added to the former proposition: the ædiles were to be chosen by the tribes as well as the tribunes, and the tribes were to be competent to deliberate and determine on all matters affecting the whole nation, and not such only as might concern the plebes.[5] This proposition was still more violently resisted by the patricians than the one of the previous year; and, although the consul Appius used force, the tribes could not be prevented from passing the proposition. It was then laid before the senate to receive the assent of that body; and, through the advice of the other consul, T. Quinctius, it received the sanction of the senate, and afterward of the curiæ, and thus obtained the force of a law. Some said that the number of tribunes was now for the first time raised to five, having been only two previously.[6]

PUBLI'LIÆ LEGES, proposed by the dictator Q. Publilius Philo, B.C. 339. Niebuhr[7] thinks that the main object of these laws was to abolish the power of the patrician assembly of the curies, and that they were carried with the approbation of the senate, which was opposed to the narrow-mindedness of the great body of the patricians. Great opposition, however, seems to have been expected; and, accordingly, the consul Ti. Æmilius named his own colleague, Q. Publilius Philo, dictator, in order that the reforms might be carried with the authority of the highest magistracy in the state.

According to Livy,[8] there were three Publiliæ leges. The first is said to have enacted that plebiscita should bind all Quirites (*ut plebiscita omnes Quirites tenerent*), which is to the same purport as lex Hortensia of B.C. 286. (*Vid.* Plebiscitum.) Niebuhr, however, thinks that the object of this law was to render the approval of the senate a sufficient confirmation of a plebiscitum, and to make the confirmation of the curiæ unnecessary. The second law enacted: "*ut legum quæ comitiis centuriatis ferrentur ante initum suffragium patres auctores fierent.*" By patres Livy here means the curiæ; and, accordingly, this law made the confirmation of the curiæ a mere formality in reference to all laws submitted to the comitia centuriata, since every law proposed by the senate to the centuries was to be considered to have the sanction of the curiæ also. The third law enacted that one of the two censors should necessarily be a plebeian. Niebuhr supposes that there was also a fourth, which applied the Licinian law to the prætorship as well as to the censorship, and which provided that in each alternate year the prætor should be a plebeian.[1]

PUGILA'TUS (πύξ, πυγμή, πυγμαχία, πυγμοσύνη), Boxing. The fist (*pugnus*, πύξ) being the simplest and most natural weapon, it may be taken for granted that boxing was one of the earliest athletic games among the Greeks. Hence gods and several of the earliest heroes are described either as victors in the πυγμή, or as distinguished boxers, such as Apollo, Heracles, Tydeus, Polydeuces, &c.[2] The scholiast on Pindar[3] says that Theseus was believed to have invented the art of boxing. The Homeric heroes are well acquainted with it.[4] The contest in boxing was one of the hardest and most dangerous, whence Homer gives it the attribute ἀλεγεινή.[5] Boxing for men was introduced at the Olympic games in Ol. 32, and for boys in Ol. 37.[6] Contests in boxing for boys are also mentioned in the Nemea and Isthmia.[7]

In the earliest times boxers (*pugiles*, πύκται) fought naked, with the exception of a ζῶμα round their loins;[8] but this was not used when boxing was introduced at Olympia, as the contests in wrestling and racing had been carried on here by persons entirely naked ever since Ol. 15. Respecting the leathern thongs with which pugilists surrounded their fists, see Cestus, where its various forms are illustrated by woodcuts.

The boxing of the ancients appears to have resembled the practice of modern times. Some particulars, however, deserve to be mentioned. A peculiar method, which required great skill, was not to attack the antagonist, but to remain on the defensive, and thus to wear out the opponent, until he was obliged to acknowledge himself to be conquered.[9] It was considered a sign of the greatest skill in a boxer to conquer without *receiving* any wounds, so that the two great points in this game were to inflict blows, and at the same time not to expose one's self to any danger (πληγὴ καὶ φυλακή[10]). A pugilist used his right arm chiefly for fighting, and the left as a protection for his head, for all regular blows were directed against the upper parts of the body, and the wounds inflicted upon the head were often very severe and fatal. In some ancient representations of boxers, the blood is seen streaming from their noses, and their teeth were frequently knocked out.[11] The ears especially were exposed to great danger, and with regular pugilists they were generally much mutilated and broken.[12] Hence, in works of art, the ears of the pancratiasts always appear beaten flat, and, although swollen in some parts, are yet smaller than ears usually are. In order to protect the ears from severe blows, little covers, called

1. (6, tit. 2, s. 1.)—2. (iv., 36.)—3. (Dig. 6, tit. 2.—Inst., iv., tit. 5.—Savigny, Das Recht des Besitzes.)—4. (Liv., ii., 56.)—5. (Dionys., ix., 43.—Zonaras, vii., 17.)—6. (Liv., ii., 58.—Niebuhr, Hist. of Rome, ii., p. 211, &c.)—7. (Römische Gesch., iii. p. 167-173.)—8. (viii., 12.)

1. (Compare Arnold, Hist. of Rome, ii., p. 154, &c.)—2 (Paus., v., 7, § 4.—Theocrit., xxiv., 113.—Apollod., iii., 6, § 4.—Paus., v., 8, § 2.)—3. (Nem., v., 89.)—4. (Hom., Il., xxiii., 691 &c.—Compare Odyss., viii., 103, &c.)—5. (Il., xxiii., 653.)—6 (Paus., v., 8, § 3)—7. (Paus., v., 4, § 6.)—8. (Hom., Il., xxiii. 683.—Virg., Æn., v., 421.)—9. (Dio Chrysost., Melanc., ii., orat 29.—Eustath. ad Il., p. 1322, 29.)—10. (J. Chrysost., Serm. vii., 1.—Plut., Sympos., ii., 5.—Compare Paus., vi., 12, § 3.)—11. (Apollon. Rhod., ii., 785.—Theocrit., ii., 126.—Virg. Æn. v., 469.—Ælian, V. H., x., 19.)—12. (Plat., Gorg., p. 516 Protog., p. 342.—Martial, vii., 32, 5.)

ἀμφωτίδες, were invented.[1] But these ear covers, which, according to the etymologist, were made of brass, were undoubtedly never used in the great public games, but only in the gymnasia and palæstræ, or, at most, in the public contests of boxing for boys; they are never seen in any ancient work of art.

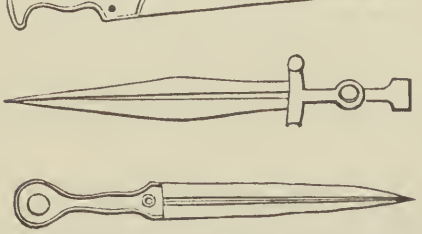
The game of boxing was, like all the other gymnastic and athletic games, regulated by certain rules. Thus pugilists were not allowed to take hold of one another, or to use their feet for the purpose of making one another fall, as was the case in the pancratium.[2] Cases of death, either during the fight itself or soon after, appear to have occurred rather frequently;[3] but if a fighter wilfully killed his antagonist, he was severely punished.[4] If both the combatants were tired without wishing to give up the fight, they might pause a while to recover their strength; and in some cases they are described as resting on their knees.[5] If the fight lasted too long, recourse was had to a plan called κλίμαξ; that is, both parties agreed not to move, but to stand still and receive the blows without using any means of defence except a certain position of the hands.[6] The contest did not end until one of the combatants was compelled by fatigue, wounds, or despair, to declare himself conquered (ἀπαγορεύειν),[7] which was generally done by lifting up one hand.[8]

The Ionians, especially those of Samos, were at all times more distinguished pugilists than the Dorians, and at Sparta boxing is said to have been forbidden by the laws of Lycurgus.[9] But the ancients generally considered boxing as a useful training for military purposes, and a part of education no less important than any other gymnastic exercise.[10] Even in a medical point of view, boxing was recommended as a remedy against giddiness and chronic headaches.[11]

In Italy boxing appears likewise to have been practised from early times, especially among the Etruscans.[12] It continued as a popular game during the whole period of the Republic as well as of the Empire.[13]

PUGILLA'RES. (*Vid.* Tabulæ.)

PU'GIO (*μάχαιρα, dim. μαχαίριον*; *ἐγχειρίδιον*), a dagger; a two-edged knife, commonly of bronze, with the handle in many cases variously ornamented or enriched, sometimes made of the hard black wood of the Syrian terebinth.[14] The accompanying woodcut shows three ancient daggers. The



two upper figures are copied from Beger:[15] the third represents a dagger about a foot long, which was found in an Egyptian tomb, and is preserved in the museum at Leyden. The middle figure is entirely of metal. The handles of the two others were fitted to receive a plate of wood on each side. The lowermost has also two bosses of ivory or horn, and shows the remains of a thin plate of gilt metal with which the wood was covered.

In the heroic ages the Greeks sometimes wore a dagger suspended by the sword on the left side of the body (*vid.* Gladius), and used it on all occasions instead of a knife.[1] Thus Theseus draws his dagger to cut his meat at table.[2] The custom is continued to the present day among the Arnauts, who are descended from the ancient Greeks.[3] The Romans (see woodcuts, p. 11, 454) wore the dagger as the Persians did (*vid.* Acinaces), on the right side, and consequently drew it with the thumb at the upper part of the hilt, the position most effective for stabbing. The terms *pugio* and *ἐγχειρίδιον* denote both its smallness and the manner of grasping it in the hand (*πυξ, pugnus*). In the same way we must understand "the two swords" (*duos gladios*[4]) worn by the Gallic chieftain slain by Manlius Torquatus; and the monuments of the Middle Ages prove that the custom long continued in our own and in adjoining countries.[5] Among some of the northern nations of Europe, a dirk was constantly worn on the side, and was in readiness to be drawn on every occasion.[6] The Chalybes employed the same weapon, stabbing their enemies in the neck.[7] For the Greek horsemen, the dagger was considered preferable to the long sword as a weapon of offence.[8] For secret purposes it was placed under the armpit.[9]

PUGME, PUGON (*πυγμή, πυγών*). (*Vid.* Pes p. 763.)

PULAGORAI (*πυλαγόραι*). (*Vid.* Amphictyones, p. 49.)

PULLA'RIUS. (*Vid.* Auspicium, p. 130.)

PU'LPITUM. (*Vid.* Theatrum.)

PULVI'NAR. A representation of the mode of using cushions or pillows (*pulvini*), to recline upon at entertainments, is given in the woodcut at p. 326. The most luxurious of such cushions were stuffed with swan's-down.[10] An ancient Egyptian cushion, filled with feathers, is preserved in the British Museum. In reference to this practice, the Romans were in the habit of placing the statues of the gods upon pillows at the lectisternia. (*Vid.* Epulones, Lectisternium.) The couches provided for this purpose in the temples were called *pulvinaria*.[11] There was also a pulvinar, on which the images of the gods were laid, in the Circus.[12]

PULVI'NUS. (*Vid.* Pulvinar.)

PUPILLA PUPILLUS. (*Vid.* Impubes, Infans, Tutela.)

PUPILLA'RIS SUBSTITU'TIO. (*Vid.* Heres, Roman, p. 498.)

PUPPIS. (*Vid.* Ships.)

PU'TEAL properly means the enclosure surrounding the opening of a well, to protect persons from falling into it. It was either round or square, and seems usually to have been of the height of three or four feet from the ground. There is a round one in the British Museum, made of marble, which was found among the ruins of one of Tiberius's villas in Capreæ; it exhibits five groups of fauns and bacchanalian nymphs, and around the edge at the top may be seen the marks of the

1. (Pollux, Onom., ii., 82. — Etymol. Mag., s. v.) — 2. (Plut., Symp., ii., 4.—Lucian, Anach., 3.)—3. (Schol. ad Pind., Ol., v., 14.)—4. (Paus., viii., 40, § 3; vi., 9, § 3.) — 5. (Apollon. Rhod., ii., 86.—Stat., Theb., vi., 796.) — 6. (Eustath. ad Il., xxiii., p. 1324.—Paus., viii., 40, § 3.)—7. (Paus., vi., 10, § 1.)—8. (Plut., Lycurg., 19.) — 9. (Paus., vi., 2, § 4.— Plut., Lycurg., 19.)—10. (Lucian, Anach., 3. — Plut., Cat. Maj., 20.) — 11. (Arctæus, De Morb. diut. Cur., i., 2.)—12. (Liv., i., 35.—Dionys., vii., 72.)—13. (Suet., Octav., 45. — Cic., De Legg., ii., 15, 18. — Tacit., Ann., xvi., 21. — Suet., Calig., 18. — *Vid.* Krause, Die Gymnastik und Agon. d. Hellenen, p. 497–534.) — 14. (Theophr., H. P., v., 3, § 5.) –15. (Thes. Brand., V., iii., p. 398, 419.)

1. (Hom., Il., iii., 271.—Athen., vi., 232, c.)—2. (Plut., Thes., p. 10, ed. Steph.)—3. (Dodwell, Tour, i., p. 133.)—4. (Gell., ix., 13.)—5. (*Vid.* Stothard, Mon. Effigies of Gt. Britain.)—6. (Ovid Trist., v., 8, 19, 20.)—7. (Xen., Anab., iv., 7, § 16.)—8. (Id., De Re Equest., xii., 11.) — 9. (Plato, Gorg., p. 71, 72, Heindorff.)—10. (Mart., xiv., 16, 1.) — 11. (Hor., Carm., i., 37, 3. — Ovid Met., xiv., 827 — Cic. in Cat., iii., 10. — Haruspic., 5. — Dom., 53 —Tusc., iv., 2.—Val. Max., iii., 7, § 1. — Serv. in Virg. Georg. iii., 533.)— 12. (Suet., Octav., 45.— Claud., 4.)

ropes used in drawing up water from the well. Such putealia seem to have been common in the Roman villas: the *putealia signata*, which Cicero[1] wanted for his Tusculan villa, must have been of the same kind as the one in the British Museum; the *signata* refers to its being adorned with figures. It was the practice in some cases to surround a sacred place with an enclosure open at the top, and such enclosures, from the great similarity they bore to *putealia*, were called by this name. There were two such places in the Roman Forum: one of these was called *Puteal Libonis* or *Scribonianum*, because a chapel (*sacellum*) in that place had been struck by lightning, and Scribonius Libo expiated it by proper ceremonies, and erected a puteal around it, open at the top, to preserve the memory of the place.[2] The form of this puteal is preserved on several coins of the Scribonian gens. (See woodcut, and compare Spanheim, *De Præst. et Usu Numism.*, ii., p. 190.)

This puteal seems to have been near the Atrium of Vesta,[3] and was a common place of meeting for usurers.[4] The other puteal was in the comitium, on the left side of the senate-house, and in it were deposited the whetstone and razor of Attus Navius.[5]

PU'THIOI (*πύθιοι*), called *ποίθιοι* in the Lacedæmonian dialect,[6] were four persons appointed by the Spartan kings, two by each, as messengers to the Temple of Delphi (*Θεοπρόποι ἐς Δελφούς*). Their office was highly honourable and important: they were always the messmates of the Spartan kings.[7]

PUTICU'LÆ, PUTI'CULI. (*Vid.* Funus, p. 461.)

*PYCNOC'OMON (*πυκνόκομον*), a plant, about which Matthiolus and Sprengel are undecided; but which, as Bauhin states, Columna took for the *Scabiosa succisa*, or Devil's bit.[8]

PY'ELOI (*πύελοι*). (*Vid.* Funus, p. 456.)

*PYGARGUS (*πύγαργος*), an animal noticed by Herodotus, and also mentioned in the Septuagint. Dr. Shaw supposes it a species of Antelope, which he calls *Lidmee*.[9]

*II. A species of Eagle. (*Vid.* Aquila, 76.)

*PYGMÆUS (*πυγμαῖος*), a name given to a fabulous race of very diminutive size, who were said to be engaged at stated periods in warfare with the cranes. For a full account of the legend, and the various explanations that have been given of it, consult *Anthon's Classical Dictionary*, *s. v.*

*PYGOLAMPIS (*πυγολαμπίς*), the common Glow-worm, or *Lampyris noctiluca*.[10]

PYRA. (*Vid.* Funus, p. 456, 460.)

*PYRE'THRUM (*πύρεθρον*), a plant described by Dioscorides and others. "Although," says Adams, "the description of Dioscorides be somewhat loose, I see no reason to doubt that his plant was the *Anthemis Pyrethrum*, or Pellitory of Spain. At all events, its effects, as described by Dioscorides, correspond very well with those of the Pellitory, that is to say, it is represented as a powerful masticatory, and is recommended for toothache."[1]

*PYRILAMPIS (*πυριλαμπίς*), a name applied by Suidas to the Pygolampis, which see.

*PYROMACHUS LAPIS (*πυρόμαχος λίθος*), the *Common Pyrites* of modern mineralogists, consisting principally of sulphurate of iron, with some admixture of copper and arsenic. "Stones of this class," says Adams, "are often called *Marchasites* from the barbarous term *Marchasita*, which is given to the Pyrites in the Latin translation of Serapion." Dioscorides calls the Pyromachus the *πυρίτης λίθος*.[2]

PY'RRHICA (*Vid.* Saltatio.)

*PYRRHU'LAS (*πυρρούλας*), a bird mentioned by Aristotle, and corresponding, as Gesner thinks to the Bullfinch, or *Pyrrhula vulgaris*. It would appear, according to Adams, not to have been the same bird as the *πυραλίς* of Aristotle, the *πύρρα* of Ælian, and the *πυρρία* of Phile.[3]

*PYRUS (*ἄπιος*), the Pear-tree, or *Pyrus communis*, L., the fruit of which was called *Pyrum* by the Latins, and *ἄπιον* by the Greeks. Virgil mentions several kinds of pears. The one termed "*Crustumian*," called also, according to Celsus, *Nævianum*, was the best. Columella ranks it the first, and Pliny says of these pears, "*cunctis autem Crustumina gratissima.*" Dalechamp makes the Crustumian the same as the French "*Poire perle*," while Stapel says that it is known in Flanders under the name "*Poire de Saint Jacques.*" Some make it the same as the English "*Warden pear.*" The appellation of Crustumian (*Crustumium* or *Crustuminum*) was derived from the Italian town of Crustumerium, in the territory adjacent to which they particularly abounded. Virgil speaks also of the "Syrian" pear; but in Columella the *Syrium pyrum* is a generic name, embracing both the *Crustumium* and the *Tarentinum*. Pliny, on the other hand, distinguishes between the Syrian and Tarentine kinds. Servius says that the epithet "Syrian" has no relation whatever to the country of Syria, but comes from the Greek *σύρος*, "dark-coloured" or "black," and Pliny, in fact, assures us that the Syrian was a dark-coloured pear. Some modern writers, however, take it to be the Bergamot. The pear called *Volemum* took its name, as is said, from its large size, "*quia* volam *manus impleant*," "because they fill the palm of the hand." Ruæus thinks they are the *Bon Chretien*; but it would seem more correct, with Dryden, Martyn, and others, to make them the "Pounder-pears," or, as they are more commonly termed, "Pound-pears." The *Bon Chretien* answers rather to the *ταλανταῖον ἄπιον*, which Pliny calls *Librale pyrum*, and which must not be confounded with the *Volemum*.[4]

*II. (*πυρός*), Wheat. (*Vid.* Triticum.)

PYTHIAN GAMES (*Πύθια*), one of the four great national festivals of the Greeks. It was celebrated in the neighbourhood of Delphi, anciently called Pytho, in honour of Apollo, Artemis, and Leto. The place of this solemnity was the Crissæan plain, which for this purpose contained a hippodromus or racecourse,[5] a stadium of 1000 feet in length,[6] and a theatre, in which the musical contests took place.[7] A gymnasium, prytaneum, and other buildings of this kind probably existed here, as at Olympia, although they are not mentioned.

1. 'Ad Att., i., 10.)—2. (Festus, s. v. Scribonianum.)—3. (Sachse, Beschreib. der Stadt. Rom., i., p. 134.)—4. (Ovid, Rem. Am., 561.—Cic., Pro Sex., 8.—Pers., Sat., iv., 49.—Hor., Epist., ., 19, 8.)—5. (Cic., De Div. i., 17.—Compare Livy, i., 36, and Müller, Etrusker, ii., p. 171.)—6. (Photius, s. v.)—7. (Herod., vi., 57—Xen., Rep Lac., xv., 5.—Müller, Dor., iii., 1, § 9.)—8. (Dioscor., iv., 164.—Galen, De Simpl., viii.—Adams, Append., s. v.) -9. (Herod., iv., 192.—Deuteron., xiv., 5.—Adams, Append. s. v.)—10. (Adams, Append., s.)

1. (Dioscor., iii., 78.—Galen, De Simpl., viii.—Adams, Append., s. v.)—2. (Theophr., De Lapid.—Aristot., Met., iv., 6.—Dioscor., v., 142.—Adams, Append., s. v.)—3. (Aristot., H. A., viii., 5.—Ælian, N. A., iv., 5.—Adams, Append., s. v.)—4. (Theophr., iv., 12, &c.—Dioscor., ii., 107.—Fée, Flore de Virgile, p. 134.—Martyn ad Virg., Georg., ii., 87.—Adams, Append. s. v.)—5. (Paus., x., 37, § 4.)—6. (Censor., De Die Nat., 13.)—7 (Lucian adv. Indoct., 9.)

Once the Pythian games were held at Athens, on the advice of Demetrius Poliorcetes (Ol. 122, 3[1]), because the Ætolians were in possession of the passes around Delphi

The Pythian games were, according to most legends, instituted by Apollo himself:[2] other traditions referred them to ancient heroes, such as Amphictyon, Adrastus, Diomedes, and others. They were originally, perhaps, nothing more than a religious panegyris, occasioned by the oracle of Delphi, and the sacred games are said to have been at first only a musical contest, which consisted in singing a hymn to the honour of the Pythian god with the accompaniment of the cithara.[3] Some of the poets, however, and mythographers represent even the gods and the early heroes as engaged in gymnastic and equestrian contests at the Pythian games. But such statements, numerous as they are, can prove nothing; they are anachronisms in which late writers were fond of indulging. The description of the Pythian games in which Sophocles, in the Electra, makes Orestes take part, belongs to this class. The Pythian games must, on account of the celebrity of the Delphic oracle, have become a national festival for all the Greeks at a very early period; and when Solon fixed pecuniary rewards for those Athenians who were victors in the great national festivals, the Pythian agon was undoubtedly included in the number, though it is not expressly mentioned.[4]

Whether gymnastic contests had been performed at the Pythian games previous to Ol. 47 is uncertain. Böckh supposes that these two kinds of games had been connected at the Pythia from early times, but that afterward the gymnastic games were neglected; hut, however this may be, it is certain that about Ol. 47 they did not exist at Delphi. Down to Ol. 48 the Delphians themselves had been the agonothetæ at the Pythian games, but in the third year of this olympiad, when, after the Crissæan war, the Amphictyons took the management under their care, they naturaliy became the agonothetæ.[5] Some of the ancients date the institution of the Pythian games from this time,[6] and others say that henceforth they were called *Pythian games*. Owing to their being under the management of the Amphictyons, they are sometimes called Ἀμφικτυονικὰ ἆθλα.[7] From Ol. 48, 3, the Pythiads were occasionally used as an æra, and the first celebration under the Amphictyons was the first Pythiad. Pausanias[8] expressly states that in this year the original musical contest in Κίθαρῳδία was extended by the addition of *αὐλῳδία*, *i. e.*, singing with the accompaniment of the flute, and by that of flute-playing alone. Strabo,[9] in speaking of these innovations, does not mention the *αὐλῳδία*, but states that the contest of cithara-players (*κιθαρισταί*) was added, while Pausanias assigns the introduction of this contest to the eighth Pythiad. One of the musical contests at the Pythian games, in which only flute and cithara-players took part, was the so-called *νόμος Πύθικος*, which, at least in subsequent times, consisted of five parts, viz., *ἀνάκρουσις*, *ἄμπειρα*, *κατακελευσμός*, *ἴαμβοι καὶ δάκτυλοι*, and *σύριγγες*. The whole of this *νόμος* was a musical description of the fight of Apollo with the dragon, and of his victory over the monster.[10] A somewhat different account of the parts of this *νόμος* is given by the scholiast on Pindar,[11] and by Pollux.[12]

1. (*Vid.* Plut., Demetr., 40.—Corsini, Fast. Att., iv., p. 77.)—2. (Athen., xv., p. 701.—Schol., Argum. ad Pind., Pyth.)—3. (Paus., x, 7, § 2.—Strab., ix., p. 421.)—4. (Diog. Laërt., i., 55.)—5. (Strab., ix., p. 421.—Paus., x., 17, § 3.)—6. (Phot., Cod., p. 533, ed. Bekker.)—7. (Heliod., Æthiop., iv., 1.)—8. (l. c.)—9 (l. c.)—10. (Strabo, l. c.)—11. (Argum. ad Pyth.)—12 (iv., 81, 84.)

Besides these innovations in the musical contests which were made in the first Pythiad, such gymnastic and equestrian games as were then customary at Olympia were either revived at Delphi, or introduced for the first time. The chariot-race with four horses was not introduced till the second Pythiad.[1] Some games, on the other hand, were adopted, which had not yet been practised at Olympia, viz., the *δολιχός* and the *δίαυλος* for boys. In the first Pythiad the victors received *χρήματα* as their prize, but in the second a chaplet was established as the reward for the victors.[2] The scholiasts on Pindar reckon the first Pythiad from this introduction of the chaplet, and their system has been followed by most modern chronologers, though Pausanias expressly assigns this institution to the second Pythiad.[3] The *αὐλῳδία*, which was introduced in the first Pythiad, was omitted at the second and ever after, as only elegies and *ὑρῆνοι* had been sung to the flute, which were thought too melancholy for this solemnity. The *τεθρίππος*, or chariot-race with four horses, however, was added in the same Pythiad. In the eighth Pythiad (Ol. 55, 3), the contest in playing the cithara without singing was introduced; in Pythiad 23, the foot-race in arms was added; in Pythiad 48, the chariot-race with two full-grown horses (*συνωρίδος δρόμος*) was performed for the first time; in Pythiad 53, the chariot-race with four foals was introduced. In Pythiad 61, the pancratium for boys; in Pythiad 63. the horserace with foals; and in Pythiad 69, the chariot-race with two foals, were introduced.[4] Various musical contests were also added in the course of time, and contests in tragedy, as well as in other kinds of poetry and in recitations of historical compositions, are expressly mentioned.[5] Works of art, as paintings and sculptures, were exhibited to the assembled Greeks, and prizes were awarded to those who had produced the finest works.[6] The musical and artistic contests were at all times the most prominent features of the Pythian games, and in this respect they even excelled the Olympic games.

Previous to Ol. 48, the Pythian games had been an *ἐννaετηρίς*, that is, they had been celebrated at the end of every eighth year; but in Ol. 48, 3, they became, like the Olympia, a *πενταετηρίς*, *i. e.*, they were held at the end of every fourth year; and a Pythiad, therefore, ever since the time that it was used as an æra, comprehended a space of four years, commencing with the third year of every olympiad.[7] Others have, in opposition to direct statements, inferred from Thucydides[8] that the Pythian games were held towards the end of the second year of every olympiad. Respecting this controversy, see Krause, *l. c.*, p. 29, &c. As for the season of the Pythian games, they were, in all probability, held in the spring; and most writers believe that it was in the month of Bysius, which is supposed to be the same as the Attic Munychion. Böckh,[9] however, has shown that the games took place in the month of Bucatius, which followed after the month of Bysius, and that this month must be considered as the same as the Attic Munychion. The games lasted for several days, as is expressly mentioned by Sophocles,[10] but we do not know how many. When ancient writers speak of *the day* of the Pythian agon, they are probably thinking of the musical agon alone, which was the most important part of the games, and probably took place on the 7th of

1. (Paus., x., 7, § 3.)—2. (Paus., and Schol. ad Pind., l. c.)—3. (*Vid.* Clinton, F. H., p. 195.—Krause, Die Pyth. Nem., &c, p. 21, &c.)—4. (Paus., l. c.)—5. (Philost., Vit. Soph., ii., 27, 2.—Plut., Sympos., ii., 4.)—6. (Plin., H. N., xxxv., 35.)—7 (Paus l. c.—Diod., xv., 60.—Compare Clinton, F. H., p. 195.)—8 (iv. 117; v., 1.)—9. (ad Corp. Inscript., n. 1688.)—10 (Elect. 690 &c.)

Bucatius. It is quite impossible to conceive that all the numerous games should have taken place on one day.

The concourse of strangers at the season of this panegyris must have been very great, as undoubtedly all the Greeks were allowed to attend. The states belonging to the amphictyony of Delphi had to send their theori in the month of Bysius, some time before the commencement of the festival itself.[1] All theori sent by the Greeks to Delphi on this occasion were called Πυθαΐσταί,[2] and the theoriæ sent by the Athenians were always particularly brilliant.[3] As regards sacrifices, processions, and other solemnities, it may be presumed that they resembled, in a great measure, those of Olympia. A splendid, though probably, in some degree, fictitious description of a theoria of Thessalians, may be read in Heliodorus.[4]

As to the order in which the various games were performed, scarcely anything is known, with the exception of some allusions in Pindar and a few remarks of Plutarch. The latter[5] says that the musical contests preceded the gymnastic contests, and from Sophocles it is clear that the gymnastic contests preceded the horse and chariot races. Every game, moreover, which was performed by men and by boys, was always first performed by the latter.[6]

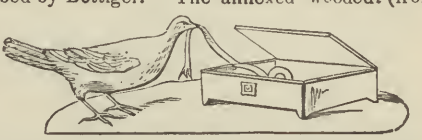
We have stated above that, down to Ol. 48, the Delphians had the management of the Pythian games; but of the manner in which they were conducted previous to that time, nothing is known. When they came under the care of the Amphictyons, especial persons were appointed for the purpose of conducting the games and of acting as judges. They were called ἐπιμεληταί,[7] and answered to the Olympian hellanodicæ. Their number is unknown.[8] In later times it was decreed by the Amphictyons that King Philip, with the Thessalians and Bœotians, should undertake the management of the games;[9] but afterward, and even under the Roman emperors, the Amphictyons again appear in the possession of this privilege.[10] The ἐπιμεληταί had to maintain peace and order, and were assisted by μαστιγοφόροι, who executed any punishment at their command, and thus answered to the Olympian ἀλύται.[11]

The prize given to the victors in the Pythian games was from the time of the second Pythiad a laurel chaplet, so that they then became an ἀγὼν στεφανίτης, while before they had been an ἀγὼν χρηματίτης.[12] In addition to this chaplet, the victor here, as at Olympia, received the symbolic palm-branch, and was allowed to have his own statue erected in the Crissæan plain.[13]

The time when the Pythian games ceased to be solemnized is not certain, but they probably lasted as long as the Olympic games, *i. e.*, down to the year A.D. 394. In A.D. 191, a celebration of the Pythia is mentioned by Philostratus;[14] and in the time of the Emperor Julian they still continued to be held, as is manifest from his own words.[15]

Pythian games of less importance were celebrated in a great many other places where the worship of Apollo was introduced; and the games of Delphi are sometimes distinguished from these lesser Pythia by the addition of the words ἐν Δελφοῖς. But as by far the greater number of the lesser Pythia are not mentioned in the extant ancient writers, and are only known from coins or inscriptions, we shall only give a list of the places where they were held: Ancyra in Galatia, Aphrodisias in Caria, Antiochia, Carthæa in the island of Ceos,[1] Carthage,[2] Cibyra in Phrygia, Delos,[3] Emisa in Syria, Hierapolis in Phrygia, Magnesia, Megara,[4] Miletus, Neapolis in Italy, Nicæa in Bithynia, Nicomedia, Pergamus in Mysia, Perge in Pamphylia, Perinthus on the Propontis, Philippopolis in Thrace, Side in Pamphylia, Sicyon,[5] Taba in Caria, Thessalonice in Macedonia, in Thrace, Thyatira, and Tralles in Lydia, Tripolis on the Mæander, in Caria.[6]

PYXIS, *dim.* PYXIDULA (πύξις, *dim* πυξίδιον), a Casket, a Jewel-box.[7] Quintilian[8] produces this term as an example of catachresis, because it properly denoted that which was made of box (πύξος), but was applied to things of similar form and use made of any other material. In fact, the caskets in which the ladies of ancient times kept their jewels and other ornaments, were made of gold, silver, ivory, mother-of-pearl, tortoise-shell, &c. They were also much enriched with sculpture. A silver coffer, 2 feet long, 1½ wide, and 1 deep, most elaborately adorned with figures in bas-relief, is described by Böttiger.[9] The annexed woodcut (from



Ant. d'Ercolano, vol. ii., tab. 7) represents a plain jewel-box, out of which a dove is extracting a ribband or fillet. Nero deposited his beard in a valuable pyxis when he shaved for the first time. (*Vid* Barba, p. 138.)

The same term is applied to boxes used to contain drugs or poison,[10] and to metallic rings employed in machinery.[11]

*PYXUS (πύξος), the Boxwood-tree. (*Vid* Buxus.)

Q.

QUADRAGE'SIMA, the fortieth part of the imported goods, was the ordinary rate of the portorium.[12] Tacitus[13] says that the quadragesima was abolished by Nero, and had not been imposed again (*manet abolitio quadragesimæ*); but it appears most probable that this quadragesima abolished by Nero was not the portorium, but the tax imposed by Caligula[14] of the fortieth part of the value of all property respecting which there was any lawsuit. That the latter is the more probable opinion appears from the fact that we never read of this tax upon lawsuits after the time of Nero, while the former one is mentioned to the latest times of the Empire. Considerable difficulty, however, has arisen in consequence of some of the coins of Galba having *Quadragesima Remissa* upon them, which is supposed by some writers to contradict the passage of Tacitus, and by others to prove that Galba *abolished* the quadragesima of the portorium. The words, however, do not necessarily imply this: it was common, in seasons of scarcity and want, or as an act of special favour, for the emperors to *remit* certain taxes for a certain period, and it is

1. (Böckh ad Corp. Inscr. [illegible])—2. (Strab., ix., p. 404.)—3. (Schol. ad Aristoph., Av., 1585.)—4. (Æth., ii., 34.)—5. (Symp., ii., 4 — Compare Philostr., Apoll. Tyan., vi., 10.) — 6. (Plut., Symp., ii., 5.)—7. (Plut., Symp., ii., 4; vii., 5.)—8. (Krause, l. c., p. 44)—9. (Diod., xvi., 60.)—10. (Philostr., Vit. Soph., ii., 27.) —11. (Luc., adv. indoct., 9, &c.)—12. (Paus., x., 7, § 3.—Schol. in Argum. ad Pind., Pyth.)—13. (Plut., Symp., viii., 4.—Paus., vi., 15, § 3; 17, § 1.—Justin, xxiv., 7, 10.)—14 (Vit. Soph., ii., 27.)—15. (Jul., Epist. pro Argiv., p. 35 A.)

1. (Athen., x., p. 456, 467.)—2. (Tertull., Scorp., 6.)—3. (Dionys. Perieg., 527.)—4. (Schol. ad Pind. Nem., v., 84.—Ol xiii., 155.—Philostr., Vit. Soph., i., 3.)—5 (Pind., Olym., xiii., 105, with the schol.—Nem., ix., 51.)—6. (Krause, Die Pythien, Nemeen, und Isthmien, p. 1–106.)—7 (Mart., ix., 38.)—8. (viii., 6, § 35.)—9. (Sabina, i., p. 64–80, pl. iii.)—10. (Cic., Pro Cælio, 25–29.—Quintil., vi., 3, § 25.)—11. (Plin., H. N. xviii., 11, s. 29.) — 12. (Suet., Vespas., i. — Quintil., Declam., 359. — Symmach., Epist., v., 62, 65.) -13. (Ann., xiii., 51.)—14. Suet Cal., 40.)

probable that the coins of Galba were struck in commemoration of such a remission, and not of an abolition of the tax. (See Burmann, *De Vectigal.*, p. 64, &c., who controverts the opinions of Spanheim, *De Præst. et Usu Numism.*, vol. ii., p. 549.)

QUADRANS. (*Vid.* As, p. 111.)

QUADRANTAL. (*Vid.* Cubus.)

QUADRI'GA. (*Vid* Biga, Currus.)

QUADRIGA'TUS. (*Vid* Bigatus.)

QUA'DRUPES. (*Vid.* Pauperies.)

QUADRUPLATO'RES, public informers or accusers, were so called, either because they received a fourth part of the criminal's property, or because those who were convicted were condemned to pay fourfold (*quadrupli damnari*), as in cases of violation of the laws respecting gambling, usury, &c.[1] We know that on some occasions the accuser received a fourth part of the property of the accused;[2] but the other explanation of the word may also be correct, because usurers who violated the law were subjected to a penalty of four times the amount of the loan.[3] When the general right of accusation was given, the abuse of which led to the springing up of the quadruplatores, is uncertain; but originally all fines went into the common treasury, and while that was the case, the accusations, no doubt, were brought on behalf of the state.[4] Even under the Republic, an accusation of a public officer, who had merited it by his crimes, was considered a service rendered to the state: the name of quadruplatores seems to have been given by way of contempt to mercenary or false accusers.[5] Seneca[6] calls those who sought great returns for small favours *Quadruplatores beneficiorum suorum.*

QUADRUPLICA'TIO. (*Vid.* Actio, p. 19.)

QUÆSTIONES, QUÆSTIONES PERPETUÆ. (*Vid.* Judex, p. 552; Prætor, p. 806.)

QUÆSTOR is a name which was given to two distinct classes of Roman officers. It is derived from *quæro*, and Varro[7] gives a definition which embraces the principal functions of both classes of officers: "*Quæstores a quærendo, qui conquirerent publicas pecunias et malefacta.*" The one class, therefore, had to do with the collecting and keeping of the public revenues, and the others were a kind of public accusers. The former bore the name of *quæstores classici*, the latter of *quæstores parricidii*.[8]

The *quæstores parricidii* were, as we have said, public accusers, two in number, who conducted the accusation of persons guilty of murder or any other capital offence, and carried the sentence into execution.[9] Respecting their confusion with the duumviri perduellionis, see Perduellionis Duumviri. All testimonies agree that these public accusers existed at Rome during the period of the kings, though it is impossible to ascertain by which king they were instituted,[10] as some mention them in the reign of Romulus, and others in that of Numa. When Ulpian takes it for certain that they occurred in the time of Tullus Hostilius, he appears to confound them, like other writers, with the duumviri perduellionis, who in this reign acted as judges in the case of Horatius, who had slain his sister. During the kingly period there occurs no instance in which it could be said with any certainty that the quæstores parricidii took a part. As thus everything is so uncertain, and as the late writers are guilty of such manifest confusions, we can say no more than that such public accusers existed, and infer, from the analogy of later times, that they were appointed by the populus on the presentation of the king. In the early period of the Republic the quæstores parricidii appear to have become a standing office, which, like others, was held only for one year.[1] They were appointed by the populus or the curies on the presentation of the consuls.[2] When these quæstores discovered that a capital offence had been committed, they had to bring the charge before the comitia for trial.[3] They convoked the comitia through the person of a trumpeter, who proclaimed the day of meeting from the Capitol, at the gates of the city, and at the house of the accused.[4] When the sentence had been pronounced by the people, the quæstores parricidii executed it; thus they threw Spurius Cassius from the Tarpeian rock.[5] They were mentioned in the laws of the Twelve Tables, and after the time of the decemvirate they still continued to be appointed, though probably no longer by the curies, but either in the comitia centuriata or tributa, which they therefore must also have had the right to assemble in cases of emergency.[6] This appears to be implied in the statement of Tacitus, that in the year 447 B.C. they were created by the people without any presentation of the consuls. From the year 366 B.C. they are no longer mentioned in Roman history, as their functions were gradually transferred to the triumviri capitales[7] (*vid.* Triumviri Capitales), and partly to the ædiles and tribunes. (*Vid.* Ædiles, Tribuni.[8]) The quæstores parricidii have not only been confounded with the duumviri perduellionis, but also with the quæstores classici,[1] and this probably owing to the fact that they ceased to be appointed at such an early period, and that the two kinds of quæstors are seldom distinguished it ancient writers by their characteristic epithets.

The *quæstores classici* were officers intrusted with the care of the public money. Their distinguishing epithet classici is not mentioned by any ancient writer except Lydus,[10] who, however, gives an absurd interpretation of it. Niebuhr[11] refers it to their having been elected by the centuries ever since the time of Valerius Publicola, who is said to have first instituted the office.[12] They were at first only two in number, and, of course, taken only from the patricians. As the senate had the supreme administration of the finances, the quæstors were in some measure only its agents or paymasters, for they could not dispose of any part of the public money without being directed by the senate. Their duties consequently consisted in making the necessary payments from the ærarium, and receiving the public revenues. Of both they had to keep correct accounts in their *tabulæ publicæ*.[13] Demands which any one might have on the ærarium, and outstanding debts, were likewise registered by them.[14] Fines to be paid to the public treasury were registered and exacted by them.[15] Another branch of their duties, which, however, was likewise connected with the treasury, was to provide the proper accommodations for foreign ambassadors and such persons as were connected with the Republic by ties of public hospitality. Lastly, they were charged with the care of the burials and monuments of distinguished men, the expenses for which had been

1. (Pseudo-Ascon. in Cic., Divin., § 24, p. 110, ed. Orelli; in Verr., II, ii., § 21, p. 208. — Festus, s. v.) — 2. (Tac., Ann., iv., 31.) — 3. (Cato, De Re Rust., init.) — 4. (Niebuhr, Röm. Gesch., iv., p. 44.) — 5. (Cic., Div., ii., 7; c. Verr., II., ii., 7. — Plaut., Pers., i., 2, 10.—Liv., iii., 72.)—6. (De Benef., vii., 25.)—7. (De Ling. Lat., iv., p. 24, ed. Bip.)—8. (Dig. 1, tit. 2, s. 2, § 22, 23.) —9. (Festus, s. v. Parici and Quæstores.—Liv., ii., 41.—Dionys., viii., p. 546 ed. Sylb.)—10. (Fest., l. c.—Tacit., Ann., xi., 22.—Dig. 1, tit. 13.)

1. (Liv., iii., 24, 25.)—2. (Dig. 1, tit. 2, s. 2, § 23.—Tacit., l. c.) — 3. (Liv., iii., 24. — Dionys., viii., p. 544.) — 4. (Varro, De Ling. Lat., v., p. 75, &c., ed. Bip.)—5. (Dionys., viii., p. 546.—Liv., ii., 41.—Cic., De Repub., ii., 35.)—6. (Varro, De Ling Lat., v., p. 76.)—7. (Varro, iv., p. 24.—Val. Max., v., 4, § 7; viii., 4, § 2.—Sallust, Cat., 55.)—8. (Niebuhr, Hist. of Rome, iii., p 44.—Zachariæ, Sulla, ale ulner, &c., ii., p. 147, &c.)—9. (Tacit., l. c.—Zonar., vii., 13, &c.)—10. (De Mag., i., 27.)—11. (n. p. 430.) — 12. (Plut., Publ., 12.) — 13. (Polyb., vi., 13.) — 14 (Pseudo-Ascon. in Verr., p. 158, ed. Orelli.—Plut., Cat. Min 9 —15. (Liv., xxxviii., 60.—Tacit., Ann., xii., 28.)

decreed by the senate to be defrayed by the treasury. In the ærarium, and, consequently, under the superintendence of the quæstors, were kept the books in which the senatus consulta were registered,[1] while the original documents were in the keeping of the ædiles, until Augustus transferred the care of them also to the quæstors.[2]

In the year B.C. 421 the number of quæstors was doubled, and the tribunes tried to effect, by an amendment of the law, that a part (probably two) of the quæstors should be plebeians.[3] This attempt was indeed frustrated, but the interrex L. Papirius effected a compromise, that the election should not be restricted to either order. After this law was carried, eleven years passed without any plebeian being elected to the office of quæstor, until, in B.C. 409, three of the four quæstors were plebeians.[4] A person who had held the office of quæstor had undoubtedly, as in later times, the right to take his seat in the senate, unless he was excluded as unworthy by the next censors. And this was probably the reason why the patricians so determinately opposed the admission of plebeians to this office. (*Vid.* Senatus.) Henceforth the consuls, whenever they took the field against an enemy, were accompanied by one quæstor each, who at first had only to superintend the sale of the booty, the produce of which was either divided among the legion, or was transferred to the ærarium.[5] Subsequently, however, we find that these quæstors also kept the funds of the army, which they had received from the treasury at Rome, and gave the soldiers their pay; they were, in fact, the paymasters in the army.[6] The two other quæstors, who remained at Rome, continued to discharge the same duties as before, and were distinguished from those who accompanied the consuls by the epithet *urbani*. In the year B.C. 265, after the Romans had made themselves masters of Italy, and when, in consequence, the administration of the treasury and the raising of the revenues became more laborious and important, the number of quæstors was again doubled to eight;[7] and it is probable that henceforth their number continued to be increased in proportion as the Empire became extended. One of the eight quæstors was appointed by lot to the *quæstura Ostiensis*, a most laborious and important post, as he had to provide Rome with corn.[8] Besides the quæstor Ostiensis, who resided at Ostia, three other quæstors were distributed in Italy, to raise those parts of the revenue which were not farmed by the publicani, and to control the latter. One of them resided at Cales, and the two others probably in towns on the Upper Sea.[9] The two remaining quæstors, who were sent to Sicily, are spoken of below.

Sulla, in his dictatorship, raised the number of quæstors to twenty, that he might have a large number of candidates for the senate (*senatui explendo*[10]), and J. Cæsar even to forty.[11] In the year B.C. 49 no quæstors were elected, and Cæsar transferred the keeping of the ærarium to the ædiles. From this time forward the treasury was sometimes intrusted to the prætors, sometimes to the prætorii, and sometimes, again, to quæstors. (*Vid.* Ærarium.) Quæstors, however, both in the city and in the provinces, occur down to the latest period of the Empire. Some of them bore the title of *candidati principis*, and their only duty was to read in the senate the communications which the princeps had to make to this assembly (*libri principales, epistolæ principis*[1]) From the time of the Emperor Claudius, all quæstors, on entering upon their office, were obliged to give gladiatorial games to the people at their own expense, whereby the office became inaccessible to any one except the wealthiest individuals.[2] When Constantinople had become the second capital of the Empire, it received, like Rome, its quæstors, who had to give games to the people on entering upon their office; but they were probably, like the prætors, elected by the senate, and only announced to the emperor.[3]

The proconsul or prætor, who had the administration of a province, was attended by a quæstor This quæstor had undoubtedly to perform the same functions as those who accompanied the armies into the field; they were, in fact, the same officers, with the exception that the former were stationary in their province during the time of their office, and had, consequently, rights and duties which those who accompanied the army could not have. In Sicily, the earliest Roman province, there were two quæstors, answering to the two former divisions of the island into the Carthaginian and Greek territory. The one resided at Lilybæum, the other at Syracuse. Besides the duties which they had in common with the paymasters of the armies, they had to levy those parts of the public revenue in the province which were not farmed by the publicani, to control the publicani, and to forward the sums raised, together with the accounts of them, to the ærarium.[4] In the provinces, the quæstors had the same jurisdiction as the curule ædiles at Rome.[5] The relation existing between a prætor or proconsul of a province and his quæstor was, according to ancient custom, regarded as resembling that between a father and his son.[6] When a quæstor died in his province, the prætors had the right to appoint a pro quæstor in his stead;[7] and when the prætor was absent, the quæstor supplied his place, and was then attended by lictors.[8] In what manner the provinces were assigned to the quæstors after their election at Rome is not mentioned, though it was probably by lot, as in the case of the quæstor Ostiensis. But in the consulship of Decimus Drusus and Porcina it was decreed that the provinces should be distributed among the quæstors by lot, *ex senatus consulto*.[9] During the time of the Empire this practice continued, and if the number of quæstors elected was not sufficient for the number of provinces, those quæstors of the preceding year who had had no province might be sent out. This was, however, the case only in the provinces of the Roman people, for in those of the emperors there were no quæstors at all. In the time of Constantine the title of *quæstor sacri palatii* was given to a minister of great importance, whose office probably originated in that of the candidati principis. Respecting his power and influence, see Walter, *Gesch. d. Röm. R.*, p. 365.

QUÆSTO'RII LUDI. (*Vid.* Ludi Quæstorii.)

QUÆSTO'RIUM. (*Vid.* Castra.)

QUALUS. (*Vid.* Calathus.)

QUANTI MINO'RIS an actio which a buyer had against the seller of a thing, in respect of faults or imperfections with which the buyer ought to have been made acquainted; the object of the actio was to obtain an abatement in the purchase-money. This action was to be brought within a year or

1. (Joseph., Ant. Jud., xiv., 10, 10.—Plut., Cat. Min., 17.)—2. (Dion Cass., liv., 36.)—3. (Liv., iv., 43.—Niebuhr, ii., p. 430, &c.)—4. (Liv., iv., 54.)—5. (Liv., iv., 53.)—6. (Polyb., vi., 39.)—7. (Lyd., De Mag., i., 27.—Liv., Epit., lib. 15.—Niebuhr, iii., p. 645.)—8. (Cic., Pro Murena., 8; Pro Sext., 17.)—9. (Cic. in Vat., 5.)—10. (Tacit., Annal., xi., 22.)—11. (Dion Cass., xliii., 47, 51.)

1. (Dig. 1, tit. 13, § 2 and 4.—Lyd., De Mag., i., 28.—Lamprid., Alex. Sev., 43.—Plin., Epist., vii., 16.)—2. (Suet., Claud., 24.—Tacit., Annal., l. c., xiii., 5.—Suet., Domit., 4.—Lamprid., Alex. Sev., 43.)—3. (Walter, Gesch. des Röm. Rechts, p. 371.)—4. (Pseudo-Ascon. in Verr., p. 167, ed. Orelli.)—5. (Gaius, i., 6.)—6. (Cic., Divin., 19; c. Verr., II., i., 15; Pro Planc., 11; ad Fam., iii., 10.)—7. (Cic., c. Verr., l. c.)—8. (Cic. ad Fam. ii., 15; Pro Planc., 41.)—9. (Dig. 1, tit. 13, § 2.—Cic., c. Verr. ii., 1, 13.)

within six months, according as there was a cautio or not.[1] (*Vid.* Emtio et Venditio.)

QUARTA'RIUS. (*Vid.* Sextarius.)

QUASILLA'RIÆ. (*Vid* Calathus.)

QUASILLUM. (*Vid.* Calathus.)

QUATUORVIRI JURI DICUNDO. (*Vid.* Colonia, p. 282.)

QUATUORVIRI VIARUM CURANDARUM, four officers who had the superintendence of the roads (*viæ*), were first appointed after the war with Pyrrhus, when so many public roads were made by the Romans.[2] They appear to be the same as the *Viocuri* of Varro.[3]

*QUERCUS (*δρῦς*), the Oak, or "*Quercus* (Linn., *gen.* 1447) *species omnes*." "On reading attentively," says Fée, "the different passages of Virgil where mention is made of the oak, it is easy to perceive that the poet refers to several species, the determination of which would not be an easy task. The kind of oak, however, which figures most commonly in his verses as the symbol of strength, and which, moreover, from its majestic beauty, was consecrated to the father of the gods, is the species to which botanists have given the name of *Quercus robur*, and which abounds in Europe." According to ancient legends, the fruit of the oak served as nourishment for the early race of mankind. If this account be true, it must have been on the acorns of the *Quercus ilex* that the primitive race of mankind supported themselves. They are still used as an article of food by the inhabitants of certain countries in the south of Europe, and taste, when roasted, like chestnuts. In the year 1812, during the Peninsular War, the French troops cantoned in the environs of Salamanca, where immense forests of the *Quercus ballota* exist, lived for several days on the fruit of these trees. "The species of oak described by Theophrastus may be thus arranged: 1. the *δρῦς ἥμερις*, *Quercus robur*.—2. *δ. αἰγίλωψ*, *Q. ægilops*.—3. *δ. πλατύφυλλος* (uncertain).—4. *δ. φηγός*, *Q. æsculus*.—5. *δ. ἁλίφλοιος* (uncertain).—6. *δ. φέλλος*, *Q. suber*.—7. *δ. ἐτυμόδρυς* (uncertain).—8. *δ. ὀσπρις*, *Q. cerris*.—The *δρῦς* of Homer is referable to both the *Q. ilex* and *Q. æsculus*." (*Vid.* Æsculus.)[4]

QUERE'LA INOFFICIO'SI TESTAMENTI. (*Vid.* Testamentum.)

QUINA'RIUS. (*Vid.* Denarius.)

QUINCUNX. (*Vid.* As, p. 110.)

QUINDECEMVIRI. (*Vid.* Decemviri, p. 340.)

QUINQUAGE'SIMA, the fiftieth, or a tax of two per cent. upon the value of all slaves that were sold, was instituted by Augustus, according to Dion Cassius.[5] Tacitus,[6] however, mentions the twenty-fifth, or a tax of four per cent. upon the sale of slaves in the time of Nero: if both passages are correct, this tax must have been increased after the time of Augustus, probably by Caligula, who, we are told by Suetonius,[7] introduced many new taxes.[8]

We are also told by Tacitus[9] that Nero abolished the quinquagesima; this must have been a different tax from the above-mentioned one, and may have been similar to the quinquagesima mentioned by Cicero[10] in connexion with the aratores of Sicily.

A duty of two per cent. was levied at Athens upon exports and imports. (*Vid.* Pentecoste.)

QUINQUATRUS or QUINQUA'TRIA, a festival sacred to Minerva, which was celebrated on the 19th of March (*a. d.* XIV., *Kal. Apr.*), and was so called, according to Varro,[1] because it was the fifth day after the ides, in the same way as the Tusculans called a festival on the sixth day after the ides *Sextatrus*, and one on the seventh *Septimatrus*. Gellius[2] and Festus[3] also give the same etymology, and the latter states that the Faliscans too called a festival on the tenth day after the ides *Decimatrus*.[4] Both Varro and Festus state that the quinquatrus was celebrated for only one day, but Ovid[5] says that it was celebrated for five days, and was for this reason called by this name: that on the first day no blood was shed, but that on the last four there were contests of gladiators. It would appear, however from the above-mentioned authorities, that the first day was only the festival properly so called, and that the last four were merely an addition, made, perhaps in the time of Cæsar, to gratify the people, who became so passionately fond of gladiatorial combats. The ancient calendars, too, assign only one day to the festival.

Ovid[6] says that this festival was celebrated in commemoration of the birthday of Minerva; but, according to Festus, it was sacred to Minerva because her temple on the Aventine was consecrated on that day. On the fifth day of the festival, according to Ovid,[7] the trumpets used in sacred rites were purified; but this seems to have been originally a separate festival, called *Tubilustrium*,[8] which was celebrated, as we know from the ancient calendars, on the 23d of March (*a. d.* X., *Cal. Apr.*), and would, of course, when the quinquatrus was extended to five days, fall on the last day of that festival.

As this festival was sacred to Minerva, it seems that women were accustomed to consult fortune-tellers and diviners upon this day.[9] Domitian caused it to be celebrated every year in his Alban Villa, situated at the foot of the hills of Alba, and instituted a collegium to superintend the celebration, which consisted of the hunting of wild beasts, of the exhibition of plays, and of contests of orators and poets.[10]

There was also another festival of this name, called *Quinquatrus Minusculæ* or *Quinquatres Minores*, celebrated on the ides of June, on which the tibicines went through the city in procession to the Temple of Minerva.[11]

QUINQUENNA'LIA were games instituted by Nero, A.D. 60, in imitation of the Greek festivals, and celebrated, like the Greek *πενταετηρίδες*, at the end of every four years: they consisted of musical, gymnastic, and equestrian contests, and were called *Neroniana*.[12] Suetonius and Tacitus[13] say that such games were first introduced at Rome by Nero, by which they can only mean that games consisting of the three contests were new, since *quinquennalia* had been previously instituted both in honour of Julius Cæsar[14] and of Augustus.[15] The quinquennalia of Nero appear not to have been celebrated after his time till they were revived again by Domitian in honour of the Capitoline Jupiter.[16]

QUINQUENNA'LIS. (*Vid.* Colonia, p. 283.)

QUINQUERE'MIS. (*Vid.* Ships.)

QUINQUERTIUM. (*Vid.* Pentathlon.)

QUINQUEVIRI, or five commissioners, were frequently appointed, under the Republic, as extraordinary magistrates to carry any measure into effect. Thus *quinquviri mensarii*, or public bankers, were sometimes appointed in times of great distress (*vid.*

1. (Dig. 21, tit. 1; 44, tit. 2.)—2. (Dig. ., tit. 2, s. 2, § 30.—Orelli, Inscrip., n. 773.)—3. (De Ling. Lat., v., 7, ed. Müller.)—4. (Fée, Flore de Virgile, p. cxxxviii.—Theophr., H. P., i., 5; ii., 5; iv., 6.—Adams, Append., s. v.)—5. (Iv., 31.)—6. (xiii., 31.)—7. (in Vita, c. 40.)—8. (Burmann, De Vectig., p. 69, &c.)—9. (Ann., xiii., 51.)—10. (c. Verr., II., iii., 49.)

1. (De Ling. Lat., vi., 14, ed. Müller.)—2. (ii. 21.)—3. (s. v.)—4. (Compare Müller, Etrusker, ii., p. 49.)—5. (Fast., iii., 809, &c.)—6. (l. c.)—7. (l. 849.)—8 (Festus, s. v.—Varro, l. c.)—9 (Plaut., Mil., iii., 1, 98.)—10. (Suet., Dom., 4.)—11. (Varro, De Ling. Lat., vi., 17.—Ovid, Fasti, vi., 651, &c.—Festus, p. 149, ed. Müller.)—12. (Suet., Ner., 12.—Tac., Ann., xiv., 20.—Dion Cass., lxi., 21.)—13. (ll. cc.)—14. (Dion Cass., xliv., 6.)—15 (Ibid. li., 19.—Suet., Octav., 59.)—16. (Suet., Dom., 4.)

MENSARII); the same number of commissioners was sometimes appointed to superintend the formation of a colony, though three (*triumviri*) was a more common number. (*Vid.* COLONIA, p. 280.) We find, too, that quinqueviri were created to superintend the repairs of the walls and of the towers of the city,[1] as well as for various other purposes.

Besides the extraordinary commissioners of this name, there were also permanent officers, called quinqueviri, who were responsible for the safety of the city after sunset, as it was inconvenient for the regular magistrates to attend to this duty at that time: they were first appointed soon after the war with Pyrrhus.[2]

QUINTA'NA. (*Vid.* CASTRA.)

QUINTI'LIS. (*Vid.* CALENDAR, ROMAN.)

QUIRINA'LIA, a festival sacred to Quirinus, which was celebrated on the 17th of February (*a. d.* XIII., *Cal. Mart.*), on which day Romulus (Quirinus) was said to have been carried up to heaven.[3] This festival was also called *Stultorum feriæ*, respecting the meaning of which, see FORNACALIA.

QUIRINA'LIS FLAMEN. (*Vid.* FLAMEN.)

QUIRI'TIUM JUS. (*Vid.* CIVITAS, ROMAN; JUS, p. 561.)

QUOD JUSSU, ACTIO. (*Vid.* JUSSU, QUOD, ACTIO.)

QUORUM BONORUM, INTERDICTUM. The object of this interdict is to give to the prætorian heres the possession of anything belonging to the hereditas which another possesses pro herede or pro possessore. The name of this interdict is derived from the introductory words, and it runs as follows: "*Ait prætor: Quorum bonorum ex edicto meo illi possessio data est: quod de his bonis pro herede aut pro possessore possides, possidereve si nihil usucaptum esset: quod quidem dolo malo fecisti, uti desineres possidere: id illi restituas.*" The plaintiff is entitled to this interdict when he has obtained the bonorum possessio, and when any one of the four following conditions apply to the defendant.

1. *Quod de his bonis pro herede.*
2. *Aut pro possessore possides.*
3. *Possidereve si nihil usucaptum esset.*
4. *Quod quidem dolo malo fecisti, uti desineres possidere.*

The first two conditions are well understood, and apply, also, to the case of the hereditatis petitio. The fourth condition also applies to the case of the hereditatis petitio and the rei vindicatio; but, instead of "*quod quidem*," the reading "*quodque*" has been proposed, which seems to be required; for No. 4 has no reference to No. 3, but is itself a new condition. The words of No. 3 have caused some difficulty, which may be explained as follows.

In establishing the bonorum possessio, the prætor intended to give to many persons, such as emancipated children and cognati, the same rights that the heres had; and his object was to accomplish this effectually. The Roman heres was the representative of the person who had died and left an hereditas, and by virtue of this representative or juristical fiction of the person of the dead having a continued existence in the person of the heres, the heres succeeded to his property, and to all his rights and obligations. In the matter of rights and obligations the prætor put the bonorum possessio in the same situation as the heres, by allowing him to sue in respect of the claims that the deceased had, and allowing any person to sue him in respect of claims against the deceased, in an actio utilis or fictitia.[4] In respect to the property, according to the old law any person might take possession of a thing belonging to the hereditas, and acquire the ownership of it in a certain time by usucapion.[1] The persons in whose favour the prætor's edict was made could do this as well as any other person; but if they found any other person in possession of anything belonging to the hereditas, they could neither claim it by the vindicatio, for they were not owners, nor by the hereditatis petitio, for they were not heredes. To meet this difficulty, the interdictum quorum bonorum was introduced, the object of which was to aid the bonorum possessor in getting the possession (whence the title of the interdictum adipiscendæ possessionis), and so commencing the usucapion. If he lost the possession before the usucapion was complete, he could, in most cases, recover it by the possessorial interdicts properly so called, or by other legal means. This, according to Savigny, is the origin of the bonorum possessio.

In course of time, when bonitarian ownership (in bonis) was fully established, and coexisted with Quiritarian ownership, this new kind of ownership was attributed to the bonorum possessor after he had acquired the bonorum possessio, and thus all that belonged to the deceased ex jure Quiritium became his in bonis, and finally, by usucapion, ex jure Quiritium, though in the mean time he had most of the practical advantages of Quiritarian ownership. Ultimately the bonorum possessio came to be considered as a species of hereditas, and the like forms of procedure to those in the case of the real hereditas were applied to the case of the bonorum possessio: thus arose the possessoria hereditatis petitio, which is mentioned by Gaius, and cannot, therefore, be of later origin than the time of Marcus Aurelius. Thus the new form of procedure, which would have rendered the interdict quorum bonorum unnecessary if it had been introduced sooner, coexisted with the interdict, and a person might avail himself of either mode of proceeding, as he found best.[2] In the legislation of Justinian we find both forms of procedure mentioned, though that of the interdict had altogether fallen into disuse.[3]

According to the old law, any possessor, without respect to his title, could, by usucapion pro herede, obtain the ownership of a thing belonging to the hereditas; and, of course, the bonorum possessor was exposed to this danger as much as the heres. If the time of usucapion of the possessor was not interrupted by the first claim, the heres had no title to the interdict, as appears from its terms, for such a possessor was not included in No. 1 or 2. Hadrian,[4] by a senatus consultum, changed the law so far as to protect the heres against the complete usucapion of an improbus possessor, and to restore the thing to him. Though the words of Gaius are general, there can be no doubt that the senatus consultum of Hadrian did not apply to the usucapion of the bonorum possessor nor to that of the bonæ fidei possessor. Now if we assume that the senatus consultum of Hadrian applied to the bonorum possessor also, its provisions must have been introduced into the formula of the interdict, and thus the obscure passage No. 3 receives a clear meaning, which is this: You shall restore that also which you no longer possess pro possessore, but once so possessed, and the possession of which has only lost that quality in consequence of a lucrativa usucapio. According to this explanation, the passage No. 3 applies only to the new rule of law established by the senatus consultum of Hadrian, which allowed the old usucapion of the improbus possessor to have its legal effect, but rendered it useless to him by compelling restitution. In the legislation of Justinian, consequently, these words have no meaning

1. (Liv., xxv., 7.)—2. (Dig. 1, tit. 2, s. 2, § 31.)—3. (Ovid, Fast., ii., 475.—Fest., s. v.—Varro, De Ling. Lat., vi., 13, ed. Müller.)—4. (Ulp., Frag., tit. 28, s. 12.—Gaius, iv. 34.)

1. (Gaius, iii., 52–58.)—2. (Gaius, iii., 34.)—3. (Inst., iv., tit. 15.)—4. (Gaius, ii., 57.)

since that old usucapion forms no part of it; yet the words have been retained in the compilation of Justinian, like many others belonging to an earlier age, though in their new place they are entirely devoid of meaning.[1]

R.

*RAIA, a species of fish, the Skate. (*Vid.* Batis.)

RAMNES, RAMNENSES. (*Vid.* Patricii.)

*RANA, the Frog. (*Vid.* Batrachus.)

*RANUNCULUS, a plant. (*Vid.* Batrachion.)

*RAPHANUS. (*Vid.* Rhaphanis.)

RAPINA. (*Vid.* Bona Rapta, Furtum.)

RASTER or RASTRUM, *dim.* RASTELLUS, RALLUS, RALLUM (*ξυστήρ*), a spud (*vid.* Katrinos) a rake, a hoe.

Agreeably to its derivation from *rado, to scrape*, "raster" denoted a hoe which in its operation and in its simplest form resembled the scrapers used by our scavengers in cleansing the streets. By the division of its blades into tines or prongs, it assumed more of the form of our garden-rakes, and it was distinguished by the epithets *bidens* and *quadridens*,[2] according to the number of the divisions.

The *rastcr bidens* was by far the most common species, and hence we frequently find it mentioned under the simple name *bidens*.[3] This term corresponds to the Greek *δίκελλα*, for which *σμινύη* was substituted in the Attic dialect.[4] The bidens was used to turn up the soil, and thus to perform, on a small scale, the part of a plough.[5] But it was much more commonly used in the work called *occatio* and *βωλοκοπία, i. e.*, the breaking down of the clods after ploughing.[6] (*Vid.* Malleus.) Hence it was heavy.[7] The prongs of the bidens held by the rustic in the woodcut at p. 715 are curved, which agrees with the description of the same implement in Catullus.[8] Vine-dressers continually used the bidens in hacking and breaking the lumps of earth, stirring it, and collecting it about the roots of the vines.[9] In stony land it was adapted for digging trenches, while the spade was better suited to the purpose when the soil was full of the roots of rushes and other plants.[10] (*Vid.* Pala.) Wooden rakes were sometimes used.[11]

RATIONIBUS DISTRAHENDIS ACTIO. (*Vid.* Tutela.)

RECEPTA; DE RECEPTO, ACTIO. The prætor declared that he would allow an action against nautæ, caupones, and stabularii, in respect of any property for the security of which they had undertaken (*receperint*, whence the name of the action), if they did not restore it. The meaning of the term nauta has been explained (*vid.* Exercitoria Actio): the meaning of caupo follows from the description of the business of a caupo.[12] "A nauta, caupo, and stabularius are paid, not for the care which they take of a thing, but the nauta is paid for carrying passengers, the caupo for permitting travellers to stay in his caupona, the stabularius for allowing beasts of burden to stay in his stables, and yet they are bound for the security of the thing also (*custodiæ nomine tenentur*)." The two latter actions are similar to such actions as arise among us against innkeepers and livery-stable-keepers, on whose premises loss or injury has been sustained with respect to the property of persons which they have by legal implication undertaken the care of. At first sight there seems no reason for these prætoria actiones, as the person who had sustained loss would either have an actio locati and conducti in cases where payment had been agreed on, or an actio depositi where no payment had been agreed on; but Pomponius suggests that the reason was this: in a matter of locatum and conductum, the receiver was only answerable for loss in case he was guilty of culpa; and in a matter of depositum, only in case he was guilty of dolus malus; but the receiver was liable to these prætoriæ actiones if the thing was lost or injured even without any culpa on his part, and he was only excused in case of damnum fatale, such as shipwreck, piracy, and so forth.

These prætorian actions in factum were either "*rei persecutoriæ*" for the recovery of the thing, or "*pœnales*" for damages. The former action might be maintained against the heres of the nauta, caupo, or stabularius. The exercitor of a ship was answerable for any loss or damage caused to property, which he had received in the legal sense of this term, by any person in his employment. The actio against him was in duplum. The liability on the part of caupones and stabularii was the same: a caupo, for instance, was answerable for loss or damage to the goods of any traveller who lodged in his house, if caused by those who were dwelling in the caupona, but not if caused by other travellers. The actio for damages could not be maintained against the heres.[1]

When parties who had a matter to litigate had agreed to refer it to an arbitrator, which reference was called compromissum, and a person had accepted the office of arbitrator (*arbitrium receperit*) the prætor would compel him to pronounce a sentence, unless he had some legal excuse. The prætor could compel a person of any rank, as a consularis, for instance, to pronounce a sentence after taking upon him the office of arbitrator; but he could not compel a person who held a magistratus or potestas, as a consul or prætor, for he had no imperium over them. The parties were bound to submit to the award of the arbitrator; and if either party refused to abide by it, the other had against him a pœnæ petitio, if a pœna was agreed on in the compromissum; and if there was no pœna in the compromissum, he had an incerti actio.[2]

RECISSORIA ACTIO. (*Vid.* Intercessio, p. 542)

RECUPERATORES. (*Vid.* Actio, p. 18; Judex, p. 550.)

REDEMPTOR, the general name for a contractor who undertook the building and repairing of public works, private houses, &c., and, in fact, of any kind of work.[3] The farmers of the public taxes were also called *Redemptores*.[4]

REDHIBITORIA ACTIO was an actio which a buyer had against a seller for rescinding the bargain of sale on account of any defect in the thing purchased, which the buyer was not acquainted with, and which, according to the edict of the curule ædiles, he ought to have been acquainted with. "Redhibere," says Ulpian, "is so to act that the seller shall have back what he had; and because this is done by restoration, for that reason it is called '*redhibitio*,' which is as much as to say '*redditio*.'" The effect of the redhibitio was to rescind the bargain, and to put both parties in the same condition as if the sale had never taken place. The time allowed for prosecuting the actio redhibitoria was "*sex menses utiles*," which were reckon-

1. (Savigny, Ueber das Interdict Quorum Bonorum, Zeitschrift, &c., vol. v. — Dig. 43, tit. 2. — Gaius, iv., 144.) — 2. (Cato, De Re Rust., 10.)—3. (Juv., iii., 228.)—4. (Xen., Cyrop., vi., 2, § 34, 36.—Aristoph., Nub., 1488, 1502.—Aves, 601.—Pluryn., Ecl., p. 302, ed. Lobeck.—Plato, Repub., p. 426, *f.*—Tim., Lex. Plat., s. v.)—5. (Plin., H. N., xvii., 9, s. 6.)—6. (Virg., Georg., i., 94, 155.)—7. (Ovid, Met., xi., 101.)—8. (vi., 39.)—9. (Virg., Georg., ii., 355, 400.—Col., De Re Rust., iii., 13; iv., 14.—Geopon., v., 25.)—10. (Plin., H. N., xviii., 6, s. 8.—Suetou., Nero, 19.)—11 (Col., De Re Rust., ii., 13.)—12. (Dig. 4 tit. 9, s. 5.)

1. (Dig. 4, tit. 9.—Peckii in Titt., Dig. et Cod., Ad rem nauticam pertinentes Commentarii, &c., Amstel., 1668.)—2. (Dig. 4, tit. 8.)—3. (Festus, s. v.—Hor., Carm., iii., 1, 35.—Ep., i., 2, 72.—Cic., De Div., ii., 21.)—4 (Dig. 19, tit. 2, s. 60 § 8.)

ed from the day of sale, or from the time when any statement or promise had been made relating to the matter (*dictum promissumve*, the words of the edict[1]).

REDIMIC'ULUM (*καθετήρ*), a fillet attached to the CALANTICA, DIADEMA, mitra, or other headdress at the occiput, and passed over the shoulders so as to hang on each side over the breast.[2] Redimicula were properly female ornaments;[3] and in the statues of Venus they were imitated in gold.[4]

RE GIA LEX. A lex regia during the kingly period of Roman history might have a twofold meaning. In the first place, it was a law which had been passed by the comitia under the presidency of the king, and was thus distinguished from a lex tribunicia, which was passed by the comitia under the presidency of the tribunus celerum. In later times, all laws, the origin of which was attributed to the time of the kings, were called leges regiæ, though it by no means follows that they were all passed under the presidency of the kings, and much less, as some modern scholars have supposed, that they were enacted by the kings without the sanction of the curies. Some of these laws were preserved and followed at a very late period of Roman history. Livy[5] tells us, that after the city was burned by the Gauls, the leges regiæ still extant were collected. That they were followed at a much later period is clear from Livy.[6] Fragments of such laws are preserved in Festus,[7] Pliny,[8] and others.[9] The minute detail into which some of them appear to have entered, allows us to infer that their number was not small. The existence of such leges belonging to the period of the kings cannot be doubted, though it may be uncertain whether they were written at so early a period.[10] (*Vid.* JUS CIVILE, PAPIRIANUM.)

The second meaning of lex regia during the kingly period was undoubtedly the same as that of the lex curiata de imperio. (*Vid.* IMPERIUM.) This is, indeed, not mentioned by any ancient writer, but must be inferred from the lex regia which we meet with under the Empire, for the name could scarcely have been invented then; it must have come down from early times, when its meaning was similar, though not by far as extensive. During the Empire the curies continued to hold their meetings, though they were only a shadow of former times; and after the election of a new emperor, they conferred upon him the imperium in the ancient form by a lex curiata de imperio, which was now usually called lex regia. The imperium, however, which this regia lex conferred upon an emperor, was of a very different nature from that which in former times it had conferred upon the kings. It now embraced all the rights and powers which formerly the populus Romanus had possessed, so that the emperor became what formerly the populus had been, that is, sovereign. Hence he could do all those things on his own authority which had formerly been done by the populus Romanus, or, at least, only with its sanction.[11] A fragment of such a lex regia, conferring the imperium upon Vespasian, engraved upon a brazen table, is still extant in the Lateran at Rome. It is generally called, though wrongly, Senatus consultum de Vespasiani Imperio. It is copied in Ernesti, Excurs. ii. on Tacitus, vol. ii., p. 604, &c., ed. Bekker.[12]

1. (Dig. 21, tit. 1.)—2. (Virg., Æn., ix., 616.—Ovid, Met., x., 265.)—3. (Festus, s. v.—Ovid, Epist., ix., 71.—Juv., ii., 70.—Prudent., Psychom., 448.)—4. (Ovid, Fast., iv., 135–137.)—5. (vi., 1.)—6. (xxxiv., 6.)—7. (s. v. Florare and occisum.)—8. (H. N., xxxiii., 10.)—9. (Compare Dionys., ii., 10.—Tacit., Ann., iii., 26; xii., 8.—Dig. 1, tit. 2, s. 2, § 2.)—10. (Dirksen, Uebersicht d. bisherigen Versuche zur Kritik und Herstellung des Textes der Ueberbleibsel von den Gesetzen der Röm. Könige, p 234, &c.)—11. (Dig. 1, tit. 4, s. 1.—Cod., i., tit. 17, s. 1.)—12. (Compare Tacit., Hist., iv. 3 6.—Niebuhr Hist. of Rome, i., p. 343.)

REGIFU'GIUM or FUGA'LIA, the king's flight, a festival which was held by the Romans every year on the 24th of February, and, according to Verrius[1] and Ovid,[2] in commemoration of the flight of King Tarquinius Superbus from Rome. The day is marked in the fasti as nefastus. In some ancient calendaria the 24th of May is likewise called Regifugium, and in others it is described as Q. Rex C. F., that is, "*quando rex comitiavit fas*," or "*quando rex comitio fugit.*" Several ancient as well as modern writers have denied that either of these days had anything to do with the flight of King Tarquinius,[3] and are of opinion that these two days derived their name from the symbolical flight of the rex sacrorum from the comitium; for this king-priest was generally not allowed to appear in the comitium, which was destined for the transaction of political matters, in which he could not take part. But on certain days in the year, and certainly on the two days mentioned above, he had to go to the comitium for the purpose of offering certain sacrifices, and immediately after he had performed his functions there he hastily fled from it; and this symbolical flight was called Regifugium.[4]

REGULA (*κανών*), the ruler used by scribes for drawing right lines with pen and ink;[5] also the rule used by carpenters, masons, and other artificers, either for drawing straight lines or making plane surfaces.[6] That it was marked with equal divisions, like our carpenter's rules, is manifest from the representations of it among the "*instrumenta fabrorum tignariorum*," in the woodcuts at pages 252, 664. The substance with which the lines were made was raddle or red ochre (*μίλτος*). (*Vid.* LINEA.)

The scalebeam is sometimes called *κανών* instead of *ζυγόν*. (*Vid* JUGUM.) Two rulers were sometimes fixed crossways, in the form of the letter **X**, as a support for a piece of machinery.[8]

REI UXO'RIÆ or DOTIS ACTIO. (*Vid.* DOS.)
RELATIO. (*Vid.* SENATUS.)
RELEGA'TIO. (*Vid.* BANISHMENT, ROMAN.)
REMANCIPA'TIO. (*Vid.* EMANCIPATIO.
REMMIA LEX. (*Vid.* CALUMNIA.)
REMU'RIA. (*Vid.* LEMURIA.)
REMUS. (*Vid.* SHIPS.)
REPA'GULA. (*Vid.* JANUA, p. 526.)

REPETUNDÆ or PECUNIÆ REPETUNDÆ. Repetundæ pecuniæ was the term used to designate such sums of money as the socii of the Roman state or individuals claimed to recover from magistratus, judices, or publici curatores, which they had improperly taken or received in the provinciæ or in the urbs Roma, either in the discharge of their jurisdictio, or in their capacity of judices, or in respect of any other public function. Sometimes the word repetundæ was used to express the illegal act for which compensation was sought, as in the phrase "*repetundarum insimulari, damnari;*" and pecuniæ meant not only money, but anything that had value. Originally inquiry was made into this offence extra ordinem ex senatus consulto, as appears from the case of P. Furius Philus and M. Matienus, who were accused of this offence by the Hispani.[9] The first lex on the subject was the Calpurnia, which was proposed and carried by the tribunus plebis L. Calpurnius Piso (B.C. 149), who also distinguished himself as an historical writer. By this lex a prætor was appointed for trying persons charged with this crime.[10] This lex only applied to provincial

1. (ap. Fest., s. v. Regifugium.)—2. (Fast., ii., 685, &c.)—3. (Cincius ap. Fest., l. c.)—4. (Festus, l. c.—Plut., Quæst. Rom. 63.—Ovid, Fast., v., 727.)—5. (Brunck, Anal., iii., 69, 87.)—(Aristoph., Ran., 798.—Vitruv., vii., 3, § 5.)—7. (Brunck, Anal., i., 221.)—8. (Col., De Re Rust., iii., 13.)—9. (Liv., xliii., 2.)—(Cic., De Off., ii., 21.—Id., Brut., 27.)

magistratus, because in the year B.C 141, according to Cicero,[1] the like offence in a magistratus urbanus was the subject of a quæstio extra ordinem. It seems that the penalties of the lex Calpurnia were merely pecuniary, and, at least, did not comprise exsilium, for L. Lentulus, who was censor B.C. 147, had been convicted on a charge of repetundæ in the previous year. The pecuniary penalty was ascertained by the litis æstimatio, or taking an account of all the sums of money which the convicted party had illegally received.

Various leges De Repetundis were passed after the lex Calpurnia, and the penalties were continually made heavier. The lex Junia was passed probably about B C. 126, on the proposal of M. Junius Pennus, tribunus plebis. It is probable that this was the lex under which C. Cato, proconsul of Macedonia, was living in exile at Tarraco;[2] for at least exsilium was not a penalty imposed by the Calpurnia lex, but was added by some later lex. This lex Junia and the lex Calpurnia are mentioned in the lex Servilia.

The lex Servilia Glaucia was proposed and carried by C. Servilius Glaucia, prætor, in the sixth consulship of Marius, B.C. 100. This lex applied to any magistratus who had improperly taken or received money from any private person; but a magistratus could not be accused during the term of office. The lex enacted that the prætor peregrinus should annually appoint 450 judices for the trial of this offence: the judices were not to be senators. The penalties of the lex were pecuniary and exsilium; the law allowed a comperendinatio.[3] Before the lex Servilia, the pecuniary penalty was simply restitution of what had been wrongfully taken; this lex seems to have raised the penalty to double the mount of what had been wrongfully taken; and subsequently it was made quadruple. Exsilium was only the punishment in case a man did not abide his trial, but withdrew from Rome.[4] Under this lex were tried M. Aquillius, P. Rutilius, M. Scaurus, and Q. Metellus Numidicus. The lex gave the civitas to any person on whose complaint a person was convicted of repetundæ.[5] When Sigonius was professor at Padua, he found in the library of Cardinal Bembo two fragments of a Roman law on bronze, which, for reasons apparently sufficient, he considers to be fragments of this lex Servilia. The inscription, which is greatly mutilated, is given in the work of Sigonius De Judiciis, and has also been published by Klenze, Berol., 1825, but the writer has not seen the work of Klenze.

The lex Acilia, which seems to be of uncertain date, was proposed and carried by M. Acilius Glabrio, a tribunus plebis, which enacted that there should be neither ampliatio nor comperendinatio. It is conjectured that this is the lex Cæcilia mentioned by Valerius Maximus,[6] in which passage, if the conjecture is correct, we should read Acilia for Cæcilia.[7] It has been doubted whether the Acilia or Servilia was first enacted, but it appears that the Acilia took away the comperendinatio which the Servilia allowed.

The lex Cornelia was passed in the dictatorship of Sulla, and continued in force to the time of C. Julius Cæsar. It extended the penalties of repetundæ to other illegal acts committed in the provinces, and to judices who received bribes, to those to whose hands the money came, and to those who did not give into the ærarium their proconsular accounts (proconsulares rationes). The prætor who presided over this quæstio chose the judges by lot from the senators, whence it appears that the Servilia lex was repealed by this lex, at least so far as related to the constitution of the court. This lex also allowed ampliatio and comperendinatio. The penalties were pecuniary (litis æstimatio) and the aquæ et ignis interdictio. Under this lex were tried L. Dolabella, Cn. Piso, C. Verres, C. Macer, M. Fonteius, and Lucius Flaccus, the last two of whom were defended by Cicero. In the Verrine orations, Cicero complains of the comperendinatio, or double hearing of the cause which the lex Cornelia allowed, and refers to the practice under the lex Acilia, according to which the case for the prosecution, the defence, and the evidence were only heard once, and so the matter was decided.[1]

The last lex De Repetundis was the lex Julia, passed in the first consulship of C. Julius Cæsar, B.C. 59.[2] This lex consisted of numerous heads (capita), which have been collected by Sigonius. This lex repealed the penalty of exsilium, but, in addition to the litis æstimatio, it enacted that persons convicted under this lex should lose their rank, and be disqualified from being witnesses, judices, or senators. This is the lex which was commented on by the jurists, whose expositions are preserved in the Digest[3] and in the Code.[4] This lex adopted some provisions that existed in previous leges, as, for instance, that by which the money that had been improperly retained could be recovered from those into whose hands it could be traced.[5] The lex had been passed when Cicero made his oration against Piso, B.C. 55.[6] A. Gabinius was convicted under this lex. Many of its provisions may be collected from the oration of Cicero against Piso. Cicero boasts that in his proconsulship of Cilicia there was no cost caused to the people by himself, his legati, quæstor, nor any one else; he did not even demand from the people what the lex (Julia) allowed him.[7]

Under the Empire, the offence was punishable with exile.[8]

In Clinton's *Fasti Hellenici*, the lex Calpurnia is incorrectly stated to be the first law at Rome against bribery at elections. Bribery is AMBITUS.

(Sigonius, *De Judiciis*, ii., c. 27, to which subsequent writers have added very little.)

REPLICA'TIO. (*Vid.* ACTIO, p. 19.)

REPOSITO'RIA. (*Vid.* CŒNA, p. 275.)

REPO'TIA. (*Vid.* MARRIAGE, ROMAN, p. 625.)

REPU'DIUM. (*Vid.* DIVORTIUM.)

RES. (*Vid.* DOMINIUM.)

RES MA'NCIPI. (*Vid.* DOMINIUM.)

RESCRIPTUM. (*Vid.* CONSTITUTIONES.)

RESPONSA. (*Vid.* JURISCONSULTI.)

RESTITU'TIO IN INTEGRUM, in the sense in which the term will here be used, signifies the rescinding of a contract or transaction, so as to place the parties to it in the same position with respect to one another which they occupied before the contract was made or the transaction took place. The restitutio here spoken of is founded on the Edict. If the contract or transaction is such as not to be valid according to the jus civile, this restitutio is not needed, and it only applies to cases of contracts and transactions which are not in their nature or form invalid. In order to entitle a person to the restitutio, he must have sustained some injury capable of being estimated, in consequence of the contract or transaction, and not through any fault of his own, except in the case of one who is minor XXV. annorum, who was protected by the restitutio against the consequences of his own carelessness. The injury, also, must be one for which the injured person has no other remedy.

1. (De Fin., ii., 16.)—2. (Cic., Pro Balbo, 11.—Vell. Paterc., ii. 8.)—3. (Cic. in Verr., II., i., 9.)—4. (Saviguy, Von dem Beruf unserer der Mind., Zeitschrift, x.)—5. (Cic., Pro Balbo, 23, 24.)—6. (vi., 9, 10.)—7 (Cic. in Verr., Act. Pr., 17; in Verr., II., i, 9.)

1. (in Verr., II., i., 9.)—2. (Cic. in Vat., 12.)—3. (48, tit. 11.)—4. (9, tit. 27.)—5. (Cic., Pro C. Rabirio Post., 4.)—6. (in Pis., 21.)—7. (ad Att., v., 16.)—8. (Tacit., Ann., xiv., 28, and the note of Lipsius.)

The restitutio may either be effected on the complaint of the injured party, which would generally be made after the completion of the transaction, or when he is sued by the other party in respect of the transaction, and defends himself by an exceptio. The complaint, as a general rule, must be made within four years of the time of the injury being discovered, and of the party being capable of bringing his action; in the case of minores, the four years were reckoned from the time of their attaining their majority. In the case of an exceptio there was no limitation of time.[1] According to the old law, the complaint must be made within one year.

The application for a restitutio could only be made to one who had jurisdictio, either original or delegated, which flowed from the possession of the imperium; and it might, according to the circumstances, be decreed by the magistratus extra ordinem, or the matter might be referred to a judex. When a restitutio was decreed, each party restored to the other what he had received from him, with all its accessions and fruits, except so far as the fruits on one side might be set off against the interest of money to be returned on the other side. All proper costs and expenses incurred in respect of the thing to be restored were allowed. If the object of the restitutio was a right, the injured party was restored to his right; or if he had incurred a duty, he was released from the duty.

The action for restitutio might be maintained by the person injured, by his heredes, cessionarii, and sureties; but, as a general rule, it could only be maintained against the person with whom the contract had been made, and not against a third person who was in possession of the thing which was sought to be recovered, except when the actio for restitutio was an actio in rem scripta, or the injured party had an actio in rem, or when the right which he had lost was a right in rem.

The grounds of restitutio were either those expressed in the Edict, or any good and sufficient cause: "*item si qua alia mihi justa causa esse videbitur in integrum restituam, quod ejus per leges plebiscita, senatus consulta, edicta, decreta principum licebit.*"[2]

The ground of the restitutio was, that the party who had just cause of complaint had not bona fide consented to the contract or transaction by which he was injured. The following are the chief cases in which a restitutio might be decreed:

The case of vis et metus. When a man had acted under the influence of force, or reasonable fear caused by the acts of the other party, he had an actio quod metus causa for restitution against the party who was the wrong-doer, and also against an innocent person who was in possession of that which had thus illegally been got from him, and also against the heredes of the wrong-doer if they were enriched by being his heredes. If he was sued in respect of the transaction, he could defend himself by an exceptio quod metus causa. The actio quod metus was given by the prætor L. Octavius, a contemporary of Cicero.[3]

The case of dolus. When a man was fraudulently induced to become a party to a transaction which was legal in all respects saving the fraud, he had his actio de dolo malo against the guilty person and his heredes, so far as they were made richer by the fraud, for the restoration of the thing of which he had been defrauded, and, if that was not possible, for compensation. Against a third party who was in bona fide possession of the thing, he had no action. If he was sued in respect of the transaction, he could defend himself by the exceptio doli mali. (*Vid.* CULPA.)[4]

The case of minores XXV. annorum. A minor could by himself do no legal act for which the assent of a tutor or curator was required, and, therefore, if he did such act by himself, no restitutio was necessary. If the tutor had given his auctoritas, or the curator his assent, the transaction was legally binding, but yet the minor could claim restitutio if he had sustained injury by the transaction. Gaius[5] gives an example when he says that, if too large an amount was inserted in the condemnatio of the formula, the matter is set right by the prætor, or, in other words, "*reus in integrum restituitur*;" but if too little was inserted in the formula, the prætor would not make any alteration; "for," he adds, "the prætor more readily relieves a defendant than a plaintiff; but we except the case of minores XXV. annorum, for the prætor relieves persons of this class in all cases wherein they have committed error (*in omnibus rebus lapsis*)."

There were, however, cases in which minores could obtain no restitutio; for instance, when a minor, with fraudulent design, gave himself out to be major; when he confirmed the transaction after becoming of age; and in other cases The benefit of this restitutio belonged to the heredes of the minor, and generally, also, to sureties. The demand could only be made, as a general rule, against the person with whom the minor had the transaction and his heredes. The minor had four years after attaining his majority in which he could sue. The older law allowed only one year. If the time had not elapsed when he died, his heres had the benefit of the remaining time, which was reckoned from the time adeundi hereditatem; and if the heres was a minor, from the time of his attaining his majority. (*Vid.* CURATOR.)

The case of absentia: which comprehends not merely absence in the ordinary sense of the word, but absence owing to madness or imprisonment, and the like causes.[3] If a man had sustained injury by his own absentia, he was generally entitled to restitutio if the absentia was unavoidable: if it was not unavoidable, he was entitled to restitutio, either if he could have no redress from his procurator, or was not blameable for not having appointed one. If a man found that he might sustain damage on account of the absence of his adversary, he might avoid that by entering a protestation in due form.

The case of error, mistake, comprehends such error as cannot be imputed as blame; and in such case, a man could always have restitutio when another was enriched by his loss. The erroris causæ probatio somewhat resembles this case.[4]

The case of capitis diminutio through adrogatio or in manum conventio, which was legally followed by the extinction of all the obligations of the person adrogated or in manu. The prætor restored to the creditors of such persons their former rights.[5]

The case of alienatio judicii mutandi causa facta is hardly a case of restitutio, though sometimes considered such. It occurs when a man alienates a thing for the purpose of injuring a claimant by substituting for himself another against whom the claimant cannot so easily prosecute his right. In the case of a thing which the possessor had thus alienated, the prætor gave an actio in factum against the alienor to the full value of the thing. If a man assigned a claim or right with the view of injuring his adversary by giving him a harder claimant to deal with, the adversary could meet the assignee, when he sued, with an exceptio judicii mutandi causa.

1. (Cod., ii., tit. 53, s. 7.)—2. (Dig. 4, tit. 6, s. 1.)—3. (Compare Cic. in Verr., II. iii., 65, and Dig. 4, tit. 2, s. 1.)

1. (Compare Dig. 4, tit. 3.)—2. (iv., 57)—3. (Dig. 4, tit. 2, s. 28.)—4. (Gaius, i., 67-75.)—5. (Gaius, iii., 83; iv., 38.)

The case of alienatio in fraudem creditorum facta.[1] When a man was insolvent (non solvendo), and alienated his property for the purpose of injuring his creditors, the prætor's edict gave the creditors a remedy. If, for instance, a debt was paid post bona possessa, it was absolutely void, for the effect of the bonorum possessio in the case of insolvency was to put all the creditors on the same footing. If any alienation was made before the bonorum possessio, it was valid in some cases. A debtor might reject anything which was for his advantage, for the prætor's edict related only to the diminution of his property, and not to its increase. If the act was such as to diminish his property (fraudationis causa), the creditors, as a general rule, were entitled to have the act undone. A creditor who exacted his just debt was entitled to retain it. The actio by which the creditors destroyed the effect of an illegal alienation was called pauliana, which was brought by the curator bonorum in the name of the creditors, for the restoration of the thing which had been improperly aliened, and all its fruits. The creditors were also entitled to an interdictum fraudatorium in order to get possession of the thing that had been improperly aliened.[2]

In the imperial times, restitutio was also applied to the remission of a punishment,[3] which could only be done by the imperial grace.[4]

RESTITUTO'RIA ACTIO. (*Vid.* INTERCESSIO, p 542.)

RETIA'RII. (*Vid.* GLADIATORES, p. 476.)

RETI'CULUM. (*Vid.* CALANTICA.)

RETIS and RETE, *dim.* RETICULUM (*δίκτυον*), a Net. Nets were made most commonly of flax from Egypt, Colchis, the vicinity of the Cinyps in North Africa, and some other places. Occasionally they were of hemp.[5] They are sometimes called *lina* (*λίνα*) on account of the material of which they consisted.[6] The meshes (*maculæ*,[7] *βρόχοι*, *dim. βροχίδες*[8]) were great or small, according to the purposes intended, and these purposes were very various. But by far the most important application of network was to the three kindred arts of fowling, hunting, and fishing: and besides the general terms used alike in reference to all these employments, there are special terms to be explained under each of these heads.

I. In fowling, the use of nets was comparatively limited;[9] nevertheless, thrushes were caught in them;[10] and doves or pigeons, with their limbs tied up or fastened to the ground, or with their eyes covered or put out, were confined in a net, in order that their cries might allure others into the snare.[11] The ancient Egyptians, as we learn from the paintings in their tombs, caught birds in clap nets.[12]

II. In hunting, it was usual to extend nets in a curved line of considerable length, so as in part to surround a space into which the beasts of chase, such as the hare, the boar, the deer, the lion, and the bear, were driven through the opening left on one side.[13] This range of nets was flanked by cords, to which feathers dyed scarlet and of other bright colours were tied, so as to flare and flutter in the wind. The hunters then sallied forth with their dogs, dislodged the animals from their coverts, and by shouts and barking drove them first within the *formido*, as the apparatus of string and feathers was called, and then, as they were scared with this appearance within the circuit of the nets. Splendid descriptions of this scene are given in some of the following passages, all of which allude to the spacious enclosure of network.[1] The accompanying woodcuts are taken from two bas-reliefs in the collection of ancient marbles at Ince-Blundell in Lancashire. In the uppermost figure, three servants with staves carry on their shoulders a large net, which is intend

ed to be set up as already described.[2] The foremost servant holds by a leash a dog, which is eager to pursue the game. In the middle figure the net is set up. At each end of it stands a watchman hold

ing a staff.[3] Being intended to take such large quadrupeds as boars and deer (which are seen within it), the meshes are very wide (*retia rara*[4]) The net is supported by three stakes (*στάλικες*,[5] *ancones*,[6] *vari*[7]). To dispose the nets in this manner was called *retia ponere*,[8] or *retia tendere*.[9] Comparing it with the stature of the attendants, we perceive the net to be between five and six feet high. The upper border of the net consists of a strong rope, which was called *σαρδών*.[10] The figures in the following woodcut represent two men carrying the net

home after the chase; the stakes for supporting it, two of which they hold in their hands, are forked at the top, as is expressed by the terms for them already quoted, *ancones* and *vari*.

Besides the nets used to enclose woods and coverts, or other large tracts of country, two additional kinds are mentioned by those authors who treat on hunting. All the three are mentioned together by Xenophon (*δίκτυα, ἐνόδια, ἄρκυες*, ii., 4), and by Nemesianus.[11]

The two additional kinds were placed at intervals in the same circuit with the large hunting-net or haye. The road-net (*plaga, ἐνόδιον*) was much less than the others, and was placed across roads and narrow openings between bushes. The purse or tunnel net (*cassis, ἄρκυς*) was made with a bag (*κεκρύφαλος*[12]), intended to receive the animal when chased towards the extremity of the enclosure. Within this bag, if we may so call it, were placed branches of trees, to keep it expanded, and to decoy

1. (Dig. 42, tit. 8.)—2. (Dig. 36, tit. 1, s. 67.)—3. (Tac., Ann., xiv., 12.—Plin., Epist., x., 64, 65.—Dig. 48, tit. 19, s. 27.)—4. (Dig. 4, tit. 1–7; 44, tit. 4.—Paulus, S. R., i., tit. 7–9.—Cod., ii., tit. 20 55.—Cod. Theod., ii., tit. 15, 16.—Mühlenbruch, Doct. Pandect.—Mackeldey, Lehrbuch, &c.—Rein, Das Röm. Privatrecht. —5. (Varro, De Re Rust., iii., 5.)—6. (Hom., Il., v., 487. —Brunck, Anal., ii., 494, 495.)—7. (Ovid, Epist., v., 19.—Varro, De Re Rust., iii., 11.—Nemesiani, Cyneg., 302.)—8. (Heliodor., vi., p. 231, ed. Commelin.)—9. (Aristoph., Av., 528.)—10. (Hor., Epod., ii., 33, 34.)—11. (Aristoph., Av., 1083.)—12. (Wilkinson, Man and Cust., vol. iii., p. 35–38, 45.)—13. (Ælian, H. A. xii., 46.—Tibullus, iv., 3, 12.—Plin., H. N., xix., 2, § 2.)

1. (Virg., Georg., iii., 411–413.—Æn., iv., 121, 151–159; x., 707–715.—Ovid, Epist., iv., 41, 42; v., 19, 20.—Oppian, Cyneg., iv., 120–123.—Eurip., Bacchæ, 821–832.)—2. (Tibullus, i., 4, 49, 50.—Sen., Hippol., i., 1., 44.—Propert., iv., 2, 32.)—3 (Oppian, Cyneg., iv., 124.)—4. (Virg., Æn., iv., 131.—Hor., Epod., ii., 33.)—5. (Oppian, Cyneg., iv., 67, &c.—Pollux, v., 31.)—6 (Gratius, Cyneg., 87.)—7. (Lucan, iv., 439.)—8. (Virg., Georg., i., 307.)—9. (Ovid, Art. Amat., i., 45.)—10. (Xen. De Venat., vi., 9.)—11 (Cyneg., 299, 300.)—12. (Xen., De Venat., vi., 7.)

the animals by making it invisible. The words ἄμπις or *cassis* are used metaphysically to denote some certain method of destruction, and are more particularly applied, as well as ἀμφίβληστρον, which will be explained immediately, to the large shawl in which Clytemnestra enveloped her husband in order to murder him.[1]

III. Fishing-nets (ἁλιευτικὰ δίκτυα[2]) were of six different kinds, which are enumerated by Oppian[3] as follows :

Τῶν τὰ μὲν ἀμφίβληστρα, τὰ δὲ γρῖφοι καλέονται,
Γάγγαμα τ', ἠδ' ὑποχαὶ περιηγέες, ἠδὲ σαγῆναι,
Ἄλλα δὲ κικλήσκουσι καλύμματα.

Of these, by far the most common were the ἀμφίβληστρον, or casting-net (*funda, jaculum, retiaculum*), and the σαγήνη, *i. e.*, the drag-net or sean (*tragum*,[4] *tragula, verriculum*). Consequently, these two are the only kinds mentioned by Virgil[5] and by Ovid.[6] Of the κάλυμμα we find nowhere any farther mention. We are also ignorant of the exact form and use of the γρῖφος, although its comparative utility may be inferred from the mention of it in conjunction with the sean and casting-net by Artemidorus[7] and Plutarch (περὶ εὐθυμ.[8]). The γάγγαμον was a small net for catching oysters.[9] The ὑποχή was a landing-net, made with a hoop (κύκλος) fastened to a pole, and perhaps provided also with the means of closing the circular aperture at the top.[10] The metaphorical use of the term ἀμφίβληστρον has been already mentioned. That it denoted a casting-net may be concluded both from its etymology and from the circumstances in which it is mentioned by various authors.[11] More especially the casting-net, being always pear-shaped or conical, was suited to the use mentioned under the article CONOPEUM. Its Latin names are found in the passages of Virgil's Georgics, and of the Vulgate Bible above referred to, in Plautus,[12] and in Isidorus Hisp.[13]

The English term *sean* (which is also, in the south of England, pronounced and spelt *seine*, as in French) has been brought into our language by a corruption of the Greek σαγήνη, through the Vulgate Bible (*sugena*) and the Anglo-Saxon.[14] This net, which, as now used both by the Arabians and by our own fishermen in Cornwall, is sometimes half a mile long, was probably of equal dimensions among the ancients, for they speak of it as nearly taking in the compass of a whole bay.[15] This circumstance well illustrates the application of the term to describe the besieging of a city : to encircle a city by an uninterrupted line of soldiers was called σαγηνεύειν.[16] The use of corks (φελλοί, *cortices suberini*[17]) to support the top, and of leads (μολιβδίδες) to keep down the bottom, is frequently mentioned by ancient writers,[18] and is clearly exhibited in some of the paintings in Egyptian tombs. Leads, and pieces of wood serving as floats instead of corks, still remain on a sean which is preserved in the fine collection of Egyptian antiquities at Berlin.

REUS. (*Vid.* ACTOR ; OBLIGATIONES, p. 675.)

REX SACRIFI'CULUS, REX SACRI'FICUS, or REX SACRO'RUM. When the civil and military powers of the king were transferred to two prætors or consuls, upon the establishment of the republican government at Rome, these magistrates were not invested with that part of the royal dignity by virtue of which he had been the high-priest of his nation, and had conducted several of the sacra publica, but this priestly part of his office was transferred to a priest called rex sacrificulus or rex sacrorum.[1] The first rex sacrorum was designated, at the command of the consuls, by the college of pontiffs, and inaugurated by the augurs. He was always elected and inaugurated in the comitia calata, under the presidency of the pontiffs ;[2] and, as long as a rex sacrificulus was appointed at Rome, he was always a patrician, for as he had no influence upon the management of political affairs, the plebeians never coveted this dignity.[3] But, for the same reason, the patricians, too, appear at last to have attributed little importance to the office, whence it sometimes occurs that for one, or even for two successive years, no rex sacrorum was appointed and during the civil wars in the last period of the Republic, the office appears to have fallen altogether into disuse. Augustus, however, seems to have revived it, for we find frequent mention of it during the Empire, until it was probably abolished in the time of Theodosius.[4]

Considering that this priest was the religious representative of the kings, he ranked, indeed, higher than all other priests, and even higher than the pontifex maximus,[5] but in power and influence he was far inferior to him (*Id sacerdotium pontifici subjecere*[6]). He held his office for life,[7] was not allowed to hold any civil or military dignity, and was, at the same time, exempted from all military and civil duties.[8] His principal functions were : 1. To perform those sacra publica which had before been performed by the kings ; and his wife, who bore the title of *regina sacrorum*, had, like the queens of former days, also to perform certain priestly functions. These sacra publica he or his wife had to perform on all the calends, ides, and the nundines ; he to Jupiter, and she to Juno, in the regia.[9] 2. On the days called regifugium he had to offer a sacrifice in the comitium. (*Vid.* REGIFUGIUM.) 3. When extraordinary portenta seemed to announce some general calamity, it was his duty to try to propitiate the anger of the gods.[10] 4. On the nundines when the people assembled in the city, the rex sacrorum announced (*ediccbat*) to them the succession of the festivals for the month. This part of his functions, however, must have ceased after the time of Cn. Flavius.[11] He lived in a domus publica on the Via Sacra, near the regia and the house of the vestal virgins.[12]

*RHA ('Pᾶ). "It is now generally admitted," says Adams, "that the ῥᾶ of Dioscorides is the species of *Rhubarb* called *Rheum raponticum*. Matthiolus and Dodonæus thought that the ῥῆον of Paulus Ægineta was the common purgative Rhubarb ; and Dr. Friend supposed that Paulus and Alexander were acquainted with the true *Rheum palmatum*. I am satisfied, however, that the plant treated of by Paulus and Alexander is the same as the ῥᾶ of Dioscorides. Sprengel remarks that Isidorus is the first author who applied the name *Rheum barbarum* to the true Rhubarb. The name *Rha* is derived from the old appellation of the Wol-

1. (Æsch., Agam., 1085, 1346, 1353.—Choëph., 485.—Eumen., 112.)—2. (Diod. Sic., xvii., 43, p. 193, ed. Wess.)—3 (Hal., iii., 80–82)—4. (Isid. Hisp., Orig., xix., 5.)—5. (Georg., i, 141, 142)—6. (Art. Amat., i., 763, 764.)—7. (ii., 14.)—8. (V., v., p. 838, ed. Steph.)—9. (Hesych., s. v. Æschyl., Agam., 352 —Arrian, Ind., i., p. 525, ed. Blancardi.)—10. (Oppian, Hal., iv., 251.)—11 (Hesiod Scut. Herc., 213–215.—Herod., i., 141.—Psalm cxli., 10.—Isaiah, xix., 8.—Hab., i., 15–17, Septuagint and Vulgate versions.—St. Matthew, iv., 18.—St. Mark, i., 16.)—12. (Asinar., i., i., 87.—Truc., I., i., 14.)—13. (Orig., xix., 5.)—14 Ezek., xxvi., 5, 14 ; xlvii., 10.—St. Matthew, xiii., 47, 48.—St. John, xxi., 6–11.)—15. (Hom., Od., xxii., 384–387 Alciphron, i., 17, 18.)—16. (Herod., iii., 145 ; vi., 31.—Plato, De Legg., iii., prope fin.—Heliod., vii., p. 304, ed. Commelini.)—17. (Sidon. Apoll., Epist., ii., 2.—Plin., H. N., xvi., 8, § 13.)—18. (Ovid, Trist., III., iv., 11 12.—Ælian, H. A., xii., 43.—Paus., viii., 12, § 1.)

1. (Liv., ii., 2.—Dionys., iv., 74 ; v., 1.)—2. (Gell., xv., 27.)—3. (Liv., v., 41.—Cic., Pro Dom., 14.)—4. (Orelli, Inscr., n. 2280, 2282, 2283.)—5. (Festus, s. v. Ordo Sacerdotum.)—6. (Liv., ii., 2.)—7. (Dionys., iv., 74.)—8. (Dionys., l. c.—Plut., Quæst. Rom., 60.—Liv., xl., 42.—9. (Varro, De Ling. Lat., v., p. 54, Bip.—Macrob., Sat., i., 15.)—10. (Fest., s. v. Regia Feriæ.)—11. (Varro, De Ling. Lat., v., p. 54.—Serv. ad Æn., viii., 654.)—12. (Ambrosch, Studien und Andeut., p. 41–76.)

ga, in the neighbourhood of which the plant was anciently found."[1]

*RHAMNUS (*ῥάμνος*), a thorn-tree. "Of the three species briefly described by Dioscorides, the first is unquestionably the *Lycium Europæum;* the second (*λευκότερα*), the *Lycium Afrum*, as Sprengel thinks; and the third, the *Rhamnus poliurus*. The last two species are those described by Theophrastus. The first is the species described by Galen and Paulus."[2]

*RHAPH'ANIS (*ῥαφανίς*), the Radish. "The first species of Theophrastus, to which the name is more especially applicable, is referred to the *Raphanus sativus*, or Garden Radish, by Stackhouse, Dierbach, and Sprengel. The other species of the same writer is probably the *Cochlearia Armoracia*, or Horseradish. The *ῥαφανὶς ἀγρία* of Dioscorides is held by Sprengel to be the *Raphanus maritimus*, Smith."[3]

*RHAPHANOS (*ῥάφανος*), the *Brassica oleracea*, or Sea Cabbage. (*Vid.* CRAMBE.) The species to which Theophrastus applies the epithet of *οὐλόφυλλος*, Stackhouse calls "Curled Savoy," and the *λειόφυλλος*, the "Smooth Cabbage." According to Bauhin, the "*Pompeiana*" of Pliny is the *Brassica cauliflora*, or Cauliflower.[4]

RHEDA or REDA was a travelling carriage with four wheels. Like the COVINUS and the ESSEDUM, it was of Gallic origin,[5] and may perhaps contain the same root as the German *reiten* and our *ride* It was the common carriage used by the Romans for travelling, and was frequently made large enough not only to contain many persons, but also baggage and utensils of various kinds.[6] The word *Epirhedium*, which was formed by the Romans from the Greek preposition *ἐπί* and the Gallic *rheda*,[7] is explained by the scholiast on Juvenal[8] as "*Ornamentum rhedarum aut plaustrum.*"

RHETOR (*ῥήτωρ*). (*Vid.* ΡΗΤΟΡΙΚΗ ΓΡΑΦΗ.)

ΡΗΤΟΡΙΚΗ ΓΡΑΦΗ (*ῥητορικὴ γραφή*). The best interpretation of this expression is perhaps that given by Harpocration and Suidas,[9] *ἡ κατὰ ῥήτορος γενομένη, γελοίαντός τι ἢ εἰποντός ἢ πράξαντος παράνομον* There was not any particular class of persons called *ῥήτορες* invested with a legal character, or intrusted with political duties at Athens; for every citizen who did not labour under some special disability was entitled to address the people in assembly, make motions, propose laws, &c. The name of *ῥήτορες*, however, was given, in common parlance, to those orators and statesmen who more especially devoted themselves to the business of public speaking, while those who kept aloof from, or took no part in, the business of popular assemblies, were called *ἰδιῶται*. Hence *ῥήτωρ* is explained by Suidas,[10] *Ὁ δήμῳ συμβουλεύων καὶ ὁ ἐν δήμῳ ἀγορεύων.* The *ῥητορικὴ γραφή* might be either the same as the *παρανόμων γραφή*, or a more special prosecution, attended with heavier penalties, against practised demagogues, who exerted their talents and influence to deceive the people and recommend bad measures. Others have conjectured this to be a proceeding similar to the *ἐπαγγελία δοκιμασίας*, directed against those persons who ventured to speak in public after having been guilty of some misdemeanour, which would render them liable to *ἀτιμία*. Of this nature was the charge brought against Timarchus by Æschines, whose object was to prevent the latter from appearing as prosecutor against him on the subject of the embassy to Philip.[1]

RHETRA (*ῥήτρα*). (*Vid.* NOMOS.)

*RHINE (*ῥίνη*), the *Squalus squatina*, called in English the Monk or Angel Fish. Rondelet states that the monkfish will sometimes weigh 160 lbs. Pennant remarks that this fish connects the genera of the Rays and Sharks.[2]

*RHINOCEROS (*ῥινόκερως*), the Rhinoceros Two species, or, as some make them to be, two varieties of the rhinoceros, are described by modern naturalists, namely, the *R. Asiaticus* (a native of India and Java), having but one horn, and the *R. Africus* (a native of Africa, and also of Sumatra), with two horns. The former of these is the Unicorn of Scripture.[3]

*RHODON (*ῥόδον*), the Rose. "It would be useless," remarks Adams, "to attempt to particularize all the species to which this term was applied, more especially as some of them are treated under other heads. I may mention, however, that Sprengel refers the *ῥόδα* of Dioscorides to the *Rosa lutea*, Dalech., and *R. arvensis*. Stackhouse marks the *ῥόδον εἰκοσίφυλλον* as the *Rosa cinnamomea*, and the *ῥόδον ἑκατοντάφυλλον* as the *Rosa centifolia*."[4]

*RHŒA or RHOA (*ῥοιά, ῥοά*), the *Punica granatum*, or Pomegranate-tree. The flowers of the cultivated pomegranate are called *κύτινοι*, those of the wild *βαλαύστια*. The bark or rind of the fruit was called *σίδιον* by the Greeks, and *malicorium* by the Romans.[5]

*RHOMBUS (*ῥόμβος*), a species of fish, the Brill or Pearl, *Pleuronectes Rhombus*, L. "But," as Adams remarks, "since the common turbot, or *Pleuronectes maximus*, is found in the Mediterranean, it is not improbable that the Greeks and Romans may have applied this name to it also."[6]

*RHUS (*ῥοῦς*), the *Rhus coriaria*, or elm-leaved Sumach. In Cyprus, according to Sibthorp, the *Rhus coriaria* retains its ancient name of *ὀοῦς*. The powdered fruit is sprinkled upon the meat as seasoning.[7]

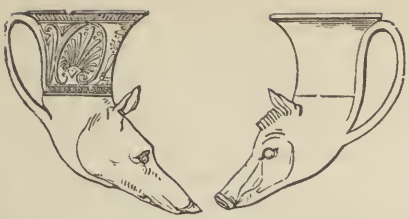
*RHYTA (*ῥύτη*), the *Ruta graveolens*, or common Rue.[8]

RHYTON (*ῥυτόν*), a drinking-horn (*κέρας*), by which name it was originally called, is said by Athenæus[9] to have been first made under Ptolemy Philadelphus; but it is even mentioned in Demosthenes,[10] as Athenæus himself also remarks. The oldest and original form of this drinking-horn was probably the horn of the ox, but one end of it was afterward ornamented with the heads of various animals and birds. We frequently find representations of the *ῥυτόν* on ancient vases depicting symposia. (See woodcut, p. 326.) Several specimens of these drinking-horns have also been discovered at Pompeii:[11] two of these are given in the following cut.

The *ῥυτόν* had a small opening at the bottom, which the person who drank put into his mouth, and allowed the wine to run in; hence it derived its name (*ὠνομασθαί τ ἀπὸ τῆς ῥύσεως*[12]). We see persons using the *ῥυτὸν* in this way in ancient

1. (Dioscor., iii., 3.—Galen, De Simpl., viii.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—2. (Dioscor., i., 119.—Galen, De Simpl., viii.—Theophr., iii., 18.—Paul. Ægin., vii., 3.—Adams, Append., s. v.)—3. (Dioscor., ii., 137, 138.—Theophr., H. P., i., 2; vii., 4.—Galen, De Simpl., viii.—Adams, Append., s. v.)—4. (Theophr., H. P., i., 3.—Adams, Append., s. v.)—5. (Quint., Inst. Orat., i., 5, § 68.—Cæs., Bell. Gall., i., 51.)—6. (Cic., Pro Mil., 10, 20.—Juv., iii., 10.—Mart., iii., 47.)—7. (Quint., l. c.)—8. (viii., 66.)—9. (s. v.)—10. (s. v.)

1 (Schömann, De Comit., 108.—Meier, Att. Proc., 209.)—2 (Aristot., H. A., ii., 15, &c.—De Part. Anim., iv., 12—Athen., vii.—Oppian, Hal., i.—Plin., H. N., xxxii., 11.—Adams, Append., s. v.)—3. (Agathar. ap. Phot.—Strabo, xvi.—Oppian, Cyn., ii., 551.—Ælian, N. A., xvii., 44.—Adams, Append., s. v.)—4 (Theophr., H. P., i., 15, &c.—Dioscor., i., 130.—Galen, De Simpl., viii.—Adams, Append., s. v.)—5. (Hom., Od., xi., 588.—Theophr., H. P., ii., 2.—Dioscor., iv., 151.—Adams, Append., s. v.)—6. (Xenoc. et Galen, De al.—Ælian, N. A., xv. 2.—Adams, Append., s. v.)—7. (Theophr., iii., 18.—Dioscor., i., 47—Galen, De Simp., viii.—Adams, Append., s. v.)—8. (Nicand. Alex., 306.—Adams, Append., s. v.)—9. (xi., p. 497, b.)—10. (de Mid., p. 565, 29.)—11. (Museo Borbonico, vol. viii., 14, v. 20.)—12. (Athen., xi., p. 497, e.)



pe itings. Martial[2] speaks of it under the name o *Rhytium*.[3]

RHYTROS (*ῥύτρος*), a plant, which many of the commentators on Theophrastus, &c., and Sprengel and Stackhouse among the rest, conclude to have been the *Echinops*, L. "But," as Schneider remarks, "it is better, with Bauhin, to admit our ignorance of it, than indulge in unfounded conjectures."[4]

RICA. (*Vid.* Flamen, p. 446.)

RICI'NIUM, RECI'NIUM, or RECINUS, an article of dress. The name was, according to Festus,[5] applied to any dress consisting of a square piece of cloth. It occurs in a fragment of the Twelve Tables,[6] and the ancient commentators, according to Festus, explained the word there as a toga for women (if the reading *ver. togam* be right instead of *virilem togam*), with a purple stripe in front. That it was an article of female dress, and more especially a small and short kind of pallium, is stated by Nonius,[7] on the authority of Varro. It was worn in grief and mourning, and in such a manner that one half of it was thrown back,[8] whence the ancient grammarians derive the word from *rejicere*, although it is manifestly a derivative from *rica*, which was a covering of the head used by females.[9] The grammarians appear themselves to have had no clear idea of the ricinium; but, after careful examination of the passages above referred to, it appears to have been a kind of mantle, with a sort of cowl attached to it, in order to cover the head. It was also worn by mimes upon the stage;[10] and the mavortium, mavorte, or mavors of later times, was thought to be only another name for what had formerly been called ricinium.

RINGS (*δακτύλια*, *annuli*). Every freeman in Greece appears to have used a ring; and, at least in the earlier times, not as an ornament, but as an article for use, as the ring always served as a seal. How ancient the custom of wearing rings among the Greeks was cannot be ascertained, though it is certain, as even Pliny[1] observes, that in the Homeric poems there are no traces of it. In works of fiction, however, and those legends in which the customs of later ages are mixed up with those of the earliest times, we find the most ancient heroes described as wearing rings.[12] But it is highly probable that the custom of wearing rings was introduced into Greece from Asia, where it appears to have been almost universal.[13] In the time of Solon, seal-rings (*σφραγίδες*), as well as the practice of counterfeiting them, appears to have been rather common, for Diogenes Laertius[14] speaks of a law of Solon which forbade the artists to keep the form of a seal (*σφραγίς*) which he had sold. (Instances of counterfeited seals are given in Becker's *Charikles*.[15]) Whether, however, it was customary, as early as the time of Solon, to wear rings with precious stones on which the figures were engraved, may justly be doubted; and it is much more probable that at that time the figures were cut in the metal of the ring itself, a custom which was never abandoned altogether. Rings without precious stones were called *ἄψηφοι*, the name of the gem being *ψῆφος* or *σφραγίς*.[1] In later times rings were worn more as ornaments than as articles for use, and persons now were no longer satisfied with one, but wore two, three, or even more rings; and instances are recorded of those who regularly loaded their hands with rings.[2] Greek women likewise used to wear rings, but not so frequently as men; the rings of women also appear to have been less costly than those of men, for some are mentioned which were made of amber, ivory, &c.[3] Rings were mostly worn on the fourth finger (*παράμεσος*[4]). The Lacedæmonians are said to have used iron rings at all times.[5] With the exception, perhaps, of Sparta, the law does not appear to have ever attempted, in any Greek state, to counteract the great partiality for this luxury; and nowhere in Greece does the right of wearing a golden ring appear to have been confined to a particular order or class of citizens.

The custom of wearing rings was believed to have been introduced at Rome by the Sabines, who were described in the early legends as wearing golden rings with precious stones (*gemmati annuli*) of great beauty.[6] Florus[7] states that it was introduced from Etruria in the reign of Tarquinius Priscus, and Pliny[9] derives it from Greece. The fact that among the statues of the Roman kings in the Capitol, two, Numa and Servius Tullius, were represented with rings, can scarcely be adduced as an argument for their early use, as later artists would naturally represent the kings with such ensigns as were customary for the highest magistrates in later times. But, at whatever time rings may have become customary at Rome, thus much is certain, that at first they were always of iron; that they were destined for the same purpose as in Greece, namely, to be used as seals; and that every free Roman had a right to use such a ring. This iron ring was used down to the last period of the Republic by such men as loved the simplicity of the good old times. Marius wore an iron ring in his triumph over Jugurtha, and several noble families adhered to the ancient custom, and never wore golden ones.[9]

When senators, in the early times of the Republic, were sent as ambassadors to a foreign state, they wore, during the time of their mission, golden rings, which they received from the state, and which were, perhaps, adorned with some symbolic representation of the Republic, and might serve as a state-seal. But ambassadors used their rings only in public; in private they used their iron ones.[10] In the course of time it became customary for all the senators, chief magistrates, and at last for the equites also, to wear a golden seal-ring.[11] This right of wearing a golden ring, which was subsequently called the *jus annuli aurei*, or the *jus annulorum*, remained for several centuries at Rome the exclusive privilege of senators, magistrates, and equites, while all other persons continued to use iron ones.[12] Magistrates and governors of provinces seem to have had the right of conferring upon

1. (Pitt. d' Ercolano, v., t. 46.—Zahn, Ornam. und Wandgem., t. 90.) — 2. (ii., 35.) — 3. (Becker, Charikles, i., p. 505.) — 4. (Theophr., H. P., vi., 4.—Adams, Append., s. v.)—5. (s. v.)—6. (Cic., De Legg., ii., 23.)—7. (xiv., 33.)—8. (Varro, De Ling. Lat., iv., p. 37, Bip.—Serv. ad Æn., i., 286. — Isidor., Orig., xix., 25.) — 9. (Varro, l. c.— Fest., s. v. Rica.) —10. (Fest., l. c., and s. v. Orchestra.)—11. (H. N., xxxiii., 4.)—12. (Paus., i., 17, § 3; x., 30, § 2.—Eurip., Iph. Aul., 154.—Id., Hippol., 859.)—13. (Herod., v., 195.- Plat., De Republ., ii., p. 359.)—14. (i., 57.)—15. (n., p. 47.)

1. (Artemid., Oneirocrit., ii., 5.) — 2. (Plat., Hipp. Min., p. 368.— Aristoph., Eccles., 632. — Nub., 332, with the scholia.— Dinarch. in Demosth., p. 29.—Diog. Laert., v., 1.)— 3. (Artemid., l. c.) — 4. (Plut., Symp. Fragm., lib. iv. — Gell., x., 10.) — 5. (Plin., H. N., xxxiii., 4.)—6. (Liv., i., 11.—Dionys. ii., 38.)—7. (i., 5.) — 8. (l. c.)—9. (Plin., H. N., xxxiii., 6.) — 10. (Plin., xxxiii., 4.)—11. (Liv., ix., 7, 46; xxvi., 36.—Cic., c. Verr., iv. 25. — Liv., xxiii., 12. — Flor., ii., 6). — 12 (Appian, De Reb. Pun., 104.)

inferior officers, or such persons as had distinguished themselves, the privilege of wearing a golden ring. Verres thus presented his secretary with a golden ring in the assembly at Syracuse [1] During the Empire, the right of granting the annulus aureus belonged to the emperors, and some of them were not very scrupulous in conferring this privilege. Augustus gave it to Mena, a freedman, and to Antoninus Musa, a physician.[2] In A.D. 22 the Emperor Tiberius ordained that the golden ring should only be worn by those ingenui whose fathers and grandfathers had had a property of 400,000 sestertia, and not by any freedman or slave.[3] But this restriction was of little avail, and the ambition for the annulus aureus became greater than it had ever been before.[4] The emperors Severus and Aurelian conferred the right of wearing golden rings upon all Roman soldiers;[5] and Justinian at length allowed all the citizens of the Empire, whether ingenui or libertini, to wear such rings.

The status of a person who had received the jus annuli appears to have differed at different times. During the Republic and the early part of the Empire, the jus annuli seems to have made a person ingenuus (if he was a libertus), and to have raised him to the rank of eques, provided he had the requisite equestrian census,[6] and it was probably never granted to any one who did not possess this census. Those who lost their property, or were found guilty of criminal offences, lost the jus annuli.[7] Afterward, especially from the time of Hadrian, the privilege was bestowed upon a great many freedmen, and such persons as did not possess the equestrian census, who therefore, for this reason alone, could not become equites; nay, the jus annuli, at this late period, did not even raise a freedman to the station of ingenuus: he only became, as it were, a half ingenuus (*quasi ingenuus*), that is, he was entitled to hold a public office, and might at any future time be raised to the rank of eques.[8] The lex Visellia[9] punished those freedmen who sued for a public office without having the jus annuli aurei. In many cases a libertus might, through the jus annuli, become an eques if he had the requisite census, and the princeps allowed it; but the annulus itself no longer included this honour. This difference in the character of the annulus appears to be clear, also, from the fact that women received the jus annuli,[10] and that Alexander Severus, though he allowed all his soldiers to wear the golden ring, yet did not admit any freedmen among the equites.[11] The condition of a libertus who had received the jus annuli was in the main as follows: Hadrian had laid down the general maxim that he should be regarded as an ingenuus *salvo jure patroni*.[12] The patronus had also to give his consent to his freedman accepting the jus annuli, and Commodus took the annulus away from those who had received it without this consent.[13] Hence a libertus with the annulus might be tortured if, *e. g.*, his patron died an unnatural death, as, in case of such a libertus dying, his patron might succeed to his property. The freedman had thus, during his lifetime, only an imago libertatis; he was a quasi ingenuus, but had not the status of an ingenuus,[14] and he died quasi libertus. In the reign of Justinian these distinctions were done away with. Isidorus[15] is probably alluding to the period preceding the reign of Justinian when he says that freemen wore golden, freedmen silver, and slaves iron rings.

The practical purposes for which rings, or, rather, the figures engraved upon them, were used at all times, were the same as those for which we use our seals. Besides this, however, persons, when they left their houses, used to seal up such parts as contained stores or valuable things, in order to secure them from thieves, especially slaves.[1] The ring of a Roman emperor was a kind of state-seal, and the emperor sometimes allowed the use of it to such persons as he wished to be regarded as his representatives.[2] The keeping of the imperial seal-ring was intrusted to an especial officer (*cura annuli*[3]). The signs engraved upon rings were very various, as we may judge from the specimens still extant: they were portraits of ancestors or friends, subjects connected with the mythology or the worship of the gods; and in many cases a person had engraved upon his seal symbolical allusions to the real or mythical history of his family.[4] Sulla thus wore a ring with a gem, on which Jugurtha was represented at the moment he was made prisoner.[5] Pompey used a ring on which three trophies were represented,[6] and Augustus at first sealed with a sphinx, afterward with a portrait of Alexander the Great, and at last with his own portrait, which was subsequently done by several emperors.[7] The principal value of a ring consisted in the gem framed in it, or, rather, in the workmanship of the engraver. The stone most frequently used was the onyx (*σαρδῶνος, σαρδόνυξ*), on account of its various colours, of which the artists made the most skilful use. In the art of engraving figures upon gems, the ancients, in point of beauty and execution, far surpass everything in this department that modern times can boast of. The ring itself (*σφενδόνη*), in which the gem was framed, was likewise, in many cases, of beautiful workmanship. The part of the ring which contained the gem was called pala. (*Vid.* Pala.) In Greece we find that some persons fond of show used to wear hollow rings, the inside of which was filled up with a less valuable substance.[8]

With the increasing love of luxury and show, the Romans, as well as the Greeks, covered their fingers with rings. Some persons also wore rings of immoderate size, and others used different rings for summer and winter.[9]

Much superstition appears to have been connected with rings in ancient as well as in more modern times; but this seems to have been the case in the East and in Greece more than at Rome. Some persons made it a lucrative trade to sell rings which were believed to possess magic powers, and to preserve those who wore them from external dangers. Such persons are Eudamus in Aristophanes,[10] and Phertatus in Antiphanes.[11] These rings were for the most part worn by the lower classes, and then not of costly material, as may be inferred from the price (one drachma) in the two instances referred to. There are several celebrated rings with magic powers mentioned by the ancient writers, as that of Gyges, which he found in a grave,[12] that of Charicleia,[13] and the iron ring of Eucrates.[14]

1 (Cic., c. Verr., iii., 76, 80; ad Fam., x., 32.—Suet., Jul., 39.) — 2. (Dion Cass., xlviii., 48; liii., 30.) — 3. (Plin., H. N., xxxiii., 8.)—4. (Plin., Epist., vii., 26; viii., 6.—Suet., Galba, 12, 14—Tacit., Hist., i., 13.—Suet., Vitell., 12.—Stat., Sylv., iii., 3, 143, &c.)—5 (Herodian., iii., 8.—Vopisc., Aurel., 7.)—6 (Sueton., Galba, x., 14.—Tacit., Hist., i., 13; ii., 57.)—7. (Juv., Sat., xi., 42.—Mart., viii., 5; ii., 57.)—8. (Jul. Capitol., Macrin., 4.)—9. (Cod., ix., tit. 21.)—10. (Dig. 40, tit. 10, s. 4.)—11. (Lamprid., Al. Sev., 9.) -12. (Dig. 40, tit. 10, s. 6.)—13. (Dig. 40, tit. 10, s. 3.)—14. (Cod., vi., tit. 6, s. 2.—Dig. 40, tit. 10, s. 5.)—15 (xix. 32.)

1. (Plat., De Legg., xii., p. 954.—Aristoph., Thesmoph., 414, &c.—Plaut., Cas., ii., 1, 1.—Cic. ad Fam., xvi., 26.—De Or., ii., 61.—Mart., ix., 88.)—2. (Dion Cass., lxvi., 2.)—3. (Just., Hist., xliii., 5.)—4. (Cic. in Cat., iii., 5.—Val. Max., iii., 5, 1.—C. c., De Fin., v., 1.—Suet., Tib., 58, 63.—Plin., H. N., ii., 7, &c.)—5 (Plin., H. N., xxxvii., 4.—Plut., Mar., 10.)—6. (Dion Cass., xl. 18.)—7. (Plin., H. N., xxxvii., 4.—Suet., Octav., 50.—Dion Cass., li., 3.—Spartian., Hadr., 26.)—8. (Artemid., l. c.)—9. (Quintil., xi., 3.—Juv., i., 28.—Mart., xi., 59; xiv., 123.)—10. (Plut., 883, with the schol.)—11. (ap. Athen., iii., p. 123.)—12. (Plat., De Republ., ii., p. 359, &c.—Plin., H. N., xxxiii., 4.)—13. (Heliod. Æth., iv., 8.)—14. (Lucian, Philop., 17.—Compare Becker, Charikles, ii., p. 398, &c.—Kirchmann, De Annulis, Slesvig., 1657—P. Burrmann, De Jure Annulorum, Ultraject., 1734.)

ROBIGA'LIA, a public festival in honour of the god Robigus, to preserve the fields from mildew, is said to have been instituted by Numa, and was celebrated *a. d.* VII., *Kal. Mai.* (April 25th).[1] The sacrifices offered on this occasion consisted of the entrails of a dog and a sheep, accompanied with frankincense and wine: a prayer was presented by a flamen in the grove of the ancient deity, whom Ovid and Columella make a goddess.[2] A god Robigus or a goddess Robigo is a mere invention from the name of this festival, for the Romans paid no divine honours to evil deities.[3]

*ROBUR, an epithet applied to the Oak. (*Vid.* QUERCUS.)

ROGA'TIO. (*Vid.* LEX, p. 580.)

ROGATIO'NES LICI'NIÆ. In the year B.C. 375, C. Licinius Stolo and L. Sextius, being elected two of the tribuni plebis, promulgated various rogationes, the object of which was to weaken the power of the patricians and for the benefit of the plebs. One rogatio related to the debts with which the plebs was encumbered;[4] and it provided that all the money which had been paid as interest should be deducted from the principal sum, and the remainder should be paid in three years by equal payments. The second related to the ager publicus, and enacted that no person should occupy (*possideret*) more than 500 jugera. The third was to the effect that no more tribuni militum should be elected, but that consuls should be elected, and one of them should be a plebeian. The patricians prevented these rogationes from being carried by inducing the other tribunes to oppose their intercessio. C. Licinius Stolo and L. Sextius retaliated in the same way, and would not allow any comitia to be held except those for the election of ædiles and tribuni plebis. They were also re-elected tribuni plebis, and they persevered for five years in preventing the election of any curule magistratus.

In the year 368, the two tribunes were still elected, for the eighth time, and they felt their power increasing with the diminution of the opposition of their colleagues, and by having the aid of one of the tribuni militum, M. Fabius, the father-in-law of C. Licinius Stolo. After violent agitation, a new rogatio was promulgated to the effect that, instead of duumviri sacris faciundis, decemviri should be elected, and that half of them should be plebeians. In the year B.C. 366, when Licinius and Sextius had been elected tribuni for the tenth time, the law was passed as to the decemviri, and five plebeians and five patricians were elected, a measure which prepared the way for the plebeians participating in the honours of the consulship. The rogationes of Licinius were finally carried, and in the year B.C. 365 L. Sextius was elected consul, being the first plebeian who attained that dignity. The patricians were compensated for their loss of the exclusive right to the consulship by the creation of the office of curule ædile and of prætor.

The law as to the settlement between debtor and creditor was, if Livy's text is to be literally understood, an invasion of the established rights of property. Niebuhr's explanation of this law is contained in his third volume, p. 23, &c.

Besides the limitation fixed by the second lex to the number of jugera which an individual might *possess* in the public land, it declared that no individual should have above 100 large and 500 smaller animals on the public pastures. Licinius was the first who fell under the penalties of his own law. The statement is that "he, together with his son, possessed a thousand jugera of the ager publicus) and, by emancipating his son, had acted in fraud of the law."[1] From this story it appears that the plebeians could now possess the public land, a right which they may have acquired by the law of Licinius; but there is no evidence on this matter. The story is told also by Columella,[2] Pliny,[3] and Valerius Maximus.[4] The last writer, not understanding what he was recording, says that, in order to conceal his violation of the law, Licinius *emancipated* part of the land to his son. The facts, as stated by Livy, are not put in the clearest light. The son, when emancipated, would be as much entitled to possess 500 jugera as the father, and if he bona fide possessed that quantity of the ager publicus, there was no fraud on the law. From the expression of Pliny (*substituta filii persona*), the fraud appears to have consisted in the emancipation of his son being effected solely that he might in his own name possess 500 jugera, while his father had the actual enjoyment. But the details of this lex are too imperfectly known to enable us to give more than a probable solution of the matter. As the object of the lex was to diminish the possessiones of the patricians, it may be assumed that the surplus land thus arising was distributed (*assignatus*) among the plebeians, who otherwise would have gained nothing by the change; and such a distribution of land is stated to have been part of the lex of Licinius by Varro[5] and Columella.[6]

According to Livy,[7] the rogatio de decemviris sacrorum was carried first B.C. 366. The three other rogationes were included in one lex, which was a lex Satura.[8]

Besides the passages referred to, the reader may see Niebuhr, vol. iii., p. 1–36, for his view of the Licinian rogations; and Göttling, *Geschichte der Röm. Staatsverfassung*, p. 354, and the note on the corrupt passage of Varro (*De Re Rust.*, i., 2)

ROGATO'RES. (*Vid.* DIRIBITORES.)

ROGUS. (*Vid.* FUNUS, p. 460.)

ROMPHEA. (*Vid.* HASTA, p. 489.)

RORA'RII, a class of light-armed Roman soldiers. According to Niebuhr,[9] rorarii must originally have been the name for slingers, who were taken from the fifth class of the Servian census. The grammarians, probably with justice, derive the word from *ros* and *rorare*, as their attacks upon the enemy with their slings and stones were regarded as a prelude to the real battle, in the same manner that *rores* or solitary drops of rain precede a heavy shower. The literal translation of rorarii, therefore, would be *drippers* or *sprinklers*.[10] In later times, and even as early as the time of Plautus, the name was applied to the light-armed hastati;[11] and as this latter name supplanted that of rorarii, who, according to the later constitution of the army, no longer existed in it in their original capacity, the rorarii are not mentioned in later times. (Compare ARMY, ROMAN, p. 104.)

*ROSA, the Rose. (*Vid.* RHODON.)

*ROSMARI'NUS. (*Vid.* LIBANOTIS.)

ROSTRA, or The Beaks, was the name applied to the stage (*suggestus*) in the Forum from which the orators addressed the people. This stage was originally called *templum*,[12] because it was consecrated by the augurs, but obtained its name of *rostra* at the conclusion of the great Latin war, when it was adorned with the beaks (*rostra*) of the ships of the Antiates.[13] The Greeks also mutilated galleys in

1 (Plin., H. N., xviii., 29, s. 69.—Varro, De Re Rust., I., i., p. 90, ed. Bip.—Lat. Ling., vi., 16, ed. Müller.—Festus, s. v.)—2. (Ovid. Fast., iv., 907–942.—Colum., x., 342.)—3. (Hartung, die Religion der Römer, ii., p. 148.)—4. (Liv., vi., 34.)

1. (Liv., vii., 16.)—2. (i., 3.)—3. (H. N., xviii., 3.)—4. (viii., c. § 3.)—5. (De Re Rust., i., 2.)—6. (i., 3.)—7. (vi., 42.)—8. (Liv., vii., 29.—Dion Cass., Frag., 33.)—9. (Hist. of Rome, iii., p. 117.)—10. (Varro, De Ling. Lat., vi., p. 92, ed. Bip.—Festus, s. v. Rorarios.)—11. (Plaut. in Frivolaria ap. Varr., l. c.—Liv. viii., 8, 9.)—12 (Liv., ii., 56.)—13. (Liv., viii., 14—Flor., i., 11—Plin., H. N., xxxiv., 5, s. 11.)

the same way for the purpose of trophies: this was called by them *ἀκρωτηριάζειν*. (*Vid.* Acroterium.)

The rostra lay between the comitium or place of meeting for the curies, and the Forum or place of meeting for the tribes, so that the speaker might turn either to the one or the other; but, down to the time of Caius Gracchus, even the tribunes, in speaking, used to front the comitium; he first turned his back to it, and spoke with his face towards the Forum.[1] The form of the rostra has been well described by Niebuhr[2] and Bunsen:[3] the latter supposes "that it was a circular building, raised on arches, with a stand or platform on the top bordered by a parapet, the access to it being by two flights of steps, one on each side. It fronted towards the comitium, and the rostra were affixed to the front of it, just under the arches. Its form has been, in all the main points, preserved in the ambones, or circular pulpits of the most ancient churches, which also had two flights of steps leading up to them, one on the east side, by which the preacher ascended, and another on the west side for his descent. Specimens of these old churches are still to be seen at Rome in the churches of St. Clement and S. Lorenzo fuori le mure." The speaker was thus enabled to walk to and fro while addressing his audience.

The suggestus or rostra was transferred by Julius Cæsar to a corner of the Forum, but the spot where the ancient rostra had stood still continued to be called *Rostra Vetera*, while the other was called *Rostra Nova* or *Rostra Julia*.[4] Both the rostra contained statues of illustrious men;[5] the new rostra contained equestrian statues of Sulla, Pompey, J. Cæsar, and Augustus.[6] Niebuhr[7] discovered the new rostra in the long wall that runs in an angle towards the three columns, which have for a very long time borne the name of Jupiter Stator, but which belong to the Curia Julia. The substance of the new rostra consists of bricks and casting-work, but it was, of course, cased with marble: the old rostra Niebuhr supposes were constructed entirely of peperino

The following cut contains representations of the rostra from Roman coins, but they give little idea of their form: the one on the left hand is from a denarius of the Lollia Gens, and is supposed to represent the old rostra, and the one on the right is from a denarius of the Sulpicia Gens, and supposed to represent the new rostra.[8]

ROSTRA'TA COLUMNA. (*Vid.* Columna, p. 290.)

ROSTRA'TA CORO'NA. (*Vid.* Corona, p. 310.)

ROSTRUM. (*Vid.* Ships.)

ROTA. (*Vid.* Currus, p. 331.)

*RUBE'TA. (*Vid.* Phrynus.)

RU'BRIA LEX. (*Vid.* Lex, p. 585.)

*RUBRI'CA. (*Vid.* Miltos.)

RUDENS (*κάλως*, *dim.* *καλωδίον*[9]), any rope used to move or fix the mast or sail of a vessel,[1] more especially: I. The ropes used to elevate or depress the mast, and to keep it firm and steady when elevated, were called *rudentes*, in Greek *προτάμοι*.[2] These ropes extended from the higher part of the mast towards the prow in one direction, and the stern in the other. (*Vid.* woodcut, p. 62.) II. Those used to raise or lower the yard. (*Vid.* Antenna.)[3] According to the ancient scholia, these ropes are the *κάλοι* mentioned in *Od.*, v., 260 III. Those fastened to the bottom of the sail at its two corners, and therefore called *πόδες*.[4] Before setting sail, these ropes, which our seamen call *the sheets*, would lie in a coil or bundle. In order, therefore, to depart, the first thing was to unrol or untie them (*excutere*[5]), the next to adjust them according to the direction of the wind and the aim of the voyage.[6] With a view to fill the sail and make it expose the largest surface, they were let out, which was called *immittere* or *laxare*.[7] "*Laxate rudentes*" among the Romans[8] was equivalent to "Ease the sheets" with us. IV. Those used in towing (*πλοῦς ἀπὸ κάλω*), as when the oars became useless in consequence of the proximity of the shore[9] (*παρόλκος*).

In a more extended sense, the terms *rudens* and *κάλως* were applied to ropes of any description.[10] In the comedy of Plautus[11] it is applied to the rope with which a fisherman drags his net.

RUDERA'TIO. (*Vid.* House, Roman, p. 519.)

RUDIA'RII. (*Vid.* Gladiatores, p. 476.)

RUDIS. (*Vid.* Gladiatores, p. 476.)

RUNCI'NA (*ῥυκάνη*), a Plane.[12]

The plane, which is delineated among joiners' tools (*Instrumen. Fabr. Tignar.*) in the woodcut at p. 664, showing the stock with two holes for the hands, and the iron (*ξίφη*[13]) very long, but inclined as in our planes, seems to be of that narrow kind which is adapted to make grooves, rebates, or beads. The square hole in the right side of the stock seems intended for the passage of the shavings (*ramenta*). It is certain that the shavings of firwood, produced by such a plane as that here exhibited, would precisely answer to Pliny's description of them, likening them to curls of human hair and to the tendrils of the vine.[14] The Latin and Greek names for this instrument gave origin to the corresponding transitive verbs *runcino* and *ῥυκανάω*, meaning *to plane*.[15] They seem to be allied etymologically with *ῥύγχος*, referring to the operation of those beasts and birds which use their snout or beak to plough up the ground.

RUPI'LIÆ LEGES. (*Vid.* Lex, p. 585.)

RUTILIA'NA ACTIO was a prætorian actio introduced by the prætor Publius Rutilius, by virtue of which the bonorum emptor could sue in the name of the person whose goods he had bought, and claim the condemnatio to be made in his own favour and in his own name.[16]

RUTRUM, *dim.* RUTELLUM, a kind of hoe, which had the handle fixed perpendicularly into the middle of the blade, thus differing from the Raster. It was used before sowing to level the ground, by breaking down any clods which adhered too long together.[17] This operation is described by Virgil in the following terms, which also assign the derivation of the name: "*Cumulosque ruit male pinguis are-*

1 (Niebuhr, Hist. of Rome, i., p. 426, note 990.)—2. (iii., p. 166, *n.* 268.)—3. (Quoted by Arnold, Hist. of Rome, ii., p. 164.)—4. (Ascon. in Cic., Mil., § 12, p. 43, ed. Orelli.—Dion Cass., xliii., 49; lvi., 34.—Suet., Octav., 100.)—5. (Cic., Philip., ii., 61.)—6. (Paterc., ii., 61.)—7. (l. c.)—8. (Spanheim, De Præst et Usu Numism., ii., p. 191.)—9. (Synes., Epist., 4, p. 28, ed. Par., 1605.)

1. (Juv., vi., 102.—Ovid, Met., iii., 616.—Achilles Tatius, ii., 32.)—2. (Hom., Il., i., 434.—Od., ii., 425; xii., 409.—Apoll. Rhod., i., 564, 1204.—Æschyl., Agam., 870.—Eurip., Hec., 109.—Brunck, Anal., i., 22; ii., 210.)—3. (Catullus, Argon., 225.)—4. (Hom., Od., l. c.; x., 32.—Apoll. Rhod., ii., 725, 932.,—5 (Virg., Æn., iii., 267, 683.)—6. (Id. ib., v., 753.)—7. (Id. ib., viii., 708; x., 229.)—8. (Ovid, De Ponto, IV., ix., 73.)—9. (Thucyd., iv., 25.—Schol. ad loc.)—10. (Herod., ii., 28, 96.—Diod. Sic., xvii., 43.)—11. (Rudens, iv., 3, 1, 76, 92.)—12. (Tertull. Apol., 12.—Brunck, Anal., i., 227.)—13 (Hesych.)—14. (H. N. xvi., 42, s. 82.)—15. (Min. Felix, 23.)—16. (Gaius, iii., 80, 81 iv., 35.)—17 (Non. Marc., p. 18, ed. Mercer.)

næ." The same implement was used in mixing lime or clay with water and straw to make plaster for walls.[2]

The word *rutabulum* ought to be considered as another form of *rutrum*. It denoted a hoe or rake of the same construction, which was used by the baker in stirring the hot ashes of his oven.[3] A wooden rutabulum was employed to mix the contents of the vats in which wine was made.[4]

S.

SACCH'ARUM (*σάκχαρον*), Sugar. "The ancient *Sugar*, called also 'the Honey of Reeds' and 'Indian Salt,' was a natural concretion, forming on certain reeds, but more especially on the bamboo cane (*Bambusa arundinacea*). It would appear that Moses Chorrenensis, in the fifth century, is the first author who distinctly mentions our sugar, that is to say, the sugar procured *by boiling* from the sugarcane. The first mention of the bamboo cane is made by Herodotus, and then by Ctesias."[5]

SACELLUM is a diminutive of sacer, and signifies a small place consecrated to a god, containing an altar, and sometimes, also, a statue of the god to whom it was dedicated.[6] Festus[7] completes the definition by stating that a sacellum never had a roof. It was, therefore, a sacred enclosure, surrounded by a fence or wall to separate it from the profane ground around it, and answers to the Greek *περίβολος*. The form of a sacellum was sometimes square and sometimes round. The ancient sacellum of Janus, which was said to have been built by Romulus, was of a square form, contained a statue of the god, and had two gates.[8] Many Romans had private sacella on their own estates; but the city of Rome contained a great number of public sacella, such as that of Caca,[9] of Hercules in the Forum Boarium,[10] of the Lares,[11] of Nænia,[12] of Pudicitia,[13] and others.

SACERDOS, SACERDO'TIUM. Cicero[14] distinguishes two kinds of sacerdotes; those who had the superintendence of the forms of worship (*cærimoniæ*) and of the sacra, and those who interpreted signs and what was uttered by seers and prophets. Another division is that into priests who were not devoted to the service of any particular deity, such as the pontiffs, augurs, fetiales, and those who were connected with the worship of a particular divinity, such as the flamines. The priests of the ancient world did not consist of men alone, for in Greece, as well as at Rome, certain deities were only attended by priestesses. At Rome the wives of particular priests were regarded as priestesses, and had to perform certain sacred functions, as the regina sacrorum and the flaminica. (*Vid.* Flamen, Rex Sacrorum.) In other cases maidens were appointed priestesses, as the vestal virgins, or boys, with regard to whom it was always requisite that their fathers and mothers should be alive (*patrimi et matrimi*). As all the different kinds of priests are treated of separately in this work, it is only necessary here to make some general remarks.

In comparison with the civil magistrates, all priests at Rome were regarded as homines privati,[15] though all of them, as priests, were sacerdotes publici, in as far as their office (*sacerdotium*) was connected with any worship recognised by the state. The appellation of *sacerdos publicus* was, however, given principally to the chief pontiff and the flamen dialis,[1] who were, at the same time, the only priests who were members of the senate by virtue of their office. All priestly offices or sacerdotia were held for life, without responsibility to any civil magistrate. A priest was generally allowed to hold any other civil or military office besides his priestly dignity;[2] some priests, however, formed an exception, for the duumviri, the rex sacrorum, and the flamen dialis were not allowed to hold any state office, and were also exempt from service in the armies.[3] Their priestly character was, generally speaking, inseparable from their person as long as they lived:[4] hence the augurs and fratres arvales retained their character even when sent into exile, or when they were taken prisoners.[5] It also occurs that one and the same person held two or three priestly offices at a time. Thus we find the three dignities of pontifex maximus, augur, and decemvir sacrorum united in one individual.[6] But two persons belonging to the same gens were not allowed to be members of the same college of priests. This regulation, however, was in later times often violated or evaded by adoptions.[7] Bodily defects rendered, at Rome as among all ancient nations, a person unfit for holding any priestly office.[8]

All priests were originally patricians, but from the year B C. 367 the plebeians also began to take part in the sacerdotia (*vid.* Plebes, p. 784); and those priestly offices which, down to the latest times, remained in the hands of the patricians alone, such as that of the rex sacrorum, the flamines, salii, and others, had no influence upon the affairs of the state.

As regards the appointment of priests, the ancients unanimously state that at first they were appointed by the kings;[9] but after the sacerdotia were once instituted, each college of priests—for nearly all priests constituted certain corporations called collegia—had the right of filling up the occurring vacancies by co-optatio. (*Vid.* Pontifex, page 790.) Other priests, on the contrary, such as the vestal virgins and the flamines, were appointed (*capiebantur*) by the pontifex maximus, a rule which appears to have been observed down to the latest times; others, again, such as the duumviri sacrorum, were elected by the people[10] or by the curiæ, as the curiones. But, in whatever manner they were appointed, all priests, after their appointment, required to be inaugurated by the pontiffs and the augurs, or by the latter alone.[11] Those priests who formed colleges had originally, as we have already observed, the right of co-optatio; but in the course of time they were deprived of this right, or, at least, the co-optatio was reduced to a mere form, by several leges, called leges De Sacerdotiis, such as the lex Domitia, Cornelia, and Julia; their nature is described in the article Pontifex, page 790, &c.; and what is there said in regard to the appointment of pontiffs, applies equally to all the other colleges. The leges annales, which fixed the age at which persons became eligible to the different magistracies, had no reference to priestly offices; and, on the whole, it seems that the pubertas was regarded as the time after which a person might be appointed to a sacerdotium.[12]

1. (Georg., i., 105.—*Vid.* Festus, s. v.—Varro, De Ling. Lat., v., p. 137, ed Spengel.)—2. (Cato, De Re Rust., 10, 128.—Pallad., De Re Rust., i., 15.—Plin., H. N., xxxvi., 23, s. 55.)—3. (Festus, s. v.)—4. (Colum., De Re Rust., xii., 20.)—5. (Dioscor., ii., 104.—Theophr., Fragm.—Strabo, xv.—Plin., H. N., xii., 17.—Isid., Orig., xvii., 7.—Herod., iii., 98.—Adams, Append., s. v.)—6. (Gell., vi., 12.)—7. (s. v.)—8. (Ovid, Fast., i., 275.—Terent. Maur. in Wernsdorf's Poet. Min., ii., p. 279.)—9. (Serv. ad Æn., viii., 190.)—10. (Solin., i.—Plin., H. N., x., 29.)—11. (Solin., 2.)—12. (Fest., s. v. Næniæ Deæ.)—13. (Liv., x., 23.)—14. (De Legg., ii., 8.)—15. (Cic., c Cat., i., 1; De Off., 22; ad Att., iv., 2.—Philipp., v., 17.)

1. (Cic., De Legg., ii., 9.—Serv. ad Æn., xii., 534.)—2. (Liv., xxxviii., 47; xxxix., 45.—Epit., lib. xix xl., 45.—Epit., 59, &c.)—3. (Dionys., iv., 8.)—4. (Plin., Epist., iv., 8.)—5. (Plin., H. N., xviii., 2.—Plut., Quæst. Rom., 99.)—6. (Liv., xl., 42.)—7. (Serv. ad Æn., vii., 303.—Dion Cass., xxxix 17.)—8. (Dionys., ii., 21.—Senec., Controv., iv., 2.—Plut., Quæst. Rom., 73—Plin., H. N., vii., 29.)—9. (Dionys., ii., 21, &c., 73.—Liv., i., 20.)—10 (Dionys., iv., 62.)—11. (Id., ii., 22.)—12. (Liv. xlii., 28.—Plut., Tib. Gracc., 4.)

All priests had some external distinction, as the apex, tutulus, or galerus, the toga prætexta, as well as honorary seats in the theatres, circuses, and amphitheatres. They appear, however, to have been obliged to pay taxes, like all other citizens, but seem occasionally to have tried to obtain exemption. See the case related in Livy.[1]

Two interesting questions yet remain to be answered: First, whether the priests at Rome were paid for their services, and, secondly, whether they instructed the young, or the people in general, in the principles of their religion. As regards the first question, we read that in the time of Romulus lands were assigned to each temple and college of priests;[2] and when Festus[3] states that the Roman augurs had the enjoyment (*frui solebant*) of a district in the territory of Veii, we may infer that all priests had the usus of the sacred lands belonging to their respective colleges or divinities. This supposition is strengthened by the fact that such was actually the case in the Roman colonies, where, besides the lots assigned to the coloni, pieces of land are mentioned which belonged to the colleges of priests, who made use of them by letting them out in farm.[4] It appears, however, that we must distinguish between such lands as were sacred to the gods themselves, and could not be taken from them except by exauguratio, and such as were merely given to the priests as possessio, and formed part of the ager publicus. Of the latter, the state remained the owner, and might take them from the priests in any case of necessity.[5] Besides the use of such sacred or public lands, some priests also had a regular annual salary (*stipendium*), which was paid to them from the public treasury. This is expressly stated in regard to the vestal virgins,[6] the augurs,[7] and the curiones,[8] and may therefore be supposed to have been the case with other priests also. The pontifex maximus, the rex sacrorum, and the vestal virgins had, moreover, a domus publica as their place of residence. In the time of the emperors, the income of the priests, especially of the vestal virgins, was increased.[9]

As regards the second question, we do not hear, either in Greece or at Rome, of any class of priests on whom it was incumbent to instruct the people respecting the nature and in the principles of religion. Of preaching there is not the slightest trace. Religion, with the ancients, was a thing which was handed down by tradition from father to son, and consisted in the proper performance of certain rites and ceremonies. It was respecting these external forms of worship alone that the pontiffs were obliged to give instructions to those who consulted them. (*Vid.* Pontifex.)

SACRA. This word, in its widest sense, expresses what we call divine worship. In ancient times, the state, as well as all its subdivisions, had their own peculiar forms of worship, whence at Rome we find sacra of the whole Roman people, of the curies, gentes, families, and even of private individuals. All these sacra, however, were divided into two great classes, the public and private sacra (*sacra publica et privata*), that is, they were performed either on behalf of the whole nation and at the expense of the state, or on behalf of individuals, families, or gentes, which had also to defray their expenses.[10] This division is ascribed to Numa. All sacra, publica as well as privata, were superintended and regulated by the pontiffs. We shall first speak of the sacra publica.

Sacra publica.—Among the sacra publica the Romans reckoned not only those which were performed on behalf of the whole Roman people, but also those performed on behalf of the great subdivisions of the people, viz., the tribes and the curiæ, which Festus[1] expresses, "*pro montanis, pagis, curiis, sacellis.*"[2] The sacra pro montibus et pagis are undoubtedly the sacra montanalia and paganalia, which, although not sacra of the whole Roman people, were yet publica.[3] The sacella in the expression of Festus, *sacra pro sacellis*, appear only to indicate the places where some sacra publica were performed. What was common to all sacra publica is, that they were performed at the expense of certain public funds, which had to provide the money for victims, libations, incense, and for the building and maintenance of those places where they were performed.[4] The funds set apart for the sacra publica were in the keeping of the pontiffs, and the sacramentum formed a part of them. (*Vid.* Sacramentum.) They were kept in the domus publica of the pontifex maximus, and were called ærarium pontificum.[6] When these funds did not suffice, the state treasury supplied the deficiency.[7] In the solemnization of the sacra publica, the senate and the whole people took part.[8] This circumstance, however, is not what constitutes their character as sacra publica, for the sacra popularia,[9] in which the whole people took part, might nevertheless be sacra privata, if the expenses were not defrayed out of the public funds, but by one or more individuals, or by magistrates. The pontiffs, in conducting the sacra publica, were assisted by the epulones. (*Vid.* Epulones.)

Sacra privata embraced, as we have stated, those which were performed on behalf of a gens, a family, or an individual. The characteristic by which they were distinguished from the sacra publica is, that they were made at the expense of those persons or person on whose behalf they were performed. Respecting the sacra of a gens, called sacra gentilicia, see Gens, p. 469. The sacra connected with certain families were, like those of a gens, performed regularly at fixed times, and descended as an inheritance from father to son. As they were always connected with expenses, and were also troublesome in other respects, such an inheritance was regarded as a burden rather than anything else.[10] They may generally have consisted in sacrifices to the penates, but also to other divinities. They had usually been vowed by some ancestor of a family on some particular occasion, and then continued forever in that family, the welfare of which was thought to depend upon their regular and proper performance. Besides these periodical sacra of a family, there were others, the performance of which must have depended upon the discretion of the heads of families, such as those on the birthday or on the death of a member of the family. Savigny[11] denies the existence of sacra familiarum.

An individual might perform sacra at any time, and whenever he thought it necessary; but if he vowed such sacra before the pontiffs, and wished that they should be continued after his death, his heirs inherited with his property the obligation to perform them, and the pontiffs had to watch that they were performed duly and at their proper time.[15]

1. (xxxiii., 42.) — 2. (Dionys., ii., 7.) — 3. (s. v. Oscum.)—4. (Siculus Flaccus, De condit. agror., p. 23, ed. Goes.—Hyginus, De Limit. Constit., p. 205, ed. Goes.)—5. (Dion Cass., xliii., 47. —Oros., v., 18.—Appian, De Bell. Mithr., 22.)—6. (Liv., i., 20.) —7. (Dionys., ii., 6.)—8. (Fest., s. v. Curionium.) — 9. (Suet., Octav., 31.—Tacit., Ann., iv., 16.)—10. (Fest., s. v. Publica sacra.—Liv., i., 20; x., 7. — Plut., Num., 9. — Cic., De Harusp. Resp., 7.)

1. (l. c.)—2. (*Vid.* Dionys., ii., 21, 23. — Appian, Hist. Rom. vii., 138.—De Bell. Civ., ii., 106.—Plut., Quæst. Rom., 89.)—3 (Varro, De Ling. Lat., v., p. 58, ed. Bip.—Compare Festus, s. v Septimontium.)—4. (Göttl., Gesch. der Röm. Staatsv., p. 176.)—5. (Fest., l. c.—Dionys., ii., 23.—Liv., x., 23; xlii., 3.)—6. (Varro, De Ling. Lat., iv., p. 49, ed. Bip.—Gruter, Inscript., 413, 8 496, 6; 452, 6.) — 7. (Festus, s. v. Sacramentum.) — 8. (Plut. Num., 2.)—9. (Fest., s. v. Popular. sacr.) — 10. (Macrob., Sat. i., 16.)—11. (Zeitschrift, ii., 3.)—12. (Fest., s. v. Sacer mons.—Cic., Pro Dom., 51.—Compare Cic. ad Att., xii., 19, &c.)

Such an obligation was in later times evaded in various ways.

Among the sacra privata were reckoned also the sacra municipalia, that is, such sacra as a community or town had been accustomed to perform before it had received the Roman franchise. After this event, the Roman pontiffs took care that they were continued in the same manner as before.[1] (Compare SACRIFICIUM.)

SACRAMENTUM. (*Vid.* VINDICIÆ.)

SACRA'RIUM was, according to the definition of Ulpian,[2] any place in which sacred things were deposited and kept, whether this place was a part of a temple or of a private house.[3] A sacrarium, therefore, was that part of a house in which the images of the penates were kept. Respecting the sacrarium of the lares, see LARARIUM. Public sacraria at Rome were: one attached to the Temple of the Capitoline Jupiter, in which the tensæ, or chariots for public processions, were kept;[4] the place of the salii, in which the ancilia and the lituus of Romulus were kept,[5] and others. In the time of the emperors, the name sacrarium was sometimes applied to a place in which a statue of an emperor was erected.[6] Livy[7] uses it as a name for a sacred retired place in general.

SACRA'TÆ LEGES. (*Vid.* LEX, p. 585.)

SACRIFI'CIUM (*ἱερεῖον*). Sacrifices or offerings formed the chief part of the worship of the ancients. They were partly signs of gratitude, partly a means of propitiating the gods, and partly, also, intended to induce the deity to bestow some favour upon the sacrificer, or upon those on whose behalf the sacrifice was offered. Sacrifices in a wider sense would also embrace the DONARIA; in a narrower sense, sacrificia were things offered to the gods, which merely afforded momentary gratification, which were burned upon their altars, or were believed to be consumed by the gods. We shall divide all sacrifices into two great divisions, bloody sacrifices and unbloody sacrifices, and, where it is necessary, consider Greek and Roman sacrifices separately.

Bloody sacrifices.—As regards sacrifices in the earliest times, the ancients themselves sometimes imagined that unbloody sacrifices, chiefly offerings of fruit, had been customary long before bloody sacrifices were introduced among them.[8] It cannot, indeed, be denied, that sacrifices of fruit, cakes, libations, and the like, existed in very early times; but bloody sacrifices, and, more than this, human sacrifices, are very frequently mentioned in early story; in fact, the mythology of Greece is full of instances of human sacrifices being offered, and of their pleasing the gods. Wachsmuth[9] has given a list of the most celebrated instances. It may be said that none of them has come down to us with any degree of historical evidence; but surely the spirit which gave origin to those legends is sufficient to prove that human sacrifices had nothing repulsive to the ancients, and must have existed to some extent. In the historical times of Greece, we find various customs in the worship of several gods, and in several parts of Greece, which can only be accounted for by supposing that they were introduced as substitutes for human sacrifices. In other cases, where civilization had shown less of its softening influences, human sacrifices remained customary throughout the historical periods of Greece, and down to the time of the emperors. Thus, in the worship of Zeus Lycæus in Arcadia, where human sacrifices were said to have been introduced by Lycaon,[1] they appear to have continued till the time of the Roman emperors.[2] In Leucas a person was every year, at the festival of Apollo, thrown from a rock into the sea;[3] and Themistocles, before the battle of Salamis, is said to have sacrificed three Persians to Dionysus.[4] Respecting an annual sacrifice of human beings at Athens, *vid.* THARGELIA. With these few exceptions, however, human sacrifices had ceased in the historical ages of Greece. Owing to the influences of civilization, in many cases animals were substituted for human beings, in others a few drops of human blood were thought sufficient to propitiate the gods.[5] The custom of sacrificing human life to the gods arose undoubtedly from the belief, which, under different forms, has manifested itself at all times and in all nations, that the nobler the sacrifice, and the dearer to its possessor, the more pleasing it would be to the gods. Hence the frequent instances in Grecian story of persons sacrificing their own children, or of persons devoting themselves to the gods of the lower world. In later times, however, persons sacrificed to the gods were generally criminals who had been condemned to death, or such as had been taken prisoners in war.

That the Romans also believed human sacrifices to be pleasing to the gods might be inferred from the story of Curtius, and from the self-sacrifice of the Decii. The symbolic sacrifice of human figures made of rushes at the Lemuralia (*vid.* LEMURALIA) also shows that in the early history of Italy human sacrifices were not uncommon. For another proof of this practice, see the article VER SACRUM. One awful instance also is known, which belongs to the latest period of the Roman Republic. When the soldiers of J. Cæsar attempted an insurrection at Rome, two of them were sacrificed to Mars in the Campus Martius by the pontifices and the flamen Martialis, and their heads were stuck up at the regia.[6]

A second kind of bloody sacrifices were those of animals of various kinds, according to the nature and character of the divinity. The sacrifices of animals were the most common among the Greeks and Romans. The victim was called *ἱερεῖον*, and in Latin *hostia* or *victima*. In the early times it appears to have been the general custom to burn the whole victim (*ὁλοκαυτεῖν*) upon the altars of the gods, and the same was in some cases, also, observed in later times,[7] and more especially in sacrifices to the gods of the lower world, and such as were offered to atone for some crime that had been committed.[8] But, as early as the time of Homer, it was the most general practice to burn only the legs (*μηροὶ, μηρία, μῆρα*) enclosed in fat, and certain parts of the intestines, while the remaining parts of the victim were consumed by men at a festive meal. The gods delighted chiefly in the smoke arising from the burning victims, and the greater the number of victims, the more pleasing was the sacrifice. Hence it was not uncommon to offer a sacrifice of one hundred bulls (*ἑκατόμβη*) at once, though it must not be supposed that a hecatomb always signifies a sacrifice of a hundred bulls, for the name was used in a general way to designate any great sacrifice. Such great sacrifices were not less pleasing to men than to the gods, for in regard to the former they were, in reality, a donation of meat. Hence, at Athens, the

1 (Fest., s. v. Municipalia sacra.—Compare Ambrosch, Stud. und Andeut., p. 215.—Göttling, p. 175, &c.—Walter, Gesch. der Röm. Rechts, p. 178.—Hartung, Die Relig. der Röm., i., p. 226, &c.)—2. (Dig. 1, tit. 8, s. 9, § 2.)—3. (Compare Cic., c. Verr., iv., 2.—Pro Mil., 31.—Suet., Tib., 51.)—4. (Suet., Vesp., 5.—Grat. Falisc., 534.)—5. (Val. Max., i., 8, 11.—Serv. ad Virg., Æn., vii., 603.)—6. (Tacit., Ann., ii., 41.—Stat., Sylv., v., 1, 240.)—7. (i., 21.)—8. (Plat., De Leg., vi., p. 782.—Paus., viii., 2 § 1; i., 26, § 6.—Mnarob., Sat., i., 10, &c.)—9 (Hell. Alt., ii., 1, 224.)

1. (Paus., viii., 2, § 1.)—2. (Theophrast. ap. Porphyr. de Abstin., ii., 27.—Plut., Quæst. Gr., 39.)—3. (Strab., x., p. 452.)—4 (Plut., Them., 13.—Arist., 11.—Pelop., 21.)—5. (Paus., viii., 23 § 1; ix., 8, § 1.)—6. (Dion Cass., xlii., 24.)—7. (Xen., Anab. vii., 8, § 5.)—8. (Apollon. Rhod., iii., 1030, 1209.)

partiality for such sacrifices rose to the highest degree.[1] Sparta, on the other hand, was less extravagant in sacrifices; and while in other Greek states it was necessary that a victim should be healthy, beautiful, and uninjured, the Spartans were not very scrupulous in this respect.[2] The animals which were sacrificed were mostly of the domestic kind, as bulls, cows, sheep, rams, lambs, goats, pigs, dogs, and horses; but fishes are also mentioned as pleasing to certain gods.[3] Each god had his favourite animals, which he liked best as sacrifices; but it may be considered as a general rule, that those animals which were sacred to a god were not sacrificed to him, though horses were sacrificed to Poseidon notwithstanding this usage.[4] The head of the victim, before it was killed, was in most cases strewed with roasted barley-meal (*οὐλόχυτα* or *οὐλοχύται*) mixed with salt (*mola salsa*). The Athenians used for this purpose only barley grown in the Rharian plain.[5] The persons who offered the sacrifice wore generally garlands round their heads, and sometimes, also, carried them in their hands, and before they touched anything belonging to the sacrifice they washed their hands in water. The victim itself was likewise adorned with garlands, and its horns were sometimes gilt. Before the animal was killed, a bunch of hair was cut from its forehead and thrown into the fire as primitiæ.[6] In the heroic ages, the princes, as the high-priests of their people, killed the victim; in later times this was done by the priests themselves. When the sacrifice was to be offered to the Olympic gods, the head of the animal was drawn heavenward (see the woodcut in p. 157); when to the gods of the lower world, to heroes, or to the dead, it was drawn downward. While the flesh was burning upon the altar, wine and incense were thrown upon it,[8] and prayers and music accompanied the solemnity.

The most common animal sacrifices at Rome were the suovetaurilia or solitaurilia, consisting of a pig, a sheep, and an ox. They were performed in all cases of a lustration, and the victims were carried around the thing to be lustrated, whether it was a city, a people, or a piece of land. (*Vid.* Lustratio.) The Greek *τριττύα*, which likewise consisted of an ox, a sheep, and a pig, was the same sacrifice as the Roman suovetaurilia.[9] The customs observed before and during the sacrifice of an animal were, on the whole, the same as those observed in Greece.[10] But the victim was in most cases not killed by the priests who conducted the sacrifice, but by a person called *popa*, who struck the animal with a hammer before the knife was used.[11] The better parts of the intestines (*exta*) were strewed with barley-meal, wine, and incense, and were burned upon the altar. Those parts of the animal which were burned were called *prosecta*, *prosiciæ*, or *ablegmina*. When a sacrifice was offered to gods of rivers or of the sea, these parts were not burned, but thrown into the water.[12] Respecting the use which the ancients made of sacrifices to learn the will of the gods, *vid.* Haruspex and Divinatio.

Unbloody sacrifices.—Among these we may first mention the libations (*libationes*, *λοιβαί* or *σπόνδαι*). We have seen above that bloody sacrifices were usually accompanied by libations, as wine was poured upon them. Libations always accompanied a sacrifice which was offered in concluding a treaty with a foreign nation; and that here they formed a prominent part of the solemnity, is clear from the fact that the treaty itself was called *σπόνδη*. But libations were also made independent of any other sacrifice, as in solemn prayers,[1] and on many other occasions of public and private life, as before drinking at meals, and the like. Libations usually consisted of unmixed wine (*ἔνσπονδος*, *merum*), but sometimes also of milk, honey, and other fluids, either pure or diluted with water.[2] Incense was likewise an offering which usually accompanied bloody sacrifices, but it was also burned as an offering for itself. Real incense appears to have been used only in later times;[3] but in the early times, and afterward also various kinds of fragrant wood, such as cedar, fig, vine, and myrtle-wood, were burned upon the altars of the gods.[4]

A third class of unbloody sacrifices consisted of fruit and cakes. The former were mostly offered to the gods as primitiæ or tithes of the harvest, and as a sign of gratitude. They were sometimes offered in their natural state, sometimes, also, adorned or prepared in various ways. Of this kind were the *εἰρεσιώνη*, an olive-branch wound around with wool, and hung with various kinds of fruits; the *χύτραι*, or pots filled with cooked beans (*vid.* Pyanepsia); the *κέρνον* or *κέρνα*, or dishes with fruit; the *ὄσχα*. or *ὄσχα* (*vid.* Oschophoria). Other instances may be found in the accounts of the various festivals Cakes (*πέλανοι*, *πέμματα*, *πόπανα*, *libum*) were peculiar to the worship of certain deities, as to that of Apollo. They were either simple cakes of flour, sometimes also of wax, or they were made in the shape of some animal, and were then offered as symbolical sacrifices in the place of real animals, either because they could not easily be procured, or were too expensive for the sacrificer.[5] This appearance, instead of reality, in sacrifices was also manifest on other occasions, for we find that sheep were sacrificed instead of stags, and were then called stags: and in the Temple of Isis at Rome the priests used water of the river Tiber instead of Nile water, and called the former water of the Nile.[6]

SACRILE'GIUM is the crime of stealing things consecrated to the gods, or things deposited in a consecrated place.[7] A lex Julia, referred to in the Digest,[8] appears to have placed the crime of sacrilegium on an equality with peculatus. (*Vid.* Peculatus.) Several of the imperial constitutions made death the punishment of a sacrilegus, which consisted, according to circumstances, either in being given up to wild beasts, in being burned alive, or hanged.[9] Paulus says, in general, that a sacrilegus was punished with death; but he distinguishes between such persons as robbed the sacra publica and such as robbed the sacra privata, and he is of opinion that the latter, though more than common thieves, yet deserve less punishment than the former. In a wider sense, sacrilegium was used by the Romans to designate any violation of religion,[10] or of anything which should be treated with religious reverence.[11] Hence a law in the Codex[12] states that any person is guilty of sacrilegium who neglects or violates the sanctity of the divine law. Another law[13] decreed that even a doubt as to whether a person appointed by an emperor to some office was worthy of this office, was to be regarded as a crime equal to sacrilegium.

1. (Athen., i., p. 3.—Compare Böckh, Staatsh., i., p. 226, &c.) —2 (Plat., Alcib., ii., p. 149.) —3. (Athen., vii., p. 297.) —4. (Paus., viii., 7, § 2.)—5. (Paus., i., 38, § 6.)—6. (Hom., Il., xix., 254.—Id. Od., xiv., 422.)—7. (Compare Eustath. ad Il., i., 459.) —8 (Il., i., 264; xi., 774, &c.) —9. (Callim. ap. Phot., s. v. Τριττύαν.—Aristoph., Plut., 820.)—10. (Virg., Æn., vi., 245.—Serv. ad. Virg., Æn., iv., 57.—Fest., s. v. Immolare.—Cato, De Re Rust., 134, 132.) — 11. (Serv. ad Æn., xii., 120.—Suet., Calig., 32.)—12. (Cato, De Re Rust., 134.—Macrob., Sat., ii., 2. —Liv., xlix., 27.—Virg. Æn., v., 774.)

1. (Il., xvi., 233.)—2. (Soph., Œd. Col., 159, 481.—Plin., H. N., xiv., 19.—Æschyl., Sum., 107.)—3. (Plin., H. N., xiii., 1.) —4. 'Suid., s. v. Νηφάλια ξύλα.)—5. (Suid., s. v. Βοῦς ἑβδομος. — Serv. ad Virg., Æn., ii., 116.)—6. (Festus, s. v. Cervaria ovis.—Serv., l. c.—*Vid.* Wachsmuth, Hell. Alt., ii., 2, p. 222–234. —Hartung, Die Relig. der Römer, i., p. 160, &c.)—7. (Quintil., vii., 3, 21, &c.—Cic., De Leg., ii., 16.—Liv., xlii., 3.)—8. (48, tit. 13, s. 4.)—9. (Dig. 48, tit. 13, s. 6.)—10. (Corn. Nep., Alcib., 6.)—11. (Ovid, Met., xiv., 539.—Rem. Am., 367. Fast., v., 700.)—12. (ix., tit. 29, s. 1.)—13. (Cod., ix., tit. 29, s. 2.)

SACRO'RUM DETESTA'TIO. (*Vid.* GENS, p. 469.)

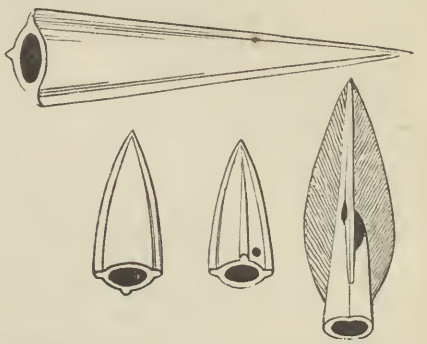
SÆCULA'RES LUDI. (*Vid.* LUDI SÆCULARES.)

SÆ'CULUM. A sæculum was of a twofold nature, that is, either civil or natural. The civil sæculum, according to the calculation of the Etruscans, which was adopted by the Romans, was a space of time containing 110 lunar years. The natural sæculum, upon the calculation of which the former was founded, expressed the longest term of human life, and its duration or length was ascertained, according to the ritual books of the Etruscans, in the following manner: the life of a person, which lasted the longest of all those who were born on the day of the foundation of a town, constituted the first sæculum of that town; and the longest liver of all who were born at the time when the second sæculum began, again determined the duration of the second sæculum, and so on.[1] In the same manner that the Etruscans thus called the longest life of a man a sæculum, so they called the longest existence of a state, or the space of 1100 years, a secular day; the longest existence of one human race, or the space of 8800 years, a secular week, &c.[2] It was believed that the return of a new sæculum was marked by various wonders and signs, which were recorded in the history of the Etruscans. The return of each sæculum at Rome was announced by the pontiffs, who also made the necessary intercalations in such a manner, that at the commencement of a new sæculum, the beginning of the ten months' year, of the twelve months' year, and of the solar year coincided. But in these arrangements the greatest arbitrariness and irregularity appear to have prevailed at Rome, as may be seen from the unequal intervals at which the ludi sæculares were celebrated. (*Vid.* LUDI SÆCULARES.) This also accounts for the various ways in which a sæculum was defined by the ancients: some believed that it contained thirty,[3] and others that it contained a hundred years;[4] the latter opinion appears to have been the most common in later times, so that sæculum answered to our century.[5]

*SAGAPE'NUM (σαγαπηνόν). "All the ancient authorities describe this as the juice of a ferula; hence Sprengel supposes it the *Ferula Persica*, Willd. Dioscorides describes it as being μεταξὺ ὀποῦ, σιλφίου καὶ χαλβάνης, and in like manner it is said of it in the Edinburgh Dispensatory, that 'Sagapenum holds a kind of middle place between asafœtida and galbanum.'"[6]

SAGITTA (ὀιστός, ἰός; Herod. τόξευμα), an Arrow. The account of the arrows of Hercules[7] enumerates and describes three parts, viz., the head or point, the shaft, and the feather.

I. The head was denominated ἄρδις,[8] whence the instrument used to extract arrow-heads from the bodies of the wounded was called ἀρδιοθήρα. (*Vid.* FORCEPS.) Great quantities of flint arrow-heads are found in Celtic barrows throughout the north of Europe, in form exactly resembling those which are still used by the Indians of North America.[9] Nevertheless, the Scythians and Massagetæ had them of bronze.[10] Mr. Dodwell found flint arrow-heads on the plain of Marathon, and concludes that they had belonged to the Persian army.[11] Those used by the Greeks were commonly bronze, as is expressed by the epithet χαλκῆρης, "fitted with bronze," which Homer applies to an arrow.[12] Another Homeric epithet, viz., "three-tongued" (τριγλώχιν[1]), is illustrated by the forms of the arrow-heads, all of bronze, which are represented in the annexed woodcut. That which lies horizontally



was found at Persepolis, and is drawn of the size of the original. The two smallest, one of which shows a rivet-hole at the side for fastening it to the shaft, are from the plain of Marathon.[9] The fourth specimen was also found in Attica.[3]

The use of barbed (*aduncæ, hamatæ*) and poisoned arrows (*venenatæ sagittæ*) is always represented by the Greek and Roman authors as the characteristic of barbarous nations. It is attributed to the Sauromatæ and Getæ,[4] to the Servii[5] and Scythians,[6] and to the Arabs[7] and Moors.[8] When Ulysses wishes to have recourse to this insidious practice, he is obliged to travel north to the country of the Thresprotians;[9] and the classical authors who mention it do so in terms of condemnation.[10] Some of the northern nations, who could not obtain iron, barbed their arrow-heads with bone.[11] The poison applied to tips of the arrows having been called *toxicum* (τοξικόν), on account of its connexion with the use of the bow,[12] the signification of this term was afterward extended to poisons in general.[13]

II. The excellence of the shaft consisted in being long, and at the same time straight, and, if it was of light wood, in being well polished.[14] But it often consisted of a smooth cane or reed (*Arundo donax* or *phragmites*, Linn.), and on this account the whole arrow was called either *arundo* in one case,[15] or *calamus* in the other.[16] In the Egyptian tombs reed-arrows have been found, varying from 34 to 22 inches in length. They show the slit (γλυφίς[17]) cut in the reed for fixing it upon the string.[18]

III. The feathers are shown on ancient monuments of all kinds, and are indicated by the terms *alæ*,[19] *pennatæ sagittæ*,[20] and πτερόεντες ὀιστοί.[2] The arrows of Hercules are said to have been feathered from the wings of a black eagle.[22]

Besides the use of arrows in the ordinary way, they were sometimes employed to carry fire. Octavianus attempted to set Antony's ships on fire by sending βέλη πυρφόρα from the bows of his archers.[23] A headdress of small arrows is said to have

1. (Censorin., De Die Nat., 17.)—2. (Plut., Sulla, 7.—Niebuhr, Hist. of Rome, i., p. 137.)—3. (Censorin., l. c.)—4. (Varro, De Ling. Lat., v., p. 54, ed. Bip.—Fest., s. v. Sæculares ludi.)—5. (*Vid.* Niebuhr, Hist. of Rome, i., p. 275, &c.)—6. (Dioscor., iii., 85.—Galen, De Simpl., viii.—Adams, Append., s v.)—7. (Hesiod, Scut., 130–135.)—8. (Herod., i., 215; iv., 81.)—9. (Hoare's Anc. Wiltshire, South, p. 183.)—10. (Herod., ll. cc.)—11. (Tour through Greece, vol. ii., p. 159.)—12. (Il., xiii., 650, 662.)

1. (Il., v., 393.)—2. (Skelton, Illust. of Armour at Goodrich Court, i., pl. 44.)—3. (Dodwell, l. c.)—4. (Ovid, Trist., iii., 10, 53, 64.—De Pont., iv., 7, 11, 12.)—5. (Arnoldi, Chron. Slav., 4, 8.)—6. (Plin., H. N., x., 53, s. 115.)—7. (Pollux, Onom., i., 10.)—8. (Hor., Carm., i., 22, 3.)—9. (Hom., Od., i., 261–263.)—10. (Homer, Pliny, ll. cc.—Ælian, H. A., v., 16.)—11. (Tac., Germ., 46.)—12. (Plin., H. N., xvi., 10, s. 20.—Fest., s. v.—Dioscor., vi., 20.)—13. (Plaut., Merc., ii., 4, 4.—Hor., Epod., xvii., 61.—Propert., i., 5, 6.)—14. (Hes., Scut., 133.)—15. (Virg., Æn., iv., 69–73; v., 525.—Ovid, Met., i., 471; vii., 382.)—16. (Virg., Buc., iii., 12, 13.—Ovid, Met., vii., 778.—Hor., Carm., i., 15, 17.—Juv., xiii., 80.)—17. (Hom., Il., iv., 122.—Ovid, xxi., 419.)—18. (Wilkinson, Man. and Cust., &c., i., 309.)—19 (Virg. Æn., ix., 578; xii., 319.)—20. (Prudent., Hamart, 498.)—21 (Hom., Il., v., 171.)—22. (Hes., l. c.)—23. (Dion Cass., 1, 34.)

been worn by the Indians,[1] the Nubians and Egyptians, and other Oriental nations.[2]

In the Greek and Roman armies, the *sagittarii*, more anciently called *arquites*, *i. e.*, archers or bowmen,[3] formed an important part of the light-armed infantry.[4] They belonged, for the most part, to the allies, and were principally Cretans.[5] (*Vid.* Arcus, Corytus, Pharetra, Tormentum.)

SAGMINA were the same as the *Verbenæ*, namely, herbs torn up by their roots from within the enclosure of the Capitoline, which were always carried by the fetiales or ambassadors when they went to a foreign people to demand restitution for wrongs committed against the Romans, or to make a treaty. (*Vid.* Fetiales.) They served to mark the sacred character of the ambassadors, and answered the same purpose as the Greek κηρύκεια.[6] Pliny[7] also says that *sagmina* were used *in remediis publicis*, by which we must understand expiations and lustrations. The word *Verbena* seems to have been applied to any kind of herbs, or to the boughs and leaves of any kind of tree, gathered from a pure or sacred place.[8]

According to Festus,[9] the *verbenæ* were called *sagmina*, that is, pure herbs, because they were taken by the consul or the prætor from a sacred (*sancto*) place, to give to legati when setting out to make a treaty or declare war. He connects it with the words *sanctus* and *sancire*, and it is not at all impossible that it may contain the same root, which appears in a simpler form in *sac-er* (*sag-men*, *sa(n)c-tus*): Marcian,[10] however, makes a ridiculous mistake when he derives sanctus from sagmina.

Müller[11] thinks that *samentum* is the same word as *sagmen*, although used respecting another thing by the Anagnienses.[12]

SAGUM was the cloak worn by the Roman soldiers and inferior officers, in contradistinction to the paludamentum of the general and superior officers. (*Vid.* Paludamentum.) It is used in opposition to the toga or garb of peace, and we accordingly find that, when there was a war in Italy, all citizens put on the sagum, even in the city, with the exception of those of consular rank (*saga sumere*, *ad saga ire*, *in sagis esse*[13]): hence, in the Italic war, the sagum was worn for two years.[14]

The sagum was open in the front, and usually fastened across the shoulders by a clasp, though not always:[15] it resembled in form the paludamentum (see woodcuts, p. 721), as we see from the specimens of it on the column of Trajan and other ancient monuments. It was thick and made of wool,[16] whence the name is sometimes given to the wool itself.[17] The cloak worn by the general and superior officers is sometimes called sagum (*Punicum sagum*[18]), but the diminutive *sagulum* is more commonly used in such cases.[19]

The cloak worn by the northern nations of Europe is also called sagum: see woodcut, p. 171, where three Sarmatians are represented with saga, and compare Pallium, p. 719. The German sagum is mentioned by Tacitus:[20] that worn by the Gauls seems to have been a species of plaid (*versicolor sagulum*[21]).

The outer garment worn by slaves and poor persons is also sometimes called sagum.[22]

1. (Prudent., l. c.)—2. (Claud., De Nupt. Honor., 222.—De 3 Cons. Honor., 21.—De Laud. Stil., i., 254.)—3. (Festus, s. v.)—4 (Cæs., Bell. Civ., i., 81; iii., 44.—Cic. ad Fam., xv., 4.)—5. (Q. Curt., iv., 50.)—6. (Plin., H. N., xxii., 2, s. 3.—Liv., i., 24; xxx., 43.—Dig. 1, tit. 8, s. 8.)—7. (l. c.)—8. (Serv. ad Virg., Æn., xii., 120.)—9. (s. v.)—10. (Dig., l. c.)—11. (ad Festum, p. 320.)—12. (M. Aurel., in Epist. ad Fronton., iv., 4.)—13. (Cic., Phil., viii., 11; v., 12; xiv., 1.)—14. (Liv., Epit., 72, 73.—Vell. Paterc., ii., 16.)—15. (Trebell. Pol., Trig. Tyrann., 10.)—16. (Mart., xiv., 159.)—17. (Varro, L. L., v., 167, ed. Müller.)—18. (Hor., Ep., ix., 28.)—19. (Compare Sil. Ital., iv., 519; xvii., 528.—Liv., xxx., 17; xxvii., 19.)—20. (Germ., 17.)—21. (Tac., Hist., ii., 20.)—22. (Col., i., 8.—Compare Dig. 34, tit. 2, s. 23, § 2.)

*SALAMANDRA (σαλαμάνδρα), the Salamander, or *Lacerta Salamandra*, a batracian reptile, of the second family of its order, and constituting the type of a distinct genus. "To have some idea of its figure," says Buffon, "we may suppose the tail of a lizard applied to the body of a frog." For a full and accurate account, however, of this reptile and its peculiar structure, the reader is referred to Griffith's Cuvier. The popular belief that the salamander is proof against the action of fire (a belief to which Aristotle is guilty of giving some countenance) is now entirely exploded. According to Sprengel, the only foundation for this belief is the fact that the reptile emits a cold, viscid secretion from its body, which might be capable of extinguishing a small coal. Dioscorides states decidedly that it is not true that the salamander can live in fire. "The salamander," says Griffith, "takes up its abode in the humid earth, in the tufted woods of high mountains, in ditches and shady places, under stones and the roots of trees, in hedges, by the banks of streams, in subterraneous caverns, and ruined buildings. Though generally feared, it is by no means dangerous. The milky fluid which exudes from its skin, and which it sometimes shoots to the distance of several inches, though nauseous, acrid, and, according to Gesner, even depilatory, is fatal only to very small animals. This humour, however, was doubtless the cause of a general prescription of the salamander. According to Pliny, by infecting with its poison all the vegetables of a vast extent of territory, this reptile could produce death to entire nations! Other animals seem to have an instinctive horror of it. Its bite, however, is perfectly harmless, though Matthioli has declared it to be equally mortal with that of the viper—an atrocious absurdity."[1]

SALAMI'NIA (Σαλαμινία). The Athenians, from very early times, kept for public purposes two sacred or state vessels, the one of which was called Πάραλος, and the other Σαλαμινία; the crew of the one bore the name of παραλῖται or πάραλοι, and that of the other σαλαμίνιοι.[2] In the former of these two articles Photius erroneously regards the two names as belonging to one and the same ship.[3] The Salaminia was also called Δηλία or Θεωρίς, because it was used to convey the θεωροί to Delos, on which occasion the ship was adorned with garlands by the priest of Apollo.[4] Both these vessels were quick-sailing triremes, and were used for a variety of state purposes: they conveyed theories, despatches, &c., from Athens, carried treasures from subject countries to Athens, fetched state criminals from foreign parts to Athens, and the like.[5] In battles they were frequently used as the ships in which the admirals sailed. These vessels and their crews were always kept in readiness to act, in case of any necessity arising; and the crew, although they could not, for the greater part of the year, be in actual service, received their regular pay of four oboli per day all the year round. This is expressly stated only of the Paralos,[6] but may be safely said of the Salaminia also. The statement of the scholiast on Aristophanes,[7] that the Salaminia was only used to convey criminals to Athens, and the Paralos for theories, is incorrect, at least if applied to the earlier times. When Athens had become a great maritime power, and when other ships were employed for purposes for which before either the Salaminia or the Paralos had been used, it is natural to suppose that these two vessels were chiefly

1. (Aristot., H. A., v., 19.—Adams, Append., s. v.—Griffith's Cuvier, vol. ix., p. 464.)—2. (Phot., s. v. Πάραλος and Παράλ[illegible].)—3. (Pollux, Onom., viii., 116.—Hesych., s. v. Παραλίτης.)—4 (Plat., Phæd., p. 58, c.)—5. (Thucyd., v., 53, 61.)—6. (Harpocr. et Phot., s. v. Πάραλος.)—7. (Av., 147.—Compare Suidas, s. v. Σαλαμινία ναῦς.)

employed in matters connected with religion, as heorics, and in extraordinary cases, such as when a state criminal like Alcibiades was to be solemnly onveyed to Athens. The names of the two ships seem to point to a very early period of the history of Attica, when there was no navigation except between Attica and Salamis, for which the Salaminia was used, and around the coast of Attica, for which purpose the Paralos was destined. In later times the names were retained, although the destination of the ships was principally to serve the purposes of religion, whence they are frequently called the sacred ships [1]

*SAL AMMONI'ACUM (ἅλς Ἀμμωνιακός), a *Fossil Salt*, procured from the district of Africa adjoining the Temple of Jupiter Ammon. It was totally different from the *Sal Ammoniac* of the moderns, which is *Hydrochlorus Ammoniæ*. (*Vid.* AMMONIACUM.) "It has been thought," says Dr. Moore, that the ancients knew *Sal Ammoniac* under the name of *Nitrum;* and, although Beckmann maintains the opposite opinion, the grounds on which he rests his argument do not bear him out. He observes that 'there are two properties with which the ancients might have accidentally become acquainted, and which, in that case, would have been sufficient to make known or define to us this salt (sal ammoniac). In the first place, by an accidental mixture of quicklime, the strong smell or unpleasant vapour diffused by the volatile alkali separated from the acid might have been observed.' Now what Beckmann seems willing to admit as a criterion of sal ammoniac is mentioned by Pliny of *nitrum*, which, he says, 'sprinkled with lime, gives forth a powerful odour' (*calce aspersum reddit odorem vehementiorem*). Beckmann appears to doubt what, he says, 'several writers have asserted, that sal ammoniac comes also from the East Indies.' But it certainly is brought thence at this day, and may have been manufactured there, and have found its way to Europe in the time of Pliny also; for we find that unchangeable country producing the same things then as now, indigo, Indian ink, fine steel, sugar, silks, &c. The manufacture of sal ammoniac in Egypt also may, for aught we know, have been more ancient than is thought. We are not justified in concluding that the ancients were ignorant of everything of which we discover no mention in their works. One of the chief reasons for supposing the ancients to have been ignorant of our sal ammoniac and nitre is, that we know of very few uses to which they might have been applied. But, though they may have had little inducement to manufacture them, even had they possessed the art, yet they could hardly have failed to observe them in a native state, since both these salts are found occurring thus in Southern Italy and elsewhere."[2]

SALA'RIUM, a Salary. The ancients derive the word from *sal., i. e.*, salt;[3] the most necessary thing to support human life being thus mentioned as a representative for all others. Salarium therefore comprised all the provisions with which the Roman officers were supplied, as well as their pay in money. In the time of the Republic the name salarium does not appear to have been used; it was Augustus who, in order to place the governors of provinces and other military officers in a greater state of dependance, gave salaries to them or certain sums of money, to which afterward various supplies in kind were added.[4] Before the time of Augustus, the provincial magistrates had been provided in their provinces with everything they wanted, through the medium of redemptores (πάροχοι), who undertook, for a certain sum paid by the state, to provide the governors with all that was necessary to them. During the Empire we find instances of the salarium being paid to a person who had obtained a province, but was nevertheless not allowed to govern it. In this case the salarium was a compensation for the honour and advantages which he might have derived from the actual government of a province, whence we can scarcely infer that the sum of 10,000 sesterces, which was offered on such an occasion,[1] was the regular salarium for a proconsul.

Salaria were also given under the Empire to other officers, as to military tribunes,[2] to assessores (*vid.* ASSESSOR), to senators,[3] to the comites of the princeps on his expeditions,[4] and others. Antoninus Pius fixed the salaries of all the rhetoricians and philosophers throughout the Empire;[5] and when persons did not fulfil their duties, he punished them by deducting from their salaries.[6] Alexander Severus instituted fixed salaries for rhetoricians, grammarians, physicians, haruspices, mathematicians, mechanicians, and architects;[7] but to how much these salaries amounted we are not informed. Respecting the pay which certain classes of priests received, *vid.* SACERDOS.

SA'LII were priests of Mars Gradivus, and are said to have been instituted by Numa. They were twelve in number, chosen from the patricians even in the latest times, and formed an ecclesiastical corporation[8] (*lecta juventus patricia*[9]). They had the care of the twelve ancilia (*vid.* ANCILE), which were kept in the Temple of Mars on the Palatine Hill whence these priests were sometimes called Salii Palatini, to distinguish them from the other salii mentioned below. The distinguishing dress of the salii was an embroidered tunic bound with a brazen belt, the trabea, and the apex, also worn by the flamines. (*Vid.* APEX.) Each had a sword by his side and in his right hand a spear or staff.[10]

The festival of Mars was celebrated by the salii on the 1st of March and for several successive days, on which occasion they were accustomed to go through the city in their official dress, carrying the ancilia in their left hands or suspended from their shoulders, and at the same time singing and dancing,[11] whence Ovid, apparently with correctness, derives their name.[12] The songs or hymns which they sang on this occasion (*saliaria carmina*[13]) were called *asamenta*, *assamenta*, or *axamenta*, of which the etymology is uncertain. Göttling[14] thinks they were so called because they were sung without any musical accompaniment, *assa voce;* but this etymology is opposed to the express statement of Dionysius.[15] Some idea of the subject of these songs may be obtained from a passage in Virgil,[16] and a small fragment of them is preserved by Varro.[17] In later times they were scarcely understood, even by the priests themselves.[18] The praises of Mamurius Veturius formed the principal subject of these songs, though who Mamurius Veturius was the ancients themselves were not agreed upon.[19] He is generally said to be the armorer who made eleven ancilia like the one that was sent from heaven (*vid.* ANCILE[20]), but some modern writers suppose it to be

1. (*Vid.* Böckh, Staatsh, i., p. 258.—Göller ad Thucyd., iii., 33.—Schömann ad Isæum, p. 296.)—2. (Adams, Append. s. v. Ἀμμωνιακὸς ἅλς.—Moore's Ancient Mineral., p. 96–98.)—3. (Plin., H. N., xxxi., 41.)—4. (Suet., Octav., 36.—Tacit., Agric., 42.—Treb. Poll., Claud. 14, 15.—Flav. Vopisc., Prob. 4.)

1. (Dion Cass., lxviii., 22.)—2. (Plin., H. N., xxiv., 6.—Juv., iii., 132.)—3. (Suet., Nero, 10.)—4. (Suet., Tib., 46.)—5. (Capitol., Ant. Pius, 11.)—6. (Id. ib., 7.)—7. (Lamprid., Alex. Sev., 44.)—8. (Liv., i., 20.—Dionys., ii., 70.—Cic., Rep., ii., 14.)—9. (Lucan, ix., 478.)—10. (Dionys., l. c.)—11. (Liv., l. c.—Dionys. l. c.—Hor., Carm., i., 36, 12; iv., 1, 28.)—12. (Fast., iii., 387.)—13. (Hor., Epist., ii., 1, 86.—Tacit., Ann., ii., 83.)—14. (Gesch. der Röm. Staatsverf., p. 192.)—15. (iii., 32.)—16. (Æn., viii., 286.)—17. (Ling. Lat., vii., 26, ed. Müller.)—18. (Varro, Ling. Lat., vii., 2.—Hor., Epist., ii., 1, 86.—Quint., i., 6, p. 54, Bip.)—19. (Varro, Ling. Lat., vi., 45.)—20. (Festus s. v. Mam. Vet.—Dionys., ii., 71.—Ovid, Fast., iii., 384.)

merely another name of Mars. Besides, however, the praises of Mamurius, the verses which the salii sang appear to have contained a kind of theogony, in which the praises of all the celestial deities were celebrated, with the exception of Venus.[1] The verses in honour of each god were called by the respective names of each, as Januli, Junonii, Minervii.[2] Divine honour was paid to some of the emperors by inserting their names in the songs of the salii. This honour was first bestowed upon Augustus,[3] and afterward upon Germanicus;[4] and when Verus died, his name was inserted in the song of the salii by command of M. Antoninus.[5]

At the conclusion of the festival, the salii were accustomed to partake of a splendid entertainment in the Temple of Mars, which was proverbial for its excellence.[6] The members of the collegium were elected by co-optation. We read of the dignities of præsul, vates, and magister in the collegium.[7]

Tullus Hostilius established another collegium of salii in fulfilment of a vow which he made in a war with the Sabines. These salii were also twelve in number, chosen from the patricians, and appear to have been dedicated to the service of Quirinus. They were called the Salii Collini, Agonales or Agonenses.[8] Nicbuhr[9] supposes that the oldest and most illustrious college, the Palatine Salii, were chosen originally from the oldest tribe, the Ramnes, and the one instituted by Tullus Hostilius, or the Quirinalian, from the Tities alone: a third college for the Luceres was never established.[10]

SALI'NÆ (*ἅλαι*, *ἁλοπήγιον*), a Saltwork.[11] Although the ancients were well acquainted with rock salt[12] (*ἅλες ὀρυκτοί*, *i. e.*, fossil salt"[13]), and although they obtained salt likewise from certain inland lakes,[14] and from natural springs or brine pits,[15] and found no small quantity on certain shores, where it was congealed by the heat of the sun without human labour (*ἅλες αὐτόματοι*[16]), yet they obtained by far the greatest quantity by the management of works constructed on the seashore, where it was naturally adapted for the purpose by being so low and flat as to be easily overflowed by the sea (*maritimæ areæ salinarum*[17]), or even to be a brackish marsh (*ἁλυκίς*) or a marine pool (*λιμνοθάλαττα*[18]). In order to aid the natural evaporation, shallow rectangular ponds (*multifidi lacus*) were dug, divided from one another by earthen walls. The seawater was admitted through canals, which were opened for the purpose, and closed again by sluices. (*Vid.* Cataracta.) The water was more and more strongly impregnated with salt as it flowed from one pond to another.[19] When reduced to brine (*coacto humore*), it was called by the Greeks *ἅλμη*, by the Latins *salsugo* or *salsilago*, and by the Spaniards *muria*.[20] In this state it was used by the Egyptians to pickle fish,[21] and by the Romans to preserve olives, cheese, and flesh likewise.[22] From *muria*, which seems to be a corruption of *ἁλμυρός*, "briny," the victuals cured in it were called *salsa muriatica*.[23] As the brine which was left in the ponds crystallized, a man intrusted with the care of them, and therefore called *alinator* (*ἁλοπηγός*), raked out the salt, so that it lay in heaps (*tumuli*) upon the ground to drain.[1] In Attica,[2] in Britain,[3] and elsewhere, several places, in consequence of the works established in them, obtained the name of Ἅλαί or *Salinæ*.

Throughout the Roman Empire, the saltworks, having been first established by the early kings of Rome, were commonly public property, and were let by the government to the highest bidder. The publicans who farmed them, and often maintained upon them a great number of servants,[4] were called *mancipes salinarum*. (*Vid.* Manceps.) Malefactors of both sexes were employed in them, as they were in the mines.[5]

SALI'NUM, *dim.* SALILLUM, a Saltcellar. Among the poor, a shell served for a saltcellar;[6] but all who were raised above poverty had one of silver, which descended from father to son,[7] and was accompanied by a silver plate, which was used together with the saltcellar, in the domestic sacrifices.[8] (*Vid.* Patera.) These two articles of silver were alone compatible with the simplicity of Roman manners in the early times of the Republic.[9] The saltcellar was no doubt placed in the middle of the table, to which it communicated a sacred character, the meal partaking of the nature of a sacrifice.[10] (*Vid.* Focus, Mensa.) These circumstances, together with the religious reverence paid to salt, and the habitual comparison of it to wit and vivacity, explain the metaphor by which the soul of a man is called his *salillum*.[11]

*SALPE (*σάλπη*), the Stockfish, or *Sparus Salpa*, in French, *la Saupe*; in Italian, *Sarpa*.[12]

*SALPINX (*σάλπιγξ*), a bird whose note resembles the sound of a trumpet (*σάλπιγξ*, "a trumpet"). Hesychius and Photius identify it with the *τροχίλος*, or golden-crested wren, "the notes of which," says Adams, "are certainly *piping*, but cannot well be compared to the sound of a trumpet!"[13]

*II. A kind of shellfish, called also *στρόμβος*.

SALTA'TIO (*ὄρχησις*, *ὀρχηστύς*), Dancing. The dancing of the Greeks, as well as of the Romans, had very little in common with the exercise which goes by that name in modern times. It may be divided into two kinds, gymnastic and mimetic; that is, it was intended either to represent bodily activity, or to express by gestures, movements, and attitudes, certain ideas or feelings, and also single events or a series of events, as in the modern ballet. All these movements, however, were accompanied by music; but the terms *ὄρχησις* and *saltatio* were used in so much wider a sense than our word dancing, that they were applied to designate gestures even when the body did not move at all"[14] (*saltare solis oculis*[15]).

We find dancing prevalent among the Greeks from the earliest times. It is frequently mentioned in the Homeric poems: the suiters of Penelope delight themselves with music and dancing;[16] and Ulysses is entertained at the court of Alcinous with the exhibitions of very skilful dancers, the rapid movements of whose feet excite his admiration.[17] Skilful dancers were at all times highly prized by the Greeks: we read of some who were presented with golden crowns, and had statues erected to their honour, and their memory celebrated by inscriptions.[18]

1 (Macrob., Sat., i., 12.) — 2. (Festus, s. v. Axamenta.) — 3. (Monum. Ancyr.) — 4. (Tacit., Ann., ii., 83.) — 5. (Capitol., M. Ant. Phil., 21.) — 6. (Suet., Claud., 33. — Cic. ad Att., v., 9. — Hor., Carm., i., 37.)—7. (Capitol., ib., 4.)—8. (Liv., i., 27.—Dionys., ii., 70; iii., 32. — Varro, Ling. Lat., vi., 14.) — 9. (Röm. Gesch., iii., p. 410.) — 10. (Compare Hartung, Die Religion der Römer, ii., p. 163, &c.) — 11. (Varro, Ling. Lat., viii., 25, ed. Spengel.)—12. (Herod., iv., 181–185.)—13. (Arrian, Exp. Alex., iii., 4, p. 161, 162, ed. Blanc.)—14. (Herod., vii., 30.)—15. (Cic., Nat. Deor., ii., 53.—Plin., H. N., xxxi., 7, s. 39–42.)—16. (Herod., iv., 53.—Plin., l. c.) — 17. (Col., De Re Rust., ii., 2.)—18. (Strabo, iv., 1, § 6; vii., 4, § 7. — Cæs., Bell. Civ., ii., 37.)—19. (Rutilii, Itin., i., 475–490.)— 20. (Plin., l. c.) — 21. (Herod., ii., 77.)—22. (Cato, De Re Rust., 7, 88 105. Hor., Sat., ii., 8, 53.) —23 (Plaut., Pœn., l., ii., 32. 39.)

1. (Manilius, v., prope fin. — Nicander, Alex., 518, 519.) — 2 (Steph. Byz.)—3. (Ptol.)—4. (Cic., Pro Lege Man., 6.)—5. (Bulenger, De Trib. et Vect., xxi.)—6. (Hor., Sat., i., 3, 14.—Schol. ad loc.)—7. (Hor., Carm., ii., 16, 13, 14.)—8. (Pers., iii., 24, 25.) —9. (Plin., H. N., xxxiii., 12, s. 54.—Val. Max., iv., 4, 3.—Catull., xxiii., 19.) — 10. (Arnob. adv. Gent., ii., p. 91, ed. Maire, L. Bat., 1651.)—11. (Plaut., Trin., ii., 4, 90, 91.)—12. (Aristot., H. A., iv., 8.—Ælian, N. A., ix., 7.) — 13 (Ælian, N. A., vi. 19.—Hesych.—Phot. Lex.—Aristoph., Av., 569. — Adams, Append., s. v.)—14. (Ovid, Art. Am., i., 595; ii., 305.)—15. (Apul., Met., x., p. 251, ed. Bip.)—16. (Od., i., 152, 421; xviii., 304.)—17. (Od., viii., 265.) — 18. (Plut., De Pyth. Orac., 8. — Artho Plan., iv., n. 283, &c.)

The lively imagination and mimetic powers of the Greeks found abundant subjects for various kinds of dances, and, accordingly, the names of no less than 200 different dances have come down to us.[1] It would be inconsistent with the nature of this work to give a description of all that are known: only the most important can be mentioned, and such as will give some idea of the dancing of the ancients.

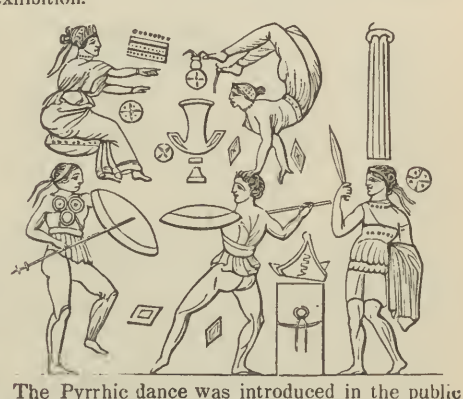
Dancing was originally closely connected with religion: Plato[2] thought that all dancing should be based on religion, as it was, he says, among the Egyptians. It has been shown under CHORUS, that the chorus in the oldest times consisted of the whole population of a city, who met in a public place to offer up thanksgivings to the god of their country by singing hymns and performing dances. These dances, which, like all others, were accompanied by music, were therefore of a strictly religious nature; and in all the public festivals, which were so numerous among the Greeks, dancing formed a very prominent part. We find, from the earliest times, that the worship of Apollo was connected with a religious dance called HYPORCHEMA. All the religious dances, with the exception of the Bacchic and the Corybantian, were very simple, and consisted of gentle movements of the body, with various turnings and windings around the altar: such a dance was the *γέρανος*, which Theseus is said to have performed at Delos on his return from Crete.[3] The Dionysiac or Bacchic and the Corybantian were of a very different nature. In the former, the life and adventures of the god were represented by mimetic dancing (*vid.* DIONYSIA): the dance called *Βακχική* by Lucian[4] was a satyric dance, and chiefly prevailed in Ionia and Pontus; the most illustrious men in the state danced in it, representing Titans, Corybantians, satyrs, and husbandmen, and the spectators were so delighted with the exhibition that they remained sitting the whole day to witness it, forgetful of everything else. The Corybantian was of a very wild character: it was chiefly danced in Phrygia and in Crete: the dancers were armed, struck their swords against their shields, and displayed the most extravagant fury; it was accompanied chiefly by the flute.[5] The following woodcut, from the Museo Pio-Clementino,[6] is supposed to represent a Corybantian dance. Respecting the dances in the theatre, *vid.* CHORUS.

Dancing was applied to gymnastic purposes and to training for war, especially in the Doric states, and was believed to have contributed very much to the success of the Dorians in war, as it enabled them to perform their evolutions simultaneously and in order. Hence the poet Socrates[7] says,

οἱ δὲ χοροῖς κάλλιστα θεοὺς τιμῶσιν, ἄριστοι
ἐν πολέμῳ.

There were various dances in early times which served as a preparation for war; hence Homer[8] calls the hoplitae *πρυλέες*, a war-dance having been called *πρύλις* by the Cretans.[9] Of such dances, the most celebrated was the Pyrrhic (*ἡ Πυρρίχη*), of which the *πρύλις* was probably only another name this Plato[1] takes as the representative of all war dances. The invention of this dance is placed in the mythical age, and is usually assigned to one Pyrrhicos; but most of the accounts agree in assigning it a Cretan or Spartan origin, though others refer it to Pyrrhus or Neoptolemus, the son of Achilles, apparently misled by the name, for it was undoubtedly of Doric origin.[2] It was danced to the sound of the flute, and its time was very quick and light, as is shown by the name of the Pyrrhic foot (˘˘), which must be connected with this dance: and from the same source came also the Proceleusmatic (˘˘˘˘), or challenging foot.[3] The Pyrrhic dance was performed in different ways at various times and in various countries, for it was by no means confined to the Doric states. Plato[4] describes it as representing, by rapid movements of the body, the way in in which missiles and blows from weapons were avoided, and also the mode in which the enemy were attacked. In the non-Doric states it was probably not practised as a training for war, but only as a mimetic dance: thus we read of its being danced by women to entertain a company.[5] It was also performed at Athens at the greater and lesser Panathenæa by Ephebi, who were called Pyrrhichists (*Πυρριχισταί*), and were trained at the expense of the choragus.[6] In the mountainous parts of Thessaly and Macedon, dances are performed at the present day by men armed with muskets and swords.[7]

The following woodcut, taken from Sir W. Hamilton's vases,[8] represents three Pyrrhichists, two of whom, with sword and shield, are engaged in the dance, while the third is standing with a sword. Above them is a female balancing herself on the head of one, and apparently in the act of performing a somerset; she, no doubt, is taking part in the dance, and performing a very artistic kind of *κυβίστησις* or tumbling, for the Greek performances of this kind surpass anything we can imagine in modern times. Her danger is increased by the person below, who holds a sword pointing towards her. A female spectator, sitting, looks on astonished at the exhibition.



The Pyrrhic dance was introduced in the public games at Rome by Julius Cæsar, when it was danced by the children of the leading men in Asia and Bithynia.[9] It seems to have been much liked by the Romans; it was exhibited both by Caligula and Nero,[10] and also frequently by Hadrian.[11] Athenæus[12] says that the Pyrrhic dance was still practised in his time (the third century A.D.) at Sparta,

1. (Meursius, Orchest. — Athen., xiv., p. 627–630. — Pollux, Onom., iv. 95–111.—Liban., *ὑπὲρ ὧν ὄρχ.*)—2. (Leg., vii., 798, 799.)—3. (Plut., Thes., 21.)—4. (De Salt., 79.)—5. (Lucian, ib., 8.—Strabo, x., p. 473.—Plat., Crit., p. 54.)—6. (vol. iv., pl. 9.)—7. (Athen., xiv., p. 629, *f.*)—8. (Il., xi., 49; xii., 77.)—9. (Müller, Dor. iii., 12, § 10

1. (Leg., vii., p. 815.)—2. (Athen., xiv., p. 630, *c.* — Strabo, x., p. 466.—Plat., Leg., p. 796.—Lucian, ib., 9.)—3. (Müller, Hist. Greek Lit., i., p. 161.)—4. (Leg., vii., p. 815.)—5. (Xen., Anab., vi., 1, § 12.)—6. (Schol. ad Aristoph., Nub., 988.—Lysias, *ἀπολ. δωροδοκ.*, p. 698, ed. Reiske.)—7. (Dodwell, Tour through Greece, ii., p. 21, 22.)—8. (ed. Tischbein, vol. i., pl. 60.)—9. (Suet., Jul., 39.)—10. (Dion Cass., lx., 7.—Suet., Nero, 12.)—11. (Spart., Hadr., 19.)—12. (xiv., p. 631, *a.*)

where it was danced by boys from the age of fifteen, but that in other places it had become a species of Dionysiac dance, in which the history of Dionysus was represented, and where the dancers, instead of arms carried the thyrsus and torches.

Another important gymnastic dance was performed at the festival of *γυμνοπαιδία* at Sparta, in commemoration of the battle at Thyrea, where the chief object, according to Müller,[1] was to represent gymnastic exercises and dancing in intimate union: respecting the dance at this festival, see GYMNOPAIDIA.

There were other dances besides the Pyrrhic in which the performers had arms, but these seem to have been entirely mimetic, and not practised with any view to training for war. Such was the *Καρπαία*, peculiar to the Ænianians and Magnetes, which was performed by two armed men in the following manner: one lays down his arms, sows the ground, and ploughs with a yoke of oxen, frequently looking around as if afraid; then comes a robber, whom as soon as the other sees, he snatches up his arms, and fights with him for the oxen. All these movements are rhythmical, accompanied by the flute. At last the robber binds the man and drives away the oxen, but sometimes the husbandman conquers.[2] Similar dances by persons with arms are mentioned by Xenophon on the same occasion. These dances were frequently performed at banquets for the entertainment of the guests,[3] where also the *κυβιστῆρες* were often introduced, who in the course of their dance flung themselves on their head and alighted again upon their feet. See CUBISTERES, where the remarks which are made respecting the *κυβιστᾶν εἰς μαχαίρας* are well illustrated by the following woodcut from the *Museo Borbonico*, vol. vii., tav. 58. We learn from Tacitus[4] that the German youths also used to dance among swords and spears pointed at them.

Other kinds of dances were frequently performed at entertainments, in Rome as well as in Greece, by courtesans, many of which were of a very indecent and lascivious nature.[5] The dancers seem to have frequently represented Bacchanals: many such dancers occur in the paintings found at Herculaneum and Pompeii, in a variety of graceful attitudes.[6]

Among the dances performed without arms, one of the most important was the *δρμος*, which was danced at Sparta by youths and maidens together; the youth danced first some movements suited to his age, and of a military nature; the maiden followed in measured steps and with feminine gestures. Lucian[7] says that it was similar to the dance performed at the Gymnopædia.[8] Another common dance at Sparta was the BIBASIS, which is described in a separate article.

1. (Dor., iv., 6, § 8.)—2. (Xen., Anab., vi., 1, § 7, 8.—Athen., i., p. 15, *f*., 16, *a*.—Maxim. Tyr., Diss., xxviii., 4.)—3. (Athen., iv., p. 155, *b*.) — 4. (Germ., 24.) — 5. (Macrob., Sat., ii., 10. — Plaut., Stich., v., 2, 11.) — 6. (*Vid.* Museo Borb., vol. vii., tav. 34–40 vol. ix., tav. 17; vol. x., tav. 5, 6, 54.)—7. (De Salt., 12.) —8. (Compare Müller, Dor., iv., 6, § 5.)

In many of the Greek states, the art of dancing was carried to great perfection by females, who were frequently engaged to add to the pleasures and enjoyment of men at their symposia. These dancers always belonged to the hetæræ. Xenophon[1] describes a mimetic dance which was represented at a symposium where Socrates was present. It was performed by a maiden and a youth belonging to a Syracusan, who is called the *ὀρκησοδιδάσκαλος*, and represented the loves of Dionysus and Ariadne.

Respecting the dancers on the tight-rope, see FUNAMBULUS.

Dancing was common among the Romans in ancient times in connexion with religious festivals and rites, and was practised, according to Servius,[2] because the ancients thought that no part of the body should be free from the influence of religion. The dances of the salii, which were performed by men of patrician families, are described elsewhere. (*Vid.* ANCILE.) Dionysius[3] mentions a dance with arms at the Ludi Magni, which, according to his usual plan of referring all old Roman usages to a Greek origin, he calls the Pyrrhic. There was another old Roman dance of a military nature, called *Bellicrepa Saltatio*, which is said to have been instituted by Romulus after he had carried off the Sabine virgins, in order that a like misfortune might not befall his state.[4] Dancing, however, was not performed by any Roman citizens except in connexion with religion; and it is only in reference to such dancing that we are to understand the statements, that the ancient Romans did not consider dancing disgraceful, and that not only freemen, but the sons of senators and noble matrons, practised it.[5] In the later times of the Republic we know that it was considered highly disgraceful for a freeman to dance. Cicero reproaches Cato for calling Murena a dancer (*saltator*), and adds "*nemo fere saltat sobrius, nisi forte insanit.*"[6]

The mimetic dances of the Romans, which were carried to such perfection under the Empire, are described under PANTOMIMUS.[7]

SALVIA'NUM INTERDICTUM. (*Vid.* INTERDICTUM, p. 543.)

SALUTATO'RES was the name given in the later times of the Republic and under the Empire to a class of men who obtained their living by visiting the houses of the wealthy early in the morning to pay their respects to them (*salutare*), and to accompany them when they went abroad. This arose from the visits which the clients were accustomed to pay to their patrons, and degenerated in later times into the above-mentioned practice; and such persons seem to have obtained a good living among the great number of wealthy and vain persons at Rome, who were gratified by this attention.[8] (*Vid* SPORTULA.)

SAMBUCA (*σαμβύκη* or *σαβύκη*[9]), a Harp.

The preceding Latin and Greek names are with good reason represented by Bochart, Vossius, and other critics to be the same with the Hebrew סַבְּכָא (sabeca), which occurs in Daniel.[10] The performances of *sambucistriæ* (*σαμβυκίστριαι*) were only known to the early Romans as luxuries brought over from Asia.[11] The Athenians considered them as an exotic refinement;[12] and the Rhodian women who played on the harp at the marriage-feast of

1. (Symp., ix., 2, 7.) — 2. (ad Virg., Ecl., v., 73.) — 3 (vii., 72.)—4. (Fest., s. v.)—5. (Quint., Inst. Orat., i., 11, § 18.—Macrob., Sat., ii., 10.)—6. (Pro Muren., 6. — Compare in Pis., 10.) —7. (Meursius, Orchestra.—Bürette, De la Danse des Anciens —Krause, Gymnastik und Agon. der Hell., p. 807, &c.) — 8 (Mercenarius Salutator, Colum., Præf., i.—Mart., x., 74.—Becker, Gallus, i., p. 146.) — 9. (Arcad De Accent., p 107.) — 10 (iii., 5, 7, 10.) — 11. (Plaut., Stich., ii., 3, 57.—Liv., xxxix, 6.) —12. (Philemon, p. 370, ed. Meineke.)

Caranus in Macedonia, clothed in very thin tunics, were introduced with a view to give to the entertainment the highest degree of splendour. Some Greek authors expressly attributed the invention of this instrument to the Syrians or Phœnicians.[1] The opinion of those who ascribed it to the lyric poet Ibycus can only authorize the conclusion that he had the merit of inventing some modification of it, the instrument, as improved by him, being called *Ἰβύκινον*.[2] Strabo, moreover, represents *σαμβύκη* as a "barbarous" name.[3]

The sambuca is several times mentioned in conjunction with the small triangular harp (*τρίγωνον*), which it resembled in the principles of its construction, though it was much larger and more complicated. The *triganum*, a representation of which from the Museum at Naples is given in the annexed woodcut, was held like the lyre in the hands of the

performer,[4] whereas the harp was sometimes considerably higher than the stature of the performer, and was placed upon the ground. The harp of the Parthians and Troglodytæ had only four strings.[5] Those which are painted on the walls of Egyptian tombs (see Denon, Wilkinson, &c.) have from four to thirty-eight. One of them, taken from Bruce's Travels, is here introduced. From the allusions to this instrument in Vitruvius,[6] we find that the longest string was called the "proslambanomenos," the next "hypate," the shortest but one "paranete," and the shortest, which had, consequently, the highest tone, was called "nete." (*Vid.* Music, p. 646.) Under the Roman emperors the harp appears to have come into more general use,[7] and was played by men (*σαμβυκισταί*) as well as women.[8]

Sambuca was also the name of a military engine, used to scale the walls and towers of besieged cities. It was called by this name on account of its general resemblance to the form of the harp. Accordingly, we may conceive an idea of its construction by turning to the woodcut, and supposing a mast or upright pole to be elevated in the place of the longest strings, and to have at its summit an apparatus of pulleys, from which ropes proceed in the direction of the top of the harp. We must suppose a strong ladder, 4 feet wide, and guarded at the sides with palisades, to occupy the place of the sounding-board, and to be capable of being lowered or raised at pleasure by means of the ropes and pulleys. At the siege of Syracuse Marcellus had engines of this description fixed upon vessels, which the rowers moved up to the walls so that the soldiers might enter the city by ascending the ladders.[9]

1. (Athen., iv., 175, *d.*)—2. (Athen., l. c.— Suidas, *s.* v. *Ἰβύκειον*, *Ἰβύκος*, *Σαμβύκαι*.)— 3. (x., 3, § 17.)— 4. (Strom, Misc. Erud. Ant., p 21.)— 5. (Athen., xiv., 633, *f.*)— 6. (vi., 1.)—7. (Pers., v., 95.—Spart., Hadr., 26.)—8. (Athen., iv.. 182, *c.*)—9. (Polyb., viii., 5.— Plut., Marc., p. 558, ed. Steph.— Athen., xiv., 634, *b.*—Onosandr., Strat., 42. Vitruv.. x., 16, § 9 —Festus, *s.* v. Sambuca —Athen De Mach ap. Math. Vet., p. 7)

When an inland city was beleaguered, the sambuca was mounted upon wheels.[1]

*SAMIA TERRA (*Σαμία γῆ*). "The Samian Earth," says Sir John Hill, "was a dense, ponderous, unctuous clay, of a sub-astringent taste, and either white or ash-coloured. It was dug in the island of Samos, whence it had its name, and never was found in any other place that we know of." It consisted principally of alumine, according to Adams. The *ἀστὴρ* was merely a dense variety of it. "The Samian earth," observes Dr. Moore, "was obtained from a vein of considerable extent, but only two feet in height between the rocks which formed its roof and floor, so that one could not stand erect while digging it, but was obliged to lie upon his back or side. This vein contained four different qualities of earth, which became better in proportion as it was obtained from nearer the centre of the vein. The outer and inferior kind, called aster (*ἀστήρ*), was chiefly or solely employed for cleansing garments." [2]

*SAMIUS LAPIS (*Σάμιος λίθος*). According to Gesner and De Laet, the Samian Stone belonged to the same class of substances as the Samian earth, from which it differed only in hardness.[3]

SAMNI'TES (*Vid.* Gladiatores, p. 477.)

*SAMPS'YCHON (*σάμψυχον*), a species of plant, the *Origanum marjorana*, or Marjoram. It was *Sampsychon* in Egypt, Cyprus, and Syria, and *Amaracus* in other places, such as Cyzicus, &c.[4]

SANDA'LIUM (*σανδάλιον* or *σάνδαλον*), a kind of shoe worn only by women. In the Homeric age, however, it was not confined to either sex, and consisted of a wooden sole fastened to the foot with thongs.[5] In later times, the sandalium must be distinguished from the *ὑπόδημα*, which was a simple sole bound under the foot,[6] whereas the sandalium, also called *βλαύτια* or *βλαύτη*, was a sole with a piece of leather covering the toes, so that it formed the transition from the *ὑπόδημα* to real shoes. The piece of leather over the toes was called *ξυγός* or *ζυγόν*.[7] The *σανδάλια ἄζυγα* in Strabo[8] are, however, not sandalia without the *ζυγόν*, but, as Becker[9] justly remarks, sandalia which did not belong to one another, or did not form a pair, and one of which was larger or higher than the other. The *ζυγόν* was frequently adorned with costly embroidery and gold,[10] and appears to have been one of the most luxurious articles of female dress.[11] This small cover of the toes, however, was not sufficient to fasten the sandalium to the foot, wherefore thongs, likewise beautifully adorned, were attached to it.[12] Although sandalia, as we have stated, were in Greece, and subsequently at Rome also, worn by women only, yet there are traces that, at least in the East, they were also worn by men.[13]

The Roman ladies, to whom this ornament of the foot was introduced from Greece, wore sandalia which appear to have been no less beautiful and costly than those worn by the Greeks and the Oriental nations.[14]

SANDAPILA. (*Vid.* Funus, p. 459.)

*SANDAR'ACHA (*σανδαράχη*), a red pigment, called now *Realgar*, or red sulphuret of arsenic. According to the analysis of Thenard, it consists of

1. (Veget., iv., 21.— Bito ap. Math. Vet., p. 110, 111.)—2. (Dioscor., v., 171.—Hill ad Theophr., De Lapid., c. 108.—Moore's Anc. Mineral., p. 76.)—3. (Dioscor., v., 172.—Adams, Append.. s. v.)—4. (Dioscor., iii., 41.—Geopon., xi., 27.—Adams, Append s. v.)— 5. (Hom., Hymn. in Merc., 79, 83, 139.)— 6. (Pollux, Onom., viii., 84, with Kühn's emendation.)—7. (Aristoph., Lysistr., 390, with the schol.—Hesych., *s.* v. *Ζυγός*.—Pollux, Onom., vii., 81.—Phot., Lex., p. 54, ed. Dobr.)—8. (vi., 1, p. 13, Tauchn.) —9. (Charikles, ii., 367, &c.)—10. (Cephisod. ap. Poll., Onom., vii., 87.—Clem. Alex., Pædagog., ii., 11.)—11. (Ælian, V. H , i., 18.)— 12. (Pollux, Onom., vii., 92.)— 13 (Herod., ii., 91.— St. Mark, vi., 9.) — 14. (Tarpilius ap. Non , v 24 — Terent., Eunuch., v., 7, 4.)

75 parts of arsenic and 25 of sulphur. It was freely used by the ancient physicians as a caustic and stimulant. "An adulterate kind of sandaracha," says Dr. Moore, "was made, according to Pliny, of calcined white lead; that is, the red lead he had just before described under the name of *usta* was substituted for *realgar*. But Vitruvius prefers to the native sandaracha this substitute, which he designates by no other name, simply saying that cerussa is by the heat of a furnace converted into sandaracha. Strabo speaks of a mine of sandaracha at Pompeiopolis, in Paphlagonia, in which, because of the dangerous exhalations from the mineral, none others were employed but slaves who had been sold on account of crime."[1]

*SANDIX (*σάνδιξ*), a red or scarlet paint, formed of the mixture of sandaracha with rubrica in equal proportions. Servius, in his commentary on Virgil, erroneously takes it for an herb yielding a dye; and La Cerda, falling into a similar mistake, says that *sandix* is both an herb and a colour.[2]

*SANT'ALON (*σάνταλον*), the Sandal-tree and its wood. Arrian is supposed to refer to this kind of wood under the name of *σαγαλίνα ξύλα*, where probably we ought to read *σανδάλινα* or *σαντάλινα*, or else *σατάλινα*.[3]

*SAPPHI'RUS (*σάπφειρος*), the Sapphire. "The sapphire of the ancients," says Dr. Moore, "described by Theophrastus as sprinkled with gold (*χρυσιπάστος*), and in which Pliny says gold sparkles (*scintillat*), is agreed by all to have been our lapis-lazuli. The name is Hebrew, and occurs repeatedly in the Old Testament, applied to the same substance. What the ancients took for gold was the iron pyrites often disseminated in this mineral, and forming a feature in its external character upon which, under their mistake, they were inclined to lay much stress. It is evident, however, that other minerals besides lapis-lazuli were included under the name sapphire. Pliny speaks of purple sapphires, of which the best, he says, are the Median."[4]

SARCO'PHAGUS. (*Vid.* Funus, p. 460.)

SA'RCULUM, *a sarriendo*[5] (*σκαλίς, σκαλιστήριον*), a Hoe, chiefly used in weeding gardens, cornfields, and vineyards.[6] It was also sometimes used to cover the seed when sown,[7] and in mountainous countries it served instead of a plough.[8] Directions for using it to clear the surface of the ground (*σκάλλειν,*[9] *σκαλεύειν*[10]) are given by Palladius.[11]

*SARDA or SARDUS (*σάρδος*), the Carnelian. Pliny says it was found first at Sardes, intending probably by this to suggest the origin of the name. Others, however, derive the term from the island of Sardinia, where, according to Kircher, very good ones are obtained. Epiphanius says it received its name from some resemblance which it bore to the fish called sardine (*σαρδίῳ ἰχθύϊ τεταριχευμένῳ*). "The carnelian," says Sir John Hill, "is one of the semipellucid gems, and has its name *Carneolus*, *Corniolus*, or, as it is sometimes improperly written, *Cornicolus*, from its colour, which resembles flesh (*caro*, *carnis*) with more or less of the blood in it." The best carnelians had been obtained from near Babylon, in working certain stone quarries, where it was found enveloped in the rock; but that locality, Pliny says, had failed. It was, however, a common gem, and occurred in many other places. "The carnelian," says Adams, "consists mostly of silex; but, according to Brückmann, the ancients used the name in a generic sense, comprehending under it all the finer species of hornstones or agates. The red were called carnelians, the white onyxes; and those compounded of both, sardonyxes."[1]

*SARD'ONYX (*σαρδόνυξ*), the Sardonyx, a precious stone. This variety, according to Cleaveland, differs from the carnelian (*vid.* Sarda) in its colour only, which is reddish yellow, or nearly orange, sometimes with a tinge of brown. "The sardonyx," says Dr. Moore, "mentioned by Pliny next after opal, as holding the next rank, was evidently the same stone with that now so called. But under the same denomination seem to have been comprehended other varieties of chalcedony, and especially that species of carnelian which Werner calls Sardonyx, whose colours are in alternate bands of red and white, and, when the stone is cut in certain directions, resemble the flesh seen through the finger nail. The first Roman who sealed with a sardonyx was the elder Scipio Africanus, from whose time this sort of gem was much used for that purpose, it being almost the only one which left a fair impression, and brought away with it no portion of the wax. This gem was most approved when it exhibited distinct colours and bands well defined. The localities mentioned by Pliny are India, Arabia, and Armenia."[2]

SARISSA. (*Vid.* Hasta, p. 489.)

SARRA'CUM, a kind of common cart or wagon, which was used by the country-people of Italy for conveying the produce of their fields, trees, and the like from one place to another.[3] Its name, as well as the fact that it was used by several barbarous nations, show that it was introduced from them into Italy.[4] That persons also sometimes rode in a sarracum, is clear from a passage of Cicero quoted by Quinctilian,[5] who even regards the word sarracum as low and vulgar. Capitolinus[6] states that, during a plague, the mortality at Rome was so great, that it was found necessary to carry the dead bodies out of the city upon the common sarraca. Several of the barbarous nations with which the Romans came in contact used these wagons also in war, and placed them around their camps as a fortification;[7] and the Scythians used them in their wanderings, and spent almost their whole lives upon them, with their wives and children, whence Ammianus compares such a caravan of sarraca, with all that was conveyed upon them, to a wandering city. The Romans appear to have used the word sarracum as synonymous with plaustrum, and Juvenal[8] goes even so far as to apply it to the constellation of stars which was generally called plaustrum.[9]

SARTA'GO (*τήγανον*) was a sort of pan, which was used in the Roman kitchens for a variety of purposes, such as roasting, melting fat or butter, cooking, &c.[10] Frequently, also, dishes consisting of a variety of ingredients seem to have been prepared in such a sartago, as Persius[11] speaks of a *sartago loquendi*, that is, of a mixture of proper and improper expressions. Some commentators on this passage, and perhaps with more justice, understand the sartago loquendi as a mode of speaking in which hissing sounds are employed, similar to the noise produced when meat is fried in a pan.

SATISDA'TIO. (*Vid.* Actio, p. 19.)

SA'TURA, or, in the softened form, SATIRA, is the name of a species of poetry, which we call sat-

1. (Dioscor., v., 121.—Adams, Append., s. v.—Moore's Anc. Mineral., p. 57, 58.)—2. (Plin., H. N., xxxv., 23.—Moore's Anc. Mineral., p. 57.)—3. (Billerbeck, Flora Classica, p. 179.)—4. (Theophr., De Lapid., c. 43.—Moore's Anc. Mineral., p. 166.)—5. (Varro, De Ling. Lat., v., 31.)—6. (Hor., Carm., i., 1, 11.—Ovid, Met., xi., 36.—Fast., i., 699; iv., 930.—Plaut., Truc., ii., 2, 21.—Cato, De Re Rust., 10.—Colum., x., 21.—Pallad., i., 43.)—7. (Colum., ii., 11.)—8. (Plin., H. N., xviii., 19, s. 49.)—9. (Herod., ii., 14.)—10. (Schol. in Theocrit., x., 14.)—11. (De Re Rust., ii., 9.)

1. (Theophr., De Lapid., c., 43.—Cleaveland's Mineral., p. 250—Moore's Anc. Mineral., p. 154.)—2. (Moore's Anc. Mineral., p. 153.)—3. (Vitruv., x., 1.—Juv., iii., 254.)—4. (Sidon., Epist. iv., 18.—Ammian. Marcell., xxxi., 2.)—5. (viii., 3, 21.)—6. (Anton. Philos., 13.)—7. (Sisenna ap. Non., iii., 35.)—8. (v. 22.)—9. (Scheffer, De Re Vehic., ii., 31.)—10. (Plin. H. N. xvi., 22.—Juv., x., 63.)—11. (i., 79.)

ne. In the history of Roman literature we have to distinguish two different kinds of satires, viz., the early satura and the later satira, which received its perfect development from the poet C. Lucilius (148–103 B.C.). Both species of poetry, however, are altogether peculiar to the Romans. The literal meaning of satura, the root of which is *sat*, comes nearest to what the French call *pot-pourri*, or to the Latin *farrago*, a mixture of all sorts of things. The name was accordingly applied by the Romans in many ways, but always to things consisting of various parts or ingredients, *e. g.*, *lanx satura*, an offering consisting of various fruits, such as were offered at harvest festivals and to Ceres;[1] *lex per saturam lata*, a law which contained several distinct regulations at once.[2] It would appear from the etymology of the word, that the earliest Roman satura, of which we otherwise scarcely know anything, must have treated in one work on a variety of subjects just as they occurred to the writer, and perhaps, as was the case with the satires of Varro, half in prose and half in verse, or in verses of different metre. Another feature of the earliest satura, as we learn from the celebrated passage in Livy,[3] is that it was scenic, that is, an improvisatory and irregular kind of dramatic performance, of the same class as the versus Fescennini. (*Vid.* Fescennina.) When Livius Andronicus introduced the regular drama at Rome, the people, on account of their fondness for such extempore jokes and railleries, still continued to keep up their former amusements, and it is not improbable that the exodia of later times were the old saturæ merely under another name. (*Vid.* Exodia.)

Ennius and Pacuvius are mentioned as the first writers of satires, but we are entirely unable to judge whether their works were dramatic like the satura of old, or whether they resembled the satires of Lucilius and Horace. At any rate, however, neither Ennius nor Pacuvius can have made any great improvement in this species of poetry, as Quinctilian[4] does not mention either of them, and describes C. Lucilius as the first great writer of satires. It is Lucilius who is universally regarded by the ancients as the inventor of the new kind of satira, which resembled, on the whole, that species of poetry which is in modern times designated by the same name, and which was no longer scenic or dramatic. The character of this new satira was afterward emphatically called *character Lucilianus*.[5] These new satires were written in hexameters, which metre was subsequently adopted by all the other satirists, as Horace, Persius, and Juvenal, who followed the path opened by Lucilius. Their character was essentially ethical or practical, and as the stage at Rome was not so free as at Athens, the satires of the former had a similiar object to that of the ancient comedy at the latter. The poets, in their satires, attacked not only the follies and vices of mankind in general, but also of such living and distinguished individuals as had any influence upon their contemporaries. Such a species of poetry must necessarily be subject to great modifications, arising partly from the character of the time in which the poet lives, and partly from the personal character and temperament of the poet himself; and it is from these circumstances that we have to explain the differences between the satires of Lucilius, Horace, Persius, and Juvenal.

After Lucilius had already, by his own example, established the artistic principles of satires, Terentius Varro, in his youth, wrote a kind of satires which were neither like the old satura nor like the satira of Lucilius. They consisted of a mixture of verse and prose, and of verses of different metres, but were not scenic like the old saturæ. They were altogether of a peculiar character; they were therefore called satiræ Varronianæ, or Menippeæ, or Cynicæ, the latter because he was said to have imitated the works of the Cynic philosopher Menippus.[1]

SATURA LEX. (*Vid.* Lex, p. 580.)

SATURNA'LIA, the festival of Saturnus, to whom the inhabitants of Latium attributed the introduction of agriculture and the arts of civilized life. Falling towards the end of December, at the season when the agricultural labours of the year were fully completed, it was celebrated in ancient times by the rustic population as a sort of joyous harvest-home, and in every age was viewed by all classes of the community as a period of absolute relaxation and unrestrained merriment. During its continuance no public business could be transacted, the law courts were closed, the schools kept holyday, to commence a war was impious, to punish a malefactor involved pollution.[2] Special indulgences were granted to the slaves of each domestic establishment: they were relieved from all ordinary toils; were permitted to wear the *pileus*, the badge of freedom; were granted full freedom of speech; and partook of a banquet attired in the clothes of their masters, and were waited upon by them at table.[3]

All ranks devoted themselves to feasting and mirth, presents were interchanged among friends, *cerei* or wax tapers being the common offering of the more humble to their superiors, and crowds thronged the streets, shouting *Io Saturnalia* (this was termed *clamare Saturnalia*), while sacrifices were offered with uncovered head, from a conviction that no ill-omened sight would interrupt the rites of such a happy day.[4]

Many of the peculiar customs exhibited a remarkable resemblance to the sports of our own Christmas and of the Italian Carnival. Thus, on the Saturnalia, public gambling was allowed by the ædiles,[5] just as in the days of our ancestors the most rigid were wont to countenance card-playing on Christmas-eve; the whole population threw off the toga, wore a loose gown called *synthesis*, and walked about with the pileus on their heads,[6] which reminds us of the dominoes, the peaked caps, and other disguises worn by masques and mummers; the *cerci* were probably employed as the *moccoli* now are on the last night of the Carnival; and, lastly, one of the amusements in private society was the election of a mock king,[7] which at once calls to recollection the characteristic ceremony of Twelfth-night.

Saturnus being an ancient national god of Latium, the institution of the Saturnalia is lost in the most remote antiquity. In one legend it was ascribed to Janus, who, after the sudden disappearance of his guest and benefactor from the abodes of men, reared an altar to him, as a deity, in the Forum, and ordained annual sacrifices; in another as related by Varro, it was attributed to the wandering Pelasgi, upon their first settlement in Italy; and Hercules, on his return from Spain, was said to have reformed the worship, and abolished the practice of immolating human victims; while a third tradition represented certain followers of the last-named hero, whom he had left behind on his

1. (Acron. ad Horat., Sat., i., 1.—Diomed., iii., p. 483, ed. Putsch.)—2. (Fest., s. v. Satura.)—3. (vii., 2.)—4. (x., 93.) 5. (Varro, De Re Rust., iii., 2.)

1. (Gell., ii., 18.)—2. (Macrob., Sat., i., 10, 16.—Mart., i., 86.)—Suet., Octav., 32.—Plin., Ep., viii., 7.)—3. (Macrob., Sat., i., 7—Dion Cass., lx., 19.—Hor., Sat., ii., 7, 5.—Mart., xi., 6; xiv., 1—Athen., xiv., 44.)—4. (Catull., 14.—Senec., Ep., 18.—Suet., Octav., 75. — Mart., v., 18, 19; vii., 53; xiv., 1. — Plin., Ep. iv., 9.—Macrob., Sat., i., 8, 10.—Serv. ad Virg., Æn., iii., 407.) 5. (Mart., v., 84; xiv., 1; xi., 6.)—6. (Mart., xiv., 141; vi., 24 xiv., 1; xi., 6.—Senec., Ep., 18.)—7. (Tacit., Ann., xiii., 15 Arrian, Diss. Epictet., i., 25. Lucian, Sat., 4.)

return to Greece, as the authors of the Saturnalia.[1] Records approaching more nearly to history referred the erection of temples and altars, and the first celebration of the festival, to epochs comparatively recent, to the reign of Tatius,[2] of Tullus Hostilius,[3] of Tarquinius Superbus,[4] to the consulship of A. Sempronius and M. Minutius, B.C. 497, or to that of T. Lartius in the preceding year.[5] These conflicting statements may be easily reconciled by supposing that the appointed ceremonies were in these rude ages neglected from time to time, or corrupted, and again at different periods revived, purified, extended, and performed with fresh splendour and greater regularity.[6]

During the Republic, although the whole month of December was considered as dedicated to Saturn,[7] only one day, the xiv. Kal. Jan., was set apart for the sacred rites of the divinity: when the month was lengthened by the addition of two days upon the adoption of the Julian Calendar, the Saturnalia fell on the xvi. Kal. Jan., which gave rise to confusion and mistakes among the more ignorant portion of the people. To obviate this inconvenience, and allay all religious scruples, Augustus enacted that three whole days, the 17th, 18th, and 19th of December, should in all time coming be hallowed, thus embracing both the old and new style.[8] A fourth day was added, we know not when or by whom, and a fifth, with the title *Juvenalis*, by Caligula,[9] an arrangement which, after it had fallen into disuse for some years, was restored and confirmed by Claudius.[10]

But although, strictly speaking, one day only, during the Republic, was consecrated to religious observances, the festivities were spread over a much longer space. Thus, while Livy speaks of the first day of the Saturnalia (*Saturnalibus primis*[11]), Cicero mentions the second and third (*secundis Saturnalibus*,[12] *Saturnalibus tertiis*[13]); and it would seem that the merry-making lasted during seven days, for Novius, the writer of Atellanæ, employed the expression *scptem Saturnalia*, a phrase copied in later times by Memmius;[14] and even Martial speaks of *Saturni septem dies*,[15] although in many other passages he alludes to the five days observed in accordance with the edicts of Caligula and Claudius.[16] In reality, under the Empire, three different festivals were celebrated during the period of seven days. First came the *Saturnalia* proper, commencing on xvi. Kal. Dec., followed by the *Opalia*, anciently coincident with the Saturnalia,[17] on xiv. Kal. Jan.; these two together lasted for five days, and the sixth and seventh were occupied with the *Sigillaria*, so called from little earthenware figures (*sigilla*, *oscilla*) exposed for sale at this season, and given as toys to children.

*SATYRION (*σατύριον*), a plant, having the property of exciting salacity, whence the name. The *σατύριον τρίφυλλον* of Dioscorides and Galen has given rise to many conjectures, as Adams remarks. Sprengel inclines to the *Tulipa Gesneriana*. The *σατύριον ἐρυθρόνιον* has been commonly held for the *Erythronium Dens Canis*, or Dog's-tooth; Sprengel, however, is not quite satisfied about it.[18]

*II. A four-footed amphibious animal. (*Vid.* Enhydrus.)

*SAT'YRUS. (*Vid.* Simia.)

*SAURUS and SAURA (*σαῦρος*, *σαῦρα*). "These terms are applied to several species of the genus *Lacerta*; to the Salamander, the Stellio, and the Gecko. The *σαῦρος χλωρός* noticed by Ælian must have been the *Lacerta viridis*, L. It is a very large species. Virgil mentions it in the following line:

"'*Nunc virides etiam occultant spineta lacertos.*'"[1]

*II. A species of fish, about which great uncertainty prevails. "Some have referred it," says Adams, "to the *Salmo Saurus*, L., called at Rome *Tarantola*. Schweighaeuser mentions that Camus supposed it the same as the *κίχλη*. Schneider, upon the whole, prefers some species of the *Diodon*, L. Coray inclines to the opinion that it was a species of mackerel, or *Scomber*, and that it is the fish called *δάκερδα* by the modern Greeks."[2]

*SAXIFR'AGIUM (*σαξίφραγον*), a plant, which Adams conjectures may have been the Burnet Saxifrage, or *Pimpinella Saxifraga*. Sprengel, however, has shown, as Adams remarks, that there is great uncertainty about it.[3]

SCALÆ (*κλίμαξ*), a Ladder. The general construction and use of ladders was the same among the ancients as in modern times, and therefore requires no explanation, with the exception of those used in besieging a fortified place and in making an assault upon it. The ladders were erected against the walls (*admovere*, *ponere*, *apponere*, or *erigere scalas*), and the besiegers ascended them under showers of darts and stones thrown upon them by the besieged.[4] Some of these ladders were formed like our common ones; others consisted of several parts (*κλίμακες πηκταί* or *διαλυταί*), which might be put together so as to form one large ladder, and were taken to pieces when they were not used. Sometimes, also, they were made of ropes or leather, with large iron hooks at the top, by which they were fastened to the walls to be ascended. The ladders made wholly of leather consisted of tubes sowed up air-tight, and when they were wanted these tubes were filled with air.[5] Heron also mentions a ladder which was constructed in such a manner that it might be erected with a man standing on the top, whose object was to observe what was going on in the besieged town.[6] Others, again, were provided at the top with a small bridge, which might be let down upon the wall.[7] In ships, small ladders or steps were likewise used for the purpose of ascending into or descending from them.[8]

In the houses of the Romans, the name scalæ was applied to the stairs or staircase leading from the lower to the upper parts of a house. The steps were either of wood or stone, and, as in modern times, fixed on one side in the wall.[9] It appears that the staircases in Roman houses were as dark as those of old houses in modern times, for it is very often mentioned that a person concealed himself *in scalis* or *in scalarum tenebris*,[10] and passages like these need not be interpreted, as some commentators have done, by the supposition that *in scalis* is the same as *sub scalis*. The Roman houses had two kinds of staircases: the one were the common scalæ, which were open on one side; the others were called scalæ Græcæ or *κλίμακες*, which were closed on both sides. Massurius Sabinus[11] states that the flaminica was not allowed to ascend higher than three steps on a common scala, but that she might make use of a climax like every

1. (Macrob., Sat., i., 7.)—2. (Dionys., ii., 50.)—3. (Dionys., iii., 32.—Macrob., Sat., i., 8.)—4. (Dionys., vi., 1.—Macrob., l. c.)—5. (Dionys., vi., 1.—Liv., ii., 21.)—6. (Compare Liv., xxiii., 1, sub fin.)—7. (Macrob., i., 7.)—8. (Id., i., 10.)—9. (Dion Cass., lx., 6.—Suet., Cal., 17.)—10 (Dion Cass., lx., 2.)—11. (Liv., xxx., 36.)—12. (ad Att., xv., 32.)—13. (ad Att., v., 20.)—14. (Macrob., i., 10.)—15. (xiv., 72.)—16. (ii., 89; xiv., 79, 141.)—17. (Macrob., i., 10.)—18. (Dioscor., iii., 133, 134.—Adams, Append., s. v.)

1. (Ælian, N. A., v., 47.—Virg., Ecl., ii., 9.—Adams, Append., s. v.)—2. (Aristot., H. A., ii., 2.—Ælian, N. A., xii., 25.—Schweigh. ad Athen., vii., 120.—Adams, Append., s. v.)—3. (Dioscor, iv., 15.—Adams, Append., s. v.)—4. (Sallust, Jug., 64.—Cæs., De Bell. Civ., i., 28, 63.—Tacit., Hist., iv., 29, &c.—Veget., De Re Milit., iv., 21.—Polyb., ix., 18.)—5 (Heron, c. 2.)—6. (Id., c. 12.)—7. (Id., c. 19.)—8. (Virg., Æn., x., 654.—Heron, c. 11.)—9. (Vitruv., ix., 1, § 7, &c.)—10. (Cic., Pro Mil., 15.—Philip., ii., 9.—Hor., Epist., ii., 2, 15.)—11. (an Gell., x., 15, § 29.)

other person, as here she was concealed when going up.[1]

SCALPTURA'TUM. (*Vid.* HOUSE, ROMAN, p. 519.)

*SCAMMO'NIA (*σκαμμωνία*), a plant, the *Convolvulus Scammonia*. An extract, called Scammony, is obtained from the roots, having purgative properties. "Dioscorides describes another species, which Sibthorp and Sprengel take to be the *Convolvulus farinosus*. Scammony is named *δάκρυ κάμωνος* by Nicander, and *δακρύδιον* by Alexander Trallianus."[2]

SCAMNUM, *dim.* SCABELLUM, a step which was placed before the beds of the ancients, in order to assist persons in getting into them, as some were very high; others, which were lower, required also lower steps, which were called *scabella*.[3] A scamnum was sometimes also used as a footstool.[4] A scamnum extended in length becomes a bench, and in this sense the word is frequently used. The early Romans, before couches were introduced among them, used to sit upon benches (*scamna*) before the hearth when they took their meals.[5] The benches in ships were also sometimes called scamna. In the technical language of the agrimensores, a scamnum was a field which was broader than it was long, and one that was longer than broad was called *striga*.[6] In the language of the Roman peasantry, a scamnum was a large clod of earth which had not been broken by the plough.[7]

*SCANDIX (*σκάνδιξ*), a plant, the *Scandix Australis*, or Shepherd's Needle. Aristophanes makes it a matter of reproach to Euripides that his mother sold scandix instead of good potherbs. The scholiast on Aristophanes calls it *λάχανον ἄγριον εὐτελές*, "a wild, cheap potherb." Hence, when Nicias, in the Knights, alludes to the name of Euripides, his fellow-slave replies, *μή μοί γε, μή μοι, μὴ διασκανδικίσῃς*. "*Hæc* (scandix) *est*," says Pliny, "*quam Aristophancs Euripidi poctæ objecit jocularitcr, matrem ejus ne olus quidem legitimum venditasse, sed scandicem.*[8]

SCANTI'NIA LEX. (*Vid.* LEX, p. 585.)

SCAPHA, a skiff or boat, usually rowed by two oars (*binemis scapha*[9]), which was frequently taken with merchant vessels in case of shipwreck or other accidents.[10]

SCAPHEPHO'RIA (*σκαφηφορία*). (*Vid.* HYDRIAPHORIA.)

*SCARUS (*σκάρος*), a species of fish, the *Scarus*. "There is considerable difficulty in deciding precisely what it was, owing to the general resemblance of the fishes contained in the Linnæan genera *Sparus*, *Scarus*, and *Labrus*. The ancient naturalists believed that it ruminates, and this opinion, although rejected by the author of the article *Ichthyology* in the *Encyclopedie Methodique*, has received the countenance of Rondelet and Linnæus." The roasted scarus was a favourite dish with the ancients, and the liver was particularly commended. The liver, according to Sibthorp, is still prized by the modern Greeks, and is celebrated in a Romaic couplet.[11]

SCENA. (*Vid.* THEATRUM.)

*SCEPANOS (*σκέπανος*), a kind of flat fish, remarkable for swimming rapidly, gliding, as it were, like a shadow, whence the name (*σκέπανος*, "covered," "shaded"). It would seem to have been a species of tunny. Some, however, are in favour of the halibut.[12]

*SCEPTINOS (*σκεπινός*), another name for the preceding, used by Athenæus.[1]

SCEPTRUM is a Latinized form of the Greek *σκῆπτρον*, which originally denoted a simple staff or walking-stick.[2] (*Vid.* BACULUS.) The corresponding Latin term is *scipio*, springing from the same root and having the same signification, but of less frequent occurrence.

As the staff was used not merely to support the steps of the aged and infirm, but as a weapon of defence and assault, the privilege of habitually carrying it became emblematic of station and authority. The straight staves which are held by two of the four sitting figures in the woodcut at p. 61, while a third holds the curved staff, or LITUUS, indicate, no less than their attitude and position, that they are exercising judicial functions. In ancient authors the sceptre is represented as belonging more especially to kings, princes, and leaders of tribes;[3] but it is also borne by judges,[4] by heralds,[5] and by priests and seers.[6] It was more especially characteristic of Asiatic manners, so that, among the Persians, whole classes of those who held high rank and were invested with authority, including eunuchs, were distinguished as the sceptre-bearing classes (*οἱ σκηπτοῦχοι*[7]). The sceptre descended from father to son,[8] and might be committed to any one in order to express the transfer of authority.[9] Those who bore the sceptre swore by it,[10] solemnly taking it in the right hand and raising it towards heaven.[11]

The original wooden staff, in consequence of its application to the uses now described, received a variety of ornaments or emblems. It early became a truncheon, pierced with golden cover studs.[12] It was enriched with gems,[13] and made of precious metals or of ivory.[14] The annexed woodcut, taken from one of Sir Wm. Hamilton's fictile vases, and representing Æneas followed by Ascanius, and carrying off his father Anchises, who holds the sceptre in his right hand, shows its form as worn

by kings. The ivory sceptre (*eburneus scipio*[15]) of the kings of Rome, which descended to the consuls, was surmounted by an eagle.[16] (*Vid.* INSIGNE.) Jupiter and Juno, as sovereigns of the gods, were represented with a sceptre.[17]

SCEUO'PHOROS (*σκευόφορος*). (*Vid.* HYPERETES.)

1 (Serv. ad Æn., iv., 664.) — 2. (Theophr., H. P., iv., 5.— Dioscor., iv., 168.—Adams, Append., s. v.)—3. (Varro, De Ling. Lat., iv., p. 46.— Isid., xx., 11. — Ovid, Ars Am., ii., 211.) — 4. (Ovid, ib., i., 162.) — 5. (Id., Fast., vi., 305.) —6. (Varii Auctor. Rei Agr., p. 46, 125, 198, ed. Goes.)—7. (Colum., ii., 2.) — 8. (Theophr., H. P., vii., 8.—Dioscor., ii., 167.—Aristoph., Acharn., 456.—Mitchell, ad loc.)—9. (Hor., Carm., iii., 29, 62.)—10. (Cic., De Inv., ii., 51.) — 11. (Aristot., H. A., ii., 17; viii., 2; ix., 37. — Ælian, N. A., i., 2.—Id., ii., 54.—Adams, Append., s. v.)—12. Donnegan, Lexicon, 4th ed., s. v.)

1 (vii., 120.)—2. (Hom., Il., xviii., 416.—Æschyl., Agam., 74 — Herod., i., 195.) — 3. (Hom., Il., ii., 186, 199, 265, 268, 279, xviii., 557.—Id., Od., ii., 37, 80; iii., 412.)—4. (Id., Od., xi., 568.) —5. (Id., Il., iii., 218; vii., 277; xviii., 505.) — 6. (Id. ib., i., 15, Od., xi., 91.—Æsch., Agam., 1236.)—7. (Xen., Cyr., vii., 3, § 17; viii., 1, § 38; 3, § 15.) — 8. (Hom., Il., ii., 46, 100-109.) — 9. (Herod., vii., 52.)—10. (Hom., Il., i., 234-239.)—11. (Hom., Il., vii., 412; x., 321, 328.) — 12. (Il., i., 246; ii., 46.) — 13. (Ovid, Met., iii., 264.) — 14. (i., 178.—Fast., vi., 38.) —15. (Val. Max., iv., 4, § 5.)—16. (Virg., Æn., xi., 238.—Serv., ad loc. — Juv., x 43.— Isid., Orig., xviii., 2.)—17. (Ovid, Il. cc.)

'SCHI'NOS (σχῖνος), the *Pistachia lentiscus*, or the lentisk which produces mastich.[1]

*SCHISTUS LAPIS (σχιστὸς λίθος). "The *Schistus lapis*," says Dr. Moore, "by burning which, we find from Dioscorides and Pliny, that hæmatite was sometimes counterfeited, was probably an ochrey stone of a slaty structure, whence its name (σχιστός, 'split,' 'cloven'). The best was of a somewhat saffron colour, friable, fissile, and resembling in structure and in the cohesion of its layers the fossil salt called ammoniæ."[2]

*SCHŒNI'CLUS (σχοινίκλος), a species of bird, which Schneider says has been referred to the *Emberiza Schæniclus*, or Reed Sparrow. This Adams considers a very doubtful reference, and suggests the *Motacilla arundinacea*, or Reed Wren.[3]

SCHŒNUS (ὁ, ἡ, σχοῖνος), an Egyptian and Persian measure, the length of which is stated by Herodotus[4] at 60 stadia, or 2 parasangs; by Eratosthenes at 40 stadia, and by others at 32.[5] Strabo and Pliny both state that the schœnus varied in different parts of Egypt and Persia.[6] The schœnus was used especially for measuring land.[7]

*SCHŒNUS (σχοῖνος), a term applied to several species of *Rush*. "According to Sprengel, the ὀξυσχοῖνος is the *Juncus acutus*, and the ὁλοσχοῖνος the *Schœnus mariscus*, in which opinion he is supported by Stackhouse. Stephens gives nearly the same account of the *Schœnus*. Sibthorp makes the σχοῖνος λεία of Dioscorides to be the *S. Holoschœnus*, L. The σχοίνου ἄνθος is the most important of this tribe. Moses Charras says of it, 'The *Schœnanth* is Greek, and signifies the flower of a reed, which is the best part of that plant.' Dr. Hill also says of it, 'The *Schœnanth*, or *Juncus odoratus* of the shops, is a dried stalk of a plant brought to us from Arabia, sometimes bare and naked, sometimes with the leaves and flowers on it, or with more or less remains of them.' Sprengel gives a very interesting description of this reed (which he calls *Andropogon Schœnanthus*) from a specimen which he got from India."[8]

SCHOLA. (*Vid.* Baths, p. 148.)

SCIADEION (σκιάδειον). (*Vid.* Umbraculum.)

SCIADEPHORIA (σκιαδηφορία). (*Vid.* Hydriaphoria.)

*SCIA'NA (σκίανα), a species of fish, the *Sciæna corrhosa*, L. It is also called σκινός and σκινδάριον. According to Belon, it is about four cubits long, and sometimes weighs 60 lbs. Rondelet says it is so like the *Coracinus* that the one is often sold for the other in Rome.[9]

*SCILLA (σκίλλα), a bulbous-rooted plant, the Sea Onion or Squill. "The σκίλλα of Dioscorides is without doubt," says Adams, "the *Scilla maritima*, or Squill. The σκίλλα Ἐπιμενιδεία of Theophrastus was most probably the *Scilla Italica*, as Stackhouse suggests." The *Scilla maritima*, according to Sibthorp, abounds in the island of Zante. It is an object of commerce, and is exported to Holland and England. A sequin for 1000 roots is paid for collecting them. It is called ἄσκιλλα at Constantinople, and is made into paste with honey for the asthma, or applied in cataplasms to the joints affected with rheumatic pains.[10]

SCIOTHE'RICUM. (*Vid.* Horologium, p. 509.)

SCI'PIO. (*Vid.* Sceptrum.)

*SCIU'RUS (σκίουρος), the Squirrel, or *Sciurus vulgaris*. The Greek name is derived from the circumstance of the *tail* serving, as it were, to *shad* the body (σκιά and οὐρά).[1]

*SCOL'OPAX or SCOLO'PAX σκολόπαξ or σκολώπαξ), probably the *Scolopax rusticula*, L., or Woodcock. It is the *Beccassa* of the Italians. Martial calls it the "*Rustica perdix*."[2]

*SCOLOPENDRA (σκολοπένδρα), a species of venomous insect, the Centipede, *Scolopendra morsitans*, L., or some of the kindred species. The σκολοπένδρα χερσαία, according to Adams, is properly the *S. morsitans*, or Centipede; the σ. θαλασσία is the *Aphrodite aculeata*. "Nicander," says Adams, "calls the land Scolopendra ἀμφικάρης, from its appearing to have two heads. Dr. Clarke confirms its ancient character of being extremely venomous."[3]

*SCOLOPEN'DRION (σκολοπένδριον), a species of fern (otherwise called πολυπόδιον). It derives its name from the resemblance which it bears to the σκολοπένδρα.[4]

*SCOLOP'IA (σκολοπία), a plant; according to Stackhouse, the *Scolopendra electrica*.[5]

SCOLOPS (σκόλοψ). (*Vid.* Crux.)

*SCOL'YMUS (σκόλυμος), probably the *Scolymus Hispanicus*, or Spanish Cardoons.[6]

*SCOMBROS (σκόμβρος), the *Scomber scombrus*, or Mackerel. "The name of mackerel (*macarellus*) is found in Albertus Magnus, and in Arnaud de Villeneuve. Authors are not agreed concerning its etymology. Some derive it from *macularius* or *maculariolus*, in consequence of its spots; others from μακάριος, on account of its goodness. But there is no likelihood that a word used at all times in the remotest parts of the north should be derived from any southern language, more particularly as in most of the parts of the south this word is not known. Among the fish which the ancients were accustomed to salt, there were some small species, known by the name of *scomber*, *colias*, and *cordyla*, and which were comprised under the generic name of *Lacertus*. There is every reason to believe that these were the common mackerel and its approximating species. All that is said of them proves that they were common and of small size. '*Colias lacertorum minimi*,' says Pliny. *Lacertus* was therefore evidently a name common to many species."[7]

*SCOPS (σκώψ or κώψ). "It appears to be satisfactorily determined that this is the species of owl called *Strix Scops* by Linnæus."[8]

*SCORDIUM (σκόρδιον), the *Teucrium Scordium*, or Water Germander, an aquatic plant. It derives its name from σκόρδον or σκόροδον, on account of its strong odour of garlic.[9]

*SCORODON (σκόροδον), the *Allium sativum*, or manured Garlic. (*Vid.* Allium.) Stackhouse, however, prefers the *Allium scorodoprasum*. Stephens suggests that the wild garlic should be called ἀφροσκόροδον, and not ὀφιοσκόροδον.[10]

*SCORODOPR'ASON (σκοροδόπρασον). "Some of the botanical authorities," says Adams, "hold it to be the *Allium Scorodoprasum*, some the *A. ampeloprasum*, and others the *A. descendens*. I prefer the first, which gets the name of *Ail reccambole* in French."[11]

SCO'RPIO. (*Vid.* Tormentum.)

*II. (Σκορπίος), the Scorpion. Σκορπίος χερσαῖος is the Land Scorpion, of which Nicander, Ælian,

1. (Theophr., H. P., ix., 1. — Dioscor., i., 181. — Adams, Append., s. v.)—2 (Diosc., v., 145.— Moore's Ancient Mineral., p. 131. — Adams, Append., s. v.) — 3. (Aristot., H. A., viii., 5.— Adams, Append., s. v.)—4. (ii., 6. 9.)—5. (Plin., H. N., xii., 30; v., 10.) — 6. (Strabo, p. 803. — Plin., H. N., vi., 30. — Compare Athen., iii., p. 122, A.) — 7. (Herod., i., 66.) — 8. (Theophr., i., 5; iv., 8.—Dioscor., i., 16; iv., 52.—Adams, Append., s. v.)—9. (Aristot., H. A., viii., 9.—Ælian, N. A., ix., 7.—Adams, Append., s. v.)—10. (Theophr., H. P., i., 7; vii., 9.— Dioscor., ii., 202.— Adams, Append., s. v.—Walpole's Memoirs, vol. i., p. 251.)

1. (Oppian, Cyn., ii., 586.—Adams, Append., s. v.)—2. (Aristot., H. A., ix., 2.—Adams, Append., s. v.)—3. (Aristot., H. A., iv., 7. — Adams, Append., s. v.) — 4. (Donnegan, Lex., s. v.) — 5 (Theophr., H. P., vii., 11.—Adams, Append., s. v.)—6. (Theophr., H. P., vi., 4. — Dioscor., iii., 16. — Adams, Append., s. v.) — 7 (Aristot., H. A., vi., 17. — Ælian, N. A., xiv., 1. — Plin., H. N., ix., 15. — Adams, Append., s. v. — Griffith's Cuvier, vol. x., p. 333.) — 8. (Adams. Append., s. v.) — 9. (Dioscor., iii., 115 — Adams, Append., s. v.)—10. (Theophr., vii., 4.—Dioscor., ii., 181 —Adams, Append., s. v.)—11. (Dioscor. ii., 182. — Adams, Append., s. v.)

and other ancient authors describe several species. Sprengel remarks that Nicander's division of scorpions had been adopted by modern naturalists. "The scorpion," says Wilkinson, "was among the Egyptians an emblem of the goddess Selk, though we should rather expect it to have been chosen as a type of the Evil Being. Ælian mentions scorpions of Coptos, which, though inflicting a deadly sting, and dreaded by the people, so far respected the goddess Isis, who was particularly worshipped in that city, that women, in going to express their grief before her, walked with bare feet, or lay upon the ground, without receiving any injury from them." "All the fables," says Griffith, "which superstition and ignorance have brought forth, during a series of ages, respecting this animal, are exhibited at length in the Natural History of Pliny. The ancients, however, did observe that it coupled, and was viviparous; that its sting was pierced, so as to give passage to the poison, and that this poison was white. They farther remarked that the females carried their young, but they supposed that there was but one to each mother; that this had escaped by stratagem from the general slaughter which she had made of her posterity, and that it finally avenged its brethren by devouring the author of its life. According to others, the mother became the prey of her own family; but, at all events, the voracity of these animals was fully recognised. It is probable that the winged scorpions, which excited astonishment from their size, such as those which Megasthenes informs us were to be found in India, are orthoptera of the genus *Phasma*, or spectrum or hemiptera of that of *Nepa* of Linnæus. Pliny informs us that the Psylli endeavoured to naturalize in Italy the scorpions of Africa, but that their attempts proved wholly unsuccessful. He distinguishes nine species, on the authority of Apollodorus. Nicander, who reckons one less, gives some particular details on the subject, but is guided by views purely medical."[1]

*III. A species of fish, the *Scorpæna porcus*, L., called in Italian *Scrofanello*; in modern Greek, σκορπίδι, according to Belon and Coray.[2]

*IV. A species of thorny plant, which Anguillara, Sprengel, and Schneider agree in regarding as the *Spartium Scorpius*. Stackhouse, however, finds objections to this opinion.[3]

*SCORPIOEI'DES (σκορπιοειδές), a species of plant, which Dodonæus and Sprengel agree in referring to the *Scorpiurus sulcatus*, L., or *Scorpioides*, Tournefort.[4]

SCRIBÆ. The scribæ at Rome were public notaries or clerks in the pay of the state. They were chiefly employed in making up the public accounts, copying out laws, and recording the proceedings of the different functionaries of the state. The phrase "*scriptum facere*"[5] was used to denote their occupation. Being very numerous, they were divided into companies or classes (*decuriæ*), and were assigned by lot to different magistrates, whence they were named quæstorii, ædilicii, or prætorii, from the officers of state to whom they were attached.[6] We also read of a navalis scriba, whose occupation was of a very inferior order.[7] The appointment to the office of a "scriba" seems to have been either made on the nominatio of a magistrate, or purchased. Thus Livy[8] tells us that a scriba was appointed by a quæstor, and we meet with the phrase "*decuriam emere*," to "purchase a company," i. e., to buy a clerk's place. Horace, for instance, bought for himself a "patent place as clerk in the treasury" (*scriptum quæstorium comparavit*[1]). In Cicero's time, indeed, it seems that any one might become a scriba or public clerk by purchase,[2] and, consequently, as freedmen and their sons were eligible, and constituted a great portion of the public clerks at Rome, the office was not highly esteemed, though frequently held by ingenui or freeborn citizens. Cicero, however, informs us that the scribæ formed a respectable class of men, but he thinks it necessary to assign a reason for calling them such, as if he were conscious that he was combating a popular prejudice. Very few instances are recorded of the scribæ being raised to the higher dignities of the state. Cn. Flavius, the scribe of Appius Claudius, was raised to the office of curule ædile in gratitude for his making public the various forms of actions, which had previously been the exclusive property of the patricians (*vid.* Actio, p. 17), but the returning officer refused to acquiesce in his election till he had given up his books (*tabulas posuit*) and left his profession.[3] The private secretaries of individuals were called Librarii, and sometimes scribæ ab epistolis. In ancient times, as Festus[4] informs us, scriba was used for a poet.[7]

SCRIBO'NIA LEX. (*Vid.* Lex, p. 585.)

SCRI'NIUM. (*Vid.* Capsa.)

SCRIPLUM. (*Vid.* Scrupulum.)

SCRIPTA DUO'DECIM. (*Vid.* Latrunculi.)

SCRIPTU'RA was that part of the revenue of the Roman Republic which was derived from letting out those portions of the ager publicus which were not or could not be taken into cultivation as pasture-land.[8] The name for such parts of the ager publicus was *pascua publica*, *saltus*, or *silvæ*. They were let by the censors to the publicani, like all other vectigalia; and the persons who let their cattle graze on such public pastures had to pay a certain tax or duty to the publicani, which, of course, varied according to the number and quality of the cattle which they kept upon them. To how much this duty amounted is nowhere stated, but the revenue which the state derived from it appears to have been very considerable. The publicani had to keep the lists of the persons who sent their cattle upon the public pastures, together with the numher and quality of the cattle. From this registering (*scribere*) the duty itself was called *scriptura*, the public pasture-land *ager scripturarius*,[9] and the publicani, or their agents who raised the tax, *scripturarii*. Cattle not registered by the publicani were called *pecudes inscriptæ*, and those who sent such cattle upon the public pasture were punished according to the lex Censoria,[10] and the cattle were taken by the publicani and forfeited.[11] The lex Thoria[12] did away with the scriptura in Italy, where the public pastures were very numerous and extensive, especially in Apulia,[13] and the lands themselves were now sold or distributed. In the provinces, where the public pastures were also let out in the same manner,[14] the practice continued until the time of the Empire, but afterward the scriptura is no longer mentioned.[15]

SCRU'PULUM, or, more properly, Scripulum or Scriplum (γράμμα), the smallest denomination of weight among the Romans. It was the 24th part

1. (Sprengel, Hist. de la Med.—Adams, Append., s. v.—Wilkinson's Mann. and Customs, &c., vol. v., p. 254.—Griffith's Cuvier, vol. xiii., p. 434, &c.)—2. (Aristot., H. A., ii., 17.—Adams, Append. s. v.)—3. (Theophr., H. P., ix., 13, 18.—Adams, Append., s. v.)—4. (Dioscor., iv., 192.—Adams, Append., s. v.)—5. (Liv., ix., 46.—Gell., vi., 9.)—6. (Cic., c. Verr., II., iii., 79; c. Cat., iv., 7; Pro Cluent., 45.—Plin., H. N., xxvi., 1, s. 3.)—7. (Festus, s. v. Navalis.)—8. (xl., 29.)

1. (Tate's Horace, ed. i., p. 58.)—2. (Cic., II., iii., c. Verr., 79.)—3. (Tacit., Ann., xiii., 27.)—4. (l. c.)—5. (Gell., l. c.)—6. (s. v.)—7. (Ernesti, Clav. Cic., s. v.—Göttling, Gesch. der Röm. Staatsv., p. 374.)—8. (Varro, De Ling. Lat., iv., p. 10, Bip.—Festus, s. v. Saltum.)—9. (Festus, s. v. Scripturarius ager.)—10. (Varro, De Re Rust., ii., 1.)—11. (Plaut., Truc., i., 2, 42, &c.)—12. (Appian, De Bell. Civ., i., 27.—Cic., Brut., 36.)—13 (Varro, De Re Rust., l. c.—Liv., xxxix., 29.)—14. (Cic., c. Verr., II., ii., 3; p. Leg. Man., 6; ad Fam., xiii., 65.—Plin., H. N. xix., 15.)—15. (Compare Niebuhr. Hist. of Rome, ii., p. 15, &c.—Burmann, Vectig. Pop. Rom., c. 4.)

of the UNCIA, or the 288th of the LIBRA, and therefore =18 06 grains English, which is about the average weight of the scrupular aurei still in existence. (*Vid* AURUM.)

As a square measure, it was the smallest division of the jugerum, which contained 288 scrupula. (*Vid.* JUGERUM.) Pliny[1] uses the word to denote small divisions of a degree. It seems, in fact, to be applicable to any measure.

Though the scrupulum was the smallest weight in common use, we find divisions of it sometimes mentioned, as the *obolus* =½ of a scruple, the *semiobolus* =½ of an obolus, and the *siliqua* =⅓d of an obolus, =⅙th of a scruple, which is thus shown to have been originally the weight of a certain number of seeds.[2]

"*Semioboli duplum est obolus, quem pondere duplo*
Gramma vocant, scriplum nostri dixere priores.
Semina sex alii siliquis latitantia curvis
Attribuunt scriplo, lentisve grana bis octo,
Aut totidem speltas numerant, tristesve lupinos
Bis duo."

SCULPTU'RA (γλυφή) properly means the art of engraving figures upon metal, stone, wood, and similar materials, but is sometimes improperly applied by modern writers to the statuary art, which is explained in a separate article. (*Vid.* STATUARY.) There are two different forms of the word, both in Greek and Latin, viz., *scalpo*, *scalptura*, and *sculpo*, *sculptura* (in Greek γλάφω and γλύφω). The general opinion is, that both *scalpo* and *sculpo*, with their derivatives, signify the same thing, only different in degree of perfection, so that *scalptura* would signify a coarse or rude, *sculptura* an elaborate and perfect engraving. This opinion is chiefly based upon the following passages: Horat., *Sat.*, ii., 3, 22.—Ovid, *Met.*, x., 248.—Vitruv., iv., 6.[3] Others, again, believe that *scalpo* (γλάφω) signifies to cut figures into the material (intaglio), and *sculpo* (γλύφω) to produce raised figures, as in cameos. But it is very doubtful whether the ancients themselves made or observed such a distinction.

It may be expedient, however, in accordance with this distinction, to divide sculptura into two departments: 1. The art of cutting figures into the material (intaglios), which was chiefly applied to producing seals and matrices for the mints; and, 2. The art of producing raised figures (cameos), which served for the most part as ornaments.

The former of these two branches was much more extensively practised among the ancients than in modern times, which arose chiefly from the general custom of every free man wearing a seal-ring. (*Vid.* RINGS.) The first engravings in metal or stone, which served as seals, were simple and rude signs without any meaning, sometimes merely consisting of a round or square hole.[4] In the second stage of the art, certain symbolical or conventional forms, as in the worship of the gods, were introduced, until at last, about the age of Phidias and Praxiteles, this, like the other branches of the fine arts, had completed its free and unrestrained career of development, and was carried to such a degree of perfection, that, in the beauty of design as well as of execution, the works of the ancients remain unrivalled down to the present day. But few of the names of the artists who excelled in this art have come down to us. Some intaglios, as well as cameos, have a name engraved upon them, but it is in all cases more probable that such are the names of the owners rather than those of the artists. The first artist who is mentioned as an engraver of stones is Theodorus, the son of Telecles, the Samian who engraved the stone in the ring of Polycrates. The most celebrated among them was Pyrgoteles, who engraved the seal-rings for Alexander the Great.[2] The art continued for a long time after Pyrgoteles in a very high state of perfection, and it appears to have been applied about this period to ornamental works; for several of the successors of Alexander and other wealthy persons adopted the custom, which was and is still very prevalent in the East, of adorning their gold and silver vessels, craters, candelabras, and the like, with precious stones, on which raised figures (cameos) were worked.[3] Among the same class of ornamental works we may reckon such vessels and paterae as consisted of one stone, upon which there was in many cases a whole series of raised figures of the most exquisite workmanship.[4] Respecting the various precious and other stones which the ancient artists used in these works, see Müller.[5]

As regards the technical part of the art of working in precious stones, we only know the following particulars. The stone was first polished by the politor, and received either a plane or convex surface; the latter was especially preferred, when the stone was intended to serve as a seal. The sculptor himself used iron or steel instruments moistened with oil, and sometimes also a diamond framed in iron. These metal instruments were either sharp and pointed, or round.[6] The stones which were destined to be framed in rings, as well as those which were to be inlaid in gold or silver vessels, then passed from the hands of the sculptor into those of the goldsmith (*annularius*, *compositor*).

Numerous specimens of intaglios and cameos are still preserved in the various museums of Europe, and are described in numerous works. For the literature of the subject, see Müller.[7]

ΣΚΥΡΙΑ ΔΙΚΗ (σκυρία δίκη) is thus explained by Pollux: Σκυρίαν δίκην ὀνομάζουσιν οἱ κωμῳδοδιδάσκαλοι τὴν τραχεῖαν· οἱ γὰρ φυγοδικοῦντες ἐσκήπτοντο εἰς Σκύρον ἢ εἰς Λῆμνον ἀποδημεῖν. By τραχεῖα δίκη is meant one beset with difficulties, in which the plaintiff had to encounter every sort of trickery and evasion on the part of the defendant. On the appointed day of trial both parties were required to be present in court, and if either of them did not appear, judgment was pronounced against him, unless he had some good excuse to offer, such as illness or inevitable absence abroad. Cause was shown by some friend on his behalf, supported by an affidavit called ὑπωμοσία, in answer to which the opponent was allowed to put in a counter-affidavit (ἀνθυπωμοσία), and the court decided whether the excuse was valid. It seems to have become a practice with persons who wished to put off or shirk a trial, to pretend that they had gone to some island in the Ægean Sea, either on business or on the public service; and the isles of Scyrus (one of the Cyclades), Lemnos, and Imbrus were particularly selected for that purpose. Shammers of this kind were therefore nicknamed Lemnians and Imbrians.[8]

SCYTHÆ (σκύθαι). (*Vid.* DEMOSIOI.)

SCUTUM (θυρεός), the Roman shield worn by the heavy-armed infantry, instead of being round like the Greek CLIPEUS, was adapted to the form of the human body by being made either oval or of the shape of a door (θύρα), which it also resembled in being made of wood or wickerwork, and from which,

1. (H. N., ii., 7.)—2. (Rhem. Fann., De Pond., v., 8-13.)—3. (Compare the commentators on Suet., Galb., 10.)—4. (Meyer, Kunstgeschichte, i., 10.)

1. (Herod., iii., 41.)—2. (Winckelmann, vi., p. 107, &c.)—3 (Athen., xi., p. 781.—Cic., c. Verr., II., iv., 27, &c.)—4. (Appian, Mithr., 115.—Cic., l. c.—Plin., H. N., xxxvii., 3.)—5. (Archæol., § 313.) — 6. (Plin., H. N., xxxvii., 76.—Müller, Arch., § 314, 2.)—7. (Archæol., § 315, &c.)—8. (Pollux, Onom., viii., 60, 81.—Kühn, ad loc.—Suidas, s. v. Σκυρίαν δίκην.— Hesych., s. v. Ἰμβριος.— Steph., Thes., 8484, c., s. v. Σκύρος. — Demosth. c. Olympiod. 1174.—Meier, Att. Proc. 696

consequently its Greek name was derived. Two of its forms are shown in the woodcut at page 896. That which is here exhibited is also of fre

quent occurrence, and is given on the same authority: in this case the shield is curved, so as in part to encircle the body. The terms *clipeus* and *scutum* are often confounded; but that they properly denoted different kinds of shields is manifest from the passages of Livy and other authors which are quoted in p. 102, 269. In like manner, Plutarch distinguishes the Roman θυρεός from the Greek ἀσπίς in his Life of Titus Flaminius.[1] In *Eph.*, vi., 16, St. Paul uses the term θυρεός rather than ἀσπίς or σακός, because he is describing the equipment of a Roman soldier. (*Vid.* ARMA, p. 95.[2]) These Roman shields are called *scuta longa*;[3] θυρεοὺς ἐπιμήκεις.[4] Polybius[5] says their dimensions were 4 feet by 2½. The shield was held on the left arm by means of a handle, and covered the left shoulder.

*SCYL'IUM (σκύλιον), a species of Shark, probably the *Squalus canicula*, or Bounce.[6]

SCY'TALE (σκυτάλη), I. is the name applied to a secret mode of writing, by which the Spartan ephors communicated with their kings and generals when abroad.[7] When a king or general left Sparta, the ephors gave to him a staff of a definite length and thickness, and retained for themselves another of precisely the same size. When they had any communication to make to him, they cut the material upon which they intended to write into the shape of a narrow rihand, wound it round their staff, and then wrote upon it the message which they had to send to him. When the strip of writing material was taken from the staff, nothing but single letters appeared, and in this state the strip was sent to the general, who, after having wound it around his staff, was able to read the communication. This rude and imperfect mode of sending a secret message must have come down from early times, although no instance of it is recorded previous to the time of Pausanias.[8] In later times, the Spartans used the scytale sometimes also as a medium through which they sent their commands to subject and allied towns.[9]

*II. (Σκυτάλη), the Blue-bellied Snake. "From Nicander's description of the scytale," says Adams, "it is clear that it nearly resembled the amphisbæna. In the Latin translation of Avicenna it is rendered *siseculus*. Avicenna says it resembles the amphisbæna both in form and in the effects of its sting. Hence Sprengel refers the scytale to the *anguis eriox*, a serpent which differs in length only from the *Anguis fragilis*, or Blindworm."[1]

SE'CTIO. "Those are called sectores who buy property *publice*."[2] Property was said to be sold publice (*venire publice*) when a man's property was sold by the state in consequence of a condemnatio, and for the purpose of repayment to the state of such sums of money as the condemned person had improperly appropriated, or in consequence of a proscriptio.[3] Such a sale of all a man's property was a sectio;[4] and sometimes the things sold were called sectio.[5] The sale was effected by the prætor giving to the quæstors the bonorum possessio, in reference to which the phrase "*bona publice possideri*" is used. The property was sold sub hasta, and the sale transferred Quiritarian ownership, to which Gaius probably alludes in a mutilated passage.[6] The sector was entitled to the interdictum sectorium for the purpose of obtaining possession of the property;[7] but he took the property with all its liabilities. An hereditas that had fallen to the fiscus was sold in this way, and the sector acquired the hereditatis petitio.

SECTOR. (*Vid.* SECTIO.)

SECTO'RIUM INTERDICTUM. (*Vid.* INTERDICTUM, p. 543; SECTIO.)

SECU'RIS, *dim.* SECURICULA (ἀξίνη, πελέκυς) an Axe or Hatchet. The axe was either made with a single edge, or with a blade or head on each side of the haft, the latter kind being denominated *bipennis* (πελέκυς διστόμος, or ἀμφιστόμος[8]). As the axe was not only an instrument of constant use in the hands of the carpenter and the husbandman, but was, moreover, one of the earliest weapons of attack,[9] a constituent portion of the Roman fasces, and a part of the apparatus when animals were slain in sacrifice, we find it continually recurring under a great variety of forms upon coins, gems, and bas-reliefs. In the woodcut to the article SCEPTRUM, the young Ascanius holds a battle-axe in his hand. Also real axe-heads, both of stone and metal, are to be seen in many collections of antiquities. Besides being made of bronze and iron, and more rarely of silver,[10] axe-heads have from the earliest times and among all nations been made of stone. They are often found in sepulchral tumuli, and are arranged in our museums together with chisels, both of stone and of bronze, under the name of *celts*. (*Vid.* DOLABRA.)

The prevalent use of the axe on the field of battle was generally characteristic of the Asiatic nations,[11] whose troops are therefore called *securigeræ catervæ*.[12] As usual, we find the Asiatic custom propagating itself over the north of Europe. The bipennis and the spear were the chief weapons of the Franks.[13]

In preparing for a conflict, the metallic axe was sharpened with a whetstone (*subigunt in cote secures*[14]).

SECUTO'RES. (*Vid.* GLADIATORES, p. 477.)

SEISA'CHTHEIA (σεισάχθεια), a disburdening ordinance, was the first and preliminary step in the legislation of Solon.[15] The real nature of this measure was a subject of doubt even among the ancients themselves; for, while some state that Solon thereby cancelled all debts, others describe it as a mere reduction of the rate of interest. But from the various accounts in Plutarch and the grammarians, it

1. (p. 688, ed. Steph.)—2. (Josephus, as quoted in p. 728, art. PANOPLIA.—Florus, iii., 10.)—3. (Virg., Æn., viii., 662.—Ovid, Fast., vi., 393.)—4. (Josephus, Ant. Jud., viii., 7, § 2.)—5. (vi., 21.)—6. (Aristot., H. A., vi., 10.—Oppian, Hal., 1.—Adams, Append., s. v.)—7. (Plut., Lysand., 19.—Schol. ad Thucyd., i., 131. —Suidas, s. v.)—8. (Corn. Nep., Paus., 3.)—9. (Xen., He'l., v., 2, § 37.)

1. (Adams, Append., s. v.)—2. (Gaius, iv., 146.—Festus, s. Sectores.)—3. (Liv., xxxviii., 60.—Cic. in Verr., II., i., 20.)—4 (Cic., Pro S. Rosc. Amer., 36, 43, &c.)—5. (Tacit., Hist., i., 90) —6. (iii., 80.—Compare Varro, De Re Rust., ii., 10, s. 4.—Tacit., Hist., i., 20.)—7. (Gaius, iv., 146.)—8. (Agathias, Hist. ii., 5, p. 73, 74.)—9. (Hom., Il., xv., 711.—Suet., Galba, 18.)—10. (Virg., Æn., v., 307.—Wilkinson's Man. and Cust. of Egypt, i., p. 324.)—11. (Curt., iii., 4.)—12. (Val. Flacc., Argon. v. 138.)—13. (Agathias, l. c.)—14. (Virg., Æn., vii., 627.)—15 (Plut., Sol., 15.—Diog. Laert., i. 45.)

seems to be clear that the *σεισάχθεια* consisted of four distinct measures. The first of these was the reduction of the rate of interest; and if this was, as it appears, retrospective, it would naturally, in many cases, wipe off a considerable part of the debt. The second part of the measure consisted in lowering the standard of the silver coinage, that is, Solon made 73 old drachmas to be worth 100 new ones; so that the debtor, in paying off his debt, gained rather more than one fourth. Böckh[1] supposes that it was Solon's intention to lower the standard of the coinage only by one fourth, that is, to make 75 old drachmas equal to 100 new ones, but that the new coin proved to be lighter than he had expected. The third part consisted in the release of mortgaged lands from their encumbrances, and the restoration of them to their owners as full property. How this was effected is not clear. Lastly, Solon abolished the law which gave to the creditor a right to the person of his insolvent debtor, and he restored to their full liberty those who had been enslaved for debt.

This great measure, when carried into effect, gave general satisfaction, for it conferred the greatest benefits upon the poor without depriving the rich of too much, and the Athenians expressed their thankfulness by a public sacrifice, which they called *σεισάχθεια*, and by appointing Solon to legislate for them with unlimited power.[2]

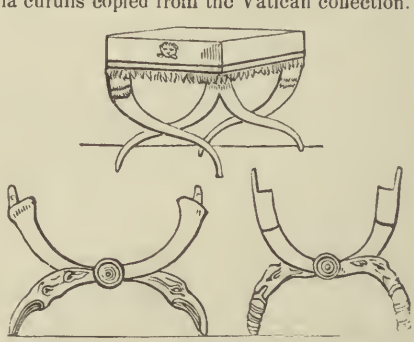
*SELI'NON (*σέλινον*). "I agree with Sprengel," says Adams, "in thinking this the *Apium Petroselinum*, or Curled Parsley, although Stackhouse be doubtful. Ludovicus Nonnius correctly remarks that it ought not to be confounded with the *Petroselinon* of the ancients, or Macedonian Parsley"[3]

SELLA. The general term for a seat or chair of any description. The varieties most deserving of notice are:

I. Sella Curulis, the chair of state. *Curulis* is derived by the ancient writers from *currus*;[4] but it more probably contains the same root as *curia*, which is also found in *Quirites*, *curiates*, the Greek *κύριος*, *κοίρανος*, &c. (*Vid.* Comitia, p. 295.) The sella curulis is said to have been used at Rome from a very remote period as an emblem of kingly power (hence "*curuli regia sella adornavit*"[5]), having been imported, along with various other insignia of royalty, from Etruria,[6] according to one account by Tullus Hostilius;[7] according to another by the elder Tarquinius;[8] while Silius names Vetulonii as the city from which it was immediately derived.[9] Under the Republic, the right of sitting upon this chair belonged to the consuls, prætors, curule ædiles, and censors;[10] to the flamen dialis[11] (*vid.* Flamen); to the dictator, and to those whom he deputed to act under himself, as the *magister equitum*, since he might be said to comprehend all magistracies within himself.[12] After the downfall of the constitution, it was assigned to the emperors also, or to their statues in their absence;[13] to the augustales,[14] and perhaps to the præfectus urbi.[15] It was displayed upon all great public occasions, especially in the circus and theatre,[16] sometimes even after the death of the person to whom it belonged, a mark of special honour bestowed on Marcellus, Germanicus, and Pertinax;[1] and it was the seat of the prætor when he administered justice.[2] In the provinces it was assumed by inferior magistrates when they exercised proconsular or propraetorian authority, as we infer from its appearing along with fasces on a coin of the Gens Rupia, struck at Nicæa, in Bithynia, and bearing the name AVAOC ΠΟVΠΙΟC TAMIAC. We find it occasionally exhibited on the medals of foreign monarchs likewise, on those of Ariobarzanes II. of Cappadocia, for it was the practice of the Romans to present a curule chair, an ivory sceptre, a toga prætexta, and such like ornaments, as tokens of respect and confidence to those rulers whose friendship they desired to cultivate.[3]

The sella curulis appears from the first to have been ornamented with ivory, and this is commonly indicated by such expressions as *curule ebur*; *Numida sculptile dentis opus*; and *ἐλεφαντίνος δίφρος*;[4] at a later period it was overlaid with gold, and consequently we find *δίφρους ἐπιχρύσους*, *θρόνους κατακρύσους*, *τὸν δίφρον τὸν κεχρυσωμένον*, recurring constantly in Dion Cassius, who frequently, however employs the simple form *δίφρει ἀρχικοί*. In shape it long remained extremely plain, closely resembling a common folding (*plicatilis*) camp-stool with crooked legs. These last gave rise to the name *ἀγκυλόποους δίφρος*, found in Plutarch;[5] they strongly remind us of elephant's teeth, which they may have been intended to imitate, and the Emperor Aurelian proposed to construct one in which each foot was to consist of an enormous tusk entire.[6]

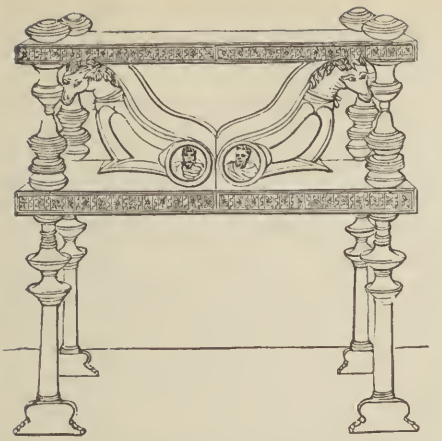
The form of the sella curulis, as it is commonly represented upon the denarii of the Roman families, is given in p. 431. In the following cut are represented two pairs of bronze legs belonging to a sella curulis preserved in the Museum at Naples,[7] and a sella curulis copied from the Vatican collection.



II. Bisellium. The word is found in no classical author except Varro,[8] according to whom it means a seat large enough to contain two persons. We learn from various inscriptions that the right of using a seat of this kind upon public occasions was granted as a mark of honour to distinguished persons by the magistrates and people in provincial towns. There are examples of this in an inscription found at Pisa, which called forth the long, learned, rambling dissertation of Chimentelli,[9] and in two others found at Pompeii.[10] In another inscription we have Biselliatus Honor;[11] in another,[12] containing the roll of an incorporation of carpenters, one of the office-bearers is styled Colleg. I Bisellearius.[13]

1 (Staatsh., i., p. 17.)—2. (Plut., Sol., 16.—Compare Suidas, Hesych, Etym. Mag., s. v. — Cic., De Republ., ii., 34. — Wachsmuth, Hell. Alt., 1., i., p. 249.) — 3. (Dioscor., iii., 67.—Theophrast., H. P., i., 2. — Adams, Append., s. v.) — 4. (Aul. Gell., iii., 18.— Festus, s. v. Curules.—Servius ad Virg., Æn., xi., 334. —Isid., xx., 11, 11.)—5. (Liv., i., 20.)—6. (Liv., i., 8.)—7. (Macrob., Sat., i., 6.)—8. (Flor., i., 5.)—9. (viii., 487.) — 10. (Liv., ii., 54; vii., 1; ix., 46; x., 7; xl., 45. — Aul. Gell., vi., 9, &c.) —11. (Liv., i., 20; xxvii., 8.)—12. (Dion Cass., xliii., 48.—Liv., ii., 31.—Festus, s. v. Sellæ curulis.)—13. (Tacit., Ann., xv., 29. —Hist., ii., 59.—Servius, l. c.)—14. (Tacit., Ann., ii., 83.)—15. (Spanheim, De Præst. et Usu Numism., x., 3, § 1.) — 16. (Liv., ii., 31. —Sueton., Octav., 43.—Dion Cass., lviii., 4.)

1. (Dion Cass., liii., 30; lxxiv., 4. — Tacit., Ann., ii., 83, and Comment. of Lips. — Spanheim, x., 2, § 1.) —2. (Cic. in Verr., II., ii., 38.—Val. Max., iii., 5, 1. — Tacit., Ann., i., 75. — Mart., xi., 98, 18.)—3. (Liv., xxx., 11; xlii., 14. — Polyb., Exc. Legg., cxxi.—Cic. ad Fam., xv., 2. — Spanheim, Ib., x., 4.) — 4. (Hor., Ep., i., 6, 53. — Ovid, ex Pont., iv., 9, 27.) — 5. (Marius, 5.)—6 (Vopisc., Firm., 3.)—7. (Mus. Borb., vol. vi., tav. 28.)—8. (Ling Lat., v., 128, ed. Müller.) — 9. (Græv., Thes. Antiq. Rom., vol vii., p. 2030.)—10. (Orelli, Inscrip., n. 4048, 4044)—11. (Orelli 4043.)—12. (Orelli. 4055.)—13. (Compare Orelli, 4046, 4047 &

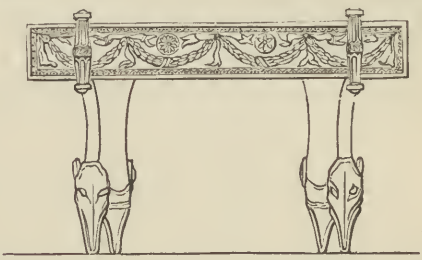


Two bronze bisellia were discovered at Pompeii, and thus all uncertainty with regard to the form of the seat has been removed. One of these is engraved above.[1]

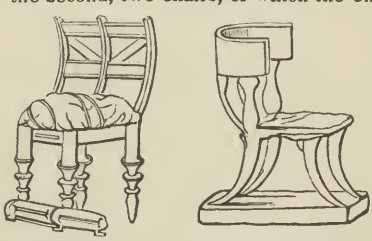
III. Sella Gestatoria[2] or Fertoria,[3] a sedan used both in town and country[4] by men[5] as well as by women[6] (*muliebris sella*[7]). It is expressly distinguished from the Lectica,[8] a portable bed or sofa, in which the person carried lay in a recumbent position, while the *sella* was a portable chair in which the occupant sat upright; but they are sometimes confounded, as by Martial.[9] It differed from the *cathedra* also, but in what the difference consisted it is not easy to determine. (*Vid.* Cathedra.) The *sella* was sometimes entirely open, as we infer from the account given by Tacitus of the death of Galba,[10] but more frequently shut in.[11] Dion Cassius[12] pretends that Claudius first employed the covered sella, but in this he is contradicted by Suetonius[13] and by himself.[14] It appears, however, not to have been introduced until long after the lectica was common, since we scarcely, if ever, find any allusion to it until the period of the Empire. The sellæ were made sometimes of plain leather, and sometimes ornamented with bone, ivory, silver,[15] or gold,[16] according to the rank or fortune of the proprietor. They were furnished with a pillow to support the head and neck (*cervical*[17]); when made roomy, the epithet *laxa* was applied;[18] when smaller than usual, they were termed *sellulæ*;[19] the motion was so easy that one might study without inconvenience,[20] while, at the same time, it afforded healthful exercise.[21]

IV. Sellæ of different kinds are mentioned incidentally in ancient writers, accompanied by epithets which serve to point out generally the purposes for which they were intended. Thus we read of *sellæ balneares*, *sellæ tonsoriæ*, *sellæ obstetriciæ*, *sellæ familiaricæ* v. *pertusæ*, and many others. Both Varro[22] and Festus[23] have preserved the word *seliquastrum*. The former classes it along with *sedes*, *sedile*, *solium*, *sellæ*; the latter calls them "*sedilia antiqui genera*;" and Arnobius includes them among common articles of furniture. No hint, however, is given by any of these authorities which could lead us to conjecture the shape, nor is any additional light thrown upon the question by Hyginus, who tells us, when describing the constellations, that Cassiopeia is seated "*in siliquastro*."

Of chairs in ordinary use for domestic purposes, a great variety, many displaying great taste, has been discovered in excavations, or are seen represented in ancient frescoes. The first cut annexed



represents a bronze one from the Museum at Naples:[1] the second, two chairs, of which the one on



the right hand is in the Vatican, and the other is taken from a painting at Pompeii.[2] A chair of a very beautiful form is given in the *Mus. Borb.*[3]

V. Sellæ Equestres. (*Vid.* Ephippium.)

SE'MATA. (*Vid.* Funus, p. 457.)

SEMEIO'TICA (*τὸ Σημειωτικόν*), one of the five parts into which, according to some authors, the ancients divided the whole science of medicine. (*Vid.* Medicina.) The more ancient name for this branch of medicine was *Diagnostica* (*τὸ διαγνωστικόν*), but in Galen's time the more common name appears to have been *Semeiotica*. Its particular province was the studying the symptoms of diseases, so as to be able to form a correct judgment as to their precise nature, and also to foretell with tolerable accuracy their probable termination. It was divided into three parts, comprehending, I. the knowledge of the past accidents and history of the disease; II. the inspection and study of the patient's actual condition; and, III. the prognosis of the event of his illness. As perhaps this branch of medicine depends less on the state of science, and more on observation and natural acuteness than any other this is the part in which the ancients laboured under the fewest disadvantages, and approached most nearly to ourselves. They seem also to have paid particular attention to the study of it, and their writings on this subject are still well worth consulting. Its necessity is insisted on by Galen and Alexander Trallianus; and the author of the treatise *De Arte*, in the Hippocratic collection, seems to think the knowing the nature of a disease almost the same as curing it. There are so many anecdotes of the skill and acuteness of the ancients in diagnosis and prognosis, that it is difficult to select the most striking. That of Erasistratus is well known, who discovered that the secret disease of which Antiochus, the son of Seleucus Nicator, was dying, was in fact nothing but his love for his stepmother Stratonice.[4]

1. (Mus. Borbon., vol. ii., tav. 31.)—2. (Suet., Ner., 26.—Vitell., 16.—Ammian., xxix., 2.)—3. (Cæl. Aurelian., i., 5; ii., 1.)—4. (Tacit., Ann., xiv., 4.—Suet., Claud., 25.)—5. (Tacit., Hist., i., 35; iii., 85.—Juv., vii., 141.—Mart., ix., 23.)—6. (Tacit., Ann., xiv., 4.—Juv., i., 124.—Id., vi., 532.)—7. (Suet., Otho, 6.)—8 (Suet., Claud., 25.—Mart., x., 10; xi., 98.—Seneca, brev. vit., 12.)—9. (iv., 51.)—10. (Hist., i., 35, &c.)—11. (Juv., i., 126.—Suet., Ner., 26.—Vitell., 16.—Otho, 6.)—12. (lx., 2.)—13. (Octav., 53.)—14. (xlvii., 23; lvi., 43.)—15. (Lamp., Elagab., 4.)—16. (Claud., Honor. Cons., iv., 583.)—17. (Juv., vi., 532, and schol.)—18. (Senec., De Const., 14.)—19. (Tacit., Hist., iii., 85.)—20. (Plin., Ep., iii., 5.)—21. (Senec., brev. vit., 12.—Galen, De Tuend. Val., vi., 4.—Cælius Aurel., l. c.)—22. (L. L., v., 128.)—23. (s)

1. (Mus. Borb., vol. vi., tav. 28)—2. (Id., vol. xii., tav. 3.)—3. (vol. viii., tav. 20.)—4. (Appian, De Reb. Syr., 59, &c.—Plut. Demetr., c. 38, p. 907.—Suidas, s. v 'Ερασ.—Val. Max., v., 7.)

Many instances are recorded of Galen's extraordinary penetration, insomuch that he ventured to say that, by the assistance of the Deity, he had never been wrong in his prognosis.[1] Asclepiades is said to have gained a great reputation by discovering that a man who was supposed to be dead, and was on the point of being buried, was in fact alive;[2] and several similar instances are upon record. It must not, however, be supposed, that the natural acuteness of the ancients enabled them, in this branch of medicine, to overcome the force of vulgar prejudices, which so distinctly appear in other parts of their writings; on the contrary, on some subjects (as, for example, everything connected with generation) their prognosis was formed on the most ridiculous and superstitious grounds.

In the Hippocratic collection, the following works are found on this subject, of which, however, only the first is considered as undoubtedly genuine:[3] 1. Προγνωστικόν, *Prænotiones*; 2. Κωακαὶ Προγνώσεις, *Prænotiones Coacæ*, supposed to be more ancient than Hippocrates; 3. Προῤῥητικόν, *Prædictiones*, in two books, of which the former is probably anterior to Hippocrates, the second cannot be older than Aristotle and Praxagoras;[4] 4. Περὶ Χυμῶν, *De Humoribus*; 5. Περὶ Κρίσεων, *De Judicationibus*; 6. Περὶ Κρισίμων, *De Diebus Judicatoriis*. Aretæus has left four valuable books Περὶ Αἰτιῶν καὶ Σημείων Ὀξέων καὶ Χρονίων Παθῶν, *De Causis et Signis Acutorum et Diuturnorum Morborum*. Galen's six books, Περὶ τῶν Πεπονθότων Τόπων, *De Locis Affectis*, are not unfrequently quoted by the title of Διαγνωστική, *Diagnostica*,[5] and treat chiefly of this subject.[6] We have also various other works by Galen on the same subject. Stephanus Atheniensis has written a Commentary on the *Prænotiones* of Hippocrates; and these (as far as the writer is aware) are all the works of the ancients that remain upon this subject

SEMENTIVÆ FERIÆ. (*Vid.* Feria, p. 436.)

SEMIS, SEMISSIS. (*Vid.* As, p. 110.)

SEMPRO'NIÆ LEGES, the name of various laws proposed by Tiberius and Caius Sempronius Gracchus.

Agraria. In B.C. 133 the tribune Tib Gracchus revived the Agrarian law of Licinius (*vid.* Rogationes Liciniæ): he proposed that no one should possess more than 500 jugera of the public land (*ne quis ex publico agro plus quam quingenta jugera possideret*[7]), and that the surplus land should be divided among the poor citizens, who were not to have the power of alienating it:[8] he also proposed, as a compensation to the possessors deprived of the land on which they had frequently made improvements, that the former possessors should have the full ownership of 500 jugera, and each of their sons, if they had any, half that quantity:[9] finally, that three commissioners (*triumviri*) should be appointed every year to carry the law into effect.[10] This law naturally met with the greatest opposition, but was eventually passed in the year in which it was proposed, and Tib. Gracchus, C. Gracchus, and Appius Claudius were the three commissioners appointed under it. It was, however, never carried fully into effect, in consequence of the murder of Tib. Gracchus. The other measures contemplated by Tib. Gracchus[11] do not require to be mentioned here, as they were never brought forward.[1] In consequence of the difficulties which were experienced in carrying his brother's agrarian law into effect, it was again brought forward by C. Gracchus B.C. 123.[2]

De Capite Civium Romanorum, proposed by C. Gracchus B.C. 123, enacted that the people only should decide respecting the caput or civil condition of a citizen (*ne de capite civium Romanorum injussu vestro judicaretur*[3]). This law continued in force till the latest times of the Republic.

Frumentaria, proposed by C. Gracchus B.C 123, enacted that corn should be sold by the state to the people once a month at $\frac{5}{6}$ths of an as for each modius (*ut semisse et triente frumentum plebi daretur*[4]): Livy says *semissis et tricns*, that is 6 oz. and 4 oz. =10 oz., because there was no coin to represent the *dextans* (*Vid.* As, p. 110.) Respecting this law, see also Appian, *Bell. Civ.*, i., 21.—Plut., *C. Gracchus*, 5. — Vell. Pat., ii., 6. — Cic., *Tusc.*, iii., 20; *Pro Sext.*, 48.—Schol. Bob., *Pro Sext.*, p. 300, 303, ed. Orelli.

Judiciaria. (*Vid.* Judex, p. 553.)

Militaris, proposed by C. Gracchus B.C. 123, enacted that the soldiers should receive their clothing gratis, and that no one should be enrolled as a soldier under the age of seventeen.[5] Previously a fixed sum was deducted from the pay for all clothes and arms issued to the soldiers.[6]

Ne quis Judicio circumveniretur, proposed by C. Gracchus B.C. 123, punished all who conspired to obtain the condemnation of a person in a judicium publicum. One of the provisions of the lex Cornelia de Sicariis was to the same effect.[7] (*Vid.* Cornelia Lex, p. 308.)

De Provinciis Consularibus, proposed by C. Gracchus B.C. 123, enacted that the senate should fix each year, before the comitia for electing the consuls were held, the two provinces which were to be allotted to the two new consuls.[8]

There was also a Sempronian law concerning the province of Asia, which probably did not form part of the lex De Provinciis Consularibus, which enacted that the taxes of this province should be let out to farm by the censors at Rome.[9] This law was afterward repealed by J. Cæsar.[10]

SEMU'NCIA. (*Vid.* Uncia.)

SEMUNCIA'RIUM FUNUS (*Vid.* Interest of Money, p. 547.)

SENA'TUS. In all the republics of antiquity, the government was divided between a senate and a popular assembly; and in cases where a king stood at the head of affairs, as at Sparta and in early Rome, the king had little more than the executive. A senate in the early times was always regarded as an assembly of elders, which is, in fact, the meaning of the Roman senatus as of the Spartan γερουσία, and its members were elected from among the nobles of the nation. The number of senators in the ancient republics always bore a distinct relation to the number of tribes of which the nation was composed. (*Vid.* Boule, Gerousia, p. 473.) Hence, in the earliest times, when Rome consisted of only one tribe, its senate consisted of one hundred members (*senatores* or *patres*; compare Patricii); and when the Sabine tribe, or the Tities, became united with the Latin tribe, or the Ramnes, the number of senators was increased to two hundred.[11] This number was again augmented by one

1. (Comment. in Hippocr., lib. i., "De Morb. Vulgar.," § 2, 29, tom. xviii., pt. i., p. 383.)—2. (Plin., H. N., vii., 37; xxvi., 8.—Cels., De Med., ii., 6. — Apul., Florid., iv., p. 362.) — 3. (*Vid.* Choulant, Handb. der Bücherkunde für die Ältere Medecin, Leipzig, 8vo, 1841.) — 4. (*Vid.* Littré's Hippocr., Introd.) — 5. (*Vid.* note on Theophr. Protospath., De Corp. Hum. Fabr., p. 186, ed. Oxon.)—6. (*Vid.* Galen, ibid. init., tom. viii., p. 1.)—7. (Liv., Epit., 58.)—8. (Appian, Bell. Civ., i., 10, 27.)—9. (Id., i., 9, 11.)—10. (Id., i., 9.—Liv., l. c.—Vell. Paterc., ii., 2.—Aurel. Vict., De Vir. Ill., 54.)—11. (Liv., l. c.,

1. (Compare Plut., Tib. Gracch., 8–14.)—2. (Liv., Epit., 60.—Vell. Pat., ii., 6. — Plut., C. Gracch., 5. — Florus, iii., 15.) — 3 (Cic., Pro Rabir., 4; in Cat., iv., 5; in Verr., II., v., 63.—Plut., C. Gracch., 4.)—4. (Liv., Epit., 60.)—5. (Plut., C. Gracch., 5.)—6. (Polyb., vi., 39, § 15.) — 7. (Cic., Pro Cluent., 55, 56.) — 8. (Sallust, Jug., 27.—Cic., De Prov. Cons., 2; Pro Domo, 9.)—9 (Cic. in Verr., II., iii., 6; ad Att., i., 17.)— 10. (Dion Cass., xlii., 6. — Appian, Bel. Civ., v., 4.) — 11. (Dionys., ii., 47.—Plut., Rom., 20.)

hundred when the third tribe, or the Luceres, became incorporated with the Roman state. Dionysius[1] and Livy[2] place this last event in the reign of Tarquinius Priscus; Cicero,[3] who agrees with the two historians on this point, states that Tarquinius doubled the number of senators, according to which we are obliged to suppose that before Tarquinius the senate consisted only of 150 members. This difference, however, may be accounted for by the supposition, that at the time of Tarquinius Priscus a number of seats in the senate had become vacant, which he filled up at the same time that he added 100 Luceres to the senate, or else that Cicero regarded the Luceres, in opposition to the two other tribes, as a second or a new half of the nation, and thus incorrectly considered their senators likewise as the second or new half of that body. The new senators added by Tarquinius Priscus were distinguished from those belonging to the two older tribes by the appellation *patres minorum gentium*, as previously those who represented the Tities had been distinguished by the same name from those who represented the Ramnes.[4] Servius Tullius did not make any change in the composition of the senate; but under Tarquinius Superbus the number of senators is said to have become very much diminished, as this tyrant put many to death, and sent others into exile. This account, however, appears to be greatly exaggerated, and it is a probable supposition of Niebuhr,[5] that several vacancies in the senate arose from many of the senators accompanying the tyrant into his exile. The vacancies which had thus arisen were filled up immediately after the establishment of the Republic, by L. Junius Brutus, as some writers state,[6] or, according to Dionysius,[7] by Brutus and Valerius Publicola, and, according to Plutarch[8] and Festus,[9] by Valerius Publicola alone. All, however, agree that the persons who were on this occasion made senators were noble plebeians of equestrian rank. Dionysius states that the noblest of the plebeians were first raised to the rank of patricians, and that then the new senators were taken from among them. But this appears to be incompatible with the name by which they were designated. Had they been made patricians, they would have been patres like the others, whereas now the new senators are said to have been distinguished from the old ones by the name of *conscripti*.[10] Hence the customary mode of addressing the whole senate henceforth always was *patres conscripti*, that is, *patres et conscripti*. There is a statement that the number of these new senators was 164;[11] but this, as Niebuhr has justly remarked, is a fabrication, perhaps of Valerius of Antium, which is contradicted by all subsequent history.

Henceforth the number of 300 senators appears to have remained unaltered for several centuries.[12] C. Sempronius Gracchus was the first who attempted to make a change, but in what this consisted is not certain. In the epitome of Livy it is expressly stated that he intended to add 600 equites to the number of 300 senators, which would have made a senate of 900 members, and would have given a great preponderance to the equites. This appears to be an absurdity.[13] Plutarch[14] states that Gracchus added to the senate 300 equites, whom he was allowed to select from the whole body of equites, and that he transferred the judicia to this new senate of 600. This account seems to be founded upon a confusion of the lex Judiciaria of C. Gracchus with the later one of L. Livius Drusus, and all the other writers who mention the lex Judiciaria of C. Gracchus do not allude to any change or increase in the number of senators, but merely state that he transferred the judicia from the senate to the equites, which remained in their possession till the tribuneship of Livius Drusus. The latter proposed that, as the senate consisted of 300, an equal number of equites should be elected (*ἀριστίνδην*) into the senate, and that in future the judices should be taken from this senate of 600.[2] After the death of Livius Drusus, however, this law was abolished by the senate itself, on whose behalf it had been proposed, and the senate now again consisted of 300 members. During the civil war between Marius and Sulla, many vacancies must have occurred in the senate. Sulla, in his dictatorship, not only filled up these vacancies, but increased the number of senators. All we know of this increase with certainty is, that he caused about 300 of the most distinguished equites to be elected into the senate;[3] but the real increase which he made to the number of senators is not mentioned anywhere. It appears, however, henceforth to have consisted of between five and six hundred.[4] J. Cæsar augmented the number to 900, and raised to this dignity even common soldiers, freedmen, and peregrini.[5] This arbitrariness in electing unworthy persons into the senate, and of extending its number at random, was imitated after the death of Cæsar, for on one occasion there were more than one thousand senators.[6] Augustus cleared the senate of the unworthy members, who were contemptuously called by the people *Orcini senatores*, reduced its number to 600,[7] and ordained that a list of the senators should always be exhibited to public inspection.[8] During the first centuries of the Empire, this number appears, on the whole, to have remained the same; but, as everything depended upon the will of the emperor we can scarcely expect to find a regular and fixed number of them.[9] During the latter period of the Empire their number was again very much diminished.

With respect to the eligibility of persons for the senate, as well as to the manner in which they were elected, we must distinguish between the several periods of Roman history. It was formerly a common opinion, founded upon Livy[10] and Festus,[11] which has in modern times found new supporters in Huschke and Rubino, that in the early period of Roman history the kings appointed the members of the senate at their own discretion. It has, however, been shown by Niebuhr and others, with incontrovertible arguments, that the populus of Rome was the real sovereign; that all the powers which the kings possessed were delegated to them by the populus; and that the senate was an assembly formed on the principle of representation: it represented the populus, and its members were elected by the populus. Dionysius[12] is therefore right in stating that the senators were elected by the populus, but the manner in which he describes the election is erroneous, for he believes that the three tribes were already united when the senate consisted of only one hundred members, and that the senators were elected by the curies. Niebuhr[13] thinks that each gens sent its decurio, who was its alderman, to represent it in the senate; Göttling,[14] on the other hand, believes, with somewhat more

1. (iii., 67.)—2. (i., 35.)—3. (De Republ., ii., 20.)—4. (Dionys., ii., 57.)—5. (Hist. of Rome, i., 526.)—6. (Liv., ii., 1.)—7. (v., 13.)—8. (Publ., 11.)—9. (s. v. Qui Patres.)—10. (Liv., ii., 1.—Festus, s. v. Conscripti and Adlecti.)—11. (Plut., Publ., 11.—Fest., s. v. Qui patres.)—12. (Liv., Epit., 60.)—13. (Göttling, Gesch. d. Röm. Staatsv., p. 437.)—14. (C. Gracch., 5, &c.)

1. (Walter, Gesch. d. Röm. Rechts, p. 244.)—2. (Appian, Civil., i., 35.—Aurel. Vict., De Vir. Illustr., 66.—Liv., Epit., 71.)—3. (Appian, Civil., i., 100.)—4. (Cic. ad Att., i., 14.)—5. (Dion Cass., xliii., 47.—Suet., Jul., 80.)—6. (Suet., Octav., 35.)—7. (Dion Cass., liv., 14.)—8. (Id., lv., 3.)—9. (Dion Cass., liii., 17.)—10. (i., 8.)—11. (s. v. Præteriti senatores.)—12. (ii., 14.)—13. (i., p. 338.)—14. (p. 151.—Compare p. 62.)

probability, that each decury (the δεκάς of Dionysius), which contained either a part of one or parts of several smaller gentes, had to appoint one old man by whom it was represented in the senate, and a younger one as eques. This supposition removes the difficulty respecting the decurio which has been pointed out by Walter;[1] for the decurio was the commander of a division of the army, and, as such, could not well have been of the age of a senator. As each decury or gens appointed one senator, each cury was represented by ten, each tribe by one hundred, and the whole populus by three hundred senators, all of whom held their dignity for life. The plebeians, as such, were not represented in the senate, for the instances in which plebeians are mentioned as being made senators, as in the reign of Tarquinius Priscus, and after the abolition of the kingly power, cannot be regarded in any other light than mere momentary measures, which the government was obliged to adopt for several reasons, and without any intention to appoint representatives of the plebes.[2] The numbers of such plebeian senators, at any rate, must have been much smaller than they are stated by our authorities, for there is no instance of any plebeian senator on record until the year 439 B.C., when Spurius Mælius is mentioned as senator. The senate itself appears to have had some influence upon the election of new members, inasmuch as it might raise objections against a person elected.[3] The whole senate was divided into decuries, each of which corresponded to a curia. When the senate consisted of only one hundred members, there were, accordingly, only ten decuries of senators; and ten senators, one being taken from each decury, formed the *decem primi* who represented the ten curies. When, subsequently, the representatives of the two other tribes were admitted into the senate, the Ramnes, with their decem primi, retained for a time their superiority over the two other tribes,[4] and gave their votes first.[5] The first among the decem primi was the *princeps senatus*, who was appointed by the king,[6] and was, at the same time, custos urbis. (*Vid.* Præfectus Urbi.) Respecting the age at which a person might be elected into the senate during the kingly period, we know no more than what is indicated by the name senator itself, that is, that they were persons of advanced age.

It can scarcely be imagined that, immediately after the establishment of the Republic, the election of senators should at once have passed from the decuries or gentes into the hands of the magistrates, and we must therefore suppose that, at least for a time, the senators were appointed by the gentes, decuries, or perhaps by the curies. Afterward, however, the right to appoint senators belonged to the consuls, consular tribunes, and subsequently to the censors.[7] This fact has been alleged in support of the opinion that formerly the kings had the same privilege, especially as it is stated that the republican magistrates elected their personal friends to the senatorial dignity (*conjunctissimos sibi quisque patriciorum legebant*), but this statement is, as Niebuhr justly remarks, founded upon a total ignorance of the nature of the Roman senate. It should not be forgotten that the power of electing senators possessed by the republican magistrates was by no means an arbitrary power, for the senators were always taken from among those who were equites, or whom the people had previously invested with a magistracy, so that in reality the people themselves always nominated the candidates for the senate, which on this account remained, as before, a representative assembly. From the year 487 B.C., the princeps senatus was no longer appointed for life, but became a magistrate appointed by the curies, and the patres minorum gentium were likewise eligible to this dignity.[1] It more over appears that all the curule magistrates, and also the quæstors, had, by virtue of their office, a seat in the senate, which they retained after the year of their office was over, and it was from these ex-magistrates that the vacancies occurring in the senate were generally filled up.

After the institution of the censorship, the censors alone had the right to elect new members into the senate from among the ex-magistrates, and to exclude such as they deemed unworthy.[2] (*Vid.* Nota Censoria.) The exclusion was effected by simply passing over the names and not entering them into the list of senators, whence such men were called *præteriti senatores*.[3] On one extraordinary occasion the eldest among the ex-censors was invested with dictatorial power to elect new members into the senate.[4] The censors were thus, on the one hand, confined in their elections to such persons as had already received the confidence of the people, and, on the other, they were expressly directed by the lex Ovinia tribunicia to elect "*ex omni ordine optimum quemque curiatim.*"[5] This obscure lex Ovinia is referred by Niebuhr[6] to the admission of the conscripti into the senate, but it evidently belongs to a much later period, and was meant to be a guidance to the censors, as he himself afterward acknowledged.[7] The *ordo* mentioned in this lex is the ordo senatorius, *i. e.*, men who were eligible to the senate from the office they had held.[8] The expression *curiatim* is very difficult to explain; some believe that it refers to the fact that the new senators were only appointed with the sanction of the senate itself,[9] and in the presence of the lictors, who represented the curies.

From the time that the curule magistrates had the right to take their seats in the senate, we must distinguish between two classes of senators, viz., real senators, or such as had been regularly raised to their dignity by the magistrates or the censors, and such as had, by virtue of the office which they held or had held, a right to take their seats in the senate and to speak (*sententiam dicere, jus sententiæ*), but not to vote.[10] To this ordo senatorius also belonged the pontifex maximus and the flamen dialis. The whole of these senators had, as we have stated, no right to vote, but when the others had voted they might step over to join the one or the other party, whence they were called *senatores pedarii*, an appellation which had in former times been applied to those juniores who were not consulars.[11] A singular irregularity in electing members of the senate was committed by Appius Claudius Cæcus, who elected into the senate sons of freedmen;[12] but this conduct was declared illegal, and had no further consequences.

When, at length, all the state offices had become equally accessible to the plebeians and the patricians, and when the majority of offices were held by the former, their number in the senate naturally increased in proportion. The senate had gradually become an assembly representing the people, as formerly it had represented the populus, and down

1. (Gesch. des Röm. Rechts, p. 23, n. 12.)—2. (Niebuhr, i., p 526, &c.)—3. (Dionys., vii., 55.)—4. (Dionys., ii., 58; iii., 1.—Plut., Num., 3.)—5. (Dionys., vi., 84.)—6. (Dionys., ii., 12.—Lyd., De Mens., i., 19.)—7. (Liv., ii., 1.—Festus, s. v. Præteriti senatores.)

1. (Niebuhr, ii., p. 119.)—2. (Zon., vii., 19.—Compare Cic., De Legg., iii., 12.)—3. (Fest., s. v.)—4. (Liv., xxiii., 22.)—5 (Fest., l. c.)—6. (i., p. 527.)—7. (ii., p. 402 n. 855.—Compare Walter p. 100, n. 68.)—8. (Liv., xxii., 49.)—9. (Dionys., vii., 55.—C.c. Philipp., v., 17.)—10. (Gell., iii., 18.—Fest., s. v. Senatores.)—11. (Gell., l. c.—Compare Niebuhr, ii., p. 114.—Walter, p. 144.—12. (Liv., ix., 29, 46.—Aur. Vict., De Vir. Illustr. 34.)

to the last century of the Republic the senatorial dignity was only regarded as one conferred by the people.[1] But, notwithstanding this apparently popular character of the senate, it was never a popular or democratic assembly, for now its members belonged to the nobiles, who were as aristocratic as the patricians. (*Vid.* Novi Homines.) The office of princeps senatus, which had become independent of that of prætor urbanus, was now given by the censors, and at first always to the eldest among the ex-censors, but afterward to any other senator whom they thought most worthy, and, unless there was any charge to be made against him, he was re-elected at the next lustrum. This distinction, however, great as it was, afforded neither power nor advantages,[2] and did not even confer the privilege of presiding at the meetings of the senate, which only belonged to those magistrates who had the right to convoke the senate.[4]

It has been supposed by Niebuhr[5] that a senatorial census existed at Rome at the commencement of the second Punic war, but the words of Livy[6] on which this supposition is founded seem to be too vague to admit of such an inference. Göttling[7] infers from Cicero[8] that Cæsar was the first who instituted a senatorial census, but the passage of Cicero is still more inconclusive than that of Livy, and we may safely take it for granted that during the whole of the republican period no such census existed,[9] although senators naturally always belonged to the wealthiest classes. The institution of a census for senators belongs altogether to the time of the Empire. Augustus first fixed it at 400,000 sesterces, afterward increased it to double this sum, and at last even to 1,200,000 sesterces. Those senators whose property did not amount to this sum, received grants from the emperor to make it up.[10] Subsequently it seems to have become customary to remove from the senate those who had lost their property through their own prodigality and vices, if they did not quit it of their own accord.[11] Augustus also, after having cleared the senate of unworthy members, introduced a new and reanimating element into it, by admitting men from the municipia, the colonies, and even from the provinces.[12] When an inhabitant of a province was honoured in this manner, the province was said to receive the *jus senatus*. Provincials who were made senators, of course, went to reside at Rome, and, with the exception of such as belonged to Sicily or to Gallia Narbonensis, they were not allowed to visit their native countries without a special permission of the emperor.[13] In order to make Rome or Italy their new home, the provincial candidates for the senate were subsequently always expected to acquire landed property in Italy.[14] On the whole, however, the equites remained during the first centuries of the Empire the seminarium senatus, which they had also been in the latter period of the Republic.

As regards the age at which a person might become a senator, we have no express statement for the time of the Republic, although it appears to have been fixed by some custom or law, as the ætas senatoria is frequently mentioned, especially during the latter period of the Republic. But we may by induction discover the probable age. We know that, according to the lex annalis of the tribune Villius, the age fixed for the quæstorship was thirty-one.[1] Now as it might happen that a quæstor was made a senator immediately after the expiration of his office, we may presume that the earliest age at which a man could become a senator was thirty-two. Augustus at last fixed the senatorial age at twenty-five,[2] which appears to have remained unaltered throughout the time of the Empire.

No senator was allowed to carry on any mercantile business. About the commencement of the second Punic war, some senators appear to have violated this law or custom, and, in order to prevent its recurrence, a law was passed, with the vehement opposition of the senate, that none of its members should be permitted to possess a ship of more than 300 amphoræ in tonnage, as this was thought sufficiently large to convey to Rome the produce of their estates abroad.[3] It is clear, however, from Cicero,[4] that this law was frequently violated.

Regular meetings of the senate (*senatus legitimus*) took place during the Republic, and probably during the kingly period also, on the calends, nones, and ides of every month:[5] extraordinary meetings (*senatus indictus*) might be convoked on any other day, with the exception of those which were atri, and those on which comitia were held.[6] The right of convoking the senate during the kingly period belonged to the king, or to his vicegerent, the custos urbis.[7] (*Vid.* Præfectus Urbi.) This right was during the Republic transferred to the curule magistrates, and at last to the tribunes also. Under the Empire, the consuls, prætors, and tribunes continued to enjoy the same privilege,[8] although the emperors had the same.[9] If a senator did not appear on a day of meeting, he was liable to a fine for which a pledge was taken (*pignoris captio*) until it was paid.[10] Under the Empire, the penalty for not appearing without sufficient reason was increased.[11] Towards the end of the Republic it was decreed that, during the whole month of February, the senate should give audience to foreign ambassadors on all days on which the senate could lawfully meet, and that no other matters should be discussed until these affairs were settled.[12]

The places where the meetings of the senate were held (*curiæ, senacula*) were always inaugurated by the augurs. (*Vid.* Templum.) The most ancient place was the Curia Hostilia, in which alone, originally, a senatus consultum could be made. Afterward, however, several temples were used for this purpose, such as the Temple of Concordia, a place near the Temple of Bellona (*vid.* Legatus), and one near the Porta Capena.[13] Under the emperors the senate also met in other places: under Cæsar, the Curia Julia, a building of immense splendour, was commenced; but subsequently meetings of the senate were not seldom held in the house of a consul.

When, in the earliest times, the king or the custos urbis, after consulting the pleasure of the gods by auspices, had convoked the senate (*senatum edicere, convocare*), he opened the session with the words "*Quod bonum, faustum, felix fortunatumque sit populo Romano Quiritibus*," and then laid before the assembly (*referre, relatio*) what he had to propose. The president then called upon the members to discuss the matter, and when the discussion was over,

1 (Cic., Pro Sext., 65; De Legg., iii., 12; c. Verr., II., iv., 11; Pro Cluent., 56.)—2. (Liv., xxvii., 11.)—3. (Zonar., vii., 19.)—4. (Gell., xiv., 7.—Cic., De Legg., iii., 4.)—5. (iii., p. 406.)—6. (xxiv., 11.)—7. (p. 346.)—8. (ad Fam., xiii., 5.)—9. (Plin., H. N., xiv., 1.)—10. (Suet., Octav., 41.—Dion Cass., liv., 17, 26, 30; lv., 13.)—11. (Tacit., Annal., ii., 48; xii., 52.—Suet., Tib., 47.)—12. (Tacit., Annal., iii., 55; xi., 25.—Suet., Vesp., 9.)—13. (Tacit., Annal., xii., 23.—Dion Cass., lii., 46; lv., 25.)—14. (Plin., Epist., vi., 19.)

1. (Orelli, Onom., iii., p. 133.)—2. (Dion Cass., lii., 20.)—3. (Liv., xxi., 63.)—4. (c. Verr., II., v., 18.)—5. (Cic. ad Q. Frat., ii., 13.)—6. (Cic. ad Q. Frat., ii., 2.)—7. (Dionys., ii., 8.)—8. (Dion Cass., lvi., 47; lix., 24.—Tacit., Hist., iv., 39.)—9. (Dion Cass., liii., 1; liv., 3.)—10. (Gell., xiv., 7.—Liv., iii., 28.—Cic., De Legg., iii., 4.—Philip., i., 5.—Plut., Cic., 43.)—11. (Dion Cass., liv., 18; lv., 3; lx., 11.)—12. (Cic. ad Q. Frat., ii., 13; ad Fam., i., 4.)—13. (Fest., s. v. Senacula.—Varro, De Ling. Lat., iv., p. 43, ed. Bip.)

every member gave his vote. The majority of votes always decided a question. The majority was ascertained either by *numeratio* or by *discessio*, that is, the president either counted the votes,[1] or the men who voted on the same side joined together, and thus separated from those who voted otherwise. This latter method of voting appears in later times to have been the usual one, and, according to Capito,[2] the only legitimate method. (*Vid.* SENATUS CONSULTUM.)

The subjects laid before the senate partly belonged to the internal affairs of the state, partly to legislation, and partly to the finance; and no measure could be brought before the populus without having previously been discussed and prepared by the senate. The senate was thus the medium through which all affairs of the whole government had to pass: it considered and discussed whatever measures the king thought proper to introduce, and had, on the other hand, a perfect control over the assembly of the populus, which could only accept or reject what the senate brought before it. When a king died, the royal dignity, until a successor was elected, was transferred to the decem primi,[3] each of whom, in rotation, held this dignity for five days. The candidate for the royal power was first decided upon by the interregcs, who then proposed him to the whole senate, and, if the senate agreed with the election, the interrex of the day, at the command of the senate, proposed the candidate to the comitia, and took their votes respecting him.[4] The will of the gods was then consulted by the augurs, and when the gods too sanctioned the election,[5] a second meeting of the populus was held, in which the augurs announced the sanction of the gods. Hereupon the king was invested with the powers belonging to his office.

Under the Republic, the right of convoking the senate was at first only possessed by the dictators, prætors, or consuls, interreges, and the præfectus urbi, who also, like the kings of former times, laid before the senate the subjects for deliberation. The power of the senate was at first the same as under the kings, if not greater: it had the general care of the public welfare, the superintendence of all matters of religion, the management of all affairs with foreign nations; it commanded the levies of troops, regulated the taxes and duties, and had, in short, the supreme control of all the revenue and expenditure. The order in which the senators spoke and voted was determined by their rank as belonging to the majores or minores.[6] This distinction of rank, however, appears to have ceased after the decemvirate, and even under the decemvirate we have instances of the senators speaking without any regular order.[7] It is also probable that after the decemvirate vacancies in the senate were generally filled with ex-magistrates, which had now become more practicable, as the number of magistrates had been increased. The tribunes of the people likewise obtained access to the deliberations of the senate;[8] but they had no seats in it yet, but sat before the opened doors of the curia.[9] The senate had at first had the right to propose to the comitia the candidates for magistracies, but this right was now lost: the comitia centuriata had become quite free in regard to elections, and were no longer dependant upon the proposal of the senate. The curies only still possessed the right to sanction the election; but in the year B.C. 299 they were compelled to sanction any election of magistrates which the comitia might make before it took place,[1] and this soon after became law by the lex Mænia.[2] When, at last, the curies no longer assembled for this empty show of power, the senate stepped into their place, and henceforth in elections, and soon after, also, in matters of legislation, the senate had previously to sanction whatever the comitia might decide.[3] After the lex Hortensia, a decree of the comitia tributa became law even without the sanction of the senate. The original state of things had thus gradually become reversed, and the senate had lost very important branches of its power, which had all been gained by the comitia tributa. (*Vid.* TRIBUNUS PLEBIS.) In its relation to the comitia centuriata, however, the ancient rules were still in force, as laws, declarations of war, conclusions of peace, treatics, &c., were brought before them, and decided by them on the proposal of the senate.[4]

The powers of the senate, after both orders were placed upon a perfect equality, may be thus briefly summed up. The senate continued to have the supreme superintendence in all matters of religion;[5] it determined upon the manner in which a war was to be conducted, what legions were to be placed at the disposal of a commander, and whether new ones were to be levied; it decreed into what provinces the consuls and prætors were to be sent (*vid.* PROVINCIA), and whose imperium was to be prolonged. The commissioners who were generally sent out to settle the administration of a newly-conquered country were always appointed by the senate.[6] All embassies for the conclusion of peace or treaties with foreign states were sent out by the senate, and such ambassadors were generally senators themselves, and ten in number.[7] The senate alone carried on the negotiations with foreign ambassadors,[8] and received the complaints of subject or allied nations, who always regarded the senate as their common protector.[9] By virtue of this office of protector, it also settled all disputes which might arise among the municipia and colonies of Italy,[10] and punished all heavy crimes committed in Italy which might endanger the public peace and security.[11] Even in Rome itself, the judices, to whom the prætor referred important cases, both public and private, were taken from among the senators,[12] and in extraordinary cases the senate appointed especial commissions to investigate them;[13] but such a commission, if the case in question was a capital offence committed by a citizen, required the sanction of the people.[14] When the Republic was in danger, the senate might confer unlimited power upon the magistrates by the formula "*videant consules, ne quid respublica detrimenti capiat*,"[15] which was equivalent to a declaration of martial law within the city. This general care for the internal and external welfare of the Republic included, as before, the right to dispose over the finances requisite for these purposes. Hence all the revenue and expenditure of the Republic were under the direct administration of the senate, and the censors and quæstors were only its ministers or agents. (*Vid.* CENSOR, QUÆSTOR.) All the expenses necessary for the maintenance of the armies required the sanction of the senate before anything could be done, and it might even prevent the triumph of a return-

1. (Fest., s. v. Numera.)—2. (ap. Gell., xiv., 7.)—3. (Liv., i., 17.)—4. (Dionys., ii., 58; iii., 36; iv., 40, 80.—Compare Walter, p. 25, n. 28.)—5. (Liv., i., 18.)—6. (Cic., De Republ., ii., 20.—Dionys., vi., 69; vii., 47.)—7. (Dionys., vi., 4, 16, 19, 21.—Liv., ii., 39, 41.)—8. (Liv., iii., 69; vi., 1.)—9. (Val. Max., ii., 2, § 7.)

1. (Cic., Brut., 14.—Aurel. Vict., De Vir. Illustr., 33.)—2. (Orelli, Onom., iii., p. 215.)—3. (Liv., i., 17.)—4. (Walter, p. 132.)—5. (Gellius, xiv., 7.)—6. (Liv., xlv., 17.—Appian, De Reb. Hisp., 99; De Reb. Pun., 135.—Sall., Jug., 16.)—7. (Polyb., vi., 13.—Liv., passim.)—8. (Polyb., l. c.—Cic. in Vatin., c. 15.)—9. (Liv., xxix., 16; xxxix., 3; xlii., 14; xliii., 2.—Polyb., l. c.)—10 (Dionys., ii., 1.—Liv., ix., 20.—Varro, De Re Rust., iii., 2.—Cic. ad Att., iv., 15; De Off., i., 10.)—11. (Polyb. l. c.)—12. (Id., vi., 17.)—13. (Liv., xxxviii., 54; xxxix., 14; xl., 37, 44, &c.)—14 (Polyb., vi., 16.—Liv., xxvi., 33 &c.)—15 (Sallust. Cat., 29.—Cæs. De Bell. Civ., i., 5, 7.)

ing general, by refusing to assign the money necessary for it.[1] There are, however, instances of a general triumphing without the consent of the senate.[2]

How many members were required to be present in order to constitute a full assembly is uncertain, though it appears that there existed some regulations on this point,[3] and there is one instance on record in which at least one hundred senators were required to be present.[4] The presiding magistrate opened the business, and as the senators sat in the following order, princeps senatus, consulares, censorii, prætorii, ædilicii, tribunicii, quæstorii, it is natural to suppose that they were asked their opinion and voted in the same manner (*suo loco sententiam dicere*[5]). Towards the end of the Republic, the order in which the question was put to the senators appears to have depended upon the discretion of the presiding consul,[6] who called upon each member by pronouncing his name (*nominatim*[7]); but he usually began with the princeps senatus,[8] or, if consules designati were present, with them.[9] The consul generally observed all the year round the same order in which he had commenced on the first of January.[10] A senator, when called upon to speak, might do so at full length, and even introduce subjects not directly connected with the point at issue.[11] It depended upon the president which of the opinions expressed he would put to the vote, and which he would pass over.[12] Those men who were not yet real senators, but had only a seat in the senate on account of the office they held or had held, had no right to vote, but merely stepped over to the party they wished to join, and they were now called *senatores pedarii*.[13] When a senatus consultum was passed, the consuls ordered it to be written down by a clerk in the presence of some senators, especially of those who had been most interested in it or most active in bringing it about.[14] (*Vid.* Senatus Consultum.) A senate was not allowed to be held before sunrise, or to be prolonged after sunset:[15] on extraordinary emergencies, however, this regulation was set aside.[16]

During the latter part of the Republic the senate was degraded in various ways by Sulla, Cæsar, and others, and on many occasions it was only an instrument in the hands of the men in power. In this way it became prepared for the despotic government of the emperors, when it was altogether the creature and obedient instrument of the princeps. The emperor himself was generally also princeps senatus,[17] and had the power of convoking both ordinary and extraordinary meetings,[18] although the consuls, prætors, and tribunes continued to have the same right.[19] The ordinary meetings, according to a regulation of Augustus, were held twice in every month.[20] A full assembly required the presence of at least 400 members, but Augustus himself afterward modified this rule according to the difference and importance of the subjects which might be brought under discussion.[21] At a later period we find that seventy, or even fewer, senators constituted an assembly.[22] The regular president in the assembly was a consul, or the emperor himself, if he was invested with the consulship.[1] At extraordinary meetings, he who convoked the senate was at the same time its president. The emperor, however, even when he did not preside, had, by virtue of his office of tribune, the right to introduce any subject for discussion, and to make the senate decide upon it.[2] At a later period this right was expressly and in proper form conferred upon the emperor, under the name of *jus relationis;* and, accordingly, as he obtained the right to introduce three or more subjects, the jus was called *jus tertiæ, quartæ, quintæ, &c., relationis*.[3] The emperor introduced his proposals to the senate by writing (*oratio, libellus, epistola principis*), which was read in the senate by one of his quæstors.[4] (*Vid.* Orationes Principum.) The prætors, that they might not be inferior to the tribunes, likewise received the jus relationis.[5] The mode of conducting the business, and the order in which the senators were called upon to vote, remained, on the whole, the same as under the Republic;[6] but when magistrates were to be elected, the senate, as in former times the comitia, gave their votes in secret with little tablets.[7] The transactions of the senate were, from the time of Cæsar, registered by clerks appointed for the purpose, under the superintendence of a senator.[8] In cases which required secrecy (*senatus consultum tacitum*), the senators themselves officiated as clerks.[9]

As the Roman emperor concentrated in his own person all the powers which had formerly been possessed by the several magistrates, and without limitation or responsibility, it is clear that the senate, in its administrative powers, was dependant upon the emperor, who might avail himself of its counsels or not, just as he pleased. In the reign of Tiberius, the election of magistrates was transferred from the people to the senate,[10] which, however, was enjoined to take especial notice of those candidates who were recommended to it by the emperor. This regulation remained, with a short interruption in the reign of Caligula, down to the third century, when we find that the princeps alone exercised the right of appointing magistrates.[11] At the demise of an emperor, the senate had the right to appoint his successor, in case no one had been nominated by the emperor himself; but the senate had in very rare cases an opportunity to exercise this right, as it was usurped by the soldiers. The ærarium, at first, still continued nominally to be under the control of the senate,[12] but the emperors gradually took it under their own exclusive management,[13] and the senate retained nothing but the administration of the funds of the city (*arca publica*), which were distinct both from the ærarium and from the fiscus,[14] and the right of giving its opinion upon cases connected with the fiscal law.[15] Its right of coining money was limited by Augustus to copper coins, and ceased altogether in the reign of Gallienus.[16] Augustus ordained that no accusations should any longer be brought before the comitia,[17] and instead of them he raised the senate to a high court of justice, upon which he conferred the right of taking cognizance of capital offences committed

1. (Polyb., vi., 15.) — 2. (Liv., iii., 63; vii., 17; ix., 37.) — 3. (Liv., xxxviii., 44; xxxix., 4. — Cic. ad Fam., viii., 5.— Festus, s. v. Numera.)—4. (Liv., xxxix., 18.) — 5. (Cic., Philip., v., 17; xiii., 13, &c.; ad Att., xii., 21.) — 6. (Varro ap. Gell., xiv., 7.) —7. (Cic., c. Verr., iv., 64.)—8. (Cic., Pro Sext., 32.)—9. (Sallust, Cat., 29.—Appian, De Bell. Civ., ii., 5.)—10. (Suet., Cæs., 21.)—11. (Cic., De Legg., iii., 18.—Gell., iv., 10.—Tacit., Annal., xi., 38; xiii., 49.—Compare Cic., Philip., vii.)—12. (Polyb., xxxiii., 1.—Cic. ad Fam., i., 2; x., 12.—Cæs., De Bell. Civ., i., 2.)—13. (Gell., xiii., 8.) — 14. (Polyb., vi., 12.—Cic., De Orat., iii., 2, ad Fam., viii., 8.) — 15. (Varro ap. Gell., l. c.) — 16. (Dionys., iii., 17 — Macrob., Sat., i., 4.) — 17. (Dion Cass., liii., 1; lvii., 8; lxxiii., 5.) — 18. (Dion Cass., liv., 3. — Lex De Imperio Vespas.)—19 (Tacit., Hist., iv., 39.—Dion Cass., lvi., 47; lix., 24; lx., 16, &c.)— 20. (Suet., Octav., 35.—Dion Cass., lv., 3.)—21 (Dion Cass., liv., 35; lv., 3.)—22 (Lamprid., Alex. Sev., 6.)

1. (Plin., Epist., ii., 11.—Panegyr., 76.)—2. (Dion Cass., liii., 32.—Lex De Imperio Vespas.)—3. (Vopisc., Prob., 12.—J. Capit., Pert., 5.—M. Antonin., 6.—Lamprid., Alex. Sev., 1.)—4. (Dion Cass., liv., 25; lx., 2.—Suet., Octav., 65; Tit., 6.—Tacit., Annal., xvi., 27.—Dig. 1, tit. 13, s. 1, § 2 and 4.)—5 (Dion Cass., lv., 3.) — 6. (Plin., Epist., viii., 14; ix., 13).—7. (Id. ib., iii., 20; xi., 5.)—8. (Suet., Cæs., 20.—Octav., 36.—Tacit., Annal., v., 4, &c —Spart., Hadr., 3.— Dion Cass., lxxviii., 22.) — 9. (J. Capitol., Gord., 20.) — 10. (Vell. Paterc., ii., 124. —Tac., Annal., i., 15.— Plin., Epist., iii., 20; vi., 19.) —11. (Dig. 48, tit. 14, s. 1.) —12. (Dion Cass., liii., 16, 22.) — 13. (Id. ib., lxxi., 33. — Vopisc., Aurel., 9, 12, 20.)—14. (Vop., Aurel., 20, 45.) —15. (Dig. 49, tit. 14, s. 15 and 42.)—16. Eckhel, D. N. Prolog., c. 13.)—17. (Dion Cass., lvi., 40.)

by senators,[1] of crimes against the state and the person of the emperors,[2] and of crimes committed by the provincial magistrates in the administration of their provinces. The senate might also receive appeals from other courts,[3] whereas, at least from the time of Hadrian, there was no appeal from a sentence of the senate.[4] The princeps sometimes referred cases which were not contained in the above categories, or which he might have decided himself, to the senate, or requested its co-operation.[5] Respecting the provinces of the senate, see PROVINCIA.

When Constantinople was made the second capital of the Empire, Constantine instituted also a second senate in this city,[6] upon which Julian conferred all the privileges of the senate of Rome.[7] Both these senates were still sometimes consulted by the emperors in an oratio upon matters of legislation:[8] the senate of Constantinople retained its share in legislation down to the ninth century.[9] Each senate also continued to be a high court of justice, to which the emperor referred important criminal cases.[10] Capital offences committed by senators, however, no longer came under their jurisdiction, but either under that of the governors of provinces, or of the prefects of the two cities.[11] Civil cases of senators likewise belonged to the forum of the præfectus urbi.[12] The senatorial dignity was now obtained by descent,[13] and by having held certain offices at the court, or it was granted as an especial favour by the emperor on the proposal of the senate.[14] To be made a senator was indeed one of the greatest honours that could be conferred, and was more valued than in the times of the Republic; but its burdens were very heavy, for not only had the senators to give public games,[15] to make rich presents to the emperors,[16] and, in times of need, extraordinary donations to the people,[17] but, in addition, they had to pay a peculiar tax upon their landed property, which was called *follis* or *gleba*.[18] A senator who had no landed property was taxed at two folles.[19] It was, therefore, only the wealthiest persons of the Empire, no matter to what part of it they belonged, that could aspire to the dignity of senator. A list of them, together with an account of their property, was laid before the emperor every three months by the prefect of the city.[20] Down to the time of Justinian the consuls were the presidents of the senate, but from this time the præfectus urbi always presided.[21]

It now remains to mention some of the distinctions and privileges enjoyed by Roman senators: 1. The tunica with a broad purple stripe (*latus clavus*) in front, which was woven in it, and not, as is commonly believed, sewed upon it.[22] 2. A kind of short boot, with the letter C on the front of the foot.[23] This C is generally supposed to mean *centum*, and to refer to the original number of 100 (*centum*) senators. 3. The right of sitting in the orchestra in the theatres and amphitheatres. This distinction was first procured for the senators by Scipio Africanus Major, 194 B.C.[1] The same honour was granted to the senators in the reign of Claudius at the games in the circus.[2] 4. On a certain day in the year a sacrifice was offered to Jupiter in the Capitol, and on this occasion the senators alone had a feast in the Capitol; the right was called the *jus publice epulandi*.[3] 5. The *jus liberæ legationis* (*Vid.* LEGATUS, p. 576.)

SENATUS CONSULTUM. In his enumeration of the parts of the jus civile, Cicero includes senatus consulta,[4] from which it appears that in his time there were senatus consulta which were laws. Numerous leges, properly so called, were enacted in the reign of Augustus, and leges properly so called were made even after his time. It was under Augustus, however, that the senatus consulta began to take the place of leges properly so called, a change which is also indicated by the fact that until his time the senatus consulta were not designated by the names of the consuls, or by any other personal name, so far as we have evidence. But from that time we find the senatus consulta designated either by the name of the consuls, as Apronianum, Silanianum, or from the name of the Cæsar, as Claudianum, Neronianum; or they are designated as made "*auctore*" or "*ex auctoritate Hadriani*," &c., or "*ad orationem Hadriani*," &c. The name of the senatus consultum Macedonianum is an exception, as will afterward appear.

Senatus consulta were enacted in the republican period, and some of them were laws in the proper sense of the term, though some modern writers have denied this position. But the opinion of those who deny the legislative power of the senate during the republican period is opposed by facts. An attempt has sometimes been made to support it by a passage of Tacitus ("*tum primum e campo comitia ad patres translata sunt*"[5]), which only refers to the elections. It is difficult, however, to determine how far the legislative power of the senate extended. A recent writer[6] observes "that the senatus consulta were an important source of law for matters which concerned administration, the maintenance of religion, the suspension or repeal of laws in the case of urgent public necessity, the rights of the ærarium and the publicani, the treatment of the Italians and the provincials."[7] The following are instances of senatus consulta under the Republic: a senatus consultum "*ne quis in urbe sepeliretur*;" the senatus consultum De Bacchanalibus, hereafter more particularly mentioned; a senatus consultum De Libertinorum Tribu;[8] a senatus consultum De Sumtibus at the Megalenses ludi;[9] a senatus consultum "*ne homo immolarctur*;"[10] a senatus consultum De Provinciis Quæstoriis; a senatus consultum made M. Tullio Cicerone referente to the effect, "*ut legationum liberarum tempus annuum esset*;" various senatus consulta De Collegiis Dissolvendis; an old senatus consultum, "*senatus consultum vetus ne liceret Africanas (bestias) in Italiam advehere*," which was so far repealed by a plebiscitum proposed by Cn. Aufidius, tribunus plebis, that the importation for the purpose of the Circenses was made legal;[11] an old senatus consultum by which "*quæstio (servorum) in caput domini prohibebatur*;"[12] a rule of law which Cicero[13] refers to mores as its foundation. From these instances of senatus consultum made

1. (Dion Cass., lii., 31, &c.—Suet., Calig., 2.—Tacit., Annal., xiii., 44.—J. Capitol., M. Antonin., 10.)—2. (Dion Cass., lvii., 15, 17, 22; lx., 16; lxxvi., 8.—Suet., Octav., 66.—Tacit., Annal., iii., 49, &c.)—3. (Suet., Nero, 17.—Tacit., Annal., xiv., 28.—J. Capitol., M. Antonin., 10.—Vopisc., Prob., 13.)—4. (Dion Cass., lix., 18.—Dig. 49, tit. 2, s. 1, § 2.)—5. (Suet., Claud., 14, 15.—Nero, 15.—Domit., 8, &c.)—6. (Sozomen, ii., 2.—Excerpt. de gest. Const., 30.)—7. (Zosim., iii., 11.—Liban., Orat. ad Theodos., ii., p. 393, ed. Morell.)—8. (Cod. Theod., vi., tit. 2, s. 14.—Symmach., Epist., x., 2, 28.—Cod., i., tit. 14, s. 3.)—9. (Nov. Leon., 78.)—10. (Amm. Marcell., xxviii., 1, 23.—Symmach., Epist., iv., 5.—Zosim., v., 11, 38.)—11. (Walter, p. 367, &c.)—12. (Cod. [illegible] 24, s. 3.—Symmach., Epist., x., 69.)—13. (Cod. [illegible] 2, s. 2; xii., tit. 1, s. 58.—Cassiod., Variar., iii., [illegible]—14. (Cod. Theod., l. c.—Symmach., Epist., x., 25, 118.)—15. (Symmach., Epist., x., 25, 28.)—16. (Cod. Theod., vi., tit. 2, s. 5.)—17. (Zosim., v., 41.—Symmach., Ep., vi., 14, 26; vii., 68.)—18. (Zosim., ii., 32.—Cod. Theod., vi., tit. 2.—Symmach., Ess., iv., 61.)—19. (Cod. Theod., vi., tit. 2, s. 2; vi., tit. 4, s. 21.)—20. (Symm., Ep., x., 66, &c.)—21. (Cod. Theod., vi., tit. 6, s. 1.—Nov. Inst., 62.)—22. (Acron. ad Hor., Sat., i., 5, 35.—Compare i., 6, 28.—Quinct., xi., 3.)—23. (Juv., vii., 192.—Cic., Phil., xiii. 13.)

1. (Liv., xxxiv., 54.—Cic., Pro Cluent., 47.)—2. (Suet., Claud., 21.—Dion Cass., lx., 7.)—3. (Gell., xii., 8.—Suet., Octav., 35.)—4. (Top., 5.)—5. (Ann., i., 15.)—6. (Walter, Geschichte des Röm. Rechts, 437.)—7. (Liv., xxvi., 34; xxxix., 3; xli., 9.)—8. (Liv., xlv., 15.)—9. (Gell., ii., 24.)—10. (Plin., H. N., xxx., 1.)—11. (Plin., H. N., viii., 17.)—12. (Ta it., Ann., ii., 30.)—13. (Pro Milon., 22.)

in the republican period, we may collect, in a general way, the kind of matters to which this form of legislation applied. The constitution of the senate was such as to gradually bring within the sphere of its legislation all matters that pertained to religion, police, administration, provincial matters, and all foreign relations. And it seems that the power of the senate had so far increased at the time of the accession of Augustus, that it was no great change to make it the only legislating body. Pomponius,[1] though his historical evidence must be received with caution, states the matter in a way which is generally consistent with what we otherwise know of the progress of senatorial legislation: "As the plebs found it difficult to assemble, &c., it was a matter of necessity that the administration of the state came to the senate: thus the senate began to act, and whatever the senate had determined (*constituisset*) was observed (*observabatur*), and the law so made is called senatus consultum."

The senatus consultum was so named because the consul (*qui retulit*) was said "*senatum consulere:*" "*Marcivs L. F. S. Postvmivs L. F. Cos. Senatvm Consolverunt*" (Senatus consultum De Bacchanalibus). In the senatus consultum De Philosophis et De Rhetoribus,[2] the prætor "*consuluit.*" In the enacting part of a lex the populus were said "*jubere,*" and in a plebiscitum, "*scire:*" in a senatus consultum the senate was said "*censere:*" "*De Bacchanalibvs, &c., ita exdeicendvm censvere*" (S. C. De Bacch). In the senatus consulta of the time of Augustus cited by Frontinus,[3] the phrase which follows "*censuere*" is sometimes "*placere huic ordini.*" In Tacitus the verb "*censere*" is also applied to the person who made the motion for a senatus consultum.[4] Sometimes the term "*arbitrari*" is used;[5] and Gaius,[6] writing under the Antonines, applies to the senate the terms which originally denoted the legislative power of the populus: "*Senatus jubet atque constituit; idque legis vicem optinet, quamvis fuit quæsitum.*"

The mode in which the legislation of the senate was conducted in the imperial period is explained in the article Orationes Principum.

Certain forms were observed in drawing up a senatus consultum, of which there is an example in Cicero:[7] "*S. C. Auctoritates*" (for this is the right reading), "*Pridie Kal. Octob. in Æde Apollinis, scribendo adfuerunt L. Domitius Cn. Filius Ahenobarbus, &c. Quod M. Marcellus Consul V. F. (verba fecit) de prov. Cons. D. E. R. I. C. (de ea re ita censuerunt Uti, &c.).*" The preamble of the senatus consultum De Bacchanalibus is similar, but the names of the consuls come at the beginning, and the word is "*consolverunt:*" the date and place are also given; and the names of those *qui scribendo adfuerunt* (SC. ARF. in the inscription). The names of the persons who were witnesses to the drawing up of the senatus consultum were called the "*auctoritates,*" and these auctoritates were cited as evidence of the fact of the persons named in them having been present at the drawing up of the S. C. ("*id quod in auctoritatibus præscriptis extat*"[8]), from which passage, and from another[9] ("*illud S. C. ea præscriptione est*"), in which Cicero refers to his name being found among the auctoritates of a S. C. as a proof of his friendship to the person whom the S. C. concerned, it is certain that "*præscribo,*" in its various forms, is the proper reading in these senatus consulta. (Compare the similar use of præscriptio in Roman pleadings, *vid.* Præscriptio.) There can be no doubt that certain persons were required to be present "*scribendo,*" but others might assist if they chose, and a person in this way might testify his regard for another on behalf of whom, or with reference to whom, the S. C. was made ("*Cato autem et scribendo adfuit,*" &c.[1]). Besides the phrase "*scribendo adesse,*" there are "*esse ad scribendum*"[2] and "*poni ad scribendum*" (as to which, see the curious passage in Cicero[3]). When a S. C. was made on the motion of a person, it was said to be made "*in sententium ejus.*" If the S. C. was carried, it was written on tablets and placed in the ærarium: the S. C. De Bacchanalibus provides that it shall be cut on a bronze tablet, but this was for the purpose of its being put up in a public place where it could be read (*vbei facilivmed gnoscier potisit*).

A measure which was proposed as a senatus consultum might be stopped by the intercessio of the tribunes, and provision was sometimes made for farther proceeding in such case: "*si quis huic senatus consulto intercesserit senatui placere auctoritatem perscribi (præscribi) et de ea re ad senatum populumque referri.*"[4] This explains one meaning of senatus auctoritas, which is a senatus consultum which has been proposed and not carried, and of which a record was kept with the "*auctoritates eorum qu scribendo adfuerunt.*" In one passage Cicero cal' a S. C. which had failed, owing to an intercessio, an auctoritas.[5] One meaning of auctoritas, in fact, is a S. C. proposed, but not yet carried; and this agrees with Livy:[6] "*Si quis intercedat sto, auctoritate se fore contentum.*" If senatus auctoritas occasionally appears to be used as equivalent to senatus consultum, it is an improper use of the word, but one which presents no difficulty if we consider that the names which denote a thing in its two stages are apt to be confounded in popular language, as with us the words bill and act. In its general and original sense, senatus auctoritas is any measure to which a majority of the senate has assented. (See the note of P. Manutius on Cicero.[7])

The proper enacting word in the senatus consulta is "*censeo,*" but the word "*decerno*" was also used in ordinary language to express the enacting of a senatus consultum[8] (*Senatus decrevit ut, &c.*[9]). But a senatus consultum, which was a law in the proper sense of the term, is not called a decretum, which was a rule made by the senate as to some matter which was strictly within its competence. The words decretum and senatus consultum are often used indiscriminately, and with little precision.[10] (*Vid.* Decretum.)

The forms of the senatus consulta are the best evidence of their character. The following are some of the principal senatus consulta which are preserved: the senatus consultum De Tiburtibus, printed by Gruter and others; the senatus consultum De Bacchanalibus; the senatus consultum in the letter of Cicero already referred to;[11] the six senatus consulta about the Roman aqueducts in the second book of Frontinus, De Aquæductibus; the senatus consultum about the Aphrodisienses;[12] the oration of Claudius;[13] the various senatus consulta preserved in the Digest, which are mentioned in a subsequent part of this article. See also the senatus consultum printed in Sigonius, "*De Antiquo Jure Provinciarum,*" i., 288.

The following list of senatus consulta contains perhaps all of them which are distinguished by the name of a consul or other distinctive name. Nu-

1. (Dig 1, tit. 2, s. 2.)—2. (Gell., xv., 11.)—3. (De Aquæduct. Romæ, ii.)—4. (Ann., iv., 20.)—5. (Dig. 16, tit. 1, s. 2.)—6 (i., 4.)—7. (Ep. ad Div., viii, 8.)—8. (Cic., De Or., i., 2.)—9. (Cic, Ep. ad Div., v., 2.)

1. (Cic., Ep. ad Att., vii., 1.)—2. (Id. ib., i., 19.)—3. (ad Div., ix., 15.)—4. (Id. ib., viii., 8.)—5. (Id. ib., i., 7.)—6. (iv., 57.)—7. (ad Div., v., 2.)—8. (Id. ib., viii., 8.)—9. (id., ad Att., i., 19.)—10. (Gell., ii., 24.—*Vid.* Ælius Gallus ap. Festum, s. v. Senatus decretum.)—11. (Cic., Philipp., v., 13.—Gell., xv., 11.)—12. (Tacit., Ann., iii., 62.—Tacit., ed. Oberlin., ii., 835.)—13 (Id. ib., xi., 24.—Tacit., ed. Oberlin., ii., 806.)

meous senatus consulta under the Empire are referred to in the Latin writers, for which we find no distinctive name, though it is probable that all of them had a title like the leges, but many of them being of little importance were not much referred to or cited, and thus their names were forgotten. Tacitus, for instance, often speaks of S. C. without giving their names, and in some cases we are able to affix the titles from other authorities. Many of the imperial senatus consulta were merely amendments of leges, but they were laws in the proper sense of the word.

Some of the senatus consulta of the republican period were laws, as already observed, but others were only determinations of the senate, which became leges by being carried in the comitia. Such S. C. were really only auctoritates. One instance of this kind occurred on the occasion of the trial of Clodius for violating the mysteries of the Bona Dea. A rogatio on the subject of the trial was proposed to the comitia ex senatus consulto,[1] which is also spoken of as the auctoritas of the senate, and as "*quod ab senatu constitutum*" (the word of Gaius, i., 4).

Apronianum, probably enacted in the time of Hadrian, empowered all civitates which were within the Roman imperium to take a fideicommissa hereditas. This senatus consultum is cited by Ulpian[2] without the name; but it appears, from comparing Ulpian with the Digest,[3] to be the senatus consultum Apronianum. A senatus consultum also allowed civitates or municipia, which were legally considered as universitates, to be appointed heredes by their liberti or libertæ. Ulpian speaks of this senatus consultum in the passage referred to, immediately before he speaks of that senatus consultum which we know to be the Apronianum, and it appears probable that the two senatus consulta were the same, for their objects were similar, and they are mentioned together without any indication of their being different. This last-mentioned provision is also mentioned in the Digest[4] as being contained in a senatus consultum which was posterior to the Trebellianum, but the name is not given in the Digest. Under this provision a municipium could obtain the bonorum possessio. Bachius[5] assigns the senatus consultum to the reign of Trajan; but it appears to belong to the time of Hadrian, and to be the same senatus consultum which allowed civitates to take a legacy.[6]

Articuleianum gave the præses of a province jurisdiction in the case of fideicommissa libertas, even when the heres did not belong to the province. The heres could be compelled to give the libertas which was the subject of the fideicommissum. (*Vid.* Manumissio, p. 616.[7])

De Bacchanalibus. This senatus consultum, which is sometimes called Marcianum, was passed in the year B.C. 186. The terms of it are stated generally by Livy,[8] and may be compared with the original senatus consultum, which is printed in the edition of Livy by Drakenborch, and in that by J. Clericus, Amsterdam, 1710. There is a dissertation on this senatus consultum by Bynkershoek,[9] who has printed the senatus consultum, and commented upon it at some length. The provisions of this senatus consultum are stated generally under Dionysia, p. 366. There is no ancient authority, as it appears, for the name Marcianum, which has been given to it from the name of one of the consuls who proposed it, and in accordance with the usual titles of senatus consultum in the imperial period.

1. (Cic. ad Att., i., 14.)—2. (Frag., tit. 22.)—3. (36, tit. 1, s. 26.)—4. (38, tit. 3.)—5. (Historia Jurisprudentiæ Romanæ.)—6. (Ulp., Frag., tit. 24.)—7. (Dig. 40, tit. 5, s. 44, 51.)—8. (xxxix., 18.)—9. (De Cultu Religionis Peregrinæ apud Veteres Romanos, Op., i., 412.)

Calvitianum[1] (*Vid.* Julia et Papia Poppæa Lex, p. 557.)

Claudianum, passed in the time of the Emperor Claudius, reduced a free woman to the condition of a slave (*ancilla*) if she cohabited with the slave of another person, after the master had given her notice that he would not permit it. But if a woman who was a Roman citizen cohabited with a slave with the consent of the slave's master, she might, by agreement with the master, remain free, and yet any child born from this cohabitation would be a slave; for the senatus consultum made valid any agreement between the free woman and the slave's master, and by such agreement the woman was relieved from the penalty of the senatus consultum. But Hadrian, being moved thereto by a consideration of the hardness of the case and the incongruity of this rule of law (*inelegantia juris*), restored the old rule of the jus gentium, according to which the woman continuing free, was the mother of a free child.

A difficulty arose on the interpretation of this senatus consultum for which the words of the law had not provided. If a woman who was a Roman citizen was with child, and became an ancilla pursuant to the senatus consultum in consequence of cohabiting with a slave contrary to the master's wish, the condition of the child was a disputed matter: some contended that if the woman had become pregnant in a legal marriage, the child was a Roman citizen; but if she had become pregnant by illicit cohabitation, the child was the property of the person who had become the master of the mother (*Vid* Servus, Roman.)

There is an apparent ambiguity in a passage of Gaius,[2] in which he says, "but that rule of the same lex is still in force, by which the issue of a free woman and another man's slave is a slave, if the mother knew that the man with whom she cohabited was a slave." The lex of which he speaks is the lex Ælia Sentia. The exception in the senatus consultum of Claudius applied to the case of a compact between a free woman and the master of the slave, which compact implies that the woman must know the condition of the slave, and therefore, according to the terms of the lex, the issue would be slaves. But Gaius says[3] that under this senatus consultum the woman might, by agreement, continue free, and yet give birth to a slave; for the senatus consultum gave validity to the compact between the woman and the master of the slave. At first sight it appears as if the senatus consultum produced exactly the same effect as the lex with respect to the condition of the child. But this is explained by referring to the chief provision of the senatus consultum, which was, that cohabitation with a slave "*invito et denuntiante domino*" reduced the woman to a servile condition, and it was a legal consequence of this change of condition that the issue of her cohabitation must be a slave. The lex Ælia Sentia had already declared the condition of children born of the union of a free woman and a slave to be servile. The senatus consultum added to the penalty of the lex by making the mother a slave also, unless she cohabited with the consent of the master, and thus resulted that "*inelegantia juris*" by which a free mother could escape the penalty of the senatus consultum by her agreement, and yet her child must be a slave pursuant to the lex. Hadrian removed this inelegantia by declaring that if the mother, notwithstanding the cohabitation, escaped from the penalties of the senatus consultum by virtue of her compact, the child also should have the benefit of the agreement. The senatus

1. (Ulp., Frag., tit. xvi.)—2. (i., 86.)—3. (i., 84.)

consultum only reduced the cohabiting woman to a servile state when she cohabited with a man's slave "*invito et denuntiante domino*:" if she cohabited with him, knowing him to be a slave, without the knowledge of the master, there could be no denuntiatio, and this case, it appears, was not affected by the senatus consultum, for Gaius observes, as above stated,[1] that the lex had still effect, and the offspring of such cohabitation was a slave. The fact of this clause of the lex remaining in force after the enacting of the senatus consultum, appears to be an instance of the strict interpretation which the Roman jurists applied to positive enactments; for the senatus consultum of Hadrian, as stated by Gaius, only applied to the case of a contract between the master's slave and the woman, and therefore its terms did not comprehend a case of cohabitation when there was no compact. Besides this, if a free woman cohabited with a man's slave either without the knowledge of the master or with his knowledge, but without the "*denuntiatio*," it seems that this was considered as if the woman simply indulged in promiscuous intercourse (*vulgo concepit*), and the mother being free, the child also was free by the jus gentium till the lex attempted to restrain such intercourse by working on the parental affections of the mother, and the senatus consultum by a direct penalty on herself. There was a "*juris inelegantia*" in a free woman giving birth to a slave, but this was not regarded by Hadrian, who was struck by the inelegantia of a woman by compact being able to evade the penalty of the senatus consultum, while her child was still subject to the penalty of the lex.

This senatus consultum was passed A.D. 52, and is mentioned by Tacitus, but the terms in which he expresses himself do not contain the true meaning of the senatus consultum, and in one respect, "*sin consensisset dominus, pro libertis haberentur*," they differ materially from the text of Gaius, unless the reading "*libertis*" should be "*liberis*."[2] It appears, however, from a passage in Paulus,[3] that a woman, in some cases which are not mentioned by him, was reduced to the condition of a liberta by the senatus consultum; a circumstance which confirms the accuracy of the text of Tacitus, but also shows how very imperfectly he has stated the senatus consultum. Suetonius[4] attributes the senatus consultum to the reign of Vespasian, and expresses its effect in terms still more general and incorrect than those of Tacitus. Such instances show how little we can rely on the Roman historians for exact information as to legislation.

It appears from Paulus that the provisions of this senatus consultum are stated very imperfectly even by Gaius, and that they applied to a great number of cases of cohabitation between free women, whether ingenuæ or libertinæ, and slaves.

This senatus consultum was entirely repealed by a constitution of Justinian. Some writers refer the words "*ea lege*"[5] to the senatus consultum Claudianum, and they must, consequently, refer the words "*ejusdem legis*"[6] also to this senatus consultum; but the word "*lex*" in neither case appears to refer to the senatus consultum, but to the lex Ælia Sentia.[7]

There were several other senatus consulta Claudiana, of which there is a short notice in Jo. Augusti Bachii Historia Jurisprudentiæ Romanæ.

Dasumianum, passed in the reign of Trajan, related to fideicommissa libertas.[8]

Hadriani Senatus Consulta. Numerous senatus consulta were passed in the reign of Hadrian but there does not appear to be any which is called Hadrianum. Many senatus consulta of this reign are referred to by Gaius as "*senatus consulta auctore Hadriano facta*,"[1] of which there is a list in the index to Gaius The senatus consulta made in the reign of Hadrian are enumerated by Bachius, and some of them are noticed here under their proper designations.

Junianum, passed in the reign of Commodus, related to fideicommissa libertas.[2] This senatus consultum is preserved in one of the passages of the Digest referred to.

Junianum, passed in the time of Domitian, in the tenth consulship of Domitian, and in the consulship of Ap. Junius Sabinus, A.D. 84, had for its object to prevent collusion between a master and his slave, by which the slave should be made to appear to be as a free man. The person who discovered the collusion obtained the slave as his property.[3]

Largianum, passed in the first year of the Emperor Claudius, A.D. 42, gave to the children of a manumissor, if they were not exheredated by name, a right to the bona of Latini in preference to extranei heredes.[4] (*Vid.* Patronus, p. 746.)

Libonianum, passed in the reign of Tiberius, in the consulship of T. Statilius Taurus and L. Scribonius Libo, A.D. 16, contained various provisions, one of which was to the effect that if a man wrote a will for another, everything which he wrote in his own favour was void: accordingly, he could not make himself a tutor,[5] nor heres or legatarius.[6] This senatus consultum contained other provisions, and it appears to have been an extension of the lex Cornelia de Falsis.[7] (*Vid.* Falsum.)

Macedonianum, enacted A.D. 46, provided that any loan of money to a filiusfamilias could not be recovered, even after the death of the father. The senatus consultum took its name from Macedo, a notorious usurer, as appears from the terms of the senatus consultum, which is preserved.[8] Theophilus[9] states incorrectly that the senatus consultum took its name from a filiusfamilias. The provision of the senatus consultum is cited by Tacitus,[10] but in such terms as might lead to ambiguity in the interpretation of the law. Suetonius[11] attributes this senatus consultum to the time of Vespasian, but he states its provisions in less ambiguous terms than Tacitus.

Memmianum. This name is sometimes given to the senatus consultum passed in the time of Nero, the terms of which are preserved by Tacitus:[12] "*Ne simulata adoptio in ulla parte muneris publici juvaret, ac ne usurpandis quidem hereditatibus prodesset.*" The object of this senatus consultum was to prevent the evasion of the lex Julia et Papia Poppæa. (*Vid.* Julia et Pap. Pop. Lex.) It is sometimes referred to the consulship of C. Memmius Regulus and Virginius Rufus, A.D. 63, but it appears to belong to the preceding year.[13]

Neronianum de Legatis, the provisions of which are stated in the article Legatum.[14]

Neronianum, also called Pisonianum, from being enacted in the consulship of Nero and L. Calpurnius Piso, A.D. 57. It contained various provisions: "*Ut si quis a suis servis interfectus esset, ii quoque, qui testamento manumissi sub eodem tecto mansissent, inter servos supplicia penderent*:"[15] "*Ut occisa uxore etiam de familia viri quæsti habeatur, idemque ut jux-*

1. (i., 86.)—2. (*Vid.* the notes on Tacitus, Ann., xii., 53, ed. Oberlin.)—3. (S. R., iv., tit. 10.)—4. (Vesp., 11.)—5. (Gaius, i., 85.)—6. (Id., i., 86.)—7. (Id., i., 84, 86, 91, 160.—Ulp., Frag., tit. xi.—Cod., vii., tit. 24.—Paulus, S. R., ii., tit. 21.)—8. (Dig. 40, tit. 5, s. 51.)

1. (i., 47, &c.)—2. (Dig. 40, tit. 5, s. 28, 51.)—3. (Dig. 40, tit. 16.)—4. (Gaius, iii., 63–71.—Inst., iii., tit. 7, s. 4.—Cod., vii., tit. 6.)—5. (Dig. 26, tit. 2, s. 29.)—6. (Dig. 34, tit. 8.)—7. (*Vid.* also Coll. Legg. M & R., viii., 7.)—8. (Dig. 14, tit. 6.)—9. (Paraphr. Inst.)—10. (Ann., xi., 13.)—11 (Vesp., 11.)—12. (Ann., xv., 19.)—13. (*Vid.* Dig. 31, s. 51, and 35, tit. 1, s. 76.)—14. (Gaius, ii., 157, 198, 212, 218, 220, 222.—Ulp., Frag. xxiv.)—15 (Tacit., Ann., xiii., 32.)

a uxoris familiam observetur, si vir dicatur occisus" (Paulus,[1] who gives in substance, also, the provision mentioned by Tacitus, but adds, "*Sed et hi torquentur, qui eum occiso in itinere fuerunt*"): "*Ut, si pœnæ obnoxius servus venisset, quandoque in eum animadversum esset, venditor pretium præstaret.*"[2]

ORPHITIANUM enacted in the time of M. Aurelius[3] that the legitima hereditas of a mother who had not been in manu might come to her sons, to the exclusion of the consanguinei and other agnati. The name Orphitianum is supplied by Paulus[4] and the Digest;[5] the enactment was made in the consulship of V Rufus and C. Orphitus.[6]

Paulus[7] speaks of rules relating to manumission being included in a senatus consultum Orphitianum. (*Vid* HERES.) This senatus consultum was made in the joint reign of M. Aurelius and Commodus.[8] (*Vid.* ORATIONES PRINCIPUM.)

PEGASIANUM was enacted in the reign of Vespasian, Pegasus and Pusio being consules (suffecti?) in the year of the enactment.[9] The provisions of this senatus consultum are stated under FIDEICOMMISSA and LEGATUM. This senatus consultum, or another of the same name, modified a provision of the lex Ælia Sentia as to a Latinus becoming a Romanus.[10]

PERSICIANUM, which may be the correct form instead of Pernicianum, was enacted in the time of Tiberius, A.D. 34, and was an amendment of the lex Julia et Papia Poppæa.[11] (Compare JULIA ET PAP. POP. LEX.)

PISONIANUM. (*Vid.* NERONIANUM.)

PLANCIANUM, of uncertain date, is by some writers assigned to the time of Vespasian. The lex Julia Papia et Poppæa apparently contained a provision by which a fideicommissum was forfeited to the fiscus if a heres or legatarius engaged himself by a written instrument, or any other secret mode, to pay or give the fideicommissum to a person who was legally incapable of taking it.[12] Such a fideicommissum was called tacitum, and when made in the way described was said to be "*in fraudem legis*," designed to evade the law. If it was made openly (*palam*), this was no fraus; and though the fideicommissum might be invalid on account of the incapacity of the fideicommissarius to take, the penalty of the lex did not apply. It does not appear certain whether this provision as to the confiscation was contained in the original lex, or added by some subsequent senatus consultum. However this may be, the fiduciarius still retained his quarta. But a senatus consultum mentioned by Ulpian[13] enacted that, if a man undertook to perform a tacitum fideicommissum, he lost the quadrans or quarta (*vid.* FIDEICOMMISSUM), nor could he claim what was caducum under the testamenta, which, as a general rule, he could claim if he had children. (*Vid.* LEGATUM. BONA CADUCA.) This senatus consultum, it appears from an extract in the Digest,[14] was the Plancianum or Plautianum, for the reading is doubtful; and in this passage it is stated that the fourth, which the fiduciarius was not allowed to retain, was claimed for the fiscus by a rescript of Antoninus Pius. The penalty for the fraud only applied to that part of the property to which the fraud extended; and if the heres was heres in a larger share of the hereditas than the share to which the fraus extended, he had the benefit of the Falcidia for that part to which the fraus did not extend, which is thus expressed by Papinian:[1] "*Sed si major modus institutionis quam fraudis fuerit quod ad Falcidiam attinet, de superfluo quarta retinebitur.*" The history of legislation on the subject of tacita fideicommissa is not altogether free from some doubt.

PLAUTIANUM. (*Vid.* PLANCIANUM.)

RUBRIANUM, enacted in the time of Trajan, in the consulship of Rubrius Gallus and Q. Cœlius Hispo, A.D. 101, related to fideicommissa libertas. Its terms are given in the Digest:[2] "*Si hi a quibus libertatem præstari oportet evocati a prætore adesse noluissent, Si causa cognita prætor pronuntiasset libertatem his deberi, eodem jure statum servari ac si directo manumissi essent.*" Compare Plin., *Ep.*, iv, 9, ad Ursum, with the passage in the Digest.

SABINIANUM, of uncertain date, but apparently after the time of Antoninus Pius. It related to the rights of one of three brothers who had been adopted to a portion of the hereditas contra tabulas testamenti.[3]

SILANIANUM, passed in the time of Augustus, in the consulship of P. Cornelius Dolabella and C. Junius Silanus, A.D. 10, contained various enactments. It gave freedom to a slave who discovered the murderer of his master. If a master was murdered, all the slaves who were under the roof at the time, if the murder was committed under a roof, or who were with him in any place at the time of the murder, were put to the torture, and, if they had not done their best to defend him, were put to death. Tacitus[4] refers to this provision of the senatus consultum, and he uses the phrase "*vetere ex more.*" Lipsius (note on this passage) refers to Cicero.[5] Servi impuberes were excepted from this provision of the senatus consultum.[6] The heres who took possession of the hereditas of a murdered person before the proper inquiry was made, forfeited the hereditas, which fell to the fiscus: the rule was the same whether, being heres ex testamento, he opened the will (*tabulæ testamenti*) before the inquiry was made, or whether, being heres ab intestato, he took possession of the hereditas (*adiit hereditatem*) or obtained the bonorum possessio; he was also subjected to a heavy pecuniary penalty. A senatus consultum, passed in the consulship of Taurus and Lepidus, A.D. 11, enacted that the penalty for opening the will of a murdered person could not be inflicted after five years, except it was a case of parricide, to which this temporis præscriptio did not apply.[7]

TERTULLIANUM is stated in the Institutes of Justinian[8] to have been enacted in the time of Hadrian, in the consulship of Tertullus and Sacerdos; but some critics, notwithstanding this, would refer it to the time of Antoninus Pius. This senatus consultum empowered a mother, whether ingenua or libertina, to take the legitima hereditas of an intestate son; the ingenua, if she was or had been the mother of three children; the libertina, if she was or had been the mother of four children. They could also take, though they neither were nor had been mothers, if they had obtained the jus liberorum by imperial favour. Several persons, however, took precedence of the mother: the sui heredes of the son, those who were called to the bonorum possessio as sui heredes, the father, and the frater consanguineus. If there was a soror consanguinea, she shared with her mother. The senatus consultum Orphitianum gave the children a claim to the hereditas of the mother.[9]

1. (S. R., iii., tit. 5.)—2. (Dig. 29, tit. 5, s. 8.)—3. (Capit. in vita, 11.)—4. (S. R., iv., tit. 10.)—5. (38, tit. 17.)—6. (Inst., iii., tit. 4.)—7. (iv., tit. 14.)—8. (Impp. Anton. et Commodi oratione in senatu recitata: Ulp., Frag., tit. xxvi.)—9. (Inst., ii., tit. 23. Gaius, ii., 254, &c.)—10. (Gaius, i., 31.)—11. (Ulp., Frag., tit. xvi.—Suet., Claud., 23.)—12. (Dig. 30, s. 103; 34, tit. 9, s. 10, 18; 49, tit. 14, s. 3.)—13. (Frag., tit. xxv., s. 17.)—14. (35 tit 2, s. 59.

1. (Dig 34, tit. 9, s. 11.)—2. (40, tit. 5, s. 26.)—3. (Cod., viii., tit. 48, s. 10.—Inst., iii., tit. 1.)—4. (Ann., xiv., 42.)—5. (*Ep.* ad Div., iv., 12.)—6. (Dig. 29, tit. 5, s. 14.)—7. (Paulus. S. R., iii. tit. 5.—Dig. 29, tit. 5.—Cod., vi., tit. 35.)—8. (iii., tit. 3.)—9 (Ulp., Frag., tit. xxvi.—Paulus, S. R., iv., tit. 9.—Dig 38, tit. 17

TREBELLIANUM, enacted in the time of Nero, in the consulship of L. Annæus Seneca and Trebellius Maximus, A.D. 62, related to fideicommissæ hereditates.[1] (*Vid.* FIDEICOMMISSUM.)

TURPILIANUM, enacted in the time of Nero, in the consulship of Cæsonius Pætus and Petronius Turpillianus, A.D. 61, was against prævaricatio or the collusive desisting from prosecuting a criminal charge. The occasion of this senatus consultum, and the terms of it, are stated by Tacitus:[2] "*Qui talem operam emptitasset, vendidissetve, perinde pœna teneretur ac publico judicio calumniæ condemnaretur.*" The definition of a prævaricator is given in the Digest.[3]

VELLEIANUM rendered void all intercessiones by women, whether they were on behalf of males or females. This senatus consultum was enacted in the consulship of Marcus Silanus and Velleius Tutor, as appears from the preamble of the senatus consultum,[4] and it appears most probably to have been passed in the reign of Claudius, from the words of Ulpian in his comment upon it. In the article INTERCESSIO, where this senatus consultum is mentioned, A.D. 10 seems to be a misprint for A.D. 19. The name of Velleius Tutor does not occur in the Fasti Consulares, and he may be a consul suffectus. The name of M. Silanus occurs as consul in the reign of Claudius, and the colleague of Valerius Asiaticus, A.D. 46.[5] (*Vid.* INTERCESSIO.) In the year A.D. 19, according to the Fasti, a M. Silanus was also consul; his colleague, according to the Fasti, was L. Norbanus Balbus, and this agrees with Tacitus.[6]

VITRASIANUM is assigned to the reign of Vespasian, but the time is very uncertain. It related to fideicommissa libertas.[7]

VOLUSIANUM, enacted in the reign of Nero, in the consulship of Q. Volusius Saturninus and P. Cornelius Scipio, A.D. 56. It contained a provision against pulling down a domus or villa for the sake of profit; but the object of this law seems rather obscure: it is referred to without the name being given in the Digest.[8] Tacitus[9] mentions a senatus consultum in this consulship which limited the power of the ædiles: "*Quantum curules, quantum plebeii pignoris caperent, vel pœnæ irrogarent.*" A senatus consultum Volusianum (if the name is right) enacted that persons should be liable to the penalties of the lex Julia de vi Privata, who joined in the suit of another person with the bargain that they should share whatever was acquired by the condemnatio.[10]

SENIORES. (*Vid.* COMITIA, p. 296.)

SEPTEMBER. (*Vid.* CALENDAR, ROMAN.)

SEPTEMVIRI EPULONES. (*Vid.* EPULONES.)

SEPTIMONTIUM, a Roman festival which was held in the month of December. It lasted only for one day (*dies Septimontium, dies Septimontialis*). According to Festus,[11] the festival was the same as the Agonalia; but Scaliger, in his note on this passage, has shown from Varro[12] and from Tertullian[13] that the Septimontium must have been held on one of the last days of December, whereas the Agonalia took place on the tenth of this month. The day of the Septimontium was a dies feriatus for the Montani, or the inhabitants of the seven ancient hills, or, rather, districts of Rome, who offered on this day sacrifices to the gods in their respective districts. These sacra (*sacra pro montibus*[14]) were, like the Paganalia not sacra publica, but privata.[15] (Compare SACRA.) They were believed to have been instituted to commemorate the enclosure of the seven hills of Rome within the walls of the city, and must certainly be referred to a time when the Capitoline, Quirinal, and Viminal were not yet incorporated with Rome.[1]

SEPTUM. (*Vid.* COMITIA, p. 297.)

SEPTUNX. (*Vid.* AS, p. 110.)

SEPULCRUM. (*Vid.* FUNUS, p. 461.)

SERA. (*Vid.* JANUA, p. 526.)

SERICUM (Σηρικόν), Silk, also called *bombycinum*. The first ancient author who affords any evidence respecting the use of silk is Aristotle.[2] After a description, partially correct, of the metamorphoses of the silkworm (*bombyx*[3]), he intimates that the produce of the cocoons was wound upon bobbins by women for the purpose of being woven, and that Pamphile, daughter of Plates, was said to have first woven silk in Cos. This statement authorizes the conclusion that raw silk was brought from the interior of Asia and manufactured in Cos as early as the fourth century B.C. From this isl and it appears that the Roman ladies obtained their most splendid garments (*vid.* COA VESTIS), so that the later poets of the Augustan age, Tibullus,[4] Propertius,[5] Horace,[6] and Ovid,[7] adorn their verses with allusions to these elegant textures, which were remarkably thin, sometimes of a fine purple dye,[8] and variegated with transverse stripes of gold.[9] About this time the Parthian conquests opened a way for the transport into Italy of all the most valuable productions of Central Asia, which was the supposed territory of the Seres. The appearance of the silken flags attached to the gilt standards of the Parthians in the battle fought in 54 B.C.,[10] must have been a very striking sight for the army of Crassus. The inquiries of the Romans respecting the nature of this beautiful manufacture led to a very general opinion that silk in its natural state was a thin fleece found on trees.[11] An author, nearly contemporary with those of the Augustan age already quoted,[12] celebrated not only the extreme fineness and the high value, but also the flowered texture of these productions. The circumstances now stated sufficiently account for the fact, that after the Augustan age we find no farther mention of Coan, but only of *Seric* webs. The rage for the latter increased more and more. Even men aspired to be adorned with silk, and hence the senate, early in the reign of Tiberius, enacted "*Ne vestis Serica viros fœdaret.*"[13]

In the succeeding reigns we find the most vigorous measures adopted by those emperors who were characterized by severity of manners, to restrict the use of silk, while Caligula and others, notorious for luxury and excess, not only encouraged it in the female sex, but delighted to display it in public on their own persons.[14] Shawls and scarfs interwoven with gold, and brought from the remotest East, were accumulated in the wardrobe of the empress during successive reigns,[15] until, in the year 176, Antoninus the philosopher, in consequence of the exhausted state of his treasury, sold them by public auction in the Forum of Trajan, with the rest of the imperial ornaments.[16] At this period we find that the silken texture, besides being mixed with gold

1. (Gaius, ii., 251, 253.—Dig. 36, tit. 1.—Paulus, S. R., iv., tit. 2.)—2. (Ann., xiv., 14.)—3. (48, tit. 16, s. 1: ad Senatus Consultum Turpilianum.)—4. (Dig. 16, tit. 1.)—5. (Dion Cass., lx., 27.)—6. (Ann., ii., 59.)—7. (Dig. 40, tit. 5, s. 30.)—8. (18, tit. 1, s. 52: Senatus censuit, &c.)—9. (Ann., xiii., 28.)—10. (Dig. 48, tit. 7, s. 6.)—11. (s. v. Septimontium.)—12. (De Ling. Lat., v., p. 58, ed. Bip.)—13. (De Idolol., 10.)—14. (Fest., s. v. Publica sacra.)—15. (Varro, l. c.)

1. (Compare Columella, i., 10.—Suet., D mit., 4.—Plut. Quæst. Rom., 68.—Niebuhr, Hist. of Rome, i., p. 389, &c.)—2 (H. A., v., 19.)—3. (Martial, viii., 33.)—4. (ii., 4.)—5. (i., 2; ii., 1 iv., 2; iv., 5.)—6. (Carm., iv., 13, 13.—Sat., i., 2, 101.)—7. (Art Amat., ii., 298.)—8. (Hor., Il. cc.)—9. (Tibull., ii., 6.)—10 (Florus, iii., 11.)—11. (Virg., Georg., ii., 121.—Petron., 19.—Seneca, Hippol. 386.—Festus Avienus, 935.—Sil. Ital., Pun. vi., 4; xiv., 654 xvii., 596.)—12. (Dionys. Perieg., 755.)—13 (Tac., Ann., ii., 33.—Dion Cass., lvii., 15.—Suid., s. v. Τελέριος.) —14. (Suetor., Calig., 52. -Dion Cass., lix., 12.—*Vid.* also Josèph., B. J., vi., 5, § 4.)—15. (Martial, xi., 9.)—16. (Capit. in vita, 17.)

χρυσόπαστος, χρυσοΰφης), was adorned with embroidery, this part of the work being executed either in Egypt or Asia Minor (*Nilotis, Mœonia, acus*[1]). The Christian authors, from Clemens Alexandrinus[2] and Tertullian[3] downward, discourage or condemn the use of silk. Plutarch also dissuades the virtuous and prudent wife from wearing it,[4] although it is probable that ribands for dressing the hair[5] were not uncommon, since these goods (*Serica*) were procurable in the vicus Tuscus at Rome.[6] Silk thread was also imported and used for various purposes.[7]

Although Commodus in some degree replenished the palace with valuable and curious effects, including those of silk,[8] this article soon afterward again became very rare, so that few writers of the third century make mention of it. When finely manufactured, it sold for its weight in gold, on which account Aurelian would not allow his empress to have even a single shawl of purple silk (*pallio blatteo Serico*[9]). The use of silk with a warp of linen or wool, called *tramoserica* and *subscrica*, as distinguished from *holoscrica*, was permitted under many restrictions. About the end, however, of the third century, silk, especially when woven with a warp of interior value, began to be much more generally worn both by men and women; and the consequence was, that, in order to confine the enjoyment of this luxury more entirely to the imperial family and court, private persons were forbidden to engage in the manufacture, and gold and silken borders (*paragaudæ*) were allowed to be made only in the imperial gynæcea. (*Vid.* PARAGAUDA.)

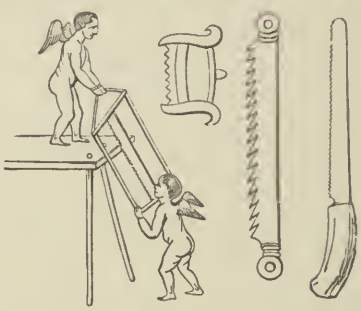
The production of raw silk (*μέταξα*) in Europe was first attempted under Justinian, A.D. 530. The eggs of the silkworm were conveyed to Byzantium in the hollow stem of a plant from "Serinda," which was probably Khotan in Little Bucharia, by some monks, who had learned the method of hatching and rearing them. The worms were fed with the leaf of the black or common mulberry (*συκάμινος*[10]). The cultivation both of this species and of the white mulberry, the breeding of silkworms, and the manufacture of their produce, having been long confined to Greece, were at length, in the twelfth century, transported into Sicily, and thence extended over the south of Europe.[11] The progress of this important branch of industry was, however, greatly impeded even in Greece, both by sumptuary laws restricting the use of silk except in the church service, or in the dress and ornaments of the court, and also by fines and prohibitions against private silkmills, and by other attempts to regulate the price both of the raw and manufactured article. It was at one time determined that the business should be carried on solely by the imperial treasurer. Peter Barsames held the office, and conducted himself in the most oppressive manner, so that the silk-trade was ruined both in Byzantium and at Tyre and Berytus, while Justinian, the Empress Theodora, and their treasurer, amassed great wealth by the monopoly.[12] The silks woven in Europe previously to the thirteenth century were in general plain in their pattern. Many of those produced by the industry and taste of the Seres, *i. e.*, the silk manufacturers of the interior of Asia, were highly elaborate, and appear to have been very similar in their patterns and style of ornament to the Persian shawls of modern times.

*SERPENS. (*Vid.* ASPIS, DRACO, SEPS, &c.)

1. (Lucan, x., 141. — Seneca, Herc. Œt., 664.) — 2. (Pædag., n., 10.)—3. (De Pallio, 4.)—4. (Conj. Præc., p. 550, vol. vi., ed. Reiske.)—5. (Martial, xiv., 24.)—6. (xi., 27.) — 7. (Galen, Περὶ Διάγν., p. 533, vol. vi., ed. Chartier.) — 8. (Capitol., Pertin., 8.) — 9 (Vopisc., Aurel., 45.) — 10. (Procop., B. Goth., iv., 17. — Glycas, Ann., iv., p. 209. — Zonar., Ann., xiv., p. 69, ed. Du Cange. — Phot., Bibl., p. 80, ed. Roth.) — 11. (Otto Frisingen, Hist. Imp. Freder., i., 33.—Man. Comnenus, ii., 8.)—12. (Procop., Hist. Arcan., 25.)

*SERPYLLUM. (*Vid.* HERPYLLUS.)

SERRA, *dim.* SERRULA (*πρίων*), a Saw. The saw was made of iron (*ferrea,*[1] *de ferro lamina*[2]). The form of the larger saw used for cutting timber is seen in the annexed woodcut, which is taken from a miniature in the celebrated Dioscorides written at the beginning of the sixth century.[3] It is of the kind



which we call the frame-saw, because it is fixed in a rectangular frame. It was held by a workman (*serrarius*[4]) at each end. The line (*vid* LINEA) was used to mark the timber in order to guide the saw;[5] and its movement was facilitated by driving wedges with a hammer between the planks (*tenues tabulæ*) or rafters (*trabes*).[6] A similar representation of the use of the frame-saw is given in a painting found at Herculaneum, the operators being winged genii, as in this woodcut;[7] but in a bas-relief published by Micali,[8] the two sawyers wear tunics girt round the waist like that of the shipbuilder in the woodcut at p. 112. The woodcut here introduced also shows the blade of the saw detached from its frame, with a ring at each end for fixing it in the frame, and exhibited on a funereal monument published by Gruter. On each side of the last-mentioned figure is represented a hand-saw adapted to be used by a single person. That on the left is from the same funereal monument as the blade of the frame-saw: that on the right is the figure of an ancient Egyptian saw preserved in the British Museum. These saws (*serrulæ manubriatæ*) were used to divide the smaller objects. Some of them, called *lupi*, had a particular shape, by which they were adapted for amputating the branches of trees.[9]

St. Jerome[10] seems clearly to allude to the circular saw, which was probably used, as at present, in cutting veneers (*laminæ prætenues*[11]). We have also intimations of the use of the centre-bit, and we find that even in the time of Cicero[12] it was employed by thieves.

Pliny[13] mentions the use of the saw in the ancient Belgium for cutting white building stone: some of the oolitic and cretaceous rocks are still treated in the same manner, both in that part of the Continent and in the south of England. In this case Pliny must be understood to speak of a proper or toothed saw. The saw without teeth was then used, just as it is now, by the workers in marble, and the place of teeth was supplied, according to the hardness of the stone, either by emery, or by various kinds of sand of inferior hardness.[14] In this manner the ancient artificers were able to cut slabs of the hardest rocks, which, consequently, were adapted to receive the highest polish, such as granite, por-

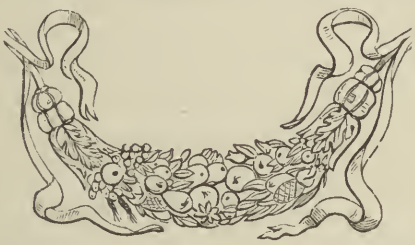
1. (Non. Marc., p. 223, ed. Merceri.) — 2. (Isid., Orig., xix., 19. — Virg., Georg., i., 143.) — 3. (Montfaucon, Pal. Græc., p. 203.)—4. (Sen., Epist., 57.)—5. (Id. ib., 90.)—6. (Corippus, De Laud. Just., iv., 45–48.) — 7. (Ant. d'Ercol., t. 1, tav. 34.) — 8 (Ital. av. il dom. dei Rom., tav. 49.)—9. (Pallad., De Re Rust., 43.)—10. (in Is., xxviii., 27.) — 11 (Plin., H. N., xvi., 43, s. 84.)—12. (Pro Cluent., 64.)—13. (H. N., xxxvi., 22, s. 44.)—14 (Plin., H. N., xxxvi., 6, s. 9.

phyry, lapis-lazuli, and amethyst. (*Vid.* Mola, Paries.)

The saw is an instrument of high antiquity, its invention being attributed either to Dædalus[1] or to his nephew Perdix[2] (*vid.* Circinus), also called Talos, who, having found the jaw of a serpent, and divided a piece of wood with it, was led to imitate the teeth in iron.[3] In a bas-relief published by Winckelmann,[4] Dædalus is represented holding a saw approaching very closely in form to the Egyptian saw above delineated.

SERTA, used only in the plural (*στέμμα, στεφάνωμα*), a Festoon or Garland.

The art of weaving wreaths (*vid.* Corona), garlands, and festoons, employed a distinct class of persons (*coronarii* and *coronariæ, στεφανηπλόκοι*[5] or *στεφανοπλόκοι*), who endeavoured to combine all the most beautiful variety of leaves, of flowers, and of fruits, so as to blend their forms, colours, and scents[6] in the most agreeable manner. The annexed woodcut, taken from a sarcophagus at Rome,[7] shows a festoon adapted to be suspended by means of the fillets at both ends. Its extremities are skilfully encased in acanthus-leaves: its body consists



apparently of laurel or bay, together with a profusion of fruits, such as apples pears, pomegranates, bunches of grapes, and fir-cones. At Athens there was a market, called *στεφανοπλόκιον*, for the manufacture and sale of this class of productions, the work being principally performed by women and girls.[8]

When a priest was preparing a sacrifice, he often appeared with a festoon intended to be placed on the door of the temple (*festa fronde,*[9] *variis sertis*[10]), on the front of the altar[11] (*vid.* Ara, p. 77, 78), or upon the head of the victim. Thus, in the Iliad,[12] Chryses, besides the gilded sceptre which denoted his office and authority (*vid.* Sceptrum), carries a

garland in honour of Apollo, which was probably wound about the sceptre.[1] The act here described is seen in the annexed woodcut, which is taken from a bas relief in the collection of antiques at Ince-Blundell, and represents a priestess carrying in her two hands a festoon to suspend upon the circular temple which is seen in the distance. As the festoons remained on the temples long after their freshness had departed, they became very combustible The Temple of Juno at Argos was destroyed in consequence of their being set on fire.[2] The garlands on funereal monuments hung there for a year, and were then renewed.[3] The funeral pile was also decorated in a similar manner, but with an appropriate choice of plants and flowers.[4] (*Vid.* Funus, p. 458, 460.)

Festoons were placed upon the doorposts of private houses in token of joy and affection[5] (*vid.* Janua, p. 527), more especially on occasion of a wedding.[6] They were hung about a palace in compliment to the wealthy possessor (*insertabo coronis atria*[7]), and on occasions of general rejoicing; the streets of a city were sometimes enlivened with these splendid and tasteful decorations.[8]

The smaller garlands or crowns, which were worn by persons on the head or round the neck, are sometimes called *serta.*[9] The fashion of wearing such garlands suspended from the neck was adopted by the early Christians.[10]

SERVILIA LEX. (*Vid.* Lex, p 586.)

SERVIA'NA ACTIO. (*Vid.* Pignus, p. 776.)

SE'RVITUS. (*Vid.* Servus, Roman.)

SERVITU'TES are considered by the Roman law as parts of ownership, which are opposed to ownership as the totality of all those rights which are included in the term ownership. The owner of a thing can use it in all ways consistent with his ownership, and he can prevent others from using it in any way that is inconsistent with his full enjoyment of it as owner. If the owner's power over the thing is limited either way, that is, if his enjoyment of it is subject to the condition of not doing certain acts in order that some other person may have the benefit of such forbearance, or to the condition of allowing others to do certain acts, which limit his complete enjoyment of a thing, the thing is said "*servire,*" to be subject to a "*servitus.*" Hence when a thing was sold as "*optima maxima,*" this was legally understood to mean that it was warranted free from servitutes.[11] Servitutes are also expressed by the terms "*jura*" and "*jura in re,*" and these terms are opposed to dominium or complete ownership. He who exercises a servitus therefore, has not the animus domini, not even in the case of usufructus, for the usufructuarius is never recognised as owner in the Roman law. The technical word for ownership, when the usufructus is deducted from it, is proprietas.

A man can only have a right to a servitus in another person's property: the notion of the term has no direct relation to his own property. Also, a servitus can only be in a corporeal thing. Viewed with respect to the owner of the thing, a servitus either consists in his being restrained from doing certain acts to his property, which otherwise he might do (*servitus quæ in non faciendo consistit; Servitus negativa*), or it consists in his being bound to allow some other person to do something to the property, which such person might otherwise be prevented from doing (*servitus quæ in patiendo con-*

1. (Plin., H. N., vii., 56.—Sen., Epist., 90.)—2. (Hygin., Fab., 274.—Ovid, Met., viii., 246.)—3. (Diod. Sic., iv., 76.—Apollod., iii., 15.)—4. (Mon. Ined., ii., fig. 94.)—5. (Theophr., H. P., vi., 8, § 1.—Plin., H. N., xxi., 2, s. 3.) — 6. (Virg., Copa, 14, 35.)—7. (Millin, Gal. Myth., ii., 100.) — 8. (Aristoph., Thesm., 455.) —9. (Virg., Æn., ii., 249.)—10. (Id. ib., iv., 202.—Juv., xii., 84. - Lucan, ii., 354.)—11. (Virg., Æn., i., 417)—12. (i., 14, 28.)

1. (*Vid.* also Aristoph., Av., 894.—Pax, 948.—Callim., Hymn. in Cor., 45.)—2. (Thucyd., iv., 133, § 2. — Paus., ii., 17, § 7.)—3. (Tibull., ii., 4, 48; 7, 32.—Propert., iii., 16, 23.)—4. (Virg., Æn., iv., 506.)—5. (Tibull., i., 2, 14.)—6. (Lucan, ii., 354.)—7 (Prudent. in Symm., ii., 726.)—8. (Mart., vi., 79, 8.)—9. (Tibull. i., 7, 52.)—10. (Min. Felix, 38.)—11. (Dig. 50, tit. 16, s. 90, 169 —Compare Cic., De Leg. Agr., iii., 2.)

rustæ Servitus affirmativa). A servitus never consists in the owner of the servient property being obliged to do any act to his property, though he may be obliged to do acts which are necessary towards the enjoyment of the servitus.[1]

There were two classes of servitutes. Either they had for their subject a definite person, who could exercise the right, in which case they were called personal, personarum; or they had for their subject another piece of property, or a house, or land, and the person who exercised the servitus exercised it in respect of his right to the house or land which was its subject. Servitutes of the latter kind were called prædial, servitutes prædiorum or rerum, or jura prædiorum;[2] and with reference to their special kinds, jura aquarum, &c.[3]

The exercise of personal servitutes, of which usus and usufructus were the principal, was always connected with the natural possession of the thing, and, consequently, the quasi possessio of such servitutes had a close resemblance to possessio. (*Vid.* Possessio.) Servitutes of this class consisted solely "*in patiendo.*"

Prædial servitutes consisted both in "*patiendo*" and "*in non faciendo.*" Those which consisted in "*patiendo*" were either acts which a person might do, by virtue of his right, upon the property of another, as the jus itineris, &c., or they were acts which he could do to or upon the property of another, by virtue of possessing another piece of property, as the jus tigni immittendi. Those which consisted "*in non faciendo*" were acts which, as the possessor of a piece of property, he could require the owner of another piece of property not to do, but which, except for the servitus, the owner might do.

Personal servitutes were Usus, Usufructus, habitatio, and operæ servorum et animalium.

Habitatio, or the right of living in another person's house, resembled the usufructus or usus ædium. But it was not lost, as usufructus and usus were, by capitis diminutio or neglect to exercise the right. Also, it consisted in the right to inhabit some definite part of a house only, and not the whole; the habitatio could be sold or let. If it was a donatio inter vivos, it could be set aside by the heredes of the giver.[4]

Operæ servorum et animalium consisted in a man having a right to the use and services of another person's slave or beast, so long as the slave or beast lived. The servitus continued after the death of the person entitled to it, and was not lost by a capitis diminutio, nor by neglect to exercise it. This is called by Gaius[5] the "*Ususfructus hominum et cæterorum animalium.*"

Prædial servitutes imply the existence of two pieces of land (*prædia*), one of which owes a servitus to the other (*servitutum debet, prædium, fundus serviens*), and the servitus is said to be due (*deberi*) from the one to the other. The name of prædium dominans, which is now often used to designate the prædium to which the servitus is due, is modern. It is of the nature of a servitus to be an advantage to the land to which it belongs: it must be something that in some way increases its value. It must also be a thing that is permanently to the advantage of the dominant prædium. The servitus is considered as belonging to the dominant prædium in such a sense that it cannot be alienated without the prædium, nor pledged, nor let.

Prædial servitutes were either prædiorum urbanorum or rusticorum. But the word servitus has a double meaning, according as we view it as a right or a duty. The servitus of a prædium rusticum or urbanum is, in the former sense, the servitus which belongs to a particular prædium as a right: in the latter sense, it is the servitus which some particular prædium owes as a duty. When the two prædia are contemplated together in their mutual relations of right and duty, the word servitus expresses the whole relation. Servitutes urbanæ appear to be those which are for the advantage of an edifice as such, and rusticæ those which are for the advantage of a piece of ground as such, and mainly for the benefit of agriculture.

The following are the principal servitutes urbanæ. 1. Oneris ferendi, or the right which a man has to use the edifice or wall of his neighbour to support his own edifice. The owner of the servient property was consequently bound to keep it in repair, so that it should be adequate to discharge its duty.[1] 2. Tigni immittendi, or the right of planting a beam in or upon a neighbour's wall. 3. Projiciendi, or the right of adding something to a man's edifice, though it shall project into the open space which is above his neighbour's grounds. 4. Stillicidii, or fluminis recipiendi or immittendi. This servitus was either a right which a man had for the rain water to run from his house upon and through his neighbour's premises, or a right to draw such water from his neighbour's premises to his own. The technical meaning of stillicidium is rain in drops; when collected in a flowing body, it is flumen.[2] 5. Altius non tollendi, or the duty which a man owed not to build his house higher than its present elevation, or the duty of the owner of a piece of land not to raise his edifice above a certain height, in order that the owner of some other house might have the advantage of such forbearance. If a man was released from this duty by his neighbour, he obtained a new right, which was the jus altius tollendi. In like manner, a man whose ground was released from the servitus stillicidii, was said to have the servitus stillicidii non recipiendi. This was not strictly accurate language; for if a servitus is defined to be some limitation of the usual rights of ownership, a recovery of these rights, or a release from the duties which is implied by the possession of these rights by another, merely gives the complete exercise of ownership, and so destroys all notion of a servitus. Still, such was the language of the Roman jurists; and, accordingly, we find enumerated among the urbanæ servitutes[3] "*Stillicidium avertendi in tectum vel aream vicini aut non avertendi.*" 7. Servitus ne luminibus, and ne prospectui officiatur, or the duty which a man owes to his neighbour's land not to obstruct his light or his prospect;[4] and servitus luminum or prospectus, or the duty of a man to allow his neighbour to make openings into his premises, as in a common wall, for instance, to get light or a prospect. It was a servitus the object of which was to procure light, whereas the ne officiatur was to prevent the destroying of light.[5] But there are different opinions as to the meaning of servitus luminum. 8. Servitus stercolinii, or the right of placing dung against a neighbour's wall, &c. 9. Servitus fumi immittendi, or the right of sending one's smoke through a neighbour's chimney.

The following are the principal servitutes rusticæ: 1. Servitus itineris, or the right of a footpath through another man's ground, or to ride through on horseback, or in a sella or lectica, for a man in such cases was said *ire*, and not *agere*. Viewed with reference to the person who exercised the right, this servitus was properly called jus eundi.[4]

1. (Dig. 8, tit. 1, s. 15.)—2. (Gaius, ii., 17, 29.)—3. (Cic., Pro Dæcin., 26.)—4. (Dig. 7, tit. 8: "De Usu et Habitatione."—Dig 33, tit. 5, s. 27, 32.—Inst. ii., tit. 5.)—5. (ii., 32.)

1. (Dig. 8, tit. 5, s. 6.)—2. (Varro, De Ling. Lat., v., 27, ed Müller.—Cic., De Or., i., 38.)—3. (Dig. 8, tit. 2, s. 2.)—4. (*Vid* Gaius, ii., 31.—Cic., De Or., i., 39.)—5. (Dig. 8, tit 2, s. 4, 40.)—6. (Gaius, iv., 3)

2. Actus or agendi, or the right of driving a beast or carriage through another man's land. 3. Viæ, or the right eundi et agendi et ambulandi. Via of course included the other two servitutes, and it was distinguished from them by its width, which was defined by the Twelve Tables.[1] The width of an iter or actus might be a matter of evidence, and if it was not determined, it was settled by an arbiter. If the width of a via was not determined, its width was taken to be the legal width (*latitudo legitima*). In the work of Frontinus, De Coloniis, the phrase "*iter populo debetur*" or "*non debetur*" frequently occurs. When "*iter debetur*" occurs, the width of the iter is given in feet. It seems that, in the assignment of the lands in these instances, the lands were made "*servire populo*," for the purposes of a road. 4. Servitus pascendi, or the right of a man in respect of the ground to which his cattle are attached, to pasture them on another's ground. 5. Servitus aquæductus, or the ducendi aquam per fundum alienum. There were also other servitutes, as aquæ haustus, pecoris ad aquam appulsus, calcis coquendæ, and arenæ fodiendæ. If a publicus locus or a via publica intervened, no servitus aquæductus could be imposed, but it was necessary to apply to the princeps for permission to form an aquæductus across a public road. The intervention of a sacer et religiosus locus was an obstacle to imposing an itineris servitus, for no servitus could be due to any person on ground which was sacer or religiosus.

A servitus negativa could be acquired by mere contract; and it seems the better opinion that a servitus affirmativa could be so acquired, and that traditio, at least in the later periods, was not necessary in order to establish the jus servitutis, but only to give a right to the publiciana in rem actio.[2] The phrases "*aquæ jus constituere*," "*servitutem fundo imponere*," occur.[3] According to Gaius, servitutes urbanæ could only be transferred by the in jure cessio: servitutes rusticæ could be transferred by mancipatio also.[4]

A servitus might be established by testament (*servitus legata*[5]), and the right to it was acquired when the "*dies legati cessit*" (*vid.* LEGATUM); but tradition was necessary in order to give a right to the publiciana in rem actio. A servitus could be established by the decision of a judex in the judicium familiæ erciscundæ, communi dividundo, and in a case where the judex adjudicated the proprietas to one and the usufructus to another.[6] Servitutes could also be acquired by the præscriptio longi temporis.[7] An obscure and corrupt passage of Cicero[8] seems to allude to the possibility of acquiring a right to a servitus by use, as to which a lex Scribonia made a change. (*Vid.* LEX SCRIBONIA.) Quasi servitutes were sometimes simply founded on positive enactments, which limited the owner of a property in its enjoyment;[9] and others were considered as "*velut jure impositæ.*"[10]

A servitus might be released (*remitti*) to the owner of the fundus serviens,[11] or it might be surrendered by allowing the owner of the fundus serviens to do certain acts upon it which were inconsistent with the continuance of the servitus.[12] If both the dominant and the servient land came to belong to one owner, the servitutes were extinguished; there was a confusio.[13] If the separate owners of two separate estates jointly acquired an estate which was servient to the two separate estates, the servitutes were not extinguished; but they were extinguished if the joint owners of a dominant estate jointly acquired the servient estate.[1] The servitus was also extinguished when the usufructuarius acquired the proprietas of the thing. A servitus was extinguished by the extinction of the object; but if the servient object was restored, the servitus was also restored.[2] A servitus was extinguished by the extinction of the subject, as in the case of a personal servitude, with the death of the person who was entitled to it; and in the case of prædial servitutes, with the destruction of the dominant subject; but they were revived with its revival. A servitus might be extinguished by not using it. According to the old law, usufructus and usus were lost, through not exercising the right, in two years in the case of things immovable, and in one year in the case of things movable. In Justinian's legislation, usufructus and usus were only lost by not exercising the right when there had been a usucapio libertatis on the part of the owner of the thing, or the ownership had been acquired by usucapion.[3]

Servitutes might be the subjects of actiones in rem. An actio confessoria or vindicatio servitutis had for its object the establishing the right to a servitus, and it could only be brought by the owner of the dominant land when it was due to land. The object of the action was the establishment of the right, damages, and security against future disturbance in the exercise of the right. The plaintiff had, of course, to prove his title to the servitus. The actio negatoria or vindicatio libertatis might be brought by the owner of the property against any person who claimed a servitus in it. The object was to establish the freedom of the property from the servitus for damages, and for security to the owner against future disturbance in the exercise of his ownership. The plaintiff had, of course, to prove his ownership, and the defendant to prove his title to the servitus.[4]

In the case of personal servitutes, the interdicts were just the same as in the case of proper possession; the interdict which was applied in the case of proper possession was here applied as a utile interdictum.[5]

In the case of prædial servitutes, we must first consider the positive. In the first class, the acquisition of the juris quasi possessio is effected by an act which is done simply as an exercise of the right, independent of any other right. The interference with the exercise of the right was prevented by interdicts applicable to the several cases. A person who was disturbed in exercising a jus itineris, actus, viæ, by any person whatever, whether the owner of the servient land or any other person, had a right to the interdict: the object of this interdict was protection against the disturbance, and compensation; its effect was exactly like that of the interdict uti possidetis. Another interdict applied to the same objects as the preceding interdict, but its object was to protect the person entitled to the servitus from being disturbed by the owner while he was putting the way or road in a condition fit for use.

There were various other interdicts, as in the case of the jus aquæ quotidianæ vel æstivæ ducendæ;[6] in the case of the repair of water passages;[7] in the case of the jus aquæ hauriendæ.[8]

The second class of positive servitudes consists in the exercise of the servitude in connexion with

1. (Dig. 8, tit. 3, s. 8.)—2. (Gaius, ii., 30, 31.—Savigny, Das Recht des Besitzes.)—3. (Cic. ad Quint., iii., 1, c. 2.)—4. (Gaius, ii., 39.) — 5. (Dig. 33, tit. 3.) — 6. (Dig. 7, tit. 1, s. 6.) — 7. (Cod., vii., tit. 33, s. 12.)—8. (ad Att., xv., 26.)—9. (Nov., 22, c. 46, s. 2.)—10. (Dig. 39, tit. 3, s. 1, § 23, and Dig. 43, tit. 27, De Arboribus Cædendis.)— 11. (Dig. 8, tit. 1, s. 14.) — 12. (Dig. 8, tit 6, s. 8.)—13. (Dig. 8, tit. 6, s. 1.)

1. (Dig. 8, tit. 3, s. 27.)—2. (Dig. 8, tit. 2, s. 20; tit. 6, s. 14.) —3. (Cod., iii., tit. 33, s. 16, § 1, and tit. 34, s. 13.)—4. (Gaius, iv., 3.—Dig. 8, tit. 5.)— 5. (Frag. Vat., 90, as emended by Savigny.)—6. (Dig. 43, tit. 20.)—7. (43, tit. 21, De Rivis.) -8. (43, tit. 22.)

the possession of another piece of property. The interdicts applicable to this case are explained under the next class, that of negative servitutes.

In the case of negative servitutes, there are only two modes in which the juris quasi possessio can be acquired: 1, when the owner of the servient property attempts to do some act which the owner of the dominant property considers inconsistent with his servitus, and is prevented; 2, by any legal act which is capable of transferring the jus servitutis. The possession is lost when the owner of the servient property does an act which is contrary to the right. The possession of the servitutes of the second and third class was protected by the interdict uti possidetis. There was a special interdict about sewers (*De Cloacis*[1]).

It has been stated that quasi servitutes were sometimes founded on positive enactments. These were not servitutes properly so called, for they were limitations of the exercise of ownership made for the public benefit. The only cases of the limitation of the exercise of ownership by positive enactment which are mentioned in the Pandect, are reducible to three principal classes. The first class comprehends the limitation of ownership on religious grounds. To this class belongs finis, or a space of five feet in width between adjoining estates, which it was not permitted to cultivate. This intermediate space was sacred, and it was used by the owners of the adjoining lands for sacrifice. To this class also belongs the rule, that if a man had buried a dead body on the land of another without his consent, he could not, as a general rule, be compelled to remove the body, but he was bound to make recompense.[2] The second class comprehends rules relating to police. According to the Twelve Tables, every owner of land in the city was required to leave a space of two feet and a half vacant all round any edifice that he erected: this was called *legitimum spatium*, *legitimus modus*. Consequently, between two adjoining houses there must be a vacant space of five feet. This law was, no doubt, often neglected; for, after the fire in Nero's reign,[3] it was forbidden to build houses with a common wall (*communio parietum*), and the old legitimum spatium was again required to be observed; and it is referred to in a rescript of Antoninus and Verus.[4] This class also comprehends rules as to the height and form of buildings. Augustus[5] fixed the height at seventy feet; Nero also, after the great fire, made some regulations with the view of limiting the height of houses. Trajan fixed the greatest height at sixty feet. These regulations were general, and had no reference to the convenience of persons who possessed adjoining houses: they had, therefore, no relation at all to the servitutes altius tollendi and non tollendi, as some writers suppose. The rule of the Twelve Tables, which forbade the removing a "*tignum furtivum ædibus vel vineis junctum*," had for its object the preventing of accidents.[6] Another rule declared that the owners of lands which were adjoining to public aquæducts should permit materials to be taken from their lands for these public purposes, but should receive a proper compensation. The Twelve Tables forbade the burning or interring of a dead body in the city; and this rule was enforced by a lex Duilia. In the time of Antoninus Pius, this rule prevailed both in Rome and other cities.

The third class of limitations had for its object the promotion of agriculture. It comprised the rules relating to Aqua Pluvia, and to the tignum junctum in the case of a vineyard; and it gave a man permission to go on his neighbour's premises to gather the fruits which had fallen thereon from his trees, with this limitation, that he could only go every third day.[1] The Twelve Tables enacted that if a neighbour's tree hung over into another person's land, that person might trim it to the height of fifteen feet from the ground (*quindecim pedes altius eam sublucator*). The rule was a limitation of ownership, but not a limitation of the ownership of the tree-owner: it was a limitation of the ownership of the land-owner; for it allowed his neighbour's tree to overhang his ground, provided there were no branches less than fifteen feet from the ground.

With these exceptions, some of which were of great antiquity, ownership in Roman law must be considered as unlimited. These limitations, also, had no reference to the convenience of individuals who had adjoining houses or lands. With respect to neighbours, the law allowed them to regulate their mutual interests as they pleased; and, accordingly, a man could agree to allow a neighbour to derive a certain benefit from his land, which their proximity rendered desirable to him, or he could agree to abstain from certain acts on his land for the benefit of his neighbour's land. The law gave force to these agreements under the name of servitutes, and assimilated the benefits of them to the right of ownership by attaching to them a right of action like that which an owner enjoyed.

This view of the limitation of ownership among the Romans by positive enactment is from a valuable essay by Dirksen.[2]

This imperfect sketch may be completed by reference to the following works, and the authorities quoted in them: Mackeldey, *Lehrbuch*, &c.—Mühlenbruch, *Doctrina Pandectarum*, p. 268, &c.—Savigny, *Das Recht des Besitzes*, *Juris Quasi Possessio*, p. 525, 5th ed.—*Von der Bestellung der Servituten durch simple Vertrag und Stipulation*, von Hasse, Rhein. Mus. für Jurisprudenz, *Erster Jahrgang*.—*Von dem Verhältniss des Eigenthums zu den Servituten*, von Puchta, *Rhein. Mus. Erst. Jahrg.*

SERVUS (Greek). The Greek δοῦλος, like the Latin *servus*, corresponds to the usual meaning of our word slave. Slavery existed almost through out the whole of Greece; and Aristotle[3] says that a complete household is that which consists of slaves and freemen (οἰκία δὲ τέλειος ἐκ δούλων καὶ ἐλευθέρων), and he defines a slave to be a living working-tool and possession (ὁ δοῦλος ἔμψυχον ὄργανον;[4] ὁ δοῦλος κτῆμά τι ἔμψυχον[5]). None of the Greek philosophers ever seem to have objected to slavery as a thing morally wrong; Plato, in his perfect state, only desires that no Greeks should be made slaves by Greeks,[6] and Aristotle[7] defends the justice of the institution on the ground of a diversity of race, and divides mankind into the free (ἐλεύθεροι) and those who are slaves by nature (οἱ φύσει δοῦλοι): under the latter description he appears to have regarded all barbarians in the Greek sense of the word, and therefore considers their slavery justifiable.

In the most ancient times there are said to have been no slaves in Greece;[8] but we find them in the Homeric poems, though by no means so generally as in later times. They are usually prisoners taken in war (δορίαλωτοι), who serve their conquerors; but we also read as well of the purchase and sale of slaves.[9] They were, however, at that time mostly confined to the houses of the wealthy.

There were two kinds of slavery among the Greeks. One species arose when the inhabitants

1. (Dig. 43, tit. 23.)—2. (Dig. 11, tit. 7, s. 2, 7, 8.)—3. (Tacit., Ann., xv., 43.)—4. (Dig. 8, tit. 2, s. 14.)—5. (Suet., Octav., 89.) (Dig. 47, tit. 3.)

1 (Dig. 43, tit. 28, De Glande legenda.)—2. (Ueber die gesetzlichen beschränkungen des Eigenthums, &c., Zeitschrift vol ii.)—3. (Polit., i., 3.)—4 (Ethic. Nicom., viii., 13.)—5. (Polit., i., 4.)—6. (De Rep., v., p. 469.)—7. (Polit., i.)—8. (Herod vi 137.—Pherecrat. ap. Athen., vi., p. 263, *b*.)—9. (Od., xv 483.)

of a country were subdued by an invading tribe, and reduced to the condition of serfs or bondsmen: they lived upon and cultivated the land which their masters had appropriated to themselves, and paid them a certain rent. They also attended their masters in war. They could not be sold out of the country or separated from their families, and could acquire property. Such were the Helots of Sparta (*vid.* Helotes), the Penestæ of Thessaly (*vid.* Penestai), the Bithynians at Byzantium, the Callicyrii at Syracuse, the Mariandyni at Heraclea in Pontus, the Aphamiotæ in Crete. (*Vid* Cosmi, p. 316.) The other species of slavery consisted of domestic slaves acquired by purchase (*ἀργυρώνητοι* or *χρυσώνητοι*[1]), who were entirely the property of their masters, and could be disposed of like any other goods and chattels: these were the *δοῦλοι* properly so called, and were the kind of slaves that existed at Athens and Corinth. In commercial cities slaves were very numerous, as they performed the work of the artisans and manufacturers of modern towns. In poorer republics, which had little or no capital, and which subsisted wholly by agriculture, they would be few: thus in Phocis and Locris there are said to have been originally no domestic slaves.[2] The majority of slaves were purchased; few, comparatively, were born in the family of the master, partly because the number of female slaves was very small in comparison with the male, and partly because the cohabitation of slaves was discouraged, as it was considered cheaper to purchase than to rear slaves. A slave born in the house of a master was called *οἰκότριψ*, in contradistinction to one purchased, who was called *οἰκέτης*.[3] If both the father and mother were slaves, the offspring was called *ἀμφίδουλος*:[4] if the parents were *οἰκότριβες*, the offspring was called *οἰκοτρίβαιος*.[5]

It was a recognised rule of Greek national law, that the persons of those who were taken prisoners in war became the property of the conqueror,[6] but it was the practice for the Greeks to give liberty to those of their own nation on payment of a ransom. Consequently, almost all slaves in Greece, with the exception of the serfs above mentioned, were barbarians. It appears to follow, from a passage in Timæus,[7] that the Chians were the first who carried on the slave-trade, where the slaves were more numerous than in any other place except Sparta, that is, in comparison with the free inhabitants.[8] In the early ages of Greece, a great number of slaves was obtained by pirates, who kidnapped persons on the coasts, but the chief supply seems to have come from the Greek colonies in Asia Minor, who had abundant opportunities of obtaining them from their own neighbourhood and the interior of Asia. A considerable number of slaves also came from Thrace, where he parents frequently sold their children.[9]

At Athens, as well as in other states, there was a regular slave-market, called the *κύκλος*,[10] because the slaves stood round in a circle. They were also sometimes sold by auction, and appear then to have been placed on a stone called the *πρατὴρ λίθος*:[11] the same was also the practice in Rome, whence the phrase *homo de lapide emtus*. (*Vid.* Auctio.) The slave-market at Athens seems to have been held on certain fixed days, usually the last day of the month (the *ἕνη καὶ νέα* or *νουμηνία*[12]). The price of slaves also naturally differed according to their age, strength, and acquirements. "Some slaves," says Xenophon,[1] are well worth two minas, others hardly half a mina; some sell for five minas, and others even for ten; and Nicias, the son of Niceratus, is said to have given no less than a talent for an overseer in the mines." Böckh[2] has collected many particulars respecting the price of slaves; he calculates the value of a common mining slave at from 125 to 150 drachmas. The knowledge of any art had a great influence upon the value of a slave. Of the thirty-two or thirty-three sword-cutlers who belonged to the father of Demosthenes, some were worth five, some six, and the lowest more than three minas; and his twenty couch-makers, together, were worth 40 minas.[3] Considerable sums were paid for courtesans and female players on the cithara; twenty and thirty minas were common for such:[4] Neæra was sold for thirty minas.[5]

The number of slaves was very great in Athens. According to the census made when Demetrius Phalereus was archon (B.C. 309), there are said to have been 21,000 free citizens, 10,000 metics, and 400,000 slaves in Attica:[6] according to which, the slave population is so immensely large in proportion to the free, that some writers have rejected the account altogether,[7] and others have supposed a corruption in the numbers, and that for 400,000 we ought to read 40,000.[8] Böckh[9] and Clinton,[10] however, remark, with some justice, that in computing the citizens and metics, the object was to ascertain their political and military strength, and hence the census of only males of full age was taken; while, in enumerating slaves, which were property, it would be necessary to compute all the individuals who composed that property. Böckh takes the proportion of free inhabitants to slaves as nearly one to four in Attica, Clinton as rather more than three to one; but, whatever may be thought of these calculations, the main fact, that the slave population in Attica was much larger than the free, is incontrovertible: during the occupation of Decelea by the Lacedæmonians, more than 20,000 Athenian slaves escaped to this place.[11] In Corinth and Ægina their number was equally large: according to Timæus, Corinth had 460,000, and according to Aristotle, Ægina had 470,000 slaves;[12] but these large numbers, especially in relation to Ægina, must be understood only of the early times, before Athens had obtained possession of the commerce of Greece.

At Athens even the poorest citizen had a slave for the care of his household,[13] and in every moderate establishment many were employed for all possible occupations, as bakers, cooks, tailors, &c. The number possessed by one person was never so great as at Rome during the later times of the Republic and under the Empire, but it was still very considerable. Plato[14] expressly remarks, that some persons had fifty slaves, and even more. This was about the number which the father of Demosthenes possessed;[15] Lysias and Polemarchus had 120,[16] Philemonides had 300, Hipponicus 600, and Nicias 1000 slaves in the mines alone.[17] It must be borne in mind, when we read of one person possessing so large a number of slaves, that they were employed in various workshops, mines, or manufactories: the number which a person kept to attend to his own private wants or those of his household was probably never very large. And this constitutes one

1. (*Vid.* Isocr., Platæ., p. 300, ed. Steph.)—2. (Athen., vi., p. 264, *e.*—Clinton, F. H., ii., p. 411, 412.)—3. (Ammon. and Suidas, s. v.)—4 (Eustath. ad Od., ii., 290.)—5. (Pollux, Onom., iii., 76.)—6. (Xen., Cyr., vii., 5, § 73.)—7. (ap. Athen., vi., p. 265, *b.*)—8. (Thucyd., viii., 40.)—9. (Herod., v., 6.)—10. (Harpocr., s. v.)—11. (Pollux, Onom., iii., 78.)—12. (Aristoph., Equit., 43, with the schol.)

1. (Mem., ii., 5, § 2.)—2. (Publ. Econ. of Athens, i., p. 92, &c.)—3. (Isæus, Aphob., i., p. 816.)—4. (Ter., Adelph., iii., i., 37, 2, 15; iv., 7, 24.—Id., Phorm., iii., 3, 24.)—5. (Demosth. in Neær., p. 1354, 16.)—6. (Ctesicles ap. Athen., vi., p. 272, *c.*)—7. (Niebuhr, Hist. of Rome, ii., p. 69, n. 143.)—8. (Hume's Essays, vol. i., p. 443.)—9. (Ibid., i., p. 52, &c.)—10. (F. H., ii., p. 391.)—11. (Thucyd., vii., 27.)—12. (Athen., l. c.)—13. (Aristoph., Plut., init.)—14. (De Rep., ix., p. 578.)- 15. (in Aphob., i., p. 823.)—16. (Lys. in Eratosth., p. 395.) -17. (Xen., De Vect., iv., 14, 15.)

great distinction between Greek and Roman slaves, that the labour of the former was regarded as the means by which an owner might obtain profit for the outlay of his capital in the purchase of the slaves, while the latter were chiefly employed in ministering to the wants of their master and his family, and in gratifying his luxury and vanity. Thus Athenæus[1] remarks that many of the Romans possess 10,000 or 20,000 slaves, and even more; but not, he adds, for the sake of bringing in a revenue, as the wealthy Nicias.

Slaves either worked on their masters' account or their own (in the latter case they paid their masters a certain sum a day), or they were let out by their master on hire, either for the mines or any other kind of labour, or as hired servants for wages (*ἀποφορά*). The rowers on board the ships were usually slaves;[2] it is remarked as an unusual circumstance, that the seamen of Paralos were freemen.[3] These slaves belonged either to the state or to private persons, who let them out to the state on payment of a certain sum. It appears that a considerable number of persons kept large gangs of slaves merely for the purpose of letting out, and found this a profitable mode of investing their capital. Great numbers were required for the mines, and in most cases the mine lessees would be obliged to hire some, as they would not have sufficient capital to purchase as many as they wanted. We learn from a fragment of Hyperides preserved by Suidas,[4] that there were at one time as many as 150,000 slaves who worked in the mines and were employed in country labour. Generally none but inferior slaves were confined in these mines: they worked in chains, and numbers died from the effects of the unwholesome atmosphere.[5] We cannot calculate with accuracy what was the usual rate of profit which a slave proprietor obtained. The thirty-two or thirty-three sword-cutlers belonging to the father of Demosthenes annually produced a net profit of 30 minas, their purchase value being 190 minas, and the twenty couch-makers a profit of 12 minas, their purchase value being 40 minas.[6] The leather-workers of Timarchus produced to their masters two oboli a day, the overseers three:[7] Nicias paid an obolus a day for each mining slave which he hired.[8] The rate of profit upon the purchase-money of the slaves was naturally high, as their value was destroyed by age, and those who died had to be replaced by fresh purchases. The proprietor was also exposed to the great danger of their running away, when it became necessary to pursue them, and offer rewards for their recapture (*σῶτρα*[9]). Antigenes of Rhodes was the first that established an ensurance of slaves. For a yearly contribution of eight drachmas for each slave that was in the army, he undertook to make good the value of the slave at the time of his running away.[10] Slaves that worked in the fields were under an overseer (*ἐπίτροπος*), to whom the whole management of the estate was frequently intrusted, while the master resided in the city; the household slaves were under a steward (*ταμίας*), the female slaves under a stewardess (*ταμία*).[11]

The Athenian slaves did not, like the Helots of Sparta and the Penestæ of Thessaly, serve in the armies; the battles of Marathon and Arginusæ, when the Athenians armed their slaves,[12] were exceptions to the general rule.

The rights of possession with regard to slaves differed in no respect from any other property, they could be given or taken as pledges.[1] The condition, however, of Greek slaves was, upon the whole, better than that of Roman ones, with the exception, perhaps, of Sparta, where, according to Plutarch,[2] it is the best place in the world to be a freeman, and the worst to be a slave (*ἐν Λακεδαίμονι καὶ τὸν ἐλεύθερον μάλιστα ἐλεύθερον εἶναι, καὶ τὸν δοῦλον μάλιστα δοῦλον*). At Athens especially, the slaves seem to have been allowed a degree of liberty and indulgence which was never granted to them at Rome.[3] On the reception of a new slave into a house at Athens, it was the custom to scatter sweetmeats (*καταχύσματα*), as was done in the case of a newly-married pair.[4]

The life and person of a slave were also protected by the law: a person who struck or maltreated a slave was liable to an action (*ὕβρεως γραφή*[5]); a slave, too, could not be put to death without legal sentence.[6] He could even take shelter from the cruelty of his master in the Temple of Theseus, and there claim the privilege of being sold by him (*πρᾶσιν αἰτεῖσθαι*[7]). The person of a slave, however, was not considered so sacred as that of a freeman: his offences were punished with corporeal chastisement, which was the last mode of punishment inflicted on a freeman;[8] he was not believed upon his oath, but his evidence in courts of justice was always taken with torture. (*Vid.* Basanos.)

Notwithstanding the generally mild treatment of slaves in Greece, their insurrection was not unfrequent;[9] but these insurrections in Attica were usually confined to the mining slaves, who were treated with more severity than the others. On one occasion they murdered their guards, took possession of the fortifications of Sunium, and from this point ravaged the country for a considerable time.[10]

Slaves were sometimes manumitted at Athens, though not so frequently as at Rome; but it seems doubtful whether a master was ever obliged to liberate a slave against his will for a certain sum of money, as some writers have concluded from a passage of Plautus.[11] Those who were manumitted (*ἀπελεύθεροι*) did not become citizens, as they might at Rome, but passed into the condition of metics. They were obliged to honour their former master as their patron (*προστάτης*), and to fulfil certain duties towards him, the neglect of which rendered them liable to the *δίκη ἀποστασίου*, by which they might again be sold into slavery. (*Vid.* Libertus, Greek; ΑΠΟΣΤΑΣΙΟΥ ΔΙΚΗ.)

Respecting the public slaves at Athens, see Demosioi.

It appears that there was a tax upon slaves at Athens,[12] which Böckh[13] supposes was three oboli a year for each slave.

Besides the authorities quoted in the course of this article, the reader may refer to Petitus, *Leg. Att.*, ii., 6, p. 254, &c.—Reitermeier, *Gesch. der Sclaverei in Griechenland*, Berl., 1789.—Limburg Brouwer, *Histoire de la Civilisation des Grecs*, iii., p. 267, &c.—Wachsmuth, *Hell. Alt.*, I., i, p. 171—Göttling, *De Notione Scrvitutis apud Aristotelem*, Jen., 1821.—Hermann, *Lehrbuch der Griech. Staatsalt.*, § 114.—Becker, *Charikles*, ii., p. 20, &c.

1. (vi., p. 272, *e.*)—2. (Isocrat., De Pace, p. 169, ed. Steph.)—3. (Thucyd., viii., 73.)—4. (s. v. *Ἀπεψηφίσατο.*)—5. (Böckh, on the Silver Mines of Laurion, p. 469, 470, transl.)—6. (Demosth. in Aphob., i., p. 816.—Böckh, Public Econ., &c., i., p. 100.)—7. (Æschin. in Tim., p. 118.)—8. (Xen., Vect., iv., 14.)—9. (Xen., Mem., ii., 10, § 1, 2.—Plat., Protag., p. 310.)—10. (Pseudo-Arist., Œcon., c. 35.)—11. (Xen., Œcon., xii., 2; ix., 11.)—12. (Pausan., i., 32, § 3.—Schol. ad Aristoph., Ran., 33.)

1. (Dem. in Pantænet., p. 967; in Aphob., p. 821; in Onetor., i., p. 871.)—2. (Lyc., 28.)—3. (Compare Plut., De Garrul., 18.—Xen., De Rep. Athen., i., 12.)—4. (Aristoph., Plut., 768, with schol.—Demosth. in Steph., p. 1123, 29.—Pollux, Onom., iii., 77.—Hesych. and Suidas, s. v. *Καταχύσματα.*)—5. (Dem. in Mid., p. 529.—Æschin. in Tim., p. 41.—Xen., De Rep. Athen., i., 10.—Athen., vi., p. 267, *f.*—Meier, Att. Proc., p. 322, &c.)—6. (Eurip., Hec., 287, 288.—Antiph., De Cæd. Herod., p. 728.)—7. (Plut., Thes., 36.—Pollux, Onom., vii., 13.—Meier Att. Proc., p. 403, &c.)—8. (Dem. in Timocr., p. 752.)—9. (Plat., Leg., vi., p. 777.)—10. (Athen., vi., p. 272, *f.*)—11. (Cæsin., ii., 5, 7.)—12. (Xen., De Vect., iv., 25.)—13. (Publ. Econ. &c., ii., p. 47, 48.)

SERVUS (Rom. n), SE'RVITUS. "*Servitus est constitutio juris gentium qua quis dominio alieno contra naturam subjicitur.*"[1] Gaius also considers the potestas of a master over a slave as "*juris gentium.*"[2] The Romans viewed liberty as the natural state, and slavery as a status or condition which was contrary to the natural state. The mutual relation of slave and master among the Romans was expressed by the terms servus and dominus; and the power and interest which the dominus had over and in the slave was expressed by dominium. The term dominium or ownership, with reference to a slave, pointed to the slave merely as a thing or object of ownership, and a slave, as one of the res mancipi, was classed with other objects of ownership. The word potestas was also applied to the master's power over the slave, and the same word was used to express the father's power over his children. The boundaries between the patria and dominica potestas were originally very narrow, but the child had certain legal capacities which were altogether wanting to the condition of the slave. The master had no potestas over the slave if he had merely a "*nudum jus Quiritium in servo:*" it was necessary that the slave should be his in bonis at least.[3]

According to the strict principles of the Roman law, it was a consequence of the relation of master and slave that the master could treat the slave as he pleased; he could sell him, punish him, and put him to death. Positive morality, however, and the social intercourse that must always subsist between a master and the slaves who are immediately about him, ameliorated the condition of slavery. Still we read of acts of great cruelty committed by masters in the later republican and earlier imperial periods, and the lex Petronia was enacted in order to protect the slave. (*Vid.* Lex Petronia, p. 584.) The original power of life and death over a slave, which Gaius considers to be a part of the jus gentium, was limited by a constitution of Antoninus, which enacted that, if a man put his slave to death without sufficient reason (*sine causa*), he was liable to the same penalty as if he had killed another man's slave. The constitution applied to Roman citizens, and to all who were under the imperium Romanum.[4] The same constitution also prohibited the cruel treatment of slaves by their masters, by enacting, that if the cruelty of the master was intolerable, he might be compelled to sell the slave, and the slave was empowered to make his complaint to the proper authority.[5] A constitution of Claudius enacted, that if a man exposed his slaves who were infirm, they should become free; and the constitution also declared, that if they were put to death, the act should be murder.[6] It was also enacted,[7] that in sales of division of property, slaves, such as husband and wife, parents and children, brothers and sisters, should not be separated.

A slave could not contract a marriage. His cohabitation with a woman was contubernium, and no legal relation between him and his children was recognised. Still nearness of blood was considered an impediment to marriage after manumission: thus, a manumitted slave could not marry his manumitted sister.[8]

A slave could have no property. He was not incapable of acquiring property, but his acquisitions belonged to his master, which Gaius considers to be a rule of the jus gentium.[9] A slave could acquire for his master by mancipatio, traditio, stipulatio, or in any other way. In this capacity of the slave to take, though he could not keep, his condition was assimilated to that of a filiusfamilias, and he was regarded as a person. If one person had a nudum jus Quiritium in a slave, and he was another's in bonis, his acquisitions belonged to the person whose he was in bonis. If a man possessed another man's slave or a free person, he only acquired through the slave in two cases: he was entitled to all that the slave acquired out of or by means of the property of the possessor (*ex re ejus*), and he was entitled to all that the slave acquired by his own labour (*ex operis suis*); the law was the same with respect to a slave of whom a man had the usufructus only. All other acquisitions of such slaves or free persons belonged to their owner or to themselves, according as they were slaves or free men.[1] If a slave was appointed heres, he could only accept the hereditas with the consent of his master and he acquired the hereditas for his master: in the same way the slave acquired a legacy for his master.[2]

A master could also acquire possessio through his slave, and thus have a commencement of usucapion;[3] but the owner must have the possession of the slave in order that he might acquire possession through him, and, consequently, a man could not acquire possession by means of a pignorated slave. (*Vid* Pignus.) A bonæ fidei possessor, that is, one who believed the slave to be his own, could acquire possession through him in such cases as he could acquire property; consequently, a pledgee could not acquire possession through a pignorated slave, though he had the possession of him bona fide, for this bona fides was not that which is meant in the phrase bonæ fidei possessor. The usufructuarius acquired possession through the slave in the same cases in which the bonæ fidei possessor acquired it.[4]

Slaves were not only employed in the usual domestic offices and in the labours of the field, but also as factors or agents for their masters in the management of business (*vid.* Institoria Actio, &c.), and as mechanics, artisans, and in every branch of industry. It may easily be conceived that, under these circumstances, especially as they were often intrusted with property to a large amount, there must have arisen a practice of allowing the slave to consider part of his gains as his own: this was his peculium, a term also applicable to such acquisitions of a filiusfamilias as his father allowed him to consider as his own. (*Vid.* Patria Potestas.) According to strict law, the peculium was the property of the master, but according to usage it was considered to be the property of the slave. Sometimes it was agreed between master and slave that the slave should purchase his freedom with his peculium when it amounted to a certain sum.[5] If a slave was manumitted by the owner in his lifetime, the peculium was considered to be given together with libertas, unless it was expressly retained.[6] Transactions of borrowing and lending could take place between the master and slave with respect to the peculium, though no right of action arose on either side out of such dealings, conformably to a general principle of Roman law.[7] If, after the slave's manumission, the master paid him a debt which had arisen in the manner above mentioned, he could not recover it.[8] In case of the claim of creditors on the slave's peculium, the debt of the slave to the master was first taken into the account, and deducted from the peculium. So far was the law modified, that in the case of the naturales obli-

1. (Florent., Dig. 1, tit. 5, s. 4.) — 2. (i., 52.) — 3. (Gaius, i., 54.)—4. (Id., i., 52, &c.)—5. (Senec., De Benef., iii., 22.)—6. (Sueton., Claud., 25.)—7. (Cod., iii., tit. 38, s. 11.)—8. (Dig. 23, tit. 2, s. 14.)—9. (i., 52)

1. (Ulp., Frag., tit. 19.) — 2. (Gaius, ii., 87, &c.) — 3. (Id., ii., 89, &c.)—4. (Savigny, Das Recht des Besitzes, p. 314, ed. 5.) —5. (Tacit., Ann., xiv., 42, and the note of Lipsius.) —6. (Dig. 15, tit. 1, s. 53, De Peculio.)—7. (Gaius, iv., 78.)—8. (Dig. 12, tit. 6, s. 64.)

gationes, as the Romans called them, between master and slave, a fidejussor could be bound for a slave, whether the creditor was an extraneus, or a dominus to whom the slave was indebted.

A naturalis obligatio might also result from the dealings of a slave with other persons than his master; but the master was not at all affected by such dealings. The master was only bound by the acts and dealings of the slave when the slave was employed as his agent or instrument, in which case the master might be liable to an actio Exercitoria or Institoria.[1] There was, of course, an actio against the master when the slave acted by his orders. (*Vid.* Jussu, Quod, &c.) If a slave or filiusfamilias traded with his peculium with the knowledge of the dominus or father, the peculium and all that was produced by it were divisible among the creditors and master or father in due proportions (*pro rata portione*); and if any of the creditors complained of getting less than his share, he had a tributoria actio against the master or father, to whom the law gave the power of distribution among the creditors.[2] The master was not liable for anything beyond the amount of the peculium, and his own demand was payable first.[3] Sometimes a slave would have another slave under him, who had a peculium with respect to the first slave, just as the slave had a peculium with respect to his master. On this practice was founded the distinction between servi ordinarii and vicarii.[4] These subordinate peculia were, however, legally considered as included in the principal peculium. In the case of a slave dying, being sold or manumitted, the edict required that any action in respect of the peculium must be brought within a year.[5] If a slave or filiusfamilias had carried on dealings without the knowledge and consent of his master or father, there might be an action against the master or father in respect of such dealings, so far as it could be proved that he had derived advantage from them. This was called the actio de in rem verso,[6] and it was, in fact, the same actio as that de peculio. That was said "*in rem patris dominive versum*" which turned out for his advantage. For instance, if a slave borrowed ten sestertia and paid them to the master's creditors, the master was bound to pay the loan, and the lender had an actio against him de in rem verso. If the slave paid any part of the borrowed sum to his master's creditors, the master was liable to the lender for the amount so applied, and if the slave had wasted the other part, the master was bound to make that good to the amount of the slave's peculium; but still with this provision, that the amount of the slave's peculium could only be ascertained by first deducting from it what he owed to the master. The case was the same with the peculium of a son and a slave. Thus, as Gaius observes,[7] the actio de peculio and de in rem verso was one actio, but contained two condemnations.

It is a consequence of the relation of slave and master, that the master acquired no rights against the slave in consequence of his delicts. Other persons might obtain rights against a slave in consequence of his delicts, but their right could not be prosecuted by action until the slave was manumitted.[8] They had, however, a right of action against the slave's master for damages, and if the master would not pay the damages, he must give up the slave. (*Vid.* Noxa.) The slave was protected against injury from other persons. If the slave was killed, the master might either prosecute the killer for a capital offence, or sue for damages under the lex Aquilia.[1] (*Vid.* Aquilia Lex, Injuria.) The master had also a prætoria actio in duplum against those who corrupted his slave (*servus, serva*) and led him into bad practices:[2] the in duplum was to twice the amount of the estimated damage. He had also an action against a person who committed stuprum with his female slave.[3]

A runaway slave (*fugitivus*) could not lawfully be received or harboured; to conceal him was furtum. The master was entitled to pursue him wherever he pleased, and it was the duty of all authorities to give him aid in recovering the slave. It was the object of various laws to check the running away of slaves in every way, and, accordingly, a runaway slave could not legally be an object of sale. A class of persons called fugitivarii made it their business to recover runaway slaves. The rights of the master over the slave were in no way affected by his running away;[4] there was a lex Fabia on this subject, and apparently two senatus consulta at least.[5]

A person was a slave either jure gentium or jure civili. A person was born a slave jure gentium whose mother was a slave when she gave him birth;[6] for it was a legal principle, that the status of those who were not begotten in justæ nuptiæ was to be reckoned from the moment of the birth. A slave born in the master's house was verna; but it was also a principle of Roman law, that the status of a person who was begotten in justæ nuptiæ was reckoned from the time of conception. At a later period the rule of law was established, that, though a woman at the time of the birth might be a slave, still her child was free, if the mother had been free at any time reckoning backward from the time of the birth to the time of the conception.[7] There were various cases of children the offspring of a free parent and a slave, as to which positive law provided whether the children should be free or slaves.[8] (*Vid.* Senatus Consultum Claudianum.)

A person became a slave by capture in war, also jure gentium. Captives in war were sold as belonging to the ærarium, or distributed among the soldiers by lot.[9] In reference to the practice of selling prisoners with a crown on their heads, we find the expression "*sub corona venire, vendere.*"[10]

A free person might become a slave in various ways in consequence of positive law, jure civili. This was the case with incensi (*vid.* Caput), and those who evaded military service.[11] In certain cases, a man became a slave if he allowed himself to be sold as a slave in order to defraud the purchaser; and a free woman who cohabited with a slave might be reduced to the same condition. (*Vid.* Senatus Consultum Claudianum.) Under the Empire, the rule was established that persons condemned to death, to the mines, and to fight with wild beasts, lost their freedom, and their property was confiscated, whence, concludes Gaius, it appears that they lose the testamenti factio.[12] But this was not the earlier law. A person so condemned, though he lost his freedom, had no master, and, consequently, the hereditates and legacies which were left to him were simply void, for such a person was "*pœnæ servus, non Cæsaris.*"[13] A man never lost his freedom by usucapion.[14] According to the old law, a manifestus fur was liable to a capitalis pœna, and was addicted (*addicebatur*) to the

1. (Gaius, iv., 71.)—2. (Id., iv., 72, &c.)—3. (Dig. 14, tit. 4, De Tributoria Actione.)—4. (Dig. 15, tit. 1, s. 17.)—5. (Dig. 15, tit. 2, s. 1, which contains the words of the Edict.)—6. (Dig. 15, tit. 3.)—7. (iv., 73, and the note on c. 72.)—8. (Gaius, iv., 77.)

1. (Gaius, iii., 213.)—2. (Dig. 11, tit. 3, s. 1, where the words of the Edict are given.)—3. (Dig. 47, tit. 10, s. 25.)—4. (Dig. 11, tit. 4, De Fugitivis.)—5. (*Vid.* also Varro, De Re Rust., iii., 14.—Florus, iii., 19.)—6. (Gaius, i., 82.)—7. (Paulus, S. R., ii., tit 24.—Dig. 1, tit. 5, s. 5.)—8. (Gaius, i., 83, &c.)—9. (*Vid.* Walter's Geschichte, &c., p. 50 note 35.)—10. (Gell., vii., 4.—Liv., v., 22.—Cæsar, Bell. Gall., vi., 16.)—11. (Cic., Pro Cæcina, 34.)—12. (Dig. 28, tit. 1, s. 8.)—13. (Dig. 34, tit. 8, s. 3.)—14. (Gaius, ii., 48.)

person whose property he had stolen; but it was doubted whether the effect of the addictio was to make him a servus, or to put him in the condition of an adjudicatus.[1]

By a constitutio or senatus consultum of Claudius,[2] a freedman who misconducted himself towards his patron was reduced to his former state of slavery. But this was not the rule of law in the time of Nero.[3] (*Vid.* Patronus, Libertus.)

The state of slavery was terminated by Manumissio. It was also terminated by various positive enactments, either by way of reward to the slave, or punishment to the master. The Senatus Consultum Silanianum is an example of the former; and various subsequent constitutions gave freedom to slaves who discovered the perpetrators of certain crimes.[4] Liberty might also be acquired by the præscriptio temporis. After the establishment of Christianity, it might be acquired, subject to certain limitations, by becoming a monk or a spiritual person;[5] but if the person left his monastery for a secular life, or rambled about in the towns or the country, he might be reduced to his former servile condition.

There were slaves that belonged to the state, and were called servi publici: they had the testamenti factio to the amount of one half of their property,[6] from which circumstance it appears that they were viewed in a light somewhat different from the slaves of private persons.

The preceding account treats of the legal condition of slaves in their relation to their masters. It remains to give an account of the history of slavery among the Romans, of the sale and value of slaves, of the different classes into which they were divided, and of their general treatment.

Slaves existed at Rome in the earliest times of which we have any record, but they do not appear to have been numerous under the kings and in the earliest ages of the Republic. The different trades and the mechanical arts were chiefly carried on by the clients of the patricians, and the small farms in the country were cultivated, for the most part, by the labours of the proprietor and of his own family. But, as the territories of the Roman state were extended, the patricians obtained possession of large estates out of the ager publicus, since it was the practice of the Romans to deprive a conquered people of part of their land. These estates probably required a larger number of hands for their cultivation than could readily be obtained among the free population; and since the freemen were constantly liable to be called away from their work to serve in the armies, the lands began to be cultivated almost entirely by slave labour.[7] Through war and commerce slaves could easily be obtained, and at a cheap rate, and their number soon became so great that the poorer class of freemen was thrown almost entirely out of employment. This state of things was one of the chief arguments used by Licinius and the Gracchi for limiting the quantity of public land which a person might possess;[8] and we know that there was a provision in the Licinian rogations that a certain number of freemen should be employed on every estate.[9] This regulation, however, was probably of little avail: the lands still continued to be almost entirely cultivated by slaves, although, in the latest times of the Republic, we find that Julius Cæsar attempted to remedy this state of things to some extent, by enacting that, of those persons who attended to cattle, a third should always be freemen.[1] In Sicily, which supplied Rome with so great a quantity of corn, the number of agricultural slaves was immense: the oppressions to which they were exposed drove them twice to open rebellion, and their numbers enabled them to defy for a time the Roman power. The first of these servile wars began in B.C. 134, and ended in B.C. 132, and the second commenced in B.C. 102, and lasted almost four years.

Long, however, after it had become the custom to employ large gangs of slaves in the cultivation of the land, the number of those who served as personal attendants still continued to be small Persons in good circumstances seem usually to have had one only to wait upon them,[2] who was generally called by the name of his master, with the word *por* (that is, *puer*) affixed to it, as *Caipor*, *Lucipor*, *Marcipor*, *Publipor*, *Quintipor*, &c.; and hence Quintilian[3] says, long before whose time luxury had augmented the number of personal attendants, that such names no longer existed. Cato, when he went to Spain as consul, only took three slaves with him.[4] But during the latter times of the Republic, and under the Empire, the number of domestic slaves greatly increased, and in every family of importance there were separate slaves to attend to all the necessities of domestic life. It was considered a reproach to a man not to keep a considerable number of slaves. Thus Cicero,[5] in describing the meanness of Piso's housekeeping, says, "*Idem coquus, idem atriensis: pistor domi nullus.*"[5] The first question asked respecting a person's fortune was "*Quot pascit servos?*"[6] Horace[7] seems to speak of ten slaves as the lowest number which a person in tolerable circumstances ought to keep, and he ridicules the prætor Tullius for being attended by no more than five slaves in going from his Tiburtine villa to Rome.[8] The immense number of prisoners taken in the constant wars of the Republic, and the increase of wealth and luxury, augmented the number of slaves to a prodigious extent The statement of Athenæus,[9] that very many Romans possessed 10,000 and 20,000 slaves, and even more, is probably an exaggeration; but a freedman under Augustus, who had lost much property in the civil wars, left at his death as many as 4116.[10] Two hundred was no uncommon number for one person to keep,[11] and Augustus permitted even a person that was exiled to take twenty slaves or freedmen with him.[12] The mechanical arts, which were formerly in the hands of the clientes, were now entirely exercised by slaves;[13] a natural growth of things, for where slaves perform certain duties or practise certain arts, such duties or arts will be thought degrading to a freeman. It must not be forgotten that the games of the amphitheatre required an immense number of slaves trained for the purpose. (*Vid.* Gladiatores.) Like the slaves in Sicily, the gladiators in Italy rose in B.C. 73 against their oppressors, and, under the able generalship of Spartacus, defeated a Roman consular army, and were not subdued till B.C. 71, when 60,000 of them are said to have fallen in battle.[14]

Under the Empire, various enactments, mentioned above (p. 883), were made to restrain the cruelty of masters towards their slaves; but the spread of Christianity tended most to ameliorate the condition of slaves, though the possession of them was for a long time by no means condemned as contrary to Christian justice. The Christian writers,

1. (Gaius, iii., 189.)—2. (Sueton., Claud., 25.)—3. (Tacitus, Ann., xiii., 27.—See the notes of Ernesti and Lipsius on this passage.)—4. (Cod. Theod., tit. 21, s. 2.)—5. (Nov., 5. c. 2; and 123, c. 17, 35.)—6. (Ulp., Frag., tit. 20.)—7. (Compare Liv., vi., 12.)—8. (Appian, B. C. i., 7, 9, 10.)—9. (Id. ib., 1, 8.)

1. (Suet., Jul., 42.)—2. (Plin., H. N., xxxiii., 1, s. 6.)—3. (i., 4, § 26.)—4. (Apul., Apol., p. 430, ed. Ouden.)—5. (in Pis., 27.)—6. (Juv., iii., 141.)—7. (Sat., i., 3, 12.)—8. (Sat., i., 6, 107.)—9. (vi., p. 272, *c.*)—10. (Plin., H. N., xxxiii., 10, s. 47.)—11 (Hor., Sat., i., 3, 11.)—12. (Dion Cass., lvi., 27.)—13. (Cic. De Off., i., 42.)—14. (Liv., Epit., 97.)

however, inculcated the duty of acting towards them as we would be acted by,[1] but down to the age of Theodosius wealthy persons still continued to keep as many as two or three thousand.[2] Justinian did much to promote the ultimate extinction of slavery, but the number of slaves was again increased by the invasion of the barbarians from the north, who not only brought with them their own slaves, who were chiefly Sclavi or Sclavonians (whence our word *slave*), but also reduced many of the inhabitants of the conquered provinces to the condition of slaves. But all the various classes of slaves became merged, in course of time, into the adscripti glebæ or serfs of the Middle Ages.

The chief sources from which the Romans obtained slaves have been pointed out above. Under the Republic, one of the chief supplies was prisoners taken in war, who were sold by the quæstors[3] with a crown on their heads (see above, p. 884), and usually on the spot where they were taken, as the care of a large number of captives was inconvenient. Consequently, slavedealers usually accompanied an army, and frequently, after a great battle had been gained, many thousands were sold at once, when the slavedealers obtained them for a mere nothing. In the camp of Lucullus, on one occasion, slaves were sold for four drachmæ each. The slave-trade was also carried on to a great extent and after the fall of Corinth and Carthage, Delos was the chief mart for this traffic. When the Cilician pirates had possession of the Mediterranean, as many as 10,000 slaves are said to have been imported and sold there in one day.[4] A large number came from Thrace and the countries in the north of Europe, but the chief supply was from Africa, and more especially Asia, whence we frequently read of Phrygians, Lycians, Cappadocians, &c., as slaves.

The trade of slavedealers (*mangones*) was considered disreputable, and expressly distinguished from that of merchants (*mangones non mercatores sed venaliciarii appellantur*[5]); but it was very lucrative, and great fortunes were frequently realized from it. The slavedealer Thoranius, who lived in the time of Augustus, was a well-known character.[6] Martial[7] mentions another celebrated slavedealer in his time, of the name of Gargilianus.

Slaves were usually sold by auction at Rome. They were placed either on a raised stone (hence *de lapide emtus*[8]) or a raised platform (*catasta*[9]), so that every one might see and handle them, even if they did not wish to purchase them. Purchasers usually took care to have them stripped naked,[10] for slavedealers had recourse to as many tricks to conceal personal defects as the horse-jockeys of modern times: sometimes purchasers called in the advice of medical men.[11] Slaves of great beauty and rarity were not exhibited to public gaze in the common slave-market, but were shown to purchasers in private (*arcana tabulata catastæ*[12]). Newly-imported slaves had their feet whitened with chalk,[13] and those that came from the East had their ears bored,[14] which we know was a sign of slavery among many Eastern nations. The slave-market, like all other markets, was under the jurisdiction of the ædiles, who made many regulations by edicts respecting the sale of slaves. The character of the slave was set forth in a scroll (*titulus*) hanging around his neck, which was a warranty to the purchaser:[1] the vendor was bound to announce fairly all his defects,[2] and if he gave a false account, had to take him back within six months from the time of his sale,[3] or make up to the purchaser what the latter had lost through obtaining an inferior kind of slave to what had been warranted.[4] The vendor might, however, use general terms of commendation without being bound to make them good.[5] The chief points which the vendor had to warrant were the health of the slave, especially freedom from epilepsy, and that he had not a tendency to thievery, running away, or committing suicide.[6] The nation of a slave was considered important, and had to be set forth by the vendor.[7] Slaves sold without any warranty wore at the time of sale a cap (*pileus*) upon their head.[8] Slaves newly imported were generally preferred for common work: those who had served long were considered artful (*veteratores*[9]); and the pertness and impudence of those born in their master's house (*vernæ*: see above, p. 884) were proverbial (*vernæ procaces*[10]).

The value of slaves depended, of course, upon their qualifications; but under the Empire, the increase of luxury and the corruption of morals led purchasers to pay immense sums for beautiful slaves, or such as ministered to the caprice or whim of the purchaser. Eunuchs always fetched a very high price,[11] and Martial[12] speaks of beautiful boys who sold for as much as 100,000 or 200,000 sesterces each (885*l.* 8*s.* 4*d.*, and 1770*l.* 16*s.* 8*d.*). A *morio* or fool sometimes sold for 20,000 sesterces.[13] Slaves who possessed a knowledge of any art which might bring in profit to their owners also sold for a large sum. Thus literary men and doctors frequently fetched a high price,[14] and also slaves fitted for the stage, as we see from Cicero's speech on behalf of Q. Roscius. Female slaves who might bring in gain to their masters by prostitution were also dear: sometimes 60 minæ were paid for a girl of this kind.[15] Five hundred drachmæ (perhaps at that time about 18*l.*) seem to have been a fair price for a good ordinary slave in the time of Horace.[16] In the fourth century, a slave capable of bearing arms was valued at 25 solidi or aurei.[17] (*Vid.* AURUM, p. 129.) In the time of Justinian, the legal valuation of slaves was as follows: common slaves, both male and female, were valued at 20 solidi apiece, and under ten years of age at half that sum; if they were artificers they were worth 30 solidi; if notarii, 50; if medical men or midwives, 60; eunuchs under ten years of age were worth 30 solidi, above that age, 50, and, if they were artificers also, as much as 70.[18] Female slaves, unless possessed of personal attractions, were generally cheaper than male. Six hundred sesterces (about 5*l.*) were thought too much for a slave girl of indifferent character in the time of Martial,[19] and two aurei or solidi were not considered so low a price for a slave girl (*ancilla*) in the time of Hadrian as to occasion doubt of her having come honestly into the hands of the vendor.[20] We have seen that in the time of Justinian the legal value of female slaves was equal to that of males; this may probably have arisen from the circumstance that the supply of slaves was not so abundant then as at

1 (Clem. Alex., Pædag., iii., 12.)—2. (Chrysost., vol. vii., p. 633.)—3. (Plaut., Capt., i., 2, 1, 2.)—4. (Strabo, xiv., p. 668.)—5. (Dig. 50, tit. 16, s. 207.—Plaut., Trin., ii., 2, 51.)—6. (Suet., Octav., 69.—Macrob., Sat., ii., 4.—Plin., H. N., vii., 12, s. 10.)—7. (viii., 13.)—8. (Cic. in Pis., 15.—Plaut., Bacch., iv., 7, 17.)—9. (Tibull., ii., 3, 60.—Persius, vi., 77.—Casaubon, ad loc.)—0. (Senec., Ep., 80.—Suet., Octav., 69.)—11. (Claudian in Europ., i., 35, 36.)—12. (Mart., ix., 60.)—13. (Plin., H. N., xxxv., 17, s. 58.—Ovid, Am i., 8, 64.)—14. (Juv., i., 104.)

1. (Gell., iv., 2.—Propert., iv., 5, 51.)—2. (Dig. 21, tit. 1, s. 1—Hor., Sat., ii., 3, 284.)—3. (Dig. 21, tit. 1, s. 19, § 6.)—4. (Dig 19, tit. 1, s. 13, § 4.—Cic., De Off., iii., 16, 17, 23.)—5. (Dig. 18, tit. 1, s. 43; 21, tit. 1, s 19.)—6. (Cic., De Off., iii., 17.)—7 (Dig. 21, tit. 1, s. 31, § 21.)—8. (Gell., vii., 4.)—9. (Ter., Heaut. v., 1, 16.)—10. (Hor., Sat. ii., 6, 66.—Mart., i., 42; x., 3.) —11 (Plin., vii., 39, s. 40)—12. (iii., 62; xi., 70.)—13. (Mart., viii 13.)—14. (Sueton., De Ill. Gramm.—Plin., H. N., vii., 39, s 40—15. (Plaut., Pers., iv., 4, 113.)—16. (Sat., ii., 7, 43.)—17. (Cod Theod., vii., tit. 13, s. 13.)—18. (Cod., vi., tit. 44, s. 3.)—19. (vi 66.)—20. (Dig. 47, tit., 2, s. 76.)

earlier times, and that, therefore, recourse was had to propagation for keeping up the number of slaves. But under the Republic, and in the early times of the Empire, this was done to a very limited extent, as it was found cheaper to purchase than to breed slaves.

Slaves were divided into many various classes: the first division was into public or private. The former belonged to the state and public bodies, and their condition was preferable to that of the common slaves. They were less liable to be sold, and under less control than ordinary slaves: they also possessed the privilege of the testamenti factio to the amount of one half of their property (see above, p. 885), which shows that they were regarded in a different light from other slaves. Scipio, therefore, on the taking of Nova Carthago, promised 2000 artisans, who had been taken prisoners, and were therefore to be sold as common slaves, that they should become public slaves of the Roman people, with a hope of speedy manumission, if they assisted him in the war.[1] Public slaves were employed to take care of the public buildings,[2] and to attend upon magistrates and priests. Thus the ædiles and quæstors had great numbers of public slaves at their command,[3] as had also the triumviri nocturni, who employed them to extinguish fires by night.[4] They were also employed as lictors, jailers, executioners, watermen, &c.

A body of slaves belonging to one person was called *familia*, but two were not considered sufficient to constitute a *familia*.[5] Private slaves were divided into urban (*familia urbana*) and rustic (*familia rustica*); but the name of urban was given to those slaves who served in the villa or country residence as well as in the town house, so that the words urban and rustic rather characterized the nature of their occupations than the place where they served (*urbana familia et rustica non loco, sed genere distinguitur*[6]). The familia urbana could therefore accompany their master to his villa without being called rustica on account of their remaining in the country. When there was a large number of slaves in one house, they were frequently divided into decuriæ:[7] but, independent of this division, they were arranged in certain classes, which held a higher or a lower rank according to the nature of their occupation. These classes are: *Ordinarii*, *Vulgares*, *Mediastini*, and *Quales-Quales*;[8] but it is doubtful whether the *Literati*, or literary slaves, were included in any of these classes. Those that were called *Vicarii* are spoken of above (p. 884).

Ordinarii seem to have been those slaves who had the superintendence of certain parts of the housekeeping. They were always chosen from those who had the confidence of their master, and they generally had certain slaves under them. To this class the *actores*, *procuratores*, and *dispensatores* belong, who occur in the familia rustica as well as the familia urbana, but in the former are almost the same as the *villici*. They were stewards or bailiffs.[9] To the same class also belong the slaves who had the charge of the different stores, and who correspond to our housekeepers and butlers: they are called *cellarii*, *promi*, *condi*, *procuratores peni*, *&c.* (*Vid.* Cella.)

Vulgares included the great body of slaves in a house who had to attend to any particular duty in the house, and to minister to the domestic wants of their master. As there were distinct slaves or a distinct slave for almost every department of household economy, as bakers (*pistores*), cooks (*coqui*), confectioners (*dulciarii*), picklers (*salmentarii*), &c., it is unnecessary to mention these more particularly. This class also included the porters (*ostiarii*), the bedchamber slaves (*vid.* Cubicularii), the litter-bearers (*lecticarii*) (*vid.* Lectica), and all personal attendants of any kind.

Mediastinii. (*Vid.* Mediastini.)

Quales-Quales are only mentioned in the Digest,[1] and appear to have been the lowest class of slaves, but in what respects they differed from the mediastini is doubtful: Becker[2] imagines they may have been a kind of slaves, *qualiquali conditione viventes*, which, however, does not give us any idea of their duties or occupations.

Literati, literary slaves, were used for various purposes by their masters, either as readers (*anagnostæ*) (*vid.* Acroama), copyists or amanuenses (*vid.* Librarii, Amanuensis), &c. Complete lists of all the duties performed by slaves are given in the works of Pignorius, Pompa, and Blair, referred to at the close of this article.

The treatment of slaves, of course, varied greatly according to the disposition of their masters, but they appear, upon the whole, to have been treated with greater severity and cruelty than among the Athenians. Originally the master could use the slave as he pleased: under the Republic the law does not seem to have protected the person or life of the slave at all, but the cruelty of masters was to some extent restrained under the Empire, as has been stated above (p. 883). The general treatment of slaves, however, was probably little affected by legislative enactments. In early times, when the number of slaves was small, they were treated with more indulgence, and more like members of the family; they joined their masters in offering up prayers and thanksgivings to the gods,[3] and partook of their meals in common with their masters, though not at the same table with them, but upon benches (*subsellia*) placed at the foot of the lectus. But with the increase of numbers and of luxury among masters, the ancient simplicity of manners was changed: a certain quantity of food was allowed them (*dimensum* or *demensum*), which was granted to them either monthly (*menstruum*[5]) or daily (*diarium*[6]). Their chief food was the corn called *far*, of which either four or five modii were granted them a month,[7] or one Roman pound (*libra*) a day.[8] They also obtained an allowance of salt and oil: Cato[9] allowed his slaves a sextarius of oil a month, and a modius of salt a year. They also got a small quantity of wine, with an additional allowance on the Saturnalia and Compitalia,[10] and sometimes fruit, but seldom vegetables. Butcher's meat seems to have been hardly ever given them.

Under the Republic they were not allowed to serve in the army, though after the battle of Cannæ, when the state was in such imminent danger, 8000 slaves were purchased by the state for the army, and subsequently manumitted on account of their bravery.[11]

The offences of slaves were punished with severity, and frequently the utmost barbarity. One of the mildest punishments was the removal from the familia urbana to the rustica, where they were obliged to work in chains or fetters.[12] They were frequently beaten with sticks or scourged with the whip (of which an account is given under Flagrum); but these were such every-day punishments that many slaves ceased almost to care for them. thus Chrysalus says,[13]

1. (L. c., xxxii., 47.)—2. (Compare Tacit., Hist., i., 43.)—3. (Gell., xiii., 12.)—4. (Dig. 1, tit. 15, s. 1.)—5. (Dig. 50, tit. 16, s. 40.)—6. (Dig. 50, tit. 16, s. 166.)—7. (Petron., 47.)—8. (Dig. 47, tit. 10, s. 15.)—9. (Colum., i., 7, 8.—Plin., Ep., iii., 19.—Cic. ad Att., xi., 1.—Suet., Galb., 12; Vesp., 22.)

1. (l. c.)—2. (Gallus, i., p. 125.)—3. (Hor., Ep., ii., 1. 142.)—4. (Plut., Coriol., 24.)—5. (Plaut., Stich., i., 2, 3.)—6. (Hor., Ep., i., 14, 41.—Mart., xi., 108.)—7. (Donat. in Ter., Phorm., i. 1, 9.—Sen., Ep., 80.)—8. (Hor., Sat., i., 5, 69.)—9. (R. R., 58.)—10. (Cato, De Re Rust., 57.)—11. (Liv., xxii., 57; xxiv., 14-16.)—12. (Plaut., Most., i., 1, 18.—Ter., Phorm., ii., 1, 20.)—13 (Plaut., Bacchid., ii., 3, 131.)

'*Sili sunt virgæ rure, at mihi tergum est domi.*"

Runaway slaves (*fugitivi*) and thieves (*fures*) were branded on the forehead with a mark (*stigma*), whence they are said to be *notati* or *inscripti*.[1] Slaves were also punished by being hung up by their hands with weights suspended to their feet,[2] or by being sent to work in the Ergastulum or Pistrinum. (*Vid.* Ergastulum, Mola.) The carrying of the furca was a very common mode of punishment. (*Vid.* Furca.) The toilet of the Roman ladies was a dreadful ordeal to the female slaves, who were often barbarously punished by their mistresses for the slightest mistake in the arrangement of the hair or a part of the dress.[3]

Masters might work their slaves as many hours in the day as they pleased, but they usually allowed them holydays on the public festivals. At the festival of Saturnus in particular, special indulgences were granted to all slaves, of which an account is given under Saturnalia. There was no distinctive dress for slaves. It was once proposed in the senate to give slaves a distinctive costume, but it was rejected, since it was considered dangerous to show them their number.[4] Male slaves were not allowed to wear the toga or bulla, nor females the stola, but otherwise they were dressed nearly in the same way as poor people, in clothes of a dark colour (*pullati*) and slippers (*crepidæ*) (*vestis servilis*[5]).

The rites of burial, however, were not denied to slaves; for, as the Romans regarded slavery as an institution of society, death was considered to put an end to the distinction between slaves and freemen. Slaves were sometimes even buried with their masters, and we find funeral inscriptions addressed to the Dii Manes of slaves (*Dis Manibus*). It seems to have been considered a duty for a master to bury his slave, since we find that a person who buried the slave of another had a right of action against the master for the expenses of the funeral.[6] In 1726 the burial vaults of the slaves belonging to Augustus and Livia were discovered near the Via Appia, where numerous inscriptions were found, which have been illustrated by Bianchini and Gori, and give us considerable information respecting the different classes of slaves and their various occupations. Other *sepulchreta* of the same time have been also discovered in the neighbourhood of Rome.[7]

*SES (σής), "a term generally supposed to signify the *Tinea* of the Latins, *i. e.*, the Book-worm, but used by Aristotle in a more extended sense. That said to be formed in wax would appear to be the *Phalæna cereana*; that formed in wood (called by him ἄκαρι) is the *Tennes fatalis*, or White Ant; that formed among clothes is probably the *Phalæna sarcitella*. Others, says Schneider, hold them to be the *Tinea vestinella*, *T. pellinella*, and *T. mellonella*. It is to be borne in mind that the *Tineæ* form a division of the genus *Phalæna*."[8]

*SES'AMUM (σήσαμον), the *Sesamum Orientale*, or Eastern Oily-grain.[9]

SESCUNX. (*Vid.* As, p. 110.)

*SES'ELI (σέσελι), a plant, of which Dioscorides describes three species, the *Seseli Massiliense*, *S. Æthiopicum*, and *S. Peloponnesiacum*. "The σέσελι of Galen is the first of these. The σέσελι of Theophrastus is the same as the τορδύλιον, namely, the *Tordylium officinale*, or Hartwort. The alliance between the σέσελι and tordylium is pointed out by Dioscorides and Pliny. According to Stephens Alston, and others, the popular name of the *Seseli Massiliense* is 'Hard Meadow Saxifrage,' but its scientific name is *Seseli tortuosum*. This species is the '*Sil Gallicus*' of Apicius. It is also called *Sil* by Celsus. Dr. Milligan, however, confounds it with the *Sil Attieum*, a sort of red ochre, which was never used for medicinal purposes. Sprenge follows Anguillara in referring the *S. Æthiopicum* to the *Bupleurum fruticosum*, and Matthiolus in holding that the *Peloponnesiacum* is the *Ligustieum Peloponnesiaeum*."[1]

SESTE'RTIUS, a Roman coin, which properly belonged to the silver coinage, in which it was one fourth of the denarius, and therefore equal to 2½ asses. Hence the name, which is an abbreviation of *semis tertius* (sc. *nummus*), the Roman mode of expressing 2½.[2] The word *nummus* is often expressed with *sestertius*, and often it stands alone, meaning *sestertius*.

Hence the symbol H S or I I S, which is used to designate the sestertius. It stands either for L L S (*Libra Libra et Semis*), or for I I S, the two I's merely forming the numeral two (sc. *asses* or *libræ*), and the whole being in either case equivalent to *dupondius et semis*.[3]

When the as was reduced to half an ounce, and the number of asses in the denarius was made sixteen instead of ten (*Vid.* As, Denarius), the sestertius was still ¼ of the denarius, and therefore contained no longer 2½, but 4 asses. The old reckoning of 10 asses to the denarius was kept, however, in paying the troops.[4] After this change the sestertius was coined in brass as well as in silver; the metal used for it was that called *auricha1cum*, which was much finer than the common Æs, of which the asses were made.[5]

The sum of 1000 *sestertii* was called *sestertium*. This was also denoted by the symbol H S, the obvious explanation of which is "I I S (2½) millia;" but Gronovius understands it as 2½ pounds of silver (*sestertium pondus argenti*), which he considers to have been worth originally 1000 sestertii, and therefore to have represented this value ever after.[6] The *sestertium* was always a sum of money, never a *coin*; the *coin* used in the payment of large sums was the denarius.

According to the value we have assigned to the Denarius up to the time of Augustus, we have

	£.	s.	d. farth.
the sestertius =	0	0	2 ·5
the sestertium =	8	17	1

after the reign of Augustus:

the sestertius =	0	0	1 3·5
the sestertium =	7	16	3

The sestertius was the denomination of money almost always used in reckoning considerable amounts. There are a very few examples of the use of the denarius for this purpose. The mode of reckoning was as follows:

Sestertius=sestertius nummus=nummus.

Sums below 1000 *sestertii* were expressed by the numeral adjectives joined with either of these forms.

The sum of 1000 sestertii=*mille sestertii*=M *sestertium* (for *sestertiorum*) =M *nummi*=M *nummum* (for *nummorum*) =M *sestertii nummi*=M *sestertium nummum*=*sestertium*. These forms are used with the numeral adjectives below 1000; sometimes *millia* is used instead of *sestertia*; sometimes both words are omitted; sometimes *nummum* or *sestertium* is added. For example, 600,000 sestertii=

1. (Mart., viii., 75, 9.)—2. (Plaut., Asin., ii., 2, 37, 38.)—3. (Ovid, Am., i., 14, 15.—Art. Amat., iii., 235.—Mart., ii., 66.—Juv., vi., 498, &c.)—4. (Sen., De Clem., i., 24.)—5. (Cic. in Pis., 38.)—6. (Dig. 11, tit. 7, s. 31.)—7. (Pignorius, De Servis et eorum apud Vet. Minist.—Popma, De Operis Servorum.—Blair, An Inquiry into the State of Slavery among the Romans, Edinb., 1833.—Becker, Gallus, i., p. 103, &c.)—8. (Aristot., H. A., v., 26.—Adams, Append., s. v)—9. (Dioscor., ii., 121.—Theophr., H. P., i, 11.)

1. (Theophr., H. P., ix., 15.—Dioscor., iii., 33–35.—Celsus, v., 23.—Adams, Append., s. v.)—2. (Varro, L. L., v., 173, ed. Müller.—Festus, s. v.—Plin., H. N., xxxi., 13.)—3. (Priscian, De Ponder., p. 1347.—Festus, p. 347, Müller.)—4. (Plin. H. N., l. c.—5. (Plin., H. N., xxxiv., 2.)—6. (Pec Vet., i., 4, 11.)

sescenta sestertia=*sescenta millia*=*sescenta*=*sescenta sestertia nummum.*

For sums of a thousand *sestertia* (*i. e.*, a million *sestertii*) and upward, the numeral adverbs in *ies* (*decies*, *undecies*, *vicies*, *&c.*) are used, with which the words *centena millia* (a hundred thousand) must be understood. With these adverbs the contracted genitive plural *sestertiûm* (for *sestertiorum*) is joined in the case required by the construction. Thus, *decies sestertium*=*decies centena millia sestertium*=*ten times a hundred thousand sestertii*=1,000,000 sestertii=1000 *sestertia*: *millies* H S=*millies centena millia sestertium*=a thousand times one hundred thousand sestertia=100,000,000 *sestertii*=100,000 sestertia. When an amount is described by more than one of these adverbs in *ies*, they must be added together if the larger numeral stands first, but multiplied when the smaller is first; care, however, being taken not to reckon the *centena millia* which is understood more than once in the whole amount. Thus Suetonius[1] has *millies et quingenties* for 150,000 sestertia, *i. e.*, 100,000,000+50,000,000=150,000,000 sestertii, and immediately after *quaterdecies millies* for 1,400,000 sestertia, *i. e.*, 14×1000×100,000 (=1,400,000,000) sestertii. A variety was allowed in these forms: thus Cicero uses *decies et octingenta millia* for 1800 sestertia, *i. e.*, 1,000,000+800,000 sestertii, and *quaterdecies* for 1400 sestertia, *i. e.*, 14×100,000 sestertii.[2]

When the numbers are written in cipher, it is often difficult to know whether *sestertii* or *sestertia* are meant. A distinction is sometimes made by a line placed over the numeral when *sestertia* are intended, or, in other words, when the numeral is an adverb in *ies*. Thus

HS . M. C.=1100 sestertii; but
H̄S . M̄. C̄.=HS millies centies
=110,000 sestertia=110,000,000 sestertii.

Wurm (p. 24) gives the following rule: When the numbers are divided into three classes by points, the right-hand division indicates units, the second thousands, the third hundreds of thousands. Thus, III. XII. DC=300,000+12,000+600=312,600 sestertii. But these distinctions are by no means strictly observed in the manuscripts.

Like other parts and multiples of the as, the sestertius is applied to other kinds of magnitude, *e. g.*, *pes sestertius* for 2½ feet. (*Vid.* Pes.)

Sesterce is sometimes used as an English word. If so, it ought to be used only as the translation of *sestertius*, never of *sestertium*.

SEVIR. (*Vid.* Equites, p. 418.)

SEX SUFFRA'GIA. (*Vid.* Equites, p. 416.)

SEXTANS. (*Vid.* As, p. 111.)

SEXTA'RIUS, a Roman dry and liquid measure, which may be considered one of the principal measures in the Roman system, and the connecting point between it and that of the Greeks, for it was equal to the *ξέστης* of the latter. It was one sixth of the congius, and hence its name. It was divided, in the same manner as the As, into parts named *uncia*, *sextans*, *quadrans*, *triens*, *quincunx*, *semissis*, *&c.* The uncia, or twelfth part of the sextarius, was the Cyathus; its *sextans* was therefore two cyathi, its *quadrans* three, its *triens* four, its *quincunx* five, &c.[3]

The following table exhibits the principal Roman liquid measures, with their contents in the English imperial measure. The dry measures, which are nearly the same, have been given under Modius.

		Sextarii	Gallons	Pints
Culeus,	containing	960	118	7·546
Amphora,	"	48	5	7·577
Urna,	"	24	2	7·788
Congius,	"	6		5·9471
Sextarius,	"	1		·9911
Hemina,	"	½		·4955
Quartarius,	"	¼		·2477
Acetabulum,	"	⅛		·1238
Cyathus,	"	1/12		·0825
Ligula,	"	1/48		·0206

SEXTULA, the sixth part of the uncia, was the smallest denomination of money in use among the Romans.[1] It was also applied, like the uncia, to other kinds of magnitude. (*Vid.* Uncia.)

SHIPS (*ναῦς*, *πλοῖον*, *navis*, *navigium*). The beginning of the art of ship-building and of navigation among the Greeks must be referred to a time much anterior to the ages of which we have any record. Even in the earliest mythical stories long voyages are mentioned, which are certainly not altogether poetical fabrications, and we have every reason to suppose that at this early age ships were used which were far superior to a simple canoe, and of a much more complicated structure. The time, therefore, when boats consisted of one hollow tree (*Monoxyla*), or when ships were merely rafts (*Rates*, *σχεδίαι*) tied together with leathern thongs, ropes, and other substances,[2] belongs to a period of which not the slightest record has reached us, although such rude and simple boats or rafts continued occasionally to be used down to the latest times, and appear to have been very common among several of the barbarous nations with which the Romans came in contact.[3] (*Vid.* Codex, Linter.) Passing over the story of the ship Argo and the expedition of the Argonauts, we shall proceed to consider the ships as described in the Homeric poems.

The numerous fleet with which the Greeks sailed to the coast of Asia Minor must, on the whole, be regarded as sufficient evidence of the extent to which navigation was carried on in those times, however much of the detail in the Homeric description may have arisen from the poet's own imagination. In the Homeric catalogue it is stated that each of the fifty Bœotian ships carried 120 warriors,[4] and a ship which carried so many cannot have been of small dimensions. What Homer here states of the Bœotian vessels applies more or less to the ships of other Greeks. These boats were provided with a mast (*ἱστός*), which was fastened by two ropes (*πρότονοι*) to the two ends of the ship, so that, when the rope connecting it with the prow broke, the mast would fall towards the stern, where it might kill the helmsman.[5] The mast could be erected or taken down as necessity required. They also had sails (*ἱστία*), but only a half-deck; each vessel, however, appears to have had only one sail, which was used in favourable wind; and the principal means of propelling the vessel lay in the rowers, who sat upon benches (*κληῖδες*). The oars were fastened to the side of the ship with leathern thongs (*τροποὶ δερμάτινοι*[6]), in which they were turned as a key in its hole. The ships in Homer are mostly called black (*μέλαιναι*), probably because they were painted or covered with a black substance, such as pitch, to protect the wood against the influence of the water and the air; sometimes other colours, such as *μίλτος*, *minium* (a red colour), were used to adorn the sides of the

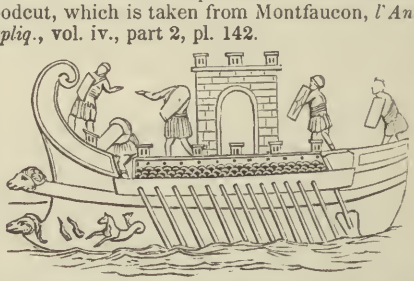
1. (Octav., 10...)—2. (in Verr., II., i., 39.)—3. (Wurm, De Pond., &c., p. 118.)

1. (Varro, L. Lat., v., 171, ed. Müller.)—2. (Plin., H. N., vii. 57.)—3. (Compare Quintil., x., 2.—Flor., iv., 2.—Fest. is, s. v. Schedia.—Liv., xxi., 26.)—4. (Il., ii., 510.)—5. (Od., xii., 409 &c.)—6. (Od., iv., 782.)

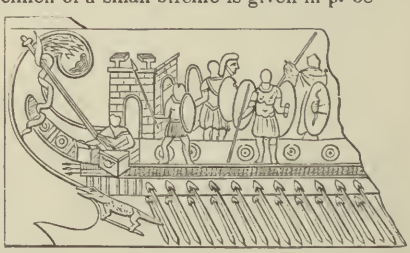
ships near the prow, whence Homer occasionally calls ships μιλτοπάρῃοι, *i. e.*, red-checked;[1] they were also painted occasionally with a purple colour (φοινικοπάρῃοι[2]). When the Greeks had landed on the coast of Troy, the ships were drawn on land, and fastened at the poop with a rope to large stones, which served as anchors.[3] (*Vid.* Ancora.) The Greeks then surrounded the fleet with a fortification to secure it against the attacks of the enemy. This custom of drawing the ships upon the shore, when they were not used, was followed in later times also, as every one will remember from the accounts in Cæsar's Commentaries. There is a celebrated but difficult passage in the Odyssey,[4] in which the building of a boat is described, although not with the minuteness which an actual shipbuilder might wish for. Odysseus first cuts down with his axe twenty trees, and prepares the wood for his purpose by cutting it smooth and giving it the proper shape. He then bores the holes for nails and hooks, and fits the planks together, and fastens them with nails. He rounds the bottom of the ship like that of a broad transport vessel, and raises the bulwark (ἴκρια), fitting it upon the numerous ribs of the ship. He afterward covers the whole of the outside with planks, which are laid across the ribs from the keel upward to the bulwark; next the mast is made, and the sailyard attached to it, and lastly the rudder. When the ship is thus far completed, he raises the bulwark still higher by wickerwork, which goes all around the vessel, as a protection against the waves. This raised bulwark of wickerwork and the like was used in later times also.[5] For ballast, Odysseus throws into the ship ὕλη, which, according to the scholiast, consisted of wood, stones, and sand. Calypso then brings him materials to make a sail of, and he fastens the ὑπέραι or ropes, which run from the top of the mast to the two ends of the yard, and also the κάλοι, with which the sail is drawn up or let down. The πόδες mentioned in this passage were undoubtedly, as in later times, the ropes attached to the two lower corners of the square sail.[6] The ship of which the building is thus described was a small boat, a σχεδία, as Homer calls it; but it had, like all the Homeric ships, a round or flat bottom. Greater ships must have been of a more complicated structure, as shipbuilders are praised as artists.[7] In the article Ceruchi, p. 234, a representation of two boats is given, which appear to bear great resemblance to the one of which the building is described in the Odyssey.[8]

It is a general opinion that in the Homeric age sailors did not venture out into the open sea, but that such was really done is clear from the fact that Homer makes Odysseus say that he had lost sight of land, and saw nothing but the sky and water,[9] although, on the whole, it may be admitted that, even down to the later historical times, the navigation of the ancients was confined to coasting along the shore. Homer never mentions engagements at sea. The Greeks most renowned in the heroic ages as sailors were the Cretans, whose king, Minos, is said to have possessed a large fleet, and also the Phæacians.[10]

After the times of the Trojan war, navigation, and with it the art of ship-building, must have become greatly improved, on account of the establishment of the numerous colonies on foreign coasts, and the increased commercial intercourse with these colonies and other foreign countries. The practice of piracy, which was during this period carried on to a great extent, not only between Greeks and foreigners, but also among the Greeks themselves, must likewise have contributed to the improvement of ships and of navigation, although no particulars are mentioned. In Greece itself the Corinthians were the first who brought the art of ship-building nearest to the point at which we find it in the time of Thucydides, and they were the first who introduced ships with three ranks of rowers (τριήρεις, *triremes*). About the year 700 B.C., Ameinocles the Corinthian, to whom this invention is ascribed, made the Samians acquainted with it;[1] but it must have been preceded by that of the *biremes*, that is, ships with two ranks of rowers, which Pliny attributes to the Erythræans. These innovations, however, do not seem to have been generally adopted for a long time; for we read that, about the time of Cyrus, the Phocæans introduced long sharp-keeled ships called πεντηκόντοροι.[2] These belonged to the class of long war-ships (νῆες μακραί), and had fifty rowers, twenty-five on each side of the ship, who sat in one row. It is farther stated that before this time vessels called στρογγύλαι, with large round or flat bottoms, had been used exclusively by all the Ionians in Asia. At this period most Greeks seem to have adopted the long ships with only one rank of rowers on each side; their name varied accordingly as they had fifty, or thirty (τριακόντορος), or even a smaller number of rowers. A ship of war of this class is represented in the annexed woodcut, which is taken from Montfaucon, *l'Antiq. Expliq.*, vol. iv., part 2, pl. 142.



The following woodcut contains a beautiful fragment of a bireme, with a complete deck.[3] Another specimen of a small bireme is given in p. 58



The first Greek people who acquired a navy of importance were the Corinthians, Samians, and Phocæans. About the time of Cyrus and Cambyses, the Corinthian triremes were generally adopted by the Sicilian tyrants and by the Corcyræans, who soon acquired the most powerful navies among the Greeks. In other parts of Greece, and even at Athens and in Ægina, the most common vessels about this time were long ships with only one rank of rowers. Athens, although the foundation of its maritime power had been laid by Solon (*vid.* Naucraria), did not obtain a fleet of any importance until the time of Themistocles, who persuaded them to build 200 triremes for the purpose of carrying on

1. (Il., ii., 637.—Od., ix., 125.)—2. (Od., xi., 124.)—3. (Moschop. ad Il., i., 436.)—4. (v., 243, &c.)—5. (Eustath. ad Od., v., 256.)—6. (Compare Nitzsch, Anmerk. zu Odyss., vol. ii., p. 35, &c.—Ukert, Bemerk. über Hom. Geogr., p. 20.)—7. (Il., v., 60, &c.)—8. (Comp. Thirlwall, Hist. of Greece, i., p. 219.)—9. (Od., xii., 403.—Compare xiv., 302.—Virg., Æn., iii., 192, &c.)—10. (Thucyd., i., 4.—Hom., Od., viii., 110, &c.)

(Thucyd., i., 13.—Plin. H. N., vii., 57.)—2. (Herod., i., 163.)—3. (Winckelmann, Mon. Antich. ined., pl. 207.)

the war against Ægina. But even then ships were not provided with complete decks (*καταστρώματα*) covering the whole of the vessel.[1] A complete deck appears to have been an invention of later times; Pliny ascribes it to the Thasians, and before this event the ships had only small decks at the poop and the prow. At the same time that Themistocles induced the Athenians to build a fleet of 200 sails, he also carried a decree that every year twenty new triremes should be built from the produce of the mines of Laurium.[2] After the time of Themistocles as many as twenty triremes must have been built every year, both in times of war and of peace, as the average number of triremes which was always ready was from three to four hundred. Such an annual addition was the more necessary, as the vessels were of a light structure, and did not last long. The whole superintendence of the building of new triremes was in the hands of the senate of the Five Hundred,[3] but the actual business was intrusted to a committee called the *τριηροποιοί*, one of whom acted as their treasurer, and had in his keeping the money set apart for the purpose. In the time of Demosthenes, a treasurer of the *τριηροποιοί* ran away with the money, which amounted to two talents and a half. During the time after Alexander the Great, the Attic navy appears to have become considerably diminished, as in 307 B.C. Demetrius Poliorcetes promised the Athenians timber for 100 new triremes.[4] After this time the Rhodians became the most important maritime power in Greece. The navy of Sparta was never of great importance.

Navigation remained, for the most part, what it had been before: the Greeks seldom ventured out into the open sea, and it was generally considered necessary to remain in sight of the coast, or of some island, which also served as guides in daytime: in the night, the position, the rising and setting of the different stars, also answered the same purpose. In winter navigation generally ceased altogether. In cases where it would have been necessary to coast around a considerable extent of country, which was connected with the main land by a narrow neck, the ships were sometimes drawn across the neck of land from one sea to the other by machines called *ὁλκοί*. This was done most frequently across the Isthmus of Corinth.[5]

Now, as regards the various kinds of ships used by the Greeks, we might divide them with Pliny, according to the number of ranks of rowers employed in them, into moneres, biremes, triremes, quadriremes, quinqueremes, &c., up to the enormous ship with forty ranks of rowers, built by Ptolemæus Philopator.[6] But all these appear to have been constructed on the same principle, and it is more convenient to divide them into *ships of war* and *ships of burden* (*φορτικά, φορτηγοί, ὁλκάδες, πλοῖα, στρογγύλαι, naves onerariæ, naves actuariæ*). Ships of the latter kind were not calculated for quick movement or rapid sailing, but to carry the greatest possible quantity of goods. Hence their structure was bulky, their bottom round, and, although they were not without rowers, yet the chief means by which they were propelled were their sails.

The most common ships of war, after they had once been generally introduced, were the triremes, and they are frequently designated only by the name *νῆες*, while all the others are called by the name indicating their peculiar character. Triremes, however, were again divided into two classes: the one consisting of real men-of-war, which were quick-sailing vessels (*ταχεῖαι*), and the other of transports, either for soldiers (*στρατιώτιδες* or *ὁπλιταγωγοί*) or for horses (*ἱππηγοί, ἱππαγωγοί*). Ships of this class were more heavy and awkward, and were therefore not used in battle except in cases of necessity.[1] The ordinary size of a war-galley may be inferred from the fact that the average number of men engaged in it, including the crew and marines, was two hundred, to whom, on some occasions, as much as thirty epibatæ were added.[2] (*Vid.* Epibatæ.) The rapidity with which these war-galleys sailed may be gathered from various statements in ancient writers, and appears to have been so great, that even we cannot help looking upon it without astonishment when we find that the quickness of an ancient trireme nearly equalled that of a modern steamboat. Among the war-ships of the Athenians their sacred state-vessels were always included (*vid* Salaminia[3]); but smaller vessels, such as the *πεντηκόντοροι* or *τριακόντοροι*, are never included when the sum of men-of-war is mentioned, and their use for military purposes appears gradually to have ceased.

Vessels with more than three ranks of rowers were not constructed in Greece till about the year 400 B.C., when Dionysius I., tyrant of Syracuse, who bestowed great care upon his navy, built the first quadriremes (*τετρήρεις*), with which he had probably become acquainted through the Carthaginians, since the invention of these vessels is ascribed to them.[4] Up to this time no quinqueremes (*πεντήρεις*) had been built, and the invention of them is likewise ascribed to the reign of Dionysius. Mnesigeiton[5] ascribes the invention of quinqueremes to the Salaminians; and, if this statement is correct, Dionysius had his quinqueremes probably built by a Salaminian ship-builder. In the reign of Dionysius II. hexeres (*ἑξήρεις*) are also mentioned, the invention of which was ascribed to the Syracusans.[6] After the time of Alexander the Great, the use of vessels with four, five, and more ranks of rowers became very general, and it is well known from Polybius[7] that the first Punic war was chiefly carried on with quinqueremes. Ships with twelve, thirty, or even forty ranks of rowers,[8] such as they were built by Alexander and the Ptolemies, appear to have been mere curiosities, and did not come into common use. The Athenians at first did not adopt vessels larger than triremes, probably because they thought that with rapidity and skill they could do more than with large and unwieldy ships. In the year B.C. 356 they continued to use nothing but triremes; but in 330 B.C. the Republic had already a number of quadriremes, which was afterward increased. The first quinqueremes at Athens are mentioned in a document[9] belonging to the year B.C. 325. Herodotus,[10] according to the common reading, calls the theoris, which in Olympiad 72 th Æginetans took from the Athenians, a *πεντήρης*; but the reading in this passage is corrupt, and *πεντετηρίς* should be written instead of *πεντήρης*.[11] After the year 330 the Athenians appear to have gradually ceased building triremes, and to have constructed quadriremes instead.

Every vessel at Athens, as in modern times, had a name given to it, which was generally of the feminine gender, whence Aristophanes[12] calls the triremes *παρθένους*, and one vessel, the name of which

1. (Thucyd., i., 14.—Herod., vii., 144.)—2. (Polyæn., i., 30.—Plut., Themist., 4.—Compare Böckh, Staatsh., i., p. 268.)—3. (Demosth., c. Androt., p. 598.)—4. (Diod., xx., 46.—Plut., Demetr., 10.)—5. (Herod., ii., 24.—Thucyd., viii., 1; iii., 15, with the schol.—Strab., vii., p. 380.—Polyb., iv., 19; v., 101.)—6. (Plin., H. N., l. c.—Athen., v., p. 203, &c.)

1. (Thucyd., i., 116.)—2. (Herod., viii., 17; vii., 184, 96.—Compare Böckh, Staatsh., i., p. 298, &c.)—3. (Compare Böckh, Urkunden über d. Seewesen des Att. Staates, p. 76, &c.)—4. (Plin., H. N., vii., 57.—Diodor., xiv., 41, 42.)—5. (ap. Plin., l. c.)—6. (Ælian, V. H., vi., 12, with the note of Perizonius.—Plin., H. N., l. c.)—7. (i., 63.)—8. (Plin., l. c.—Athen., v., p. 204, &c.)—9. (in Böckh's Urkunden, N. xiv., litt. K.)—10. (vi., 87.)—11 (Böckh, Urkunden, p. 76.)—12. (Eq., 1313.)

was Nauphante, he calls the daughter of Nauso.[1] The Romans sometimes gave to their ships masculine names. The Greek names were either taken from ancient heroines, such as Nausicaa, or they were abstract words, such as Εὔπλοια, Θεραπεία, Πρόνοια, Σώζουσα, Ἡγεμόνη, &c. In many cases the name of the builder also was added.

We now proceed to describe some of the parts of ancient vessels.

1. *The prow* (πρῶρα or μέτωπον, *prora*) was generally ornamented on both sides with figures, which were either painted upon the sides or laid in. It seems to have been very common to represent an eye on each side of the prow.[2] Upon the prow or fore-deck there was always some emblem (παράσημον, *insigne*, *figura*) by which the ship was distinguished from others. (*Vid.* Insigne.) Just below the prow, and projecting a little above the keel, was the *rostrum* (ἔμβολος, ἔμβολον) or beak, which consisted of a beam, to which were attached sharp and pointed irons, or the head of a ram, and the like. This ἔμβολος was used for the purpose of attacking another vessel, and of breaking its sides. It is said to have been invented by the Tyrrhenian Pisæus.[3] These beaks were at first always above the water, and visible; afterward they were attached lower, so that they were invisible, and thus became still more dangerous to other ships.[4] The annexed woodcuts, taken from Montfaucon,[5] represent three different beaks of ships.

Connected with the ἔμβολος was the προεμβολίς, which, according to Pollux,[6] must have been a wooden part of the vessel in the prow above the beak, and was probably the same as the ἐπωτίδες, and intended to ward off the attack of the ἔμβολος of a hostile ship. The command in the prow of a vessel was exercised by an officer called πρωρεύς, who seems to have been next in rank to the steersman, and to have had the care of the gear, and the command over the rowers.[7]

2. *The stern* (πρύμνη, *puppis*) was generally above the other parts of the deck, and in it the helmsman had his elevated seat. It is seen in the representations of ancient vessels to be rounder than the prow though its extremity is likewise sharp. The stern was, like the prow, adorned in various ways, but especially with the image of the tutelary deity of the vessel (*tutela*). In some representations a kind of roof is formed over the head of the steersman (see woodcut, p. 58), and the upper part of the stern has the elegant form of a swan's neck. (*Vid.* Chenniscus.)

3. The τράφηξ is the bulwark of the vessel, or, rather, the uppermost edge of it.[1] In small boats, the pegs (σκαλμοί, *scalmi*) between which the oars move, and to which they are fastened by a thong (τροπωτήρ), were upon the τράφηξ.[2] In all other vessels the oars passed through holes in the side of the vessel (ὀφθαλμοί, τρήματα, or τρυπήματα).[3]

4. The middle part of the deck in most ships of war appears to have been raised above the bulwark, or, at least, to a level with its upper edge, and thus enabled the soldiers to occupy a position from which they could see far around, and hurl their darts against the enemy. Such an elevated deck appears in the annexed woodcut, representing a *moneris* In this instance the flag is standing upon the hind-deck.[4]

5. One of the most interesting as well as important parts in the arrangement of the hiremes, triremes, &c., is the position of the ranks of rowers, from which the ships themselves derive their names. Various opinions have been entertained by those who have written upon this subject, as the information which ancient writers give upon it is extremely scanty. Thus much is certain, that the different ranks of rowers, who sat along the sides of a vessel, were placed one above the other. This seems at first sight very improbable, as the common ships in later times must have had five ordines of rowers on each side; and since even the lowest of them must have been somewhat raised above the surface of the water, the highest ordo must have been at a considerable height above it, and, consequently, required very long oars: the apparent improbability is still more increased when we hear of vessels with thirty or forty ordines of rowers above one another. But that such must have been the arrangement is proved by the following facts: First, On works of art, in which more than one ordo of rowers is represented, they appear above one another, as in the fragment of a bireme given above, and in several others figured by Montfaucon Secondly, the scholiast on Aristophanes[5] states that the lowest rank of rowers having the shortest oars, and, consequently, the easiest work, received the smallest pay, while the highest ordo had the longest oars, and, consequently, had the heaviest work, and received

1 (Böckh, Urk., p. 81, &c., and a list of names in p. 84, &c.) — 2. (Böckh, Urk., p. 102. — Becker, Charikles, ii., p. 60, &c.) — 3. (Plin., vii. 57) — 4. (Diod., xi., 27; xiv., 60, 75. — Polyb., i. 26; xvi., 5; viii., 6.)—5. (L'Antiq. Expl., iv., 2, tab. 133.)—6 (i., 85.)—7. (Xen., Œcon., vii., 14.)

1. (Hesych., s. v.)—2. (Böckh, Urkund., p. 103.) — 3. (Schol. Aristoph., Acharn., 97, &c.) — 4. (Mazois, Pomp., part i., pl. xxii., fig. 2.)—5. (Acharn., 1106 — Compare Aristoph., Ran. 1105.)

the highest pay. Thirdly, In the monstrous τεσσαρακοντήρης of Ptolemæus Philopator, the description of which by Callixenus[1] is as authentic as it well can be, the height of the ship from the surface of the water to the top of the prow (ἀκροστόλιον) was 48 cubits, and from the water to the top of the stern (ἄφλαστα) 53 cubits This height afforded sufficient room for forty ranks of rowers, especially as they did not sit perpendicularly above one another, but one rower, as may be seen in the above representation of a bireme, sat behind the other, only somewhat elevated above him. The oars of the uppermost ordo of rowers in this huge vessel were 38 cubits long.

In ordinary vessels, from the moneris up to the quinqueremis, each oar was managed by one man, which cannot have been the case where each oar was 38 cubits long. The rowers sat upon little benches attached to the ribs of the vessel, and called ἑδώλια, and in Latin *fori* and *transtra*. The lowest row of rowers was called θαλάμος, the rowers themselves θαλαμῖται or θαλάμιοι.[2] The uppermost ordo of rowers was called θράνος, and the rowers themselves θρανῖται.[3] The middle ordo or ordines of rowers were called ζυγὰ, ζύγιοι, or ζυγῖται.[4] Each of this last class of rowers had likewise his own seat, and did not, as some have supposed, sit upon benches running across the vessel.[5]

We shall pass over the various things which were necessary in a vessel for the use and maintenance of the crew and soldiers, as well as the machines of war which were conveyed in it, and confine ourselves to a brief description of things belonging to a ship as such. All such utensils are divided into *wooden* and *hanging gear* (σκεύη ξύλινα and σκεύη κρεμαστά[6]). Xenophon[7] adds to these the σκεύη πλεκτά, or the various kinds of wickerwork, but these are more properly comprehended among the κρεμαστά.

I. Σκεύη ξύλινα.

1. *Oars* (κῶπαι, *remi*).—The collective term for oars is ταρρός, which properly signified nothing but the blade or flat part of the oar;[8] but was afterward used as a collective expression for all the oars, with the exception of the rudder.[9] The oars varied in size accordingly as they were used by a lower or higher ordo of rowers; and from the name of the ordo by which they were used, they also received their especial names, viz., κῶπαι, θαλάμιαι, ζύγιαι, and θρανίτιδες. Böckh[10] has calculated that each trireme, on an average, had 170 rowers. In a quinquereme during the first Punic war, the average number of rowers was 300;[11] in later times we even find as many as 400.[12] The great vessel of Ptolemæus Philopator had 4000 rowers,[13] and the handle of each oar (ἐγχειρίδιον) was partly made of lead, that the shorter part in the vessel might balance in weight the outer part, and thus render the long oars manageable. The lower part of the holes through which the oars passed appear to have been covered with leather (ἄσκωμα), which also extended a little way outside the hole.[14] The ταρρός also contained the περίνεω, which must, consequently, be a particular kind of oars. They must have derived their name, like other oars, from the class of rowers by whom they were used. Böckh supposes that they were oars which were not regularly used, but only in case of need, and then by the epibatæ. Their length in a trireme is stated at from 9 to 9½ cubits, but in what part of the vessel they were used is unknown. Respecting oars in general, see the Appendix in Arnold's Thucydides.

2. *The rudder.* (*Vid.* Gubernaculum.)

3. *Ladders* (κλιμακίδες, *scalæ*). Each trireme had two wooden ladders, and the same seems to have been the case in τριακόντοροι.[2]

4. *Poles* or punt poles (κοντοί, *contι*). Three of these belonged to every trireme, which were of different lengths, and were accordingly distinguished as κοντὸς μέγας, κοντὸς μικρός, and κοντὸς μέσος. Triacontores had probably always four punt poles (*Vid.* Contus.[3])

5. Παραστάται, or supports for the masts. They seem to have been a kind of props placed at the foot of the mast.[4] The mast of a trireme, as long as such props were used, was supported by two. In later times they do not occur any longer in triremes, and must have been supplanted by something else. The triacontores, on the other hand, retained their παραστάται.[5]

6. The *mast* and *yards*. (*Vid.* Malus and Antenna.)

II. Σκεύη κρεμαστά.

1. Ὑποζώμα.—This part of an ancient vessel was formerly quite misunderstood, as it was believed to be the boards or planks covering the outside of a ship, and running along it in the direction from poop to prow. But Schneider[6] has proved that the word means cordage or tackling, and this opinion, which is supported by many ancient authors, is confirmed by the documents published by Böckh, where it is reckoned among the σκεύη κρεμαστά. The ὑποζώματα were thick and broad ropes, which ran in a horizontal direction around the ship from the stern to the prow, and were intended to keep the whole fabric together. They ran round the vessel in several circles, and at certain distances from one another. The Latin name for ὑπόζωμα is *tormentum*.[7] The length of these tormenta varied accordingly as they ran around the higher or lower part of the ship, the latter being naturally shorter than the former. Their number varied according to the size of the ship. The tessaracontores of Ptolemæus Philadelphus had twelve ὑποζώματα, each 600 cubits long.[8] Such ὑποζώματα were always ready in the Attic arsenals, and were only put on a vessel when it was taken into use Sometimes, also, they were taken on board when a vessel sailed, and not put on till it was thought necessary.[9] The act of putting them on was called ὑποζωννύναι. or διαζωννύναι, or ζῶσαι.[10] A trireme required four ὑποζώματα, and sometimes this number was even increased, especially when the vessel had to sail to a stormy part of the sea.[11]

2. Ἱστίον (*velum*), sail. Most ancient ships had only one sail, which was attached with the yard to the great mast. In a trireme, too, one sail might be sufficient, but the trierarch might nevertheless add a second. As each of the two masts of a trireme had two sailyards, it farther follows that each mast might have two sails, one of which was placed lower than the other. The two belonging to the mainmast were probably called ἱστία μεγάλα, and those of the foremast ἱστία ἀκάτεια.[12] The former were used on ordinary occasions, but the latter probably only in cases when it was necessary to sail with extraordinary speed. The sails of the Attic

1 (ap. Athen., v., p. 203, &c.) — 2. (Schol. ad Aristoph., Acharn., 1106.)—3. (Thucyd., vi., 31.) — 4. (Pollux, Onom., i., 9.)—5. (Böckh, Urkund., p. 103, &c.) — 6. (Pollux, Onom., x., 13.—Athen., i., p. 27.)—7. (Œcon., viii., 12)—8. (Herod., viii., 12.—Pollux, Onom., i., 90.)—9. (Eurip., Iph. Taur., 1346.—Id., Hel., 1544.—Polyb., xvi., 3.)—10. (Urk., p. 119.)—11. (Polyb., i., 26.) — 12. (Plin., xxxii., 1.) — 13. (Athen., v., p. 204.) — 14. (Aristoph., Acharn., 97, with the schol.—Schol. ad Ran., 367.—Suidas, s v. Ἀσκώματα and διφθέρα. — Compare Böckh, Urk., 106, &c.)

1. (vol. ii., p. 461, &c.)—2. (Böckh, p. 125, &c.)—3. (Id. ib.) —4. (Isid., Orig., xix., 2. 11.)—5. (Böckh, p. 126, &c.) — 6. (ad Vitruv., x., 15, 6.)—7. (Isid., Orig., xix., 4, 4. — Plato, De Republ., x., p. 616.) — 8. (Athen., v., p. 204.) — 9. (Act. Apost., xxvii., 17.) — 10. (Polyb., xxvii., 3. — Appian, Civil., v., 91.— Apoll. Rhod., Argon., i., 368.) — 11. (Böckh, p. 133-153.) — 12 (Xen., Hell., vi., 2, § 27.—Bekker Anecdot., p. 19, 10.)

war-galleys, and of most ancient ships in general, were of a square form, as is seen in numerous representations on works of art. Whether triangular sails were ever used by the Greeks, as has been frequently supposed, is very doubtful. The Romans, however, used triangular sails, which they called *suppara*, and which had the shape of an inverted Greek Δ (∇), the upper side of which was attached to the yard. Such a sail had, of course, only one πούς (*pes*) at its lower extremity.[1]

3. Τοπεῖα, cordage. This word is generally explained by the grammarians as identical with σχοινία οι κάλοι: but from the documents in Böckh it is clear that they must have been two distinct classes of ropes, as the τοπεῖα are always mentioned after the sails, and the σχοινία before the anchors. The σχοινία (*funes*) are the strong ropes to which the anchors were attached, and by which a ship was fastened to the land; while the τοπεῖα were a lighter kind of ropes, and made with greater care, which were attached to the masts, yards, and sails. Each rope of this kind was made for a distinct purpose and place (τόπος, whence the name τοπεῖα). The following kinds are most worthy of notice: *a.* καλῶδια or κάλοι. What they were is not quite clear, though Böckh thinks it probable that they belonged to the standing tackle, *i. e.*, that they were the ropes by which the mast was fastened to both sides of the ship, so that the πρότονοι in the Homeric ships were only an especial kind of καλῶδια, or the καλῶδια themselves differently placed. In later times the πρότονος was the rope which went from the top of the mainmast (καρχήσιον) to the prow of the ship, and thus was what is now called the mainstay. *b.* ἱμάντες and κεροῦχοι are probably names for the same ropes which ran from the two ends of the sail-yard to the top of the mast. In more ancient vessels the ἱμίς consisted of only one rope; in later times it consisted of two, and sometimes four, which, uniting at the top of the mast, and there passing through a ring, descended on the other side, where it formed the ἐπίτονος, by means of which the sail was drawn up or let down.[2] Compare the woodcut at p. 62, which shows a vessel with two ceruchi, and the woodcut at p. 234, which shows one with four ceruchi. *c.* ἀγκοινα, Latin *anquina*,[3] was the rope which went from the middle of a yard to the top of the mast, and was intended to facilitate the drawing up and letting down of the sail. The ἀγκοινα διπλῆ of quadriremes undoubtedly consisted of two ropes. Whether triremes also had them double is uncertain.[4] *d.* Πόδες (*pedes*) were in later times, as in the poems of Homer, the ropes attached to the two lower corners of a square sail. These πόδες ran from the ends of the sail to the sides of the vessel towards the stern, where they were fastened with rings attached to the outer side of the bulwark.[5] Another rope is called πρόπους, *propes*,[6] which was probably nothing else than the lower and thinner end of the πούς, which was fastened to the ring. *e.* Ὑπέραι were the two ropes attached to the two ends of the sailyard, and thence came down to a part of the ship near the stern. Their object was to move the yard in a horizontal direction. In Latin they are called *opifera*, which is, perhaps, only a corruption of *hypera*.[7] The last among the τοπεῖα is the χαλινός, or bridle, the nature of which is quite unknown.[8]

4. Παραρρύματα. The ancients, as early as the time of Homer, had various preparations raised above the edge of a vessel, which were made of skins and wickerwork, and which were intended as a protection against high waves, and also to serve as a kind of breastwork, behind which the men might be safe against the darts of the enemy. These elevations of the bulwark are called παραῤῥύματα, and in the documents in Böckh they are either called τρίχινα, made of hair, or λευκά, white. They were probably fixed upon the edge on both sides of the vessel, and were taken off when not wanted. Each galley appears to have had several παραρρύματα, two made of hair and two white ones: these four being regularly mentioned as belonging to one ship.[1]

5. Κατάβλημα and ὑπόβλημα. The former of these occurs in quadriremes as well as in triremes, the latter only in triremes. Their object and nature are very obscure, but they appear to have been a lighter kind of παράῤῥυμα.[2]

6. Σχοινία are the stronger and heavier kinds of ropes. There were two kinds of these, viz., the σχοινία ἀγκύρεια, to which the anchor was attached, and σχοινία ἐπίγνα or ἐπίγεια (*retinacula*), by which the ship was fastened to the shore or drawn upon the shore. Four ropes of each of these two kinds is the highest number that is mentioned as belonging to one ship. The thick ropes were made of several thinner ones.[3]

The Romans, in the earlier periods of their history, never conceived the idea of increasing their power by the formation of a fleet. The time when they first appear to have become aware of the importance of a fleet was during the second Samnite war, in the year B.C. 311. Livy,[4] where he mentions this event, says: *duumviri navales classis ornandæ reficiendæque causa* were then for the first time appointed by the people. This expression seems to suggest that a fleet had been in existence before, and that the duumviri navales had been previously appointed by some other power. (*Vid.* Duumviri.) Niebuhr[5] thinks that the expression of Livy only means that at this time the Romans resolved to build their first fleet. The idea of founding a navy was probably connected with the establishment of a colony in the Pontian islands, as the Romans at this time must have felt that they ought not to be defenceless at sea. The ships which the Romans now built were undoubtedly triremes, which were then very common among the Greeks of Italy, and most of them were perhaps furnished by the Italian towns subject to Rome. This fleet, however insignificant it may have been, continued to be kept up until the time when Rome became a real maritime power. This was the time of the first Punic war. That their naval power until then was of no importance, is clear from Polybius,[6] who speaks as if the Romans had been totally unacquainted with the sea up to that time. In the year B.C. 260, when the Romans saw that without a navy they could not carry on the war against Carthage with any advantage, the senate ordained that a fleet should be built. Triremes would now have been of no avail against the high-bulwarked vessels (quinqueremes) of the Carthaginians. But the Romans would have been unable to build others, had not, fortunately, a Carthaginian quinquereme been wrecked on the coast of Bruttium, and fallen into their hands. This wreck the Romans took as their model, and after it built 120,[7] or, according to others,[8] 130 ships. According to Polybius, one hundred of them were πεντήρεις, and the remaining twenty τριήρεις, or, as Niebuhr proposes to read,

1 (Schol. ad Lucan., Phars., v., 429.—Isid., Orig., xix., 3, 4.—Böckh, p. 138–143.)—2. (Böckh, p. 148–152.)—3. (Isid., Orig., xix., 4, 7.)—4. (Pollux, Onom., l. c.—Böckh, p. 152.)—5. (Herod., ii., 36.)—6. (Isid., Orig., xix., 4, 3.)—7. (Id. ib., xix., 4, 6.)—8. (Böckh, p. 154, &c.)

1. (Xen., Hell., i., 6, § 19.—Böckh, 159, &c.)—2. (Polyæn. Strat., iv., 11, 13.—Böckh, p. 160, &c.)—3. (Aristoph., Pax, 36—Varro, De Re Rust., i., 135.—Böckh, p. 161–166.)—4. (ix., 30—5. (Hist. of Rome, iii., p 282.)—6. (i., 20.)—7 (Polyb., l. c.—8. (Oros., iv., 7.)

τριήρεις. This large fleet was completed within sixty days after the trees had been cut down.[1] The ships, built of green timber in this hurried way, were very clumsily made, and not likely to last for any time; and the Romans themselves, for want of practice in naval affairs, proved very unsuccessful in their first maritime undertaking, for seventeen ships were taken and destroyed by the Carthaginians off Messana.[2] C. Duilius, who perceived the disadvantage with which his countrymen had to struggle at sea, devised a plan which enabled them to change a seafight, as it were, into a fight on land. The machine by which this was effected was afterward called *corvus*, and is described by Polybius.[3] (*Vid.* Corvus.) From this time forward the Romans continued to keep up a powerful navy. Towards the end of the Republic they also increased the size of their ships, and built war-vessels of from six to ten ordines of rowers.[4] The construction of their ships, however, scarcely differed from that of Greek vessels; the only great difference was that the Roman galleys were provided with a greater variety of destructive engines of war than those of the Greeks. They even erected turres and tabulata upon the decks of their great men-of-war (*naves turritæ*), and fought upon them in the same manner as if they were standing upon the walls of a fortress. Some of such naves turritæ occur in the woodcuts given above.[5]

For a more detailed account of the ships and navigation of the ancients, see Scheffer, *De Militia Navali*, Upsala, 1654.—Berghaus, *Geschichte der Schifffahrtskunde der vornehmsten Völker des Alterthums.*—Benedict, *Gesch. der Schifffahrt und des Handels der Alten.*—Howell, *On the War-galleys of the Ancients.*—A. Jal, *Archéologie Navale*, Paris, 1840; and for the Attic navy especially, Böckh's *Urkunden über das Seewesen des Attischen Staates*, Berlin, 1840

SIBYLLI'NI LIBRI. These books are said to have been obtained in the reign of Tarquinius Priscus, or, according to other accounts, in that of Tarquinius Superbus, when a sibyl (Σίβυλλα), or prophetic woman, presented herself before the king, and offered nine books for sale. Upon the king refusing to purchase them, she went and burned three, and then returned and demanded the same price for the remaining six as she had done for the nine. The king again refused to purchase them, whereupon she burned three more, and demanded the same sum for the remaining three as she had done at first for the nine: the king's curiosity now became excited, so that he purchased the books, and then the sibyl vanished.[6] (Respecting the different sibyls mentioned by ancient writers, see Divinatio, p. 369.) These books were probably written in Greek, as the later ones undoubtedly were, and, if so, consequently came from a Greek source, though it is doubtful from what quarter: Niebuhr[7] supposes them to have come from Ionia, but they were more probably derived from Cumæ in Campania.[8] They were kept in a stone chest under ground in the Temple of Jupiter Capitolinus, under the custody of certain officers, at first only two in number, but afterward increased successively to ten and fifteen, of whom an account is given under Decemviri, p. 340. The public were not allowed to inspect the books, and they were only consulted by the officers who had the charge of them at the special command of the senate (*ad libros ire*[1]). They were consulted in the case of prodigies and calamities, but it is difficult to ascertain whether they contained predictions, or merely directions as to what was to be done for conciliating or appeasing the gods, in consequence of the mystery which enveloped them from the time that one of their keepers was put to death for divulging their secrets.[2] Niebuhr remarks, from the instances in Livy, that the original books were not consulted, as the Greek oracles were, for the purpose of getting light concerning future events, but to learn what worship was required by the gods when they had manifested their wrath by national calamities or prodigies. Accordingly we find that the instruction they give is in the same spirit; prescribing what honour was to be paid to the deities already recognised, or what new ones were to be imported from abroad. They were probably written on palm-leaves,[3] and it is not unlikely that the leaves of the Cumæn sibyl described by Virgil were designed as an allusion to the form of the sibylline books. Their nature being such, Niebuhr supposes that they were referred to in the same way as Eastern nations refer to the Koran and to Hafiz: they did not search for a passage and apply it, but probably only shuffled the palm-leaves and then drew one.

When the Temple of Jupiter Capitolinus was burned in B.C. 82, the sibylline books perished in the fire; and in order to restore them, ambassadors were sent to various towns in Italy, Greece, and Asia Minor to make fresh collections, which, on the rebuilding of the temple, were deposited in the same place that the former had occupied.[4] But as a great many prophetic books, many of them pretending to be sibylline oracles, had got into general circulation at Rome, Augustus commanded that all such books should be delivered up to the prætor urbanus by a certain day and burned, and that, in future, none should be kept by any private person. More than 2000 prophetic books were thus delivered up and burned, and those which were considered genuine, and were in the custody of the state, were deposited in two gilt cases at the base of the statue of Apollo, in the temple of that god on the Palatine, and were intrusted, as before, to the quindecemviri.[5] The writing of those belonging to the state had faded by time, and Augustus commanded the priests to write them over again.[6] A fresh examination of the sibylline books was again made by Tiberius, and many rejected which were considered spurious.[7] A few years afterward, also in the reign of Tiberius, it was proposed to add a new volume of sibylline oracles to the received collection.[8]

The Christian writers frequently appeal to the sibylline verses as containing prophecies of the Messiah; but these, in most cases, are clearly forgeries. A complete collection of sibylline oracles was published by Gallæus, Amst., 1689: fragments of them have also been published by Mai, Milan, 1817, and Struve, Regiomont., 1818.[9]

The sibylline books were also called *Fata Sibyllina*[10] and *Libri Fatales*.[11] Those that were collected after the burning of the temple on the Capitol were undoubtedly written in Greek verses, and were acrostics (ἀκροστιχίς[12]). Along with the sibylline books were preserved, under the guard of the same officers, the books of the two prophetic brothers,

1. (Plin., H, N., xvi., 74.)—2. (Polyb., i., 21.—Polyæn., Strat., vi., 16.—Oros., iv., 7.)—3. (i., 22.—Compare Niebuhr, iii., p. 378, &c.)—4. (Florus, iv., 11.—Virg., Æn., viii., 691.)—5. (Vlor., l. c.—Plut., Anton., 33.—Dion Cass., xxxii., 33.—Plin., H. N., xxxii., l.—Compare Cæs., De Bell. Gall., iii., 14.—Dion Cass., xxxix., 43.—Veget., De Re Milit., v., 14, &c.)—6. (Dionys., v., 62.—Varro ap. Lactant., i., 6.—Gell., i., 19.—Plin., H. N., xiii., 27)—7. (Hist. of Rome, i., p. 506.)—8. (Göttling, Gesch. der Röm Staatsv., p. 212.)

1. (Cic., De Div., i., 43.—Liv., xxii., 57.)—2. (Diouys., l. c.—Val. Max., i., 1, § 13.)—3. (Serv. ad Virg., Æn., iii., 444; vi., 74.)—4. (Dionys., l. c.)—5. (Suet, Octav., 31.—Tacit., Ann., vi., 12.)—6. (Dion Cass., liv., 17.)—7. (Id., lvii., 18.)—8. (Tacit., l. c.)—9. (Compare Heidbreede, De Sibyllis Dissertat., Berol., 1835.)—10. (Cic., Cat., iii., 4.)—11. (Liv., v., 15; xxi., 57.)—12. (Cic., De Div., ii., 54.—Dionys., l c.)

the Marcii,[1] the Etruscan prophecies of the nymph Bygoe, and those of Albuna or Albunea of Tibur.[2] Those of the Marcii, which had not been placed there at the time of the battle of Cannæ, were written in Latin: a few remains of them have come down to us in Livy[3] and Macrobius.[4]

SICA, *dim.* SICILA, whence the English *sickle*, and SICILICULA,[5] a curved Dagger, adapted by its form to be concealed under the clothes, and therefore carried by robbers and murderers. (*Vid.* Acinaces, p. 14.)[6] *Sica* may be translated *a cimeter*, to distinguish it from Pugio, which denoted a dagger of the common kind. *Sicarius*, though properly meaning one who murdered with the sica, was applied to murderers in general.[7] Hence the forms *de sicariis* and *inter sicarios* were used in the criminal courts in reference to murder. Thus *judicium inter sicarios*, "a trial for murder;"[8] *defendere inter sicarios*, "to defend against a charge of murder."[9] (*Vid.* Judex, p. 552.)

SICA'RIUS. (*Vid.* Sica, Cornelia Lex de Sicar.)

*SICYS (*σίκυς* or *σίκυα*), the Cucumber. The *σίκυς ἄγριος*, which produces the medicinal *Elaterium*, was formerly called *Cucumis agrestis*, but has now got the name of *Momordica elaterium*. It may be proper to remark in this place, that Hippocrates uses the term *ἐλατήριον* rather loosely, as applicable to all drastic purgatives. See *κολοκύνθη*, where the interchange of names between it and *σίκυς* is pointed out."[10]

*SIDE (*σίδη*), according to Sprengel, the white Water Lily, or *Nymphæa alba*. This, however, Adams regards as very uncertain.[11]

*SIDERI'TES LAPIS (*σιδηρίτης λίθος*), Magnetic Iron Ore. (*Vid.* Adamas, towards the end of that article.)

*SIDE'ROS (*σίδηρος*), Iron. (*Vid.* Adamas.)

SIGILLA'RIA. (*Vid.* Saturnalia, p. 856.)

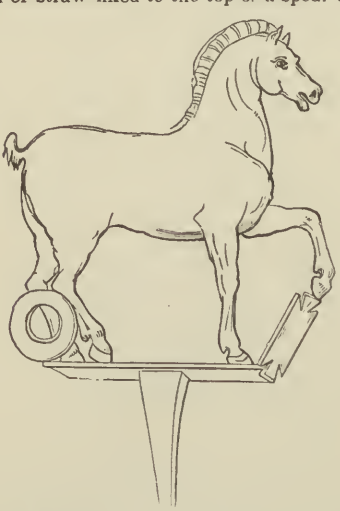
*SIGILLA'TA. (*Vid.* Lemnia Terra.)

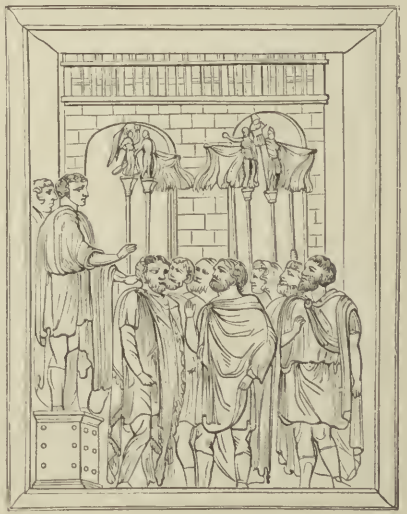
SIGMA. (*Vid.* Mensa, p. 633.)

SIGNA MILITA'RIA (*σημεῖα, σημαίαι*), military signs or standards. The most ancient standard employed by the Romans is said to have been a handful of straw fixed to the top of a spear or pole. Hence the company of soldiers belonging to it was called Manipulus. The bundle of hay or fern was soon succeeded by the figures of animals, of which Pliny[1] enumerates five, viz., the eagle, the wolf, the minotaur,[2] the horse, and the boar. These appear to have corresponded to the five divisions of the Roman army as shown on page 614. The eagle (*aquila*) was carried by the *aquilifer* in the midst of the *hastati*, and we may suppose the wolf to have been carried among the *principes*, and so on. In the second consulship of Marius, B. C. 104, the four quadrupeds were entirely laid aside as standards, the eagle being alone retained. It was made of silver or bronze, and with expanded wings, but was probably of a small size, since a standard-bearer (*signifer*) under Julius Cæsar is said, in circumstances of danger, to have wrenched the eagle from its staff, and concealed it in the folds of his girdle.[3] The bronze horse just represented belonged to a Roman standard, and is delineated but a little less than the original: it is preserved in the collection at Goodrich Court.[4]

Under the later emperors the eagle was carried, as it had been for many centuries, with the legion, a legion being on that account sometimes called *aquila*,[5] and, at the same time, each cohort had for its own ensign the serpent or dragon (*draco, δράκων*), which was woven on a square piece of cloth (*textilis anguis*[6]), elevated on a gilt staff, to which a cross-bar was adapted for the purpose,[7] and carried by the *draconarius*.[8]

Another figure used in the standards was a ball (*pila*), supposed to have been emblematic of the dominion of Rome over the world;[9] and for the same reason, a bronze figure of Victory was sometimes fixed at the top of the staff, as we see it sculptured, together with small statues of Mars, on the Column of Trajan and the Arch of Constantine.[10] (See the next woodcut.) Under the eagle or other emblem was often placed a head of the reigning emperor, which was to the army the object of idolatrous adoration.[11] The name of the emperor, or of him who was acknowledged as emperor, was sometimes in-





1 (Serv. ad Virg., Æn., vi., 72.—Cic., De Div., i., 40; ii., 55.) 2 (Lactant., i., 6.)—3. (xxxv., 12.)—4. (Sat., i., 17.—*Vid.* Nisbett, i., p. 507.—Göttling, Gesch. d. Röm. Staatsv., p. 213.—Hartung, Die Religion der Römer, i., p. 129, &c.)—5. (Plaut., Rud., iv., 4, 125.)—6. (Cic., Cat., iii., 3.)—7. (Quintil., X., i., § 12.)—8 (Cic., Pro Rosc., 5.)—9. (Phil., ii., 4.)—10. (Theophr., H. P., i., 11; vii., 6, &c.—Dioscor., ii., 162; iv., 152.—Adams, Append., s. v.)—11 (Theophr., H. P., iv., 10.—Adams, Append., s. v.)

1. (H. N., x., 4, s. 5.)—2. (Festus, s. v. Minotaur.)—3 (Flor., iv., 12.)—4. (Skelton, Engraved Illust., i., pl. 45.)—5 (Hirt., Bell. Hisp., 39.)—6. (Sidon. Apoll., Carm., v., 409.)—7. (Themist., Orat., i., p. 1; xviii., p. 267, ed. Dindorf.—Claudian, iv. Cons. Honor., 546; vi. Cons. Honor., 566.)—8. (Veget., De Re Mil., ii., 13.—Compare Tac., Ann., i., 18.)—9. (Isid., Orig., xviii., 3.)—10. (*Vid.* Causeus, De Sig. in Grævii Thes., x., p. 2529.)—11. (Joseph., B. J., ii., 9, § 2.—Sueton., Tiber., 48; Calig., 14.—Tac., Ann., i., 39, 41; iv., 62.)

scribed in the same situation.[1] The pole used to carry the eagle had at its lower extremity an iron point (*cuspis*) to fix it in the ground, and to enable the *aquilifer*, in case of need, to repel an attack.[2]

The minor divisions of a cohort, called centuries, had also each an ensign, inscribed with the number both of the cohort and of the century. By this provision, together with the diversities of the crests worn by the centurions (*vid.* Galea), every soldier was enabled, with the greatest ease, to take his place.[3] (Compare Army, p. 104, and Manipulus, p. 613.)

The standard of the cavalry, properly called *vexillum*, was a square piece of cloth expanded upon a cross in the manner already indicated, and perhaps surmounted by some figure.[4]

In the arch of Constantine at Rome there are four sculptured panels near the top, which exhibit a great number of standards, and illustrate some of the forms here described. The preceding woodcut is copied from two out of the four. The first panel represents Trajan giving a king to the Parthians: seven standards are held by the soldiers. The second, containing five standards, represents the performance of the sacrifice called *suovetaurilia*.[5]

When Constantine had embraced Christianity, a figure or emblem of Christ, woven in gold upon purple cloth, was substituted for the head of the emperor. This richly-ornamented standard was called *labarum*.[6]

Since the movements of a body of troops, and of every portion of it, were regulated by the standards, all the evolutions, acts, and incidents of the Roman army were expressed by phrases derived from this circumstance. Thus *signa inferre* meant to advance,[7] *referre* to retreat, and *convertere* to face about; *efferre*, or *castris vellere*, to march out of the camp;[8] *ad signa convenire*, to reassemble.[9] Notwithstanding some obscurity in the use of terms, it appears that, while the standard of the legion was properly called *aquila*, those of the cohorts were, in a special sense of the term, called *signa*, their bearers being *signiferi*, and that those of the manipuli, or smaller divisions of the cohort, were denominated *vexilla*, their bearers being *vexillarii*. Also, those who fought in the first ranks of the legion, before the standards of the legion and cohorts, were called *antesignani*.[1] A peculiar application of the terms *vexillarii* and *subsignani* is explained in page 103.

In military stratagems it was sometimes necessary to conceal the standards.[2] Although the Romans commonly considered it a point of honour to preserve their standards, yet, in some cases of extreme danger, the leader himself threw them among the ranks of the enemy, in order to divert their attention or to animate his own soldiers.[3] A wounded or dying standard-bearer delivered it, if possible, into the hands of his general,[4] from whom he had received it (*signis acceptis*[5]). In time of peace the standards were kept in the Ærarium, under the care of the Quæstor.

We have little information respecting the standards of any other nation besides the Romans. The banners of the Parthians appear to have had a similar form to that of the Romans, but were more richly decorated with gold and silk. (*Vid.* Sericum.) A golden eagle with expanded wings was the royal standard of Persia.[6] The military ensigns of the Egyptians were very various. Their sacred animals were represented in them,[7] and in the paintings at Thebes we observe such objects as a king's name, a sacred boat, or some other emblem, applied to the same purpose.[8] The Jewish army was probably marshalled by the aid of banners;[9] but not so the Greek, although the latter had a standard, the elevation of which served as a signal for joining battle, either by land[10] or by sea.[11] A scarlet flag (*φοινικίς*) was sometimes used for this purpose.[12]

SIGNINUM OPUS. (*Vid.* House, Roman, p. 519.)

*SIL, a term applied by the Romans to *Yellow Ochre*, the *ὤχρα* of the Greeks. "It appears to have been the principal yellow pigment of the ancients. Pliny specifies three varieties: the *Attic*, which was the best; the *Marmosum*, which may have been what we call Stone Ochre; and the *Syricum*, of a dull colour, named from the island of Syros; as may have been the red paint also, called by the same name. *Sil* was found in many places, Vitruvius observes, but the Attic, which used to be the best, was no longer to be obtained; because the veins of it, which occurred in the silver mines of Attica, were no longer now explored. It is described by Dioscorides as light, smooth, free from stone, friable, and of a full bright yellow."[13]

SILENTIA'RII. (*Vid.* Præpositus.)

*SILER, a tree about which great uncertainty prevails. Martyn translates it "Osier," but speaks very doubtfully respecting it. Fée makes it the same with the *ἑλική* of the Greeks, and refers it to the *Salix viticlina*, L., though without condemning the opinion of Anguillara and Sprengel, who declare for the *Salix caprea*. Pliny merely says that it delights in watery places.[14]

*SILEX. "The *Silices*," says Dr. Moore, "of which certain kinds are specified by Pliny as fit to be used in building, may in some cases have been such as we also term silicious; but the more probable opinion is, that the name *silices* was somewhat indiscriminately applied to the more compact and harder stones. The *Viridis silex*, which so remarkably resisted fire, which was never abundant, may perhaps have been serpentine. No inference to the contrary need be drawn from Pliny's calling it *silex*, for he presently after speaks of lime made

1. (Sueton., Vespas., 6.)—2. (Sueton., Jul., 62.)—3. (Veget., ii., —Tac., Ann., i., 20.)—4. (Tertull., Apoll., 16.)—5. (Bartoli, Arc. Triumph.)—6. (Prudent. cont. Symm., i., 466, 488 —Nicephor., H. E., vii., 37.)—7. (Cæsar, Bell. Gall., i., 25; ii. 25.)—8 (Virg., Georg., iv., 108.)—9. (Cæsar. B. G., vi., 1, 37.

1. (Cæsar, B. C., i., 43, 44, 56.)—2. (Id., B. G., vii., 45.)—3. (Florus, i., 11.)—4. (Id., iv., 4.)—5. (Tac., Ann., i., 42.)—6. (Xen., Cyr., vii., 1, § 4; Anab., i., 10, § 12.)—7. (Diod. Sic. i., 86.)—8. (Wilkinson, Man. and Cust., i., p. 294.)—9. (Ps. xx., 5.—Cant., vi., 4.—Is., xiii., 2.)—10. (Polyæn., iii., 9, § 27 —C. Nep., xi., 2, § 2.)—11. (Thucyd., i., 49.)—12. (Polyæn., i., 48, § 2.)—13. (Moore's Anc. Mineral., p. 59.—Plin., H. N., xxxiii., 56.—Dioscor., v., 108.)—14. (Fée, Flore De Virgile, p. cliii.—Martyn ad Virg., Georg., ii., 12.)

ex silice;' as Vitruvius also directs that it be burned '*de albo saxo aut silice*.' It is probable that by *silex* in these passages is meant a dark-coloured, compact limestone."[1]

SILICE'RNIUM. (*Vid.* Funus, p. 462.)

*SILPHIUM (σίλφιον), a kind of *Laserpitium* or *Asafœtida*, forming one of the chief natural productions of Cyrenaica. It was fattening for cattle, rendering their flesh also tender, and was a useful aperient for man. From its juice, too, when kneaded with clay, a powerful antiseptic was obtained. The silphium formed a great article of trade, and at Rome the composition just mentioned sold for its weight in silver. It is for this reason that the silphium appeared always on the medals of Cyrene. Its culture was neglected, however, when the Romans became masters of the country, and pasturage was more attended to. Captain Beechy, in the course of his travels through this region, noticed a plant about three feet in length, very much resembling the hemlock or wild carrot. He was told that it was usually fatal to the camels which ate of it, and that its juice was so acrid as to fester the flesh, if at all excoriated. He supposed it to be the silphium. Della Cella describes, apparently, the same production as an umbelliferous plant, with compound, indented leaves, fleshy, delicate, and shining, without any involucrum; the fruit being somewhat flattened, surmounted by three ribs, and furnished all round with a membrane as glossy as silk. Captain Smith succeeded in bringing over a specimen of the plant, which is said to be now thriving in Devonshire. M. Pacho says that the Arabs call it *Derias*, and he proposes to class the plant as a species of Laserwort, under the name of *Laserpitium derias*. It seems to resemble the *Laserpitium ferulaceum* of Linnæus.[2]

*SILU'RUS (σίλουρος), the name of a numerous genus of fishes, the species *Glanis* belonging to which inhabits the fresh waters of Europe, Asia, and Africa. It is the *Scheid* of the Germans, and the Sheat-fish of the English, and is the largest of the fresh-water fishes of Europe, growing sometimes to the weight of 150 lbs. and upward. "The silurus of Ausonius," says Adams, "has been referred by some to the sturgeon; this opinion, however, is untenable. It is a voracious fish, and is found in the Elbe, the Vistula, the Rhine, and the Danube. It is therefore natural to suppose that mention of it would have been made among the fishes of the *Moselle*, which forms the subject of Ausonius's poem, the Moselle being a branch of the Rhine."[3]

SILVA'NI ET CARBO'NIS LEX. (*Vid.* Lex Papiria Plautia, p. 584.)

*SIMIA (πίθηκος), the Ape. Buffon, treating of monkeys, says, "The ancients were only acquainted with one, the *Pithecos* of the Greeks; the *Simia* of the Latins is of this kind, and the real monkey, on which Aristotle, Pliny, and Galen have instituted all their physical comparisons, and founded all their relations of the monkey to mankind: but this *Pithecos*, this monkey of the ancients, so generally resembling man in external form, and still more so in its internal organization, nevertheless differs from it in an essential point, the size of the human species being generally above five feet, while that of the *pithecos* is seldom more than a fourth of that height." So far Buffon. "I am inclined to think, however," remarks Adams, "that the species of baboon called *Papia maimon*, or Mandril, answers best to the ancient accounts of the *pithecos*. It is proper to mention, however, that Dr. Trail holds that Aristotle's description of the *pithecos* applies best to the young Barbary ape, or *Simia Innus*. The κῆβος was a species of monkey having a long tail. The κυνοκέφαλος would appear to have been the species of monkey now called Magot, which is the adult *Simia Innus*, L., or Barbary ape. Buffon refers the καλλίθριξ to the green ape; but, according to Dr. Trail, it may rather be set down as the *Simia sabæa* of Senegal. The κερκοπίθηκος was a monkey with a tail, as its name implies. Hardouin refers it, with little probability, to the Marmot. The χοιροπίθηκος of Aristotle cannot be determined satisfactorily. Pennant supposes the *Simia senex* to be representative of the ancient σάτυρος, but Dr. Trail supposes it rather some species of large baboon."

*SINAPI (σίνηπι), Mustard. (*Vid.* Napy.)

SINDON. (*Vid.* Pallium, p. 718.)

*SINO'PICA TERRA (Σινωπικὴ γῆ), Sinopic Earth, a species of red ochre. According to Sir John Hill, the "*Rubrica Sinopica* was a dense, heavy, firm substance, of a deep red colour, staining the fingers on handling, and of a styptic, astringent taste." From Tournefort's account of it, there can be no doubt, as Adams thinks, that it owes its colour to an admixture of iron.[4]

*SION (σίον), a plant, of which Speusippus (cited by Adams) says that it grows in water, having a head like the Marsh Parsley. Sprengel inclines, with Fuchsius, to make it the *Veronica anagallis* but mentions that others took it for the *Sium latifolium* or *angustifolium*. Dierbach makes it the *Sium modiflorum*, or procumbent Water Parsnip.[5]

SIPA'RIUM, a piece of tapestry stretched on a frame, which rose before the stage of the theatre, and consequently answered the purpose of the drop-scene with us, although, contrary to our practice, it was depressed when the play began, so as to go below the level of the stage (*aulæa premuntur*[6]), and was raised again when the performance was concluded (*tolluntur*[6]). From the last-cited passage we learn that human figures were represented upon it, whose feet appeared to rest upon the stage when this screen was drawn up. From a passage of Virgil[7] we farther learn that the figures were sometimes those of Britons woven in the canvass, and raising their arms in the attitude of lifting up a purple curtain, so as to be introduced in the same manner as Atlantes, Persæ, and Caryatides.

In a more general sense, *siparium* denoted any piece of cloth or canvass stretched upon a frame[8] (*Vid.* Painting, p. 702.)

*SI'RIUS (Σείριος) and PRO'CYON (Προκύων), "the Greek names of the bright stars in the constellations of the Great and Little Dog (*Canis Major* and *Minor*). These are Orion's dogs, according to some, and those of minor personages according to others: the whole of their mythic explanations form a strong proof that these constellations are not Greek in their origin. In a passage of Hesiod, he has been supposed to speak of the sun under the name of Sirius; and Hesychius defines the word to mean both the sun and the dog star. The Egyptians called the dog-star *Sothis*, and from its heliacal rising had warning that the overflow of the Nile was about to commence. Now the overflow of the Nile follows the summer solstice; whereas, by the precession of the equinoxes, the heliacal rising of Sirius is now about the tenth of August. The greatest heats of sum-

1. (Moore's Anc. Mineral., p. 87.)—2. (Theophr., H. P., vi., 3.—Dioscor., iii., 84.—Anthon's Class. Dict., s. v. Cyrenaïca.)—3. (Ælian, N. A. xii., 29.—Aristot., H. A., ii., 13.—Plin., H. N., ix., 15.—Adams, Append., s. v.)

1. (Hardouin ad Plin., H. N., viii., 80.—Aristot., H. A., ii., 7.—Adams, Append., s. v.)—2. (Theophr., De Lapid., c. 98.—Dioscor., v., iii.—Adams, Append., s. v.)—3. (Dioscor., ii., 153.—Athen., ii., 19.—Adams, Append., s. v.)—4. (Festus, s. v.—Cic., Prov. Cons., 6.—Juv., viii., 186.)—5. (Hor., Epist., II., i., 189.)—6. (Ovid, Met., iii., 111–114.)—7. (Georg., iii., 25.)—8. (Quintil., vi., 1, § 32.)

mer generally follow the summer solstice, and in ancient times it was observed that the unhealthy and oppressive period coincided with the heliacal rising of the dog-star. We say *the* dog-star, without specifying whether it was Sirius or Procyon; it is uncertain which it was, and may have been both, for the heliacal risings do not differ by many days. The star itself was in Latin *canicula*, which should seem to apply to the lesser dog, and Horace says, '*Jam* Procyon *furit*,' &c. Pliny supports the same meaning of *canicula*, and perhaps Hyginus; also the framers of the Alphonsine Tables, and Bede and Kepler among the moderns; while Germanicus and Julius Firmicus, with Apian, Margini, Argoli, Stephens, and Petavius among the moderns, contend for Sirius, which is the more common opinion. All antiquity ascribed an evil influence to the star: and though Geminus among the ancients, and Petavius among the moderns, thought that the effects were to be attributed to the sun alone, they had hardly any followers until the fall of judicial astrology. Even at this day, when the heats of the latter part of summer are excessive, we are gravely told that we are in the dog-days. The real classical dog-days are the twenty days preceding and the twenty days following the heliacal rising of whichever star it was, whether Sirius or Procyon."[1]

*SIS'ARUM (σίσαρον). "Sprengel, who had formerly held this to be the *Sium Sisarum*, in his last work declares himself a convert to the opinion of Fuchsius, who made it to be the *Pastinaca sativa*, or Garden Parsnip."[2]

SISTRUM (σεῖστρον), a mystical instrument of music, used by the ancient Egyptians in their ceremonies, and especially in the worship of Isis.[3] It was held in the right hand (see woodcut), and shaken, from which circumstance it derived its name (*æra repulsa manu*[4]). Its most common form is seen in the right-hand figure of the annexed woodcut, which represents an ancient sistrum formerly

belonging to the library of St. Genovefa at Paris. Plutarch[5] says that the shaking of the four bars within the circular apsis represented the agitation of the four elements within the compass of the world, by which all things are continually destroyed and reproduced, and that the cat sculptured upon the apsis was an emblem of the moon. Apuleius[6] describes the sistrum as a bronze rattle (*æreum crepitaculum*), consisting of a narrow plate curved like a sword-belt (*balteus*), through which passed a few rods that rendered a loud, shrill sound. He says that these instruments were sometimes made of silver, or even of gold. He also seems to intimate that the shakes were three together (*tergeminos ictus*), which would make a rude sort of music.

The introduction of the worship of Isis into Italy, shortly before the commencement of the Christian æra, made the Romans familiar with this instrument. The "*linigeri calvi, sistrataque turba*," are exactly depicted in two paintings found at Portici,[2] and containing the two figures of a priest of Isis and a woman kneeling at her altar, which are introduced into the preceding woodcut. The use of the sistrum in Egypt as a military instrument to collect the troops, is probably a fiction.[3]

Sistrum, which is, in fact, like Sceptrum, a Greek word with a Latin termination, the proper Latin term for it being *crepitaculum*, is sometimes used for a child's rattle.[4]

*SISYMB'RIUM (σισύμβριον), a plant. "From the description," says Adams, "which Dioscorides gives of his first species, there can be no doubt that it was a species of mint, probably the *Mentha sylvestris*, as Anguillara contends. The other species is unquestionably the *Nasturtium officinale*, or Water-cress."[5]

*SISYRINCH'ION (σισυρύγχιον). "Sprengel and Stackhouse make this plant to be the *Iris Sisyrinchium*, in which opinion they are supported by Cordus, Bauhin, and many of the earlier authorities. Schneider's objection appears to me too fine-spun."[6]

SITELLA. (*Vid.* Situla.)

SITONAI (σιτῶναι). (*Vid.* Sitos.)

SITOPHYLACES (σιτοφύλακες), a board of officers, chosen by lot, at Athens. They were at first three, afterward increased to fifteen, of whom ten were for the city, five for the Piræus. Their business was partly to watch the arrival of the corn-ships, take account of the quantity imported, and see that the import laws were duly observed; partly to watch the sales of corn in the market, and take care that the prices were fair and reasonable, and none but legal weights and measures used by the factors; in which respect their duties were much the same as those of the agoranomi and metronomi with regard to other saleable articles. (*Vid.* Sitos.) Demosthenes refers to the entry in the books of the sitophylaces (*τὴν παρὰ τοῖς σιτοφύλαξιν ἀπογραφήν*) to prove the quantity of corn imported from Pontus, which (he says) was equal to all that came from elsewhere, owing to the liberality of Leucon, king of the Bosporus, who allowed corn to be exported from Theudosia to Athens free of duty.[7] These books were probably kept by the five who acted for the Piræus, whose especial business it would be to inspect the cargoes that were unladen.[8]

SITOS (σῖτος). The soil of Attica, though favourable to the production of figs, olives, and grapes, was not so favourable for corn; and the population being very considerable in the flourishing period of the Athenian republic, it was necessary to import corn for their subsistence. According to the calculation of Böckh, which does not materially differ from that of other writers, there were 135,000 free men and 365,000 slaves residing in Attica. The country, which contained an area of 64,000 stadia, produced annually about two millions of medimni of corn, chiefly barley. The medimnus was about 1 bushel, 3 gallons, and 5·75 pints, or 48 Attic *χοί*

(Penny Cyclopædia, vol. xxii., p. 62.)—2. (Dioscor., ii., 139.—Adams, Append. s. v.)—3. (Ovid, Met., ix., 784.—Id., Amor., ii., 13, 11.—Id. ib., iii., 9, 34.—Id., De Ponto, i., 1, 38.)—4. (Tibull., i., 3, 24.)—5. (De Is. et Os., p. 670, 671, ed. Steph.)—6. (Met., x., p. 119 121, ed. Ald.)

1. (Mart., xii., 29.)—2. (Ant. d Ercolano, t. ii., p. 309–320.)—3. (Virg., Æn., viii., 696.—Propert., iii., 11, 43.)—4. (Mart., xiv, 54.—Pollux, Onom., ix., 127.)—5. (Dioscor., ii., 154, 155.—Theophr., ii., I.—Nicand., Ther., 896.—Adams, Append., s. v.) —6 (Theophr., H. P., i., 10; vii., 13.—Adams, Append., s. v.) —7 (Demosth., c Leptin., 466, 467.)—8. (Harpocr., s. v. Σιτοφύλακες.—Böckh, Staatsh. der Athen., i., 52, 88–91.)

νικες. A χοῖνιξ was considered a fair daily allowance of meal (*ἡμερησία τροφή*) for a slave. The consumption of the whole population was three million medimni, and one third, therefore, was imported. It came from the countries bordering on the Euxine Sea (Pontus, as it was called by the Greeks), and more especially from the Cimmerian Bosporus and the Thracian Chersonese; also from Syria, Egypt, Libya, Cyprus, Rhodes, Sicily, and Eubœa. The necessities of the Athenians made them exceedingly anxious to secure a plentiful supply, and every precaution was taken for that purpose by the government as well as by the legislator. Sunium was fortified, in order that the corn vessels (*σιταγωγοὶ ὁλκάδες*) might come safely round the promontory. Ships of war were often employed to convoy the cargo (*παραπέμπειν τὸν σῖτον*) beyond the reach of an enemy.[1] When Pollis, the Lacedæmonian admiral, was stationed with his fleet off Ægina, the Athenians embarked in haste, under the command of Chabrias, and offered him battle, in order that the corn-ships, which had arrived as far as Geræstus in Eubœa, might get into the Piræus.[2] One of the principal objects of Philip in his attack on Byzantium was that, by taking that city, he might command the entrance to the Euxine, and so have it in his power to distress the Athenians in the corn-trade. Hence the great exertions made by Demosthenes to relieve the Byzantines, of the success of which he justly boasts.[3]

The measures taken by the legislature to obtain supplies of corn may appear harsh, and their policy is at least doubtful, but they strongly evince the anxiety of the people on this subject. Exportation was entirely prohibited, nor was any Athenian or resident alien allowed to carry corn to any other place than Athens (*σιτηγεῖν ἀλλόσε ἢ Ἀθήναζε*). Whoever did so was punishable with death.[4] Of the corn brought into the Athenian port, two thirds were to be brought into the city and sold there.[5] No one might lend money on a ship that did not sail with an express condition to bring a return cargo, part of it corn, to Athens. If any merchant, capitalist, or other person, advanced money, or entered into any agreement in contravention of these laws, not only was he liable to the penalty, but the agreement itself was null and void, nor could he recover any sum of money, or bring any action in respect thereof.[6] Information against the offenders was to be laid before the *ἐπεμεληταὶ τοῦ ἐμπορίου*.[7] Strict regulations were made with respect to the sale of corn in the market. Conspiracies among the corn-dealers (*σιτοπῶλαι*) to buy up the corn (*συνωνεῖσθαι*), or raise the price (*συνιστάναι τὰς τιμάς*), were punished with death. They were not allowed to make a profit of more than one obol in the medimnus, and it was unlawful to buy more than fifty *φορμοί* at a time. It is not certain what the size of a *φορμός* was: Böckh supposes it to be about as much as a medimnus. These laws remind us of our own statutes against engrossing and regrating; but they appear to have been easily evaded by the corn-dealers.[8] The sale of corn was placed under the supervision of a special board of officers called *σιτοφύλακες*, while that of all other marketable commodities was superintended by the agoranomi.[9] It was their business to see that meal and bread were of the proper quality, and sold at the legal weight and price. They were bound to detect the frauds of the factor and the baker, and (if we may believe Lysias) they sometimes suffered death for their want of vigilance. The mode of proceeding against them was by *εἰσαγγελία* before the senate.[1]

Notwithstanding these careful provisions, scarcities (*σιτοδεῖαι*) frequently occurred at Athens, either from bad harvests, the misfortunes of war, or other accidental causes. The state then made great efforts to supply the wants of the people by importing large quanties of corn, and selling it at a low price. Public granaries were kept in the Odeum, Pompeum, Long Porch, and naval storehouse near the sea.[2] *Σιτῶναι* were appointed to get in the supply and manage the sale. Demosthenes was appointed on one occasion to that office.[3] Persons called *ἀποδέκται* received the corn, measured it out, and distributed it in certain quantities.[4] Public-spirited individuals would sometimes import grain at their own expense, and sell it at a moderate price, or distribute it gratuitously.[5] We read of the Athenian state receiving presents of corn from kings and princes. Thus Leucon, king of the Bosporus, sent a large present, for which he had the honour of *ἀτέλεια* (exemption from customs' duties) conferred on him by a decree of the people.[6] Psammeticus, an Egyptian prince, sent a present in Olymp. 83, 4, Demetrius in Olymp. 118, 2, Spartacus, king of Bosporus, a few years after. In later times, that made by the Roman Atticus is well known. On the whole of this subject the reader is referred to Böckh,[7] where also he will find the various prices of meal and bread at Athens, and other details, copiously explained. As to the duty payable on the importation of corn, see PENTECOSTE.

Σῖτος is strictly *wheat flour*, *ἄλφιτα barley flour*, *πυροί wheat*, *κριθαί barley*, *ἄρτος wheat bread*, *μᾶζα barley bread*. *Σῖτος*, however, is often applied to all kinds of corn, and even, in a larger sense, to provisions in general. (*Vid.* ΣΙΤΟΥ ΔΙΚΗ.)

ΣΙΤΟΥ ΔΙΚΗ (*σίτου δίκη*). The marriage portion (*προῖξ*) being intended as a provision for the wife, although it was paid to the husband by her father, brother, or other natural guardian (*κύριος*), if anything happened to sever the marriage contract, the husband, or his representative, was bound to repay it; or, if he failed to do so, he was liable to pay interest upon it at the rate of 18 per cent. per annum (*ἐπ' ἐννέα ὀβολοῖς τεκοφορεῖν*). This was the law in case of a divorce,[8] and also when, after a contract of marriage, and after payment of the marriage portion, the intended husband refused to perform his engagement.[9] Upon the death of the husband without children, the wife and her money went back to the natural guardian;[10] but if he died leaving children, she had the option of staying with them or going back to her *κύριος*. If she did the latter, the children (or their guardian, if they were under age) were bound to pay back the portion to the *κύριος*, or eighteen per cent. interest in the mean time.[11] And if she married again, her *κύριος* was bound in honour to give the same sum to her new husband.[12] Upon the transfer of a woman from one husband to another, which was not uncommon, the *προῖξ* was transferred with her.[13] A woman's fortune was usually secured by a mortgage of the husband's property; but whether this was so or not, her guardian, in any of the cases above mentioned, might bring an action against the party who unjustly witheld it; *δίκη προικός*, to re-

1 (Demosthenes, De Coron., 250, 251; c. Polycl., 1211.)—2. (Xen., Hell., v., 4, § 61.)—3. (De Coron., 254, 307, 326.)—4. (Demosth., c. Phorm., 918.—Lycurg., c. Leocr., 151, ed. Steph.)—5. (Harpocr., s. v. Ἐπεμελητὴς ἐμπορίου.)—6. (Demosth., c. Lacrit., 941.)—7. (Meier, Att. Proc., 87.)—8. (*Vid.* the speech of Lysias, *κατὰ τῶν σιτοπωλῶν*.—Demosth. c. Dionysod., 1285.)—9. (Lys., id., 165, ed. Steph.)

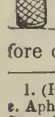
1. (Platner, Proc. und Klag., ii., 149.)—2. (Pollux Onom. ix., 45.—Demosth., c. Phorm., 918.)—3. (De Coron., 310.)—4. (Poll., Onom., viii., 114.)—5. (Demosth., c. Phorm., 918.)—6. (Demosth., c. Leptin., 467.—*Vid.* Isocr., Τραπεζιτ., 370, ed. Steph.) 7. (Staatsh. der Athen., i., 84–107.)—8. (Demosth., c. Neær 1362.)—9. (Demosth., c. Aphob., 818.)—10. (Isæus, De Pyrrher., 41, ed. Steph.)—11. (Id. ib., 38, 46.)—12. (Demosthenes, c. Bœot., De Dote, 1010.)—13 (Id., c. Onet. 866.)

cover the principal, *δίκη σίτου*, for the interest. The interest was called *σῖτος* (alimony or maintenance), because it was the income out of which the woman had to be maintained, *αἱ ὀφειλόμεναι τροφαὶ, ἢ διδομένη πρόσοδος εἰς τροφὴν ταῖς γυναιξίν*.[1] The word *σῖτος* is often used generally for provisions, just as we use the word *bread*. So in the law, which required the son of an *ἐπίκληρος* to maintain his mother when he came of age and took possession of her inheritance, the expression is *τοῦ σίτου μετρεῖν τῇ μητρί*.[2] The allowance for rations given to soldiers was called *σιτηρέσιον*.[3] The *δίκη σίτου* was tried before the archon in the Odeum, the same building in which the corn granaries were kept, which makes it not improbable that in earlier times the defendant was called upon to pay the damages *in kind*, that is, in corn or some other sort of provisions; though it was soon found to be more convenient to commute this for a money payment. This cause, like the *δικη προικός*, seems to have belonged to the *ἔμμηνοι δίκαι*, as it was presumed that the woman could not wait long for the means of her daily subsistence. It was *ἀτίμητος*, for the damages were clearly liquidated, being a mere matter of calculation, when the payment of the marriage portion was proved.[4]

*SITTA (*σίττα*). According to Gesner, who follows the authority of Turner, this is the bird called *Nuthatch*, namely, the *Sitta Europæa*.[5]

SI'TULA, *dim.* SITELLA (*ὑδρία*), was probably a bucket or pail for drawing and carrying water,[6] but was more usually applied to the vessel from which lots were drawn: *sitella*, however, was more commonly used in this signification.[7] It appears that the vessel was filled with water (as among the Greeks, whence the word *ὑδρία*), and that the lots (*sortes*) were made of wood; and as, though increasing in size below, it had a narrow neck, only one lot could come to the top of the water at the same time, when it was shaken (*situlam huc tecum afferto cum aqua et sortes*[8]). The vessel used for drawing lots was also called *urna* or *orca* as well as *situla* or *sitella*.[9]

It is important to understand the true meaning of sitella, since almost all modern writers have supposed that the name of sitella or cista was given indifferently to the ballot-box, into which those who voted in the comitia and courts of justice cast their tabellæ; but Wunder[10] has proved that the opinion of Manutius[11] is correct, who maintained that the sitella was the urn from which the names of the tribes or centuries were drawn out by lot, so that each might have its proper place in voting, and that the cista was the box into which the tabellæ were cast (*cistas suffragiorum in comitiis*[12]). The form of the cista is preserved on a coin of the Cassian gens, figured by Spanheim,[13] where a man is represented in the act of placing a tabella, marked with the letter A (i. e., *absolvo*) in the cista. This cista,



which is represented in the annexed cut, is evidently made of wicker or similar work (to which Tibullus[14] alludes in the line "*Et levis occultis conscia cista sacris*"), and therefore could not possibly be used in the drawing of lots, since we know that the vessels used for that purpose were filled with water. The form of the sitella is also given by Spanheim,[1] from another coin of the Cassian gens. (See cut annexed.) This account has been taken from a very excellent dissertation by Wunder on the above-mentioned work.

SITTYBÆ. (*Vid.* Liber, p. 588.)

*SMARAGDUS (*σμάραγδος*), the Emerald. "The ancients," says Sir John Hill, "distinguished twelve kinds of emerald, some of which, however, seem to have been rather stones of the prasius or jasper kind, and others no more than coloured crystals and spars from copper mines." "As for the statues, obelisks, and pillars," observes Dr. Moore, "formed of emeralds of prodigious size, mentioned by Theophrastus, Pliny, and others, they were of some one or other of the several more abundant minerals that have been already suggested, or else of coloured glass. Larcher thinks the pillar of emerald which Herodotus saw in the Temple of Hercules at Tyre, and which shone at night, was a hollow cylinder of glass, within which lamps were placed. Theophrastus himself, speaking of this column, suggests that it may be a false emerald; for such, says he, there are. And such there are, even at the present day, which pass for native stones. Beckmann says that a piece of glass in the monastery of Reichenau, seven inches long, and weighing 28 lbs., and a large cup at Genoa, which is, however, full of flaws, are given out to be emeralds, even to the present time. It is very probable that our emerald ought not to be reckoned among the many varieties of smaragdi mentioned by the ancients. Dutens doubts if it was known to them; and from the researches and the positive assertion of Tavernier, it appears, at least, that no locality of emerald is known in Asia or its islands."[2]

*SMARIS (*σμαρίς*), a species of fish, the *Sparus Smaris*, L., or Pickerel.[3]

*SMILAX (*σμίλαξ*), Bindweed. (*Vid.* Milax.)

SMILE (*σμίλη*). (*Vid.* Dolabra.)

*SMIRIS (*σμίρις*) or SMYRIS (*σμύρις*), the *Emery* of British, and *Emeril* of French mineralogists. It was used by the ancients, as it is by the lapidaries of the present day, in polishing hard stones. It consists principally of alumine, with a small proportion of silex and iron."[4]

*SMYRNA (*σμύρνα*), Myrrh. "It is not yet well ascertained," says Adams, "what is the nature of the tree which produces the *Myrrh* of the East Bruce, the Abyssinian traveller, supposed it a species of *Acacia* or *Mimosa*. The ancients describe two kinds of liquid myrrh, under the name of *στάκτη*: the finest is that which runs fluid from the tree without cutting; the other was a fluid myrrh taken out of the midst of the larger pieces of the solid kind."[5]

SOCCUS, *dim.* SO'CCULUS, was nearly, if not altogether, equivalent in meaning to Crepida, and denoted a slipper or low shoe, which did not fit closely, and was not fastened by any tie.[6] Shoes of this description were worn, more especially among the Greeks, together with the Pallium, both by men and by women. But those appropriated to the female sex were finer and more ornamented[7] (*soccus muliebris*[8]), although those worn by men were likewise, in some instances, richly adorned, according to the taste and means of the wearer.[9] Caligula wore gold and pearls upon his slippers.[10]

1. (Harpocr., s. v. Σῖτος.—Pollux, Onom., viii., 33.—Demosth., c. Aphob., 839, 854.)—2. (Dem., c. Steph., 1135.)—3. (Böckh, Staatsh. der Athen., i., 293.)—4. (Suidas, s. v. 'Διδεῖον.—Pollux, Onom., iii., 47; vi., 153; viii., 31, 33.—Meier, Att. Proc., 43, 423-427.—Platner, Proc. und Klag., ii., 266.)—5. (Aristot., H. A., ix., 2.—Adams, Append., s. v.)—6. (Plaut., Amph., ii., 2, 39.) 7. (Id., Cas., ii., 5, 34, 43; ii., 6, 7, 11.—Liv., xxv., 3; xli., 18.) 8. (Plaut., Cas., ii., 4, 17.—Cic. in Verr., ii., 2, 51.—Vopisc., Prob., 8.)—9. (Cic. in Vatin., 14.—Val. Max., vi., 3, § 4.—Virg., Æn., vi., 431, &c.—Lucian, v., 394, with schol.—Compare Pers., iii., 48.)—10. (Codex Erfutensis, p. clviii., &c.)—11. (De Comitiis Rom., c. 15, p. 527, ed. Græv.)—12. (Plin., H. N., xxxiii., s. 7.—Auctor. ad Herenn., i., 12.—Pseudo-Ascon. ad Cic., Div., p. 108, ed. Orelli.)—13 (De Præst. et usu Numism., p. 580, ed. 167.)—14 (i., 7, 48.)

1. (l. c.)—2. (Hill ad Theophr., De Lapid., c. 44.—Moore's Anc. Mineral., p. 150.)—3. (Aristot., H. A., viii., 30.—Plin., H. N., xxxii., 11.)—4. (Dioscor., v., 165.—Adams, Append., s. v.)—5. (Theophr., H. P., ix., 1.—Dioscor., i., 77, 78.—Adams, Append., s. v.)—6. (Isid., Orig., xix., 33.)—7. (Plin., H. N., ix., 35, s. 56.)—8. (Sueton., Calig., 52.—Vitell., 2.)—9. (Plaut., Bacch., ii., 3, 98.)—10. (Sen., De Ben., ii., 12.—Plin., H. N., xxxvii., 2, s. 6.)

For the reasons mentioned under the articles Baxa and Crepida, the soccus was worn by comic actors,[1] and was in this respect opposed to the Cothurnus.[2] The annexed woodcut is taken from an ancient painting of a buffoon (Mimus), who is

dancing in loose yellow slippers (*lutcum soccum*[3]) This was one of their most common colours.[4] (*Vid.* Solea.)

SOCIETAS. Societas is classed by Gaius[5] among those obligationes which arise consensu. When several persons unite for a common purpose, which is legal, and contribute the necessary means, such a union is societas, and the persons are socii. The contract of societas might either be made in words, or by the acts of the parties, or by the consent of the parties signified through third persons. A societas might be formed either for the sake of gain to arise from the dealings and labour of the socii (*quæstus*), or not. Societas for the purpose of quæstus corresponds to the English partnership. A societas might be formed which should comprise all the property of the socii (*societas omnium bonorum*); in which case, as soon as the societas was formed, all the property of all the socii immediately became common (*res coëuntium continuo communicantur*). But the societas might be limited to a part of the property of the socii or to a single thing, as the buying and selling of slaves, or to carry on trade in a particular thing in a particular place.[6] The communion of property in a societas might also be limited to the use of the things.

Each socius was bound to contribute towards the objects of the societas according to the terms of the contract. But it was not necessary that all the socii should contribute money; one might supply money, and another might supply labour (*opera*), and the profit might be divisible between them, for the labour of one might be as valuable as the money of the other In the case of Roscius the actor, Fannius had a slave Panurgus, who, by agreement between Roscius and Fannius, was made their joint property (*communis*). Roscius paid nothing for his one half of the man, but he undertook to instruct him in his art. Apparently they became partners in the man in equal shares, for Cicero complains of the terms of the societas on the part of Roscius, whose instruction was worth much more than the price of the slave before he was taught his art.[7] The agreement between the socii might also be, that one socius should sustain no loss and should have a share of the gain, provided his labour was so valuable as to render it equitable for him to become a partner on such terms. If the shares of the socii were not fixed by agreement they were considered to be equal. One partner might have two or more shares, and another might have only one, if their contributions to the societas in money or in labour were in these proportions If the agreement was merely as to the division of profit, it followed that the socii must bear the losses in the same proportion. Each socius was answerable to the others for his conduct in the management of the business; he was bound to use diligentia, and was answerable for any loss through culpa. The action which one socius had against another in respect of the contract of partnership was an actio directa, and called pro socio (*arbitrum pro socio*[1]). The action might be brought for any breach of the agreement of partnership, for an account, and for a dissolution. A partner might transfer his interest to another person, but this transfer did not make that other person a partner, for consent of all parties was essential to a societas; in fact, such a transfer was a dissolution of the partnership, and the person to whom the transfer was made might have his action de communi dividundo.

Each socius had a right of action in proportion to his interest against any person with whom any of the socii had contracted, if the socii had commissioned him to make the contract, or had approved of the contract, or if it was an action arising from a delict. Thus, in the case of Roscius and Fannius, they had severally sued a third person in respect of their several claims as partners, and yet Fannius still claimed the half of what Roscius had recovered in respect of his share in the partnership.[2] In all other cases the person who made the contract could alone sue. All the socii could be sued if they had all joined in the contract with a third person, and each in proportion to his share If one socius contracted on behalf of all, being commissioned to do so, all were liable to the full amount. If a socius borrowed money, the other socii were in no case bound by his contract, unless the money had been brought into the common stock. In fact, the dealings of one partner did not bind the other partners, except in such cases as they would be bound independent of the existence of the societas. Condemnatio in an actio pro socio was sometimes attended with Infamia.

A societas could be ended at the pleasure of any one of the socii: any member of the body could give notice of dissolution when he pleased (*renuntiare societati*), and therefore the societas was dissolved (*solvitur*). But in the case of a societas omnium bonorum, if one socius had been appointed heres, he could not, by giving notice of dissolution, defraud his copartners of their share of the hereditas. The death of a partner dissolved the societas, and a capitis diminutio was said to have the same effect. If the property of any one of the socii was sold either publice (*bonorum publicatio*) or privatim, the societas was dissolved. It was also dissolved when the purpose for which it was formed was accomplished, or the things in which there was a societas had ceased to exist

If, on the dissolution of a partnership, there was no profit, but a loss to sustain, the loss was borne, as already stated, by the socii in proportion to their shares If one man contributed money and another labour, and there was a loss, how was the loss borne? If the money and the labour were considered equivalent, it would seem to follow that, until the partnership property were exhausted by the payment of the debts, there should be no pecuniary contribution by the person who supplied

1. (Hor., Ep. ad Pis., 80, 90.)—2. (Mart., viii., 3, 13.—Plin., Epist., ix., 7.)—3. (Catull., Epithal. Jul., 10.)—4. (De L'Aulnaye, Salt. Theat., pl. iv.)—5. (iii., 135.)—6. (Cic., Pro P. Quintio c 3)—7. (Cic., Pro Q. Rosc. Com., 10.)

1 (Cic., Pro Q. Rosc. Com., 9.)—2. (Pro Q. Rosc. Com., II 17, 18.)

the labour. This principle is a consequence of what Gaius states, that the capital of one and the labour of another might be considered equal, and the gain might be divided; and if there was a loss, the loss must be divided in the same proportion.

Societates were formed for the purpose of farming the public revenues.[1] (*Vid.* PUBLICANI.)

SO'CII (*σύμμαχοι*). In the early times, when Rome formed equal alliances with any of the surrounding nations, these nations were called *Socii*.[2] After the dissolution of the Latin league, when the name *Latini*, or *nomen Latinum*, was artificially applied to a great number of Italians, few only of whom were real inhabitants of the old Latin towns, and the majority of whom had been made Latins by the will and the law of Rome, there necessarily arose a difference between these Latins and the Socii, and the expression *Socii nomen Latinum* is one of the old asyndeta, instead of *Socii et nomen Latinum*. The Italian allies, again, must be distinguished from foreign allies. Of the latter we shall speak hereafter. The Italian allies consisted, for the most part, of such nations as had either been conquered by the Romans, or had come under their dominion by other circumstances. When such nations formed an alliance with Rome, they generally retained their own laws; or if at first they were not allowed this privilege, they afterward received them back again. The condition of the Italian allies varied, and mainly depended upon the manner in which they had come under the Roman dominion;[3] but, in reality, they were always dependant upon Rome. Niebuhr[4] considered that there were two main conditions of the Socii, analogous or equal to those of the provincials, that is, that they were either *fœderati* or *liberi* (*immunes*[5]). The former were such as had formed an alliance with Rome, which was sworn to by both parties; the latter were those people to whom the senate had restored their autonomy after they were conquered, such as the Hernican towns.[6] But the condition of each of these classes must again have been modified according to circumstances. The cases in which Rome had an equal alliance with nations or towns of Italy became gradually fewer in number: alliances of this kind existed indeed for a long time with Tibur, Prænestе, Naples, and others,[7] but these places were nevertheless, in reality, as dependant as the other Socii. It was only a few people, such as the Camertes and the Heracleans, that maintained the rights of their equal alliance with Rome down to a very late time.[8] With these few exceptions, most of the Italians were either Socii (in the later sense) or Latini. During the latter period of the Republic they had the connubium with Rome,[9] but not the suffrage of the Latins. It sometimes happened, as in the case of the Macedonian Onesimus, that a foreign individual was honoured by the senate by being registered among the Italian Socii (*in sociorum formulam referre*), and in this case the senate provided him with a house and lands in some part of Italy.[10]

Although the allies had their own laws, the senate, in cases where it appeared conducive to the general welfare, might command them to submit to any ordinance it might issue, as in the case of the senatus consultum De Bacchanalibus.[11] Many regulations, also, which were part of the Roman law, especially such as related to usury, sureties, wills, and innumerable other things,[1] were introduced among the Socii, and nominally received by them voluntarily.[2] The Romans thus gradually united the Italians with themselves, by introducing their own laws among them; but, as they did not grant to them the same civic rights, the Socii ultimately demanded them, arms in their hands.

Among the duties which the Italian Socii had to perform towards Rome, the following are the principal ones: they had to send subsidies in troops, money, corn, ships, and other things, whenever Rome demanded them.[3] The number of troops requisite for completing or increasing the Roman armies was decreed every year by the senate,[4] and the consuls fixed the amount which each allied nation had to send, in proportion to its population capable of bearing arms, of which each nation was obliged to draw up accurate lists, called *formulæ*.[5] The consul also appointed the place and time at which the troops of the Socii, each part under its own leader, had to meet him and his legions.[6] The infantry of the allies in a consular army was usually equal in numbers to that of the Romans; the cavalry was generally three times the number of the Romans;[7] but these numerical proportions were not always observed.[8] The consuls appointed twelve præfects as commanders of the Socii, and their power answered to that of the twelve military tribunes in the consular legions.[9] These præfects, who were probably taken from the allies themselves, and not from the Romans, selected a third of the cavalry, and a fifth of the infantry of the Socii, who formed a select detachment for extraordinary cases, and who were called the *extraordinarii*. The remaining body of the Socii was then divided into two parts, called the right and left wing.[10] The infantry of the wings was, as usual, divided into cohorts, and the cavalry into turmæ. In some cases, also, legions were formed of the Socii.[11] Pay and clothing were given to the allied troops by the states or towns to which they belonged, and which appointed quæstors or paymasters for this purpose;[12] but Rome furnished them with provisions at the expense of the Republic: the infantry received the same as the Roman infantry, but the cavalry only received two thirds of what was given to the Roman cavalry.[13] In the distribution of the spoil and of conquered lands, they frequently received the same share as the Romans.[14] The Socii were also sometimes sent out as colonists with the Romans.[15] They were never allowed to take up arms of their own accord, and disputes among them were settled by the senate. Notwithstanding all this, the Socii fell gradually under the arbitrary rule of the senate and the magistrates of Rome; and after the year B.C. 173, it even became customary for magistrates, when they travelled through Italy, to demand of the authorities of allied towns to pay homage to them, to provide them with a residence, and to furnish them with beasts of burden when they continued their journey.[16] Gellius[17] mentions a number of other vexations which the Roman magistrates inflicted upon the Socii, who could not venture to seek any redress against them. The only way for the allies to obtain any protection against such arbitrary proceedings, was to enter into a kind of clientela with

1. (Gaius, iii., 148–154.— Dig. 17, tit. 2.—Inst., iii., tit. 26.—Cod., iv., tit. 37.—Mühlenbruch, Doctrina Pandectarum.—Mackeldey, Lehtbuch, &c. — Hasse, Die Culpa des Röm. Rechts, s. 46, 49.)—2. (Liv., ii., 53.)—3. (Id., viii., 25; ix., 20.)—4. (Hist. of Rome, iii., p. 616.)—5. (Cic., c. Verr., iii., 6.) — 6. (Liv., ix., 43.)—7. (Polyb., vi., 14.—Liv., xliii., 2.—Cic., Pro Balb., 8.)—8. (Liv., xxviii., 45. — Plut., Mar., 28. — Cic., Pro Balb., 20; Pro Arch., 4.) — 9. (Diodor., Excerpt. Mai, xxxvii., 6.) — 10. (Liv., xliv., 16.)—11. (Liv., xxxix., 14.)

1. (Liv., xxxv., 7.—Gaius, iii., 121, &c.—Cic., Pro Balb., 8.)—2. (Cic., l. c.—Gell., xvi., 13; xix., 8.)—3. (Liv., xxvi., 39 xxviii., 45; xxxv., 16, &c.)—4. (Liv., passim.)—5. (Id., xxxiv., 56.—Polyb., vi., 21, 26.—Liv., xxii., 57; xxvii., 10.)—6. (Polyb., l. c.—Liv., xxxiv., 56; xxxvi., 3; xli., 5.)—7. (Polyb., iii., 108; vi., 26, 30.)—8. (Polyb., ii., 24, iii., 72.)—9. (Id., vi., 26, 37.)—10. (Polyb., l. c.—Liv., xxxi., 21; xxxv., 5.)—11. (Liv., xxxvii., 39.)—12. (Polyb., vi., 21.—Cic., c. Verr., v., 24.)—13. (Polyb., vi., 39. — Cic., Pro Balb., 20.) — 14. (Liv., xl., 43; xli., 7, 13; xlv., 43 xlii., 4.)—15. (Appian, De Bell. Civ., i., 24.)—16. (Liv. xlii., 1. —17. (x., 3.)

some influential and powerful Roman, as the Samnites were in the clientela of Fabricius Luscinus,[1] and the senate, which was at all times regarded as the chief protector of the Socii, not only recognised such a relation of clientela between Socii and a Roman citizen, but even referred to such patrons cases for decision which otherwise it might have decided itself.[2] Socii who revolted against Rome were frequently punished with the loss of their freedom, or of the honour of serving in the Roman armies.[3] Such punishments, however, varied according to circumstances.

After the civitas had been granted to all the Italians by the lex Julia De Civitate, the relation of the Italian Socii to Rome ceased. But Rome had long before this event applied the name Socii to foreign nations also which were allied with Rome, though the meaning of the word in this case differed from that of the Socii Italici. Livy[4] distinguishes two principal kinds of alliances with foreign nations: 1. *Fœdus æquum*, such as might be concluded either after a war in which neither party had gained a decisive victory, or with a nation with which Rome had never been at war; 2. a *fœdus iniquum*, when a foreign nation conquered by the Romans was obliged to enter the alliance on any terms proposed by the conquerors. In the latter case the foreign nation was to some extent subject to Rome, and obliged to comply with anything that Rome might demand. But all foreign Socii, whether they had an equal or an unequal allianee, were obliged to send subsidies in troops when Rome demanded them: these troops, however, did not, like those of the Italian Socii, serve in the line, but were employed as light-armed soldiers, and were called *milites auxiliares*, *auxiliarii*, *auxilia*, or sometimes *auxilia externa*.[5] Towards the end of the Republic, all the Roman allies, whether they were nations or kings, sank down to the condition of mere subjects or vassals of Rome, whose freedom and independence consisted in nothing but a name.[6] (Compare FŒDERATÆ CIVITATES.)

SO'CIO, PRO, ACTIO. (*Vid.* SOCIETAS.)

SO'CIUS. (*Vid.* SOCIETAS.)

SODA'LES AUGUSTA'LES. (*Vid.* AUGUSTALES.)

SODALI'TIUM. (*Vid.* AMBITUS.)

SOLA'RIUM. (*Vid.* HOROLOGIUM, p. 509; HOUSE, ROMAN, p. 518.)

SŌ'LEA was the simplest kind of sandal (*vid.* SANDALIUM), consisting of a sole with little more to fasten it to the foot than a strap across the instep.[7] It was sometimes made of wood,[8] and worn by rustics (*καλοπέδιλα*[9]), resembling probably the wooden sandals which now form part of the dress of the Capuchins. The solea, as worn by the upper classes, was adapted chiefly for wearing in the house, so that when a man went out to dinner he walked in shoes (*vid.* CALCEUS), taking with him slippers (*vid.* SOCCUS) or soleæ, which he put on when he entered the house. Before reclining at table, these were taken away by a servant[10] (see woodcut, p. 276); consequently, when dinner was over, it was necessary to call for them.[11] But, according to the state of the roads or of the weather, the shoes or boots were again put on in order to return home, the soleæ being carried, as before, under the arm.[12] When circumstances were favourable, this change of the shoes for slippers or soleæ was not considered necessary, the latter being worn in the streets.[1]

Soleæ ligneæ, soles or shoes of wood, were put on, under the authority of the Roman law, either for the purpose of torture, or perhaps merely to indicate the condition of a criminal, or to prevent his escape.[2] In domestic life, the sandal, commonly worn by females, was often used to chastise a husband, and to bring him into subjection[3] (*solea objurgabere rubra*,[4] *sandalio*[5]).

Iron shoes (*soleæ ferreæ*) were put on the feet of mules;[6] but instead of this, Nero had his mules shod with silver,[7] and his empress Poppæa hers with gold.[8]

*SO'LEA, II. (*βούγλωσσος* or *-η*), the *Pleuronectes Solea*, L., or Sole. "The *Lingulaca* of Festus and Varro is supposed to have been the Sole. By a play on the word, it is called *σάνδαλον* in the curious parody of Matron preserved by Athenæus."[9]

*SOLEN (*σωλήν*), "the name of a testaceous fish mentioned by Aristotle, Galen, Xenocrates, and Pliny, and called also *αὖλος*, *ὄννξ*, and *δόναξ*. According to Rondelet, they are called *Cape longe* by the Italians, *Couteaux* by the French, and *Pirots* by the English. Belon, however, gives them the name of *Piloto*, and Gesner of *Bagfish*. It is difficult to determine what animal they point to. But is there any reason to doubt that the *σωλήν* of the Greeks belonged to the genus *Solen* of modern naturalists?"[10]

SO'LIDUS. (*Vid.* AURUM, p. 129.)

SOLITAURI'LIA. (*Vid.* SACRIFICIUM, p. 846 LUSTRATIO, p. 604; and woodcut on p. 897.)

SO'LIUM. (*Vid.* BATHS, p. 146.)

SOPHRONISTÆ. (*Vid.* GYMNASIUM, p. 483.)

*SORBUM, the fruit of the Sorb or Service-tree (*Vid.* OUA.)

*SOREX. (*Vid.* MUS.)

SOROI (*σοροί*). (*Vid.* FUNUS, p. 456.)

SORTES, Lots. It was a frequent practice among the Italian nations to endeavour to ascertain a knowledge of future events by drawing lots (*sortes*): in many of the ancient Italian temples the will of the gods was consulted in this way, as at Præneste, Cære, &c. (*Vid.* ORACULUM, p. 693.) Respecting the meaning of Sors, see Cicero.[11]

These sortes or lots were usually little tablets or counters of wood or other materials, and were commonly thrown into a sitella or urn filled with water as is explained under SITELLA. The lots were sometimes thrown like dice.[12] The name of sortes was in fact given to anything used to determine chances,[13] and was also applied to any verbal response of an oracle.[14] Various things were written upon the lots according to circumstances, as, for instance, the names of the persons using them, &c.: it seems to have been a favourite practice in later times to write the verses of illustrious poets upon little tablets, and to draw them out of the urn like other lots, the verses which a person thus obtained being supposed to be applicable to him: hence we read of *sortes Virgilianæ*, &c.[15] It was also the practice to consult the poets in the same way as the Mohammedans do the Koran and Hafiz, and many Christians the Bible, namely, by opening the book at random, and applying the first passage that struck the eye to a person's own immediate circumstances.[16] This practice was very common among the early

1. (Val. Max., iv., 3, § 6.)—2. (Dionys., ii., 11.—Liv., ix., 20.—Cic., Pro Sull., 21.)—3. (Gell., l. c.—Appian, De Bell. Hannib., 61.—Strab., v., p. 385; vi., p. 389.—Festus, s. v. Brutiani.)—4. (xxxiv., 57.—Compare xxxv., 46.)—5. (Polyb., ii., 32.—Liv., xxi., 46, &c.; xxii., 22; xxvii., 37; xxxv., 11; xlii., 29, 35.)—6. (Walter, Gesch. d. Röm. Rechts, p. 192, &c.)—7. (Gell., iii., 14; xiii., 21.)—8. (Isid., Orig., xix., 33.)—9. (Theocr., xxv., 102, 103.)—10. (Plaut., Truc., ii., 4, 16.—Ovid, Art. Am., ii., 212.—Mart., viii., 59. 14.)—11. (Plaut., Truc., ii., 4, 12; Most., ii. 1, 37.—Hor., Sat. ii., 8, 77.)—12. (Hor., Ep. st., i., 13, 15.)

1. (Mart., xii., 88.)—2. (Cic., Invent., ii., 50; ad Herenn., i., 13.)—3. (Menander, p. 68, 186, ed. Meineke.)—4. (Pers., v., 169.)—5. (Ter., Eunuch., v., 8, 4.—Juv., vi., 516.)—6. (Catull., xvii., 26.)—7. (Sueton., Nero, 30.)—8. (Plin., H. N., xxxiii., 11, s. 49.)—9. (Æl., N. A., xi., 23.—Athen., iv., 3.—Adams, Append., s. v. Βούγλωσσος.)—10. (Adams, Append., s. v.)—11. (De Div., ii., 41.)—12. (Suet., Tib., 14.)—13. (Compare Cic., De Div., i., 34.)—14. (Id. ib., ii., 56.—Virg., Æn., iv., 346, 377.)—15. (Lamprid., Alex. Sev. 14.—Spart., Hadr., 2.)—16. (August. Confess., iv., 3.)

Christians, who substituted the Bible and the Psalter for Homer and Virgil: many councils repeatedly condemned these *sortes sanctorum*, as they were called.[1] The sibylline books were probably also consulted in this way. (*Vid.* SIBYLLINI LIBR.) Those who foretold future events by lots were called *sortilegi*.[2]

The *sortes conviviales* were tablets sealed up, which were sold at entertainments, and, upon being opened or unsealed, entitled the purchaser to things of very unequal value: they were, therefore, a kind of lottery.[3]

*SPARGAN'ION (σπαργάνιον). "It is clearly," says Adams, "one or other of the well-known *Burr-reeds*; the *Sparganium ramosum* according to Matthiolus, or the *simplex* according to Sprengel."[4]

*SPARTUM (σπάρτον, σπάρτιον, or σπάρτη) or SPARTUS (σπάρτος), a shrub, a species of broom, out of the young branches and bark of which ropes and nets were made, and the seeds of which were used medicinally; the *Spartium junceum* or *scoparium*."[5]

SPARUS. (*Vid.* HASTA, p. 489.)

SPECULA'RIA. (*Vid.* HOUSE, ROMAN, p. 521.)

SPECULA'RIS LAPIS. (*Vid.* HOUSE, ROMAN, p. 521.)

SPECULA'TORES or EXPLORATO'RES were scouts or spies sent before an army to reconnoitre the ground and observe the movements of the enemy.[6] Festus[7] makes a distinction between these two words, which is not sustained by the usage of the ancient writers. As these speculatores were naturally active men, they were frequently employed by the emperors to convey letters, news, &c.[8]

Under the emperors there was a body of troops called speculatores, who formed part of the prætorian cohorts, and had the especial care of the emperor's person.[9] They appear to have been so called from their duty of watching over the emperor's safety.[10]

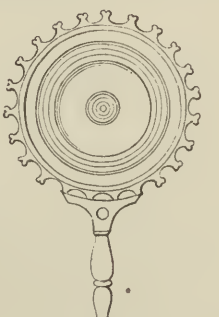
SPE'CULUM (*κάτοπτρον, ἔσοπτρον, ἔνοπτρον*), a Mirror, a Looking-glass. The use of mirrors is of very high antiquity,[11] but they are not mentioned by Homer, even when he describes in so circumstantial a manner the toilet of Juno. In the historical times of Greece they are frequently spoken of,[12] and they were probably known in Greece long before, since every substance capable of receiving a fine polish would answer the purpose of a mirror. Thus basins were employed instead of mirrors,[13] and also cups, the inside of which was sometimes so disposed that the image of the person who drank from them was seen multiplied.[14]

The looking-glasses of the ancients were usually made of metal, at first of a composition of tin and copper, but afterward more frequently of silver.[15] Pliny says that silver mirrors were first made by Praxiteles in the time of Pompey the Great, but they are mentioned as early as that of Plautus.[16] Under the Empire the use of silver mirrors was so common, that they began to be used even by maid-servants:[17] they are constantly mentioned in the Digest when silver plate is spoken of.[18] At first they were made of the purest silver, but metal of an inferior quality was afterward employed.[19] Frequently, too, the polished silver plate was no doubt very slight; but the excellence of the mirror very much depended on the thickness of the plate, since the reflection was stronger in proportion as the plate was thicker.[1] We find gold mirrors mentioned once or twice by ancient writers;[2] but it is not impossible, as Beckmann has remarked, that the term golden rather refers to the frame or ornaments than to the mirror itself, as we speak of a gold watch, though the cases only may be of that metal.

Besides metals, the ancients also formed stones into mirrors; but these are mentioned so seldom that we may conclude they were intended for ornament rather than for use. Pliny[3] mentions the obsidian stone, or, as it is now called, the Iceland agate, as particularly suitable for this purpose. Domitian is said to have had a gallery lined with *phengites*, which, by its reflection, showed everything that was done behind his back,[4] by which Beckmann understands a calcareous or gypseous spar or selenite, which is indeed capable of reflecting an image; but we cannot therefore conclude that the ancients formed mirrors of it. Mirrors were also made of rubies, according to Pliny,[5] who refers to Theophrastus for his authority; but he seems to have misunderstood the passage of Theophrastus,[6] and this stone is never found now sufficiently large to enable it to be made into a mirror. The emerald, it appears, also served Nero for a mirror.[7]

The ancients seem to have had glass mirrors also like ours, which consist of a glass plate covered at the back with a thin leaf of metal. They were manufactured as early as the time of Pliny at the celebrated glass-houses of Sidon,[8] but they must have been inferior to those of metal, since they never came into general use, and are never mentioned by ancient writers among costly pieces of furniture, whereas metal mirrors frequently are. Pliny seems to allude to them in another passage,[9] where he speaks of gold being applied behind a mirror, which we can understand, if we admit that Pliny was acquainted with glass mirrors.

Of mirrors made of a mixture of copper and tin, the best were manufactured at Brundisium.[10] This mixture produces a white metal, which, unless preserved with great care, soon becomes so dim that it cannot be used until it has been previously cleaned and polished. For this reason, a sponge with pounded pumice-stone was generally fastened to the ancient mirrors.[11]



1. (Gibbon, Decline and Fall, c. xxxviii., note 51.)—2. (Lucan, ix., 581.)—3. (Suet., Octav., 75.—Lamprid., Heliogab., 22.)—4. (Dioscor., iv., 21.—Adams, Append., s. v.)—5 (Fée, Flore de Virgile.—Donnegan, Lex., 4th ed., s. v. Σπάρτος.)—6. (Cæs., B. G., i., 12; ii., 11.)—7. (s. v. Explorat.)—8. (Suet., Cal., 44.—Tac., Hist., ii., 73.)—9. (Tac., Hist., ii., 11.—Suet., Claud., 35.—Otho, 5.)—10. (Compare Spanheim, De Præst. et Usu Numism., ii., p. 234, &c.)—11. (Job, xxxvii., 18.—Exodus, xxxviii., 8.)—12. (Xen., Cyr., vii., 1, § 2.—Eurip., Medea, 1161; Orest., 1112, &c.)—13. (Artemid., Oneir., iii., 30, p. 279, ed. Reiff.)—14. (Plin., H. N., xxxiii., 9, s. 45.—Compare Vopisc., Prob., 4.)—15. (Plin. l. c.)—16. (Most., i., 3, 111.)—17. (Plin., H. N., xxxiv., 17, s. 48.)—18. (33, tit. 6, s. 3; 34, tit. 2, s. 19, § 8.)—19. (Plin., H. N., xxxiii., 9, § 45.)

1. (Vitruv., vii., 3, p. 204, ed. Bip.)—2. (Eurip., Hec., 925.—Senec., Quæst. Nat., i., 17.—Ælian, V. H., xii., 58.)—3. (xxxvi., 26, s. 67.)—4. (Suet., Dom., 14.)—5. (xxxvii., 7, s. 25.)—6. (De Lapid., 61.)—7. (Plin., H. N., xxxvii., 5, s. 16.—Isid., Orig. xvi., 7.)—8. (Plin., H. N., xxxvi., 26, s. 66.)—9. (xxxiii., 9, s. 45.—10. (Id. ib., l. c., xxxiv., 17, s. 48.)—11. (Plat., Tim., p. 72, c.—Vossius ad Catull., p. 97.)

Looking-glasses were generally small, and such as could be carried in the hand. Most of those which are preserved in our museums are of this kind; they usually have a handle, and are of a round or oval shape Their general form is shown in the preceding woodcut.[1]

Instead of their being fixed so as to be hung against the wall, or to stand upon the table or floor, they were generally held by female slaves before their mistresses when dressing,[2] which office was also performed sometimes by the lover, when admitted to the toilet of his mistress.[3] On ancient vases we sometimes find female slaves represented holding up mirrors to their mistresses.[4]

Looking-glasses, however, were also made of the length of a person's body (*specula totis paria corporibus*[5]), of which kind the mirror of Demosthenes must have been.[6] They were fastened to the walls sometimes (*speculum paricti affixum*[7]), though not generally. Suetonius, in his life of Horace, speaks of an apartment belonging to that poet which was lined with mirrors (*speculatum cubiculum*), which expression, however, Lessing considers as contrary to the Latin idiom, and therefore regards the whole passage as a forgery. That there were, however, rooms ornamented in this way, is probable from Claudian's description of the chamber of Venus, which was covered over with mirrors, so that whichever way her eyes turned she could see her own image.[8] We frequently find the mirror mentioned in connexion with Venus,[9] but Minerva was supposed to make no use of it.[10]

SPEIRON (σπεῖρον). (*Vid.* Pallium, p. 720.)

SPHÆRISIS (σφαίρισις). (*Vid.* Gymnasium, p. 483.)

SPHÆRISTE'RIUM. (*Vid.* Baths, p. 153; Gymnasium, p. 483.)

*SPHACELOS (σφάκελος), the *Salvia hortensis*, or common Sage.[11]

*SPHENDAMNOS (σφένδαμνος), a species of Maple. Sprengel hesitates between the *Acer Pseudo-platanus* and the *Creticum*; Stackhouse between the former and the *A. campestris*. The γλεῖνος and ζυγία are varieties or synonymes of it.[12]

SPHENDONETÆ (σφενδονῆται). (*Vid.* Funda.)

*SPHEX (σφήξ), a term applied to the *Vespa vulgaris*, or common Wasp, but sometimes misapplied to the *Vespa crabro*, or Hornet.[13]

SPHRAGIS (σφραγίς). (*Vid.* Rings, p. 839.)

*SPHYRÆNA (σφύραινα), a species of fish somewhat larger than the pike, and found only in the Mediterranean. "It is the *Esox Sphyræna*, L., or *Sphyræna*, Lacepede. In Italian, *Luzzo marino*; in French, *Spet*. The κέστρα of Athenæus is the same as the σφύραινα. Oppian mentions two species, the former of which is the one just described. Rondelet calls the other *Sphyræna parva*; in French, *Hautin*."[14]

SPHYRELATON (σφυρήλατον). (*Vid.* Bronze, p. 177.)

SPI'CULUM. (*Vid.* Hasta, p. 489.)

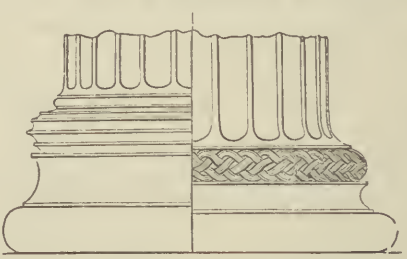
*SPINA (ἄκανθα), the Thorn. (*Vid.* Acantha.)

SPINTER or SPINTHER. (*Vid.* Armilla, p. 96.)

SPIRA, *dim.* SPIRULA,[1] the base of a column.

This member did not exist in the Doric order of Greek architecture (*vid.* Columna), but was always present in the Ionic and Corinthian, as well as in the Attic (*vid.* Atticurges), which may be regarded as a variety of the Ionic. The term occurs frequently in Vitruvius[2] and in Pliny.[3] They adopted it from the writings of Greek architects, whose works have perished. It is, in fact, the Greek term σπεῖρα, which was applied to this member of a column,[4] probably on account of its resemblance to a coil of rope. In ancient Greek inscriptions, σπεῖρα denotes the base both of Ionic and Corinthian pillars, being applied to those of the temples of Minerva Polias at Athens,[5] and of Jupiter at Labranda.[6]

In the Tuscan and the Roman Doric the base consisted of a single torus,[7] sometimes surmounted by an astragal. In the Ionic and Attic it commonly consisted of two tori (*torus superior* and *torus inferior*) divided by a *scotia* (τρόχιλος), and in the Corinthian of two tori divided by two scotiæ. The upper torus was often fluted (ῥαβδωτός), and surmounted by an astragal (*vid.* Astragalus), as in the left-hand figure of the annexed woodcut, which shows the form of the base in the Ionic or Attic temple of Panops on the Ilissus. The right-hand figure in the same woodcut shows the corresponding part in the Temple of Minerva Polias at Athens. In this the upper torus is wrought with a platted ornament, perhaps designed to represent a rope or cable. In these two temples the spira rests, not



upon a plinth (*plinthus*, πλίνθος), but on a podium. In Ionic buildings of a later date it rests on a square plinth, corresponding in its dimensions with the Abacus

SPITHAME (σπιθαμή). (*Vid.* Pes, p. 763.)

*SPIZA (σπίζα), a species of bird, "generally held to be the *Chaffinch*, to which Rennie has given the scientific name of *Fringilla Spiza*, instead of the misnomer given to it by Linnæus, namely, *Fringilla cœlebs*. I cannot help thinking it doubtful, however, whether the σπίζα of Aristotle be the chaffinch, seeing he compares the missel-thrush to the σπίζα, and it is well known that the former is much larger than the chaffinch."[8]

*SPODIAS (σποδίας). According to Sprengel, the *Prunus insititia*, or Bullace-tree.[9]

SPO'LIA. Four words are commonly employed to denote booty taken in war, *Præda*, *Manubiæ*, *Exuviæ*, *Spolia*. Of these, *præda* bears the most comprehensive meaning, being used for plunder of every description. (*Vid.* Postliminium.) *Manubiæ* would seem strictly to signify that portion of the spoil which fell to the share of the commander-in-chief,[10]

1. (Caylus, Recueil d'Ant., vol. v., pl. 62.)—2. (Propert., iv., 7, 75, 76.)—3. (Ovid, Ar. Am., ii., 216.)—4. (Tischbein, Engrav. from Anc. Vases, i., pl. 10.)—5. (Senec., Quæst. Nat., i., 17.)—6. (Quint., Inst. Orat., xi., 3, § 68.)—7. (Dig. 34, tit. 2, s. 19, § 8. —Vitruv., ix., 6 (9), p. 280, ed. Bip.)—8. (Hymn. in Nupt. Honor. et Mar., 106, &c.)—9. (Athen., xv., p. 687, *c.*)—10. (Callim., Hymn. in Lavacr. Pallad., 17.—Spanheim, Observ. in Callimachi Hymnum in Lavacrum Palladis, p. 547, Ultraj., 1697.—Ménard, Recherches sur les Miroirs des Anciens in l'Histoire de l'Académie des Inscr., xxiii., p. 140.—Caylus, Recueil d'Antiquités, iii., p. 331; v., p. 173.—Beckmann, History of Inventions, vol. iii., p. 164, transl.—Böttiger, Sabina, i., p. 133, 152; ii., p. 145, 169. — Griechischen Vasengemählden, iii., p. 46.—Becker, Gallus, i., p. 97; ii., p. 111.)—11. (Theophr., H. P., vi., 1.) 12. (Theophr., H. P., iii., 3; v., 3.—Adams, Append., s. v.) — 13 (Adams, Append., s. v.) — 14. (Aristot., H. A., ix., 2. — Ælian, N. A., i., 33.—Plin., H. N., xxxii., 11.—Adams, Append., s. v.)

1. (Serv. in Virg., Æn., ii., 217.)—2. (iii., 3, § 1, 4, § 1, 5; 5, § 1, 4, iv., I, § 7; v., 9, § 4, ed. Schneider.)—3. (H. N., xxxvi. 5, § 4; 23, s. 56.)—4. (Pollux, Onom., vii., 121.)—5. (C. O. Müller, Minerva Polias Sacra, p. 35, 50.—Böckh, Corp. Inscr Gr., i., 261–286.)—6. (C. Fellows, Excurs. in Asia Minor, p. 262, 331.)—7. (Festus, s. v. Spira.)—8. (Aristot., H. A., viii., 5.—Adams, Append., s. v.)—9. (Theophr., iii., 6.—Adams, Append s. v.)—10. (Cic., c. Rull., ii., 20; 3 Verr., II., i., 59, and the note of the Pseudo-Asconius.)

the proceeds of which were frequently applied to the erection of some public building.[1] Aulus Gellius,[2] indeed, endeavours to prove that we must understand by *manubiæ* the money which the quæstor realized from the sale of those objects which constituted præda; but the following passage, adduced by himself in a garbled form (for he omits the words printed in roman), when quoted fairly, is sufficient to confute his views: "Aurum, argentum, *ex præda, ex manubiis, ex coronario, ad quoscunque pervenit.*"[3] The term *Exuviæ* indicates anything stripped from the person of a foe, while *Spolia*, properly speaking, ought to be confined to armour and weapons, although both words are applied loosely to trophies, such as chariots, standards, beaks of ships, and the like, which might be preserved and displayed.[4]

In the heroic ages, no victory was considered complete unless the conquerors could succeed in stripping the bodies of the slain, the spoils thus obtained being viewed (like scalps among the North American Indians) as the only unquestionable evidence of successful valour; and we find in Homer, that when two champions came forward to contend in single combat, the manner in which the body and arms of the vanquished were to be disposed of formed the subject of a regular compact between the parties.[5] Among the Romans, spoils taken in battle were considered the most honourable of all distinctions; to have twice stripped an enemy, in ancient times, entitled the soldier to promotion;[6] and during the second Punic war, Fabius, when filling up the numerous vacancies in the senate, caused by the slaughter at Cannæ and by other disastrous defeats, after having selected such as had borne some of the great offices of state, named those next "*qui spolia ex hoste fixa domi haberent, aut civicam coronam accepissent.*"[7] Spoils collected on the battle-field after an engagement, or found in a captured town, were employed to decorate the temples of the gods, triumphal arches, porticoes, and other places of public resort, and sometimes, in the hour of extreme need, served to arm the people;[8] but those which were gained by individual prowess were considered the undoubted property of the successful combatant, and were exhibited in the most conspicuous part of his dwelling,[9] being hung up in the atrium, suspended from the doorposts, or arranged in the vestibulum, with appropriate inscriptions.[10] They were regarded as peculiarly sacred, so that, even if the house was sold, the new possessor was not permitted to remove them.[11] A remarkable instance of this occurred in the "*rostrata domus*" of Pompey, which was decorated with the beaks of ships captured in his war against the pirates; this house passed into the hands of Antonius the triumvir,[12] and was eventually inherited by the Emperor Gordian, in whose time it appears to have still retained its ancient ornaments.[13] But while, on the one hand, it was unlawful to remove spoils, so it was forbidden to *replace* or *repair* them when they had fallen down or become decayed through age,[14] the object of this regulation being, doubtless, to guard against the frauds of false pretenders.

Of all spoils, the most important were the *spolia opima*, a term applied to those only which the commander-in-chief of a Roman army stripped in a field of battle from the leader of the foe.[1] Festus[2] gives the same definition as Livy, but adds, "*M. Varro ait opima spolia esse [etiam] si manipularis miles detraxerit dummodo duci hostium*," a statement, if correctly quoted, directly at variance with the opinion generally received and acted upon. Thus, when M. Crassus, in the fifth consulship of Octavianus (B.C 29), slew Deldo, king of the Bastarnæ, he was not considered to have gained spolia opima, because acting under the auspices of another;[3] and Plutarch[4] expressly asserts that Roman history up to his own time afforded but three examples. The first were said to have been won by Romulus from Acro, king of the Cæninenses; the second by Aulus Cornelius Cossus from Lar Tolumnius, king of the Veientes the third by M. Claudius Marcellus from Viridomarus (or Βριτόμαρτος, as he is called by Plutarch), king of the Gæsatæ. In all these cases, in accordance with the original institution, the spoils were dedicated to Jupiter Feretrius. The honours of spolia opima were voted to Julius Cæsar during his fifth consulship (B.C. 44, the year of his death), but it was not even pretended that he had any legitimate claim to this distinction.[5] (The question with regard to the true definition of spolia opima is discussed with great learning by Perizonius.[6])

SPONDA. (*Vid.* Lectus, p. 573.)

SPO'NDEO. (*Vid.* Obligationes, p. 672.)

*SPOND'YLE or SPHOND'YLE (σπονδύλη or σφονδύλη), "an insect noticed by Aristotle and Theophrastus, and about which there has been much diversity of opinion. Some suppose it the *Gryllotalpa*; some the larva of the *Scarabæus melolontha*, and others a species of *Blatta*. Stackhouse offer another conjecture, that it is the *Julus*, L."[7]

*SPOND'YLUS (σπόνδυλος), a small species of oyster, mentioned by Galen and Pliny; probably the Prickly Oyster, a species of the genus *Spondylus*.[8]

SPO'NGIA. (*Vid.* Painting, p. 704.)

*II. SPONGIA (σπογγία), Sponge, or *Spongia officinalis*. "The animal nature of the sponge is distinctly and repeatedly indicated by Aristotle. Of the three kinds, the μάνος, the πύκνος, and the Ἀχίλλειος, it is difficult to specify exactly the last two; but the first may be confidently pronounced to be the *Spongia officinalis*." Dr. Vincent derives the term "sponge," through the Greek, from the Arabic *suffange* (s'funge, s'phunge, spunge).[9]

SPONSA, SPONSUS. (*Vid.* Marriage, Roman, p. 623.)

SPONSA'LIA. (*Vid.* Marriage, Roman, p. 623).

SPONSOR. (*Vid.* Intercessio, p. 541.)

SPO'RTULA. In the days of Roman freedom, clients were in the habit of testifying respect for their patron by thronging his atrium at an early hour, and escorting him to places of public resort when he went abroad. As an acknowledgment of their courtesies, some of the number were usually invited to partake of the evening meal. After the extinction of liberty, the presence of such guests, who had now lost all political importance, was soon regarded as an irksome restraint, while, at the same time, many of the noble and wealthy were unwilling to sacrifice the pompous display of a numerous body of retainers. Hence the practice was introduced, under the Empire, of bestowing on each client, when he presented himself for his morning visit, a certain portion of food as a substitute and compensation

1. (Cic., c. Verr., 1. c.—Plin., H. N., vii., 26.)—2. (xiii., 24.)—3. (Cic., c. Rull., ii., 22.)—4. (*Vid.* Dœderlein, Lat. Syn., vol. iv., p. 337.—Ramshorn, Lat. Syn., p. 869.—Habicht, Syn. Handwörterbuch n. 758.)—5. (Hom., Il., vii., 75, &c.; xxii., 254, &c.)—6. (Val. Max., iii., 7, § 14.)—7. (Liv., xxiii., 23.)—8. (Id., xxii., 57; xxiv., 21; x., 47.—Val. Max., viii., 6, § 1.—Silius, x., 599.)—9. (Polyb., vi., 39.)—10. (Liv., x., 7; xxxviii., 43.—Cic., Philipp., ii., 28. — Suet., Nero, 38. — Virg., Æn., ii., 504; iii., 286.—Tibull., i. 54.—Propert., iii., 9, 26.—Ovid, Ar. Am., ii., 743.—Silius, vi 446.)—11. (Plin., H. N., xxxv., 2.)—12. (Cic., Phil., 1 c.)—13. (Capito., Gordian. 3.)—14. (Plutarch. Quæst. Rom., 37.)

1. (Liv., iv., 20.)—2. (s. v. Opima.)—3. (Dion Cass., li., 24.—Compare Val. Max., iii., 2, § 6.)—4. (Marcell., 8.)—5. (Dion Cass., xliv., 4.)—6. (Animad. Hist., c. 7.)—7. (Aristot., H. A., v., 7.—Theophr., H. P., ix., 14.—Adams, Append., s. v.)—8. (Adams, Append., s. v.)—9. (Aristot., H. A., i., 1.—Adams, Append., s. v.—Vincent's Anc. Commerce, vol. ii., p. 78, in notis.)

or the occasional invitation to a regular supper (*cœna recta*); and this dole, being carried off in a little basket provided for the purpose, received the name of *sportula*. Hence, also, it is termed by Greek writers on Roman affairs δεῖπνον ἀπὸ σπυρίδος, which, however, must not be confounded with the δεῖπνον ἀπὸ σπυρίδος of earlier authors, which was a sort of picnic.[1] For the sake of convenience, it soon became common to give an equivalent in money, the sum established by general usage being a hundred quadrantes.[2] Martial, indeed, often speaks of this as a shabby pittance (*centum miselli quadrantes*[3]), which, however, he did not scorn himself to accept,[4] but, at the same time, does not fail to sneer at an upstart who endeavoured to distinguish himself by a largess to a greater amount on his birthday.[5] The donation in money, however, did not entirely supersede the sportula given in kind; for we find in Juvenal a lively description of a great man's vestibule crowded with dependants, each attended by a slave bearing a portable kitchen to receive the viands, and keep them hot while they were carried home.[6] If the sketches of the satirist are not too highly coloured, we must conclude that in his time great numbers of the lower orders derived their whole sustenance, and the funds for ordinary expenditure, exclusively from this source, while even the highborn did not scruple to increase their incomes by taking advantage of the ostentatious profusion of the rich and vain.[7] A regular roll was kept at each mansion of the persons, male and female, entitled to receive the allowance; the names were called over in order, the individuals were required to appear in person, and the almoner was ever on his guard to frustrate the roguery of false pretenders,[8] whence the proverb quoted by Tertullian,[9] "*sportulam uruncule captat.*" The morning, as we have seen above,[10] was the usual period for these distributions, but they were sometimes made in the afternoon.[11]

Nero, imitating the custom of private persons, ordained that a sportula should be substituted for the public banquets (*publicæ cœnæ*) given to the people on certain high solemnities; but this unpopular regulation was repealed by Domitian.[12]

When the Emperor Claudius, on one occasion, resolved unexpectedly to entertain the populace with some games which were to last for a short time only, he styled the exhibition a *sportula;* and in the age of the younger Pliny, the word was commonly employed to signify a gratuity, gift, or emolument of any description.[13]

(Compare a dissertation on the sportula by Buttmann, in the *Kritische Bibliothek* for 1821.—*Vid.* also Becker, *Gallus*, i., p. 147.)

STABULA'RIUS. (*Vid.* Recepta Actio.)

*STACTE (στάκτη). (*Vid.* Smyrna.)

STA'DIUM (ὁ στάδιος and τὸ στάδιον), 1. A Greek measure of length, and the chief one used for itinerary distances. It was adopted by the Romans, also, chiefly for nautical and astronomical measurements. It was equal to 600 Greek or 625 Roman feet, or to 125 Roman paces; and the Roman mile contained 8 stadia.[14] Hence the stadium contained 606 feet 9 inches English. (*Vid.* Pes.) This standard prevailed throughout Greece under the name of the Olympic stadium, so called because it was the exact length of the stadium or footrace-course at Olympia, measured between the pillars at the two extremities of the course. The first use of the measure seems to be contemporaneous with the formation of the stadium at Olympia, when the Olympic games were revived by Iphitus (B.C. 884 or 828). This distance doubled formed the δίαυλος, the ἱππικόν was 4 stadia, and the δόλιχος is differently stated at 6, 7, 8. 12, 20, and 24 stadia.

It has been supposed by some authors that there were other stadia in use in Greece besides the Olympic. The most ancient writers never either say or hint at such a thing; but when we compare the distances between places, as stated by them in stadia, with the real distances, they are found almost invariably too great if estimated by the Olympic stadium, never too small. Hence the conclusion has been drawn, that the Greeks used for itinerary measurements a stade much smaller than the Olympic. Major Rennell, who analyzes several of these statements, gives 505½ feet for the value of the itinerary stade.[1] It is, however, scarcely credible, that these authors, some of whom expressly inform us that the stade contained 600 feet, should reckon distances by another stade without giving any intimation of the fact, especially as they usually warn their readers when they speak of measures differing from the common standard.[2] The real cause of the excess in the itinerary distances of the Greeks is explained by Ukert in a way which seems decisive of the question.[3] The most ancient mode of reckoning distances among the Greeks, as among most other nations, was by the number of days required to perform the journey. When the stadium was brought into use, the distances were still computed by days' journeys, but transferred into stadia by reckoning a certain number of stadia to a day's journey.[4] It is evident that nearly all the distances given by the ancient Greek writers were *computed, not measured.* The uncertainties attending this mode of computation are obvious; and it is equally obvious that, as a general rule, the results would be above the truth. At sea the calculation was made according to the number of stadia which could be sailed over in a day by a good ship, in good order, and with a fair wind. Any failure in these conditions (and some such there must always have been) would increase the number of days' sail, and therefore the calculated distance when reduced to stadia. Similarly by land a day's journey was reckoned equal to the number of stadia which a good traveller (ἀνὴρ εὔζωνος) could perform in a day, which, for obvious reasons, would generally exceed the space passed over under ordinary circumstances. Even the Greeks themselves are not agreed as to the number of stadia in a day's journey. Herodotus[6] gives 700 stadia for the voyage of a sailing ship by day, 600 by night. Most commonly 1000 stadia were reckoned as a 24 hours' voyage, but under unfavourable circumstances scarcely 500 were performed.[6] Allowance must also be made for the windings of the coast, the difficulties of the navigation, the currents of the sea, the skilfulness of the seamen, and other circumstances.

A day's journey by land was reckoned at 200 or 180 stadia,[7] or for an army 150 stadia.[8] And here also delays would often occur. The ancients themselves differ widely in their accounts of distances, not only as compared with the true distances, but with one another, a fact which the theory of a separate itinerary stade cannot account for, but which is a natural result of their mode of reckoning, as explained above.

The following testimonies are advanced in sup-

1. (Athen., viii., c. 17.)—2. (Juv., i., 120.—Mart., x., 70, 75.)—3. (iii., 7.—Compare i., 60; iii., 14; x., 74.)—4. (x., 75.)—5. (x., 28.)—6. (iii., 249.)—7. (Juv., i., 95.)—8. (Juv., l. c.)—9. (c. Marcion., iii., 16.)—10. (Juv., i., 128.)—11. (Mart., x., 70.)—12. (Suet., Nero, 16; Dom., 7.—Mart., viii., 50.)—13. (Plin., Ep., ii., 14; x., 118.)—14. (Herod., ii., 149.—Plin., H. N., ii., 23, s. 21.—Columell., R. R., v., 1.—Strabo, vii., p. 497.)

1. (Geog. of Herod., sec. 2.)—2. (Herod., ii., 3, 17, 89, 96.—Plin., H. N., vi., 30.)—3. (Geog. der Griech. und Römer, I., ii., p. 56, &c.—Ueber die Art der Gr. und Röm. die Entfernung zu bestimmen.)—4. (Herod., iv., 85, 86.)—5 (Id., iv., 86.)—6. (Mar Tyn. ap. Ptolem., Geog., i., 17.)—7. (Herod., iv., 101.—Pausan., x., 33.—Ptol., i., 9.)—8. (Herod., v., 53–54.)

port of the view of different stadia. Censorinus, who lived in the time of Alexander Severus, after speaking of the astronomical measurements of Eratosthenes and Pythagoras, says that by the stadium used in them we must understand "the stadium which is called Italic, of 625 feet, for there are others besides this, of different lengths, as the Olympic, which consists of 600 feet, and the Pythian, of 1000."[1] This passage is evidently a complication of blunders. The "Italic stadium," unknown elsewhere, is manifestly the same as the Olympic, but reckoned in Roman feet, of which it contained 625. The "Olympic, of 600 feet," is the same in Greek feet. The value given for the Pythian stadium is clearly wrong, for the Olympic racecourse was the longest in Greece (as appears from the passage of Gellius quoted below), and, besides, Censorinus obviously confounds the racecourses named stadia with the measure of the same name; for it is not disputed that the former were of different lengths, though the latter never varied.

Aulus Gellius[2] quotes from Plutarch to the effect that Hercules measured out the stadium at Olympia with his own feet, making it 600 feet long; and that, when afterward other stadia were established in Greece containing the same number of feet, these were shorter than the Olympic in the proportion by which the foot of Hercules exceeded that of other men. But whatever there is of fact in this story obviously refers to the courses themselves, not the measure; for what he speaks of is "*curriculum stadii*." The statement that the other stadia, besides the Olympic, were originally 600 feet long, is probably a conjecture of Plutarch's.

Attempts have been made, especially by Romé de 'Isle and Gosselin, to prove the existence and to determine the lengths of different stadia from the different lengths assigned by ancient writers to a great circle of the earth. But surely it is far more reasonable to take these different values as a proof (among others) that the ancients did not know the real length of a great circle, than, first assuming that they had such knowledge, to explain them as referring to different standards.

On the whole, therefore, there seems no reason to suppose that different stadia existed before the third century of the Christian æra.

From this period, however, we do find varieties of the stade, the chief of which are those of 7 and 7½ to the Roman mile.[3]

The following table of supposed varieties of the stadium is from Hussey's *Ancient Weights*, &c.:

	Yards.	Feet.	Inches.
Stade assigned to Aristotle's measurement of the earth's surface	109	1	2·26992
Mean geographical stade computed by Major Rennell . .	168	1	6
Olympic stade	202	0	9
Stade of 7½ to the Roman mile	215	2	2·4
Stade of 7 to the Roman mile .	231	0	5·124

2. It has been mentioned above that the Olympic footrace-course was called a *stadium*, and the same name was used throughout Greece wherever games were celebrated. It was originally intended for the footrace, but the other contests which were added to the games from time to time (*vid.* Olympic Games) were also exhibited in the stadium, except the horse-races, for which a place was set apart, of a similar form with the stadium, but larger: this was called the hippodrome (*ἱππόδρομος*).

The stadium was an oblong area terminated at one end by a straight line, at the other by a semicircle having the breadth of the stadium on its base. Round this area were ranges of seats rising above one another in steps.

It was constructed in three different ways, according to the nature of the ground. The simplest form was that in which a place could be found which had by nature the required shape, as at Laodicea. Most commonly, however, a position was chosen on the side of a hill, and the stadium was formed on one side by a natural slope, on the other by a mound of earth (*γῆς χῶμα*), as at Olympia, Thebes, and Epidaurus.[1] Sometimes, however, the stadium was on level ground, and mounds of earth were cast up round it to form seats, and covered with stone or marble. We have two celebrated examples of this construction in the Pythian stadium at Delphi and the Panathenaic at Athens. The former was originally constructed of Parnassian stone, and afterward covered with Pentelic marble by Herodes Atticus,[2] who adorned in the same manner the stadium at Athens, which had been originally constructed on the banks of the Ilissus by the orator Lycurgus. The marble covering, which took four years to complete, has now disappeared, but the area is still left, with some ruins of the masonry.[3]

The stadium sometimes formed a part of the buildings of the gymnasium (*vid.* Gymnasium), at other times it was placed in its neighbourhood, and often, as at Athens, stood entirely by itself. That at Olympia was in the sacred grove called Altis.

The size of the stadium varied both in length and breadth. The general length was, as above stated, the geographical stadium of 600 Greek feet. This was not, however, the total length, but only the distance between the pillars at the two ends, and it was exclusive of the semicircular end of the area.

The accounts left by ancient writers of the arrangement of the parts of the stadium are scanty, but, from a comparison of them with existing remains of stadia, we may collect the following particulars.

At one end a straight wall shut in the area, and here were the entrances, the starting-place for the runners, and (at Olympia) an altar of Endymion. At the other end, at or near the centre of the semicircle, and at the distance of a stadium from the starting-place, was the goal, which was the termination of the simple footrace, the runners in which were called *σταδιοδρόμοι*: the race itself is called *στάδιον* and *δρόμος*. In the *δίαυλος δρόμος* the racers turned round this and came back to the starting-place. The starting-place and goal had various names. The former was called *ἄφεσις*, *γραμμή*, *ὕσπληξ*, and *βαλβίς*: the latter, *τέρμα*, *βατήρ*, *τέλος*, *καμπτήρ*, and *νύσσα*. The term *γραμμή* is explained as the *line* along which the racers were placed before starting; *ὕσπληξ*, which means *the lash of a whip*, is supposed to have been a cord which was stretched in front of the racers to restrain their impatience, and which was let fall when the signal was given to start; the name *καμπτήρ* was applied to the goal because the runners in the *δίαυλος* and *δόλιχος turned* round it to complete their course. These terms are often applied indifferently to the starting-place and the goal, probably because the starting-place was also the end of all races except the simple *στάδιον*. The starting-place and goal were each marked by a square pillar (*στῆλαι*, *κίονες κυβοειδεῖς*), and half way between these was a third. On the first was inscribed the word *ἀρίστευε*, on the second *σπεῦδε*, and on the third *κάμψον*. The *δολιχοδρόμοι* turned round both the extreme pillars till

1. (De Die Natali, c. 13.)—2. (*l. l.*)—3. (Wurm, De Pond., &c. § 58.)

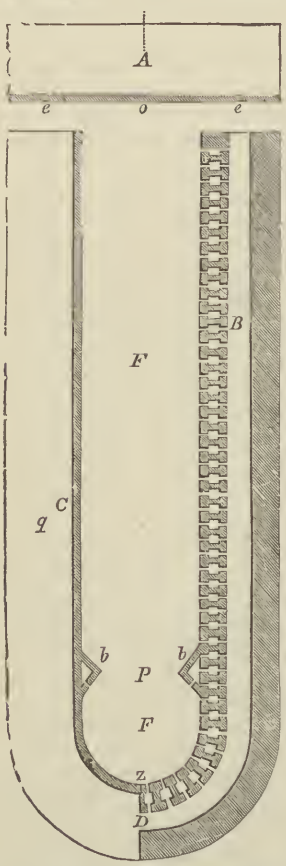
1. (Pausan., ii., 27, § 6; vi., 20, § 5, 6; ix., 23, § 1.)—2. (Id. x., 32, § 1.)—3. (Id., i., 19, § 7.—Leake's Topog. of Athens, p. 90.)

they had completed the number of stadia of which their course consisted.[1]

The semicircular end of the area, which was called *σφενδονή*, and was not used in the races, was probably devoted to the other athletic sports. This *σφενδονή* is still clearly seen in the Ephesian and Messenian stadia, in the latter of which it is surrounded by 16 rows of seats. The area of the stadium was surrounded by the seats for spectators, which were separated from it by a low wall or podium.

Opposite to the goal on one side of the stadium were the seats of the hellanodicæ, for whom there was a secret entrance into the stadium (*κρυπτὴ ἔσοδος*), and on the other side was an altar of white marble, on which the priestesses of Demeter Chamyne sat to view the games. The area was generally adorned with altars and statues.

Such was the general form and arrangement of the Greek stadium. After the Roman conquest of Greece, the form of the stadium was often modified so as to resemble the amphitheatre, by making both its ends semicircular, and by surrounding it with seats supported by vaulted masonry, as in the Roman amphitheatre. The Ephesian stadium still has such seats round a portion of it. A restoration of this stadium is given in the following woodcut, copied from Krause.



A the boundary wall at the aphesis, 77 feet deep B C the sides, and D the semicircular end, of the same depth as A; F F the area, including the *σφενδονή*; *b b* pieces of masonry jutting out into the area; *e e* the entrances; from *o* to *P* is the length of an Olympic stadium; from *q* to *z* the rang of amphitheatrical seats mentioned above.[1] (*Vid* Olympic Games.)

STALA'GMIA. (*Vid.* Inauris, p. 533.)

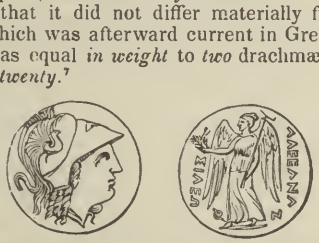
*STANNUM, the same with the *Plumbum album* of the Romans or *κασσίτερος* of the Greeks, the "Pyramidal Tin Ore" of Jameson, or Oxyde of Tin. "The Phœnicians, at a very early period, were acquainted with the tin ores of Cornwall. The Jews had vessels of tin as early as the days of Moses. On the *κασσίτερος* of the Greeks, the reader is referred to *Beckmann's History of Inventions*, vol. iv. p. 1, &c. Heeren says of this work, 'it is there first shown that the Latin *stannum* may be different from the *κασσίτερος*. The former is what, in the German smelting-houses, is called *werk*, the latter is the *Plumbum album* of the Romans.'" "Lead and tin," observes Dr. Moore, "are metals which we have the best reason for treating under the same head, since the ancients frequently confounded them; and, however strange may appear such confusion in regard to metals so plainly distinguished by their properties as these, their names, nevertheless, in Hebrew, Arabic, Greek, and Latin, are often indifferently used. The Greeks, when they would distinguish the two metals, called tin *κασσίτερος*, and lead *μόλυβδος*; but as the French at the present day call pewter *etain*, and confound it with pure tin, so did the Greeks comprehend under the name *κασσίτερος* various alloys of tin with lead or other metal; and some such Homer is supposed to mean when he speaks of tin (*κασσίτερος*) used in the fabrication or ornament of various parts of armour. The Romans distinguished lead (*Plumbum*) into black and white. The latter (*Plumbum album*) was the more precious, Pliny says, being what the Greeks called *κασσίτερος*. Plumbum album is sometimes called *stannum*, while on other occasions the latter is spoken of as something different, in which case it may have been an alloy of tin and lead, or, as Beckmann thinks, of silver and lead; or it may have been designated by a different name merely because obtained from a different place, from an ore of different appearance, or by some different process; since any one of these, we know, was anciently sufficient ground of distinction between substances that were identical. If any reliance could be placed on Pliny's accuracy in a matter of this kind, we might infer, from what he says of the mode in which stannum was obtained, that the ancients were acquainted with an argentiferous galena containing also tin. Beckmann, however, in his examination of this passage, says that lead is seldom found without, but that tin, perhaps, has never been found with, silver. He admits that the passage in question cannot be fully understood with any explanation, yet he thinks it proves to conviction that the stannum of the ancients was not tin, but a mixture of silver and lead, called in the German smelting-houses *werk*. It is from *stannum*, however, that are derived the names *etain* and *tin*. He supposes the oldest *κασσίτερος* to have been nothing else than the stannum of the Romans. Aristotle, however, relating a phenomenon applicable to tin, calls the metal *τὸν κασσίτερον τὸν Κελτικόν*."[2]

STATER (*στατῆρ*), which means simply *a standard* (in this case both of weight and more particularly of money), was the name of the principal gold coin of Greece, which was also called chrysus (*χρυσοῦς*). The general subject of Greek gold money

1. (Schol ad Soph., Electr 691

1. (Krause, Die Gymnastik und Agonistik der Hellenen, p. 131, § 14.—Müller's Archäol. der Kunst, § 290.)—2. (Dioscor., v., 96.—Pliny, xxiv., 47.—Isid., Orig., xvi., 21.—Numbers, xxxi., 22.—Heeren's Hist. Researches, vol. vi., p. 167.—Adams, Apperd., s. v.—Moore's Ancient Mineral., § 44, 45

has been discussed under AURUM, where it is stated that the Greeks obtained their principal supply of gold from Asia. To the same quarter we must look for the origin of their gold money. The daricus, which came to them from Persia, has been already treated of. (*Vid.* DARICUS.) The stater is said to have been first coined in Lydia by Crœsus. To this country, indeed, one tradition ascribes the origin both of gold and silver money ;[1] but, be this as it may, the stater of Crœsus was the first gold coinage with which the Greeks were acquainted.[2] Böckh[3] asserts that these staters were undoubtedly formed of the pale gold or electrum which was washed down from Tmolus by the Pactolus, and which Sophocles speaks of as Sardian electrum.[4] Electrum, according to Pliny,[5] was gold containing a mixture of $\frac{1}{3}$th part of silver. There is in the Hunterian collection (plate 66, fig. 1) a very ancient coin of this pale gold, of an oval, ball-like shape, impressed with the figure of a man kneeling, holding a fish in his left hand, and in his right a knife hanging down, which Pinkerton takes for a coin of Crœsus, but respecting which nothing more can be said with safety than that it is a very ancient specimen of Asiatic money. Its weight is 248½ English grains, or about that of the Attic tetradrachm, which was twice the weight of the stater. This, therefore, would be a double stater.[6] At all events, in the absence of certain specimens of the Lydian stater, and of any express statement of its value, we may suppose, from the very silence of the Greek writers, that it did not differ materially from the stater which was afterward current in Greece, and which was equal *in weight* to *two* drachmæ, and *in value* to *twenty*.[7]



MACEDONIAN STATER. BRITISH MUSEUM.

The following were the principal Greek staters :

1. The Attic stater, which has been spoken of under AURUM. The weights of the coins there mentioned are 132·3, 132·7, 132·6, and 132·75 grains, the average of which is 132·5875 grains, which only falls short of the weight of the Attic didrach by a little more than half a grain. (*Vid.* DRACHMA.) The gold of the Attic coins is remarkably pure.

2. The stater of Cyzicus was common in Greece, especially at Athens. We learn from Demosthenes[8] that at a particular period (a little after B.C. 335) this stater passed on the Bosporus for 28 Attic drachmæ, which, by a comparison with the then value of the daricus (*vid.* DARICUS), would give for its weight about 180 grains. Several Cyzicene staters exist, but none of them come up to this weight. Hence we may conclude that the price of gold on the Bosporus was at that time unusually high. Some of the existing coins give 160 grains, and others not more than 120, for the weight of the Cyzicene stater, so that the element of this coinage seems to have been a piece of 40 grains. Its value, calculated from the number of drachmæ it passed for, would be 1*l.* 2*s.* 9*d.*

3. The stater of Lampsacus is mentioned in an Attic inscription of B.C. 434. Several gold coins of Lampsacus are extant: they may be known by the impression of a seahorse upon them. There are two in the British Museum, of the weight of about 129 grains, which is just that of the daricus. The weights of the Lampsacene staters are very unequal; and both Lampsacus and Cyzicus appear to have had gold coins which were multiples of different standards.

4. The stater of Phocæa is mentioned by Thucydides[1] and Demosthenes[2] as in circulation in their times. Sestini gives several of these, the largest of which, stamped with a Φ, weighs 255·42 English grains. This is a double stater, giving a single one of 127·71 grains, or 5 grains less than the Attic, and seems to follow the standard of the daricus. Most of the others are thirds of the stater, and of a lighter comparative weight. There was also at Athens a Phocæan coin called ἕκτη,[3] which may have been either the sixth of the stater or (Mr. Hussey conjectures) of the mina. Hesychius[4] mentions the ἕκτη, τρίτη, and τετάρτη as coins of gold, or silver, or copper. There was a gold coin (of what state we are not told) called ἡμίεκτον, which was worth eight silver obols.[5] This stood in the same relation to the stater as the obol to the didrachm, namely, one twelfth, and was, therefore probably equal to the obol in weight. Its low value (giving the proportional worth of gold to silver as 8 to 1) may be accounted for by supposing that it was, like the Phocæan coins, of a light standard, or that the gold in it was not very pure.

5. The stater of Macedonia was coined by Philip II. and Alexander the Great after the standard of the Attic didrachm, and of very fine gold. Under those princes it came into general circulation in Greece and throughout the Macedonian empire. The extant specimens of this coinage are very numerous.

Mr. Hussey gives the following report of an assay which was made for him of a stater of Alexander :

Gold,	11 oz.	9 dwts.	6 grs.
Silver,			18 "
Alloy,			0

The silver is an accidental admixture, or, if known to be present, was not allowed for, so that this coin may be reckoned at 133 grains of fine gold. Our sovereign, after deducting the alloy, contains 113·12 grains of fine gold. Therefore the Macedonian stater $= \frac{133}{113 \cdot 12}$ of the English sovereign, or 1*l.* 3*s.* 6*d.* 0·672 farthing. The average is, however, a little below this stater, but not more so than is due to wear. The stater of Philip was very recently current in Greece at the value of about 25 shillings. This standard was preserved, or very nearly so, under the later Macedonian kings, and was adopted by other states, as Epirus, Ætolia, Acarnania, and Syracuse.

Besides the staters noticed above, most of the cities of Ionia had gold coins, but their value is very doubtful. There are specimens in existence from Chios, Teos, Colophon, Smyrna, Ephesus, and many other places. Samos, Siphnus, Thasos, the Greek cities of Sicily, and Cyrene, had gold money at an early period.

Pollux mentions a Corinthian stater as used in Sicily, which he calls δεκάλιτρος στατήρ, and makes equal to ten Æginetan obols.[6] The explanation of this statement is very difficult, and depends in a great measure on the disputed question whether the Corinthian money followed the Attic or the Æginetan standard.[7]

1. (Herod., i., 94.) — 2. (Herod., i., 84. — Pollux, Onom., iii., 87 ; ix., 84.) — 3. (Metrolog. Untersuch., p. 129.) — 4. (Antig., 1037.)—5. (xxxiii., 23.)—6. (Böckh, l c.)—7. (Hesych., s. v. Χρυσοῦς —Pollux, Onom., iv , 173.—Harpocrat., s. v. Δαρεικός.) 8 (in Phorm , p. 914.)

1. (iv., 52.)—2. (in Bœot., p. 1019.)—3. (Böckh, Inscrip., 150 4. (s. v. ἕκτη.)—5. (Crates ap. Poll., Onom., ix., 62 ; and Meinecke, Frag. Comic., ii., p. 241.) — 6. (Pollux, Onom. iv., 174 ix., 80.)—7. (Compare Hussey c iv., s. 2, with Böckh, Metrolog Untersuch., vii., 8.)

In calculating the value of the stater in our money, the ratio of gold to silver must not be overlooked. Thus the stater of Alexander, which we have valued, according to the present worth of gold, at 1*l.* 3*s.* 6*d.*, passed for twenty drachmæ, which, according to the present value of silver, were worth only 16*s.* 3*d.* But the former is the true worth of the stater, the difference arising from the greater value of silver in ancient times than now. (*Vid.* ARGENTUM.)

Besides the stater itself, there were, as appears from the above remarks, double staters, and the halves (*ἡμιχρυσοῦς, ἡμιστατῆρες*), quarters, thirds, sixths, and twelfths of the stater. The coins of the last four denominations are, however, much less common than the single, double, and half staters.

The term *στατήρ*, in later times, was applied to the silver tetradrachm, but whether it was so used in the flourishing times of Athens is doubtful. (*Vid.* DRACHMA.)

It was also used in reference to weight, apparently like the Hebrew *shekel* and the Latin *pondo*, in a general sense. The MINA[1] and the Sicilian LITRA[2] are both called stater.[3]

STATI DIES. (*Vid.* DIES, p. 362.)

STATIO'NES. (*Vid.* CASTRA, p. 222.)

STATIO'NES FISCI. The FISCUS was divided into various departments, called *stationes*, according to the different revenues belonging to it.[4] Thus we read of a *statio XX. hereditatium*,[5] a *statio hereditatium*,[6] a *statio annonæ*.[7]

STATIO'NES MUNICIPIO'RUM, mentioned by Pliny,[8] are supposed by Niebuhr[9] to be places by the side of the comitium allotted to municipals, that they might hear the debates, like privileged seats in the hall of a parliamentary assembly. The *Græcostasis* mentioned by Cicero[10] and Varro[11] was a similar place, as Niebuhr remarks, on the right of the comitium, allotted to the Greeks from the allied states for the same purpose.

STATOR, a public servant, who attended on the Roman magistrates in the provinces. The statores seem to have derived their name from standing by the side of the magistrate, and thus being at hand to execute all his commands: they appear to have been chiefly employed in carrying letters and messages.[12] Alexander Severus forbade the use of statores in the provinces, and commanded that their duties should be discharged by soldiers.[13]

STATU LIBER. (*Vid.* MANUMISSIO, p. 616.)

STATUARY (*statuaria ars*) is, in its proper sense, the art of making statues or busts, whether they consist of stone or metal, and includes the art of making the various kinds of reliefs (alto, basso, and mezzo relievo). The ancients, accustomed to trace all their arts and sciences to a single person, who was generally believed to have been led to his discovery by some accidental circumstance, relate several stories to account for the origin and discovery of the arts of painting and statuary.[14] But arts such as these cannot, like those which are the necessary result of particular local circumstances, or are in their origin of a complicated nature, be assigned to any particular nation or to any particular individual: they spring up naturally in all countries, and take their origin alike everywhere in the imitative faculty of man. It is, therefore, idle talk when modern writers gravely repeat the stories about the invention of sculpture or painting or assign the invention of either of them to the Egyptians or any other nation. These arts, in their infant state, existed among the Greeks from time immemorial; and if there are any resemblances between the earliest works of Grecian art and those of Egypt, we have still no right to infer that the Greeks learned them from the Egyptians; and we might as well assert that the Greeks learned their arts from the Gauls or from the Siamese, for the works of these nations, too, resemble those of early Greece. An art in its primitive state manifests itself nearly in the same manner in all parts of the world. But what is of real interest is to know the causes through which statuary, or, to use a more common but less appropriate term, sculpture, became so pre-eminently *the* art of the Greeks, that down to this day no other nation has produced artists that can compete with them, and that all look upon the Greeks as the great masters and models for all ages. Winckelmann has pointed out three great causes, viz., their innate genius, their religion, and their social and political institutions; and these three points, if accurately examined, will certainly be found to have singularly co-operated in making the Greek artists what they were. There is another point connected with the origin of Grecian sculpture which appears to have led some modern writers to form erroneous opinions. The peculiar form of the Hermæ (*vid.* HERMÆ) has given rise to the belief that in the earliest statues the head only (bust) was represented, and that the remaining part of the body was expressed by a simple pillar or block. This view is contrary to nature as well as to history; for neither a nation nor a child (which in this case may be fairly taken as a representative of a nation in its infancy), when they begin to exercise their imitative faculty, will rest satisfied with forming the mere head of a human being, but endeavour to produce the whole as well as they can. We may add, that no other nation presents such a phenomenon in the earliest history of its arts. The Hermæ, therefore, cannot have arisen from an incapability of forming a whole human figure. They appear rather to point to the time when the Greeks *began* to represent their gods in a human form. To give to a god the entire form of a man would have been irreverent, whereas the head was necessary, and, at the same time, sufficient to represent him as a distinct individual being, and endowed with spiritual and thinking powers. The process of humanizing the gods must have been preceded by the custom of representing them in unnatural forms, or such as were partly human and partly animal. The earliest images of the gods were pure images (not the gods themselves), and intended to express some thought or idea: now, as the natural figure of man is only expressive of itself, the significant parts of two or more beings were put together to express the idea which men had formed of their gods. Such monstrous figures were retained as representations of some gods down to the latest times. As instances of this, we may mention Glaucus with the tail of a fish;[1] the Arcadian Pan with goat's feet;[2] and the Demeter of Phigalia with the head and mane of a horse.[3] Homer's silence on such compound representations of the gods is no proof that they did not exist in early times.

Before proceeding to consider statuary in its several stages of development, it is necessary to make a few preliminary remarks respecting the materials used by the Greeks in this art. On the whole, it may be said that there is no material applicable to statuary which was not used by the Greeks. As

1. (Pollux, Onom., ix., 6.)—2. (Id. ib., iv., 24.)—3. (Sestini, Degli Stateri Antichi.—Hussey.—Wurm.—Böckh.)—4. (Cod., iv., tit. 31, s. 1; 10, tit. 5, s. 1.)—5. (Orelli, Inscr., n. 3332.)—6. (Orelli, n. 3207.—Gruter, p. 451, n. 3.)—7. (Orelli, n. 4107, 4420.—*Vid.* Walter, Gesch. des Röm. Rechts, p. 350.)—8. (H. N., xvi., 4, s. 86.)—9. (Hist. of Rome, ii., p. 58, note 116.)—10. (ad Quint., ii., 1.)—11. (Ling. Lat., v., 155, ed. Müller.)—12. (Cic. ad Fam., ii., 17, 19; x., 21.—Dig. 4, tit. 6, s. 10.)—13. (Dig. 4, tit. 6, s. 10.—Lamprid., Alex. Sev., 52.)—14. (Plin., H. N., xxxv., 5 and 43.—Compare Quint., x., 2, § 7.)

1. (Philostr., Icon., ii., 15.)—2. (Hirt., Mythol. Bilder., ii. p. 161, &c.)—3. (Paus., viii., 42, § 3.)

Soft clay is capable of being shaped without difficulty into any form, and is easily dried either by being exposed to the sun or by being baked, we may consider this substance to have been the earliest material of which figures were made. We have a trace of this in the story that Zeus, in his anger at Prometheus having stolen the fire, ordered Hephæstus to form Pandora of earth moistened with tears.[1] The name plastic art (ἡ πλαστική), by which the ancients sometimes designate the art of statuary, properly signifies to form or shape a thing of clay. But, notwithstanding the great facility of making figures of clay, they are not often mentioned in the early ages of Greece, while in Italy the *Dii fictiles* (πήλινοι θεοί) were very common from the earliest times. Clay figures, however, never fell into disuse entirely; and in later times we find not only statues of clay, but the pediments in small or rural temples frequently contained the most beautiful reliefs in clay, which were copies of the marble reliefs of larger temples. When Pliny[2] speaks of Rhœcus and Theodorus of Samos as the inventors of the *plastice*, he seems to labour under a mistake, and to confound the art of working in clay with that of working in metal, as in later times the latter of these two arts was commonly called plastice. Some ancient figures of clay are still preserved.

The second material was *wood*, and figures made of wood were called ξόανα, from ξέω, "to polish" or "carve." Various kinds of wood were used in statuary; we find mention of oak, cedar, cypress, sycamore, pine, fig, box, and ebony. It was chiefly used for making images of the gods, and probably more on account of the facility of working in it than for any other reason. It should, however, be remarked, that particular kinds of wood were used to make the images of particular deities: thus the statues of Dionysus, the god of figs, were made of figwood. The use of wood for statues of the gods continued to the latest times; but statues of men, as, for example, some of the victors in the public games, were likewise made of wood at a time when the Greeks were sufficiently acquainted with the art of working in stone and metal.

Stone was little used in statuary during the early ages of Greece, though it was not altogether unknown, as we may infer from the relief on the Liongate of Mycenæ. In Italy, where the soft peperino afforded an easy material for working, stone appears to have been used at an earlier period, and more commonly than in Greece. But in the historical times, the Greeks used all the principal varieties of marble for their statues; the most celebrated kinds of which were the marbles of Paros and of Mount Pentelicus, both of which were of a white colour. Different kinds of marble and of different colours were sometimes used in one and the same statue, in which case the work is called Polylithic statuary.

Bronze (χάλκος, *æs*), *silver*, and *gold* were used profusely in the state of society described in the Homeric poems, which is a sufficient proof that works of art in these metals were not altogether unknown in those times. Iron came into use much later, and the art of casting iron is ascribed to Rhœcus and to Theodorus of Samos.[3] (*Vid.* Bronze.)

Ivory came into use at a later period than any of the before-mentioned materials, and then was highly valued both for its beauty and rarity. In its application to statuary, ivory was generally combined with gold, and was used for the parts representing the flesh. Winckelmann has calculated that about one hundred statues of this kind are mentioned by the ancients.

1. (Hesiod., Theog., 571, &c.—Stob., Serm., 1.) — 2. (H. N., xxxv., 43.)—3. (Paus., x., 38, § 3.)

The history of ancient art, and of statuary in particular, may be divided into five periods.

1. *First Period, from the earliest times till about Ol.* 50, *or* 580 B.C.

The real history of the arts is preceded by a period of a purely mythical character, which tradition has peopled with divine artists and most extraordinary productions. Three kinds of artists, however, may be distinguished in this mythical period: the first consists of gods and dæmons, such as Athena, Hephæstus, the Phrygian or Dardanian Dactyli, and the Cabiri. The second contains whole tribes of men, distinguished from others by the mysterious possession of superior skill in the practice of the arts, such as the Telchines and the Lycian Cyclopes. The third consists of individuals who are, indeed, described as human beings, but yet are nothing more than personifications of particular branches of art, or the representatives of families of artists. Of the latter the most celebrated is *Dædalus*, whose name indicates nothing but a smith or an artist in general, and who is himself the mythical ancestor of a numerous family of artists (*Dædalids*), which can be traced from the time of Homer to that of Plato, for even Socrates is said to have been a descendant of this family. He was believed to be an Athenian, but Crete also claimed the honour of being his native country. The stories respecting him are sometimes more like allegorical accounts of the progress of the arts than anything else. He was principally renowned in antiquity for his ξόανα, and several parts of Greece, as Bœotia, Attica, Crete, and even Libya in later times, were believed to possess specimens of his workmanship.[1] Numerous inventions, also, especially of instruments used in carving wood, are ascribed to him. He is said to have made his statues walking, which appears to mean that before his time human figures were represented with their legs close together, and that in his statues the legs were separated, which was at once a great step forward, as it imparted greater life and activity to a figure. *Smilis* (from σμίλη, a carving-knife) exercised his art in Samos, Ægina, and other places, and some remarkable works were attributed to him.[2] *Endœus* of Athens is called a disciple of Dædalus. Various works were attributed to him by the ancients. One among them was a colossal ξόανον of Athena Polias in a temple at Erythræ in Ionia. She was represented sitting upon a θρόνος, holding a spindle in her hand, and with a πόλος on her head. Pausanias[3] saw this ξόανον himself.

According to the popular traditions of Greece, there was no period in which the gods were not represented in some form or other, and there is no doubt that for a long time there existed no other statues in Greece than those of the gods; a round statue of a man appears for a long time to have been a thing unheard of in Greece. The earliest representations of the gods, however, were by no means regarded as the gods themselves, or even as images of them, but only as symbols of their presence; and as the imagination of a pious primitive age does not require much to be reminded of the presence of the Deity, the simplest symbols were sometimes sufficient to produce this effect. Hence we find that in many places the presence of a god was indicated by the simplest and most shapeless symbols, such as unhewn blocks of stone (λίθοι ἀργοί[4]), and by simple pillars or pieces of wood.[5] (*Vid.* Docana and Dædala.) Many such symbolic rep-

1. (Paus., vii., 5; ix., 40. § 2; i., 18, § 5. — Scylax, p. 53, ed Huds.)—2. (Müller, Æginet., p. 97.)—3. (vii., 5, § 4.)—4. (Paus. ix., 27, § 1; 35, § 1; vii., 22, § 3.)—5. (Paus., vii., 22, § 3 Clem. Alex., Strom., i., p. 418, and p. 348, ed. Sylburg.)

resentations of gods were held in the greatest esteem, even in the historical ages, as sacred inheritances of former times, and remained the conventional representations of the gods, notwithstanding the progress which the arts had made. The general name for a representation of a god not consisting of such a rude symbol was *ἄγαλμα*.[1]

In the Homeric poems, although the shield of Achilles, the gold and silver dogs which kept watch at the palace of Alcinous, and other similar things, may be pure fictions, there are sufficient traces of the existence of statues of the gods; but it would seem that, as the ideas of the gods were yet gigantic and undefined, the representations of several superhuman beings were more calculated to inspire awe than to display any artistic beauty.[2] This was, however, not always the case. Temples are mentioned in several places,[3] and temples presuppose the existence of representations of the gods. A statue of Athena is mentioned at Ilion, upon whose knees the queen places a magnificent peplus.[4] The statue thus appears to have been in a sitting position, like the statues of Athena among the Ionians in general.[5] The existence of a statue of Apollo must be inferred from Iliad, i., 28, for the *στέμμα θεοῖο* can only mean the wreath or diadem with which his statue itself used to be adorned. This statue must, moreover, have been represented carrying a bow, for attributes like *ἀργυρότοξος* could have no meaning unless they referred to something existing and well-known. Other proofs of representations of the gods in human form may be found in Iliad, ii., 478, &c.; iii., 396, &c. These statues were undoubtedly all *ξόανα*, and, as we must infer from the expressions of Homer, were far more perfect than they are said to have been previously to the time of Dædalus. A work still extant, which is certainly as old as the time of Homer, if not much older, is the relief above the ancient gate of Mycenæ, representing two lions standing on their hind legs, with a sort of pillar between them.[6] These facts justify us in supposing that, at the time of Homer, the Greeks, but more especially the Ionians of Asia Minor, had made great progress in sculpture. The Ionians appear to have been far in advance of the Greeks of the mother-country. The cause of this must probably be sought in the influence which some of the nations of Western Asia, such as the Lydians, Lycians, and Phœnicians, had upon the Ionian colonists, for that these nations excelled the Greeks in various branches of the arts is abundantly attested by numerous passages in the Homeric poems. We must not, however, attribute too much to this foreign influence, for there were many other causes at work besides, by which the Greek colonies, not only of Asia, but of Sicily and Italy also, were enabled to be in advance of the mother-country. The ancient coins of the Italian Greeks, too, are much more beautiful, and show more individuality than those of Greece proper we also find that Learchus of Rhegium, about 720 B.C. came to Sparta, and formed there the earliest bronze statue of Zeus, which consisted of several pieces nailed together.[7] It appears to have been shortly after this time that Gitiades of Sparta made a bronze statue of Athena.[8] Another great work in bronze belonging to this period is the colossal statue of Zeus, which was dedicated at Olympia by Cypselus or Periander of Corinth, and for which the wealthy Corinthians were obliged to sacrifice a considerable part of their property.[1] About 650 B.C., Myron of Sicyon dedicated two *θάλαμοι* of bronze at Olympia, which were still there in the days of Pausanias.[2]

The time which elapsed between the composition of the Homeric poems and the beginning of the fifth century before our era, may be termed the age of discovery; for nearly all the inventions upon the application of which the development of the arts is dependant are assigned to this period, which may, at the same time, be regarded as the first historical period in the history of art. Glaucus of Chios or Samos is said to have invented the art of soldering metal (*σιδήρου κόλλησις*[3]). The two artists most celebrated for their discoveries were the two brothers Telecles and Theodorus of Samos, about the time of Polycrates. The most important of them was the art of casting figures of metal. This art appears to have been peculiar to the Greeks; at least we do not find that it was ever made use of by any other ancient nation. It is a singular circumstance, that the very two artists to whom this invention is ascribed are said to have made their studies in Egypt; and the curious story of the two brothers executing a *ξόανον* of the Pythian Apollo in such a manner, that while Telecles made the one half of the statue at Delos, the other half was made by Theodorus at Ephesus, and that, when the two halves were put together, they tallied as accurately as if the whole had been the work of one artist,[4] has been thought to support the Egyptian tradition that these artists were greatly assisted in the exercise of their art by what they had learned in Egypt. But, in the first place, the whole story has a very fabulous appearance; and even admitting that the artists, as the Egyptians asserted, had actually been in their country, nobody will on this ground maintain that they learned their art there: the utmost they could have learned might have been some mechanical processes; the art itself must be vindicated for the Greeks. In the second place, Telecles and Theodorus are called by Diodorus sons of Rhœcus; and Pausanias himself, who was unable to discover a bronze work of Theodorus, saw at Ephesus a bronze statue which was the work of Rhœcus.[5] Hence we have reason to suppose that Telecles and Theodorus learned, at any rate, the art of casting metal from their father, and not in a foreign country. Respecting the various accounts of these two artists, and the time at which they lived, see Pliny,[6] Herodotus, and Pausanias. Pliny[7] says that Pasiteles called the art of modelling clay the mother of the art of casting figures in metal (*statuaria*), and this passage has been explained as if Pasiteles meant to say that in Samos the former of these arts had given rise to the latter. But this is manifestly wrong; for, from the words which follow in the text of Pliny, it is clear that the meaning is, that he never executed any work in metal, marble &c., without previously making a model in clay.

Statues of gods in baked clay, though in general more used for domestic and private than for public worship, continued to be made as before. Many specimens of small dimensions and of very rude workmanship have been discovered in Attic graves.[8] Ornaments and reliefs on houses, porticoes, and temples, were likewise very commonly made of clay, especially at Corinth and in the Ceramicus.[9]

Representations of the gods in marble are not mentioned in Homer, although they may have existed in his time as well as statues of wood, which are

1. (Ruhnken ad Tim., p. 2.)—2 (Il. xi., 30, &c.—Hesiod, Scut. Herc., 144, 156, 248, &c.)—3 (Il., i., 39, vii., 83, &c.)—4. (Il., vi., 92.—Compare ib., 273.)—5 (Strab., xiii., p. 601.)—6. (Paus., ii., 16, § 4.—Sir W. Gell, Argol., pl. 8–10.—Göttling in the Rheinisch. Mus., 1841, p. 2.)—7 (Paus., iii., 17, § 6.)—8. (Paus., vii., 17, § 13.)

1. (Strab., viii., p. 353, 378.—Phot. and Suid., s. v. Κυψελιδῶν.)—2. (vi., 19, § 2.)—3. (Herod., i., 25.)—4. (Diodor., i., 98.)—5 (x., 38, § 3.)—6. (H. N., xxxv., 53.)—7. (Pliny, H. N., xxxv., 55.)—8 (Vid. Schol. ad Aristoph., Av., 426.)—9 (Paus., i., 2, § 4., i., 3, § 1.)

likewise not expressly mentioned. Marble is found in the ancient Thesaurus of Orchomenos. Pliny[1] calculates that works in marble were executed by Malas in Chios at the beginning of the olympiads; and about Ol. 50 (580 B.C.) Dipœnus and Scyllis were renowned for their works in marble. The most ancient specimen of a marble statue was seen by Pausanias[2] in the market-place of Megara. The work consisted of two figures, Corœbus killing Pœne. There are still extant some works in marble which may with certainty be ascribed to the period previous to Ol. 50.

Before we conclude our account of the works produced during this period, we have to mention the celebrated chest of Cypselus at Olympia, which Pausanias saw and described.[3] It belonged, perhaps, to the year 733 B.C. The chest was made of cedar-wood, which was thought most durable. It was adorned on its four sides and on the cover with figures, partly in ivory, partly in gold, and partly in the cedar-wood itself, which represented various scenes taken from the stories of the heroic ages. Pausanias does not express his opinion as to their artistic merits, but the minuteness with which he describes them is a sufficient proof that he did not consider them as bad either in design or execution. Quatremère de Quincy has attempted (in his *Jupiter Olympien*) to restore this chest and its ornaments from the description of Pausanias; but the restoration is so egregiously bad, that an eye accustomed to the contemplation of genuine works of art shrinks from it in disgust.

During the whole of this period we scarcely hear of any statues except those of the gods; and although marble and bronze began to be extensively applied, yet wood was much more generally used for representations of the gods. These statues were painted (*vid.* PAINTING, p. 700), and in most cases dressed in the most gorgeous attire. The general character of the statues produced in the earlier times of this period is, on the whole, the same as among other nations at such an early period. The style in which they are executed is called the *archaic* or the *hieratic* style. The figures are stiff and clumsy, the countenances have little or no individuality, the eyes long and small, and the outer angles turned a little upward; the mouth, which is likewise drawn upward at the two corners, has a smiling appearance. The hair is carefully worked, but has a stiff, wiry appearance, and hangs generally down in straight lines, which are curled at the ends. The arms hang down the sides of the body, unless the figure carries something in its hands. The drapery is likewise stiff, and the folds are very symmetrical, and worked with little regard to nature. As the arts, during this period, were chiefly employed in the service of religion, they could, notwithstanding the many mechanical discoveries of the time, make but slow progress towards the production of works of sublimity or beauty, for in the representations of the gods for public worship, ancient forms, hallowed by time and custom, were retained, and repeated without the artist being allowed, even if he was able to do it, to depart from these forms, or to introduce any material change. Art, therefore, could not make any great progress until it was applied to purposes in which the artist's genius was not restrained by religious custom, and not bound to conventional forms. Religion, although the fostering mother of the arts in their infancy, became a tedious restraint when they grew up to manhood. But, as soon as other spheres of action were opened, religion, in her turn, could not escape from the influence of the advancement of the arts, and the old conventional forms in many places gave way to works of real merit and genius. This great and important change took place about and after Ol. 50.

II. *Second Period, from Ol. 50 to Ol. 75.* (580–480 B.C.)

This period, although comprising no more than one century, developed all the elements which combined to make Grecian art what it became during the third and most flourishing period of its history. Greece now came into close contact with the nations of the East and with Egypt; commerce flourished at Corinth, Ægina, Samos, Miletus, Phocæa, and other places; gold became more abundant in Greece than it had been before, and the tyrants who sprang up in several parts of Greece surrounded themselves with splendour and magnificence, and acted as the patrons of art to palliate their own usurpation. But all these were only external influences, and could not have produced a nation of artists like the Greeks. Epic poetry had gradually created in the minds of the people more defined ideas of their gods and heroes, while philosophy began to make men look beyond what was conventional and traditionary. The athletic and orchestic arts attained about Ol. 50 a high degree of perfection, and the circumstance that about the same time the gymnastic and athletic contests at the great public festivals began to be performed naked, directed the attention of the artists, as well as of the public, to nature, and rendered them familiar with the beautiful forms of the human body. But the imitation of nature was at first of a very hard and severe character, and the influence of conventional forms still acted in many cases as an obstacle.

The number of artists who flourished during this period is truly astonishing. It has been said that the close connexion of father and son among the artists ceased at this time, and that individual artists worked free, and according to the dictates of their own genius. But this is going too far, for it still continued to be the common practice for a son to be instructed by his father; and although this relation is usually expressed by the term *μαθητής*, yet on statues we only meet with the term *υἱός*. But, along with these families of artists, schools now became more general, in which the arts were taught and cultivated according to certain principles which were or became traditionary in each school; the schools thus acquired something of the spirit of castes or corporations.

The Ionians of Asia Minor and the islanders of the Ægean, who had previously been in advance of the other Greeks in the exercise of the fine arts, had their last flourishing period from Ol. 55 to Ol. 63 (560–528 B.C.). But this short period must have been one of the greatest as well as one of the most active and productive of numerous costly works of art. The presents which Crœsus sent to Delphi, and some of which were said to have been made by the Samian Theodorus, must have been executed at the beginning of these forty years. Our want of information respecting the Ionians must be ascribed to the circumstance that we have no Pausanias to take us through their cities, and to describe and explain the works of art with which they were adorned. It is owing to the same circumstance that we know so little of Rhodes, Lemnos, Naxos, and Cyprus, although we may take for granted that these flourishing islands did not by any means neglect the arts. Respecting Chios and Samos we possess more information. Works in metal were produced in high perfection in the latter island, in Ægina, and Argos, while Chios gained the greatest reputation from its possessing the earliest

1 (H. N., xxxvi., 4, 2.)—2. (i., 43, § 7.)—3. (iv., 17, § 2, &c.)

great school of sculptors in marble, in which Bupalus and Anthermus were the most distinguished, about Olympiad 60. Their works were scattered over various parts of Greece, and their value may be inferred from the fact that Augustus adorned with them the pediment of the Temple of Apollo on the Palatine.[1] These works must be supposed originally to have belonged to a Greek temple of the same god, and must certainly have been of superior beauty to the works discovered in the island of Ægina, otherwise Augustus would not have chosen them as ornaments for the Palatine temple. Sicyon also possessed a celebrated school of sculptors in marble, and about Ol. 50 Dipœnus and Scyllis, who had come from Crete, were at the head of it, and executed several marble statues of gods.[2] In Ætolia, whither they withdrew for a time, and at Argos, there likewise existed works in marble by these artists. Disciples of them, such as Dorycleidas, Medon, and Theocles, were engaged at Sparta and in other places.[3] Respecting Magna Græcia and Sicily we know few particulars, though it appears that the arts here went on improving, and continued to be in advance of the mother-country. The most celebrated artists in southern Italy were Dameas of Croton and Pythagoras of Rhegium.

In Greece itself, Sicyon continued, from early times, to be the seat of a distinguished school of artists. Here Canachus and Aristocles flourished about Ol. 70 as sculptors in metal, though the former was also celebrated in the art of carving in wood and in toreutic. Pliny[4] calls Sicyon *diu officinarum omnium metallorum patria.* Canachus, whose works Cicero[5] calls more rigid and hard than was consistent with the truth of nature, was the most distinguished among the Sicyonian artists, and his skill found employment in other parts of Italy also. His most celebrated work was a colossal bronze statue of Apollo Philesius in the Didymæon, the description of which may give us an idea of the character of temple-statues at this period. The whole figure was stiff, very muscular, and without any elegance. In his right hand, which was stretched out, the god held a fawn, and in the left, which was somewhat lower, a bow. The features of the countenance were hard, and worked in the old hieratic style : the hair was divided, and hung down like wire, with little curls at the end.[6]

In Ægina the arts appear likewise to have continued to flourish as before, and the most celebrated among its artists was Callon, about Ol. 66.[7] Athens, which at this time rivalled Ægina in the fine arts, appears in a short space to have made great progress, for great artists, as well as great works, begin now to appear in the pages of Athenian history. This was in part owing to the influence of the Pisistratids. After the death of Pisistratus himself, the first quadriga of bronze was erected in front of the Temple of Pallas. The most celebrated among the Athenian sculptors were Critias and Hegias or Hegesias, both distinguished for their works in bronze. The former of them made in Ol. 75 the statues of Harmodius and Aristogiton.

Argos also distinguished itself, and it is a curious circumstance, that the greatest Attic artists with whom the third period opens, and who brought the Attic art to its culminating point, are not disciples of Critias or Hegias, but of the Argive Ageladas (about Ol. 66), which at once raises this city and her other artists, such as Aristomedon, Glaucus, Dionysius, and others, to a greater importance than we might otherwise be inclined to attribute to them.

Among the numerous works produced during this period we shall first mention the representations of the gods (*ἀγάλματα*). In all the statues which were made for temples as objects of worship, the hieratic style was more or less conscientiously retained, and it is therefore not in these statues that we have to seek for proofs of the progress of art. They were, for the most part, as of old, made of wood : and when an old statue was to be replaced by a new one, the latter was generally a faithful copy of the former. Thus the wooden statue of Demeter at Phigalia, with a horse's head, from which dragons and other monsters sprang forth, and which bore a dolphin and a dove in its hands, was imitated by Onatas in bronze after the wooden figure had been burned.[1] The same adherence to ancient forms of the gods was also visible in other cases, for when colonies were sent out, the images of the gods of the mother-city were, for the most part, faithfully copied for the colony, and such copies were called *ἀφιδρύματα.*[2] The instances of the Apollo Philesius and of the Demeter of Onatas show that, even in temple-statues, wood began to give way to other and better materials. Besides bronze, marble also, ivory, and gold were now applied to statues of the gods, and it was not very uncommon to form the body of a statue of wood, and to make its head, arms, and feet of stone (*ἀκρόλιθοι*), or to cover the whole of such a wooden figure with ivory and gold.[3] The latter method, which about this time became a distinct and much admired branch of statuary, was practised by Dorycleidas, Theocles, Medon, Canachus, Menæchmus, and others, and appears to have been introduced by Dipœnus and Scyllis. Quatremère de Quincy considered this kind of sculpture, which the moderns call chryselephantine sculpture, as a part of the art which the ancients called toreutic (*τορευτική*). There are few errors more surprising than this, and yet the opinion of the French critic has been repeated as if there could be no doubt about it. But, although it is easy enough to see that the toreutic art is not what he thought, yet it would be difficult to say what it was. (*Vid.* Bronze, p. 177.)

From the statues of the gods erected for worship, we must distinguish those statues which were dedicated in temples as *ἀναθήματα*, and which now became customary instead of craters, tripods, &c. But here, too, the change was not sudden, for the statues at first were frequently connected with tripods and similar ornaments. At Amyclæ there were tripods made by Callon and Gitiadas, with small statues of goddesses under them.[4] In the execution of statues to be dedicated as *ἀναθήματα*, even though they were representations of gods, the artists were not only not bound to any traditional or conventional forms, but were also, like the poets, allowed to make free use of mythological subjects, to add, and to omit, or to modify the stories, so as to render them more adapted for their artistic purposes.

A third class of statues, which were erected during this period in great numbers, were those of the victors in the great national games, and of other distinguished persons (*ἀνδριάντες*). The custom of erecting statues of the victors in public appears to have commenced about Ol. 58 ;[5] but these statues soon became extremely numerous, and many of them were executed by the first artists of the time. In some the influence of the hieratic style was visible, or were even made in that style, as the statue of Mylon by Dameas.[6] Although these statues were generally not portraits, for Pliny[7] states that only

1. (Plin., H. N., xxxvi., 4.)—2. (Plin., l. c.)—3. (Paus., v., 17, § 1 ; vi., 19.)—4. (H. N., xxxvi., 4.)—5. (Brut., 18.)—6. (Müller, Archäol., p 64.)—7. (Paus., iii., 18, § 5 ; iv., 14, § 2.)

1. (Paus., viii., 42.)—2. (Dionys. Hal., ii., 22 ; viii , 56.—Strab., iv., p. 179.)—3. (Paus., ii., 4, § 1 ; vi., 25, § 4, &c. ; ii. 22, § 6.—Eurip., Troad., 1081.)—4. (Paus., iii., 18.)—5. (Paus vi., 18, § 5.)—6. (Philostr., Apoll. Tyan., iv., 28.—Compare Paus., iv , 28 ; vi., 14, § 2.)- 7 (H. N., xxxiv , 9.)

those who had gained the victory thrice were allowed to have iconic statues erected, yet they were destined to preserve the memory of the particular physical powers and the bodily development of the athletes, or even to show the peculiar skill or the peculiar stratagems by which an athlete had excelled and overcome his adversary, and thus afforded to the artists numerous opportunities of representing figures in a variety of attitudes and actions.[1] Statues erected in public, or dedicated in temples in honour of other distinguished persons, are mentioned very rarely during this period, but they appear generally to have been portraits (*εἰκόνες*, *statuæ iconicæ*). The earliest statues of this kind we know of are those of Cleobis and Biton of Argos, which were dedicated in the Temple of Delphi about Ol. 50.[2] The first iconic statues of Harmodius and Aristogiton were made by Antenor in 509 B.C., and in 477 B.C. new statues of the same persons were made by Critias. It is allowed on all hands that nothing contributed more to the advancement of statuary than the contests at the public games, as they not only rendered the artists familiar with the greatest variety of attitudes, and with the most beautifully developed forms of the bodies of the athletes, but also afforded to them numerous opportunities to represent in their works those same persons and attitudes which they had seen and admired. The widest field for study and exercise was thus opened to the artists.

We have seen that, at a very early period of Grecian art, attempts were made to adorn the outside of temples and other public buildings, but it was not till the period we are now describing that it became customary to adorn the pediments, friezes, &c., of temples with reliefs or groups of statues of marble. We still possess two great works of this kind, which are sufficient to show their general character during this period. 1. The *Selinuntine Marbles*, or the metopes of two temples on the acropolis of Selinus in Sicily, which were discovered in 1823 by W. Harris and Sam. Angell, and are at present in the Museum of Palermo. Those belonging to the western temple appear to have been made at the beginning of this period, as they show a very great resemblance to the works in the hieratic style. The figures of the other or middle temple show indeed a considerable advancement of the art, but the execution is still hard and stiff; they may have possibly been executed a short time before Ol. 75.[3] 2. *The Æginetan Marbles* were discovered in 1812, in the island of Ægina, and are now at Munich in the collection of the King of Bavaria. They consisted of eleven statues, which adorned two pediments of a temple of Athena, and represent the goddess leading the Æacids against Troy, and contain manifest allusions to the war of the Greeks with the Persians. Many small holes in the marble render it probable that originally several parts of these statues, perhaps the armour, were of bronze, and fixed to them with nails. The general character of these Æginetan statues is a mixture of the archaic style and an anxious imitation of nature. The hair is wiry, and traces of paint are visible on all parts of the statues with the exception of those representing the flesh.[4]

Besides these, a great number of works in bronze and marble of this period are still extant; they are partly round figures or statues, and partly reliefs.[5] Some of the best specimens in marble relief, which seem to form the transition from this to the third period, are preserved in the British Museum.[1] It is not always easy to say whether a work made in the archaic style is really as old as the style indicates, as this style was never entirely abandoned, and was retained in temple-statues even under the Roman emperors.

III. *Third Period, from Ol. 75 to Ol. 111.* (480–336 B.C.)

During this period Athens was the centre of the fine arts in Greece. The Persian wars awakened in the hearts of the people the feeling and the conviction of their own power, and the Greeks, who had at first only warded off the attacks of the barbarians, now felt strong enough to act on the offensive. The fall of the Spartan Pausanias raised Athens in 472 B.C. to the supremacy in the wars against Persia. Athens had now acquired a powerful navy, and the tributes of the allies, which amounted at different times from 460 to 1200 talents, and which, from 462 B.C., were deposited in the treasury at Athens, raised the city to a height of power such as few cities have ever possessed. Only a small portion of these treasures were spent upon war; the rest was applied at first to the fortification of the city, and afterward to the building of temples, porticoes, theatres, gymnasia, &c. Among them we need only mention the Theseum, the Parthenon, the Propylæa, the stone theatre, the Pœcile, and the Odeum. After the wars with Persia, Athens appears by no means exhausted or broken down, but refreshed and strengthened, like nature after a heavy storm.

Statuary during this period went hand in hand with the other arts and with literature: it became emancipated from its ancient fetters, from the stiffness and conventional forms of former times. The free and noble spirit of the Athenian democracy showed its influence in all departments of literature and art, and among the latter statuary reached its culminating point in the sublime and mighty works of Phidias. The democratical spirit did not, however, lead to any kind of extravagance in the arts: no vehement passions or actions were represented; and although the character of those which belong to the latter half of this period differs very much from those of the former half, yet, on the whole, all show a calm dignity and an almost passionless tranquillity of mind, a feature so peculiar to all the great masterworks of Grecian art. The Peloponnesian war, and the calamities which accompanied it, produced a change in the state of things; a new generation now stepped into the place of the heroic race which had partaken in or witnessed the memorable events of the Persian war. Sensuality and an indulgence of the passions became the prominent features in the character of the Athenian people; and the prevailing desire after pleasures and strong excitements could not fail to produce an injurious influence upon the arts also. In the works of art which were produced after the year 380 B.C., there was no longer that calm and sublime majesty which characterized the works of Phidias and his more immediate followers, but the figures were more pathetic, and calculated to have a greater effect upon the senses of the beholders. The different stages of the arts during this period bears the most striking analogy with the three phases of tragedy, as they lie before us in the works of the three great dramatists, Æschylus, Sophocles, and Euripides.

Argos was, next to Athens, the most distinguished seat of the arts during this period, and the works of the Athenian and Argive artists spread over all Greece, and became the models for other Greek artists.

1. (Paus., vi., 10, § 1; viii., 40.—Schol. ad Pind., Ol., vii., init.—Xen., Mem., iii., 10, § 6.)—2. (Herod., i., 31.)—3. (*Vid.* S. Angell and Th. Evans, Sculptured Metopes discovered among the Ruins of Selinus, Lond., 1826.)—4 (*Vid.* Edw. Lyon, Outlines of the Egina Marbles, 1829.)—5 (Müller. Archäol., p. 73, &c.)

1. (*Vid.* Combe, Marbles of the Brit. Museum, ii., p. 6 and 7. Specimens of Anc. Sculpture, pl. 11.)

The development of statuary at Athens and Argos had been prepared by Calamis of Athens and Pythagoras of Rhegium, the former of whom, although not quite free from the hardness of the earlier style, yet produced a great variety of works, among which are mentioned representations of gods in a sublime style, graceful statues of women, and spirited horses, in which he was unrivalled.[1] Pythagoras was distinguished for the perfection with which he expressed the muscles, veins, and hair in his athletic statues, for the beautiful proportions and the powerful expression of these statues, which, as Pliny says, made the beholders feel the pains which the individuals represented were suffering.[2] Several of his works are specified by Pausanias and Pliny. The career of Phidias the Athenian begins about Ol. 82. The genius of this artist was so great and so generally recognised, that all the great works which were executed in the age of Pericles were placed under his direction, and thus the whole host of artists who were at that time assembled at Athens were engaged in working out his designs and ideas.[3] He himself was chiefly engaged in executing the colossal works in ivory and gold, the expenses of which were supplied by the Greek states with the greatest liberality, and other works in bronze and marble. The first among these works is the statue of Pallas Parthenos (made about Ol. 83, 3), of ivory and gold. The statue was twenty-six cubits in height, and represented the goddess in a long robe and in armour. She made the impression of a most majestic and victorious being. A description of the statue is given by Pausanias.[4] It was frequently imitated in antiquity in marble statues and upon coins, and from these imitations, and the descriptions we possess of it, Quatremère de Quincy[5] has made a very unsuccessful attempt at restoring the original statue. The robe which Pallas wore was of gold, forty-four talents in weight, though its thickness was not much above a line.[6] The gold was taken off and used for other purposes in the time of Demetrius Poliorcetes. The style of the arms, like that of all the works of Phidias, extremely simple, yet grand and sublime; the helmet, shield, and the pedestal were beautifully adorned with scenes belonging to the story of Attica. A second work of Phidias, which was still more admired, was the statue of the Olympian Zeus (made in Ol. 86), who was represented sitting upon a θρόνος. The statue was, like that of Pallas, made of ivory and gold, and, without the pedestal, forty feet high. The great richness with which the throne, sceptre, and the pedestal of this simple but majestic representation of the father of the gods were adorned, the profound wisdom in the proportions of the colossal work, and the sublime idea which the artist had formed and here imbodied of the majesty of Zeus, made this statue one of the wonders of the ancient world. The idea of Zeus is said to have been suggested to Phidias by the celebrated verses of Homer,[7] and the impression which the god in this work made upon the beholder was that of a god ruling in omnipotence, and yet graciously inclined to listen to the prayers of man, and to grant his wishes.[8] The statue of the Olympian Zeus existed till A.D. 475, when it was destroyed in a fire at Constantinople, whither it had been transported by the Emperor Theodosius I. The most colossal statue of Phidias was his Athena Promachos, of bronze, which was fifty feet high without taking the pedestal into account.[1] It stood on the Acropolis, between the Parthenon and the Propylæa, rising above each of these buildings, so that it was seen at a distance by the sailors when they approached the coast of Attica. This work, however, was not completed when he died, and it was finished nearly a generation later by Mys.[2] Phidias was greatest in the representation of the gods, and especially in portraying the character of Athena, which he represented with various modifications, sometimes as a warlike goddess, and sometimes as the mild and graceful protectress of the arts.[3]

We do not read of many disciples of Phidias, but the most distinguished among them were Agoracritus of Samos and Alcamenes of Athens. Both, though the latter with greater independence, applied their skill, like their master, to statues of the gods; both were especially renowned for the great beauty, softness, and calm majesty with which they represented goddesses, in the composition of which they rivalled each other. Some of the statues of Alcamenes were very highly valued in antiquity, especially his Hecate, Athena, Aphrodite in the gardens, Hephæstus, and also the groups in the pediment of the temple at Olympia. The most celebrated statue of Agoracritus was the Nemesis of Rhamnus, which had originally been intended as an Aphrodite to compete with that of Alcamenes, but was afterward, by the addition of proper attributes, consecrated as a Nemesis at Rhamnus.

We still possess a series of sculptured works in marble which were made by the school of Phidias, and some of them undoubtedly by the great master himself These works are:

1. Some parts of the eighteen sculptured metopes, together with the frieze of the small sides of the cella of the Temple of Theseus. Ten of the metopes represent the exploits of Heracles, and the eight others those of Theseus. The figures in the frieze are manifestly gods, but their meaning is uncertain. All the figures are full of life and activity, and worked in the sublime style of the school of Phidias. Some antiquarians value them even higher than the sculptures of the Parthenon. Casts of these figures are in the British Museum.[4]

2. A considerable number of the metopes of the Parthenon, which are all adorned with reliefs in marble, a great part of the frieze of the cella, some colossal figures, and a number of fragments of the two pediments of this temple. The greater part of these works are now in the British Museum, where they are collected under the name of the Elgin Marbles. They have been described and commented upon so often, that they require no farther mention here.[5] The best work, so far as the explanation of these sculptures is concerned, is Bröndsted's *Reisen*, vol. ii.

3. The marble reliefs of the Temple of Nike Apteros belong, indeed, to a later age than that of Phidias, but they are manifestly made in the spirit of his school. They represent, with great liveliness and energy, contests of Greeks with Persians, and of Greeks among themselves. These also are at present in the British Museum.

All these sculptures breathe, on the whole, the same sublime spirit, though it would seem that some, especially some figures of the metopes of the Parthenon, were executed by artists who had not emancipated themselves entirely from the influence of an earlier age. With this exception and some other slight defects, which are probably the conse-

1. (Plin., H. N., xxxiv., 19, § 11.—Quintil., xii., 10, § 7.—Cic., Brut., 18.—Lucian, Imag., 6.)—2. (Plin., H. N., xxxiv., 19, § 4.—Paus., vi., 6, § 1; 13, § 4.)—3. (Plut., Pericl., 12.)—4. (i., 24, § 5, &c.—Compare Plin., H. N., xxxvi., 4, § 4.)—5. (Monum. et Ouvrag. d'Art, Ant. restitués, i., p. 63.)—6. (Thucyd., ii., 13, with the comment.)—7. (Il., i., 528, &c.)—8. (*Vid.* the description of Pausanias, v., 11.—Compare Liv., xlv., 28.—Quintil., xii., 10, § 9.—Quatremère de Quincy, Jup. Olymp., ii., 11.—Flaxman, Lect. on Sculp., pl. 19 and 20.)

1. (Strab., vi., p. 278.)—2. (Paus., i., 28, § 2.)—3 (Plin., H N., xxxiv., 19, § 1.—Paus., i., 28, § 2.—Lucian, Imag., 6.)—4 (Compare Stuart, Ant., iii., c. 1.)—5. (*Vid.* Memorandum on the subject of the Earl of Elgin's pursuits in Greece, 2d ed., 1815.—Cockerell, Marbles of the Brit. Mus., p. vi.)

quences of the place which the sculptures occupied in the temples they adorned, we find everywhere a truth in the imitation of nature, which, without suppressing or omitting anything that is essential, and without any forced attempt to go beyond nature, produces the purest and sublimest beauty: these works show lively movements combined with calmness and ease, a natural dignity and grace united with unaffected simplicity; no striving after effect, or excitement of the passions. These sculptures alone afford us ample means to justify the ancient critics, who state that the *μεγαλεῖον* and *σεμνόν*, or the grand and the sublime, were the characteristic features of Phidias and his school.[1] Phidias was the Æschylus of statuary, and it may be safely asserted that, although the art subsequently made certain progress in the execution of details, yet Phidias and his school were never excelled by subsequent generations.

Besides the sculptures of the three temples mentioned above, there are also similar ornaments of other temples extant, which show the influence which the school of Phidias must have exercised in various parts of Greece, though they are executed in a different style. Of these we need only mention two as the most important.

1. The Phigalian marbles, which belonged to the Temple of Apollo Epicurius, built about Olympiad 86 by Ictinus. They were discovered in 1812, and consist of twenty-three plates of marble belonging to the inner frieze of the cella. They are now in the British Museum. The subjects represented in them are fights with Centaurs and Amazons, and one plate shows Apollo and Artemis drawn in a chariot by stags. Many of the attitudes of the figures appear to be repetitions of those seen on the Attic temples; but there are, at the same time, great differences, for the Phigalian marbles sometimes show a boldness of design which almost borders on extravagance, while some figures are incorrectly drawn and in forced attitudes. The best descriptions of them are those in *Bassi relievi della Grecia, disegn. da* G. M. Wagner (1814), and in Stackelberg's *Apollotempel zu Bassæ in Arcadien u. die daselbst ausgegrab Bildwerke*, 1828.

2. Marbles of the Temple of the Olympian Zeus, which were made by Pæoinus of Mende and Alcamenes of Athens.[2] Several fragments of these sculptures were discovered in 1829, and are at present at Paris.[3] The figures of these marbles are indeed free from the fetters of the ancient style, and show a true imitation of nature, but do not nearly come up to the ideal simplicity of the works of Phidias.

About the same time that the Attic school rose to its highest perfection under Phidias, the school of Argos was likewise raised to its summit by Polycletus, who was inferior to the former in his statues of gods,[4] though he advanced the toreutic art in his colossal statue of Hera at Argos farther than Phidias.[5] But the art of making bronze statues of athletes was carried by him to the greatest perfection: ideal youthful and manly beauty was the sphere in which he excelled. Among his statues of gods we only know two, that of Hera and another of Hermes. Pliny mentions several of his representations of human beings, in which, without neglecting to give them individuality, he made youthful figures in their purest beauty, and with the most accurate proportions of the several parts of the human body.[6] One of these statues, a youthful doryphorus, was made with such accurate observation of the proportions of the parts of the body, that it was looked upon by the ancient artists as a canon of rules on this point.[1] Polycletus is said to have written a work on the same subject, and it may be that his doryphorus was intended to give a practical specimen of the rules he had laid down in his treatise. He gained a victory over Phidias in the representation of an Amazon, which must, consequently, have been a figure in the greatest luxuriance of female beauty combined with a manly character.[2] Polycletus was also distinguished in portrait-statues, among which that of Artemon Periphoretus, a mechanician of the time of Pericles, is mentioned with especial praise.

Myron of Eleutheræ, about Olympiad 87, was, like Polycletus, a disciple of Ageladas, but adhered to a closer imitation of nature than Polycletus, and, as far as the impression upon the senses was concerned, his works were most pleasing; but "*animi sensus non expressit*," says Pliny.[3] The cow of Myron in bronze was celebrated in all antiquity.[4] Pliny mentions a considerable number of his works, among which a dog, a discobolus, pentathli, and pancratiasts were most celebrated; the last of them were especially distinguished for their eurythmia, and the animation displayed in their movements, as well as for the most beautiful athletic attitudes. Among his statues of gods we find only mention of a colossal group representing Heracles, Zeus, and Athena which he made for the Samians.[5] In his execution of the hair, he adhered, according to Pliny, to the ancient style.

The deviation from the sublime ideality of the Attic school of Phidias was still more manifest in the works of Callimachus and Demetrius. The former executed his statues with the utmost possible accuracy and attention to the minutest details, but was careless in the conception as well as in the execution of the whole, which destroyed the value of his works, whence he was designated by the nickname of *κατατηξίτεχνος*. Quinctilian[6] says of him, "*nimius in veritate*."[7] On the whole, it should be observed, that near the end of the Peloponnesian war, and afterward, the greater part of the artists continued to work in the spirit and style of Polycletus, and that the principal productions in Peloponnesus were bronze statues of athletes, and statues erected in honour of other distinguished persons.[8]

The change which took place after the Peloponnesian war in the public mind at Athens could not fail to show its influence upon the arts also; and the school of statuary, which had gradually become developed, was as different from that of Phidias as the then existing state of feeling at Athens was from that which had grown out of the wars with Persia. It was especially Scopas of Paros and Praxiteles of Athens, about one generation after Myron and Polycletus, who gave the reflex of their time in their productions. Their works expressed the softer feelings, and an excited state of mind, such as would make a strong impression upon, and captivate the senses of the beholders. But the chief masters of this new school still had the wisdom to combine these things, which were commanded by the spirit of the age, with a noble and sublime conception of the ideas which they imbodied in their works. Scopas and Praxiteles were both distinguished as sculptors in marble, and both worked in the same style; the legendary circles to which most of their ideal productions belong are those of Dionysus and Aphrodite, which also show the

1. (Demetr., De Eloc., 14. — Dion. Hal., De Isocrat., p. 542.) —2. (Paus., v., 16.)—3. (Expédit. Scientif. de la Morée, pl. 74–78.)—4. (Quinctil., xii., 10, § 7, &c.—Cic., Brut., 18.)—5 (Plin., H. N xxxiv., 19, § 2.)—6. (Id., l. c.—Compare Strab., viii., p. 372.)

1. (Cic., Brut., 86; Orat., 2.—Quinctil., v., 12, § 21.—Lucian. De Saltat., 75.)—2. (Müller, Archäol., p. 109.)—3. (H. N., xxxiv., 19, § 3.)—4. (Tzetzes, Chil., viii., 194, &c. — Propert., ii., 31, 7.)—5. (Plin., l. c.—Cic., c. Verr., iv., 3. — Strab., xiv., p. 637.)—6. (xii., 10, § 9.)—7. (Compare Lucian, Phil., 18.—Plin., Epist., iii., 6.)—8. (Paus., x., 9, § 4; vi., 2, § 4 — Plut. Lysand., 1, 18.—De Orac. Pyth., 2.)

character of the age. There was a time when this school of statuary was considered superior even to that of Phidias, and it is indeed true that its productions are distinguished by exquisite beauty and gracefulness, whence their female statues in particular are, in one sense, unrivalled; but the effect they produced upon the minds of the beholders was by no means of the same pure and elevating nature as that of the works of their predecessors. Pliny[1] mentions a number of works of Scopas, some of which he himself saw at Rome. Among them were Aphrodite, Pothos, Phaëthon, Apollo, a sitting Demeter, Poscidon, Thetis, Achilles, the Nereids riding on dolphins, and a number of other marine deities.[2] Whether the celebrated group of Niobe and her children, which in the time of Pliny stood in a Temple of Apollo at Rome, was the work of Scopas or Praxiteles, was a matter of doubt among the ancients themselves. This group was discovered in 1583, near the Porta S. Giovanni at Rome, and the greater number of its fragments is at present in the museum of Florence, but some figures are in other museums; Munich possesses the finest head of all the Niobids. It has been the subject of much discussion whether the group discovered in 1583 is the original work of Scopas or Praxiteles, or only a copy; but, although the latter is by far the more probable opinion, these remains are the most beautiful relics of ancient art; the mother Niobe herself, especially, is unrivalled.[3] The works of Praxiteles were of the same character as those of Scopas. The transition in all departments of the arts, from the ancient simplicity to the representation of subjects exciting sensual desires and appetites, was exceedingly slow and gradual; and thus, although in the works of Praxiteles youthful and female beauty appears naked, and clothed with all the charms that art can bestow, and although many of his figures were represented in actions and situations peculiar to the worship of Dionysus, yet we cannot say that they displayed any kind of sensuality. His most celebrated works were: 1. Figures of Dionysus, Satyrs, and Mænades.[4] 2. Statues of Eros for various parts of Greece.[5] 3. Statues of Aphrodite. The most celebrated among these were the Aphrodite of Cos (*velata specie*[6]), and, above all, the naked Aphrodite of Cnidus, which stood in a chapel built expressly for the purpose, and open on all sides. This statue was of such extraordinary beauty, that, as Pliny states, many persons sailed to Cnidus merely for the purpose of seeing it.[7] Some critics have asserted that the Venus known under the name of the Medicean is the Cnidian Venus of Praxiteles, or a copy of it, but Visconti has clearly proved that this is impossible. There is much more sensuality in the Medicean Venus than we have any reason to suppose existed in that of Cnidus. Praxiteles had also great reputation for his statues of the most beautiful hetaeræ, and it is said that he took the most charming among them as models for his representations of Aphrodite. There was also a statue of Praxiteles representing Apollo, surnamed Sauroctonos, or the lizard-killer, which had great reputation in antiquity.[8]

Cephissodorus and Timarchus were sons of Praxiteles. There were several works of the former at Rome in the time of Pliny: he made his art subservient to passions and sensual desires. Pliny[9] mentions among his works a celebrated Symplegma at Pergamus, which is the first instance of this kind that we hear of in Grecian art. A similar spirit pervaded the works of Leochares (a Ganymedes carried by an eagle up to Zeus), of Polycles, who was the first that made the voluptuous statues of Hermaphroditus, and of Silanion, who made a dying Jocaste.[1] Leochares also made a number of portrait-statues in ivory and gold, of members of the royal family of Macedonia, and of other persons.[2] Such portrait-statues about this time began to give much occupation to the artists. About the year 350 B.C., several of the greatest artists of the age, such as Scopas, Leochares, Timotheus, and Bryaxis, were engaged in Caria in making the magnificent mausoleum of Mausolus, a general description of which is given by Pliny.[3]

Most of the above-mentioned artists, however widely their works differed from those of the school of Phidias, may yet be regarded as having only continued and developed its principles of art in a certain direction; but towards the end of this period Euphranor and Lysippus of Sicyon carried out the principles of the Argive school of Polycletus.[4] Their principal object was to represent the highest possible degree of physical beauty, and of athletic and heroic power. Lysippus was the greater of the two: he was one of the most fruitful artists that have ever lived, for he is said to have made no less than 1500 figures. Among the heroes Heracles appears to have been a favourite subject of Lysippus, for he made several statues of him, representing him in various situations,[5] and his figures of this hero served as types for subsequent artists. We still possess some representations of Heracles which are considered to be imitations of his works. The most celebrated among his portrait-statues were those of Alexander the Great.[6] The chief characteristic of Lysippus and his school is a close imitation of nature, which even contrived to represent bodily defects in some interesting manner; its tendency is entirely realistic. The ideal statues of former times disappear more and more, and make way for mere portraits. Lysippus, it is true, made statues of gods, but they did not properly belong to his sphere; he merely executed them because he had received orders which he could not well refuse. His greatest care was bestowed upon the execution of the details (*argutiæ operum*), upon the correct proportions of the parts of the human body, and upon making portrait-statues slender and tall above the common standard. In short, all the features which characterize the next period appear in the school of Lysippus.

IV. *Fourth Period, from Ol.* 111 *to Ol.* 158. (336–146 B.C.)

Within a few generations Grecian art had passed through the various stages of development, and each of them had produced such an abundance of masterpieces, that it was difficult for a new generation of artists to produce new and original works. Hence the periods which followed could not do much more than imitate, and their productions are better or worse in proportion as they were founded upon the study of earlier works or not. But even this period of eclecticism has nevertheless produced statues and groups worthy of the highest admiration, and which can be placed by the side of the best works of antiquity. The very slow decay of the arts, in comparison with the rapid decline of literature, is indeed a strange phenomenon.

During the first fifty years of this period, the schools of Praxiteles and that of Sicyon continued

1. (H. N., xxxvi., 4, § 7.)—2. (Compare Paus., i., 43, § 6; vi., 25, § 2.)—3. (*Vid.* Galeria di Firenze, Stat., p. i., 4, 1, &c.)—4. (Paus., vi., 26, § 1.—Plin., H. N., xxxiv., 19, § 10; xxxvi., 4, § 5. — Paus., i., 20, § 1; 43, § 5.—Athen., xiii., p. 591.)— 5. (Plin., H. N., l. c. — Lucian, Amor., 11, 17. — Paus., ix., 27. — Cic., c. Verr., iv., 2.)— 6. (Plin., l. c.)—7. (Compare Lucian, Amor., 13; Imag., 6.)—8. (Müller, Arch., p. 121.)—9 (H. N., xxxvi., 4, § 6.)

1. (Plin., H. N., xxxiv., 19, § 17 and 20. — Plut., De Aud. Poet., 3.—Symp., v., 1.)—2. (Paus., v., 20.)—3. (H. N., xxxvi. 4, § 9.)—4. (Cic., Brut., 86.)—5. (Müller, Arch., p. 124.)—6 (Plut., De Isid., 24.—De Alex. virt., ii., 2.—Alex., 4.—Plin., H. N., xxxiv., 19. § 6.)

to flourish, especially in works of bronze; but after this time bronze statues were seldom made until the art was carried on with new vigour at Athens about the end of the period. The school of Lysippus gave rise to that of Rhodes, where his disciple Chares formed the most celebrated among the hundred colossal statues of the sun. It was seventy cubits high, and partly of metal. It stood near the harbour, and was thrown down by an earthquake about 225 B.C.[1] Antiquarians assign to this part of the fourth period several very beautiful works still extant, as the magnificent group of Laocoon and his sons, which was discovered in 1506 near the baths of Titus, and is at present at Rome. This is, next to Niobe, the most beautiful among the extant works of ancient art; it was, according to Pliny, the work of three Rhodian artists: Agesander, Polydorus, and Athenodorus.[2] The celebrated Farnesian bull is likewise the work of two Rhodian artists, Apollonius and Tauriscus.[3]

In the various kingdoms which arose out of the conquests of Alexander, the arts were more or less cultivated, and not only were the great masterworks of former times copied to adorn the new capitals, but new schools of artists sprang up in several of them. Alexandrea, Pergamus, and Seleucia rivalled each other in art no less than in literature. At Pergamus the celebrated groups were composed which represented the victories of Attalus and Eumenes over the Gauls.[4] It is believed by some[5] that the so-called dying gladiator at Rome is a statue of a Gaul, which originally belonged to one of these groups. Ephesus also had a flourishing school of art, which appears to have followed, in the main, the style of Lysippus, and excelled, like that of Pergamus, in the representation of battle scenes. The Borghese fighter in the Louvre is supposed to be the work of an Ephesian Agasias, and to have originally formed a part of such a battle scene. In Syria, too, art flourished at Antiochia until the time of Antiochus IV., before whose reign a number of statues had already been carried away by Scipio.

In these new monarchies statues of the gods were seldom made, and when they were executed, they were, in most cases, copies from earlier works, as the character in which the gods were represented had gradually become fixed, and few artists ventured to alter the forms, which had become typical. Portrait-statues of kings increased, on the other hand, to a great extent. The vanity of the kings and the flattery of the artists created a new kind of statues: the princes were frequently identified with certain deities, and were consequently represented as such, with all the requisite attributes. In many cases the mere bust of a king was put upon the body of a statue of a god. This was a most dangerous rock for artists; for the simple representation of a king in the shape of a god, which commenced as early as the time of Alexander, was soon thought an insufficient mark of veneration, and art degenerated into a mere instrument of the most vulgar flattery: pomp, and show, and tasteless ornaments were mistaken for art. Flattery towards the great was also shown in the monstrous number of statues that were erected to one and the same individual. Demetrius Phalereus had 360, or, according to others, 1500 statues erected to him.[6] When the honour of a statue ceased to be considered as a high distinction, and when it became necessary to produce such numbers of statues, the workmanship naturally became worse in proportion as the honour sank in public estimation. During this time it became customary to combine with the statues of kings and generals symbolical representations of towns, which are called *τύχαι πόλεων*. In Magna Græcia art gradually fell into decay after the wars with the Romans; and the example of Capua, from which all the statues were carried to Rome, affords us an instance of the robberies and plunder which were committed by the Romans in other towns of Italy But even after the Roman conquests, the cultivation of the plastic arts cannot have ceased altogether, as we must infer from the numerous works found at Pompeii, some of which possess a higher degree of perfection and beauty than might have been expected in works of so late a date. In Sicily the activity of the artists appears to have ceased after the Roman conquest, for the numerous works with which Syracuse was adorned, and with which we are made acquainted by Cicero,[1] mostly belong to an earlier period.

Shortly before the taking of Corinth by Mummius, statues in bronze and marble were revived at Athens; and, although the artists were far inferior to those of former times, yet they still produced works of great excellence, as they showed their good sense and taste by making the masterworks of their predecessors the subjects of study and imitation.[2] Among those who contributed most to this revival of statuary were Cleomenes (who made the Medicean Venus, an imitation of that of Cnidus, but inferior in point of taste and delicacy), his son Cleomenes (by whom there is a statue in the Louvre, which shows an exquisite workmanship, but little life), Glycon, Apollonius, and others.

About the close of this period, and for more than a century afterward, the Romans, in the conquest of the countries where the arts had flourished, made it a regular practice to carry away the works of art; and, as they were unable to appreciate their value and merit, they acted, in many cases, no better than rude barbarians, regarding the most precious relics of art in no other light than that of chairs and tables, which might be made again at pleasure, and at any time. At first these robberies were carried on with some moderation, as by Marcellus at Syracuse and by Fabius Maximus at Tarentum, and only with a view to adorn their triumphs and the public buildings of Rome. The triumphs over Philip, Antiochus, the Ætolians, the Gauls in Asia, Perseus, Pseudo-Philip, and, above all, the taking of Corinth, and subsequently the victories over Mithradates and Cleopatra, filled the Roman temples and porticoes with the greatest variety of works of art. After the taking of Corinth, the Roman generals and governors of provinces began to show a kind of amateurship in works of art which was probably more owing to the fashion prevailing among the Roman grandees than to any real taste or love for the fine arts: they now robbed whatever they could to adorn their own residences. Sometimes either their avarice or necessity induced them to melt down the most precious works without any regard to artistic worth. The sacrilegious plunder of temples, and the carrying away of the sacred statues from the public sanctuaries, which had at first been prevented to some extent by the pontiffs, became afterward a common practice. The manner in which Verres acted in Sicily is but one of many instances of the extent to which these robberies were carried on. The emperors, especially Augustus, Caligula, and Nero, followed these examples, and the immense number of statues which

1. (Plin., H. N., xxxiv., 18.—Meursius, Rhodus, i., 16.)—2. (Plin., H. N., xxxvi., 4, § 11.—Lessing's Laocoon.)—3. (Plin., H. N., xxxvi., 4, § 10.)—4. (Id., xxxiv., 19, § 24.—Paus., i., 25, § 2. —Plut., Anton., 60.) — 5. (Müller's Archäol., p. 154.) — 6. (Athen., xii., p. 537.—Paus., v., 24, § 3.—Clem. Alex., Protrept iv., p 16, et. Sylb.—Dion Chrysost., Orat., 37, p. 122.)

1. (c. Verr., iv.)—2. (Plin. H. N. xxxiv., 19.)

notwithstanding all this, remained at Rhodes, Delphi, Athens, and Olympia, is truly astonishing.[1]

Before we proceed to describe the state of statuary during the last stage, in which Rome was the centre of the ancient world, it will be necessary to give an outline of the history of statuary among the Etruscans and Romans down to the year 146 B.C.

The Etruscans were, on the whole, an industrious and enterprising people. Different hypotheses have been proposed to account for the cultivation of the arts, in which this nation excelled all others in central and northern Italy, as well as for the peculiar style in some of their productions. Some writers think that it was owing to colonies from Lydia, which were established at Cære and Tarquinii; others, that the Etruscans themselves were a Pelasgian tribe. With the works of Grecian art they must have become acquainted at an early time, through their intercourse with the Greeks of southern Italy; and their influence upon the art of the Etruscans is evident in numerous cases. The East, also, appears to have exercised some influence upon the Etruscans, as many works of art found in Etruria contain precisely the same representations as those which we find in Asia, especially among the Babylonians. However this may have been effected, we know for certain that the whole range of the fine arts was cultivated by the Etruscans at an early period. Statuary in clay (which here supplied the place of wood, *ξόανα*, used in Greece) and in bronze appears to have acquired a high degree of perfection. In 267 B.C., no less than 2000 bronze statues are said to have existed at Volsinii,[2] and numerous works of Etruscan art are still extant, which show great vigour and life, though they do not possess a very high degree of beauty. Among them we may mention the Chimæra of Arretium (at Florence); the Capitoline She-wolf,[3] which was dedicated in B.C. 296; the Minerva of Arezzo (now at Florence), and others. Some of their statues are worked in a Greek style; others are of a character peculiar to themselves, and entirely different from works of Grecian art, being stiff and ugly; others, again, are exaggerated and forced in their movements and attitudes, and resemble the figures which we meet with in the representations of Asiatic nations. Etruscan utensils of bronze, such as candelabra, pateræ, cups, thrones, &c., embellished with various ornaments and figures, were very highly valued in antiquity, and even at Athens at a time when the arts were still flourishing there.[4] Their works in stone, especially the alto and basso relievos, which are found in considerable numbers on chests containing the ashes of the dead, are, with few exceptions, of very inferior merit.

The Romans, previously to the time of the first Tarquin, are said to have had no images of the gods, and for a long time afterward their statues of gods in clay or wood were made by Etruscan artists.[5] During the early part of the Republic, the works executed at Rome were altogether of a useful and practical, and not of an ornamental character, and statuary was, in consequence, little cultivated. But in the course of time, the senate and the people, as well as foreign states, which were indebted to some Roman, began to erect bronze statues to distinguished persons in the Forum and other places.[6] The earliest works of this kind which we can consider as really historical are the statues of Attus Navius,[7] of Minucius outside the Porta Trigemina, and of Pythagoras and Alcibiades, which stood in the corners of the comitium from the year B.C. 314 down to the dictatorship of Sulla.[1] The last two statues were undoubtedly of Greek workmanship. The earliest metal statue of a deity was, according to Pliny, a Ceres which was made of the confiscated property of Spurius Cassius, about 485 B.C.[2] Two other metal statues of gods were the Capitoline Hercules, 306 B.C.,[3] and the colossal statue of the Capitoline Jupiter, which, according to Livy, was made about 490 B.C.[4] The number of statues of men in the Forum appears soon to have become very great, and many persons seem to have had them erected there without any right: hence, in 161 B.C., the censors P. Cornelius Scipio and M. Popilius removed from the Forum all statues of magistrates which had not been erected with the sanction of the senate or the people.[5] A statue of Cornelia, the mother of the Gracchi, stood in the porticus of Metellus. The artists by whom these and other statues were executed were undoubtedly Greeks and Etruscans.

V. *Fifth Period, from Ol.* 158 (B.C. 146) *to the fall of the Western Empire.*

During this period Rome was the capital of nearly the whole of the ancient world, not through its intellectual superiority, but by its military and political power. But it nevertheless became the centre of art and literature, as the artists resorted thither from all parts of the Empire for the purpose of seeking employment in the houses of the great. The mass of the people, however, had as little taste for, and were as little concerned about the arts as ever.[6] In addition to this, there was still a strong party of the Romans who, either from an affected or an honest contempt for the Greeks, entertained the vain hope of being able to restore the olden times. These circumstances account for the fact that a man like Cicero thought it necessary to conceal and disguise his love and knowledge of the fine arts. It was, therefore, only the most distinguished and intellectual Romans that really loved and cherished the arts. This was both a fortunate and an unfortunate circumstance: had it not been so, art would have perished at once; now it continued in some degree to be cultivated, but it experienced the same fate, which it has met with at all times, when it has continued its existence without the sympathies of the people, and merely under the patronage of the great. Notwithstanding these unfavourable circumstances, there were a number of distinguished artists at Rome during the latter period of the Republic, who had really imbibed the spirit of the ancient Greeks, and produced works of great beauty and merit. We need only mention such names as Pasiteles of southern Italy, who was a Roman citizen, and made an ivory statue of Jupiter for the Temple of Metellus;[7] Arcesilaus, of whom Pliny mentions several highly valued works, and whose models were prized more than the statues of others; Decius, who even ventured to rival Chares in the art of founding metal statues; Praxiteles, Diogenes, and others. During the Empire the arts declined, and, with some noble exceptions, merely administered to the vanity, luxuries, and caprices of the emperors.[8] The inertness of the times, says Pliny,[9] has destroyed the arts; and as there were no more minds to be represented, the representations of the bodies were likewise neglected. Occasionally, however, excellent and talented sculptors still arose, and adorned the palaces of the emperors with beautiful

1. (*Vid.* Völkel, Ueber die Wegführung der Alten Kunstwerke aus den eroberten Ländern nach Rom.—Müller, Arch., p. 165, &c.)—2. (Plin., H. N., xxxiv., 16, 18.—Compare Vitruv., iii., 2.)—3 (Dionys., i., 79.—Liv., x., 23.)—4. (Athen., i., p. 28; xv., p 700.)—5. (Plin., H. N., xxxv., 45; xxxiv., 16.)—6. (Id. ib., xxxiv., 14.)—7. (Id., xxxiv., 11.—Cic., De Div., i., 11.)

1. (Plin., H. N., xxxiv., 12.)—2. (Id., xxxiv., 9.)—3. (Liv. ix., 44.)—4. (Id., ix., 40; x., 38.—Plin., H. N., xxxiv., 18.)—5. (Id. ib., xxxiv., 14.)—6. (Horat. ad Pis., 323.—Petron., 88.)—7. (Plin., H. N., xxxvi., 4, § 12.)—8. (Senec. Epist., 88.)—9. (H. N., xxxv., 2.)

groups. Pliny[1] mentions as such Craterus, Pythodorus, Polydectes, Hermolaus, a second Pythodorus, Artemon, and Aphrodisius of Tralles. In the time of Nero, who did much for the arts, we meet with Zenodorus, a founder of metal statues, who was commissioned by the emperor to execute a colossal statue of 110 feet high, representing Nero as the Sun. The work was not completely executed, as the art of using the metal had fallen into oblivion. In A.D. 75 the statue was consecrated as a Sol, and was afterward changed into a statue of Commodus by altering the head.[2] The principal sculptured works that were produced during the Empire were, 1. Reliefs on public monuments, such as those adorning the triumphal arch of Titus, which represented the apotheosis of the emperor, and his triumph over Judæa The invention and grouping of the figures are good and tasteful, but the execution is careless. The same may be said of the reliefs of the Temple of Minerva in the Forum of Domitian, in which the drapery in particular is very bad. 2. Statues and busts of the emperors. These may again be divided into classes, and are easiest distinguished by the costumes in which they are represented. They are (*a.*) faithful portraits in the costume of ordinary life (*toga*), or in the attire of warriors (*statuæ thoracatæ*), generally in an attitude as if they were addressing a body of men, as, *e. g.*, the colossal statue of Augustus in the palace Grimani. To this class also belong the equestrian statues, and the statues upon triumphal cars with from two to six horses, and sometimes even with elephants, which were frequently made for emperors out of mere vanity, and without there having been any real triumph to occasion such a work.[3] (*b.*) Such statues as were intended to show the individual in an exalted, heroic, or deified character. Among those were reckoned the so-called Achillean statues, which were first made in the time of Augustus; they were naked, and bore a hasta in one hand;[4] and, secondly, statues in a sitting position, with the upper part of the body naked, and a pallium covering the loins. These statues were intended to represent an emperor as Jupiter, but sometimes also as an Apollo.[5] This method of representing an emperor as a god was at first practised with much good taste. The statues of the ladies of the imperial families are likewise either simple and faithful portraits, or they are idealized as goddesses: specimens of each kind are still extant. The custom adopted in the Macedonian time, of combining allegorical representations of towns and provinces with the monuments erected in honour of the sovereigns, was sometimes followed by the Romans also, and some of them were made by very distinguished artists.[6] In the reign of Trajan, the column of Trajan, with sculptures representing the victory of this emperor over the Dacians, and other similar works, were executed. We also possess a beautiful colossal statue of Nerva in the Vatican, and in the Louvre there is a beautiful statua thoracata of Trajan, and several fine busts of the same emperor.

Down to the reign of Hadrian, statuary had become more and more confined to the representation of subjects of a common nature, so that at length we scarcely find anything else but the records of victories in the reliefs on the public monuments, and the various kinds of statues of the emperors and the members of their families. But in the reign of Hadrian the arts seemed to begin a new æra. He himself was undoubtedly a real lover and connoisseur of art, and he encouraged it not only at Rome, but in Greece and Asia Minor. The great villa of Trajan below Tivoli, the ruins of which cover an extent of ten Roman miles in circumference, was richer in works of art than any other place in Italy Here more works of art have been dug out of the ground than anywhere else within the same compass. Hadrian was fond of the ancient forms in art as well as in language, and many works in the archaic style still extant may have been executed at this time. Some statues made at this time combine Egyptian stiffness with Grecian elegance, and especially the representations of Egyptian deities, such as that of Isis, are half Greek and half Egyptian. But by the side of this strange school there existed another, in which the pure Greek style was cultivated, and which has produced works worthy of the highest admiration. Foremost among these stand the statues and busts of Antinous, for whom the emperor entertained a passionate partiality, and who was represented in innumerable works of art. The colossal bust of Antinous in the Louvre is reckoned one of the finest works of ancient art, and is placed by some critics on an equality with the best works that Greece has produced. The two centaurs of black marble on the Capitol probably belong to the reign of Hadrian: one of them is executed in an old and noble style, and is managed by a little Eros riding on his back; the other looks more like an intoxicated satyr. There are also some very good works in red marble which are referred to this period, as it is not known to have been used before the age of Hadrian.

As the arts had received such encouragement and brought forth such fruits in the reign of Hadrian, the effects remained visible for some time during the reign of the Antonines. Antoninus Pius built the great villa at Lanuvium, of which ruins are still extant, and where many excellent works of art have been discovered. But sophistry and pedantic learning now began to regard the arts with the same contempt as the ignorance of the Romans had formerly done. The frieze of a temple, which the senate caused to be erected to Antoninus Pius and Faustina, is adorned with griffons and vessels of very exquisite workmanship; but the busts and statues of the emperors show in many parts an affected elegance, while the features of the countenance are tasteless and trivial copies of nature. The best among the extant works of this time are the equestrian statue of Marcus Aurelius of gilt bronze, which stands on the Capitol, and the column of M. Aurelius, with reliefs representing scenes of his war against the Marcomanni. The busts which we possess of M. Aurelius, Faustina, and Lucius Verus, are executed with very great care, especially as regards the hair. The number of the extant busts of the Antonines amounts to above one hundred; and the rate at which busts of emperors were sometimes multiplied, may be inferred from the fact that the senate sometimes ordained that the bust of an emperor should be in the house of every citizen.

After the time of the Antonines, the symptoms of decline in the arts became more and more visible. The most numerous works continued to be busts and statues of the emperors, but the best among them are not free from affectation and mannerism. The hair, especially in the representations of female figures, becomes gradually utterly tasteless; and instead of the natural hair, the artists made it a point to show that it was a large peruque, which in some cases might be put on and taken off at pleasure. (*Vid.* Galerus.) In the time of Caracalla many statues were made, especially of Alexander the Great. Alexander Severus was a great admirer of

1. (H. N., xxxvi., 4, § 11.)—2. (Id., xxxiv., 18.—Herodian, i., 15.)—3. (Dion Cass., liii. 22.—Stat., Sylv., i., 1.—Mart., ix., 69.—Tacit., De Orat., 8, 11.—Juv., vii., 126.—Plin., H. N., xxxiv., 10.)—4. (Plin., l. c.)—5. (Müller, Arch., p. 219.)—6. (Strab., v. p. 192.—Müller, Arch., p. 220.)

tatues, not from a genuine love of art, but because he delighted in the representations of great and good men.[1] The reliefs on the triumphal arch of Septimius Severus, representing his victories over the Parthians, Arabs, and the Adiabenians, have scarcely any artistic merits. During this time of decay the custom arose of adorning the sarcophagi with figures in high relief, representing scenes from the legends of Demeter, Dionysus, and from the heroic ages of Greece; sometimes, also, the fable of Eros and Psyche: all these contained allusions to the immortality of the soul. Art, however, now declined with great rapidity: busts and statues were more seldom made than before, and are awkward and poor; the hair is frequently indicated by nothing else but holes bored in the stone. The reliefs on the sarcophagi gradually become monotonous, lifeless, and evidently executed without spirit. The reliefs on the arch of Constantine, which are not taken from that of Trajan, are perfectly rude and worthless, and those on the column of Theodosius were not better. Art, in the proper sense of the word ceased to exist; statues of victors in the public games continued to be erected down to the fourth, and statues of the emperors (at Constantinople) down to the eighth century; but at Rome, as at Constantinople, those who were honoured in this way were more concerned about their rank and dress being properly represented in their statues, than about the real artistic merit of the work. Statuary became mere manual labour, and required nothing but mechanical skill. At Constantinople, however, where statues had been collected from Rome, Greece, and Asia Minor, the events of history allowed the plastic arts to die away more gradually than in Italy.

Before concluding, it remains to say a few words on the destruction of ancient works of art. During the latter part of the reign of Constantine, many statues of the gods were destroyed and melted down, and not long after his time a systematic destruction began, which under Theodosius spread over all parts of the Empire. This spirit of destruction, however, was not directed against works of art in general and as such, but only against the pagan idols. The opinion, therefore, which is entertained by some, that the losses we have sustained in works of ancient art are mainly attributable to the introduction of Christianity, is too sweeping and general. Of the same character is another opinion, according to which the final decay of ancient art was a consequence of the spiritual nature of the new religion. The coincidence of the general introduction of Christianity with the decay of the arts is merely accidental. That the early Christians did not despise the arts as such, is clear from several facts. We know that they erected statues to their martyrs, of which we have a specimen in that of St. Hippolitus in the Vatican library; and it is expressly stated that Christians devoted themselves to the exercise of the arts.[2] The numerous works, lastly, which have been found in the Christian catacombs at Rome, might alone be a sufficient proof that the early Christians were not hostile towards the representation of the heroes of their religion in works of art. The hostility, such as it appears in the writings of Augustin, cannot therefore have been general: and, in fact, Christianity during the Middle Ages became as much the mother of the arts of modern times as the religion of Greece was the mother of ancient art. Another very general and yet incorrect notion is, that the Northern barbarians, after the conquest of Rome, intentionally destroyed works of art. This opinion is not supported by any of the contemporary historians, nor is it at all probable. The barbarians were only anxious to carry with them the most precious treasures in order to enrich themselves; a statue must have been an object of indifference to them. What perished, perished naturally by the circumstances and calamities of the times: in times of need, bronze statues were melted down, and the material used for other purposes; marble statues were frequently broken to pieces and used for building materials. If we consider the history of Rome during the first centuries after the conquest of Italy by the Germans, we have every reason to wonder that so many specimens of ancient art have come down to our times.[1]

STELAI (*στῆλαι*). (*Vid.* FUNUS, p. 457.)

STHENIA (*σθένια*), a festival with contests, celebrated by the Argives in honour of Zeus, surnamed Sthenius, who had an altar, consisting of a large rock, in the neighbourhood of Hermione.[2] Plutarch[3] states that the *πάλη* or wrestling, which formed a part of the contests at this festival, was accompanied by a flute; and he also mentions a tradition, according to which the festival had originally been held in honour of Danaus, and that it was afterward consecrated to Zeus Sthenius.

STIBA'DIUM. (*Vid.* MENSA, p. 633.)

*STIB'IUM (*στίμμι*), a Sulphuret of Antimony, used from the earliest times, and still employed at the present day in the East for tinging black the hair and eyebrows, the eyelashes and edges of the lids; this last application being with a view to increase the apparent size of the eye. "Pliny's description of *stibium*," says Dr. Moore, "does not suit, in all respects, the common sulphuret of antimony; but this mineral may have been found then more frequently associated, as it now sometimes is with the white oxide, or with the nickeliferous sulphuret, to either of which Pliny's description of it as '*candida nitensque*' might be with propriety applied." Hardouin correctly states, according to Adams, that the ancients were most probably unacquainted with pure *antimony*, which is a factitious substance, or, at least, is rarely found as a native ore. It is called *τετράγωνον* by Hippocrates, from its being made into pastils of a square form." On the ancient antimony, consult Pliny's Natural History.[4]

STILLICI'DIUM. (*Vid.* SERVITUTES, p. 878.)

STILUS or STYLUS is in all probability the same word with the Greek *στύλος*, and conveys the general idea of an object tapering like an architectural column. It signifies,

1. An iron instrument,[5] resembling a pencil in size and shape, used for writing upon waxed tablets.[6] At one end it was sharpened to a point for scratching the characters upon the wax,[7] while the other end, being flat and circular, served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus *vertere stilum* means *to erase*, and hence *to correct*, as in the well-known precept *sæpe stilum vertas*.[8] The stylus was also termed *graphium*,[9] and the case in which it was kept *graphiarium*[10] or *graphiaria theca*.[11] The following woodcut is from a picture found in Herculaneum.[12]

2. A sharp stake or spike placed in pitfalls before

(Lamprid., Al. Sev. 25.)—2. (Baronius, Annal. ad A., 303.)

1. (Winckelmann, Gesch. der Kunst.—Meyer, Gesch. der bildenden Künste bei den Griechen.—F. Thiersch, Ueber die Epochen der bildenden Kunst unter den Griechen.—K. O. Müller, Archäol. der Kunst, 2d ed., 1835.)—2. (Hesych., s. v. Σθένια.—Compare Paus., ii., 32, § 7; 34, § 6.)—3. (De Mus., p. 1140, C.)—4. (Dioscor., iii., 99.—Plin., H. N., xxxiii., 53.—Hardouin ad Plin., l. c.—Adams, Append., s. v.—Moore's Anc. Mineralogy, p. 51.)—5. (Ovid, Met., ix., 521.—Mart., xiv., 21.)—6 (Plaut., Bacch., iv., 4, 63.—Plin., H. N., xxxiv., 14.)—7. (Quint. i., 1, § 27.)—8 (Hor., Sat., i., 10, 72.—Cic., c. Verr., II., ii., 41., —9. (Ovid, Amor., i., 11 13.—Suet., Jul., 82.)—10. (Mart., xiv 21.)—11. (Suet., Claud 35.)—12. (Mus. Borbon. tom. vi., tab. 35.)

an enclosure to embarrass the progress of an attacking enemy.[1] It was intended to answer the same purpose as the contrivances called *cippi Libi*, and *stimuli* by Cæsar.[2]

3. A bronze needle or rod for picking worms off fruit-trees ;[3] also a wooden probe employed in gardening operations.[4]

It bears, also, the meaning of the stem of a tree or vegetable,[5] which is, perhaps, the primary signification of *στύλος*.

*STIMMI, the Greek name for what the Romans called *Stibium*. (*Vid.* Stibium.)

STIPENDIA'RII. The stipendiariæ urbes of the Roman provinces were so denominated, as being subject to the payment of a fixed money tribute, "*stipendium*," in contradistinction to the vectigales, who paid a certain portion, as a tenth or twentieth of the produce of their lands, their cattle, or customs. The word "*stipendium*" was used to signify the tribute paid, as it was originally imposed for, and afterward appropriated to, the purpose of furnishing the Roman soldiers with pay (*stipendium*[6]). The condition of the urbes stipendiariæ is generally thought to have been more honourable than that of the vectigales, but the distinction between the two terms was not always observed.[7] The word stipendiarius is also applied to a person who receives a fixed salary or pay, as a "*stipendiarius miles*,"[8] a phrase which is sometimes used to denote a veteran who has received pay for many years, or served in many campaigns.[9] Some MSS. have stipendiosus in the passage last quoted, which is, perhaps, a better reading.[10]

STIPE'NDIUM, a pension or pay, from *stipem* and *pendo*, because, before silver was coined at Rome, the copper money in use was paid by weight, and not by tale.[11] According to Livy, the practice of giving pay to the Roman soldiers (*ut stipendium miles de publico acciperet*) was not introduced till B.C. 405, on the occasion of the taking of Tarracina or Anxur. He represents the change as the spontaneous and unsolicited act of the senate ; but from another passage[12] we learn, that in the year 421 B.C. the tribunes had proposed that the occupiers of the public land should pay their *vectigal* regularly, and that it should be devoted to the payment of the troops. The concession was probably accelerated by the prospect of the last war with Veii, and made with a view of conciliating the plebs, who, without some such favour, would in their then humour have refused to vote for the war. Livy also represents the funds for the payment to have been raised by a tributum or general tax ; but, as Arnold observes,[13] "The vectigal or tithe due from the occupiers of the public land was to provide pay for the soldiers ; and if this were not sufficient, it was to be made good by a tax or tribute levied upon the whole people. This tithe, however, was probably paid very irregularly, and hence the pay of soldiers would, in point of fact, be provided chiefly out of the tributum." A few years after this concession (B C. 403), and during the hostilities against Veii, a certain amount of pay was assigned (*certus numerus æris est assignatus*[1]) to the knights also, or Equites, p. 415. Livy, however, seems to be here speaking of the citizens who possessed an equestrian fortune, but had no horse (*equus publicus*) assigned to them by the state ; for it had always been customary for the knights of the 18 centuries to receive pay out of the common treasury in the shape of an allowance for the purchase of a horse, and a yearly pension of 2000 *asses* for its keep. (*Vid.* Æs Equestre, Æs Hordearium.) Hence Niebuhr[2] doubts the accuracy of the account which is given by Livy,[3] and observes that "the Veientine war cannot have been the occasion on which the practice of giving pay to the troops was first established : the ærarii must undoubtedly have always continued to pay pensions (*capita*) to the infantry, in the same way as single women and minors did to the knights : and the change consisted in this, that every legionary now became entitled to pay, whereas the number of pensioners had previously been limited by that of the persons liable to be charged with them ; and hence the deficiency was supplied out of the ærarium from the produce of the vectigal, and when this failed, by a tribute levied even from those plebeians who were themselves bound to serve." Consequently, the tribunes murmured that the tribute was only imposed for the sake of ruining the plebs.[4] In support of his opinion, Niebuhr[5] advances arguments which at least make it very probable that the "paterna legislation" of Servius Tullius provided for the pay of the infantry in the manner mentioned ; but even admitting this, the practice might have been discontinued, so as to justify the statement made on this subject by Livy. We have not space to repeat or discuss those arguments here, and therefore simply refer to them in vol. i., p. 374, and vol. ii., p. 441, of his History. According to Polybius,[6] the daily pay of a legionary amounted, in his time, to two oboli, which, as he makes a drachma equivalent to a denarius, and a denarius, in paying the soldiers, was then estimated at ten *asses*,[7] and not at sixteen, as was usual in other money transactions, gives 3½d *asses* a day, or 100 a month. Now the yearly pension of the knights (2000 *asses*), observes Niebuhr, gives, if we take the old year of 10 months, 200 *asses* a month ; just double the pay of the foot-soldiers. In later times the knights received triple pay (*triplex stipendium merebant*). This allowance was first established by the military tribune Cn. Cornelius Cossus (400 B.C.), and, according to Niebuhr, was then designed as a compensation to those who served with their own horses : it did not become the general custom till some time afterward. Polybius[8] thus speaks of the stipendium of his day, which he calls *ὀψώνιον*, as St. Luke[9] also does. "The foot-soldier receives as pay two oboli a day ; the centurion twice as much ; the horseman a drachma or denarius. The foot-soldiers also receive in corn every month an allowance (*demensum*) of $\frac{2}{3}$ds of an Attic medimnus, or about 2 bushels of wheat ; the horsemen 7 medimni of barley and 2 of wheat. The infantry of the allies receive the same allowance (*σιτομετρούνται*) as the Roman ; the horsemen 1½d medimni of wheat and 5 of barley. But there is this difference, that the allied forces receive their allowance as a gratuity ; the Roman

1. (Bell. African., 31.—Silius, x., 415.)—2. (B. G., vii., 73.)—3. (Pallad., iv., 10, § 20.)—4. (Columell., xi., 3, § 53.)—5. (Id., v., 10, § 21 ; xi., 3, § 46.)—6. (Liv., iv., 60.—Tacit., Hist., iv., 74.)—7. (Liv., xxxvii., 35.)—8. (Hirtius, De Bell. Afric., 43.)—9. (Veget., De Re Milit., i., 18.)—10. (Göttling, Gesch. der Röm. Staatsverf., p. 418.)—11. (Varro, Ling. Lat., v., 182, ed. Müller. —Plin., H. N., xxx., 3.)—12. (iv., 36.)—13. (Hist. of Rome, i., p. 369.—Compare Niebuhr, ii., p. 440.)

1. (Liv., v., 7.)—2. (i., 474, and ii., p. 441.)—3. (iv., 59.)—4 (Liv., iv., 60.)—5. (l. c.)—6. (vi., 37.)—7. (Plin., l. c.)—8 (vi 37.)—9. (iii., 14.)

soldiers, or the contrary, have deducted from their pay the money value of whatever they receive, in corn, armour, or clothes." There was, indeed, a law passed by C. Gracchus,[1] which provided that, besides their pay, the soldiers should receive from the treasury an allowance for clothes; but from Tacitus[2] this law seems either to have been repealed or to have fallen into disuse. The two oboli of Polybius, which we make equal to 3½d *asses*, are reckoned by Plautus in round numbers at 3 *asses*. Thus he says,[3] "*Isti qui trium nummorum causa subeunt sub falas.*" This amount was doubled for the legionaries by Julius Cæsar[4] before the civil war. He also gave them corn whenever he had the means, without any restrictions (*sine modo nensuraque*). Under Augustus[5] it appears to have been raised to 10 *asses* a day (three times the original sum), or 300 a month, or 1200 in four months. Now, as the original amount of their pay had been tripled, the soldiers could not complain if the denarius were reckoned at 16 *asses* in payments made to themselves as well as other persons; and, taking this value, the 1200 *asses* amount to exactly 3 aurei, or 3 × 400 *asses*. This sum, then, was considered as a unit, and called *stipendium*, being paid three times a year. Hence Suetonius says of Domitian,[6] "*Addidit et quartum stipendium, ternos aureos;*" a fact which Zonaras[7] otherwise expresses by stating that, instead of 75 drachmæ (*i. e.*, denarii), Domitian gave the soldiers 100, *i. e.*, he made an addition of 25 denarii or 1 aureus to their pay. The expression of Suetonius supposes that 3 aurei were paid every quarter instead of every four months, *after* the addition made by Domitian; that of Zonaras implies that 4 aurei instead of 3 were paid, as before, every three months, the annual amount being the same either way, and the quarterly or four months' instalment of 3 or 4 aurei being called a stipendium. Niebuhr's[8] statement on this subject is only partially correct, or else obscure: at any rate, if the soldiers received 10 asses a day, they must have received more than 1200 a year.

The prætorian cohorts received twice as much as the legionaries.[9] The pay of the tribunes is not known; but it was considered very great,[10] and probably was not less than 48 aurei per annum after the time of Domitian. We must not omit to mention that, if his pay were withheld, the Roman soldier was allowed, by an old unwritten custom, to distrain the goods (*per pignoris capionem*) of the officer whose duty it was to supply it. The æques was allowed the same privilege against the persons who were bound to furnish him with the æs equestre for the purchase of his horse, and the æs hordearium for its keep.[11]

From an expression which Livy[12] puts into the mouth of a patrician orator, it might be supposed that the soldiers always received a full year's pay independent of the length of their service. This, however, seems so unreasonable, that we cannot but agree with Niebuhr in supposing that the historian was misled by the custom of his own time, when a full year had long been the stipulated term of a soldier's pay as well as of his service.

STIPULA'TIO, STIPULA'TOR. (*Vid.* Obligationes, p. 673.)

STIVA. (*Vid.* Aratrum, p. 79.)

STLENGIS (στλεγγίς). (*Vid.* Lotion, p. 599.)

STOA (στοά). (*Vid.* Porticus.)

STOCHEION (στοχεῖον). (*Vid.* Horologium.)

*STŒBE (στοιβή). "According to Hardouin, a species of *Scabiosa*; but this opinion is rejected by Sprengel, who rather too confidently refers it to the *Peterium spinosum*, L. Stackhouse holds it to be the *Stœbe centaurea*."[1]

*STŒCHAS (στοιχάς), a species of Lavender, probably, as Sprengel maintains, the *Lavandula Stœchas*.[2]

STOLA was a female dress worn over the tunic it came as low as the ankles or feet (*ad talos stola demissa*[3]), and was fastened round the body by a girdle, leaving above the breast broad folds (*rugosiorem stola frontem*[4]). The tunic did not reach much below the knee, but the essential distinction between the tunic and stola seems to have been, that the latter always had an Instita or flounce sewed to the bottom, and reaching to the instep.[5] Over the stola the palla or pallium was worn (*vid.* Pallium), as we see in the cut annexed.[6]

The stola seems to have been usually fastened over the shoulder by a Fibula or clasp, and usually had sleeves, but not always.

The stola was the characteristic dress of the Roman matrons, as the toga was of the Roman men.[7] Hence the meretrices were not allowed to wear it, but only a dark-coloured toga;[8] and, accordingly, Horace[9] speaks of the *matrona* in contradistinction to the *togata*. For the same reason, women who had been divorced from their husbands on account of adultery were not allowed to wear the stola, but only the toga;[10] to which Martial alludes.[11]

*STOMO'MA. (*Vid.* Adamas.)

STRA'GULUM. (*Vid.* Tapes.)

STRATEGOS (στρατηγός). The office and title of στρατηγός, or general, seem to have been more especially peculiar to the democratic states of ancient Greece: we read of them, for instance, at Athens, Tarentum, Syracuse, Argos, and Thurii;[12] and when the tyrants of the Ionian cities in Asia Minor were deposed by Aristagoras, he established στρατηγοί in their room, to act as chief magistrates.[13]

The strategi at Athens were instituted after the remodelling of the constitution by Cleisthenes to discharge the duties which had in former times been performed either by the king or the archon polemarchus. They were ten in number, one for each of the ten tribes, and chosen by the suffrages (χειροτονία) of the people.[14] Before entering on their duties, they were required to submit to a δοκιμασία, or examination of their character;[15] and no one was eligible to the office unless he had legitimate children, and was possessed of landed property in Attica.[16] They were, as their name denotes, intrusted

1. (Plut. in vita.)—2. (Ann., i. 17.)—3. (Most., ii., 1, 10.)—4. (Suet., c. 26.)—5 (Suet. Octav., c. 49.—Tacit., l. c.)—6 (c., 7.)—7 Ann., ii., p. 196.)—8. (ii., p. 443.)—9. (Tacit., l. c.)—10 (Juv., iv., 132.)—11. (Gaius, lib. iv., § 26–28.)—12. (v., c. 4.)

1. (Dioscor., iv., 12.—Theophr., i., 10.—Adams, Append., s. v.)—2. (Dioscor., iii., 28.—Adams, Append., s. v.)—3. (Hor., Sat., i., 2, 99.)—4. (Mart., iii., 93, 4.)—5 (Hor., Sat., i., 2, 29.—Ovid, Ar. Amat., i., 32.)—6. (Mus. Borb., iii., tav. 7.)—7. (Cic., Phil., ii., 18.)—8. (Tibull., iv., 10, 3.—Mart., i., 36, 8.)—9. (Sat., i., 2, 63.)—10. (Schol. ad Hor., l. c.)—11. (ii., 39; vi., 64, 4.—*Vid.* Becker, Gallus, i., p. 321, &c.)—12. (Wachsmuth, I., ii. 24.)—13. (Herod., v., 38.)—14. (Pollux, Onom., viii., 87.)—15 (Lys., c. Alcib., 144.)—16. (Dinarch., c. Demosth., 99.)

with the command on military expeditions, with the superintendence of all warlike preparations, and with the regulation of all matters in any way connected with the war department of the state. They levied and enlisted the soldiers (*κατέλεξαν*), either personally or with the assistance of the taxiarchs.[1] They were intrusted with the collection and management of the *εἰσφοραί*, or property-taxes raised for the purposes of war; and also presided over, or officiated as *εἰσαγωγεῖς* in, the courts of justice in which any disputes connected with this subject or the trierarchy were decided.[2] They also nominated from year to year persons to serve as trierarchs,[3] and took cognizance of the cases of ANTIDOSIS arising out of the trierarchy and property-taxes (*ἐποίουν τὰς ἀντιδόσεις*[4]). They also presided at courts-martial, and at the trials in cases of accusation for non-performance of military and naval duties. (*Vid.* ΑΣΤΡΑΤΕΙΑΣ and ΑΝΑΥΜΑΧΙΟΥ ΓΡΑΦΑΙ.) They likewise had the power of convening extraordinary assemblies of the people in cases of emergency (*vid.* ECCLESIA, p. 384), and from the instance of Pericles, it would almost seem that in critical times they had the power of preventing an assembly being holden.[5] But their most important trust was the command in war, and it depended upon circumstances to how many of the number it was given. At Marathon all the ten were present, and the chief command came to each of them in turn. The archon polemarchus also was there associated with them, and, according to the ancient custom, his vote in a council of war was equal to that of any of the generals.[6] In the expedition against Samos, also, all the ten generals were engaged,[7] the poet Sophocles being one of the number;[8] but it is obvious that in most cases it would be neither convenient nor useful to send out the whole number on the same undertaking, and, during the course of a protracted war, it would be necessary for some of them to be left at home in charge of the war department there. Accordingly, in the best times of Athens, three only were, for the most part, sent out; one of these (*τρίτος αὐτός*) was considered as the commander-in-chief, but his colleagues had an equal voice in a council of war. Sometimes a strategus, as Pericles, was invested with extraordinary powers:[9] in like manner, the three generals engaged in the Sicilian expedition, Nicias, Alcibiades, and Lamachus, were made *αὐτοκράτορες*, or supreme and independent in all matters connected with it.[10] So also was Aristides in his command at Platæa. But even in ordinary cases the Athenian generals were not fettered in the conduct of a campaign by any council of war or other controlling authority, as the Spartan kings sometimes were; still they were responsible for it, and in the time of Demosthenes[11] exposed, at the termination of their command, to capital indictment at the caprice of the people, or from the malevolence of personal enmity.[12] Even Pericles himself[13] was fined by the people for imputed mismanagement, but really because the Athenians were disappointed in their expectations.

In the times of Chabrias and Phocion, however, the greater part of the generals regularly remained at home to conduct the processions, &c., as the citizens did to enjoy them, leaving their wars to be conducted by mercenaries and their leaders.[14] Some of them, too, were not commanders of all the troops, but only of the horse and foot of separate armies (*στρατηγὸς ὁ ἐπὶ τῶν ὅπλων* or *ὁπλιτῶν*, and *ὁ ἐπὶ τῶν ἱππέων*): and one of them, the general of the administration (*ὁ ἐπὶ τῆς διοικήσεως*), performed part of the judicial labours of the strategi and other civil services, such as that of giving out the pay of the troops.[1] We must also remember that the Athenian navy, as well as the army, was commanded by the strategi, whence the "prætoria navis" or flag-ship is called *στρατηγὶς ναῦς*.[2]

The strategi at Athens were perhaps the most important officers of the Republic, especially during war; and among them are numbered some of her most distinguished citizens, Miltiades, Themistocles, Pericles, Phocion, &c. But the generals of the early times differed in many respects from the contemporaries of Demosthenes. Formerly the general and the statesman were united in one person; the leader in the field was the leader in the assembly, and thus acquired a double influence, accompanied with a double responsibility. But in later times, the general and the professed orator or statesman were generally perfectly distinct,[3] and the latter, as will always be the case in free states, had by far the greater influence. The last of the Athenian generals who was considered to unite the two characters was Phocion, who was general no less than forty-five times.[4] Accordingly, the various parties into which the state was then divided had each their orator and general, the former acting as a recognised leader;[5] and a general, when absent on foreign expeditions, was liable to be maligned or misrepresented to the people by an unfriendly and influential demagogue.[6] Hence we cannot wonder that the generals of the age of Demosthenes were neither so patriotic nor so distinguished as those of former times, more especially when we call to mind that they were often the commanders of mercenary troops, and not of citizens, whose presence might have checked or animated them. Moreover, they suffered in moral character by the contamination of the mercenary leaders with whom they were associated. The necessity they were under of providing their hired soldiers with pay, habituated them to the practice of levying exactions from the allies; the sums thus levied were not strictly accounted for, and what should have been applied to the service of the state was frequently spent by men like Chares upon their own pleasures, or in the purchase of a powerful orator.[7] Another effect of the separation of the two characters was, that the responsibility of the general and of the orator or minister was lessened, and it was in most cases easy for a general to purchase an apparently disinterested advocacy of his conduct. There was this farther abuse connected with the system, that, according to Isocrates,[8] military command was so much coveted, that the election of generals was often determined by the most profligate bribery.

The most eminent generals of the time of Demosthenes were Timotheus, Chabrias, Iphicrates, and Diopithes. Chares and Lysicles were inferior to them both in loyalty and skill, but the former and the mercenary Charidemus were frequently employed. Towards the decline of the Roman Empire the chief magistrate at Athens was called *στρατηγός*, or the duke. Constantine bestowed on him the title of *μέγας στρατηγός*, or the *grand duke*.[9] The military chieftains of the Ætolian and Achæan leagues were also called *στρατηγοί*. The Achæan *στρατηγοί* had the power of convening a

1 (Lys., c. Calcib., 140. Pro Milit., 114.)—2 (Wolf ad Lept., p. 94. Demosth., c. Lacr., 940, 16.)—3 (Demosth., c. Bœot., 1., 997. Xen., De Rep. Athen., 3.)—4. (c. Phænip., 1040.)—5. (Thucyd., ii., 22.)—6. (Herod., vi., 109.)—7. (Thucyd., i., 116.)—8. (Müller, Literature of Ancient Greece, p. 338.)—9. (Thucyd., ii., 65.)—10. (Thucyd., vi., 8, 26.)—11. (Philip., i., 52.)—12. (c. Mid., 535., c. Aristocr., 676.)—13. (Thucyd., ii., 65.)—14. (Wachsmuth, II, i, p. 410.—Demosth., Phil., i., 47, 12.)

1. (Böckh, Staatsh., ii., c. 7.—Dem., Pro Coron., p. 265, 11.) 2. (Hermann, Lehrbuch d. Griech. Staatsalt., § 152.)—3. (Isocr. De Pace, 170.)—4. (Plut., Phoc., 5.—Wachsmuth, I., ii., § 79.)—5. (Demosth., Olyn., ii., 26.)—6. (Demosth., De Cherson., 97, 12.—Wachsmuth, I. c.)—7. (Thirlwall, Hist. of Greece, v. c. 214.)—8. (De Pace, 168.)—9. (Julian, Orat. i.)

general assembly of the league on extraordinary occasions.[1]

*STRATIO'TES (*στρατιώτης*), a species of plant, probably a kind of water-lentil. "The *στρατιώτης ποτάμιος* was most probably, according to Sprengel, the *Pistia Stratiotis*. Woodville, treating of the common *Yarrow* or *Millefoil*, says of it, 'This plant appears to be the *στρατιώτης χιλιόφυλλος* of the Greek writers.' It is pretty generally looked upon as being the *Achillea millefolium*. It got the name of *Achillea* from its being supposed the herb used by Achilles in dressing wounds."[2]

STRATO'RES. 1. Imperial equerries subject to the tribunus stabuli. Their proper duty, as the name imports, was to saddle the horses; they also led them from the stable, and assisted the emperor to mount. Hence they were termed in Greek *ἀναβολεῖς*. From the addition of *miles* to their title, it appears that they were considered as part of the military establishment.[3] Consuls and prætors had their stratores, as we learn from inscriptions,[4] and perhaps ædiles also.[5]

2. Officers sent into the provinces to select horses for the stud of the prince or for the general service of the state.[6] These, in all probability, belonged to the same body with those mentioned above; the title *stratores a publicis rationibus*, by which they are usually distinguished in works upon Roman antiquities, rests upon no authority except the letters STR. A. P. R. in an inscription,[7] the interpretation of which is very doubtful.

3. Jailers under the orders of the *commentariensis*, or chief inspector of prisons.[8] To these Ulpian refers,[9] "*nemo proconsulum stratores suos habere potest, sed eorum vice milites ministerio in provinciis funguntur*," although the passage is quoted in most dictionaries as bearing upon the stratores of the stable.[10]

4. In the later Latin writers, and especially in the monkish historians of the Middle Ages, *stratores* denote a chosen body of soldiers sent in advance of an army to explore the country, to determine the proper line of march, to select the spots best fitted for encamping, and to make all the arrangements necessary for the safety and comfort of the troops when they halted, their duties being in some respects analogous to those of the classical *metatores*, and in others to those of a modern *corps de guides*.[11]

5. We find in an inscription the words DIOMEDES AP. STRATOR, which is generally understood to commemorate the labours of some individual in paving the Appian Way, and mention is made of *stratores* of this description in another inscription found at Mayence.[12]

STRENA, a present given on a festive day and for the sake of good omen,[13] whence a good omen is called by Plautus *bona strena*.[14] It was, however, chiefly applied to a new-year's-gift, to a present made on the calends of January. In accordance with a senatus consultum, new-year's-gifts had to be presented to Augustus in the Capitol, even when he was absent.[15] The person who received such presents was accustomed to make others in return (*strenarium commercium*); but Tiberius, who did not like the custom on account of the trouble it gave him, and also of the expense in making presents in return, frequently left Rome at the beginning of January, that he might be out of the way,[1] and also strictly forbade any such presents to be offered him after the first of January, as he used to be annoyed by them during the whole of the month.[2] The custom, so far as the emperor was concerned, thus seems to have fallen almost entirely into disuse during the reign of Tiberius. It was revived again by Caligula,[3] but abolished by Claudius;[4] it must, however, have been restored afterward, as we find it mentioned as late as the reigns of Theodosius and Arcadius.[5]

STRIGIL. (*Vid.* BATHS, p. 146; LOUTROV, p. 599.)

*STRIX, the Screech Owl. (*Vid.* GLAUX.)

*STROMBUS (*στρόμβος*), a shellfish, called in French *Trompe*, in English *Trumpet*; namely, the *Cochlea Strombus*, L.[6]

STRO'PHIUM (*ταινία, ταινίδιον, ἀπόδεσμος*) was a girdle or belt worn by women round the breast and over the inner tunic or chemise[7] (*tereti strophio luctantes vincta papillas*[8]). It appears from an epigram of Martial[9] to have been usually made of leather.[10]

*STROUTHI'ON (*στρούθιον*), the *Saponaria officinalis*, or Soapwort. "Lucian mentions," says Adams, "that the impostor Alexander used it to procure a discharge of saliva from his mouth."[11]

*STROUTHOS (*στρουθός*). "A term used by Paulus Ægineta in the same general sense that *Passeres* is by Linnæus, as applying to the order of small birds. It is more particularly applied, however, to the *Passer domesticus*, or House Sparrow. Gesner supposes the *πυργίτης* and *τρωγλοδύτης* mere varieties of it; but it is more probable that the latter was the Hedge Sparrow, or *Accentor modularis*, Cuvier."[12]

*ΣΤΡΟΥΘΟ'Σ, *μεγάλη, Λιβυκή*, or *Ἀραβίη*, called also *στρουθοκάμηλος*, the Ostrich, or *Strouthio-camelus*, L. It is described by Xenophon, Aristotle, Ælian, Diodorus, and others. Oppian calls it *Λιβύης πτερόεν βοτὸν ἀγκυλόδειρον*, and again, *μετὰ στρουθοῖο κάμηλον*. "The length of its legs and of its neck," says Griffith, speaking of the ostrich, "and certain habits peculiar to it, have caused it to be compared to the camel. Eldemiri, in his 'History of Animals,' informs us, that the vulgar belief in Arabia is, that the ostrich is the production of a camel and a bird. From such approximations are derived the names which the ostrich has received in various countries. The Persian name of *suturmorg* literally signifies *camel-bird*; and it is the same with the *strouthio-camelus* of the Latins. We cannot, however, say with Aristotle, that the ostrich is of an equivocal nature, partly bird, partly quadruped; but still we may aver that, in the chain of being, it evidently constitutes a link between the birds and the mammalia. Though decreed, from its bulk, to remain upon the earth, and deprived of that faculty which is the eminent characteristic of its class, it has received in compensation a force and rapidity in the race far surpassing that of all other existing animals."[13]

STRUCTOR. (*Vid.* CŒNA, p. 275.)

*STRYCHNUS or -UM (*στρύχνος* or *-ον*), the herb Nightshade. "I cannot pretend," says Adams, "to unravel all the confusion which invests the subject of the ancient *strychni*. Both Celsus and Pliny

1 (Liv., xxxviii., 11.—Polyb., iv., 7, § 5.)—2. (Dioscor., iv., 100, 101.—Adams, Append., s. v.)—3. (Spart. Caracall., 7.—Amm. Marcell., xxx., 5.—*Vid.* Ducange, s. v.)—4. (Orell., Inscr., 798, 3250, 3523.)—5. (Orell., n. 1584.)—6. (Amm. Marcell., xix., 3.—Cod. Theod., viii., tit. 8, s. 4.—Cod., xii., tit. 25.—Spartian. ad Capitol., M. Antonin., 8; ad Trebell. Poll., Valer., 3.)—(Gruter, p. DLXIX., n. 8.)—8. (Cod. Theod., ix., tit. 3, s. 1.)—9. Dig. 1, tit. 16, s. 4.)—10. (Compare the Notitia Dignitatum Imperii Orientis, c. 13 and c. 101, in Grævii Thes. Rom. Antiq., tom. vii., p. 1375 and p. 1606.)—11. (Symm., Epist. ad Theod. et Valent., 1.—Ducange, s. v.)—12. (Orell., n. 1450.—Compare Fuchs, Geschichte Von Mainz.)—13. (Festus, s. v.)—14. (Stich., v., 2, 24.)—15. (Suet., Octav., 57.—Compare Dion Cass., liv., 35.)

1. (Dion Cass., lvii., 8.)—2. (Suet., Tib., 34.—Dion Cass., lvii., 17.)—3. (Suet., Cal., 42.—Dion Cass., lix., 24.)—4. (Dion Cass., lx., 6.)—5. (Auson., Ep., xviii., 4.—Symm., Ep., x., 28.)—6. (Aristot., H. A., i., 9.—Id., iv., 4; v., 13.—Adams, Append., s. v.)—7. (Non., xiv., 8.)—8. (Catull., lxiv., 65.)—9. (xiv., 66.)—10. (Becker, Gallus, i., p. 321.)—11. (Dioscor., ii., 192.—Theophr., H. P., vi., 4.—Adams, Append., s. v.)—12. (Adams, Append., s. v.)—13. (Oppian. Hal., v., 630.—Id., Cyneg., iii.—Griffith's Cuvier, vol. viii., p. 444, &c.—Adams, Append., s. v.)

state that the *Strychnos* of the Greeks was called *Solanum* by the Romans. The Latin writers of the Middle Ages term it *Mamella*. Apuleius describes four species: the first called *Hortualis*; the second called *Cacabum*; the third called *Hypnotica somnifera*, &c.; the fourth, *Furialis*. Sprengel, in his annotations on Dioscorides, arranges the *strychni* as follows: 1st. The *στρύχνος κηπαῖος* is the *Solanum nigrum* (common Nightshade), or *S. miniatum*. 2d. The *σ. ἀλικάκαβος* is the *Physalis Alkekengi*, common Winter-cherry. 3d. The *σ. ὑπνωτικός* is the *Physalis somnifera*, or Cluster-leaved Winter-cherry. 4th. The *σ. μανικός* is the *Solanum Sodomeum*, or Black-spined Nightshade. Theophrastus describes the first, third, and fourth species. Stackhouse supposes the last to be the *Atropa belladonna*, which, by-the-way, is generally supposed to be the plant which Buchanan calls '*Solanum somniferum*,' and describes very graphically. Woodville thinks this species (the fourth) either the *Atropa belladonna* or *Solanum dulcamara*. Stackhouse agrees with Sprengel regarding the first and third species. On the *strychni* of the ancients, see in particular Schulze (*Toxicol. Veterum*, c. 18), whose account of them agrees in the main with that given above."[1]

STULTO'RUM FE'RIÆ. (*Vid.* Fornacalia.)

STUPRUM. (*Vid.* Adulterium, Concubina, Incestum.)

STYLUS. (*Vid.* Stilus.)

*STYPTE'RIA (*στυπτηρία*). "From the circumstance alone of the localities in which Dioscorides says the *στυπτηρία* was found, namely, Melos, Lipari, Sardinia, &c, we can have no difficulty in deciding it to have been the *Octohædral Alum* of Jameson, *i. e.*, Sulphate of Alumine and Potash. The ancients, however, have described several varieties, which have exercised the ingenuity of the commentators to determine what they were. Alston calls the *στυπτηρία σχιστή* '*alumen scissile vel plumosum*.' He says, 'the true plumose or feathered alum is a salt, in colour and grain somewhat resembling amiantus, tasting like common alum.' Dr. Hill describes the *plumose alum* as consisting of efflorescences which hang from the rocks in certain islands of the Archipelago, where the earth is full of alum. These specimens were called *τριχῖτις* by the Greeks, as if composed of hairs. He alludes, I presume, to the *Haar Salz* (Hair Salt) of Werner, formerly supposed a variety of alum, but consisting, according to Klaproth, of a mixture of the sulphates of magnesia and iron. Dr. Kidd states that the capillary or plumose alum consists of very delicate fibres like down. The *ὑγρη*, or *liquid alum*, according to Dr. Hill, was what drops through the fissures of stones: when this assumed a round form, it was called *στρογγύλη*, 'round.' Dr. Milligan finds fault with Drs. Jameson and Thompson for holding that the ancient alum consisted principally of the sulphate of iron: they were right, however, in regard to the *alumen scissile*, or hair alum, which, as we have stated, Klaproth found to contain sulphate of iron. This variety was therefore considerably different from the common *στυπτηρία* of the Greeks."[2]

*STYRAX (*στύραξ*), a tree producing a resinous gum. The gum is called in Greek *τὸ στύραξ*, and the tree which produces it *ἡ* or *ὁ στύραξ*. The gum is known in the dispensatories by the name of *Styrax* or *Storax*. It has a fragrant odour, and an agreeable, slightly pungent, and aromatic taste; it is stimulant, and in some degree expectorant. The storax of commerce is chiefly obtained from Asiatic Turkey. The *στύραξ καλαμίτη*, mentioned by Paulus Ægineta, is the *Styrax calamita*, so called because anciently packed up in reeds for safety of carriage. The styrax-tree is still called in the East *istorak* or *isterk*. The gum was formerly much employed in medicine, but now is little used except in perfumes. Some suppose that the *storax* is the true *thus Judaicum*, presented by the Magi to the infant Saviour; others, however, are in favour of the balm exuded by the *Amyris*.[1]

*SUBER (*φέλλος*), the Cork-tree, or *Quercus Suber*, L. (*Vid.* Phellus.)

SUBLIGA'CULUM or SUCCINCTO'RIUM (*διάζωμα, περίζωμα*), Drawers.[2] This article of dress, or a bandage wound about the loins so as to answer the same purpose, was worn by athletes at the public games of Greece in the earliest ages (*vid.* Athletæ: *ζῶσαι νῦν*[3]); but the use of it was soon discontinued, and they went entirely naked.[4] The Romans, on the contrary, and all other nations except the Greeks, always adhered to the use of it in their gymnastic exercises.[5] It was also worn by actors on the stage,[6] by those who were employed in treading grapes (*vid.* Torcular[7]), and by the Roman popa at the sacrifices, and it then received the denomination of *limus*,[8] which name was also applied to it as worn by Roman slaves.[9] The circumstance of the slaves in India wearing this as their only covering,[10] is agreeable to the practice of modern slavery in the West Indies and other tropical countries. Some of the ancient Gauls had such a contempt for death as to descend into the field of battle naked, with the exception of the subligaculum, or clothing for the loins.[11]

SUBSCRI'PTIO CENSO'RIA. (*Vid.* Infamia, Nota Censoria.)

SUBSECI'VA. (*Vid.* Legis Agrariæ, p. 37.)

SUBSIGNA'NI. (*Vid.* Army, Roman, p. 103.)

SUBSTITU'TIO. (*Vid.* Heres, Roman, p. 498.)

SUBSTITU'TIO PUPILLA'RIS. (*Vid.* Heres, Roman, p. 498.)

SUBTE'MEN. (*Vid.* Tela.)

SUBU'CULA. (*Vid.* Tunica.)

SUCCE'SSIO. This word is used to denote a right which remains unchanged as such, but is changed with reference to its subject. The change is of such a nature, that the right, when viewed as attached to a new person, is founded on a preceding right, is derived from it, and depends upon it. The right must accordingly begin to be attached to the new person at the moment when it ceases to be attached to the person who previously had it. Thus, in the case of the transfer of ownership by tradition, the new ownership begins when the old ownership ceases, and it only arises in case the former possessor of the thing had the ownership; that is, prior ownership is a necessary condition of subsequent ownership. This kind of change in ownership is called successio. It follows from the definition of it that usucapion is not included in it. The successio of a heres is included; for though there might be a considerable interval between the death and the aditio hereditatis, when the hereditas was once taken possession of, the act of aditio had, by a legal fiction, relation to the time of the death. Thus whereas we generally view persons who possess rights as the permanent substance and the rights as accidents, in the case of succession the right is the permanent substance, which persists in a series of persons.

The notion of succession applies mainly, though

1. (Theophr., H. P., vii., 15; ix., 13.—Dioscor., iv., 71, 72, 73 74.—Nicand., Ther., 75.—Adams, Append., s. v.)—2. (Dioscor., v., 123.—Plin., H. N., xxxv., 52.—Celsus, ed Milligan, p. 182.—Adams Append., s. v.)

1. (Dioscor., i., 79.—Paulus Ægin., vii., c. 11.—Adams, Append., s. v.—Encyc. Americ., s. v.)—2. (Joseph., A. J., iii., 7, § 1.)—3. (Hom., Od., xviii., 30.)—4. (Schol. in Hom., Il., xxiii. 683.—Isid., Orig., xviii., 17.)—5. (Thucyd., i., 6.—Schol. in loc.—Clem. Alex., Pædag., iii., 9.—Isid., Orig., xix., 221.)—6. (Cic., De Off., i., 35.)—7. (Geopon., vi., 11.)—8. (Virg., Æn., xii., 120—Servius in loc.)—9. (Gell., N. A., xii., 3.)—10. (Strabo, xv., 1, § 73, p. 156, ed. Sieb.)—11 (Diod. Sic., v., 29.)

not exclusively, to property. With respect to the law that relates to familia, it applies so far as the parts of the familia partake of the nature of property, such as the power of a master over his slave, and the case of patronatus and mancipii causa. Thus the patria potestas and the condition of a wife in manu may be objects of succession. It applies also to the case of adoption.

Successio is divided into singular succession and universal succession. These terms conveniently express the notion, but they were not Roman terms. The Roman terms were as follows: in universum jus, in eam duntaxat rem succedere;[1] per universitatem, in rem succedere;[2] in omne jus mortui, in singularum rerum dominium succedere;[3] in universa bona, in rei tantum dominium succedere.[4]

It is singular succession when a single thing, as an object of ownership, is transferred, or several things together, when they are transferred as individual things, and not as having relation to one another in consequence of this accidental common mode of transfer.

The object of universal succession is property as an ideal whole (*universitas*) without any reference to its component parts. Yet the notion of succession applies as well to a fraction of this ideal whole as to the unit which this ideal whole is conceived to be; for the whole property being viewed as a unit, it may be conceived to be divided into fractional parts without any reference to the several things which are included in the ideal whole. It was also consistent with this species of succession that many particular rights should be incapable of being transferred: thus, in the case of an hereditas, the usufructus of the deceased did not pass to the heres, and in the case of adrogation neither the usufructus nor the debts of the adrogated person, according to the old law.

The object of universal succession is a universitas as such, and it is by means of the words universitas and universum that the Romans denote this kind of succession; but it would be erroneous to infer from this use of the term that succession applies to all universitates. Its proper application is to property, and the true character of universal succession is the immediate passing over from one person to another of all the credits and debts that belong or are attached to the property. This happens in the case of an hereditas, and in the case of adrogation as to most matters. The debts would be transferred by adrogation if this were not accompanied with a capitis diminutio. Credits and debts could not be transferred by singular succession. The cases of universal succession were limited, and the notion could not be applied and made effectual at the pleasure of individuals. The most important cases of universal succession were the property of a deceased person; as hereditas, bonorum possessio, fideicommissaria hereditas, and others of the like kind. The property of a living person might be transferred in this way, in the case of adrogatio, conventio in manum, and the bonorum emtio.[5] In many other cases, though the object is to transfer a whole property, it is, in fact, effected by the transfer of the several things: the following are instances of this kind of transfer, the gift of a whole property, or its being made a dos, or being brought into a societas, or the sale of an hereditas by a heres.

The notion of a universal succession among the Romans appears to have been derived from the notion of the hereditas, to which it was necessary to attach the credits and debts of the deceased and the sacra. Other instances of universal succession, such as the bonorum possessio, grew out of the notion of the hereditas; and it was found convenient to extend it to other cases, such as adrogation. But, as already observed, the extension of the notion was not left to the pleasure of individuals, and, accordingly, this doctrine was, to use a Roman phrase, juris publici.

The words successio, successor, succedere, by themselves, have a general meaning, and comprise both kinds of succession. Sometimes these words, by themselves, signify universal succession, as appears from the context,[1] and by such expressions as heredes ceterique successores. In other cases the kind of succession is denoted by appropriate words, as per universitatem succedere, acquirere, transire, in universum jus succedere, &c., in the case of universal succession; and in rem, in rei dominium, in singularum rerum dominium succedere, &c., in the case of singular succession.

In the phrase "*per* universitatem succedere," the notion of universal succession is not directly expressed; for the phrase has immediate reference to the acquisition of a single thing, and it is only by means of the word universitas that we express the notion that the acquisition of the individual thing is effected by means of the acquisition of the whole.[2]

SUCCESSOR (*Vid.* Successio.)

SUCCINCTO'RIUM. (*Vid.* Subligaculum.)

*SUCC'INUM, the Latin name for *Amber*, founded on the belief that it consisted of the resinous juice (*succus*) of certain trees, which had in the course of time become mineralized in the earth. (*Vid.* Electrum.)[3]

*SYC'ALIS (συκαλίς), "a small bird, called by the Italians *Beccuefigo*. Its Latin name is *Ficedula*. Brookes says it is the same bird which is called *Pettichaps* in Yorkshire, being about the size of a linnet. He alludes, probably, to the *Motacilla hypoleuca*, L."[4]

*SYCAM'INOS (συκάμινος). (*Vid.* Morea.)

*SYCE (συκῆ), the fig-tree, properly called *Ficus Carica*. "The wild fig-tree is called ἐρινεός by Homer. The συκῆ Αἰγυπτίη, called also κερωνία, is the *Ficus religiosa* according to Stackhouse, but according to Schneider the *Ceratonia siliqua*, L., or Carob-tree. The συκῆ Ἀλεξανδρεία is the *Pyrus amelanchier* according to Sprengel, the *Loniccra Pyrenaica* according to Stackhouse. The συκῆ Ἰνδική is the *Ficus Indica*, or Banyan according to Sprengel, the *Rhizophora mangle*, or Mangrove, according to Stackhouse. The *Banyan*, or *Indian fig-tree*, is noticed by Theophrastus, Pliny, Strabo, Diodorus Siculus, Quintus Curtius, Arrian, and Athenæus."[5]

*SYCOM'OROS or -ON (συκόμορος, -ον), the Sycamore-tree, or *Ficus Sycomorus*. (*Vid.* Morea.)

SYCOPHA'NTES (συκοφάντης). At an early period in Attic history, a law was made prohibiting the exportation of figs. Whether it was made in a time of dearth, or through the foolish policy of preserving to the natives the most valuable of their productions, we cannot say. It appears, however, that the law continued in force long after the cause of its enactment, or the general belief of its utility had ceased to exist, and Attic fig-growers exported their fruit in spite of prohibitions and penalties. To inform against a man for so doing was considered harsh and vexatious, as all people are apt to think that obsolete statutes may be infringed with impunity. Hence the term συκοφαντεῖν, which originally signified *to lay an information against another*

1. (Dig. 21, tit. 3, s. 3.)—2. (Gaius, ii., 97.—Dig. 43, tit. 3, s. 1.)—3. (Dig. 29, tit. 2, s. 37.)—4. (Dig. 39, tit. 2, s. 24.)—5. (Gaius, ii., 98.)

1. (Gaius, iii., 82.)—2. (Savigny, System, &c., iii., p. 8.—Gaius, ii., 97, &c.—Austin's *Outlines of a Course of Lectures on General Jurisprudence* may also be consulted as to the subject of this article.)—3. (Moore's Anc. Mineral., p. 105.)—4. (Adams, Append., s. v.)—5. (Theophr., H. P., i., 5; ii., 3; iv., 2, 4.—Dioscor., i., 184.—Eustath. ad Il., vi., 423.—Adams, Append., s. v.)

for exporting figs, came to be applied to all ill-natured, malicious, groundless, and vexatious accusations. It is defined by Suidas *ψευδῶς τινος κατηγορεῖν*.[1] As to a different origin of the word, see Böckh.[2]

Συκοφάντης, in the time of Aristophanes and Demosthenes, designated a person of a peculiar class, not capable of being described by any single word in our language, but well understood and appreciated by an Athenian. He had not much in common with our *sycophant*, but was a happy compound of the common *barretor*, *informer*, *pettifogger*, *busybody*, *rogue*, *liar*, *and slanderer*. The Athenian law permitted any citizen (*τὸν βουλόμενον*) to give information against public offenders, and prosecute them in courts of justice. It was the policy of the legislator to encourage the detection of crime, and a reward (such as half the penalty) was frequently given to the successful accuser. Such a power, with such a temptation, was likely to be abused, unless checked by the force of public opinion or the vigilance of judicial tribunals. Unfortunately, the character of the Athenian democracy and the temper of the judges furnished additional incentives to the informer. Eminent statesmen, orators, generals, magistrates, and all persons of wealth and influence, were regarded with jealousy by the people. The more causes came into court, the more fees accrued to the judges, and fines and confiscations enriched the public treasury. The prosecutor, therefore, in public causes, as well as the plaintiff in civil, was looked on with a more favourable eye than the defendant, and the chances of success made the employment a lucrative one. It was not always necessary to go to trial, or even to commence legal proceedings. The timid defendant was glad to compromise the cause, and the conscious delinquent to avert the threat of a prosecution by paying a sum of money to his opponent. Thriving informers found it not very difficult to procure witnesses, and the profits were divided between them. According to Theophrastus,[3] Athens was full of *Διωνυσοκολάκων καὶ λωποδυτῶν καὶ ψευδομαρτύρων καὶ συκοφαντῶν καὶ ψευδοκλητήρων*. The character of the *συκοφάνται* will be best understood by the examples and descriptions found in the Attic writers. Aristophanes directs the keenest edge of his satire against them.[4] Demosthenes says: *πονηρὸν ὁ συκοφάντης καὶ βάσκανον καὶ φιλαίτιον*.[5] *Συκοφαντεῖν τριάκοντα μνᾶς* in Lysias,[6] signifies "to extort thirty minas by *sycophant-like* practices."[7] That the increase of litigation and perjury was in some measure owing to the establishment of clubs and political associations, and the violence of party spirit, may be gathered from various passages of the Attic writers.[8]

The Athenian law did indeed provide a remedy against this mischievous class of men. There was a *γραφὴ συκοφαντίας* tried before the thesmothetæ. Any person who brought a false charge against another, or extorted money by threat of legal proceedings, or suborned false witnesses, or engaged in a conspiracy to ruin the character of an innocent man, was liable to this *γραφή*. He might also be proceeded against by *φάσις*, *ἐνδειξις*, *ἀπαγωγή*, *προβολή*, or *εἰσαγγελία*.[9] (See articles Phasis, &c.) The trial was an *ἀγὼν τιμητός*. The heaviest punishment might be inflicted, together with *ἀτιμία* and confiscation of property. Besides this, if any man brought a criminal charge against another, and neglected to prosecute it (*ἐπεξελθεῖν*), he was liable to a penalty of 1000 drachmas, and lost the privilege of instituting a similar proceeding in future, which was considered to be a species of *ἀτιμία*.[1] The same consequence followed if he failed to obtain a fifth part of the votes at the trial. The *ἐπωβελία* in civil action was a penalty of the same kind, and having the same object, viz., to prevent the abuse of legal process, and check frivolous and unjust actions. Such were the remedies provided by law, but they were found inefficacious in practice; and the words of Aristophanes[2] were not more severe than true: "there is no charm against the bite of a *συκοφάντης*."[3]

ΣΥΚΟΦΑΝΤΙ'ΑΣ ΓΡΑΦΗ'. (*Vid.* Sycophantes.)

SUDA'TIO, SUDATO'RIUM. (*Vid.* Baths, p. 149.)

*SYENI'TES LAPIS (*Συενίτης λίθος*), a species of stone quarried near Syene in Upper Egypt, whence its name. "Of this," says Dr. Moore, "were formed those celebrated obelisks described by Pliny, and which are still gazed at with wonder either in Egypt or at Rome. This stone is classed by Winckelmann with granite, of which, he says, Egypt furnished two varieties, one red and whitish, of which are formed these obelisks and many statues; the other white and black, peculiar, as he thinks, to Egypt."[4]

SUFFRA'GIA SEX. (*Vid.* Equites, p. 416.)

SUFFRA'GIUM, a vote. At Athens, the voting in the popular assemblies and the courts of justice was either by show of hands or by ballot, as is explained under Cheirotonein and Psephos. It is commonly supposed that at Rome the people were always polled in the comitia by word of mouth, till the passing of the Leges Tabellariæ about the middle of the second century before Christ (*vid.* Tabellariæ Leges), when the ballot by means of tabellæ was introduced. (*Vid.* Tabella.) Wunder,[5] however, has shown that the popular assemblies voted by ballot, as well as by word of mouth, long before the passing of the Leges Tabellariæ, but that, instead of using tabellæ, they employed stones or pebbles (the Greek *ψῆφοι*), and that each voter received two stones, one white and the other black, the former to be used in the approval, and the latter in the condemnation of a measure. The voting by word of mouth seems to have been adopted in elections and trials, and the use of pebbles to have been confined to the enactment and repeal of laws. That the latter mode of voting was adopted in early times is proved by many passages of Dionysius, and especially by x., 41: *ὡς ὁ δῆμος ἀπῄτει τὰς ψήφους, οἱ νεώτατοι τῶν πατρικίων—τὰ ἀγγεῖα τῶν ψήφων τοὺς ἔχοντας ἀφῃροῦντο*; and xi., 52: *ἐκέλευσαν καδίσκον τεθῆναι ὑπὲρ τῆς πόλεως Ῥωμαίων, καθ' ἑκάστην φυλὴν, εἰς ὃν ἀποθήσονται τὰς ψήφους*. It is also confirmed by the common expressions used with respect to voting, as *suffragium ferre*, *mittere in suffragia*, *inire*, or *ire in suffragia*, which lead us to suppose that the suffragium probably signified something which was put by the hand from one place into another. For if the Romans had from the first been polled only by word of mouth, it is scarcely possible that such an expression as *suffragium ferre* would have been used when they had nothing to *carry*; but, on the contrary, some such word as *dicere* would have been employed, more especially as it is certain that in the most ancient times those who voted by word of mouth did not go up one by one to the officer who received the votes, but re-

1 (Steph., Thesaur., 8873, *b.*)—2. (Staatsh. der Athen., i., 46.)—2 (ap. Athen., vi., 254, *b.*)—4. (See particularly Acharn., 818; Aves, 1410; Plut., 850.)—5. (De Coron., 307.—Compare c. Eubul., 1309.)—6. (c. Evand., 177, ed. Steph.)—7. (See farther, Lys., *Δημ. Καταλ. Απολ.*, 171.—Æsch., De Fals. Leg., 36, ed. Steph.—Demosth., De Cor., 291.—Xen., Mem., ii., 9, § 4; De Rep. Ath., i., 4.)—8. (Thucyd., viii., 54.—Dem., c. Bœot., De Dote, 1010; c. Pantæn. 978; c. Zenoth., 885.)—9. (Æsch., De Fals Leg., 47, ed. Steph.—Dem. c. Theocr., 1325.)

1. (Dem., c. Mid., 548; c. Theocr., 1323.)—2. (Plutus, 885.)—3. (*Vid.* Platner, Proc. und Klag., ii., 164.—Meier, Att. Proc., 335.—Schömann, Ant. Jur. Pub. Gr., 101, 185.—Wachsmuth I. ii., 157.—Pollux, Onom., viii., 31, 46, 47, 88.)—4. (Moore's Anc. Mineral., p. 82.)—5. (Codex Erfurtensis, p. clxvii., &c.)

named in their places, and were asked for their votes by the *rogatores*, who thence derived their name. Besides which, the word *suffragium* can scarcely signify the same as *sententia* or *vox*. The etymology is uncertain, for the opinions of those who connect it with *φράζεσθαι* or *fragor* do not deserve notice. Wunder thinks that it may possibly be allied with *suffrago*, and signified originally an ankle-bone or knuckle-bone. On the passing of the Leges Tabellariæ, the voting with stones or pebbles went out of use. For farther particulars with respect to the voting in the comitia, see COMITIA, p. 295, DIRIBITORES, SITULA, TABELLA, TABELLARIÆ LEGES.

Those who had the *jus suffragii*, or the right of voting in the comitia, as well as the capacity of enjoying magistracies, were citizens *optimo jure*. (*Vid.* CIVITAS, ROMAN, p. 261.)

SUGGESTUS means in general any elevated place made of materials heaped up (*sub* and *gero*), and is specially applied: 1. To the stage or pulpit from which the orators addressed the people in the comitia. (*Vid.* ROSTRA.) 2. To the elevation from which a general addressed the soldiers.[1] 3. To the elevated seat from which the emperor beheld the public games,[2] also called *cubiculum*. (*Vid.* CUBICULUM.)

SUGGRUNDA'RIUM. (*Vid.* FUNUS, p. 460.)

SUI HERE'DES. (*Vid.* HERES, ROMAN, p. 497, 498.)

SULAI (*σῦλαι*). When a Greek state, or any of its members, had received an injury or insult from some other state or some of its members, and the former was unwilling or not in a condition to declare open war, it was not unusual to give a commission or grant public authority to individuals to make reprisals. This was called *σύλας* or *σῦλα*, *διδόναι*.[3] Polybius[4] calls it *λάφυρόν* or *ῥύσια καταγέλλειν*. Thus, when the Lacedæmonians thought the Athenians had broken the treaty with them by making incursions from Pylus, they issued a proclamation that any of their subjects might commit depredations on the Athenians (*ληΐζεσθαι τοὺς Ἀθηναίους*[5]). Demosthenes[6] declares that the deputy captains of triremes so misbehaved themselves in foreign countries, plundering everybody they came near, that no Athenian could travel safely *διὰ τὰς ὑπὸ τούτων ἀνδροληψίας καὶ σύλας κατεσκευασμένας*, where *ἀνδροληψίας* refers to the arrest of the person, *σύλας* to the seizure of goods. Suidas explains *σῦλαι* by the synonyme *συλλήψεις*. As to *ἀνδροληψίαι* for another purpose, see PHONOS. In the *ναυτικὴ συγγραφὴ* in the speech of Demosthenes,[7] one of the conditions is that goods may be landed only *ὅπου ἂν μὴ σῦλαι ὦσιν Ἀθηναίοις*, "where no hostilities are exercised against Athenians." The people of Athens passed a special decree to authorize privateering; and when any booty was taken by Athenian subjects, they reserved to themselves the right of determining whether it was lawfully taken, whether it ought to be kept or restored, and what should be done with it.[8] The ancient practice may be compared with the modern one of granting letters of marque and reprisal.[9]

SYLLOGEIS (*συλλογεῖς*), usually called *Συλλογεῖς τοῦ δήμου*, or the collectors of the people, were special commissioners at Athens, who made out a list of the property of the oligarchs previously to its confiscation.[10] They formed an *ἀρχή*,[11] and seem to have been introduced after the dominion of the Thirty Tyrants. It appears from an inscription that the *συλλογεῖς* had to attend to the sacred rites connected with the worship of Athena and the Olympian Zeus, whence Böckh conjectures that they collected or summoned the citizens to certain sacred rites, in which the people were feasted, and that from this circumstance they derived their name: the property of the oligarchs, of which they are said to have made out a list for the purpose of confiscation, may have been applied to these public banquets, since confiscated property was not unfrequently divided among the citizens.[1]

*SULPHUR. (*Vid.* THEION.)

SULPI'CIÆ LEGES. (*Vid.* LEX, p. 586.)

SYMBOLAION, SYNALLAGMA, SYNTHECE (*συμβόλαιον, συνάλλαγμα, συνθήκη*), are all words used to signify a contract, but are distinguishable from one another. *Συμβόλαιον* is used of contracts and bargains between private persons, and peculiarly of loans of money. Thus *συμβαλεῖν εἰς ἀνδράποδον* is to lend upon the security of a slave.[2] *Συνάλλαγμα* signifies any matter negotiated or transacted between two or more persons, whether a contract or anything else.[3] *Συνθήκη* is used of more solemn and important contracts, not only of those made between private individuals, but also of treaties and conventions between kings and states.[4]

As to the necessity or advantage of having written agreements between individuals, see SYNGRAPHE. National compacts, on account of their great importance, and the impossibility of otherwise preserving evidence of them, were almost always committed to writing, and commonly inscribed on pillars or tablets of some durable material.[5] Upon a breach, or on the expiration of the treaty, the pillars were taken down.[6]

For breaches of contract actions were maintainable at Athens, called *συμβολαίων* (or *συνθηκῶν*) *παραβάσεως δίκαι*.[7] Such actions, it is apprehended, applied only to express contracts, not to obligations *ex delicto*, or the *ἀκούσια συναλλάγματα* of Aristotle.[8] Thus, if I had promised to pay a sum of money by a certain day, and failed to perform that promise, an action for breach of contract would have lain at Athens. But if my cow had broken my neighbour's fence, my obligation to repair the damage would have given rise, not to an action for breach of contract, but to a *δίκη βλάβης*.[9] On the other hand, a *δίκη βλάβης* would lie against a person who had committed a breach of contract; for he was regarded as a wrongdoer, and liable to pay compensation to the party injured. Therefore Dionysodorus, who had failed to perform the conditions of a *ναυτικὴ συγγραφή*, had a *δίκη βλάβης* brought against him by the persons who lent him money on his ship.[10] The Athenian law frequently gave an option between various forms of action. It is not, however, improbable that the *δίκη συνθηκῶν παραβάσεως* was only one species of the *δίκη βλάβης*, and the name one of a less technical kind. Wherever a debt had become due to a man by reason of some previous contract, we may suppose that he had the option between an action of debt (*χρέους*) and one for breach of contract. The same observation will apply to the *δίκαι παρακαταθήκης, ἀργυρίου*, and others of a similar kind. The main point of difference might be this: that in a general action for

1. (Tacit., Hist., i., 35.)—2. (Suet., Jul., 76.—Plin., Paneg., 51.)—3. (Demosth., c. Lacrit., 931.—Lysias, c. Nicom., 185, ed. Steph.)—4. (iv., 26, 36, 53.)—5. (Thucyd., v., 115.)—6. (De Coron. Trierarch., 1232.)—7. (c. Lacr., 927.)—8. (Dem., c. Timocr., 703.—Argum., 694, 695.)—9. (Harpocr., s. v. Σύλας.—Schömann, De Comit., 284.—Id., Ant. Jur. Pub. Gr., 367.)—10. (Lex Rhet., p. 304, Bekker.)—11. (Harpocr., s. v. Συλλογεῖς.)

1. (Corpus Inscr. Græc., No. 99, p. 137, 138; No. 157, p. 250.)—2. (Dem., c. Aphob., 822; c. Zenoth., 884.; c. Phorm., 907, c. Timoth., 1185; c. Dionys., 1284.)—3. (Dem., c. Onet., 847, 869; c. Timocr., 760.)—4. (Thucyd., i., 40; v., 18; viii., 37.—Xen., Hell., vii., 1, § 2.—Dem., De Rhod., lib. 199.—De Coron., 251; c. Aristog., 774.—Dinarch., c. Demosth., 101, ed. Steph.)—5. (Thucyd., v., 23, 47.—*Vid.* Aristoph., Ach., 727.)—6 (Demosth., Pro Megalop., 209.)—7. (Pollux, Onom., vi., 153; viii., 31.)—8. (Ethic. Nicom., v., 4.)—9. (Meier, Att. Proc., 476, 477.)—10. (Demosth., 1282.—See also Pro Phorm., 950; c. Callipp., 1240.)

breach of contract, the plaintiff went for unliquidated damages, which the court had to assess; whereas, upon a claim to recover a debt or sum certain, or a specific chattel, the court had nothing more to do than to determine whether the plaintiff was entitled to it or not; the ἀγών was ἀτίμητος. All such actions were tried before the θεσμοθέται.[1]

Ὁμολογία appears to be a word of less technical nature than συνθήκη, though (as we might expect in words of this sort) they are often used indifferently. Grammarians make them synonymous.[2] Συνθήκας ποιεῖσθαι or τίθεσθαι μετά τινος is to make an agreement with any one; ἐμμένειν ταῖς συνθήκαις, to abide by it; ὑπερβαίνειν or παραβαίνειν, to break or transgress. Here we may observe that συνθῆκαι is constantly used in the plural instead of συνθήκη, the only difference being that strictly the former signifies the terms or articles of agreement, in the same manner as διαθῆκαι, the *testamentary dispositions*, is put for διαθήκη, the *will*. Σύμβολον also signifies a compact or agreement, but had become (in Attic parlance) obsolete in this sense, except in the expression δίκαι ἀπὸ συμβόλων. (*Vid.* Symbolon, &c.)

ΣΥΜΒΟΛΑΙΩΝ ΠΑΡΑΒΑΣΕΩΣ ΔΙΚΗ. (*Vid.* Symbolaion.)

ΣΥΜΒΟΛΩΝ. ΑΠΟ, ΔΙΚΑΙ (συμβόλων, ἀπὸ, δίκαι). The ancient Greek states had no well-defined international law for the protection of their respective members. In the earlier times troops of robbers used to roam about from one country to another, and commit aggressions upon individuals, who in their turn made reprisals, and took the law into their own hands. Even when the state took upon itself to resent the injury done to its members, a violent remedy was resorted to, such as the giving authority to take σῦλα or ῥύσια, a sort of national distress. As the Greeks advanced in civilization, and a closer intercourse sprang up among them, disputes between the natives of different countries were settled (whenever it was possible) by friendly negotiation. It soon began to be evident that it would be much better if, instead of any interference on the part of the state, such disputes could be decided by legal process, either in the one country or the other. Among every people, however, the laws were so framed as to render the administration of justice more favourable to a citizen than to a foreigner; and, therefore, it would be disadvantageous, and often dangerous, to sue a man, or be sued by him, in his own country. The most friendly relation might subsist between two states, such as συμμαχία or ἐπιγαμία, and yet the natives of each be exposed to this disadvantage in their mutual intercourse. To obviate such an evil, it was necessary to have a special agreement, declaring the conditions upon which justice was to be reciprocally administered. International contracts of this kind were called σύμβολα, defined by Suidas thus: συνθῆκαι ἃς ἂν ἀλλήλαις αἱ πόλεις θέμεναι τάττωσι τοῖς πολίταις, ὥστε διδόναι καὶ λαμβάνειν τὰ δίκαια; and the causes tried in pursuance of such contracts were called δίκαι ἀπὸ συμβόλων. The more constant and more important the intercourse between any two nations, the more necessary would it it be for them to establish a good system of international jurisprudence. Commercial people would stand in need of it the most. Aristotle mentions the Tuscans and Carthaginians as having σύμβολα περὶ τοῦ μὴ ἀδικεῖν.[1] No such agreement has been preserved to us, and we know but little about the terms that were usually prescribed. The basis of them seems to have been the principle that *actor sequitur forum rei*; but this, as well as other conditions, must have varied according to circumstances. Liberty of person and protection of property would no doubt be secured to the foreigner as far as possible; and it would be the duty of the πρόξενος to see that these rights were respected. A common provision was, that the party who lost his cause might appeal to the tribunal of the other country, or to that of some third state mutually agreed upon.[1] This was perhaps suggested by the practice which had grown up, of referring national quarrels to the arbitration of some individual or third state.[2]

When the Athenians made any such treaty, they required it to be approved of and finally ratified by a jury of the heliæa, under the direction of the thesmothetæ. Hence Pollux[3] says of those magistrates, τὰ σύμβολα τὰ πρὸς τὰς πόλεις κυροῦσιν. The other contracting state was therefore compelled to send an envoy to Athens, with power to conclude the treaty (if he thought fit) as it was drawn up and settled by the thesmothetæ and jurors. Most of the people with whom the Athenians had to deal were either subject or inferior to them, and were content to acquiesce in the above regulation. Philip, however, would not submit to it, and demanded that the terms should receive final ratification in Macedonia. This demand is made the subject of complaint by Demosthenes.[4]

The name of δίκαι ἀπὸ συμβόλων was given also to the causes which the allies of the Athenians sent to be tried at Athens.[5] This fact has been called in question by Böckh, but there is not much reason for doubting it. It is true that the expression is not strictly applicable to causes, not between an Athenian and a foreigner, but between two foreigners; and it may be allowed that the object of the Athenians in bringing such causes to Athens was, not to give the allies a better or speedier means of obtaining justice, but to secure certain advantages to the imperial city.[6] It is, however, not improbable that the arrangement was called σύμβολα for the very purpose of softening the harshness of the measure, by giving an honourable name to that which, in reality, was a mark of servitude. For the same reason, the confederate states were called σύμμαχοι, *allies*, while in point of fact they were rather ὑπήκοοι, or *subjects*.

These causes were tried in the summer months, when the voyage to Athens was more convenient, and (like all other δίκαι ἀπὸ συμβόλων) belonged to the jurisdiction of the thesmothetæ. We have but one example of such a cause preserved to us, viz., the speech of Antiphon on the death of Herodes, where both the prosecutor and the defendant are natives of Mytilene.[7]

As to the σύμβολα given to the jurors, see Dicastes.

SYMBOULOI (σύμβουλοι). (*Vid.* Paredroi.)

SYMMORIA (συμμορία). (*Vid.* Eisphora, p. 392; Trierarchia.)

*SYM'PHYTON (σύμφυτον), a plant having healing properties, Wallwort or Comfrey. The name is derived from its great efficacy in healing wounds, causing, as it were, the lips of the wound to grow together rapidly: hence the language of Pliny. "*Vulneribus sanandis tanta præstantia est, ut carnes quoque, dum coquuntur, conglutinet addita: unde et Græci nomen imposuere.*" The first species of Dioscorides was the σύμφυτον πετραίον, which, according to Sprengel, is the *Coris Monspeliensis*. Pliny

1. (Meier, Att. Proc., 67, 184, 493–497, 510.) —2. (Harpocr., s. v. Ἀσυνθετώτατον.—Suidas, s. v. Συνθήκη.)—3. (Polit., iii., 1, 3, 5, 10.)

1. (Etym. Magn., s. v. Ἔκκλητος πόλις.)—2 (Thucyd., i., 34, 78, 140; v., 41; vii., 18.—Schömann, Ant. Jur. Pub. Gr., 367.)—3. (viii., 88.)—4. (De Halon., 78.)—5. (Pollux, Onom., viii., 63.)—6. (Xen., De Rep. Ath., i., 16.)—7. (Harpocr., s. v. Σύμβολα.—Thucyd., i., 77, c. not. Göller.—Platner, Proc. und Klag., i., 105–114.—Meier, Att., Proc., 67, 773.—Wachsmuth, I. 1. 93 133; II., i., 194.—Schömann, Ant. Jur. Pub. Gr., 376.)

says this species was called *Alum* by the Romans. The second species of Dioscorides, which Apulcius says was called *Consolida* by the Romans, was in all probability the *Symphyton officinale*, or Comfort.[1]

SYMPOSION (συμπόσιον). (*Vid.* Symposium.)

SUMTUARIÆ LEGES, the name of various laws passed to prevent inordinate expense (*sumtus*) in banquets, dress, &c.[2] In the states of antiquity it was considered the duty of government to put a check upon extravagance in the private expenses of persons, and among the Romans in particular we find traces of this in the laws attributed to the kings and in the Twelve Tables. The censors, to whom was intrusted the *disciplina* or *cura morum*, punished by the *nota censoria* all persons guilty of what was then regarded as a luxurious mode of living: a great many instances of this kind are recorded. (*Vid.* Nota Censoria, p. 665.) But as the love of luxury greatly increased with the foreign conquests of the Republic and the growing wealth of the nation, various leges Sumtuariæ were passed at different times with the object of restraining it. These, however, as may be supposed, rarely accomplished their object, and in the later times of the Republic they were virtually repealed. The following is a list of the most important of them, arranged in chronological order.

Oppia, proposed by the tribune C. Oppius in the consulship of Q. Fabius and Ti. Sempronius, in the middle of the second Punic war, B.C. 215, enacted that no woman should have above half an ounce of gold, nor wear a dress of different colours, nor ride in a carriage in the city or in any town, or within a mile of it, unless on account of public sacrifices. This law was repealed twenty years afterward,[3] whence we frequently find the lex Orchia mentioned as the first lex Sumtuaria. Tacitus[4] speaks of Oppiæ leges.

Orchia, proposed by the tribune C. Orchius in the third year after the censorship of Cato, B.C. 181, limited the number of guests to be present at entertainments.[5] It appears that M. Cato was at first opposed to this law, but afterward supported it.[6]

Fannia, proposed by the consul C. Fannius B.C. 161, limited the sums which were to be spent on entertainments, and enacted that not more than 100 asses should be spent on certain festivals named in the lex, whence it is called *Centussis* by Lucilius; that on ten other days in each month not more than 30 asses, and that on all other days not more than 10 asses should be expended: also, that no other fowl but one hen should be served up, and that not fattened for the purpose.[7]

Didia, passed B.C. 143, extended the lex Fannia to the whole of Italy, and enacted that not only those who gave entertainments which exceeded in expense what the law had prescribed, but also all who were present at such entertainments, should be liable to the penalties of the law. We are not, however, told in what these consisted.[8]

Licinia agreed in its chief provisions with the lex Fannia, and was brought forward, we are told, that there might be the authority of a new law upon the subject, inasmuch as the lex Fannia was beginning to be neglected. It allowed 200 asses to be spent on entertainments upon marriage days, and on other days the same as the lex Fannia: also, that on ordinary days there should not be served up more than three pounds of fresh and one pound of salt meat.[9] Gellius[10] states that this law was brought forward by P. Licinius Crassus, but we do not know at what time, probably, however, in the prætorship, B.C. 103.

Cornelia, a law of the dictator Sulla, B.C. 81, was enacted on account of the neglect of the Fannian and Licinian laws. Like these, it regulated the expenses of entertainments.[1] Extravagance in funerals, which had been forbidden even in the Twelve Tables,[2] was also restrained by a law of Sulla.[3] It was probably the same law which determined how much might be spent upon monuments.

Æmilia, proposed by the consul Æmilius Lepidus B.C. 78, did not limit the expenses of entertainments, but the kind and quantity of food that was to be used.[5] Pliny[6] and Aurelius Victor[7] ascribe this law to the consulship of M. Æmilius Scaurus, B.C. 115. It is not impossible that there may have been two Æmilian leges on the subject.

Antia, of uncertain date, proposed by Antius Resto, besides limiting the expenses of entertainments, enacted that no actual magistrate, or magistrate elect, should dine abroad anywhere except at the houses of certain persons. This law, however, was little observed; and we are told that Antius never dined out afterward, that he might not see his own law violated.

Julia, proposed by the dictator C. Julius Cæsar, enforced the former sumtuary laws respecting entertainments, which had fallen into disuse.[8] Julius Cæsar adopted strong measures to carry this law into execution, but it was violated when he was absent from Rome.[9] He stationed officers in the provision market to seize upon all eatables forbidden by the law, and sometimes sent lictors and soldiers to banquets to take everything which was not allowed by the law.[10] Cicero seems to refer to this law in two of his epistles.[11]

Julia, a lex of Augustus, allowed 200 sesterces to be expended upon festivals on dies profesti, 300 upon those on the calends, ides, nones, and some other festive days, and 1000 upon marriage feasts. There was also an edict of Augustus or Tiberius, by which as much as from 300 to 2000 sesterces were allowed to be expended upon entertainments, the increase being made with the hope of securing thereby the observance of the law.[12]

Tiberius attempted to check extravagance in banquets;[13] and a senatus consultum was passed in his reign for the purpose of restraining luxury, which forbade gold vases to be employed except for sacred purposes, and also prohibited the use of silk garments to men.[14] This sumtuary law, however, was but little observed.[15] Some regulations on the subject were also made by Nero,[16] and by succeeding emperors, but they appear to have been of little or no avail in checking the increasing love of luxury in dress and food.[17]

SYNALLAGMA (συνάλλαγμα). (*Vid.* Symbolaion.)

ΣΥΓΚΛΗΤΟΣ ΕΚΚΛΗΣΙΑ (*σύγκλητος ἐκκλησία*). (*Vid.* Ecclesia, p. 383.)

SYNDICOS (*σύνδικος*), *an advocate*, is frequently used as synonymous with the word *συνήγορος*, to denote any one who pleads the cause of another, whether in a court of justice or elsewhere. *Συνδικεῖν*, also, is used indifferently with *συνηγορεῖν* or *συναγωνίζεσθαι*.[18] Thus the five public advocates,

1. (Dioscor., iv., 9, 10.—Adams, Append., s. v.)—2. (Gellius, ii., 24; xx., 1—3. (Liv., xxxiv., 1, 8.—Val. Max., ix., 1, § 3.)—4. (Ann., ii., 33, 34.)—5. (Macrob., Sat., ii., 13.)—6. (Festus, s. v. Percunctatum and Obsonitavere.)—7. (Gell., ii., 24.—Macrob., Sat. l. c.—Plin., H. N., x., 50, s. 71.)—8. (Macrob., l. c.)—9. (Gell., Macrob., ll. cc.)—10. (l. c.)

1. (Gell., Macrob., ll. cc.)—2. (Cic., De Leg., ii., 23-25.)—3. (Plut., Sull., 35.)—4. (Cic. ad Att., xii., 25, 35.)—5 (Gell., Macrob., ll. cc.)—6. (H. N., viii., 57, s. 72.)—7. (De Vir. Ill., 72.)—8. (Dion Cass., xliii., 25.)—9. (Cic. ad Att., xiii., 7.)—10 (Suet., Jul., 43.)—11. (ad Fam., vii., 26; ix., 15.)—12. (Gell l. c.—Suet., Octav., 34.)—13. (Suet., Tib., 34.)—14. (Tacit Ann., ii., 33.—Dion Cass., lvii., 15.)—15. (Tacit., Ann., iii., 52 53.)—16. (Suet., Ner., 16.)—17. (Platner, Exercit. ll. de Leg Sumt. Rom., 1752.—Boxmann, Dissert. Antiquar.-jurid. de Leg Rom. Sumt., Lugd. Bat., 1816.)—18. (Andoc., De Myst., 19, ed Steph.—Demosth., c. Aristocr., 689: c Zenoth., 885: c. Steph 1127.)

who were appointed to defend the ancient laws before the court of heliasts when an amendment or a new law in abrogation thereof was proposed, are called both *σύνδικοι* and *συνήγοροι*. As to them, see NOMOTHETES, and also Schömann, *De Comit.*, 255, *Ant. Jur. Publ Gr.*, 228. The name of *σύνδικοι* seems to have been peculiarly applied to those orators who were sent by the state to plead the cause of their countrymen before a foreign tribunal. Æschines, for example, was appointed to plead before the Amphictyonic council on the subject of the Delian temple; but a certain discovery having been made not very creditable to his patriotism, the court of Areopagus took upon themselves to remove him, and appoint Hyperides in his stead.[1] These extraordinary advocates are not to be confounded with the Pylagoræ, or ordinary Amphictyonic deputies.[2] There were other *σύνδικοι*, who acted rather as magistrates or judges than as advocates, though they probably derived their name from the circumstance of their being appointed to protect the interests of the state. These were extraordinary functionaries, created from time to time to exercise a jurisdiction in disputes concerning confiscated property; as when, for instance, an information was laid against a man for having in his possession the goods of a condemned criminal, or which were liable to be seized in execution on behalf of the state; or when the goods of a convict having been confiscated, a claim was made by a mortgagee, or other creditor having a lien thereupon, to have his debt satisfied out of the proceeds. Such a claim was called *ἐνεπίσκημμα*, and to prosecute it *ἐνεπισκήψασθαι*.[3] On this subject the reader is referred to the speeches of Lysias, *De Publ. Pecun.*, *De Nic. Fratr. Pecun.*, *De Aristoph. Pecun.*, and more especially p. 149, 151, 154, ed. Steph. The first appointment of these judicial *σύνδικοι* took place after the expulsion of the thirty tyrants; and one of their duties appears to have been to receive informations from the *φύλαρχοι* against those persons who had served in the cavalry during the interregnum, and who, by a special decree of the people, were ordered to restore to the treasury all the pay which they had received for that service.[4] (*Vid.* SYNEGOROS.)

SYNEDROI (*σύνεδροι*), a name given to the members of any council or any body of men who sat together to consult or deliberate. The congress of Greeks at Salamis is called *συνέδριον*.[5] Frequent reference is made to the general assembly of the Greeks, *τὸ κοινὸν τῶν Ἑλλήνων συνέδριον*, at Corinth, Thermopylæ, or elsewhere.[6] When the new alliance of the Athenians was formed, after B C. 377, upon fair and more equitable principles than the former, the several states who were included therein were expressly declared to be independent, and a congress was held at Athens, to which each of the allied states sent representatives. The congress was called *συνέδριον*, and the deputies *σύνεδροι*, and the sums furnished by the allies *συντάξεις*, in order to avoid the old and hateful name of *φόρος*, or tribute.[7] Many allusions to this new league are made by the orators, especially Isocrates, who strongly urges his countrymen to adhere to the principle on which the league was formed, and renounce all attempt to re-establish their old supremacy.[8] Perhaps the *σύνεδροι* mentioned in the oath of the *Δικασταί* are the Athenian members of this congress.[9] For farther information on the subject of this confederacy, see Schömann, *Ant. Jur. Publ. Gr.*, 431.—Böckh, *Staatsh. der Athen*, i, 449.—Thirlwall, *Hist of Greece*, vol. v., p. 42, 203.

The name of *συνέδριον* was given at Athens to any magisterial or official body, as to the court of Areopagus;[1] or to the place where they transacted business, their board or council-room.[2]

SYNEGORICON (*συνηγορικόν*). (*Vid.* SYNEGOROS.)

SYNEGOROS (*συνήγορος*) may be translated an advocate or counsel, though such translation will convey to the English reader a more comprehensive meaning than the Greek word strictly bears.

According to the ancient practice of the Athenian law, parties to an action were obliged to conduct their own causes without assistance; but, on the increase of litigation, the sciences of law and rhetoric began to unfold themselves, and men who had paid no attention to these were unable to compete with more experienced opponents. To consult a friend before bringing an action, or about the best means of preparing a defence, were obvious expedients. It was but another step to have a speech prepared by such friend out of court, to be delivered by the party himself when the cause was brought to trial. A class of persons thus sprang up, somewhat in the nature of chamber-counsel, who received money for writing speeches and giving legal advice to those who consulted them. Of this class Antiphon was the first who acquired any celebrity. Lysias, Isæus, and Isocrates obtained considerable incomes by speech-writing. Demosthenes followed the same profession for some time, until his engagements in public business forced him to relinquish it. These persons were called, not *συνήγοροι*, but *λογογράφοι*, a name applied to Demosthenes reproachfully by his rival, who accuses him also of betraying his clients by showing the speeches which he had written to the adversary.[4] Still, whatever assistance the party might have received out of court, the law which compelled him to appear in person at the trial remained in force; although the prohibition to speak by counsel was so far relaxed, that if the party was labouring under illness, or through any physical or mental debility was unable to conduct his own cause without manifest disadvantage, he might (by permission of the court) procure a relative or friend to speak for him. Thus, when Miltiades was impeached for treason, and by reason of a gangrene in his hip was unable to plead his own cause, he was brought on a litter into court, and his brother Tisagoras addressed the people on his behalf. So, when Isocrates was ill, his son Aphareus spoke for him in the cause about the *ἀντίδοσις*. And in the speech of Demosthenes against Leocha res, we see[5] that the son conducts his father's cause. As a general rule, the party was expected to address the court himself; for the judges liked to form an opinion of him from his voice, look, and demeanour; and, therefore, if a man distrusted his own ability, he would open the case himself by a short speech, and then ask permission for his friend to come forward.[6] This was seldom refused; and in the time of the orators, the practice was so well established that the principal speeches in the cause were not unfrequently made by the advocate. The defences by Demosthenes of Ctesiphon against Æschines, and of Phanus against Aphobus, may be cited as examples. In both of these it will be seen that Demosthenes was as much interested as the defendants themselves; and it is farther to be observed, that

1. (Demosth., De Coron., 271, 272.)—2. (Schömann, De Comit., 321; Ant. Jur. Pub. Gr., 257.)—3. (Harpocr. and Suidas, s. v.)—4. (Lysias, Pro Mant., 146, ed. Steph.—Harpocr., s. v. *Σύνδικοι*.—Meier, Att. Proc., 110.—Schömann, De Comit., 316.)—5. (Herod., viii., 75, 79.)—6. (Æsch., c. Ctesiph., 62, ed. Steph.—Demosth., *Περὶ τῶν πρὸς Ἀλέξανδρον*, 215.)—7. (Harpocr., s. v.—Plut., Sol., 15.)—8. (De Pace, 165, ed. Steph.)—9. (Schömann, Att. Proc., 130.)

1. (Æsch., c. Timarch., 13.—Dinarch., c. Demosth., 91, ed Steph.)—2. (Isocr., *Περὶ Ἀντιδόσεως*, 318, ed. Steph.—Demosth., c. Theocr., 1324.)—3. (Demosth., c. Zenoth., 890.)—4. (Æsch., c. Ctesiph., 78; c. Timarch., 13, ed. Steph.)—5. (p. 1081.)—6. (Demosth., c. Phorm., 922; c. Neær., 1349.)

the advocate was looked upon with more favour on this very account; for, as no fees were allowed to be taken, a speaker was regarded with suspicion who had no apparent motive for undertaking the cause of another person. Hence we find in most of the *συνηγορικοὶ λόγοι* that the speaker avows what his motives are; as, for instance, that he is connected by blood or friendship with the one party, or at enmity with the other, or that he has a stake in the matter at issue between them.[1] In the cause against Leochares above cited, it is evident that the son had an equal interest with his father in preserving the inheritance, and therefore he would be considered in the light of a party. The law which prohibited the advocate from taking fees under peril of a *γραφὴ* before the thesmothetæ,[2] made no provision (and perhaps it was impossible to make an effective provision) against an influence of a more pernicious kind, viz., that of political association, which induced men to support the members of their club or party without the least regard for the right or justice of the case. Hence the frequent allusions by the orators to the *ἐργαστήρια συκοφαντῶν, μοχθηρῶν ἀνθρώπων συνεστηκότων, παρασκευὰς λόγων, μαρτύρων, συνωμοτῶν*, all which expressions have reference to that system of confederation at Athens by which individuals endeavoured to influence and control the courts of justice. (*Vid.* ERANOS, SYCOPHANTES.[3]) That friends were often requested to plead, not on account of any incapacity in the party, but in order that by their presence they might exert an influence on the bench, is evident from an attentive perusal of the orators. In some cases this might be a perfectly legitimate course, as where a defendant, charged with some serious crime, called a man of high reputation to speak in his behalf, and pledge himself thereby that he believed the charge was groundless. With such view Æschines, on his trial for misconduct in the embassy, prayed the aid of Eubulus and Phocion, the latter of whom he had previously called as a witness.[4]

On criminal trials, the practice with respect to advocates was much the same as in civil actions, only that it seems to have been more common to have several speakers on the part of the prosecution; and in causes of importance, wherein the state was materially interested, more especially in those which were brought before the court upon an *εἰσαγγελία*, it was usual to appoint public advocates (called *συνήγοροι, σύνδικοι*, or *κατήγοροι*) to manage the prosecution. Thus Pericles was appointed, not at his own desire, to assist in the impeachment of Cimon.[5] Public prosecutors were chosen by the people to bring to trial Demosthenes, Aristogiton, and others, charged with having received bribes from Harpalus.[6] In ordinary cases, however, the accuser or prosecutor (*κατήγορος*) was a distinct person from the *συνήγορος*, who acted only as auxiliary to him. It might be, indeed, that the *συνήγορος* performed the most important part at the trial, as Anytus and Lycon are said to have done on the trial of Socrates, wherein Melitus was prosecutor; or it might be that he performed a subordinate part, making only a short speech in support of the prosecution, like those of Lysias against Epicrates, Ergocles, and Philocrates, which are called *ἐπίλογοι*. But, however this might be, he was in point of law an auxiliary only, and was neither entitled to a share of the reward (if any) given by the law to a successful accuser, nor liable, on the other hand, to the penalty of a thousand drachms, or the *ἀτιμία* consequent upon a failure to get a fifth part of the votes. Here we must distinguish between an advocate and a joint prosecutor. The latter stood precisely in the same situation as his colleague, just as a co-plaintiff in a civil action. The names of both would appear in the bill (*ἔγκλημα*), both would attend the *ἀνάκρισις*, and would, in short, have the same rights and liabilities; the elder of the two only having priority in certain matters of form, such as the *πρωτολογία*. In the proceeding against the law of Leptines there were two prosecutors, Aphepsion and Ctesippus, the son of Chabrias; each addressed the court, Aphepsion first, as being the elder; each had his advocate, the one Phormio, the other Demosthenes, who tells us in the exordium that he had undertaken to speak partly from a conviction of the impolicy of the law, and partly to oblige the son of Chabrias, who would have been deprived of certain privileges inherited from his father if the law had taken effect.[1]

There seems to have been no law which limited the number of persons who might appear as advocates, either in public or private causes. There was, however, this practical limitation, that as the time allowed for speaking to either party was measured by the clepsydra, if either chose to employ a friend to speak for him, he subtracted so much from the length of his own speech as he meant to leave for that of his friend, and the whole time allowed was precisely the same, whatever the number of persons who spoke on one side. Both parties were usually allowed to make two speeches, the plaintiff beginning, the defendant following, then the plaintiff replying, and, lastly, the defendant again. These are often called *λόγοι πρότεροι* and *ὕστεροι* respectively, but are not to be confounded with the *συνηγορίαι* or *δευτερολογίαι*, which might, and usually did, immediately follow the speech of the party in whose favour they were made, though as a matter of arrangement it might be convenient sometimes to reserve the speech of the advocate for the reply, in which case the *συνηγορικὸς λόγος* and the *ὕστερος λόγος* would be the same.[3]

With respect to the custom of producing friends to speak in mitigation of damages or punishment, see TIMEMA. As to the public advocates appointed to defend the old laws before the court of heliasts see SYNDICOS, NOMOTHETES.

The fee of a drachm (*τὸ συνηγορικόν*) mentioned by Aristophanes[4] was probably the sum paid to the public advocate whenever he was employed on behalf of the state. It has been shown clearly by Schömann that Petit was wrong in supposing that the orators or statesmen who spoke in the assembly are called *συνήγοροι*. They are always distinguished by the title of *ῥήτορες* or *δημήγοροι*, or, if they possessed much influence with the people, *δημαγωγοί*: and it is not to be supposed that they constituted a distinct class of persons, inasmuch as any Athenian citizen was at liberty to address the assembly when he pleased; though, as it was found *in practice* that the possession of the *βῆμα* was confined to a few persons who were best fitted for it by their talent and experience, such persons acquired the title of *ῥήτορες*, &c.[5] There appears, however, to have been (at least at one period) a regular appointment of *συνήγοροι*, ten in number, with whom the scholiast on Aristophanes[6] confounded the *ῥήτορες*, or orators. For what purpose such ten *συνηγοροι* were appointed, is a matter about which we have no certain information. Some think they were officers connected with the board of scrutators

1. (*Vid. the opening of the speeches of* Isæus, De Nicost. her. and De Philoct. her. —Isocrates, c. Euthyn., and Demosthenes, c. Androt.)—2. (Demosth., c. Steph., 1137.)—3. (Reiske, Index in Orat. Att., s. v. *Ἐργαστήριον* and *παρασκευή*.) — 4. (Æsch., De Fals. Leg., 51, 52, ed. Steph.) — 5. (Plut., Pericl., 10.) — 6. Dinarch, c. Demosth., 90, 96, ed. Steph.)

1. (Argum., Or. Dem., c. Androt., 592.) — 2. (*Vid.* Argum., 453.)—3. (Schömann., Att. Proc., 707–712, 715.– Platner, Proc und Klag., i., 91.)—4. (Vespæ, 691.) — 5. (De Comit., 07–109, 210.)—6. (i. c.)

who audited magistrates' accounts. Aristotle[1] says the authorities to whom magistrates rendered their accounts were called in some of the Greek states *εὔθυνοι*, in others *λογισταί*, in others *συνήγοροι* or *ἐξεταστα*ί, and the author of the Lexicon Rhetoricum, published by Bekker,[2] says that the synegori were *ἄρχοντες κληρωτοὶ οἱ ἐβοήθουν τοῖς λογισταῖς πρὸς τὰς εὐθύνας*. But what sort of assistance did they render? Is it not probable that they performed the duty which their name imports, viz., that of prosecuting such magistrates as, in the opinion of the logistæ, had rendered an unsatisfactory account? Any individual, indeed, might prefer charges against a magistrate when the time for rendering his account had arrived; but the prosecution by a *συνήγορος* would be an *ex officio* proceeding, such as the logistæ were bound to institute if they had any reason to suspect the accounting party of malversation or misconduct. If this conjecture be well founded, it is not unreasonable to suppose that these ten *συνήγοροι* were no other than the public advocates who were employed to conduct state prosecutions of a different kind. They might be appointed annually, either by lot or by election (according to Harpocration[3]). Their duties would be only occasional, and they would receive a drachm as their fee whenever they were employed. Böckh's conjecture, that they received a drachm a day for every day of business, is without much foundation.[4] The reader will find the authorities on this subject referred to in Schömann[5] and Böckh.[6]

SYNGE'NEIA (*συγγένεια*). (*Vid.* HERES, GREEK, p. 494.)

SYNGRAPHE (*συγγραφή*) signifies a written contract, whereas *συνθήκη* and *συμβόλαιον* do not necessarily import that the contract is in writing; and *ὁμολογία* is, strictly speaking, a verbal agreement. Pollux explains the word *συνθήκη ἔγγραφος, ὁμολογία ἔγγραφος*.[7]

At Athens important contracts were usually reduced to writing, such as leases (*μισθώσεις*), loans of money, and all executory agreements where certain conditions were to be performed. The rent, the rate of interest, with other conditions, and also the penalties for breach of contract (*ἐπιτίμια τὰ ἐκ τῆς συγγραφῆς*), were particularly mentioned. The names of the witnesses and the sureties (if any) were specified. The whole was contained in a little tablet of wax or wood (*βιβλίον* or *γραμματεῖον*, sometimes double, *δίπτυχον*), which was sealed, and deposited with some third person, mutually agreed on between the parties.[8] An example of a contract on a bottomry loan (*ναυτικὴ συγγραφή*) will be found in Demosthenes,[9] where the terms are carefully drawn up, and there is a declaration at the end, *κυριώτερον δὲ περὶ τούτων ἀλλὸ μηδὲν εἶναι τῆς συγγραφῆς*, "which agreement shall be valid, anything to the contrary notwithstanding."

Anything might form the subject of a written contract—a release (*ἄφεσις*), a settlement of disputes (*διάλυσις*), the giving up of a slave to be examined by torture, or any other accepted challenge (*πρόκλησις*); in short, any matter wherein the contracting parties thought it safer to have documentary evidence of the terms. *Ἐκδιδόναι ἀνδρίαντα κατὰ συγγραφήν* is to give an order for the making of a statue of certain dimensions, of a certain fashion, at a certain price, &c., as specified in the agreement.[10] No particular form of words was necessary to make the instrument valid in point of law, the sole object being to furnish good evidence of the parties' intention. The agreement itself was valid without any writing, and would form the ground of an action against the party who broke it, if it could be sufficiently proved. Hence it was the practice to have witnesses to a parol agreement. The law declared *κυρίας εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν ἐναντίοι μαρτύρων ποιήσωνται*.[1] It seems that for the maintenance of an *ἐμπορικὴ δίκη* it was necessary to have a written contract.[2]

Bankers were persons of extensive credit, and had peculiar confidence reposed in them. They were often chosen as the depositaries of agreements and other documents. Money was put into their hands without any acknowledgment, and often without witnesses. They entered these, and also the loans made by themselves to others, in their books making memoranda (*ὑπομνήματα*) of any important particulars. Such entries were regarded as strong evidence in courts of justice. Sureties were usually required by them on making loans.[3]

Συγγραφή denotes an instrument signed by both or all the contracting parties. Χειρόγραφον is a mere acknowledgment by one party. Συγγράψασθαι συγγραφήν or συνθήκην is to draw up the contract, σημήνασθαι to seal it, ἀναιρεῖν to cancel, ἀνελέσθαι to take it up from the person with whom it was deposited, for the purpose of cancelling, when it was no longer of any use. Ὑπανοίγειν, to break the seal clandestinely for some fraudulent purpose, as to alter the terms of the instrument, or erase or destroy some material part, or even the whole thereof (*μεταγράφειν* or *διαφθείρειν*). (*Vid.* SYMBOLAION.)

SYNŒCIA (*συνοικία*) differs from *οἰκία* in this that the latter is a dwelling-house for a single family, the former adapted to hold several families, a lodging-house, *insula*, as the Romans would say. The distinction is thus expressed by Æschines:[4] *ὅπου μὲν γὰρ πολλοὶ μισθωσάμενοι μίαν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δ' εἷς ἐνοικεῖ οἰκίαν*. There was a great deal of speculation in the building and letting of houses at Athens.[5] The lodging-houses were let mostly to foreigners who came to Athens on business, and especially to the *μέτοικοι*, whom the law did not allow to acquire real property, and who therefore could not purchase houses of their own.[6] As they, with their families, formed a population of about 45,000, the number of *συνοικίαι* must have been considerable. Pasion, the banker, had a lodging-house valued at 100 minas. Xenophon recommended that the *μέτοικοι* should be encouraged to invest their money in houses, and that leave should be granted to the most respectable to build and become house proprietors (*οἰκοδομησαμένοις ἐγκεκτῆσθαι*[7]). The *ἰσοτελεῖς* laboured under no such disability; for Lysias and his brother Polemarchus, who belonged to that class, were the owners of three houses. The value of houses must have varied according to the size, the build, the situation, and other circumstances. Those in the city were more valuable than those in the Piræus or the country, *cæteris paribus*. Two counting-houses are mentioned by Isæus[8] as yielding a return of rather more than 8½ per cent. interest on the purchase-money. But this probably was much below the average. The summer season was the most profitable for the letting of houses, when merchants and other visiters flocked to Athens. The rent was commonly paid by the month. Lodging-houses were frequently taken on speculation by persons called

1 (Polit., vi., 8.)—2. (Anecd., i., 301.)—3. (s. v. Συνήγορος.)—4. (Staatsh. der Athen., i., 255.)—5. (De Com., l. c.)—6. (Ib., 204–207.)—7 (viii., 140.)—8. (Isocr., Trapez., 362, ed. Steph.—Demosth., c. Apat., 903, 904; c. Dionysod., 1283.)—9. (c. Lacrit., 926.)—10 (Demosth., De Cor., 268.)

1. (Demosth., c. Phænipp., 1042; c. Euerg. et Mnes., 1162; c. Dionys., 1283; c. Onetor., 869.)—2. (Demosth., c. Zenoth., 882.)—3. (Isocr., Trapez., 369, ed. Steph.—Demosth., c. Apat., 894; Pro Phorm., 950, 958; c. Timoth., 1185; c., Phorm., 980.—Böckh, Staatsh. der Ath., i., 141, 146.)—4. (c. Timarch., 17, ed. Steph.)—5. (Xen., Œcon., iii., 1.)—6. (Demosth., Pro Phorm., 946.)—7. (De Vectig., ii., 6.)—8. (De Hagn. her., 88, ed. Steph.)

ναύκληροι or σταθμοῦχοι, who made a profit by underletting them, and sometimes for not very reputable purposes.[1] Hesychius explains the word ναύκληρος, ὁ συνοικίας προεστώς: see also Harpocration, *s. v.* Some derive the word from ναίω: but it is more probable that it was given as a sort of nickname to the class, when they first sprang up.[2]

SYNŒCIA (συνοικία), a festival celebrated every year at Athens on the 16th of Hecatombæon, in honour of Athena. It was believed to have been instituted by Theseus to commemorate the concentration of the government of the various towns of Attica and Athens.[3] According to the scholiast on Aristophanes,[4] an unbloody sacrifice was on this day offered to the goddess of peace (εἰρήνη). This festival,[5] which Plutarch calls μετοίκια, is mentioned both by him and by Thucydides as still held in their days.[6]

SYNTAXEIS (συντάξεις). (*Vid.* Synedroi.)

SYNTHECE (συνθήκη). (*Vid.* Symbolaion.)

ΣΥΝΘΗΚΩΝ ΠΑΡΑΒΑ΄ΣΕΩΣ ΔΙΚΗ. (*Vid.* Symbolaion.)

SUOVETAURI'LIA. (*Vid.* Sacrificium, p. 846, Lustratio, p. 604, and woodcut on p. 897.)

SUPERFI'CIES, SUPERFICIA'RIUS. "Those are ædes superficiariæ which are built on hired ground, and the property of which, both by the jus civile and naturale, belongs to him to whom the ground (*solum*) also belongs."[7] Every building, then, was considered a part of the ground on which it stood; and the ownership and possession of the building were inseparable from the ownership and possession of the ground. The superficies resembles a servitus, and is classed among the jura in re. According to the definition, the superficiarius had not the thing even in bonis; and as the animus domini could not exist in the case of superficies, he consequently could not be possessor. He had, however, a juris quasi possessio. The superficiarius had the right to the enjoyment of the superficies: he could alienate the superficies, and pledge it for the term of his enjoyment; he could dispose of it by testament; and it could be the object of succession ab intestato; he could also make it subject to a servitus; and he could prosecute his right by a utilis in rem actio. As he had a juris quasi possessio, he was protected against threatened disturbance by a special interdict, which is given in the Digest,[8] and in its effect resembles the interdictum uti possidetis. The explanation of the passage relating to this interdict[9] is given by Savigny.[10] If he was ejected, he could have the interdictum de vi, as in the case of proper possession; and if he had granted the use of the superficies to another precario, who refused to restore it, he had the interdictum de precario.

A man could obtain the use of a superficies by agreement with the owner of the land for permission to erect a building on it; and he might also, by agreement, have the use of an existing superficies. He was bound to discharge all the duties which he owed in respect of the superficies, and to make the proper payment in respect of it (*solarium*), if any payment had been agreed on.

The rule of law that the superficies belonged to the owner of the soil was expressed thus: *Superficies solo cedit.*[11] If, then, a man built on another man's land, the house became the property of the owner of the land. But if the owner of the land claimed the house, and would not pay the expense incurred by building it, the builder of the house could meet the claimant with a plea of dolus malus (*exceptio doli mali*), that is to say, if he was a bonæ fidei possessor. In any other case, he had, of course, no answer to the owner's claim.

SUPERNUMERA'RII. (*Vid.* Accensi.)

SU'PPARUM. (*Vid.* Ships, p. 894.)

SUPPLICA'TIO was a solemn thanksgiving or supplication to the gods decreed by the senate, when all the temples were opened, and the statues of the gods frequently placed in public upon couches (*pulvinaria*), to which the people offered up their thanksgivings and prayers (*ad omnia pulvinaria supplicatio decreta est*[1]). (*Vid.* Lectisternium.) A *supplicatio* was decreed for two different reasons:

I. As a thanksgiving when a great victory had been gained: it was usually decreed as soon as official intelligence of the victory had been received by a letter from the general in command. The number of days during which it was to last was proportioned to the importance of the victory. Sometimes it was decreed for only one day,[2] but more commonly for three or five days. A supplication of ten days was first decreed in honour of Pompey at the conclusion of the war with Mithradates,[3] and one of fifteen days after the victory over the Belgæ by Cæsar, an honour which Cæsar himself says[4] had never been granted to any one before.[5] Subsequently a supplicatio of twenty days was decreed after his conquest of Vercingetorix.[6] From this time the senate seems to have frequently increased the number of days out of mere compliment to the general. We thus find mention of thanksgivings for forty days,[7] fifty days,[8] and even sixty.[9] A supplicatio was usually regarded as a prelude to a triumph, but it was not always followed by one, as Cato reminds Cicero, to whose honour a supplicatio had been decreed.[10] This honour was conferred upon Cicero on account of his suppression of the conspiracy of Catiline, which had never been decreed to any one before in a civil capacity (*togatus*), as he frequently takes occasion to mention.[11]

II. A *Supplicatio*, a solemn supplication and humiliation, was also decreed in times of public danger and distress, and on account of prodigies to avert the anger of the gods.[12]

SURDUS. (*Vid.* Obligationes, p 673.)

*SUS. (*Vid.* Hys.)

SUSPENSU'RA. (*Vid* Baths, p. 144.)

SYMPO'SIUM (συμπόσιον, *comissatio, convivium*), a drinking-party. The συμπόσιον, or the πότος, must be distinguished from the δεῖπνον, for though drinking almost always followed a dinner-party, yet the former was regarded as entirely distinct from the latter, was regulated by different customs, and frequently received the addition of many guests who were not present at the dinner. For the Greeks did not usually drink at their dinner, and it was not till the conclusion of the meal that wine was introduced, as is explained under Deipnon, p. 344. Thus we read in the Symposium of Plato,[13] that after the dinner had been finished, the libations made, and the pæan sung, they turned to drinking (τρέπεσθαι πρὸς τὸν πότον).

Symposia seem to have been very frequent at Athens. Their enjoyment was heightened by agreeable conversation, by the introduction of music and dancing, and by games and amusements of various kinds: sometimes, too, philosophical subjects were

1. (Isæus, De Philoct. her., 58, ed. Steph.)—2. (*Vid.* Steph., Thesaur., 6608.—Reiske, Index in Or. Att., s. v. Συνοικία.—Böckh, Staatsh. der Athen., i., 71, 72, 154.)—3. (Thucyd., ii., 15.—Steph. Byz., s. v. Ἀθῆναι.)—4. (Pax, 962.)—5. (Thes., 24.)—6. (Compare Meyer, De Bon. damnat., p. 120.)—7. (Gaius, Dig. 43, tit. 18, s. 2.)—8. (43, tit. 18.)—9. (Dig. 43, tit. 18, s. 3.)—10 (Das Recht des Besitzes, p 289, 5th ed.)—11. (Gaius, ii., 73.)

1. (Cic. in Cat., iii., 10.)—2. (Liv., iii., 63.)—3. (Cic., De Prov. Cons., 11.)—4. (Bell. Gall., ii., 35.)—5. (Compare Cic. l. c.)—6. (Cæs., Bell. Gall., vii., 90.)—7. (Dion Cass., xliii., 14.)—8. (Id., xliii., 42, and Cic., Phil., xiv., 14.)—9. (Dion Cass., xl., 50.)—10. (Cic. ad Fam., xv., 5.)—11. (in Catil., iii. 6, 10; in Pis., 3.—Phil., ii., 6.)—12 (Liv., iii. [illegible]; x., 2[illegible] xxxi., 9; xxxvii., 3[illegible]—13. (p. 176, *a*.)

discussed at them. The Symposia of Plato and Xenophon give us a lively idea of such entertainments at Athens. The name itself shows that the enjoyment of drinking was the main object of the symposia: wine from the juice of the grape (*οἶνος ἀμπέλινος*) was the only drink partaken of by the Greeks, with the exception of water. For palm-wine and beer (*vid.* Cerevisia), though known to many of the Greeks from intercourse with foreign nations, were never introduced among them; and the extraordinary cheapness of wine at Athens (*vid.* Vinum) enabled persons even in moderate circumstances to give drinking-parties to their friends. Even in the most ancient times the enjoyment of wine was considered one of the greatest sources of pleasure, and hence Musæus and his son supposed that the just passed their time in Hades in a state of perpetual intoxication, as a reward of their virtue (*ἡγησάμενοι κάλλιστον ἀρετῆς μισθὸν μέθην ἰώνιον*[1]). It would appear from the Symposium of Plato that even the Athenians frequently concluded their drinking-parties in rather a riotous manner, and it was to guard against this that such parties were forbidden at Sparta and in Crete.[2]

The wine was almost invariably mixed with water, and to drink it unmixed (*ἄκρατον*) was considered a characteristic of barbarians.[3] Zaleucus is said to have enacted a law among the Locrians, by which any one who was ill and drank of unmixed wine without the command of his physician, was to be put to death;[4] and the Greeks in general considered unmixed wine as exceedingly prejudicial to physical and mental health.[5] The Spartans attributed the insanity of Cleomenes to his indulging in this practice, which he learned from the Scythians.[6] So universal was it not to drink wine unless mixed with water, that the word *οἶνος* is always applied to such a mixture; and whenever wine is spoken of in connexion with drinking, we are always to understand wine mixed with water, unless the word *ἄκρατος* is expressly added (*τὸ κρᾶμα, καιτοι ὕδατος μετέχον πλείονος, οἶνον καλοῦμεν*[7]).

The proportion in which the wine and water were mixed naturally differed on different occasions. To make a mixture of even half wine and half water (*ἴσον ἴσῳ*) was considered injurious,[8] and generally there was a much greater quantity of water than of wine. It appears from Plutarch,[9] Athenæus,[10] and Eustathius,[11] that the most common proportions were 3 : 1, or 2 : 1, or 3 : 2. Hesiod[12] recommends the first of these.

The wine was mixed either with warm or cold water; the former, which corresponded to the *calida* or *calda* of the Romans (*vid* Calida), was by far the less common. On the contrary, it was endeavoured to obtain the water as cool as possible, and for this purpose both snow and ice were frequently employed. (*Vid.* Nix, Psycter.) Honey was sometimes put in the wine,[13] and also spices; in the latter case it received the name of *τρίμμα*, and is frequently mentioned by the writers of the New Comedy.[14] Other ingredients were also occasionally added.

The mixture was made in a large vessel called the *κρατῆρ* (*vid.* Crater), from which it was conveyed into the drinking-cups by means of *οἰνοχόαι* or *κύαθοι*. (*Vid.* Cyathus.) The cups usually employed were the *κύλιξ*, *φιάλη*, *καρχήσιον*, and *κάνθαρος*, of which an account is given in separate articles. The Rhyton, or drinking-horn, was also very commonly used. We find several craters on vases representing drinking scenes.[A]

The guests at a symposium reclined on couches, and were crowned with garlands of flowers, as is explained under Deipnon. A master of the revels (*ἄρχων τῆς πόσεως, συμποσίαρχος* or *βασιλεύς*) was usually chosen to conduct the symposium (*παιδαγωγεῖν συμπόσιον*[2]), whose commands the whole company had to obey, and who regulated the whole order of the entertainment, proposed the amusements, &c. The same practice prevailed among the Romans, and their symposiarch was called the *magister* or *rex convivii*, or the *arbiter bibendi*. The choice was generally determined by the throwing of astragali or tali; but we find in Plato,[3] Alcibiades constituting himself symposiarch. The proportion in which the wine and water were mixed was fixed by him, and also how much each of the company was to drink. The servants (*οἰνοχόοι* and *οἰνηροὶ ὑπεράποντες*), usually young slaves, who had to mix the wine and present it to the company, were also under his orders; but if there was no symposiarch, the company called for the wine just as they pleased.[4]

Before the drinking commenced, it was agreed upon in what way they should drink,[5] for it was not usually left to the option of each of the company to drink as much or as little as he pleased, but he was compelled to take whatever the symposiarch might order. At Athens they usually began drinking out of small cups (*μέτρια ποτήρια*[6]), but as the entertainment went on, larger ones were introduced.[7] In the Symposium of Plato,[8] Alcibiades and Socrates each empty an immense cup, containing eight cotylæ, or nearly four English pints; and frequently such cups were emptied at one draught (*ἀπνευστὶ* or *ἀμυστὶ πίνειν, ἀμυστίζειν*[9]).

The cups were always carried round from right to left (*ἐπὶ δεξιά*), and the same order was observed in the conversation, and in everything that took place in the entertainment (*ἐπὶ δεξιὰ διαπίνειν*;[10] *ἐπὶ δεξιὰ λόγον εἰπεῖν*[11]). The company frequently drank to the health of one another (*προπίνειν φιλοτησίας*[12]), and each did it especially to the one to whom he handed the same cup. This seems to have been the custom which Cicero alludes to when he speaks of "drinking after the Greek fashion" (*Græco more bibere*;[13] *Græci in conviviis solent nominare, cui poculum tradituri sunt*[14]).

Music and dancing were usually introduced, as already stated, at symposia, and we find few representations of such scenes in ancient vases without the presence of female players on the flute and the cithara. Plato, indeed, decidedly objects to their presence, and maintains that it is only men incapable of amusing themselves by rational conversation that have recourse to such means of enjoyment;[15] but this says nothing against the general practice; and Xenophon, in his Symposium, represents Socrates mightily pleased with the mimetic dancing and other feats performed on that occasion. The female dancers, and the players on the flute and the cithara, were frequently introduced at the symposia of young men for another purpose, and were oftentimes actually *ἑταῖραι* (*vid.* Hetæræ, p. 502), as we see clearly represented on many ancient vases.[16] Respecting the different kinds of dances performed at symposia, see Saltatio.

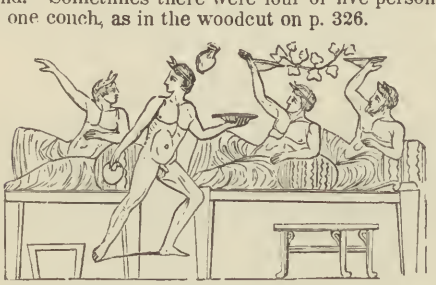
1. (Plat., Legg., ii., p. 363, *c.*, *d.*)—2. (Plat., Min., p. 320, *a.*)—3. (Plat., Legg., i., p. 637, *e.*)—4. (Ælian, V. H., ii., 37.)—5. (Athen., ii., p. 36, *b.*)—6. (Herod., vi., 84.)—7. (Plut., Conjug. Præc., 20.)—8. (Athen., l. c.)—9. (Symp., iii., 9.)—10. (x., p. 426.)—11. (ad Od., ix., 209, p. 1624.)—12. (Op., 596.)—13. (Athen., i., p. 32, *a.*—Id. p. 31, *c.*)—14. (Pollux, Onom., vi., 18.)

1. (See, for example, Mus. Borb., v., t. 51.)—2. (Plat., Legg., i., p. 641, *a.*, *b.*)—3. (Symp., p. 213, *e.*)—4. (Xen., Symp., ii., 27.)—5. (Plat., Symp., p. 176, *a.*, *b.*)—6. (Athen., x., p. 431, *e.*)—7. (Diog. Laert., i., 104.)—8. (p. 213, 214.)—9. (Athen., x., p. 431, *b.*—Lucian, Lexiph., 8.—Suidas, s. v. Ἀμυστί.)—10. (Plat., Rep., iv., p. 420, *c.*)—11. (Symp., p. 214, *b.*—Athen., xi., p. 463, *e.*)—12. (Lucian, Gall., 12.—Athen., xi., p. 498, *d.*)—13. (Verr., II., i., 26.)—14. (Tusc., i., 40.)—15. (Protag., p. 347, *c.*, *d.*—Symp., 176, *c.*)—16. (See, for example, Mus. Borb., v., t. 51.)

Respecting the games and amusements by which the symposia were enlivened, it is unnecessary to say much here, as most of them are described in separate articles in this work. Enigmas or riddles (*αἰνίγματα* or *γρῖφοι*) were among the most usual and favourite modes of diversion. Each of the company proposed one in turn to his right-hand neighbour: if he solved it, he was rewarded with a crown, a garland, a cake, or something of a similar kind, and sometimes with a kiss; if he failed, he had to drink a cup of unmixed wine, or of wine mixed with salt-water, at one draught.[1] The cottabos was also another favourite game at symposia, and was played at in various ways. (*Vid.* Cottabos.)

The other games at symposia which require mention are the *ἀστραγαλισμός* and *κυβεία*, explained under Tali and Tesseræ, the *πεττεία*, spoken of under Latrunculi, and the *χαλκισμός*. The latter consisted in turning round a piece of money placed upright on its edges, and causing it suddenly to stop while moving by placing a finger on its top.[2]

Representations of symposia are very common on ancient vases. Two guests usually reclined on each couch (*κλίνη*), as is explained on p. 344, and illustrated by the following cut from one of Sir W. Hamilton's vases, where the couch on the right hand contains two persons, and that on the left is represented with only one, which does not appear to have been the usual practice. The guests wear garlands of flowers, and the two who are reclining on the same couch hold a phiala each in the right hand. Sometimes there were four or five persons on one couch, as in the woodcut on p. 326.



A drinking-party among the Romans was sometimes called *convivium*, but the word *comissatio* more nearly corresponds to the Greek *συμπόσιον*. (*Vid.* Comissatio.) The Romans, however, usually drank during their dinner (*cœna*), which they frequently prolonged during many hours in the later times of the Republic and under the Empire. Their customs connected with drinking differed little from those of the Greeks, and have been incidentally noticed above.

The preceding account has been mainly composed from Becker's *Charikles*[3] and *Gallus*,[4] where the subject is treated at length.

SY'NTHESIS, a garment frequently worn at dinner, and sometimes also on other occasions. As it was inconvenient to wear the toga at table on account of its many folds, it was customary to have dresses especially appropriated to this purpose, called *vestes cœnatoriæ* or *cœnatoria*,[5] *accubitoria*,[6] or *synthesis*. The synthesis is commonly explained to be a loose kind of robe like the pallium, but Becker[7] supposes, from a comparison of a passage of Dion Cassius[8] with one of Suetonius,[9] describing the dress of Nero, that it must have been a kind of tunic, an *indumentum* rather than an *amictus*. (*Vid.* Amictus.) That it was, however, an easy and comfortable kind of dress, as we should say, seems to be evident from its use at table above mentioned, and also from its being worn by all classes at the Saturnalia, a season of universal relaxation and enjoyment.[1] More than this respecting its form we cannot say: it was usually dyed with some colour,[2] and was not white like the toga.

The word synthesis is also applied to a set of wearing apparel or a complete wardrobe.[3] This use of the word agrees better with its etymology (*σύνθεσις, συντίθημι*) than the one mentioned above.[4]

SYRINX (*σύριγξ*), the Pan's Pipe, or Pandean Pipe, was the appropriate musical instrument of the Arcadian and other Grecian shepherds, and was regarded by them as the invention of Pan, their tutelary god,[5] who was sometimes heard playing upon it (*συρίζοντος*[6]), as they imagined, on Mount Mænalus.[7] It was, of course, attributed to Faunus, who was the same with Pan.[8] When the Roman poets had occasion to mention it, they called it *fistula*.[9] It was also variously denominated according to the materials of which it was constructed, whether of cane (*tenui arundine*,[10] *ποιμενίῳ δονάκι*[11]), reed (*calamo*,[12] *κάλαμος*[13]), or hemlock (*cicuta*[14]). In general, seven hollow stems of these plants were fitted together by means of wax, having been previously cut to the proper length, and adjusted so as to form an octave;[15] but sometimes nine were admitted, giving an equal number of notes.[16] Another refinement in the construction of this instrument, which, however, was rarely practised, was to arrange the pipes in a curve so as to fit the form of the lip, instead of arranging them in a plane.[17] A syrinx of eight reeds is shown in the gem figured on page 696. The annexed woodcut is taken from a bas-relief in the collection at Appledurcombe in the Isle of Wight.[18] It represents Pan reclining at the entrance of the cave which was dedicated to him in the Acropolis at Athens. He holds in his right hand a drinking-horn (*vid.* Rhyton), and in his left a syrinx, which is strengthened by two transverse bands.

The ancients always considered the Pan's Pipe as a rustic instrument, chiefly used by those who tended flocks and herds,[19] but also admitted to regulate the dance.[20] The introduction of it on more solemn occasions was very unusual. Telephanes

1. (Athen., x., p. 457.)—2. (Pollux, Onom., ix., 118.—Eustath. ad Il., xiv., 291, p. 986.) — 3. (i., p. 451, &c.) — 4. (ii., p. 235, &c.)—5. (Mart., x., 87, 12; xiv., 135.—Petron., 21.)—6. (Petron., 30) —7. (Gallus, i., p. 37.)—8. (lxiii., 13.)—9 (Ner., 51.)

1. (Mart., xiv., 1, 141; vi., 24.)—2. (Mart. 5, 46; x., 29)—3. (Dig. 34, tit. 4, s. 38.) — 4. (Becker, l. c.) — 5. (Virg., Buc., ii., 32; viii., 24.)—6. (*Vid.* Theocr., i., 3, 14, 16.—Schol in loc —Longus, iv., 27.) —7. (Paus., viii., 36, § 5.)—8. (Hor., Carm i., 17, 10.)—9. (Virg., Buc., ii., 36; iii., 22, 25.—Hor., Carm., iv. 12, 10. — Ovid, Met., viii., 192; xiii., 784. — Mart., xiv., 63. — Tibull., i., 5, 20.) — 10. (Virg., Buc., vi., 8. — Hom., Hymn. in Pana. 15.) — 11. (Brunck, Anal., i., 489.) — 12. (Virg., Buc., i. 10; ii., 34; v., 2.)—13. (Theocr., viii., 24.—Longus, i., 4.)—14 (Virg., Buc., v., 85.)—15. (Virg., Buc., ii., 32, 36.)—16. (Theocr. viii., 18–22.)—17. (Id., i., 129.)—18. (Mus. Worsleyanum, pl. 9.) — 19. (Hom., Il., xviii., 526. — Apoll. Rhod., i., 577. — Dionys. Perieg., 996.—Longus, i., 2; i., 14–16; ii., 24–26.)—20. (Hor. Sat. 278.)

of Megara refused to go to the Pythian Games on account of the performance on Pandean pipes (*σύριγξιν*). The Lydians, whose troops marched to military music, employed this, together with other instruments, for the purpose.[2] This instrument was the origin of the organ. (*Vid.* Hydraula.)

The term *σύριγξ* was also applied to levels, or narrow subterranean passages made either in searching for metals, in mining at the siege of a city,[3] or in forming catacombs for the dead.[4]

SYRMA (*σύρμα*), which properly means that which is drawn or dragged (from *σύρω*), is applied to a dress with a train. The long peplos worn by the Trojan matrons was consequently a dress somewhat of this kind.[5] The syrma, however, was more especially the name of the dress worn by the tragic actors, which had a train to it trailing upon the ground; whence the word is explained by Pollux[6] as a *τραγικὸν φόρημα ἐπισυρόμενον*, and is alluded to by Horace[7] in the words

"*traxitque vagus per pulpita vestem.*"

Hence we find *syrma* used metaphorically for tragedy itself.[8]

SYSSI'TIA (*συσσίτια*). The custom of taking the principal meal of the day in public prevailed extensively among the Greeks from very early ages. It existed not only with the Spartans and Cretans, among both of whom it was kept up till comparatively recent times, but also at Megara in the age of Theognis,[9] and at Corinth in the time of Periander, who, it seems, abolished the practice as being favourable to aristocracy.[10] Nor was it confined to the Hellenic nation; for, according to Aristotle,[11] it prevailed still earlier among the Œnotrians in the south of Italy, and also at Carthage, the political and social institutions of which state resembled those of Sparta and Crete.[12] The origin of the usage cannot be historically established, but it seems reasonable to refer it to infant or patriarchal communities, the members of which, being intimately connected by the ties of a close political union and kindred, may naturally be supposed to have lived together almost as members of the same family. But, however and wherever it originated, the natural tendency of such a practice was to bind the citizens of a state in the closest union; and, accordingly, we find that at Sparta Lycurgus availed himself of it for this purpose, though we cannot determine with any certainty whether he introduced it there, or merely perpetuated and regulated an institution which the Spartans brought with them from their mother-country, and retained at Sparta as being suitable to their position and agreeable to their national habits. The latter supposition is perhaps the more probable. The Cretan usage Aristotle[13] attributes to Minos; this, however, may be considered rather "the philosopher's opinion than an historical tradition:" but the institution was confessedly of so high antiquity, that the Peloponnesian colonists may well be supposed to have found it already existing in Crete, even if there had been no Dorian settlers in the island before them.[14]

The Cretan name for the syssitia was *Ἀνδρεῖα*,[15] the singular of which is used to denote the building or public hall where they were given. This title affords of itself a sufficient indication that they were confined to men and youths only: a conclusion justified and supported by all the authorities on the subject.[16] It is not, however, improbable, as Hoeck[17] suggests, that in some of the Dorian states there were syssitia of the young unmarried women as well as of the men.[1] All the adult citizens partook of the public meals among the Cretans, and were divided into companies or "messes," called *Ἑταιρίαι*, or sometimes *ἀνδρεῖα*.[2] These divisions were perhaps originally confined to persons of the same house and kindred, but afterward any vacancies in them were filled up at the discretion of the members.[3] The divinity worshipped under the name of *Ζεὺς Ἑταιρεῖος*[4] was considered to preside over them.

According to Dosiadas, who wrote a history of Crete,[5] there were in every town of the island (*πανταχοῦ*) two public buildings, one for the lodging of strangers (*κοιμητήριον*), the other a common hall (*ἀνδρεῖον*) for the citizens. In the latter of these the syssitia were given, and in the upper part of it were placed two tables for the entertainment of foreign guests (*ξενικαὶ τράπεζαι*), a circumstance deserving of notice, as indicating the extent to which the Dorians of Crete encouraged mutual intercourse and hospitality. Then came the tables of the citizens. But, besides these, there was also a third table, on the right of the entrance, dedicated to *Ζεὺς ξένιος*, and perhaps used for the purpose of making offerings and libations to that god.

The syssitia of the Cretans were distinguished by simplicity and temperance. They always *sat* at their tables, even in later times, when the custom of reclining had been introduced at Sparta.[6] The entertainment began with prayer to the gods and libations.[7] Each of the adult citizens received an equal portion of fare, with the exception of the "archon" or "master of the tables," who was, perhaps, in ancient times, one of the *κόσμοι*, and more recently a member of the *γερωνία* or council. This magistrate received a fourfold portion; "one as a common citizen, a second as president, a third for the house or building, a fourth for the furniture" (*τῶν σκευῶν*[8]): an expression from which it would seem that the care of the building, and the provision of the necessary utensils and furniture, devolved upon him. The management of all the tables was under the superintendence of a female of free birth (*ἡ προεστηκυῖα τῆς συσσιτίας γυνή*), who openly took the best fare, and presented it to the citizen who was most eminent in the council or the field. She had three or four male assistants under her, each of whom, again, was provided with two menial servants (*καληφόροι*, or wood-carriers). Strangers were served before the citizens, and even before the archon or president.[9] On each of the tables was placed a cup of mixed wine, from which the messmates of the same company drank. At the close of the repast this was replenished, but all intemperance was strictly forbidden by a special law.[10]

Till they had reached their eighteenth year, when they were classed in the *ἀγέλαι*, the youths accompanied their fathers to the syssitia along with the orphans of the deceased.[11] In some places the youngest of the orphans waited on the men; in others this was done by all the boys.[12] When not thus engaged, they were seated near to the men on a lower bench, and received only a half portion of meat: the eldest of the orphans appear to have received the same quantity as the men, but of a plainer description of fare.[13] The boys, like the men, had also a cup of mixed wine in common, which, however, was not replenished when emptied.

1. (Plut., De Mus., p. 2084, ed. Steph.)—2. (Herod., i., 17.)—3. (Polyæn., v., 17.)—4. (Ælian, H. A., vi., 43; xvi., 15.)—5. (Il., vi., 442.)—6. (vii., 67.)—7. (Ep. ad Pis., 215.—Compare Juv., viii., 229.)—8. (Juv., xv., 30.—Mart., iv., 49.)—9. (v., 305.) 10. (Arist., Pol., v., 9, 2.)—11. (Pol., vii., 9.)—12. (Id., ii., 8.)—13. (Id., vii., 9.)—14 (Thirlwall, Hist. of Greece, i., p. 287.)—15. (Arist., Pol., ii 7.)—16. (Plat., Leg., vi., p. 780, *d.*)—17. (Creta, iii., p 123.)

1. (Compare Pind., Pyth., ix., 18.)—2. (Athen., iv., p. 143)—3. (Hoeck, iii., p. 126.)—4. (Hesych., s. v.)—5. (Athen, l. c.)—6. (Cic., Pro Mur., 35.)—7. (Athen., iv., p. 143, *e.*)—8. (Heraclid. Pont., iii.)—9. (Id., l. c.)—10. (Plat., Minos, p. 265.)—11 (Hoeck, iii., p. 185.)—12. (Ephor. ap. Strab., x., p. 483.)—13 (Athen., iv., p. 143.)

During the repast a general cheerfulness and gayety prevailed, which were enlivened and kept up by music and singing.[1] It was followed by conversation, which was first directed to the public affairs of the state, and afterward turned on valiant deeds in war and the exploits of illustrious men, whose praises might animate the younger hearers to an honourable emulation. While listening to this conversation, the youths seem to have been arranged in classes (*ἀνδρεῖα*), each of which was placed under the superintendence of an officer (*παιδονόμος*) especially appointed for this purpose, so that the syssitia were thus made to serve important political and educational ends.

In most of the Cretan cities the expenses of the syssitia were defrayed out of the revenues of the public lands and the tribute paid by the Perioeci, the money arising from which was applied partly to the service of the gods and partly to the maintenance of all the citizens, both male and female,[2] so that in this respect there might be no difference between the rich and the poor. From the statement of Aristotle compared with Dosiadas,[3] it appears probable that each individual received his separate share of the public revenues, out of which he paid his quota to the public table, and provided with the rest for the support of the females of his family. This practice, however, does not appear to have prevailed exclusively at all times and in all the cities of Crete. In Lyctus, for instance, a colony from Sparta, the custom was different: the citizens of that town contributed to their respective tables a tenth of the produce of their estates; a practice which may be supposed to have obtained in other cities, where the public domains were not sufficient to defray the charges of the syssitia. But, both at Lyctus and elsewhere, the poorer citizens were in all probability supported at the public cost.

In connexion with the accounts given by the ancient authors respecting the Cretan syssitia, there arises a question of some difficulty, viz., how could one building accommodate the adult citizens and youths of such towns as Lyctus and Gortyna? The question admits of only two solutions: we are either misinformed with respect to there being only one building in each town used as a common hall, or the number of Dorian citizens in each town must have been comparatively very small.

The Spartan syssitia were in the main so similar to those of Crete, that one was said to be borrowed from the other.[4] In later times they were called *φειδίτια*, or the "spare meals," a term which is probably a corruption of *φιλίτια*, the love-feasts, a word corresponding to the Cretan *ἑταιρεῖα*.[5] Anciently they were called *ἀνδρεῖα*, as in Crete.[6] They differed from the Cretan in the following respects. Instead of the expenses of the tables being defrayed out of the public revenues, every head of a family was obliged to contribute a certain portion at his own cost and charge; those who were not able to do so were excluded from the public tables.[7] The guests were divided into companies generally of fifteen persons each, and all vacancies were filled up by ballot, in which unanimous consent was indispensable for election. No persons, not even the kings, were allowed what was called an *ἀφίδιτος ἡμέρα*,[8] or excused from attendance at the public tables, except for some satisfactory reason, as when engaged in a sacrifice or a chase, in which latter case the individual was required to send[9] a present to his table. Each person was supplied with a cup of mixed wine, which was filled again when required; but drinking to excess was prohibited at Sparta as well as in Crete. The repast was of a plain and simple character, and the contribution of each member of a mess or *φειδίτης* was settled by law.[1] The principal dish was the *μέλας ζωμός*, or black broth, with pork.[2] The *ἐπαίκλιον*, or after-meal (from the Doric *ἄϊκλον*, a meal), was, however, more varied, and richly supplied by presents of game, poultry, fruit, &c., and other delicacies, which no one was allowed to purchase. (*Vid.* AICLON.) Moreover, the entertainment was enlivened by cheerful conversation, though on public matters. Singing, also, was frequently introduced, as we learn from Alcman[4] that "at the banquets and drinking entertainments of the men it was fit for the guests to sing the pæan." The arrangements were under the superintendence of the polemarchs.

The use and purposes of the institutions described above are very manifest. They united the citizens by the closest ties of intimacy and union, making them consider themselves as members of one family, and children of one and the same mother, the state. They maintained a strict and perfect separation between the higher and the subject classes, both at Sparta and in Crete, and kept up in the former a consciousness of their superior worth and station, together with a strong feeling of nationality. At Sparta, also, they were eminently useful in a military point of view; for the members of the syssitia were formed into corresponding military divisions, and fought together in the field, as they had lived together at home, with more bravery and a keener sense of shame (*αἰδώς*) than could have been the case with merely chance comrades.[5] Moreover "they gave an efficacy to the power of public opinion which must have nearly superseded the necessity of penal laws."[6] With respect to their political tendencies, they were decidedly arranged upon aristocratical principles, though no individual of a company or mess was looked upon as superior to his fellows. Plutarch[7] accordingly calls them *συνέδρια ἀριστοκρατικά*, or aristocratical meetings, and compares them with the Prytaneium and Thesmothesium at Athens.

The simplicity and sobriety, which were in early times the characteristics both of the Spartan and Cretan syssitia, were afterward, in Sparta at least, supplanted by luxury and effeminate indulgence. The change was probably gradual, but the kings Areus and Acrotatus (B.C. 300) are recorded as having been mainly instrumental in accelerating it. The reformer Agis endeavoured, but in vain, to restore the old order of things, and perished in the attempt.[8] In his days Sparta contained 4500 families, out of which he proposed to make fifteen syssitia, whence Müller infers that formerly, when the number of families was 9000, the number of syssitia was thirty, and, consequently, that Herodotus, when he spoke of Lycurgus having instituted the "syssitia" for war, alluded to the larger divisions, and not the single banqueting companies; a conclusion justified by the context. Müller, moreover, supposes that in this sense the syssitia at Sparta corresponded to the divisions of the state called obæ, and sometimes *φοατρίαι*, which were also thirty in number.[9]

1. (Alcman ap. Strab., l. c.)—2. (Arist., Pol., ii., 7, 4.)—3. (Athen., l. c.)—4. (Arist., Pol., ii., 7.)—5. (Göttling ad Arist., Œcon., p. 190.—Müller, Dor., iv., 3, § 3.)—6. (Plut., Lycur., c. 12.)—7 (Arist., Pol., ii., 7, 4)—8. (Hesych., s. v.)—9. (Plut., Agis, c. 10)

1. (Wachsmuth, ii., 2, 24.—Plut., l. c.)—2. (Athen., iv., p. 141.)—3. (Xen., Rep. Lacon., v., 6.)—4. (Frag., 31.)—5. (Herod., i. 65.)—6. (Thirlwall, i., p. 289.)—7. (Quæs. Symp., vii., p. 332.)—8. (Plut., Agis and Cleom.)—9. (Dorians, iii., 5, § 6, and 12 § 4.—Hoeck, Creta, iii., p. 120–139.—Hüllman's Anfänge, § 138—Thirlwall, Hist. of Greece, i., p. 288 and 331.—Hermann, Lehrbuch der Griech. Staats., § 22 and 28.)

T. Θ.

•TABANUS. (*Vid.* Œstrus.)

TABELLA, *dim.* of TABULA, a Billet or Tablet, with which each citizen and judex voted in the comitia and courts of justice. In the comitia, if the business was the passing of a law, each citizen was provided with two tabellæ, one inscribed V. R., *i. e.*, *Uti Rogas*, "I vote for the law," the other inscribed A., *i. e.*, *Antiquo*, "I am for the old law."[1] If the business was the election of a magistrate, each citizen was supplied with one tablet, on which the names of the candidates were written, or the initials of their names, as some suppose from the oration *Pro Domo*, c. 43; the voter then placed a mark (*punctum*) against the one for whom he voted, whence *puncta* are spoken of in the sense of votes.[2] For farther particulars respecting the voting in the comitia, see Diribitores and Sitella.

The judices were provided with three tabellæ, one of which was marked with A., *i. e.*, *Absolvo*, "I acquit;" the second with C., *i. e.*, *Condemno*, "I condemn;" and the third with N. L., *i. e.*, *Non Liquet*, "It is not clear to me." The first of these was called *tabella absolutoria*, and the second *tabella damnatoria*,[3] and hence Cicero[4] calls the former *litera salutaris*, and the latter *litera tristis*. It would seem that in some trials the tabellæ were marked with the letters L. D. respectively, *i. e.*, *Libero* and *Damno*, since we find on a denarius of the Cælian gens a tabella marked with the letters L. D.; and as we know that the vote by ballot in cases of perduellio was first introduced by C. Cælius Caldus (*vid.* Tabellariæ Leges), the tabella on the coin undoubtedly refers to that event. There is also a passage in Cæsar[5] which seems to intimate that these initial letters were sometimes marked on the tabellæ: "*Unam fore tabellam, qui liberandos omni periculo censerent; alteram, qui capitis damnarent*," &c.[6]

BRITISH MUSEUM.

The cut annexed contains a copy of a coin of the Cassian gens, in which a man wearing a toga is represented in the act of placing a tabella marked with the letter A. (*i. e.*, *absolvo*) in the cista. The letter on the tabella is evidently intended for A.

For the other meanings of Tabella, see Tabula.

TABELLA'RIÆ LEGES, the laws by which the ballot was introduced in voting in the comitia. As to the ancient mode of voting at Rome, see Suffragium. There were four enactments known by the name of Tabellariæ Leges, which are enumerated by Cicero.[7] They are mentioned below according to the order of time in which they were passed.

1. Gabinia Lex, proposed by the tribune Gabinius B.C. 139, introduced the ballot in the election of magistrates,[8] whence Cicero[9] calls the tabella "*vindex tacitæ libertatis*."

2. Cassia Lex, proposed by the tribune L. Cassius Longinus B.C. 137, introduced the ballot in the "judicium populi," with the exception of cases of perduellio. The "judicium populi" undoubtedly applies to cases tried in the comitia by the whole body of the people (*vid.* Judex, p. 551, 552), although Ernesti[10] wishes to give a different interpretation to the words. This law was supported by Scipio Africanus the younger, for which he was censured by the aristocratical party.[1]

3. Papiria Lex, proposed by the tribune C. Papirius Carbo B.C. 131, introduced the ballot in the enactment and repeal of laws.[2]

4. Cælia Lex, proposed by C. Cælius Caldus B.C. 108, introduced the ballot in cases of perduellio, which had been excepted in the Cassian law.[3]

There was also a law brought forward by Marius B.C. 119, which was intended to secure freedom and order in voting.[4]

TABELLA'RIUS, a Letter-carrier. As the Romans had no public post, they were obliged to employ special messengers, who were called *tabellarii*, to convey their letters (*tabellæ*, *literæ*), when they had not an opportunity of sending them otherwise.[5]

TABE'LLIO, a Notary.[6] Under the Empire the tabelliones succeeded to the business of the scribæ in the times of the Republic. (*Vid.* Scribæ.) They were chiefly employed in drawing up legal documents, and for this purpose usually took their stations in the market-places of towns.[7] They formed a special order in the state.[8]

TABERNA is defined by Ulpian as any kind of building fit to dwell in, "*nempe ex eo, quod tabulis clauditur*," or,[9] according to the more probable etymology of Festus, because it was made of planks.[10] Festus[11] asserts that this was the most ancient kind of abode used among the Romans, and that it was from the early use of such dwellings that the words *taberna* and *tabernaculum* were applied to military tents, though the latter were constructed of skins. We know very little of the form and materials of the ancient tents; but we may infer, from the notices we have of them, that they were generally composed of a covering of skins, partly supported by wooden props, and partly stretched on ropes. Sometimes, in a permanent camp, they may have been constructed entirely of planks; and sometimes, in cases of emergency, garments and rushes were spread over any support that could be obtained.[12] From *taberna*, when used in this sense, are derived *tabernaculum*, the more common name of a tent, and Contubernales.

The usual name of *taberna* is a *shop*. Neither the ancient authors nor the remains of Pompeii lead us to suppose that tradesmen often had their shops forming parts of their houses, as with us. A few houses are indeed found at Pompeii entirely devoted to the purposes of trade, consisting, that is, of the shop and the rooms occupied by the tradesman and his family.

Most commonly, the shops formed a part of a large house, to the owner of which they belonged, and were by him let out to tradesmen. (*Vid.* House, Roman, p. 519.) Some of the shops round a house were retained by the owner for the sale of the produce of his estates. This arrangement of the shops was probably an improvement on an older plan of placing them against the walls of houses. Even under the emperors we find that shops were built out so far into the street as to obstruct the thoroughfare. Martial[13] mentions an edict of Domitian by which the practice was put down, and the shops were confined within the areas of the houses.

The following are the most remarkable classes of shops of which we have notices or remains:

1. Shops for the sale of wine, hot drinks, and ready-dressed meat. (*Vid.* Caupona.)

1. (Compare Cic. ad Att., i, 14.)—2. (Cic., Pro Planc., 22.)—3. (Suet., Octav., 33.)—4. (Pro Mil., 6.)—5. (Bell. Civ., iii., 83.)—6. (Compare Spanheim, Numism., ii., p. 199.)—7. (De Legg., iii., 16.)—8. (Cic., l. c.)—9. (Agr., ii., 2.)—10. (Index Leg.)

1. (Cic., De Leg., iii., 16.—Brut., 25, 27.—Pro Sextio 48.—Ascon. in Cornel., p. 78, ed. Orelli.)—2. (Cic., De Leg., iii., 16.)—3. (Cic., l. c.)—4. (Cic., De Leg., iii., 17.—Plut., Mar., 4.)—5. (Cic., Phil., ii., 31.—Cic. ad Fam., xii., 12; xiv., 22.)—6. (Suidas, s. v.)—7. (Cod., iv., tit. 21, s. 17.—Novell., 73, c. 5, &c.—8. (Gothof. ad Cod. Theod., xii., tit. 1, s. 3.)—9. (Dig. 50, tit. 10, § 183.)—10. (Festus, s. v. Contubernales, Tabernacula.)—11. (s. v. Adtibernalis.)—12. (Lipsius, De Milit. Rom., in oper p. 154–155.)—13. (vii., 61.)

2. Bakers' shops. Of these several have been found at Pompeii, containing the mill as well as the other implements for making bread. (*Vid.* Mola, Pistor.)

3. Booksellers' shops. (*Vid.* Bibliopola.)

4. Barbers' and hairdressers' shops. (*Vid.* Barba.)

TABERNA'CULUM. (*Vid.* Taberna, Templum.)

TABLI'NUM. (*Vid.* House, Roman, p. 517.)

TA'BULÆ. This word properly means planks or boards, whence it is applied to several objects, as gaming-tables,[1] pictures,[2] but more especially to tablets used for writing, of which alone we have to speak here. The name of tabulæ was applied to any flat substance used for writing upon, whether stone or metal, or wood covered with wax. Livy,[3] indeed, distinguishes between *tabulæ* and *cera*, by the former of which he seems to mean tablets of stone and metal; but *tabulæ* and *tabellæ* more frequently signify waxen tablets (*tabulæ ceratæ*), which were thin pieces of wood, usually of an oblong shape, covered over with wax (*cera*). The wax was written on by means of the stilus. (*Vid.* Stilus.) These tabulæ were sometimes made of ivory and citron-wood,[4] but generally of the wood of a more common tree, as the beech, fir, &c. The outer sides of the tablets consisted merely of the wood; it was only the inner sides that were covered over with wax. They were fastened together at the backs by means of wires, which answered the purpose of hinges, so that they opened and shut like our books; and to prevent the wax of one tablet rubbing against the wax of the other, there was a raised margin around each, as is clearly seen in the woodcut on p. 925. There were sometimes two, three, four, five, or even more tablets fastened together in the above-mentioned manner. Two such tablets were called *diptycha* (δίπτυχα), which merely means "twice-folded" (from πτύσσω, "to fold"), whence we have πυκτίον, or, with the τ omitted, πυκτίον. The Latin word *pugillares*, which is the name frequently given to tablets covered with wax,[5] may perhaps be connected with the same root, though it is usually derived from *pugillus*, because they were small enough to be held in the hand. Such tablets are mentioned as early as the time of Homer, who speaks of a πίναξ πτυκτός.[6] (*Vid.* Diptycha.) Three tablets fastened together were called *triptycha* (τρίπτυχα), which Martial[7] translates by *triplices* (*ceræ*); in the same way we also read of *pentaptycha* (πεντάπτυχα), called by Martial[8] *quintuplices* (*ceræ*), and of *polyptycha* (πολύπτυχα) or *multiplices* (*ceræ*). The pages of these tablets were frequently called by the name of *ceræ* alone; thus we read of *prima cera*, *altera cera*, "first page," "second page."[9] In tablets containing important legal documents, especially wills, the outer edges were pierced through with holes (*foramina*), through which a triple thread (*linum*) was passed, and upon which a seal was then placed. This was intended to guard against forgery; and, if it was not done, such documents were null and void.[10] (*Vid.* Testamentum.)

Waxen tablets were used among the Romans for almost every species of writing where great length was not required. Thus letters were frequently written upon them, which were secured by being fastened together with packthread and sealed with wax. Accordingly, we read in Plautus,[11] when a letter is to be written,

"*Differ cito stilum, ceram, et tabellas, et linum.*"

The sealing is mentioned afterward.[1] Tabulæ and tabellæ are therefore used in the sense of letters.[2] Love-letters were written on very small tablets called *vitelliani*,[3] of which word, however, we do not know the meaning. Tablets of this kind are presented by Amor to Polyphemus on an ancient painting.[4]

Legal documents, and especially wills, were almost always written on waxen tablets, as mentioned above. Such tablets were also used for accounts, in which a person entered what he received and expended (*tabulæ* or *codex accepti et expensi*[5]), whence *novæ tabulæ* mean an abolition of debts, either wholly or in part.[6] The above are merely instances of the extensive use of waxen tablets: it is unnecessary to pursue the subject farther. Respecting the *tabulæ publicæ*, see Tabularium.

Two ancient waxen tablets have been discovered in a perfect state of preservation, one in a gold mine four or five miles from the village of Abrudbánya in Transylvania, and the other in a gold mine in the village itself. Of this interesting discovery an account has been published by Massmann in a work entitled "*Libellus Aurarius, sive Tabulæ Ceratæ, et antiquissimæ et unice Romanæ in Fodina Auraria apud Abrudbanyam, oppidulum Transsylvanum, nuper repertæ*," Lipsiæ (1841). An account of these tablets, taken from Massmann's description, will serve as a commentary on what has been said above. Both the tabulæ are triptycha, that is, consisting of three tablets each. One is made of fir wood, the other of beechwood, and each is about the size of what we call a small octavo. The outer part of the two outside tablets of each exhibits the plain surface of the wood, the inner part is covered with wax, which is now almost of a black colour, and is surrounded with a raised margin. The middle tablet has wax on both sides, with a margin around each, so that each of the two tabulæ contains four sides or four pages covered with wax. The edges are pierced through, that they might be fastened together by means of a thread passed through them. The wax is not thick in either; it is thinner on the beechen tabulæ, in which the stilus of the writer has sometimes cut through the wax into the wood. There are letters on both of them, but on the beechen tabulæ they are few and indistinct; the beginning of the first tablet contains some Greek letters, but they are succeeded by a long set of letters in unknown characters. The writing on the tabulæ made of firwood is both greater in quantity, and in a much better state of preservation. It is written in Latin, and is a copy of a document relating to some business connected with a collegium. The name of the consuls is given, which determines its date to be A.D. 169. One of the most extraordinary things connected with it is, that it is written from right to left. The writing begins on what we should call the last or fourth page, and ends at the bottom of the third; and by some strange good fortune it has happened that the same document is written over again, beginning on the second page and ending at the bottom of the first, so that where the writing is effaced or doubtful in the one, it is usually supplied or explained by the other.

Waxen tablets continued to be used in Europe for the purposes of writing in the Middle Ages; but the oldest of these with which we are acquainted belongs to the year 1301 A.D., and is preserved in the Florentine museum.

The tablets used in voting in the comitia and the

1. (Juv., i., 90)—2. (Cic., De Fin., v., 1.—Propert., i., 2. 22.) 3. (i., 24.)—4. (Mart., xiv., 3, 5.)—5. (Mart., xiv., 3.—Gell., xvii., 9.—Plin., Ep., i., 6.)—6. (Il., vi., 169.)—7. (xiv., 6.)—8. (xiv., 4.)—9. (Compare Suet., Ner., 17.)—10. (Id., l. c.—Paulus, S. R., v., 25. § 6.)—11. (Bacchid., iv., 4, 64.)

1. (l. 96.—Compare Cic. in Catil., iii., 5.)—2. (Ovid, Met., ix., 522.)—3. (Mart., xiv., 8, 9.)—4. (Mus. Borbon., i. tav. 2.)—5. (Cic., Pro Rosc. Com., 2.)—6. (Suet., Jul., 42. Cic., De Off., ii., 23.)

courts of justice were also called tabulæ as well as tabellæ. (*Vid.* TABELLÆ.)

TABULA'RII were notaries or accountants, who are first mentioned under this name in the time of the Empire.[1] Public notaries, who had the charge of public documents, were also called tabularii,[2] and these seem to have differed from the tabelliones in the circumstance that the latter had nothing to do with the custody of the public registers. Public tabularii were first established by M. Antoninus in the provinces, who ordained that the births of all children were to be announced to the tabularii within thirty days from the birth.[3] Respecting the other duties of the public tabularii, see Cod. Theod., viii., tit 2, and Gothrofr., *ad loc.*

TABULA'RIUM, a place where the public records (*tabulæ publicæ*) were kept.[4] These records were of various kinds, as, for instance, senatus consulta, tabulæ censoriæ, registers of births, deaths, of the names of those who assumed the toga virilis, &c.[5] There were various tabularia at Rome, all of which were in temples; we find mention made of tabularia in the temples of the nymphs,[6] of Lucina, of Juventus, of Libitina, of Ceres, and more especially in that of Saturn, which was also the public treasury.[7] (*Vid.* ÆRARIUM.)

A tabularium was also called by other names, as *grammatophylacium*, *archium*, or *archivum*.[8] In a private house the name of *tablinum* was given to the place where the family-records and archives were kept. (*Vid.* HOUSE, ROMAN, p. 517.)

TÆDA or TEDA (*δαΐς*, *Att.* *δάς*, *dim.* *δαδίον*), a light of firwood, called on this account *pinea tæda*.[9] Before the adoption of the more artificial modes of obtaining light, described under CANDELA, ELLYCHNIUM, FAX, FUNALE, and LUCERNA, the inhabitants of Greece and Asia Minor practised the following method, which still prevails in those countries, and to a certain extent in Scotland and Ireland, as well as in other parts of Europe, which abound in forests of pines.[10] A tree having been selected of the species Pinus Maritima, *Linn.*, which was called *πεύκη* by the ancient Greeks from the time of Homer,[11] and which retains this name, with a slight change in its termination, to the present day, a large incision was made near its root, causing the turpentine to flow so as to accumulate in its vicinity. This highly resinous wood was called *δάς*, *i. e.*, torch-wood; a tree so treated was called *ἐνδαδός*, the process itself *ἐνδαδοῦν* or *δαδουργεῖν*, and the workmen employed in the manufacture, *δαδουργοί*. After the lapse of twelve months, the portion thus impregnated was cut out and divided into suitable lengths. This was repeated for three successive years, and then, as the tree began to decay, the heart of the trunk was extracted, and the roots were dug up for the same purpose.[12] These strips of resinous pinewood are now called *δαδία* by the Greeks of Mount Ida.[13]

When persons went out at night they took these lights in their hands,[14] more particularly in a nuptial procession.[15] Hence *tædæ felices* signified "a happy marriage;"[16] and these lights, no less than proper torches, are attributed to Love and Hymen.[17]

It was usual to place these articles as offerings in the temples, especially at the great festivals.[1]

Having been previously burned into charcoal, they were used in the manufacture of lampblack or ATRAMENTUM.[2]

TÆNIA or TAINIA. (*Vid.* VITTA, STROPHIUM.)

*II. The *Cepola Tænia*, L., or Tape-fish. It is so called from its being slender like a riband. Rondelet describes two species of it.[3]

TAGUS (*ταγός*), a leader or general, was more especially the name of the military leader of the Thessalians. Under this head it is proposed to give a short account of the Thessalian constitution.

The Thessalians were a Thesprotian tribe,[4] and originally came from the Thesprotian Ephyra. Under the guidance of leaders who are said to have been descendants of Hercules, they invaded the western part of the country, afterward called Thessaly, and drove out or reduced to the condition of Penestæ, or bondsmen, the ancient Æolian inhabitants (*τὴν τότε μὲν Αἰολίδα, νῦν δὲ Θετταλίαν καλουμένην*[5]). The Thessalians afterward spread over the other parts of the country, and took possession of the most fertile districts, and compelled the Perræbi, Magnetes, Achæan Phthiotæ, and other neighbouring people to submit to their authority and to pay them tribute.[6] The population of Thessaly therefore consisted, like that of Laconica, of three distinct classes. 1. The Penestæ, whose condition was nearly the same as that of the Helots. (*Vid.* PENESTAI.) 2. The subject people, who inhabited the districts which were not occupied by the Thessalian invaders. They paid tribute, as stated above, but were personally free, though they had no share in the government. They corresponded to the Perioeci of Laconica, by which name they are called by Xenophon.[7] (*Vid.* PERIŒCI.) 3. The Thessalian conquerors, who alone had any share in the public administration, and whose lands were cultivated by the Penestæ.

For some time after the conquest Thessaly seems to have been governed by kings of the race of Hercules, who may, however, have been only the heads of the great aristocratical families, invested with the supreme power for a certain time. Under one of these princes, named Aleuas, the country was divided into four districts, Phthiotis, Histiæotis, Thessaliotis, and Pelasgiotis.[8] This division continued till the latest times of Thessalian history and we may therefore conclude that it was not merely a nominal one. Each district may perhaps have regulated its affairs by some kind of provincial council, but respecting the internal government of each we are almost entirely in the dark.[9]

When occasion required, a chief magistrate was elected under the name of tagus (*ταγός*), whose commands were obeyed by all the four districts. He is sometimes called king (*βασιλεύς*[10]), and sometimes *ἀρχός*.[11] His command was of a military rather than of a civil nature, and he seems only to have been appointed when there was a war, or one was apprehended. Pollux,[12] accordingly, in his list of military designations, classes together the bœotarchs of the Thebans, the king of the Lacedæmonians, the polemarch of the Athenians (in reference to his original duties), and the tagus of the Thessalians. We do not know the extent of the power which the tagus possessed constitutionally, nor the time for which he held the office; probably neither

1. (Sen., Ep., 88.—Dig. 11, tit. 6, s. 7; 50, tit. 13, s. 1, § 6.)—2. (Dig. 43, tit. 5, s. 3.)—3. (Capitol., M. Anton., 9.)—4. (Cic., Pro C. Rabir., 3; Pro Arch., 4.)—5. (*Vid.* Abram. ad Cic., Mil., 27.)—6. (Cic., Pro Mil., 27.)—7. (Serv. ad Virg., Georg., ii., 502. —Capitol., M. Anton., 9.)—8. (Dig. 48, tit. 19, s. 9.)—9. (Catull., lix., 15.—Ovid, Fast., ii., 558.)—10. (Fellows, Exc. in Asia Minor, p. 140, 333–335.)—11. (Il., xi., 494; xxiii., 328.)—12. (Theophr., H. P., i., 6, § 1; iii., 9, § 3, 5; iv., 16, § 1; x., 2, § 2, 3. —Athen., xv., 700, *f.*)—13. (Hunt and Sibthorp, in Walpole's Mem., p. 120, 235.)—14. (Arist., Eccles., 688, 970.)—15. (Hom., Il. xviii., 492.—Hes., Scut., 275.—Aristoph., Pax, 1317.—Ovid, Met., iv. 326.—Id., Fast., vi., 223.)—16. (Catullus, 61, 25.—Compare Prudent., c. Symm., ii., 165.)—17. (Ovid, Met., iv., 758.)

1. (Theophrast., Char., 5, s. 3.)—2. (Vitruv., vii., 10.—Plin., H. N., xxxv., 6, s. 25.)—3. (Aristot., H. A., ii., 13.—Oppian, i.—Adams, Append., s. v.)—4. (Herod., viii., 176.—Vell. Paterc., i., 3.)—5. (Diod., iv., 57.)—6. (Thuc., ii., 101; iv., 78; viii., 3.—Arist., Pol., ii., 6.)—7. (Hell., vi., 1, § 19.)—8. (Aristot. ap. Harp., *s. v. Τετραρχία.*—Strab., ix., p. 430.)—9. (Thirlwall, Hist. of Greece, i., p. 437.)—10. (Herod., v., 63.)—11. (Dionys., v., 74.)—12. (i., 128.)

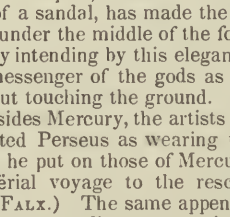
was precisely fixed, and depended on the circumstances and the character of the individual.[1] He levied soldiers from the states in each district, and seems to have fixed the amount of tribute to be paid by the allies.[2] When Jason was tagus, he had an army of more than 8000 cavalry and not less than 20,000 hoplites;[3] and Jason himself says that when Thessaly is under a tagus, there is an army of 6000 cavalry and 10,000 hoplites.[4] The tribute which Jason levied from the subject towns was the same as had been previously paid by one of the Scopadæ, whom Buttmann supposes to be the same Scopas as the one mentioned by Ælian[5] as a contemporary of Cyrus the younger. When Thessaly was not united under the government of a tagus, the subject towns possessed more independence.[6] In later times some states called their ordinary magistrates *ταγοί*,[7] which may have been done, however, as Hermann suggests, only out of affectation.

Thessaly, however, was hardly ever united under one government. The different cities administered their own affairs independent of one another, though the smaller towns seem to have frequently been under the influence of the more important ones (*τῶν ἐξ ὑμῶν* (*τῶν Φαρσαλίων*) *ἠρτημένων πόλεων*[8]). In almost all the cities the form of government was aristocratical (*δυναστείᾳ μᾶλλον ἢ ἰσονομίᾳ ἐχρῶντο τὸ ἐγχώριον οἱ Θεσσαλοί*[9]); and it was chiefly in the hands of a few great families, who were descended from the ancient kings. Thus Larissa was subject to the Aleuadæ, whence Herodotus[10] calls them kings of Thessaly; Cranon or Crannon to the Scopadæ, and Pharsalus to the Creondæ.[11] These nobles had vast estates cultivated by the penestæ; they were celebrated for their hospitality, and lived in a princely manner (*φιλόξενός τε καὶ μεγαλοπρεπὴς τὸν Θετταλικὸν τρόπον*[12]); and they attracted to their courts many of the poets and artists of southern Greece. The Thessalian commonalty did not, however, submit quietly to the exclusive rule of the nobles. Contests between the two classes seem to have arisen early, and the conjecture of Thirlwall,[13] that the election of a tagus, like that of a dictator at Rome, was sometimes used as an expedient for keeping the commonalty under, appears very probable. At Larissa the Aleuadæ made some concessions to the popular party. Aristotle[14] speaks, though we do not know at what time he refers to, of certain magistrates at Larissa, who bore the name of *πολιτοφύλακες*, who exercised a superintendence over the admission of freemen, and were elected themselves out of the body of the people, whence they were led to court the people in a way unfavourable to the interests of the aristocracy. There were also other magistrates at Larissa of a democratical kind, called *Λαρισσοποιοί*.[15] Besides the contests between the oligarchical and democratical parties, there were feuds among the oligarchs themselves; and such was the state of parties at Larissa under the government of the Aleuadæ two generations before the Persian war, that a magistrate was chosen by mutual consent, perhaps from the commonalty, to mediate between the parties (*ἀρχων μεσίδιος*[16]). At Pharsalus, too, at the close of the Peloponnesian war, the state was torn asunder by intestine commotions, and for the sake of quiet and security the citizens intrusted the acropolis and the whole direction of the government to Polydamas, who discharged his trust with the strictest integrity.[17]

1. (Thirlwall, i., p. 438.) — 2. (Xen., Hell., vi., 1, § 19.) — 3. Xen., l., c.)—4. (Id., vi., 1, § 8.)—5. (V. H., xii., 1.)—6. (Xen., Hell., vi., 1, § 9.)—7. (Böckh, Corp. Inscr., n. 1770.)—8. (Xen., Hell., vi., 1, § 8.) — 9. (Thucyd., iv., 78.) — 10. (vii., 6.) — 11. Compare Theocr., xvi., 34, &c.)—12. (Xen., Hell., vi., 1, § 3.) —13 (i., p. 438.)—14. (Pol., v., 5.)—15. (Aristot., Pol., iii., 1. —16 (Aristot., Pol., v., 5.)—17. (Xen., Hell., vi., I, § 2, 3.)

The power of the aristocratical families, however seems to have continued with little diminution til. towards the close of the Peloponnesian war, when decided democratical movements first begin to appear. At this time the Aleuadæ and the Scopadæ had lost much of their ancient influence. Pheræ and Pharsalus then became the two leading states in Thessaly. At Pheræ a tyranny, probably arising from a democracy, was established by Lycophron, who opposed the great aristocratical families, and aimed at the dominion of all Thessaly.[1] The latter object was accomplished by Jason, the successor and probably the son of Lycophron, who effected an alliance with Polydamas of Pharsalus, and caused himself to be elected tagus about B.C. 374. While he lived the whole of Thessaly was united as one political power, but after his murder in B.C. 370 his family was torn asunder by intestine discords, and did not long maintain its dominion. The office of tagus became a tyranny under his successors, Polydorus, Polyphron, Alexander, Tisiphonus, and Lycophron; till at length the old aristocratical families called in the assistance of Philip of Macedonia, who deprived Lycophron of his power in B.C. 353, and restored the ancient government in the different towns. At Pheræ he is said to have restored popular, or, at least, republican government.[2] The country, however, only changed masters; for a few years later (B.C. 344) he made it completely subject to Macedonia by placing at the head of the four divisions of the country, tetrarchies or tetradarchies, which he re-established, governors devoted to his interests, and probably members of the ancient noble families, who had now become little better than his vassals.[3] Thessaly from this time remained in a state of dependance on the Macedonian kings,[4] till the victory of T. Flaminius at Cynoscephalæ, in B.C. 197, again gave them a show of independence under the protection of the Romans.[5]

TALA'RIA, small wings fixed to the ankles of Mercury, and reckoned among his attributes (*πέδιλα*,[6] *πτηνοπέδιλος*[7]). In many works of ancient art they are represented growing from his ankles, as if they were a part of his bodily frame; but more frequently they are attached to him as a part of his dress, agreeably to the description of the poets;[8] and this is commonly done by representing him with sandals, which have wings fastened to them on each side over the ankles. But there is a most beautiful bronze statue of this divinity in the Museum at Naples, in which the artist, instead of the sole of a sandal, has made the straps unite in a rosette under the middle of the foot (see woodcut), evidently intending by this elegant device to represent the messenger of the gods as borne through space without touching the ground.



Besides Mercury, the artists of antiquity also represented Perseus as wearing winged sandals,[9] because he put on those of Mercury when he went on his aërial voyage to the rescue of Andromeda.[10] (*Vid.* Falx.) The same appendage was ascribed to Minerva, according to one view of her origin, viz., as the daughter of Pallas.[11]

1. (Xen., Hell., ii., 3, § 4 —Diodor., xiv., 82.)—2 (Diod. xvi. 38.) — 3. (Dem., Philip., ii., p. 71; iii., p. 117.—Harpocr., s. v.) —4. (Polyb., iv., 76.)—5. (Liv., xxxiii., 34; xxxiv., 51.—Polyb., xviii., 30.—Buttmann, Mythol., No. xxii.— Von dem Geschlechte der Aleuaden.—Wœmel, De Thessaliæ incolis antiq., Frankf., 1829.—Horn, De Thess. Maced. imp. subj., Gryphiæ, 1829 — Tittmann, Darstellung der Griech. Staatsv., p. 713, &c.—Schömann, Ant. Jur. Publ. Gr., p. 401, &c. — Herrmann, Lehrbuch der Griech. Staatsalt., § 178.) — 6. (Athen., xii., 537, *f.*) — 7 (Orph., Hymn., xxvii., 4.—Ovid, Met., ii., 636. — Fulgent., Mythol., i.) — 8. (Hom., Il., xxiv., 340. — Od., v., 44.—Virg., Æn., iv., 239.)—9. (Mon. Matth., iii., 28.—Inghirami, Vasi Fittili, i., tav. 70; iv., tav. 166.) — 10. (Ovid, Met., iv., 665–667. — Hes., Scut., 216–220.—Eratosth., Catast., 22.—Hygin., Poet. Astron., ii., 12.) — 11. (Cic., De Nat. Deor., iii., 23. — Tzetzes, schol. in Lycoph. 355.)

TALAROS (τάλαρος). (*Vid.* Calathus.)

TALA'SSIO. (*Vid.* Marriage, Roman, p. 625.)

TALENTUM (τάλαντον) meant originally *a balance* (*vid.* Libra), then the substance weighed, and lastly and commonly a certain weight, *the talent*. The Greek system of money, as well as the Roman (*vid.* As), and those of most other nations, was founded on a reference to weight. A certain weight of silver among the Greeks, as of copper among the Romans, was used as a representative of a value, which was originally and generally that of the metal itself. The talent, therefore, and its divisions, are denominations of money as well as of weight.

The Greek system of weights contained four principal denominations, which, though different at different times and places, and even at the same place for different substances, always bore the same relation *to each other*. These were the *talent* (τάλαντον), which was the largest, then the *mina* (μνᾶ), the drachma (δραχμή), and the obolus (ὀβολός). Their relative values are exhibited in the following table:

Obol.	Drachma.	Mina.	
6	100		
600	6000	60	Talent.
36,000			

The multiples and subdivisions of the drachma and obolus have been noticed under Drachma.

1. *The Attic Talent.*—It appears from existing coins, which we have every reason to trust, since the Attic silver money was proverbially good, that the drachma, which was the unit of the system, weighed 66·5 grains. (*Vid.* Drachma.) Hence we get the following values for the Attic weights in English avoirdupois weight:

	lb.	oz.	grs.
Obol			11·08
Drachma			66·5
Mina		15	83·75
Talent	56	15¼	100·32

These values refer to the time after Solon, for we have no drachmæ of an earlier date. We may, however, arrive at a probable conclusion respecting the state of things before Solon's reform of the currency, by referring to another standard of the talent, which was used in commercial transactions, and the mina of which was called the *commercial mina* (ἡ μνᾶ ἡ ἐμπορική). This mina is mentioned in a decree,[1] the date of which is uncertain (about the 155th Olympiad, or B.C. 160, according to Böckh), as weighing 138 drachmæ, Στεφανηφόρου, according to the standard weights in the silver mint. (*Vid.* Argyrocopeion.) In this system, however, the relative proportion of the weights was the same as in the other; we have, therefore,

	lb.	oz.	grs.
Obol			15·29
Drachma			91·77
Mina	1	4¾	93·69
Talent	75	5¾	14·69

These weights were used for all commodities except such as were required by law to be weighed according to the other standard, which was also the one always used for money, and is therefore called the silver standard. No date is mentioned for the introduction of this system: it was, therefore, probably very old; and, in fact, as Böckh has shown, there is every reason to believe that it was the old system of Attic weights which was in use before the time of Solon.[1] Solon is known to have lowered the standard of money in order to relieve debtors; and Plutarch[2] informs us, on the testimony of Androtion, that "Solon made the mina of 100 drachmæ which had formerly contained 73." It is incredible that a large prime number, such as 73, should have been used as a multiplier in any system of weights; but what Plutarch meant to say was, that Solon made a mina, or 100 drachmæ, *out of the same quantity of silver* which was formerly used for 73 drachmæ. The proportion, therefore, of the ancient weights to those fixed by Solon was 100 : 73. Now this was very nearly the proportion of the commercial mina to the silver mina, namely, 138 : 100, $=100 : 73\frac{22}{69}$. But why should Solon have adopted so singular a proportion? It was probably an accident. Böckh has shown that in all probability Solon intended to reduce the mina one fourth, that is, to make 100 drachmæ of the new coinage equal to 75 of the old, but that, by some inaccuracy of manufacture, the new coins were found to be a little too light; and, as Solon's coinage furnished the standard for all subsequent ones, the error was retained. In fixing upon one fourth as the amount of the reduction, Solon seems to have been guided by the wish of assimilating the Attic system to another which was extensively used, but the origin of which is unknown, namely, the Euboïc talent, which will be presently spoken of.

The commercial weights underwent a change by the decree mentioned above, which orders that 12 drachmæ of the silver standard shall be added to the mina of 138 drachmæ; that to every five commercial minæ one commercial mina shall be added; and to every commercial talent five commercial minæ. Thus we shall have,

the mina = 150 drachmæ (silver),
5 minæ = 6 minæ (commercial),
the talent = 65 minæ (commercial).

The five-minæ weight of this system was equal to 7 *lbs.* 13¾ *oz.* 14·96 *grs.* avoirdupois, and the talent to 85 *lbs.* 2½ *oz.* 70·7 *grs.*

"The weights were kept with great care at Athens. The standards or models (σηκώματα) were deposited in the Acropolis; and there were others in the keeping of persons appointed to take charge of them, in the Prytaneum at Piræus and at Eleusis."[3]

The other Greek weights are computed from their relation to the Attic, as stated by ancient writers, and from existing coins. Unfortunately, the writers do not always agree with the coins, nor with each other.

2. *The Eubœic Talent* is often reckoned equivalent to the Attic. Herodotus[4] makes the Babylonian talent equal to 70 Euboïc minæ, Pollux[5] to 7000 Attic drachmæ, *i. e.*, to 70 Attic minæ. Comparing these two statements, we find the Attic and Euboïc weights equal. But it is likely that Pollux is not quite right, and that the Euboïc standard was a little greater than the Attic: for Ælian[6] gives 72 Attic minæ for the value of this same Babylonian talent, which would make the ratio of the Euboïc to the Attic 72 : 70, which is the same as 75 : $72\frac{11}{12}$. In this fact we have the ground of the supposition

1. (Böckh, Corp. Inscrip. i., 123, § 4.)

1. (Böckh, Publ. Econ. of Athens, i., p. 193.—Id., Metrolog. Untersuch., ix., 1. p. 115.)—2. (Solon, 15.)—3. (Hussey, p. 26, who quotes Böckh, Inscr., i., 150, § 24; 151, § 40; 123, § 5, 6.) 4. (iii., 89.)—5. (Onom., ix., 6.)—6. (Var. Hist., i., 22.)

stated above, that Solon intended to assimilate the Attic standard to the Euboïc: for we have seen that the old Attic talent was to Solon's as 100 : $72\frac{2}{6}\frac{2}{0}$. Assuming that Solon intended this ratio to have been 100 : 75, we have the *intended value* of Solon's talent to its *actual value* as 75 : $72\frac{3}{6}\frac{2}{0}$, which is almost identical with the ratio of the Euboïc talent to the Attic talent of Solon. The Euboïc talent would therefore exceed the Attic merely by the error which was made in the formation of the latter.

Another computation of the Euboïc talent is given by Appian,[1] who makes it equal to 7000 drachmæ, *i. e.*, 70 minæ of Alexandrea. (See below, on the Alexandrean talent.)

Festus, in the Excerpta of Paulus,[2] makes it equal to 4000 denarii. This is clearly an error: very probably Paulus applied the statement of Festus respecting the Rhodian talent to the Euboïc. (See below, on the Rhodian talent.)

The Romans seem to have reckoned both the Euboïc and Attic talents equal to 80 Roman pounds.[3]

3. *The Talent of Ægina* has been almost always considered to have borne to the Attic the ratio of 5 : 3, according to the statement of Pollux, that the Æginetan talent contained 10,000 Attic drachmæ, and the drachma 10 Attic obols.[4] Mr. Hussey, however, observes that this value would give an Æginetan drachma of 110 grains, whereas the existing coins give an average of only 96; and he explains the statement of Pollux as referring, not to the old Attic drachmæ of the full weight, but to the lighter drachma which was current in and after the reign of Augustus, and which was about equal to the Roman denarius. (*Vid.* Drachma.)

Taking, then, the value of the drachma given by the coins, we have the following values for the Æginetan weights:

	lb.	oz.	grs.
Obol			15
Drachma			96
Mina	1	$5\frac{3}{4}$	78 96
Talent	82	$3\frac{3}{4}$	30·46

On the other hand, Böckh adheres to the proportion of 5 : 3, as given by Pollux, who could not (he contends) have meant by drachmæ those equal to the denarii, because he is not making a calculation of his own, suited to the value of the drachma in his time, but repeating the statement of some ancient writer, who lived when the Attic and Æginetan currencies were in their best condition. Mr. Hussey himself states,[5] and for a similar reason to that urged by Böckh, that when Pollux speaks of the value of the Babylonian talent in relation to the Attic, he is to be understood as referring to Attic money of the full weight: and Böckh adds the important remark, that where Pollux reckons by the lighter drachmæ, as in the case of the Syrian and small Egyptian talents, this only proves that those talents had but recently come into circulation. Böckh thinks it very probable that Pollux followed the authority of Aristotle, whom he used much, and who had frequent occasions for speaking of the values of money in his political works.

Again: as the Æginetan standard was that which prevailed over the greater part of Greece in early times, we should expect to find some definite proportion between it and the old Attic before Solon; and, if we take the statement of Pollux, we do get such a proportion, namely, that of 6 : 5.

Böckh supports his view by the evidence of existing coins, especially the old Macedonian, before the adoption of the Attic standard by Philip and Alexander, which give a drachma of about 110 grains, which is to the Attic as 5 : ? The identity of the old Macedonian standard with the Æginetan is proved by Böckh.[1] There are also other very ancient Greek coins of this standard, which had their origin, in all probability, in the Æginetan system.

The lightness of the existing coins referred to by Hussey is explained by Böckh from the well-known tendency of the ancient mints to depart from the full standard.

Mr. Hussey quotes a passage where Herodotus states that Democedes, a physician, after receiving a talent in one year at Ægina, obtained at Athens the next year a salary of 100 minæ, which Herodotus clearly means was more than what he had before. But, according to Pollux's statement, the two sums were exactly equal. But Herodotus says nothing of different standards; surely, then, he meant the same standard to be applied in both cases.

From comparing statements made respecting the pay of soldiers, Hussey[3] obtains 4 : 3 as about the ratio of the Æginetan to the Attic standard. Böckh accounts for this by supposing that the pay of soldiers varied, and by the fact that the Æginetan money was actually lighter than the proper standard, while the Attic at the same period was very little below the full weight.

There are other arguments on both sides, but what has been said will give a sufficiently complete view of the question.

It is disputed whether the standards of Corinth and Sicily followed that of Athens or that of Ægina. For the discussion of this question, the reader is referred to the works of Böckh and Hussey.

4. The *Babylonian* talent had to the Attic the ratio of 7 : 6 according to Pollux[4] and Herodotus,[5] or 72 : 60 according to Ælian.[6] Böckh, understanding these statements as referring to the old Attic, makes the Babylonian standard equal to the Æginetan. This standard was much used for silver in the Persian empire.

5. The accounts of the *Egyptian*, *Alexandrean*, or *Ptolemaic Talent* are very confused. On the whole, it seems to have been equal to twice the Attic.

6. The *Tyrian Talent* appears to have been exactly equal to the Attic.

7. A *Rhodian Talent* is mentioned by Festus in a passage which is manifestly corrupt.[7] The most probable emendation of the passage gives 4000 cistophori or 7500 denarii as the value of this talent.

8. A *Syrian Talent* is mentioned, the value of which is very uncertain. There were two sizes of it. The larger, which was six times that used for money, was used at Antioch for weighing wood.

9. A *Cilician Talent* of 3000 drachmæ, or half the Attic, is mentioned by Pollux.[8]

The above were used for silver, but the actual coinage went no higher than the drachma, and a few multiples of it, the highest known with certainty being the tetradrachm. The mina and talent were sums of money, not *coins*.

A table of Attic money up to the tetradrachma is given under Drachma. The mina was 4*l.* 1*s* 3*d.*, the talent 243*l.* 15*s.* The Æginetan mina was, according to the existing coins, 5*l.* 14*s.* 7*d.*, the talent 343*l.* 15*s.*; but, according to the statement of Pollux mentioned above, the mina was 6*l.* 15*s.* 5*d.*, the talent 406*l.* 5*s.*

A much smaller talent was in use for gold. It was equal to 6 Attic drachmæ, or about $\frac{3}{4}$ oz. and 71 grs. It was called the *gold talent*, or the *Sicilian talent*, from its being much used by the Greeks of Italy and Sicily. This is the talent always meant

1. (Hist. Sic., v., 2.)—2. (s. v. Euboïcum talentum.)—3. (Polyb., xxi., 14.—Liv., xxxvii., 45, compared with Polyb., xxii., 26.—Liv., xxxviii., 38.)—4. (Poll., Onom., ix., 76, 86.)—5. (p. 34.)

1. (Metrol., p. 89. — Compare Müller, Dor., iii., 10, § 12, and Æginet., p. 54–58.)—2. (iii., 131.)—3. (p. 61.)—4. (ix., 86.)—5 (iii., 89.)—6. (Var. Hist., i., 22.)—7. (s. v. Talentum.)—8 (ix., 6.)

when the word occurs in Homer. The Italian Greeks divided it into 24 *nummi*, and afterward into 12,[1] each *nummus* containing 2½ litræ. (Compare Litra and Sestertius.) This talent was perhaps so called from the weight of gold contained in it being equal *in value* to a talent of copper, for the proportional value of gold to copper was 1000 : 1. This talent seems to have been divided into 3 minæ, each equal in weight to a didrachm or stater; for the talent of Thyatira is said to have been equal to three gold staters.[2] and Pollux[3] states that the gold stater was equal in value to a mina.

This small talent explains the use of the term *great talent* (magnum talentum), which we find in Latin authors, for the silver Attic talent was *great* in comparison with this. But the use of the word by the Romans is altogether very inexact.

There are other talents rarely mentioned by ancient writers. Hesychius[4] mentions one of 100 pounds (λίτρων), Vitruvius[5] one of 120; Suidas,[6] Hesychius, and Epiphanius[7] of 125; Dionysius of Halicarnassus[8] one of 125 asses, and Hesychius three of 165, 40b, and 1125 pounds respectively.

Where talents are mentioned in the classical writers without any specification of the standard, we must generally understand the Attic.

TA'LIO, from talis, signifies an equivalent, but it is used only in the sense of a punishment or penalty the same in kind and degree as the mischief which the guilty person has done to the body of another. A provision as to talio occurred in the Twelve Tables: "*Si membrum rupit ni cum eo pacit talio esto.*"[9] This passage does not state what talio is. Cato, as quoted by Priscian,[10] says: "*Si quis membrum rupit aut os fregit, talione proximus cognatus ulciscatur.*" The law of talio was probably enforced by the individual or his friends: it is not probable that the penalty was inflicted under a decision of a court of justice. It seems likely that it bore some analogy to the permission to kill an adulterer and adultress in certain cases, which the Julia lex confirmed; and if so, the law would define the circumstances under which an injured person or his cognati might take this talio. The punishment of death for death was talio; but it is not said that the cognati could inflict death for death. Talio, as a punishment, was a part of the Mosaic law: "breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again."[11]

*TALPA, the Mole. (*Vid.* Aspalax.)

TALUS (ἀστράγαλος), a Huckle-bone. The huckle-bones of sheep and goats have often been found in Greek and Roman tombs, both real, and imitated in ivory, bronze, glass, and agate. Those of the antelope (δορκάδειοι) were sought as objects of elegance and curiosity.[12] They were used to play

1. (Pollux, l. c.—Festus, s. v. Talentum.)—2. (Lex. Seg., p. 306.)—3. (ix., 57.)—4. (s. v.)—5. (x., 21.)—6. (s. v.)—7. (De Mens. et Pond.)—8. (ix., 27.)—9. (Festus, s. v. Talionis.)—10. (vi., p. 710, ed. Putsch.)—11. (Levit., xxiv., 20.)—12. (Theophr., Char., 5.—Athen., vi., 193, *f.*)

with from the earliest times, principally by women and children,[1] occasionally by old men.[2] A painting by Alexander of Athens, found at Resina, represents two women occupied with this game. One of them, having thrown the bones upward into the air, has caught three of them on the back of her hand.[3] (See the annexed woodcut, and compare the account of the game in Pollux.[4])

Polygnotus executed a similar work at Delphi, representing the two daughters of Pandarus thus employed (παιζούσας ἀστραγάλοις[5]). But a much more celebrated production was the group of two naked boys, executed in bronze by Polycletus, and called the *Astragalizontes*.[6] A fractured marble group of the same kind, preserved in the British Museum, exhibits one of the two boys in the act of biting the arm of his playfellow, so as to present a lively illustration of the account in Homer of the fatal quarrel of Patroclus.[7] To play at this game was sometimes called πενταλιθίζειν, because five bones or other objects of a similar kind were employed,[8] and this number is retained among ourselves.

While the tali were without artificial marks, the game was entirely one of skill; and in ancient no less than in modern times, it consisted not merely in catching the five bones on the back of the hand, as shown in the woodcut, but in a great variety of exercises requiring quickness, agility, and accuracy of sight. When the sides of the bone were marked with different values, the game became one of chance. (*Vid.* Alea, Tessera.) The two ends were left blank, because the bone could not rest upon either of them, on account of its curvature. The four remaining sides were marked with the numbers 1, 3, 4, 6, 1 and 6 being on two opposite sides, and 3 and 4 on the other two opposite sides. The Greek and Latin names of the numbers were as follows:[9] 1. Μονὰς, εἷς, κύων, Χῖος;[10] *Ion.* Οἶνη: *Unio, Vulturius, canis*;[11] 3. Τριάς: *Ternio*; 4. Τετράς: *Quaternio*; 6. Ἑξὰς, ἑξίτης, Κῶος: *Senio.*

As the bone is broader in one direction than in the other, it was said to fall upright or prone (ὀρθὸς ἢ πρηνής, *rectus aut pronus*), according as it rested on the narrow or the broad side.[12]

Two persons played together at this game, using four bones, which they threw up into the air, or emptied out of a dicebox (*vid.* Fritillus), and observing the numbers on the uppermost sides. The numbers on the four sides of the four bones admitted of thirty-five different combinations. The lowest throw of all was four aces (*jacit voltorios quatuor*[13]). But the value of a throw (βόλος, *jactus*) was not in all cases the sum of the four numbers turned up. The highest in value was that called *Venus*, or *jactus Venereus*,[14] in which the numbers cast up were all different,[15] the sum of them being only fourteen. It was by obtaining this throw that the king of the feast was appointed among the Romans[16] (*vid.* Symposium), and hence it was also called *Basilicus*.[1] Certain other throws were called by particular names, taken from gods, illustrious men and women, and heroes. Thus the throw consisting of two aces and two trays, making eight, which number, like the jactus Venereus, could be obtained only once, was denominated *Stesichorus*. When the object was simply to throw the highest numbers, the game

1. (Plut., Alcib., p. 350.)—2. (Cic., De Senect., 16.)—3. (Ant. d'Erc., i., tav. 1.)—4. (ix., cap. 7.)—5. (Paus., x., 30, § 1)—6 (Plin., H. N., xxxiv., 8, s. 19.)—7. (Il., xxiii., 87, 88.)—8. (Pollux, l. c.)—9. (Pollux, l. c.—Eustath. in Hom., Il., xxiii., 88—Suet., Octav., 71.—Mart., xiii., 1, 6.)—10. (Brunck, Anal., i., 35, 242.)—11. (Propert., iv., 9, 17.—Ovid, Art. Amat., ii., 205.—Fast., ii., 473.)—12. (Plut., Sympos. Prob., 1209, ed. Steph.—Cic., De Fin., iii., 16.)—13. (Plaut., Curc., ii., 3, 78.)—14 (Plaut., Asin., v., 2, 55.—Cic., Div., ii., 59.—Sueton., l. c.)—15 (Mart., xiv., 14.)—16. (Hor., Carm., i., 4, 18; ii., 7, 25—17 Plaut., Curc., ii., 3, 80.)

was called πλαγγονόλινδα.[1] Before a person threw the tali, he often invoked either a god or his mistress.[2] These bones, marked and thrown as above described, were also used in divination.[3]

In the Greek mythology, Cupid and Ganymede were supposed to play together at huckle-bones on Mount Olympus;[4] and they are thus represented in some remaining specimens of ancient sculpture.[5]

TAMIAS (*ταμίας*). This was a name given to any person who had the care, managing, or dispensing of money, stock, or property of any description confided to him, as a steward, butler, housekeeper, storehousekeeper, or treasurer: and the word is applied metaphorically in a variety of ways. But the *ταμίαι* who will fall under our notice in this article are certain officers intrusted with important duties by the Athenian government, and more especially the treasurers of the temples and the revenue.

In ancient times, every temple of any importance had property belonging to it, besides its furniture and ornaments, and a treasury where such property was kept. Lands were attached to the temple, from which rents accrued; fines were made payable to the god; trophies and other valuables were dedicated to him by the public; and various sacred offerings were made by individuals. There was a *ταμίας ἱερῶν χρημάτων*, who, together with *ἐπιστάται* and *ἱεροποιοί*, had the custody and management of these funds. The wealthiest of all the temples at Athens was that of Minerva in the Acropolis, in which were kept the spoils taken from the Persians (*τὰ ἀριστεῖα τῆς τόλεως*), besides magnificent statues, paintings, and other works of art.[6] To the goddess large fines were specially appropriated by the law, or given by decree of the courts or the assembly; and, besides this, she received a tenth of all the fines that went to the state, a tenth of all confiscations and prizes taken in war. Her treasurers were called *ταμίαι τῆς θεοῦ*, or *τῶν τῆς θεοῦ*, or *ταμίαι ἱερῶν χρημάτων τῆς θεοῦ*, and sometimes simply *ταμίαι*.[7] They appear to have existed from an early period. Herodotus[8] relates that the *ταμίαι του ἱεροῦ*, with a few other men, awaited the attack of Xerxes upon the Acropolis, and perished in its defence. They were ten in number, chosen annually by lot from the class of Pentacosiomedimni, and afterward, when the distinction of classes had ceased to exist, from among the wealthiest of Athenian citizens.[9] The treasurers of the other gods were chosen in like manner; but they, about the 90th Olympiad, were all united into one board, while those of Pallas remained distinct.[10] Their treasury, however, was transferred to the same place as that of Minerva, viz., to the Opisthodomus of the Parthenon, where were kept not only all the treasures belonging to the temples, but also the state treasure (*δσια χρήματα*, as contradistinguished from *ἱερά*), under the care of the treasurers of Pallas.[11] All the funds of the state were considered as being in a manner consecrated to Pallas; while, on the other hand, the people reserved to themselves the right of making use of the sacred moneys, as well as the other property of the temples, if the safety of the state should require it.[12] Payments made to the temples were received by the treasurers in the presence of some members of the senate, just as public moneys were by the apodectæ; and then the treasurers became responsible for their safe custody. As to fines, see

1. (Pollux, Onom., vii., 206; ix., 95, 110, 117.)—2. (Plaut., Capt., i., 1, 5.—Curc., ii., 3, 77–79.)—3. (Sueton., Tib., 14.)—4. (Apoll. Rhod., iii., 113–126. — Philost. Jun., Imag., 8.) — 5. (Winckelmann, Mon. Ined., cap. 35. — Levezow, in Böttiger's Amalth., i., p. 175–197.) — 6. (Demosth., c. Timocr., 741.) — 7. (Demosth., c. Androt., 615.) — 8. (viii., 51, 53.) — 9. (Harpocr. and Suid., s. v. Ταμίαι.) —10. (Demosth., c. Timocr., 743.)—11. (Aristoph., Plut., 1194 ss. 12. (Thucyd., ii., 13.)

EPIBOLE, PRACTORES, and on the whole of this subject, Böckh, *Staatsh. der Athen*, i., 172–176.

The treasurer of the revenue, *ταμίας* or *ἐπιμελητὴς τῆς κοινῆς προσόδου*, was a more important personage than those last mentioned. He was not a mere keeper of moneys like them, nor a mere receiver like the apodectæ, but a general paymaster, who received through the apodectæ all money which was to be disbursed for the purposes of the administration (except the property-taxes, which were paid into the war-office, and the tribute from the allies, which was at first paid to the hellenotamiæ, and afterward to other persons hereafter mentioned), and then distributed it in such manner as he was required to do by the law; the surplus (if any) he paid into the war-office or the theoric fund. As this person knew all the channels in which the public money had to flow, and exercised a general superintendence over the expenditure, he was competent to give advice to the people upon financial measures, with a view to improve the revenue, introduce economy, and prevent abuses; he is sometimes called *ταμίας τῆς διοικήσεως*, or *ὁ ἐπὶ τῆς διοικήσεως*, and may be regarded as a sort of minister of finance. To him Aristophanes refers in *Equit.*, 947. He was elected by *χειροτονία*, and held his office for four years, but was capable of being re-elected. A law, however, was passed during the administration of Lycurgus, prohibiting re-election; so that Lycurgus, who is reported to have continued in office for twelve years, must have held it for the last eight years under fictitious names. The power of this officer was by no means free from control, inasmuch as any individual was at liberty to propose financial measures, or institute criminal proceedings for malversation or waste of the public funds; and there was an *ἀντιγραφεὺς τῆς διοικήσεως* appointed to check the accounts of his superior. Anciently there were persons called *πορισταί*, who appear to have assisted the *ταμίαι* in some part of their duties.[1] (*Vid.* PORISTAI.)

The money disbursed by the treasurer of the revenue was sometimes paid directly to the various persons in the employ of the government, sometimes through subordinate pay offices. Many public functionaries had their own paymasters, who were dependant on the *ταμίας τῆς προσόδου*, receiving their funds from him, and then distributing them in their respective departments. Such were the *τριηροποιοί*, *τειχοποιοί*, *ὁδοποιοί*, *ταφροποιοί*, *ἐπεμεληταὶ νεωρίων*, who received through their own *ταμίαι* such sums as they required from time to time for the prosecution of their works. The payment of the judicial fees was made by the colacretæ (*κωλακρέται*), which, and the providing for the meals in the Prytaneum, were the only duties that remained to them after the establishment of the apodectæ by Clisthenes.[2] The *ταμίαι* of the sacred vessels, *τῆς Παράλου* and *τῆς Σαλαμινίας*, acted not only as treasurers, but as trierarchs; the expenses (amounting for the two ships together to about sixteen talents) being provided by the state. They were elected by *χειροτονία*.[3] Other trierarchs had their own private *ταμίαι* for the keeping of accounts and better despatch of business.[4]

The duties of the *ἑλληνοταμίαι* are spoken of in a separate article. (*Vid.* HELLENOTAMIÆ.)

The war fund at Athens (independently of the tribute) was provided from two sources; first, the property-tax (*vid.* EISPHORA), and, secondly, the surplus of the yearly revenue, which remained after defraying the expenses of the civil administration, *τὰ περιόντα χρήματα τῆς διοικήσεως*. Of the ten

1. (Böckh, id., 177.) — 2. (Aristoph., Vesp., 695, 724.) — 3. (Dem., c. Mid., 570.—Pollux, Onom., viii., 116.)—4. (Böckh, id., 183–186, 196.—Schömann, Ant. Jur. Publ. Gr., 250, 312.)

στρατηγοι who were annually elected to preside over the war department, one was called στρατηγὸς ὁ ἐπὶ τῆς διοικήσεως, to whom the management of the war fund was intrusted. He had under him a treasurer called ταμίας τῶν στρατιωτικῶν, who gave out the pay of the troops, and defrayed all other expenses incident to the service. Demosthenes, perhaps on account of some abuses which had sprung up, recommended that the general should have nothing to do with the military fund, but that this should be placed under the care of special officers, ταμίαι καὶ δημόσιοι, who should be accountable for its proper application: τὸν μὲν τῶν χρημάτων λόγον παρὰ τούτων λαμβάνειν, τὸν δὲ τῶν ἔργων παρὰ τοῦ στρατηγοῦ.[1] The passage just cited confirms the opinion of those who think that in Demosthenes[2] the words ὁ ἐπὶ τῆς διοικήσεως refer to a στρατηγός so designated, and not to the ταμίας τῆς προσόδου.[3]

So much of the surplus revenue as was not required for the purposes of war, was to be paid by the treasurer of the revenue into the theoric fund, of which, after the archonship of Euclides, special managers were created. (*Vid.* Theorica.)

Lastly, we have to notice the treasurers of the demi, δήμων ταμίαι, and those of the tribes, φυλῶν ταμίαι, who had the care of the funds belonging to their respective communities, and performed duties analogous to those of the state treasurers. The demi, as well as the tribes, had their common lands, which were usually let to farm. The rents of these formed the principal part of their revenue. Φύλαρχοι, δήμαρχοι, and other local functionaries, were appointed for various purposes; but with respect to their internal economy we have but scanty information.[4]

*TANUS (τανός), a sort of hastard Emerald, consist ng of crystal tinged by an admixture of metallic particles In the old editions of Theophrastus (*De Lapid.*, c. 45), we have a small lacuna after τῶν δέ at the beginning of the chapter, and at the end of this the form ἀνῶν, the end of the word that is wanting. This lacuna Turnebus fills up by appending a capital T to ανῶν, and thus forming Τανῶν, whence we get our term τανός. Others, however, read Βακτριανῶν, filling up the lacuna with Βακτρι, and this latter is the more received reading.[5]

*TAOS (ταώς), the Peacock, or *Pavo cristatus*, L. (*Vid.* Pavo.)

TAPES or TAPE'TE[6] (τάπης, τάπις, or δάπις, *dim.* δαπίδιον), a piece of tapestry, a carpet.

The use of tapestry was in very ancient times characteristic of Oriental rather than of European habits.[7] We find that the Asiatics, including the Egyptians, and also the Carthaginians, who were of Asiatic origin, excelled in the manufacture of carpets, displayed them on festivals and other public occasions, and gave them as presents to their friends.[8] They were nevertheless used by the Greeks as early as the age of Homer,[9] and by some of the later Roman emperors they were given as presents to the combatants at the Circensian games.[10] The places most renowned for the manufacture were Babylon[11] (*vid.* Babylonicum), Tyre and Sidon,[12] Sardes,[13] Miletus,[14] Alexandrea,[15] Carthage,[16] and Corinth.[17] In reference to the texture, these articles were distinguished into those which were light and thin, with but little nap, chiefly made at Sardes, and called ψιλοτάπιδες,[1] and those in which the nap (μαλλός) was more abundant, and which were soft and woolly (οὔλοι,[2] μαλακοῦ ἐρίοιο[3]). The thicker and more expensive kinds (μαλλωτοί) resembled our baize or drugget, or even our soft and warm blankets, and were of two sorts, viz., those which had the nap on one side only (ἑτερόμαλλοι), and those which had it on both sides, called ἀμφίταποι,[4] *amphitapæ*,[5] or ἀμφιτάπητες,[6] and also ἀμφίμαλλοι, or *amphimalla*.[7] Instead of being always used, like blankets, in single pieces as they came from the loom (*vid.* Pallium), carpets were often sewed together.[8] They were frequently of splendid colours, being dyed either with the kermes[9] or with the murex (ἀλουργεῖς, ἁλιπορφύροι), and having figures, especially hunting-pieces, woven into them.[10] These fine specimens of tapestry were spread upon thrones or chairs, and upon benches, couches, or sofas at entertainments,[11] more especially at the nuptials of persons of distinction. Catullus[12] represents one to have been so employed, which exhibited the whole story of Theseus and Ariadne. They were even used to sleep upon,[13] and for the clothing of horses.[14] The tapestry used to decorate the bier and catafalque at the Apotheosis of a Roman emperor was interwoven with gold.[15] The Orientals, upon occasions of state and ceremony, spread carpets both over their floors and upon the ground.[16]

Besides the terms which have now been explained, the same articles of domestic furniture had denominations arising from the mode of using them either in the Triclinium (*tricliniaria Babylonica*[17]), or in the Cubiculum (*cubicularia polymita*[18]), and especially from the constant practice of spreading them out (*textile stragulum*;[19] *stratum*;[20] *vestis stragula*;[21] στρωμναί;[22] στρώματα[23]). The Greek term *peristroma*, which was transferred into the Latin,[24] had a special signification, meaning probably a coverlet made so large as to hang round the sides of the bed or couch.

TA'PHOI (τάφοι). (*Vid.* Funus, p. 457.)

*TARANDUS (τάρανδος), the Reindeer, or *Cervus Tarandus*, L. Such, at least, is the general opinion of naturalists. Schneider, however, refers it to the Elk, or *Cervus alces*, L.[25]

TARENTI'NI LUDI. (*Vid.* Ludi Sæculares.)

TARRHOS (ταρρός). (*Vid.* Ships, p. 893.)

TAURII LUDI. (*Vid.* Ludi Sæculares.)

*TAURUS (ταῦρος). (*Vid.* Bison.)

TAXIARCHI (ταξίαρχοι) were military officers at Athens, who were next in rank to the strategi. (*Vid.* Strategos.) They were ten in number like the strategi, one for each tribe, and were elected in the same way, namely, by χειροτονία.[26] In war each commanded the infantry of his own tribe,[27] and they were frequently called to assist the strategi with their advice at the war-council.[28] In peace they as-

1. (De Chersən., 101.)—2. (De Coron., 238, 265.)—3. (Schömann, Ant. Jur. Publ. Gr., 252, n. 7.—Böckh, id., 193.—Meier, Att. Proc., 105.)—4. (Schömann, De Comit., 371–378.—Id., Ant. Jur. Publ. Gr., 203, 204.)—5. (Theophr., De Lapid., c. 45.—Adams, Append., s. v.)—6. (Non. Marcell., p. 229, ed. Merceri.)—7. (Athen., ii., p. 48, *d.*)—8. (Xen., Anab., vii., 3, § 18, 27.)—9. (Il., xvi., 224; xxiv., 230, 645.—Od., iv., 208; vii., 337.)—10. (Sidon. Apoll., Carm., xxiii., 427.)—11. (Arrian, Exped. Alex., vi., p. 436, ed. Blanc.—Sidon. Apoll., Epist., ix., 13.)—12. (Heliod., v, p. 252, ed. Commelin.)—13. (Athen., ii., p. 48, *b.*; vi., p. 255, *e.*; xii., p. 514, *c.*—Non. Marcell., p. 542.)—14. (Aristoph., Ran., 542.)—15. (Plaut., Pseud., i., 2, 14.)—16. (Athen., i., p. 27, *a.*)—17. (Athen., i., p. 27, *d.*)

1. (Athen., vi., p. 255, *e.*; xii., p. 514, *c.*—Diog. Laert., v., 72.)—2. (Hom., Il., xvi., 224.)—3. (Hom., Od., iv., 124.)—4. (Athen., v., p. 197, *b.*; vi., p. 255, *e.*—Diog. Laert., v., 72, 73.)—5. (Non. Marcell., p. 540.—Lucil., Sat., i., p. 188, ed. Bip.)—6. (Eustath. in Hom., Il., ix., 200.)—7. (Plin., H. N., viii., 48, s. 73.)—8. (Plaut., Stich., ii., 2, 54.)—9. (Hor., Sat., ii., 6, 102–106.)—10. (Sidon. Apoll., l. c.—Plaut., Pseud., i., 2, 14.)—11. (Hom., Il., ix., 200.—Od., xx., 150.—Virg., Æn., i., 639, 697–700.—Ovid, Met., xiii., 638.—Cic., Tusc., v., 21.)—12. (Argon., 47–220.)—13. (Hom., Il., x., 156.—Anac., viii., 1, 2.—Theocr., xv., 125.—Aristoph., Plut., 540.—Virg., Æn., ix., 325, 358.)—14. (Æn., vii., 277.)—15. (Herodian, iv., 2, p. 82, ed. Bekker.)—16. (Æschyl., Agam., 879–936.—Athen., iv., 131, *b.*; xii., 514, *c.*)—17. (Plin., H. N., viii., 48, s. 74.)—18. (Mart., xiv., 150.)—19. (Cic., Tusc., v., 21.)—20. (C. Nepos, Ages., viii., 2.)—21. (Liv., xxxiv., 7.—Hor., Sat., ii., 3, 118.)—22. (Plut., Lycurg., p. 86, ed. Steph.—Athen., iv., p. 142, *a.*)—23. (Id., ii., p. 48, *d.*)—24. (Diog. Laert., l. c.—Plaut., Stich., ii., 2, 54.—Cic., Phil., ii., 27.)—25. (Ælian, N. A., ii., 16.—Phil., Carm., 55.—Plin., H. N., viii., 34.—Adams, Append., s. v.)—26. (Demosth., Philip., i., p. 47.—Pollux, Onom., viii., 87.)—27. (Dem. in Bœot., p. 999.—Æsch. De Fals. Leg., p. 333.)—28. (Thucyd., viii., 60.)

aisted the strategi in levying and enlisting soldiers, as stated under STRATEGOS, and seem to have also assisted the latter in the discharge of many of their other duties.

The taxiarchs were so called from their commanding *τάξεις*, which were the principal divisions of the hoplites in the Athenian army. Each tribe (*φυλή*) formed a *τάξις*, whence we find *φυλή* used as synonymous with *τάξις*.[1] As there were ten tribes, there were, consequently, in a complete Athenian army, ten *τάξεις*, but the number of men would, of course, vary according to the importance of the war. Among the other Greeks the *τάξις* was the name of a much smaller division of troops. The *λόχος* among the Athenians was a subdivision of the *τάξις*, and the *λοχαγοί* were probably appointed by the taxiarchs.[2]

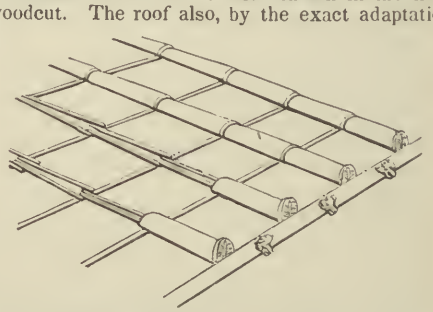
TAXIS (*τάξις*). (*Vid.* TAXIARCHI.)

*TAXUS (*μίλος*), the Yew-tree, or *Taxus baccata*, L. The *Taxus* receives from Virgil the epithet of *nocens*, or "hurtful," because the berries of this tree pass for poisonous. The same opinion appears to have been prevalent during the Middle Ages, and still forms an article of popular belief. It has even been regarded as dangerous to sleep for some hours under the shade of this tree. A modern writer, however (M. Percy), has set himself in opposition to this very prevalent opinion, and maintains that the berries of the yew are innocuous, and merely possess a slight purgative property, which might be usefully employed in medicine. The yew is indigenous to the North. In southern countries, therefore, it seeks a mountainous and cold region. Hence it flourishes in Corsica. The wood might be turned to a variety of useful purposes: the Ituræans of antiquity, dwelling in Cœle-Syria, made bows of it. Its sombre foliage and general appearance have caused it to be selected by the moderns as a funereal tree.[3]

TEGULA (*κέραμος*, *dim.* *κεραμίς*[4]), a roofing-tile. Roofing-tiles were originally made, like bricks, of baked clay (*γῆς ὀπτῆς*). Byzes of Naxos first introduced tiles of marble about the year 620 B.C.[5] Besides the superior beauty and durability of the material, these tiles could be made of a much larger size than those of clay. Consequently, when they were employed in the construction of the greatest temples, such as that of Jupiter at Olympia,[6] the Parthenon at Athens, and the Serapeium at Puteoli, their dimensions were in exact proportion to the other parts of the building; and the effect of the parallel rows of joint-tiles descending from the ridge to the eaves, and terminated by ornamental frontons, with which the lions'-heads (*capita leonina*;[7] *χολέραι*[8]) over the cornice alternated, was exceedingly grand and beautiful. How highly this invention was prized by the ancients is proved by the attempt of the Roman censor Q. Fulvius Flaccus to despoil the temple of the Lacinian Juno of some of its marble tiles (*tegulæ marmoreæ*), in order to adorn another temple which he had vowed to erect in Rome.[9] A still more expensive and magnificent method of roofing consisted in the use of tiles made of bronze and gilt.[10]

Tiles were originally made perfectly flat, or with nothing more than the hook or nozzle underneath the upper border, which fulfilled the purpose of fixing them upon the rafters. They were afterward formed with a raised border on each side, as is shown in the annexed woodcut, representing the section of four of the tiles remaining at Pompeii.

In order that the lower edge of any tile might overlap the upper edge of that which came next below it, its two sides were made to converge downward. See the next woodcut, representing a tiled roof, from a part of which the joint-tiles are removed, in order to show the overlapping and the convergence of the sides. It was evidently necessary to cover the lines of junction between the rows of flat tiles, and this was done by the use of semicylindrical tiles called *imbrices*. The above woodcut shows the section of three imbrices found at Pompeii, and indicates their position relatively to the flat tiles. This is also shown in the next woodcut. The roof also, by the exact adaptation



of the broad *tegulæ* and the narrow *imbrices* throughout its whole extent, became like one solid and compact framework.[1] The rows of joint-tiles divided the roof into an equal number of channels, down which the water descended into the gutter (*canalis*), to be discharged through openings made in the lions'-heads, the position and appearance of which are shown in the woodcuts. The rows of flat tiles terminated in a variously ornamented front, which rose immediately above the cornice, and of which specimens are shown in the first woodcut. The first and fourth patterns are drawn from tiles found at Pompeii, and the two internal from tiles preserved in the British Museum, and brought thither from Athens. The lions'-heads upon the third and fourth are perforated. (*Vid.* ANTEFIXA, COLUMNA, p. 289.) The frontons, which were ranged along the cornice at the termination of the rows of joint-tiles, were either painted or sculptured so as to represent leaves, aplustria (*vid.* APLUSTRE), or masks. The first woodcut shows three examples of such frontons, which belong to the Elgin collection in the British Museum. They are drawn on a much larger scale than the other objects in the same woodcut. The invention of these graceful ornaments is ascribed to Dibutades of Corinth.[2]

Other highly curious details upon the tiled roofs of Greek temples may be seen in the *Unedited Antiquities of Attica*, Lond., 1817.

The same arrangement of tiles which was placed round a temple was also to be found within a house which was formed with an opening in the centre. Hence any person who descended from the roof

1. (Lys. in Agorat., p. 498, 501.)—2. (Schömann, Ant. Jur. Publ. Gr., p. 253, &c.)—3. (Theophr., H. P., iii., 4.—Fée, Flore de Virgile, p. clix.)—4. (Xen., Hell., vi., 5, § 9.)—5. (Paus., v., 10, § 2.)—6. (Paus., l. c.)—7. (Vitruv., iii., 5, § 15.)—8. (Horapoll., Hier., i., 21.)—9. (Liv., xlii., 4.—Val. Max., i., 1, § 20.)—10. (Plin., H. N., xxxiii., 3, s. 18.)

1. (Xen., Mem., iii., 1, § 7.)—2. (Plin., H. N., xxxv., 12 s. 43

into the open court or impluvium of a house (*vid.* HOUSE, p. 516, 519) was said to pass "through the tiles" (*per tegulas*; διὰ τῶν κεράμων[2]).

Pliny mentions a kind of tiling under the name *pavonaceum*,[3] so called probably because the tiles were semicircular at their lower edge, and overlapped one another like the feathers in the train of a peacock

TEICHOPOIOS (τειχοποιός). Among the various persons to whom was intrusted the management of public works at Athens (ἐπιστάται δημοσίων ἔργων) were those whose business it was to build and keep in repair the public walls. It is needless to observe how important to the city of Athens were her walls and fortifications, more especially the long walls, which connected the upper city with the Piræus, which gave it the advantages of an island. These were maintained at considerable expense. The τειχοποιοί appear to have been elected by χειροτονία, one from each tribe, and probably for a year. They were considered to hold a magisterial office (ἀρχή), and in that capacity had an ἡγεμονία δικαστηρίου. Æschines calls them ἐπιστάται τοῦ μεγίστου τῶν ἔργων. Funds were put at their disposal, for which they had their treasurer (ταμίας), dependant on the treasurer of the revenue. They were liable to render an account (εὐθύνη) of their management of these funds, and also of their general conduct, like other magistrates. The office of τειχοποιός has been invested with peculiar interest in modern times on account of its having been held by Demosthenes, and its having given occasion to the famous prosecution of Ctesiphon, who proposed that Demosthenes should receive the honour of a crown before he had rendered his account according to law. As to the nature of the office, and the laws thereto relating, we may probably rely upon the account given by Æschines.[4]

TELA (ἱστός), a Loom. Although weaving was among the Greeks and Romans a distinct trade, carried on by a separate class of persons (ὑφάνται, *texicres* and *textrices*, *linteones*), who more particularly supplied the inhabitants of the towns with the productions of their skill[5] (*vid.* PALLIUM, p. 718), yet every considerable domestic establishment, especially in the country, contained a loom,[6] together with the whole apparatus necessary for the working of wool (*lanificium*, ταλασία, ταλασιουργία[7]). (*Vid.* CALATHUS.) These occupations were all supposed to be carried on under the protection of Minerva, specially denominated Ἐργάνη, who was always regarded in this character as the friend and patroness of industry, sobriety, and female decorum.[8]

When the farm or the palace was sufficiently large to admit of it, a portion of it, called the ἱστῶν (*histones*[9]) or *textrinum*, was devoted to this purpose.[10] The work was there principally carried on by female slaves (*quasillariæ*, αἱ ἐριθοί[11]), under the superintendence of the mistress of the house, who herself also, together with her daughters, took part in the labour, both by instructing beginners, and by finishing the more tasteful and ornamental parts.[12] But, although weaving was employed in providing the ordinary articles of clothing among the Greeks and Romans from the earliest times, yet, as an inventive and decorative art, subservient to luxury and refinement, it was almost entirely Oriental. Persia, Babylonia, Egypt, Phœnicia, Phrygia, and Lydia, are all celebrated for the wonderful skill and magnificence displayed in the manufacture of scarfs, shawls, carpets, and tapestry. (*Vid.* BABYLONICUM, CHLAMYS, PALLIUM, PEPLUM, TAPES.)

Among the peculiarities of Egyptian manners, Herodotus[1] mentions that weaving was in that country the employment of the male sex. This custom still continues among some Arab and negro tribes.[2] Throughout Europe, on the other hand, weaving was in the earliest ages the task of women only. The matron, assisted by her daughters, wove clothing for the husband and the sons.[3] This domestic custom gives occasion, in the works of the epic and tragic poets, to some very interesting *dénoûmens* and expressions of affection between near relatives. Indeed, the recognition, or ἀναγνώρισις, as Aristotle calls it,[4] often depends on this circumstance. Thus Creusa proves herself to be the mother of Ion[5] by describing the pattern of a shawl which she had made in her youth, and in which she had wrapped her infant son. Iphigenia recognises her brother Orestes on one occasion,[6] and Electra recognises him on another,[7] by the figured clothing which he wore, and which they had long before woven for him.

Besides the shawls which were frequently given to the temples by private persons, or obtained by commerce with foreign nations, companies or colleges of females were attached to the more opulent temples for the purpose of furnishing a regular supply. Thus the sixteen women, who lived together in a building destined to their use at Olympia, wove a new shawl every five years to be displayed at the games which were then celebrated in honour of Hera, and to be preserved in her temple.[8] (*Vid.* HERÆA.) A similar college at Sparta was devoted to the purpose of weaving a tunic every year for the sitting statue of the Amyclean Apollo, which was thirty cubits high.[9] At Athens the company of virgins called ἐργαστῖναι or ἐργάναι, and ἀρρηφόροι, who were partly of Asiatic extraction, wove the shawl which was carried in the Panathenaic procession, and which represented the battle between the gods and the giants.[10] (*Vid.* ARRHEPHORIA, PANATHENÆA, p. 723.) A similar occupation was assigned to young females of the highest rank at Argos.[11] In the fourth century, the task of weaving began to be transferred in Europe from women to the other sex, a change which St. Chrysostom deplores as a sign of prevailing sloth and effeminacy.[12] Vegetius,[13] who wrote about the same time, mentions *linteones*, or the manufacturers of linen cloth, in the number of those who were ineligible as soldiers.

Everything woven consists of two essential parts, the warp and the woof, called in Latin *stamen* and *subtegmen*, *subtemen*, or *trama*,[14] in Greek στήμων and κροκή.[15] Instead of κροκή Plato[16] sometimes uses ἐφυφή, and in the passages referred to he mentions one of the most important differences between the warp and the woof: viz., that the threads of the former are strong and firm, in consequence of being more twisted in spinning, while those of the latter are comparatively soft and yielding. This is, in fact, the difference which in the modern silk manufacture distinguishes *organzine* from *tram*, and

1. (Ter., Eun., iii., 5, 40.—Compare Gellius, x., 15.)—2. (St. Luke, v., 19.)—3. (H. N., xxxvi., 22, s. 44.)—4. (Æsch., c. Ctes., 55–57, ed. Steph.—Böckh, Staatsh. der Athen., i., 183, 218.)—5. (Cato, De Re Rust., 135.)—6. (Id. ib., 10, 14.)—7. (Hesiod, Op. et Dies, 779.—Virg., Georg., i., 285, 294.—Ovid, Fast., c. 701.)—8. (Serv. in Virg., Ecl., vi., 3.)—9. (Varro, De Re Rust., i., 2.)—10. (Cic., Verr., II., iv., 26.)—11. (Theocr., xv., 80.—Hom., Od., . 356–360; vii., 235, xxi., 350)—12. (Vitruv., vi., 7, p. 164, ed. Schneider.—Symm., Epist., vi., 40.)

1. (ii., 35.—Compare Athen., ii, p. 48, *b.*)—2. (Welsted, Travels, i., p. 123.—Prichard, Researches, ii., p. 60, 3d edition.)—3. (Colum., De Re Rust., xii., Præf.—Plin., H. N., viii., 48, s. 74.—Herod., ix., 109.)—4. (De Art., Poet., 6, § 18; 14, § 21.)—5. (Eurip. Ion, 1416, 1417.)—6. (Id. Iph., in Taur., 814–817.)—7. (Æsch., Choeph., 225.)—8. (Paus., v., 16, § 2–4; vi., 24, § 8.)—9. (Paus., iii., 16, § 2; 19, § 2.)—10. (Eurip., Hec., 461–469.—Virg., Cirs, 21–35.)—11. (Eurip., Iph. in Taur., 213–215.)—12. (Orat., 34, vol. iii., p. 470, ed. Saville.)—13. (De Re Mil., i., 7.)—14. (Vitruv., x., 1.—Ovid, Met., iv., 397.—Plin., H. N., xi., 24, s. 28.—Pers., Sat., vi., 73.)—15. (Plato, Polit., p. 297, 301, 302, ed. Bekker.—Ælian, H. A., ix., 17.—Plut., De Is. et Osir., p. 672.)—16. (Leg., v., p. 386, ed. Bekker.)

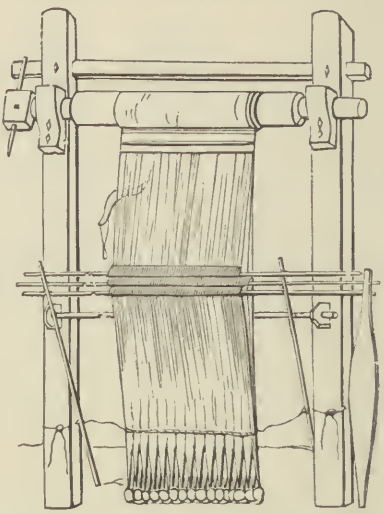
in the cotton manufacture *twist* from *weft*. Another name for the woof or tram was *ῥοδάνη*.[1]

The warp was called *stamen* in Latin (from *stare*), on account of its erect posture in the loom.[2] The corresponding Greek term *στήμων*, and likewise *ἱστός*, have evidently the same derivation. For the same reason, the very first operation in weaving was to set up the loom, *ἱστὸν στήσασθαι*:[3] and the web or cloth, before it was cut down, or "descended" from the loom (*κατέβα ἀφ' ἱστῶ*[4]), was called "*vestis pendens*," or "*pendula tela*,"[5] because it hung from the transverse beam or JUGUM. These particulars are all clearly exhibited in the picture of Circe's loom, which is contained in the very ancient illuminated MS. of Virgil's Æneid preserved at Rome in the Vatican Library. (See the annexed woodcut, and compare Virgil,[6] *apud majores stantes texebant.*) Although the upright loom here

exhibited was in common use, and employed for all ordinary purposes, the practice, now generally adopted, of placing the warp in a horizontal position was occasionally resorted to in ancient times; for the upright loom (*stans tela, ἱστὸς ὀρθιος*), the management of which required the female to stand and move about, is opposed to another kind at which she sat.[7]

We observe in the preceding woodcut, about the middle of the apparatus, a transverse rod passes through the warp. A straight cane was well adapted to be so used, and its application is clearly expressed by Ovid in the words "*stamen secernit arundo.*"[8] In plain weaving it was inserted between the threads of the warp so as to divide them into two portions, the threads on one side of the rod alternating with those on the other side throughout the whole breadth of the warp. The two upright beams supporting the jugum, or transverse beam from which the warp depends, were called *κελεόντες*[9] and *ἱστόποδες*, literally, "the legs of the loom."[10]

While the improvements in machinery have to a great extent superseded the use of the upright loom in all other parts of Europe, it remains almost in its primitive state in Iceland. The following woodcut is reduced from an engraving of the Icelandic loom in Olaf Olafsen's *Economic Tour* in that island, published in Danish at Copenhagen, A.D. 1780. We observe underneath the jugum a roller (*ἀντιον*[11]), which is turned by a handle, and on which the web is wound as the work advances. The threads of the warp, besides being separated by a transverse rod or plank, are divided into thirty or forty parcels, to each of which a stone is suspended, for the purpose of keeping the warp in a perpendicular position, and allowing the necessary play to the strokes of the spatha, which is drawn at the side of the loom. The mystical ode written about the eleventh century of our era, with which Gray has made us familiar in his translation, and which describes the loom of "the Fatal Sisters," represents warriors' sculls as supplying the place of these round stones (*pondera*[1]). The knotted bundles of threads to which the stones were attached often remained after the web was finished in the form of a fringe. (*Vid.* FIMBRIÆ.)



While the comparatively coarse, strong, and much-twisted thread, designed for the warp, was thus arranged in parallel lines, the woof remained upon the spindle (*vid.* FUSUS), forming a *spool, bobbin*, or *pen* (*πήνη, dim. πήνιον*[2]). This was either conveyed through the warp without any additional contrivance, as is still the case in Iceland, or it was made to revolve in a shuttle (*πανοῦλκος*,[3] *radius*[4]). This was made of box brought from the shores of the Euxine, and was pointed at its extremities, that it might easily force its way through the warp.[5] The annexed woodcut shows the form in which it is still used in some retired parts of our island for common domestic purposes, and which may be regarded as a form of great antiquity. An oblong cavity is seen in its upper surface, which holds the bobbin. A small stick, like a wire, ex-

tends through the length of this cavity, and enters its two extremities so as to turn freely. The small stick passes through a hollow cane, which our manufacturers call a *quill*, and which is surrounded by the woof. This is drawn through a round hole in the front of the shuttle, and, whenever the shuttle is thrown, the bobbin revolves, and delivers the woof through this hole. The process of winding the yarn so as to make it into a bobbin or pen was called *πηνίζεσθαι*[6] or *ἀναπηνίζεσθαι*.[7] The reverse process, by which it was delivered through the hole in front of the shuttle (see the last woodcut), was called *ἐκπηνίζεσθαι*. Hence the phrase *ἐκπηνιεῖται ταῦτα* means "he shall disgorge these things."[8]

All that is effected by the shuttle is the conveyance of the woof across the warp. To keep every thread of the woof in its proper place, it is necessary that the threads of the warp should be decussated. This was done by the leashes, called in

1. (Hom., Batr., 181.—Eustath. in Hom., Il., xxiii., 762.—Od., *r*, 121)—2. (Varro, L. L., v., 113, ed. Müller.)—3. (Hom., Od., *λ*., 94.—Hesiod, Op. et Dies, 779.)—4. (Theocr., xv., 35.)—5. (Ovid, Met., iv., 395.—Epist., i., 10.)—6. (Æn., vii., 14.—Servius, in loc.—Hom., Od., x., 222.)—7. (Artemid., iii., 36.—Servius, c.)—8. (Met., vi., 55.)—9. (Theocr., xviii., 34.)—10. (Eustath. in Hom., Od., xiii., 107.)—11. (Pollux, Onom., vii., x., § 36.—Eustath. in Hom., Od., xiii., 107.)

1. (Sen., Epist., 91.—Plin., H. N., l. c.)—2. (Hom., Il., xxiii., 762.—Eurip., Hec., 466.)—3. (Hesych., s. v. *Πήνιον.*)—4. (Lucret., v., 1352.)—5. (Virg., Æn., ix., 476.—Ovid, Met., iv., 275; vi., 56, 132.—Fast., iii., 879.)—6. (Theocr. xviii., 32.)—7 (Aristot., H. A., v., 19.)—8. (Aristoph., Ran., 586.—Schol. in &c.)

Latin *licia*, in Greek *μίτοι* (*μίτος*[1]). By a leash we are to understand a thread, having at one end a loop, through which a thread of the warp was passed, the other end being fastened to a straight rod called *liciatorium*, and in Greek *κανών*.[2] The warp, having been divided by the arundo, as already mentioned, into two sets of threads, all those of the same set were passed through the loops of the corresponding set of leashes, and all these leashes were fastened at their other end to the same wooden rod. At least one set of leashes was necessary to decussate the warp even in the plainest and simplest weaving. The number of sets was increased according to the complexity of the pattern, which was called *bilix* or *trilix*,[3] *δίμιτος*, *τρίμιτος*,[4] or *πολύμιτος*,[5] according as the number was two, three, or more.

The process of annexing the leashes to the warp was called *ordiri telam*,[6] also *licia telæ addere*, or *adnectere*.[7] It occupied two women at the same time, one of whom took in regular succession each separate thread of the warp, and handed it over to the other; this part of the process was called *παραφέρειν*, *παραδίδοναι*, or *προφορεῖσθαι*.[8] The other woman, as she received each thread, passed it through the loop in proper order, and this act, which we call "entering," was called in Greek *διάζεσθαι*.[9]

Supposing the warp to have been thus adjusted, and the pen or the shuttle to have been carried through it, it was then decussated, by drawing forward the proper rod so as to carry one set of the threads of the warp across the rest, after which the woof was shot back again, and by the continual repetition of this process the warp and woof were interlaced.[10] In the preceding figure of the Icelandic loom we observe two staves, which are occasionally used to fix the rods in such a position as is most convenient to assist the weaver in drawing her woof across her warp. After the woof had been conveyed by the shuttle through the warp, it was driven sometimes downward, as is represented in the first woodcut, but more commonly upward, as in the second.[11] Two different instruments were used in this part of the process. The simplest, and probably the most ancient, was in the form of a large wooden sword (*spatha*, *σπάθη*, *dim. σπάθιον*[12]). From the verb *σπαθάω*, to beat with the spatha, cloth rendered close and compact by this process was called *σπαθητός*.[13] This instrument is still used in Iceland exactly as it was in ancient times, and a figure of it, copied from Olafsen, is given in the second woodcut.

The spatha was, however, in a great degree superseded by the comb (*pecten*, *κερκίς*), the teeth of which were inserted between the threads of the warp, and thus made, by a forcible impulse, to drive the threads of the woof close together.[14] It is probable that the teeth were sometimes made of metal;[15] and they were accommodated to the purpose intended by being curved (*pectinis unci*[16]), as is still the case in the combs which are used in the same manner by the Hindus. Among us the office of the comb is executed with greater ease and effect by the *reed*, *lay*, or *batten*.

The lyre (*vid.* Lyra), the favourite musical instrument of the Greeks, was only known to the Romans as a foreign invention. Hence they appear to have described its parts by a comparison with the loom, with which they were familiar. The terms *jugum* and *stamina* were transferred by an obvious resemblance from the latter to the former object; and, although they adopted into their own language the Greek word *plectrum*,[1] they used the Latin Pecten to denote the same thing, not because the instrument used in striking the lyre was at all like a comb in shape and appearance, but because it was held in the right hand, and inserted between the stamina of the lyre, as the comb was between the stamina of the loom.[2]

After enumerating those parts of the loom which were necessary to produce even the plainest piece of cloth, it remains to describe the methods of producing its varieties, and more especially of adding to its value by making it either warmer and softer, or more rich and ornamental. If the object was to produce a checked pattern (*scutulis dividere*[3]), or to weave what we should call a Scotch plaid, the threads of the warp were arranged alternately black and white, or of different colours in a certain series, according to the pattern which was to be exhibited. On the other hand, a striped pattern (*ραβδωτός*;[4] *virgata sagula*[5]) was produced by using a warp of one colour only, but changing at regular intervals the colour of the woof. Of this kind of cloth the Roman *trabea*[6] was an example. Checked and striped goods were, no doubt, in the first instance, produced by combining the natural varieties of wool, white, black, brown, &c. (*Vid.* Pallium, p. 718.) The woof also was the medium through which almost every other diversity of appearance and quality was effected. The warp, as mentioned above, was generally more twisted, and consequently stronger and firmer than the woof; and with a view to the same object, different kinds of wool were spun for the warp and for the woof. The consequence was, that after the piece was woven, the fuller drew out its nap by carding, so as to make it like a soft blanket (*vid.* Fullo, p. 453); and, when the intention was to guard against the cold, the warp was diminished, and the woof or nap (*κρόξ*, *κρόκυς*) made more abundant in proportion.[8] In this manner they made the soft *χλαῖνα* or Læna. (*Vid.* Pallium, p. 718.) On the other hand, a woof of finely-twisted thread (*ἤτριον*) produced a thin kind of cloth, which resembled our buntine (*lacernæ nimia subteminum tenuitate perflabiles*[9]). Where any kind of cloth was enriched by the admixture of different materials, the richer and more beautiful substance always formed part of the woof. Thus the *vestis subscrica* or *tramoserica* had the tram of silk. (*Vid.* Sericum.) In other cases it was of gold,[10] of wool dyed with Tyrian purple[11] (*Tyrio subtegmine*,[12] *picto subtegmine*[13]), or of beavers'-wool (*vestis fibrina*[14]). Hence the epithets *φοινικόκροκος*, "having a purple woof,"[15] *ἀνθοκρόκος*, "producing a flowery woof,"[16] *χρυσεοπηνήτος*, "made from bobbins or pens of gold thread,"[17] *εὐπήνος*, "made with good bobbins,"[18] *κερκίδι ποικιλλοῦσα*, "variegating with the comb,"[19] &c.

But, besides the variety of materials constituting the woof, an endless diversity was effected by the manner of inserting them into the warp. The terms *bilix* and *δίμιτος*, the origin of which has been explained, probably denoted what we call *dimity*, or

1. (Hom., Il., xxiii., 762.)—2. (Aristoph., Thesm., 329.)—3. (Mart., xiv., 143.)—4. (Crat. Jun., Frag., p. 103, ed. Runkel.)—5. (Per., Mar. Eryth., p. 164, 170, 173, ed. Blancardi.)—6. (Plin., H. N., xi., 24, s. 28.)—7. (Virg., Georg., i., 285.—Tibull., i., 6, 78.)—8. (Schol. in Aristoph., Av., 4.—Suidas, Hesych., s. v.)—9. (Schol. in Hom., Od., vii., 107.)—10. (Plut., vii., sap. conv., p. 592, ed. Reiske.—Hom., Il., xxiii., 760–763.)—11. (Isid., Orig., xix., 22.—Herod., ii., 35.)—12. (Brunck, Anal., i., 222.—Plato, Lysis., p. 118.—Æsch., Choeph., 226.)—13. (Athen., xii., p. 525, *d.*)—14. (Ovid, Fast., iii., 880.—Met., vi., 58.—Juv., ix., 26.—Virg., Æn., vii., 14.—Hom., Il., xxii., 448.—Aristoph., Aves, 832.—Eurip., Ion, 509, 760, 1418, 1492.)—15. (Hom., Od., v., 62.)—16. (Claudian. in Eutrop., ii., 382.)

1. (Ovid, Met., xi., 167–170.)—2. (Virg., Æn., vi., 647.—Juv., vi., 290–293.—Pers., vi., 2.)—3. (Plin., H. N., viii., 48, s. 74.—Juv., ii., 97.)—4. (Diod. Sic., v., 30.)—5. (Virg., Æn., viii., 660.)—6. (Id. ib., vii., 188.)—7. (Plato, Polit., p. 302.)—8. (Hesiod, Op. et Dies, 537.—Proclus, ad loc.)—9. (Amm. Marc., xiv., 6.)—10. (Virg., Æn., iii., 483.—Serv. in loc.)—11. (Ovid, Met., vi., 578.)—12. (Tibull., iv., 1, 122.)—13. (Val. Flacc., vi., 228.)—14. (Isid., Orig. xix., 22.)—15. (Pind., Ol., vi., 39. ed. Böckh.—Schol. in loc.)—16. (Eurip., Hec., 466.)—7. (Eurip., Orest., 829.)—18. (Eurip., Iph. in Taur., 814, 1465.)—19. (Id. ib. 215.)

weeled cloth, and the Germans *zwillich*. The poets apply *trilix*, which in German has become *drillich*, to a kind of armour, perhaps chain-mail, no doubt resembling the pattern of cloth which was denoted by the same term.[1] In the preceding figure of the Icelandic loom, the three rods with their leashes indicate the arrangement necessary for this texture. All kinds of damask were produced by a very complicated apparatus of the same kind (*plurimis liciis*), and were therefore called *polymita*.[2]

The sprigs or other ornaments produced in the texture at regular intervals were called flowers (ἄνθη;[3] θρόνα[4]) or feathers (*plumæ*). Another term, adopted with reference to the same machinery, was ἐξίμιτον or ἑξάμιτον, denoting velvet. In the Middle Ages it became ζάμιτον, and thus produced the German *sammet*.

The Fates are sometimes mentioned by classical writers in a manner very similar to the description of "the Fatal Sisters" above referred to (*Dira sororum licia*;[5] *fatorum inextricabiliter contorta licia*[6]).

As far as we can form a judgment from the language and descriptions of ancient authors, the productions of the loom appear to have fallen in ancient times very little, if at all, below the beauty and variety of the damasks, shawls, and tapestry of the present age, and to have vied with the works of the most celebrated painters, representing first mythological, and afterward scriptural subjects. In addition to the notices of particular works of this class, contained in the passages and articles which have been already referred to, the following authors may be consulted for accounts of some of the finest specimens of weaving: Eurip., *Ion*, 190–202, 1141–1165.—Aristot., *Mir. Auscult.*, 99.—Athen., xii., p. 541.—Asteri., *Homilia de Div. et Laz.*—Theod. Prodrom., *Rhod. et Dos. Amor.*, ad fin.—Virg., *Æn.*, ., 250-257; *Cir.*, 21–35.—Ovid, *Met.*, vi., 61–128. —Stat., *Theb.*, vi., 64, 540–547.—Auson., *Epig.*, 26. —Lamprid., *Heliog.*, 28.—Claudian, *De VI. Cons. Honor.*, 561–577; *in Stilich.*, ii., 330–365.

TELAMO'NES. (*Vid.* Atlantes.)

*TELEPHI'ON (τελέφιον), a plant which Stephens and Hardouin call the Orpine, *i. e.*, *Sedum Telephium*. Sprengel, however, although he inclined to this opinion in his R. H. H., seems in his edition of Dioscorides to join Sibthorp and others in referring it to the *Cerinthe minor*. The leaves of this plant, as also of the poppy and anemone, were used by lovers in a species of divination; the leaf, laid on the thumb and forefinger, being smartly struck with the right hand, yielded a sound from which the sentiments of the beloved object were guessed.[7]

TELETAI (τελεταί). (*Vid.* Mysteria.)

*TELIS (τῆλις), the *Trigonella Fœnum Græcum*, or *Fenugreck*.[8]

TELO'NES (τελώνης). Most of the taxes at Athens were farmed by private persons, who took upon themselves the task of collecting, and made periodical payments in respect thereof to the state. They were called by the general name of τελῶναι, while the farmers of any particular tax were called εἰκοστῶναι, πεντηκοστολόγοι, &c., as the case might be. The duties were let by auction to the highest bidder. Companies often took them in the name of one person, who was called ἀρχώνης or τελωνάρχης, and was their representative to the state. Sureties were required of the farmer for the payment of his dues. The office was frequently undertaken by resident aliens, citizens not liking it, on account of the vexatious proceedings to which it often led. The farmer was armed with considerable powers: he carried with him his books, searched for contraband or uncustomed goods, watched the harbour, markets, and other places, to prevent smuggling, or unlawful and clandestine sales; brought a φάσις or other legal process against those whom he suspected of defrauding the revenue; or even seized their persons on some occasions, and took them before the magistrate. To enable him to perform these duties, he was exempted from military service. Collectors (ἐκλογεῖς) were sometimes employed by the farmers, but frequently the farmer and the collector were the same person.[1]

The taxes were let by the commissioners, acting under the authority of the senate. (*Vid.* Poletai.) The payments (καταβολαὶ τέλους) were made by the farmer on stated prytaneias in the senate-house. There was usually one payment made in advance, προκαταβολή, and one or more afterward, called προσκατάβλημα. Upon any default of payment, the farmer became ἄτιμος if a citizen, and he was liable to be imprisoned at the discretion of the court, upon an information laid against him. If the debt was not paid by the expiration of the ninth prytaneia, it was doubled; and if not then paid, his property became forfeited to the state, and proceedings to confiscation might be taken forthwith. Upon this subject the reader should consult the speech of Demosthenes against Timocrates.[2]

TELOS (τέλος). The taxes imposed by the Athenians, and collected at home, were either ordinary or extraordinary. The former constituted a regular or permanent source of income; the latter were only raised in time of war or other emergency. The ordinary taxes were laid most'y upon *property*, and upon citizens *indirectly* in the shape of toll or customs, though the resident aliens paid a poll-tax, called μετοίκιον, for the liberty of residing at Athens under the protection of the state. (*Vid.* Metoikoi.) As to the customs and harbour dues, see Pentecoste. An excise was paid on all sales in the market, called ἐπωνία, though we know not what the amount was;[3] and a duty was imposed on aliens for permission to sell their goods there.[4] Slave-owners paid a duty of three obols for every slave they kept, and slaves who had been emancipated paid the same.[5] This was a very productive tax before the fortification of Deceleia by the Lacedæmonians.[6] There was also a πορνικὸν τέλος, and some others of minor importance, as to which the reader is referred to Böckh.[7] The justice fees (πρυτανεῖα, παράστασις, &c.) were a lucrative tax in time of peace.[8]

The extraordinary taxes were the property-tax, and the compulsory services called λειτουργίαι. Some of these last were regular, and recurred annually; the most important, the τριηραρχία, was a war-service, and performed as occasion required. As these services were all performed, wholly or partly, at the expense of the individual, they may be regarded as a species of tax. (*Vid.* Eisphora, Leitourgia, Trierarchia.)

The tribute (φοροί) paid by the allied states to the Athenians formed, in the flourishing period of the Republic, a regular and most important source of revenue.[9] In Olymp. 91, 2, the Athenians substituted for the tribute a duty of five per cent. (εἰκοστή) on all commodities exported or imported by the subject states, thinking to raise by this means a larger income than by direct taxation.[10] This was terminated by the issue of the Peloponnesian war,

1. (Virg., Æn., iii., 467; v., 259; vii., 639; xii., 375.—Val. Flac., iii., 199.)—2. (Plin., H. N., viii., 48, s. 74.—Mart., xiv., 150.)—3. (Philost., Imag., ii., 28.)—4. (Hom., Il., xxii., 440.)—5. (Stat., Achill., i., 520.)—6. (Apul., Met., xi.)—7. (Dioscor., ii., 217.—Adams, Append., s. v.—Donnegan, Lex., s. v.)—8. (Theophr., ii., 17.—Dioscor., ii., 124.—Adams, Append., s. v.)

1. (Böckh, Staatsh. der Athen., i., 359.)—2. (*Vid.* Böckh, ib. 362, &c.—Schömann, Ant. Jur. Publ. Gr., 317.)—3. (Harpocr. s. v. Ἐπωνία.)—4. (Böckh, Staatsh., &c., 336, 347.)—5. (Böckh ib., 354, 356.)—6. (Xen., De Vectig., iv., 25.)—7. (Id., 357.)—8 (Thucyd., vi., 91.—Böckh, ib., 369, &c.)—9 (Böckh, ii., 427.)—10. (Thucyd., vii., 28.—Böckh, ib., 348.)

though the tribute was afterward revised on more equitable principles, under the name of *σύνταξις*.[1]

A duty of ten per cent. (*δεκάτη*) on merchandise passing into and from the Euxine Sea was established for a time by Alcibiades and other Athenian generals, who fortified Chrysopolis, near Chalcedon, and built a station for the collection of the duty called *δεκατευτήριον*. This occurred in Ol. 92. It was lost after the battle of Ægos Potamos, afterward revived by Thrasybulus, and probably ceased at the battle of Antalcidas.[2] This may be regarded as an isolated case. In general, where *δεκάται* are mentioned among the Greeks, they denote the tithes of land, such as the Persian satraps collected from conquered countries, or such as tyrants exacted of their subjects for the use of land held under them as lord of the whole country. For instance, Pisistratus took a tithe of this kind, which was reduced by his sons to a twentieth. The state of Athens held the tithe of some lands; other tithes were assigned to the temples or service of the gods, having been dedicated by pious individuals, or by reason of some conquest or vow, such as that recorded by Herodotus.[3]

Other sources of revenue were derived by the Athenians from their mines and public lands, fines and confiscations. The public demesne lands, whether pasture or arable, houses or other buildings, were usually let by auction to private individuals. The conditions of the lease were engraven on stone. The rent was payable by prytaneias. If not paid at the stipulated time, the lessee, if a citizen, became *ἄτιμος*, and subject to the same consequences as any other state debtor.[4] As to fines and confiscations, see TIMEMA.[5]

These various sources of revenue produced, according to Aristophanes, an annual income of two thousand talents in the most flourishing period of the Athenian empire.[6] See the calculations of Böckh.[7]

Τελεῖν signifies "to settle, complete, or perfect," and hence "to settle an account," and generally "to pay." Thus *τέλος* comes to mean any payment in the nature of a tax or duty. The words are connected with *zahlen* in German, and the old sense of *tale* in English, and the modern word *toll*.[8] Though *τέλος* may signify any payment in the nature of a tax or duty, it is more commonly used of the ordinary taxes, as customs, &c. Τέλος, τελεῖν, is used with reference to the property-tax, in the sense of *being rated in a certain proportion*, or, which is the same thing, *belonging to a particular class of rate-payers*. Thus *ἱππάδα*, or *ἱππικὸν τελεῖν*, or *εἰς ἱππάδα τελεῖν*, means to belong to the class of knights; and the same expression is used metaphorically, without any immediate reference to the payment of a tax. Thus *εἰς ἄνδρας τελεῖν* is to be classed among adults. So *ἐς Βοιωτοὺς τελέειν*.[9] Ἰσοτέλεια signifies the right of being taxed on the same footing, and having other privileges, the same as the citizens; a right sometimes granted to resident aliens. (*Vid.* METOIKOI.) Ἀτέλεια signifies an exemption from taxes, or other duties and services; an honour very rarely granted by the Athenians. As to this the reader is referred to the speech of Demosthenes against Leptines, with the commentaries of Wolf. As to the farming of the taxes, see TELONES. For an epitome of the whole subject, see Schömann.[10]

TEMENOS (*τέμενος*). (*Vid.* AGER SANCTUS, TEMPLUM.)

TEMO. (*Vid.* CURRUS, p. 331.)

1. (Böckh, i., 451.)—2. (Xen., Hell., i., 1, § 22; iv., 8, § 27.)—3. (vii., 132.—Böckh, ib., 350, 352.)—4. (Id. ib., 329.)—5. (Id. ib., 402. 423.)—6. (Vesp., 660.)—7. (Id., 466.)—8. (Arnold ad Thuc., i., 58.)—9. (Herod., vi., 108.—*Vid.* Böckh, ib., ii., 30.)—10. (Ant. Jur. Publ. Gr., 314, &c.)

TEMPLUM is the same word as the Greek *τέμενος*, from *τέμνω*, to cut off, for templum, according to Servius,[1] was any place which was circumscribed and separated by the augurs from the rest of the land by a certain solemn formula. The technical terms for this act of the augurs are *liberare* and *effari*, and hence a templum itself is a *locus liberatus et effatus*. A place thus set apart and hallowed by the augurs was always intended to serve religious purposes, but chiefly for taking the auguria ("*Templum locus augurii aut auspicii causa quibusdam conceptis verbis finitus*"[2]). When Varro[3] says that a locus effatus was always outside the city, we must remember that this only means outside the pomœrium, for the whole space included within the pomœrium was itself a templum, *i. e.*, a place in which auspices could be taken (*vid* POMŒRIUM), but when they were to be taken in any place outside the pomœrium, it was always necessary for such a place to be first circumscribed and sanctified by the augur (*liberare et effari*). The place in the heavens within which the observations were to be made was likewise called templum, as it was marked out and separated from the rest by the staff of the augur. When the augur had defined the templum within which he intended to make his observations, he fixed his tent in it (*tabernaculum capere*), and this tent was likewise called *templum*, or, more accurately, *templum minus*. To this minus templum we must refer what Servius[4] and Festus[5] state, that a templum was enclosed with planks, curtains, &c., attached to posts fixed in the ground, and that it had only one door (*exitus*). The place chosen for a templum was generally an eminence, and in the city it was the arx, where the fixing of a tent does not appear to have been necessary, because here a place called auguraculum was once for all consecrated for this purpose.[6]

Besides this meaning of the word templum in the language of the augurs, it also had that of a temple in the common acceptation. In this case too, however, the sacred precinct within which a temple was built was always a locus liberatus et effatus by the augurs, that is, a *templum* or a *fanum*;[7] the consecration was completed by the pontiffs, and not until inauguration and consecration had taken place could sacra be performed or meetings of the senate be held in it.[8] It was necessary, then, for a temple to be sanctioned by the gods, whose will was ascertained by the augurs, and to be consecrated or dedicated by the will of man (pontiffs). Where the sanction of the gods had not been obtained, and where the mere act of man had consecrated a place to the gods, such a place was only a *sacrum*, *sacrarium*, or *sacellum*. (*Vid.* SACRARIUM, SACELLUM.) Varro[9] justly considers the ceremony performed by the augurs as essential to a temple, as the consecration by the pontiffs took place also in other sanctuaries which were not templa, but mere *sacra* or *ædes sacræ*. Thus the sanctuary of Vesta was not a templum, but an ædes sacra, and the various curiæ (Hostilia, Pompeia, Julia) required to be made templa by the augurs before senatus consulta could be made in them. In what manner a templum differed from a *delubrum* is more difficult to decide, and neither the ancient nor modern writers agree in their definitions. Some ancients believed that delubrum was originally the name given to a place before or at the entrance of a temple, which contained a font or a vessel with water, by which persons, before entering the temple, perform-

1. (ad Æn., i., 446.)—2. (Varro, De Ling. Lat., vi., p. 81, Bip.)—3. (De Ling. Lat., v., p. 65, Bip.)—4. (ad Æn., iv., 200.)—5 (s. v. Minora templa.)—6. (Paul Diac., s. v. Auguraculum.—Compare Liv., i., 18; iv., 18.—Cic., De Off., iii., 16.)—7. (Liv., x. 37.—Varro, De Ling. Lat., v., 65, Bip.)—8. (Serv. ad Æn., i. 446.)—9. (ap. Gell., xiv., 7, § 7.)

ed a symbol of purification ;[1] others state that delubrum was originally the name for a wooden representation of a god (*ξόανον*), which derived its name from liber (the bark of a tree), which was taken off (*delibere*) before the tree was worked into an image of the god, and that hence delubrum was applied to the place where this image was erected.[2] Hartung[3] derives the word delubrum from liber (anciently *lubur*), and thinks that it originally meant a locus liberatus, or a place separated by the augur from the profane land, in which an image of a god might be erected, and sacred rites be performed. A delubrum would therefore be a sanctuary, whose chief characteristic was its being separated from the profane land. But nothing certain can be said on the subject.[4]

After these preliminary remarks we shall proceed to give a brief account of the ancient temples, their property and their ministers, both in Greece and Rome. We must, however, refer our readers for a detailed description of the architectural structure of ancient temples to other works, such as Stieglitz, *Archäologie der Baukunst*, and others, especially as the structure of the temples varied according to the divinities to whom they were dedicated, and other circumstances.

Temples in Greece.—Temples appear to have existed in Greece from the earliest times. They were separated from the profane land around them (*τόπος βέβηλος* or *τὰ βέβηλα*), because every one was allowed to walk in the latter.[5] This separation was in early times indicated by very simple means, such as a string or a rope.[6] Subsequently, however, they were surrounded by more efficient fences, or even by a wall (*ἕρκος*, *περίβολος*[7]). The whole space enclosed in such a *περίβολος* was called *τέμενος*, or sometimes *ἱερόν*,[8] and contained, besides the temple itself, other sacred buildings, and sacred ground planted with groves, &c. Within the precincts of the sacred enclosure no dead were generally allowed to be buried, though there were some exceptions to this rule, and we have instances of persons being buried in, or at least near, certain temples. The religious laws of the island of Delos did not allow any corpses to be buried within the whole extent of the island ;[9] and when this law had been violated, a part of the island was first purified by Pisistratus, and subsequently the whole island by the Athenian people.

The temple itself was called *νεώς*, and at its entrance fonts (*περιῤῥαντήρια*) were generally placed, that those who entered the sanctuary to pray or to offer sacrifices might first purify themselves.[10] In the earliest times the Greek temples were either partly or wholly made of wood,[11] and the simplest of all appear to have been the *σηκοί*, which were probably nothing but hollow trees, in which the image of a god or a hero was placed as in a niche,[12] for a temple was originally not intended as a receptacle for worshippers, but simply as a habitation for the deity. The act of consecration, by which a temple was dedicated to a god, was called *ἵδρυσις*. The character of the early Greek temples was dark and mysterious, for they had no windows, and they received light only through the door, which was very large, or from lamps burning in them. Vitruvius[13] states that the entrance of Greek temples was always towards the west, but most of the temples still extant in Attica, Ionia, and Sicily, have their entrance towards the east. Architecture in the construction of magnificent temples, however, made great progress even at an earlier time than either painting or statuary, and long before the Persian wars we hear of temples of extraordinary grandeur and beauty. All temples were built either in an oblong or round form, and were mostly adorned with columns. Those of an oblong form had columns either in the front alone (*prostylus*), in the fore and back fronts (*amphiprostylus*), or on all the four sides (*peripterus*[1]). Respecting the original use of these porticoes, see Porticus. The friezes and metopes were adorned with various sculptures, and no expense was spared in embellishing the abodes of the gods. The light, which was formerly let in at the door, was now frequently let in from above, through an opening in the middle which was called *ὕπαιθρον*.[2] Many of the great temples consisted of three parts : 1. the *πρόναος* or *πρόδομος*, the vestibule ; 2. the cella (*ναός*, *σηκός*) ; and, 3. the *ὀπισθόδομος*. The cella was the most important part, as it was, properly speaking, the temple or the habitation of the deity whose statue it contained. In one and the same cella there were sometimes the statues of two or more divinities, as in the Erechtheum at Athens the statues of Poseidon, Hephæstus, and Butas. The statues always faced the entrance, which was in the centre of the prostylus. The place where the statue stood was called *ἕδος*, and was surrounded by a balustrade or railings (*ἴκρια*, *ἐρύματα*[3]). Some temples also had more than one cella, in which case the one was generally behind the other, as in the temple of Athena Polias at Athens. In temples where oracles were given, or where the worship was connected with mysteries, the cella was called *ἄδυτον*, *μέγαρον*, or *ἀνάκτορον*, and to it only the priests and the initiated had access.[4] In some cases the cella was not accessible to any human being, and various stories were related of the calamities that had befallen persons who had ventured to cross the threshold.[5] The *ὀπισθόδομος* was a building which was sometimes attached to the back front of a temple, and served as a place in which the treasures of the temple were kept, and thus supplied the place of *θησαυροί* which were attached to some temples.[6]

Independently of the immense treasures contained in many of the Greek temples, which were either utensils or ornaments, and of the tithes of spoils, &c.,[7] the property of temples, from which they derived a regular income, consisted of lands (*τεμένη*), either fields, pastures, or forests. In Attica we sometimes find that a demos is in possession of the estates of a particular temple : thus the Peiræus possessed the lands belonging to the Theseum : in what their right consisted is not known ; but of whatever kind it may have been, the revenues accruing from such property were given to the temples, and served to defray the expenses for sacrifices, the maintenance of the buildings, &c. For this purpose all temple-property was generally let out to farm, unless it was, by some curse which lay on it, prevented from being taken into cultivation.[8] The rent for such sacred domains was, according to Demosthenes,[9] received by the demarch, probably the demarch of the demos by which the sacred domain was occupied ; for in other cases we find

1 (Serv. ad Æn., iv., 56 ; ii., 225. — Com. Fronto, quoted by Dacier on Fest. s. v. Delubrum.) — 2. (Fest., s. v. Delubrum. — Massur. Sab. ap. Serv. ad Æn., ii., 225.)—3. (Die Rel. d. Röm., i., p. 143, &c.)—4. (Compare Macrob., Sat., iii., 4.)—5. (Schol. ad Soph., Œd. Col., 10.)—6. (Paus., viii., 10, § 2.)—7. (Herod., vi., 134.—Pollux, Onom., i., 10.—Paus., passim.)—8. (Herod., ix., 26 ; vi., 19, with Valckenaer's note.—Thucyd., v., 18.) — 9. (Thucyd., iii., 104.— Compare Herod., i., 64.) — 10. (Pollux, Onom., i., 10.—Herod., i., 51.)—11. (Paus., v., 20, § 3 ; 16. § 1 ; viii., 10, § 2.)—12. (Hesiod., Fragm., 54, ed. Göttling. — Schol. ad Soph., Trach. 1169.)—13. (iv., 5.)

1. (Vitruv., iii., 1.)—2. (Vitruv., l. c.)—3. (Paus., v., 11, § 2.) —4. (Pollux, Onom., i., 9.—Paus., ix., 8, § 1 ; viii., 62 ; 37, § 5 —Herod., viii., 53 ; ix., 65.—Plut., Num., 13.—Cæs., Bell. Civ iii., 105.)—5. (Paus., viii., 52, § 3 ; 10, § 2 ; 38, § 2.—Soph., Œd Col., 37.) — 6. (Compare Müller, Arch. d. Kunst, p. 372, &c.— Stieglitz, Arch. der Baukunst, ii., 10, &c.—Böckh ad Corp. In script., p. 264, &c.)—7. (Herod., vii., 132.—Diod., xi., 3. —Polyb., iv., 33.)—8. (Harpocr., s. v. *μισθωμάτων*.—Compare Isocr. Areop., 11.)—9. (in Eubul., p. 1318.)

that the rents were paid to the authorities intrusted with the administration of the temples.[1] The supreme control over all property of temples belonged to the popular assembly.[2]

Respecting the persons intrusted with the superintendence, keeping, cleaning, etc., of temples, we scarcely possess any information. (*Vid.* ÆDITUI and ZAKOROI.) We have mention of persons called κλειδοῦχοι, κληδοῦχοι, and νεοφύλακες, who must have been employed as guards and porters,[3] although it is not certain whether these functions were not performed by priests who were occasionally called by names derived from some particular function. At Olympia φαιδρύνται were appointed who belonged to the family of Phidias, and had to keep clean the statue of the Olympian Zeus.[4]

Temples at Rome.—In the earliest times there appear to have been very few temples at Rome, and in many spots the worship of a certain divinity had been established from time immemorial, while we hear of the building of a temple for the same divinity at a comparatively late period. Thus the foundation of a temple to the old Italian divinity Saturnus, on the Capitoline, did not take place till 498 B.C.[5] In the same manner, Quirinus and Mars had temples built to them at a late period. Jupiter also had no temple till the time of Ancus Marcius, and the one then built was certainly very insignificant.[6] We may therefore suppose that the places of worship among the earliest Romans were in most cases simple altars or sacella. The Roman temples of later times were constructed in the Greek style. The cella was here, as in Greece, the inner spacious part of the temple which contained the statue or statues of the gods, and an altar before each statue.[7] The roof which covered the cella is called testudo, but it was in most cases not wholly covered, in order to let the light in from above.[8] The entrance of a Roman temple was, according to Vitruvius, if possible, always towards the west, which side was at the same time faced by the image of the divinity, so that persons offering prayers or sacrifices at the altar looked towards the east.[9] If it was not practicable to build a temple in such a position, it was placed in such a manner that the greater part of the city could be seen from it; and when a temple was erected by the side of a street or road, it was always so situated that those who passed by could look into it, and offer their salutations to the deity.

As regards the property of temples, it is stated that in early times lands were assigned to each temple, but these lands were probably intended for the maintenance of the priests alone. (*Vid.* SACERDOS.) The sacra publica were performed at the expense of the treasury; and in like manner we must suppose, that whenever the regular income of a temple, arising from fees and fines, was not sufficient to keep a temple in repair, the state supplied the deficiency, unless an individual volunteered to do so.

The supreme superintendence of the temples of Rome, and of all things connected with them, belonged to the college of pontiffs. Those persons who had the immediate care of the temples were the ÆDITUI.

TEMPORA'LIS ACTIO. (*Vid.* ACTIO, p. 18.)

TENSÆ. (*Vid.* THENSÆ.)

*TENTHRE'DO (τενθρηδών), a species of *Tenthredo*, or Saw-fly.[10]

TEPIDA'RIUM. (*Vid.* BATHS, p. 146.)

*TEREBINTH'US (τερέβινθος), the *Pistacia Terebinthus*, or Chian Turpentine-tree. The modern Greek name is κοκορέτζια. According to Sibthorp, the fruit of this tree is eaten, and an oil expressed from it. In Cyprus it is called τριμίθια, a corruption evidently of its other and more ancient appellation, τέρμινθος. The Cyprian turpentine was formerly much esteemed, and employed for medical uses; at present the principal culture of the turpentine-tree, as well as the mastic, is in the island of Scio, and the turpentine, when drawn, is sent to Constantinople.[1]

*TERE'DO (τερηδών), an insect that preys on wood, especially that species which injures the timbers of ships at sea, the *Teredo navalis*. "The term τερηδών is also applied by the Greek writers on veterinary surgery," says Adams, "to a worm which is formed in the intestines of cattle. The word is also used by the medical authors to signify the caries of bones."[2]

TERENTI'LIA LEX. (*Vid.* LEX, p. 586.)

TERMINA'LIA, a festival in honour of the god Terminus, who presided over boundaries. His statue was merely a stone or post stuck in the ground to distinguish between properties. On the festival the two owners of adjacent property crowned the statue with garlands, and raised a rude altar, on which they offered up some corn, honeycombs, and wine, and sacrificed a lamb[3] or a sucking pig. They concluded with singing the praises of the god.[4] The public festival in honour of this god was celebrated at the sixth milestone on the road towards Laurentum,[5] doubtless because this was originally the extent of the Roman territory in that direction.

The festival of the Terminalia was celebrated *a. d.* VII. *Kal. Mart.*, or the 23d of February, on the day before the Regifugium. The Terminalia was celebrated on the last day of the old Roman year, whence some derive its name. We know that February was the last month of the Roman year, and that when the intercalary month Mercedonius was added, the last five days of February were added to the intercalary month, making the 23d of February the last day of the year.[6] When Cicero, in a letter to Atticus,[7] says, "*Accepi tuas litteras a. d. V. Terminalia*" (*i. e.*, Feb. 19), he uses this strange mode of defining a date, because, being then in Cilicia, he did not know whether any intercalation had been inserted that year, as is explained under CALENDAR, ROMAN, p. 191.

TERU'NCIUS. (*Vid.* AS, p. 110.)

TESSERA, *dim.* TESSERULA and TESSELLA (κύβος), a square or cube, a die, a token.

The use of small cubes of marble, earthenware, glass, precious stones, and mother-of-pearl for making tesselated pavements (*pavimenta tessellata*[8]) is noticed under HOUSE, ROMAN, p. 519, and PAINTING, p. 715.

The dice used in games of chance (*vid.* ALEA) had the same form, and were commonly made of ivory, bone, or some close-grained wood, especially privet (*ligustra tesseris utilissima*[9]). They were numbered on all the six sides like the dice still in use;[10] and in this respect, as well as in their form they differed from the *tali*, which are often distinguished from tesseræ by classical writers.[11] (*Vid.* TALUS.) While four tali were used in playing, only three tesseræ were anciently employed. Hence arose the proverb, ἢ τρὶς ἓξ, ἢ τρεῖς κύβοι, *i. e.*,

1. (Böckh, Staatsh., i., p. 327, &c.; ii., p. 339.)—2. (Demosth. in Neær., p. 1380.)—3. (Æsch., Suppl., 294.)—4. (Paus., v., 14, § 5.)—5. (Liv., ii., 21.—Dionys., vi., 1.—Plut., Publ., 12.)—6. (Dionys., ii., 34.—Liv., i., 33.)—7. (Vitruv., iv., 5.)—8. (Varro ap. Serv. ad Æn., i., 505.)—9. (Comp. Isidor., xv., 4, 7.—Hygin., De Limit., p. 153, ed. Gœs.) — 10. (*Vid.* Aristot., ix., 27. — Adams, Append., s. v.)

1. (Theophr., H. P., iii., 2. — Dioscor., i., 92. — Adams, Append., s. v.—Walpole's Memoirs, vol. i., p. 242.)—2. (Theophr., H. P., v., 5.—Adams, Append., s. v.)—3. (Hor., Epod., ii., 59.)—4. (Ovid, Fast., ii., 639, &c.)—5. (Id., 682.)—6. (Varro, L. L., vi., 13, ed. Müller. — Macrob., Sat., i., 13.)—7. (vi., 1.)—8. (Suet., Jul., 46.)—9. (Plin., H. N., xvi., 18, s. 31.)—10. (Ovid, Trist., ii., 473.)—11 (Gellius, xvii., 13.—Cic., De Sen., 16.)

"either three sizes or three aces," meaning all or none;[1] for *κύβος* was used to denote the ace, as in the throw *δύο κύβω καὶ τέτταρα, i. e.*, 1, 1, 4.=6.[2] Three sizes is mentioned as the highest throw in the Agamemnon of Æschylus (32). As early as the time of Eustathius[3] we find that the modern practice of using two dice instead of three had been established.

The ancients sometimes played with dice *πλειστοβολίνδα* (*vid.* TALUS), when the object was simply to throw the highest numbers. At other times they played also with two sets of LATRUNCULI or draughtsmen, having fifteen men on each side. The board (*alveus lusorius*,[4] *alveolus*[5]) was divided by twelve lines, so that the game must have been nearly or altogether the same with our backgammon.[6] Perhaps the *duodecim scripta* of the Romans was the same game. (*Vid.* ABACUS.)

Objects of the same materials with dice, and either formed like them or of an oblong shape, were used as tokens for different purposes. The *tessera hospitalis* was the token of mutual hospitality, and is spoken of under HOSPITIUM, p. 512. This token was probably in many cases of earthenware, having the head of Jupiter Hospitalis stamped upon it.[7] *Tesseræ frumentariæ* and *nummariæ* were tokens given at certain times by the Roman magistrates to the poor, in exchange for which they received a fixed amount of corn or money.[8] Similar tokens were used on various occasions, as they arose in the course of events. For example, when the Romans sent to give the Carthaginians their choice of peace or war, they sent two tesseræ, one marked with a spear, the other with a CADUCEUS, requesting them to take either the one or the other.[9]

From the application of this term to tokens of various kinds, it was transferred to *the word* used as a token among soldiers. This was the *tessera militaris*, the *σύνθημα* of the Greeks. Before joining battle it was given out and passed through the ranks as a method by which the soldiers might be able to distinguish friends from foes.[10] Thus, at the battle of Cunaxa, the word was "Zeus the Saviour and Victory," and on a subsequent engagement by the same troops, "Zeus the Saviour, Heracles the Leader."[11] The soldiers of Xenophon used a verbal sign for the same purpose when they were encamped by night.[12] Æneas Tacticus[13] gives various directions necessary to be observed respecting the word.

TESTA. (*Vid.* FICTILE, p. 441.)

TESTAMENTUM is "*mentis nostræ justa contestatio in id solemniter facta ut post mortem nostram valeat.*"[14] In this passage the word justa means "*jure facta*," "as required by law." The word contestatio is apparently used with reference to the origin of the term testamentum, which is to be referred to "*testari*," which signifies "to make a solemn declaration of one's will." Testamentum is not so named with reference to testes. Gellius[15] properly finds fault with Servius Sulpicius for saying that the word is compounded "*a mentis contestatione.*" The person who made a testamentum was testator.[16]

In order to be able to make a valid Roman will, the testator must have the testamentifactio, which term expresses the legal capacity to make a valid will: the word has also another signification. (*Vid.* HERES, ROMAN, p. 497.) The testament factio was the privilege only of Roman citizens who were pa tresfamilias. The following persons, consequently had not the testamentifactio: those who were in the potestas or manus of another, or in mancipii causa, as sons and daughters, wives in manu and slaves; but, with respect to his castrense peculium (*vid.* PATRIA POTESTAS, p. 742), a filiusfamilias had the privilege of testamentary disposition: Latini Juniani, dediticii: peregrini could not dispose of their property according to the form of a Roman will: a person who was doubtful as to his status, as, for instance, a person whose father had died abroad and the fact was not ascertained, could not make a testament: an impubes could not dispose of his property by will, even with the consent of his tutor; when a male was fourteen years of age he obtained the testamentifactio, and a female obtained the power, subject to certain restraints, on the completion of her twelfth year: muti, surdi, furiosi, and prodigi "*quibus lege bonis interdictum est*" had not the testamentifactio; the reasons why these several classes of persons had not the testamentifactio illustrate the Roman mode of deducing legal conclusions from general principles: the mutus had not the testamentifactio, because he could not utter the words of nuncupatio; the surdus, because he could not hear the words of the emtor familiæ; the furiosus, because he had not intellectual capacity to declare his will (*testari*) about his property; and the prodigus, because he was under a legal restraint, so that he had no commercium, and, consequently, could not exercise the formal act of the familiæ mancipatio.[1] (*Vid.* CURATOR, IMPUBES.)

Women had originally no testamentifactio, and when they did acquire the power, they could only exercise it with the auctoritas of a tutor. Of course a daughter in the power of her father, whether she was unmarried or married, and a wife in manu, could never make a will. The rules, therefore, as to a woman's capacity to make a will, could apply only to unmarried women after the death of their father, and to widows who were not in the power of a father. This subject requires explanation.

Cicero[2] observes, "if a woman has made a will, and has never undergone a capitis diminutio, it does not appear that the bonorum possessio can be granted in pursuance of such will according to the prætor's edict; for if it could, the edict must give the possessio in respect of the wills of servi, exules, and pueri." Cicero means to say that if a woman made a will without having sustained a capitis diminutio, the will could have no effect at all; and he derives his argument "*ab adjunctis*," for if such a will could have any effect, then the wills of other persons, who had not the testamentifactio, might be effectual so far as to give the bonorum possessio. It is not a logical inference from the language of Cicero that a woman who had sustained a capitis diminutio could make a will; but this is the ordinary meaning of such language, and it appears to be his. Consistently with this, Ulpian says,[3] "women, after their twelfth year, can make a will with the auctoritas of a tutor, so long as they are in tutela;" and the comment of Boëthius on the passage of the Topica clearly shows that he understood it in this way. A woman, then, could make a will with the auctoritas of her tutor, and not without. Now if a woman was in tutela legitima, it might be correctly said that she could not make a will; for if she was ingenua, the tutela belonged of right to the agnati and gentiles, and if she was a liberta, it belonged to the patron. In these cases a woman could indeed make a valid will with the consent of

1. (Plat., Leg., xii., ad fin. — Schol. in loc. — Pherecrates, p. 99, ed. Runkel.) — 2. (Eupolis, p. 174, ed. Runkel. — Aristoph., Ran., 1447.—Schol. in loc.)—3. (in Od., i., 107.)—4. (Plin., H. N., xxxvii., 2, s. 6.) — 5. (Gell., i., 20; xiv., 1.) — 6. (Brunck, Anal., iii., 60.—Jacobs ad loc.)—7. (Plaut., Pœn., v., 1, 25; 2, 87-93.)—8. (Sueton., Octav., 40, 42.—Nero, 11.)—9. (Gellius, x., 27.)—10. (Virg., Æn., vii., 637.)—11. (Xen., Anab., i., 8, § 16; iii., 3, § 25.)—12. (vii., 3, § 34.)—13. (c. 24.)—14. (Ulp., Frag., tit. 20.—Comp. Ulp., Dig. 28, tit. 2, s. 1, where he has "*justa sententia.*")—15 (vi., 12.)—16. (Suet., Ner., 17.—Dig. 28, tit. 3, s. 17.)

1. (Ulp., Frag., tit. 20, s. 13.) — 2. (Top., 4.) — 3 (Frag., tit. 20, s. 15.)

her tutores, but, as her tutores were her heirs in case of intestacy, such consent would seldom be given; and though a woman under such circumstances might be allowed to make a will, it may be assumed that it was a circumstance altogether unusual, and thus the rule as to a woman in tutela legitima, as above stated, might be laid down as generally true. The passage of Cicero, therefore, does not apply to the tutela legitima, but to something else. Since the discovery of the Institutes of Gaius the difficulty has been cleared up, though it had been solved in a satisfactory manner by Savigny before the publication of Gaius.[1]

A woman could make a "coemptio fiduciæ causa" in order to qualify herself to make a will; for "at that time women had not the power of making a will, except certain persons, unless they made a coemptio, and were remancipated and manumitted; but, on the recommendation of Hadrian, the senate made the ceremony of coemptio unnecessary for this purpose."[2] The coemptio was accompanied with a capitis diminutio, and this is what Cicero alludes to in the passage of the Topica. (*Vid.* Marriage, Roman.) A woman who came in manum viri had sustained a capitis diminutio, but it must not be inferred from this that if she became a widow she could make a will. The capitis diminutio of Cicero means that the will must be made with the auctoritas of a tutor. Now if the husband died when the wife had been in manu, and he appointed no tutor for her, she was in the legitima tutela of her nearest agnati, who would be her own children and step-children, if she had any. But the tutela legitima in such a case would seem something unnatural, and, accordingly, the magistratus would give a tutor to the woman; and such a tutor, as he had no interest in the woman's property, could not prevent her from making a will. The husband might, by his will, give the wife a power to choose a tutor (tutoris optio), and such a tutor could not refuse his consent to the woman making a will; for, instead of the woman being in the potestas of the tutor, he was in the potestas of the woman, so far as to be bound to assent to her testamentary dispositions.[3]

The case of Silius[4] may be a case of a woman's making a will without the auctoritas of a tutor, for it appears that a woman (Turpilia) had disposed of property by will, and Servius Sulpicius was of opinion that this was not a valid will, because the willmaker had not the testamentifactio. There may, however, have been other reasons why the willmaker had not the testamentifactio than the want of a capitis diminutio (in the sense of Cicero[5]), and, consequently, the opinion of those critics who refer the case mentioned in this letter to the principle of the capitis diminutio is not a certain truth.

The following references may be consulted as to this matter: Cic., *Pro Cæcin.*, 6, 25; *Pro Flac.*, 35; *Pro Muren.*, 12; *ad Att.*, vii., 8.—Liv., xxxix., 19.—Gaius, i., 150, &c.

Libertæ could not make a testament without the auctoritas of their patronus, except so far as this rule was altered by enactments, for they were in the legitima tutela of their patronus. Libertæ who had a certain number of children could make a will without the auctoritas of their patronus. (*Vid.* Patronus.)

The vestal virgins had no tutor, and yet they could make a testament. The Twelve Tables released them from all tutela "*in honorem sacerdotii.*"[6]

1. (Beytrag zur Gesch. der Geschlecht., Zeitschrift, vol. iii., p. 328.)—2. (Gaius, 115, *a.*)—3. (Comp. Liv., xxxix., 19, and Cic., Pro Muren., c. 17.—Gaius, i., 150.)—4. (Cic. ad Div., vii., 21.)—5 (Top., 4.)—6. (Cic., De Rep., iii., 10.—Gaius, i., 145.)

In order to constitute a valid will, it was necessary that a heres should be instituted, which might be done in such terms as follow: *Titius heres esto*, *Titium heredem esse jubeo.* (*Vid.* Heres, Roman, p. 497.)

All persons who had the commercium could be heredes; slaves also, and others who were not sui juris, could be made heredes. (*Vid.* Heres; Servus, Roman, p. 883.) But there were many classes of persons who could not be heredes: Peregrini, who had not received the commercium: persons who were imperfectly described: juristical persons or universitates, except by their liberti, a privilege granted by a senatus consultum; gods, or the temples of gods, except such as were excepted by a senatus consultum and imperial constitutions, such as Jupiter Tarpeius, Apollo Didymæus, Mars in Gallia, Minerva Iliensis, Hercules Gaditanus, and others enumerated by Ulpian:[1] a postumus alienus could not be made a heres, for he was an incerta persona: it is a disputed question whether, according to the old law, women could be made heredes; but the question concerns only those who were sui juris, as to whom there seems no sufficient reason why they could not be made heredes; the capacity of women to take under a will was limited by the Voconia Lex: unmarried persons, and persons who had no children, were limited as to their capacity to take under a will by the Papia Poppæa Lex. (*Vid.* Julia Lex et Papia Poppæa.)

The first question as to the validity of a will was the capacity of the testator; the next question was as to the proper observance of the forms required by law, "except in the case of soldiers, who, in consideration of their little acquaintance with such matters, were allowed to make their wills as they pleased or as they could."[2] This remark of Gaius seems to refer to the imperial period.

As to the form of wills, Gaius[3] and Ulpian[4] are now the best authorities.

Originally there were two modes of making wills for people made their wills either at calata comitia, which were appointed twice a year for the making of wills, or they made wills *in procinctu*, that is, when they were going to battle, for an army in movement and under arms is procinctus. A third mode of making wills was introduced, which was effected *per æs et libram*, whence the name of testamentum per æs et libram. If a man had neither made his will in calata comitia nor in procinctu, and was in imminent danger of death, he would mancipate (*mancipio dabat*) his familia, that is, his patrimonium, to a friend, and would tell him what he wished to be given to each after his death. The old form of making a will per æs et libram was this: The familiæ emtor, that is, the person who received the familia by mancipation, filled the place of heres, and, accordingly, the testator instructed him what he wished to be given to each after his death. In the time of Gaius the practice was different. One person was instituted heres (*heres testamento instituitur*), who was charged with the payment of the legacies, or, as it is expressed in the phraseology of the Roman law, "*a quo etiam legata relinquebantur;*" and another person was present as familiæ emtor, from a regard to the old legal form. The mode of proceeding was this: The testator, after having written his will (*tabulæ testamenti*), called together five witnesses, who were Roman citizens and puberes, and a libripens, as in the case of other mancipationes, and mancipated his familia to some person in compliance with legal forms (*dicis causa*). The words of the familiæ emtor show clearly the original nature of the transaction: "*Familiam pe-*

1. (Frag., tit. 22, s. 6.)—2. (Gaius, ii., 114.)—3. (ii., 101)—4 (Frag., tit. xx.)

cunamque tuam endo mandatam tutelam custodelamque meam recipi eaque quo tu jure testamentum facere possis secundum legem publicam hoc ære (æncaque libra) esto mihi emta." The emtor then struck the scales with a picce of money, which he gave to the testator as the price of the familia. Then the testator, taking the will in his hand, said: "*Hæc ita ut in his tabulis cerisque* (or *cerisve*) *scripta sunt ita do ita lego ita testor itaque vos Quirites testimonium mihi perhibetote.*" This was called the nuncupatio or publishing of the will; in other words, the testator's general confirmation of all that he had written in his will.

As the familiæ emtio was supposed to be a real transaction between the emtor and the testator, the testimony of their several families was excluded, and, consequently, a person who was in the power of the familiæ emtor, or in the power of the testator, could not be a witness. If a man who was in the power of another was the familiæ emtor, it followed that his father could not be a witness, nor his brother, if the brother was in the power of the father. A filiusfamilias who, after his missio, disposed of his castrense peculium by testament, could not have his father as witness, nor any one who was in the power of his father. The same rules applied to the libripens, for he was a witness. A person who was in the power of the heres or of a legatee, or in whose power the heres or legatee was, or who was in the power of the same person as the heres or a legatee, and also the heres or a legatee, could all be witnesses; for, as Ulpian observes, there is no objection to any number of witnesses from the same family. But Gaius observes that this ought not to be considered as law with respect to the heres, and him who is in the power of the heres, and him in whose power the heres is.

According to Gaius, wills were originally made only at calata comitia and in procinctu. The comitia were held twice a year for the purpose of making wills, and a will not made there was invalid. It is sometimes assumed that these comitia were held in order that the gentes might consent to the testamentary disposition, in which it is implied that they might refuse their consent. But there is no direct evidence for this opinion, and it derives no support from a consideration of the mode of disposing of property per æs et libram. The form per æs et libram was a form introduced in cases when the will had not been made at the calata comitia nor in procinctu. It had effect because it was an alienation of property inter vivos without the consent of any parties except the buyer and seller, which alienation must be assumed to have been a legal transaction at the time when this new form of will was introduced. This new form was a sale, and the familiæ emtor undertook a trust: he resembled the heres fiduciarius of later times. It is probable enough that there were originally no means of compelling him to execute the trust, but opinion would be a sufficient guarantee that the testator's will would be observed, and thus would arise one of those parts of law which had its source in Mos. Now when the Romans introduced new legal forms, they always assimilated them to old forms, whence we have a probable conclusion that the form of mancipatio was also observed at the calata comitia; and if so, the consent of the gentes was not necessary, unless it was necessary to every alienation of property, which in the absence of evidence must not be assumed, though such may have been the fact. The difference, then, between the will made at the calata comitia and the will per æs et libram, consisted in the greater solemnity and notoriety of the former, and the consequent greater security that the testator's intentions would be observed. Written wills are not spoken of with reference to this time, nor is it probable that wills were written: it does not appear that a written will was ever required by law. The testator's disposition of his property would be short and simple in those early times, and easily remembered; but there would be greater security for an unwritten will made at the comitia than for an unwritten will made per æs et libram; whence, in course of time tabulæ became a usual part of the ceremony of a will.

As we are ignorant of the true nature of private property among the Romans, viewed with respect to its historical origin, we cannot determine with certainty such questions as these respecting testamentary disposition, but it is of some importance to exclude conjectures which are devoid of all evidence. Rein[1] has referred to the modern writers who have discussed this subject: he has adopted the opinion of Niebuhr, according to which, "as the property of an extinct house escheated to the cury, that of an extinct cury to the publicum of the citizens at large, the consent of the whole populus was requisite; and this is the origin of the rule that testaments were to be made in the presence of the pontiff and the curies."[2] But there is no evidence of the assertion contained in the first part of this passage; and if this rule as to escheat is admitted to be a fact, the rule that testaments must be confirmed by the pontiff and curies is no necessary conclusion. Niebuhr farther observes that "the plebeian houses were not so connected, but the whole order had a public coffer in the Temple of Ceres; and when the army, being assembled in centuries, either on the field of Mars or before a battle, passed the last will of a soldier into a law, it thereby resigned the claims of the whole body to the property." This assertion, also, is not supported by evidence, and is therefore a mere conjecture, against the probability of which there are sufficient reasons.

The testamentum in procinctu is, for anything we know to the contrary, as old as the testament at the calata comitia. In this case the forms of the calata comitia were of necessity dispensed with, or the soldier would often have died intestate. This power of disposition in the case of a testamentum in procinctu could not depend on the consent of the whole populus in each particular instance, for the nature of the circumstances excluded such consent. He had, therefore, full power of disposition in procinctu, a circumstance which leads to the probable conclusion that the will made at the calata comitia differed only from the other will in its forms and not in its substance. Some writers assert that the testamentum in procinctu could only be made after the auspices were taken, which gave the testament the religious sanction, and that, when the auspices ceased to be taken in the field, this kind of testament ceased to be made; and that the military testaments mentioned about the latter part of the Republic (as by Cæsar[3]) were not the same kind of testaments, but purely military testaments made without any form, which in the imperial period became in common use, and of which J. Cæsar probably introduced the practice.[4] Cicero, however, speaks of the will in procinctu[5] as then in use, and he describes it as made "*sine libra et tabulis*," that is, without the forms which were used after the introduction of the testamentum per æs et libram. Thus the testamentum in procinctu always retained its characteristic of being exempted from legal *forms*, but as to the *capacity* of the testa-

1. (Das Röm. Privatrecht, p. 373, note.)—2. (Hist. of Rome, ii., p. 338.)—3. (Bell. Gall., i., 39.—Vell. Paterc., ii., 5, &c.)—4. (Dig. 29, tit. 1: De Testamento Militis.)—5. (De Or., i. 53.)

tor, it was always subject to the same rules of law as other wills, so far as we know.

The form of mancipatio owed its origin to positive enactments (*vid.* Usucapion): it was a form of alienation accompanied with certain public ceremonies, the presumed object of which was to secure evidence of the transfer. The form of mancipatio as applied to a will was exactly the same form as mancipatio applied to any other purpose: it was an alienation of the property, and, according to strict principles, it must have been irrevocable. It is sometimes assumed that the five witnesses to the testament (*cives Romani puberes*) were representatives of the five classes of Servius Tullus. If this is true (which is a mere assumption), the classes were represented as witnesses only, not as persons who gave their consent to the act. Engelbach states: "Mancipation was originally a formal sale, in which the publiceness of the transaction constituted the essential characteristic. When the seller had transferred to the buyer the ownership of a thing before the five representatives of the five classes of the Roman people, this was as valid as any other lex which was brought before the assembly of the people and passed into a lex."[1] The whole meaning of this is not clear, but so far as this it is clear and true the testamentum per æs et libram differed in no respects as to the capacity of the alienor from any other mancipation. Now we must either suppose that the assumed consent of the populus to the testamentary disposition at the calata comitia was expressed by a special enactment, which should transfer the property according to the testator's wish, or that the consent only must have been given to the transfer, and the transfer must have been made in the usual way: the latter is the only conceivable case of the two. In assuming this original necessity of consent on the part of the populus to the testamentary disposition, we assume that Roman property was originally inalienable at the will of the owner. This may be true, but it is not yet shown to be so.

The Twelve Tables recognise a man's power to dispose of his property by will as he pleased: "*Uti legassit super pecunia tutelave suæ rei ita jus esto.*"[2] It is generally admitted, and the extant passages are consistent with the opinion, that the new testamentary form per æs et libram existed while the two original forms were still in use. Now in the testamentum per æs et libram there is no pretence for saying that any consent was required except that of the buyer and seller; and the Twelve Tables recognise the testator's power of disposition. If, then, the form of testament at the comitia calata subsisted after the Twelve Tables, we have, according to the views of some writers, a form of testamentum to which the consent of the testator was sufficient, and another form in which it was not. There still remains to those who support this opinion the power of saying that the consent of the sovereign people had become a form, and therefore it was indifferent, so far as concerns this consent, whether the will was made at the comitia, where it would be fully witnessed, or per æs et libram, where it would be witnessed by the five representatives. But it is easy to suggest possibilities; less easy to weigh evidence accurately, and to deduce its legitimate consequences.

As already observed, there seems to have been no rule of law that a testament must be written. The mancipatio required no writing, nor did the institution of a heres, and the number of witnesses were probably required in order to secure evidence of the testator's intentions. Thus it is said[3] that the heres might either be made by oral declaration (*nuncupatio*) or by writing. Written wills, however were the common form among the Romans, at least in the later republican and in the imperial periods. They were written on tablets of wood or wax, whence the word "cera" is often used as equivalent to "tabella;" and the expressions prima, secunda cera, are equivalent to prima, secunda pagina The will might be written either by the testator or any other person with his consent, and sometimes it was made with the advice of a lawyer. It was written in the Latin language until A D. 439, when it was enacted that wills might be in Greek.[1] By the old law, a legacy could not be given in the Greek language, though a fideicommissum could be so given. It does not appear that there was originally any signature by the witnesses. The will was sealed, but this might be done by the testator in secret, for it was not necessary that the witnesses should know the contents of the will; they were witnesses to the formal act of mancipatio, and to the testator's declaration that the tabulæ which he held in his hand contained his last will. It must, however, have been in some way so marked as to be recognised, and the practice of the witnesses (*testes*) sealing and signing the will became common. It was necessary for the witnesses both to seal (*signare*), that is, to make a mark with a ring (*annulus*) or something else on the wax, and to add their names (*adscribere*). The five witnesses signed their names with their own hand, and their subscription also declared whose will it was that they sealed.[2] The seals and subscriptions appear to have been on the outside. A senatus consultum, which applied to wills among other instruments, enacted that they should be witnessed and signed as follows They were to be tied with a triple thread (*linum*) on the upper part of the margin, which was to be perforated at the middle part, and the wax was to be put over the thread and sealed. Tabulæ which were produced in any other way had no validity. (Compare Paulus,[3] where impositæ seems to be the true reading, with Suetonius.[4]) A man might make several copies of his will, which was sometimes done for the sake of caution.[5] When sealed, it was deposited with some friend, or in a temple, or with the vestal virgins; and after the testator's death it was opened (*resignare*) in due form. The witnesses or the major part were present, and after they had acknowledged their signatures, the thread (*linum*) was broken, and the will was opened and read, and a copy was made; the original was then sealed with the public seal, and placed in the archium, whence a fresh copy could be got if the first copy should ever be lost.[6] This practice, described by Paulus, may have been of considerable antiquity. The will of Augustus, which had been deposited with the vestal virgins, was brought into the senate after his death: none of the witnesses were admitted except those of senatorian rank; the rest of the witnesses acknowledged their signatures outside of the curia.[7]

A curious passage in a Novel of Theodosius II. (A D. 439, *De Testamentis*) states the old practice as to the signature of the witnesses. "In ancient times a testator showed (*offerebat*) his written testament to the witnesses, and asked them to bear testimony that the will had so been shown to them (*oblatarum tabularum perhibere testimonium*)," which are almost the words of Gaius. The Novel goes on to state that the ignorant presumption of posterity had changed the cautious rule of the ancient law, and the witnesses were required to know the con-

1. (Ueber die Usucapion zur Zeit der Zwölf Tafeln, p. 80.)—2 (Ulp., Frag., tit. xi., 14.)—3. (Dig. 28, tit. 1, s. 21.)

1. (Cod., vi., tit. 23, s. 21.)—2. (Dig. 28, tit. 1, s. 30.)—3. (S R., tit. 25, s. 6.)—4. (Ner., 17.)—5 (Suet Tib., 76.)—6. (Paulus, iv., 6.)—7. (Suet., Tib., 23.)

tents of the will; the consequence of which was, that many persons preferred dying intestate to letting the contents of their wills be known. The Novel enacted what we may presume to have been the old usage, that the testator might produce his will sealed, or tied up, or only closed, and offer it to seven witnesses, Roman citizens and puberes, for their sealing and subscription, provided at the same time he declared the instrument to be his will, and signed it in their presence, and then the witnesses affixed their seals and signatures at the same time also.

A fragment of a Roman will, belonging to the time of Trajan, was published by Puggé in the *Rheinisches Museum*.[1]

The penalties against fraud in the case of wills and other instruments were fixed by the lex Cornelia. (*Vid.* Falsum.)

The Edict established a less formal kind of will, since it acknowledged the validity of a will when there had been no mancipatio, provided there were seven witnesses and seven seals, and the testator had the testamentifactio at the time of making the will and at the time of his death.[2] The terms of the edict are given by Cicero.[3] The Edict only gave the bonorum possessio, which is the sense of hereditas in the passage of Cicero referred to, as well as in Gaius.[4] This so-called prætorian testament existed in the republican period, and for a long time after. Thus a man had his choice between two forms of making his will; the civil form by mancipatio, and the prætorian with seven seals and seven witnesses, and without mancipatio.[5]

The prætorian testament prepared the way for the abolition of mancipatio, the essential character of a will made according to the jus civile, and in the legislation of Justinian the form of making a testament was simplified. It required seven male witnesses of competent age and legal capacity, and the act must be done in the presence of all, at the same place, and at the same time, that is, it must be continuous. The testator might declare his last will orally (*sine scriptis*) before seven witnesses, and this was a good will. If it was a written will, the testator acknowledged it before the witnesses as his last will, and put his name to it, and the witnesses then subscribed their names and affixed their seals. The testator might write his will or have it written by another person, but such other person could derive no advantage under the will. (*Vid.* Senatus Consultum Libonianum.)

The cases in which a will was not valid, because the heredes sui were not expressly exheredated, are stated in Heres (Roman).

A testament which was invalid from the first was injustum, and never could become valid: it was non jure factum when the proper forms had not been observed; it was nullius momenti, as in the case of a filiusfamilias who is "præteritus." A testamentum justum might become either ruptum or irritum in consequence of subsequent events.[6]

A testament became ruptum if the testator made a subsequent testament in due form as required by law: and it made no matter whether or not there turned out to be a heres under the second will; the only question was whether there could have been one. If, then, the heres named in the second will refused the hereditas, or died either in the lifetime of the testator, or after his death, and before the cretio, or failed to comply with the conditions of the will, or lost the hereditas under the lex Julia et Papia Poppæa—in all these cases the paterfamilias died intestate.

A valid will became irritum if the testator sustained a capitis diminutio after the date of the will or if it failed of effect because there was no heres. Thus a prior will which was invalidated by a subsequent will was ruptum; and if there was no heres under the subsequent will, such will was irritum.

If a man who had made a will was taken prisoner by the enemy, his will was good jure postliminii if he returned home; if he died in captivity, it was made as valid by the lex Cornelia as if he had not been a captive.

Though a will might be ruptum or irritum by the jus civile, it was not always without effect; for the bonorum possessio secundum tabulas might be had by the scriptus heres, if the will was witnessed by seven witnesses, and if the testator had the testamentifactio. The distinction between the case of a will which was invalid jure civili for want of due forms, and one which was invalid for want of legal capacity to dispose of property by will, was well recognised in the time of Cicero. A will also became ruptum by adgnatio, that is, if a suus heres was born after the making of the will, who was not either instituted heres, or exheredated as the law required. A quasi adgnatio also arose by adoption, or by the in manum conventio, or by succession to the place of a suus heres, as in the instance of a grandson becoming a suus heres in consequence of the death or the emancipation of a son: a will also became ruptum by the manumission of a son, that is, where the son, after a first and second mancipation, returned into the power of his father. (*Vid.* Emancipatio.)

A testament was called inofficiosum which was made in legal form, "*sed non ex officio pietatis*." For instance, if a man had exheredated his own children, or passed over his parents, or brothers or sisters, the will was in form a good will, but if there was no sufficient reason for this exheredation or præterition, the persons aggrieved might have an inofficiosi querela. The ground of the complaint was the allegation that the testator was "*non sanæ mentis*," so as to have capacity to make a will. It was not alleged that he was furiosus or demens, for these were technical words which implied complete legal incapacity. The distinction was a fine one, and worthy of the subtlety of the jurists, to whom it may be presumed to owe its origin. By the legislation of Justinian, no person could maintain a querela inofficiosi beyond the degree of brothers and sisters; and brothers and sisters could only maintain their claim against "*scripti heredes*" who were "*turpes personæ*." The complaint also could only be maintained in cases where the complaining parties had no other right or means of redress. If any portion, however small, was left by the will to the complaining party, he could not maintain a querela inofficiosi, and he was only entitled to so much as would make up his proper share. If the judex declared the testamentum to be inofficiosum, it was rescinded; but if there were several heredes, the testament would only be rescinded as to him or them against whose institution the judex had pronounced. The portion of an hereditas which might be claimed by the querela inofficiosi was one fourth, which was divided among the claimants pro rata.[2]

The querela inofficiosi is explained by Savigny with his usual perspicuity.[3] When a testator passed over in his will any of his nearest kinsfolks, who in the case of intestacy would be his heredes, this gave rise to the opinion that the person thus passed over had merited this mark of the testator's disapprobation. If this opinion was unfounded, the

1. (i., 249, &c.)—2. (Gaius, ii., 147.)—3. (in Verr., c. i., 45.)—4. (i., 119.)—5. (Savigny, Beytrag zur Gesch. der Röm. Testam., Zeitschrift, i, 78.)—6. (Dig. 28, tit. 3, s. 1.)

1. (Top., 11.)—2. (Plin., Ep., v., 1.—Inst., ii., tit. 18.—Dig. 5, tit. 2: De Inofficioso Testamento.)—3. (System, &c., ii, 127

testator had done an unmerited injury to the person, and his remedy was by getting the will set aside, as made under the influence of passion. If the will was set aside, the testator was thereby declared to have died intestate, and the complainant obtained the hereditas which was the immediate object of the querela, or his share of it. But the ultimate object of the querela was the public re-establishment of the injured honour of the complainant, who in this action appeared in a hostile position with respect to the testator who had brought his character in question. Consequently, this action had for its ultimate object vindicta, and the peculiarity of the action consisted in the difference between this ultimate object of the action and the immediate object of it (property), which was merely a means to the ultimate object. (*Vid.* VINDICTA.)

There is no evidence to show when the querela inofficiosi was introduced as a mode of setting aside a will. The phrase testamentum inofficiosum occurs in Cicero and in Quintilian.[1]

Codicilli were an informal will: they may be defined to be a testamentary disposition of such a kind which does not allow the direct appointment or exheredation of a heres, even though the codicilli are confirmed by a testament; but he who was appointed heres by a testament might be requested by codicilli to give the hereditas to another altogether or in part, even though the codicilli were not confirmed by a testament. A legacy could not be given by codicilli unless the codicilli were confirmed by a will; and this must be the case to which Pliny refers.[2] Acilianus had made Pliny '*heres ex parte*," but he had also made codicilli in his own handwriting, which, as Pliny alleges, were void (*pro non scriptis habendi*), because they were not confirmed by the will. Now, as already observed, it appears from Gaius[3] that a person who was appointed heres by a will might be required by codicilli to give the whole hereditas or a part to another, even though the codicilli were not confirmed by a will. But Pliny is speaking of codicilli which were void for want of a testamentary confirmation; and this, as we learn from Gaius, is the case of a legacy given by codicilli which have not been confirmed by a will. This confirmation might be either prospective or retrospective (*si in testamento caverit testator, ut quidquid in codicillis scripserit, id ratum sit*;[4] *quos novissimos feccro*[5]). This passage of Pliny, as to the confirmation of codicilli by a testament, has sometimes been misunderstood. It is stated,[6] "*Conficiuntur codicilli quatuor modis: aut enim in futurum confirmantur aut in præteritum, aut per fideicommissum testamento facto aut sine testamento.*" These four modes are referred to in Gaius: the first two are contained in the words above quoted, "*si in testamento*," &c.: the third is the case of the heres institutus being required to give the hereditas to another person by codicilli non confirmati; and the fourth is the case of a fideicommissum given by codicilli of a person who made no other testamentary disposition. It was a rule of law that codicilli, when duly made, were to be considered (except in a few cases) as incorporated in the will at the time when the will was made, a principle which led to various legal conclusions, which the Roman jurists deduced with their usual precision.[7]

Originally there was probably no particular form required for codicilli; but there must have been evidence of their containing the testator's intention. Subsequently witnesses were required, and five witnesses were sufficient for codicilli made in writing, if the witnesses subscribed their names to the codicilli.[1] But a man could, without writing and in the presence of five witnesses, impose a fideicommissum on his heres. A testament which was defective as such, might be effectual as codicilli. The power to make codicilli was the same as the power to make a testament.[2]

The subject of Roman testaments can only be satisfactorily expounded in a large treatise, and it would require to be treated historically. The preceding sketch may be useful, and generally true, and it affects to be nothing more.

TESTIS. (*Vid.* OATH, ROMAN, p. 670.)

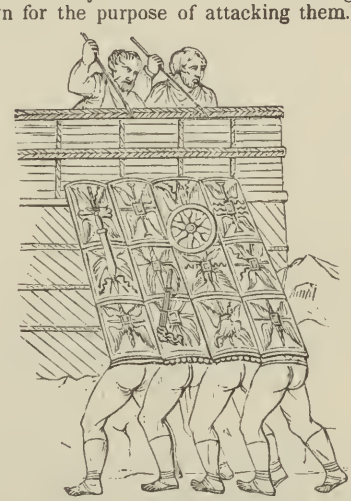
TESTŪDO (*χελώνη*), a Tortoise, was the name given to several other objects

1. To the Lyra, because it was sometimes made of a tortoise-shell. (*Vid.* LYRA.)

2. To an arched or vaulted roof.[3] (*Vid.* TEMPLUM, p. 959.) Thus, in a Roman house, when the cavum ædium was roofed all over, and had no opening or compluvium in the centre, the cavum ædium was called testudo.[4] (*Vid.* HOUSE, ROMAN, p. 516, 517.)

3. To a military machine moving upon wheels and roofed over, used in besieging cities, under which the soldiers worked in undermining the walls, or otherwise destroying them.[5] It was usually covered with raw hides or other materials which could not easily be set on fire. The battering-ram (*vid.* ARIES) was frequently placed under a testudo of this kind, which was then called *Testudo arietaria*.[6] Vitruvius also mentions and explains the construction of several other military machines to which the name of testudines was given.[7]

4. The name of testudo was also applied to the covering made by a close body of soldiers, who placed their shields over their heads to secure themselves against the darts of the enemy. The shields fitted so closely together as to present one unbroken surface, without any interstices between them, and were also so firm that men could walk upon them, and even horses and chariots be driven over them.[8] A testudo was formed (*testudinem facere*) either in battle, to ward off the arrows and other missiles of the enemy, or, which was more frequently the case, to form a protection to the soldiers when they advanced to the walls or gates of a town for the purpose of attacking them.[9] (See



1. (Inst. Or., ix., 2.)—2. (Ep., ii. 16.)—3. (ii., 273.)—4. (Gaius, ii., 270.)—5. (Dig. 29, tit. 7, s. 8.)—6 (Id. ib.)—7. (Dig. 29, tit. 7, s. 2.)

1. (Cod., vi., tit. 36.)—2. (Dig. 29, tit. 7. De Jure Codicillorum.)—3. (Virg., Æn., i., 505.—Cic., Brut., 22.)—4. (Varr., de L., v., 161, ed. Müller.)—5. (Cæs., B. G., v., 42, 43.—B. C., ii., 2.)—6. (Vitruv., x., 19, p. 322, Bip.)—7. (x., 20, 21.—Compare Polyb., ix., 41.)—8. (Dion Cass., xlix., 30.)—9. (Dion Cass., c.—Liv., x., 43.—Cæs., B. G., ii., 6—Sall., Jug., 94.)

preceding cu , taken from the Antonine colur n.) Sometimes the shields were disposed in such a way as to make the testudo slope. The soldiers in the first line stood upright, those in the second stooped a little, and each line successively was a little lower than the preceding down to the last, where the soldiers rested on one knee. Such a disposition of the shields was called *Fastigata testudo*, on account of their sloping like the roof of a building. The advantages of this plan were obvious: the stones and missiles thrown upon the shields rolled off them like water from a roof; besides which, other soldiers frequently advanced upon them to attack the enemy upon the walls. The Romans were accustomed to form this kind of testudo, as an exercise, in the games of the circus.[1]

*II. (χέλυς and χελώνη), the Tortoise or *Testudo*. "The Greek writers describe several species of both the Land and Sea Tortoise. Of the sea-turtle, they were, of course, best acquainted with those species which are found in the Mediterranean. Ælian, however, also makes mention of the Indian. The species which the ancients may be supposed to have known most familiarly are the *Testudo lyra*, *T. Græca*, and *T. geometrica*. (On the use of the turtle by the ancients as an article of food, consult Schweighaeuser, *Ad Athen.*, viii., 7.—*Gerner*, *De Aquat.—Actuarius*, lib. iv.; and *Zenobius*, *Cent.*, iv., 13.) The ἔμυς is the Speckled Tortoise, or *Emys Europæa*."[2]

TETRADRACHMUM. (*Vid.* Drachma.)

TETRARCHES or TETRARCHA (τετράρχης). This word was originally used, according to its etymological meaning, to signify the governor of the fourth part of a country (τετραρχία or τετραδαρχία). We have an example in the ancient division of Thessaly into four tetrarchies, which was revived by Philip.[3] (*Vid.* Tagos.) Each of the three Gallic tribes which settled in Galatia was divided into four tetrarchies, each ruled by a tetrarch.[4] This arrangement subsisted till the latter times of the Roman Republic,[5] but at last the twelve tetrarchs of Gallo-Græcia were reduced to one, namely, Deiotarus.[6] Some of the tribes of Syria were ruled by tetrarchs, and several of the princes of the house of Herod ruled in Palestine with this title.[7] Niebuhr[8] remarks that the tetrarchs in Syria were zemindars, who occupied the rank of sovereigns, in the same way as the zemindars of Bengal succeeded under Lord Cornwallis in getting themselves recognised as dependant princes and absolute proprietors of the soil.

In the later period of the Republic and under the Empire, the Romans seem to have used the title (as also those of *ethnarch* and *phylarch*) to designate those tributary princes who were not of sufficient importance to be called kings.[9]

*TETRIX (τέτριξ, or -αξ, or -άων), a bird noticed by Aristotle, and supposed to be the *Otis Tetrax*, or Little Bustard.[10]

TETRO'BOLUS. (*Vid.* Drachma.)

TETTAPA'KONTA, OI. (*Vid.* Forty, The.)

*TETTIGOME'TRA (τεττιγομήτρα), a term meaning literally "the mother of the Tettix," or Cicada. In reality, however, it indicates merely that intermediate condition of the *nymph* prio to the development of the organs of flight.[1]

*TETTIX (τέττιξ), the Cicada. (*Vid.* Cicada.)

*TEUTHIS (τευθίς), a species of cuttle-fish, the *Loligo parva* of Rondelet. "Belon says its Italian name is *Calamaro*, and hence Holland, in his translation of Pliny, calls it the Calamary, which name of it is still retained."[2]

*TEUTHOS (τεῦθος), a species of cuttle-fish akin to the preceding. It is the *Loligo magna* of Rondelet, or the *Sepia loligo*, L., called in English the Sleeve-fish. The late writers on Natural History give it the name of *Loligo vulgaris*.[3]

*TEUTLOS (τεῦτλος, -ον, -ιον, -ις, or σεῦτλον), the Beet, or *Beta vulgaris*. (*Vid.* Beta.)

TEXTOR, TEXTRINUM. (*Vid.* Tela, p. 953.)

THALAMITOI, THALA'MIOI (θαλαμῖται, θαλάμιοι.) (*Vid.* Ships, p. 893.)

*THALASSOCRAMBE (θαλασσοκράμβη), called by Dioscorides κράμβη θαλάσσια, the Sea Kail, or *Convolvulus soldanella*.[4]

*THALICTRON (θάλικτρον), a plant, the *Thalictrum minus*, or Lesser Meadow-rue. According to Hardouin, it is the *Thalictrum* of Pliny.[5]

THALYSIA (θαλύσια), a festival celebrated in honour of Dionysus and Demeter,[6] or, according to others, of Demeter alone, as it is described by Theocritus in his seventh idyl, and by the grammarians who wrote the argumenta to the same. It was held in autumn, after the harvest, to thank the gods for the benefits they had conferred upon men.[7]

*THAPSIA (θαψία), a plant used to dye yellow, which some lexicographers make to be the Mullein, *i. e.*, *Verbascum thapsus*, or the *Thapsia villosa* or *fœtida*, L. Dierbach holds it to be a species of deadly carrot, *Thapsia garganica*; but Sprengel prefers the *Thapsia asclepium*. Stackhouse is doubtful even as to that genus. "It appears to me highly probable," says Adams, "that the *Turbith* of the Arabians is the Thapsia root of the Greeks."[8]

THARGE'LIA (θαργήλια), a festival celebrated at Athens on the 6th and 7th of Thargelion, in honour of Apollo and Artemis,[9] or, according to the scholiast on Aristophanes,[10] in honour of Helios and the Horæ; the latter statement, however, is in substance the same as the former. The Apollo who was honoured by this festival was the Delian Apollo.[11]

The real festival, or the Thargelia in a narrower sense of the word, appears to have taken place on the 7th, and on the preceding day the city of Athens, or rather its inhabitants, were purified.[12] The manner in which this purification was effected is very extraordinary, and is certainly a remnant of very ancient rites, for two persons were put to death on that day, and the one died on behalf of the men, and the other on behalf of the women of Athens. The name by which these victims were designated was φαρμακοί: according to some accounts, both of them were men, but according to others, the one dying on behalf of the women was a woman, and the other a man.[13] On the day when the sacrifice was to be performed, the victims were led out of the city to a place near the sea, with the accompaniment of a peculiar melody, called κραδίης νόμος, played on the flute.[14] The neck of the one

1 (Liv., xliv., 9.—Polyb., xxviii., 12.)—2. (Ælian, N. A., xiv., 42, &c.—Adams, Append., s. v. χέλυς.)—3. (Harpocrat., s. v. Τετραρχία.—Strabo, 430.—Demosth., Philipp., ii., p. 117.—Europ., Alcest., 1154.—Thirlwall's Greece, vi., p. 13, 14.)—4. (Strabo, 566, 567.—Plin., H. N., v., 42.)—5. (Appian, Mithrid., 46.—Syr., 50.—Bell. Civ., iv., 88.)—6. (Liv., Epit., 94.—Cic., Pro Deiot., 15.—Hirtius, De Bell. Alex., 67.)—7. (Plin., H. N., v., 16, 19.—Joseph., Antiq., xiv., 13, § 1; xvii., 8, § 1; xi., 4, § 1; xii., 11, § 1; xi., 2, § 1.—Vit., 11.)—8. (Hist. of Rome, ii., p. 135.)—9. (Compare Lucan, vii., 227.—Sall., Cat., 20.—Cic., Pro Mil., 28; in Vatin., 12.—Hor., Sat., i., 3, 12.—Vell. Paterc., ii., 51.—Tacit., Ann., xv., 25.)—10. (Aristot., H. A., vi., 2.—Athen., ix.—Adams, Append., s. v.)

1. (Aristot., H. A., v., 24.—Adams, Append., s. v.)—2. (Adams, Append., s. v.)—3. (Adams, Append., s. v.)—4. (Geopon., xii., 1.—Dioscor., ii., 148.—Adams, Append., s. v.)—5. (Dioscor., iv., 96.—Plin., H. N., xxvii., 112.—Adams, Append., s. v.)—6. (Menand. Rhet., quoted by Meursius.)—7. (Spanheim ad Callimach., Hymn. in Cer., 20 and 137.—Wüstemann ad Theocrit. Idyll., vii., 3.)—8. (Dioscor., iv., 154.—Theophr., H. P., ix., 9—Adams, Append., s. v.)—9. (Etym. Mag.—Suidas, s. v. Θαργήλια.)—10. (Equit., 1405.)—11. (Athen., x., p. 424.)—12. (Plut., Symp., viii., 1.—Diog. Laert., ii., 44.—Harpocr., s. v. Φαρμακος.)—13. (Hesych., s. v. Φαρμακοί.)—14. (Hesych., s. v.)

who died for the men was surrounded with a garland of black figs, that of the other with a garland of white ones; and while they were proceeding to the place of their destiny, they were beaten with rods of fig-wood, and figs and other things were thrown at them Cheese, figs, and cake were put into their hands that they might eat them. They were at last burned on a funeral pile made of wild fig-wood, and their ashes were thrown into the sea and scattered to the winds.[1] Some writers maintain, from a passage of Ammonius,[2] that they were thrown into the sea alive; but this passage leaves the matter uncertain. We are not informed whether this expiatory and purifying sacrifice was offered regularly every year, but from the name of the victims (*φαρμακοί*), as well as from the whole account of Tzetzes, which is founded on good authorities, it appears highly probable that this sacrifice only took place in case of a heavy calamity having befallen the city (*νοσούσης τῆς πόλεως*), such as the plague, a famine, &c. What persons were chosen as victims on such occasions is not mentioned, and we only learn from Suidas[3] that they were kept at the public expense (*δημοσίᾳ τρεφόμενοι*). But they were in all probability criminals sentenced to death, and who were kept by the state from the time of their condemnation to be sacrificed at the Thargelia. In the earlier times, however, they were not criminals, but either cripples,[4] or persons who offered to die voluntarily for the good of their country.[5]

The second day of the Thargelia was solemnized with a procession and an agon, which consisted of a cyclic chorus performed by men at the expense of a choragus.[6] The prize of the victor in this agon was a tripod, which he had to dedicate in the Temple of Apollo which had been built by Pisistratus.[7] On this day it was customary for persons who were adopted into a family to be solemnly registered, and received into the genos and the phratria of the adoptive parents. This solemnity was the same as that of registering one's own children at the apaturia.[8] (*Vid.* ADOPTION, GREEK.)

Respecting the origin of the Thargelia there are two accounts. According to Istrus,[9] the *φαρμακοί* derived their name from one Pharmacus, who, having stolen the sacred vials of Apollo, and being caught in the act by the men of Achilles, was stoned to death, and this event was commemorated by the awful sacrifice at the Thargelia. Helladius,[10] on the other hand, states that at first these expiatory sacrifices were offered for the purpose of purifying the city of contagious diseases, as the Athenians, after the death of the Cretan Androgeus, were visited by the plague.[11]

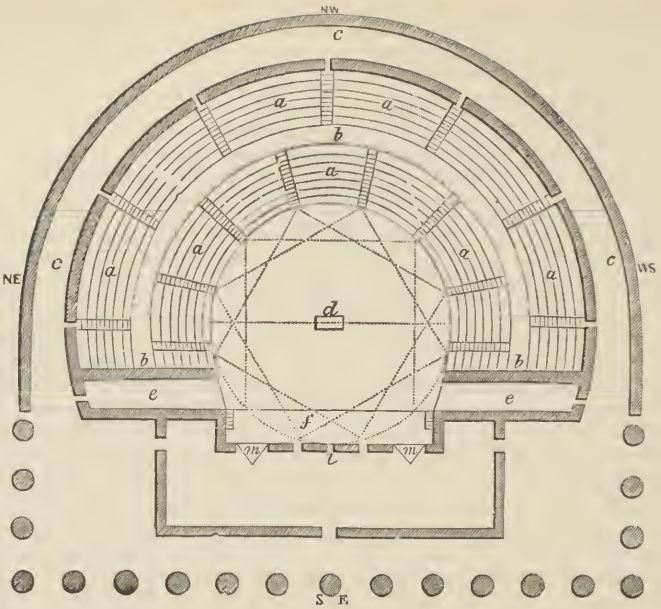
THEA'TRUM (*θέατρον*). The Athenians, before the time of Æschylus, had only a wooden scaffolding on which their dramas were performed. Such a wooden theatre was only erected for the time of the Dionysiac festivals, and was afterward pulled down. The first drama that Æschylus brought upon the stage was performed upon such a wooden scaffold, and it is recorded as a singular and ominous coincidence, that on that occasion (500 B.C.) the scaffolding broke down. To prevent the recurrence of such an accident, the building of a stone theatre was forthwith commenced on the southeastern descent of the acropolis, in the Lenæa; for it should be observed that throughout Greece theatres were always built upon eminences, or on the sloping side of a hill. The new Athenian theatre was built on a very large scale, and appears to have been constructed with great skill in regard to its acoustic and perspective arrangements, but the name of the architect is not known. It is highly probable that dramas were performed in this new theatre as soon as it was practicable, and before it was completely finished, which did not take place till about B.C 340, unless we adopt the untenable supposition that the completion of the Attic theatre at this time refers to a second theatre.[1] During this long interval of forty olympiads, theatres were erected in all parts of Greece and Asia Minor, although Athens was the centre of the Greek drama, and the only place which produced great master-works in this department of literature. It should also be borne in mind, that theatres are mentioned in several parts of Greece where the worship of Dionysus and the drama connected with it did not exist, so that these buildings were devoted to other public exhibitions. Thus, at Athens itself, there were, in later times, besides the theatre in the Lenæa, two others, viz., the *Ἀγρίππειον* and the *ἐπὶ Ῥηγίλλῃ θέατρον*, which were not destined for dramatic performances, but were only places in which the sophists held their declamations. At Sparta there was a theatre of white marble,[2] in which assemblies of the people were held, choral dances performed, and the like;[3] for the festive joy of Dionysus and the regular drama were foreign to the Spartans. All the theatres, however, which were constructed in Greece, were probably built after the model of that of Athens, and, with slight deviations and modifications, they all resembled one another in the main points, as is seen in the numerous ruins of theatres in various parts of Greece, Asia Minor, and Sicily. Some of them were of prodigious dimensions. The theatre of Epidaurus, in the grove of Asclepius, of which considerable ruins are still extant, excelled in beauty the Roman theatres,[4] and in size even that of Megalopolis, which was reckoned the largest theatre in Greece.[5] The great number of ruins of theatres may enable us to form an idea of the partiality of the Greeks for such magnificent buildings, and of their gigantic dimensions. The ruins of the theatre of Argos encloses a space of 450 feet in diameter; the theatre of Ephesus is even 660 feet in diameter. Upon these ruins, see the works of Clarke, Dodwell, Leake, Hughes, Arundell, and the Supplement to Stuart's *Antiquities of Athens*.

The construction of the Greek theatres has been the subject of much discussion and dispute in modern times, and, although all the best writers agree on the great divisions of which a theatre consisted, the details are in many cases mere matters of conjecture. The Attic theatre was, like all the Greek theatres, placed in such a manner that the place for the spectators formed the upper or northwestern, and the stage, with all that belonged to it, the southeastern part, and between these two parts lay the orchestra. We shall consider each of the three divisions separately, together with its parts and subdivisions, referring the reader to the annexed plan, which has been made from the remains of Greek theatres still extant, and from a careful examination of the passages in ancient writers which describe the whole or parts of a theatre, especially in Vitruvius and Pollux.

1. The place for the spectators was, in a narrower sense of the word, called *θέατρον*. The seats

1. (Tzetzes, Chil., v., 25.) — 2. (De Different. Vocab., p. 142, ed. Valck.) — 3. (s. v. *Φαρμακοί.*) —4. (Teztzes, l. c.—Schol. ad Aristoph., Ran., 733.) —5. (Athen., ix., p. 370. — Suidas, s. v. *Παρθένει*.) —6. (Lysias, De Muner. accept., p. 255. — Antiphon, De Choreut., c. 11.—Demosth. in Mid., p. 517.) — 7. (Suidas, s. v. *Πύθιον.*)—8. (Isæus. De Apollod. hered., c. 15.—De Aristarch. hered., c. 8.)—9. (ap. Phot., Lex., p. 467.—Etym. Mag. and Harpocrat., s. v. *Φαρμακός.*)—10. (p. 534, 3.) — 11. (*Vid.* Meursius, Græcia Feriata, s. v. *Θαργήλια.* — Bode, Gesch. der Lyr. Dichtkunst der Hellen., i., p. 173, &c., where an account is also given of the *κραδίης νόμος.*)

1. (Paus., i., 29, § 16.—Plut., Vit. x. Orat., p. 841, c.; 852 c.) — 2. (Paus., iii., 14, § 1.) — 3. (Athen., iv., p. 139; xiv., p. 631.)—4. (Paus., ii., 27, § 5.)—5. (Paus., viii., 32, § 1.)



rn the spectators, which were in most cases cut out of the rock, consisted of rows of benches rising one above another; the rows themselves (*a*) formed parts (nearly three fourths) of concentric circles, and were at intervals divided into compartments by one or more broad passages (*b*) running between them, and parallel with the benches. These passages were called *διαζώματα* or *κατατομαί*, Latin *præcinctiones*,[1] and when the concourse of people was very great in a theatre, many persons might stand in them. One side of such a passage formed towards the upper rows of benches a wall, in which, in some theatres, though perhaps not at Athens, niches were excavated, which contained metal vessels (*ἠχεῖα*) to increase the sounds coming from the stage and orchestra.[2] Across the rows of benches ran stairs, by which persons might ascend from the lowest to the highest. But these stairs ran in straight lines only from one præcinctio to another, and the stairs in the next series of rows were just between the two stairs of the lower series of benches. By this course of the stairs the seats were divided into a number of compartments resembling cones from which the tops are cut off; hence they were termed *κερκίδες*, and in Latin *cunei*. The whole of the place for the spectators (*θέατρον*) was sometimes designated by the name *κοῖλον*, Latin *cavea*, it being in most cases a real excavation of the rock. Above the highest row of benches there rose a covered portico (*c*), which of course far exceeded in height the opposite buildings by which the stage was surrounded, and appears to have also contributed to increase the acoustic effect.[3] The entrances to the seats of the spectators were partly under ground, and led to the lowest rows of benches, while the upper rows must have been accessible from above.[4]

2. The orchestra (*ὀρχήστρα*) was a circular level space extending in front of the spectators, and somewhat below the lowest row of benches. But it was not a complete circle, one segment of it being appropriated to the stage. The orchestra was the place for the chorus, where it performed its evolutions and dances, for which purpose it was covered with boards. As the chorus was the element out of which the drama rose, so the orchestra was originally the most important part of a theatre: it formed the centre round which all the other parts of the building were grouped. In the centre of the circle of the orchestra was the *θυμέλη*, that is, the altar of Dionysus (*d*), which was, of course, nearer to the stage than to the seats of the spectators, the distance from which was precisely the length of a radius of the circle. In a wider sense, the orchestra comprised the broad passages (*πάροδοι*, *e*) on each side between the projecting wings of the stage and the seats of the spectators, through which the chorus entered the orchestra. The chorus generally arranged itself in the space between the thymele and the stage. The thymele itself was of a square form, and was used for various purposes, according to the nature of the different plays, such as a funeral monument, an altar, &c. It was made of boards, and surrounded on all sides with steps. It thus stood upon a raised platform, which was sometimes occupied by the leader of the chorus, the flute-player, and the rhabdophori.[1] The flute-player, as well as the prompter (*ὑποβολεύς*, *monitor*), were generally placed behind the thymele, so as to face the stage, and not to be seen by the spectators.[2] The orchestra, as well as the *θέατρον*, lay under the open sky: a roof is nowhere mentioned.

3. The stage. Steps led from each side of the orchestra to the stage, and by them the chorus probably ascended the stage whenever it took a real part in the action itself. The back side of the stage was closed by a wall called the *σκηνή* or *scena*, from which on each side a wing projected, which was called the *παρασκήνιον*. The whole depth of the stage was not very great, as it only comprised a segment of the circle of the orchestra. The whole space from the scena to the orchestra was termed the proscenium (*προσκήνιον*), and was what we should call the real stage. That part of it which was nearest to the orchestra, and where the actors stood when they spoke, was the *λογεῖον*, also called *ὀκρίβας* or *ὀκρίβαντες*, in Latin *pulpitum*, which was,

1. (Vitruv., v., 3 and 7. — Bekker, Anecdot., p. 270. — Pollux, Onom., iv., 123. — Harpocrat. and Suidas, s. v. *Κατατομή*.) — 2. (Vitruv., i., 1, § 9; v., 4.—Stieglitz, Archäol. der Baukunst, &c., ii., 1, p 150.)—3. (Apuleius, Met., iii., p. 49, Bip.)—4. (Pollux, Onom., iv., 123.—Athen., xiv., 622.)

1. (Müller, Dissert. on the Eumen. of Æs.: transl.)—2. (Plut., Reipubl. Gerend Præc., p 813, E.—Athen xiv., p. 631)

of course, raised above the orchestra, and probably on a level with the thymele. What the *ὑποσκήνιον* was is not clear; some think that it was a place to which the actors withdrew when they had acted their parts, others think that it was the same as the *κονίστρα*;[1] but, as it is stated that the *ὑποσκήνιον* was adorned with statues, it seems more probable that it was the wall under the *λογεῖον* which faced the orchestra and the spectators. The *σκηνή* or scena was, as we have already stated, the wall which closed the stage (*proscenium* and *logeum*) from behind. It represented a suitable background, or the locality in which the action was going on. Before the play began it was covered with a curtain (*παραπέτασμα*, *προσκήνιον*, *αὐλαῖαι*, Latin *aulæa* or *siparium*[2]). When the play began this curtain was let down, and was rolled up on a roller underneath the stage. The proscenium and logeum were never concealed from the spectators. As regards the scenery represented on the *σκηνή*, it was different for tragedy, comedy, and the satyric drama, and for each of these kinds of poetry the scenery must have been capable of various modifications, according to the character of each individual play; at least that this was the case with the various tragedies, is evident from the scenes described in the tragedies still extant. In the latter, however, the background (*σκηνή*), in most cases, represented the front of a palace with a door in the centre (*i*), which was called the *royal door*. This palace generally consisted of two stories (*διστεγία*[3]), and upon its flat roof there appears to have been some elevated place, from which persons might observe what was going on at a distance.[4] The palace presented on each side a projecting wing, each of which had its separate entrance. These wings generally represented the habitations of guests and visiters. All the three doors must have been visible to the spectators.[5] The protagonistes always entered the stage through the middle or royal door, the deuteragonistes and tritagonistes through those on the right and left wings. In tragedies like the Prometheus, the Persians, Philoctetes, Œdipus at Colonus, and others, the background did not represent a palace. There are other pieces, again, in which the scena must have been changed in the course of the performance, as in the Eumenides of Æschylus and the Ajax of Sophocles. The dramas of Euripides required a great variety of scenery; and if, in addition to this, we recollect that several pieces were played in one day, it is manifest that the mechanical parts of stage performance, at least in the days of Euripides, must have been brought to great perfection. The scena in the satyric drama appears to have always represented a woody district, with hills and grottoes; in comedy the scena represented, at least in later times, the fronts of private dwellings or the habitations of slaves.[6] The art of scene-painting must have been applied long before the time of Sophocles, although Aristotle[7] ascribes its introduction to him. (*Vid.* PAINTING, p. 707.)

The machines in the Greek theatres were extremely numerous, but we are in many cases unable to form an exact idea of their nature and their effects. We shall only mention the most important among them. 1. The *περίακτοι* (*m*) stood near the two side entrances of the scena; their form was that of a prisma, and by a single turn they produced a change in the scenery.[8] 2. The *Χαρώνιοι κλίμακες*, or the Charonian steps, by which the shades ascended from the lower world upon the stage.[9] 3. The *μηχανή*, *κράδη*, or *ἐώσημα*, a machine by which gods or heroes were represented passing through or floating in the air; hence the proverb, *Deus ex machina*.[1] 4. The *ἐξώστρα* or *ἐκκύκλημα*. (*Vid.* EXOSTRA.) 5. The *θεολογεῖον*, an especial elevated place above the scena for the Olympian gods when they had to appear in their full majesty.[2] 6. The *βροντεῖον*, a machine for imitating thunder. It appears to have been placed underneath the stage, and to have consisted of large brazen vessels in which stones were rolled.[3] Respecting several other machines of less importance, see Pollux, iv. *περὶ μέρων θεάτρου*.

It is impossible to enter here upon the differences which are presented by many ruins of theatres still extant, from the description we have given above. It is only necessary to mention, that in the theatres of the great cities of the Macedonian time, the space between the thymele and the logeum was converted into a lower stage, upon which mimes, musicians, and dancers played, while the ancient stage (proscenium and logeum) remained destined, as before, for the actors in the regular drama. This lower stage was sometimes called thymele or orchestra.[4]

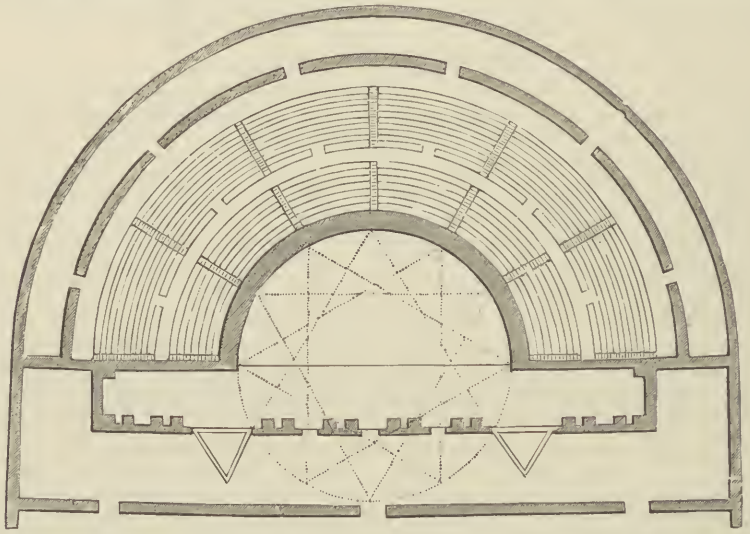
The Romans must have become acquainted with the theatres of the Italian Greeks at an early period, whence they erected their own theatres in similar positions upon the sides of hills. This is still clear from the ruins of very ancient theatres at Tusculum and Fæsulæ.[5] The Romans themselves, however, did not possess a regular stone theatre until a very late period, and, although dramatic representations were very popular in earlier times, it appears that a wooden stage was erected when necessary, and was afterward pulled down again, and the plays of Plautus and Terence were performed on such temporary scaffoldings. In the mean while many of the neighbouring towns of Rome had their stone theatres, as the introduction of Greek customs and manners was less strongly opposed in them than in the city of Rome itself. Wooden theatres, adorned with the most profuse magnificence, were erected at Rome even during the last period of the Republic. The first attempt to build a stone theatre was made a short time before the consulship of P. Cornelius Scipio Nasica. It was sanctioned by the censors, and was advancing towards completion, when Scipio, in 155 B.C., persuaded the senate to command the building to be pulled down, as injurious to public morality.[6] Respecting the magnificent wooden theatre which M. Æmilius Scaurus built in his ædileship, 58 B.C., see Pliny.[7] Its scena consisted of three stories, and the lowest of them was made of white marble, the middle one of glass, and the upper one of gilt wood. The cavea contained 80,000 spectators.[8] In 55 B.C., Cn. Pompey built the first stone theatre at Rome, near the Campus Martius. It was of great beauty, and is said to have been built after the model of that of Mytilene: it contained 40,000 spectators.[9] C. Curio built, in 50 B.C., two magnificent wooden theatres close by one another, which might be changed into one amphitheatre.[10] After the time of Pompey, however, other stone theatres were erected, as the theatre of Marcellus, which was built by Augustus, and called after his nephew Marcellus;[11] and that of Balbus,[12] whence Suetonius[13] uses the expression *per trina theatra*.

1. (Suidas, s. v. Σκηνή.)—2. (Etymol. Mag., s. v. Αὐλός.—Athen., xiii., p. 587.—Pollux, Onom., iv., 122.)—3. (Id. ib., iv., 129.)—4. (Eurip., Phœniss., 88, &c.)—5. (Vitruv., v., 7.)—6. Id. v., 8, § 1.—Pollux, Onom., iv., 125.)—7. (Poet., iv., 16.)—8. (Vitruv., v., 7.—Pollux, Onom., iv., 126.)—9. (Id., iv., 132.)

1. (Pollux, iv., 126, 128, 131.—Suidas, s. v. Ἐώρημα.—Hesych., s. v. Κράδη.)—2. (Pollux, Onom., iv., 130.—Phot., Lex., p. 597.)—3. (Pollux, Onom., iv., 130.—Suidas, s. v. Βροντή.—Vitruv., v., 7.)—4. (Müller, Hist. of Greek Lit., i., p. 299.)—5. (Niebuhr, Hist. of Rome, iii., p. 364, &c.)—6. (Liv., Epit., 48.)—7. (H. N., xxxvi., 24, § 7.)—8. (Comp. Plin., H. N., xxxiv., 17.)—9. (Plin., H. N., xxxvi., 24, § 7.—Compare Drumann, Gesch. Rom's, iv., p. 570, &c.)—10. (Plin., H. N., xxxvi. 24, § 8.)—11. (Dion Cass., xliii., 49.—Plin., H. N., xxxvi., 12.)—12. (Plin., l. c.)—13. (Octav., 44.)

The construction of a Roman theatre resembled, on the whole, that of a Greek one. The principal differences are, that the seats of the spectators, which rose in the form of an amphitheatre around the orchestra, did not form more than a semicircle; and that the whole of the orchestra likewise formed only a semicircle, the diameter of which formed the front line of the stage. The Roman orchestra contained no thymele, and was not destined for a chorus, but contained the seats for senators and other distinguished persons, such as foreign ambassadors, which are called "*primus subselliorum ordo*." In the year 68 B.C., the tribune L. Roscius Otho carried a law which regulated the places in the theatre to be occupied by the different classes of Roman citizens: it enacted that fourteen ordines of benches were to be assigned as seats to the equites.[1] Hence these quatuordecim ordines are sometimes mentioned, without any farther addition, as the honorary seats of the equites. They were undoubtedly close behind the seats of the senators and magistrates, and thus consisted of the rows of benches immediately behind the orchestra. Velleius[1] and Cicero[2] speak of this law in a manner to lead us to infer that it only restored to the equites a right which they had possessed before. Another part of this law was, that spendthrifts, and persons reduced in their circumstances (*decoctores*), whether through their own fault or not, and whether they belonged to the senatorian or equestrian order, should no longer occupy the seats assigned to their order, but occupy a separate place set apart for them.[3] In the reign of Augustus the senate made a decree, that foreign ambassadors should no longer enjoy the privilege mentioned above, as it sometimes happened that freedmen were sent to Rome as ambassadors. The soldiers also were separated from the people by the same decree: the same was the case with women, prætextati and pædagogi.[4] This separation consisted probably in one or more cunei being assigned to a particular class of persons. The following woodcut contains a probable representation of the plan of a Roman theatre.

For a fuller account of the construction of Greek



and Roman theatres, see the commentators on Vitruvius,[2] J. Chr. Genelli, *Das Theater zu Athen, hinsichtlich auf Architectur, Scenerie und Darstellungs Kunst überhaupt*, Berlin, 1818, 8vo. — G. C. W. Schneider, *Das Attische Theaterwesen, zum besseren Verstehen der Griech. Dramatiker*.—Stieglitz, *Archäologie der Baukunst der Griech. u. Römer*, ii., 1.—G. Ferrara, *Storia e descrip. de' princip. teatri ant. e moderni*, Milano, 1830.—The supplement to Stuart's *Antiq of Athens*. A general outline is also given by Müller, *Hist. of Gr. Lit.*, i., p. 299, &c.; and by Bode, *Gesch. der dramat. Dichtkunst d. Hellen.*, i., p. 156, &c.

It remains to speak of a few points respecting the attendance in the Greek theatres. Theatrical representations at Athens began early in the morning, or after breakfast;[3] and when the concourse of people was expected to be great, persons would even go to occupy their seats in the night. The sun could not be very troublesome to the actors, as they were, in a great measure, protected by the buildings surrounding the stage, and the spectators protected themselves against it by hats with broad brims.[4] When the weather was fine, especially at the Dionysiac festivals in spring, the people appeared with garlands on their heads; when it was cold, as at the Lenæa in January, they used to wrap themselves up in their cloaks.[5] When a storm or a shower of rain came on suddenly, the spectators took refuge in the porticoes behind the stage, or in those above the uppermost row of benches. Those who wished to sit comfortably brought cushions with them.[6] As it was not unusual for the theatrical performances to last from ten to twelve hours, the spectators required refreshments, and we find that in the intervals between the several plays they used to take wine and cakes.[7]

The whole of the cavea in the Attic theatre must have contained about 50,000 spectators. The places for generals, the archons, priests, foreign ambassadors, and other distinguished persons, were in the lowest rows of benches, and nearest to the orchestra,[8] and they appear to have been sometimes covered with a sort of canopy.[9] The rows of benches above these were occupied by the senate of 500, those next in succession by the ephebi, and the rest by the people of Athens. But it would seem that they did not sit indiscriminately, but that the better places were let at a higher price than the

1. (Liv., Epit., 99.—Ascon. ad Cornel., p. 78, ed. Orell.)—2. (l. c.)—3. (Æschin., c. Ctesiph., p. 466.—Athen., xi., p. 464.)—4. (Suidas, s. v. Πέτοιος and Δράκων.)

1. (ii., 32.)—2. (Pro Muren., 19.)—3. (Cic., Philipp., ii., 18.) 4. (Suet., Oct., 44.)—5. (Suidas, l. c.)—6. (Æsch., c. Ctesiph., l. c.—Theophr., Char., 2.)—7. (Athen., xi., p. 464.—Aristot. Eth. Nicom., x., 5.)—8. (Pollux, Onom., iv., 121; viii., 133 Schol. ad Aristoph., Equit., 572.)—9. (Æschin., l. c.)

others, and that no one had a right to take a place for which he had not paid.[1] The question whether in Greece, and more especially at Athens, women were present at the performance of tragedies, is one of those which have given rise to much discussion among modern scholars, as we have scarcely any passage in ancient writers in which the presence of women is stated as a positive fact. But Jacobs[2] and Passow[3] have placed it almost beyond doubt, from the various allusions made by ancient writers, that women were allowed to be present during the performance of tragedies. This opinion is now perfectly confirmed by a passage in Athenæus,[4] which has been quoted by Becker[5] in corroboration of the conclusion to which the above-mentioned writers had come. In this passage we find that at Athens, and at the time of the Peloponnesian war, the spectators in the theatre consisted of men and women. We have, however, on the other hand, every reason to believe that women were not present at comedies, while boys might be present both at tragedy and comedy.[6] The seats which women occupied in the Greek theatres appear to have been separated from those of the men.[7]

For the purpose of maintaining order and preventing excesses, the ancients had a sort of theatre-police; the persons who held this office were called in Greece *ῥαβδοφόροι* or *ῥαβδοῦχοι*, and at Rome *Præcones*.[8]

Respecting the attendance at the Greek theatres and the conduct of the people, see a very good dissertation of Becker, in his *Charikles*.[9]

*THEBA'ICUS LAPIS (*Θηβαϊκὸς λίθος*), a species of Porphyry, according to the more correct opinion, and not a kind of marble, as has been supposed by many writers. It was of a red colour, and was also called *Pyropœcilus*.[10]

*THEION (*θεῖον*), Sulphur. "Pliny and Isidorus," says Adams, "describe four kinds of sulphur. The *ἄπυρον* of Dioscorides, or the *Sulphur vivum* of the Latins, is native sulphur. The *Sulphur ignem expertum* (*τὸ πεπυρωμένον*) is sulphur which has been subjected to the action of fire." "Sulphur (*θεῖον*) was applied by the ancients," observes Dr. Moore, "to various uses in medicine and other arts. For the use of the physician was required translucent native sulphur, which the Greeks called *ἄπυρον*. That which had been freed from impurities by an artificial process, which had passed the fire, was called *πεπυρωμένον*, and distinguished into various kinds, appropriated to various uses, according, probably, to their several degrees of purity. Thus, one kind was used for fumigating woollens, to render them whiter and softer; another for making matches: purposes to which sulphur yet continues to be applied. The employment of it in expiation and lustration, which was very common, we find referred to by many ancient authors."[11]

THE'CAI (*θῆκαι*). (*Vid.* Funus, p. 457.)

*THELYCRANEI'A (*θηλυκρανεία*), the *Cornus sanguinea*, or Dogberry.[12]

*THELYPTE'RIS (*θηλυπτερίς*), a plant. Stackhouse holds the *θηλυπτερίς* of Theophrastus to be the *Acrostichum Thelypteris*. Sprengel makes the *θηλυπτεοίς* of Dioscorides to be the *Asplenium filix femina*. Bernh. (*Polypodium*, L.).[13]

*THELYPHONON (*θηλυφόνον*), called also SCORPION (*σκορπίον*), a plant, about which Stackhouse is quite undecided. "Sprengel suggests that it may be the *Doronicum pardalianches*, or Scorpion-rooted Leopard's-bane. This opinion is also supported by Bauhin."[1]

THENSÆ or TENSÆ (for the orthography and etymology of the word are alike doubtful, although the oldest MSS. generally omit the aspirate) were highly-ornamented sacred vehicles, which, in the solemn pomp of the Circensian games, conveyed the statues of certain deities, with all their decorations, to the pulvinaria, and, after the sports were over, bore them back to their shrines.[2] We are ignorant of their precise form; for, although we find several representations upon ancient medals and other works of art, of gods seated in cars, and especially of the sun-chariot of Elagabalus,[3] yet we have no means of deciding which, if any, of these are tensæ. We know that they were drawn by horses (Plutarch[4] calls them *ὑφήσας*), and escorted (*deducere*) by the chief senators in robes of state, who, along with pueri patrimi (*vid.* Patrimi), laid hold of the bridles and traces, or perhaps assisted to drag the carriage (for *ducere* is used as well as *deducere*[5]), by means of thongs attached for the purpose (and hence the proposed derivation from *tendo*). So sacred was this duty considered, that Augustus, when labouring under sickness, deemed it necessary to accompany the tensæ in a litter. If one of the horses knocked up, or the driver took the reins in his left hand, it was necessary to recommence the procession, and for one of the attendant boys to let go the thong or to stumble was profanation.[6]

The only gods distinctly named as carried in tensæ are Jupiter and Minerva,[7] to which number Mars is usually added on the authority of Dion Cassius,[8] but in the passage referred to he merely states that, at the Circensian games celebrated A.D. 216, the statue of Mars, which was in the procession (*πομπεῖον*), fell down; and it is very remarkable that Dionysius,[9] in his minute description of the Pompa Circensis, takes no notice whatever of the tensæ, but represents the statues of the gods as carried on men's shoulders, *i. e.*, on fercula. That a considerable number of deities, however, received this honour, seems probable from the expression of Cicero, in his solemn appeal at the close of the last Verrine oration, "*omnesque dii, qui vehiculis tensarum solemnes cœtus ludorum initis*," though we cannot determine who these gods were. We frequently hear, indeed, of the chariot of Juno,[10] of Cybele,[11] and many others; but, as these are not mentioned in connexion with the Pompa Circensis, there is no evidence that they were tensæ. Among the impious flatteries heaped on Cæsar, it was decreed that his ivory statue should accompany the images of the gods to the circus in a complete chariot (*ἅρμα ὅλον*, that is, *a tensa*, in opposition to a mere *ferculum*), and that this chariot should stand in the Capitol immediately opposite to that of Jupiter.[12]

Similar homage was paid upon high festivals to the images of their gods by other ancient nations. Thus, in the curious ceremonies performed at Papremis connected with the worship of the Egyptian deity, whom Herodotus[13] imagined to be identical

1. (Plat., Apolog., p. 26.—Ælian, V. H., ii., 13.—Demosth. in Mid., p. 572.)—2. (Vermischt. Schrift., iv., p. 272.)—3. (in Zimmermann's Zeitschr. für die Alterth., 1837, n. 29.)—4. (xii., p. 534.)—5. (Charikles, ii., p. 560.)—6. (Theophr., Char., 9.—Isæus, De Ciron. hered., p. 206.—Aristoph., Nub., 537, &c.—Lucian, De Gymn., 22.)—7. (Göttling in the Rhein. Mus., 1834, p. 103, &c.)—8. (Schol. ad Aristoph., Pax, 718.)—9. (ii., p. 249, 278.)—10 (Moore's Anc. Mineral., p. 134.)—11. (Adams, Append., s. v.—Moore's Anc. Mineral., p. 102, 103.)—12. (Theophr., H. P., i., 13; iii., 4.—Adams, Append., s. v.)—13. (Theophr., H. P., ix., 18.—Dioscor., iv., 184.—Adams, Append., s. v.)

1. (Theophr., l. c.—Adams, Append., s. v.)—2. (Cic. in Verr., ii., 1, 59, and note of Pseudo-Ascon., iii., 27; v., 72.—Serv. ad Virg., Æn., i., 21.—Festus, s. v.—Diomedes, i., p. 372, ed. Putsch.—Dion Cass., xlvii., 40.—Tertull., De Spect., 7.)—3. (Herodian, v., 6.—*Vid.* Vaillant, Numis. Imp., tom. ii., p. 269—Ginzrot, Die Wägen und Fahrwerke, &c., tab. xlii., fig. 6.)—4. (Coriolan., 25.)—5. (Liv., v., 41.)—6. (Liv., l. c.—Plut., l. c.—Ascon., l. c.—Arnob. adv. Gent., iv., 31, compared with the oration De Harusp. Resp., 11.—Tertull., De Coron. Mil., 13, and De Spectac., 7.—Suet., Octav., 43)—7. (Suet., Vespas., 5.—Dion Cass., xlvii., 40; l., 8; lxvi., 1.)—8. (lxxviii., 8.)—9. (vii. 72.)—10. (Virg., Georg., iii., 531.)—11 (Æn., vi., 784.)—12 (Dion Cass., xliii 15, 21, 45 xliv., 6.)—13. (ii., 63.)

with Ares, the statue, enshrined in a chapel made of gilded wood, was dragged in a four-wheeled car by a body of priests. So also, in the account given by Athenæus,[1] after Callixenes of Rhodes, of the gorgeous pageant at Alexandrea, during the reign of Ptolemy Philadelphus, we read of a car of Bacchus of prodigious size, most costly materials, and most elaborate workmanship, which was dragged by 180 men, and to such customs we may find a parallel in modern times in the usages which prevail at the festival of S. Agatha at Catania, and S. Rosolia at Palermo.

(Scheffer, *De Re Vehiculari*, c. 24.—Ginzrot, *Die Wägen und Fahrwerke der Griechen und Römer*, c. 55; but the latter author, both here and elsewhere, allows his imagination to carry him farther than his authorities warrant.)

THEODOSIA'NUS CODEX. (*Vid.* CODEX THEODOSIANUS.)

THEOPHA'NIA (*θεωφάνια*), a festival celebrated at Delphi, on the occasion of which the Delphians filled the huge silver crater which had been presented to the Delphic god by Crœsus.[2] Valckenaer on Herodotus[3] thought that the reading was corrupt, and that *Θεοξένια* should be read, as this festival is well known to have been celebrated by the Delphians.[4] But both festivals are mentioned together by Pollux[5] and Philostratus.[6] An agon called theoxenia was also celebrated at Pellene in Achaia in honour of Hermes and Apollo.[7] But no particulars of any of these festivals are known.

THEORI'A (*θεωρία*). (*Vid.* THEOROI.)

THEORI'CA (*θεωρικά*). Under this name, at Athens, were comprised the moneys expended on festivals, sacrifices, and public entertainments of various kinds, and also moneys distributed among the people in the shape of largesses from the state.

There were, according to Xenophon, more festivals at Athens than in all the rest of Greece.[8] Besides those which were open to the whole body of the people, there were many confined to the members of each tribe, deme, and house. These last were provided for out of the funds of the community who celebrated them. At the most important of the public festivals, such as the Dionysia, Panathenæa, Eleusinia, Thargelia, and some others, there were not only sacrifices, but processions, theatrical exhibitions, gymnastic contests, and games, celebrated with great splendour and at a great expense. A portion of the expense was defrayed by the individuals upon whom the burden of *λειτουργία* devolved; but a considerable, and perhaps the larger part, was defrayed by the public treasury. Demosthenes complains that more money was spent on a single Panathenaic or Dionysiac festival than on any military expedition.[9] The religious embassies to Delos and other places, and especially those to the Olympian, Nemean, Isthmian, and Pythian games, drew largely upon the public exchequer, though a part of the cost fell upon the wealthier citizens who conducted them.[10]

The largesses distributed among the people had their origin at an early period, and in a measure apparently harmless, though from a small beginning they afterward rose to a height most injurious to the commonwealth. The Attic drama used to be performed in a wooden theatre, and the entrance was free to all citizens who chose to go. It was found, however, that the eagerness to get in led to much confusion and even danger. On one occasion, about B.C. 500, the scaffolding which supported the roof fell in, and caused great alarm. It was then determined that the entrance should no longer be gratuitous. The fee for a place was fixed at two obols, which was paid to the lessee of the theatre (called *θεατρώνης*, *θεατροπώλης*, or *ἀρχιτέκτων*), who undertook to keep it in repair and constantly ready for use on condition of being allowed to receive the profits. This payment continued to be exacted after the stone theatre was built. Pericles, to relieve the poorer classes, passed a law which enabled them to receive the price of admission from the state; after which, all those citizens who were too poor to pay for their places applied for the money in the public assembly, which was then frequently held in the theatre.[1] In process of time this donation was extended to other entertainments besides theatrical ones, the sum of two oboli being given to each citizen who attended; if the festival lasted two days, four oboli; and if three, six oboli, but not beyond. Hence all theoric largesses received the name of *διωβελία*. The sums thus given varied at different times, and, of course, depended on the state of the public exchequer. These distributions of money, like those of grain and flour, were called *διανομαί* or *διαδόσεις*. They were often made at the Dionysia, when the allies were present, and saw the surplus of their tribute distributed from the orchestra. The appetite of the people for largesses grew by encouragement, stimulated from time to time by designing demagogues; and in the time of Demosthenes they seem not to have been confined to the poorer classes.[2] Böckh calculates that from 25 to 30 talents were spent upon them annually.[3]

So large an expenditure of the public funds upon shows and amusements absorbed the resources which were demanded for services of a more important nature. By the ancient law, the whole surplus of the annual revenue which remained after the expense of the civil administration (*τὰ περίοντα χρήματα τῆς διοικήσεως*) was to be carried to the military fund, and applied to the defence of the commonwealth. Since the time of Pericles various demagogues had sprung up, who induced the people to divert all that could be spared from the other branches of civil expenditure into the theoric fund, which at length swallowed up the whole surplus, and the supplies needed for the purpose of war or defence were left to depend upon the extraordinary contributions or property-tax (*εἰσφοραί*). An attempt was made by the demagogue Eubulus, of whom Theopompus says that *τὰς προσόδους καταμισθοφορῶν διετέλει*,[4] to perpetuate this system. He passed a law, which made it a capital offence to propose that the theoric fund should be applied to military service. In B.C. 353, Apollodorus carried a decree empowering the people to determine whether the surplus revenue might be applied to the purpose of war, for which he was indicted by a *γραφὴ παρανόμων*, convicted and fined, and the decree was annulled, as a matter of course.[5] The law of Eubulus was a source of great embarrassment to Demosthenes, in the prosecutions of his schemes for the national defence; and he seems at last, but not before B.C. 339, to have succeeded in repealing it.[6]

In the earlier times there was no person or board of persons expressly appointed to manage the theoric fund. The money thus appropriated was disbursed by the hellenotamiæ. After the anarchy, the largess system having been restored by Agyrrhius, a board of managers was appointed,

1 (v., c. 27, &c.)—2. (Herod., i., 51.)—3. (l. c.)—4. (Plut., De his qui sero a num. pun., p. 557, F.—Polemon ap. Athen., ix., p. 372.)—5. (i., 34.)—6. (Vit. Apoll., iv., 31.)—7. (Schol. ad Pind., Ol., vii., 156; ix., 146.)—8. (De Rep. Ath., iii., 8.)—9. (Philip. i., 50.)—10 (Schömann, Ant. Jur. Pub. Gr., 305.)

1. (Schömann, ib., 219.)—2. (Philip., iv., 141.)—3. (Staatsh. der Athen., i., 241.)—4. (Athen., iv., 166.)—5. (Demosth. c Neær., 1346–1348.)—6. (Harpocr. and Suidas, s. v. *Θεωρικά* ot *Εὔβουλος*.—Böckh, ib., i., 232–240 – Schömann, ib., 307.)

who were called *ἀρχὴ ἐπὶ τῷ θεωρικ*; *οἱ ἐπὶ τὸ θεωρικὸν τεταγμένοι* or *κεχειροτονημένοι, θεωρικὴ ἀρχή*, &c. They were elected by show of hands at the period of the great Dionysia, one from each tribe. In the time of Eubulus many other branches of the administration were placed under the control of this board, as the management of the civil expenditure, the office of the apodectæ, the building of docks, arsenals, streets, &c. This was dictated by an anxiety on the part of the people that no part of the revenue should be improperly diverted from the theoric fund, which they thought would be prevented by increasing the powers of its managers. But these extraordinary powers appear not to have been of long continuance.[1]

THEOROI (*θεωροί*) were persons sent on special missions (*θεωρίαι*) to perform some religious duty, as to consult an oracle, or to offer a sacrifice on behalf of the state. It is thus explained by the grammarians: *θεοπρόποι, ἢ οἱ θεώμενοι, ἢ οἱ φροντίζοντες περὶ τὰ θεῖα· οἱ εἰς θυσίαν πεμπόμενοι καὶ ἑορτὰς καὶ πανηγύρεις καὶ χρηστήρια*.[2] There were in some of the Dorian states, as the Æginetans, Trœzenians, Messenians, and Mantineans, official priests called *θεωροί*, whose duty it was to consult oracles, interpret the responses, &c., as among the Spartans there were men called Pythii, chosen by the kings to consult the oracle at Delphi.[3] At Athens there were no official persons called *θεωροί*, but the name was given to those citizens who were appointed from time to time to conduct religious embassies to various places; of which the most important were those that were sent to the Olympian, Pythian, Nemean, and Isthmian games, those that went to consult the god at Delphi, and those that led the solemn procession to Delos, where the Athenians established a quadriennial festival in revival of the ancient Ionian one, of which Homer speaks.[4] The expense of these embassies was defrayed partly by the state and partly by wealthy citizens, to whom the management of them was intrusted, called *ἀρχιθέωροι*, chiefs of the embassy. This was a sort of *λειτουργία*, and frequently a very costly one, as the chief conductor represented the state, and was expected to appear with a suitable degree of splendour; for instance, to wear a golden crown, to drive into the city with a handsome chariot, retinue, &c. Nicias, who was very rich, is reported to have incurred great expenses on his embassy to Delos, beyond what was required of him; and Alcibiades astonished all the spectators at Olympia by the magnificence of his horses, chariots, &c., and the profuseness of his expenditure.[5] (*Vid.* DELIA.)

The Salaminian or Delian ship was also called *θεωρὶς ναῦς*, and was principally used for conveying embassies to Delos, though, like the Paralus, it was employed on other expeditions besides.[6]

THEOXE'NIA (*θεοξένια*). (*Vid.* THEOPHANIA.)

THERAPEU'TICA (*τὸ θεραπευτικόν*), one of the five branches into which, according to some authors, the whole art and science of medicine was divided among the ancients.[7] It was defined to be that branch which was conversant with the healing of disease, or recalling and restoring ruined health,[8] and was subdivided into three parts, DIÆTETICA, CHIRURGIA, PHARMACEUTICA.[9] From the incidental mention that is made by Homer and the old Greek writers of the nature of the remedies that were employed by medical practitioners in the earliest times, it would appear that their practice was principally surgical, and almost confined to the treatment of wounds; and that, with respect to internal diseases, these were, for the most part, conceived to be the immediate infliction of the Deity, and therefore abandoned as incurable, or, at least, were to be obviated only by charms and incantations, and that the arts of magic formed no inconsiderable part even of their surgical practice.[1]

From the mode in which Hippocrates speaks of certain practices, such as bleeding, and the administration of emetics, purgatives, and other analogous medicinal agents, we may infer that they were in common use among his contemporaries, and probably had been so for a long time before him. The great principle which directed all his indications was the supposed operation of nature in superintending and regulating all the actions of the system. The chief business of the physician, in the opinion of Hippocrates, was to watch these operations, to promote or suppress them according to circumstances, and perhaps, in some rare cases, to attempt to counteract them. The tendency of this mode of practice would be to produce extreme caution, or rather inertness, on the part of the practitioner; and, accordingly, we find that Hippocrates seldom attempted to cut short any morbid action, or to remove it by any decisive or vigorous treatment. Another principle which very materially affected his practice was the doctrine of critical evacuations. As diseases were supposed to originate in the prevalence of some morbid humour, so, when they are suffered to run their course without interruption, they are relieved by the discharge of the humour, and, consequently, the promotion of this discharge becomes an important indication, which it is often easy to accomplish, and which proves very effectual. Hence an important part of his practice consisted in producing evacuations of various kinds, and especially by the employment of purgatives, of which he used a great variety, and administered them with great freedom. With the same intention he prescribed diuretics and sudorifics; he drew blood both by the lancet and the scarificator; he applied the cupping-glasses; he administered injections, and inserted issues. He made very frequent use of external applications, such as ointments, plasters, liniments, &c., and was familiarly acquainted with the effects of external temperature. The disputes of the DOGMATICI and EMPIRICI do not appear to have had so much influence on their mode of practice as we might have expected; and, indeed, whatever may have been the professed plan of the supporters of the two sects, we shall always find that the practice of the most eminent of either party actually proceeded upon a judicious combination of the two systems.

Celsus, the next physician of sufficient importance to require to be noticed here, adopted to a certain extent the Hippocratic method of observing and watching over the operations of nature, and regulating rather than opposing them: a method which with respect to acute diseases (as was hinted above) may frequently appear inert. But there are occasions on which he displays considerable decision and boldness, and particularly in the use of the lancet, which he employed with more freedom than any of his predecessors. His regulations for the employment of bloodletting and of purgatives are laid down with minuteness and precision; and although he was in some measure led astray by his hypothesis of the crudity and concoction of the

1. (Æschin., c. Ctesiph., 57, ed. Steph. — Böckh, ib., i., 193–197.—Schömann, ib., 320.—Wachsmuth, Hellen. A.t., II., i., 124–127.) — 2. (Harpocr., Suidas, and Hesych., s. v. Θεωροί.— Compare Pollux, ii., 55. — Soph., Œd. Tyr., 114.) — 3. (Schömann, Ant. Jur. Pub. Gr., 130, 395.) — 4. (Thucyd., iii., 104.) — 5. (Böckh, Staatsh. der Athen., i., 230.—Thirlwall, Hist. of Greece, iii., p. 217, p. 330.) — 6. (Suidas, l. c. — Böckh, ib., i., 258.) — 7. (Pseudo-Gal., Defin. Med., c. 11, tom. xix., p. 351.—Id., Introd., c. 7, tom. xiv., p. 689.)—8. (Defin. Med., l. c.)—9. (Introd., l. c., c. 8, p. 694.)

1. (Hom., Il., xi., 636, &c.; Od., xix., 456, &c. — *Vid.* Gal., De Hom. Medic., tom. x., p. 573, ed. Chart., et ap. Alex. Trall. De Re Med., lib. ix., c. 4.)

humours, the rules which he prescribed were not very different from those which were generally adopted in the commencement of the present century. His description of the symptoms of fever, and of the different varieties which it assumes, either from the nature of the epidemic, or from the circumstances under which it takes place, are correct and judicious; his practice was founded upon the principle before referred to, of watching the operations of nature, conceiving that fever consists essentially in an effort of the constitution to throw off some morbid cause, and that, if not unduly interfered with, the process would terminate in a state of health.

Aretæus, also, in his practice followed, for the most part, the method of Hippocrates, but he paid less attention to what have been styled the natural actions of the system; and, contrary to the practice of the Father of Medicine, he did not hesitate to attempt to counteract them when they appeared to him to be injurious. The account which he gives of his treatment of various diseases indicates a simple and sagacious system, and one of more energy than that of the professed Methodici. Thus he more freely administered active purgatives; he did not object to narcotics; he was much less averse to bleeding; and, upon the whole, his materia medica was both ample and efficient. It may be asserted generally (says Dr. Bostock), that there are few of the ancient physicians since the time of Hippocrates who appear to have been less biased by attachment to any peculiar set of opinions, and whose account of the phenomena and treatment of disease has better stood the test of subsequent experience.

The most famous physician of antiquity after Hippocrates was Galen, who is also the last that can here be noticed. His practice in its general character appears to have been similar to his pathology (which depended on the four elements, the four humours, and the four qualities, connected in all the variety of combinations), and, indeed, to have been strictly deduced from it. His indications were in exact conformity to his theory, and the operation of medicines was reduced to their power of correcting the morbid states of the fluids, as depending upon their four primary qualities, or the various modifications of them. Many parts of his writings prove that he was a diligent observer of the phenomena of disease, and he possessed an acuteness of mind which well adapted him for seizing the most prominent features of a case, and tracing out the origin of the morbid affection. But his predilection for theory too frequently warped and biased his judgment, so that he appears more anxious to reconcile his practice to his hypothesis than to his facts, and bestows much more labour on subtile and refined reasoning, than on the investigation of morbid actions, or the generalization of his actual experience.[1]

For the use of gymnastics, which formed an important part of the ancient system of therapeutics, the reader must consult the article on that subject. (*Vid.* Gymnasium, p. 484.) The subject of charms or amulets has been before alluded to, and this article would be incomplete without some farther notice of that very singular mode of cure. The instances that are to be found in the works of ancient authors (particularly Cato and Pliny) are very numerous, and the famous Abracadabra occurs for the first time in Serenus Samonicus.[2] This amulet was particularly recommended for the cure of the species of intermittent fever called by the Greeks ἡμιτριταῖος (or by the moderns *double-tertian*), and is described by him as follows:

> "*Inscribis chartæ, quod dicitur* Abracadabra, *Sæpius: et subter repetis, sed detrahe summæ*
> *Et magis atque magis desint elementa figuris*
> *Singula, quæ semper rapies, et cetera figes,*
> *Donec in angustum redigatur litera conum.*
> *His lino nexis collum redimire memento.*"

Thus forming an equilateral triangle in this manner:

A B R A C A D A B R A
A B R A C A D A B R
A B R A C A D A B
A B R A C A D A
A B R A C A D
A B R A C A
A B R A C
A B R A
A B R
A B
A

For farther information respecting this magical word, see Du Cange, *Glossar. Med. et Inf. Latin.*, ed. Paris, 1840.—Hofmann, *Lex. Univ.*—Sprengel, *Hist. de la Méd.*, tom. ii., p. 147.—C. Steph., *Dict. Hist.*, etc., p. 8, edit. N. Lloyd.—Ger. Jo. Voss., *Op.*, t. 5, p. 24.

One or two examples of this folly may be given from Alexander Trallianus, especially as it is surprising that an author who displays so much judgment in other matters should show so much weakness in this. For epilepsy he recommends a piece of an old sailcloth, taken from a shipwrecked vessel, to be tied to the right arm for seven weeks together;[1] for the colic he orders the heart of a lark to be fastened to the left thigh;[2] for a quartan ague, a few hairs taken from a goat's chin are to be carried about:[3] several other equally ridiculous instances might be given. By way of excuse, he informs us that in his time many persons, particularly the rich, were very averse to medicine, and would by no means be persuaded to persist in a proper method, which forced them, he says, to have recourse to amulets, and such things as were fondly imagined to effect a cure in a more expeditious manner.[4] (*Vid.* Amuletum.)

The following is probably a complete list of the ancient treatises that remain on the subject of therapeutics: Hippocrates, Ἐπιδημίων Βιβλία Ἕπτα, *De Morbis Popularibus*, lib. vii., of which the first and third books are considered as undoubtedly genuine, the second, fourth, and sixth as doubtful, and the fifth and seventh as certainly spurious.—Id., Ἀφορισμοί, *Aphorismi*, considered so certainly genuine that Stephanus Atheniensis says[5] they were the touchstone by which to try the authenticity of the other works that go under the name of Hippocrates.—Id., Περὶ Φαρμάκων, *De Remediis Purgantibus*, a spurious work.[6]—Aretæus, Περὶ Θεραπειῶν Ὀξέων καὶ Χρονίων Παθῶν, *De Curatione Acutorum et Diuturnorum Morborum*, in four books.—Galen, Τέχνη Ἰατρική, *Ars Medica*.—Id., Θεραπευτικὴ Μέθοδος, *Methodus Medendi*.—Id., Τὰ πρὸς Γλαύκωνα Θεραπευτικά, *Ad Glauconem de Medendi Methodo*.—Id., Περὶ Φλεβοτομίας πρὸς Ἐρασίστρατον, *De Venæsectione adversus Erasistratum*.—Id., Περὶ Φλεβοτομίας πρὸς Ἐρασιστρατείους τοὺς ἐν Ῥώμῃ, *De Venæsectione adversus Erasistrateos Romæ Degentes*.—Id., Περὶ Φλεβοτομίας Θεραπευτικὸν Βιβλίον, *De Curanda Ratione per Venæsectionem*.—Id., Περὶ Βδελλῶν, Ἀντισπάσεως, Σικύας, καὶ Ἐγχαράξεως, καὶ Κατασμοῦ, *De Hirudinibus, Revulsione, Cucurbitula, Incisione, et Scarificatione*.—Alexander Aphrodisiensis, Περὶ

1 (Bostock's Hist. of Med.) —2. (De Medic., c. 52, v. 944, sq.)

1. (De Re Med., lib. i., c. 20, p. 30, ed. Goup.) —2. (Ib., lib. vi., c. 6, p. 165.)—3. (Ib., lib. x., c. 6, p. 241.)—4 (Ib., lib. viii., c. 7, 10, p. 165, 198.)—5. (ap. Dietz, Schol. in Hippoc. et Gal. tom. ii., p. 239.)—6. (*Vid.* Choulant, Handb. der Bücherkunde für die Ältere Medicin, 8vo, Leipzig, 1841.)

Πυρετῶν, *De Febribus*.—Great part of the Συναγωγαὶ Ἰατρικαί, *Collecta Medicinalia*, of Oribasius, and also of his Σύνοψις, *Synopsis ad Eustathium*, treat of this subject.—Palladius, Περὶ Πυρετῶν Σύντομος Σύνοψις, *De Febribus Concisa Synopsis*.—Aëtius, Βιβλία Ἰατρικὰ Ἑκκαίδεκα, *Libri Medicinales Sedecim*.—Alexander Trallianus, Βιβλία Ἰατρικὰ Δυοκαίδεκα, *Libri de Re Medica Duodecim*.—Paulus Ægineta, Ἐπιτομῆς Ἰατρικῆς Βιβλία Ἑπτα, *Compendii Medici Libri Septem*, of which great part relates to this subject.—Theophanes Nonnus, Ἐπιτομὴ τῆς Ἰατρικῆς Ἀπάντης Τέχνης, *Compendium Totius Artis Medicæ*.—Synesius, Περὶ Πυρετῶν, *De Febribus*.—Joannes Actuarius, *Methodus Medendi*.—Demetrius Pepagomenus, Περὶ Ποδάγρας, *De Podagra*.—Celsus, *De Medicina*, in eight books, of which great part treat of this subject.—Cælius Aurelianus, *Celerum Passionum Libri* iii.—Id., *Tardarum Passionum Libri* v.—Serenus Samonicus, *De Medicina Præcepta Saluberrima*, a poem on the art of Healing.—Theodorus Priscianus, *Rerum Medicarum Libri* iv. To which list may be added (though somewhat later than the period treated of in this work) the celebrated *Regimen Sanitatis Salernitanum*, of which more than twenty editions were published in the fifteenth century, and more than forty in the sixteenth.

THERAPON (Θεράπων). (*Vid.* Helotes.)

THERIACA (Θηριακή), a word properly applied, according to Galen,[1] to preparations that would cure the bite of wild beasts (θηρίων), as those which were meant as antidotes to other kinds of poisons (τοῖς δηλητηρίοις) were properly called ἀλεξιφάρμακα.[2] The most celebrated of these preparations was the Theriaca Andromachi, invented by the physician to the Emperor Nero, which was nearly the same as that which was composed by Mithradates, king of Pontus, the receipt for which was said to have been found among his papers, after his death, by Pompey. This was published at Rome, under the title of *Antidotum Mithradatium*. But as the various receipts for the preparation of this famous remedy differ from each other very widely, the probability is, says Dr. Heberden, that Mithradates was as much a stranger to his own antidote as several eminent physicians have since been to the medicines that are daily advertised under their names. It was asserted that whoever took a proper quantity of this preparation in the morning was ensured against the effects of poison during the whole of that day, and this, we are told by Galen,[3] was regularly done by the Emperor Marcus Aurelius. It was farther stated that Mithradates himself was so fortified against all baneful drugs, that none would produce any effect when he attempted to destroy himself.[4] In the course of ages it underwent numerous alterations According to Celsus, who first described it,[5] it contained only thirty-six simples; Andromachus added the flesh of vipers,[6] after cutting off the head and tail,[7] and increased the number of ingredients to seventy-five. These, and the method of putting them together, he handed down to posterity in a Greek poem, consisting of one hundred and seventy-four hexameter and pentameter lines, which has been preserved by Galen,[8] and has several times been published separately. When thus improved, Andromachus called it γαλήνη,[9] but in Trajan's time it obtained the name of *Theriaca*, either from the vipers in it, or rather κατ' ἐξοχήν, from its supposed effects in curing the bites of venomous animals. Damocrates differed from Andromachus with respect to some of the proportions,[1] and gave a receipt for it in one hundred and sixty-five Greek iambics, which has also been preserved by Galen,[2] and has been published along with his other poetical fragments at Bonne, 1833, 4to, ed. C. F. Harless. The reputation which this medicine enjoyed was immense; it is mentioned by Abulfaraj,[3] and several Arabic physicians wrote treatises in its praise. It even maintained its ground in quite modern times, and it is only within comparatively a few years that it has been dismissed from the British Pharmacopœia. This was effected chiefly by the persuasion of Dr. Heberden, who wrote a pamphlet on the subject, entitled *Antitheriaca*, 1745. It consisted latterly of seventy-two ingredients, which were arranged under thirteen heads: viz., *Acria*, of which there were five species; *Amara*, of which there were eight; *Styptica* (vulgo *Astringentia*), five in number; *Aromatica Exotica*, fourteen; *Aromatica Indigena*, ten; *Aromatica ex Umbelliferis*, seven; *Resinosa et Balsama*, eight; *Graveolentia*, six; *Virosa* (*seu quæ Narcosin inducunt*), under which head there was but one species, viz., *Opium*; *Terra Insipida et Inertia*, which comprised only the celebrated *Lemnian Earth*; *Gummosa, Amylacea, &c.*, four species; *Dulcia*, viz., liquorice and honey; and *Vinum*, viz., Spanish (or *Sherry*). Upon no principle of combination could this heterogeneous farrago be vindicated; and the monstrous compound is well compared by Dr. Heberden to the numerous undisciplined forces of a barbarous king, made up of a dissonant crowd collected from different countries, mighty in appearance, but in reality an ineffective multitude, that only hinder each other.[4]

THERMÆ. (*Vid.* Baths, p. 143.)

THERMOPO'LIUM. (*Vid.* Calida.)

*THERMOS (θέρμος), a kind of pulse, referable to the genus *Lupinus*, L., or Lupine; about the species, however, there is great uncertainty. "Sprengel, in the first edition of his R. H. H., set down the θέρμος of Theophrastus for the white lupine, or *Lupinus albus*; and in the second for the *L. pilosus*; but Schneider is not satisfied that the characters of the θέρμος, as given by Theophrastus, agree with either of them. Sprengel remarks that the θέρμος ἥμερος of Dioscorides may be either the *L. hirsutus* or *pilosus*. He joins Sibthorp and Smith in holding the *Lupinus angustifolius* to be the θέρμος ἄγριος of Dioscorides."[5]

THESEIA (Θησεῖα), a festival celebrated by the Athenians in honour of their national hero Theseus,[6] whom they believed to have been the author of their democratical form of government. In consequence of this belief, donations of bread and meat were given to the poor people at the Thesea, which thus was for them a feast at which they felt no want, and might fancy themselves equal to the wealthiest citizens. We learn from Gellius[7] that a contest also was held on this occasion, but we are not informed in what it consisted. The day on which this festival was held was the eighth of every month (ὀγδόαι), but more especially the eighth of Pyanepsion,[8] whence the festival was sometimes called ὀγδόδιον.[9] From the passages above referred to, compared with Diodorus,[10] it appears highly probable that the festival of the Thesea was not in

1. (Comment. in Hippocr. Libr., "De Alim.," § 7, tom. xv., p. 279, ed. Kühn.)—2. (Conf. Gal., Comment. in Hippocr. Libr. vi., "De Morb. Vulgar," vi., § 5, tom. xvii., pt. ii., p. 337.)—3. (De Antid., i., 1, tom. xiv., p. 3.)—4. (Gal., l. c.—Cels., De Med., v., 23, § 3.—Gell., xvii., 16.—Justin, xxxvii., 2.—Flor., iii., 5.—Mart., v., 76.—Dion Cass., xxxvii., 13.—Appian, De Bell. Mithr., c. 111.—Aurel. Vict., De Vir. Illust., c. 76.)—5. (l. c.)—6. (Gal., De Ther. ad Pis., c. 5, tom. xiv., p. 232.)—7. (Id. ib., c. 9, p. 238, sq.)—8. (De Antid., i., 6, tom. xiv., p. 32, sq.—De Ther. ad Pis., c. 6, 7, tom. xiv., p. 233.)—9. (Gal., l. c.)

1. (Gal., De Ther. ad Pis., c. 13, tom. xiv., p. 266.)—2. (De Antid., i., 15, tom. xiv., p. 96, sq.)—3. (Hist. Dynast., p. 63.)—4 (*Vid.* Dr. Paris's Pharmacologia, vol. i., p. 49.)—5. (Dioscor., ii., 132, 133.—Theophr., H. P., i., 6; iii., 3.—Adams, Append., s. v.)—6. (Aristoph., Plut., 622, &c., with the schol.—Suidas, s. v. Θησείοις.)—7. (xv., 20, § 3.)—8. (Schol. ad Aristoph., l. c.—Plut., Thes., 36.)—9. (Hesych., s. v.)—10 (v., 52.)

stituted till B.C. 469, when Cimon brought the remains of Theseus from Scyrus to Athens.[1]

THESMOPHO'RIA (*Θεσμοφόρια*), a great festival and mysteries celebrated in honour of Demeter in various parts of Greece, and only by women, though some ceremonies were also performed by maidens. The Attic Thesmophoria were held in the month of Pyanepsion, and began on the eleventh. Its introduction was ascribed by Demosthenes, Diodorus Siculus, and Plutarch[2] to Orpheus, while Herodotus[3] states that it was introduced into Greece from Egypt by the daughters of Danaus, who made the Pelasgian women of Peloponnesus acquainted with the mysteries; that after the Dorian conquest they fell into disuse, and were only preserved by the Arcadians, who remained undisturbed in their ancient seats. Thus much appears certain from the name of the festival itself, that it was intended to commemorate the introduction of the laws and regulations of civilized life, which was universally ascribed to Demeter.[4] Respecting the duration of the Attic Thesmophoria, various opinions are entertained both by ancient and modern writers. According to Hesychius,[5] it lasted four days: it has been inferred from Aristophanes[6] that it lasted for five days. Such discrepances have undoubtedly arisen from the circumstance that the women spent several days before the commencement of the real festival in preparations and purifications, during which they were especially bound to abstain from sexual intercourse, and for this purpose they slept and sat upon particular kinds of herbs, which were believed to have a purifying effect.[7] During this time the women of each demos appointed two married women from among themselves to conduct the solemnities (*ἄρχειν εἰς τὰ Θεσμοφόρια*[8]), and their husbands, who had received a dowry amounting to three talents, had to pay the expenses for the solemnity in the form of a liturgy.[9] The festival itself, which, according to the most probable supposition, also adopted by Wellauer,[10] lasted only for three days, began on the 11th of Pyanepsion, which day was called *ἄνοδος* or *κάθοδος*,[11] from the circumstance that the solemnities were opened by the women with a procession from Athens to Eleusis. In this procession they carried on their heads sacred laws (*νόμιμοι βίβλοι* or *θεσμοί*), the introduction of which was ascribed to Demeter *Θεσμοφόρος*, and other symbols of civilized life.[12] The women spent the night at Eleusis in celebrating the mysteries of the goddess.[13] The second day, called *νηστεία*,[14] was a day of mourning, during which the women sat on the ground around the statue of Demeter, and took no other food than cakes made of sesame and honey (*σησαμοῦς*[15]). On this day no meetings either of the senate or the people were held.[16] It was probably in the afternoon of this day that the women held a procession at Athens, in which they walked barefooted behind a wagon, upon which baskets with mystical symbols were conveyed to the Thesmophorion.[17] The third day, called *καλλιγένεια* from the circumstance that Demeter was invoked under this name,[18] was a day of merriment and raillery among the women themselves, in commemoration of Iambe, who was said to have made the goddess smile during her grief.[1] Hesychius mentions a sacrifice called *ζημία*, which was offered to the goddess as an atonement for any excess or error which might have been committed during the sacred days, and this sacrifice was probably offered at the close of the third day.

There are several other particulars mentioned by ancient writers as forming part of the Thesmophoria, but we are not able to ascertain in what manner they were connected with the festival, or on what day they took place.

Thesmophoria were also celebrated in many other parts of Greece, as mentioned above. The principal places where they are mentioned by ancient authors are the following: Sparta, where the festival lasted three days;[2] Drymæa in Phocis;[3] Thebes in Bœotia;[4] Miletus;[5] Syracuse;[6] Eretria in Eubœa;[7] Delos;[8] Ephesus;[9] Agrigentum;[10] and other places. But of their celebration in these towns we know no more than a few isolated particulars, which are mentioned in the passages referred to.[11]

THESMOS (*θεσμός*). (*Vid.* Nomos, p. 663.)

THESMOTHETAI (*θεσμοθέται*). (*Vid.* Archon.)

THETES (*θῆτες*). In earlier times this name denoted any freemen who worked for hire (*οἱ ἕνεκα τροφῆς δουλεύοντες*;[12] *ἐλευθερῶν ὄνομα διὰ πενίαν ἐπ' ἀργυρίῳ δουλευόντων*[13]). Homer[14] speaks of *θῆτές τε δμῶές τε*, the latter properly signifying those who became slaves by captivity. They are to be distinguished not only from all common slaves, but also from those persons who were in the condition of the Penestæ or Helots.[15] The persons best known by the name of *θῆτες* are the members of the fourth or lowest class at Athens, according to the political division of Solon (B.C. 594). Among other changes, he effected one of great importance, by abolishing, or at least abridging, the distinctions of caste or birth, and introducing in lieu of them distinctions of property. He distributed the people of Attica into four classes: the first consisting of those whose land afforded an annual income of 500 *medimni* of dry produce, or *metretes* of liquid, hence called *πεντακοσιομέδιμνοι*; the second of those whose annual profits were 380; the third, whose profits were 150; the fourth consisting of those whose incomes were less than 150. The fourth class, comprehending all the poor and labouring part of the citizens, were called *θῆτες*. To each class were assigned certain rights and privileges on the one hand, and certain duties and liabilities on the other. As to the mode of taxation, see Eisphora. The highest civil offices and military commands were reserved for the members of the first class. The second and third were appointed to form the national militia, the former constituting the cavalry, the latter the heavy-armed infantry; and certain minor civil offices were open to them. The lowest class was exempted from all direct taxation, and also excluded from all honours and dignities. In war they served as light troops (*ψιλοί*), and, when naval service was required, as rowers in the ships. They, however, were admitted to vote in the *ἐκκλησία*, or general assembly, where magistrates were elected, and various other impor

1. (Meursius, Græc. Fer., s. v. *Θησεῖα*.—Theseus, p. 133.—Corsini, Fast. Att., ii., p. 330.—Ideler, Hist. Untersuch. ueber die Astronom. Beobacht. der Alten, p. 383, &c.)—2. (ap. Theodoret., Therap., i.)—3. (ii., 171.)—4. (Diodor., v., 5.)—5. (s. v. *Τρίτη Θεσμοφορίων.*)—6. (Thesmoph., 80.)—7. (Hesych., s. v. *Χνωρον.*—Etym. Magn., s. v. *Σκόροδον.* Ælian, N. A., ix., 26.—Schol. ad Theocr., iv., 25.—Dioscor., i., 135.—Plin., H. N., xxiv., 19.—Steph. Byz., s. v. *Μίλητος.*)—8. (Isæus, De Ciron. hered., p. 208, ed. Reiske.)—9. (Id., De Pyrr. hered., p. 66.)—10. (De Thesmoph., p. 6.)—11. (Hesych., s. v. *Ἄνοδος.*)—12. (Schol. ad Theocr., xiv., 23.)—13. (Æn. Tact., Poliorc., 4.)—14. (Athen., vii., p. 307.)—15. (Aristoph., Thesmoph., 535; Pax, 520.)—16. (Aristoph., Thesm., 79.)—17. (Id. ib., 276, &c.)—18. (Id. ib., 296.)

1. (Aristoph., Thesm., 792; Ran., 390.—Hesych., s. v. *Στήνια*.—Phot., Lex., p. 397.—Apollod., i., 5, § 1.)—2. (Hesych., s. v. *Τριήμερος.*)—3. (Paus., x., 33, § 6.—Steph. Byz., s. v. *Δρυμία.*)—4. (Plut., Pelop., p. 280.—Xen., Hell., v., 2, § 29.)—5. (Steph. Byz., s. v. *Μίλητος.*—Diog. Laert., ix., § 43.)—6. (Athen., xiv., p. 647.)—7. (Plut., Quæst. Gr., p. 298, B., &c.)—8. (Athen., iii., p. 109.)—9. (Strab., xiv., p. 633.—Herod., vi., 16.)—10. (Polyæn., v., 1, 1.)—11. (Meursius, Græc. Fer., s. v. *Θεσμοφόρια.*—Wellauer, De Thesmoph., Wratislav., 1820, 8vo.—Creuzer Symbol., iv., p. 440, &c.—Preller, in Zimmermann's Zeitschr ft 1835, n. 98; and in general, Wachsmuth, Hellen. Alt., ii., 2, p. 248, &c.)—12. (Photius, s. v.)—13. (Pollux, Onom., iii., 32.)—14. (Od., iv., 644; xviii., 356.)—15. (Wachsmuth, ib. i., 235, 255, 322.—Schömann, Ant. Jur. Pub. Gr., 70.)

tant matters determined, though the business of the assembly was placed under the control of the senate of Four Hundred, and could not be held without its authority. Another important privilege conferred on the lowest class was the right of sitting as dicasts in the heliastic court, for which no farther qualification was requisite than that the party should be thirty years of age, and possessed of his full legal franchise. (*Vid.* Dicastes.) Before the time of Solon, all judicial power was vested in the superior magistrates. He first gave an appeal from their decisions to a court composed of a large number of citizens, which in process of time became the regular tribunal for the hearing of all civil causes, the superintendence or direction thereof (*ἡγεμονία δικαστηρίου*) being alone reserved to the magistrate. Such was the political condition of the lower classes at Athens as established by Solon. After his time a variety of causes operated to increase the power of the lower classes. Among these we may reckon, first, the reforms introduced by Clisthenes, who created the *δῆμοι*, altered the tribes, subdivided the heliastic court, broke the old aristocratical connexions, and increased the number of citizens by enfranchising aliens and slaves. Secondly, the Persian war caused the downfall of many wealthy families, who lost their possessions by the capture and sacking of the city; whereas the lower order of people, who served in the fleet, became elevated by their success, and rose in estimation by the value of the services they had rendered. This led to a measure which is said to have been passed by Aristides, which enabled the poorest citizen to aspire to the highest honours of the state; after which, all distinction of classes was gradually abolished; though a certain fortune appears to have been still requisite for the office of archon, if the question asked at the examination previous to his admission, *εἰ τὸ τίμημα αὐτῷ ἐστίν*, had not become a mere form.[1] Trade and commerce increased the number of operative citizens, brought large crowds of seamen and idlers into the Piræus and the city, who turned their attention to the public assemblies, where their numbers gave them a preponderance in the suffrage. The attendance of the poorer people in the ecclesia was still farther encouraged by a law which was introduced by Callistratus after the time of Pericles, by which every person who attended received a certain fee, first an obol, and afterward raised to three obols, called *μισθὸς ἐκκλησιαστικός*.[2] The remuneration given to the dicasts (an obol by the law of Pericles, but raised to three obols by Cleon) had the same effect as the assembly fee. The whole power of the state, judicial and administrative, which already resided in the multitude in theory, soon came to be exercised by them in practice, when (besides their natural love of power) they were stimulated to take upon themselves the performance of these duties by the prospect of immediate reward. The establishment of the theoric fund (*vid.* Theorica) was another measure of democratic tendency, as it helped to maintain the idle poor at the public expense, and enabled them to interfere in state business. That the authority of the court of Areopagus, as well as that of the senate of Five Hundred, should be diminished, was the natural consequence of the measures and changes above mentioned. To trace the events, political and moral, which ensued from the democratic movements of the Athenians, belongs to history.[3]

1. (Pollux, Onom., viii., 86.)—2. (Böckh, Staatsh. der Ath., i., 345.)—3. (Wachsmuth, I., ii., 26, 30, 150, 158.—Schömann, De Comit., pref., x., xviii.—Antiq. Jur. Publ. Gr., 174, 253.—Thirlwall, Hist of Greece, ii., p. 37–44, 73, 374; iii., p. 67.—Böckh, Staatsh., &c., i., 250, 277; ii., 28–36.—Harpocrat. and Suidas, s. v. Θῆτες and *θητικόν*.)

The name of *θῆσσα* was also given to a poor heiress at Athens, whom the next of kin was obliged to marry, or give her a suitable portion. (*Vid* Suidas[1] and Epiclerus.)

THI'ASOS (*θίασος*) signifies any company or assembly of persons met together for a religious purpose, such as a choir of bacchanals or dancers, a party met to celebrate a festival, &c. *ἱερος χορὸς ἀπὸ τοῦ θέειν, ἢ ἀπὸ τοῦ ἐνθουσιᾶν· τὸ ἀθροιζόμενον πλῆθος ἐπὶ τέλει καὶ τιμῇ θεοῦ*.[2] Compare Dionysia, p. 363.) The word appears to be derived from *σιὸς*, the Doric for *θεός*. Each member of a *θίασος* was called *θιασώτης*. In the democratic states of Greece there were religious associations called *θίασοι*, who clubbed together, kept a common fund, purchased land, &c., for religious purposes.[3] (*Vid.* Eranos.)

THO'LOS (*θόλος, ὁ* and *ἡ*, also called *σκιάς*) is a name which was given to any round building which terminated at the top in a point, whatever might be the purpose for which it was used.[4] At Athens the name was in particular applied to the new round Prytaneum near the senate-house, which should not be confounded with the old Prytaneum at the foot of the Acropolis.[5] It was therefore the place in which the prytanes took their common meals and offered their sacrifices. It was adorned with some small silver statues,[6] and near it stood the ten statues of the Attic *ἐπώνυμοι*. (*Vid.* Eponymoi, Prytaneion.)

Other Greek cities had likewise their public *θόλοι*: thus we find that Polycletus built one of white marble at Epidaurus, the inside of which was adorned with paintings by Pausias. It was originally surrounded by columns, of which in the days of Pausanias six only were standing, and upon these were inscribed the names of such persons as had been cured of some disease by Asclepius, together with the name of the disease itself, and the manner in which they had obtained their recovery.[7]

THORAX. (*Vid.* Lorica.)

THO'RIA LEX. This agraria lex is the subject of a very elaborate essay by Rudorff, "Das Ackergesetz des Spurius Thorius, Zeitschrift, vol. x."

This lex was engraved on the back part of the same bronze tablet which contained the Servilia lex Judiciaria, and on Repetundæ. The tablet was broken at some unknown time, and the lower, which was perhaps the largest part, is now lost. Seven fragments of the upper part were preserved, which, as the tablet is written on both sides, make fourteen inscriptions, which were published by Fulvius Ursinus: the first five of the inscriptions, as they are numbered by him, belong to the lex Thoria, and the last seven to the lex Servilia. The largest and most important of the fragments are now in the Museo Borbonico. Their history is traced and their present condition described by Rudorff with great minuteness. Two of the fragments were copied by Sigonius when they were in the Museum of Cardinal Bembo; and the copy of the two fragments of the lex Thoria, and also the copy of the two fragments of the lex Servilia, are printed in the work of Sigonius, De Antiquo Jure Populi Romani, Libri Undecim, Bononiæ, 1574.

The title of this lex does not appear from the mutilated inscription, but Rudorff shows that the lex belongs to the period between the consulship of P. Cornelius Scipio Nasica and L. Calpurnius Piso Bestia, B.C. 111, and that of L. Julius Cæsar, B.C. 90, within which space of twenty-two years five agrarian laws were enacted, Boria, Thoria, Marcia, Apuleia, and Titia. It farther appears, from com

1. (l. c.)—2. (Suidas, Harpocr., and Hesych., s. v.)—3. (Böckh, Staatsh., &c., i., 264.—Schömann, Ant. Jur. Publ. Gr., 305.)—4. (Hesych. and Suidas, s. v. *Θόλος*.—Hom., Od., xxii., 442, 459, 466.)—5. (Paus., i., 5, § 1; 18, § 13.)—6. (Pollux, Onom., viii., 155.—Demosth., De Fals Leg., p. 419.)—7. (Paus., ii., 17, § 3.)

caring two passages of Cicero,[1] in which he speaks of the lex Thoria, with the fragments of this lex whose title is lost, that the fragments are those of the lex Thoria. Now the date of the lex Thoria is fixed by Rudorff at the year of the city 643, or B.C. 111, which is, consequently, the date of the lex on the bronze tablet, thus identified with the lex Thoria. Proceeding on the assumption that the fragmentary lex was the plebiscitum called the lex Thoria, Sigonius restored the beginning of it according to the usual form of Roman plebiscita: Sp. Thorivs . . . F. Tr. Pl. Plebem ivre rog. Plebesque ivre scivit Tribvs . . . . Principvm fvit pro tribv Q. Fabivs. Q. F. primvs scivit.

The history of this inscription is curious. It was not cut on the rough back of the bronze tablet till after the other side, which is smooth, had been occupied by the Servilia lex. The Servilia lex is certainly not of earlier date than the year of the city 648, or B.C. 106, and, consequently, the Thoria could not have been cut on this tablet before the year 648. It seems that the tablet was large enough for the lex Servilia, for which it was intended, but much too small for the agrarian law: "consequently, the characters of the agrarian side of the tablet are remarkably small, the lines narrow, the abbreviations numerous, and the chapters only separated by two or three points, whereas on the other side the letters are uniform, large, and well made, the lines wide, the words written at full length, and the chapters of the lex separated by superscriptions. Farther, the lines (of the Agraria lex) are often so oblique that they cross the straight lines on the opposite side, which are cut very deep, and, consequently, are visible on the side on which the agrarian lex is cut." (Rudorff.)

The subject-matter of this lex cannot be stated without entering into detail: the whole is examined by Rudorff with great care. The main subject of the lex, to which the first eighteen chapters or forty-three lines refer, is the public land in Italy as far as the rivers Rubico and Macra. The second part of the lex begins with the nineteenth chapter and the forty-fourth line, and extends to the fiftieth chapter and the ninety-sixth line: this part of the lex relates to the public and private land in the province of Africa. The third and last part of the lex, from the fiftieth chapter and the ninety-sixth line to the end of the inscription, relates to the Roman public land in the territory of Corinth.

Rudorff concludes that the lex applied to other land also, and for two reasons. First, the Roman agrarian laws of the seventh century of the city related to all the provinces of the Empire, of which we have an example in the case of the lex Servilia of Rullus. Secondly, the fragment of the lex Thoria which is preserved is so broad compared with the height, that we may conclude that the complete tablet contained three times as much as it does now; for nearly all the bronze tablets on which Roman laws are cut are of an oblong form, with the height much greater than their width. Of the two thirds of the tablet which it is concluded have been lost, not a trace has yet been discovered.

The essay of Rudorff contains a copy of the inscription, with his restoration of the passages that are defaced. The value of this attempt can only be estimated by an investigation as complete as that of the author.

*THOS (*θώς*). "Hardouin," remarks Adams, "upon the authority of Bochart and others, holds the improbable opinion that the *Thos* was the *Papio* or Baboon. Buffon concludes, with greater probability, that it was the *Canis aureus*, L.; he maintains, however, that it is not the same as the *Lupus cervarius*, although generally held to be so. The *Lupus cervarius* is, as he remarks, the same as the *Chaus* of Pliny, which is our lynx or stag-wolf, no character of which agrees with the *Thos*."[2]

THRANI'TAI (*θρανῖται*). (*Vid.* Ships, p. 893.)

THRACES. (*Vid.* Gladiatores, p. 477.)

*THRAUPIS (*θραυπίς*), the name of a bird mentioned by Aristotle, and the same, probably, with the Goldfinch, or *Fringilla carduelis*.[3]

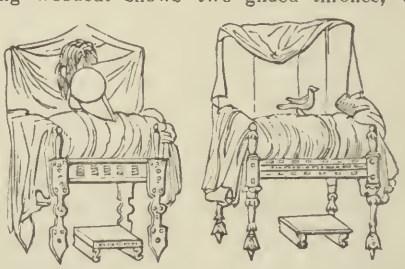
*THRAU'PALUS (*θραύπαλος*), a plant, either the *Viburnum luntana*, Mealy Guelder-rose or Wayfaring-tree according to Sprengel, or the *Viburnum opulus*, common Guelder-rose or Water-elder according to Stackhouse.[4]

*THRIDAX, the Lettuce. (*Vid.* Lactuca.)

*THRIDACI'NE. (*Vid.* Lactuca.)

*THRISSA (*θρίσσα*), a species of fish, the *Clupea alosa*, or Shad. Ausonius states that in his time it was used only by the lower ranks for food.[4]

THRONUS, the Greek *θρόνος*, for which the proper Latin term is *solium*, a Throne. This did not differ from a chair (*καθέδρα*) (*vid.* Cathedra, Sella) except in being higher, larger, and in all respects more magnificent.[5] On account of its elevation, it was always necessarily accompanied by a footstool (*subsellium*, *ὑποπόδιον*, *Att. θράνιον*, *Ion. θρῆνυς*[6]). Besides a variety of ornaments, especially nails or studs of silver, bestowed upon the throne itself, it was often covered with beautiful and splendid drapery.[7] (*Vid.* Tapes.) The accompanying woodcut shows two gilded thrones, with



cushions and drapery, represented on paintings found at Resina.[8] These were intended to be the thrones of Mars and Venus, which is expressed by the helmet on the one and the dove on the other.

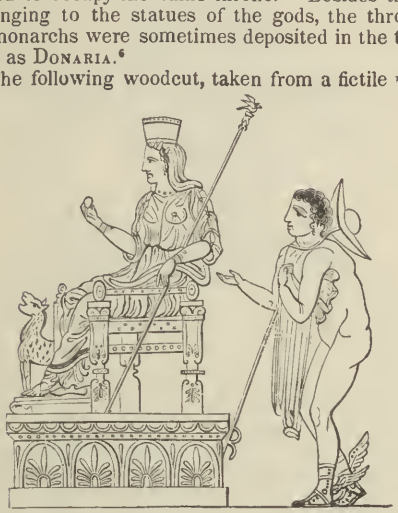
All the greater gods were sometimes represented as enthroned, especially Jupiter, Juno, Mars, Venus, Minerva, Diana, Ceres, Cybele, Neptune, Æsculapius, and Apollo. This was in imitation of the practice adopted by mortals, and more particularly in Asia, as in the case of Xerxes[9] and of the Parthians.[10] When the sitting statue of the god was colossal, the throne was, of course, great in proportion, and consequently presented a very eligible field for the display of sculpture and painting. As early as the sixth century before Christ, Bathycles of Magnesia thus decorated the throne of the Amyclæan Apollo. Instead of legs, it was sustained both before and behind by four statues, representing two Graces and two Hours. It was elevated upon a basement (*βάθρον*). Being of the size of a considerable temple, and open all round so that persons might walk under it, it was covered with bas-reliefs both outside and inside. Not less than fifty or sixty mythological subjects were thus displayed in separate compartments, besides many distinct fig-

1. (De Or., ii. 70 and Brutus 36.

1. (Hardouin ad Plin., viii., 52.—Aristot., H. A., ii., 12.—Id. ib., vi., 29.—Adams, Append., s. v.)—2. (Aristot., H. A., viii. 5.)—3. (Theophrast., H. P., iii., 6.—Id. ib., iv., 1.—Adams, Append., s. v.)—4. (Aristot., H. A., ix., 32.—Ælian, N. A., vi., 32—Adams, Append., s. v.)—5. (Athen., v., p. 192, e.)—6. (H m. Il., xiv., 240.—Od., i., 131.—Ib., x., 315.)—7. (Hom., Od., vi. 150.)—8. (Ant. d'Ercol., i., tav. 29.)—9. (Philostr., Imag. i. 31.)—10. (Claud. in iv. Cons. Honor., 214.)

ries placed about it.[1] The throne of the Olympian Jupiter, the work of Phidias and Panænus, was constructed and ornamented in a similar manner, but was closed instead of being open all round, and consisted of the most valuable materials, viz., ivory, ebony, gold, and precious stones.[2] As a chair for common use was sometimes made to hold two persons,[3] and a throne shared by two potentates (*δίφρος*[4]), so two divinities were sometimes supposed to occupy the same throne.[5] Besides those belonging to the statues of the gods, the thrones of monarchs were sometimes deposited in the temples as Donaria.[6]

The following woodcut, taken from a fictile vase



in the Museo Borbonico at Naples, represents Juno seated on a splendid throne, which is elevated, like those already described, on a basement. She holds in her left hand a sceptre, and in her right the apple, which Mercury is about to convey to Paris with a view to the celebrated contest for beauty on Mount Ida. Mercury is distinguished by his Talaria, his Caduceus, and his petasus thrown behind his back and hanging by its string. On the right side of the throne is the representation of a tigress or panther.

The elevated seat used by a schoolmaster was called his throne.[7]

*THUS. (*Vid.* Libanotus.)

*THYA (*θύα, θυία, θυεία*), a species of tree, the timber of which was fragrant. "Botanical authorities agree in referring it to the *Arbor vitæ;* that is, either to the *Thya aphylla* according to Stackhouse, or the *Thya articulata* according to Sprengel. Most probably it is the *θίον* of Homer."[8]

*THYITES LAPIS. "Galen," says Adams, "describes the Thyites of Dioscorides as being of a greenish colour, like jasper. It would appear that it was a variety of *turquoise*, but not the kind in common use. It is the *callais* of Pliny, and hence the turquoise is called by Fisher and Jameson *callaite*."[9]

*THYMALLUS (*θύμαλλος*), a species of fish, the *Salmo Thymallus*, L., called in English the Grayling or Umber. "The *Umbra* of Ausonius would appear to have been a variety of it. Artedi makes the *θύμαλλος* to have been a species of *Coregenus;* but the learned writer of the article on Ichthyology in the Encyclopedie Methodique, and Schneider, in his commentary on Ælian, rank it as a species of Salmon. Daniell says that the name *Thymallus* is given to this fish on account of an imaginary scent proceeding from it, resembling thyme, and that it is more appropriately called *Umbra*, from its being so swift in summer as to disappear like a passing shadow."[1]

*THYMBRA (*θύμβρα*), a plant. "Stackhouse seems to be the only authority who refers it to the *Thymbra capitata;* all the others are satisfied that it is the *Satureia Thymbra*, or Savory. Aristophanes alludes to the use of savory as a condiment."[2]

*THYMELÆA (*θυμελαία*). "Modern botanists," says Adams, "by a frequent change of names, have occasioned some difficulty in determining accurately to which genus and species the *θυμελαία* is to be referred. It was most probably the *Daphne Cnidium*, or Flax-leaved Daphne. Botanists call this tribe of plants *Thymeleæ*. The fruit of the *θυμελαία* is usually named *κόκκος Κνίδιος*."[3]

THYM'ELE (*θυμέλη*). (*Vid.* Theatrum, p. 968.

*THYMUS (*θύμος*), the *Thymus vulgaris*, or Common Garden Thyme, according to most authorities Matthiolus alone suggests that it is the *Thymus Creticus*, which is the *Satureia capitata*, L.[4]

*THYNNUS (*θύννος*), a fish, the *Scomber Thynnus*, L., Spanish Mackerel, Albicore, or Tunny-fish. According to Coray, its French name is *Thorr* "The tunny is one of the largest sea fishes. Aristotle speaks of an old individual which weighed fifteen talents, or twelve hundred pounds, and which measured two cubits and a palm from one point to another of the caudal fin. This measure, too, is a correction of Gaza's in his first editions, and after Pliny. The majority of the manuscripts of Aristotle say five cubits, and Hardouin, always prone to paradox, believed that it was Pliny who ought to have been corrected. Five cubits for this part would give a length of at least twenty or twenty-two feet for the entire fish. The fishery of the tunny dates from the highest antiquity. Euthydemus even attributes some verses to Hesiod, in which he describes the trade and exportation of it. But Athenæus, who quotes them, proves, at the same time, that they must of necessity have been the production of a much later poet. It was more especially at the two extremities of the Mediterranean, at the places where this sea contracts its channel, and where the migratory fishes are forced to come more closely in contact with each other, that the largest tunny-fisheries took place. In the East, the Black Sea presented these fish with an abundant degree of aliment, in consequence of the number of rivers which run into it. They repaired thither in crowds in the spring-time for the purpose of spawning, and Aristotle even believed that they did not multiply elsewhere. They remained there during the summer, and it was on their passage to the Bosporus that such rich captures were made of them. According to the very detailed account of Strabo, their reproduction took place in the Palus Mæotis. They followed the coast of Asia Minor, and the first were taken at Trebizonde and Pharnacia; but they were then but small. At Sinope they had already attained a size large enough for salting; and that town, built upon an isthmus, and admirably situated for this fishery, derived immense profits from it. But it was more especially the city of Byzantium that was enriched by this fish. The shoals of them that entered into the Bosporus, near Chalcedon, met with a white rock which terrified them, and induced them to turn on the side of Byzantium, and to enter into the bay which now forms the port of Constantinople. This prodigious quantity of fish still arrives at Constantinople at the present day, as in the time of the ancients. Gyllius

1. (Paus., iii., 18, § 6–19, § 4.—Heyne, Ant. Aufsätze, i., p. 1–114.)—2. (Paus., v., 11, § 2–4.)—3. (Hom., Il., iii., 424.—Od., xvii., 330.)—4. (Doris ap. Athen., i., p. 17, *f.*)—5. (Paus., viii., 37, § 2.)—6. (Paus., ii., 19, § 4; v., 12, § 3.)—7. (Brunck, Anal., ii., 417.)—8. (Theophrast., H. P., i., 9.—Id. ib., iii., 4.)—9. (Dioscor., v., 154.—Plin., H. N., xxxvii., 68.—Adams, Append., s. v.)

1. (Ælian, N. A., xiv., 22.—Id. ib., xii., 49.—Daniell, Rural Sports, vol. ii., p. 246.)—2. (Theophrast., C. P., iv., 3.—Dioscor., iii., 39.—Aristoph., Nub., l. 450.—Adams, Append., s. v.)—3. (Dioscor., iv., 170.—Paul. Ægin., vii., 3.—Adams, Append. s. v.)—4. (Theophrast., H. P., iv. 3.—Dioscor., iii., 38.)

speaks of them in terms well calculated to excite astonishment. The tunny-fishery was still more ancient in the West. The Phœnicians had established it very early on the coasts of Spain, and prosecuted it with great activity, both without and within the columns of Hercules. Accordingly, we find the tunny appear on the Phœnician medals of Cadiz and Carteia. From that period this species of industry was extended and perpetuated along these coasts. The salted preparations of fish of Spain, as well as of Sardinia, were considered in the time of the Romans as much more tender and of a more agreeable flavour than those of Byzantium. These preparations, too, sold at a higher price. Their savoury quality was attributed to the quantity of acorns which fell from a small species of oak very common on these coasts; and the people were led to believe that it was at the bottom of the sea itself that the oaks grew which produced these acorns, but which, in all probability, are nothing but fucus. The tunnies which removed farther towards the Straits of Gibraltar became more and more thin, because they no longer found this sort of aliment. Strabo, in his Geography, carefully marks the places where men were stationed to give notice of the arrival of these fish, in the very same manner as is done in our own times. These stations were called θυνοσκοπεῖα, 'look-out places for tunnies.' The fishery was carried on very nearly in the same way as in our days. The description given us by Ælian of that which took place along the coasts of the Euxine entirely resembles what is reported by Duhamel of the tunny-fishery as practised at Collioure. Particular names were given to the tunnies of different ages. The *Scordyla*, or, as it was called at Byzantium, *Auxis*, was the young tunny, when it first issued from the Euxine Sea in autumn. The *Pelamys* was the tunny in a more advanced age, when it returned to that sea in the spring. The very large tunnies bore the name of *Orycni*, and there were some so gigantic as to have been ranged among the cetacea. These large *orycni*, according to Dorion in Athenæus, were considered to come from the ocean. This was the reason why there were more of them near the coasts of Spain and in the Tuscan Sea, and it was supposed that they did not return into the more Eastern seas. In modern times, the tunny-fishery, without having diminished in product, is almost concentrated in the interior of the Mediterranean. It is no longer carried on upon a grand scale at Constantinople, nor on the Black Sea, since the establishment of the Turks in those fine countries. The fisheries on the coast of Spain, without the Straits, were supported for a longer time. Those of Conil, near Cadiz, and of the castle of Sara, near Cape Spartel, were particularly celebrated, and produced great revenues to the Dukes of Medina and Sidonia, their privileged proprietors. More than five hundred men were employed in them; but they are now fallen into decay, partly through bad management, and partly, as is said, because the earthquake, which destroyed Lisbon in 1755, has changed the nature of the coast, and determined the tunnies to seek in preference the shores of Africa. At the present day, it is in Catalonia, in Provence, in Sicily, Sardinia, and Liguria, that this fishery is most actively carried on, and yields the most abundant results."[1]

THYRSUS (θύρσος), a pole carried by Bacchus, and by Satyrs, Mænades, and others who engaged in Bacchic festivities and rites.[2] (*Vid.* Dionysia, p. 363.) It was sometimes terminated by the apple of the pine or fir-cone (κωνοφόρος[3]), that tree (πεύκη) being dedicated to Bacchus in consequence of the use of the turpentine which flowed from it, and also of its cones in making wine.[4] The monuments of ancient art, however, most commonly exhibit, instead of the pineapple, a bunch of vine or ivy leaves,[5] with grapes or berries, arranged into the form of a cone. The annexed woodcut, taken from a marble

ornament,[6] shows the head of a thyrsus composed of the leaves and berries of the ivy, and surrounded by acanthus-leaves. Very frequently, also, a white fillet was tied to the pole just below the head, in the manner represented in the woodcut on p. 96, where each of the figures holds a thyrsus in her hand. See also the woodcut to Funambulus.[7] (*Vid.* Institia.) The fabulous history of Bacchus relates that he converted the thyrsi carried by himself and his followers into dangerous weapons, by concealing an iron point in the head of leaves.[8] Hence his thyrsus is called "a spear enveloped in vine-leaves,"[9] and its point was thought to excite to madness.[7]

TIA'RA or TIA'RAS (τιάρα or τιάρας, *Att.* κυρβασία[8]), a hat with a large high crown. This was the headdress which characterized the north-western Asiatics, and more especially the Armenians,[9] the Parthians, and the Persians,[10] as distinguished

from the Greeks and Romans, whose hats fitted the

1. (Griffith's Cuvier, vol. x., p. 335, &c.)—2. (Athen., xiv., p. 631, *a*.—Vell. Paterc., ii., 82.)—3. (Brunck, Anal., i., 421.)

1. (Walpole's Memoirs, vol. i., p. 235.)—2. (Ovid, Met., xi., 27, 28.—Propert., iii., 3, 35.)—3. (Mon. Matth., ii., tab. 86.)—4. (Statius, Theb., vii., 654.)—5. (Diod. Sic., iii., 64.—Id., iv., 4.—Macrob., Sat., i., 19.)—6. (Ovid, Met., iii., 667.)—7. (Hor., Carm., ii., 19, 8.—Ovid, Amor., iii., 1, 23.—Id. ib., iii., 15, 17.—Id., Trist., iv., i., 43.—Brunck, Anal., iii., 201.—Orph., Hymn., xlv., 5.—Id., l., 8.)—8. (Mœris, s. v.—Herod., v., 49.—Id., vii., 64.—Aristoph., Aves, 487.)—9. (Xen., Cyrop., i., § 13.—Sueton. Nero, 13.)—10. (Herod., iii., 12.—Philostr. Sen., Imag., ii. 31.—Plaut., Pers., iv., 2, 2.)

head, or had only a low crown. The Mysian hat, or "Phrygian bonnet," as it is now called (*vid.* PILEUS, p. 778), was a kind of tiara,[1] formed with lappets to be tied under the chin,[2] and dyed purple.[3]

The King of Persia wore an erect tiara, while those of his subjects were soft and flexible, falling on one side.[4] He was also distinguished by the splendid colours of his tiara,[5] and by a DIADEMA which encircled it, and which was variegated with white spots upon a blue ground. The Persian name for this regal headdress was *cidaris*[6] (κίδαρις or κίτανις[7]). The preceding woodcut shows the cidaris as represented on a gem in the Royal Cabinet at Paris, and supposed by Caylus to be worn by a sovereign of Armenia.[8] From a very remote period[9] down to the present day, the tiara of the King of Persia has been commonly adorned with gold and jewelry.

TIBIA (αὐλός), a Pipe, the commonest musical instrument of the Greeks and Romans. It was very frequently a hollow cane perforated with holes in the proper places.[10] In other instances it was made of some kind of wood, especially box, and was bored with a gimlet (*terebrato buxo*[11]). The Phœnicians used a pipe, called *gingrus* or αὐλὸς γιγγραῖνος, which did not exceed a span in length, and was made of a small reed or straw.[12] The use of the same variety in Egypt is proved by specimens in the British Museum, which were discovered in an Egyptian tomb.

When a single pipe was used by itself, the performer upon it, as well as the instrument, was called *monaulos*,[13] μοναύλος.[14] Thus used, it was much in fashion at Alexandrea.[15] When its size became considerable, and it was both strengthened and adorned by the addition of metallic or ivory rings,[16] it must have been comparable to the flageolet, or even to the clarionet of modern times. Among the varieties of the single pipe, the most remarkable were the bagpipe, the performer on which was called *utricularius*[17] or ἀσκαύλης,[18] and the αὐλὸς πλάγιος or πλαγίαυλος,[19] which, as its name implies, had a mouthpiece inserted into it at right angles. Its form is shown in a restored terminal statue of Pan in the Townley collection of the British Museum. Pan was the reputed inventor of this kind of tibia,[20] as well as of the *fistula* or SYRINX.

But among the Greeks and Romans it was much more usual to play on two pipes at the same time. Hence a performance on this instrument (*tibicinium*[21]), even when executed by a single person, was called *canere* or *cantare tibiis*.[22] This act is exhibited in very numerous works of ancient art, and often in such a way as to make it manifest that the two pipes were perfectly distinct, and not connected, as some have supposed, by a common mouthpiece. We see this more especially in two beautiful paintings, which were found at Resina and Cività Vecchia, and which represent Marsyas teaching the young Olympus to play on the double pipe.[23] The *tibiæ pares* in the British Museum, which were found with a lyre in a tomb at Athens, appear to be of cedar. Their length is about 15 inches. Each of them had a separate mouthpiece (γλῶσσις), and, besides the hole at the end, it has five holes along the top and one underneath. The circumstance of these three instruments being found together is in accordance with the fact that they are very commonly mentioned together by ancient authors;[1] and the reason of this was, that performances on the double pipe were very frequently accompanied by the music of the lyre.[2] The mouthpieces of the two pipes often passed through a CAPISTRUM. (*Vid.* PHORBEIA.) (See woodcut, p. 454.)

Three different kinds of pipes were originally used to produce music in the Dorian, Phrygian, and Lydian modes. (*Vid.* MUSIC, p. 648.) About the third century B.C., Pronomus, the Theban, invented adjustments (ἁρμονίαι) by which the same set of pipes might be fitted to all the modes.[3] In what these adjustments consisted we are not clearly informed. Probably stopples or plugs (ὄλμοι) were used for this purpose. (*Vid.* AULOS.) It appears also that, to produce the Phrygian mode, the pipe had only two holes above (*biforis*[4]), and that it terminated in a horn bending upward.[5] It thus approached to the nature of a trumpet, and produced slow, grave, and solemn tunes. The Lydian mode was much quicker, and more varied and animating. Horace mentions "Lydian pipes" as a proper accompaniment when he is celebrating the praise of ancient heroes.[6] The Lydians themselves used this instrument in leading their troops to battle; and the pipes employed for the purpose are distinguished by Herodotus[7] as "male and female," *i. e.*, probably bass and treble, corresponding to the ordinary sexual difference in the human voice. The corresponding Latin terms are *tibia dextra* and *sinistra* (*læva*[8]): the respective instruments are supposed to have been so called, because the former was more properly held in the right hand, and the latter in the left. The "tibia *dextra*" was used to lead or commence a piece of music, and the "sinistra" followed it as an accompaniment. Hence the former was called *incentiva*, the latter *succentiva*.[9] The comedies of Terence having been accompanied by the pipe, the following notices are prefixed to explain the kind of music appropriate to each: *tibiis paribus, i. e.*, with pipes in the same mode; *tib. imparibus*, pipes in different modes; *tib. duabus dextris*, two pipes of low pitch; *tib. par. dextris et sinistris*, pipes in the same mode, and of both low and high pitch.

The use of the pipe among the Greeks and Romans was threefold, viz., at sacrifices (*tibiæ sacrificæ*), entertainments (*ludicræ*;[10] woodcut, p. 276), and funerals[11] (see p. 650). 1. A sacrifice was commonly attended by a piper (*tibicen*;[12] woodcut, p. 897), who partook of the food offered, so that "to live like a piper" became a proverb applied to those who maintained themselves at the expense of other people.[13] The worshippers of Bacchus,[14] and still more of Cybele, used the Phrygian pipe, the music of which was on this account denominated τὸ Μητρῷον αὔλημα.[15] 2. At public entertainments the *tibicines* wore tunics reaching down to their feet,[16] as is exemplified in the woodcut at p. 240. In conformity with the use of this kind of music at public festivals, a band of tibicines preceded a Roman general when he triumphed.[17] 3. The gravity and solemnity of the Phrygian pipes, which adapted them to the worship of Cybele, also caused them to be used at fu-

1. (Virg., Æn., vii., 247.—Servius ad loc.—Sen., Thyest., iv., 1, 40, 41.—Philostr. Jun., Imag., 8.)—2. (Juv., vi., 516.—Val. Flac., vi., 700.)—3. (Ovid, Met., xi., 181.)—4. (Herod., vii., 61.—Xen., Anab., ii., 5, § 23.—Id., Cyrop., viii., 3, § 13.—Schol. in Aristoph., l. c.)—5. (Themist., Orat., 2, p. 36, *c.*; 24, p. 306, *c.*)—6. (Curt., iii., 8.)—7. (Strabo, xi., 12, § 9.—Pollux, vii., § 58.)—8. (Recueil d'Ant., t. ii., p. 124.)—9. (Æschyl., Pers., 668.)—10. (Plin., H. N., xvi., 36, s. 66.—Athen., iv., p. 182.)—11. (Ovid, Fast., vi., 697.)—12. (Athen., iv., p. 174, *f.*—Festus, s. v. Gingriator.)—13. (Mart., xiv., 64.)—14. (Brunck, Anal., i., 484.)—15. (Athen., iv., p. 174, *b.*)—16. (Hor., Epist. ad Pis., 202-205.—Propert., iv., 6, 8.)—17. (Sueton, Nero, 54.)—18. (Onomast.)—19. (Theocr., xx., 29.—Longus, i., 2.—Heliod., Æthiop., v.—Ælian, H. A., vi., 19.—Eustath. in Hom., li., xviii., 495.)—20. (Bion, iii., 7.)—21. (Gell., iv., 13.)—22. (Gell., xv., 17.—C. Nep., xv., 2, § 1.)—23. (Ant. d'Ercolan., i., tav. 9; iii., tav. 19.—Comtare Paus. x., 30, § 5.)

1. (Pind., Ol., iii., 9; xi., 97, 98.—Isth., iv., 30, ed. Böckh.—1 Cor., xiv., 7.)—2. (Hor., Epod., ix., 5.)—3. (Paus., ix., 12, § 4.—Athen., xiv., p. 631, *c.*)—4. (Virg., Æn., iv., 617-620.)—5 (Tibull., ii., 1, 86.—Ovid, Met., iii., 533.)—6. (Carm., iv., 13, 30.)—7. (i., 17.)—8. (Plin., l. c.)—9. (Varro, De Re Rust., i., 2.)—10. (Plin., l. c.)—11. (Ovid, Fast., vi., 657.)—12. (Varro, De Re Rust., iii., 17.)—13. (Suidas, s. v. Αὐλητής.—Aristoph., Pax, 952.)—14. (Virg., Æn., xi., 737.)—15. (Paus., x., 30, § 5.)—16. (Ovid, Fast., vi., 686.)—17. (Florus, ii., 2.)

nerals.[1] The pipe was the instrument principally used to regulate the dance (*vid.* SALTATIO), whether at sacrifices, festivals, or private occasions in domestic life;[2] by means of it, also, the rowers kept time in a trireme.[3]

Notwithstanding the established use of the pipe for these important purposes, it was regarded, more especially by the Athenians, as an inelegant instrument, greatly inferior to the lyre.[4] Horace, however, represents Clio as performing, according to circumstances, either on the lyre or the pipe;[5] and it is certain that the pipe was by no means confined anciently, as it is with us, to the male sex, but that *αὐλητρίδες*, or female tibicines, were very common.[6] The Thebans always esteemed this instrument, and excelled greatly in the use of it.[7]

TIBI'CEN. (*Vid.* TIBIA.)

"TIGNI IMMITTENDI SERVITUS. (*Vid.* SERVITUTES, p. 878.)

*TIGRIS (*τίγρις*), the Tiger, or *Felis Tigris*, L. "The Greeks would appear to have got acquainted with the tiger during Alexander's expedition into Asia, for it is first mentioned by Aristotle. According to Varro, the word is borrowed from the Armenian language, and signifies an arrow or a rapid river."[8]

*TIKT'OI AIΘ'OI (*τίκτοι λίθοι*), Prolific Stones. "By prolific or pregnant stones," says Adams, "were meant stones containing a nucleus within, such as the eagle-stone. (*Vid.* AETITES.) Dioscorides describes it thus: *ἀετίτης λίθος ὡς ἑτέρου ἐγκύμων λίθου ὑπάρχων*. These stones were at one time famous for their reputed powers in aiding delivery, preventing abortions, &c.; but this superstitious belief appears to have been of later origin than the age of Theophrastus."[9]

*TIL'IA. (*Vid.* PHILYRA.)

TIMEMA (*τίμημα*). The penalty imposed in a court of criminal justice at Athens, and also the damages awarded in a civil action, received the name of *Τίμημα*, because they were *estimated* or *assessed* according to the injury which the public or the individual might respectively have sustained. The penalty was either fixed by the judge, or merely declared by him according to some estimate made before the cause came into court. In the first case the trial was called *ἀγὼν τιμητός*, in the second case, *ἀγὼν ἀτίμητος*, a distinction which applies to civil as well as to criminal trials.

It is obvious that, on a criminal charge, two inquiries have to be made: first, whether the defendant is guilty; secondly, if he be found guilty, what punishment ought to be inflicted upon him. It may be advisable to leave the punishment to the discretion of the judge, or it may not. In some cases the Athenian lawgiver thought that the judge ought to have no discretion. Thus, in cases of murder and high treason, sentence of death was imposed by the law and only pronounced by the judge (*vid.* PHONOS, PRODOSIA), and in many other cases the punishment was likewise fixed by the law. But where the exact nature of the offence could not be foreseen by the lawgiver, or it might so far vary in its character and circumstances as to admit of many degrees of culpability, it might be desirable or even necessary to leave the punishment to the discretion of the judge. The law then directed that the same court which passed sentence on the culprit should forthwith impose the penalty which his crime deserved. Thus, in the *νόμος ὕβρεως*,[1] it is enacted: *ὅτου ἂν καταγνῷ ἡ ἡλιαία, τιμάτω περὶ αὐτοῦ παραχρῆμα, ὅτου ἂν ὑόξῃ ἄξιος εἶναι παθεῖν ἢ ἀποτῖσαι*, where *ἀποτῖσαι* refers to pecuniary penalties, *παθεῖν* to any other sort of penalty, as death, imprisonment, &c. Sometimes a special provision was made as to the means of enforcing the punishment; as in the law last cited, and also in the laws in Demosthenes,[2] it is declared that, if a fine be imposed, the party shall be imprisoned until it is paid.

In civil causes, the sentence by which the court awarded redress to the injured party would vary according to the nature of his complaint. Where he sought to recover an estate in land, or a house, or any specific thing, as a ring, a horse, a slave, nothing farther was required than to determine to whom the estate, the house, or the thing demanded, of right belonged. (*Vid.* HERES, GREEK; ΟΙΚΙΑΣ ΔΙΚΗ.) The same would be the case in an action of debt, *χρέους δίκη*, where a certain sum was demanded; as, for instance, where the plaintiff had lent a sum of money to the defendant, and at the trial no question was made as to the amount, but the dispute was whether it was a loan or a gift, or whether it had been paid or not. So, in an action for breach of contract, if, by the terms of the contract, a certain penalty had been attached to its violation, it would be unnecessary to have an inquiry of damages, they being already *liquidated* by the act of the parties themselves.[3] In these and many other similar cases the trial was *ἀτίμητος*. On the other hand, wherever the damages were in their nature *unliquidated*, and no provision had been made concerning them either by the law or by the agreement of the parties, they were to be assessed by the dicasts.

The following was the course of proceeding in the *τιμητοὶ ἀγῶνες*.

Let us suppose that on a criminal prosecution the defendant had been found guilty. The superintending magistrate then called upon the prosecutor to say what punishment he proposed to be inflicted on him, and what he had to say thereupon. The bill of indictment (*ἔγκλημα*) was always superscribed with some penalty by the person who preferred it He was said *ἐπιγράφεσθαι τίμημα*, and the penalty proposed is called *ἐπίγραμμα*.[4] We find also the expressions *ἐπάγειν τίμημα, τιμᾶσθαι τῷ φεύγοντι, τίμησιν ποιεῖσθαι*. When a charge was brought, not by a private individual, but by a magistrate ex officio, the law required him in like manner to write down the penalty which he thought the case merited.[5] The prosecutor was now called upon to support the allegation in the indictment, and for that purpose to mount the platform and address the dicasts (*ἀναβαίνειν εἰς τίμημα*).

Here he said whatever occurred to him as likely to aggravate the charge, or incense the dicasts against his opponents. He was not bound, however, to abide by the proposal made in the bill, but might, if he pleased (with the consent of the court), ask for a lower penalty than he had demanded before. This was often done at the request of the defendant himself or of his friends; sometimes from motives of humanity, and sometimes from prudential considerations. If the accused submitted to the punishment proposed on the other side, there was no farther dispute; if he thought it too severe, he made a counter proposition, naming the penalty (commonly some pecuniary fine) which he considered would satisfy the demands of justice. He was then said *ἀντιτιμᾶσθαι* or *ἑαυτῷ τιμᾶσθαι*.[6] He was

1. (Statius, Theb., vi., 120.—Compare Joseph., B. J., iii., 8, 5.—St. Matth., ix., 23.)—2. (Herod., vi., 129.)—3. (Max. Tyr., 23.)—4. (Plutarch, Alcib., p. 351.—Gell., N. A., xv., 17.—Aristot., Polit., viii., 6.)—5. (Carm., i., 12, 2.—Compare Philost. Sen., Imag., ii., 5.)—6. (Xen., Symp., ii., 1.—Hor., Epist., i., 14, 25.)—7. (Anthol., ed. Jacobs, ii., 633.)—8. (Aristot., H. A., viii., 27.—Adams, Append., s. v.)—9. (Theophr., De Lapid., c. xi.—Adams, Append., s. v.)

1. (Demosth., c. Mid., 529.)—2. (c. Timocr., 733.)—3. (Id., c. Dionys., 1291, 1296, et argum.)—4. (Id., c. Nausim., 985.)—5 (Id., c. Macart., 1076.)—6. (Id., c. Timocr., 743; c. Nicostr. 1252.—Æsch., De Fals. Leg., 29, ed Steph.)

allowed to address the court in mitigation of punishment; to say what he could in extenuation of his offence, or to appeal to the mercy of his judges. This was frequently done for him by his relatives and friends; and it was not unusual for a man who thought himself in peril of life or freedom, to produce his wife and children in court to excite compassion.[1] After both parties had been heard, the dicasts were called upon to give their verdict.

Here occurs a question about which there has been much difference of opinion, and which it is impossible to determine with any certainty, viz., whether the dicasts, in giving this verdict, were confined to a choice between the estimates of the opposing parties, or whether they had a discretion to award what punishment they pleased. Without entering upon any controversial discussion, the following appears to the writer the most probable view of the matter.

The dicasts had no power of discussing among themselves, or agreeing upon the fine or penalty to be awarded. Such power was incompatible with their mode of voting by ballot. (*Vid.* Psephos.) At the same time, it would be absurd to suppose that the Athenian court had no means of controlling the parties in the exercise of that privilege which the law gave them, or that it was the common practice for the parties to submit widely different estimates to the dicasts, and leave them no alternative but the extreme of severity on the one side, and the extreme of mercy on the other. Many passages in the orators are opposed to such a view, and especially the words of Demosthenes.[2]

The course of proceeding seems to have been as follows. The prosecutor usually superscribed his indictment with the highest penalty which the law or the nature of the case would admit of. In the course of the trial, there might be various indications on the part of the dicasts of a disposition to favour one side or the other. They often exhibited their feelings by vehement gestures, clamour, interruption, and questioning of the parties. It was not unusual for the speakers to make allusions to the punishment before the first verdict had been given.[3] All this enabled both parties to feel the pulse of the court before the time had arrived for the second verdict. If the prosecutor saw that the dicasts were greatly incensed against his opponent, and he himself was not mercifully inclined, he would persist in asking for the highest penalty. If he was himself disposed to be merciful, or thought that the dicasts were, he would relax in his demand. Similar views would prevent the defendant from asking for too small a penalty, or would induce him to effect a compromise (if possible) with his opponent. We may reasonably suppose that it was competent for the prosecutor to mitigate his demand at any time before the magistrate called on the dicasts to divide; but not after, without the consent of the court.[4] If the parties were endeavouring to come to an arrangement, the court would give them a reasonable time for that purpose; and there is reason to believe that the petitions addressed by the defendant or his friends to the prosecutor were made aloud in the hearing of the dicasts. As to the suggested explanation of *τιμᾶν τὴν μακράν*, see Psephos. We cannot doubt that in case of heinous offences, or those which immediately concerned the state, the court would not permit of a compromise between the opposing parties; but in ordinary cases, a public prosecutor was looked on by the Athenians much in the light of a plaintiff, especially where his object was to obtain some penalty given by the law to an informer. When the parties could not come to terms, the dicasts, after hearing what each of them had to say, divided on their respective propositions, and the majority of votes determined the penalty.[1]

The course thus pursued at Athens must have led to injustice occasionally, but was, perhaps, the only course that could be adopted with so large a number of judges. Aristotle tells us that Hippodamus of Miletus (who no doubt perceived the evils of this system) proposed that the verdict should not be given by ballot (*διὰ ψηφοφορίας*), but that each judge should bring in a tablet with a special statement of his opinion; upon which proposal Aristotle remarks, that its effect would be to make each judge a *διαιτητής*: that it was an object with most of the ancient lawgivers that the judges should not confer with each other (*κοινολογώνται*), and then he comments on the confusion that would arise if the judge were allowed to propose a penalty different from that submitted to him by the parties.[2]

As a general rule, only one penalty could be imposed by the court, though the law sometimes gave more than one.[3] Sometimes the law expressly empowered the jury to impose an additional penalty (*προστίμημα*) besides the ordinary one. Here the proposition emanated from the jury themselves, any one of whom might move that the punishment allowed by the law should be awarded. He was said *προστιμᾶσθαι*, and the whole dicasts, if (upon a division) they adopted his proposal, were said *προστιμᾶν*.[4] We may observe, that the preposition *πρός* in the verb *προστιμᾶν* does not always imply that a *second penalty* is imposed, but is sometimes used with reference to other matters, as in Demosthenes.[5]

In private actions, the course of proceeding with respect to the assessment of damages was much the same as described above. In some cases, where the plaintiff's demand was made up of several charges, or arose out of various matters, he would give in his bill of plaint a detailed account, specifying the items, &c., instead of including them in one gross estimate. This seems to have been considered the fairer method, and may be compared to our *bill of particulars*, which the plaintiff delivers to the defendant.[6] The liability of the plaintiff to *ἐπωβελία*, which was calculated upon the sum demanded, operated as a check upon exorbitant demands, in addition to that which we have already noticed.[7]

The *προστίμησις* rarely occurred in private actions, except in those where the wrongful act complained of had the character of a public offence, as in the *δίκη ψευδομαρτυριῶν*. (*Vid.* Martyria.)

As to the amount of revenue derived by the Athenians from public fines, see Böckh.[8]

As to *Τίμημα* in the sense of *the rateable value* of property with reference to the Athenian property-tax, see Eisphora.

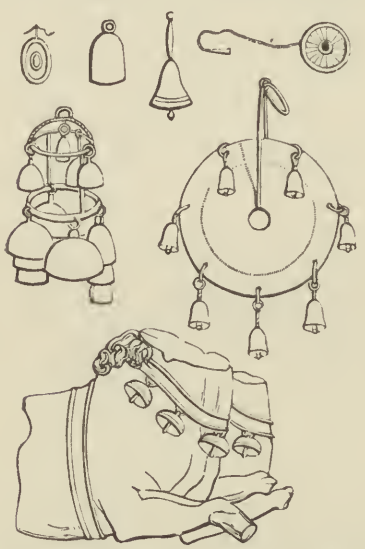
TINTINNA'BULUM (*κώδων*), a Bell. Bells were used for a great variety of purposes among the Greeks and Romans, which it is unnecessary to particularize here. One use, however, of them, for the purpose of keeping watch and ward in the fortified cities of Greece, deserves mention.[9] A guard (*φύλαξ*) being stationed in every tower, a *περίπολος* (see p. 406) walked to and fro on the portion of the wall between two towers. It was his duty to carry

1. (Demosth., c. Mid., 573, 575; c. Aristocr., 793.—De Fals. Leg., 431, 434; c. Onetor., 878; c. Aphob., 834. — Aristoph., Vesp., 560.)—2. (c. Timocr., 737.)—3. (Æsch., c. Timarch., 12; De Fals. Leg., 48, ed. Steph.—Demosth., c. Mid., 523; c. Bæot. de Dot., 1022, 1024; c. Spud., 1033; c. Macart., 1060; c. Steph., 1128.—Platner, Proc. und Klag., i., 384.)—4. (Demosth., c. Nicost., 1252, 1254; c. Theocrin., 1343; c. Neær., 1347.)

1. (Platner, Proc. und Klag., i., 198–202.—Meier, Att Proc., 178–182.)—2. (Aristot., Polit., ii., c. 5, s. 3, 8, 9.)—3. (Demosth., c. Lept., 504; c. Neær., 1363.)—4. (Id., c. Timocr., 733.—Meier, Att. Proc., 183, 725.)—5. (c. Aristog., 790.)—6. (Id., c. Aphob., 853.)—7. (Böckh, Staatsh. der Athen., i., 388.)—8. (Staatsh. &c., i., 402, &c.)—9. (Thucyd., iv., 135 —Aristoph., Aves, 843 1159.—Schol. in loc.)

the bell, which he received from the guard at one tower, to deliver it to the guard at the next tower, and then to return, so that the bell, by passing from hand to hand, made the circuit of the city. By this arrangement it was discovered if any guard was absent from his post, or did not answer to the bell in consequence of being asleep. Hence, to prove or try a person was called *κωδωνίζειν*;[1] to perform the office of patrol was *κωδωνοφορεῖν*.

The forms of bells were various in proportion to the multiplicity of their applications. In the Museum at Naples are some of the form which we call bell-shaped; others are more like a Chinese gong. The bell fig. 1, in the annexed woodcut, is a simple disc of bell-metal; it is represented in a painting as hanging from the branch of a tree.[2] Figure 2 represents a bell of the same form, but with a circular hole in the centre, and a clapper attached to it by a chain. This is in the Museum at Naples, as well as the bell fig. 3, which in form is exactly like those still commonly used in Italy to be attached to the necks of sheep, goats, and oxen. Fig. 4 is represented on one of Sir W. Hamilton's vases,[3] as carried by a man in the garb of Pan, and probably for the purpose of lustration.[4] Figure 5 is a bell, or, rather, a collection of twelve bells, suspended in a



frame, which is preserved in the Antiquarium at Munich. This jingling instrument, as well as that represented by fig. 6[5] may have been used at sacrifices, in Bacchanalian processions, or for lustration. Fig. 7 is a fragment of ancient sculpture, representing the manner in which bells were attached to the collars of chariot-horses.[6]

*TIPHE (*τίφη*), a variety of the *Triticum spelta*, or Spelt. "It is to be borne in mind," says Adams, in his commentary on Paulus Ægineta, "that the *ζεία*, *τίφη*, and *ὄλυρα* of the Greeks, and *far* and *adoreum* of the Romans, were all varieties of spelt, a species of grain bearing some resemblance to wheat. Pliny, it is true, seems to distinguish the *ζεία* from the *ὄλυρα*, but from the account which Dioscorides and Galen give of them, they would appear decidedly to have been mere varieties of the same grain. Spelt, in this country, is known by the name of German wheat."[7]

1. (Ælian, H. A., xvi., 25.)—2. (Bartoli, Sep. Ant., 13.)—3. (i., 43.)—4. (Theoc., ii., 36.—Schol. in loc.)—5. (from Bartoli, Luc. Sep., ii., 23.)—6. (Ginzrot, über Wägen, &c., ii., pl. 57.)—7. (Theophr., H. P., i., 6; ii., 4.—Adams, Comm. on Paul. Æg., i. 100.—Id., Append., s. v.)

TIRO CINIUM. (*Vid.* Tiro.)

TIRO was the name given by the Romans to a newly-enlisted soldier, as opposed to *veteranus*, one who had experience in war.[1] The mode of levying troops is described under Army, p. 102. The age at which the liability to military service commenced was 17.

From their first enrolment, the Roman soldiers, when not actually serving against an enemy, were perpetually occupied in military exercises. They were exercised every day,[2] the tirones twice, in the morning and afternoon, and the veterani once. The exercises included not only the use of their weapons and tactics properly so called, but also whatever could tend to increase their strength and activity, and especially carrying burdens and enduring toil. Vegetius[3] enumerates among the exercises of the tirones marching, running, leaping, swimming, carrying the shield, fighting at a post (*vid.* Palus), thrusting with the sword in preference to striking, using their armour, hurling spears and javelins, shooting arrows, throwing stones and leaden bullets, leaping on and off their horses, carrying weights, fortifying the camp, and forming the line of battle.

Vegetius also gives rules for choosing tirones according to their country, their being rustics or townsmen, their age, stature, personal appearance, and previous occupation.[4] But these rules refer almost exclusively to the state of things under the emperors, when the army was no longer recruited from the citizens of Rome, but from the inhabitants of the provinces.

At this period, the tiro, when approved as fit for the army, was branded or tattooed in the hand with a mark (*stigmata*; *puncta signorum*), which Lipsius conjectures to have been the name of the emperor

The state of a tiro was called *tirocinium*; and a soldier who had attained skill in his profession was then said *tirocinium ponere*, or *deponere*.[5]

In civil life the terms *tiro* and *tirocinium* were applied to the assumption of the toga virilis, which was called *tirocinium fori* (*vid.* Toga), and to the first appearance of an orator at the rostra, *tirocinium eloquentiæ*.[6]

TITHENI'DIA (*τιθηνίδια*), a festival celebrated at Sparta by the nurses who had the care of the male children of the citizens. On this occasion the nurses (*τιτθαί*) carried the little boys out of the city to the Temple of Artemis surnamed Corythalia, which was situated on the bank of the stream Tiassus, in the district of Cleta. Here the nurses sacrificed sucking pigs on behalf of the children, and then had a feast, probably of the meat of the victims, with which they ate bread baked in an oven (*ἰπνίτας ἄρτους*?).

*TITHYMALLUS (*τιθύμαλλος*), a plant. "The *τιθύμαλλοι* are, without doubt, all referable to the genus *Euphorbia*, or Spurge. Miller, in his Gardener's Dictionary, describes 71 species of spurge. The *χαρακίας* is either his 2d or 3d species, called by him Wood Spurge. The *μυρτινίτης* is his 5th species, or Myrtle-leaved Spurge. The *δενδροειδὴς* is the *T. arboreus*, or the *Euphorbia dendroides*, L. The *πλατύφυλλος* is the *Euphorbia platyphylla*, L. The *κυπαρισσίας* is the Cypress Spurge, indigenous in Scotland. The *ἡλιοσκοπίας* is the *Eup. Hel.*, or Sun Spurge. The *παραλίας* is the *Eup. Paral.* Besides these, the ancients have described various species of spurge under generic names, as *λιθυρὶς*, *πεπλὶς*, *ὑμελαία*, &c. It is deserving of remark,

1. (Cæs., Bell. Civ., iii., 28.)—2. (Veget., i., 1.)—3. (i., 9–27—4. (i., c. 2–8.)—5. (Justin, xii., 4; ix., 1.—Lipsius, De Milit Rom. in Oper., iii., p. 32, 33, 184, 193–197.)—6. (Senec., Prœm., l. ii.)—7. (Athen., iv., p. 139.—Compare Plut., Quæst Gr., vii., p. 211, Wyttenb.)

that the *tuctuca marina* of Celsus is the *παραλιας*."[1]

TITII SODA'LES, a sodalitas or college of priests at Rome, who represented the second tribe of the Romans, or the Tities, that is, the Sabines, who, after their union with the Ramnes or Latins, continued to perform their own ancient Sabine sacra. To superintend and preserve these, T. Tatius is said to have instituted the Titii Sodales.[2] In another passage,[3] Tacitus describes this sacerdotium in a somewhat different manner, inasmuch as he says that it was instituted by Romulus in honour of King Tatius, who, after his death, was worshipped as a god. But this account seems only to mean that Romulus, after the death of Tatius, sanctioned the institution of his late colleague, and made the worship of Tatius a part of the Sabine sacra. From Varro,[4] who derives the name Sodales Titii from Titiæ aves which were observed by these priests in certain auguries, it appears that these priests also preserved the ancient Sabine auguries distinct from those of the other tribes. During the time of the Republic the Titii Sodales are no longer mentioned, as the worships of the three tribes became gradually united into one common religion.[5] Under the Empire we again meet with a college of priests bearing the name of Sodales Titii, or Titienses, or sacerdotes Titiales flaviales; but they had nothing to do with the sacra of the ancient tribe of the Tities, but were priests instituted to conduct the worship of an emperor, like the Augustales.[6] (*Vid.* Augustales.)

TITIES or TITIENSES. (*Vid.* Patricii, p. 743.)

TO'KOS. (*Vid.* Interest of Money.)

TO'KOI NAYTIKOI'. (*Vid.* Interest of Money, p. 545.)

TOGA (*τήβεννος*), a Gown, the name of the principal outer garment worn by the Romans, is derived by Varro from *tegere*, because it covered the whole body.[7] Gellius[8] states that at first it was worn alone without the tunic. (*Vid.* Tunica.) Whatever may have been the first origin of this dress, which some refer to the Lydians, it seems to have been received by the Romans from the Etruscans, for it is seen on Etruscan works of art as the only covering of the body; and the *toga prætexta* is expressly said to have been derived from the Etruscans.[9]

The toga was the peculiar distinction of the Romans, who were thence called *togati* or *gens togata*.[10] It was originally worn only in Rome itself, and the use of it was forbidden alike to exiles and to foreigners.[11] Gradually, however, it went out of common use, and was supplanted by the Pallium and lacerna, or else it was worn in public under the lacerna.[12] (*Vid.* Lacerna.) But it was still used by the upper classes, who regarded it as an honourable distinction,[13] in the courts of justice, by clients when they received the Sportula,[14] and in the theatre or at the games, at least when the emperor was present.[15] Under Alexander Severus, guests at the emperor's table were expected to appear in the toga.[16]

The form of the toga, and the manner of wearing it, are matters which are much disputed, and about which, indeed, it seems almost impossible, with our present information, to arrive at certainty.

The form was undoubtedly, in some sense, *round; semicircular* according to Dionysius,[2] who calls it *περιβόλαιον ἡμικύκλιον*. It seems, however, impossible, from the way in which it was worn, that it could have been always a semicircle. Such may perhaps have been its form as worn in the most ancient times, when it had no great fulness; but to account for the numerous folds in which it was afterward worn, we must suppose it to have had a greater breadth in proportion to its length, that is, to have been a smaller segment than a semicircle. Probably the size of the segment which the toga formed (on which its fulness depended) was determined by the fashion of the time or the taste of the wearer. This appears to be the true explanation of Quintilian's words,[3] "*Ipsam togam rotundam, et apte cæsam velim*," which could have no meaning if nothing more were required than to give the garment the very simple form of a semicircle. The only other point to be noticed respecting the form of the toga is the question whether, when it came to be worn in many complicated folds, the art of the tailor may not have been employed to keep these folds in their position. This question, however, belongs more properly to the mode of wearing the toga.

On this subject our principal information is derived from Quintilian[4] and Tertullian,[5] whose statements, however, refer to the later and more complicated mode of wearing the garment, and from statues in Roman costume.

Frequent reference is made to the *sinus* of the toga. This was a portion of the garment, which hung down in front of the body like a sling; it will be more fully explained presently.

We must make a clear distinction between the more ancient and simpler mode of wearing the toga and the full form, with many complicated folds, in which it was worn at a later period.

Quintilian[6] says that the ancients had no *sinus*, and that afterward the sinuses were very short. The passage in Livy[7] (*sinu ex toga facto, iterum sinu effuso*) seems to refer not to *the* sinus, technically so called, but *a* sinus which Fabius made at the moment by gathering up some part of his toga.

The ancient mode of wearing the toga is shown in the following cut, which is taken from the *Augusteum*,[8] and represents a statue at Dresden

Let the toga, which in this case was probably not far from an exact semicircle, be held behind the figure, with the curved edge downward. First, one corner is thrown over the left shoulder; then the

1. (Theophr., H. P., ix., 11.—Dioscor., iv., 162.—Adams, Append., s. v.)—2. (Tacit., Ann., i., 54.)—3. (Hist., ii., 95.)—4. (De Ling Lat., v., 85, ed. Müller.)—5. (Ambrosch, Stud. und Andeut., p. 192, &c.)—6. (Gruter, Inscr., xix., 4; cccix., 9; cccxcvi, 1.—Inscr. ap. Murator., 299, 5.—Compare Lucan, Phars., i., 602.)—7. (v., 144, ed. Müller.)—8. (vii., 12.)—9. (Liv., i., 8.—Plin., H. N., viii., 48 or 74.—Müller, Etrusker, i., p. 262.)—10. (Virg., Æn., i., 282.—Mart., xiv., 124.)—11. (Plin., Epist., iv., 11.—Suet., Claud., 15.)—12. (Suet., Octav., 40.)—13. (Cic., Philipp., ii., 30.)—14. (Mart., xiv., 125.)—15. (Suet., Claud., 6. Lamprid., Commod., 16.)—16. (Lamprid., Sever., 1.)

1 (Quintil., xi., 3, § 137.—Isid., Orig., xix., 24.)—2. (iii., 61.)—3. (xi., 3, § 139.)—4. (xi. 3, § 137, &c.)—5. (De Pallio.)—6 (xi., 3, § 137.)—7. (xxi., 18.)—8. (pl. 117.—Becker, Gallus, vol. ii., p. 83.)

other part of the garment is placed on the right shoulder, thus entirely covering the back and the right side up to the neck. It is then passed over the front of the body, leaving very little of the chest uncovered, and reaching below nearly to the feet (in the figure, quite to one of them). The remaining end or corner is then thrown back over the left shoulder, in such a manner as to cover the greater part of the arm. By this arrangement the right arm is covered by the garment, a circumstance noticed by Quintilian ;[1] but it was occasionally released by throwing the toga off the right shoulder, and leaving it to be supported on the left alone. The portion of the toga which, in the figure, hangs down from the chest, if it be a *sinus*, is certainly of the kind described by Quintilian as *perquam brevis*.

The next cut represents the later mode of wearing the toga, and is taken from an engraving in the *Museo Borbonico*[2] of a statue found at Herculaneum.

By comparing this and other statues with the description of Quintilian, we may conclude that the mode of wearing the toga was something like the following:

First, as above remarked, the form in this case was a segment less than a semicircle. As before, the curved side was the lower, and one end of the garment was thrown over the left shoulder, and hung down in front, but much lower than in the former case. This seems to be the part which Quintilian[3] says should reach down half way between the knee and the ankle. In our figure it reaches to the feet, and in some statues it is even seen lying on the ground. The garment was then placed over the back, as in the older mode of wearing it; but, instead of covering the right shoulder, it was brought round *under* the right arm to the front of the body. This is the most difficult part of the dress to explain. Quintilian says:[4] "*Sinus deecentissimus, si aliquanto supra imam togam fuerit, nunquam certe sit inferior. Ille, qui sub humero dextro ad sinistrum oblique ducitur velut balteus, nec strangulet nec fluat.*" Becker's explanation of this matter seems perfectly satisfactory. He supposes that the toga, when carried under the right arm, was then folded in two parts; one edge (namely, the lower or round edge) was then brought almost close under the arm, and drawn, but not tightly, across the chest to the left shoulder, forming the *velut balteus* of Quintilian, while the other part was allowed to fall gracefully over the lower part of the body, forming the *sinus*, and then the remaining end of the garment was thrown over the left shoulder, and hung down nearly as low as the other end, which was first put on. It is to this part that Quintilian seems to refer when he says,[1] "*Pars togæ, quæ postea imponitur, sit inferior: nam ita et sedet melius, et continetur;*" but the true application of these words is very doubtful. By the bottom of the toga (*imam togam*) in the above quotation, he seems to mean the end of the toga first put on. The part last thrown over the left shoulder, as well as the end first put on, covered the arm, as in the older mode of wearing the garment. The outer edge (*extrema ora*) of this part ought not, says Quintilian,[2] to be thrown back. He adds,[3] "*Super quod* (*i. e.*, sinistrum brachium) *ora ex toga duplex æqualiter sedeat.*" by which he probably means that the edge of this portion should coincide with the edge of the end which was first thrown over the left shoulder, and which is, of course, governed by this portion of the garment. He says[4] that the shoulder and the whole of the throat ought not to be covered, otherwise the dress will become narrow, and lose that dignity which consists in width of chest. This direction appears to mean, that the part brought across the chest (*velut balteus*) should not be drawn too tight.

Tassels or balls are seen attached to the ends of the toga, which may have served to keep it in its place by their weight, or may have been merely ornaments.

There is one point which still remains to be explained. In the figure a mass of folds is seen in the middle of the part of the toga drawn across the chest (*velut balteus*). This is the *umbo* mentioned by Tertullian,[5] and used by Persius for the toga itself.[6] It was either a portion of the *balteus* itself, formed by allowing this part of the garment to hang loose (which perhaps it must have done, as it is the curved, and, therefore, longer edge that is thus drawn across the chest), and then gathering it up in folds and tucking these folds in, as in the figure, or else (which seems the better explanation) the folds which composed it were drawn out from the sinus, and either by themselves, or with the loose folds of the *balteus*, formed the *umbo*. It seems to have been secured by passing the end of it under the girdle of the tunic; and perhaps this is what Quintilian means by the words,[7] "*Subducenda etiam pars aliqua tunicæ, ne ad lacertum in actu redeat.*"

The back of the figure, which is not seen in our engravings, was simply covered with the part of the garment which was drawn across it, and which, in the ancient mode of wearing it, reached down to the heels.[8] Quintilian states how low it was worn in his time, but the meaning of his words is very obscure[9] ("*pars ejus prior mediis eruribus optime terminatur, posterior eadem portione altius qua cinetura.*" See above).

A garment of the supposed shape of the toga, put on according to the above description, has been found by the writer of this article to present an appearance exactly like that of the toga as seen on statues; and Becker states that he has made similar experiments with equally satisfactory results.

Tertullian[10] contrasts the simplicity of the pallium with the complication of the toga, and his remarks apply very well to the above description. It appears by his account that the folds of the umbo were arranged before the dress was put on, and fixed in their places by pins or hooks; but, generally speaking, it does not seem that the toga was held on by any fastening; indeed, the contrary may be inferred from Quintilian's directions to an orator for the management of his toga while speaking.[11]

There is seen on many statues a mode of wearing the toga which resembles the more ancient fashion in having neither *sinus* nor *umbo*, and the modern

1. (§ 138.)—2 (vi., tav. 40.)—3. (§ 139.)—4. (§ 140.)

1. (§ 140.)—2. (Id.)—3. (§ 141.)—4. (Id.)—5. (De Pallio, 5.)—6. (Sat., v., 33.)—7. (§ 140.)—8. (Quintil., § 143.)—9. (§ 138.)—10. (De Pallio, 5.)—11. (§ 144-149.)

in having the garment carried under instead of over the right arm. This is, in fact, nothing more than the ancient fashion with the right arm put out of the garment, a mode of wearing it which would naturally be often adopted for convenience.

Another mode of wearing the toga was the *cinctus Gabinus*. It consisted in forming a part of the toga itself into a girdle, by drawing its outer edge round the body, and tying it in a knot in front, and at the same time covering the head with another portion of the garment. It was worn by persons offering sacrifices,[1] by the consul when he declared war,[2] and by devoted persons, as in the case of Decius.[3] Its origin was Etruscan, as its name implies.[4] Festus[5] speaks of an army about to fight being girt with the cinctus Gabinus. Persons wearing this dress were said to be *procincti* (or *incincti*) *cinctu* (or *ritu*) *Gabino*.

The colour of the toga worn by men (*toga virilis*) was generally white, that is, the natural colour of white wool. Hence it was called *pura* or *vestimentum purum*, in opposition to the *prætexta* mentioned below. A brighter white was given to the toga of candidates for offices (*candidati*, from their *toga candida*) by rubbing it with chalk. There is an allusion to this custom in the phrase *cretata ambitio*.[6] White togas are often mentioned as worn at festivals, which does not imply that they were not worn commonly, but that new or fresh-cleaned togas were first put on at festivals.[7] The toga was kept white and clean by the fuller. (*Vid.* Fullo.) When this was neglected, the toga was called *sordida*, and those who wore such garments *sordidati*. This dress (with disarranged hair and other marks of disorder about the person) was worn by accused persons, as in the case of Cicero.[8] The *toga pulla*, which was of the natural colour of black wool, was worn in private mourning, and sometimes also by artificers and others of the lower orders. (See the passages in Forcellini.[9]) The *toga picta*, which was ornamented with Phrygian embroidery, was worn by generals in triumphs (*vid.* Triumphus), and under the emperors by the consuls, and by the prætors when they celebrated the games. It was also called *Capitolina*.[10] The *toga palmata* was a kind of toga picta. The *toga prætexta* had a broad purple border. It was worn with the Bulla, by children of both sexes. It was also worn by magistrates, both those of Rome, and those of the colonies and municipia, by the sacerdotes, and by persons engaged in sacred rites or paying vows.[11] Among those who possessed the *jus togæ prætextæ habendæ*, the following may be more particularly mentioned: the dictator, the consuls, the prætors (who laid aside the prætexta when about to condemn a Roman citizen to death), the augurs (who, however, are supposed by some to have worn the trabea), the decemviri sacris faciundis (*vid.* Decemviri), the ædiles, the triumviri epulones, the senators on festival days,[12] the magistri collegii, and the magistri vicorum when celebrating games. (*Vid.* Magister.) In the case of the tribuni plebis, censors, and quæstors, there is some doubt upon the subject. The *prætexta pulla* might only be worn at the celebration of a funeral.[13]

The toga prætexta, as has been above remarked, is said to have been derived from the Etruscans. It is said to have been first adopted, with the latus clavus (*vid.* Clavus Latus), by Tullus Hostilius, as the royal robe, whence its use by the magistrates in the Republic.[1] According to Macrobius,[2] the *toga* introduced by Hostilius was not only *prætexta*, but also *picta*. Pliny states[3] that the *toga regia undulata* (that is, apparently, embroidered with waving lines or bands) which had been worn by Servius Tullius, was preserved in the Temple of Fortune. The toga prætexta and the bulla aurea were first given to boys in the case of the son of Tarquinius Priscus, who, at the age of fourteen, in the Sabine war, slew an enemy with his own hand. (Macrobius,[4] where other particulars respecting the use of the toga prætexta may be found.) Respecting the leaving off of the toga prætexta and the assumption of the toga virilis, see Impubes, Bulla, Clavus Latus. The occasion was celebrated with great rejoicings by the friends of the youth, who attended him in a solemn procession to the Forum and Capitol.[5] This assumption of the toga virilis was called *tirocinium fori*, as being the young man's introduction to public life, and the solemnities attending it are called by Pliny[6] *officium togæ virilis*, and by Tertullian[7] *solemnitates togæ*. The toga virilis is called *libera* by Ovid.[8] Girls wore the prætexta till their marriage.

The *trabea* was a toga ornamented with purple horizontal stripes. Servius[9] mentions three kinds of trabea; one wholly of purple, which was sacred to the gods, another of purple and white, and another of purple and saffron, which belonged to augurs. The purple and white trabea was a royal robe, and is assigned to the Latin and early kings, especially to Romulus.[10] It was worn by the consuls in public solemnities, such as opening the Temple of Janus.[11] The equites wore it at the *transvectio* and in other public solemnities.[12] Hence the *trabea* is mentioned as the badge of the equestrian order. Lastly, the toga worn by the Roman emperors was wholly of purple. It appears to have been first assumed by Julius Cæsar.[13]

The material of which the toga was commonly made was wool. It was sometimes thick and sometimes thin. The former was the *toga densa*, *pinguis*, or *hirta*.[14] A new toga, with the nap neither worn off nor cut close, was called *pexa*, to which is opposed the *trita* or *rasa*, which was used as a summer dress.[15] On the use of silk for togas, see Sericum.

It only remains to speak of the use of the toga. It was originally worn by both sexes; but when the stola came to be worn by matrons, the toga was only worn by the meretrices, and by women who had been divorced on account of adultery. (*Vid.* Stola.) Before the use of the toga became almost restricted to the upper classes, their toga was only distinguished from that of the lower classes by being fuller and more expensive. In war it was laid aside, and replaced by the Paludamentum and Sagum. Hence *togatus* is opposed to *miles*. The toga was, however, sometimes used by soldiers, but not in battle, nor as their ordinary dress, but rather as a cloak or blanket. It was chiefly worn in Rome, and hence *togatus* is opposed to *rusticus*. The toga was often used as a covering in sleeping and, lastly, as a shroud for the corpse.[16]

TOGA'TA FA'BULA. (*Vid.* Comœdia, p. 300.)

TOMA'CULUM. (*Vid.* Botulus.)

TONSOR. (*Vid.* Barba.)

*TOPAZOS (τόπαζος), the Chrysolite. "By a sin

1. (Liv., v., 46.—Lucan, i., 596.) — 2. (Virg., Æn., vii., 612.) —3. (Liv., v., 46.) —4. (Serv. in Virg., l. c.—Müller, Etrusker, i., 265. — Thiersch in Annal. Acad. Bavar., i., p. 29, quoted by Müller, Annot. ad Festum, p. 225.)—5. (l. c.)—6. (Pers., v., 177.) —7 (*Vid.* Lipsius, Elect., i., 13, in Oper., vol. i., p. 256, 257.)— 8 (Plut., Cic., 30, 31. — Dion Cass., xxxviii., 16.—Liv., vi., 20.) — 9. (s. v. Pullus, Pullatus.) — 10. (Lamprid., Alex. Sev., c. 40.) —11. (Liv., xxxiv., 7.—Festus, s. v. Prætexta pulla.)—12. (Cic., Phil., ii., 43.)—13. (Festus, l. c.)

1. (Plin., H. N., ix., 39, s. 63.)— 2. (Sat., ii., 6.) — 3. (H. N., viii., 48, s. 74.)—4. (l. c.)—5. (Val. Max., v., 4, § 4.)—6 (Epist., i., 9.)—7 (De Idolol., c. 76.) —8. (Fast., iii., 771.)—9. (ad Æn., vii., 612.)—10. (Plin., H. N., viii., 49; ix., 39.—Virg., Æn., vii. 187; xi., 334.—Ovid, Fast., ii., 504.)—11. (Virg., Æn., vii., 612 —Claud. in Rufin., i., 249.)—12. (Val. Max., ii., 2.—Tacit., Ann., iii., 2.)—13. (Cic., Philipp., ii., 34.)—14. (Sueton., Octav., 82.— Quintil., xii., 10.)—15. (Mart., ii., 85.)—16. (Becker, Gallus, ii., p. 78–88.—Ferrarius, De Re Vest.—Rubenius, De Re Vest.)

gular interchange of terms," observes Adams, "the topaz of the ancients is our *chrysolite*, and the ancient chrysolite our *topaz*. The prevailing colour of chrysolite is green, with a mixture of yellow or brown. The French chemists distinguish it by the name of *peridot*; it consists principally of alumina." The name of the stone we are now considering is derived from that of the island of Topazos, in the Red Sea, whence it was originally brought. "Pliny," says Dr. Moore, "styles his 'topazius' the largest of gems, and speaks of a statue of Arsinoë, queen of Ptolemy Philadelphus, made of it, four cubits high, which seems wholly inconsistent with its being chrysolite, although a variety of this mineral, called olivine, has been found in masses of considerable size." Pliny's whole description of the topaz is thought by this writer as applicable to the mineral which we call prase and chrysoprase, as to any that we know. At the same time, however, he refers to the mention which Bruce makes of an island in the Red Sea, called Jibbel Seberget, or the Mountain of Emeralds, and where the latter says he met with a substance which was little harder than glass; and he also cites the query of Kidd, whether this substance may not have been chrysolite, and the island the Topaz island of Pliny.[1]

TOPIA'RIUS. (*Vid.* Hortus.)

TORA'LIA. (*Vid.* Torus.)

TO'RCULUM or TO'RCULAR (*ληνός*), a press for making wine and oil. When the grapes were ripe (*σταφυλή*), the bunches were gathered, any which remained unripe (*ὄμφαξ*), or had become dry or rotten, were carefully removed[2] (*vid.* Forfex), and the rest carried from the vineyard in deep baskets (*quali*,[3] *ταλάροι*,[4] *ἀρρίχοι*,[5] *κοφίνοι*[6]), to be poured into a shallow vat. In this they were immediately trodden by men, who had the lower part of their bodies naked,[7] except that they wore drawers. (*Vid.* Subligaculum.) At least two persons usually trod the grapes together. To "tread the wine-press alone" indicated desolation and distress.[8] The Egyptian paintings[9] exhibit as many as seven treading in the same vat, and supporting themselves by taking hold of ropes or poles placed above their heads. From the size of the Greek and Roman vats, there can be no doubt that the company of treaders was often still more numerous. To prevent confusion and to animate them in their labour, they moved in time or danced, as is seen in the ancient mosaics of the church of St. Constantia at Rome, sometimes also leaning upon one another. The preceding circumstances are illustrated in the following woodcut, taken from a bas-relief.[10] An

1 (Orpheus, De Lapid., 206.—Psell., De Lapid.—Diod. Sic., iii., 39.—Adams, Append., s. v.—Moore's Anc. Mineral., p. 161.) —2. (Geopon., vi., 11.)—3. (Virg., Georg., ii., 241.)—4. (Hes., Scut. Herc., 296.)—5. (Longus, ii., 1.)—6. (Geopon., l. c.)—7. (Virg., Georg., ii., 7.)—8. (Isaiah, lxiii., 3.)—9. (Wilkinson, Manners and Customs, ii., p. 152-157.)—10. (Mon. Matth., iii., tab. 45.)

antefixa in the British Museum[1] shows a person by the side of the vat performing during this act on the *scabellum* and *tibiæ pares*, for the purpose of aiding and regulating the movements of those in it. Besides this instrumental music, they were cheered with a song, called *μέλος ἐπιλήνιον*[2] or *ὕμνος ἐπιλήνιος*, specimens of which may be seen in Anacreon.[3] After the grapes had been trodden sufficiently, they were subjected to the more powerful pressure of a thick and heavy beam (*vid.* Prelum), for the purpose of obtaining all the juice yet remaining in them.[4] Instead of a beam acted on by wedges, a press with a screw (*vid.* Cochlea) was sometimes used for the same purpose.[5] A strainer or colander (*vid.* Colum) was employed to clear the must from solid particles, as it flowed from the vat.

The preceding woodcut shows the apertures at the bottom of the vat, by which the must (*mustum*, *γλεῦκος*) was discharged, and the method of receiving it when the vat was small, in wide-mouthed jars, which, when full, were carried away to be emptied into casks (*dolia*, *πιθοί*[6]). (*Vid.* Dolium.) When the vineyard was extensive, and the vat large in proportion, the must flowed into another vat of corresponding size, which was sunk below the level of the ground, and therefore called *ὑπολήνιον*,[7] in Latin *lacus*.[8]

From *ληνός* Bacchus was called *Lenæus* (*Ληναῖος*). The festival of the *Lenæa* was celebrated on the spot where the first Attic winepress was said to have been constructed. (*Vid.* Dionysia, p. 364.)

Olives as well as grapes were subjected to the *prelum* for the sake of their oil;[9] but, instead of being trodden, they were first bruised, so as to express a great part of the oil, in a mill called *trapetum*, which rese mbled our cider-mill.

The building erected to contain all the vessels and other implements (*torcula vasa*[10]) for obtaining both wine and oil was called *torcularium*[11] and *ληνεῶν*.[12] It was situated near the kitchen and the wine-cellar.[13]

*TORDYLI'ON (*τορδύλιον*), the *Tordylium officinale*, or Hartwort.[14]

TOREUTICE (*τορευτική*). (*Vid.* Bronze, p. 179.)

TORMENTUM (*ἀφετήρια ὄργανα*), a military engine. All the missiles used in war, except those thrown from the sling (*vid.* Funda), are projected either by the hand alone or with the aid of elastic substances. Of elastic instruments, the bow (*vid.* Arcus) is still used by many nations. But the *tormentum*, so called from the twisting (*torquendo*) of hairs, thongs, and vegetable fibres,[15] has fallen into disuse through the discovery of gunpowder. The word *tormentum* is often used by itself to denote engines of various kinds.[16] Often, also, these engines are specified separately under the names of *Balistæ* and *Catapultæ*, which names, however, most commonly occur together in the accounts of sieges and other military operations, because the two kinds of engines denoted by them were almost always used in conjunction. (*Vid.* Helepolis.) The balista (*πετροβόλος*) was used to shoot stones,[17] the catapulta (*καταπέλτης*, *καταπελτική*) to project darts, especially the falarica (*vid.* Hasta, p. 489),

1. (Combe, Anc. Terra-cottas, No. 59.)—2. (Athen., v., p. 199, *a*.)—3. (Ode xvii., l., and lii.—Brunck, Anal., ii., 239.—*Vid.* Jacobs, ad loc.—Comp. Theocr., vii., 25.)—4. (Vitruv., x., 1.—Virg., Georg., ii., 242.—Servius in loc.—Hor., Carm., i., 20, 9.) —5. (Vitruv., vi., 6.—Plin., H. N., xviii., 31, s. 74.)—6. (Longus, ii., 1, 2.)—7. (St. Mark, xii., 1.—Geopon., vi., 1, 11.)—8. (Ovid, Fast., v., 888.—Plin., Epist., ix., 20.—Columell., De Re Rust., xii., 18.)—9. (Plin., H. N., xv., 1, s. 2.)—10 (Varro, De Re Rust., iii., 2.)—11. (Cato, De Re Rust., 12, 13 18.—Colum., De Re Rust., xii., 18.)—12. (Geopon., vi., 1.)—13. (Vitruv., vi., 6.) —14. (Dioscor., iii., 56.—Nicand., Ther., 841.—Adams, Append., s. v.)—15. (Polyb., iv., 56.)—16. (Cic., Ep. ad Div., xv., 4.—Cæs., B. Civ., iii., 44, 45.—Bell. Alex., 10.—Liv., xx., 11.—Vell. Paterc., ii., 82.—Curt., iv., 9, 16.)—17. (Ovid, Trist. i., 2, 48.—Lucan, vi., 198.—Non. Marc., p. 555, ed. Merceri.)

and a kind of missile 4½ feet long, called *triπax*.[1] While, in besieging a city, the ram (*vid.* Aries) was employed in destroying the lower part of the wall, the balista was used to overthrow the battlements (*propugnacula*[2]), and the catapult to shoot any of the besieged who appeared between them.[3] The forms of these machines being adapted to the objects which they were intended to throw, the catapult was long, the balista nearly square, which explains the following humorous enumeration by Plautus[4] of the three *μηχαναί*, the application of which has just been explained.

"*Mcus est balista pugnus, cubitus catapulta est mihi,*
Humerus aries."

In the same armament the number of catapults was commonly much greater than the number of balistæ.[5] Also, these two classes of machines were both of them distinguished into the greater and the less, the number of "the less" being much more considerable than the number of "the greater." When Carthago Nova, which had served the Carthaginians for an arsenal, was taken by the Romans, the following were found in it: 120 large and 281 small catapults; 23 large and 52 small balistæ.[6] Three sizes of the balista are mentioned by historians, viz., that which threw stones weighing half a hundred weight (*τριακονταμναίους λίθους*[7]), a whole hundred weight (*balista centenaria*,[8] *λιθοβόλος ταλαντιαίος*[9]), and three hundred weight (*πετροβόλος τριτάλαντος*[10]). Besides these, Vitruvius[11] mentions many other sizes, even down to the balista which threw a stone of only two pounds' weight. In like manner, catapults were denominated according to the length of the arrows emitted from them.[12] According to Josephus, who gives some remarkable instances of the destructive force of the balista, it threw stones to the distance of a quarter of a mile.[13] Neither from the descriptions of authors, nor from the figures on the column of Trajan,[14] are we able to form any exact idea of the construction of these engines. Still less are we informed on the subject of the *Scorpio* or *Onager*, which was also a tormentum.[15] Even the terms *balista* and *catapulta* are confounded by writers subsequent to Julius Cæsar, and Diodorus Siculus often uses *καταπέλτης* to include both balistæ and catapults, distinguishing them by the epithets *πετροβόλοι* and *ὀξυβελεῖς*.[16]

The various kinds of tormenta appear to have been invented shortly before the time of Alexander the Great. When horsehair and other materials failed, the women in several instances cut off their own hair, and twisted it into ropes for the engines.[17] These machines, with those who had the management of them, and who were called *balistarii* and *ἀφεταί*,[18] were drawn up in the rear of an advancing army, so as to throw over the heads of the front ranks. (*Vid.* Army, p. 106.) In order to attack a maritime city, they were carried on the decks of vessels constructed for the purpose.[19]

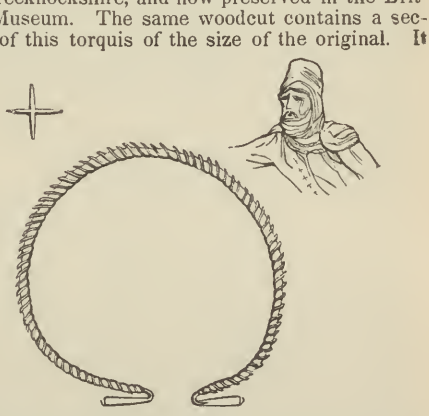
The meaning of *tormentum*, as applied to the cordage of Ships, is explained in p. 893. Compare Vegetius, *Mulom.*, ii., 46.

The torture or question (*quæstio*), as applied to criminals or witnesses, was called *tormentum* by the Romans.[1] The executioner was called *tortor* and among the instruments employed for the purpose were the wheel (*rota*, *τροχός*[2]) and the *coculeus*. The Lydians had an instrument of torture which, as we may infer from its name (*κνάφος*[3]), was full of points, and applied to the body of the sufferer like the card used in combing wool. The Jews seem to have used the harrow or threshing-machine in the same manner;[4] and the *κλίμαξ* mentioned by Aristophanes,[5] if it resembled the *ladder*, which is still to be seen among the instruments of torture in the dungeons at Ratisbon, must have produced a similar effect. (*Vid.* Basanos.)

TORQUES or TORQUIS (*στρεπτός*), an ornament of gold, twisted spirally and bent into a circular form, which was worn round the neck by men of distinction among the Persians,[6] the Gauls,[7] and other Asiatic and northern nations.[8] *Torc* was the name of it among the Britons and ancient Irish. Virgil[9] thus describes it as part of the attire of the Trojan youths:

"*It pectore summo*
Flexilis obtorti per collum circulus auri."

Ornaments of this kind have been frequently found, both in France, and in many parts of Great Britain and Ireland,[10] varying in size and weight, but almost always of the form exhibited in the annexed woodcut, which represents a torquis found in Brecknockshire, and now preserved in the British Museum. The same woodcut contains a section of this torquis of the size of the original. It



shows, as Mr. Petrie observes concerning some found in the county of Meath, "four equidistant radiations from a common centre." The torquis in the British Museum is four feet and a half in length. Its hooks correspond well to the following description of the fall of a Celtic warrior: "*Torquis ab incisa decidit unca gula.*"[11] A torquis, which, instead of being bent into a circular form, was turned into a spiral, became a bracelet, as is shown in the lowest figure of the woodcut to Armilla, p. 96. A torquis contrived to answer this purpose is called *torquis brachialis*.[12] Such bracelets and torques are often found together, having been worn by the same people.

An inscription found in France mentions a torquis, which was dedicated to Æsculapius, having been made by twisting together two golden snakes.[13] In this respect, also, the torquis corresponded with the armilla, which was sometimes made in the form of a serpent. (See p. 96.) The head in the

1 (Festus, s. v.)—2. (Plaut., Bacch., iv., 4, 58, 61.)—3. (Diod. Sic., xvii., 42, 45.—Id., xx., 48, 88.)—4. (Capt., iv., 2, 16.)—5. (Nep., Marc., p. 552, ed. Merceri.—Liv., xxvi., 47.)—6. (Liv., l. c.)—7. (Polyb., ix., 34.)—8. (Non. Marc., l. c.)—9. (Polyb., l. c.—Diod. Sic., xx., 86.)—10. (Diod. Sic., xx., 48.)—11. (x., 11.)—12. (Vitruv., x., 10.—Schneider, ad loc.)—13. (B. J., iii., 7, § 19, 23.—Compare Procop., Bell. Goth., i., 21, 23.)—14. (Bartoli, Col. Traj., tab. 45–47.)—15. (Vitruv., x., 10.—Liv., xxvi., 6, 47.—Amm. Marcell., xx., 7; xxiii., 4.)—16. (xiii., 51; xx., 48, 83, 86; xxi., 4.)—17. (Cæsar, Bell. Civ., iii., 9.—Veget., De Re Mil., iv., 9.)—18. (Polyb., iv., 56.)—19. (Diod. Sic., xx., 83–86.—Tacit., Ann., ii., 6.)

1. (Suet., Tiber., 20.—Cic., Pro Mil., 20–22.—Quintil., v., 4.) 2. (Aristoph., Plut., 876.)—3. (Herod., i., 92.)—4. (2 Sam., xii., 31.—1 Chron., xx., 3.)—5. (Ran., 631.)—6. (Curt., iii., 3.—Themist., Orat., 24, p. 306, c.)—7. (Florus, i., 13.—Id., ii., 4.)—8. (Isid., Orig., xix., 30.)—9. (Æn., v., 558, 559.)—10. (Petrie, Trans. of R. Irish Acad., vol. xviii.—Antiq., p. 181–184.)—11. (Propert., iv., 10, 44.)—12. (Vopisc., Aurel., 7.)—13. (Montfaucon, Ant. Expl., iii., p. 53.)

preceding woodcut is that of a Persian warrior in the mosaic of the battle of Issus, mentioned in p. 520. It illustrates the mode of wearing the torquis, which in this instance terminates in two serpents' heads instead of hooks. Three other Persians in the same mosaic also wear the torquis, which is falling from the neck of one of them, who has been vanquished and thrown from his horse. It was by taking this collar from a Gallic warrior in similar circumstances that T. Manlius obtained the cognomen of *Torquatus*.[1]

Torques, whether in the form of collars or bracelets, no doubt formed a considerable part of the wealth of those who wore them. Hence they were an important portion of the spoil, when any Celtic or Oriental army was conquered, and they were among the rewards of valour bestowed after an engagement upon those who had most distinguished themselves.[2] The monuments erected to commemorate Roman soldiers, and to enumerate the honours which they had obtained, often mention the number of torques conferred upon them.[3] (*Vid.* Phalera.)

TORUS, a Bed, originally made of straw,[4] hay, leaves, woolly plants,[5] seaweed (*de mollibus ulvis*[6]), also stuffed with wool, and afterward with feathers[7] or swans' down,[8] so as to be as much raised and as soft as possible.[9] It was sometimes covered with the hide of a quadruped[10] (*vid.* Pellis, p. 750), but more commonly with sheets or blankets, called *Toralia*.[11] The torus may be observed on the sofa in the first woodcut, p. 276; and its appearance there may suffice to explain the transference of its name to the larger semicircular mouldings in the base of columns. (*Vid.* Atticurges, Spira.)

TOX'OTAI (*τοξόται*). (*Vid.* Demosioi.)

TRA'BEA. (*Vid.* Toga, p. 987.)

TRADI'TIO. (*Vid.* Dominium.)

*TRAGACANTHA (*τραγάκανθα*), a prickly shrub, which yields gum tragacanth. It is the *Astragalus Tragacantha*, Goat's-thorn or Milk-vetch. The name is derived from *τράγος* (a goat) and *ἄκανθα* (a thorn), in allusion to the fancied resemblance which the plant bears to the beard of a goat. In the London Pharmacopœia the plant is called *Astragalus verus*, on the authority of Olivier."[12]

*TRAGION (*τράγιον*), a plant. One species, called by Dioscorides *τράγιον Κρητικόν*, is the kind of St. John's-wort called *Hypericum hircinum*, and has a fœtid smell. A second sort, likewise described by Dioscorides, is named by Sprengel *Tragium columnæ*.[13]

TRAGŒDIA (*τραγῳδία*), Tragedy.

I. Greek Tragedy. The tragedy of the ancient Greeks, as well as their comedy, confessedly originated in the worship of the god Dionysus. It is proposed in this article, (1) to explain from what element of that worship Tragedy took its rise, and, (2) to trace the course of its development, till it reached its perfect form and character in the drama of the Attic tragedians, Æschylus, Sophocles, and Euripides.

The peculiarity which most strikingly distinguishes the Greek tragedy from that of modern times, is the lyrical or choral part. This was the offspring of the dithyrambic and choral odes, from which, as applied to the worship of Dionysus, Greek tragedy took its rise. This worship, we may observe, was of a twofold character, corresponding to the different conceptions which were anciently entertained of Dionysus as the changeable god of flourishing, decaying, or renovated nature, and the various fortunes to which, in that character, he was considered to be subject at the different seasons of the year. Hence Müller observes,[1] "the festivals of Dionysus at Athens and elsewhere were all solemnized in the months nearest to the shortest day, coincidently with the changes going on in the course of nature, and by which his worshippers conceived the god himself to be affected." His mournful or joyous fortunes (*πάθη*), his mystical death, symbolizing the death of all vegetation in winter, and his birth,[2] indicating the renovation of all nature in the spring, and his struggles in passing from one state to another, were not only represented and sympathized in by the dithyrambic singers and dancers, but they also carried their enthusiasm so far as to fancy themselves under the influence of the same events as the god himself, and in their attempts to identify themselves with him and his fortunes, assumed the character of the subordinate divinities, the Satyrs, Nymphs, and Pans (*nympharumque leves cum satyris chori*), who formed the mythological train of the god. Hence, as is explained under Dionysia (p. 363), arose the custom of the disguise of satyrs being taken by the worshippers at the festivals of Dionysus, from the choral songs and dances of whom the Grecian tragedy originated, "being from its commencement connected with the public rejoicings and ceremonies of Dionysus in cities, while comedy was more a sport and merriment of the country festivals." In fact, the very name of Tragedy (*Τραγῳδία*), far from signifying anything mournful or pathetic, is most probably derived from the goat-like appearance of the satyrs, who sang or acted, with mimetic gesticulations (*ὄρησις*), the old Bacchic songs, with Silenus, the constant companion of Dionysus, for their leader.[3] From their resemblance in dress and action to goats, they were sometimes called *τράγοι*, and their song *τραγῳδία*. Thus Æschylus, in a fragment of the Prometheus Πυρφόρος, calls a satyr *Τράγος*, and the satyric chorus in the Cyclops of Euripides[4] appears in the skin of a goat (*χλαῖνα τράγου*). The word *σάτυρος*, also, is apparently the same as *τίτυρος*, a kind of goat.[5] According to another opinion, indeed, the "word tragedy was first coined from the goat that was the prize of it, which prize was first constituted in Thespis's time."[6] This derivation, however, as well as another, connecting it with the goat offered on the altar of Bacchus,[7] around which the chorus sang, is not equally supported either by the etymological principles of the language, or the analogous instance of *κωμῳδία*, the "revel-song."[8]

But the Dionysian dithyrambs were not always of a gay and joyous character: they were capable of expressing the extremes of sadness and wild lamentation as well as the enthusiasm of joy; and it was from the dithyrambic songs of a mournful cast, probably sung originally in the winter months, that the stately and solemn tragedy of the Greeks arose. That there were dithyrambs of such a character, expressive of the sufferings of Dionysus (*τὰ τοῦ Διονύσου πάθη*), appears from the statement in Herodotus,[9] that at Sicyon, in the time of Clisthenes (B.C. 600), it was customary to celebrate (*γεραίρειν*)

1. (Cic., Fin., ii., 22.—Id., Off., iii., 31.—Gellius, ix., 13.—Non. Marc., p. 227, 228, ed. Merceri.)—2. (Juv., xvi., 60.—Plin., H. N., xxxiii., 2, s. 10.—Sidon. Apoll., Carm., xxiii., 424.)—3. (Maffei, Mus. Veron., p. 218.)—4. (Plin., H. N., viii., 48, s. 73.)—5. (Mart., xiv., 160, 162.)—6. (Ovid, Met., viii., 656.)—7. (xi., 611.)—8. Mart., xiv., 161.)—9. (Virg., Æn., vi., 603.—Ovid, Amor., ii., 4, 14.)—10. (Virg., Æn., viii., 177.)—11. (Hor., Sat., ii., 4, 84.—Id., Epist., i., 5, 22.)—12. (Dioscor., iii., 20.—Theophrast., H. P., ix., 1.—Adams, Append., s. v.)—13. (Dioscor., iv., 49, 50.—Adams, Append., s. v.)

1. (Literat. of Greece, p. 288.)—2. (Plat., De Leg., iii., p. 700.—Proclus, in Gaisford's Hephæst., p. 383.)—3. (Bode, Gesch der Hellen. Dichtkunst, iii., p. 31.)—4. (l., 80.)—5. (Phot., Lex., s. v.)—6. (Bentley, Phalar., p. 249.)—7. (Müller, Literat. of Greece, p. 291.)—8. (Etymol. Magn., p. 764.—Eurip., Bacch., 131.—Æl. an, V. H., iii., 40.)—9. (v., 67.)

ti e sudern gs of that god with "tragic choruses." But it must be remarked, that in the most ancient times the dithyrambic song was not executed by a regular chorus. Thus Archilochus says in trochaic verse, "I know how, when my mind is inflamed with wine, to lead off the dithyramb, the beautiful song of Dionysus" (*vid.* Chorus, p. 247), whence we may infer that in his time (B.C. 700) the dithyramb was sung by a band of revellers led by a flute-player. Lyrical choruses, indeed, had been even then established, especially in the Dorian states of Greece, in connexion with the worship of Apollo, the cithara, or φόρμιγξ, being the instrument to which the choreutæ sang and danced.[1] In fact, the connexion of the Dorian choral poetry with the worship of Apollo, the direct opposite to that of Dionysus, and its consequent subjection to established rules and forms, admitting, too, from the Dorian character, but little innovation, affords the most obvious explanation of the striking circumstance that nothing decidedly dramatic sprang from it, as from the dithyrambic performances.[2] Still there were some points in which the Dorian worship of Apollo resembled that of Dionysus, *e. g.*, the dances with which the former god was honoured, and the kind of mimicry which characterized them. Other circumstances also, on which we cannot here dwell, would probably facilitate the introduction of the Dionysian dithyramb among the Dorian states, especially after the improvements made in it by Arion (B.C. 600), which were so great, that even the invention of that species of poetry is ascribed to him, though it had been known in Greece for a century before his time. The worship of Dionysus was celebrated at his native place, Methymnæ in Lesbos, with music and orgiastic rites; and as Arion travelled extensively in the Dorian states of Hellas, he had ample opportunities of observing the varieties of choral worship, and of introducing any improvements which he might wish to make in it.[3] He is said to have been the inventor of the "tragic turn" (τραγικοῦ τρόπου), a phrase of doubtful signification, but which seems to mean, that he was the inventor of a grave and solemn style of music, to which his dithyrambs were danced and sung.[4] (*Vid.* Music, Greek.) Suidas[5] adds of him, λέγεται καὶ πρῶτος χορὸν στῆσαι, καὶ διθύραμβον ᾆσαι καὶ ὀνομάσαι τὸ ᾀδόμενον ὑπὸ τοῦ χοροῦ, καὶ Σατύρους εἰσενεγκεῖν ἐμμετρα λέγοντας. From the first clause, in connexion with other authorities,[6] we learn that he introduced the cyclic chorus (a fact mythologically expressed by making him the son of *Cycleus*); *i. e.*, the dithyramb, instead of being sung, as before his time, in a wild, irregular manner, was danced by a chorus of fifty men around a blazing altar; whence, in the time of Aristophanes, a dithyrambic poet and a teacher of cyclian choruses were nearly synonymous.[7] As the alteration was made at Corinth, we may suppose that the representation of the dithyrambic was assimilated in some respects to that of the Dorian choral odes. The clause to the effect that Arion introduced satyrs, *i. e.*, τράγοι, speaking in verse (*trochaic*), is by some thought another expression for the invention of the "tragic style." A simpler interpretation is, that he introduced the satyrs as an addition and contrast to the dance and song of the cyclic chorus of the dithyramb, thus preserving to it its old character as a part of the worship of Bacchus. The phrase ὀνομάσαι[8] alludes to the different titles given by him to his different dithyrambs, according to their subjects, for we need not suppose that they all related directly to Bacchus.[9] As he was the first cithara player of his age, it is probable that he made the lyre the principal instrument in the musical accompaniment.

From the more solemn dithyrambs, then, as improved by Arion, with the company of satyrs, who probably kept up a joking dialogue, ultimately sprang the dramatic tragedy of Athens, somewhat in the following manner: The choruses which represented them were under the direction of a leader or exarchus, who, it may be supposed, came forward separately, and whose part was sometimes taken by the poet himself.[2] We may also conjecture that the exarchus in each case led off, by singing or reciting his part in a solo, and the chorus, dancing round the altar, then expressed their feelings of joy or sorrow at his story, representing the perils and sufferings of Dionysus, or some hero, as it might be Accordingly, some scholars have recognised in such choral songs, or in a proximate deviation from them, what has been called a "lyrical tragedy," performed without actors distinct from the chorus, and conceived to be a transition step between the dithyramb and the dramatic tragedy. The title, however, does not occur in ancient writers, and, therefore, if it means anything, can only refer to representations of the character we have just ascribed to the dithyrambs of Arion, modified from time to time, according to circumstances or the fancy of the writer. That the names τραγῳδία and τράγῳδος are applied, indeed, to works and writers before the time of Thespis, and that the "tragedy" of that age was entirely choral, without any regular formal dialogue, is evident from many authorities. Thus Athenæus[3] observes that the whole satyrical poetry formerly consisted of choruses, as did the "tragedy" of old times (ἡ τότε τραγῳδία). Again, Diogenes Laertius[4] states that formerly the chorus alone acted (διεδραματίζεν) or performed a drama, on which Hermann[5] observes, "after the dithyramb was sung, some of the chorus, in the guise of satyrs, came forward and improvised some ludicrous stories; but in exhibitions of this sort," he adds, "we see rather *dramaticæ tragœdiæ initia, quam ullum lyrici cujusdam generis vestigium.*" Lyric poets also seem to have been spoken of as tragedians; thus, according to Suidas,[6] Pindar wrote seventeen *dramata* τραγικά ("but not lyrical tragedies"[7]), and Simonides of Ceos wrote tragedies, or a tragedy, as some manuscripts have it. But, whatever may be *inferred* from this, it only *proves* that dithyrambic poets were also called tragedian, just as in the scholia on Aristophanes,[8] a writer is described as διθυραμβοποιὸς ἢ τραγῳδιδάσκαλος. For the arguments on both sides, see Hermann, *l. c.*, and Böckh on the Orchomenian Inscriptions.[9]

The choral dithyrambic songs, accompanied with mimetic action (the lyrical tragedy?), prevailed to some extent, as all choral poetry did, among the Dorians of the Peloponnesus;[10] whence their derivative, the choral element of the Attic tragedy, was always written in the Dorian dialect, thus showing its origin. The lyrical poetry was, however, especially popular at Sicyon and in Corinth. In the latter city Arion made his improvements; in the former, "tragic choruses," *i. e.*, dithyrambs of a sad and plaintive character, were very ancient,[11] and the Sicyonians are also said to have been the inventors of the τραγῳδία (τραγῳδίας εὑρέται μὲν Σικυώνιοι τελεσιουργοὶ δὲ Ἀττικοὶ ποιηταί[12]); but, of course, this can only mean that the dramatic tragedy was a derivative, through many changes, of the old sa-

1 (Müller, Literat. of Greece, p. 204.—Dorians, iv., 7, § 8.)—2. (Bode, p. 16.)—3. (Bode, p. 22.)—4. (Hermann, Opusc., vol. vii., p. 216.)—5. (s. v.)—6. (Schol. in Arist., Aves, 1403.)—7. Müller, p. 204.)—8 (Compare Herod., i., 23.)—9. (Welcker, Nachtrag, p. 233.)

1. (Herod., i., 23.)—2. (Plato, Rep., iii., p. 394, *c.*)—3. (Leg., p. 630, *c.*)—4. (iii., 56.)—5. (Opusc., vii., 218.)—6. (s. v.)—7 (Hermann, l. c.)—8. (Plut., 290.)—9. (Greek Theatre, p. 28.)—10. (Müller, Dorians, ii., 10, § 6.)—11. (Herod., v., 67.—Welcker, Nachtrag, p. 235.)—12. (Themist., xxvii., p. 406, Dindorf.)

lyrical τραγῳδία, *i. e.*, of the songs sung with mimetic dancing by the goat-like satyrs, or, as others would say, round the altar, on which lay the burned sacrifice of a goat. It appears, then, that there is a good and intelligible foundation for the claims which, according to Aristotle,[1] were made by the Peloponnesians, and especially by the Sicyonians, to the invention of "tragedy," understanding by it a choral performance, such as has been described above. Now the subjects of this dithyrambic tragedy were not always, even in ancient times, confined to Dionysus. Even Arion wrote dithyrambs relating to different heroes:[2] a practice in which he was followed by succeeding poets, who wrote dithyramb-like odes (whence they were classed among the τραγικοὶ ποιηταί), which they called Centaurs, Ajaces, or Memnons, as it might be.[3] Thus Epigenes the Sicyonian is said to have written a tragedy, *i. e.*, a piece of dithyrambic poetry on a subject unconnected with Dionysus, which was consequently received with the cry of οὐδὲν πρὸς τὸν Διόνυσον, or "this has nothing to do with Bacchus."[4] If this anecdote be true, and Epigenes preceded Arion, the introduction of the satyrs into the dithyrambic chorus by the latter may possibly have been meant to satisfy the wishes of the people; but whether it was so or not, there is scarcely any doubt that, from the time of Arion, the tragic dithyramb gradually became less satyrical and sportive in its character, till the creation of the independent satyric drama and the Attic dramatic tragedy.[5]

As to the steps by which this was effected, Aristotle[6] says, "Tragedy was at the first an extemporaneous effusion (ἀπ' ἀρχῆς αὐτοσχεδιαστική), and was derived ἀπὸ τῶν ἐξαρχόντων τὸν Διθύραμβον," *i. e.*, from the leaders or the chief singers of the dithyramb, who probably sung or recited their parts in the trochaic metre, while the main body of the ode was written in irregular verse. It is easy to conceive how the introduction of an actor or speaker, independent of the chorus, might have been suggested by the exarchs or coryphæi coming forward separately and making short off-hand speeches,[7] whether learned by heart beforehand, or made on the spur of the moment. (*Vid.* CHORUS, p. 247.) But it is also possible, if not probable, that it was suggested by the rhapsodical recitations of the epic and gnomic poets formerly prevalent in Greece: the gnomic poetry being generally written in iambic verse, the metre of the Attic dialogue, and which Aristotle[8] says was used by Homer in his Margites, though its invention is commonly ascribed to Archilochus. In fact,[9] the rhapsodists themselves are sometimes spoken of as actors (ὑποκριταί) of the pieces they recited, which they are also said to act (ὑποκρινάσθαι[10]). But if two or more rhapsodes were called upon to go through an episode of a poem, a regulation which obtained at the Panathenæa, and attributed to Solon or Hipparchus,[11] it is clear that they would present much of a dramatic dialogue. In fact, the principal scenes of the whole Iliad might in this way have been represented as parts of a drama. These recitations, then, being so common, it was natural to combine with the representation of the dithyramb, itself a mixture of recitative and choral song, the additional element of the dialogue, written in iambic verse, a measure suggested, perhaps, by the gnomic poetry, and used by Solon about the time of the origin of the dialogue,[12] more especially as it is the most colloquial of all Greek metres (λεκτικόν), and that into which common conversation most readily falls. It is, indeed, conjecture, that the dialogue, or the Ionian element of Attic tragedy, was connected with the rhapsodical recitations, but it is confirmed by the fact that Homeric rhapsodes were common at Sicyon,[1] the cradle of the Dorian tragedy, and also at Brauron in Attica, where the worship of Dionysus existed from ancient times.[2] This, however, is certain, that the union of the iambic dialogue with the lyrical chorus took place at Athens under Pisistratus, and that it was attributed to Thespis, a native of Icarus, one of the country demes or parishes of Attica, where the worship of Dionysus had long prevailed. The introduction of this worship into Attica, with its appropriate choruses, seems to have been partly owing to the commands of the Dorian oracle[3] in very early times. Thus it is stated[4] that tragedy (*i. e.*, the old dithyrambic and satyrical tragedy) was very ancient in Attica, and did not originate with Thespis or his contemporaries. The alteration made by him, and which gave to the old tragedy (ἀρχομένων τῶν περὶ Θέσπιν ἤδη τὴν Τράγῳδίαν κινεῖν) a new and dramatic character (making it an *ignotum tragicæ genus*[5]), was very simple, but very important. He introduced an actor, as it is recorded, for the sake of giving rest to the chorus,[6] and independent of it, in which capacity he probably appeared himself,[7] taking various parts in the same piece, under various disguises, which he was enabled to assume by means of the linen masks, the invention of which is attributed to him. Now as a chorus, by means of its leader, could maintain a dialogue with the actor, it is easy to see how, with one actor only, "a dramatic action might be introduced, continued, and concluded, by the speeches between the choral songs expressive of the joy or sorrow of the chorus at the various events of the drama." Thus Müller observes that, in the play of Pentheus, supposed to have been composed by Thespis, "a single actor might appear successively as Dionysus, Pentheus, a messenger, Agave the mother of Pentheus, and in these characters express designs and intentions, or relate events which could not be represented, as the murder of Pentheus by her mother: by which means he would represent the substance of the fable, as it appears in the Bacchæ of Euripides."[8] With respect to the character of the drama of Thespis there has been much doubt: some writers, and especially Bentley,[9] have maintained that his plays were all satyrical and ludicrous, *i. e.*, the plot of them was some story of Bacchus, the chorus consisted principally of satyrs, and the argument was merry: an opinion, indeed, which is supported by the fact that, in the early part of his time, the satyric drama had not acquired a distinctive character. It may also appear to be confirmed by the statement[10] that at first the tragedians made use of the trochaic tetrameter, as being better suited to the satyrical and saltatorial nature of their pieces. But perhaps the truth is, that, in the early part of his career, Thespis retained the satyrical character of the older tragedy, but afterward inclined to more serious compositions, which would almost oblige him to discard the satyrs from his choruses. That he did write serious dramas is intimated by the titles of the plays ascribed to him, as well as by the character of the fragments of iambic verse quoted by Plutarch as his,[11] and which, even if they are forgeries of Heraclides Ponticus, at least prove what was the opinion of a scholar of Aristotle on the subject. Besides, the assertion

1. (Poet., iii., 3.)—2. (Herod., i., 23.)—3. (Zenob., v., 40.)—4. (Apostolius, xv., 13.)—5. (Bode, p. 23.)—6. (Poet., iv., 14.)—7. (Welcker, Nachtrag, p. 228.)—8. (Poet., 4.)—9. (Athen., xiv., p. 629, *d.*—Müller, Lit. Gr., p. 34.)—10. (Wolf, Proleg., p. 47.—Plato, Hipparch., 228.)—11. (Bode, p. 6.)—12. (Solon, Fragm., 28, Gaisford.)

1. (Herod., v., 67.)—2. (Hesych., s. v. Βραυρωνίοις.)—3. (Demosth., c. Mid., p. 531.)—4. (Plato, Minos, p. 321.—Plut., Sol. 29.)—5. (Hor., Ep. ad Pis., 275.)—6. (Diog. Laert., iii., 50.)—7. (Plut., Sol., 29.)—8. (Müller, p. 29.—Bode, p. 57.)—9. (Phalar. p. 218.)—10. (Aristot., Poet., 4.)—11. (Bentley, Phal. p. 214.)

that Sophocles[1] wrote against the chorus of Thespis, seems to show that there was some similarity of character between the productions of the two poets.[2] A summary of the arguments in favour of the serious character of the tragedy of Thespis is given by Welcker.[3] The invention of the prologus and rhesis of tragedy (an expression clearly, in some measure, identical with the introduction of an actor) is also ascribed to Thespis by Aristotle.[4] By the former word is meant the first speech of the actor,[5] or the proœmium with which he opened the piece; the chorus then sang the first ode, or *πάροδος*, after which came the *ῥῆσις*, or dialogue between the actor and the principal choreutæ. The invention of this dialogue is also alluded to in the phrase *λέξεως δὲ γενομένης*.[6] It is evident that the introduction of the dialogue must also have caused an alteration in the management of the chorus, which could not remain cyclic or circular, but must have been drawn up in a rectangular form about the thymele, or altar of Bacchus in front of the actor, who was elevated on a platform or table (*ἐλεός*), the forerunner of the stage. The statement in Pollux[7] that this was the case before Thespis seems incorrect.[8] If we are right in our notion of the general character of the Thespian drama, the phrase *οὐδὲν πρὸς Διόνυσον*, which was certainly used in his time, was first applied to his plays at Athens, as being unconnected with the fortunes of Dionysus, and as deviations from the *μικροὶ μῦθοι καὶ λέξις γελοία* of his predecessors. Plutarch, however,[9] supposes that its first application was later: he says, "when Phrynichus and Æschylus continued to elevate tragedy to legends and tales of sufferings (*εἰς μύθους καὶ πάθη προιγόντων*), the people, missing and regretting the old satyric chorus, said, 'What is this to Bacchus?'" Hence the expression was used to signify what was mal-à-propos, or beside the question.

The reader may have observed that we have not noticed the lines of Horace:[10]

"*Dicitur et plaustris vexisse poemata Thespis,*
Quæ canerent agerentque peruncti fœcibus ora."

The fact is that they are founded on a misconception of the origin of the Attic tragedy, and that the tale about the wagons of Thespis probably arose out of a confusion of the wagon of the comedian Susarion with the *platform* of the Thespian actor. The first representation of Thespis was in B.C. 535. His immediate successors were the Athenian Chœrilus and Phrynichus, the former of whom represented plays as early as B.C. 524. He is said by Suidas to have written 150 pieces: from the title of one of them, the "Alope," its subject seems to have been a legend of Attic origin.[11] That he excelled in the satyrical drama invented by Pratinas, is indicated by the line of an unknown author,

Ἡνίκα μὲν βασιλεὺς ἦν Χοιρίλος ἐν Σατύροις:

and if he wrote anything like the number of dramas ascribed to him, it is also evident that the custom of contending with tetralogies must have been of early origin, for there were only two dramatic festivals during the year.

Phrynichus was a pupil of Thespis, and gained his first victory in the dramatic contests B.C. 511. In his works, the lyric or choral element still predominated over the dramatic, and he was distinguished for the sweetness of his melodies, which, in the time of the Peloponnesian war, were very popular with the admirers of the old style of music. The esteem in which his "ambrosial songs" were

1. (Suidas in vit.)—2. (Bode, p. 47.)—3. (Nachtrag, p. 257–276.)—4. (Themist., p. 382, ed. Dindorf.)—5. (Aristot., Poet., 4.)—6. (Id. ib., 4.)—7. (iv., 123.)—8. (Welcker, Nachtrag, p. 268.)—9. (Symp., i., 5.)—10. (Ep. ad Pis., 276.)—11. (Paus., i., 14, § 3.—Bode, p. 60.)

then held is shown in several passages of Aristophanes,[1] and in the line[2] where the dicasts are made to chant the old Sidonian sweet songs of Phrynichus,

Καὶ μινυρίζοντες μέλη
Ἀρχαιομελισιδωνοφρυνιχήρατα,

"Sidonian" being an allusion to the play which he wrote called the Phœnissæ. The first use of female masks is also attributed to him,[3] and he so far deviated from the general practice of the Attic tragedians as to write a drama on a subject of cotemporary history, the capture of Miletus by the Persians, B.C. 494.[4]

We now come to the first writer of satyrical dramas, Pratinas of Phlius, a town not far from Sicyon, and which laid claim to the invention of tragedy as well as comedy.[5] For some time previously to this poet, and probably as early as Thespis, tragedy had been gradually departing more and more from its old characteristics, and inclining to heroic fables, to which the chorus of satyrs was not a fit accompaniment. But the fun and merriment caused by them were too good to be lost, or displaced by the severe dignity of the Æschylean drama. Accordingly, the satyrical drama, distinct from the recent and dramatic tragedy, but suggested by the sportive element of the old dithyramb was founded by Pratinas, who, however, appears to have been surpassed in his own invention by Chœrilus. It was always written by tragedians, and generally three tragedies and one satyrical piece were represented together, which, in some instances at least, formed a collected whole, called a tetralogy (*τετραλογία*). The satyrical piece was acted last, so that the minds of the spectators were agreeably relieved by a merry afterpiece at the close of an earnest and engrossing tragedy. The distinguishing feature of this drama was the chorus of satyrs, in appropriate dresses and masks, and its subjects seem to have been taken from the same class of the adventures of Bacchus and of the heroes as those of tragedy; but, of course, they were so treated and selected that the presence of rustic satyrs would seem appropriate. In their jokes, and drollery, and naïveté consisted the merriment of the piece; for the kings and heroes who were introduced into their company were not of necessity thereby divested of their epic and legendary character (Horace[6] speaks of the "*incolumi gravitate*"), though they were obliged to conform to their situation, and suffer some diminution of dignity from their position. Hence Welcker[7] observes, the satyrical drama, which, so to speak, was "the Epos turned into prose, and interspersed with jokes made by the chorus," is well spoken of as a "playful tragedy" (*παίζουσα τραγῳδία*), being, both in form and materials, the same as tragedy. Thus also Horace[8] says,

"*Effutire leves indigna tragœdia versus*
Interit satyris paulum pudibunda protervis,"

alluding in the first line to the mythic or epic element of the satyric drama, which he calls tragœdia, and in the second representing it as being rather ashamed of its company. The scene was, of course, laid in the supposed haunts of the satyrs, as we learn from Vitruvius:[9] "*Satyricæ scenæ ornantur arboribus, montibus reliquisque agrestibus rebus,*" all in keeping with the incidents of the pieces, and reminding the spectators of the old dithyramb and the god Dionysus, in whose honour the dramatic contests were originally held. We must, however, observe, that there were some characters and legends which, as not presenting any serious or pa-

1. (Aves, 748.—Thesm., 164.)—2. (Vesp., 219.)—3. (Suid in vit.)—4. (Herod., vi., 21.)—5. (Bode, p. 35.)—6. (Ep. ad Pis., 222.)—7. (Nachtrag, p. 331.)—8. (Ep ad Pis., 231)—(v., 8.)

thetic aspects, were not adapted for tragedy, and, therefore, were naturally appropriated to the satyric drama. Such were Sisyphus, Autolycus, Circe, Callisto, Midas, Omphale, and the robber Skiron. Hercules also, as he appears in Aristophanes[1] and the Alcestis of Euripides, was a favourite subject of this drama, as being no unfit companion for a drunken Silenus and his crew.[2] The Odyssey also, says Lessing,[3] was in general a rich storehouse of the satyrical plays; but, though the Cyclops of Euripides, the only satyrical play extant, was taken from it, the list of satyric pieces given by Welcker[4] hardly confirms this assertion.

We now come to the improvements made in tragedy by Æschylus, of which Aristotle[5] thus speaks: "He first added a second actor and diminished the parts of the chorus, and made the dialogue the principal part of the action" (*Τὸν λόγον πρωταγωνιστὴν παρεσκεύασε*). He also availed himself of the aid of Agatharchus the scene-painter, and improved the costume of his actors by giving them thick-soled boots (*ἐμβάται*), as well as the masks, which he made more expressive and characteristic. Horace[6] thus alludes to his improvements:

> "*personæ pallæque repertor honestæ*
> *Æschylus, et modicis instravit pulpita tignis*
> *Et docuit magnumque loqui, nitique cothurno.*"

The custom of contending with trilogies (*τριλογίαι*), or with three plays at a time, is said to have been also introduced by him. In fact, he did so much for tragedy, and so completely built it up to its "towering height," that he was considered the father of it. The subjects of his drama, as we have before intimated from Plutarch, were not connected with the worship of Dionysus, but rather with the great cycle of Hellenic legends and some of the myths of the Homeric Epos. Accordingly, he said of himself[7] that his dramas were but scraps and fragments from the great feasts of Homer. Another instance of his departure from the spirit and form of the old tragedy, as connected with Dionysus, is shown in his treatment of the dithyrambic chorus of fifty men, which, in his trilogy of the Oresteia, he did not bring on the stage all at once, but divided it into separate parts, making a different set of choreutæ for each of the three pieces.[8] In the latter part of his life Æschylus made use of one of the improvements of Sophocles, namely, the *τριταγωνιστής*, or third actor. This was the finishing stroke to the dramatic element of Attic tragedy, which Sophocles is said to have matured by farther improvements in costume and scene-painting. Under him tragedy appears with less of sublimity and sternness than in the hands of Æschylus, but with more of calm grandeur, and quiet dignity, and touching incident. His latter plays are the perfection of the Grecian tragic drama, as a work of art and poetic composition in a thoroughly-chastened and classic style, written when, as he says of himself, he had put away the boyish pomp of Æschylus (*τὸν Αἰσχύλου διαπεπαιχὼς ὄγκον*), and the harsh obscurity of his own too great refinements, and attained to that style which he thought the best, and most suited for portraying the characters of men.[9] The introduction of the third actor enabled him to do this the more effectually, by showing the principal character on different sides and under different circumstances, both as excited by the opposition of one, and drawn out by the sympathies of another. (*Vid.* Histrio, p. 505.) Hence, though the plays of Sophocles are longer than those of Æschylus, still there is not a corresponding increase of action, but a more perfect delineation of character. Creon, for instance, in the Antigone, and Ajax, are more perfect and minutely drawn characters than any in Æschylus. The part of the chorus is, on the other hand, considerably diminished in his plays. Another distinguishing feature in them is their moral significance and ethical teaching. Though the characters in them are taken from the old subjects of national interest, still they do not always appear as heroes, or above the level of common humanity, but in such situations, and under the influence of such motives, passions, and feelings, as fall to the lot of men in general: so that "every one may recognise in them some likeness of himself."

In the hands of Euripides tragedy deteriorated, not only in dignity, but also in its moral and religious significance. He introduces his heroes in rags and tatters, and busies them with petty affairs, and makes them speak the language of every-day life. As Sophocles said of him,[1] he represented men, not as they ought to be, but as they are, without any ideal greatness or poetic character—thoroughly prosaic personages. His dialogues, too, were little else than the rhetorical and forensic language of his day cleverly put into verse: full of sophistry and quibbling distinctions. One of the peculiarities of his tragedies was the *πρόλογος*, an introductory monologue, with which some hero or god opens the play, telling who he is, what is the state of affairs, and what has happened up to the time of his address, so as to put the audience in possession of every fact which it might be necessary for them to know: a very business like proceeding, no doubt, but a poor make-shift for artistical skill. The "*Deus ex machina*" also, though not always, in a "*nodus, tali vindice dignus,*" was frequently employed by Euripides to effect the *dénoûment* of his pieces. The chorus, too, no longer discharged its proper and high functions, either as a representative of the feelings of unprejudiced observers, or "as one of the actors and a part of the whole," joining in the development of the piece. Many of his choral odes, in fact, are but remotely connected in subject with the action of the play. Another novelty of Euripides was the use of "monodies" or lyrical songs, in which, not the chorus, but the principal persons of the drama, declare their emotions and sufferings. They were among the most brilliant parts of his pieces, and, being sung by persons on the stage, are sometimes described as *ᾠδαὶ ἀπὸ σκηνῆς*.[2] Aristophanes often parodied them, and makes Euripides say of himself[3] that he "nurtured tragedy with monodies, introducing Cephisophon," his chief actor, to sing them.

> Εἶτ' *ἀνέτρεφον μονῳδίαις, Κηφισοφῶντα μιγνύς.*

Euripides was also the inventor of tragi-comedy, which not improbably suggested, as it certainly resembled, the Ἰλαροτραγῳδία of the Alexandrian age, the latter being a half-tragic, half-comic drama, or, rather, a parody or travesty of tragical subjects. A specimen of the Euripidean tragi comedy is still extant in the Alcestis, acted B.C. 438, as the last of four pieces, and therefore as a substitute for a satyrical drama. Though tragic in its form and some of its scenes, it has a mixture of comic and satyric characters (*e. g.*, Hercules), and concludes happily.

It remains to make some remarks on the nature and object of Greek tragedy in general, and on the parts into which it is divided. According to Plato,[4] the truest tragedy is an imitation of the noblest and best life: *μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου.*

1. Ranæ, —2. (Müller, 295.) —3. (Leben des Sophocles, § 115.)—4. (Nachtrag, p. 284, 322.)—5. (Poet., iv., § 16.)—6. (Ep. ad Pis., 278.) —7. (Athen., viii., p. 347, *e.*) —8. (Müller, Eumenid.) -9. (Plut., De Pro V. S., p. 79, *b.*)

1. (Aristot., Poet., 25.)—2. (Phot., Lex., s. v.)—3. (Athenæ. 944.)—4. (Leg., vii., p. 817.)

Aristotle's definition is more comprehensive and perhaps perfect. "Tragedy is an imitation of an action that is important (*σπουδαίας*), and entire, and of a proper magnitude, in pleasurable language, by means of action, not of narration, and effecting, through terror and pity, the refinement and correction of such passions" (*τὴν τοιούτων παθημάτων κάθαρσιν*). He then adds, Tragedy contains six parts: the story, *i. e.*, the combination of incidents or plot, manners, expression, sentiment, decoration, and music (*μῦθος καὶ ἤθη, καὶ λέξις, καὶ διάνοια, καὶ ὄψις, καὶ μελοποιία*). Of these the story is the principal part, developing the character of agents, and being, in fact, the very soul of tragedy. The manners come next, and manifest the disposition of the speakers. The sentiments take the third place, and comprehend whatever is said, whether proving anything, or expressing some general reflection. Afterward he adds, Fables are of two sorts, simple and complicated (*οἱ μὲν ἁπλοῖ, οἱ δὲ πεπλεγμένοι*), the catastrophe of the former produced without a revolution or discovery, of the latter with one or both. Now a revolution (*περιπέτεια*) is a change to the reverse of what is expected from the circumstances of the action: a discovery (*ἀναγνώρισις*) is a change from known to unknown, happening between characters whose happiness or unhappiness forms the catastrophe of the drama. The best sort of discovery is accompanied by a revolution, as in the Œdipus. Aristotle next enumerates the parts of *quantity* (*κατὰ τὸ ποσόν*) or division in tragedy: these are, the prologue, episode, exode, and choral songs; the last divided into the parode and stasimon. The *πρόλογος* is all that part of a tragedy which precedes the parodos of the chorus, *i. e.*, the first act. The *ἐπεισόδιον* is all the part between whole choral odes. The *ἔξοδος* that part which has no choral ode after it. Of the choral part, the *πάροδος* is the first speech of the whole chorus (not broken up into parts): the stasimon is without anapæsts and trochees. These two divisions were sung by all the choreutæ (*κοινὰ ἁπάντων*), but the "songs on the stage" and the *κόμμοι* by a part only (*ἴδια δὲ τὰ ἀπὸ τῆς σκηνῆς καὶ κόμμοι*). The commus, which properly means a wailing for the dead, was generally used to express strong excitement, or lively sympathy with grief and suffering, especially by Æschylus. It was common to the actors and a portion only of the chorus (*κομμὸς δὲ ὑρῆνος, κοινὸς χοροῦ, καὶ ἀπὸ σκηνῆς*), whence its derivative *κομματικά* is used to designate broken and interrupted songs sung either by individual choreutæ or divisions of the chorus.[1] Again, the *πάροδος* was so named as being the passage-song of the chorus, sung while it was advancing to its proper place in the orchestra, and therefore in anapæstic or marching verse; the *στάσιμον*, as being chanted by the chorus when standing still in its proper position.[2]

With respect to the ends or purposes of tragedy, Aristotle observes that they are best effected by the representation of a change of fortune from prosperity to adversity, happening to a person neither eminently virtuous nor just, nor yet involved in misfortune by deliberate vice or villany, but by some error of human frailty, and that he should also be a person of high fame and eminent prosperity, like Œdipus or Thyestes. Hence, he adds, Euripides is not censurable, as is generally supposed; for tragedies with an unhappy termination, like his, have always the most *tragic* effect; and Euripides is the most tragic of all poets, *i. e.*, succeeds best in producing pity: an expression especially true of some scenes in the Medea. In Æschylus, the feelings of pity and melancholy interest are generally excited by the relation in which his heroes stand to destiny. He mostly represents them as vainly struggling against a blind but irresistible fate, to whose power (according to the old Homeric notion) even the father of gods and men is forced to yield, and it is only occasionally, as in the splendid chorus of the Eumenides (522), that we trace in him any intimations of a moral and retributive government of the world. Hence there is a want of moral lessons in his works. In Sophocles, on the contrary, we see indications of a different tone of thought, and the superintendence of a directing and controlling power is distinctly recognised: "the great Zeus in heaven, who superintends and directs all things."[1]

The materials of Greek tragedy were the national mythology,

> "Presenting Thebes, or Pelops' line,
> Or the tale of Troy divine."

The exceptions to this were the two historical tragedies, the "Capture of Miletus," by Phrynichus, and the "Persians" of Æschylus; but they belong to an early period of the art. Hence the plot and story of the Grecian tragedy were, of necessity, known to the spectators, a circumstance which strongly distinguishes the ancient tragedy from the modern, and to which is owing, in some measure, the practical and quiet irony in the handling of a subject, described by Thirlwall[2] as a characteristic of the tragedy of Sophocles.

The functions of the chorus in Greek tragedy were very important, as described by Horace:[3]

> "*Actoris partes chorus officiumque virile*
> *Defendat: neu quid medios intercinat actus,*
> *Quod non proposito conducat, et hæreat apte,*" &c.

We must conceive of it, says A. W. Schlegel, as the personification of the thought inspired by the represented action; in other words, it often expresses the reflections of a dispassionate and right-minded spectator, and inculcates the lessons of morality and resignation to the will of heaven, taught by the occurrence of the piece in which it is engaged. Besides this, the chorus enabled a poet to produce an image of the "council of elders," which existed under the heroic governments, and under whose advice and in whose presence the ancient princes of the Greek tragedy generally acted. This image was the more striking and vivid, inasmuch as the chorus was taken from the people at large, and did not at all differ from the appearance and stature of ordinary men; so that the contrast and relation between them and the actors was the same as that of the Homeric *λαοί* and *ἄνακτες*. Lastly, the choral songs produced an agreeable pause in the action, breaking the piece into parts, while they presented to the spectator a lyrical and musical expression of his own emotions, or suggested to him lofty thoughts and great arguments. As Schlegel says, the chorus was the spectator idealized. With respect to the number of the chorus, Müller[4] thinks that, out of the dithyrambic chorus of 50, a quadrangular chorus of 48 persons was first formed, and that this was divided into sets of 12, one for each play of a tetralogy; but in the time of Sophocles the tragic chorus amounted to 15, a number which the ancient grammarians always presuppose in speaking of its arrangements, though it might be that the form of the Æschylean tragedy afterward became obsolete.

The preceding account should be read in connexion with the articles Chorus, Dicnysia, Histrio, and Theatrum.

The explanation of the following phrases may be useful:

Παραχορήγημα: this word was used in case of a

1. (Müller, Fumen., p. 84.)—2. (Suid. and Etymol. Mag.)

1. (Electr., 174.—Thirlwall, Phil. Mus., vol. ii., p. 492.)—2. (Phil. Mus., ii., p. 483, &c.)—3. (Ep. ad Pis., 193.)—4. (Lit. of Greece, 300.)

fourth actor appearing on the stage, probably because the choragus was required to be at an *extra* expense in supplying him with costume, &c.; sometimes actors so called spoke, as the character of Pylades does;[1] sometimes they were mutes.

Παρασκήνιον: this phrase was used when one of the choreutæ spoke in song instead of a fourth actor, probably near or behind the side-scenes. Παρηγορήματα were voices off the stage, and not seen, as the frogs in the Ranæ.[2]

Παραχωρήματα, persons who came forward but once, something like the πρόσωπα προτατικά, or introductory persons who open a drama and never appear again; as the watchman in the Agamemnon, and Polydorus in the Hecuba. Terence also frequently uses the persona protatica.[3]

The διχορία was a double chorus, formed of the choruses of two separate plays: thus, at the end of the Eumenides of Æschylus, the Furies of one play and the festal train of another come on the stage together.[4]

The principal modern writers on the Greek tragedy are mentioned in the course of the article. The reader may also consult Wachsmuth, II., ii., p. 467 and 421.—Gruppe, *Ariadne, Die Tragische Kunst der Gricchen in ihrer Entwickelung und in ihrem Zusammenhange mit der Volkspoesie*, Berl., 1834.—*Museum Criticum*, ii., p. 69 &c.—Copleston, *Prælectiones Academicæ*.—Schneider, *Ueber das Attische Theaterwesen*, an exceedingly valuable book.

II. Roman Tragedy. The tragedy of the Romans was, for the most part, an imitation of, or, rather, a borrowing from the Greek, the more imperfect and unnatural as the construction of the Roman theatre afforded no appropriate place for the chorus, which was therefore obliged to appear on the stage instead of in the orchestra. The first tragic poet and actor at Rome[5] was Livius Andronicus, a Greek by birth, who began to exhibit in B C. 240. From the account in Livy,[6] it would seem that in his monodies (or the lyrical parts sung, not by a chorus, but by one person) it was customary to separate the singing from the mimetic dancing, leaving the latter only to the actor, while the singing was performed by a boy placed near the flute-player (*ante tibicinem*), so that the dialogue only (*diverbia*) was left to be spoken by the actors. One of the plays written by him was an "Andromeda;" and he also made a Latin prose translation of the Odyssee. The next tragic poet at Rome was Nævius, who, however, appears to have written comedies as well as tragedies,[7] and a history of the first Punic war: so that the writing of tragedies was not a distinct profession at Rome as at Athens. An "Alcestis" seems to have been written by him. To the same epoch as Livius Andronicus and Nævius belongs Ennius, who resembled the latter in being an epic poet as well as a tragedian. Among the plays written by him are mentioned a Medea, an Ajax, a Phœnissæ, an Iphigenia, an Andromache, and a Hecuba. The metre used by him and Nævius was iambic or trochaic in the dialogue, and anapæstic for the lyrical parts.[8] The next distinguished tragedian was Pacuvius, a nephew of Ennius, and a painter also. His style was more remarkable for spirit and vigour of expression than polish or refinement, a deficiency attributable to his age and provincial origin, as he was born at Brundisium. Among his plays occur an Antiope, a Chryses, and a Dulorestes,[9] and his tragedies found admirers even in the time of Persius.[10] Cicero[11] quotes from him a spirited translation of the concluding lines of the Prometheus Vinctus of Æschylus. Attius or Accius the younger was junior to Pacuvius by about fifty years. His earlier plays were, as he himself admitted, harsh and obscure;[1] but his style probably altered with increasing years. Many fragments of his plays occur in Cicero and the Latin grammarians, Diomedes, Nonius, and Varro. He was also a writer of annals in hexameter verses.[2] The five poets mentioned above belong to the earlier epoch of Roman tragedy, in which little was written but translations and imitations of the Greek, with occasional insertions of original matter. How they imitated the structure of the choral odes is doubtful; perhaps they never attempted it. Ennius, Pacuvius, and Accius are contrasted by Cicero[3] with Æschylus, Sophocles, and Euripides; and of the last two Quintilian[4] says, "*Virium Accio plus tribuitur; Pacuvium videri doctiorem, qui esse doct. affectant, volunt.*"

In the age of Augustus, the writing of tragedies, whether original or imitations, seems to have been quite a fashionable occupation. The emperor himself attempted an Ajax, but did not succeed; and when his friends asked him, "*Quidnam Ajax ageret?*" his reply was "*Ajacem suum in spongiam incubuisse.*"[5] One of the principal tragedians of this epoch was Asinius Pollio, to whom the line[6]

"*Sola Sophocleo tua carmina digna cothurno*"

is supposed to apply: he also excelled in other literary accomplishments.[7] Ovid[8] also wrote a tragedy, of which Quintilian[9] says, "*Ovidii Medea videtur mihi ostendere, quantum ille vir præstare potuerit si in genio suo temperare quam indulgere maluisset.*" His "*armorum judicium*"[10] between Ajax and Ulysses, on which Pacuvius and Accius also wrote dramas, proves that he might have rivalled Euripides in rhetorical skill. Quintilian also says of Varius, who was distinguished in epic as well as tragic poetry,[1] that his Thyestes might be compared with any of the Greek tragedies. Some fragments of his Thyestes are extant, but we have no other remains of the tragedy of the Augustan age. The loss, perhaps, is not great; for the want of a national and indigenous mythology must have disabled the Roman poets from producing any original counterparts of the Greek tragedy; besides which, in the later days of the Republic, and under the Empire, the Roman people were too fond of gladiatorial shows, and beast-fights, and gorgeous spectacles, to encourage the drama. Moreover, it is also manifest that a tragedy like that of the Greeks could not have flourished under a despotism.

The only complete Roman tragedies that have come down to us are the ten attributed to the philosopher Seneca. But whether he wrote any of them or not is a disputed point. It is agreed that they are not all from the same hand, and it is doubtful whether they are all of the same age even. In one of them, the Medea, the author made his heroine kill her children on the stage, "*coram populo*," in spite of the precept of Horace. Schlegel[2] thus speaks of them: "To whatever age they belong, they are, beyond description, bombastic and frigid, utterly unnatural in character and action, and full of the most revolting violations of propriety, and barren of all theatrical effect. With the old Grecian tragedies they have nothing in common but the name, the exterior form, and the matter. Their persons are neither ideal nor real men, but misshapen giants of puppets, and the wire that moves them

1. (Æsch., Choeph., 900-902.)—2. (Pollux, Onom., iv., 109.—Schol. in Aristoph., Pac., 113.)—3. (Donat. Ter., Prolog. ad Andr.)—4. (Müller, Literat., &c., p. 300.)—5. (Gellius, xxi., 17.)—6. (vii., 2.)—7. (Hieron. in Euseb., Olymp. 144, 3.)—8. (Gellius, xi., 4.)—9. (Quintil., x., 1.—Cic., Orat., iii., 39.)—10. (i., 77.)—11. (l. c.)

1. (Gellius, xiii., 2.)—2. (Macrob., Sat., i., 7.)—3. (De Orat. iii., 7.)—4. (x., 1, § 97.)—5. (Suet., Octav., 85.)—6. (Virg., Ec log., viii., 10.)—7. (Hor., Carm., ii., 1.)—8. (Trist., ii., 556.)—9 (x., 1, § 98.)—10. (Metam., xiii.)—11. (Hor., Carm., i., 6.—Id Ep ad Pis., 55.—Tacit., Dial., xii., 1)—12. (Lect viii.)

s at one time an unnatural heroism, at another a passion alike unnatural, which no atrocity of guilt can appal." Still they have had admirers: Heinsius calls the Hippolytus "divine," and prefers the Troades to the Hecuba of Euripides: even Racine has borrowed from the Hippolytus in his Phèdre.

Roman tragedians sometimes wrote tragedies on subjects taken from their national history. Pacuvius, *e. g.*, wrote a *Paulus*, L. Accius a *Brutus* and a *Decius*.[1] Curiatius Maternus, also a distinguished orator in the reign of Domitian, wrote a Domitius and a Cato, the latter of which gave offence to the rulers of the state (*potentium animos offendit*[2]). The fragments of the Thyestes of Varius are given by Bothius, *Poet. Scen. Lat. Frag.*, p. 279.

*TRAGOPO'GON (*τραγοπώγων*), a plant, Goat's-beard. According to Stackhouse, it is the *Tragopogon Orientalis*. Sprengel, however, prefers the *crucifolia*.[3]

*TRAGORIG'ANON (*τραγορίγανον*), a species of Thyme. The two kinds described by Dioscorides are held by Sprengel to be the *Thymus Tragoriganum* and the *Stachys glutinosa*.[4]

*TRAGOS (*τράγος*), the male of the *Capra hircus*, I the *αἴξ* being the female. "The ancients were likewise acquainted with the Wild Goat, or *Capra Ibex;* it is supposed to be the *akko* of the Hebrews, and the *τραγέλαφος* of the Septuagint and Diodorus Siculus."[5]

*II. A plant mentioned by Dioscorides, and now called *Salsola Tragus*. III. Another plant, mentioned by the same writer, and with which Spikenard was adulterated. According to Clusius and Sprengel, it is the *Saxifraga hirculus*.[6]

TRA'GULA. (*Vid.* Hasta, p. 490.)

TRANSA'CTIO IN VIA. (*Vid.* Actio, p 18.)

TRA'NSFUGA. (*Vid.* Desertor.)

TRANSTRA. (*Vid.* Ships, p. 893.)

TRANSVE'CTIO EQUITUM. (*Vid.* Equites, p. 416)

ΤΡΑΥ'ΜΑΤΟΣ ΕΚ ΠΡΟΝΟΙ'ΑΣ ΓΡΑΦΗ (*τραύματος ἐκ προνοίας γραφή*). Our principal information respecting this action is derived from two speeches of Lysias, namely, *πρὸς Σίμωνα* and *περὶ τραύματος ἐκ προνοίας*, though they do not supply us with many particulars. It appears, however, that this action could not be brought by *any* person who had been wounded or assaulted by another, but that it was necessary to prove that there had been an intention to murder the person who had been wounded; consequently, the *πρόνοια* consisted in such an intention. Cases of this kind were brought before the Areiopagus: if the accused was found guilty, he was exiled from the state and his property confiscated.[7]

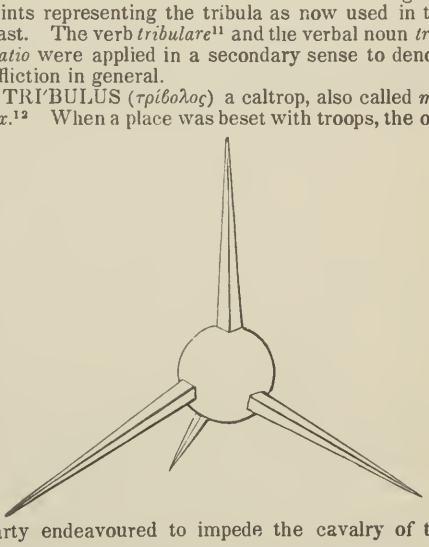
TREBO'NIA LEX. (*Vid.* Lex, p. 586.)

TRESVIRI. (*Vid.* Triumviri.)

TRIA'RII is the name of a class of soldiers belonging to the infantry of the Roman legion. Niebuhr[8] supposes that the name was derived from their being formed of all the three heavy-armed classes, and not from their being placed in the third line of the battle array,[9] so that the triarians formed thirty centuries, ten belonging to each class. Thus the triarians would have existed from the institution of the Servian centuries;[10] but, so long as the battle array of a legion resembled that of a Macedonian phalanx, the triarians could not be in the line of battle. They may, however, nevertheless have existed with their name as guards of the camp, where they defended the walls and palisades, for which purpose they were armed with javelins, spears, and swords. Their javelin also may have been the pilum at an early time, whence their name *Pilani*. If the camp did not require a guard, the triarii would of course stand by their comrades in the phalanx. In the military constitution ascribed to Camillus,[1] the triarii formed part of the third ordo, consisting of fifteen maniples, and were arrayed behind the principes.[2] In the time of Polybius, when the 170 centuries no longer existed, the soldiers of the infantry were drawn up in four ranks, according to their age and experience, and the triarii now were 600 of the oldest veterans of a legion, and formed the fourth rank, where they were a kind of reserve.[3] Their armour was the same as that of the hastati and principes, and consisted of a square shield, a short Spanish sword, two pila, a brass helmet with a high crest, and metal plates for the protection of the legs.[4] (*Vid.* Army, Roman, p. 103.)

TRI'BULA or TRI'BULUM (*τριβόλος*), a corn-drag, consisting of a thick and ponderous wooden board, which was armed underneath with pieces of iron or sharp flints, and drawn over the corn by a yoke of oxen, either the driver or a heavy weight being placed upon it, for the purpose of separating the grain and cutting the straw.[5] Together with the *tribula*, another kind of drag, called *traha*, was also sometimes used, which it is probable was either entirely of stone or made of the trunk of a tree.[6] These instruments are still used in Greece, Asia Minor, Georgia, and Syria, and are described by various travellers in those countries, but more especially by Paul Lucas,[7] Sir R. K. Porter,[8] Jackson,[9] and C. Fellows.[10] The corn is threshed upon a circular floor (*area*, *ἅλων*), either paved, made of hardened clay, or of the natural rock. It is first heaped in the centre, and a person is constantly occupied in throwing the sheaves under the drag as the oxen draw it round. Lucas and Fellows have given prints representing the tribula as now used in the East. The verb *tribulare*[11] and the verbal noun *tribulatio* were applied in a secondary sense to denote affliction in general.

TRI'BULUS (*τρίβολος*) a caltrop, also called *murex*.[12] When a place was beset with troops, the one



party endeavoured to impede the cavalry of the

1. (Cic., De Div., i., 22.)—2. (Tacit., Dial., 2.—Lang., Vind. frag. Roman., p. 14.)—3. (Dioscor., ii., 172.—Theophrast., H. P., vii., 7.)—4. (Dioscor., iii., 32.—Adams, Append., s. v.)—5. (Diod. Sic., ii., 51.—Adams, Append., s. v.)—6. (Dioscor., iv., 51.—Adams, Append., s. v.)—7. (Compare Demosth., c. Aristocr., 627, 22.—Id., c. Bœot., 1018, 9.—Æsch., De Fals. Leg., 270.—Id., c. Ctes., 440, 608.—Lys., c. Andoc., p. 212.—Lucian, Timon, 46.—Pollux, Onom., viii., 40.—Meier, Att. Proc., p. 314.)—8. (Hist. of Rome, i. p. 479.)—9. (Liv., viii., 8.)—10. (Niebuhr, ii., a. 450.—Compare n. 569, and iii., p. 117, &c.)

1. (Plut., Camill., 40.)—2. (Liv., viii., 8.)—3 (Polyb., vi., 21, &c.)—4. (*Vid.* Niebuhr, l. c., compared with the account of Göttling, Gesch. der Röm. Staatsv., p. 365, 399.)—5. (Varro, De Re Rust., i., 52.—Ovid, Met., xiii., 803.—Plin., H. N., xviii., 30.—Longus, iii., 22.—Brunck, Anal., ii., 215.—Amos, i., 3.)—6 (Virg., Georg., i., 164.—Servius ad loc.—Col., De Re Rust., ii. 21.)—7. (Voyage, t. i., p. 182.)—8. (Travels, vol. i., p. 158.)—9 (Journey from India, p. 249.)—10. (Journal, p. 70, 333.)—11 (Cato, De Re Rust., 23.)—12. (Val. Max., iii., 7, § 2.—Curt., iv 13, § 36.)

other party, either by throwing before them caltrops, which necessarily lay with one of their four sharp points turned upward, or by burying the caltrops with one point at the surface of the ground.[1] The preceding woodcut is taken from a bronze caltrop figured by Caylus.[2]

*TRIB'ULUS (*τρίβολος*), an aquatic plant, producing a prickly nut having a triangular form, "Water-chestnut" or "Water-caltrops," the *Trapa natans*, called by some *τρίβολος ἔνυδρος*.[3]

*II. Another prickly plant, growing among corn, the *Tribulus tenestris*, or Land-caltrops, called also *τρίβολος χερσαῖος*.[4]

TRIBU'NAL, a raised platform, on which the prætor and judices sat in the Basilica. It is described under Basilica, (p. 141).

There was a tribunal in the camp, which was generally formed of turf, but sometimes, in a stationary camp, of stone, from which the general addressed the soldiers, and where the consul and tribunes of the soldiers administered justice. When the general addressed the army from the tribunal, the standards were planted in front of it, and the army placed round it in order. The address itself was called *Allocutio*.[5] (*Vid.* Castra, p. 223.)

A tribunal was sometimes erected in honour of a deceased imperator, as, for example, the one raised to the memory of Germanicus.[6]

Pliny[7] applies the term to embankments against the sea.

TRIBUNI'CIA LEX. (*Vid.* Tribunus.)

TRIBU'NUS. This word seems originally to have indicated an officer connected with a tribe (*tribus*), or who represented a tribe for certain purposes; and this is indeed the character of the officers who were designated by it in the earliest times of Rome, and may be traced, also, in the later officers of this name. We subjoin an account of all the Roman officers known under this name.

Tribunes of the three Ancient Tribes. At the time when all the Roman citizens were contained in the three tribes of the Ramnes, Tities, and Luceres, each of them was headed by a tribune (*φύλαρχος*[8]), and these three tribunes represented their respective tribes in all civil, religious, and military affairs; that is to say, they were in the city the magistrates of the tribes, and performed the sacra on their behalf, and in times of war they were their military commanders.[9] Niebuhr[10] supposes that the *tribunus celerum* was the tribune of the Ramnes, the oldest and noblest among the three tribes, and in this opinion he is followed by Göttling,[11] though it is in direct contradiction to Dionysius[12] and Pomponius,[13] according to whom the tribunus celerum was the commander of the *celeres*, the king's body-guard, a statement which is rejected by Niebuhr without any ancient authority, except that Dionysius, in one passage,[14] vaguely speaks of tribuni celerum in the plural. That, however, the tribunus celerum was really distinct from the three tribunes of the tribes, is acknowledged by Niebuhr himself in a subsequent part of his work.[15] In what manner the tribunus celerum was appointed is uncertain; but, notwithstanding the statement of Dionysius, that Tarquinius Superbus gave this office to L. Junius Brutus, it is much more probable that he was elected by the tribes; for we find that when the imperium was to be conferred upon the king, the comitia were held under the presidency of the tribunus celerum, and in the absence of the king, to whom this officer was next in rank, he convoked the comitia: it was in an assembly of this kind that Brutus proposed to deprive Tarquinius of the imperium.[1] A law passed under the presidency of the tribunus celerum was called a *lex tribunicia*, to distinguish it from one passed under the presidency of the king. (*Vid.* Regia Lex.) The tribunes of the three ancient tribes ceased to be appointed when these tribes themselves ceased to exist as political bodies, and when the patricians became incorporated in the local tribes of Servius Tullius. (*Vid.* Tribus, Roman.)

Tribunes of the Servian Tribes.—When Servius Tullius divided the commonalty into thirty local tribes, we again find that at the head of these tribes there was a tribune, whom Dionysius calls *φύλαρχος*, like those of the patrician tribes.[2] He mentions them only in connexion with the city tribes, but there can be no doubt that each of the rustic tribes was likewise headed by a tribune. The duties of these tribunes, who were without doubt the most distinguished persons in their respective districts, appear to have consisted at first in keeping a register of the inhabitants in each district and of their property, for purposes of taxation, and for levying the troops for the armies. When, subsequently, the Roman people became exempted from taxes, the main part of their business was taken from them, but they still continued to exist. Niebuhr[3] supposes that the *tribuni ærarii*, who occur down to the end of the Republic, were only the successors of the tribunes of the tribes. Varro[4] speaks of *curatores omnium tribuum*, a name by which he probably means the tribunes of the tribes. When, in the year 406 B.C., the custom of giving pay (*stipendium*) to the soldiers was introduced, each of the tribuni ærarii had to collect the tributum in his own tribe, and with it to pay the soldiers;[5] and in case they did not fulfil this duty, the soldiers had the right of pignoris capio against them.[6] In later times their duties appear to have been confined to collecting the tributum, which they made over to the military quæstors who paid the soldiers. (*Vid.* Quæstor.) The lex Aurelia (70 B.C.) called the tribuni ærarii to the exercise of judicial functions, along with the senators and equites, as these tribunes represented the body of the most respectable citizens.[7] But of this distinction they were subsequently deprived by Julius Cæsar.[8]

Tribuni Plebis.—The ancient tribunes of the plebeian tribes had undoubtedly the right of convoking the meetings of their tribes, and of maintaining the privileges granted to them by King Servius, and subsequently by the Valerian laws. But this protection was very inadequate against the insatiable ambition and usurpations of the patricians. When the plebeians, impoverished by long wars, and cruelly oppressed by the patricians, at last seceded, in the year 494 B.C., to the Mons Sacer, the patricians were obliged to grant to the plebeians the right of appointing tribunes (*tribuni plebis*) with more efficient powers to protect their own order than those which were possessed by the heads of the tribes. The purpose for which they were appointed was only to afford protection against abuse on the part of the patrician magistrates; and that they might be able to afford such protection, their persons were declared sacred and inviolable, and it was agreed that whoever acted against this inviolability should

1. (Veget., De Re Mil., iii., 24.—Jul. Afric., 69; ap. Vet. Math. Græc., p. 311.)—2. (Recueil, iv., pl. 98.)—3. (Dioscor., iv., 15.—Adams, Append., s. v.)—4. (Martyn ad Virg., Georg., i., 153.)—5. (Lipsius, De Milit. Rom., iv, 9.)—6. (Tacit., Ann., ii., 83.)—7. (H. N., xvi., 1.)—8. (Dionys., ii., 7.—Dig. 1, tit. 2, s. 2, § 20.—Serv. ad Æn., v., 560.)—9. (Liv., i., 59.—Dionys., ii., 64.—Varro, De Ling. Lat., iv., p. 24, ed. Bip.)—10. (Hist. of Rome, p. 331.)—11. (Gesch. der Röm. Staatsv., p. 166.)—12. (ii., 13.)—13. (De Orig. Jur., Dig. 1, tit. 2, s. 2, § 15.)—14. (ii., 64.)—15. (i., p. 41.)

1. (Liv., i., 59.)—2. (Dionys., iv., 14.)—3. (i., p. 421.)—4. (De Ling. Lat., v., p. 74, ed. Bip.)—5. (Varro, De Ling. Lat., iv., p. 49, ed. Bip.)—6. (Cato ap. Gell., vii., 10.)—7. (Orelli, Onom. Tull., iii., p. 142.—Appian, De Bell. Civ., iii., 23.)—8. (Suetos. Jul., 41.)

be an outlaw, and that his property should be forfeited to the Temple of Ceres.[1] This decree seems to contain evidence that the heads of the tribes, in their attempts to protect members of their own order, had been subject themselves to insult and maltreatment; and that similar things occurred even after the sanctity of the tribunes was established by treaty, may be inferred from the fact that, some time after the tribuneship was instituted, heavy punishments were again enacted against those who should venture to annoy a tribune when he was making a proposition to the assembly of the tribes. The law by which these punishments were enacted ordained that no one should oppose or interrupt a tribune while addressing the people, and that whoever should act contrary to this ordinance, should give bail to the tribunes for the payment of whatever fine they should affix to his offence in arraigning him before the commonalty; if he refused to give bail, his life and property were forfeited.[2] It should, however, be observed, that this law belongs to a later date than that assigned to it by Dionysius, as has been shown by Niebuhr;[3] it was, in all probability, made only a short time before its first application in 461 B.C., in the case of Caeso Quinctius.[4] The tribunes were thus enabled to afford protection to any one who appealed to the assembly of the commonalty, or required any other assistance. They were essentially the representatives and the organs of the plebeian order, and their sphere of action was the comitia tributa. With the patricians and their comitia they had nothing to do. The tribunes themselves, however, were not judges, and could inflict no punishments,[5] but could only propose the imposition of a fine to the commonalty (*multam irrogare*). The tribunes were thus, in their origin, only a protecting magistracy of the plebs; but, in the course of time, their power increased to such a degree that it surpassed that of all other magistrates, and the tribunes then, as Niebuhr[6] justly remarks, became a magistracy for the whole Roman people, in opposition to the senate and the oligarchical elements in general, although they had nothing to do with the administration of the government. During the latter period of the Republic they became true tyrants, and Niebuhr justly compares their college, such as it was in later times, to the National Convention of France during the first revolution. But, notwithstanding the great and numerous abuses which were made of the tribunitian power by individuals, the greatest historians and statesmen confess that the greatness of Rome and its long duration are in a great measure attributable to the institution of this office.

As regards the number of the tribunes of the people, all the ancient writers agree (see the passages in Niebuhr[7]) that at first they were only two, though the accounts differ as to the names of the first tribunes. Soon afterward, however, the number of tribunes was increased to five, one being taken from each of the five classes.[8] When this increase took place is quite uncertain. According to Dionysius,[9] three new tribunes were added immediately after the appointment of the first two. Cicero[10] states, that the year after the institution of the tribunes their number was increased to ten; according to Livy,[11] the first two tribunes, immediately after their appointment, elected themselves three new colleagues; according to Piso,[12] there were only two tribunes down to the time of the Publilian laws. It would be hopeless to attempt to ascertain what was really the case: thus much only is certain, that the number was not increased to ten till the year 457 B.C., and that then two were taken from each of the five classes.[1] This number appears to have remained unaltered down to the end of the Empire.

The time when the tribunes were elected was, according to Dionysius,[2] always on the 10th of December, although it is evident from Cicero[3] that in his time, at least, the election took place *a. d.* XVI. Kal. Sextil. (17th of July). It is almost superfluous to state that none but plebeians were eligible to the office of tribune; hence, when, towards the end of the Republic, patricians wished to obtain the office, they were obliged first to renounce their own order and to become plebeians (*vid.* PATRICII, p. 743); hence, also, under the Empire, it was thought that the princeps should not be tribune because he was a patrician.[4] But the influence which belonged to this office was too great for the emperors not to covet it. Hence Augustus was made tribune for life.[5] During the Republic, however, the old regulations remained in force even after the tribunes had ceased to be the protectors of the plebs alone. The only instance in which patricians were elected to the tribuneship is mentioned by Livy,[6] and this was probably the consequence of an attempt to divide the tribuneship between the two orders. Although nothing appears to be more natural than that the tribunes should originally have been elected by that body of the Roman citizens which they represented, yet the subject is involved in considerable obscurity. Cicero[7] states that they were elected by the comitia of the curies; the same is implied in the accounts of Dionysius[8] and Livy,[9] according to whom the comitia of the tribes did not obtain this right till the lex Publilia (472 B.C.[10]). Niebuhr thinks[11] that, down to the Publilian law, they were elected by the centuries, the classes of which they represented in their number, and that the curies, as Dionysius himself mentions in another place,[12] had nothing to do with the election except to sanction it. The election in the comitia of the centuries, however, does not remove the difficulties, whence Göttling[13] is inclined to think that the tribunes, before the expiration of their office, appointed their successors, after a previous consultation with the plebeians. The necessity of the sanction by the curies cannot be doubted, but it appears to have ceased even some time before the Publilian law.[14] After this time it is never heard of again, and the election of the tribunes was left entirely to the comitia tributa, which were convoked and held for this purpose by the old tribunes previous to the expiration of their office.[15] One of the old tribunes was appointed by lot to preside at the election.[16] As the meeting could not be prolonged after sunset, and the business was to be completed in one day, it sometimes happened that it was obliged to break up before the election was completed, and then those who were elected filled up the legitimate number of the college by co-optatio.[17] But, in order to prevent this irregularity, the tribune L. Trebonius, in 448 B.C., got an ordinance passed, according to which the college of the tribunes should never be completed by co-optatio, but the elections should be continued on the second day, if they were not completed on the first, till the number ten was made up.[18] The place where the elec-

1. (Liv., ii., 33.—Dionys., vi., 89.)—2. (Dionys., vii., 17.)—3. (ii., p. 98.)—4. (Liv., iii., 13.)—5. (Gellius, xiii., 12.)—6. (i., p. 614.)—7. (i., n. 1356.)—8. (Ascon. in Cic., Corn., p. 56, ed. Orelli.—Zonar., vii., 15.)—9. (vi., 89.)—10. (Fragm. Cornel., p. 451, ed Orelli.)—11. (ii., 33.)—12. (ap. Liv., ii., 58.)

1. (Liv., iii., 30.—Dionys., x., 30.)—2. (vi., 89.)—3. (ad Att., i, 1.)—4. (Dion Cass., liii., 17, 32.)—5. (Suet., Octav., 27.—Tacit., Annal., i., 2.—Compare also Tib., 9, 23; Vesp., 12; Tit., 6.)—6 (iii., 65.)—7. (Fragm. Cornel., l. c.)—8. (l. c.)—9. (ii., 56.)—10 (Liv., ii., 56.—Dionys., x., 41.)—11. (i., p. 618.)—12. (vi., 90)—13. (p. 289.)—14. (Niebuhr, ii., p. 190.)—15. (Liv., ii., 56. &c.—Dionys., ix., 43, 49.)—16. (Liv., iii., 64.—Appian, De Bell. Civ., i., 14.)—17. (Liv., l. c.)—18. (Liv., iii., 64, 65. v., 10.—Compare Niebuhr, ii., p. 383.)

tion of the tribunes was held was originally and lawfully the Forum, afterward, also, the Campus Martius, and sometimes the area of the Capitol.

We now proceed to trace the gradual growth of the tribunitian power. Although its original character was merely auxilium or *βοήθεια* against patrician magistrates, the plebeians appear early to have regarded their tribunes also as mediators or arbitrators in matters among themselves. This statement of Lydus[1] has been pointed out by Walter.[2] The whole power possessed by the college of tribunes was designated by the name *tribunicia potestas*, and extended at no time farther than one mile beyond the gates of the city; at a greater distance than this they came under the imperium of the magistrates, like every other citizen.[3] As they were the public guardians, it was necessary that every one should have access to them, and at any time: hence the doors of their houses were open day and night for all who were in need of help and protection, which they were empowered to afford against any one, even against the highest magistrates. For the same reason, a tribune was not allowed to be absent from the city for a whole day except during the Feriæ Latinæ, when the whole people were assembled on the Alban Mount.[4]

In the year 456 B.C., the tribunes, in opposition to the consuls, assumed the right to convoke the senate, in order to lay before it a rogation and discuss the same;[5] for until that time the consuls alone had the right of laying plebiscita before the senate for approbation. Some years after, 452 B.C., the tribunes demanded of the consuls to request the senate to make a senatus consultum for the appointment of persons to frame a new legislation, and during the discussions on this subject the tribunes themselves were present in the senate.[6] The written legislation which the tribunes then wished can only have related to their own order; but as such a legislation would only have widened the breach between the two orders, they afterward gave way to the remonstrances of the patricians, and the new legislation was to embrace both orders.[7] From the second decemvirate the tribuneship was suspended, but was restored after the legislation was completed, and now assumed a different character from the change that had taken place in the tribes. (*Vid.* Tribus, Roman.) The tribunes now had the right to be present at the deliberations of the senate;[8] but they did not sit among the senators themselves, but upon benches before the opened doors of the senate-house.[9] The inviolability of the tribunes, which had before only rested upon a contract between the two estates, was now sanctioned and confirmed by a law of M. Horatius.[10] As the tribes now also included the patricians and their clients, the tribunes might naturally be asked to interpose on behalf of any citizen, whether patrician or plebeian. Hence the patrician ex-decemvir, Appius Claudius, implored the protection of the tribunes.[11] About this time the tribunes also acquired the right of taking the auspices in the assemblies of the tribes.[12] They also assumed again the right, which they had exercised before the time of the decemvirate, of bringing patricians who had violated the rights of the plebeians before the comitia of the tribes, as is clear from several instances.[13] Respecting the authority which a plebiscitum proposed to the tribes by a tribune received through the lex Valeria, see Plebiscitum While the college thus gained outwardly new strength every day, a change took place in its internal organization, which to some extent paralyzed its powers. Before the year 394 B.C., everything had been decided in the college by a majority;[1] but about this time, we do not know how, a change was introduced, which made the opposition (*intercessio*) of one tribune sufficient to render a resolution of his colleagues void.[2] This new regulation does not appear in operation till 394 and 393 B.C.;[3] the old one was still applied in B.C. 421 and 415.[4] From their right of appearing in the senate, and of taking part in its discussions, and from their being the representatives of the whole people, they gradually obtained the right of intercession against any action which a magistrate might undertake during the time of his office, and this even without giving any reason for it.[5] Thus we find a tribune preventing a consul convoking the senate,[6] preventing the proposal of new laws or elections in the comitia;[7] and they interceded against the official functions of the censors,[8] and even against a command issued by the prætor.[9] In the same manner, a tribune might place his veto upon an ordinance of the senate,[10] and thus either compel the senate to submit the subject in question to a fresh consideration, or to raise the session.[11] In order to propose a measure to the senate, they might themselves convoke a meeting,[12] or, when it had been convoked by a consul, they might make their proposal even in opposition to the consul, a right which no other magistrates had in the presence of the consuls. The senate, on the other hand, had itself, in certain cases, recourse to the tribunes. Thus, in 431 B.C., it requested the tribunes to compel the consuls to appoint a dictator, in compliance with the decree of the senate, and the tribunes compelled the consuls, by threatening them with imprisonment, to appoint A. Postumius Tubertus dictator.[13] From this time forward we meet with several instances in which the tribunes compelled the consuls to comply with the decrees of the senate, *si non essent in auctoritate senatus*, and to execute its commands.[14] In their relation to the senate, a change was introduced by the *Plebiscitum Atinium*, which ordained that a tribune, by virtue of his office, should be a senator.[15] When this plebiscitum was made is uncertain, but we know that in 170 B.C. it was not yet in operation.[16] It probably originated with C. Atinius, who was tribune in B.C. 132.[17] But as the quæstorship, at least in later times, was the office which persons held previously to the tribuneship, and as the quæstorship itself conferred upon a person the right of a senator, the law of Atinius was in most cases superfluous.

In their relation to other magistrates we may observe, that the right of intercessio was not confined to stopping a magistrate in his proceedings, but they might even command their viatores (*vid.* Viator) to seize a consul or a censor, to imprison him, or to throw him from the Tarpeian Rock.[18] It is mentioned by Labeo and Varro[19] that the tribunes, when they brought an accusation against any one before the people, had the right of *prehen-*

1. (De Magist., i., 38, 44.—Dionys., vii., 58.)—2. (Gesch. der Röm Rechts, p. 85.)—3. (Liv., iii., 20.—Dionys., viii., 87.)—4. (Macrob., Sat., i., 3.)—5. (Dionys., x., 31, 32.)—6. (Dionys., x., 50, 52.)—7. (Liv., iii., 31.—Zonar., vii., 18.)—8. (Liv., iii., 69.—Id., iv., 1.)—9. (Val. Max., ii., 2, § 7.)—10. (Liv., iii., 55.)—11. (Liv., iii., 56.—Compare also viii., 33, 34.—Niebuhr, ii., p. 374.)—12. (Zonar., vii., 19)—13. (Liv., iii., 56, &c. iv., 44; v., 11, &c.)

1. (Liv., ii., 43, 44.—Dionys., ix., 1, 2, 41.—Id., x, 31)—2. (Zonar., vii., 15.)—3. (Liv., v., 25, 29)—4. (Liv., iv., 42, 48.—Compare Niebuhr, ii., p. 438.)—5. (Appian, De Bell. Civ., i, 23—6. (Polyb., vi., 16.)—7. (Liv., vi., 35.—Id., vii., 17.—Id., x 9.—Id., xxvii., 6.)—8. (Dion Cass., xxxviii., 9.—Liv., xliii., 16)—9. (Liv., xxxviii., 60.—Gell., vii., 19.)—10. (Polyb., vi., 16.—Dion Cass., xli., 2.)—11. (Cæs., De Bell. Civ., i., 2.—Appian De Bell. Civ., i., 29.)—12. (Gellius, xiv., 7.)—13. (Liv., iv., 26.)—14. (Liv. v., 9.—Id., xxviii., 45.)—15. (Gellius, xiv., 8.—Zonar., vii., 15.)—16. (Liv., xlv., 15.)—17. (Liv., Epit., 59.—Plin., H. N., vii., 45.)—18. (Liv., ii., 56.—Id., iv., 26.—Id., v., 9.—Id., ix., 34.—Epit 48, 55, 59.—Cic., De Leg., iii., 9.—Id., in Vatin., 9.—Dion Cass xxx., 50.)—19. (ap. Gell., xiii., 12.)

sio, but not the right of *vocatio*; that is, they might command a person to be dragged by their viatores before the comitia, but not to summon him. An attempt to account for this singularity is made by Gellius.[1] They might, as in earlier times, propose a fine to be inflicted upon the person accused before the comitia, but in some cases they dropped this proposal, and treated the case as a capital one.[2] The college of tribunes had also the power of making edicts, as that mentioned by Cicero.[3] In cases in which one member of the college opposed a resolution of his colleagues, nothing could be done, and the measure was dropped; but this useful check was removed by the example of C. Tiberius Gracchus, in which a precedent was given for proposing to the people that a tribune obstinately persisting on his veto should be deprived of his office.[4]

From the time of the Hortensian law, the power of the tribunes had been gradually rising to such a height that there was no other in the state to equal it, whence Velleius[5] even speaks of the imperium of tribunes. They had acquired the right of proposing to the comitia tributa, or the senate, measures on nearly all the important affairs of the state, and it would be endless to enumerate the cases in which their power was manifested. Their proposals were indeed usually made ex auctoritate senatus, or had been communicated to and approved by it;[6] but cases in which the people themselves had a direct interest, such as a general legal regulation,[7] the granting of the franchise,[8] the alteration of the attributes of a magistrate,[9] and others, might be brought before the people, without their having previously been communicated to the senate, though there are also instances of the contrary.[10] Subjects belonging to the administration could not be brought before the tribes without the tribunes having previously received through the consuls the auctoritas of the senate. This, however, was done very frequently, and hence we have mention of a number of plebiscita on matters of administration. (See a list of them in Walter, p. 132, n. 11.) It sometimes even occurs that the tribunes brought the question concerning the conclusion of a peace before the tribes, and then compelled the senate to ratify the resolution as expressing the wish of the whole people.[11] Sulla, in his reform of the constitution on the early aristocratic principles, left to the tribunes only the jus auxiliandi, but deprived them of the right of making legislative or other proposals, either to the senate or the comitia, without having previously obtained the sanction of the senate. (*Vid.* Tribus, Roman.) But this arrangement did not last, for Pompey restored to them their former rights.[12]

During the latter period of the Republic, when the office of quæstor was in most cases held immediately before that of tribune, the tribunes were generally elected from among the senators, and this continued to be the same under the Empire.[13] Sometimes, however, equites also obtained the office, and thereby became members of the senate,[14] where they were considered of equal rank with the quæstors.[15] Tribunes of the people continued to exist down to the fifth century of our æra, though their powers became naturally much limited, especially in the reign of Nero.[16] They continued, however, to have the right of intercession against decrees of the senate and on behalf of injured individuals.[1]

Tribuni militum cum consulari potestate.—When, in 445 B.C., the tribune C. Canuleius brought forward the rogation that the consulship should not be confined to either order,[2] the patricians evaded the attempt by a change in the constitution; the powers which had hitherto been united in the consulship were now divided between two new magistrates, viz., the *tribuni militum cum consulari potestate* and the censors. Consequently, in 444 B.C., three military tribunes, with consular power, were appointed, and to this office the plebeians were to be equally eligible with the patricians.[3] In the following period, however, the people were to be at liberty, on the proposal of the senate, to decide whether consuls were to be elected according to the old custom, or consular tribunes. Henceforth for many years, sometimes consuls and sometimes consular tribunes were appointed, and the number of the latter varied from three to four, until, in 405 B.C., it was increased to six, and as the censors were regarded as their colleagues, we have sometimes mention of eight tribunes.[4] At last, however, in 367 B.C., the office of these tribunes was abolished by the Licinian law, and the consulship was restored. These consular tribunes were elected in the comitia of the centuries, and undoubtedly with less solemn auspices than the consuls. Concerning the irregularity of their number, see Niebuhr, ii., p. 325, &c.; p. 389, &c.—Compare Göttling, p. 326, &c.

Tribuni Militares were officers in the Roman armies. Their number in a legion was originally four, or, according to Varro, three, and they were appointed by the generals themselves. In the year 363 B.C., it was decreed that henceforth six of these military tribunes should always be appointed in the comitia, probably the comitia of the centuries.[5] Those who were appointed by the consuls were distinguished from those elected by the people (*comitiati*) by the name of Ruffuli.[6] The number of tribunes in each legion was subsequently increased to six, and their appointment was sometimes left altogether to the consuls and prætors,[7] though subsequently we find again that part of them were appointed by the people.[8] Their duties consisted in keeping order among the soldiers in the camp, in superintending their military exercises, inspecting outposts and sentinels, procuring provisions, settling disputes among soldiers, superintending their health, &c. Compare Army, Roman.

Tribunus Voluptatum was an officer who does not occur till after the time of Diocletian, and who had the superintendence of all public amusements, especially of theatrical performances.[9]

TRIBUS (GREEK) (Φῦλον, Φυλή). In the earliest times of Greek history, mention is made of people being divided into tribes and clans. Homer speaks of such divisions in terms which seem to imply that they were elements that entered into the composition of every community. Nestor advises Agamemnon to arrange his army κατὰ φῦλα, κατὰ φρήτρας, so that each may be encouraged by the presence of its neighbours.[10] A person not included in any clan (ἀφρήτωρ) was regarded as a vagrant or outlaw.[11] These divisions were rather natural than political, depending on family connexion, and arising out of those times when each head of a family ex-

1. (l. c.) — 2. (Liv., viii., 33.—Id., xxv., 4.—Id., xxvi., 3.) — 3. (in Verr., ii. 41.—Compare Gell., iv., 14.—Liv., xxxviii., 52.)—4. (Appian, De Bell. Civ., i., 12.—Plut., Tib. Gracch., 11, 12, 15.—Cic., De Leg., iii., 10.—Dion Cass., xxxvi., 13.) — 5. (ii., 2.)—6. (Liv., xlii., 21.)—7. (Liv., xxi., 63.—Id., xxxiv., 1.) — 8. (Liv., xxxviii., 36.)—9. (Liv., xxii., 25, &c.)—10. (Liv., xxxv., 7.—Id., xxvii., 5.)—11. (Liv., xxx., 43.—Id., xxxiii., 25.)—12. (Zachariæ, L. Corn. Sul., als Ord. des Röm. Freist., ii., p. 12, &c., and p. 99, &c.)—13. (Appian, De Bell. Civ., i., 100.)—14. (Suet., Octav., 10, 40.)—15. (Vell. Pateic., ii., 111.)—16 (Tacit., Ann., iii., 28.)

1. (Tacit., Ann., xvi., 26.—Id., Hist., ii., 91.—Id. ib., iv., 9.—Plin., Epist., i., 23.—Id. ib., ix., 13.)— 2. (Liv., iv., 1.—Dionys., xi., 52.) — 3. (Liv., iv., 7.—Dionys., xi., 60, &c.) — 4. (Liv., iv., 61.—Id., v., 1.—Diodor., xv., 50.—Liv., vi., 27.—Diod. Sic., xv., 51.—Liv., vi., 30.) — 5. (Liv., vii., 5.—Compare Polyb., vi., 19.) — 6. (Liv., l. c.—Fest., s. v. Ruffuli.)—7. (Liv., xlii., 31.)—8 (Liv., xliii., 14.—Id., xliv., 21.)—9. (Cassiodor., Variat., vii., 10; 10. (Id., ii., 362.)—11. (Id., ix., 63.)

ercised a patriarchal sway over its members. The bond was cemented by religious communion, sacrifices, and festivals, which all the family or clansmen attended, and at which the chief usually presided. The aggregate of such communities formed a political society.[1] In the ages succeeding, the heroic tribes and clans continued to exist, though, in the progress of civilization, they became more extended, and assumed a territorial or political rather than a fraternal character. The tribes were not, in general, distinctions between nobles and commons, unless the people were of different races, or unless there had been an accession of foreigners, who were not blended with the original inhabitants. It is true that, in the common course of things, nobles or privileged classes sprang up in various countries, by reason either of wealth, or of personal merit, or descent from the ancient kings; and that, in some cases, all the land was possessed by them, as by the Gamori of Syracuse;[2] sometimes their property was inalienable, as under our feudal law;[3] and the Bacchiadæ are an instance of a noble family who intermarried only among themselves.[4] Still, however, as a general rule, there was no decided separation of tribe, much less of caste, between nobles and commons of the same race. Nor was there any such distinction of a sacerdotal order. The priestly function was in early times united to that of the king;[5] afterward the priesthood of particular deities became hereditary in certain families, owing either to a supposed transmission of prophetic power, as in the case of the Eumolpidæ, Branchidæ, Iamidæ, or to accidental circumstances, as in the case of Telines of Gela;[6] but the priests were not separated, as an order, from the rest of the people.[7] The most important distinctions of a class-like nature between people living under the same government, arose in those countries that were conquered by the migratory hordes of Thessalians, Bœotians, and Dorians, in the century subsequent to the heroic age. The revolutions which they effected, though varying in different places according to circumstances, had in many respects a uniform character. The conquering body took possession of the country, and became its lords; the original inhabitants, reduced to subjection, and sometimes to complete vassalage or servitude, remained a distinct people or tribe from the conquerors. The former built cities, usually at the foot of some citadel that had belonged to the ancient princes, where they resided, retaining their military discipline and martial habits; while a rural population, consisting principally of the former natives, but partly, also, of the less warlike of the invaders, and partly of fresh emigrants invited or permitted by them to settle, dwelt in the surrounding villages, and received the name of Περίοικοι. The condition of the Lacedæmonian περίοικοι is spoken of under Perioeci. A similar class arose in most of the countries so colonized, as in Argos, Corinth, Elis, Crete, &c.[8] But their condition varied according to the manner in which the invaders effected their settlement, and other circumstances and events prior or subsequent to that time. In many places the new-comer was received under a treaty, or upon more equitable terms, so that a union of citizenship would take place between them and the original inhabitants. This was the case in Elis, Messenia, Phlius, Trœzen.[9] So the Cretans, who invaded Miletus, mingled with the ancient Carians, and the Ionians with the Cretans and Carians of Colophon.[1] In Megara, the ruling class, after a lapse of some time, amalgamated with the lower.[2] In other places the περίοικοι were more degraded. Thus in Sicyon they were compelled to wear skins, and called κατωνακοφόροι;[3] in Epidaurus they were styled κονίποδες, *dusty-footed*, a name which denoted their agricultural occupation, but was meant as a mark of contempt.[4] But in general they formed a sort of middle order between the ruling people and the serf or slave. Thus in Argos there was a class of persons called *Gymnesii* or *Gymnetes*, corresponding to the Helots. (*Vid.* Gymnesioi.) So in Thessaly, in the districts not immediately occupied by the Thessalian invaders, there dwelt a population of ancient Æolians, who were not serfs, like the Penestæ (*vid.* Penestai), but only tributary subjects, who retained their personal liberty, though not admitted to the rank of citizens.[5] So also in Crete there were the Dorian freemen, the περίοικοι, or old inhabitants, similar to the Lacedæmonians, and the slaves (*vid.* Cosmi, p. 316). We may observe that the term περίοικοι is sometimes used in rather a different sense; as when Xenophon gives that name to the Thespians, who were not the subjects of the Thebans, as the Achæans were of the Spartans.[6] In some of the maritime states the condition of the subject classes was somewhat different, they were suffered to reside more in the town, as in Corinth, where they were artisans; at Tarentum, where they were fishermen.[7]

The ruling people, thus remaining distinct from the rest, were themselves divided into tribes and other sections. Of the Dorian race there were originally three tribes, traces of which are found in all the countries which they colonized. Hence they are called by Homer Δωριέες τριχάϊκες.[8] These tribes were the Ὑλλεῖς, Πάμφυλοι, and Δυμανάται, or Δυμᾶνες. The first derived their name from Hyllus, son of Hercules, the last two from Pamphylus and Dymas, who are said to have fallen in the last expedition when the Dorians took possession of the Peloponnesus. The Hyllean tribe was perhaps the one of highest dignity; but at Sparta there does not appear to have been much distinction, for all the freemen there were, by the constitution of Lycurgus, on a footing of equality. To these three tribes others were added in different places, either when the Dorians were joined by other foreign allies, or when some of the old inhabitants were admitted to the rank of citizenship or equal privileges. Thus the Cadmean Ægeids are said by Herodotus to have been a great tribe at Sparta, descended (as he says) from Ægeus, grandson of Theras,[9] though others have thought they were incorporated with the three Doric tribes.[10] At Argos, Ægina, and Epidaurus, there was an Hyrnethian tribe besides the three Doric.[11] In Sicyon, Clisthenes, having changed the names of the Doric tribes to degrade and insult their members, and given to a fourth tribe, to which he himself belonged, the name of Archelai, sixty years after his death the Doric names were restored, and a fourth tribe added, called Αἰγιαλέες, from Ægialeus, son of the Argive hero Adrastus.[12] Eight tribes are mentioned in Corinth,[13] four in Tegea.[14] In Elis there were twelve tribes, that were afterward reduced to eight by a war with the Arcadians,[15] from which they appear to have been geo-

1. (Aristot., Pol., i., 1, § 7.)—2. (Herod., vii., 155.)—3. (Aristot., Pol., ii., 4, § 4.)—4. (Herod., v., 92.)—5. (Aristot., Pol., iii., 9, § 7.)—6. (Herod., vii., 153.)—7. (Wachsmuth, Hell. Alt., i., 1, 76, 149.—Schömann, Ant. Jur. Pub. Gr., p. 79.)—8. (Herod., viii., 73.—Thucyd., ii., 25.—Xen., Hell., iii., 2, § 23, 30.—Pausan., iii., 8, § 3.—Id., viii., 27, § 1.—Aristot., Pol., ii., 6, § 1.—Id. ib., v., 2, § 8.)—9. (Pausan., iii., 13, § 1; 30, § 10; v., 4, § 1.—Thirlwall's Hist. of Greece, vol. i., p. 342.)

1. (Pausan., vii., 2, § 5; 3, § 1.)—2. (Thirlwall, i., 430.)—3. (Athenæus, vi., 271.)—4. (Müller, Dorians, iii., 4, § 2.)—5. (Thirlwall, i., 438.—Schömann, Id., 401.)—6. (Hell., v., 4, § 46.)—7. (Wachsmuth, I., i., 162.—Schömann, Id., 80, 107.)—8. (Od., xix., 177.)—9. (Herod., iv., 149.)—10. (Thirlwall, i., 257, 268, 314.)—11. (Müller, Ægin., 140.)—12. (Herod., v., 68.)—13. (Suidas, s. v. Ἥντα ἐκατόν.)—14. (Pausan., viii., 53, § 6.)—15. (Paus., v., 9, § 6.)

graphical divisions.[1] Sometimes we find mention of only one of the Doric tribes, as of the Hylleans in Cydonia,[2] the Dymanes in Halicarnassus, which probably arose from colonies having been founded by the members of one tribe only.[3]

Of all the Dorian people, the Spartans kept themselves the longest unmixed with foreign blood. So jealous were they to maintain their exclusive privileges, that they had only admitted two men into their body before the time of Herodotus.[4] Afterward their numbers were occasionally recruited by the admission of Laconians, Helots, and foreigners; but this was done very sparingly, until the time of Agis and Cleomenes, who created large numbers of citizens. But we cannot farther pursue this subject.[5]

The subdivision of tribes into *φρατρίαι* or *πάτραι*, *γένη*, *τρίττυες*, &c., appears to have prevailed in various places.[6] At Sparta each tribe contained ten *ὠβαί*, a word, like *κῶμαι*, denoting a local division or district; each *obe* contained ten *τριακάδες*, communities containing thirty families. But very little appears to be known of these divisions, how far they were local, or how far genealogical. After the time of Cleomenes the old system of tribes was changed; new ones were created corresponding to the different quarters of the town, and seem to have been five in number.[7]

The four Ionian tribes, Teleontes or Geleontes, Hopletes, Argadenses, Ægicorenses, who are spoken of below in reference to Attica, were found also in Cyzicum. In Samos a *φυλὴ Αἰσχριωνίη* is mentioned by Herodotus,[8] which was probably a Carian race that mingled with the Ionians. In Ephesus five tribes are mentioned, of different races. With respect to these, the reader is referred to Wachsmuth, II., i., 16.

The first Attic tribes that we read of are said to have existed in the reign, or soon after the reign, of Cecrops, and were called *Cecropis* (Κεκροπίς), *Autochthon* (Αὐτόχθων), *Actæa* (Ἀκταία), and *Paralia* (Παυαλία) In the reign of a subsequent king, Cranaus, these names were changed to *Cranais* (Κραναΐς), *Atthis* (Ἀτθίς), *Mesogæa* (Μεσόγαια), and *Diacris* (Διακρίς). Afterward we find a new set of names: *Dias* (Διάς), *Athenais* (Ἀθηναΐς), *Posidonias* (Ποσειδωνιάς), and *Hephæstias* (Ἡφαιστιάς), evidently derived from the deities who were worshipped in the country.[9] Some of those secondly mentioned, if not all of them, seem to have been geographical divisions; and it is not improbable that, if not independent communities, they were at least connected by a very weak bond of union. But all these tribes were superseded by four others, which were probably founded soon after the Ionic settlement in Attica, and seem (as before observed) to have been adopted by other Ionic colonies out of Greece. The names *Geleontes* (Γελέοντες), *Hoplètes* (Ὁπλῆτες), *Argades* (Ἀργάδεις), *Ægicores* (Αἰγικορεῖς), are said by Herodotus[10] to have been derived from the sons of Ion, son of Xuthus.[11] Upon this, however, many doubts have been thrown by modern writers, who have suggested various theories of their own, more or less ingenious, to which reference will be found in the books cited below. It is impossible, within our limits, to discuss the question at any length. The etymology of the last three names would seem to suggest that the tribes were so called from the occupations which their respective members followed; the Hopletes being the armed men or warriors; the Argades, labourers or husbandmen; the Ægicores, goatherds or shepherds. It is difficult, however, to discover in the first name any such meaning, unless Τελέοντες, and not Γελέοντες, be the true reading, in which case it has been supposed that this tribe might be a sacerdotal order, from *τελεῖν*, used in its religious sense; or a peasantry who paid rent to the lords of the soil, from *τελεῖν*, in the sense *to pay*. Against the former of these interpretations it may be objected, that no trace of a priestly order is to be found in later times of Attic history; and against the latter, that the Argades and the Teleontes would denote a similar class of people, unless we resort to another interpretation of the word Argades, viz., *artisans*, who would hardly constitute a distinct tribe in so early a period of society. It may be observed, however, that Argades and Ægicores may be taken to signify a local distribution of inhabitants, the former being the tillers of the ground, dwelling in the plains, the latter mountaineers; and this agrees very well not only with the known character of the country of Attica, but also with the division above mentioned as having existed in the reign of Cranaus, viz., Mesogæa and Diacris. There is no more difficulty in the one case than in the other in supposing that some of the tribes were denominated from their localities or occupations, while others owed their names to other circumstances. Argades and Ægicores might be the old inhabitants, according to their previous division, while the other tribes might be the Ionic settlers, Hopletes, the most warlike portion of them, Geleontes, the great body, so called from a son of Ion; or the last might, as Schömann thinks, be the ancient nobility, as distinguished from the Ionic settlers. Whatever be the truth with respect to the origin of these tribes, one thing is more certain, that before the time of Theseus, whom historians agree in representing as the great founder of the Attic commonwealth, the various people who inhabited the country continued to be disunited and split into factions.

Theseus in some measure changed the relations of the tribes to each other, by introducing a gradation of ranks in each; dividing the people into Εὐπατρίδαι, Γεωμόροι, and Δημιοῦργοι, of whom the first were nobles, the second agriculturists or yeomen, the third labourers and mechanics. At the same time, in order to consolidate the national unity, he enlarged the city of Athens, with which he incorporated several smaller towns, made it the seat of government, encouraged the nobles to reside there, and surrendered a part of the royal prerogative in their favour. The tribes of Philæ were divided, either in the age of Theseus or soon after, each into three *φρατρίαι* (a term equivalent to fraternities, and analogous in its political relation to the Roman *curiæ*), and each *φρατρία* into thirty *γένη* (equivalent to the Roman *gentes*), the members of a *γένος* being called *γεννῆται* or *ὁμογαλάκτες*. Each *γένος* was distinguished by a particular name of a patronymic form, which was derived from some hero or mythic ancestor. We learn from Pollux[1] that these divisions, though the names seem to import family connexion, were in fact artificial, which shows that some advance had now been made towards the establishment of a closer political union. The members of the *φρατρίαι* and *γένη* had their respective religious rites and festivals, which were preserved long after these communities had lost their political importance, and perhaps prevented them from being altogether dissolved.[2]

The relation between the four Ionic tribes and

1. (Wachsmuth, II., i., 17.)—2. (Hesych., s. v. Ὑλλεῖς.)—3. (Wachsmuth. II., i., 15.)—4. (Herod., ix., 33, 35.)—5. (Schömann, Id., 114.)—6. (Wachsmuth, II., i., 18.)—7. (Schömann, Ant. Jur. Pub., p. 115.—Müller, Dor., iii., 5.)—8. (iii., 26.)—9. (Compare Pollux, Onom., viii., 109.)—10. (v., 66.)—11. (Compare Eurip. Ion, 1596, &c.—Pollux, l. c.)

1. (Onom., viii., 111.)—2. (Compare Niebuhr, Hist. of Rome, i., p. 311, &c.)

the three classes into which Theseus divided the nation, is a difficult and perplexing question. It would appear, from the statements of ancient writers on the subject, that *each* of the four tribes was divided into Eupatridæ, Geomori, and Demiurgi; which is confirmed by the fact that the four *φυλοβασιλεῖς*, who were the assessors of the sovereign, were all taken from the Eupatridæ, but, at the same time, one from each tribe. (*Vid.* PHYLOBASILEIS.) This, as Thirlwall[1] has remarked, can only be conceived possible on the supposition that the distinctions which originally separated the tribes had become merely nominal; but Malden,[2] who rejects the notion that the four Ionic tribes were castes deriving their name from their employment, supposes that the tribes or phylæ consisted of the Eupatridæ alone, and that the latter were divided into four phylæ, like the patricians at Rome into three. The Geomori and Demiurgi had therefore, according to his supposition, nothing to do with the tribes. This view of the subject would remove many difficulties, and is most in accordance with the subsequent history and political analogies in other states, but seems hardly supported by sufficient evidence to warrant us in receiving it.

After the age of Theseus, the monarchy having been first limited and afterward abolished, the whole power of the state fell into the hands of the *Eupatridæ* or nobles, who held all civil offices, and had, besides, the management of religious affairs, and the interpretation of the laws. Attica became agitated by feuds, and we find the people, shortly before the legislation of Solon, divided into three parties, Πεδιαῖοι, or lowlanders, Διάκριοι, or highlanders, and Πάραλοι, or people of the seacoast. The first two remind us of the ancient division of tribes, Mesogæa nd Diacris; and the three parties appear in some measure to represent the classes established by Theseus: the first being the nobles, whose property lay in the champaign and most fertile part of the country; the second, the smaller landowners and shepherds; the third, the trading and mining class, who had by this time risen in wealth and importance. To appease their discords, Solon was applied to, and thereupon framed his celebrated constitution and code of laws. Here we have only to notice that he retained the four tribes as he found them, but abolished the existing distinctions of *rank*, or, at all events, greatly diminished their importance, by introducing his property qualification, or division of the people into Πεντακοσιομέδιμνοι, Ἱππεῖς, Ζευγῖται, and Θῆτες. The enactments of Solon continued to be the *law* at Athens, though in a great measure suspended by the tyranny, until the democratic reform effected by Clisthenes. He abolished the old tribes, and created ten new ones, according to a geographical division of Attica, and named after ten of the ancient heroes: *Erechtheïs*, *Ægeïs*, *Pandionis*, *Leontis*, *Acamantis*, *Œneïs*, *Cecropis*, *Hippothoontis*, *Æantis*, *Antiochis*. These tribes were divided each into ten *δῆμοι*, the number of which was afterward increased by subdivision; but the arrangement was so made, that several *δῆμοι* not contiguous or near to one another were joined to make up a tribe. (*Vid.* DEMUS.) The object of this arrangement was, that by the breaking of old associations, a perfect and lasting revolution might be effected in the habits and feelings, as well as the political organization of the people. He allowed the ancient *φρατρίαι* to exist, but they were deprived of all political importance. All foreigners admitted to the citizenship were registered in a phyle and demus, but not in a phratria or genos; whence Aristophanes[3] says, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones (quoted by Niebuhr[1]). The functions which had been discharged by the old tribes were now mostly transferred to the *δῆμοι*. Among others, we may notice that of the forty-eight *ναυκραρίαι* into which the old tribes had been divided for the purpose of taxation, but which now became useless, the taxes being collected on a different system. The reforms of Clisthenes were destined to be permanent. They continued to be in force (with some few interruptions) until the downfall of Athenian independence. The ten tribes were blended with the whole machinery of the constitution. Of the senate of Five Hundred, fifty were chosen from each tribe. The allotment of *δικασταί* was according to tribes; and the same system of election may be observed in most of the principal offices of state, judicial and magisterial, civil and military, as that of the *διαιτηταί*, *λογισταί*, *πωληταί*, *ταμίαι*, *τειχοποιοί*, *φύλαρχοι*, *στρατηγοί*, &c. In B.C. 307, Demetrius Poliorcetes increased the number of tribes to twelve by creating two new ones, namely, *Antigonias* and *Demetrias*, which afterward received the names of *Ptolemaïs* and *Attalis*; and a thirteenth was subsequently added by Hadrian, bearing his own name.[2]

The preceding account is only intended as a brief sketch of the subject, since it is treated of under several other articles, which should be read in connexion with this. (*Vid.* CIVITAS, GREEK; DEMUS, PHYLARCHOI, PHYLOBASILEIS, &c.)[3]

TRIBUS (ROMAN). The three ancient Romulian tribes, the Ramnes, Tities, and Luceres, or the Ramnenses, Titienses, and Lucerenses, to which the patricians alone belonged, must be distinguished from the thirty plebeian tribes of Servius Tullius, which were entirely local, four for the city, and twenty-six for the country around Rome. The history and organization of the three ancient tribes are spoken of under PATRICII. They continued of political importance almost down to the time of the decemviral legislation, but after this time they no longer occur in the history of Rome, except as an obsolete institution.

The institution and organization of the thirty plebeian tribes, and their subsequent reduction to twenty by the conquests of Porsenna, are spoken of under PLEBES, p. 782, 783. The four city tribes were called by the same name as the regions which they occupied, viz., *Suburana*, *Esquilina*, *Collina*, and *Palatina*.[4] The names of the sixteen country tribes which continued to belong to Rome after the conquest of Porsenna, are in their alphabetical order as follow: *Æmilia*, *Camilia*, *Cornelia*, *Fabia*, *Galeria*, *Horatia*, *Lemonia*, *Menenia*, *Papiria*, *Pollia* (which Niebuhr[5] thinks to be the same as the Poblilia, which was instituted at a later time), *Papiria*, *Pupinia*, *Romilia*, *Sergia*, *Veturia*, and *Voltinia*.[6] As Rome gradually acquired possession of more of the surrounding territory, the number of tribes also was gradually increased. When Appius Claudius, with his numerous train of clients, emigrated to Rome, lands were assigned to them in the district where the Anio flows into the Tiber, and a new tribe, the tribus Claudia, was formed. This tribe, which Livy[7] (if the reading is correct) calls *vetus Claudia tribus*, was subsequently enlarged, and was then designated by the name *Crustumina* or *Clustumina*.[8] This name is the first instance of a country tribe

1. (Hist. of Greece, ii., 10.) — 2. (Hist. of Rome, p. 140.) — 3. 'Ranæ, 419; Aves, 745.)

1. (i., p. 312.)—2. (Plut., Demetr., 10.—Paus., i, 5, § 5.—Pollux, Onom., viii., 110.) — 3. (See Wachsmuth, I., i., 224-240.—Hermann, Lehrbuch der Griech. Staatsv., § 24, 93, 94, 111, 175, 176.—Schömann, Ant. Jur. Pub., p. 165, 178, 200, 395.—Thirlwall, ii., 1-14, 32, 73.)—4. (Varro, De Ling. Lat., iv., p. 17, Bip —Festus, s. v. "Urbanas tribus.")—5. (i., n. 977.)—6. (Compare Göttling, Gesch. der Röm. Staatsv., p. 238.) — 7 (ii., 16.) — 8 (Niebuhr, i., n. 1236.)

being named after a place, for the sixteen older ones all derived their name from persons or heroes who were in the same relation to them, as the Attic heroes, called ἐπώνυμοι, were to the Attic phylæ. In B.C. 387, the number of tribes was increased to twenty-five by the addition of four new ones, viz., the *Stellatina*, *Tromentina*, *Sabatina*, and *Arniensis*.[1] In 358 B.C., two more, the *Pomptina* and *Publilia*, were formed of Volscians.[2] In B.C. 332, the censors Q. Publilius Philo and Sp. Postumius increased the number of tribes to twenty-nine, by the addition of the *Mœcia* and *Scaptia*.[3] In B.C. 318, the *Ufentina* and *Falerina* were added.[4] In B.C. 299, two others, the *Aniensis* and *Terentina*, were added by the censors;[5] and at last, in B.C. 241, the number of tribes was augmented to thirty-five, by the addition of the *Quirina* and *Velina*. This number was never afterward increased, as none of the conquered nations were after this incorporated with the sovereign Roman state.[6] When the tribes, in their assemblies, transacted any business, a certain order (*ordo tribuum*) was observed, in which they were called upon to give their votes. The first in the order of succession was the Suburana, and the last the Arniensis.[7] Any person belonging to a tribe had, in important documents, to add to his own name that of his tribe, in the ablative case. (*Vid.* Nomen, Roman, p. 661.)

Whether the local tribes, as they were established by the constitution of Servius Tullius, contained only the plebeians, or included the patricians also, is a point on which the opinions of modern scholars are divided. Niebuhr, Walter, and others, think that the patricians were excluded, as they had already a regular organization of their own; Wachsmuth, Gerlach, Rein, and others, on the contrary, maintain that the patricians also were incorporated in the Servian tribes; but they allow, at the same time, that by far the majority of the people in the assemblies of the tribes were plebeians, and that hence the character of these assemblies was essentially plebeian; especially as the patricians, being so few in numbers, and each of them having no more influence in them than a plebeian, seldom attended the meetings of the tribes. The passages, however, which are quoted in support of this opinion, are partly insufficient to prove the point (as *Liv.*, ii., 56, 60.—*Dionys.*, ix., 41), and partly belong to a later period, when it certainly cannot be doubted that the patricians belonged to the tribes. We must therefore suppose, with Niebuhr, that down to the decemviral legislation the tribes and their assemblies were entirely plebeian.

The assemblies of the tribes (*comitia tributa*), as long as they were confined to the plebeians, can scarcely have had any influence upon the affairs of the state: all they had to do was to raise the tributum, to hold the levies for the armies, and to manage their own local and religious affairs.[8] (*Vid.* Tribunus, Plebes.) Their meetings were held in the Forum, and their sphere of action was not extended by the establishment of the Republic. The first great point they gained was through the lex Valeria, passed by Valerius Publicola. (*Vid.* Valeriæ Leges.) But the time from which the increase of the power of the comitia of the tribes must be dated, is that in which the tribuni plebis were instituted (494 B.C.). During the time of the decemviral legislation, the comitia were for a short time deprived of their influence, but we have every reason to believe that immediately after, probably by this legislation itself, the comitia tributa, instead of a merely plebeian, became a national assembly inasmuch as henceforth patricians and freeborn clients were incorporated in the tribes, and thus obtained the right of taking part in their assemblies.[1] This new constitution of the tribes also explains the otherwise unaccountable phenomena mentioned in the article Tribunus, that patricians sought the protection of the tribunes, and that on one occasion even two of the tribunes were patricians. From the latter fact it has been inferred, with great probability, that about that time attempts were made by the patricians to share the tribuneship with the plebeians. But, notwithstanding the incorporation of the patricians in the tribes, the comitia tributa remained essentially plebeian, as the same causes which would have acted had the patricians been included in the tribes by Servius Tullius were still in operation; for the patricians were now even fewer in number than two centuries before. Hence the old name of plebiscitum, which means originally a resolution of the plebes only, although in a strict sense of the word no longer applicable, was still retained, as a resolution of the comitia tributa was practically a resolution of the plebes, which the patricians, even if they had voted against it unanimously, could not have prevented. Moreover, owing to this, the patricians probably attended the comitia tributa very seldom.

In order to give a clear insight into the character and the powers which the comitia tributa gradually acquired, we shall describe them under separate heads, and only premise the general remark, that the influence of the comitia tributa was more directed towards the internal affairs of the state and the rights of the people, while the comitia centuriata exercised their power more in reference to the foreign and external relations of the state, although towards the end of the Republic this distinction gradually vanished.

I. *The Election of Magistrates.*—The comitia tributa had only the right of electing the magistratus minores.[2] The tribuni plebis were elected by them from the time of the Publilian law (*vid.* Tribunus), and in like manner the ædiles, though the curule ædiles were elected under the presidency of the consuls, and also at different meetings from those in which the plebeian ædiles were elected.[3] In later times the quæstors also, and a certain number of the tribuni militares, were elected by the tribes.[4] It also frequently occurs that the proconsuls to be sent into the provinces were elected by the tribes, and that others, who were already on their posts, had their imperium prolonged by the tribes.[5] In the course of time, the comitia tributa also assumed the right to elect the members of the colleges of priests. This custom, however, was, towards the end of the Republic, frequently modified. (*Vid.* Pontifex, p. 790, &c.)

II. *Legislative Powers.* — The legislation of the tribes was at first confined to making plebiscita on the proposal of the tribunes, which were only binding upon themselves, and chiefly referred to local matters. Such plebiscita did not, of course, require the sanction either of the curiæ or of the senate.[6] But when the comitia tributa came to be an assembly representing the whole nation, it was natural that its resolutions should become binding upon the whole people; and this was the case, at first with,

1. (Liv., vi., 5.—Niebuhr, ii., p. 575.)—2. (Liv., vii., 15.)—3. (Liv., viii., 17.)—4. (Liv., ix., 20.)—5. (Liv., x., 9.)—6. (Liv., Epit., 19; i., 43.)—7. (Cic., De Leg. Agr., ii., 29.)—8. (Fest., s. v. "Jugarius," "Publica sacra," "Sobrium."—Varro, De Ling. Lat., v., p. 58, Bip.—Cic., Pro Dom., 28.—Macrob., Sat., 4, 1f.)

1. (Liv., iv., 24.—Id., v., 30.—Id., vi., 18.—Id., xxix., 37.)—2. (Messala ap. Gell., xiii., 15.)—3. (Gell.,) c.—Compare vi., 9—Cic. ad Att., iv., 3.—Id., ad Fam., viii., 4.—Liv., ix., 46.—Id., xxv., 2.—Fest., s. v. "Plebei ædiles.")—4. (Cic. ad Fam., vii., 30.—Id., in Vatin., 5.—Liv., iv., 54.—Id., vii., 5.—Id., ix., 30.—Sallust, Jug., 63.)—5. (Liv., viii., 23, 26.—Id., ix., 42.—Id., x., 22.—Id., xxvii., 22, &c.)—6. (Gell., x., 20.—Dionys., x 3.—Id., xi., 45.)

and afterward without, the sanction of the curies, the senate, or the centuries, which were originally the real legislative assembly. (*Vid.* PLEBISCITUM.) It should, however, be observed, that even after the time when plebiscita became binding upon the whole nation, there occur many cases in which a plebiscitum is based upon and preceded by a senatus consultum, and we have to distinguish between two kinds of plebiscita: 1. Those relating to the administration of the Republic, which constitutionally belonged to the senate, such as those which conferred the imperium, appointed extraordinary commissions and quæstiones, dispensed or exempted persons from existing laws, decided upon the fate of conquered towns and countries, and upon the affairs of provinces in general, &c. These were always based upon a senatus consultum, which was laid before the tribes by the tribunes. 2. Plebiscita relating to the sovereignty and the rights of the people naturally required no senatus consultum, and in general none is mentioned in such cases. Plebiscita of this kind are, for example, those which grant the civitas and the suffragium, and those which concern a great variety of subjects connected with social life and its relations. The tribes also had the power of abolishing old laws.[1] The permission to enter the city in triumph was originally granted to a general by the senate,[2] but the comitia tributa began in early times to exercise the same right, and at last they granted such a permission even without a senatus consultum.[3] The right of deciding upon peace and war with foreign nations was also frequently usurped by the tribes, or permitted to them by a senatus consultum. In the time of Sulla, the legislative powers of the comitia were entirely abolished; but of this change we shall speak presently.

III. *The jurisdiction of the tribes* was very limited, as they had only jurisdiction over those who had violated the rights of the people, while all capital offences belonged to the comitia centuriata. In case of a violation of the popular rights, the tribunes or ædiles might bring any one, even patricians, before the comitia tributa, but the punishment which they inflicted consisted only in fines. In course of time, however, they became a court of appeal from the sentence of magistrates in any cases which were not capital. Magistrates also, and generals, were sometimes, after the term of their office had elapsed, summoned before the tribes to give an account of their conduct and their administration. Private individuals were tried by them in cases for which the laws had made no provisions.[4] (Compare ÆDILES, TRIBUNUS.)

The place where the comitia tributa assembled might be either within or without the city, although in the latter case not more than a mile beyond the gates, as the power of the tribunes did not extend farther.[5] For elections, the Campus Martius was the usual place of meeting,[6] but sometimes also the Forum,[7] the area of the Capitol,[8] or the Circus Flaminius.[9]

The usual presidents at the comitia tributa were the tribunes of the people, who were assisted in their functions by the ædiles. No matter could be brought before the tribes without the knowledge and the consent of the tribunes,[10] and even the ædiles were not allowed to make any proposal to the comitia without the permission of the tribunes.[1] The college of tribunes appointed one of its members, by lot or by common consent, to preside at the comitia,[2] and the members of the college usually signed the proposal which their colleague was going to lay before the assembly.[3] During the period when the comitia tributa were a national assembly, the higher magistrates, too, sometimes presided at their meetings, though probably not without the sanction of the tribunes. In legislative assemblies, however, the higher magistrates presided very seldom, and instances of this kind which are known were probably extraordinary cases.[4] In the comitia tributa assembled for the purpose of electing tribunes, ædiles, quæstors, sacerdotes, and others, the consuls frequently appear as presidents.[5] On one occasion the pontifex maximus presided at the election of tribunes.[6] When the comitia were assembled for judicial purposes, ædiles, consuls, or prætors might preside as well as tribunes.[7]

The preparations preceding elective assemblies were very simple: the candidates were obliged to give notice to the magistrate who was to preside at the comitia, and the latter took their names and announced them to the people when assembled.[8] For legislative assemblies, the preparations were greater and lasted longer. A tribune (*rogator* or *princeps rogationis*[9]) announced the proposal (*rogatio*) which he meant to bring before the comitia three nundines before the general meeting. During this interval conciones were held, that is, assemblies of the people for considering and discussing the measure proposed, and any one might, at such meetings, canvass the people for or against the measure: but no voting took place in a concio.[10] The auspices were at first not taken in the comitia tributa, as patricians alone had the right to take them;[11] but subsequently the tribunes obtained the same right, though commonly they only instituted the spectio.[12]

As regards the convocation of the comitia tributa, the tribune who was appointed to preside at the meeting simply invited the people by his viatores, without any of the solemnities customary at the comitia centuriata.[13] In the assembly itself the president took his seat upon a tribunal, was surrounded by his colleagues,[14] and made the people acquainted with the objects of the meeting (*rogabat*). The rogatio, however, was not read by the tribune himself, but by a præco.[15] Then discussion took place, and private individuals as well as magistrates might, with the permission of the tribune, speak either for or against the proposal. At last the president requested the people to vote by the phrase *ite in suffragium*,[16] or a similar one; and when they stood in disorder, they were first called upon to arrange themselves according to their tribes (*discedite*), which were separated by ropes until the time when the septa were built in the Campus Martius.[17] The succession in which the tribes voted was decided by lot,[18] and the one which

1. (Cic. ad Att., iii., 23. — Id., De Invent., ii., 45, &c.) — 2. (Appian, De Bell. Civ., ii., 8.)—3. (Liv., iii., 63.—Id., v., 35, &c. —Id., x., 37. — Id., xxvi., 21. — Dion Cass., xxxix., 65. — Plut., Æm. Paul., 31, &c.—Lucull., 37.)— 4. (Cic., De Repub., i., 40. —Id. ib., ii., 36. — Id., De Leg., iii., 4, 19. — Id., Pro Sext., 30, 34.)—5. (Dion Cass., xxxviii., 17.) — 6. (Cic. ad Att., iv., 3. 16. —Id. ib., i., 1.—Id., ad Fam., vii., 30.—Plut., C. Gracch 3.)— 7. (Cic. ad Att., i., 16.)— 8. (Liv., xxxiii., 10.—Id., xliii., 16.— Cic. ad Att., iv., 3.)—9. (Liv., xxvii., 22.)—10. (Liv., xxvii., 22. —Id., xxx., 40.—Cic., De Leg. Agr., ii., 8.)

1. (Gell., iv., 4.—Dionys., vi., 90.)—2. (Liv., ii., 56.—Id., iii., 64.—Id., iv., 57.—Id., v., 17, &c.)—3. (Cic., Pro Sext., 33.—Id., De Leg. Agr., ii., 9.) — 4. (Plin., H. N., xvi., 15. — Cic., Pro Balb., 24. — Dion Cass., xxxviii., 6. — Id., xxxix., 65.—Appian, De Bell. Civ., iii., 7.) — 5. (Liv., iii., 55, 64. — Dionys., ix., 41 &c. — Appian, De Bell. Civ., i., 14. — Dion Cass., xxxix., 32.— Cic. in Vat., 5.—Id., ad Fam., vii., 30.—Id., ad Brut., i., 5.)— 6. (Liv., iii., 54.)—7. (Liv., xxv., 4.—Appian, De Bell. Civ., i., 30. —Dion Cass., xxxviii., 17.)—8. (Liv., iii., 64.—Appian, De Bell Civ., i., 14.—Compare Cic. ad Brut., i., 5.) — 9. (Cic., Pro Cæcin., 33, 35.)—10. (Gellius, xiii., 5.) — 11. (Liv., vi., 41.— Dionys., ix., 41, 49.—Id., x., 4.)—12. (Cic. ad Att., i., 16. — Id. ib., iv., 3, 16. — Id., in Vatin., 7. — Zonar., vii., 15.) — 13. (Appian, De Bell. Civ., i., 29.)—14. (Liv., xxv., 3. — Dion Cass., xxxix., 65.—Plut., Cat. Min., 28.) — 15. (Ascon. in Cic., Cornel., p. 58 Orelli.)—16. (Liv., xxi., 7.)—17. (Liv., xxxv., 2.—Cic., Pro Dom 18.—Appian, De Bell Civ., iii., 30.)—18. (Cic. De Leg Agr., ii 9.—Liv., x., 24.—Id., xxv., 3.)

was to vote first was called *tribus prærogativa* or *principium*, the others *jure vocatæ*. In the tribus prærogativa some man of eminence usually gave his vote first, and his name was recorded in the resolution.[1] Out of the votes of each tribe a suffragium was made up, that is, the majority in each tribe formed the suffragium, so that, on the whole, there were thirty-five suffragia.[2] (Compare Diribitores.) When the counting of the votes had taken place, the renuntiatio followed, that is, the result of the voting was made known. The president then dismissed the assembly, and he himself had the obligation to see that the resolution was carried into effect. The business of the comitia tributa, like that of the centuriata, might be interrupted by a variety of things, such as obnuntiatio, sunset, a tempest, the intercession or veto of a tribune, the morbus comitialis, &c. In such cases the meeting was adjourned to another day.[3] If the elections could not be completed in one day, they were continued on the day following; but if the assembly had met in a judicial capacity, its breaking up before the case was decided was, in regard to the defendant, equivalent to an acquittal.[4] If everything had apparently gone on and been completed regularly, but the augurs afterward discovered that some error had been committed, the whole resolution, whether it was on an election, on a legislative or judicial matter, was invalid, and the whole business had to be done over again.[5]

What we have said hitherto applies only to the comitia tributa as distinct from and independent of the comitia centuriata. The latter assembly was, from the time of its institution by Servius Tullius, in reality an aristocratic assembly, since the equites and the first class, by the great number of their centuries, exercised such an influence that the votes of the other classes scarcely came into consideration.[6] (*Vid.* Plebes, p. 783.) Now, as patricians and plebeians had gradually become united into one body of Roman citizens, with almost equal powers, the necessity must sooner or later have become manifest that a change should be introduced into the constitution of the comitia of the centuries in favour of the democratical principle, which in all other parts of the government was gaining the upper hand. The object of this change was perhaps to constitute the two kinds of comitia into one great national assembly. But this did not take place. A change, however, was introduced, as is manifest from the numerous allusions in ancient writers, and as is also admitted by all modern writers. As this change was connected with the tribes, though it did not affect the comitia tributa, we shall here give a brief account of it. But this is the more difficult, as we have no distinct account either of the event itself, or of the nature of the change, or of the time when it was introduced. It is therefore no wonder that nearly every modern writer who has touched upon these points entertains his own peculiar views upon them. As regards the time when the change was introduced, some believe that it was soon after the establishment of the Republic, others that it was established by the laws of the Twelve Tables, or soon after the decemviral legislation; while from Livy,[7] compared with Dionysius,[8] it appears to be manifest that it did not take place till the time when the number of the thirty-five tribes was completed, that is, after the year B.C. 241, perhaps in the censorship of C. Flaminius (B.C. 220), who, according to Polybius,[1] made the constitution more democratical. This is also the opinion of Gerlach[2] and of Göttling.[3] In regard to the nature of the change, all writers agree that it consisted in an amalgamation of the centuries and the tribes; but in the explanation of this general fact, opinions are still more divided than in regard to the time when the change was introduced, and it would lead us much too far if we only attempted to state the different views of the most eminent modern writers. The question is one which still requires a careful and minute examination, but which will, perhaps, remain a mystery forever. In the mean while, we shall confine ourselves to giving the results of the latest investigations on the subject, which have been made by Göttling.[4]

The five classes instituted by Servius Tullius continued to exist, and were divided into centuries of seniores and juniores;[5] but the classes are in the closest connexion with the thirty-five tribes, while formerly the tribes existed entirely independent of the census. In this amalgamation of the classes and the tribes, the centuries formed subdivisions of both; they were parts of the tribes as well as of the classes.[6] Göttling assumes 350 centuries in the thirty-five tribes, and gives to the senators and equites their suffragium in the first class of each tribe as seniores and juniores. The centuries of fabri and cornicines are no longer mentioned, and the capite censi voted in the fifth class of the fourth city tribe. Each century in a tribe had one suffragium, and each tribe contained ten centuries, two (*seniores* and *juniores*) of each of the five classes. Göttling farther supposes that the equites were comprised in the first class, and voted with it, and that they were even called the centuries of the first class.[8] The mode of voting remained, on the whole, the same as in the former comitia centuriata. The equites voted with the senators, but the former usually among the juniores, and the latter among the seniores.[9] The following particulars, however, are to be observed. We read of a prærogativa in these assemblies, and this might be understood either as a tribus prærogativa, or as a centuria prærogativa. If we adopt the former of these possibilities, which is maintained by some modern writers, the ten centuries contained in the tribus prærogativa would have given their suffrages one after the other, and then the renuntiatio, or the announcement of the result of their voting, would have taken place after it was ascertained. The inconsistency of this mode of proceeding has been practically demonstrated by Rein;[10] and as we know, from the passages above referred to, that the votes were given according to centuries,[11] and according to tribes only in cases when there was no difference of opinion among the centuries of the same tribe, we are obliged to suppose that the prærogativa was a century taken by lot from all the seventy centuries of the first class, two of which were contained in each of the thirty-five tribes, and that all the centuries of the first class gave their votes first, that is, after the prærogativa. From the plural form *prærogativæ*, it is, moreover, inferred that it consisted of two centuries, and that the two centuries of the first class contained in the same tribe voted to-

1. (Cic., Pro Planc., 14. — Frontin., De Aquæd., p. 129, ed. Bip.) — 2. (Dionys., vii., 64. — Appian, De Bell. Civ., i., 12.— Liv., viii., 37, &c.) — 3. (Dionys., x., 40. — Liv., xlv., 35.— Appian, De Bell. Civ., i., 12.—Plut., Tib. Gracch., 11, &c. — Dion Cass., xxxix., 34.)—4. (Cic., Pro Dom., 17.)—5. (Liv., x., 47.— Id., xxx, 39.—Ascon. ad Cic., Cornel., p. 68, Orelli.— Cic., De Leg., ii. 12.)—6. (*Vid.* Liv., ii., 64.—Id., vii., 18.- Id., x., 37.— Dionys., x, 43, &c.)—7. (i., 43.)—8. (iv., 21.)

1. (ii., 21.) — 2. (Die Verfassung des Servius Tullius, p. 22, &c.)—3. (Gesch. der Röm. Staatsv., p. 382.)—4. (p. 380, &c.)— 5. (Liv., xliii., 16.—Cic., Philip., ii., 33.—Id., Pro Flacc., 7. Id., De Rep., iv., 2. — Sallust, Jug., 86. — Pseudo-Sallust, De Rep. Ordin., 2, 8.)—6. (Cic., Pro Planc., 20.—Id., De Leg., ii., 2. — De Petit. Cons., 8.) — 7. (Val. Max., vi., 5, § 3.) — 8. (Liv., xliii., 16.)— 9. (Cic., De Rep., iv., 2.—De Petit. Cons., 8.)—10. (in Pauly's Real. Encyclop. der Alterthumswiss., ii., p. 556, &c.) —11. (Compare Ascon. in Cic., Orat. in Tog. Cand., p. 96, ed. Orelli.)

gether[1] It as in the passage of Pseudo-Asconius, a tribus prærogativa is mentioned in the comitia centuriata, it can only mean the tribe from which the prærogativa centuria is taken by lot, for a real tribus prærogativa only occurs in the comitia tributa. The century of the first class drawn by lot to be the prærogativa was usually designated by the name of the tribe to which it belonged, *e. g.*, Galeria juniorum,[2] that is, the juniores of the first class in the tribus Galeria; Aniensis juniorum;[3] Veturia juniorum,[4] &c. C. Gracchus wished to make the mode of appointing the centuria prærogativa more democratical, and proposed that it should be drawn from all the five classes indiscriminately; but this proposal was not accepted.[5] When the prærogativa had voted, the result was announced (*renuntiare*), and the other centuries then deliberated whether they should vote the same way or not. After this was done, all the centuries of the first class voted simultaneously, and not one after another, as the space of one day would otherwise not have been sufficient. Next voted, in the same manner, all the centuries of the second, then those of the third class, and so on, until all the centuries of the classes had voted. The simultaneous voting of all the centuries of one class is sometimes, for this very reason, expressed by *prima*, or *secunda classis vocatur*.[6] When all the centuries of one class had voted, the result was announced. Respecting the voting of the centuries the following passages may also be consulted: Cic., *Pro Planc.*, 20; *in Verr.*, v., 15; *Post Red. in Senat.*, 11; *ad Quirit.*, 7.—Liv., x., 9, 22; xxiv., 7; xxvi., 22. It seems to have happened sometimes that all the centuries of one tribe voted the same way, and in such cases it was convenient to count the votes according to tribes instead of according to centuries.[7]

These comitia of the centuries, with their altered and more democratical constitution, continued to exist, and preserved a great part of their former power along with the comitia tributa, even after the latter had acquired their supreme importance in the Republic. During the time of the moral corruption of the Romans, the latter appear to have been chiefly attended by the populace, which was guided by the tribunes, and the wealthier and more respectable citizens had little influence in them. When the libertini and all the Italians were incorporated in the old thirty-five tribes, and when the political corruption had reached its height, no trace of the sedate and moderate character was left by which the comitia tributa had been distinguished in former times.[8] Violence and bribery became the order of the day, and the needy multitude lent willing ears to any instigations coming from wealthy bribers and tribunes who were mere demagogues. Sulla, for a time, did away with these odious proceedings; since, according to some, he abolished the comitia tributa altogether, or, according to others, deprived them of the right of electing the sacerdotes, and of all their legislative and judicial powers.[9] (Compare TRIBUNUS.) But the constitution, such as it had existed before Sulla, was restored soon after his death by Pompey and others, with the exception of the jurisdiction, which was forever taken from the people by the legislation of Sulla. The people suffered another loss in the dictatorship of J. Cæsar, who decided upon peace and war himself in connexion with the senate. He had also the whole of the legislation in his hands, through his influence with the magistrates and the tribunes. The people thus retained nothing but the election of magistrates; but even this power was much limited, as Cæsar had the right to appoint half the magistrates himself, with the exception of the consuls;[2] and as, in addition to this, he recommended to the people those candidates whom he wished to be elected: and who would have opposed his wish?[3] After the death of Cæsar the comitia continued to be held, but were always, more or less, the obedient instruments in the hands of the rulers, whose unlimited powers were even recognised and sanctioned by them.[4] Under Augustus the comitia still sanctioned new laws and elected magistrates, but their whole proceedings were a mere farce, for they could not venture to elect any other persons than those recommended by the emperor.[5] Tiberius deprived the people of this delusive power, and conferred the power of election upon the senate.[6] When the elections were made by the senate, the result was announced to the people assembled as comitia centuriata or tributa.[7] Legislation was taken away from the comitia entirely, and was completely in the hands of the senate and the emperor. Caligula placed the comitia again upon the same footing on which they had been in the time of Augustus;[8] but this regulation was soon abandoned, and everything was left as it had been arranged by Tiberius.[9] From this time the comitia may be said to have ceased to exist, as all the sovereign power formerly possessed by the people was conferred upon the emperor by the lex regia. (*Vid.* REGIA LEX.) The people only assembled in the Campus Martius for the purpose of receiving information as to who had been elected or appointed as its magistrates, until at last even this announcement (*renuntiatio*) appears to have ceased.

In addition to the works mentioned in the course of this article, the reader may consult Unterholzner, *De Mutata Centuriatorum Comit. a Servio Tullio Rege Institutorum Ratione*, Breslau, 1835.—G. C Th. Francke, *De Tribuum, de curiarum atque Centuriarum Ratione*, Schleswig, 1824.—Huschke, *Die Verfassung des Servius Tullius*, 1838.—Hüllmann, *Römische Grundverfassung*.—Rubino, *Untersuchungen über die Röm. Verfassung*, 1839.—Zumpt, *Ueber die Abstimmung des Röm. Volkes in Centuriatcomitien*.

TRIBU'TA COMI'TIA. (*Vid.* TRIBUS, ROMAN.)

TRIBUTO'RIA ACTIO. (*Vid.* SERVUS, ROMAN, p. 884.)

TRIBU'TUM is a tax which, as Niebuhr[10] supposes, was at first only paid by the plebeians, since the name itself is used by the ancients in connexion with the Servian tribes; for Varro[11] says "*tributum dictum a tribubus*," and Livy,[12] "*tribus appellatæ a tributo*." But this seems to be only partially correct, as Livy[13] expressly states that the patres also paid the same tax. It is, indeed, true, that the patricians had little real landed property, and that their chief possessions belonged to the ager publicus, which was not accounted in the census as real property, and of which only the tithes had to be paid, until, at a late period, an alteration was attempted by the lex Thoria.[14] But there is no reason for supposing that the patricians did not pay

1 (Cic., Philip., ii., 33.—Fest., s. v. Prærogativæ.—Pseudo-Ascon. in Cic., Verr., p. 139, ed. Orelli.—Liv., x., 22.)—2. (Liv., xxvii., 6.)—3. (Liv., xxiv., 7.)—4. (Liv., xxvi., 22.)—5. (Pseudo-Sallust, De Rep. Ordin., 2, 6.)—6. (Cic., Philip., l. c.—Compare Pseudo-Ascon. in Cic., Verr., p. 139, Orelli.)—7. (Cic. ad Att., i., 16.—Id. ib., iv., 15.—Id., De Leg. Agr., ii., 2.—Id., Pro Planc., 22.—Polyb., vi., 14.—Liv., v., 18.—Id., xl., 42.—Id., Epit., 49.—Suet., Jul., 41, 48, 80, &c.)—8. (Sall., Cat., 37.—Suet., Jul., 41.—Cic. ad Att., i., 16.)—9. (Cic. in Verr., i., 13, 15.—Id., De Leg., iii., 9.—Liv., Epit., 89.—Appian, De Bell. Civ., i., 59, 98.)

1. (Dion Cass., xlii., 20.)—2. (Suet., Jul., 41.—Cic., Philip., vii., 6.—Dion Cass., xliii., 51.)—3. (Dion Cass., xliii., 47.—Appian, De Bell. Civ., ii., 18.)—4. (Appian, De Bell. Civ., iv., 7.—Dion Cass., xlvi., 55.—Id., xlvii., 2.)—5. (Suet., Octav., 40, &c.—Dion Cass., liii., 2, 21.—Id., lv., 34.—Id., lvi., 40.)—6. (Tacit., Ann., i., 15, 81.—Id. ib., ii., 36, 51.—Vell. Paterc., ii., 126.)—7. (Dion Cass., lviii., 20.)—8. (Dion Cass., lix., 9.—Suet., Cal., 16.)—9. (Dion Cass., lix., 20.)—10. (Hist. of Rome, i., p. 468.)—11. (De Ling. Lat., iv., p. 49.)—12. (i., 43.)—13 (iv., 60.)—14. (Appian, De Bell. Civ., i., 27.)

the tributum upon their real property, although the greater part of it naturally fell upon the plebeians.[1] The impost itself varied according to the exigences of the state, and was partly applied to cover the expenses of war, and partly those of the fortifications of the city.[2] The usual amount of tax was one for every thousand of a man's fortune,[3] though in the time of Cato it was raised to three in a thousand. The tributum was not a property-tax in the strict sense of the word, for the accounts respecting the plebeian debtors clearly imply that the debts were not deducted in the valuation of a person's property, so that he had to pay the tributum upon property which was not his own, but which he owed, and for which he had, consequently, to pay the interest as well. It was a direct tax upon objects without any regard to their produce, like a land or house tax, which, indeed, formed the main part of it.[4] That which seems to have made it most oppressive was its constant fluctuation. It was raised according to the regions or tribes instituted by Servius Tullius, and by the tribunes of these tribes, subsequently called tribuni ærarii.[5] Dionysius. in another passage,[6] states that it was imposed upon the centuries according to their census; but this seems to be a mistake, as the centuries contained a number of juniores who were yet in their fathers' power, and consequently could not pay the tributum. It was not, like the other branches of the public revenue, let out to farm, but, being fixed in money, it was raised by the tribunes, unless (as was the case after the custom of giving pay to the soldiers was introduced) the soldiers, like the knights, demanded it from the persons themselves who were bound to pay it. (*Vid.* Æs Equestre and Hordearium.) When this tax was to be paid, what sum was to be raised, and what portion of every thousand asses of the census, were matters upon which the senate had to decide alone. But when it was decreed, the people might refuse to pay it when they thought it too heavy or unfairly distributed, or hoped to gain some other advantage by the refusal.[7] In later times the senate sometimes left its regulation to the censors, who often fixed it very arbitrarily. No citizen was exempt from it; but we find that the priests, augurs, and pontiffs made attempts to get rid of it, but this was only an abuse which did not last.[8] In cases of great distress, when the tributum was not raised according to the census, but to supply the momentary wants of the Republic, it was designated by the name of *Tributum Temerarium*.[9] After the war with Macedonia (B.C. 147), when the Roman treasury was filled with the revenues accruing from conquests and from the provinces, the Roman citizens became exempted from paying the tributum;[10] and this state of things lasted down to the consulship of Hirtius and Pansa (43 B.C.[11]), when the tributum was again levied on account of the exhausted state of the ærarium.[12] After this time it was imposed according to the discretion of the emperors.

Respecting the tributum paid by conquered countries and cities, see Vectigalia.[13]

TRIBON (*τρίβων*). (*Vid.* Pallium, p. 720.)

TRICLI'NIUM, the dining-room of a Roman house, the position of which, relatively to the other parts of the house, is explained in p. 519. It was of an oblong shape, and, according to Vitruvius,[14] ought to be twice as long as it was broad. The same author[1] describes triclinia, evidently intended to be used in summer, which were open towards the north, and had on each side a window looking into a garden. The "house of the tragic poet" at Pompeii, and also that of Actæon, appear to have had summer dining-rooms opening to the viridarium. The woodcut at p. 462 shows the arrangement of the three couches (*lecti*, *κλίναι*), from which the triclinium derived its name. They also remain in the "house of Actæon," being built of stone.

The articles Lectus, Torus, Pulvinar, and Accubita, contain accounts of the furniture used to adapt these couches for the *accubatio*, *i. e.*, for the act of reclining during the meal. When so prepared for an entertainment they were called *triclinia strata*,[2] and they were made to correspond with one another in substance, in dimensions, and in shape.[3] As each guest leaned during a great part of the entertainment upon his left elbow, so as to leave the right arm at liberty, and as two or more lay on th same couch, the head of one man was near the breast of the man who lay behind him, and he was therefore said to lie in the bosom of the other.[4] Among the Romans, the usual number of persons occupying each couch was three, so that the three couches of a triclinium afforded accommodation for a party of nine. It was the rule of Varro,[5] that the number of guests ought not to be less than that of the Graces, nor to exceed that of the Muses. Sometimes, however, as many as four lay on each of the couches.[6] The Greeks went beyond this number: Cicero says they lay crowded by fives (see woodcut, p. 326), or packed even still more closely.[7] The *οἶκοι τριακοντάκλινοι*[8] may be supposed to have received about ninety guests at a time, there bein ten triclinia, and nine guests to each.

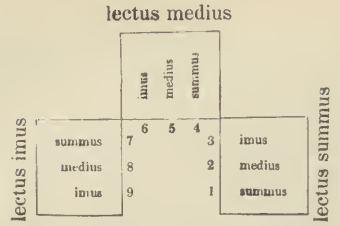
In such works of ancient art as represent a symposium or drinking-party, we always observe that the couches are elevated above the level of the table. This circumstance throws some light upon Plutarch's mode of solving the problem respecting the increase of room for the guests as they proceeded with their meal.[9] Each man, in order to feed himself, lay flat upon his breast, or nearly so, and stretched out his hand towards the table; but afterward, when his hunger was satisfied, he turned upon his left side, leaning on his elbow. To this Horace alludes in describing a person sated with a particular dish, and turning in order to repose upon his elbow.[10]

We find the relative positions of two persons who lay next to one another commonly expressed by the prepositions *super* or *supra*, and *infra*. A passage of Livy,[11] in which he relates the cruel conduct of the consul L. Quintius Flamininus, shows that *infra aliquem cubare* was the same as *in sinu alicujus cubare*, and, consequently, that each person was considered as *below* him to whose breast his own head approached. On this principle we are enabled to explain the denominations both of the three couches and of the three places on each couch.

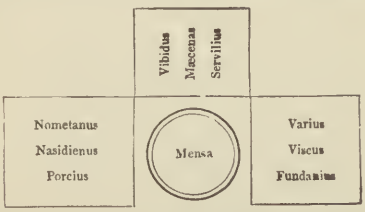
Supposing the annexed arrangement to represent the plan of a triclinium, it is evident that, as each guest reclined on his left side, the countenances of all, when in this position, were directed, first, from No. 1 towards No. 3, then from No. 4 towards No. 6, and, lastly, from No. 7 towards No. 9; that the guest No. 1 lay, in the sense explained, *above* No 2, No. 3 *below* No. 2, and so of the rest; and that, going in the same direction, the couch to the right

1. (Liv., iv., 60; v., 10.)—2. (Liv., vi., 32.)—3. (Liv., xxiv., 15; xxxix., 7, 44.)—4. (Niebuhr, i., p. 581.)—5. (Dionys., iv., 14, 15.)—6. (iv., 19.)—7. (Liv., v., 12.)—8. (Liv., xxxiii., 42.)—9. (Festus, s. v. Tributorum collationem.)—10. (Cic., De Off., ii., 22.—Plin., H. N., xxxiii., 17.)—11. (Plut., Æm. Paul., 38.)—12. (Compare Cic ad Fam., xii., 30.—Philip., ii., 37.)—13. (Compare Hegewisch, Versuch über die Röm. Finanzen, Altona, 1804.—Bosse, Grundzüge des Finanzwesens im Röm. Staat, Braunschweig, 1803.)—14 (vi. 3, § 8.)

1. (§ 10.)—2. (Cæs., Bell. Civ., iii., 92.—Compare Athen., ii., p. 47, 48.)—3. (Varro, L. L., ix., 47, ed. Müller.)—4. (Plin., Epist., iv., 22.)—5. (Gell, xiii., 11.)—6. (Hor., Sat., i., 4, 86.)—7. (in Pis., 27.)—8. (Plut., Symp., v., 5, p. 1207.)—9. (Ibid., v., 6.)—10 (Sat., ii., 4, 39.)—11. (xxxix., 43.)



hand was *above* the others, and the couch to the left hand *below* the others. Accordingly, the following fragment of Sallust[1] contains the denominations of the couches as shown on the plan: "*Igitur discubuere: Sertorius* (*i. e.*, No. 6) *inferior in medio; super eum L. Fabius Hispaniensis senator ex proscriptis* (No. 5): *in summo Antonius* (No. 1); *et infra scriba Sertorii Versius* (No. 2): *et alter scriba Mæcenas* (No. 8) *in imo, medius inter Tarquinium* (No. 7) *et dominum Perpernam* (No. 9)." On the same principle, No. 1 was the highest place (*locus summus*) on the highest couch; No. 3 was *locus imus in lecto summo*; No. 2 *locus medius in lecto summo*; and so on. It will be found that in the following passage[2] the guests are enumerated in the order of their accubation—an order exhibited in the annexed diagram.



Fundanius, one of the guests, who was at the top relatively to all the others, says,

"*Summus ego, et prope me Viscus Thurinus, et infra,*
Si memini, Varius: cum Servilio Balatrone
Vibidius, quos Mæcenas adduxerat umbras.
Nomentanus erat super ipsum, Porcius infra."

It is possible that Mæcenas ought to be in the place No. 4 instead of No. 5, since the entertainment was given more especially in honour of him, and No. 4 was an honourable place. The host himself, Nasidienus, occupies the place No. 8, which was usually taken by the master of the feast, and was a convenient situation for giving directions and superintending the entertainment. Unless there be an exception in the instance of No. 4, it is to be observed that at each table the most honourable was the middle place.[3]

The general superintendence of the dining-room in a great house was intrusted to a slave called *triclinarcha*, who, through the instrumentality of other slaves of inferior rank, took care that everything was kept and proceeded in proper order.

TRIDENS. (*Vid.* Fuscina.)

TRIDRACHMON. (*Vid.* Drachma.)

TRIENS. (*Vid.* As, p. 110.)

TRIERARCHIA (*τριηραρχία*). This was one of the extraordinary war-services or liturgies (*vid.* Leitourgia) at Athens, the object of which was to provide for the equipment and maintenance of the ships of war belonging to the state. The persons who were charged with it were called Τριήραρχοι, or trierarchs, as being the captains of triremes, though the name was also applied to persons who bore the same charge in other vessels. It existed from very early times in connexion with the forty-eight naucraries of Solon and the fifty of Cleisthenes, each of which corporations appears to have been obliged to equip and man a vessel. (Compare Naucraria.[1]) Under the constitution of Cleisthenes the ten tribes were at first severally charged with five vessels. This charge was, of course, superseded by the later forms of the trierarchy, explained in the course of this article.

1. *The services to which the trierarchs were liable.*—What these were previously to 358 B.C, there can be no doubt; the vessel was furnished by the state, though sometimes a wealthy and patriotic individual served in his own ship. Cleinias, for instance, did so at Artemisium;[2] but as it is particularly recorded that this ship was his own, we may infer that he supplied at his own cost what the state was bound to provide. The same custom prevailed during the Peloponnesian war also. The 100 ships prepared and reserved at the beginning of the war for any critical emergency, were supplied by the state.[3] In the expedition against Sicily,[4] the state furnished the hull of the vessel (*ναῦν κενήν*) and the pay of the crews, a drachma per day for each man; but the equipment of the ships was at the cost of the trierarchs, who also gave *ἐπιφοραί*,[5] or additional pay, to secure the best men. The same conclusions are also deducible from the credit which a trierarch takes to himself for saving his vessel, when the city lost her ships at Ægospotami;[6] and from the farther statement, that he paid the sailors out of his own pocket. From the threat of Cleon,[7] that he would (as *στρατηγός*) make an adversary a trierarch, and give him an old ship with a rotten mast (*ἱστίον σαπρόν*), it appears that the state furnished the hull and mast also, but that the trierarch was bound to keep and return them in good repair: an obligation expressed in the inscriptions quoted by Böckh,[8] by the phrase *δεῖ τὴν ναῦν δόκιμον καὶ ἐντελῆ παραδοῦναι*. Consequently, the statement in the oration against Midias,[9] that when Demosthenes was quite young (B.C. 364) the trierarchs paid all the expenses themselves (*τὰ ἀναλώματα ἐκ τῶν ἰδίων*), only implies that they defrayed the expenses which were customary at that time, and which were afterward diminished by the regulation of the symmoriæ; but not that they supplied the ship, or pay and provisions for the crew. The whole expenditure, says Böckh,[10] means nothing more than the equipment of the vessel, the keeping it in repair, and the procuring the crew, which was attended with much trouble and expense, as the trierarchs were sometimes obliged to give bounties in order to induce persons to serve, foreign sailors not being admissible. From the oration of Demosthenes against Polycles (B.C. 361), we learn the following particulars about the trierarchy of that time. The trierarchs were obliged to launch their ship; the sailors were supplied from particular parishes (*δῆμοι*), through the agency of the demarchi; but those supplied to Apollodorus, the client of Demosthenes, were but few and inefficient, consequently he mortgaged his estate (*ὑποθεῖναι τὴν οὐσίαν*), and hired the best men he could get, giving great bounties and premiums (*προδόσεις*). He also equipped the vessel with his own tackle and furniture, taking nothing from the public stores (*ἐκ τῶν δημοσίων οὐδὲν ἔλαβον*. Compare the Speech on the Crown of the Trierarchy[11]). Moreover, in consequence of his sailors deserting when he was out at sea, he was put to additional and heavy expenses in hiring men at different ports. The provision-money for the sailors (*σιτηρέσιον*) was pro-

1. (ap. Serv. in Virg. Æn., i., 698.)—2. (Hor., Sat., ii., 8, 20–23.)—3. (Virg., Æn., i., 698.)

1. (Lex Rhet., p. 283.)—2. (Herod., viii., 17.)—3. (Thucyd., ii., 24.)—4. (Id., vi., 31.)—5. (Pollux, Onom., iii., 94.)—6. (Isocr., c. Callim., 382.)—7. (Aristoph., Equit., 916.)—8. (Urkunden, &c., p. 197.)—9. (p. 564, 22.)—10. (Public Econ. of Athens, ii., p. 334.)—11. (1229.)

vided by the state and paid by the strategi, and so, generally speaking, was the pay for the marine (*ἐπιβάται*); but Demosthenes' client only received it for two months; and as he served for five months more than his time (from the delay of his successor elect), he was obliged to advance it himself for fifteen months, with but an uncertain prospect of repayment. Other circumstances are mentioned which made his trierarchy very expensive, and the whole speech is worth reading, as showing the unfairness and hardship to which a rich man was sometimes subjected as a trierarch. The observation that he took no furniture from the public stores proves that at that time (B.C. 361) the triremes were fitted out and equipped from the public stores, and consequently by the state; but, as we learn from other passages in Demosthenes and the inscriptions in Böckh,[1] the trierarchs were obliged to return in good condition any articles which they took; in default of doing so, they were considered debtors to the state.

That the ship's furniture was either wholly or in part supplied by the state, also appears from another speech:[2] but trierarchs did not always avail themselves of their privilege in this respect, that they might have no trouble in settling with the state. It is evident, then, that at the time referred to (about B.C. 360), the only expenses binding upon the trierarchs were those of keeping in repair the ship and the ship's furniture; but even these might be very considerable, especially if the ship were old, or exposed to hard service or rough weather. Moreover, some trierarchs, whether from ambitious or patriotic motives, put themselves to unnecessary expense in fitting out and rigging their ships, from which the state derived an advantage. Sometimes, on the other hand, the state suffered by the trierarchs performing their duties at the least possible expense, or letting out their trierarchy (*μισθῶσαι τὴν λειτουργίαν*) to the contractor who offered the lowest tender.[3] One consequence of this was, that the duties were inadequately performed; but there was a greater evil connected with it, namely, that the contractors repaid themselves by privateering on their own account, which led to reprisals and letters of marque being granted against the state. (*Vid.* Sylai.[4]) It seems strange that the Athenians tolerated this, especially as they were sometimes inconsistent enough to punish the trierarchs who had let out their trierarchy, considering it as a desertion of post (*λειποτάξιον*[5]).

We may here observe, that the expression in Isæus,[6] that a trierarch "had his ship made himself" (*τὴν ναῦν ποιησάμενον*), does not mean that he was at the cost of building it (*ναυπηγησάμενος*), but only of fitting it up and getting it ready for sea. That the ships always belonged to the state is farther evident from the fact that the senate was intrusted with the inspection of the ship-building,[7] and is placed beyond all doubt by the "Athenian Navy List" of the inscriptions in Böckh.[8] Some of the ships there mentioned are called *ἀνεπικλήρωτοι*, whence it appears that the public vessels were assigned by lot to the respective trierarchs. A *τριήρης ἐπιδοσίμος* was a ship presented to the state as a free gift, just as *τριήρη ἐπιδοῦναι* means to present the state with a trireme.[9] The duration of a trierarchy was a year, and if any trierarch served longer than his legal time, he could charge the extra expenses (*τὸ ἐπιτριηράρχημα*) to his successor. To recover these expenses, an action (*ἐπιτριηραρχήματος δίκη*) might be brought against the successor, of which we have an example in the speech of Apollodorus against Polycles, composed by Demosthenes for the former.

II. *On the expenses of the trierarchy.*—These would, of course, depend upon circumstances; but, except in extraordinary cases, they were not more than 60, nor less than forty minæ: the average was about 50. Thus, about the year B.C. 360, a whole trierarchy was let out for 40 minæ; in later times the general amount of a contract was 60.[1]

III. *On the different forms of the trierarchy.*—In ancient times one person bore the whole charge, afterward it was customary for two persons to share it, who were then called syntrierarchs (*συντριήραρχοι*). When this practice was first introduced is not known, but Böckh conjectures that it was about the year 412 B.C., after the defeat of the Athenians in Sicily, when the union of two persons for the choregia was first permitted. The most ancient account of a syntrierarchy is later than 410;[2] and we meet with one so late as B.C. 358, the year of the Athenian expedition into Eubœa.[3] The syntrierarchy to which we allude was, indeed, a voluntary service (*ἐπίδοσις*), but there can be little doubt that it was suggested by the ordinary practice of that time; and even under the next form of the service, two trierarchs were sometimes employed for the *immediate* direction of the trierarchy. The syntrierarchy, however, did not entirely supersede the older and single form, being only meant as a relief in case of emergency, when there was not a sufficient number of wealthy citizens to bear the expense singly. Numerous instances, in fact, occur of single trierarchies between 410 and 358 B.C., and in two passages of Isæus,[4] referring to this period, the single and double trierarchy are mentioned as contemporaneous. Apollodorus also was sole trierarch[5] so late as B.C. 361. In the case of a syntrierarchy, the two trierarchs commanded their vessel in turn, six months each,[6] according as they agreed between themselves.

The third form of the trierarchy was connected with or suggested by the syntrierarchy. In B.C. 358, the Athenians were unable to procure a sufficient number of legally-appointed trierarchs, and accordingly they summoned volunteers. This, however, was but a temporary expedient; and, as the actual system was not adequate to the public wants, they determined to manage the trierarchy somewhat in the same way as the property taxes (*vid.* Eisphora), namely, by classes or symmoriæ, according to the law of Periander, passed, as Böckh shows, in the year 358, and which was the primary and original enactment on the subject. With this view, 1200 *συντελεῖς*, or partners,[7] were appointed, who were probably the wealthiest individuals of the state, according to the census or valuation. These were divided into twenty *συμμορίαι*, or classes; out of which a number of persons (*σώματα*) joined for the equipment, or, rather, the maintenance and management of a ship, under the title of a *συντέλεια*,[8] or union. Sometimes, perhaps, by special enactment, when a great number of ships was required, a synteleia of this kind consisted of four or five wealthy individuals, who bore jointly the expenses of one trireme;[9] but generally to every ship there was assigned a synteleia of fifteen persons of different degrees of wealth, as we may suppose, so that four only were provided for by each symmoria of sixty persons.

1. (Urkunden, No. iii.)—2. (c. Euerg. et Mnesib., p. 1146.)—3. (Dem., De Coron. Trier., p. 1230.)—4. (Dem., ib., p. 1231.)—5. (Id., p. 1230.)—6. (De Apoll. hered., p. 67.)—7. (Dem., c. Androt., p. 599, 13.)—8. (Urkunden, &c.)—9. (Dem., c. Mid., 566 568.)

1. (Dem., c. Mid., 539, 564, 20.—De Coron., 260; 262.)—2 (Lys., c. Diogit., 907, 909.)—3. (Dem., c. Mid., 566, 24.)—4 (De Dicæog. hered., 54.—De Apoll., p. 67.)—5. (Dem., c. Polycl.)—6. (Id., 1219.)—7. (Dem., c Mid., 564.)—8. (Harpocr., s. v.)—9. (Id., s. v. Συμμορίαι.)

These syntelieæ of fifteen persons each seem to have been also called symmoriæ by Hyperides.[1] It appears, however, that before Demosthenes carried a new law on this subject (B.C. 340), it had been customary for *sixteen* persons to unite in a synteleia or company for a ship,[2] who bore the burden in equal shares. This being the case, it follows either that the members of the symmoriæ had been by that time raised from 1200 to 1280, or that some alterations had taken place in their internal arrangements, of which no account has come down to us.[3] From the phrase ἐκ τῶν ἐν τοῖς λόχοις συντελειῶν, used in the κατάλογος,[4] it would also seem that the word λόχοι was used of civil as well as military divisions, and, in this instance, of the symmoriæ. The superintendence of the whole system was in the hands of the 300 wealthiest members, who were therefore called the "leaders of the symmoriæ" (ἡγεμόνες τῶν συμμοριῶν), on whom the burdens of the trierarchy chiefly fell, or, rather, ought to have fallen.[5] The services performed by individuals under this system appear to have been the same as before: the state still provided the ship's tackle (*i. e.*, the ὀθόνια καὶ στύππια καὶ σχοινία, and other things), and some stringent enactments were made to compel the trierarchs to deliver it up according to the inventory taken of it (τὸ διάγραμμα τῶν σκευῶν), either at Athens or to their successors sent out by the symmoriæ. This conclusion, that the vessel was equipped by the state, is confirmed by Demosthenes,[6] and in the oration against Midias[7] he says, referring to the system of the symmoriæ, that the state provided the crews and the furniture. The only duty, then, of the trierarchs under this system was to keep their vessels in the same repair and order as they received them. But even from this they managed to escape: for the wealthiest members, who had to serve for their synteleia, let out their trierarchies for a talent, and received that amount from their partners (συντελεῖς), so that, in reality, they paid next to nothing, or, at any rate, not what they ought to have done, considering that the trierarchy was a ground of exemption from other liturgies. It does not appear from the orators how the different syntelieæ appointed the trierarchs who were to take charge of their vessels; but it was probably left to themselves, without being regulated by any legal enactment. The evils and irregularities of the symmoriæ are thus (rhetorically perhaps) described by Demosthenes: "I saw your navy going to ruin, and the rich escaping with little cost, and persons of moderate income losing their property, and the city losing the opportunities of action, and the triremes not being equipped in sufficient time to meet an emergency, and therefore I proposed a law," &c. The changes he meant to effect by it are related in his oration concerning the symmoriæ (B.C. 354), and are as follows: he proposed to add 800 to the 1200 συντελεῖς, making the whole 2000, so that, subtracting all those who could claim exemption as minors, orphans, &c., there might always remain 1200 persons (σώματα) to serve. These were to be divided into 20 symmoriæ of 60 each, as under the old system: each of these was to be subdivided into five divisions of twelve persons each, one half rich and the other poor (ἀνταναπληρῶν), so as to form altogether 100 smaller symmoriæ. The number of triremes, according to this scheme, was to be 300, classed in 20 divisions of 15 ships: each of these divisions was to be assigned to one of the 20 larger symmoriæ, so that each of the smaller would receive three, and in case of 300 ships being required, four trierarchs would be appointed to each. Moreover, each of the greater symmoriæ was to receive the same amount of the public stores for equipment, in order that they might apportion it to the smaller classes. With a view to levying the crews, and for other purposes, the generals were to divide the dockyards into ten parts for 30 ships' stations (νεώσοικοι) adjacent to each other, and to assign each of these parts to a tribe, or two large symmoriæ of 30 ships. These ten parts were to be subdivided into thirds, each of which was to be assigned to a third part (τριττύς) of the tribe to whom the whole was allotted, so that each third would receive ten ships. Whether this scheme was put into practice does not appear, but it seems that it was not, for the mismanagement of the trierarchy appears to have continued till Demosthenes carried his law about the "Trierarchy according to the Valuation." One of the chief evils connected with it was, that the triremes were never equipped in time; and as Demosthenes[1] complains of this in B.C. 352, we may conclude that his proposal fell to the ground. But these evils were too serious to remain without a remedy; and therefore, when the orator was the ἐπιστάτης τοῦ ναυτικοῦ, or the superintendent of the Athenian navy, he brought forward and carried a law for altering and improving the system of the symmoriæ and companies, the members of which no longer called themselves trierarchs, but partners (συντελεῖς),[2] thereby introducing the "*fourth form* of the trierarchy." The naval services required from every citizen were to depend upon and be proportional to his property, or, rather, to his taxable capital (τίμημα: *vid.* Eisphora), as registered for the symmoriæ of the property taxes, the rate being one trireme for every ten talents of taxable capital, up to three triremes and one auxiliary vessel (ὑπηρέσιον) for the largest properties; *i. e.*, no person, however rich, could be required to furnish more. Those who had not ten talents in taxable capital were to club together in synteleiæ till they had made up that amount; and if the valuation of the year of Nausinicus (B.C. 379) was still in force, the taxable capital (for the highest class) was one fifth of the whole. By this law great changes were effected. All persons paying taxes were rated in proportion to their property, so that the poor were benefited by it, and the state likewise: for, as Demosthenes[3] says, those who had formerly contributed one sixteenth to the trierarchy of one ship were now trierarchs of two, in which case they must either have served by proxy, or done duty in successive years. He adds that the consequences were highly beneficial. During the whole war, carried on after the law was in force, no trierarch implored the aid of the people (ἱκετηρίαν ἔθηκε), or took refuge in a temple, or was put into prison by the persons whose duty it was to despatch the fleet (οἱ ἀποστολεῖς), nor was any trireme lost at sea, or lying idle in the docks for want of stores and tackle, as under the old system, when the service (τὸ λειτουργεῖν) fell on the poor. The duties and services to which the trierarchs were subject under the new law were probably the same as under the third form of the trierarchy, the symmoriæ.

On the relation which, in this system, the cost of a trierarchy bore to the property of a trierarch, Böckh makes the following remarks, which may be verified by a reference to Eisphora: "If we reckon that, as formerly, it cost about a talent, the total expense of the trierarchs, for 100, 200, or 300 triremes, amounted to an equal number of talents, or a sixtieth, a thirtieth, and a twentieth of the valua-

1. (Harpocr., s. v.— Compare Dem., De Symmor., 183.) — 2. (Dem., Pro Coron., 261.)—3. (Böckh, Publ. Econ. of Athens, ii., p. 346.—Urkunden, &c., 181.)—4. (De Coron., 261.)—5. (Dem., Pro Cor., 329; c. Euerg. et Mnesib., 1145.) —6 (De Symmor., 183 17.)—7. (l. c.)

1 (Phil., 50.)—2. (Id., De Coron., 260.)—3. (De Coron., 261.)

tion of Attica *i. e.*, for the first class one third, two thirds, and one per cent. of their property: for the poorer a proportionally less amount: and of the annual incomes, taken as a tenth part of the property, $3\frac{1}{3}$, $6\frac{2}{3}$ and ten per cent. for the most wealthy. But we may reckon that Athens at that time had not more than 100 or 200 triremes at sea, very seldom 300; so that this war-tax did not, for the richest class, amount, on an average, to more than one third, and two thirds per cent. of their property."

This arrangement of Demosthenes was calculated for 300 triremes, for which number 300 persons serving in person would be necessary, so that the chief burden must have fallen upon the leaders of the former symmoriæ. The year of passing this law Böckh fixes at B.C 340 or 339. How long it remained in force is uncertain. In the speech for the Crown (B.C. 330), where much is said on the subject of the trierarchy, it is neither mentioned that the law was in existence, nor that it was repealed; but Demosthenes[1] says that Æschines had been bribed by the leaders of the symmoriæ to nullify it.

It appears, then, that the trierarchy, though the most expensive of the liturgies, was not of necessity oppressive, if fairly and economically managed, though this, as has been before observed, was not always the case.[2]

With respect to the amount of property which rendered a man liable to serve a trierarchy or syntrierarchy, Böckh[3] observes, "I am aware of no instance of liability arising from a property of less value than 500 minæ: and as an estate of one or two talents never obliged the possessor to the performance of any liturgy,[4] the assertion of Isæus,[5] that many had served the office of trierarch whose property was not more than 80 minæ, obliges us (if true) to suppose that public-spirited individuals were sometimes found to contribute to a trierarchy (rather, perhaps, to a syntrierarchy) out of a very small property."

The disadvantages which in later times resulted from the trierarchs not being ready for sea by the time for sailing, were in early times prevented by their appointments being made beforehand, as was the case with the trierarchs appointed to the 100 ships which were reserved at the beginning of the Peloponnesian war against an attack upon Athens by sea.

The appointment to serve under the first and second forms of the trierarchy was made by the strategi;[6] and in case any person was appointed to serve a trierarchy, and thought any one else (not called upon) was better able to bear it than himself, he offered the latter an exchange of his property (*vid.* Antidosis), subject to the burden of the trierarchy.

In cases of extreme hardship, persons became suppliants to the people, or fled to the altar of Artemis at Munychia. If not ready in time, they were sometimes liable to imprisonment (*ἔνοχοι δεσμῷ*[7]). Thus, on one occasion,[8] the trierarchs were, by a special decree, subjected to imprisonment if they were not off the pier (*χῶμα*) by the end of the month; on the contrary, whoever got his ship ready first was to be rewarded with the "crown of the trierarchy," so that, in this way, considerable emulation and competition were produced. Moreover, the trierarchs were *ὑπεύθυνοι*, or liable to be called to account for their expenditure, though they applied their own property to the service of the state.[9]

But they also received money out of the treasury for various disbursements, as the pay of the soldiers and sailors, and the extra hands (*ὑπηρεσία*): thus, on one occasion, each trierarch is stated to have received 30 minæ, *εἰς ἐπίπλουν*.[1] The trierarchs may also have been considered *ὑπεύθυνοι*, from being required to show that they had performed their duties properly. The sacred triremes, the Paralus and Salamis, had special treasures (*vid.* Tamiai, p. 950) appointed to them,[2] and, on the authority of Ulpian,[3] it has been believed that the state acted as trierarch for each of them; but in the inscriptions quoted by Böckh,[4] no difference is made between the trierarchs of the Paralus and other vessels, and therefore it would seem that the state appointed trierarchs for them as well as for other vessels, and provided out of the public funds for those expenses only which were peculiar to them.

IV. *On the exemption from the trierarchy.* — By an ancient law, in force B.C. 355,[5] no person (but minors and females) could claim exemption from the trierarchy who were of sufficient wealth to perform it, not even the descendants of Harmodius and Aristogiton. But from Isæus[6] it appears that, in the time of the single trierarchy, no person could be compelled to serve a second time within two years after a former service (*δύο ἔτη διαλιπών*). The nine archons also were exempt, and the trierarchy was a ground of exemption from the other liturgies, any of which, indeed, gave an exemption from all the rest during the year next following that of its service.[7]

But all property was not subject to the service, as we learn from Demosthenes,[8] who tells us that a person was exempt if *ἀδύνατος*, or unable to serve from poverty; so also were "wards, heiresses, orphans, cleruchi, and corporate bodies." Of course, an heiress could only claim exemption while unmarried. Wards, also, were free from *all liturgies* during their minority, and for a year after their *δοκιμασία*.[9] By *κληρουχοί* are meant colonists, who, while absent by the command of the state, could not perform a trierarchy. The *τὰ κοινωνικά* admits of doubt, but it probably means the property of joint tenants, as brothers or co-heirs, which had not yet been apportioned to them,[10] or it may refer to moneys invested in partnership. Moreover, though the proper duration of a trierarchy was a year, it was legally dissolved if the general furnished no pay to the soldiers, or if the ship put into the Piræus, it being then impossible to keep the sailors together.[11]

V. *On the legal proceedings connected with the trierarchy.* — These were either between individual trierarchs, or between trierarchs and the state, and therefore in the form of a Diadicasia. They generally arose in consequence of a trierarch not delivering up his ship and her rigging in proper order, either to his successor or to the state. If he alleged that the loss or damage of either happened from a storm, he was said *σκηψάσθαι κατὰ χειμῶνα ἀπολωλέναι*, and if his plea were substantiated, *ἔδοξεν ἐν τῷ δικαστηρίῳ κ. τ. λ.* Vessels or furniture on which a trial of this kind had been held, were said to be *διαδεδικασμένα*.

The presidency of the courts which tried matters of this sort was vested in the strategi, and sometimes in the superintendents of the dockyard, in conjunction with the *ἀποστολεῖς*. The senate also appears to have had a judicial power in these matters: *e. g.*, we meet in various inscriptions with the phrase *οἵδε τῶν τριηράρχων, ὧν ἐδίπλωσεν ἡ βου-*

1. (p. 329.)—2. (Demosth., c. Polycl.)—3. (ii., 367.)—4. (Demosth., c. Aphob., p. 833.)—5. (De Dicæog. hered., p. 54.)—6. (Demosth., c. Lacr., p. 940, 16.)—7. (Id., De Coron., 262, 15.)—8 (Id., De Coron. Trier., 1229, 6.)—9. (Id., c. Polycl., 1222, 11 —Æschin., c. Ctesiph., 56.)

1. (Dem., De Coron. Trier., 1231, 14.)—2. (Pollux, Onom., viii., 116.)—3. (ad Dem., c. Mid., 686.)—4. (Urkunden, &c., 169.)—5. (Dem., c. Lept.)—6. (De Apoll. hered., 67.)—7 (Dem., c. Lept., 459 and 464.)—8. (De Symm., 182, 14.)—9 (Lysias, c. Diogit., 908.)—10. (Pollux, Onom., viii.. 144.)—11 (Dem.. c. Polycl., 1209.)

ἐπὶ τὴν τριήρη. Böckh conjectures that the trierarchs of whom this is said had returned their ships in such a condition that the state might have called upon them to put them in thorough repair or to rebuild them, at a cost for an ordinary trireme of 5000 drachmæ. Supposing that they were not released from this liability by any decree of a court of justice, and that the rebuilding was not completed, he conceives that it must have been competent (in a clear and flagrant case) for the senate to have inflicted upon them the penalty of twice 5000 drachmæ, the technical phrase for which was "doubling the trireme."[1]

The phrase ὡμολογῆσεν τριήρη καινὴν ἀποδώσειν, which occurs in inscriptions, does not apply to an undertaking for giving a new trireme, but merely for putting one in a complete state of repair.

The phrase φαίνειν πλοῖον,[2] to lay an information against a vessel, is used, not of a public ship, but of a private vessel, engaged, perhaps, in smuggling or privateering.

TRIEROPOIOI (τριηροποιοί). (*Vid.* SHIPS, p. 891.)

*TRIGLA (τρίγλα), a fish, the red Surmullet, or *Mullus barbatus*, L. It is from six to nine inches long, and was a great favourite with the ancient epicures.[3]

TRIGON. (*Vid.* PILA.)

TRILIX. (*Vid.* TELA, p. 956.)

TRINU'NDINUM. (*Vid.* NUNDINÆ, p. 668.)

TRIO'BOLON (τριώβολον), or τριώβολον ἡλιαστικόν, was the fee of three oboli which the Athenian citizens received for their attendance as dicasts in the courts of the heliæa, whence it is also called μίσθος δικαστικός, or τὸ δικαστικόν. This pay had been first introduced by Pericles.[4] It is generally supposed from Aristophanes,[5] who makes Strepsiades say that for the first obolus he ever received as a dicast he bought a toy for his son, that at first the δικαστικόν was only one obolus. According to the scholiast on Aristophanes,[6] the pay was subsequently increased to two oboli, but this seems to be merely an erroneous inference from the passage of his author. Three oboli, or the τριώβολον, occurs as early as B.C. 425 in the comedies of Aristophanes, and is afterward mentioned frequently.[7] Böckh[8] has inferred from these passages that the triobolon was introduced by Cleon about B.C. 421; but G. Hermann[9] has disputed this opinion, at least so far as it is founded upon Aristophanes, and thinks that the pay of three oboli for the dicasts existed before that time. However this may be, thus much is certain, that the pay of the dicasts was not the same at all times, although it is improbable that it should ever have been two oboli.[10] The payment was made after every assembly of a court of heliastæ by the colacretæ[11] in the following manner. After a citizen had been appointed by lot to act as judge in a particular court, he received, on entering the court, together with the staff (βακτηρία or ῥάβδος), a tablet or ticket (σύμβολον). After the business of the court was over, the dicast, on going out, delivered his ticket to the prytanes, and received his fee in return.[12] Those who had come too late had no claim to the triobolon.[13] The annual amount of these fees is reckoned by Aristophanes[14] at 150 talents, a sum which is very high, and can, perhaps only be applied to the most flourishing times of Athens.[1]

TRIPLICA'TIO. (*Vid.* ACTIO, p. 19.)

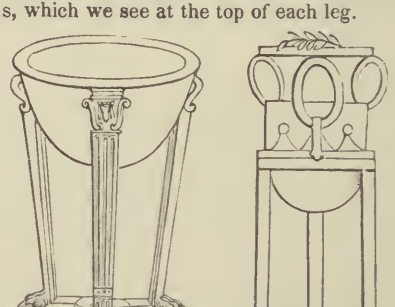
*TRIPOLION (τριπόλιον), a plant. "Serapion and Avicenna call it *Turbith*, which, however, is said by Actuarius to be the root of the *Alypias*. Sprengel says the Arabians and their commentators committed a great mistake in confounding the *Turbith* with the *Tripolium*. He is disposed to think it the *Plumbago Europæa*, or Leadwort. Sibthorp, however, holds it to be the *Statice sinuata*; and, in short, there is a great diversity of opinion respecting it."[2]

TRIPOS (τρίπους), a Tripod, *i. e.*, any utensil or article of furniture supported upon three feet, more especially

I. A three-legged table (*vid.* MENSA, page 633.) The first woodcut at p. 276 shows such a table in use. Its three supports are richly and tastefully ornamented. Various single legs (*trapezophora*[3]), wrought in the same style out of white marble, red porphyry, or other valuable materials, and consisting of a lion's head or some similar object at the top, and a foot of the same animal at the bottom, united by intervening foliage, are preserved in the British Museum,[4] and in other collections of antiquities. The tripod used at entertainments to hold the CRATER (p. 319) had short feet, so that it was not much elevated. These tables were probably sometimes made to move upon castors.[5]

II. A pot or caldron used for boiling meat, and either raised upon a three-legged stand of bronze, as is represented in the woodcut, p. 678, or made with its three feet in the same piece. Such a utensil was of great value, and was sometimes offered as a prize in the public games.[6]

III. A bronze altar, not differing, probably, in its original form, from the tall tripod caldron already described. In this form, but with additional ornament, we see it in the annexed woodcut, which represents a tripod found at Frejus.[7] That this was intended to be used in sacrifice may be inferred from the bull's head, with a fillet tied round the horns, which we see at the top of each leg.



All the most ancient representations of the sacrificial tripod exhibit it of the same general shape, together with three rings at the top to serve as handles (οὖατα[8]). Since it has this form on all the coins and other ancient remains which have any reference to the Delphic oracle, it has been with sufficient reason concluded that the tripod from which the Pythian priestess gave responses was of

1. (Urkunden, &c., 228.)—2. (Dem., c. Lacr., 941.)—3. (Aristot., H. A., ii., 17, &c. — Ælian, ii., 41, &c. — Adams, Append., s. v.)—4. (Aristot., Polit., ii., 9, p. 67, ed. Göttling.—Plut., Pericl., 9.—Plat., Gorg., p. 515.)—5. (Nub., 840.)—6. (Ran., 140.)—7. (Aristoph., Equit., 51, 255. —Vesp., 584, 654, 660. — Ran., 1540, &c.)—8. (Staatsh., i., p. 252.)—9. (Præf. ad Aristoph., Nub., p. 1, &c., 2d edit.)—10. (Aristot. ap. Schol. ad Aristoph., Vesp., 682. — Hesych., s. v. Δικαστικόν. — Suidas, s. v. Ἡλιασταί.)—11. (Lucian, Bis accusat., 12, 15.)—12. (Schol. ad Aristoph., Plut., 277.—Suidas, s. v. Βακτηρία.—Etymol. Mag., s. v. Σύμβολον. — Pollux, Onom., viii., 16.)—13. (Aristoph., Vesp., 691.)—14. (Vesp., 560, &c., with the schol.)

1. (Böckh, Staatsh., &c., i., p 250. — Meier, Att. Proc., p 125, &c.)—2. (Dioscor., iv., 132.—Theophr., H. P., ix., 19.—Adams, Append., s. v.)—3. (Cic. ad Fam., vii., 23.)—4. (Combe Ancient Marbles, i., 3; i., 13; iii., 38.)—5. (Hom., Il., xviii. 375.)—6. (xxiii., 264, 702, 703.)—7. (Spon, Misc. Erud Ant., p. 118.)—8. (Hom., Il., xviii., 378.)

this kind The right-hand figure in the preceding woodcut is copied from one published by K. O. Müller,[1] founded upon numerous ancient authorities, and designed to show the appearance of the oracular tripod at Delphi. Besides the parts already mentioned, viz., the three legs, the three handles, and the vessel or caldron, it shows a flat, round plate, called *ὅλμος*, on which the Pythia seated herself in order to give responses, and on which lay a laurel leaf at other times. This figure also shows the position of the CORTINA, which, as well as the caldron, was made of very thin bronze, and was supposed to increase the prophetic sounds which came from underneath the earth.[2]

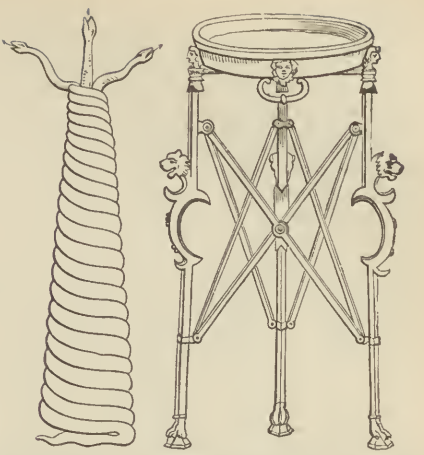
The celebrity of this tripod produced innumerable imitations of it,[3] called "Delphic tripods."[4] They were made to be used in sacrifice, and still more frequently to be presented to the treasury both in that place and in many other Greek temples.[5] (*Vid.* DONARIA.) Tripods were chiefly dedicated to Apollo[6] and to Bacchus. Partly in allusion to the fable of the rape of a tripod from Apollo by Hercules, and the recovery of it by the former,[7] the tripod was one of his usual attributes, and therefore occurs continually on coins and ancient marbles which have a relation to him. Of this we have an example in the bas-relief engraved on p. 78, which also exhibits two more of his attributes, the lyre and the plectrum. In conformity with the same ideas, it was given as a prize to the conquerors at the Pythian and other games, which were celebrated in honour of Apollo.[8] On the other hand, the theatre at Athens being considered sacred to Bacchus, the successful CHORAGUS received a bronze tripod as the appropriate prize. The choragic monuments of Thrasyllus and Lysicrates, the ornamental fragments of which are now in the British Museum, were erected by them to preserve and display the tripods awarded to them on such occasions. We find, also, that a tripod was sometimes consecrated to the Muses[9] and to Hercules.[10]

A tripod, scarcely less remarkable than that from which the Pythia delivered oracles, and consecrated to Apollo in the same temple at Delphi, was that made from the spoils of the Persian army after the battle of Platææ. It consisted of a golden bowl, supported by a three-headed bronze serpent.[11] The golden bowl having been removed, the bronze serpent was taken to Constantinople, and is probably the one which was seen there by Spon and Wheler in 1675. The first figure in the following woodcut is copied from Wheler's engraving of it.[12] He says it was about fourteen or fifteen feet high.

The use of bronze tripods as altars evidently arose, in a great degree, from their suitableness to be removed from place to place. We have an example of this mode of employing them in the scene which is represented in the woodcut on p. 897. To accommodate them as much as possible to this purpose, they were sometimes made to fold together into a small compass by a contrivance, which may be understood from an inspection of the following woodcut. The right-hand figure represents a tripod in the British Museum. A patera or a plain metallic disk was laid on the top when there was occasion to offer incense. Many of these movable folding tripods may be seen in museums, proving how common they were among the Romans.

Another species of tripods deserving of notice

1. (Böttiger's Amalthea, i., p. 119.)—2. (Virg., Æn., iii., 92.) —3 (Diod. Sic., xvi., 26.)—4. (Athen., v., p. 199.)—5. (Athen., vi., p. 231, *f.*; 232, *d.*—Paus., iv., 32, § 1.)—6. (Paus., iii., 18, § 5.)—7. (Paus., iii., 21, § 7.—Id., x., 13, § 4.)—8. (Herod., i., 144.)—9. (Hes., Op. et Dies, 658.)—10. (Paus., x., 7, § 3.)—11. (Herod., ix., 81.—Thucyd., i., 132.—Schol. in loc.—Paus., x., 13, § 5.—Gyllius, Top. Const., ii., 13.—Banduri, Imp. Orient., t. ii., p. 614.)—12. (Journey into Greece, p. 185.)



are those made of marble or hard stone. One was discovered in the villa of Hadrian, five feet high, and therefore unsuitable to be used in sacrifice. It is very much ornamented, and was probably intended merely to be displayed as a work of art.[1]

TRIPU'DIUM. (*Vid.* AUSPICIUM, p. 130.)

TRIRE'MIS. (*Vid.* SHIPS.)

TRITAGONISTES (*τριταγωνιστής*). (*Vid.* ACTOR TRIO, p. 505.)

*TRIT'ICUM (*πυρός*), Wheat. "Sprengel remarks, that the *Triticum hybernum* and *æstivum* are indicated by the *πυρὸς χειμοσπορούμενος καὶ τρίμηνος* of Theophrastus, &c. It is the *πυρὸς σιτανιος* of Dioscorides. The finest kind of wheat was called *σιλιγνίτης* by the Greeks, and *siligo* by the Romans; the second sort in quality was called *σεμίδαλις* by the Greeks, and *similago* by the Romans; the third sort was called *συγκόμιστος* and *αὐτοπυρίτης* by the Greeks, and *autopyrus* by the Romans; the last kind was called *πετυρίας*."[2]

TRITTUA (*τριττύα*). (*Vid.* SACRIFICIUM, p. 846.)

TRITTUS (*τριττύς*). (*Vid.* TRIBUS, GREEK, p. 1003.)

TRIUMPHUS, a solemn procession, in which a victorious general entered the city in a chariot drawn by four horses. He was preceded by the captives and spoils taken in war, was followed by his troops, and after passing in state along the Via Sacra, ascended the Capitol to offer sacrifice in the Temple of Jupiter.

Such displays have been so universal among all warlike tribes from the earliest times, and are so immediately connected with some of the strongest passions of the human heart, that it would be as useless as it is impossible to trace their origin historically. It is scarcely necessary to advert to the fancies of those ancient writers who refer their first institution to the mythic conquests of Bacchus in the East,[3] nor need we attach much importance to the connexion between *triumphus* and *θρίαμβος*, according to the etymology doubtingly proposed by Varro.[4] Rejoicings after a victory, accompanied by processions of the soldiery with their plunder, must have been coeval with the existence of the Romans as a nation; and, accordingly, the return of Romulus with spolia opima, after he had defeated the Cæninenses and slain Acro their king, is described by Dionysius[5] with all the attributes of a regular triumph. Plutarch[6] admits that this event was the origin of and first step towards the triumph of after-times, but censures Dionysius for the state-

1. (Caylus, Recueil, t. ii., pl. 73.)—2. (Adams, Append., s. v.) —3. (Diod. Sic., iv., 5.—Plin., H. N., vii., 57.)—4. (De Ling Lat., vi., 68, ed. Müller.)—5. (ii. 34—Compare Prop iv., 1, 32.) —6. (Rom., 16.)

ment that Romulus made his entrance in a quadriga, which he considers disproved by the fact that all the triumphal (*τροπαιοφόρους*) statues of that king, as seen in his day, represented him on foot. He adds, that Tarquinius Priscus, according to some, or Poplicola according to others, first triumphed in a chariot; and in corroboration of this, we find that the first triumph recorded by Livy[1] is that over the Sabines by Tarquinius, who, according to Verrius,[2] wore upon this occasion a robe of cloth or gold. Whatever conclusion we may form upon these points, it is certain that, from the first dawn of authentic history down to the extinction of liberty, a regular triumph (*justus triumphus*) was recognised as the summit of military glory, and was the cherished object of ambition to every Roman general. A triumph might be granted for successful achievements either by land or sea, but the latter were comparatively so rare that we shall for the present defer the consideration of the naval triumph.

After any decisive battle had been won, or a province subdued by a series of successful operations, the imperator forwarded to the senate a laurel-wreathed despatch (*literæ laureatæ*[3]), containing an account of his exploits. If the intelligence proved satisfactory, the senate decreed a public thanksgiving. (*Vid.* Supplicatio.) This supplication was so frequently the forerunner of a triumph, that Cato thinks it necessary to remind Cicero that it was not invariably so.[4] After the war was concluded, the general, with his army, repaired to Rome, or ordered his army to meet him there on a given day, but did not enter the city. A meeting of the senate was held without the walls, usually in the Temple of Bellona[5] or Apollo,[6] that he might have an opportunity of urging his pretensions in person, and these were then scrutinized and discussed with the most jealous care. The following rules and restrictions were, for the most part, rigidly enforced, although the senate assumed the discretionary power of relaxing them in special cases.

1. That no one could be permitted to triumph unless he had held the office of dictator, of consul, or of prætor.[7] Hence a triumph was not allowed to P. Scipio after he had expelled the Carthaginians from Spain, because he had commanded in that province "*sine ullo magistratu.*"[8] The honours granted to Pompey, who triumphed in his 24th year (B.C. 81), before he had held any of the great offices of state, and again ten years afterward, while still a simple eques, were altogether unprecedented.[9]

2. That the magistrate should have been actually in office both when the victory was gained and when the triumph was to be celebrated. This regulation was insisted upon only during the earlier ages of the commonwealth. Its violation commenced with Q. Publilius Philo, the first person to whom the senate ever granted a "prorogatio imperii" after the termination of a magistracy,[10] and thenceforward proconsuls and proprætors were permitted to triumph without question,[11] although for a considerable time the event was of rare occurrence. It was long held, however, that it was necessary for the "prorogatio imperii" to follow immediately upon the termination of the magistracy, for a triumph was refused to L. Lentulus, who succeeded P. Scipio in Spain, on the ground that, although he had been formerly prætor, his imperium had not been continued uninterruptedly from the period when the command expired, but had been renewed "*extra ordinem*" after a lapse of some years.[1] But towards the close of the Republic this principle was entirely abandoned. Consuls and prætors seldom quitted the city until their term of office had ceased, and when, at any subsequent period, they entered upon the government of a province, either in regular rotation or "*extra ordinem*," they enjoyed the full status, and all the privileges of proconsuls and proprætors. The position of Pompey when sent against the pirates, and afterward against Mithradates, and of Cicero when he went to Cilicia, will be sufficient to illustrate this, without multiplying examples.

3. That the war should have been prosecuted or the battle fought under the auspices, and in the province, and with the troops, of the general seeking the triumph;[2] and hence the triumph of the prætor Furius[3] was considered irregular and imperfect. Thus, if a victory was gained by the legatus of a general who was absent from the army, the honour of it did not belong to the former, but to the latter, inasmuch as he had the auspices.

4. That at least 5000 of the enemy should have been slain in a single battle;[4] that the advantage should have been positive, and not merely a compensation for some previous disaster;[5] and that the loss on the part of the Romans should have been small compared with that of their adversaries.[6] By a law of the tribunes L. Marius and M. Cato, penalties were imposed upon all imperatores who should be found guilty of having made false returns to the senate, and it was ordained that, so soon as they returned to the city, they should be required to attest the correctness of such documents upon oath before the city quæstor.[7] It is clear that these provisions could never have existed during the petty contests with which Rome was fully occupied for some centuries; and even when wars were waged upon the most extensive scale, we find many instances of triumphs granted for general results, without reference to the numbers slain in any one engagement.[8]

5. That the war should have been a legitimate contest against public foes (*justis hostilibusque bellis*[9]), and not a civil contest. Hence Catulus celebrated no triumph over Lepidus, nor Antonius over Catiline, nor Cinna and Marius over their antagonists of the Sullan party, nor Cæsar after Pharsalia; and when he did subsequently triumph after his victory over the sons of Pompey, it caused universal disgust. Hence the line in Lucan:[10]

"*Bella geri placuit nullos habitura triumphos*"[11]

(*Vid.* Ovatio.)

6. That the dominion of the state should have been extended, and not merely something previously lost regained. Hence Fulvius, who won back Capua after its revolt to Hannibal, did not receive a triumph.[12] The absolute acquisition of territory does not appear to have been essential.[13]

7. That the war should have been brought to a conclusion, and the province reduced to a state of peace, so as to permit of the army being withdrawn, the presence of the victorious soldiers being considered indispensable in a triumph. In consequence of this condition not being fulfilled, an ovation only was granted to Marcellus after the capture of Syracuse,[14] and to L. Manlius upon his return from Spain.[15] We find an exception in Liv., xxxi., 48.

1. (i., 38. — Compare Flor., i., 5.— Eutrop., i., 6.)— 2. (Plin., H. N., xxxiii., 19.)—3. (Zonar., vii., 21. — Liv., xlvi., 1.—Plin., H. N., xv., 40.) — 4. (Cic. ad Fam., xv., 5.)— 5. (Liv., xxvi., 21. — Id., xxxvi., 39.) — 6. (Liv., xxxix., 4.) — 7. (Liv., xxviii., 38; xxxi., 20.) — 8. (Val. Max., ii., 8, ◊ 5.— Liv., l. c.) — 9. (Liv., Epit., 89.—Cic., Pro Leg. Man., 21.—Vell. Paterc., ii., 30.—Val. Max., viii., 15, ◊ 8.— Plut., Pomp., 12, 22.— Dion Cass., xxxvi., 8.)—10. (Liv., viii., 26.)—11. (Liv. xxxix., 45.—Id., xl., 25, 34.)

1. (Liv., xxxi., 20.) — 2. (Liv., xxxi., 48. — Id., xxxiv., 10.— Val. Max., ii. 8, ◊ 2.)—3. (Liv., xxxi., 49.) — 4. (Val. Max., ii., 8, ◊ 1.)—5. (Oros., v., 4.)—6. (Liv., xxxiii., 22.)—7. (Val. Max., l. c.)—8. (Liv., vii., 26.— Id., xl., 38.)—9. (Cic., Pro Deiot., 5.) — 10. (i., 12.) — 11. (*Vid.* Val. Max., ii., 8, ◊ 7. — Dion Cass., xliii., 42. — Plut., Cæs., 56.) — 12. (Val. Max., l. c. — Compare Liv., xxxi., 5; xxxvi., 1.)—13. (Duker ad Liv., xxxi., 5.)—14. (Liv., xxvi., 21. — Compare xxviii., 29; xxx., 48.) — 15. (Liv., xxxix., 20

49, but this and similar cases must be regarded as examples of peculiar favour.[1]

The senate claimed the exclusive right of deliberating upon all these points, and giving or withholding the honour sought,[2] and they, for the most part, exercised the privilege without question, except in times of great political excitement. The sovereignty of the people, however, in this matter, was asserted at a very early date, and a triumph is said to have been voted by the tribes to Valerius and Horatius, the consuls of B.C. 446, in direct opposition to the resolution of the fathers,[3] and in a similar manner to C. Marcius Rutilus, the first plebeian dictator,[4] while L. Postumius Megellus, consul B.C. 294, celebrated a triumph although resisted by the senate and seven out of the ten tribunes.[5] Nay, more, we read of a certain Appius Claudius, consul B.C. 143, who, having persisted in celebrating a triumph in defiance of both the senate and people, was accompanied by his daughter (or sister) Claudia, a vestal virgin, and by her interposition saved from being dragged from his chariot by a tribune.[6] A disappointed general, however, seldom ventured to resort to such violent measures, but satisfied himself with going through the forms on the Alban Mount, a practice first introduced by C. Papirius Maso, and thus noticed in the Capitoline Fasti: C. Papirius Maso cos. de Corseis primus in monte Albano III. Nonas Mart. an. DXXII.[7] His example was followed by Marcellus,[8] by Q. Manucius,[9] and by many others; so that Livy,[10] after mentioning that the senate had refused a triumph to Cicereius (prætor B.C. 173), adds, "*in monte Albano, quod jam in morem venerat, triumphavit.*"[11]

If the senate gave their consent, they at the same time voted a sum of money towards defraying the necessary expenses,[12] and one of the tribunes "*ex auctoritate senatus*" applied for a plebiscitum to permit the imperator to retain his imperium on the day when he entered the city.[13] This last form could not be dispensed with either in an ovation or a triumph, because the imperium conferred by the comitia curiata did not include the city itself; and when a general had once gone forth "*paludatus*," his military power ceased as soon as he re-entered the gates, unless the general law had been previously suspended by a special enactment; and in this manner the resolution of the senate was, as it were, ratified by the plebs. (*Vid.* Imperium, Paludamentum.) For this reason, no one desiring a triumph ever entered the city until the question was decided, since by so doing he would ipso facto have forfeited all claim. We have a remarkable example of this in the case of Cicero, who, after his return from Cilicia, lingered in the vicinity of Rome day after day, and dragged about his lictors from one place to another, without entering the city, in the vain hope of a triumph.

Such were the preliminaries, and it only now remains to describe the order of the procession. This, in ancient days, was sufficiently simple. The leaders of the enemy and the other prisoners were led along in advance of the general's chariot; the military standards were carried before the troops, who followed laden with plunder; banquets were spread in front of every door, and the populace brought up the rear in a joyous band, filled with good cheer, chanting songs of victory, jeering and bantering as they went along with the pleasantries customary on such occasions.[1] But in later times these pageants were marshalled with extraordinary pomp and splendour, and presented a most gorgeous spectacle Minute details would necessarily be different according to circumstances, but the general arrangements were as follow. When the day appointed had arrived, the whole population poured forth from their abodes in holyday attire; some stationed themselves on the steps of the public buildings in the Forum and along the Via Sacra, while others mounted scaffoldings erected for the purpose of commanding a view of the show. The temples were all thrown open, garlands of flowers decorated every shrine and image, and incense smoked on every altar.[2] Meanwhile the imperator called an assembly of his soldiers, delivered an oration commending their valour, and concluded by distributing rewards to the most distinguished, and a sum of money to each individual, the amount depending on the value of the spoils. He then ascended his triumphal car and advanced to the Porta Triumphalis (where this gate was is a question which we cannot here discuss[3]), where he was met by the whole body of the senate, headed by the magistrates. The procession then defiled in the following order:

1. The senate, headed by the magistrates.[4] 2. A body of trumpeters. 3. A train of carriages and frames[5] laden with spoils, those articles which were especially remarkable either on account of their beauty or rarity being disposed in such a manner as to be seen distinctly by the crowd.[6] Boards were borne aloft on fercula, on which were painted, in large letters, the names of vanquished nations and countries. Here, too, models were exhibited, in ivory and wood,[7] of the cities and forts captured,[8] and pictures of the mountains, rivers, and other great natural features of the subjugated region, with appropriate inscriptions. Gold and silver in coin or bullion, arms, weapons, and horse-furniture of every description, statues, pictures, vases, and other works of art, precious stones, elaborately-wrought and richly-embroidered stuffs, and every object which could be regarded as valuable or curious. 4. A body of flute-players. 5. The white bulls or oxen destined for sacrifice, with gilded horns, decorated with infulæ and serta, attended by the slaughtering priests with their implements, and followed by the Camilli bearing in their hands patellæ and other holy vessels and instruments. 6. Elephants, or any other strange animals, natives of the conquered districts. 7. The arms and insignia of the leaders of the foe. 8. The leaders themselves, and such of their kindred as had been taken prisoners, followed by the whole band of inferior captives in fetters. 9. The coronæ and other tributes of respect and gratitude bestowed on the imperator by allied kings and states. 10. The lictors of the imperator in single file, their fasces wreathed with laurel.[9] 11. The imperator himself, in a circular chariot of a peculiar form,[10] drawn by four horses, which were sometimes, though rarely, white.[11] The circular form of the chariot is seen in the following cut, copied from a marble formerly in the possession of the Duke d'Alcala at Seville,[12] and also in the next following cut, which represents the reverse of one of the coins of the Antonines. He was attired in a gold-embroidered robe (*toga picta*) and flowered tunic (*tunica palmata*); he bore in his right hand a laurel bough,[13] and in his left a sceptre;[14] his

1. (See also Tacit., Ann., i., 65, compared with ii., 41.)—2. (Liv., iii., 63.—Polyb., vi., 12.)—3. (Liv., iii., 62.—Dionys., xi., 50.)—4. (Liv., ii., 16.)—5. (Liv., x., 37.)—6. (Oros., v., 4.—Cic., Pro Cœl., 14.—Val. Max., v., 4, § 6.—Suet., Tib., 2.)—7. (Plin., H. N., xv., 38.)—8. (Liv., xxvi., 21.—Plut., Marc., 22.)—9. (Liv., xxxiii., 23.)—10. (xlii., 21.)—11. (See also Liv., xlv., 38.) -12. (Polyb., vi., 13.)—13 (Liv., xli., 35.—Id., xxvi., 21.)

1. (Liv., iii., 20.)—2. (Plut., Æmil. Paul., 32.—Dion Cass. lxxiv., 1.)—3. (*Vid.* Cic. in Pis., 23.—Suet., Octav., 101.—Josephus, B. J., vii., 24.)—4. (Dion Cass., li., 21.—Serv. ad Virg., Æn., 543.)—5. (Josephus, B. J., vii., 24.)—6. (Suet., Jul., 37.)—7. (Quintil., vi., 3.)—8. (Plin., H. N., v., 5.)—9. (Plin., H. N., v., 40.)—10. (Zonar., vii., 21.)—11. (Plut., Camill., 7.—Serv. l. c.—Dion Cass., xliii., 14.)—12. (Montfaucon, Ant. Expl., tom. iv., pl. cv.)—13. (Plut., Paull., 32.)—14. (Dionys., v., 47.—Val Max., iv. 4 § 5.)

brows were encircled with a wreath of Delphic laurel,[1] in addition to which, in ancient times, his body was painted bright red.[2] He was accompanied in his chariot by his children of tender years,[3]

and sometimes by very dear or highly-honoured friends,[4] while behind him stood a public slave holding over his head a golden Etruscan crown ornamented with jewels.[5] The presence of a slave in such a place, at such a time, seems to have been intended to avert "*invidia*" and the influence of the evil eye, and for the same purpose a fascinum, a little bell, and a scourge were attached to the vehicle.[6] Tertullian[7] tells us that the slave ever and anon whispered in the ear of the imperator the warning words "*Respice post te, hominem memento te*," and his statement is copied by Zonaras,[8] but is not confirmed by any earlier writer. Isidorus,[9] misunderstanding Pliny,[10] imagines that the slave in question was a common executioner. 12. Behind the chariot, or on the horses which drew it,[11] rode the grown-up sons of the imperator, together with the legati, the tribuni,[12] and the equites, all on horseback. 13. The rear was brought up by the whole body of the infantry in marching order, their spears adorned with laurel,[13] some shouting Io Triumphe,[14] and singing hymns to the gods, while others proclaimed the praises of their leader, or indulged in keen sarcasms and coarse ribaldry at his expense, for the most perfect freedom of speech was granted and exercised.[15]

The arrangement of the procession, as given above, is taken, with some changes, from the treatise of Onuphrius Panvinius, De Triumpho, in the 9th volume of the Thesaurus of Grævius. The different particulars are all collected from the accounts transmitted to us of the most celebrated triumphs, such as that of Pompey in Appian,[16] of Paulus Æmilius in Plutarch[17] and in Livy,[18] of Vespasian and Titus in Josephus,[1] and of Camillus in Zonaras,[2] together with the remarks of Dionysius,[3] Servius,[4] and Juvenal.[5]

Just as the pomp was ascending the Capitoline Hill, some of the hostile chiefs were led aside into the adjoining prison and put to death, a custom so barbarous that we could scarcely believe that it existed in a civilized age were it not attested by the most unquestionable evidence.[6] Pompey, indeed, refrained from perpetrating this atrocity in his third triumph,[7] and Aurelian, on like occasion, spared Zenobia, but these are quoted as exceptions to the general rule. When it was announced that these murders had been completed,[8] the victims were then sacrificed, an offering from the spoils was presented to Jupiter, the laurel wreath was deposited in the lap of the god,[9] the imperator was entertained at a public feast along with his friends in the temple, and returned home in the evening preceded by torches and pipes, and escorted by a crowd of citizens.[10] Plutarch[11] and Valerius Maximus[12] say that it was the practice to invite the consuls to this banquet, and then to send a message requesting them not to come, in order, doubtless, that the imperator might be the most distinguished person in the company.

The whole of the proceedings, generally speaking, were brought to a close in one day; but when the quantity of plunder was very great, and the troops very numerous, a longer period was required for the exhibition, and thus the triumph of Flaminius continued for three days in succession.[13]

But the glories of the imperator did not end with the show, nor even with his life. It was customary (we know not if the practice was invariable) to provide him, at the public expense, with a site for a house, such mansions being styled *triumphales domus*.[14] After death, his kindred were permitted to deposite his ashes within the walls (such, at least, is the explanation given to the words of Plutarch[15]), and laurel-wreathed statues, standing erect in triumphal cars, displayed in the vestibulum of the family mansion, transmitted his fame to posterity.

A Triumphus Navalis appears to have differed in no respect from an ordinary triumph, except that it must have been upon a smaller scale, and would be characterized by the exhibition of beaks of ships and other nautical trophies. The earliest upon record was granted to C. Duillius, who laid the foundation of the supremacy of Rome by sea in the first Punic war;[16] and so elated was he by his success, that during the rest of his life, whenever he returned home at night from supper, he caused flutes to sound and torches to be borne before him.[17] A second naval triumph was celebrated by Lutatius Catulus for his victory off the Insulæ Ægates, B.C. 241;[18] a third by Q. Fabius Labeo, B.C. 189, over the Cretans;[19] and a fourth by C. Octavius over King Perseus,[20] without captives and without spoils.

Triumphus Castrensis was a procession of the soldiers through the camp in honour of a tribunus, or some officer inferior to the general, who had performed a brilliant exploit.[21]

After the extinction of freedom, the emperor being considered as the commander-in-chief of all the armies of the state, every military achievement was understood to be performed under his auspices, and

1. (Plin., H. N., xv., 38, 39.)—2. (Plin., H. N., xxiii., 36.)—3. (Liv., xlv., 40.—Tacit., Ann., ii., 41.)—4. (Dion Cass., li., 16. Id., lxiii., 20.)—5. (Plin., H. N., xxxiii., 4.—Id. ib., xxviii., 7. —Zonar., vii., 21.)—6. (Plin., H. N., xxviii., 7. —Zonar., vii., 21.)—7. (Apol., 33.)—8. (l. c.)—9. (xviii., ii.)—10. (xxviii., 7.) —11. (Zonar., .. c.)—12. (Cic. in Pis., 25.)—13. (Plin., xv., 40.) —14. (Varro, De Ling. Lat., v., 7, ed. Müller.—Hor., Carm., iv., 2, 49.—Tibull., ii., 6, 121.)—15. (Liv., iv., 53.—Id., v., 49.—Id., xiv., 38.—Dionys., vii., 72.—Suet., Jul., 49, 51.—Mart., l., v., 2.)—16. (Pell. Mith., 116, 117.)—17. (Paull., 32.)—18. (xlv., 40.)

1. (B. J., vii., 5, § 4, 5, 6.)—2. (vii., 21.)—3. (ii., 34; v., 47.) —4. (ad Virg., Æn., iv., 543.)—5. (Sat., x., 38–45.)—6. (Cic. in Verr., II., v., 30.—Liv., xxvi., 13.—Joseph., vii., 24.)—7. (Appian, Bell. Mithrid., 117.)—8. (Joseph., l. c.)—9. (Senec., Consol. ad Helv., 10.—Plin., H. N., xv., 40.—Plin., Paneg., 8.—Stat., Sylv., iv., 1, 41.)—10. (Flor., ii., 1.)—11. (Q. R., 77.)—12. (ii., 8, § 6.)—13. (Liv., xxxix., 52.—Plaut., Æmil. Paull., 32.) —14. (Plin., H. N., xxxvi., 24, § 6.)—15. (Q. R., 78.)—16. (Liv., Epit., xvii.—Fast. Capit.)—17. (Flor., ii, 1.—Cic., Cat. Maj., 13.) —18. (Val. Max., ii., 8, 2.—Fast Capit.)—19. (Liv., xxxvii 60.) —20. (Liv., xlv., 42.)—21. (Liv., vii., 36.)

uence, according to the forms of even the ancient constitution, he alone had a legitimate claim to a triumph. This principle was soon fully recognised and acted upon; for, although Antonius had granted triumphs to his legati,[1] and his example had been freely followed by Augustus[2] in the early part of his career, yet after the year B.C. 14[3] he entirely discontinued the practice, and from that time forward triumphs were rarely, if ever, conceded to any except members of the imperial family. But to compensate in some degree for what was then taken away, the custom was introduced of bestowing what was termed *Triumphalia Ornamenta*, that is, permission to receive the titles bestowed upon, and to appear in public with the robes worn by the imperatores of the commonwealth when they triumphed, and to bequeath to their descendants triumphal statues. These *triumphalia ornamenta* are said to have been first bestowed upon Agrippa[4] or upon Tiberius,[5] and ever after were a common mark of the favour of the prince.[6]

The last triumph ever celebrated was that of Belisarius, who entered Constantinople in a quadriga, according to the fashion of the olden time, after the recovery of Africa from the Vandals. The total number of triumphs upon record down to this period, has been calculated as amounting to 350. Orosius[7] reckons 320 from Romulus to Vespasian, and Pitiscus[8] estimates the number from Vespasian to Belisarius at 30.

TRIUMVIRI or TRESVIRI were either ordinary magistrates or officers, or else extraordinary commissioners, who were frequently appointed at Rome to execute any public office. The following is a list of the most important of both classes, arranged in alphabetical order.

Triumviri Agro Dividundo. (*Vid.* Triumviri Coloniæ Deducendæ.)

Triumviri Capitales were regular magistrates, first appointed about B.C. 292.[9] The institution of their office is said to have been proposed by L. Papirius, whom Festus[10] calls tribune of the plebs, but whom Niebuhr[11] supposes to be L. Papirius Cursor, who was prætor in B.C. 292. They were elected by the people, the comitia being held by the prætor.[12] They succeeded to many of the functions of the quæstores parricidii.[13] (*Vid.* Quæstor, p. 828.) It was their duty to inquire into all capital crimes, and to receive informations respecting such,[14] and, consequently, they apprehended and committed to prison all criminals whom they detected.[15] In conjunction with the ædiles, they had to preserve the public peace, to prevent all unlawful assemblies, &c.[16] They enforced the payment of fines due to the state.[17] They had the care of public prisons, and carried into effect the sentence of the law upon criminals.[18] In these points they resembled the magistracy of the Eleven at Athens. (*Vid.* Elevен, The.) They had the power of inflicting summary punishment upon slaves and persons of lower rank: their court appears to have been near the Mænian column.[19] Niebuhr,[20] who is followed by Arnold,[21] supposes that they might inflict summary punishment on *all* offenders against the public peace who might be taken in the fact; but the passage of Festus, which Niebuhr quotes, does not prove this, and it is improbable that they should have had power given them of inflicting summary punishment upon a Roman citizen, especially since we have no instances recorded of their exercising such a power.[1]

Triumviri Coloniæ Deducendæ were persons appointed to superintend the formation of a colony. They are spoken of under Colonia, p. 280. Since they had, besides, to superintend the distribution of the land to the colonists, we find them also called *Triumviri Coloniæ Deducendæ Agroque Dividundo*,[1] and sometimes simply *Triumviri Agro Dando*.[3]

Triumviri Epulones. (*Vid.* Epulones.)

Triumviri Equitum Turmas Recognoscendi, o Legendis Equitum Decuriis, were magistrates first appointed by Augustus to revise the lists of the Equites, and to admit persons into the order. This was formerly part of the duties of the censors.[4]

Triumviri Mensarii. (*Vid.* Mensarii.)

Triumviri Monetales. (*Vid.* Moneta.)

Triumviri Nocturni were magistrates elected annually, whose chief duty it was to prevent fires by night, and for this purpose they had to go round the city during the night (*vigilias circumire*). If they neglected their duty, they appear to have been accused before the people by the tribunes of the plebs.[5] The time at which this office was instituted is unknown, but it must have been previously to the year B.C. 304.[6] Augustus transferred their duties to the præfectus vigilum.[7] (*Vid.* Præfectus Vigilum.)

Triumviri Reficiendis Ædibus, extraordinary officers elected in the comitia tributa in the time of the second Punic war, were appointed for the purpose of repairing and rebuilding certain temples.[8]

Triumviri Reipublicæ Constituendæ. Niebuhr[9] supposes that magistrates under this title were appointed as early as the time of the Licinian rogations, in order to restore peace to the state after the commotions consequent upon those rogations.[10] Niebuhr also thinks that these were the magistrates intended by Varro, who mentions among the extraordinary magistrates that had the right of summoning the senate, triumvirs for the regulation of the Republic, along with the decemvirs and consular tribunes.[11] We have not, however, any certain mention of officers or magistrates under this name till towards the close of the Republic, when the supreme power was shared between Cæsar (Octavianus), Antony, and Lepidus, who administered the affairs of the state under the title of *Triumviri Reipublicæ Constituendæ*. This office was conferred upon them in B.C. 43 for five years;[12] and on the expiration of the term in B.C. 38, was conferred upon them again in B.C. 37 for five years more.[13] The coalition between Julius Cæsar, Pompey, and Crassus, in B.C. 60,[14] is usually called the first triumvirate, and that between Octavianus, Antony, and Lepidus, the second; but it must be borne in mind, that the former never bore the title of triumviri, nor were invested with any office under that name, whereas the latter were recognised as regular magistrates under the above-mentioned title.

Triumviri Sacris Conquirendis Donisque Persignandis, extraordinary officers elected in the comitia tributa in the time of the second Punic war, seem to have had to take care that all property

1. (Dion Cass., xlix., 42.)—2. (Suet., Octav., 38.—Dion Cass., liv., 11, 12.)—3. (Dion Cass., liv., 24.)—4. (Dion Cass., l. c.)—5. (Suet., Octav., 9.)—6. (Tacit., Ann., i., 72.—Id. ib., ii., 52.—Id. ib., iii., 72, &c.—Id., Hist., i., 79.—Id. ib., ii., 78, &c.)—7. vii., 9.)—8. (Lex. Antiq., s. v. Triumphus.)—9. (Liv., Epit., 11.—Dig. 1, tit. 2, s. 2, § 30.)—10. (s. v. Sacramentum.)—11. (Röm. Gesch., iii., p. 480.)—12. (Festus, l. c.)—13. (Varro, Ling. Lat., v., 81, ed. Müller.)—14. (Varro, l. c.—Plaut., Asin., i., 2, 5.—Id., Aul., i., 2, 2.—Cic., Pro Cluent., 13.)—15. (Liv., xxxix., 17.—Val. Max., vi., 1, 10.—Cic., l. c.)—16. (Liv., xxv., 1; xxxix., 14.)—17. (Fest., l. c.)—18. (Liv., xxxii., 26.—Val. Max., v., 4, § 7.—Id., viii., 4, § 2.—Sall., Cat., 55.—Tacit., Ann., v., 9.)—19. (Fest., l. c.—Gell., iii., 3.—Plaut., Amphit., i., 1, 3.—Cic., Pro Cluent. 13.)—20. (l. c.)—21. (Hist. of Rome ii., p. 389.)

1. (Walter, Gesch. der Röm. Rechts, p. 165, 858.—Göttling, Gesch. der Röm. Staatsv., p. 378.)—2. (Liv., viii., 16.)—3. (Liv., iii., 1.)—4. (Suet., Octav., 37.—Tacit., Ann., iii., 30.)—5. (Val. Max., viii., 1, § 5, 6.)—6. (Liv., ix., 46.)—7. (Dig. 1, tit. 15, s. 1.)—8. (Liv., xxv., 7.)—9. (Röm. Gesch., iii., p. 50.)—10. (Lydus, De Mag., i., 35.)—11. (Gellius, xiv., 7.)—12. (Liv., Epit., 120.—Appian, Bell. Civ., iv., 2, 12.—Dion Cass., xlvi., 54, 56.—Vell. Paterc., ii., 65.—Plut., Cic., 46.)—13. (Appian, Bell. Civ., v., 95.—Dion Cass., xlviii., 54.)—14. (Vell. Paterc., ii., 44.—Liv. Epit., 103.)

given or consecrated to the gods was applied to that purpose.[1]

TRIUMVIRI SENATUS LEGENDI were magistrates appointed by Augustus to admit persons into the senate. This was previously the duty of the censors.[2]

*TROCHI'LUS (τροχίλος), the *Motacilla regulus*, or Golden-crested Wren. It has been supposed the same with the τύραννος of Aristotle.

TROCHUS (τροχός), a hoop. The Greek boys used to exercise themselves, like ours, with trundling a hoop. It was a bronze ring, and had sometimes bells attached to it.[3] It was impelled by means of a hook with a wooden handle, called *clavis*[4] and ἐλατήρ. From the Greeks this custom passed to the Romans, who consequently adopted the Greek term.[5] The hoop was used at the GYMNASIUM;[6] and, therefore, on one of the gems in the Stosch collection at Berlin, which is engraved in the annexed woodcut, it is accompanied by the jar of oil and the laurel branch, the signs of effort and of victory. On each side of this we have represented another gem from the same collection. Both of these exhibit naked youths trundling the hoop by means of the hook or key. These show the size of the hoop, which in the middle figure has also three small rings or bells on its circumference.[7]

In a totally different manner hoops were used in the performances of tumblers and dancers. Xenophon describes a female dancer who receives twelve hoops in succession, throwing them into the air and catching them again, her motions being regulated by another female playing on the pipe.[8]

On the use of τροχός to denote the potter's wheel, and the wheel applied in torture, see FICTILE and TORMENTUM.

*TROGLO'DYTES (τρωγλοδύτης), a variety of the στρουθός, or *Passer*. (*Vid.* STROUTHUS.)

TROJÆ LUDUS. (*Vid.* CIRCUS, p. 256.)

TROPÆUM (τρόπαιον, Att. τροπαῖον[9]), a trophy, a sign and memorial of victory, which was erected on the field of battle where the enemy had turned (τρέπω, τρόπη) to flight, and in case of a victory gained at sea, on the nearest land. The expression for raising or erecting a trophy is τροπαῖον στῆσαι, or στῆσασθαι, to which may be added ἀπὸ, or κατὰ τῶν πολεμίων.[10]

When the battle was not decisive, or each party considered it had some claims to the victory, both erected trophies.[11] Trophies usually consisted of the arms, shields, helmets, &c., of the enemy that were defeated; and from the descriptions of Virgil and other Roman poets, which have reference to the Greek rather than to the Roman custom, it appears that the spoils and arms of the vanquished were placed on the trunk of a tree, which was fixed on an elevation.[12] It was consecrated to some divinity, with an inscription (ἐπίγραμμα) recording the names of the victors and of the defeated party;[13] whence trophies were regarded as inviolable, which even the enemy were not permitted to remove.[1] Sometimes, however, a people destroyed a trophy, if they considered that the enemy had erected it without sufficient cause, as the Milesians did with a trophy of the Athenians.[2] That rankling and hostile feelings might not be perpetuated by the continuance of a trophy, it seems to have been originally part of Greek international law that trophies should be made only of wood, and not of stone or metal, and that they should not be repaired when decayed.[3] Hence we are told that the Lacedæmonians accused the Thebans before the Amphictyonic council, because the latter had erected a metal trophy.[4] It was not, however, uncommon to erect such trophies. Plutarch[5] mentions one raised in the time of Alcibiades, and Pausanias[6] speaks of several which he saw in Greece.[7]

The trophies erected to commemorate naval victories were usually ornamented with the beaks or acroteria of ships (*vid.* ACROTERIUM, ROSTRA), and were generally consecrated to Poseidon or Neptune. Sometimes a whole ship was placed as a trophy.[8]

The following woodcut, taken from a painting found at Pompeii,[9] contains a very good representation of a tropæum, which Victory is engaged in erecting. The conqueror stands on the other side of the trophy, with his brows encircled with laurel

The Macedonian kings never erected trophies, for the reason given by Pausanias,[10] and hence the same writer observes that Alexander raised no trophies after his victories over Darius and in India. The Romans, too, in early times, never erected any trophies on the field of battle,[11] but carried home the spoils taken in battle, with which they decorated the public buildings, and also the private houses of individuals. (*Vid.* SPOLIA.) Subsequently, however, the Romans adopted the Greek practice of raising trophies on the field of battle: the first trophies of this kind were erected by Domitius Ahenobarbus and Fabius Maximus, B.C. 121, after their conquest of the Allobroges, when they built at the junction of the Rhone and the Isara towers of white stone, upon which trophies were placed adorned with the spoils of the enemy.[12] Pompey also raised

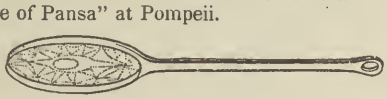
1. (Liv., xxv., 7.)—2. (Suet., Octav., 37.)—3. (Mart., xi., 22, 2.—Id., xiv., 168, 169.)—4. (Propert., iii., 12.)—5. (Hor., Carm., iii., 24, 57.)—6. (Propert., l. c.—Ovid, Trist., ii., 485.)—7. (Winckelmann, Descr. des Pierres Gravées, p. 452, 455.)—8. (Sympos., ii., 7, 8.)—9. (Schol. ad Aristoph., Plat., 453.)—10. (Wolf ad Dem. in Lept., p. 296.)—11. (Thucyd., i., 54, 105; ii., 92.)—12. (Virg., Æn., xi., 5.—Serv. ad loc.—Stat., Theb., iii., 707.—Juv., x., 133.)—13. (Eurip., Phœn., 583.—Schol. ad loc.—Paus., v., 27, § 7.—Virg., Æn., iii., 288.—Ovid, Ar. Am. ii., 744.—Tacit., Ann., ii., 22.)

1. (Dion Cass., xlii., 48.)—2. (Thucyd., viii., 24.)—3. (Plut., Quæst. Rom., 37, p. 273, c.—Diodor., xiii., 24.)—4. (C.c., De Invent., ii., 23.)—5. (Alcib., 29, p. 207, d.)—6. (ii., 21, § 9; iii., 14, § 7; v., 27, § 7.)—7. (Wachsmuth, Hell. Alt., II., i., p. 424—Schömann, Ant. Jur. Pub. Gr., p. 370.)—8. (Thucyd., ii., 84, 92.)—9. (Mus. Borbon., vii., t. 7.)—10. (Just., 40, § 4.)—11. (Florus, iii., 2.)—12. (Id., l. c.—Strab., v., p. 185.)

trophies on the Pyrenees after his victories in Spain;[1] Julius Cæsar did the same near Ziela, after his victory over Pharnaces,[2] and Drusus near the Elbe, to commemorate his victory over the Germans.[3] Still, however, it was more common to erect some memorial of the victory at Rome than on the field of battle. The trophies raised by Marius to commemorate his victories over Jugurtha and the Cimbri and Teutoni, which were cast down by Sulla and restored by Julius Cæsar, must have been in the city.[4] In the later times of the Republic and under the Empire, the erection of triumphal arches was the most common way of commemorating a victory, many of which remain to the present day. (*Vid.* Arcus.)

TROSSULI. (*Vid.* Equites, p. 415.)

TRUA, *dim.* TRULLA (*τορύνη*), derived from *τρύω*, *τόρω*, &c., to perforate; a large and flat spoon or ladle pierced with holes; a trowel. The annexed woodcut represents such a ladle, adapted to stir vegetables or other matters in the pot,[5] to act as a strainer when they were taken out of the water, or to dispel the froth from its surface.[6] The ladle here drawn was found in the kitchen of "the house of Pansa" at Pompeii.

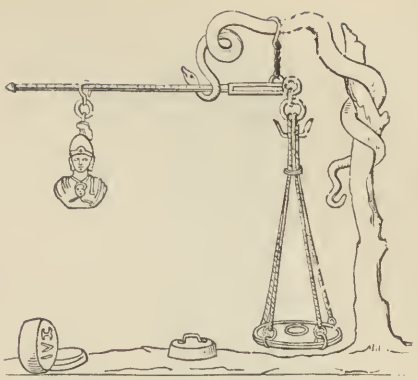


The *trulla vinaria*[7] seems to have been a species of colander (*vid.* Colum), used as a wine-strainer.[8] Though generally applied to these domestic and culinary purposes,[9] the trulla was found to be convenient for putting bees into a hive.[10] It was also commonly used to plaster walls,[11] and thus gave rise to the verb *trullissare*. (*Vid.* Paries, p. 736.)

Mr. Fellows[12] explains the Eastern method of using a kind of colander in washing the hands. It is placed as a cover upon the jar (*vid.* Olla), which receives the dirty water. This may therefore be the *trullcum*, which the ancients used, together with the basin and ewer, to wash their hands.[13]

TRUTINA (*τρυτάνη*), a general term including both Libra, a balance, and *statera*, a steelyard.[14] Payments were originally made by weighing, not by counting. Hence a balance (*trutina*) was preserved in the Temple of Saturn at Rome.[15] The balance was much more ancient than the steelyard, which, according to Isidore of Seville,[16] was invented in Campania, and therefore called, by way of distinction, *Trutina Campana*. Consistently with this remark, steelyards have been found in great numbers among the ruins of Herculaneum and Pompeii. The construction of some of them is more elaborate and complicated than that of modern steelyards, and they are in some cases much ornamented. The annexed woodcut represents a remarkably beautiful statera which is preserved in the Museum of the Capitol at Rome. Its support is the trunk of a tree, round which a serpent is entwined. The equipoise is a head of Minerva. Three other weights lie on the base of the stand, designed to be hung upon the hook when occasion required.[17]

Vitruvius[18] explains the principle of the steelyard, and mentions the following constituent parts of it: the scale (*lancula*), depending from the head (*caput*), near which is the point of revolution (*centrum*) and



the handle (*ansa*). On the other side of the centre from the scale is the beam (*scapus*), with the weight or equipoise (*æquipondium*), which is made to move along the points (*per puncta*) expressing the weights of the different objects that are put into the scale.

*TRYGON (*τρυγών*), the Turtle-dove, or *Columba turtur*, L.[1]

*II. A species of Skate or Ray, the Fire-flaire, or *Raja pastinaca*, L., the same as the *Trygon pastinaca*, Adanson.[2]

TUBA (*σάλπιγξ*), a bronze trumpet, distinguished from the *cornu* by being straight, while the latter was curved: thus Ovid,[3]

"*Non tuba directi non æris cornua flexi.*"[4]

Facciolati, in his Lexicon,[5] is mistaken in supposing that Aulus Gellius and Macrobius,[7] who copies him, intend to affirm that the tuba was crooked. The words of the former do not mean that both the lituus and the tuba were crooked, but that both that kind of trumpet which was called a lituus and also the staff of the augur were crooked, and that it was doubtful which of the two had lent its name to the other. (*Vid.* Lituus.)

The tuba was employed in war for signals of every description,[8] at the games and public festivals,[9] also at the last rites to the dead (*hinc tuba, candelæ*[10]), and Aulus Gellius[11] tells us, from Atteius Capito, that those who sounded the trumpet at funerals were termed *siticines*, and used an instrument of a peculiar form. The tones of the tuba are represented as of a harsh and fear-inspiring character (*fractos sonitus tubarum*;[12] *terribilem sonitum ære canoro*[13]), which Ennius[14] endeavoured to imitate in the line

"*At tuba terribili sonitu taratantara dixit.*"

The invention of the tuba is usually ascribed by ancient writers to the Etruscans,[15] and the epithet *ληστοσαλπιγκταί* (*i. e.*, robber-trumpeters[16]) would seem to indicate that they had made it famous by their piracies. It has been remarked that Homer never introduces the *σάλπιγξ* in his narrative but in comparisons only,[17] which leads us to infer that, although known in his time, it had been but recently introduced into Greece; and it is certain that, notwithstanding its eminently martial character, it

(Strab., iii., p. 156.—Plin., H. N., iii., 3.—Dion Cass., xli., 24.—Sall. ap. Serv. in Virg., Æn., xi., 6.)—2. (Dion Cass., xlii., 48.)—3. (Id., li., 1.—Florus, iv., 12.)—4. (Suet., Jul., 11.)—5. (Schol. in Aristoph., Av., 78.)—6. (Non. Marcell., p. 19, ed. Merceri.)—7. (Varro, L. L., v., 118, ed. Müller.)—8. (Cic., Verr., iv., 27.—Hor., Sat., ii., 3, 144.)—9. (Eupolis, p. 174, ed. Runkel.)—10. (Col., De Re Rust., ix., 12.)—11. (Pallad., De Re Rust., i., 13, 15.)—12. (Exc. in Asia Minor, p. 153.)—13. (Non. Marcell., p. 547, ed. Merceri.)—14. (Id., p. 180.)—15. (Varro, L. L., v., 183, ed. Müller.)—16. (Orig., xvi., 24.)—17. Mus Capit., c. ii., p. 213.)—18. (x., 3, s. 8, § 4.)

1. (Adams, Append., s. v.)—2. (Aristot., H. A., i., 5, &c.—Ælian, N. A., i., 37, &c.—Adams, Append., s. v.)—3. (Met., i 98.)—4. (Compare Veget., iii., 5.)—5. (s. v. Tuba.)—6. (v., 8.)—7. (Macrob., Sat., vi., 8.)—8. (Tacit., Hist., ii., 29.—Cæs., B C., iii., 46.—Hirt., B. G., viii., 20.—Liv., xxxix., 27.)—9. (Juv., vi., 249; x., 214.—Virg., Æn., v., 113.—Ovid, Fast., i., 716.)—10. (Pers., iii., 103.—Virg., Æn., xi., 191.—Ovid, Heroid., xii., 140.—Amor., II., vi., 6.)—11. (xx., 2.)—12. (Virg., Georg., iv., 72.)—13. (Id., Æn., ix., 503.)—14. (Serv. ad Virg., l. c.—Compare Priscian, viii., 18, 103, ed. Krehl.)—15. (Athen., iv., c. 82—Pollux, Onom., iv., 85, 87.—Diodor., v., 40.—Serv. ad Virg., Æn., viii., 516.—Clem. Alex., Strom., i., p. 306.)—16. (Phot and Hesych., s. v.—Pollux, l. c.)—17. (Il., xviii., 219, xxi 388—Eustath. and Schol.)

was not until a late period used in the armies of the leading states. By the tragedians its Tuscan origin was fully recognised: Athena, in Æschylus, orders the deep-toned, piercing Tyrrhenian trumpet to sound;[1] Ulysses, in Sophocles,[2] declares that the accents of his beloved goddess fell upon his ears like the tones of the brazen-mouthed Tyrrhentan bell (*κώδωνος, i. e.*, the bell-shaped aperture of the trumpet), and similar epithets are applied by Euripides,[3] and other Greek[4] and Roman writers (*Tyrrhenus clangor*;[5] *Tyrrhenæ clangore tubæ*[6]). According to one account, it was first fabricated for the Tyrrhenians by Athena, who, in consequence, was worshipped by the Argives under the title of Σάλπιγξ,[7] while at Rome the *tubilustrium*, or purification of sacred trumpets, was performed on the last day of the Quinquatrus. (*Vid.* QUINQUATRUS.) In another legend the discovery is attributed to a mythical king of the Tyrrhenians, Maleus, son of Hercules and Omphale;[8] in a third to Pisæus the Tyrrhenian;[9] and Silius has preserved a tradition,[10] according to which the origin of this instrument is traced to Vetulonii.[11]

There appears to have been no essential difference in form between the Greek and Roman or Tyrrhenian trumpets. Both were long, straight bronze tubes, gradually increasing in diameter, and terminating in a bell-shaped aperture. They pre-

sent precisely the same appearance on monuments of very different dates, as may be seen from the cuts annexed, the former of which is from Trajan's column, and the latter from an ancient fictile vase.[12]

The scholiast on the Iliad[13] reckons six varieties of trumpets; the first he calls the Grecian *σάλπιγξ* which Athena discovered for the Tyrrhenians, and the sixth, termed by him *κάτ' ἐξόχην*, the *τυρσηνικὴ σάλπιγξ*, he describes as bent at the extremity (*κώδωνα κεκλασμένον ἔχουσα*); but by this we must unquestionably understand the sacred trumpet (*ἱερατικὴ σάλπιγξ*[14]), the *lituus* already noticed at the beginning of this article.[15]

TUBILU'STRIUM. (*Vid.* QUINQUATRUS.)
TULLIA'NUM (*Vid.* CARCER.)
TUMBOS (*τύμβος*). (*Vid.* FUNUS, p. 457.)
TUMULTUA'RII. (*Vid.* TUMULTUS.)

TUMULTUS was the name given to a sudden or dangerous war in Italy or Cisalpine Gaul, and the word was supposed by the ancients to be a contraction of *timor multus*[1] (*tumultus dictus, quasi timor multus*[2]). It was, however, sometimes applied to a sudden or dangerous war elsewhere;[3] but this does not appear to have been a correct use of the word. Cicero[4] says that there might be a war without a tumultus, but not a tumultus without a war; but it must be recollected that the word was also applied to any sudden alarm respecting a war; whence we find a tumultus often spoken of as of less importance than a war,[5] because the results were of less consequence, though the fear might have been much greater than in a regular war.

In the case of a tumultus there was a cessation from all business (*justitium*), and all citizens were obliged to enlist, without regard being had to the exemptions (*vacationes*) from military service which were enjoyed at other times.[6] As there was not time to enlist the soldiers in the regular manner, the magistrates appointed to command the army displayed two banners (*vexilla*) from the Capitol, one red, to summon the infantry, and the other green, to summon the cavalry, and said, "*Qui rempublicam salvam vult, me sequatur.*" Those that assembled took the military oath together, instead of one by one, as was the usual practice, whence they were called *conjurati*, and their service *conjuratio*.[7] Soldiers enlisted in this way were called *Tumultuarii* or *Subitarii*.[8]

TU'NICA (*χιτών, dim. χιτωνίσκος, χιτώνιον*), an under-garment. The chiton was the only kind of *ἔνδυμα* or under-garment worn by the Greeks. Of this there were two kinds, the Dorian and Ionian. The Dorian chiton, as worn by males, was a short woollen shirt without sleeves; the Ionian was a long linen garment with sleeves. The under-garment, afterward distinguished as the Dorian, seems to have been originally worn in the whole of Greece. Thucydides[9] speaks as if the long linen garment worn at Athens a little before his time was the most ancient kind, since he attributes the adoption of a simpler mode of dress to the Lacedæmonians, but we know with tolerable certainty that this dress was brought over to Athens by the Ionians of Asia.[10] It was commonly worn at Athens during the Persian wars, but appears to have entirely gone out of fashion about the time of Pericles, from which time the Dorian chiton was the under-garment universally adopted by men through the whole of Greece.[11]

The distinction between the Doric and Ionic chiton still continued in the dress of women. The Spartan virgins only wore this one garment, and had no upper kind of clothing, whence it is sometimes called *himation* (*vid.* PALLIUM) as well as *chiton*.[12] Euripides[13] incorrectly calls this Doric dress peplos, and speaks of a Doric virgin as *μονόπεπλος*. From the circumstance of their only wearing one garment, the Spartan virgins were called *γυμναί*[14] (*vid.* NUDUS), and also *μονοχίτωνες*.[15] They appeared in the company of men without any farther covering, but the married women never did so without wearing an upper garment. This Doric chiton was made, as stated above, of woollen stuff; it was without sleeves, and was fastened over both shoul-

1. (Eumen., 567.)—2. (Aj., 17.)—3. (Phœn., 1376.—Heracl., 830.)—4. (Auctor., Rhes., 988.—Brunck, Anal., tom. ii., p. 142.) —5. (Virg., Æn., viii., 526.—Stat., Theb., iii., 650.)—6. (Silius, i., 19.)—7. (Schol. ad Hom., Il., xviii., 219, e. cod. Vict.—Paus., i., 21, § 3.)—8. (Lutat. ad Stat., Theb., iv., 224; vi., 404.—Hygin., Fab., 274.—Schol. ad Hom., l. c.)—9. (Plin., H. N., vii., 57.—Photius, s. v.)—10. (viii., 490.)—11. (Müller, Die Etrusker, IV., i., 3, 4, 5.)—12. (Hope, Costumes of the Anc., pl. 156.)—13. (l. c.)—14. (Lydus, De Mens. iv. 6.)—15. (Compare Lucan, i., 431.)

1. (Cic., Phil., viii., 1.)—2. (Serv. ad Virg., Æn., ii., 486; viii., 1.—Festus, s. v. Tumultuarii.)—3. (Liv., xxxv., 1; xli., 6. —Cic., Phil., v., 12.)—4. (Phil., viii., 1.)—5. (e. g., Liv., ii., 26.) —6. (Cic., ll. cc.—Liv., vii, 9, 11, 28; viii., 20; xxxiv., 56.)—7. (Serv. ad Virg., Æn., viii., 1.)—8. (Festus, s. v.—Liv., iii., 30; x., 21; xl., 26.)—9. (i., 6.)—10. (Müller, De Min. Pol., p. 41.—Id., Dor., iv., 2, § 4.)—11. (Athen., xii., p. 512, c.—Eustath., p 954, 47.—Thucyd., l. c.—Aristoph., Equit., 1330.)—12. (Compare Herod., v., 87.—Schol. ad Eurip., Hec., 933.)—13. (Hecub., l. c —Androm., 598.)—14. (Plut., Lyc., 14.)—15. (Schol. ad Eurip. Athen., xiii., p. 589, *f*.)

ders by clasps or buckles (*πόρπαι, περόναι*), which were often of considerable size.[1] It was frequently so short as not to reach the knee,[2] as is shown in the figure of Diana on p. 245, who is represented as equipped for the chase. It was only joined together on one side, and on the other was left partly open or slit up (*σχιστὸς χίτων*[3]), to allow a free motion of the limbs: the two skirts (*πτέρυγες*) thus frequently flew open, whence the Spartan virgins were sometimes called *φαινομηρίδες*,[4] and Euripides[5] speaks of them as with

γυμνοῖσι μηροῖς καὶ πέπλοις ἀνειμένοις.

Examples of this *σχιστὸς χίτων* are frequently seen in works of art: the following cut is taken from a bas-relief in the British Museum, which represents an Amazon with a chiton of this kind: some parts of the figure appear incomplete, as the original is mutilated.[6]

The Ionic chiton, on the contrary, was a long and loose garment, reaching to the feet (*ποδήρης*), with wide sleeves (*κόραι*), and was usually made of linen. The sleeves, however, appear usually to have covered only the upper part of the arm; for in ancient works of art we seldom find the sleeve extending farther than the elbow, and sometimes not so far. The sleeves were sometimes slit up, and fastened together with an elegant row of brooches,[7] and it is to this kind of garment that Böttiger[8] incorrectly gives the name of *σχιστὸς χίτων*. The Ionic chiton, according to Herodotus,[9] was originally a Carian dress, and passed over to Athens from Ionia. The women at Athens originally wore the Doric chiton, but were compelled to change it for the Ionic after they had killed, with the buckles or clasps of their dresses, the single Athenian who had returned alive from the expedition against Ægina, because there were no buckles or clasps required in the Ionic dress. The Muses are generally represented with this chiton. The following woodcut, taken from a statue in the British Museum, represents the Muse Thalia wearing an Ionic chiton. The peplum has fallen off her shoulders, and is held up by the left hand. The right arm, holding a pedum, is a modern restoration.

Both kinds of dress were fastened round the middle with a girdle (*vid.* Zona); and as the Ionic chiton was usually longer than the body, part of it was drawn up so that the dress might not reach farther than the feet, and the part which was so drawn up overhung or overlapped the girdle, and was called *κόλπος*.

There was a peculiar kind of dress, which seems to have been a species of double chiton, called *διπλοΐς, διπλοΐδιον*, and *ἡμιδιπλοΐδιον*. Some writers suppose that it was a kind of little cloak thrown over the chiton, in which case it would be an amic-

1. (Herod.—Schol. ad Eurip., ll. cc.)—2. (Clem. Alex., Pæd., ii., 10, p. 258.)—3. (Pollux, Onom., vii., 55.)—4. (Id., l. c.)—5. (Androm., l. c.)—6. (See also Mus. Borb., iv., t. 21.)—7. (Ælian, V. H., i., 18.)—8. (Kleine Schr., iii., p. 56.)—9. (v., 87, 88.)

tus, and could not be regarded as a chiton; but Becker and others maintain that it was not a separate article of dress, but was merely the upper part of the cloth forming the chiton, which was larger than was required for the ordinary chiton, and was therefore thrown over the front and back. The following cuts[1] will give a clearer idea of the form of this garment than any description.

It seems impossible to determine with certainty whether the diploidion formed part of the chiton, or was a separate piece of dress. Those writers who maintain the former view think that it is quite proved by the left-hand figure in the preceding cut; but this is not conclusive evidence, since the chiton may have terminated at the waist. In the right-hand figure we see that the chiton is girded round the middle of the body, as described above, and that the fold which overhangs (*κόλπος*) forms, with the end of the diploidion, a parallel line, which was always the case. This is also plainly seen in the woodcut to the article Umbraculum. Since the diploidion was fastened over the shoulders by means of buckles or clasps, it was called *ἐπωμίς*, which Müller[2] supposes, from Euripides (*Hecub.*, 553) and Athenæus (xiii., p. 608, *b.*), to have been only the end of the garment fastened on the shoulder; but these passages do not necessarily prove this, and Pollux[3] evidently understands the word as meaning a garment itself.

Besides the word *χιτών*, we also meet with the diminutives *χιτωνίσκος* and *χιτώνιον*, the former of which is generally applied to a garment worn by men, and the latter to one worn by women, though this distinction is not always preserved. A question arises whether these two words relate to a different garment from the chiton, or mean merely a smaller one. Many modern writers think that

1. (Mus. Borbon., ii., t. 4, 6.)—2. (Archäol der Kunst, § 339, 4.)—3. (vii., 49.)

the chiton was not worn immediately next the skin, but that there was worn under it a shirt (χιτωνίσκος) or chemise (χιτώνιον). In the dress of men, however, this does not appear to have been the case, since we find χιτωνίσκος frequently used as identical with χιτών, and spoken of as the only under-garment worn by individuals (Τὸ ἱμάτιον καὶ τὸν χιτωνίσκον[1]). It appears, on the contrary, that females were accustomed to wear a chemise (χιτώνιον) under their chiton, and a representation of such a one is given in p. 599.[2]

It was the practice among most of the Greeks to wear an himation, or outer garment, over the chiton, but frequently the chiton was worn alone. A person who wore only a chiton was called μονοχίτων (οἰοχίτων[3]), an epithet given to the Spartan virgins, as explained above. In the same way, a person who wore only an himation, or outer garment, was called ἀχίτων.[4] The Athenian youths, in the earlier times, wore only the chiton; and when it became the fashion, in the Peloponnesian war, to wear an outer garment over it, it was regarded as a mark of effeminacy.[5]

Before passing on to the Roman under garment, it remains to explain a few terms which are applied to the different kinds of chiton. In later times, the chiton worn by men was of two kinds, the ἀμφιμάσχαλος and the ἑτερομάσχαλος, the former the dress of freemen, the latter that of slaves.[6] The ἀμφιμάσχαλος appears to have signified not only a garment which had two sleeves, but also one which had openings for both arms; while the ἑτερομάσχαλος, on the contrary, had only a sleeve, or, rather, an opening for the left arm, leaving the right, with the shoulder and a part of the breast, uncovered, whence it is called ἐξωμίς, a representation of which is given on page 426. When the sleeves of the chiton reached down to the hands, it seems to have been properly called χειριδωτός,[7] though this word seems to have been frequently used as equivalent to ἀμφιμάσχαλος.[8] (*Vid.* Chiridota.)

A χιτὼν ὀρθοστάδιος was one which was not fastened round the body with a girdle:[9] a χιτὼν στολιδωτός seems to have had a kind of flounce at the bottom.[10]

On the subject of the Greek chiton in general, see Müller, *Dorians*, iv., 2, § 3, 4. — *Archäologie der Kunst*, § 337, 339.—Becker, *Charikles*, ii., p. 309, &c.

The *tunica* of the Romans, like the Greek chiton, was a woollen under garment, over which the toga was worn. It was the *indumentum* or *indutus*, as opposed to the *amictus*, the general term for the toga, pallium, or any other outer garment. (*Vid.* Amictus.) The Romans are said to have had no other clothing originally but the toga; and when the tunic was first introduced, it was merely a short garment without sleeves, and was called *colobium*.[11] It was considered a mark of effeminacy for men to wear tunics with long sleeves (*manicatæ*) and reaching to the feet (*talares*).[12] Julius Cæsar, however, was accustomed to wear one which had sleeves, with fringes at the wrist (*ad manus fimbriato*[13]); and in the later times of the Empire, tunics with sleeves, and reaching to the feet, became common.

The tunic was girded (*cincta*) with a belt or girdle around the waist, but was usually worn loose, without being girded, when a person was at home, or wished to be at his ease.[1] Hence we find the terms *cinctus*, *præcinctus*, and *succinctus* applied, like the Greek εὔζωνος, to an active and diligent person, and *discinctus* to one who was idle or dissolute.[2]

The form of the tunic, as worn by men, is represented in many woodcuts in this work. In works of art it usually terminates a little above the knee; it has short sleeves, covering only the upper part of the arm, and is girded at the waist (see cuts, p 54, 667): the sleeves sometimes, though less frequently, extend to the hands (cuts, p. 112, 132.)

Both sexes usually wore two tunics, an outer and an under, the latter of which was worn next the skin, and corresponds to our shirt and chemise. Varro[3] says that when the Romans began to wear two tunics, they called them *subucula* and *indusium*, the former of which Böttiger[4] supposes to be the name of the under tunic of the men, and the latter of that of the women. But it would appear from another passage of Varro[5] referred to by Becker,[6] as if Varro had meant to give the name of *subucula* to the under tunic, and that of *indusium* or *intusium* to the outer, though the passage is not without difficulties It appears, however, that *subucula* was chiefly used to designate the under tunic of men.[7] The word *interula* was of later origin, and seems to have applied equally to the under tunic of both sexes.[8] The *supparus* or *supparum* is said by Festus[9] to have been a linen vest, and to have been the same as the *subucula*; but Varro,[10] on the contrary, speaks of it as a kind of outer garment, and contrasts it with *subucula*, which he derives from *subtus*, while *supparus* he derives from *supra*. The passage of Lucan[11] in which it is mentioned does not enable us to decide whether it was an outer or under garment, but would rather lead us to suppose that it was the former. Persons sometimes wore several tunics, as a protection against cold: Augustus wore four in the winter, besides a subucula.[12]

As the dress of a man usually consisted of an under tunic, an outer tunic, and the toga, so that of a woman, in like manner, consisted of an under tunic (*tunica intima*[13]), an outer tunic, and the palla The outer tunic of the Roman matron was properly called stola (*vid.* Stola), and is represented in the woodcut on page 926; but the annexed woodcut, which represents a Roman empress in the character of Concordia, or Abundantia, gives a better idea of

1. (Plat., Hipp. Min., p. 368. — Dem. in Mid., p. 583, 21. — Æsch. in Tim., p. 143.— Athen., xii., p. 545, *a.*) — 2. (Compare Athen., xiii., p. 590, *f.*—Aristoph., Lysist., 48, 150.)—3. (in Hom., Od., xiv., 489.)—4. (Xen., Mem., i., 6, § 2.—Ælian, V. H., vii., 13.—Diod. Sic., xi., 26.) — 5. (Aristoph., Nub., 964, compared with 987.)—6. (Pollux, Onom., vii., 47.)—7. (Gell., vii., 12.)—8. (Hesych., s. v. Ἀμφιμάσχαλος.)—9. (Pollux, Onom., vii., 48.—Phot., Lex., p. 346, Pers.)—10. (Pollux, Onom., 54.—Xen., Cyrop., vi., 4, § 2.)—11. (Gell., vii., 12.—Serv. ad Virg., Æn., ix., 616.)—12. (Cic., Cat., ii., 10.) —13. (Suet., Jul., 45.)

1. (Hor., Sat., ii., 1, 73.—Ovid, Am., i., 9, 41.)—2. (Hor. Sat. i., 5, 6; ii., 6, 107.—Epod., i., 34.)—3. (ap. Non., xiv., 36.)—4. (Sabina, ii., p. 113.)—5. (L. L., v., 131, ed. Müller.)—6. (Gellius, ii., p. 89.)—7. (Suet., Octav., 82.—Hor., Epist., I., i 95.) —8. (Apul., Florid., ii., p 32.—Metam., viii., p. 533, ed. Oud.— Vopisc., Prob., 4.)—9. (s. v.)—10. (v., 131.)—11. (ii., 364.)—12 (Suet., Octav., 82.)—13. (Gell., x., 15.)

its form.[1] Over the tunic or stola the palla is thrown in many folds, but the shape of the former is still distinctly shown.

The tunics of women were larger and longer than those of men, and always had sleeves; but in ancient paintings and statues we seldom find the sleeves covering more than the upper part of the arm. An example of the contrary is seen in the *Museo Borbonico*.[2] Sometimes the tunics were adorned with golden ornaments called *leria*.[3]

Poor people, who could not afford to purchase a toga, were the tunic alone, whence we find the common people called *Tunicati*.[4] Persons at work laid aside the toga; thus, in the woodcut on p. 667, a man is represented ploughing in his tunic only. A person who wore only his tunic was frequently called Nudus.

Respecting the clavus latus and the clavus angustus, worn on the tunics of the senators and equites respectively, see Clavus Latus, Clavus Angustus.

When a triumph was celebrated, the conqueror wore, together with an embroidered toga (*toga picta*), a flowered tunic (*tunica palmata*), also called *tunica Jovis*, because it was taken from the Temple of Jupiter Capitolinus.[5] (*Vid.* Triumphus, p. 1017.) Tunics of this kind were sent as presents to foreign kings by the senate.[6]

*TYMPHA'ICA TERRA (Τυμφαϊκὴ γῆ), a species of earth, which would appear, from the account of Theophrastus, to have been a kind of gypsum.[7]

*TYPHE (τύφη), according to most authorities, the *Typha latifolia*, or Reed Mace. It is different from the τίφη, though often confounded with it.[8]

TY'RANNUS (τύραννος). In the heroic age all the governments in Greece were monarchical, the king uniting in himself the functions of the priest, the judge, and military chief. These were the πατρικαὶ βασιλεῖαι of Thucydides.[9] In the first two or three centuries following the Trojan war, various causes were at work which led to the abolition, or, at least, to the limitation of the kingly power. Emigrations, extinctions of families, disasters in war, civil dissensions, may be reckoned among these causes. Hereditary monarchies became elective; the different functions of the king were distributed; he was called ἄρχων, κόσμος, or πρύτανις, instead of βασιλεύς, and his character was changed no less than his name. Noble and wealthy families began to be considered on a footing of equality with royalty; and thus, in process of time, sprang up oligarchies or aristocracies, which most of the governments that succeeded the ancient monarchies were in point of fact, though not as yet called by such names. These oligarchies did not possess the elements of social happiness or stability. The principal families contended with each other for the greatest share of power, and were only unanimous in disregarding the rights of those whose station was beneath their own. The people, oppressed by the privileged classes, began to regret the loss of their old paternal form of government, and were ready to assist any one who would attempt to restore it. Thus were opportunities afforded to ambitious and designing men to raise themselves by starting up as the champions of popular right. Discontented nobles were soon found to prosecute schemes of this sort, and they had a greater chance of success if descended from the ancient royal family. Pisistratus is an example; he was the more acceptable to the people of Athens as being a descendant of the family of Codrus.[1] Thus in many cities arose that species of monarchy which the Greeks called τυραννίς, which meant only *a despotism*, or irresponsible dominion of one man, and which frequently was nothing more than a revival of the ancient government, and, though unaccompanied with any recognised military title, or the reverence attached to old name and long prescription, was hailed by the lower orders of people as a good exchange, after suffering under the domination of the oligarchy. All *tyrannies*, however, were not so acceptable to the majority; and sometimes we find the nobles concurring in the elevation of a despot to farther their own interests. Thus the Syracusan *Gamori*, who had been expelled by the populace, on receiving the protection of Gelon, sovereign of Gela and Camarina, enabled him to take possession of Syracuse, and establish his kingdom there.[2] Sometimes the conflicting parties in the state, by mutual consent, chose some eminent man, in whom they had confidence, to reconcile their dissensions, investing him with a sort of dictatorial power for that purpose, either for a limited period or otherwise. Such a person they called αἰσυμνήτης. (*Vid.* Aisymnetes.) A similar authority was conferred upon Solon when Athens was torn by the contending factions of the Διάκριοι, Πεδιαῖοι, and Πάραλοι, and he was requested to act as mediator between them. Solon was descended from Codrus, and some of his friends wished him to assume the sovereignty; this he refused to do, but, taking the constitutional title of archon, framed his celebrated form of polity and code of laws.[3] The legislative powers conferred upon Draco, Zaleucus, and Charondas were of a similar kind, investing them with a temporary dictatorship.

The τύραννος must be distinguished, on the one hand, from the αἰσυμνήτης, inasmuch as he was not elected by general consent, but commonly owed his elevation to some *coup d'état*, some violent movement or stratagem, such as the creation of a bodyguard for him by the people, or the seizure of the citadel;[4] and, on the other hand, from the ancient king, whose right depended, not on usurpation, but on inheritance and traditionary acknowledgment. The power of a king might be more absolute than that of a *tyrant*; as Phidon of Argos is said to have made the royal prerogative greater than it was under his predecessors; yet he was still regarded as a king, for the difference between the two names depended on title and origin, and not on the manner in which the power was exercised.[5] The name of *tyrant* was originally so far from denoting a person who abused his power, or treated his subjects with cruelty, that Pisistratus is praised by Thucydides[6] for the moderation of his government; and Herodotus says he governed οὔτε τιμὰς τὰς ἐούσας συνταράξας, οὔτε θέσμια μεταλλάξας, ἐπί τε τοῖσι κατεστεῶσι ἔνεμε τὴν πόλιν κοσμέων καλῶς τε καὶ εὖ.[7] Therefore we find the words βασιλεύς and τύραννος used promiscuously by the Attic tragedians *passim*,[8] and even by prose authors. Thus Herodotus calls the Lydian Candaules τύραννος,[9] the kingdom of Macedonia τυραννίς,[10] and Periander of Corinth βασιλεύς.[11] Afterward, when *tyrants* themselves had become odious, the name also grew to be a word of reproach, just as *rex* did among the Romans.[12]

Among the early *tyrants* of Greece, those most worthy of mention are Clisthenes of Sicyon, grand

1. (Visconti, Monum. Gab., n. 34.—Böttiger, Sabina, tav. x.)—2. (vol. vii., tav. 3.)—3. (Festus, s. v.—Gr. λῆροι: Hesych., Suid., s. v.)—4. (Cic. in Rull., ii., 34.—Hor., Epist., i., 7, 65.)—5. (Liv., x., 7.—Mart., vii., 1.—Juv., x., 38.)—6. (Liv., xxx., 15; xxxi., 11.)—7. (Theophr. De Lapid., c. 110.—Adams, Append., s. v.)—8. (Theophr., H. P., i., 5; iv., 10.—Dioscor., iii., 123.—Adams, Append., s. v.)—9. (i., 13.)

1. (Herod., v., 65.)—2. (Id., vii., 154, 155.)—3. (Id., i., 29.—Plut., Sol., c. 13, &c.—Schömann, Ant. Jur. Pub. Gr., p. 173.)—4. (Herod., i., 59.—Thucyd., i., 126.)—5. (Aristot., Polit., v., 8.)—6. (vi., 54.)—7. (i., 59.)—8. (See the argument of the Œdipus Tyrannus.)—9. (i., 7.)—10. (viii., 137.)—11. (iii., 52. Compare v., 27, 92.)—12. (Wachsmuth, Hell. Alt., I, i, 288.—Thirlwall, Gr. Hist., i., p. 401 404.)

father of the Athenian Cisthenes, in whose family the government continued for a century after its establishment by Orthagoras about B.C. 672;[1] Cypselus of Corinth, who expelled the Bacchiadæ, B.C. 655, and his son Periander, both remarkable for their cruelty; their dynasty lasted between seventy and eighty years;[2] Procles of Epidaurus;[3] Pantaleon of Pisa, who celebrated the thirty-fourth Olympiad, depriving the Eleans of the presidency;[4] Theagenes of Megara, father-in-law to Cylon the Athenian;[5] Pisistratus, whose sons were the last of the early *tyrants* on the Grecian continent. In Sicily, where *tyranny* most flourished, the principal were Phalaris of Agrigentum, who established his power in B.C. 568, concerning whose supposed epistles Bentley wrote his famous treatise; Theron of Agrigentum; Gelon, already mentioned, who, in conjunction with Theron, defeated Amilcar the Carthaginian on the same day on which the battle of Salamis was fought; and Hiero, his brother: the last three celebrated by Pindar.[6] In Grecian Italy we may mention Anaxilaus of Rhegium, who reigned B.C. 496;[7] Clinias of Croton, who rose after the dissolution of the Pythagorean league (as to which, see Polybius,[8] Athenæus,[9] Thirlwall[10]). The following, also, are worthy of notice: Polycrates of Samos;[11] Lygdamis of Naxos;[12] Histiæus and Aristagoras of Miletus.[13] Perhaps the last mentioned can hardly be classed among the *Greek tyrants*, as they were connected with the Persian monarchy.[14]

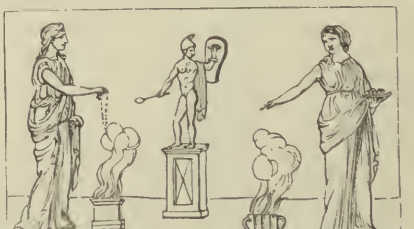
The general characteristics of a *tyranny* were, that it was bound by no laws, and had no recognised limitation to its authority, however it might be restrained *in practice* by the good disposition of the *tyrant* himself, or by fear, or by the spirit of the age. It was commonly most odious to the wealthy and noble, whom the *tyrant* looked upon with jealousy as a check upon his power, and whom he often sought to get rid of by sending them into exile or putting them to death. The advice given by Thrasybulus of Miletus to Periander affords an apt illustration of this.[15] The *tyrant* usually kept a body-guard of foreign mercenaries, by aid of whom he controlled the people at home; but he seldom ventured to make war, for fear of giving an opportunity to his subjects to revolt. The Sicilian sovereigns form an exception to this observation.[16] He was averse to a large congregation of men in the town, and endeavoured to find rustic employments for the populace, but was not unwilling to indulge them with shows and amusements. A few of the better sort cultivated literature and the arts, adorned their city with handsome buildings, and even passed good laws Thus Pisistratus commenced building the splendid temple of Jupiter Olympius, laid out the garden of the Lyceum, collected the Homeric poems, and is said to have written poetry himself. Tribute was imposed on the people to raise a revenue for the *tyrant*, to pay his mercenaries, and maintain his state. Pisistratus had the tithe of land, which his sons reduced to the twentieth. (*Vid.* Telos.)

The causes which led to the decline of *tyranny* among the Greeks were partly the degeneracy of the *tyrants* themselves, corrupted by power, indolence, flattery, and bad education; for even where the father set a good example, it was seldom followed by the son; partly the cruelties and excesses of particular men, which brought them all into disrepute; and partly the growing spirit of inquiry among the Greek people, who began to speculate upon political theories, and soon became discontented with a form of government which had nothing in theory, and little in practice, to recommend it. Few dynasties lasted beyond the third generation. Most of the tyrannies which flourished before the Persian war are said to have been overthrown by the exertions of Sparta, jealous probably of any innovation upon the old Doric constitution, especially of any tendency to ameliorate the condition of the Perioeci, and anxious to extend her own influence over the states of Greece by means of the benefits which she conferred.[1] Upon the fall of *tyranny*, the various republican forms of government were established, the Dorian states generally favouring oligarchy, the Ionian democracy.[2]

As we cannot in this article pursue any historical narrative, we will shortly refer to the *revival of tyranny* in some of the Grecian states after the end of the Peloponnesian war. In Thessaly, Jason of Pheræ raised himself, under the title of Τυράννος, B.C. 374, to the virtual sovereignty of his native city, and exercised a most extensive sway over most of the Thessalian states; but this power ceased with Lycophron, B.C. 353. (*Vid.* Tagos.) In Sicily, the corruption of the Syracusans, their intestine discords, and the fear of the Carthaginian invaders, led to the appointment of Dionysius to the chief military command, with unlimited powers; by means of which he raised himself to the throne, B.C. 406, and reigned for 38 years, leaving his son to succeed him. The younger Dionysius, far inferior in every respect to his father, was expelled by Dion, afterward regained the throne, and was again expelled by Timoleon, who restored liberty to the various states of Sicily. (For their history the reader is referred to Xenophon, *Hell.*, ii., 2, § 24.—Diodor., xiv., 7, 46, 66, 72, 109; xv., 73, 74; xvi., 5, 16, 36, 68, 69, &c.—Plut., *Dion.* and *Timol.*—Wachsmuth, I., ii., 316–326.) With respect to the dynasty of the Archænactidæ in the Cimmerian Bosporus, and some of the towns on the coast of the Euxine, see Wachsmuth, I., ii., 329. Lastly, we may notice Evagoras of Cyprus, who is panegyrized by Isocrates; Plutarch of Eretria, Callias and Taurosthenes of Chalcis, who were partisans of Philip against the Athenians.[3] The persons commonly called the *thirty tyrants* at Athens do not fall within the scope of the present subject. With respect to the Athenian laws against *tyranny*, and the general feelings of the people, see Prodosia.

ΤΥΡΑΝΝΙΔΟΣ ΓΡΑΦΗ. (*Vid.* Prodosia.)

TURIBULUM (*θυμιατήριον*), a Censer. The Greeks and Romans, when they sacrificed, commonly took a little frankincense out of the Acerra, and let it fall upon the flaming altar. (*Vid.* Ara.) More rarely they used a censer, by means of which they burned the incense in greater profusion, and which was, in fact, a small movable grate or Focus.[4] The annexed woodcut, taken from an an-



1 (Herod., v., 67, 69.)—2. (Id., v., 92.)—3. (Id., iii., 50, 52.)—4 (Paus., vi., 21, 22.)—5. (Thucyd., i., 126.)—6. (*Vid.* Herod., vii. 156, 165, 166.)—7. (Id., vi., 23, vii., 165.)—8. (n., 39.)—9. (xi., p. 522; xiv., p. 623.)—10. (ii., p. 154.)—11. (Herod., iii., 39, 56, 120, 125.—Thucyd., i., 13.)—12. (Herod., i., 61, 64.)—13. (Id., iv., 137; v., 23, 30, 37; vi., 29.)—14. (Wachsmuth, Id., I., i., 274.)—15. (Herod., v., 92.)—16. (Thucyd., i., 17.)

1. (Thucyd., i., 18.)—2. (Wachsmuth. I., i., 289.—Schömann Id., 84, 88–91.)—3. (Plut., Phoc., 12.—Isocr., Evag.—Wachsmuth I., ii., 330.)—4 (Æhan, V. H., x i., 51.)

cient painting, shows the performance of both of these acts at the same time. Winckelmann[1] supposes it to represent Livia, the wife, and Octavia, the sister of Augustus, sacrificing to Mars in gratitude for his safe return from Spain.[2] The censer here represented has two handles, for the purpose of carrying it from place to place, and it stands upon feet, so that the air might be admitted underneath, and pass upward through the fuel.

As the censer was destined for the worship of the gods, it was often made of gold or silver,[3] and enriched with stones and gems.[4] We find a silver censer in the official enumerations of the treasures presented to the Parthenon at Athens: its bars (*διερείσματα*) were of bronze.[5]

TURMA. (*Vid.* Army, Roman, p. 104.)

TURRIS (*πύργος*), a Tower. The word *τύρσις*, from which comes the Latin *turris*, signified, according to Dionysius,[6] any strong building surrounded by walls; and it was from the fact of the Pelasgians in Italy dwelling in such places that the same writer supposes them to have been called Tyrsenians or Tyrrhenians, that is, the inhabitants of towns or castles. *Turris*, in the old Latin language, seems to have been equivalent to *urbs*.[7] The use of towers by the Greeks and Romans was various.

I. *Stationary Towers.*—1. Buildings of this form are frequently mentioned by ancient authors, as forming by themselves places of residence and defence. This use of towers was very common in Africa.[8] We have examples in the tower of Hannibal, on his estate between Acholla and Thapsus,[9] the *turris regia* of Jugurtha,[10] the tower of a private citizen without the walls of Carthage, by the help of which Scipio took the city;[11] and in Spain, the tower in which Cn. Scipio was burned.[12] Such towers were common in the frontier provinces of the Roman Empire.[13]

2. They were erected within cities, partly to form a last retreat in case the city should be taken, and partly to overawe the inhabitants. In almost all Greek cities, which were usually built upon a hill, rock, or some natural elevation, there was a kind of tower, a castle, or a citadel, built upon the highest part of the rock or hill, to which the name of *Acropolis* was given. Thus we read of an Acropolis at Athens, Corinth, Argos, Messene, and many other places. The Capitolium at Rome answered the same purpose as the Acropolis in the Greek cities; and of the same kind were the tower of Agathocles at Utica,[14] and that of Antonia at Jerusalem.[15]

3. The fortifications both of cities and camps were strengthened by towers, which were placed at intervals on the murus of the former and the vallum of the latter; and a similar use was made of them in the lines (*circumvallatio*) drawn round a besieged town. (*Vid.* Vallum.) They were generally used at the gates of towns and of stative camps. (*Vid.* Porta.) The use of temporary towers on walls to repel an attack will be noticed below.

II. *Movable Towers.*—These were among the most important engines used in storming a fortified place. They were of two kinds. Some were made so that they could be taken to pieces and carried to the scene of operation: these were called folding towers (*πύργοι πτύκτοι* or *ἐπτυγμένοι*, *turres plicatiles*, or portable towers, *φορητοὶ πυργοί*) The other sort were constructed on wheels, so as to be driven up to the walls; and hence they were called *turres ambulatoriæ* or *subrotatæ*. But the *turres plicatiles* were generally made with wheels, so that they were also *ambulatoriæ*.

The first invention or improvement of such towers is ascribed by Athenæus, the mechanician (quoted by Lipsius[1]), to the Greeks of Sicily in the time of Dionysius I. (B.C. 405). Diodorus[2] mentions towers on wheels, as used by Dionysius at the siege of Motya. He had before[3] mentioned towers as used at the siege of Selinus (B.C. 409), but he does not say that they were on wheels. According to others, they were invented by the engineers in the service of Philip and Alexander, the most famous of whom were Polyidus, a Thessalian, who assisted Philip at the siege of Byzantium, and his pupils Chæreas and Diades.[4] Heron[5] ascribes their invention to Diades and Chæreas, Vitruvius[6] to Diades alone, and Athenæus[7] says that they were improved in the time of Philip at the siege of Byzantium. Vitruvius states that the towers of Diades were carried about by the army in separate pieces.

Appian mentions the *turres plicatiles*,[8] and states that at the siege of Rhodes Cassius took such towers with him in his ships, and had them set up on the spot.[9]

Besides the frequent allusions in ancient writers to the movable towers (*turres mobiles*[10]), we have particular descriptions of them by Vitruvius[11] and Vegetius.[12]

They were generally made of beams and planks, and covered, at least on the three sides which were exposed to the besieged, with iron, not only for protection, but also, according to Josephus, to increase their weight, and thus make them steadier. They were also covered with raw hides and quilts, moistened, and sometimes with alum, to protect them from fire. The use of alum for this purpose appears to have originated with Sulla at the siege of Athens.[13] Their height was such as to overtop the walls, towers, and all other fortifications of the besieged place.[14] Vitruvius,[15] following Diades, mentions two sizes of towers. The smallest ought not, he says, to be less than 60 cubits high, 17 wide, and one fifth smaller at the top; and the greater, 120 cubits high and 23½ wide. Heron,[16] who also follows Diades, agrees with Vitruvius so far, but adds an intermediate size, half way between the two, 90 cubits high. Vegetius mentions towers of 30, 40, and 50 feet square. They were divided into stories (*tabulata* or *tecta*), and hence they are called *turres contabulatæ*.[17] Towers of the three sizes just mentioned consisted respectively of 10, 15, and 20 stories. The stories decreased in height from the bottom to the top. Diades and Chæreas, according to Heron, made the lowest story seven cubits and 12 digits, those about the middle five cubits, and the upper four cubits and one third.

The sides of the towers were pierced with windows, of which there were several to each story.

These rules were not strictly adhered to in practice. Towers were made of six stories, and even fewer.[18] Those of 10 stories were very common,[19] but towers of 20 stories are hardly, if ever, mentioned. Plutarch[20] speaks of one of 100 cubits high, used by Mithradates at the siege of Cyzicus. The use of the stories was to receive the engines of war (*tormenta*). They contained balistæ and catapultæ,

1. (Mon. Ined., 177.)—2. (Hor., Carm., iii., 14, 5.)—3. (Ep. ad Heb., ix., 4.—Thucyd., vi., 46.)—4. (Herod., iv., 162.—Cic., Verr., II., iv., 21-24.)—5. (Böckh, Corp. Inscrip., i., p. 198, 235, 238.)—6. (i., 26.)—7. (Polyb., xxvi., 4.—Göttling, Gesch. der Röm. Staatsv., p. 17.)—8. (Diod. Sic., iii., 49.—Itin. Ant., p. 4, 35, with Wesseling's notes.)—9. (Liv., xxxiii., 48.)—10. Sall., Jug., 103.)—11. (Appian, Pun., 117.)—12. (Id., Hisp., 16.) 13. (Amm. Marc., xxviii., 2.)—14. (Appian, Pun., 14.)—15. Hyph., Bell. Jud., v., 5, § 8.—Act. Apostol., xxi., 31.)

1. (Oper., iii., p. 297.)—2. (xiv., 51.)—3. (xiii., 54.)—4. (Vitruv., x, 19, s. 13.)—5. (c. 13.)—6. (l. c.)—7. (l. c.)—8. (Bell. Civ., v., 36, 37.)—9. (Id., iv., 72.)—10. (Liv., xxi., 11.)—11. (x., 19 or 13.)—12. (iv., 17.)—13. (Amm. Marc., xx., and Claud. Quadrig. ap. Lips., p. 300.)—14. (Liv., xxi., 11.)—15. (l. c.)—16. (c. 13.)—17. (Liv., xxi., 34.)—18. (Diod., xiv., 51.)—19 (Hirt., Bell. Gall., viii., 41.—Sil. Ital., xiv., 300.)—20. (Lucullus, 10.)

and slingers and archers were stationed in them and on the tops of the towers.[1] In the lowest story was a battering-ram (*vid.* ARIES), and in the middle, one or more bridges (*pontes*) made of beams and planks, and protected at the sides by hurdles. Scaling-ladders (*scalæ*) were also carried in the towers, and, when the missiles had cleared the walls, these bridges and ladders enabled the besiegers to rush upon them.

These towers were placed upon wheels (generally six or eight), that they might be brought up to the walls. These wheels were placed, for security, inside of the tower.

The tower was built so far from the besieged place as to be out of the enemy's reach, and then pushed up to the walls by men stationed inside of and behind it.[2] The attempt to draw them forward by beasts of burden was sometimes made, but was easily defeated by shooting the beasts.[3] They were generally brought up upon the AGGER,[4] and it not unfrequently happened that a tower stuck fast or fell over on account of the softness of the agger.[5] They were placed on the agger before it was completed, to protect the soldiers in working at it.[6] When the tower was brought up to the walls without an *agger*, the ground was levelled before it by means of the MUSCULUS.

These towers were accounted most formidable engines of attack. They were opposed in the following ways:

1. They were set on fire, either by sallies of the besieged, or by missiles carrying burning matter, or by letting men down from the walls by ropes, close to the towers, while the besiegers slept.[7]

2. By undermining the ground over which the tower had to pass, so as to overset it.[8]

3. By pushing it off, by main force, by iron-shod beams, *asseres* or *trabes*.[9]

4. By breaking or overturning it with stones thrown from catapults when it was at a distance, or, when it came close to the wall, by striking it with an iron-shod beam hung from a mast on the wall, and thus resembling an Aries.

5. By increasing the height of the wall, first with masonry, and afterward with beams and planks, and also by the erection of temporary wooden towers on the walls.[10] This mode of defence was answered by the besiegers in two ways. Either the agger on which the tower stood was raised, as by Cæsar at the siege of Avaricum,[11] or a smaller tower was constructed within the upper part of the tower, and, when completed, was raised by screws and ropes.[12] On these towers in general, see Lipsius.[13]

III. Cæsar[14] describes a peculiar sort of tower, which was invented at the siege of Massilia, and called *turris latericia* or *laterculum*. It partook somewhat of the character both of a fixed and of a besieging tower. It was built of masonry near the walls of the town to afford the besiegers a retreat from the sudden sallies of the enemy; the builders were protected by a movable cover, and the tower was pierced with windows for shooting out missiles.

IV. Towers in every respect similar to the *turres ambulatoriæ* (excepting, of course, the wheels) were constructed on ships, for the attack of fortified places by sea.[15]

V. Small towers carrying a few armed men were placed on the back of elephants used in battle.[16]

VI. The words πύργος and *turris* are applied to an army drawn up in a deep oblong column.[1] (*Vid.* ARMY, GREEK, p. 101.)

TUTE'LA. (*Vid.* TUTOR.)

TUTE'LÆ ACTIO. (*Vid.* TUTOR, p. 1030.)

TUTOR. The difference between a tutor and tutela, and curator and curatela, is explained in the article CURATOR.

A tutor derived his name a "*tuendo*" from protecting another (*quasi tuitor*). His power and office were "*tutela*," which is thus defined by Servius Sulpicius:[2] "*Tutela est vis ac potestas in capite libero ad tuendum eum qui propter ætatem suam (sua) sponte se defendere nequit jure civili data ac permissa.*" After the word "*suam*" it has been suggested by Rudorff that something like what follows has been omitted by the copyists: "*eamve quæ propter sexum*," a conjecture which seems very probable. The word tutela implies, of course, the existence of an object, and hence tutela expresses both the status of the tutor and that of the person who was in tutela.

As to the classification of the different kinds (*genera*) of tutela, the jurists differed. Some made five genera, as Quintus Mucius; others three, as Servius Sulpicius; and others two, as Labeo. The most convenient division is into two genera, the tutela of IMPUBERES (*pupilli, pupillæ*), and the tutela of women.

Every paterfamilias had power to appoint by testament a tutor for his children who were in his power: if they were males, only in case they were impuberes; if they were females, also in case they were marriageable (*nubiles*), that is, above twelve years of age. Therefore, if a tutor was appointed for a male, he was released from the tutela on attaining puberty (fourteen years of age), but the female still continued in tutela, unless she was released from it by the jus liberorum under the lex Julia et Papia Poppæa. A man could only appoint a tutor for his grandchildren in case they would not, upon his death, come into the power of their father. A father could appoint a tutor for postumi, provided they would have been in his power if they had been born in his lifetime. A man could appoint a tutor for his wife in manu, and for his daughter-in-law (*nurus*) who was in the manus of his son. The usual form of appointing a tutor was this: "*Lucium Titium liberis meis tutorem do.*" A man could also give his wife in manu the power of choosing a tutor (*tutoris optio*); and the optio might be either plena or angusta. She who had the plena optio might choose (and consequently change) her tutor any number of times; she who had the angusta optio was limited in her choice to the number of times which the testator had fixed. (*Vid.* TESTAMENTUM.)

The power to appoint a tutor by will was either given or confirmed by the Twelve Tables. The earliest instance recorded of a testamentary tutor is that of Tarquinius Priscus being appointed by the will of Ancus,[3] which may be taken to prove this much at least, that the power of appointing a tutor by will was considered by the Romans as one of their oldest legal institutions. The nearest kinsmen were usually appointed tutores; and if a testator passed over such, it was a reflection on their character,[4] that is, we must suppose, if the testator himself was a man in good repute. Persons named and appointed tutores by a will were tutores dativi; those who were chosen under the power given by a will were tutores optivi.[5]

1. (Liv., xxi., 11.) — 2. (Cæsar, B. G., ii., 30, 31. — Q. Curt., viii., 10.) — 3. (Procop., Goth., i., ap. Lips., p. 298.) — 4. (Hirt., l. c.)—5. (Liv., xxii., 17.—Q. Curt., iv., 6, § 9.)—6. (Sall., Jug., 76.—Cæs., B. G., vii., 22.)—7. (Veget., iv., 18.—Sil. Ital., xiv., 305.)—8. (Veget., iv., 20.)—9. (Veget., l. c.)—10. (Cæs., B. G., vii., 22.—Veget., iv., 19.)—11. (B. G., l. c.)—12. (Veget., l. c.)—13. (Polior. in Oper., iii., 296, 356.)—14. (B. C., ii., 8, 9.)—15. (Amm. Marcell., xxi., 12.—Liv., xxiv., 34.—Appian, Mithr., 73. —Bell. Civ., v., 106.)—16. (Liv., xxxvii., 40.)

1. (Gell., x., 9. — Cato, De Re Milit. ap. Fest., s. v. Serra prætiarii, p. 344, Müller.— Eustath. ad Hom., Il., xii., 43.) — 2. (Dig. 26, tit. 1, s. 1.)—3. (Liv., i., 34.)—4. (Cic., Pro P. Sextio 52.)—5. (Gaius, i., 154.)

If the testator appointed no tutor by his will, the tutela was given by the Twelve Tables to the nearest agnati, and such tutores were called legitimi. The nearest agnati were also the heredes in case of the immediate heredes of the testator dying intestate and without issue, and the tutela was, therefore, a right which they claimed as well as a duty imposed on them. Persius[1] alludes to the claim of the tutor as heres to his pupillus. A son who was pubes was the legitimus tutor of a son who was impubes; and if there was no son who was pubes, the son who was impubes had his father's brother (*patruus*) for his tutor. The same rule applied to females also, till it was altered by a lex Claudia. If there were several agnati in the same degree, they were all tutores. If there were no agnati, the tutela belonged to the gentiles, so long as the jus gentilicium was in force.[2] The tutela in which a freedman was with respect to his patronus was also legitima; not that it was expressly given by the words (*lex*) of the Twelve Tables, but it flowed from the lex as a consequence (*per consequentiam*[3]); for as the hereditates of intestate liberti and libertæ belonged to the patronus, it was assumed that the tutela belonged to him also, since the Twelve Tables allowed the same persons to be tutors in the case of an ingenuus, to whom they gave the hereditas in case there was no suus heres.[4]

If a free person had been mancipated to another either by the parent or coemptionator, and such other person manumitted the free person, he became his tutor fiduciarius by analogy to the case of freedman and patron.[5] (*Vid.* Emancipatio, Fiducia.)

If an impubes had neither a tutor dativus nor legitimus, he had one given to him, in Rome, under the provisions of the lex Atilia, by the prætor urbanus and the major part of the tribuni plebis; in the provinces, in such cases, a tutor was appointed by the præsides under the provisions of the lex Julia et Titia. (*Vid.* Julia Lex et Titia.) If a tutor was appointed by testament either sub condicione or ex die certo, a tutor might be given under these leges so long as the condition had not taken effect or the day had not arrived: and even when a tutor had been appointed absolutely (*pure*), a tutor might be given under these leges so long as there was no heres; but the power of such tutor ceased as soon as there was a tutor under the testament, that is, as soon as there was a heres to take the hereditas. If a tutor was captured by the enemy, a tutor was also given under these leges, but such tutor ceased to be tutor as soon as the original tutor returned from captivity, for he recovered his tutela jure postliminii.

Before the passing of the lex Atilia, tutors were given by the prætor in other cases, as, for instance, when the legis actiones were in use, the prætor appointed a tutor if there was any action between a tutor and a woman or ward, for the tutor could not give the necessary authority (*auctoritas*) to the acts of those whose tutor he was in a matter in which his own interest was concerned. Other cases in which a tutor was given are mentioned by Ulpian.[6]

Ulpian's division of tutores is into legitimi, senatus consultis constituti, morihus introducti. His legitimi tutores comprehend all those who become tutores by virtue of any lex, and specially hy the Twelve Tables: accordingly, it comprises tutores in the case of intestacy, tutores appointed by testament, for they were confirmed by the Twelve Tables, and tutores appointed under any other lex, as the Atilia. Various senatus consulta declared in what cases a tutor might be appointed: thus the lex Julia de maritandis ordinibus (Papia et Poppæa) enacted that the prætor should appoint a tutor for a woman or a virgin, who was required to marry by this law, "*ad dotem dandam, dicendam, promittendamve*," if her legitimus tutor was himself a pupillus: a senatus consultum extended the provision to the provinces, and enacted that in such case the præsides should appoint a tutor, and also that, if a tutor was mutus or furiosus, another should be appointed for the purposes of the lex. The case above mentioned of a tutor being given in the case of an action between a tutor and his ward, is the case of a tutor moribus datus. In the imperial period, from the time of Claudius, tutores extra ordinem were appointed by the consuls also.

Only those could be tutores who were sui juris, a rule which excluded women among other persons. A person could not be named tutor in a testament unless he had the testamentifactio with the testator, a rule which excluded such persons as peregrini. The Latini Juniani were excluded by the lex Junia.[1] Many persons who were competent to be tutores might excuse themselves from taking the office; these grounds of excuse (*excusationes*) were, among others, age, absence, the being already tutor in other cases, the holding of particular offices, and other grounds, which are enumerated in the Fragmenta Vaticana.[2]

The power of the tutor was over the property, not the person of the pupillus; and the passage of the Twelve Tables, which gives or confirms to a testator the power of disposing of his property, uses the phrase, *Uti legassit super pecunia tutelave suæ rei*, that is, the tutela of the property. It might happen that the tutores, from their nearness of blood and other causes, might have the guardianship of the impubes; but then the protection of the property of the impubes was the special office of the tutor, and the care of the infant belonged to the mother, if she survived (*custodia matrum*[3]). In a case mentioned by Livy,[4] where the mother and the tutores could not agree about the marriage of the mother's daughter, the magistratus decided in favour of the mother's power (*secundum parentis arbitrium*).

A pupillus could do no act by which he diminished his property, but any act to which he was a party was valid, so far as concerned the pupillus, if it was for his advantage. Consequently, a pupillus could contract obligationes which were for his advantage without his tutor.[5] The tutor's office was "*negotia gerere et auctoritatem interponere*."[6] The negotiorum gestio, in which the tutor acted alone, took place when the pupillus was an infans, or absent, or furiosus: it was his duty to preserve and improve the property, and to do all necessary acts for that purpose. When the pupillus was no longer infans, he could do various acts with the auctoritas of his tutor: the auctoritas was the consent of the tutor to the act of the pupillus, which was necessary in order to render it a legal act. Thus it was a rule of law that neither a woman nor a pupillus could alienate a res mancipi without the auctoritas of a tutor: a woman could alienate a res nec mancipi without such consent, but a pupillus could not.[7] The incapacity of the pupillus is best shown by the following instance: if his debtor paid a debt to the pupillus, the money became the property of the pupillus, but the debtor was not released, because a pupillus could not release any duty that was due to himself without the auctoritas of his tutor, for he could alienate nothing without such auctoritas, and to release his debtor was equivalent to parting with a right. Still, if the money really became a

1. (ii., 12.) — 2. (Compare Gaius, iii., 17, and i., 164.) — 3. (Ulp., Frag., tit. 11.)—4. (Gaius, i., 165.)—5 (Compare Gaius, i 166. with Ulp., Frag., tit. 11, s. 5.)—6. (Frag., tit. 11.)

1. (Gaius, i., 23.)—2. (123–247.)—3. (Hor., Ep., i., I, 22.)—4. (iv., 9.)—5. (Gaius, iii., 107.)—6. (Ulp. Frag., tit. 11, s. 25.)—7. (Gaius, ii., 80.)

part of the property of the pupillus, or, as it was expressed according to the phraseology of the Roman law, *si ex ea pecunia locupletior factus sit*, and he afterward sued for it, the debtor might answer his demand by an exceptio doli mali.[1] The subject of the incapacity of impuberes, and the consequent necessity of the auctoritas of a tutor, is farther explained in the articles IMPUBES and INFANS.

The tutela was terminated by the death or capitis diminutio maxima and media of the tutor. The case of a tutor being taken prisoner by the enemy has been stated.[2] A legitimus tutor became disqualified to be tutor legitimus if he sustained a capitis diminutio minima, which was the case if he allowed himself to be adopted ;[3] but this was not the case with a testamentary tutor. The tutela ceased by the death of the pupillus or pupilla, or by a capitis diminutio, as, for instance, the pupilla coming in manum viri. It also ceased when the pupillus or pupilla attained the age of puberty, which in the male sex was fourteen, and in the female was twelve. (*Vid.* IMPUBES.) The tutela ceased by the abdicatio of the testamentary tutor, that is, when he declared "*nolle se tutorem esse*." The tutor legitimus could not get rid of the tutela in this manner, but he could effect it by in jure cessio, a privilege which the testamentary tutor had not. The person to whom the tutela was thus transferred was called cessicius tutor. If the cessicius tutor died, or sustained a capitis diminutio, or transferred the tutela to another by the in jure cessio, the tutela reverted to the legitimus tutor. If the legitimus tutor died, or sustained a capitis diminutio, the cessicia became extinguished. Ulpian adds,[4] "as to what concerns agnati, there is now no cessicia tutela, for it was only permitted to transfer by the in jure cessio the tutela of females, and the legitima tutela of females was done away with by a lex Claudia, except the tutela patronorum." The power of the legitimus tutor to transfer the tutela is explained when we consider what was his relation to the female. (*Vid.* TESTAMENTUM.)

The tutela of a tutor was terminated when he was removed from the tutela as *suspectus*, or when his excusatio was allowed to be justa ; but in both of these cases a new tutor would be necessary.[5]

The tutor, as already observed, might be removed from his office if he was misconducting himself: this was effected by the accusatio suspecti, which is mentioned in the Twelve Tables.[6]

The Twelve Tables also gave the pupillus an action against the tutor in respect of any mismanagement of his property, and if he made out his case, he was entitled to double the amount of the injury done to his property. This appears to be the action which in the Pandect is called rationibus distrahendis, for the settlement of all accounts between the tutor and his pupillus. There was also the judicium tutelæ, which comprehended the actio tutelæ directa and contraria, and, like the actio distrahendis rationibus, could only be brought when the tutela was ended. The actio tutelæ directa was for a general account of the property managed by the tutor, and for its delivery to the pupillus, now become pubes. The tutor was answerable not only for loss through dolus malus, but for loss occasioned by want of proper care. This was an action bonæ fidei, and, consequently, in incertum.[7] If the tutor was condemned in such a judicium, the consequence was infamia. (*Vid.* INFAMIA.) The tutor was entitled to all proper allowances in respect of what he had expended or done during his management of the property of the pupillus. The tutor had the actio tutelæ contraria against the pupillus for all his proper costs and expenses ; and he might have also a calumniæ judicium, in case he could show that the pupillus had brought an action against him from malicious motives.

In order to secure the proper management of the property of a pupillus or of a person who was in curatione, the prætor required the tutor or curator to give security ; but no security was required from testamentary tutores, because they had been selected by the testator ; nor, generally, from curatores appointed by a consul, prætor, or præses, for they were appointed as being fit persons.[1]

The tutela of women who are puberes requires a separate consideration, in which it will not be possible to avoid some little repetition.

It was an old rule of Roman law that a woman could do nothing "*sine auctore*," that is, without a tutor to give to her acts a complete legal character.[2] The reasons for this rule are given by Cicero,[3] by Ulpian,[4] and by Gaius ;[5] but Gaius considers the usual reasons as to the rule being founded on the inferiority of the sex as unsatisfactory ; for women who are puberes (*perfectæ ætatis*) manage their own affairs, and, in some cases, a tutor must interpose his auctoritas (*dicis causa*), and frequently he is compelled to give his auctoritas by the prætor.[6] Ulpian also observes :[7] "in the case of pupilli and pupillæ, tutores both manage their affairs and give their auctoritas (*et negotia gerunt et auctoritatem interponunt*) ; but the tutores of women (mulieres, that is, women who are puberes) only give their auctoritas." There were other cases, also, in which the capacity of a mulier was greater than that of a pupillus or pupilla. The object of this rule seems to have been the same as the restriction on the testamentary power of women, for her agnati, who were a woman's legitimi tutores, were interested in preventing the alienation of her property.

A mulier might have a tutor appointed by her father's testament, or by the testament of her husband, in whose hand she was. She might also receive from her husband's will the tutoris optio. Women who had no testamentary tutor were in the tutela of their agnati, until this rule of law was repealed by a lex Claudia, which Gaius[8] illustrates as follows : "a masculus impubes has his frater pubes or his patruus for his tutor ; but women (*fœminæ*) cannot have such a tutor." This old tutela of the Twelve Tables (*legitima tutela*) and that of manumissores (*patronorum tutela*) could be transferred by the in jure cessio, while that of pupilli could not, "being," as Gaius observes, "not onerous, for it terminated with the period of puberty." But, as already suggested, there were other reasons why the agnati could part with the tutela, which in the case of patroni are obvious. The tutela of patroni was not included within the lex Claudia. The tutela fiduciaria was apparently a device of the lawyers for releasing a woman from the tutela legitima,[9] though it seems to have been retained after the passing of the lex Claudia, as a general mode by which a woman changed her tutor.[10] To effect this, the woman made a "*coemptio fiduciæ causa*," she was then remancipated by the coemptionator to some person of her own choice : this person manumitted her vindicta, and thus became her tutor fiduciarius. Thus the woman passed from her own familia to another, and her agnati lost all claims upon her property, and her tutor fiduciarius might be compelled by the prætor to give his auctoritas to her acts.[11]

A tutor dativus was given to women under the

1. (Gaius, ii., 84. — Cic., Top., 11.) — 2. (Gaius, i., 157.) — 3. (Id. i. 195.—Ulp., Frag., tit. 11, s. 13.)—4. (Frag., tit. 11, s. 5.) —5 (Gaius, i., 182.) — 6. (Id., l. c. — Dirksen, Uebersicht, &c., der Zwölf Tafeln, 593–604)—7. (Gaius, iv., 62.)

1. (Gaius, i., 199.) — 2. (Liv., xxxiv., 2.)—3. (Pro Murena, c. 12.)—4. (Frag., tit. 11, s. 1.) — 5. (Gaius, i., 190.) — 6. (Id. ib.) — 7. (Frag., tit. 11, s. 25.) — 8. (i., 157.) — 9. (Cic., l. c.) — 10 (Gaius, i., 115.)—11. (Id., i., 190 ; ii., 122.)

lex Atilia when there was no tutor, and in other cases which have been already mentioned.[1] The vestal virgins were exempt from all tutela; and both ingenuæ and libertinæ were exempted from tutela by the jus liberorum.[2] The tutela of fœminæ was determined by the death of the tutor or that of the woman, and by her acquiring the jus liberorum, either by bearing children or from the imperial favour. The abdicatio of the tutor and the in jure cessio (so long as the in jure cessio was in use) merely effected a change of tutor.

Mulieres differed from pupilli and pupillæ in having a capacity to manage their affairs, and only requiring in certain cases the auctoritas of a tutor. If the woman was in the legitima tutela of patroni or parentes, the tutores could not be compelled, except in certain very special cases, to give their auctoritas to acts which tended to deprive them of the woman's property, or to diminish it before it might come to their hands.[3] Other tutores could be compelled to give their auctoritas. The special cases in which the auctoritas of a tutor was required were, if the woman had to sue "lege," or in a legitimum judicium, if she was going to bind herself by a contract, if she was doing any civil act, or permitting her freedwoman to be in contubernium with the slave of another person, or alienating a res mancipi. Among civil acts (*civilia negotia*) was the making of a testament, the rules as to which are stated in the article Testamentum. Libertæ could not make a will without the consent of their patroni, for the will was an act which deprived the patron of his rights[4] as being a legitimus tutor. Gaius mentions a rescript of Antoninus, by which those who claimed the bonorum possessio secundum tabulas non jure factas could maintain their right against those who claimed it ab intestato. He adds, this rescript certainly applies to the wills of males, and also of fœminæ who had not performed the ceremony of mancipatio or nuncupatio; but he does not decide whether it applies to the testaments of women made without the auctoritas of a tutor; and by tutor he means not those who exercised the legitima tutela of parents or patroni, but tutors of the other kind (*alterius generis*[5]), who could be compelled to give their auctoritas. It would be a fair conclusion, however, that a woman's will made without the auctoritas of such tutores ought to be valid under the rescript.

A payment made to a mulier was a release to the debtor, for a woman could part with res nec mancipi without the auctoritas of a tutor; if, however, she did not receive the money, but affected to release the debtor by acceptilatio, this was not a valid release to him.[6] She could not manumit without the auctoritas of a tutor.[7] Gaius[8] states that no alienation of a res mancipi by a mulier in agnatorum tutela was valid unless it was delivered with the auctoritas of a tutor, which he expresses by saying that her res mancipi could not otherwise be the object of usucapion, and that this was a provision of the Twelve Tables.[9] In other cases, if a res mancipi was transferred by tradition, the purchaser acquired the Quiritarian ownership by usucapion (*vid.* Usucapio); but in the case of a woman's res mancipi, the auctoritas of the tutor was required in order that usucapion might be effected. In another passage[10] Gaius observes that a woman cannot alienate her res mancipi without the auctoritas of her tutor, which means that the formal act of mancipatio is null without his auctoritas; and such act could not operate as a traditio for want of his auctoritas, as appears from the other passage. The passage of Cicero[2] is in accordance with Gaius; but another[3] is expressed so vaguely, that, though the explanation is generally supposed to be clear, it seems exceedingly doubtful, if it can be rightly understood. The possibility of usucapion, when there was the auctoritas of the tutor, appears from Gaius; but it does not appear why Cicero should deny, generally, the possibility of usucapion of a woman's property when she was in legitima tutela. The passage, however, is perfectly intelligible on the supposition of there having been a transfer without the auctoritas of a tutor, and on the farther supposition of Cicero thinking it unnecessary to state the particular facts of a case which must have been known to Atticus.[4]

The auctoritas of a tutor was not required in the case of any obligatio by which the woman's condition was improved, but it was necessary in cases where the woman became bound.[5] If the woman wished to promise a dos, the auctoritas of a tutor was necessary.[6] By the lex Julia, if a woman was in the legitima tutela of a pupillus, she might apply to the prætor urbanus for a tutor who should give the necessary auctoritas in the case of a dos constituenda.[7] As a woman could alienate res nec mancipi without the consent of a tutor, she could contract an obligation by lending money, for by delivery the money became the property of the receiver. A senatus consultum allowed a woman to apply for a tutor in the absence of her tutor, unless the tutor was a patronus; if he was a patronus, the woman could only apply for a tutor in order to have his auctoritas for taking possession of an hereditas (*ad hereditatem adeundam*) or contracting a marriage.

The tutela of a woman was terminated by the death of the tutor or that of the woman; by a marriage, by which she came in manum viri; by the privilege of children (*jus liberorum*); by abdicatio, and also by the in jure cessio, so long as the agnatorum tutela was in use: but in these last two cases there was only a change of tutor.

A woman had no right of action against her tutor in respect of his tutela, for he had not the negotiorum gestio, but only interposed his auctoritas.[8]

(The most recent and the most complete work on the Roman tutela is said to be by Rudorff, the substance of which appears to be given by Rein, *Das Röm. Privatrecht*, p. 239, &c., Dig. 26 and 27).

TU'TULUS was the name given to a pile of hair on a woman's head. Great pains were taken by the Roman ladies to have this part of the hair dressed in the prevailing fashion, whence we read in an inscription of an *ornatrix a tutulo*.[9] Sometimes the hair was piled up to an enormous height.[10] The tutulus seems to have resembled very much the Greek *κόρυμβος*, of which a representation is given in the woodcut on p. 314.

The flaminica always wore a tutulus, which was formed by having the hair plaited up with a purple band in a conical form.[11]

TWELVE TABLES. In the year B.C. 462, the tribune C. Terentillus Arsa proposed a rogation that five men should be appointed for the purpose of preparing a set of laws to limit the imperium of the consuls.[12] The patricians opposed the measure, but it was brought forward by the tribunes in the following year with some modifications: the new

1. (Gaius, i., 173, &c. — U p., Frag., tit. 11.) — 2. (Gaius, i., 145, 194.)—3. (Id., 192.)—4. (Id., iii., 43.)—5. (Compare ii., 122, and i., 194, 195.) — 6. (Cic., Top., 11. — Gaius, ii., 83, 85; iii., 171.)—7. (Ulp., Frag., tit. 1, s. 17.—Compare Cic., Pro M. Cœl., c. 29.)—8. (ii., 47.)—9 (ii., 47.)—10. (ii., 80.)

1. (ii., 47.)—2. (Pro Flacco, c. 34.)—3. (ad Att., i., 5.)—4. (*Vid.* Casaubon's note on Cic. ad Att., i., 5.)—5. (Gaius, i., 192; iii., 108.—Ulp., Frag., tit. 11, s 27.—Cic., Pro Cæcin., 25.)—6. (Cic., Pro Flacc., 35.) —7. (Gaius, i., 178. — Ulp., Frag., tit. 11, s. 20.)—8. (Gaius, i., 191.) — 9. (Gruter, 579, 3.) — 10. (Lucan, ii., 358.—Juv., vi., 503. — Stat., Sylv., i., 2, 114.) —11 (Festus s. v.)—12. (Liv., iii., 9.)

rogation proposed that ten men should be appointed (*legum latores*) from the plebs and the patricii, who were to make laws for the advantage of both ranks, and for the "equalizing of liberty," a phrase the import of which can only be understood by reference to the disputes between the two ranks.[1] According to Dionysius,[2] in the year B.C. 454 the senate assented to a plebiscitum, pursuant to which commissioners were to be sent to Athens and the Greek cities generally, in order to make themselves acquainted with their laws. Three commissioners were appointed for the purpose. On the return of the commissioners, B.C. 452, it was agreed that persons should be appointed to draw up the code of laws (decemviri legibus scribundis), but they were to be chosen only from the patricians, with a provision that the rights of the plebeians should be respected by the decemviri in drawing up the laws.[3] In the following year (B.C. 451) the decemviri were appointed in the comitia centuriata, and during the time of their office no other magistratus were chosen. The body consisted of ten patricians, including the three commissioners who had been sent abroad; Appius Claudius, consul designatus, was at the head of the body. The Ten took the administration of affairs in turn, and the insignia of office were only used by him who for the time being directed the administration.[4] Ten tables of laws were prepared during the year, and after being approved by the senate, were confirmed by the comitia centuriata. As it was considered that some farther laws were wanted, decemviri were again elected B.C. 450, consisting of Appius Claudius and his friends; but the second body of decemviri comprised three plebeians, according to Dionysius,[5] but Livy[6] speaks only of patricians. Two more tables were added by these decemviri, which Cicero[7] calls "*Duæ tabulæ iniquarum legum.*" The provision which allowed no connubium between the patres and the plebs is referred to the eleventh table.[8] The whole Twelve Tables were first published in the consulship of L. Valerius and M. Horatius, after the downfall of the decemviri, B.C. 449.[9] This, the first attempt to make a code, remained also the only attempt for near one thousand years, until the legislation of Justinian. The Twelve Tables are mentioned by the Roman writers under a great variety of names: Leges Decemvirales, Lex Decemviralis, Leges XII., Lex XII. Tabularum or Duodecim, and sometimes they are referred to under the names of leges and lex simply, as being pre-eminently The Law.

The laws were cut on bronze tablets and put up in a public place.[10] Pomponius[11] states that the first Ten Tables were on ivory (*tabulæ eboreæ*): a note of Zimmern[12] contains references to various authorities which treat of this disputed matter. After the burning of the city by the Gauls, it was necessary to reconstruct the tables.[13] It is not said that there had been two or more original copies, though, if the custom of placing laws in the ærarium was then in use, there may have been two copies at least. But whether there was only one copy, or whether that was found after the conflagration, the twelve were in some way restored, and the Romans of the age of Cicero had never any doubt as to the genuineness of the collection which then existed.

The legislation of the Twelve Tables has been a fruitful matter of speculation and inquiry to modern historians and jurists, who have often handled the subject in the most uncritical manner, and with utter disregard to the evidence. As to the mission to the Greek cities, the fact rests on as much and as good evidence as most other facts of the same age, and there is nothing in it improbable, though we do not know what the commissioners brought back with them. It is farther said that Hermodorus, an Ephesian exile, aided the decemviri in drawing up the Twelve Tables, though his assistance would probably be confined to the interpretation of Greek laws, as it has been suggested.[1] This tradition was confirmed by the fact of a statue having been erected in the comitium at Rome in memory of Hermodorus; but it did not exist in the time of Pliny.[2]

The Twelve Tables contained matters relating both to the jus publicum and the jus privatum (*fons publici privatique juris*[3]). The jus publicum underwent great changes in the course of years, but the jus privatum of the Twelve Tables continued to be the fundamental law of the Roman state. Cicero speaks of learning the laws of the Twelve Tables (*ut carmen necessarium*) when a boy;[4] but he adds that this practice had fallen into disuse when he wrote, the Edict having then become of more importance. But this does not mean that the fundamental principles of the Twelve Tables were ever formally repealed, but that the jus prætorum grew up by the side of them, and mitigated their rigour. There is, indeed, an instance in which positive legislation interfered with them, by the abolition of the legis actionis; but the Twelve Tables themselves were never repealed. The Roman writers speak in high terms of the precision of the enactments contained in the Twelve Tables, and of the propriety of the language in which they were expressed.[5] That many of their provisions should have become obscure in the course of time, owing to the change which language undergoes, is nothing surprising; nor can we wonder if the strictness of the old law should often have seemed unnecessarily harsh in a later age.[6] So far as we can form a judgment by the few fragments which remain, the enactments were expressed with great brevity and archaic simplicity.

Sextus Ælius Pætus Catus, in his Tripartita, commented on the Twelve Tables, and the work existed in the time of Pomponius. (*Vid.* Jus Ælianum.) Antistius Labeo also wrote a comment on the Tables, which is mentioned several times by Gellius.[7] Gaius also wrote a comment on the Tables in six books (*ad legem xii. tabularum*), twenty fragments of which are contained in the Digest, and collected by Hommelius in his Palingenesia.[8] There were also other commentaries or explanations of the laws of the Twelve Tables.[9]

The notion which has sometimes been entertained, that the Twelve Tables contained a body of rules of law entirely new, is not supported by any evidence, and is inconsistent with all that we know of them and of Roman institutions. It is more reasonable to suppose that they fixed in a written form a large body of customary law, which would be an obvious benefit to the plebeians, inasmuch as the patricians were the expounders of the law. One of the last two tables contained a provision which allowed no connubium between patricians and plebeians; but it is uncertain whether this was a new rule of law or a confirmation of an old rule. The latter seems the more probable supposition; but in either case it is clear that it was not one of the ob-

1. (Liv., ii., 10.—Dionys., x., 3.) — 2. (x., 58, 62.) — 3. (Liv., iii., 32, &c.)—4. (Liv., iii., 33.) — 5. (x., 58.) — 6. (iv., 3.) — 7. (De Rep., ii., 37.)—8. (Dirksen, Uebers., &c., p. 740.)—9. (Liv., iii., 54, 57.)—10. (Liv., iii., 57.—Diod., xii., 26.) — 11. (Dig. 1, tit 2, s. 2, § 4.)—12. (Gesch. des Röm. Privatrechts, i., 101.)—13 (Liv., vi., 1.)

1. (Strab., p. 642, Casaub.—Pompon., De Orig Juris, Dig. 1 tit. 2, s. 2, § 4.) — 2. (H. N., xxxiv., 5.) — 3. (Liv., iii., 34) — 4 (De Leg., ii., 4, 23.)—5. (Cic., De Rep., iv., 8.—Dionysius, xi., 26 — 6. (Gell., xvi., 10.) — 7. (i., 12; vii., 15.) — 8 (i., 117) — 9 (Cic., De Leg., ii., 23, 25.)

jects of this legislation to put the two classes on the same footing. Modern writers often speak inaccurately of the decemviral legislation, and of the decemviri as enacting laws, as if the decemviri had exercised sovereign power; but they did not even affect to legislate absolutely, for the Ten Tables were confirmed by the comitia centuriata, or the sovereign people, or, as Niebuhr expresses it, "when the decemviri had satisfied every objection they deemed reasonable, and their work was approved by the senate, they brought it before the centuries, whose assent was ratified by the curies, under the presidency of the colleges of priests and the sanction of happy auspices."[1] The two new tables were confirmed in the same way, as we may safely conclude from the circumstances of the case.[2] It makes no difference that the sovereign people did not vote on the several laws included in the Tables: such a mode of legislation would have been impracticable, and, as Niebuhr observes, was not conformable to the usage of ancient commonwealths. How far the decemviri really were able, by intrigue or otherwise, to carry such particular measures as they wished to insert in the Tables, is a different question: but in form their so-called legislation was confirmed, as a whole, by the sovereign, that is, the Roman people, and consequently the decemviri are improperly called legislators: they might be called code-makers.

It is consistent with the assumption that the Twelve Tables had mainly for their object the imbodying of the customary law in writing, to admit that many provisions were also introduced from the laws of other states. Indeed, where the Roman law was imperfect, the readiest mode of supplying the defects would be by adopting the rules of law that had been approved by experience among other people. Thus Gaius, in his Commentary on the Twelve Tables, where he is speaking of Collegia,[3] says that the members of collegia may make what terms they please among themselves, if they thereby violate no publica lex; and he adds, this lex seems to be taken from one of Solon's, which he quotes. And in another passage, when he is speaking of the actio finium regundorum,[4] he refers to a law of Solon as the source of certain rules as to boundaries. It is a possible case that the Romans had no written law before the enactment of the Twelve Tables, except a few leges, and, if this is so, the prudence of applying to those states which had bodies of written law, if it were only as samples and patterns of the form of legislation, is obvious.

The fragments of the Twelve Tables have often been collected, but the most complete essay on their history, and on the critical labours of scholars and jurists, is by Dirksen, *Uebersicht der bisherigen Versuche zur Kritik und Herstellung des Textes der Zwölf-Tafel-Fragmente*, Leipzig, 1824. Zimmern's *Geschichte*, &c., contains references to all the authorities on this subject.

TY MPANUM (*τύμπανον*), a small drum carried in the hand. Of these, some resembled in all respects a modern tambourine with bells. Others presented a flat, circular disk on the upper surface, and swelled out beneath like a kettle-drum, a shape which appears to be indicated by Pliny when he describes a particular class of pearls in the following terms: "*Quibus una tantum est facies, et ab ea rotunditas, aversis planities, ob id tympania vocantur.*"[5] Both forms are represented in the cuts below. That upon the left is from a painting found at Pompeii,[6] that on the right from a fictile vase;[7] and here the

convexity on the under side is distinctly se.n. Tympana were covered with the hides of oxen[1] or of asses,[2] were beaten[3] with a stick[4] or with the hand[5] (see cuts), and were much employed in all wild, enthusiastic religious rites,[6] especially the orgies of Bacchus and of Cybele,[7] and hence Plautus[8] characterizes an effeminate coxcomb as "*Mœchum malacum, cincinnatum, umbraticolam, tympanotribam.*" According to Justin,[9] they were used by the Parthians in war to give the signal for the onset.

2. A solid wheel without spokes for heavy wagons,[10] such as is shown in the cut on page 781. These are to this day common in the rude carts of southern Italy and Greece, and Mr. Fellows,[11] from whose work the figure below is copied, found them attached to the farm vehicles of Mysia. "The wheels are of solid blocks of wood or thick planks, generally three, held together by an iron hoop or tire; a loud creaking noise is made by the friction of the galled axle," a satisfactory commentary on the "*stridentia plaustra*" of Virgil.[12]

3. Hence wheels of various kinds, a sort of crane worked by a wheel for raising weights,[13] a wheel for drawing water,[14] a solidtoothed wheel forming part of the machinery of a mill,[15] and the like.

4. An ancient name for round plates or chargers, such as were afterward called *lances* and *stateræ*.[16]

5. An architectural term, signifying the flat surface or space within a pediment, and also the square panel of a door.[17]

6. A wooden cudgel for beating malefactors, and also a beating-post to which they were tied when flogged; hence the Greek verbs *τυμπανίζειν* and *ἀποτυμπανίζειν* are formed.[18]

U. V.

VACA'NTIA BONA. (*Vid.* BONA VACANTIA.)

VACA'TIO. (*Vid.* ARMY, ROMAN, p. 102; EMERITI.)

*VACCIN'IUM, most probably the *Delphinium Ajacis*, or Larkspur. (*Vid.* HYACINTHUS.)

VADIMO'NIUM, VAS. (*Vid.* ACTIO, p. 18; PRÆS.)

VAGI'NA. (*Vid.* GLADIUS.)

VALE'RIÆ LEGES, proposed by the consul P. Valerius Publicola, B.C. 508, enacted, 1. That whoever attempted to obtain possession of royal power should be devoted to the gods, together with his substance;[19] and, 2. That whoever was condemned by the sentence of a magistrate to be put to death,

1. (Engl. trans., ii., 313.)—2. (Liv., iii., 37, 57.)—3. (Dig. 47, tit. 22, s. 4.)—4. (Dig. 10, tit. 1, s. 13.)—5. (H. N., ix., 54.)—6. (Mus. Borb., tom. vii., tav. 37.)—7. (Millin, Peintures de Vases Antiques, pl. 56.)

1. (Ovid, Fast., iv., 342.—Stat., Theb., ii., 78.)—2. (Phædr., iii., 20, 4.)—3. (Suet., Octav., 68.)—4. (Phædr., l. c.)—5. (Ovid, Met., iv., 30.)—6. (Aristoph., Lysist., i., 387.)—7. (Catull., lxiv., 262.—Claud., De Cons. Stilich., iii., 365.—Lucret., ii., 618.—Catull., lxiii., 8.—Virg., Æn., ix., 619.—Claud., Eutrop., i., 278.—Compare Lobeck, Aglaoph., p. 630, 652.)—8. (Truc., ii., 7, 49.)—9. (xli., 2.)—10. (Virg., Georg., iv., 444.)—11. (Exc. in Asia Minor, p. 72.)—12. (Georg., iii., 536.)—13. (Lucret., iv., 903.—Vitruv., x., 4.)—14. (Id., x., 15.)—15. (Id., x., 9, 10.)—16. (Plin., H. N., xxxiii., 52.)—17 (Vitruv., iii., 3; iv., 6.)—18. (Schol. ad Aristoph., Plut., 476.—St. Paul, Ep. to Hebrews, xi., 35.—Pollux, Onom., viii., 70.)—19. (Liv., ii., 2.—Plut., Publ., 11, 12.)

to be scourged, or to be fined, should possess the right of appeal (*provocatio*) to the people.[1] Niebuhr[2] has pointed out that the patricians possessed previously the right of appeal from the sentence of a magistrate to their own council the curies, and that, therefore, this law of Valerius only related to the plebeians, to whom it gave the right of appeal to the plebeian tribes, and not to the centuries. This seems to be proved by a passage of Dionysius,[3] and also by the fact that the laws proposed by the Valerian family respecting the right of appeal are spoken of as one of the chief safeguards of the liberty of the plebs.[4] The right of appeal did not extend beyond a mile from the city,[5] where the unlimited imperium began, to which the patricians were just as much subject as the plebeians.

VALE'RIÆ ET HORA'TIÆ LEGES were three laws proposed by the consuls L. Valerius and M. Horatius, B.C. 449, in the year after the decemvirate. 1. The first law is said to have made a plebiscitum binding on the whole people, respecting the meaning of which expression see PLEBISCITUM. 2. The second law enacted that whoever should procure the election of a magistrate without appeal should be outlawed, and might be killed by any one with impunity.[6] 3. The third law renewed the penalty threatened against any one who should harm the tribunes and the ædiles, to whom were now added the judges and decemvirs ("*Ut qui tribunis plebis, ædilibus, judicibus, decemviris nocuisset, ejus caput Jovi sacrum esset, familia ad cadem Cereris liberi liberæque venum irent*"[7]). There has been considerable dispute as to who are meant by the "iudices" and "decemviri" in this passage. Arnold[8] supposes that they refer to two new offices, which were to be shared equally between the two orders, the "judices" being two supreme magistrates, invested with the highest judicial power, and discharging also those duties afterward performed by the censors, and the "decemviri" being ten tribunes of the soldiers, to whom the military power of the consuls was transferred. Niebuhr[9] supposes the centumviri to be meant by the judices, and that the decemviri were the supreme magistrates, who were again to take the place of the consuls, as soon as it should be settled what share the commonalty ought to have in the curule dignities; only he imagines that it was the plebeian decemvirs alone that are meant in this passage.

VALE'RIA LEX, proposed by the consul M. Valerius, B.C. 300, re-enacted for the third time the celebrated law of his family respecting appeal (*provocatio*) from the decision of a magistrate. The law specified no fixed penalty for its violation, leaving the judges to determine what the punishment should be.[10] We do not know why this law was re-enacted at this particular time.

VALLUM, a term applied either to the whole or a portion of the fortifications of a Roman camp. It is derived from *vallus* (a stake), and properly means the palisade which ran along the outer edge of the agger, but it very frequently includes the agger also. The *vallum*, in the latter sense, together with the *fossa* or ditch which surrounded the camp outside of the *vallum*, formed a complete fortification. (*Vid.* AGGER.)

The *valli* (χάρακες), of which the *vallum*, in the former and more limited sense, was composed, are described by Polybius[11] and Livy,[12] who make a comparison between the *vallum* of the Greeks and that of the Romans, very much to the advantage of the latter. Both used for *valli* young trees, or arms of larger trees, with the side branches on them; but the *valli* of the Greeks were much larger, and had more branches than those of the Romans, which had either two or three, or, at the most, four branches, and these generally on the same side. The Greeks placed their valli in the agger at considerable intervals, the spaces between them being filled up by the branches; the Romans fixed theirs close together, and made the branches interlace, and sharpened their points carefully. Hence the Greek vallus could easily be taken hold of by its large branches and pulled from its place, and when it was removed a large opening was left in the vallum. The Roman vallus, on the contrary, presented no convenient handle, required very great force to pull it down, and, even if removed, left a very small opening. The Greek valli were cut on the spot; the Romans prepared theirs beforehand, and each soldier carried three or four of them when on a march.[1] They were made of any strong wood, but oak was preferred.

The word *vallus* is sometimes used as equivalent to *vallum*.[2]

A fortification like the Roman vallum was used by the Greeks at a very early period.[3]

Varro's etymology of the word is not worth much.[4]

In the operations of a siege, when the place could not be taken by storm, and it became necessary to establish a blockade, this was done by drawing defences similar to those of a camp round the town, which was then said to be *circumvallatum*. Such a circumvallation, besides cutting off all communication between the town and the surrounding country, formed a defence against the sallies of the besieged. There was often a double line of fortifications, the inner against the town, and the outer against a force that might attempt to raise the siege. In this case the army was encamped between the two lines of works.

This kind of circumvallation, which the Greeks called ἀποτειχισμός and περιτειχισμός, was employed by the Peloponnesians in the siege of Platææ.[5] Their lines consisted of two walls (apparently of turf) at the distance of 16 feet, which surrounded the city in the form of a circle. Between the walls were the huts of the besiegers. The walls had battlements (ἐπάλξεις), and at every tenth battlement was a tower, filling up by its depth the whole space between the walls. There was a passage for the besiegers through the middle of each tower. On the outside of each wall was a ditch (τάφρος). This description would almost exactly answer for the Roman mode of circumvallation, of which some of the best examples are that of Carthage by Scipio,[6] that of Numantia by Scipio,[7] and that of Alesia by Cæsar.[8] The towers in such lines were similar to those used in attacking fortified places, but not so high, and, of course, not movable.[9] (*Vid.* TURRIS.)

VALLUS. (*Vid.* VALLUM.)

VALVÆ. (*Vid.* JANUA, p. 525.)

VANNUS (λίκμος, λικνόν), a winnowing-van, *i.e.*, a broad basket, into which the corn mixed with chaff (ἄχνη, ἄχυρα) was received after thrashing, and was then thrown in the direction of the wind.[10] It thus performed with greater effect and convenience the office of the *pala lignea*, or winnowing-shovel. (*Vid.* PALA, p. 715.) Virgil[11] dignifies this simple implement by calling it *mystica vannus Iac-*

1. (Dionys., v., 19, 70.—Cic., De Republ., ii., 31.—Liv., ii., 8.)—2. (i., p. 531.)—3. (ix., 39.)—4. (Liv., iii., 55, 56.)—5. (Id., iii., 20.)—6. (Id., iii., 55; iv., 13.—Cic., De Rep., ii., 31.)—7. (Liv., iii., 55.)—8. (i., p. 317, &c.)—9. (ii., p. 368.)—10. (Liv., x., 9.)—11. (xvii., i., 1.)—12. (xxxiii., 5.)

1. (Polyb., l. c.—Virg., Georg., iii., 346, 347.—Cic., Tusc., ii., 16.)—2. (Cæs., Bell. Civ., iii., 63.)—3. (Hom., Il., ix., 349, 350.)—4. (L. L., v., 117, ed. Müller.)—5. (Thucyd., ii., 78; iii., 20-23.)—6. (Appian, Pun., 119, &c.)—7. (Id., Hisp., 90.)—8. (Bell. Gall., vii., 72, 73.)—9. (Lips., De Mil. Rom., v., 5, in Oper., iii., p. 156, 157.—Id., Poliorc., ii., 1, in Oper., iii., 289.)—10. (Col., De Re Rust., ii., 21.—Virg., Georg., iii., 134.)—11 (Georg., i., 166.)

chi. The ites of Bacchus, as well as those of Ceres, having a continual reference to the occupations of rural life, the vannus was borne in the processions celebrated in honour of both these divinities. Hence Λικνίτης[1] was one of the epithets of Bacchus. In an ANTEFIXA in the British Museum (see the annexed woodcut) the infant Bacchus is carried in a vannus by two dancing bacchantes clothed in skins (*vid.* PELLIS), the one male and carrying a THYRSUS, the other female and carrying a torch. *Vid.* FAX.) Other divinities were sometimes con-

ceived to have been cradled in the same manner.[2] The vannus was also used in the processions to carry the instruments of sacrifice and the first-fruits or other offerings, those who bore them being called the λικνοφόροι.[3]

VA'RIA LEX. (*Vid.* MAJESTAS.)

VAS. (*Vid.* PRÆS.)

VATI'NIA LEX. (*Vid.* LEX, p. 586.)

UDO, a sock of goat's-hair or felt.[4] Hesiod[5] advises countrymen to wear brogues (*perones*, καρβατίναι) made of ox-hide, with socks of the above description within them. Socks of a finer felt were sometimes worn by the Athenians.[6]

VECTIGA'LIA is the general term for all the regular revenues of the Roman state.[7] The word is derived from *veho*, and is generally believed to have originally signified the duties paid upon things imported and exported (*quæ vehebantur*). If this were true, it would necessarily imply that these duties were either the most ancient or the most important branch of the Roman revenues, and that, for either of these reasons, the name was subsequently used to designate all the regular revenues in general. But neither point is borne out by the history of Rome, and it seems more probable that vectigal means anything which is brought (*vehitur*) into the public treasury, like the Greek φόρος. The earliest regular income of the state was, in all probability, the rent paid for the use of the public land and pastures. This revenue was called *pascua*, a name which was used as late as the time of Pliny,[8] in the tables or registers of the censors, for all the revenues of the state in general.

The senate was the supreme authority in all matters of finance; but, as the state itself did not occupy itself with collecting the taxes, duties, and tributes, the censors were intrusted with the actual business. These officers, who in this respect may not unjustly be compared to modern ministers of finance, used to let the various branches of the revenue to the publicani for a fixed sum and for a certain number of years. (*Vid.* CENSOR, PUBLICANI.)

As most of the branches of the public revenues of Rome are treated of in separate articles, it is only necessary to give a list of them here, and to explain those which have not been treated of separately.

1. The tithes paid to the state by those who occupied the ager publicus. (*Vid.* DECUMÆ, AGRARIÆ LEGES.)

2. The sums paid by those who kept their cattle on the public pastures. (*Vid.* SCRIPTURA.)

3. The harbour duties raised upon imported and exported commodities. (*Vid.* PORTORIUM.)

4. The revenue derived from the salt-works (*salinæ*). Ancus Marcius is said to have first established salt-works at Ostia;[1] and as they were public property, they were probably let out to farm. The publicani appear, however, at times to have sold this most necessary of all commodities at a very high price, whence, during the war with Porsenna, the Republic itself undertook the direct management of the salinæ of Ostia, in order that the people might obtain salt at a more moderate price.[2] Subsequently the salinæ were again farmed by the publicani, but the censors M. Livius and C. Claudius fixed the price at which those who took the lease of them were obliged to sell the salt to the people. At Rome the modius was, according to this regulation, sold for a sextans, while in other parts of Italy the price was higher and varied.[3] The salt-works in Italy and in the provinces were very numerous; in conquered countries, however, they were sometimes left in the possession of their former owners (persons or towns), who had to pay to Rome only a fixed rent. Others, again, were worked, and the produce sold in the name of the state, or were, like those of Ostia, farmed by the publicani.[4]

5. The revenues derived from the mines (*metalla*) This branch of the public revenue cannot have been very productive until the Romans had become masters of foreign countries. Until that time the mines of Italy appear to have been worked, but this was forbidden by the senate after the conquest of foreign lands.[5] The mines of conquered countries were treated like the salinæ, that is, they were partly left to individuals or towns, on condition of a certain rent being paid,[6] or they were worked for the direct account of the state, or were farmed by the publicani. In the last case, however, it appears always to have been fixed by the lex censoria how many labourers or slaves the publicani should be allowed to employ in a particular mine, as otherwise they would have been able to derive the most enormous profits.[7] Among the most productive mines belonging to the Republic, we may mention the rich gold-mines near Aquileia,[8] the gold-mines of Ictimuli, near Vercelli, in which 25,000 men were constantly employed,[9] and, lastly, the silver-mines in Spain, in the neighbourhood of Carthago Nova, which yielded every day 25,000 drachmas to the Roman ærarium.[10] Macedonia, Thrace, Illyricum, Africa, Sardinia, and other places, also contained very productive mines, from which Rome derived considerable income.

6. The hundredth part of the value of all things which were sold (*centesima rerum venalium*). This tax was not instituted at Rome until the time of the civil wars; the persons who collected it were called *coactores*.[11] Tiberius reduced this tax to a two hundredth (*ducentesima*), and Caligula abolished it for Italy altogether, whence upon several coins of this emperor we read R. C. C., that is, *Remissa*

1. (Hesych., s. v.) — 2. (Callim., Jov., 48. — Schol. in loc. — Hom., Hymn. in Merc., 254.) — 3. (Callim. in Cer., 127.) — 4. (Mart., xiv., 140.) — 5. (Op. et Dies, 542.) — 6. (Cratinus, p. 19, ed Runkel.) — 7 (Cic., Pro Leg. Manil., 6.) — 8. (H. N., xviii., 3.)

1. (Liv., i., 33. — Plin., H. N., xxxi., 41.) — 2. (Gronovius ad Liv., ii., 9.) — 3. (Liv., xxix., 37.) — 4. (Burmann, Vectig. Pop. Rom., p. 90, &c.) — 5. (Plin., H. N., xxxiii., 4; xxxvii., 13.) — 6. (Id. ib., xxxiv., 1.) — 7. (Id. ib., xxxiii., 4.) — 8. (Polyb., xxxiv., 10.) — 9. (Plin., H. N., xxxiii., 4 — Strab., v., p. 151.) — 10 (Polyb., xxxiv., 9. — Compare Liv., xxxiv., 21.) — 11 (Cic., Ep. ad Brut., i., 18; Pro Rab. Post., 11.)

Ducentesima.[1] According to Dion Cassius,[2] Tiberius restored the centesima, which was afterward abolished by Caligula.[3] Respecting the tax raised upon the sale of slaves, see QUINQUAGESIMA.

7. The vicesima hereditatium et manumissionum. (*Vid.* VICESIMA.)

8. The tribute imposed upon foreign countries was by far the most important branch of the public revenue during the time of Rome's greatness. It was sometimes raised at once, sometimes paid by instalments, and sometimes changed into a poll-tax, which was in many cases regulated according to the census.[4] In regard to Cilicia and Syria, we know that this tax amounted to one per cent. of a person's census, to which a tax upon houses and slaves was added.[5] In some cases the tribute was not paid according to the census, but consisted in a land-tax.[6]

9. A tax upon bachelors. (*Vid.* UXORIUM.)

10. A door-tax. (*Vid.* OSTIARIUM.)

11. The *octavæ*. In the time of Cæsar, all liberti living in Italy, and possessing property of 200 sestertia and above it, had to pay a tax consisting of the eighth part of their property.[7]

It would be interesting to ascertain the amount of income which Rome at various periods derived from these and other sources, but our want of information renders it impossible. We have only the general statement that, previously to the time of Pompey, the annual revenue amounted to fifty millions of drachmas, and that it was increased by him to eighty-five millions.[8] Respecting the sums contained at different times in the ærarium at Rome, see Pliny.[9]

VEHES (*ὄχημα*), a load of hay, manure, or anything which was usually conveyed in a cart. (*Vid.* PLAUSTRUM.) Pliny speaks of "a large load of hay" *vehem fœni large onustam*[10]), which shows that this term did not always denote a fixed quantity. With the Romans, however, as with us, the *load* was likewise used as a measure, a load of manure being equal to eighty modii, which was about twenty bushels.[11] The trunk of a tree, when squared, was also reckoned a load, the length varying according to the kind of timber, viz., 20 feet of oak, 25 of fir, &c.[12] A load was also called CARPENTUM.

VELA'RIUM. (*Vid.* VELUM.)

VELA'TI was a name given to the Accensi in the Roman army, who were only supernumerary soldiers ready to supply any vacancies in the legion. (*Vid.* ACCENSI.) They were called Velati, because they were only clothed (*velati*) with the saga, and were not regularly armed.[13]

VE'LITES. (*Vid.* ARMY, ROMAN, p. 104.)

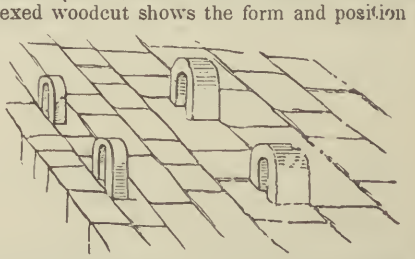
VELLEIA'NUM SENATUS CONSULTUM. (*Vid.* INTERCESSIO, p. 542.)

VELUM (*αὐλαία*,[14] *παραπέτασμα*,[15] *καταπέτασμα*[16]), a curtain, (*ἱστίον*) a sail. In private houses curtains were either hung as coverings over doors,[17] or they served in the interior of the house as substitutes for doors.[18] (*Vid.* HOUSE, p. 515; JANUA, p. 526.) In the palace of the Roman emperor, a slave, called *velarius*, was stationed at each of the principal doors to raise the curtain when any one passed through.[1] Window-curtains were used in addition to window-shutters.[2] Curtains sometimes formed partitions in the rooms,[3] and, when drawn aside, they were kept in place by the use of large brooches. (*Vid.* FIBULA, p. 439.) Iron curtain-rods have been found extending from pillar to pillar in a building at Herculaneum.[4]

In temples curtains served more especially to veil the statue of the divinity. They were drawn aside occasionally, so as to discover the object of worship to the devout.[5] (*Vid.* PASTOPHORUS.) Antiochus presented to the Temple of Jupiter at Olympia a woollen curtain of Assyrian manufacture, dyed with the Tyrian purple, and interwoven with figures. When the statue was displayed, this curtain lay upon the ground, and it was afterward drawn up by means of cords; whereas, in the Temple of Diana at Ephesus, the corresponding curtain or veil was attached to the ceiling, and was let down in order to conceal the statue.[6] The annexed woodcut is from a bas-relief representing two females engaged

in supplication and sacrifice before the statue of a goddess. The altar is adorned for the occasion (*vid.* SERTUM), and the curtain is drawn aside and supported by a terminus.[7]

In the theatres there were hanging curtains to decorate the scene.[8] The SIPARIUM was extended in a wooden frame. The *velarium* was an awning stretched over the whole of the cavea to protect the spectators from the sun and rain.[9] These awnings were in general either woollen or linen; but cotton was used for this purpose a little before the time of Julius Cæsar, and was continued in use by him.[10] This vast extent of canvass was supported by masts (*mali*[11]) fixed into the outer wall. The annexed woodcut shows the form and position of



the great rings, cut out of lava, which remain on the inside of the wall of the Great Theatre at Pompeii, near the top, and which are placed at regular

1. (Tacit., Ann., i., 78; ii., 42.—Suet., Calig., 16.)—2. (lviii., 15; lix., 9.)—3. (Comp. Dig. 50, tit. 16, s. 17, § 1.)—4. (Cic., c. Verr., i., 53, 55, &c.—Paus., viii., 16.)—5. (Cic. ad Fam., iii., 8; ad Att., v., 16.—Appian, De Reb. Syr., 50.)—6. (Appian, De Bell. Civ., v., 4.—Compare Walter, Gesch. des Röm. Rechts, p. 224, &c.)—7. (Dion Cass., l., 10.)—8. (Plut., Pomp., 45.)—9. H. N., xxxiii., 17.—Burmann, De Vectig. Pop. Rom.—Hegewisch, Versuch über die Röm. Finanz.—Bosse, Grundzüge des Finanzw. Röm. Staat.)—10. (Plin., H. N., xxxvi., 15, s. 24.)—11. (Col., De Re Rust., ii., 15, 16; xi., 2.)—12. (Col., l. c.)—13. (Festus, s. v. Velati, Adscripticii.)—14. (Theophr., Char., 5.—Athen., v., p. 196, c.—Pollux, Onom., iv., 122.)—15. (Plato, Polit., p. 294, ed. Bekker.—Synes., Epist., 4.)—16. (St. Matth., xxvii., 51.)—17. (Suet., Claud., 10.)—18. (Sen., Epist., 81.)

1. (Inscr. ap. Pignor., De Servis, p. 470.)—2. (Juv., ix., 80.)—3. (Plin., Epist., iv., 19.)—4. (Gell, Pomp., i., p. 160, Lond., 1832.)—5. (Apul., Met., xi., p. 127, ed. Aldi.)—6. (Paus., v., 12, § 2.)—7. (Guattani, Mon. Ined., per 1786, Nov. T., iii.)—8. (Virg., Georg., iii., 25—Propert., iv., 1, 15.)—9. (Juv., iv., 121—Suet., Calig., 26.)—10. (Plin., H. N., xix., 1, s. 6.—Dion Cass., xliii., 24—Lucret., vi., 108.)—11. (Lucret., l. c.)

distances, and one of them above another, so that each mast was fixed into two rings. Each ring is of one piece with the stone behind it. At Rome we observe a similar contrivance in the Coliseum; but the masts were in that instance ranged on the outside of the wall, and rested on 240 consoles, from which they rose so as to pass through holes cut in the cornice. The holes for the masts are also seen in the Roman theatres at Orange and other places.

Velum, and much more commonly its derivative *velamen*, denoted the veil worn by women.[1] That worn by a bride was specifically called *flammeum* (*vid.* MARRIAGE, p. 625): another special term was RICA. Greek women, when they went abroad, often covered their heads with the shawl (*vid.* PEPLUM), thus making it serve the purpose of a veil. But they also used a proper headdress, called *καλύπτρα*,[2] which, besides serving to veil their countenances whenever they desired it, was graceful and ornamental, and was therefore attributed to Venus[3] and Pandora.[4] The veil of Ilione, the eldest daughter of Priam, was one of the seven objects preserved at Rome as pledges of the permanency of its power.[5]

Velum also meant a sail (*ἱστίον* (*vid* SHIPS, p. 393), *λαῖφος*[6]). Sailcloth was commonly linen, and was obtained in great quantities from Egypt; but it was also woven at other places, such as Tarquinii in Etruria.[7] But cotton sailcloth (*carbasa*) was also used, as it is still in the Mediterranean. The separate pieces (*linteа*) were taken as they came from the loom, and were sewed together. This is shown in ancient paintings of ships, in which the seams are distinct and regular.

VENA'BULUM, a hunting-spear. This may have been distinguished from the spears used in warfare by being barbed; at least it is often so formed in ancient works of art representing the story of Meleager[8] and other hunting-scenes. It was seldom, if ever, thrown, but held so as to slant downward, and to receive the attacks of the wild boars and other beasts of chase.[9]

VENALICIA'RII. (*Vid.* SERVUS, ROMAN, p. 886.)

VENA'TIO, hunting, was the name given among the Romans to an exhibition of wild beasts, which fought with one another and with men. These exhibitions originally formed part of the games of the circus. Julius Cæsar first built a wooden amphitheatre for the exhibition of wild beasts, which is called by Dion Cassius[10] *θέατρον κυνηγετικόν*, and the same name is given to the amphitheatre built by Statilius Taurus,[11] and also to the celebrated one of Titus;[12] but, even after the erection of the latter, we frequently read of venationes in the circus.[13] The persons who fought with the beasts were either condemned criminals or captives, or individuals who did so for the sake of pay, and were trained for the purpose. (*Vid.* BESTIARII.)

The Romans were as passionately fond of this entertainment as of the exhibitions of gladiators, and during the latter days of the Republic and under the Empire an immense variety of animals was collected from all parts of the Roman world for the gratification of the people, and many thousands were frequently slain at one time. We do not know on what occasion a venatio was first exhibited at Rome, but the first mention we find of anything of the kind is in the year B.C. 251, when L. Metellus exhibited in the circus 142 elephants, which he had brought from Sicily after his victory over the Carthaginians, and which were killed in the circus according to Verrius, though other writers do not speak of their slaughter.[1] But this can scarcely be regarded as an instance of a venatio, as it was understood in later times, since the elephants are said to have been only killed because the Romans did not know what to do with them, and not for the amusement of the people. There was, however, a venatio in the latter sense of the word in B.C. 186, in the games celebrated by M. Fulvius in fulfilment of the vow which he had made in the Ætolian war; in these games lions and panthers were exhibited.[2] It is mentioned as a proof of the growing magnificence of the age, that in the ludi circenses exhibited by the curule ædiles P. Cornelius Scipio Nasica and P. Lentulus, B.C. 168, there were 63 African panthers, and 40 bears and elephants.[3] From about this time combats with wild beasts probably formed a regular part of the ludi circenses, and many of the curule ædiles made great efforts to obtain rare and curious animals, and put in requisition the services of their friends.[4] Elephants are said to have first fought in the circus in the curule ædileship of Claudius Pulcher, B.C. 99, and, twenty years afterward, in the curule ædileship of the two Luculli, they fought against bulls.[5] A hundred lions were exhibited by Sulla in his prætorship, which were destroyed by javelin-men sent by King Bocchus for the purpose. This was the first time that lions were allowed to be loose in the circus; they were previously always tied up.[6] The games, however, in the curule ædileship of Scaurus, B.C. 58, surpassed anything the Romans had ever seen; among other novelties, he first exhibited an hippopotamus and five crocodiles in a temporary canal or trench (*euripus*[7]). At the venatio given by Pompey in his second consulship, B.C. 55, upon the dedication of the Temple of Venus Victrix, and at which Cicero was present,[8] there was an immense number of animals slaughtered, among which we find mention of 600 lions, and 18 or 20 elephants: the latter fought with Gætulians, who hurled darts against them, and they attempted to break through the railings (*clathri*) by which they were separated from the spectators.[9] To guard against this danger, Julius Cæsar surrounded the arena of the amphitheatre with trenches (*curipi*).

In the games exhibited by J. Cæsar in his third consulship, B.C. 45, the venatio lasted for five days, and was conducted with extraordinary splendour. Camelopards or giraffes were then for the first time seen in Italy.[10] Julius Cæsar also introduced bull-fights, in which Thessalian horsemen pursued the bulls round the circus, and, when the latter were tired out, seized them by the horns and killed them. This seems to have been a favourite spectacle; it was repeated by Claudius and Nero.[11] In the games celebrated by Augustus, B.C. 29, the hippopotamus and the rhinoceros were first exhibited, according to Dion Cassius;[12] but the hippopotamus is spoken of by Pliny, as mentioned above, in the games given by Scaurus. Augustus also exhibited a snake 50 cubits in length,[13] and thirty-six crocodiles, which are seldom mentioned in the spectacles of later times.[14]

The occasions on which venationes were exhibited have been incidentally mentioned above. They seem to have been first confined to the ludi circen-

1. (Prudent., c. Symm., ii., 147.) — 2. (Apollod., ii., 6, § 6. — Ælian, V. H., vii., 9.)—3. (Paus., iii., 15, § 8.—Brunck, Anal., ii., 459.)—4. (Hes., Theog., 573.)—5. (Serv. in Virg., Æn., vii., 188.)—6. (Callim., Epig., v., 4.—Eurip., Hec., 109.)—7. (Liv., xxvii., 45.)—8. (Bartoli, Admir., 84.)—9. (Virg., Æn., iv., 131; ix., 553.—Varro, L. L., viii., 53, ed. Müller.—Apul., Met., viii., p. 78, 83, ed. Aldi.)—10 (xliii., 22.)—11. (Id., li., 23.)—12. (Id., lxvi., 24.)—13. (Spart., Hadr., 19.—Vopisc., Prob., 19.)

1. (Plin., H. N., viii., 6.)—2. (Liv., xxxix., 22.)—3. (Liv., xliv., 18.)—4. (Compare Cœlius's letter to Cicero, ad Fam., viii., 9.)—5. (Plin., H. N., viii., 7.)—6. (Senec., De Brev. Vit., 13.)—7. (Plin., H., N., viii., 40.)—8. (Cic. ad Fam., vii., 1)—9. (Senec., l. c.—Plin., H. N., viii., 7, 20.)—10. (Dion Cass., xliii., 23—Suet., Jul., 39.—Plin., H. N., viii., 7.—Appian, B. C., ii., 102—Vell. Paterc., ii., 56.)—11. (Plin., H. N., viii., 70.—Suet., Claud., 21.—Dion Cass., lxi., 9.)—12. (li., 22)—13. (Suet., Octav., 43.)—14 (Dion Cass., lv., 10.)

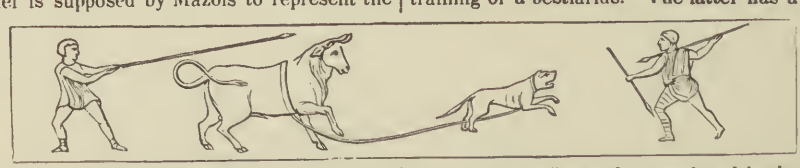
ses, but during the later times of the Republic and under the Empire they were frequently exhibited on the celebration of triumphs, and on many other occasions, with the view of pleasing the people. The passion for these shows continued to increase under the Empire, and the number of beasts sometimes slaughtered seems almost incredible. At the consecration of the great amphitheatre of Titus, 5000 wild beasts and 4000 tame animals were killed,[1] and in the games celebrated by Trajan, after his victories over the Dacians, there are said to have been as many as 11,000 animals slaughtered.[2] Under the emperors we read of a particular kind of venatio, in which the beasts were not killed by bestiarii, but were given up to the people, who were allowed to rush into the area of the circus and carry away what they pleased. On such occasions a number of large trees, which had been torn up by the roots, was planted in the circus, which thus resembled a forest, and none of the more savage animals were admitted into it. A venatio of this kind was exhibited by the elder Gordian in his ædileship, and a painting of the forest, with the animals in it, is described by Julius Capitolinus.[3] One of the most extraordinary venationes of this kind was that given by Probus, in which there were 1000 ostriches, 1000 stags, 1000 boars, 1000 deer, and numbers of wild goats, wild sheep, and other animals of the same kind.[4] The more savage animals were slain by the bestiarii in the amphitheatre, and not in the circus. Thus, in the day succeeding the venatio of Probus just mentioned, there were slain in the amphitheatre 100 lions and the same number of lionesses, 100 Libyan and 100 Syrian leopards, and 300 bears. It is unnecessary to multiply examples, as the above are sufficient to give an idea of the numbers and variety of animals at these spectacles; but the list of beasts which were collected by the younger Gordian for his triumph, and were exhibited by his successor Philip at the secular games, deserve mention on account of their variety and the rarity of some of them. Among these we find mention of 32 elephants, 10 elks, 10 tigers (which seem to have been very seldom exhibited), 60 tame lions, 30 tame leopards, 10 hyænas, an hippopotamus and rhinoceros, 10 archoleontes (it is unknown what they were), 10 camelopards, 20 onagri (wild asses, or, perhaps, zebras), 40 wild horses, and an immense number of similar animals.[5]

How long these spectacles continued is uncertain, but they were exhibited after the abolition of the shows of gladiators. There is a law of Honorius and Theodosius, providing for the safe convoy of beasts intended for the spectacles, and inflicting a penalty of five pounds of gold upon any one who injured them.[3] They were exhibited at this period at the prætorian games, as we learn from Symmachus.[4] Wild beasts continued to be exhibited in the games at Constantinople as late as the time of Justinian.[5]

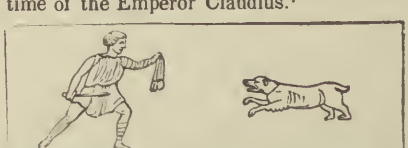
In the bas-reliefs on the tomb of Scaurus at Pompeii, there are representations of combats with wild beasts, which are copied in the following woodcuts from Mazois.[6] On the same tomb gladiatorial combats are represented, which are figured on p. 477 of this work.

The first represents a man naked and unarmed between a lion and a panther. Persons in this defenceless state had, of course, only their agility to trust to in order to escape from the beasts. In the second cut we see a similar person, against whom a wild boar is rushing, and who appears to be preparing for a spring to escape from the animal. In the same relief there is a wolf running at full speed, and also a stag with a rope tied to his horns, who has been pulled down by two wolves or dogs. The

third relief is supposed by Mazois to represent the training of a bestiarius. The latter has a spear in



each hand; his left leg is protected by greaves, and he is in the act of attacking a panther, whose movements are hampered by a rope, which fastens him to the bull behind him, and which accordingly places the bestiarius in a less dangerous position, though more caution and activity are required than if the beast were fixed to a certain point. Behind the bull another man stands with a spear, who seems to be urging on the animal. The fourth woodcut represents a man equipped in the same way as the matador in the Spanish bullfights in the present day, namely, with a sword in one hand and a veil in the other. The veil was first employed in the arena in the time of the Emperor Claudius.[7]



VENEFI'CIUM, the crime of poisoning, is frequently mentioned in Roman history. Women

1. (Suet., Tit., 7.—Dion Cass., lvi., 25.)—2. (Id., lxviii., 15.)—3. (Gordian, 3.)—4. (Vopisc., Prob., 19.)

1. (Vopisc., l. c.)—2. (Id., Gord., 33.)—3. (Cod., xi., tit. 44.)—4. (Epist., ix., 70, 71, 126, &c.)—5. (Procop., Hist. Arc., c. 9.)—6. (Pomp., i., pl. 32, 33.)—7. (Plin., H. N., viii., 21.)

were most addicted to it; but it seems not improbable that this charge was frequently brought against females without sufficient evidence of their guilt, like that of witchcraft in Europe in the Middle Ages. We find females condemned to death for this crime in seasons of pestilence, when the popular mind is always in an excited state, and ready to attribute the calamities under which they suffer to the arts of evil-disposed persons. Thus the Athenians, when the pestilence raged in their city during the Peloponnesian war, supposed the wells to have been poisoned by the Peloponnesians;[1] and similar instances occur in the history of almost all states. Still, however, the crime of poisoning seems to have been much more frequent in ancient than in modern times; and this circumstance would lead persons to suspect it in cases when there was no real ground for the suspicion. Respecting the crime of poisoning at Athens, see ΦΑΡΜΑΚΩΝ ΓΡΑΦΗ.

The first instance of its occurrence at Rome in any public way was in the consulship of M. Claudius Marcellus and C. Valerius, B.C. 331, when the city was visited by a pestilence. After many of the leading men of the state had died by the same kind of disease, a slave-girl gave information to the curule ædiles that it was owing to poisons prepared by the Roman matrons. Following her information, they surprised about twenty matrons, among whom were Cornelia and Sergia, both belonging to patrician families, in the act of preparing certain drugs over a fire; and being compelled by the magistrates to drink these in the Forum, since they asserted that they were not poisonous, they perished by their own wickedness. Upon this farther informations were laid, and as many as a hundred and seventy matrons were condemned.[2] We next read of poisoning being carried on upon an extensive scale as one of the consequences of the introduction of the worship of Bacchus.[3] (*Vid.* Dionysia, p. 365.) In B.C. 184, the prætor Q. Nævius Matho was commanded by the senate to investigate such cases (*de veneficiis quærere*): he spent four months in the investigation, which was principally carried on in the municipia and conciliabula, and, according to Valerius of Antium, he condemned 2000 persons.[4] We again find mention of a public investigation into cases of poisoning by order of the senate in B.C. 180, when a pestilence raged at Rome, and many of the magistrates and other persons of high rank had perished. The investigation was conducted in the city and within ten miles of it by the prætor C. Claudius, and beyond the ten miles by the prætor C. Mænius. Hostilia, the widow of the consul C. Calpurnius, who had died in that year, was accused of having poisoned her husband, and condemned on what appears to have been mere suspicion.[5] Cases of what may be called private poisoning, in opposition to those mentioned above, frequently occurred. The speech of Cicero in behalf of Cluentius supplies us with several particulars on this subject. Under the Roman emperors it was carried on to a great extent, and some females, who excelled in the art, were in great request. One of the most celebrated of these was Locusta, who poisoned Claudius at the command of Agrippina, and Britannicus at that of Nero, the latter of whom even placed persons under her to be instructed in the art.[6]

The first legislative enactment especially directed against poisoning was a law of the dictator Sulla—lex Cornelia de Sicariis et Veneficis—passed in B.C. 82, which continued in force, with some alterations, to the latest times. It contained provisions against all who made, bought, sold, possessed, or gave poison for the purpose of poisoning.[1] The punishment fixed by this law was, according to Marcian, the deportatio in insulam and the confiscation of property; but it was more probably the interdictio aquæ et ignis, since the deportatio under the emperors took the place of the interdictio, and the expression in the Digest was suited to the time of the writers or compilers. (*Vid.* Cornelia Lex de Sicariis, &c., p. 308.) By a senatus consultum passed subsequently, a female who gave drugs or poison for the purpose of producing conception, even without any evil intent, was banished (*relegatus*), if the person to whom she administered them died in consequence. By another senatus consultum, all druggists (*pigmentarii*) who administered poisons carelessly, "purgationis causa," were liable to the penalties of this law. In the time of Marcian (that of Alexander Severus) this crime was punished capitally in the case of persons of lower rank (*humiliores*), who were exposed to wild beasts, but persons of higher rank (*altiores*) were condemned to the deportatio in insulam.[2]

The word veneficium was also applied to potions, incantations, &c.,[3] whence we find *veneficus* and *venefica* used in the sense of a sorceror and sorceress in general.

VER SACRUM (ἔτος ἱερόν). It was a custom among the early Italian nations, especially among the Sabines, in times of great danger and distress, to vow to the deity the sacrifice of everything born in the next spring, that is, between the first of March and the last day of April, if the calamity under which they were labouring should be removed.[4] This sacrifice, in the early times, comprehended both men and domestic animals, and there is little doubt that in many cases the vow was really carried into effect. But in later times it was thought cruel to sacrifice so many innocent infants, and, accordingly, the following expedient was adopted. The children were allowed to grow up, and in the spring of their twentieth or twenty-first year they were, with covered faces, driven across the frontier of their native country, whereupon they went whithersoever fortune or the deity might lead them. Many a colony had been founded by persons driven out in this manner; and the Mamertines in Sicily were the descendants of such devoted persons.[5] In the two historical instances in which the Romans vowed a ver sacrum, that is, after the battle of Lake Trasimenus and at the close of the second Punic war, the vow was confined to domestic animals, as was expressly stated in the vow.[6]

VERBE'NA. (*Vid.* Sagmina.)

VERBENA'RIUS. (*Vid.* Fetialis.)

VERNA. (*Vid.* Servus, Roman, p. 884, 886.)

VERSO IN REM ACTIO. (*Vid.* Servus, Roman, p. 884.)

VERSU'RA. (*Vid.* Interest of Money, p. 547.)

VERU, VERU'TUM. (*Vid.* Hasta, p. 489.)

VESPÆ, VESPILLO'NES. (*Vid.* Funus, p. 459.)

VESTA'LES, the virgin priestesses of Vesta, who ministered in her temple and watched the eternal fire. Their existence at Alba Longa is connected with the earliest Roman traditions, for Silvia, the mother of Romulus, was a member of the sisterhood;[7] their establishment in the city, in common with almost all matters connected with state religion, is generally ascribed to Numa,[8] who se-

1. (Thucyd., ii., 48.)—2. (Liv., viii., 18.—Compare Val. Max., ii., 5, § 3.—Augustin, De Civ. Dei, iii., 17.)—3. (Liv., xxxix, 8.)—4. (Id., xxxix., 38, 41.)—5. (Id., xl., 37.)—6. (Tacit., Ann., xv., 66; xiii., 15.—Sueton., Ner., 33.—Juv., i., 71.)

1. (Cic., Pro Cluent., 54.—Marcian, Dig. 48, tit. 8, s 3.—Inst., iv., tit. 18, s. 5.)—2. (Dig., l. c.)—3. (Cic., Brut., 60.—Pet., 118.)—4. (Fest., s. v. Ver Sacrum.—Liv., xxii., 9, 10; xxxiv., 44.—Strab., v., p. 172.—Sisenna ap. Non., xii., 18.—Serv. ad Virg., Æn., vii., 796.)—5. (Fest., l. c., and s. v. Mamertini.—Compare Dionys., i., 16.—Plin., H. N., iii., 18.—Justin, xxiv., 4.—Liv., xxxiii., 44.)—6. (Liv., l. c.—Plut., Fab. Max., 4.)—7. (Liv., i., 20.—Dionys., i., 76.)—8. (Dionys. ii. 65.—Plut., Num., 10.)

lected four (their names are given in Plutarch), two from the Titienses and two from the Ramnes,[1] and two more were subsequently added from the Luceres by Tarquinius Priscus according to one authority,[2] by Servius Tullius according to another.[3] This number of six remained unchanged at the time when Plutarch wrote, and the idea that it was afterward increased to seven rests upon very unsatisfactory evidence.[4]

They were originally chosen (*capere* is the technical word) by the king,[5] and during the Republic and Empire by the pontifex maximus. It was necessary that the maiden should not be under six nor above ten years of age, perfect in all her limbs, in the full enjoyment of all her senses, patrima et matrima (*vid.* PATRIMI), the daughter of free and free-born parents who had never been in slavery, who followed no dishonourable occupation, and whose home was in Italy.[6] The lex Papia ordained that, when a vacancy occurred, the pontifex maximus should name at his discretion twenty qualified damsels, one of whom was publicly (*in concione*) fixed upon by lot, an exemption being granted in favour of such as had a sister already a vestal, and of the daughters of certain priests of a high class.[7] The above law appears to have been enacted in consequence of the unwillingness of fathers to resign all control over a child; and this reluctance was manifested so strongly in later times, that in the age of Augustus *libertinæ* were declared eligible.[8] The casting of lots, moreover, does not seem to have been practised if any respectable person came forward voluntarily and offered a daughter who fulfilled the necessary conditions. As soon as the election was concluded, the pontifex maximus took the girl by the hand and addressed her in a solemn form, preserved by Aulus Gellius from Fabius Pictor: SACERDOTEM. VESTALEM. QUÆ. SACRA. FACIAT. QUÆ. IOUS. SIET. SACERDOTEM. VESTALEM. FACERE. PRO. POPULO. ROMANO. QUIRITIUM. UTEI. QUÆ. OPTIMA. LEGE. FOVIT. ITA. TE. AMATA. CAPIO., where the title AMATA seems simply to signify "beloved one," and not to refer, as Gellius supposes, to the name of one of the original vestals; at least no such name is to be found in the list of Plutarch alluded to above. After these words were pronounced she was led away to the atrium of Vesta, and lived thenceforward within the sacred precincts, under the special superintendence and control of the pontifical college.[9]

The period of service lasted for thirty years. During the first ten the priestess was engaged in learning her mysterious duties, being termed *discipula*;[10] during the next ten in performing them; during the last ten in giving instructions to the novices;[11] and so long as she was thus employed, she was bound by a solemn vow of chastity. But after the time specified was completed, she might, if she thought fit, throw off the emblems of her office,[12] unconsecrate herself (*exaugurare*[13]), return to the world, and even enter into the marriage state.[14] Few, however, availed themselves of these privileges; those who did were said to have lived in sorrow and remorse (as might, indeed, have been expected from the habits they had formed); hence such a proceeding was considered ominous, and the priestesses, for the most part, died as they had lived, in the service of the goddess.[15]

The senior sister was entitled *Vestalis Maxima*, or *Virgo Maxima*[1] (ἡ πρεσβεύουσα,[2] ἡ ἀρχιερεία[3]) and we find also the expressions *Vestalium vetustissimam*[4] and *tres maximæ*.[5]

Their chief office was to watch by turns, night and day, the everlasting fire which blazed upon the altar of Vesta (VIRGINESQUE VESTALES IN URBE CUSTODIUNTO IGNEM FOCI PUBLICI SEMPITERNUM[6]), its extinction being considered as the most fearful of all prodigies, and emblematic of the extinction of the state.[7] If such misfortune befell, and was caused by the carelessness of the priestess on duty, she was stripped and scourged by the pontifex maximus, in the dark and with a screen interposed, and he rekindled the flame by the friction of two pieces of wood from a *felix arbor*.[8] Their other ordinary duties consisted in presenting offerings to the goddess at stated times, and in sprinkling and purifying the shrine each morning with water, which, according to the institution of Numa, was to be drawn from the Egerian fount, although in later times it was considered lawful to employ any water from a living spring or running stream, but not such as had passed through pipes. When used for sacrificial purposes it was mixed with *muries*, that is, salt which had been pounded in a mortar, thrown into an earthen jar, and baked in an oven.[9] They assisted, moreover, at all great public holy rites, such as the festivals of the Bona Dea,[10] and the consecration of temples;[11] they were invited to priestly banquets;[12] and we are told that they were present at the solemn appeal to the gods made by Cicero during the conspiracy of Catiline.[13] They also guarded the sacred relics which formed the *fatale pignus imperii*, the pledge granted by fate for the permanency of the Roman sway, deposited in the inmost adytum (*penus Vestæ*[14]), which no one was permitted to enter save the virgins and the chief pontifex. What this object was no one knew: some supposed that it was the palladium; others, the Samothracian gods carried by Dardanus to Troy, and transported from thence to Italy by Æneas; but all agreed in believing that something of awful sanctity was here preserved, contained, it was said, in a small earthen jar closely sealed, while another exactly similar in form, but empty, stood by its side.[15]

We have seen above that supreme importance was attached to the purity of the vestals, and a terrible punishment awaited her who violated the vow of chastity. According to the law of Numa, she was simply to be stoned to death,[16] but a more cruel torture was devised by Tarquinius Priscus,[17] and inflicted from that time forward. When condemned by the college of pontifices, she was stripped of her vittæ and other badges of office, was scourged,[18] was attired like a corpse, placed in a close litter, and borne through the Forum, attended by her weeping kindred, with all the ceremonies of a real funeral, to a rising ground called the *Campus Sceleratus*, just within the city walls, close to the Colline gate. There a small vault underground had been previously prepared, containing a couch, a lamp, and a table with a little food. The pontifex maximus, having lifted up his hands to heaven and

(Dionys., ii, 67 — Festus, s. v. Sex Vestæ.) — 2. (Plut., Num., l. c.) — 3 (Dionys., iii., 67.) — 4. (*Vid.* Mémoires de l'Academie des Inscript., tom. iv., p. 167.—Ambros., Epist., v., 31, c. Symmach., and the remarks of Liparius.)—5. (Liv., i., 3, 20. — Dionys., ll. cc.)—6. (Gell., i., 12.)—7. (Gell., l. c.)—8. (Dion Cass., lv., 22 —Suet., Octav., 31.)—9. (Dionys., ii., 67.—Liv., iv., 44; viii., 15.—Plin., Ep., iv., 11.—Suet., Octav., 31.—Gell., i., 12.)—10. (Val. Max., i., 1, § 7.)—11. (Dionys., l. c.—Plut., l. c.—Senec., De Vit. Beat., 29.)—12. (Dionys., l. c.)—13. (Gell., vi., 7.)—14. (Plut., l. c.)—15. (Tacit., Ann., ii., 86.—Inscr. quoted by Gronov ad Tacit., Ann., iii., 64.

1. (Ovid, Fast., iv., 639.—Suet., Jul., 83; Domit., 8.—Orell., Inscr., n. 2233, &c.)—2. (Dion Cass., liv., 24.) — 3. (Id., lxxix., 9.) — 4. (Tacit., Ann., xi., 32.) — 5. (Serv. ad Virg., Ecl., viii., 82.)—6. (Cic., De Leg., ii., 8, 12.—Liv., xxviii., 11.—Val. Max., i., 1, § 6. — Senec., De Prov., 5.) — 7. (Dionys., ii., 67. — Liv., xxvi., 1.) — 8. (Dionys., Plut., Val. Max., ll. cc. — Festus, s. v. Ignis.) — 9. (Ovid, Fast., iii., 11. — Propert., iv., 4, 15. — Plut., Num., 13.— Fest., s. v. Muries.) — 10. (Dion Cass., xxxvii., 45.) —11. (Tacit., Hist., iv., 53.) — 12. (Macrob., Sat., ii., 9. — Dion Cass., xlvii., 19.)—13. (Dion Cass., xxxvii., 35.)—14. (*Vid.* Festus, s. v.)—15. (Dionys., i., 69; ii., 66.—Plut., Camill., 20.—Liv., xxvi., 27.—Lamprid., Elagab., 6.—Ovid, Fast., vi., 365.—Lucan, ix., 994.)—16. (Cedrenus, Hist. Comp., p. 148, or p. 259, ed. Bekker.) — 17. (Dionys., iii., 67. — Zonaras, vii., 8.) — 18. (Dionys., ix., 40.)

uttered a secret prayer, opened the litter, led forth the culprit, and placing her on the steps of the ladder which gave access to the subterranean cell, delivered her over to the common executioner and his assistants, who conducted her down, drew up the ladder, and having filled the pit with earth until the surface was level with the surrounding ground, left her to perish, deprived of all the tributes of respect usually paid to the spirits of the departed. In every case the paramour was publicly scourged to death in the Forum.[1]

But if the labours of the vestals were unremitting, and the rules of the order rigidly and pitilessly enforced, so the honours they enjoyed were such as in a great measure to compensate for their privations. They were maintained at the public cost, and from sums of money and land bequeathed from time to time to the corporation.[2] From the moment of their consecration, they became, as it were, the property of the goddess alone, and were completely released from all parental sway without going through the form of *emancipatio* or suffering any *capitis diminutio*.[3] They had a right to make a will, and to give evidence in a court of justice without taking an oath,[4] distinctions first conceded by a Horatian law to a certain Caia Tarratia or Fufetia, and afterward communicated to all.[5] From the time of the triumviri, each was preceded by a lictor when she went abroad;[6] consuls and prætors made way for them, and lowered their fasces;[7] even the tribunes of the plebs respected their holy character,[8] and if any one passed under their litter, he was put to death.[9] Augustus granted to them all the rights of matrons who had borne three children,[10] and assigned them a conspicuous place in the theatre,[11] a privilege which they had enjoyed before at the gladiatorial shows.[12] Great weight was attached to their intercession on behalf of those in danger and difficulty, of which we have a remarkable example in the entreaties which they addressed to Sulla on behalf of Julius Cæsar;[13] and if they chanced to meet a criminal as he was led to punishment, they had a right to demand his release, provided it could be proved that the encounter was accidental. Wills, even those of the emperors, were committed to their charge,[14] for when in such keeping they were considered inviolable;[15] and in like manner, very solemn treaties, such as that of the triumvirs with Sextus Pompeius, were placed in their hands.[16] That they might be honoured in death as in life, their ashes were interred within the pomœrium.[17]

They were attired in a stola, over which was an upper vestment made of linen;[18] and in addition to the infula and white woollen vitta, they wore, when sacrificing, a peculiar headdress called *suffibulum*, consisting of a piece of white cloth bordered with purple, oblong in shape, and secured by a clasp.[19] In dress and general deportment they were required to observe the utmost simplicity and decorum, any fanciful ornaments in the one or levity in the other being always regarded with disgust and suspicion.[20] We infer from a passage in Pliny[21] that their hair was cut off, probably at the period of their consecration; whether this was repeated from time to time does not appear, but they are never represented with flowing locks. The first of the following cuts, copied from a gem,[22] represents the vestal Tuccia, who, when wrongfully accused, appealed to the goddess to vindicate her honour, and had power given to her to carry a sieve full of water from the Tiber to the temple.[23] The form of the upper garment is here well seen. The second is from a denarius of the gens Clodia, representing upon the reverse a female priestess with a simpuvium in her hand, and bearing the legend VESTALIS; on the obverse is a head of Flora, with the words C. CLODIVS C. F. Two vestals belonging to this gens were celebrated in the Roman Annals.[24] (*Vid.* TRIUMPHUS, p. 1017.) The coin seems to have

been struck to commemorate the splendour of the Floralia as exhibited during the famous ædileship of C. Clodius Pulcher, B.C. 99.[25]

(Lipsius, *De Vesta et Vestalibus Syntagma*, and Nœhden "On the worship of Vesta, &c., Classical Journal, vol. xv., 123, vol. xvi., 321," have collected most of the authorities on this subject.—Göttling, *Geschichte der Röm. Staatsverf.*, p. 189.)

VESTI'BULUM. (*Vid.* HOUSE, ROMAN, p. 516; JANUA, p. 527.)

VESTICEPS. (*Vid.* IMPUBES, p. 532.)

VETERA'NUS. (*Vid.* TIRO.)

VEXILLA'RII. (*Vid.* ARMY, ROMAN, p. 103.)

VEXILLUM. (*Vid.* SIGNA MILITARIA, p. 897.)

VIÆ. Three words are employed by the Roman jurists to denote a road, or a right of road, *iter*, *actus*, *via*. Strictly speaking, *iter* was applicable to a footpath only, *actus* to a bridle-way, *via* to a carriage-road.[7] (Compare SERVITUTES, p. 879.)

We next find *viæ* divided into *privatæ* or *agrariæ* and *publicæ*, the former being those the use of which was free while the soil itself remained private prop

1. (Plut., Num., 10.—Fab. Max., 18.—Quæst. Rom., tom. vii., p. 154, ed. Reiske.—Dionys., ii., 67; iii., 67; viii., 89; ix., 40.—Liv., iv., 44; viii., 15; xxii., 57.—Plin., Ep., iv., 11.—Suet., Dom., 8.—Dion Cass., lxvii., 3; lxxvii., 16, and frag. xci., xcii.—Festus, s. v. Probrum et Sceleratus Campus.)—2. (Suet., Octav., 31; Tib., 76.—Sicul. Flac., 23, ed. Goes.)—3. (Gell., i., 11.)—4. (Id., x., 15.)—5. (Id., i., 12.—Gaius, i., 145.—Compare Plin., H. N., xxxiv., 11.)—6 (Dion Cass., xlvii., 19.)—7. (Senec., Con., vi., 8.—Compare Plut., Tib. Gracc., 15.)—8. (Oros., v., 4.—Suet., Tib., 2.—Compare Cic., Pro Cœl., 14.—Val. Max., v., 4, § 6.)—9. (Plut., Num., 10.)—10. (Dion Cass., lvi., 10.—Plut., l. c.)—11. (Suet., Octav., 44.—Tacit., Ann., iv., 16.)—12. (Cic., Pro Muren., 35.)—13. (Suet., Jul., 1.—Compare Cic., Pro Font., 17.—Suet., Vitell., 16.—Dion Cass., lxv., 18.—Tacit., Ann., iii., 69; xi., 32.—Id., Hist., iii., 81.)—14. (Suet., Jul., 83; Octav., 101.—Tacit., Ann., i., 8.)—15. (Plut., Anton., 58.)—16. (Appian, B. C., v., 73.—Dion Cass., xlviii., 37 and 46.—Compare xlviii., 12.)—17. (Serv. ad Virg., Æn., xi., 206.)—18. (Val. Max., i., 1, § 7.—Dionys., ii., 68.—Plin., Ep., iv., 11.)—19. (Festus, s. v. Suffibulum.)

2. (Liv., iv., 44; viii., 15.—Plin., Ep., iv., 11.—Ovid, Fast., v., 285.)—2. (H. N., xvi., 85.)—3. (Montfaucon, Ant. Exp., i., pl. xxviii.—Supplem., t. i., pl. xxiii.)—4. (Val. Max., viii., 1, § 5.—Plin., H. N., xxviii., 2.)—5. (*Vid.* Ovid, Fast., iv., 279.—Suet., Tib., 2.—Augustin, De Civ. Dei, x., 16.—Herodian, i., 11.)—6 (Cic., De Off., ii., 16; c. Verr., iv., 2.—Plin., H. N., xxxv., 4.)—7. (Dig. 8, tit. 1, s. 13; tit. 3, s. 1; s. 7. 8, 12.)

city the latter those of which the use, the management, and the soil were alike vested in the state. *Viæ Vicinales* (*quæ in vicis sunt vel quæ in vicos ducunt*), being country cross-roads merging in the great lines, or, at all events, not leading to any important terminus, might be either *publicæ* or *privatæ*, according as they were formed and maintained at the cost of the state or by the contributions of private individuals.[1] The *viæ publicæ* of the highest class were distinguished by the epithets *militares*, *consulares*, *prætoriæ*, answering to the terms ὁδοὶ βασιλικαί among the Greeks, and *king's highway* among ourselves.

That public roads of some kind must have existed from the very foundation of the city is manifest, but as very little friendly intercourse existed with the neighbouring states for any length of time without interruption, they would, in all probability, not extend beyond the narrow limits of the Roman territory, and would be mere muddy tracks used by the peasants in their journeys to and from market. It was not until the period of the long-protracted Samnite wars that the necessity was strongly felt of securing an easy, regular, and safe communication between the city and the legions, and then, for the first time, we hear of those famous paved roads, which in after ages, keeping pace with the progress of the Roman arms, connected Rome with her most distant provinces, constituting not only the most useful, but the most lasting of all her works.[2] The excellence of the principles upon which they were constructed is sufficiently attested by their extraordinary durability, many specimens being found in the country around Rome, which have been used without being repaired for more than a thousand years, and are still in a high state of preservation.

The Romans are said to have adopted their first ideas upon this subject from the Carthaginians,[3] and it is extremely probable that the latter people may, from their commercial activity, and the sandy nature of their soil, have been compelled to turn their attention to the best means of facilitating the conveyance of merchandise to different parts of their territory. It must not be imagined, however, that the Romans employed from the first the elaborate process which we are about to describe. The first step would be from the *Via Terrena*,[4] the mere track worn by the feet of men and beasts and the wheels of wagons across the fields, to the *Via Glareata*, where the surface was hardened by gravel; and even after pavement was introduced, the blocks seem originally to have rested merely on a bed of small stones.[5]

Livy has recorded[6] that the censorship of Appius Cæcus (B.C. 312) was rendered celebrated in after ages from his having brought water into the city and paved a road (*quod viam munivit et aquam in urbem perduxit*), the renowned *Via Appia*, which extended, in the first instance, from Rome to Capua, although we can scarcely suppose that it was carried so great a distance in a single lustrum.[7] We undoubtedly hear, long before this period, of the *Via Latina*,[8] the *Via Gabina*,[9] and the *Via Salaria*,[10] &c.; but even if we allow that Livy does not employ these names by a sort of prolepsis, in order to indicate conveniently a particular direction (and that he does speak by anticipation when he refers to milestones in some of the above passages is certain), yet we have no proof whatever that they were laid down according to the method afterward adopted with so much success.[11]

1. (Dig. 43, tit. 8, s. 2, § 21, 22; tit. 7, s. 3.—Sicul. Flacc., De Cond. Agr., p. 2, ed. Goes.)—2. (Strab., v., p. 235.)—3. (Isid., xv, 16, § 6.)—4. (Dig. 43, tit. 11, s. 2.)—5. (Liv., xli., 27.—Compare Liv., x, 23, 47.)—6. (ix., 29.)—7. (Niebuhr, Röm. Gesch., iii., p. 356.)—8. (Liv, ii., 39.)—9. (Id., ii., 11; iii., 6; v., 49.)—10. (Id., vii., 9.)—11 (Compare Liv., vii., 39.)

Vitruvius enters into no details with regard to road-making, but he gives most minute directions for pavements; and the fragments of ancient pavements still existing, and answering to his description, correspond so exactly with the remains of the military roads, that we cannot doubt that the processes followed in each case were identical, and thus Vitruvius,[1] combined with the poem of Statius[2] on the *Via Domitiana*, will supply all the technical terms.

In the first place, two shallow trenches (*sulci*) were dug parallel to each other, marking the breadth of the proposed road; this, in the great lines, such as the Via Appia, the Via Flaminia, the Via Valeria, &c., is found to have been from 13 to 15 feet; the Via Tusculana is 11, while those of less importance, from not being great thoroughfares, such as the via which leads up to the temple of Jupiter Latialis, on the summit of the Alban Mount, and which is to this day singularly perfect, seem to have been exactly 8 feet wide. The loose earth between the *sulci* was then removed, and the excavation continued until a solid foundation (*gremium*) was reached, upon which the materials of the road might firmly rest; if this could not be attained, in consequence of the swampy nature of the ground, or from any peculiarity in the soil, a basis was formed artificially by driving piles (*fistucationibus*). Above the *gremium* were four distinct strata. The lowest course was the *statumen*, consisting of stones not smaller than the hand could just grasp; above the statumen was the *rudus*, a mass of broken stones cemented with lime (what masons call *rubble-work*), rammed down hard, and nine inches thick; above the rudus came the *nucleus*, composed of fragments of bricks and pottery, the pieces being smaller than in the rudus, cemented with lime, and six inches thick. Uppermost was the *pavimentum*, large polygonal blocks of the hardest stone (*silex*), usually, at least in the vicinity of Rome, basaltic lava, irregular in form, but fitted and jointed with the greatest nicety (*apta jungitur arte silex*[3]), so as to present a perfectly even surface, as free from gaps or irregularities as if the whole had been one solid mass, and presenting much the same external appearance as the most carefully built polygonal walls of the old Pelasgian towns. The general aspect will be understood from the cut given below of a portion of the street at the entrance of Pompeii.[4]

The centre of the way was a little elevated, so as to permit the water to run off easily, and hence

1. (vii., 1.)—2. (Sylv., iv., 3.)—3. (Tibull., i., 7, 10.)—4. (Mazois, Les Ruines de Pompéi, vol i. pl. xxxvii.)

tne terms *agger viæ*[1] and *summum dorsum*,[2] although both may be applied to the whole surface of the pavimentum. Occasionally, at least in cities, rectangular slabs of softer stone were employed instead of the irregular polygons of silex, as we perceive to have been the case in the Forum of Trajan, which was paved with travertino, and in part of the great forum under the column of Phocas, and hence the distinction between the phrases *silice sternere* and *saxo quadrato stnere*.[3] It must be observed, that while, on the one hand, recourse was had to piling when a solid foundation could not otherwise be obtained, so, on the other hand, when the road was carried over rock, the statumen and the rudus were dispensed with altogether, and the nucleus was spread immediately on the stony surface previously smoothed to receive it. This is seen to have been the case, we are informed by local antiquaries, on the Via Appia, below Albano, where it was cut through a mass of volcanic peperino.

Nor was this all. Regular footpaths (*margines*,[4] *crepidines*,[5] *umbones*[6]) were raised upon each side and strewed with gravel, the different parts were strengthened and bound together with *gomphi* or stone wedges,[7] and stone blocks were set up at moderate intervals on the side of the footpaths, in order that travellers on horseback might be able to mount without the aid of an *ἀναβολεύς* to hoist them up.[8] (*Vid.* Stratores.)

Finally, Caius Gracchus[9] erected milestones along the whole extent of the great highways, marking the distances from Rome, which appear to have been counted from the gate at which each road issued forth; and Augustus, when appointed inspector of the viæ around the city, erected in the Forum a gilded column (*χρυσοῦν μίλιον—χρυσοῦς κίων, milliarium aureum*[10]), on which were inscribed the distances of the principal points to which the viæ conducted. Some have imagined, from a passage in Plutarch,[11] that the distances were calculated from the milliarium aureum, but this seems to be disproved both by the fact that the roads were all divided into miles by C. Gracchus nearly two centuries before, and also by the position of various ancient milestones discovered in modern times.[12]

It is certain that, during the earlier ages of the Republic, the construction and general superintendence of the roads without, and the streets within the city, were committed, like all other important works, to the censors. This is proved by the law quoted in Cicero,[13] and by various passages, in which these magistrates are represented as having first formed and given their names to great lines, such as the Via Appia and the Via Flaminia, or as having executed important improvements and repairs.[14] These duties, when no censors were in office, devolved upon the consuls, and in their absence on the prætor urbanus, the ædiles, or such persons as the senate thought fit to appoint.[15] But during the last century of the Commonwealth, the administration of the roads, as well as of every other department of public business, afforded the tribunes a pretext for popular agitation. Caius Gracchus, in what capacity we know not, is said to have exerted himself in making great improvements, both from a conviction of their utility, and with a view to the acquirement of popularity;[1] and Curio, when tribune, introduced a *lex Viaria* for the construction and restoration of many roads, and the appointment of himself to the office of inspector (*ἐπιστάτης*) for five years.[2] We learn from Cicero[3] that Thermus, in the year B.C. 65, was *curator* of the Flaminian Way, and from Plutarch,[4] that Julius Cæsar held the same office (*ἐπιμελητής*) with regard to the Appian Way, and laid out great sums of his own money upon it, but by whom these appointments were conferred we cannot tell. During the first years of Augustus, Agrippa, being ædile, repaired all roads at his own proper expense; subsequently the emperor, finding that the roads had fallen into disrepair through neglect, took upon himself the restoration of the Via Flaminia as far as Ariminum, and distributed the rest among the most distinguished men in the state (*triumphalibus viris*), to be paved out of the money obtained from spoils (*ex manubiali pecunia sternendas*[5]). In the reign of Claudius we find that this charge had fallen upon the quæstors, and that they were relieved of it by him, although some give a different interpretation to the words.[6] Generally speaking, however, under the Empire, the post of inspector-in-chief (*curator*)—and each great line appears to have had a separate officer with this appellation—was considered a high dignity,[7] insomuch that the title was frequently assumed by the emperors themselves, and a great number of inscriptions are extant, bearing the names of upward of twenty princes from Augustus to Constantine, commemorating their exertions in making and maintaining public ways.[8]

These *curatores* were at first, it would appear, appointed upon special occasions, and at all times must have been regarded as honorary functionaries rather than practical men of business. But from the beginning of the sixth century of the city there existed regular commissioners, whose sole duty appears to have been the care of the ways, four (*quatuorviri viarum*) superintending the streets within the walls, and two the roads without.[9] When Augustus remodelled the inferior magistracies, he included the former in the vigintivirate, and abolished the latter; but when he undertook the care of the viæ around the city, he appointed under himself two *road-makers* (*ὁδοποιούς*[10]), persons of prætorian rank, to whom he assigned two lictors. These were probably included in the number of the new superintendents of public works instituted by him,[11] and would continue from that time forward to discharge their duties, subject to the supervision and control of the *curatores* or inspectors-general.

Even the contractors employed (*mancipes*[12]) were proud to associate their names with these vast undertakings, and an inscription has been preserved[13] in which a wife, in paying the last tribute to her husband, inscribes upon his tomb Mancipi Viæ Appiæ. The funds required were of course derived, under ordinary circumstances, from the public treasury,[14] but individuals also were not unfrequently found willing to devote their own private means to these great national enterprises. This, as we have already seen, was the case with Cæsar and Agrippa, and we learn from inscriptions that the example was imitated by many others of less note.[15] The *Viæ Vicinales* were in the hands of the rural authorities (*magistri pagorum*), and seem to have been main-

(Isid., xv., 16, § 7. — Amm. Marcell., xix., 16. — Compare Virg., Æn., v., 273)—2. (Stat., l. c.)—3. (Liv., x., 23; xli., 27.)—4. (Liv., xli., 27.)—5. (Petron., 9. — Orelli, Inscr., n. 3844.)—6. (Stat., Sylv., iv., 3, 47.)—7. (Stat., l. c.)—8. (Plut., C. Gracch., 7.)—9. (Id., l. c.)—10. (Dion Cass., liv., 8.—Plin., H. N., iii., 5. —Suet., Oth., 6. — Tacit., Hist., i., 27.) — 11. (Galb., 24.)—12. (*Vid.* Holsten., De Milliario Aureo in Græv., Thes. Antiq. Rom., tom. iv.; and Fabretti, De Aq. et Aquæduct., Diss. iii., n. 25.)—13. (De Leg., iii., 3.)—14. (Liv., ix., 29, 43. — Epit., 20; xxii., 11; xli., 27.—Aurel. Vict., De Vir. Illust., c. 72.— Lips., Excurs. ad Tac., Ann., iii., 31.)—15 (Liv., xxxix., 2.— Cic., c. Verr., II., i., 49, 50, 59.)

1. (Plut., C. Gracch., 7.)—2. (Appian, B. C., ii., 26.—Cic. ad Fam., viii., 6.) — 3. (ad Att., i., 1.) — 4. (Cæs., 5.) — 5. (Suet., Octav., 30.— Dion Cass., liii., 22.) — 6. (Suet., Claud., 24.) —7. (Plin., Ep., v., 15.)—8. (Gruter, Corp. Inscrip., cxlix.....clix.) —9. (Dig. I, tit. 2, s. 2, § 30, compared with Dion Cass., liv., 26.) —10. (Dion Cass., liv., 8.)—11. (Suet., Octav., 37.)—12. (Tacit., Ann., ii., 31.) — 13. (Orell., Inscr., n. 3221.) — 14. (Dion Cass., liii., 22.—Sicul. Flacc., De Cond. Agr., p. 9, ed. Goes.)—15 (Gruter, clxi., n. 1 and 2.)

tained by voluntary contribution or assessment, like our parish roads,[1] while the streets within the city were kept in repair by the inhabitants, each person being answerable for the portion opposite to his own house.[2]

Our limits preclude us from entering upon so large a subject as the history of the numerous military roads which intersected the Roman dominions. We shall content ourselves with simply mentioning those which issued from Rome, together with their most important branches within the bounds of Italy, naming, at the same time, the principal towns through which they passed, so as to convey a general idea of their course. For all the details and controversies connected with their origin, gradual extension, and changes, the various stations upon each, the distances, and similar topics, we must refer to the treatises enumerated at the close of this article, and to the researches of the local antiquaries, the most important of whom, in so far as the southern districts are concerned, is Romanelli.

Beginning our circuit of the walls at the Porta Capena, the first in order, as in dignity, is,

I. The Via Appia, the *Great South Road.* It was commenced, as we have already stated, by Appius Claudius Cæcus, when censor, and has always been the most celebrated of the Roman Ways. It was the first ever laid down upon a grand scale and upon scientific principles; the natural obstacles which it was necessary to overcome were of the most formidable nature, and, when completed, it well deserved the title of *Queen of Roads* (*regina viarum*[3]). We know that it was in perfect repair when Procopius wrote,[4] long after the devastating inroads of the northern barbarians; and even to this day the cuttings through hills and masses of solid rock, the filling up of hollows, the bridging of ravines, the substructions to lessen the rapidity of steep descents, and the embankments over swamps, demonstrate the vast sums and the prodigious labour that must have been lavished on its construction. It issued from the *Porta Capena*, and, passing through *Aricia*, *Tres Tabernæ*, *Appii Forum*, *Tarracina*, *Fundi*, *Formiæ*, *Minturnæ*, *Sinuessa*, and *Casilinum*, terminated at *Capua*, but was eventually extended through *Calatia* and *Caudium* to *Beneventum*, and finally from thence through *Venusia*, *Tarentum*, and *Uria*, to *Brundisium.*

The ramifications of the Via Appia most worthy of notice are,

(1.) The Via Setina, which connected it with *Setia.* Originally, it would appear that the *Via Appia* passed through *Velitræ* and *Sctia*, avoiding the marshes altogether, and travellers, to escape this circuit, embarked upon the canal, which, in the days of Horace, traversed a portion of the swamps.

(2.) The Via Domitiana struck off at *Sinuessa*, and, keeping close to the shore, passed through *Liternum*, *Cumæ*, *Puteoli*, *Neapolis*, *Herculaneum*, *Oplonti*, *Pompeii*, and *Stabiæ* to *Surrentum*, making the complete circuit of the Bay of Naples.

(3.) The Via Campana or Consularis, from *Capua* to *Cumæ*, sending off a branch to *Puteoli*, and another through *Atella* to *Neapolis.*

(4.) The Via Aquillia began at *Capua*, and ran south through *Nola* and *Nuceria* to *Salernum*; from thence, after sending off a branch to *Pæstum*, it took a wide sweep inland through *Eburi* and the region of the *Mons Alburnus* up the valley of the *Tanager*; it then struck south through the very heart of *Lucania* and *Bruttium*, and, passing *Nerulum*, *Interamnia*, and *Consentia*, returned to the sea at *Vibo*, and thence through *Medma* to *Rhegium.* This road sent off a branch near the sources of the *Tanager*, which ran down to the sea at *Blanda* on the *Laus Sinus*, and then continued along the whole line of the Bruttian coast through *Laus* and *Terina* to *Vibo*, where it joined the main stem.

(5.) The Via Egnatia began at *Beneventum*, struck north through the country of the Hirpini to *Equotuticum*, entered Apulia at *Æcæ*, and, passing through *Herdonia*, *Canusium*, and *Rubi*, reached the Adriatic at *Barium*, and followed the coast through *Egnatia* to *Brundisium.* This was the route followed by Horace. It is doubtful whether it bore the name given above in the early part of its course.

(6.) The Via Trajana began at *Venusia*, and ran in nearly a straight line across Lucania to *Heraclea* on the *Sinus Tarentinus*; thence following, southward, the line of the east coast, it passed through *Thurii*, *Croto*, and *Scyllacium*, and completed the circuit of *Bruttium* by meeting the *Via Aquillia* at *Rhegium.*

(7.) A Via Minucia is mentioned by Cicero,[1] and a Via Numicia by Horace,[2] both of which seem to have passed through Samnium from north to south, connecting the Valerian and Aquillian, and cutting the Appian and Latin Ways. Their course is unknown. Some believe them to be one and the same.

Returning to Rome, we find issuing from the Porta Capena, or a gate in its immediate vicinity,

II. The Via Latina, another great line leading to Beneventum, but keeping a course farther inland than the Via Appia. Soon after leaving the city, it sent off a short branch (Via Tusculana) to *Tusculum*, and, passing through *Compitum Anagninum*, *Ferentium*, *Frusino*, *Fregellæ*, *Fabrateria*, *Aquinum*, *Casinum*, *Venafrum*, *Teanum*, *Allifæ*, and *Telesia*, joined the *Via Appia* at *Beneventum.*

A cross-road, called the Via Hadriana, running from *Minturnæ* through *Suessa Aurunca* to *Teanum*, connected the *Via Appia* with the *Via Latina.*

III. From the *Porta Esquilina* issued the Via Labicana, which, passing Labicum, fell into the *Via Latina* at the station *ad Bivium*, 30 miles from Rome.

IV. The Via Prænestina, originally the Via Gabina, issued from the same gate with the former. Passing through *Gabii* and *Præneste*, it joined the *Via Latina* just below *Anagnia.*

V. Passing over the Via Collatina as of little importance, we find the Via Tiburtina, which issued from the *Porta Tiburtina*, and, proceeding N.E. to *Tibur*, a distance of about 20 miles, was continued from thence, in the same direction, under the name of the Via Valeria, and, traversing the country of the Sabines, passed through *Carsceoli* and *Corfinium* to *Aternum* on the Adriatic, thence to *Adria*, and so along the coast to *Castrum Truentinum*, where it fell into the *Via Salaria.*

A branch of the *Via Valeria* led to *Sublaqueum*, and was called Via Sublacensis. Another branch extended from *Adria* along the coast southward through the country of Frentani to *Larinum*, being called, as some suppose, Via Frentana Appula.

VI. The Via Nomentana, anciently Ficulnensis, ran from the *Porta Collina*, crossed the *Anio* to *Nomentum*, and, a little beyond, fell into the *Via Salaria* at *Eretum.*

VII. The Via Salaria, also from the *Porta Collina* (passing *Fidenæ* and *Crustumerium*), ran north and east through Sabinum and Picenum to *Reate* and *Asculum Picenum.* At *Castrum Truentinum* it reached the coast, which it followed until it joined the *Via Flaminia* at *Ancona.*

VIII. Next comes the Via Flaminia, the *Great North Road*, commenced in the censorship of C. Flaminius, and carried ultimately to *Ariminum.* It

1. (Sicul. Flacc., p. 9.)—2. (Dig. 43, tit. 10, s. 3.)—3. (Stat., Sylv. ii., 2. 12.)—4. (Bell. Goth., i., 14.)

1. (ad Att., ix., 6.)—2. (Epist., i., 18. 20.)

issued from the *Porta Flaminia*, and proceeded nearly north to *Ocriculum* and *Narnia* in Umbria. Here a branch struck off, making a sweep to the east through *Interamna* and *Spoletium*, and fell again into the main trunk (which passed through *Mevania*) at *Fulginia*. It continued through *Fanum Flaminii* and *Nuceria*, where it again divided, one line running nearly straight to *Fanum Fortunæ* on the Adriatic, while the other, diverging to *Ancona*, continued from thence along the coast to *Fanum Fortunæ*, where the two branches, uniting, passed on to *Ariminum* through *Pisaurum*. From thence the *Via Flaminia* was extended under the name of the Via Æmilia, and traversed the heart of Cisalpine Gaul through *Bononia*, *Mutina*, *Parma*, *Placentia* (where it crossed the Po), to *Mediolanum*. From this point branches were sent off through *Bergomum*, *Brixia*, *Verona*, *Vicentia*, *Patavium*, and *Aquileia* to *Tergeste* on the east, and through *Novaria*, *Vercelli*, *Eporedia*, and *Augusta Prætoria* to the *Alpis Graia* on the west, besides another branch in the same direction through *Ticinum* and *Industria* to *Augusta Taurinorum*. Nor must we omit the Via Postumia, which struck from *Verona* right down across the Apennines to *Genoa*, passing through *Mantua* and *Cremona*, crossing the Po at *Placentia*, and so through *Iria*, *Dertona*, and *Libarna*, sending off a branch from *Dertona* to *Asta*.

Of the roads striking out of the *Via Flaminia* in the immediate vicinity of Rome, the most important is the Via Cassia, which, diverging near the *Pons Mulvius*, and passing not far from *Veii*, traversed Etruria through *Baccanæ*, *Sutrium*, *Vulsinii*, *Clusium*, *Arretium*, *Florentia*, *Pistoria*, and *Luca*, joining the *Via Aurelia* at *Luna*.

(*α.*) The Via Amerina broke off from the *Via Cassia* near *Baccanæ*, and held north through *Falerii*, *Tuder*, and *Perusia*, reuniting itself with the *Via Cassia* at *Clusium*.

(*β.*) Not far from the *Pons Mulvius* the Via Cloдia separated from the *Via Cassia*, and, proceeding to *Sabate* on the *Lacus Sabatinus*, there divided into two, the principal branch passing through central Etruria to *Rusellæ*, and thence due north to *Florentia*, the other passing through *Tarquinii*, and then falling into the *Via Aurelia*.

(*γ.*) Beyond *Baccanæ* the Via Cimina branched off, crossing the *Mons Ciminus*, and rejoining the *Via Cassia* near *Fanum Voltumnæ*.

IX. The Via Aurelia, the *Great Coast Road*, issued originally from the *Porta Janiculensis*, and subsequently from the *Porta Aurelia*. It reached the coast at *Alsium*, and followed the shore of the lower sea, along Etruria and Liguria, by *Genoa*, as far as *Forum Julii* in Gaul. In the first instance it extended no farther than *Pisa*.

X. The Via Portuensis kept the right bank of the Tiber to *Portus Augusti*.

XI. The Via Ostiensis originally passed through the *Porta Trigemina*, afterward through the *Porta Ostiensis*, and kept the left bank of the Tiber to *Ostia*. From thence it was continued, under the name of Via Severiana, along the coast southward through *Laurentum*, *Antium*, and *Circæi*, till it joined the *Via Appia* at *Tarracina*. The Via Laurentina, leading direct to *Laurentum*, seems to have branched off from the *Via Ostiensis* at a short distance from Rome.

XII. Lastly, the Via Ardeatina, from Rome to *Ardea*. According to some, this branched off from the *Via Appia*, and thus the circuit of the city is completed.

Alphabetical Table of the Viæ described above.

1.	Via Æmilia VIII.	4.	Via Amerina VIII. (*α.*)
2.	" Appia I.	5.	" Ardeatina XII.
3	" Aquillia I. (4	6	Aurelia IX.
7.	Via Campana I. (3.)	23.	Via Minucia I. (7.)
8	" Cassia VIII.	24.	" Nomentana VI.
9.	" Cimina VIII. (*γ.*)	25.	" Numicia I. (7.)
10.	" Clodia VIII. (*β.*)	26.	" Ostiensis XI.
11.	" Collatina V.	27.	" Portuensis X.
12.	" Consulares I. (3.)	28.	" Postumia VIII.
13.	" Domitiana I. (2.)	29.	" Prænestina V.
14.	" Egnatia I. (5.)	30.	" Salaria VII.
15.	" Ficulnensis VI.	31.	" Setina I. (1.)
16.	" Flaminia VIII.	32.	" Severiana XI.
17.	" Frentana Appula V.	33.	" Sublacensis V.
18.	" Gabina IV.	34.	" Tiburtina V.
19.	" Hadriana II.	35.	" Trajana I. (6.)
20.	" Labicana III.	36.	" Tusculana II.
21.	" Latina II.	37.	" Valeria V.
22.	" Laurentina XI.		

The most elaborate treatise upon Roman roads is *Bergier, Histoire des Grands Chemins de l'Empire Romain*, published in 1622. It is translated into Latin in the tenth volume of the Thesaurus of Grævius, and, with the notes of Henninius, occupies more than 800 folio pages. In the first part of the above article, the essay of Nibby, *Delle Vie degli Antichi dissertazione*, appended to the fourth volume of the fourth Roman edition of Nardini, has been closely followed. Considerable caution, however, is necessary in using the works of this author, who, although a profound local antiquary, is by no means an accurate scholar. To gain a knowledge of that portion of the subject so lightly touched upon at the close of the article, it is necessary to consult the various commentaries upon the Tabula Peutingeriana and the different ancient itineraries, together with the geographical works of Cellarius, Cluverius, and D'Anville.

VIA'RIA LEX. (*Vid.* Lex, p. 586; Viæ, 1043.)

VIA'TICUM is, properly speaking, everything necessary for a person setting out on a journey, and thus comprehends money, provisions, dresses, vessels, &c.[1] When a Roman magistrate, prætor, proconsul, or quæstor went to his province, the state provided him with all that was necessary for his journey. But as the state, in this as in most other cases of expenditure, preferred paying a sum at once to having any part in the actual business, the state engaged contractors (*redemptores*), who, for a stipulated sum, had to provide the magistrates with the viaticum, the principal parts of which appear to have been beasts of burden and tents (*muli et tabernacula*). Augustus introduced some modification of this system, as he once for all fixed a certain sum to be given to the proconsuls (probably to other provincial magistrates also) on setting out to their provinces, so that the redemptores had no more to do with it.[2]

VIA'TOR was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation as the lictor did to other magistrates. The name *viatores* was derived from the circumstance of their being chiefly employed on messages either to call upon senators to attend the meeting of the senate, or to summon people to the comitia, &c.[3] In the earlier times of the Republic, we find viatores as ministers of such magistrates also as had their lictors: viatores of a dictator and of the consuls are mentioned by Livy.[4] In later times, however, viatores are only mentioned with such magistrates as had only potestas and not imperium, such as the tribunes of the people, the censors, and the ædiles.[5] How many viatores attended each of these magistrates is not known; one of them is said to have had the right, at the command of his magistrate, to bind persons (*ligare*), whence he was called lictor.[6] It is

1. (Plaut., Epid., v., 1, 9. — Plin., Epist., vii., 12. — Cic., De Senect., 18.) — 2. (Cic. ad Fam., xii., 3. — Suet., Octav., 36. — Gell., xvii., 2, 13. — Compare Sigonius, De Antiq. Jur. Prov., iii., 11. — Casaubon ad Theophr., 11.) — 3. (Cic., De Senect., 16.) — 4. (vi., 15; xxii., 11. — Compare Plin., II. N., xviii., 4. — Liv., viii 18.) — 5. Gell., xiii., 12. — Liv., ii., 56; xxx., 39; xxxix., 14. Lydus, De Magist., i., 44.) — 6. (Gell., xii., 3.)

not improbable that the ancient writers sometimes confounded viatores and lictores.[1]

VICA'RII SERVI. (*Vid.* SERVUS, ROMAN, p. 984.)

*VICIA. (*Vid.* APHACE.)

VI'CTIMA. (*Vid.* SACRIFICIUM.)

VICE'SIMA, a tax of five per cent. Every Roman, when he manumitted a slave, had to pay to the state a tax of one twentieth of his value, whence the tax was called *vicesima manumissionis*. This tax appears to have been levied from the earliest times, and was not abolished when all other imposts were done away with in Rome and Italy.[2] Caracalla raised this tax to a *decima*, that is, ten per cent., but Macrinus again reduced it to the old standard.[3] The persons employed in collecting it were called *viccsimarii*.[4]

A tax called *vicesima hereditatium et legatorum* was introduced by Augustus (*lex Julia Vicesimaria*): it consisted of five per cent., which every Roman citizen had to pay to the ærarium militare, upon any inheritance or legacy left to him, with the exception of such as were left to a citizen by his nearest relatives, and such as did not amount to above a certain sum.[5] Peregrini and Latini who had become Roman citizens had, in a legal sense, no relatives, and were therefore obliged in all cases to pay the vicesima hereditatium.[6] As only citizens had to pay this tax, Caracalla, in order to make it more productive, granted the franchise to all the subjects of the Empire, and at the same time raised it to ten per cent. (*decima*), but Macrinus again reduced it to five,[7] and at last it was abolished entirely. It was levied in Italy and the provinces by procuratores appointed for the purpose, and who are mentioned in many inscriptions as PROCURATORES XX. HEREDITATIUM, OT AD VECTIGAL XX. HEREDIT. But these officers generally sold it for a round sum to the publicani, which the latter had to pay in to the præfects of the ærarium militare.[8]

VICOMAGISTRI. (*Vid.* VICUS.)

VICUS is the name of the subdivisions into which the four egions occupied by the four city tribes of Servius Tullius were divided, while the country regions, according to an institution ascribed to Numa, were subdivided into pagi.[9] This division, together with that of the four regions of the four city tribes, remained down to the time of Augustus, who made the vici subdivisions of the fourteen regions into which he divided the city.[10] In this division each vicus consisted of one main street, including several smaller by-streets; their number was 424, and each was superintended by four officers, called *vicomagistri*, who had a sort of local police, and who, according to the regulations of Augustus, were every year chosen by lot from among the people who lived in the vicus.[11] On certain days, probably at the celebration of the Compitalia, they wore the prætexta, and each of them was accompanied by two lictors.[12] These officers, however, were not a new institution of Augustus, for they had existed during the time of the Republic, and had had the same functions as a police for the vici of the Servian division of the city.[13]

VICTORIA'TUS. (*Vid.* DENARIUS.)

VI'GILES. (*Vid.* ARMY, ROMAN, p. 106; PRÆFECTUS VIGILUM.)

VIGILIÆ. (*Vid.* CASTRA, p. 222.)

1. (Sigonius, De Ant. Jur. Civ. Rom., ii., 15.)—2. (Liv., vii., 16; xxvii., 10.—Cic. ad Att., ii., 16.)—3. (Dion Cass., lxxvii., 9; lxxviii., 12.)—4. (Petron., Fragm. Tragur., 65.—Orelli, Inscript., n. 3333, &c.)—5. (Dion Cass., lv., 25; lvi., 28.—Plin., Paneg., 37, &c.—Capitol., M. Antonin., 11.)—6. (Plin., Paneg., l. c.)—7. (Dion Cass., lxxvii., 9; lxxviii., 12.)—8. (Plin., Epist., vii., 14.—Paneg., 37.)—9. (Dionys., ii., 76.)—10. (Suet., Octav., 30.)—11. (Suet., l. c.—Dion Cass., v., 8.)—12. (Dion Cass., l. c.—Ascon. ad Cic. in Pison., p. 7, ed. Orelli.)—13. (Liv., xxxiv., 7.—Festus, s. v. Magistrare.—Compare Sextus Rufus, Brev. de Reg. Urbis Romæ, and P. Victor, De Reg. Urbis Romæ.)

VIGINTISEXVIRI were twenty six magistrates minores, among whom were included the triumviri capitales, the triumviri monetales, the quatuorviri viarum curandarum for the city, the two curatores viarum for the roads outside the city, the decemviri litibus (*stlitibus*) judicandis, and the four præfects who were sent into Campania for the purpose of administering justice there. Augustus reduced the number of officers of this college to twenty (*viginti-viri*), as the two curatores viarum for the roads out side the city and the four Campanian præfects were abolished.[1] Down to the time of Augustus, the sons of senators had generally sought and obtained a place in the college of the vigintisexviri, it being the first step towards the higher offices of the Republic; but in A.D. 13 a senatus consultum was passed, ordaining that only equites should be eligible to the college of the vigintiviri. The consequence of this was, that the vigintiviri had no seats in the senate, unless they had held some other magistracy which conferred this right upon them.[2] The age at which a person might become a vigintivir appears to have been twenty.[3]

An account of the magistrates forming this college has been given in separate articles, with the exception of the *decemviri litibus judicandis*, of whom we accordingly subjoin a brief account. These magistrates, consisting, as the name imports, of ten men, formed a court of justice, which took cognizance of civil cases. From Pomponius[4] it would appear that they were not instituted till the year B.C. 292, the time when the triumviri capitales were first appointed. Livy,[5] however, mentions decemvirs as a plebeian magistracy very soon after the legislation of the Twelve Tables; and while Niebuhr[6] refers these decemvirs to the decemviral magistrates, who had shortly before been abolished, and thus abides by the account of Pomponius, Göttling[7] believes that the decemvirs of Livy are the decemviri litibus judicandis, and refers their institution, together with that of the centumviri, to Servius Tullius. (*Vid.* CENTUMVIRI.) But the history as well as the peculiar jurisdiction of this court during the time of the Republic are involved in inextricable obscurity. In the time of Cicero it still existed, and the proceedings in it took place in the ancient form of the sacramentum.[8] Augustus transferred to these decemvirs the presidency in the courts of the centumviri.[9] During the Empire this court had jurisdiction in capital matters, which is expressly stated in regard to the decemvirs.[10]

VIGINTIVIRI. (*Vid.* VIGINTISEXVIRI.)

VILLA, a farm or country-house. The Roman writers mention two kinds of villa, the *villa rustica* or farmhouse, and the *villa urbana* or *pseudo-urbana*, a residence in the country or in the suburbs of a town. When both of these were attached to an estate, they were generally united in the same range of buildings, but sometimes they were placed at different parts of the estate. The part of the *villa rustica* in which the produce of the farm was kept is distinguished by Columella by a separate name, *villa fructuaria*. Varro[11] derives the name from *veho* ("*quo fructus convehebantur, villæ*").

1. The *villa rustica* is described by Varro,[12] Vitruvius,[13] and Columella.[14]

The villa, which must be of a size corresponding to that of the farm, is best placed at the foot of a

1. (Dion Cass., liv., 26.)—2. (Id., l. c.)—3. (Compare Dion Cass., lx., 5.—Tacit., Annal., iii., 29, with Lipsius's note.—Spart., Did. Julian., 1.)—4. (De Orig. Jur., Dig. 1, tit. 2, s. 2, § 29.)—5. (iii., 55.)—6. (Hist. of Rome, ii., 324, &c.)—7. (Gesch. der Röm. Staatsv., p. 241, &c.)—8. (Cic., Pro Cæcin., 33; Pro Dom., 29.)—9. (Suet., Octav., 36.—Dion Cass., liv., 26.)—10. (Böckh, Corp. Inscr., i., n. 1133, 1327.—Compare Walter, Gesch. des Röm. Rechts, p. 721, and p. 864, n. 96.)—11. (L. L., v., 35, ed. Müller.)—12. (R. R., i., 11, 13.)—13. (vi 9.)—14 (i., 4, 5.)

wooded mountain, in a spot supplied with running water, and not exposed to severe winds, nor to the effluvia of marshes, nor (by being close to a public road) to a too frequent influx of visiters. The villa attached to a large farm had two courts (*cohortes, chortes, cortes*[1]). At the entrance to the outer court was the abode of the *villicus*, that he might observe who went in and out, and over the door was the room of the *procurator*.[2] Near this, in as warm a spot as possible, was the kitchen, which, besides being used for the preparation of food, was the place where the slaves (*familiæ*) assembled after the labours of the day, and where they performed certain in-door work. Vitruvius places near the kitchen the baths, and the press (*torcular*) for wine and oil, but the latter, according to Columella, though it requires the warmth of the sun, should not be exposed to artificial heat. In the outer court were also the cellars for wine and oil (*cellæ vinariæ et olearie*), which were placed on the level ground, and the granaries, which were in the upper stories of the farm-buildings, and carefully protected from damp, heat, and insects. These storerooms form the separate *villa fructuaria* of Columella; Varro places them in the *villa rustica*, but Vitruvius recommends that all produce which could be injured by fire should be stored without the villa.

In both courts were the chambers (*cellæ*) of the slaves, fronting the south; but the *ergastulum* for those who were kept in chains (*vincti*) was under ground, being lighted by several high and narrow windows.

The inner court was occupied chiefly by the horses, cattle, and other livestock, and here were the stables and stalls (*bubilia, equilia, ovilia*).

A reservoir of water was made in the middle of each court, that in the outer court for soaking pulse and other vegetable produce, and that in the inner, which was supplied with fresh water by a spring, for the use of the cattle and poultry.

2. The *villa urbana* or *pseudo-urbana* was so called because its interior arrangements corresponded for the most part to those of a town-house. (*Vid.* House.) Vitruvius[3] merely states that the description of the latter will apply to the former also, except that in the town the atrium is placed close to the door; but in the country the peristyle comes first, and afterward the atrium, surrounded by paved porticoes, looking upon the palæstra and ambulatio.

Our chief sources of information on this subject are two letters of Pliny, in one of which[4] he describes his Laurentine villa, in the other[5] his Tuscan, with a few allusions in one of Cicero's letters,[6] and, as a most important illustration of these descriptions, the remains of a suburban villa at Pompeii.[7]

The clearest account is that given by Pliny in the first of the two letters mentioned above, from which, therefore, the following description is for the most part taken.

The villa was approached by an avenue of plane-trees leading to a portico, in front of which was a *xystus* divided into flower-beds by borders of box. This xystus formed a terrace, from which a grassy slope, ornamented with box-trees cut into the figures of animals, and forming two lines opposite to one another, descended till it was lost in the plain, which was covered with acanthus.[8] Next to the portico was an atrium, smaller and plainer than the corresponding apartment in a town-house. In this respect Pliny's description is at variance with the rule of Vitruvius, and the villa at Pompeii also has no atrium. It would appear from Cicero[9] that both arrangements were common. Next to the atrium in Pliny's Laurentine villa was a small elliptic peristyle (*porticus in O literæ similitudinem circumactæ*, where, however, the readings D and Δ are also given instead of O). The intervals between the columns of this peristyle were closed with talc windows (*specularibus: vid.* House, p. 521), and the roof projected considerably, so that it formed an excellent retreat in unfavourable weather. The open space in the centre of this peristyle seems often to have been covered with moss and ornamented with a fountain. Opposite to the middle of this peristyle was a pleasant *cavædium*, and beyond it an elegant triclinium, standing out from the other buildings, with windows or glazed doors in the front and sides, which thus commanded a view of the grounds and of the surrounding country, while behind there was an uninterrupted view through the cavædium, peristyle, atrium, and portico into the xystus and the open country beyond.

Such was the principal suite of apartments in Pliny's Laurentine villa. In the villa at Pompeii the arrangement is somewhat different. The entrance is in the street of the tombs. The portico leads through a small vestibule into a large square peristyle paved with *opus signinum*, and having an impluvium in the centre of its uncovered area. Beyond this is an open hall, resembling in form and position the *tablinum* in a town-house. Next is a long gallery extending almost across the whole width of the house, and beyond it is a large cyzicene œcus, corresponding to the large triclinium in Pliny's villa. This room looks out upon a spacious court, which was, no doubt, a xystus or garden, and which is surrounded on all sides by a colonnade supported by square pillars, the top of which forms a terrace. In the farthest side of this court is a gate leading out to the open country. As the ground slopes downward considerably from the front to the back of the villa, the terrace just spoken of is on a level with the cyzicene œcus, the windows of which opened upon it; and beneath the œcus itself is a range of apartments on the level of the large court, which were probably used in summer on account of their coolness.

The other rooms were so arranged as to take advantage of the different seasons and of the surrounding scenery. Of these, however, there is only one which requires particular notice, namely, a state bedchamber, projecting from the other buildings in an elliptic or semicircular form, so as to admit the sun during its whole course. This apartment is mentioned by Pliny, and is also found in the Pompeian villa. In Pliny's Laurentine villa its wall was fitted up as a library.

The villa contained a set of baths, the general arrangement of which was similar to that of the public baths. (*Vid.* Baths.)

Attached to it were a garden, *ambulatio, gestatio, hippodromus, sphæristerium*, and, in short, all necessary arrangements for enjoying different kinds of exercise. (*Vid.* Hortus, Gymnasium.)

(Becker's *Gallus*, i., p. 258, Schneider's notes on Columella and Varro, and Gierig's on Pliny, contain many useful remarks.)

VI'LLIA ANNA'LIS LEX. (*Vid.* Ædiles, p. 25.)

VI'LLICUS, a slave who had the superintendence of the *villa rustica*, and of all the business of the farm except the cattle, which were under the care of the *magister pecoris*.[1] The duties of the villicus were to obey his master implicitly, and to govern the other slaves with moderation; never to leave the villa except to go to market; to have no intercourse with soothsayers; to take care of the cattle and the implements of husbandry; and to manage

(Varro, i., 13.) — 2. (Varro, l. c. — Colum., i., 6.) — 3. (vi.,)—4. (ii., 17.) —5. (v., 6.)—6 (ad Quint., iii., 1.)—7. (Pomp., c. 11, Lond., 1832.)—8. (Plin., v., 6.)—9. (l. c.)

1. (Varro, R. R., i., 2.)

all the operations of the farm.[1] His duties are described at great length by Columella,[2] and those of his wife (*villica*) by the same writer[3] and by Cato.[4]

The word was also used to describe a person to whom the management of any business was intrusted. (See the passages quoted in Forcellini's Lexicon.)

VINA'LIA. There were two festivals of this name celebrated by the Romans: the *Vinalia urbana* or *priora*, and the *Vinalia rustica* or *altera*. The vinalia urbana were celebrated on the 23d of April (IX. *Calend. Mai.*). This festival answered to the Greek πιθοιγία, as on this occasion the wine-casks which had been filled the preceding autumn were opened for the first time, and the wine tasted.[5] But before men actually tasted the new wine, a libation was offered to Jupiter,[6] which was called calpar.[7]

The rustic vinalia, which fell on the 19th of August (XIV. *Calend. Sept.*), and was celebrated by the inhabitants of all Latium, was the day on which the vintage was opened. On this occasion the flamen dialis offered lambs to Jupiter, and while the flesh of the victims lay on the altar, he broke with his own hands a bunch of grapes from a vine, and by this act he, as it were, opened the vintage (*vindemiam auspicari*[8]), and no must was allowed to be conveyed into the city until this solemnity was performed.[9] This day was sacred to Jupiter, and Venus too appears to have had a share in it.[10] An account of the story which was believed to have given rise to the celebration of this festival is given by Festus[11] and Ovid.[12]

VINDEMIA'LIS FE'RIA. (*Vid.* Feriæ, p. 437.)

VINDEX. (*Vid.* Actio, p. 18; Manus Injectio.)

VINDICA'TIO. Actiones in rem were called vindicationes. Actiones in personam were called condictiones.[13] Vindicationes, therefore, were actions about property and about jura in re.[14] The distinction between vindicationes and condictiones was an essential distinction, which was not affected by the change in the form of procedure from the legis actiones to that of the formulæ. The legis actiones fell into disuse,[15] except in the case of damnum infectum and a judicium centumvirale, and from this time both vindicationes and condictiones were prosecuted by the formulæ, which is described in a general way in the article Actio. The peculiar process of the vindicatio which belonged to the period of the legis actiones remains to be described.

The five modes of proceeding lege[16] were *sacramento, per judices postulationem, per condictionem, per manus injectionem, per pignoris capionem.*

A man might proceed *sacramento* either in the case of an actio in personam or an actio in rem. If it was an actio in rem, that is, a vindicatio, movable things and moving things (*mobilia et moventia*) which could be brought before the prætor (*in jus*), were claimed before the prætor (*in jure vindicabantur*) thus: he who claimed the things as his property (*qui vindicabat*) held a rod in his hand, and, laying hold of the thing, it might be a slave or other thing, he said, "*Hunc ego hominem ex jure Quiritium meum esse aio secundum causam sicut dixi. Ecce tibi vindictam imposui;*" and, saying this, he placed the rod on the thing. The other claimant (*adversarius*) did and said the same. This claiming of a thing as property by laying the hand upon it was in jure manum conserere, a phrase as old as the Twelve Tables.[1] The prætor then said, "*Mittite ambo hominem,*" and the claimants obeyed. Then he who had made the first vindicatio thus addressed his opponent: "*Postulo anne dicas qua ex causa vindicaveris.*" The opponent replied: "*Jus peregi sicut vindictam imposui.*" Then he who had made the first vindicatio proceeded to that part of the process called the sacramentum, which was in the form of a wager as to the right: he said, "*Quando tu injuria vindicavisti D æris sacramento te provoco.*" The opponent replied by giving the similiter: "*Similiter ego te.*" The rest of the process was the same as in the case of an actio in personam. But in the case of a vindicatio the prætor declared the vindiciæ in favour of one of the parties, that is, in the mean time he established one of the parties as possessor, and compelled him to give security to his opponent for the thing in dispute and the mesne profits, or, as it was technically expressed, "*jubebat prædes adversario dare litis et vindiciarum.*" The prætor also took security from both for the amount of the sacramentum; for the party who failed paid the amount of the sacramentum as a penalty (*pœnæ nomine*), which penalty belonged to the state (*in publicum cedebat*).

The pœna of the sacramentum was quingenaria, that is, quingenti asses in cases when the property in dispute was of the value of a thousand asses and upward; and in cases of smaller value it was fifty asses. This was a provision of the Twelve Tables; but if a man's freedom (*libertas*) was in issue, the pœna was only fifty asses.

If the property claimed was a piece of land, the claimants appeared in jure, and challenged each other to go on the land in the presence of witnesses (*superstites*[2]), when each made his claim. In the time of the Twelve Tables, says Gellius,[3] the magistratus who presided in the court accompanied the parties to the land in order to perfect the process in jure; but this mode of procedure, which might possibly do in very early times, must have become inconvenient. Accordingly, it became the practice for one of the claimants to go through the form of ejecting the other, which was called the vis civilis.[4] The claimants took with them a clod of earth in jus where the process was completed. In course of time it became the practice to bring into court a clod of earth or a bit of a column, as a sign of the thing; and even in the case of movable objects, a part was often brought into court to represent the whole, and the vindicatio was made as if the whole thing was there. It seems that the process might also be begun by the parties performing the ceremony of the deductio on the ground before they came in jus, where, however, they performed the fiction of going to the premises and returning. The change in the form of procedure led to the phrase "*ex jure manum conserere,*"[5] which is explained thus: one party called the other out of the court (ex jure) "*ad conserendam manum in rem de qua agebatur.*"

When the legis actiones fell into disuse, the process of the vindicatio was altered, and became that of the sponsio. The term sponsio is best explained by giving the substance of a passage in Gaius.[6] In the case of an actio in rem, a man might proceed either per formulam petitoriam, in which the intentio of the plaintiff was that a certain thing was his property, or he might proceed per sponsionem, which did not contain such an intentio. The defendant was challenged to a sponsio in such terms as these: "*Si homo quo de agitur ex jure Quiritium meus est sestertios* XXV. *nummos dare spondes?*"

1 (Cato, R. R., 5, 142.)—2. (xi., 1, and i., 8.)—3. (xii., 1.)—4. (c. 143.)—5. (Plin., H. N., xviii., 69, § 3.)—6. (Fest., s. v. Vinalia.)—7. (Fest., s. v. Calpar.)—8. (Varro, De Ling. Lat., v., p. 55, &c., Bip.)—9. (Plin., H. N., xviii., 69, § 4.)—10. (Varro, l. c.—De Re Rust., i., 1.—Macrob., Sat., i., 4.—Ovid, Fast., iv., 897, &c.)—11. (s. v. Rustica Vinalia.)—12. (Fast., iv., 863, &c.—Compare Aurel. Vict., De Orig. Gent. Rom., 15.)—13. (Gaius, iv., 5.)—14. (Gaius, iv., 3.)—15. (Gaius, iv., 31.)—16. (Gaius, iv., 12.)

1. (Gell., xx., 10.)—2. (Festus, s. v.—Cic., Pro Murena, 12.—3 (xx., 10.)—4. (Compare Gellius, xx., 10.—Cic., Pro Cæcina, 1, 32.—Id., Pro Tullio, 20.)—5. (Gell., xx. 10.—6. (iv., 91, &c.)

The intentio in the formula was, that if the slave belonged to the plaintiff, the sum of money contained in the sponsio ought to be paid to the plaintiff (*sponsionis summam actori dari debere*). The sponsio evidently took its name from the verb spondeo. If the plaintiff proved the slave to be his property, he was entitled to a judgment. Yet the sum of money was not paid, though it was the object of the intention; for, says Gaius, "it is not pœnalis, but præjudicialis, and the sponsio is introduced merely as a means of trying the right to the property, and this explains why the defendant has no restipulatio." The sponsio was said to be "*pro præde litis et vindiciarum*," because it took the place of the prædium, which, when the legis actiones were in use, was given "*pro lite et vindiciis*," that is, "*pro re et fructibus*" by the possessor to the plaintiff. (*Vid.* PRÆJUDICIUM, PRÆS.)

This sponsio præjudicialis was merely a technical mode of converting an actio in rem into an actio in personam, and we must suppose that there was some good reason for the practice. It might be conjectured that it was introduced in order to obviate the trouble and difficulties attendant on the old process of the vindicatio.

From the expression of Gaius, it appears that there was also a sponsio pœnalis, that is, both the defendant made a sponsio and the plaintiff made a restipulatio. Thus, in the case of "*certa pecunia credita*," the defendant's sponsio was made at the risk of losing the sum if he could not sustain his denial of the plaintiff's claim, and the plaintiff's restipulatio was made at the like risk if he could not support his claim. The pœna of the sponsio and restipulatio belonged to the successful party.[1] There was also a pœnalis sponsio in the case of interdicts[2] and pecunia constituta. In the case of certa pecunia the sponsio was to the amount of one third of the sum demanded, which was called legitima pars.[3] In the case of constituta pecunia the sponsio was to the amount of one half.[4] These stipulationes were fixed by law; in other cases they were fixed by the Edict.

These sponsiones were introduced probably partly with a view to check litigation, and partly with a view to give compensation to the party who ultimately obtained a verdict; for otherwise there do not appear in the Roman law to be any direct provisions as to the costs of suits. Thus Gaius[5] enumerates four modes in which the actoris calumnia is checked: the calumniæ judicium, contrarium judicium, jusjurandum, and the restipulatio. The restipulatio, he says, "is allowed in certain cases; and, as in the contrarium judicium, the plaintiff has in all cases judgment against him if he cannot sustain his case, and it matters not whether or not he knows that his claim was not good, so in all cases the plaintiff (that is, if he cannot sustain his case) is condemned in the penalty of the restipulatio."

As to the form of the sponsio, the passage of Gaius already referred to is an example; and there is another in the oration of Cicero, *Pro Publ. Quintio*.[6] The use of the word si or ni in the sponsio would depend on the fact which was affirmed, or, rather, on the mode of affirmation and the party affirming. Cicero[7] alludes to the use of these words (*sive, nive*). Brissonius[8] has collected instances of them.

The other mode of procedure in the case of vindicatio, that was in use after the legis actiones fell into disuse, was per formulam petitoriam, in which the plaintiff (*actor*) claimed the thing as his property (*intendit rem suam esse*). In this form of proceeding there was the stipulatio called judicatum solvi, by which the defendant engaged to obey the decree of the judex.[1] This formula was adapted also to the cases of prætorian ownership and the actio publiciana.[2] In cases which were brought before the centumviri, it was the practice, at least in the imperial period, to come first before the prætor in banus or peregrinus, in order that the matter might be put in the old form of the sacramentum.[3]

An hereditas was sued for like any other thing, either by the sacramentum, so long as it was in use, or the sponsio, or the petitoria formula.[4]

VINDI'CIÆ. (*Vid.* VINDICATIO.)

VINDICTA. (*Vid.* MANUMISSIO, VINDICATIO.)

VINDICTA. A class of actions in the Roman law have reference to vindicta as their object, which is thus expressed: *ad ultionem pertinet, in sola vindicta constitutum est, vindictam continet.*[5] Some of these actions had for their object simply compensation, as the actio doli. Others had for their object to give the complainant something more (*pœna*) than the amount of his injury, as in the furti actio, and sometimes in addition to this compensation also, as in the vi bonorum raptorum actio. A third class of actions had for its immediate object money or property, but this was not the ultimate object, as in the cases already mentioned, but merely a means: the real object was vindicta. This vindicta consists in the re-establishment of a right which has been violated in the person of the complainant, in which case the individual discharges the office which the state discharges generally in matters of crime. Those actions of which vindicta is the object are distinguished from other actions by forming exceptions to the general rules as to the legal capacity of those who may institute them, such as a filiusfamilias, and one who has sustained a capitis diminutio.

The following are actions of this kind: 1. *Actio injuriarum.* When a filiusfamilias was injured, a wrong was done both to him and to his father. The injury done to the son is the only one that belongs to the head of vindicta. The father generally brought the action, for he could acquire through his son all rights of action. But the son could bring an action in his own name, with the permission of the prætor, if the father was absent, or was in any way prevented from bringing the action, and in some cases if the father refused to bring the action. The pecuniary damages which were the immediate object of the action belonged to the father, so that the son appeared in the double capacity of suing in his own name in respect of the vindicta, and as the representative of his father in respect of the damages. If the son was emancipated, the right of action passed to him, and was not destroyed by the capitis diminutio.

2. *Actio sepulchri violati*, which could be brought by the children of the deceased, even if they refused the hereditas, or by the heredes. The object was vindicta, which was effected by giving the plaintiff damages to the amount of the wrong (*quanti ob eam rem æquum videbitur*, &c.[6]). The action was consequently in bonum et æquum concepta, and the right was not affected by a capitis diminutio. If those who had a right to bring the action neglected to do so, any person might bring the action; but in that case they were limited to 100 aurei by the Edict.

3. *Actio de effusis.* When a free person was injured by anything being poured or thrown from a house, he had an actio in bonum et æquum concepta, the ultimate object of which was vindicta.

4. An action for mischief done to a man by any

1. (Gaius, iv., 13.)—2. (Gaius, iv., 141, 165, &c.)—3. (Cic., Pro Rosc. Com., 4, 5.)—4. (Gaius, iv., 171.)—5. (iv., 174.)—6. (8, 7.)—7. (Pro Cæcin., 23.)—8. (De Formulis, &c., v., 7, p. 348.)

1. (Gaius, iv., 91.)—2. (Gaius, iv., 34, 36.)—3. (Gaius, iv., 31, 95.—Gell., xx., 10.)—4. (Walter, Gesch. des Röm. Rechts.)—5. (Dig. 47, tit. 12, s. 6, 10. 29. tit 2, s. 20, § 5)—6. (Dig. 47, tit 12, s. 3.)

dangerous animal belonging to another, when it happened through the want of proper caution on the part of the owner.[1]

5. Interdictum quod vi aut clam. This is a plaint which could be instituted by a filiusfamilias in his own name, because the object was vindicta. The ground of this capacity of a filiusfamilias was an injury done to him personally by a person who acted in opposition to his remonstrance. If, for instance, the son inhabited a house belonging to his father or one hired from a stranger, and was disturbed in his enjoyment by some act of his neighbour, the filiusfamilias might have an action for the amount of the damage, but the pecuniary satisfaction would belong to the father, as in the case of the actio injuriarum. But the action was not in bonum et æquum concepta, since it had a definite object, which was either the restoration of things to their former condition, which might be immediately for the benefit of the filiusfamilias, or to ascertain the value of the wrong done (*quod interest*).

6. The action against a libertus in respect of an in jus vocatio. (*Vid.* Patronus.) If the libertus had proceeded against the son of his patron, and the father was absent, the son could institute the suit himself, as in the case of the actio injuriarum.

7. Querela inofficiosi. (*Vid.* Testament.)

8. Actiones populares, which are actions in which the plaintiff claims a sum of money, but not as a private individual: he comes forward as a kind of representative of the state. If the act complained of be such as affects the interests of individuals as such, they can bring an action in preference to any other person, and the action is not purely popular: to this class belong such actions as the actio sepulcri violati. But if there are no persons who are individually interested in the matter complained of, or none such bring an action, any person (*unus ex populo*) may bring the action, as the procurator of the state, and he is not bound to give the security which an ordinary procurator must give. A filiusfamilias can bring such action. By virtue of the litis contestatio, the action becomes the same as if it were founded on an obligatio, and this right of action, as well as the money which may arise from it, is acquired by the filiusfamilias for his father. These actiones being for fixed sums of money, are not in bonum et æquum conceptæ.

With the populares actiones may be classed, as belonging to the same kind, the interdicta publica or popularia, and that novi operis nuntiatio which is for the protection of publicum jus; with this distinction, that the proceedings have not for their object the recovery of a sum of money. But in the general capacity of all persons to bring such actions, independent of the usual rules as to legal capacity, all these modes of proceeding agree.[2]

VINEA, in its literal signification, is a bower formed of the branches of vines, and, from the protection which such a leafy roof affords, the name was applied by the Romans to a roof under which the besiegers of a town protected themselves against darts, stones, fire, and the like, which were thrown by the besieged upon the assailants. The description which Vegetius[3] gives of such a machine perfectly agrees with what we know of it from the incidental mention by other writers. The whole machine formed a roof, resting upon posts eight feet in height. The roof itself was generally sixteen feet long and seven broad. The wooden frame was in most cases light, so that it could be carried by the soldiers; sometimes, however, when the purpose which it was to serve required great strength, it was heavy, and then the whole fabric probably was moved by wheels attached to the posts. The roof was formed of planks and wickerwork, and the uppermost layer or layers consisted of raw hides or wet cloth, as a protection against fire, by which the besieged frequently destroyed the vineæ.[1] The sides of a vinea were likewise protected by wickerwork. Such machines were constructed in a safe place at some distance from the besieged town, and then carried or wheeled (*agere*) close to its walls. Here several of them were frequently joined together, so that a great number of soldiers might be employed under them. When vineæ had taken their place close to the walls, the soldiers began their operations, either by undermining the walls, and thus opening a breach, or by employing the battering-ram (*aries*[2]). In the time of Vegetius, the soldiers used to call these machines *causiæ*.[3]

VINUM (*οἶνος*). The general term for the fermented juice of the grape.

The native country of the vine was long a vexata quæstio among botanists, but, although many points still remain open for debate, it seems now to be generally acknowledged that it is indigenous throughout the whole of that vast tract which stretches southward from the woody mountains of Mazanderân on the Caspian to the shores of the Persian Gulf and the Indian Sea, and eastward through Khorasan and Cabul to the base of the Himalaya—the region to which history and philology alike point as the cradle of the human race. Hence, when we consider the extreme facility of the process in its most simple form, we need little wonder that the art of making wine should have been discovered at a very remote epoch.

In the earliest of profane writers, the cultivation of the grape is represented as familiar to the Heroic Greeks, some of his most beautiful and vivid pictures of rural life being closely connected with the toils of the vineyard. It is worth remarking, that the only wine upon whose excellence Homer dilates in a tone approaching to hyperbole is represented as having been produced on the coast of Thrace, the region from which poetry and civilization spread into Hellas, and the scene of several of the more remarkable exploits of Bacchus. Hence we might infer that the Pelasgians introduced the culture of the vine when they wandered westward across the Hellespont, and that, in like manner, it was conveyed to the valley of the Po, when, at a subsequent period, they made their way round the head of the Adriatic. It seems certain, from various legends, that wine was both rare and costly in the earlier ages of Italian and Roman history. Thus a tradition preserved by Varro[4] told that, when Mezentius agreed to aid the Rutulians, he stipulated that the produce of the Latian vineyards should be his recompense. Romulus is said to have used milk only in his offerings to the gods:[5] Numa, to check extravagance, prohibited the sprinkling of wine upon the funeral pyre, and, to stimulate the energies of the rustic population, he ordained that it should be held impious to offer a libation to the gods of wine which had flowed from an unpruned stock. So scarce was it at a much later period, that Papirius the dictator, when about to join battle with the Samnites, vowed to Jupiter a small cupful (*vini pocillum*) if he should gain the victory. That wine was racked off into amphoræ, and stored up in regular cellars as early as the era of the Gracchi, Pliny considers proved by the existence in his own day of the *Vinum Opimianum*, described hereafter. But even then no specific appellation was given to the produce of different localities, and

1. (Dig. 21, tit. 1, § 40–43.)—2. (Savigny, System des heut. Röm. Rechts, ii., 121.)—3. (De Re Mil., iv. 15.)

1. (Liv., ii., 17.—Id., v., 7.—Id., xxi., 61.)—2. (Liv., xxi., 7 8.)—3. (Lipsius, Poliorcet., i., dial. 7.)—4. (ap. Plin., H. N. xiv., 14.)—5. (Plin., l. c.)

the jar was marked with the name of the consul alone. For many years after this, foreign wines were considered far superior to native growths; and so precious were the Greek vintages esteemed in the times of Marius and Sulla, that a single draught only was offered to the guests at a banquet. The rapidity with which luxury spread in this matter is well illustrated by the saying of M. Varro, that Lucullus, when a boy, never saw an entertainment in his father's house, however splendid, at which Greek wine was handed round more than once, but when, in manhood, he returned from his Asiatic conquests, he bestowed on the people a largess of more than a hundred thousand cadi. Four different kinds of wine are said to have been presented for the first time at the feast given by Julius Cæsar in his third consulship (B.C. 46), these being Falernian, Chian, Lesbian, and Mamertine, and not until after this date were the merits of the numerous varieties, foreign and domestic, accurately known and fully appreciated. But during the reign of Augustus and his immediate successors the study of wines became a passion, and the most scrupulous care was bestowed upon every process connected with their production and preservation.[1] Pliny calculates that the number of wines in the whole world deserving to be accounted of high quality (*nobilia*) amounted to eighty, of which his own country could claim two thirds;[2] and in another passage[3] he asserts that 195 distinct kinds might be reckoned up, and that, if all the varieties of these were to be included in the computation, the sum would be almost doubled.

The process followed in wine-making was essentially the same among both the Greeks and the Romans. After the grapes had been gathered, they were first trodden with the feet, and afterward submitted to the action of the press. This part of the process of wine-making is described in the article Torculum.

The sweet, unfermented juice of the grape was termed γλεῦκος by the Greeks and *mustum* by the Romans, the latter word being properly an adjective signifying *new* or *fresh*. Of this there were several kinds, distinguished according to the manner in which each was originally obtained and subsequently treated. That which flowed from the clusters, in consequence merely of their pressure upon each other before any force was applied, was known as πρόχυμα[5] or *protropum*,[6] and was reserved for manufacturing a particular species of rich wine described by Pliny,[7] to which the inhabitants of Mytilene gave the name of πρόδρομος or πρότροπος.[8] That which was obtained next, before the grapes had been fully trodden, was the *mustum lixivium*, and was considered best for keeping.[9] After the grapes had been fully trodden and pressed, the mass was taken out, the edges of the husks cut, and the whole again subjected to the press; the result was the *mustum tortivum* or *circumsisitum*,[10] which was set apart and used for inferior purposes.

A portion of the must was used at once, being drunk fresh after it had been clarified with vinegar.[11] When it was desired to preserve a quantity in the sweet state, an amphora was taken and coated with pitch within and without; it was filled with *mustum lixivium*, and corked so as to be perfectly air-tight. It was then immersed in a tank of cold, fresh water, or buried in wet sand, and allowed to remain for six weeks or two months. The contents, after this process, were found to remain unchanged for a year, and hence the name ἀεὶ γλεῦκος, *i. e.*, σπαρεὶ *mustum*.[1] A considerable quantity of mus from the best and oldest vines was inspissated by boiling, being then distinguished by the Greeks under the general names of ἕψημα or γλύξις,[2] while the Latin writers have various terms, according to the extent to which the evaporation was carried. Thus, when the must was reduced to two thirds of its original volume, it became *carenum* (Pallad. Octobr., tit. xviii.); when one half had evaporated, *defrutum*;[3] when two thirds, *sapa* (known also by the Greek names *siræum* and *hepsema*[4]); but these words are frequently interchanged.[5] Similar preparations are at the present time called in Italy *musto cotto* and *sapa*, and in France *sabe*. The process was carried on in large caldrons of lead (*vasa defrutaria*), iron or bronze being supposed to communicate a disagreeable flavour, over a slow fire of chips, on a night when there was no moon,[6] the scum being carefully removed with leaves,[7] and the liquid constantly stirred to prevent it from burning.[8] These grape-jellies, for they were nothing else, were used extensively for giving body to poor wines and making them keep, and entered as ingredients into many drinks, such as the *burranica potio*, so called from its red colour, which was formed by mixing *sapa* with milk,[9] and others described hereafter.

The whole of the mustum not employed for some of the above purposes was conveyed from the *lacus* to the *cella vinaria* (οἰνοθήκη, πιθεών[10]), an apartment on the ground floor or a little below the surface, placed in such a situation as to secure a moderate and equable temperature, and at a distance from dunghills or any objects emitting a strong odour.[11] Here were the *dolia* (πίθοι), otherwise called *seriæ* or *eupæ*, long, bell-mouthed vessels of earthenware (hooped tubs of wood being employed in cold climates only[12]), very carefully formed of the best clay and lined with a coating of pitch (πισωθέντα, *picata*), the operation (πίσσωσις, *picatio*) being usually performed while they were hot from the furnace. They were usually sunk (*depressa*, *defossa*, *demersa*) one half or two thirds in the ground; to the former depth if the wine to be contained was likely to prove strong, to the latter if weak; and attention was paid that they should repose upon a dry bed. They were, moreover, sprinkled with sea-water, fumigated with aromatic plants, and rubbed with their ashes, all rank smelling substances, such as rotten leather, garlic, cheese, and the like, being removed, lest they should impart a taint to the wine.[13] In these *dolia* the process of fermentation took place. They were not filled quite full, in order that the scum only might boil over, and this was also cleared off at regular intervals by skimming, and carried to a distance. The fermentation usually lasted for about nine days, and as soon as it had subsided, and the *mustum* had become *vinum*, the dolia were closely covered, the upper portion of their interior surface as well as the lids (*opercula doliorum*) having been previously well rubbed over with a compound of defrutum, saffron, old pitch, mastic, and fir-cones.[14] The *opercula* were taken off about once every thirty-six days, and oftener in hot weather, in order to cool and give air to the contents, to add any preparation that might be required to preserve

1. (Plin., H. N., xiv., 28.)—2. (Ib., xiv., 13.)—3. (Ib., xiv., 29.)—4. (Ib., xiv., 6, 29.)—5. (Geopon., vi., 16.)—6. (Plin., H. N., xiv., 11.)—7. (l. c.)—8. (Athen., i., p. 30, *b.*; ii., p. 45, *c.*)—9. (Geopon., vi., 16.—Colum., xii., 41.)—10. (Cato, R. R., 23.—Varr., i., 54.—Colum., xii. 36.)—11. (Geopon., vi., 15.)

1. (Geopon., vi., 16.—Plut., Q. N., 26.—Cato, R. R., 120.—Colum., xii., 29.—Plin., H. N., xiv., 11.)—2. (Athen., i., 31, *c.*)—3. (Plin., H. N., xiv., 9.)—4. (Plin., l. c.)—5. (See Varr. ap Non., c. 17, n. 14.—Columell., xii., 19.)—6. (Plin., H. N., xviii., 74.)—7. (Plin., l. c.—Virg., Georg., i., 269.—Id. ib., iv., 296.)—8. (Plin., H. N., xxiii., 2.—Cato, R. R., 105. — Columell., xii., 19, 20, 21.—Pallad., xi., 18 —Dioscor., v., 9.) — 9. (Festus, s. v Burranica.—Compare Ovid, Fast., iv., 782.)—10. (Geopon, vi., 2, 12.)—11. (Varro, R. R., i., 13.—Geopon., l. c.)—12. (Plin., H. N xiv., 21.)—13. (Geopon, vi., 2, 3, 4.—Cato, R. R., 23.—Varro, i 13.—Colum., xii., 18, 25.—Dig. 33, tit. 6, s. 3.) — 14. (Geopon. vi., 12.—Cato, R. R., 107.—Varro, i., 65.—Colum., xii., 25, 30.)

them sound, and to remove any impurities that might be thrown up. Particular attention was paid to the peculiar light scum, the *ἄνθος οἴνου* (*flos vini*), which frequently appeared on the surface after a certain time, since it was supposed to afford indications by its colour and consistence of the quality of the wine. If red (*πορφυρίζον*), broad, and soft, it was a sign that the wine was sound; if glutinous, it was a bad symptom; if black or yellow, it denoted want of body; if white, it was a proof that the wine would keep well (*μόνιμον*). Each time that the opercula were replaced, they were well rubbed with fir-cones.[1] (*Vid.* Thyrsus.)

The commoner sorts of wine were drunk direct from the dolium, and hence draught wine was called *vinum doliare* or *vinum de cupa*,[2] but the finer kinds, such as were yielded by choice localities, and possessed sufficient body to bear keeping, were drawn off (*diffundere*, *μεταγγίζειν*) into *amphoræ* or *lagenæ*, many fanciful precautions being observed in transferring them from the larger to the smaller vessel.[3] These *amphoræ* were made of earthenware, and in later times occasionally of glass; they were stopped tight by a plug of wood or cork (*cortex*, *suber*), which was rendered impervious to air by being smeared over with pitch, clay, or gypsum. On the outside the title of the wine was painted, the date of the vintage being marked by the names of the consuls then in office, or when the jars were of glass, little tickets (*pittacia*, *tesseræ*) were suspended from them indicating these particulars.[4] The amphoræ were then stored up in repositories (*apothecæ*,[5] *horrea*,[6] *tabulata*[7]), completely distinct from the *cella vinaria*, and usually placed in the upper story of the house (whence *descende*, *tecta*,[8] *deripere horreo*[9]), for a reason explained afterward.

It is manifest that wines prepared and bottled, if we may use the phrase, in the manner described above, must have contained a great quantity of dregs and sediment, and it became absolutely necessary to separate these before it was drunk. This was sometimes effected by fining with yolks of eggs, those of pigeons being considered most appropriate by the fastidious,[10] or with the whites whipped up with salt,[11] but more commonly by simply straining through small cup-like utensils of silver or bronze, perforated with numerous small holes, and distinguished by the various names *ὑλιστήρ*, *τρύγοιπος*, *ἠθμός*, *colum vinarium*.[12] (*Vid.* Colum.) Occasionally a piece of linen cloth (*σάκκος*, *saccus*) was placed over the *τρύγοιπος* or *colum*,[13] and the wine (*σακκίας*, *saccatus*) filtered through.[14] The use of the *saccus* was considered objectionable for all delicate wines, since it was believed to injure,[15] if not entirely to destroy their flavour, and in every instance to diminish the strength of the liquor. For this reason it was employed by the dissipated, in order that they might be able to swallow a greater quantity without becoming intoxicated.[16] The double purpose of cooling and weakening was effectually accomplished by placing ice or snow in the filter, which under such circumstances became a *colum nivarium*[17] or *saccus nivarius*.[18]

The wine procured from the *mustum tortivum*, which was always kept by itself, must have been thin and poor enough, but a still inferior beverage was made by pouring water upon the husks and stalks after they had been fully pressed, allowing them to soak, pressing again, and fermenting the liquor thus obtained. This, which was given to the labourers in winter instead of wine, was the *θάμνα* or *δευτέριος* of the Greeks, the *lora* or *vinum operarium* of the Romans, and, according to Varro,[1] was, along with sapa, defrutum, and passum, the drink of elderly women.[2] The Greeks added the water in the proportion of one third of the must previously drawn off, and then boiled down the mixture until one third had evaporated; the Italians added the water in the proportion of one tenth of the must, and threw in the skimmings of the defrutum and the dregs of the lacus. Another drink of the same character was the *fæcatum* from winelees, and we hear also of *vinum præligancum* given to the vintagers, which appears to have been manufactured from inferior and half-ripe fruit gathered before the regular period.[3] We find an analogy to the above processes in the manufacture of cider, the best being obtained from the first squeezing of the apples, and the worst from the pulp and skins macerated in water.

In all the best wines hitherto described, the grapes are supposed to have been gathered as soon as they were fully ripe, and fermentation to have run its full course. But a great variety of sweet wines were manufactured by checking the fermentation, or by partially drying the grapes, or by converting them completely into raisins. The *γλύκος οἶνος* of the Geoponic writers[4] belongs to the first class. Must obtained in the ordinary manner was thrown into the dolia, which remained open for three days only, and were then partially covered for two more; a small aperture was left until the seventh day, when they were luted up. If the wine was wished to be still sweeter, the dolia were left open for five days, and then at once closed. The free admission of air being necessary for brisk fermentation, and this usually continuing for nine days, it is evident that it would proceed weakly and imperfectly under the above circumstances. For the *vinum dulce* of Columella,[5] the grapes were to be dried in the sun for three days after they were gathered, and trodden on the fourth during the full fervour of the midday heat. The *mustum lixivium* alone was to be used, and after the fermentation was finished, an ounce of well-kneaded iris-root was added to each 50 sextarii; the wine was racked off from the lees, and was found to be sweet, sound, and wholesome.[6] For the *vinum diachytum*, more luscious still, the grapes were exposed to the sun for seven days upon hurdles.[7]

Lastly, *passum* or *raisin-wine* was made from grapes dried in the sun until they had lost half their weight; or they were plunged into boiling oil, which produced a similar effect; or the bunches, after they were ripe, were allowed to hang for some weeks upon the vine, the stalks being twisted, or an incision made into the pith of the bearing shoot, so as to put a stop to vegetation. The stalks and stones were removed, the raisins were steeped in must or good wine, and then trodden or subjected to the gentle action of the press. The quantity of juice which flowed forth was measured, and an equal quantity of water added to the pulpy residuum, which was again pressed, and the product employed for an inferior *passum* called *secundarium*, an expression exactly analogous to the *δευτέριος* mentioned above. The passum of Crete was most prized,[8] and next in rank were those of Cilicia, Africa, Italy, and the neighbouring provinces. The kinds known as *Psythium* and *Mclampsythium* possessed the pe-

1. (Geopon., vii., 15.—Colum., xii., 38.)—2. (Dig. 18, tit. 6, s. 1, § 4.—Varr. ap. Non., c. 2, n. 113.)—3 (Geopon., vii., 5, 6.—Compare Plin., xiv., 27.)—4. (Petron., 34)—5. (Colum., i., 6.—Plin., Ep., ii., 17.)—6. (Senec., Ep., 115.)—7. (Colum., xii., 41.)—8. (Hor., Carm., iii., 21, 7.)—9. (Hor., Carm., iii., 28, 7.)—10. (Hor., Sat., ii., 4, 51.)—11. (Geopon., vii., 22.)—12. (Geopon., vii., 37.)—13 (Pollux, vi., 10; x., 75.)—14. (Martial, viii., 45.)—15. (Hor., Sat., ii., 4, 51.)—16. (Plin., xiv., 22.—Compare xxiii., 1, 24; xix., 4, 19.—Cic. ad Fam., ii., 8.)—17. (Martial, xiv., 103.)—18. (xiv., 104.)

1. (ap. Non., xvii., 13.)—2. (*Vid.* Athen., x., p. 447—3 (Geopon., vi., 3.—Cato, R. R., 23–57, 153—Varro, i., 54.—Columella, xii., 40.—Plin., H. N., xiv., 12.)—4. (vii., 19.)—5. (xii., 27)—6 (Colum., l. c.)—7. (Plin., H. N., xiv 11.)—8 (Mart., xiii 109—Juv., Sat., xiv, 270.)

culiar flavour of the grape, and not that of wine; the *Scybillites* from Galatia and the *Haluntium* from Sicily, in like manner, tasted like must. The grapes most suitable for passum were those which ripened early, especially the varieties *Apiana* (called by the Greeks *Sticha*), *Scirpula*, and *Psithia*.[1]

The Greeks recognised three colours in wines: *red* (*μέλας*), *white*, *i. e.*, pale straw-colour (*λευκός*), and brown or amber-coloured (*κιρρός*).[2] Pliny distinguishes four: *albus*, answering to *λευκός*, *fulvus* to *κιρρός*, while *μέλας* is subdivided into *sanguineus* and *niger*, the former being doubtless applied to bright, glowing wines, like Tent and Burgundy, while the *niger* or *ater*[3] would resemble Port. In the ordinary Greek authors the epithet *ἐρυθρός* is as common as *μέλας*, and will represent the *sanguineus*.

We have seen that wine intended for keeping was racked off from the dolia into amphoræ. When it was necessary, in the first instance, to transport it from one place to another, or when carried by travellers on a journey, it was contained in bags made of goatskin (*ἀσκοί*, *utres*), well pitched over, so as to make the seams perfectly tight. The cut below, from a bronze found at Herculaneum,[4] exhibits a Silenus astride upon one of them. When the

quantity was large, a number of hides were sewed together, and the leathern tun thus constructed carried from place to place in a cart, as shown in the illustration on page 54.[5]

As the process of wine-making among the ancients was based upon no fixed principles, and for the most part conducted in a most unscientific manner, it was found necessary, except in the case of the finest varieties, to have recourse to various devices for preventing or correcting acidity, heightening the flavour, and increasing the durability of the second growths. This subject was reduced to a regular system by the Greeks: Pliny mentions four authors who had written formal treatises, and the authors of the Geoponic collection, together with Cato, Varro, and Columella, supply a multitude of precepts upon the same topic. The object in view was accomplished sometimes by merely mixing different kinds of wine together, but more frequently by throwing into the dolia or amphoræ various condiments or seasonings (*ἀρτύσεις*, *medicamina*, *condituræ*). When two wines were mixed together, those were selected which possessed opposite good qualities and defects.[1]

The principal substances employed as *conditura* were, 1. sea-water; 2. turpentine, either pure or in the form of pitch (*pix*), tar (*pix liquida*), or resin (*resina*); 3. lime, in the form of gypsum, burned marble, or calcined shells; 4. inspissated must; 5. aromatic herbs, spices, and gums; and these were used either singly, or cooked up into a great variety of complicated confections.

We have already seen that it was customary to line the interior of both the dolia and the amphoræ with a coating of pitch; but, besides this, it was common to add this substance, or resin in powder, to the must during the fermentation, from a conviction that it not only rendered the wine more full bodied, but also communicated an agreeable bouquet, together with a certain degree of raciness or piquancy.[2] Wine of this sort, however, when new (*novitium resinatum*), was accounted unwholesome and apt to induce headache and giddiness. From this circumstance it was denominated *crapula*, and was itself found to be serviceable in checking the fermentation of the must when too violent.

It must be remembered, that when the vinous fermentation is not well regulated, it is apt to be renewed, in which case a fresh chemical change takes place, and the wine is converted into vinegar (*ὄξος*, *acetum*), and this acid, again, if exposed to the air, loses its properties, and becomes perfectly insipid, in which form it was called *vappa* by the Romans, who used the word figuratively for a worthless blockhead.

Now the great majority of inferior wines, being thin and watery, and containing little alcohol, are constantly liable to undergo these changes, and hence the disposition to acescence was closely watched, and combated as far as possible. With this view those substances were thrown into the dolia which it was known would neutralize any acid which might be formed, such as vegetable ashes which contain an alkali, gypsum, and pure lime, besides which we find a long list of articles, which must be regarded as preventives rather than correctives, such as the various preparations of turpentine already noticed, almonds, raisins steeped in must, parched salt, goats'-milk, cedar-cones, gall-nuts, blazing pine-torches, or red-hot irons quenched in the liquid, and a multitude of others.[3] But, in addition to these, which are all harmless, we find some traces of the use of the highly-poisonous salts of lead for the same purpose,[4] a practice which produced the most fatal consequences in the Middle Ages, and was prohibited by a series of the most stringent enactments.[5]

Defrutum also was employed to a great extent; but, being itself liable to turn sour, it was not used until its soundness had been tested by keeping it for a year. It was then introduced, either in its simple state, in the proportion of a sextarius to the amphora, that is, of 1 to 48, or it was combined with a great variety of aromatics, according to a prescription furnished by Columella.[6] In this receipt, and others of the same kind, the various herbs were intended to give additional efficacy to the nourishing powers of the defrutum, and great pains were taken to prevent them from affecting the taste of the wine. But from a very early period it was customary to flavour wine highly by a large admixture of perfumes, plants, and spices. We find a spiced drink (*ἐξ ἀρωμάτων κατασκευαζόμενος*) noticed under the name of *τρίμμα* by Athenæus and the writers of the

1. (Geopon., vii., 18.—Colum., xii., 39.—Plin., H. N., xiv., 11.—Virg., Georg., ii., 93.)—2. (Athen., i., p. 32, *c.*)—3. (Plaut., Menæch., v., 6, 17.)—4. (Mus. Borbon., vol. iii., tav. 28.)—5. (Compare Lucian, Lex., 6

1. (Athen., i., p. 32, 6.)—2. (Plin., H. N., xiv., 25.—Plutarch, Symp., v., 3.)—3. (Geopon., vii., 12, 15, 16, &c.)—4. (Geopon. vii., 19.)—5. (*Vid.* Beckmann's History of Inventions, vol i, p 396.)—6. (xii., 20.)

new comedy,[1] and for the whole class Pliny has the general term *aromatites*.[2]

There was another and very numerous family of wines, entitled *οἶνοι ὑγιεινοί*, into which drugs were introduced to produce medicinal effects. Such were *vinum marrubii* (horehound) for coughs; the *scillites* (squill-wine), to assist digestion, promote expectoration, and act as a gentle tonic; *absinthites* (wine of wormwood), corresponding to the modern *vermuth*; and, above all, the *myrtites* (myrtleberry-wine), which possessed innumerable virtues.[3]

Pliny, under the head of *vina fictitia*, includes not only the *οἶνοι ὑγιεινοί*, but a vast number of others, bearing a strong analogy to our British home-made wines, such as cowslip, ginger, elderberry, and the like; and as we manufacture Champagne out of gooseberries, so the Italians had their imitations of the costly vintages of the most favoured Asiatic isles. These *vina fictitia* were, as may be imagined, almost countless, every variety of fruit, flower, vegetable, shrub, and perfume being put in requisition: figs, cornels, medlars, roses, asparagus, parsley, radishes, laurels, junipers, cassia, cinnamon, saffron, nard, malobathrum, afford but a small sample. It must be remarked that there was one material difference between the method followed by the Greeks and that adopted by the Romans in cooking these potions. The former included the drug, or whatever it might be, in a bag, which was suspended in a jar of wine, and allowed to remain as long as was thought necessary; the latter mixed the flavouring ingredient with the sweet must, and fermented them together, thus obtaining a much more powerful extract; and this is the plan pursued for British wines, except that we are obliged to substitute sugar and water for grape-juice.[4]

But not only were spices, fragrant roots, leaves, and gums steeped in wine or incorporated during fermentation, but even the precious perfumed essential oils (*unguenta*) were mixed with it before it was drunk. The Greeks were exceedingly partial to this kind of drink.[5] We also learn from Ælian[6] that it was named *μυρρινίτης*, which seems to be the same with the *μυρρίνης* of Poseidippus,[7] the *μυρρίνη* of Hesychius, the *μυρίνης* of Pollux,[8] and the *murrhina* of Plautus.[9] The Romans were not slow to follow the example set them, valuing bitterness so highly, says Pliny,[10] that they were resolved to enjoy costly perfumes with two senses, and hence the expressions "*foliata sitis*" in Martial,[11] and "*perfusa mero spumant unguenta Falerno*" in Juvenal.[12]

In a more primitive age we detect the same fondness for the admixture of something extraneous. Hecamede, when preparing a draught for Nestor, fills his cup with Pramnian wine, over which she grates goat-milk cheese, and sprinkles the whole with flour,[13] the latter being a common addition at a much later epoch.[14] So, also, the draught administered by Circe consisted of wine, cheese, and honey; and, according to Theophrastus,[15] the wine drunk in the prytaneum of the Thasians was rendered delicious by their throwing into the jar which contained it a cake of wheaten flour kneaded up with honey.[16]

This leads us on to notice the most generally popular of all these compound beverages, the *οἰνόμελι* of the Greeks, the *mulsum* of the Romans. This was of two kinds; in the one honey was mixed with wine, in the other with must. The former was said to have been invented by the legendary hero Aristæus, the first cultivator of bees,[1] and was considered most perfect and palatable when made of some old, rough (*austerum*) wine, such as Massic or Falernian (although Horace objects to the latter for this purpose[2]), and new Attic honey.[3] The proportions, as stated in the Geoponic collection were four, by measure, of wine to one of honey, and various spices and perfumes, such as myrrh, cassia, costum, malobathrum, nard, and pepper, might be added. The second kind, the *ἀκρόμελον* of Isidorus,[4] according to the Greek authorities,[5] was made of must evaporated to one half of its original bulk, Attic honey being added in the proportion of one to ten. This, therefore, was merely a very rich fruit sirup in no way allied to wine. The virtues of *mulsum* are detailed by Pliny;[6] it was considered the most appropriate draught upon an empty stomach, and was therefore swallowed immediately before the regular business of a repast began,[7] and hence the whet (*gustatio*) coming before the cup of mulsum was called the *promulsis*.[8] We infer from Plautus[9] that *mulsum* was given at a triumph by the imperator to his soldiers.

Mulsum (sc. *vinum*) or *οἰνόμελι* is perfectly distinct from *mulsa* (sc. *aqua*). The latter, or *mead*, being made of honey and water mixed and fermented, is the *μελίκρατον* or *ὑδρόμελι* of the Greeks,[10] although Pollux confounds[11] *μελίκρατον* with *οἰνόμελι*. Again, *ὑδρομήλον*[12] or *hydromelum*[13] was cider; *ὀξύμελι*[14] was a compound of vinegar, honey, salt, and pure water, boiled together and kept for a long time; *ῥοδόμελι* was a mere confection of expressed juice of rose-leaves and honey.[15]

The ancients considered old wine not only more grateful to the palate, but also more wholesome and invigorating;[16] and, curiously enough, Pliny seems to suppose that it grew more strong and fiery by age, in consequence of the dissipation of the watery particles.[17] Generally speaking, the Greek wines do not seem to have required a long time to ripen. Nestor, in the Odyssee, indeed, drinks wine ten years old,[18] and wine kept for sixteen years is incidentally mentioned by Athenæus;[19] but the connoisseurs under the Empire pronounced that all transmarine wines arrived at a moderate degree of maturity (*ad vetustatem mediam*) in six or seven.[20] Many of the Italian varieties, however, as we shall see below, required to be kept for twenty or twenty-five years before they were drinkable (which is now considered ample for our strongest Ports), and even the humble growths of Sabinum were stored up for from four to fifteen.[21] Hence it became a matter of importance to hasten, if possible, the natural process. This was attempted in various ways, sometimes by elaborate condiments,[22] sometimes by sinking vessels containing the must in the sea, by which an artificial mellowness was induced (*præcox vetustas*), and the wine, in consequence, termed *thalassites*[23]; but more usually by the application of heat.[24] Thus it was customary to expose the amphoræ for some years to the full fervour of the sun's rays, or to construct the *apothecæ* in such a manner as to be exposed to the hot air and smoke

1. (Athen., i., p. 31, *c.*—Pollux, Onom., vi., 18.)—2. (xiv., 19, § 5.)—3. (Columell., 32, 39.—Geopon., viii., 1, &c.)—4. (Geopon., viii., 32, 33, 34.—Plin., H. N., xiv., 19.—Colum., ll. cc.—Cato, R. R., 114, 115.)—5. (Ælian, V. H., xii., 31.)—6. (l. c.)—7. (Athen., i., p. 32, *b.*)—8. (vi., 2.)—9. (Pseudol., ii., 4, 50.—Compare "nardini amphoram:" Miles Glor., iii., 2, 11.—Festus, s. v. "Murrata potio" and "Murrina.")—10. (H. N., xiii., 5.)—11 (xiv., 110.)—12. (vi., 303.)—13. (Il., xi., 638.)—14. (Athen., i., p. 432.)—15 (Athen., i., p. 32, *a*)—16. (Compare Plat., Symp., i., 1, 4.)

1. (Plin., H. N., xiv, 4.)—2. (Sat., ii., 4, 24.)—3. (Mart., iv. 13.—Id., xiii., 108—Dioscor., v., 16.—Macrob., Sat., vii., 12.)—4. (Orig., xx., 3, § 11.)—5. (Geopon., viii., 26.)—6. (H. N., xxii., 4.—Compare Geopon., l. c.)—7. (Hor., Sat., ii., 4, 25.—Senec., Ep., 122.)—8. (Cic., Ep. Fam., ix., 16 and 20.)—9. (Bacch., iv, 9, 149.—Compare Liv., xxxviii., 55.)—10. (Geopon., viii., 28.—Dioscor, v., 9.—Isidor., Orig., xx., 3, § 10.—Plin., H. N, xiv., 20.)—11. (vi., 2)—12. (Geopon., viii., 27.)—13: (Isidor., Orig., xx., 3, § 11.)—14. (Plin., H. N., xiv., 20.)—15. (Geopon., viii., 29.)—16. (Athen., i., p. 26, *a.*; ii., p. 36, *c.*)—17. (H. N., vii., 3, —18. (iii., 391.)—19. (xiii., p. 584, *b.*)—20. (Plin., xiv., 10.)—21. (Hor., Carm., i., 9, 7.—Athen., i., p. 276.)—22. (Geopon, vii., 24.)—23. (Plin., H. N., xiv., 10.)—24. (Plut. Symp., v., 3.

at the bath furnaces,[1] and hence the name *fumaria* applied to such apartments, and the phrases *fumosos. fumum bibere, fuligine testæ* in reference to the wines.[2] If the operation was not conducted with care, and the amphoræ not stoppered down perfectly tight, a disagreeable effect would be produced on the contents; and it is in consequence of such carelessness that Martial pours forth his maledictions on the fumaria of Marseilles.[3]

The year B.C. 121 is said to have been a season singularly favourable to all the productions of the earth; from the great heat of the autumn, the wine was of an unprecedented quality, and remained long celebrated as the *vinum Opimianum*, from L. Opimius, the consul of that year, who slew Caius Gracchus. A great quantity had been treasured up, and sedulously preserved, so that samples were still in existence in the days of the elder Pliny, nearly two hundred years afterward. It was reduced, he says, to the consistence of rough honey, and, like other very old wines, so strong, and harsh, and bitter as to be undrinkable until largely diluted with water. Such wines, however, he adds, were useful for flavouring others when mixed in small quantities.

Our most direct information with regard to the price of common wine in Italy is derived from Columella,[4] who reckons that the lowest market price of the most ordinary quality was 300 sesterces for 40 urnæ, that is, 15 sesterces for the amphora, or 6*d*. a gallon nearly. At a much earlier date, the triumph of L. Metellus during the first Punic war (B.C. 250), wine was sold at the rate of 8 asses the amphora;[5] and in the year B.C. 89, the censors P. Licinius Crassus and L. Julius Cæsar issued a proclamation that no one should sell Greek and Aminean wine at so high a rate as 8 asses the amphora; but this was probably intended as a prohibition to their being sold at all, in order to check the taste then beginning to display itself for foreign luxuries, for we find that at the same time they positively forbade the use of exotic unguents.[6]

The price of native wine at Athens was four drachmas for the metretes, that is, about 4½*d*. the gallon, when necessaries were dear, and Böckh considers that we may assume one half of this sum as the average of cheaper times. In fact, we find, in an agreement in Demosthenes,[7] 300 casks (*κεράμια*) of Mendæan wine, which we know was used at the most sumptuous Macedonian entertainments,[8] valued at 600 drachmas, which gives two drachmas for the metretes, or little more than 2*d*. a gallon; but still more astonishing is the marvellous cheapness of Lusitanian wine, of which more than ten gallons were sold for 3*d*. On the other hand, high prices were given freely for the varieties held in esteem, since as early as the time of Socrates a metretes of Chian sold for a mina.[9]

With respect to the way in which wine was drunk, and the customs observed hy the Greeks and Romans at their drinking entertainments, the reader is referred to the article Symposium.

It now remains for us to name the most esteemed wines, and to point out their localities; but our limits will allow us to enumerate none but the most celebrated. As far as those of Greece are concerned, our information is scanty, since in the older writers we find but a small number defined by specific appellations, the general term *οἶνος* usually standing alone without any distinguishing epithet. The wine of most early celebrity was that which the minister of Apollo, Maron, who dwelt upon the skirts of Thracian Ismarus, gave to Ulysses. It was red (*ἐρυθρόν*) and honey-sweet (*μελιηδέα*), so precious that it was unknown to all in the mansion save the wife of the priest and one trusty housekeeper; so strong that a single cup was mingled with twenty of water; so fragrant that even when thus diluted it diffused a divine and most tempting perfume.[1] Pliny[2] asserts that wine endowed with similar noble properties was produced in the same region in his own day. Homer mentions also, more than once,[3] *Pramnian wine* (*οἶνος Πραμνείος*), an epithet which is variously interpreted by certain different writers.[4] In after times a wine bearing the same name was produced in the island of Icaria, around the hill village of Latorea in the vicinity of Ephesus, in the neighbourhood of Symrna near the shrine of Cybele, and in Lesbos.[5] The Pramnian of Icaria is characterized by Eparchides as dry (*σκληρός*), harsh (*αὐστηρός*), astringent, and remarkably strong; qualities which, according to Aristophanes, rendered it particularly unpalatable to the Athenians.[6]

But the wines of greatest renown during the brilliant period of Grecian history and after the Roman conquest were grown in the islands of Thasos, Lesbos, Chios, and Cos, and in a few favoured spots on the opposite coast of Asia,[7] such as the slopes of Mount Tmolus, the ridge which separates the valley of the Hermus from that of the Caÿster,[8] Mount Messogis, which divides the tributaries of the Caÿster from those of the Meander,[9] the volcanic region of the Catacecaumene,[10] which still retains its fame,[11] the environs of Ephesus,[12] of Cnidus,[13] of Miletus,[14] and of Clazomenæ.[15] Among these the first place seems to have been by general consent conceded to the *Chian*, of which the most delicious varieties were brought from the heights of Ariusium, in the central parts,[16] and from the promontory of Phanæ, at the southern extremity of the island.[17] The *Thasian* and *Lesbian* occupied the second place, and the *Coan* disputed the palm with them.[18] In Lesbos the most highly prized vineyards were around Mytilene[19] and Methymna.[20] Pliny,[21] who gives the preference over all others to the *Clazomenian*, says that the Lesbian had naturally a taste of salt water, while the epithet "innocens," applied by Horace, seems to point out that it was light and wholesome.

It may here be observed that there is no foundation whatever for the remark that the finest Greek wines, especially the products of the islands in the Ægean and Ionian seas, belonged, for the most part, to the luscious sweet class. The very reverse is proved by the epithets *αὐστηρός*, *σκληρός*, *λεπτός*, and the like, applied to a great number, while *γλυκύς* and *γλυκάζων* are designations comparatively rare, except in the vague language of poetry. "*Vinum omne dulce minus odoratum*," says Pliny;[22] and the ancients appear to have been fully sensible that sweet wines could not be swallowed either with pleasure or safety except in small quantities. The mistake has arisen from not perceiving that the expressions *οἶνος γλυκύς* and *οἶνος ἡδύς* are by no means necessarily synonymous. The former signifies wine *positively sweet*, the latter wine agreeable

1. (Colum., i., 6.)—2. (Tibull., ii., 1, 26.—Hor., Carm., iii., 8, 9.—Juv., Sat., v., 35.)—3. (x., 36; iii., 82; xii., 123.)—4. (iii., 3, § 12.)—5. (Varro ap. Plin., H. N., xviii., 4.)—6. (Plin., H. N., xiv., 16.—Id. ib., xiii., 3.)—7. (In Lacrit., p. 928.)—8. (Athen., iv., p. 129, *d*.)—9. (Plut., De Anim. Tranquil., 10.—Böckh, Publ. Econ of Athens, p. 133.)

1. (Od., ix., 203.)—2. (H. N., xiv., 6.)—3. (Il., xi., 638.—Od., x., 234.)—4. (Athen., i., p. 28, *f*.)—5. (Athen., i., p. 30, *c*., &c.—Plin., H. N., xiv., 6.)—6. (Athen., i., p. 30, *c*.)—7. (Strabo, xiv., p. 637.)—8. (Plin., v., 20.—Virg., Georg., ii., 97.—Ovid, Met., vi., 15.)—9. (Strabo, xiv., p. 650.)—10. (Vitruv., iii., 3.)—11. (Keppell's Travels, ii., p. 355.)—12. (Dioscor., v., 12.)—13 (Athen., i., p. 29, *a*.)—14. (Athen., l. c.)—15. (Plin., xiv., 9.)—16. (Virg., Ecl., v., 71.—Plin., H. N., xiv., 7.—Silius, vii., 210.)—17. (Virg., Georg., ii., 97.)—18. (Athen., i., p. 28, 29, &c.)—19. (Id., i., p. 30, *b*.; iii., p. 86, *c*.; p. 92, *d*.)—20. (Athen., viii p. 363, *b*.—Paus., x., 19.—Virg., Georg., ii., 89.—Ovid, Ar Am i., 57.)—21. (xix., 9.)—22 (H. N., xv., 11.)

to the taste from the *absence of acidity*, in most cases indicating nothing more than *sound wine*.

It is well known that all the most noble Italian wines, with a very few exceptions, were derived from Latium and Campania, and, for the most part, grew within a short distance of the sea. "The whole of these places," says Strabo,[1] when describing this coast, "yield excellent wine; among the most celebrated are the Cæcuban, the Fundanian, the Setinian, and so, also, are the Falernian, the Alban, and the Statinian." But the classification adopted by Pliny[2] will prove our best guide, and this we shall follow to a certain extent.

In the first rank, then, we must place the *Setinum*, which fairly deserves the title of *imperial*, since it was the chosen beverage of Augustus and most of his courtiers. It grew upon the hills of Setia, above Forum Appii, looking down upon the Pomptine marshes (*Pendula Pomptinos quæ spectat Setia campos*[3]). Before the age of Augustus, the *Cæcubum* was the most prized of all. It grew in the poplar swamps bordering on the Gulf of Amyclæ, close to Fundi.[4] In the time of Pliny its reputation was entirely gone, partly in consequence of the carelessness of the cultivators, and partly from its proper soil, originally a very limited space, having been cut up by the canal of Nero, extending from Baiæ to Ostia. Galen[5] represents it as generous, full-bodied, and heady, not arriving at maturity until it had been kept for many years.[6]

The second rank was occupied by the *Falernum*, of which the *Faustianum* was the most choice variety, having gained its character from the care and skill exercised in the cultivation of the vines; but when Pliny wrote, it was beginning to fall in public estimation, in consequence of the growers being more solicitous about quantity than quality, just as was the case with Madeira a few years ago. The *Falernus ager*, concerning the precise limits of which there have been many controversies, commenced at the Pons Campanus, on the left hand of those journeying towards the Urbana Colonia of Sulla, the *Faustianus ager* at a village about six miles from Sinuessa, so that the whole district in question may be regarded as stretching from the Massic hills to the river Vulturnus. Falernian became fit for drinking in ten years, and might be used until twenty years old, but when kept longer gave headaches, and proved injurious to the nervous system. Pliny distinguishes three kinds, the rough (*austerum*), the sweet (*dulce*), and the thin (*tenue*). Galen[7] two only, the rough (*αὐστηρός*) and the sweetish (*γλυκάζων*). When the south wind prevailed during the season of the vintage, the wine was sweetish and darker in colour (*μελάντερος*), but if the grapes were gathered during weather of a different description, it was rough, and tawny or amber-coloured (*κιρρός*). The ordinary appearance of Falernian, which has been made a theme of considerable discussion, seems to be determined by a passage in Pliny,[8] in which we are informed that the finest amber was named *Falerna*. Others arranged the varieties differently: that which grew upon the hilltops they called *Caucinum*; that on the middle slopes, *Faustianum*; that on the plain, *Falernum*.[9]

In the third rank was the *Albanum*, from the Mons Albanus (*Mons Julcus*[10]), of various kinds, very sweet (*prædulce*), sweetish (*γλυκάζων*), rough,[11] and sharp (*ἐυφυκίας*), it was invigorating (*nervis utile*), and in perfection after being kept for fifteen years.[1] Here, too, we place the *Surrentinum*, from the promontory forming the southern horn of the Bay of Naples, which was not drinkable until it had been kept for five-and-twenty years; for, being destitute of richness (*ἀλιπής*), and very dry (*ψαφαρός*), it required a long time to ripen, but was strongly recommended to convalescents, on account of its thinness and wholesomeness. Galen, however, was of opinion that it agreed with those only who were accustomed to use it constantly; Tiberius was wont to say that the physicians had conspired to dignify what was only *generous vinegar*; while his successor Caligula styled it *nobilis vappa*.[2] Of equal reputation were the *Massicum*, from the hills which formed the boundary between Latium and Campania, although somewhat harsh, as would seem from the precautions recommended by the epicure in Horace,[3] and the *Gauranum*, from the ridge above Baiæ and Puteoli, produced in small quantity, but of very high quality, full bodied (*εὔτονος*), and thick (*πάχυς*).[4] In the same class are to be included the *Calenum* from Cales, and the *Fundanum* from Fundi. Both had formerly held a higher place; "but vineyards," moralizes Pliny, "as well as states, have their periods of rise, of glory, and of fall." The *Calenum* was light (*κοῦφος*), and better for the stomach than Falernian; the *Fundanum* was full bodied (*εὔτονος*) and nourishing, but apt to attack both stomach and head, therefore little sought after at banquets.[5] This list is closed by the *Velitcrninum*, *Privernatinum*, and *Signinum*, from Velitræ, Privernum, and Signia, towns on the Volscian hills; the first was a sound wine, but had this peculiarity, that it always tasted as if mixed with some foreign substance; the second was thin and pleasant; the last was looked upon only in the light of a medicine, valuable for its astringent qualities.[6] We may safely bring in one more, the *Formianum*, from the Gulf of Caieta (*Læstrygonia Bacchus in amphora*[7]), associated by Horace with the Cæcuban, Falernian, and Calenian,[8] and compared by Galen[9] to the Privernatinum and Rheginum, but richer (*λιπαρωτέρος*), and ripening quickly.

The fourth rank contained the *Mamertinum*, from the neighbourhood of Messana, first brought into fashion by Julius Cæsar. The finest, called *Potalanum* (*Ἰωταλῖνος*[10]), from the fields nearest to the mainland, was sound (*ἡδύς*), light, and, at the same time, not without body. The *Tauromenitanum* was frequently substituted fraudulently for the Mamertinum, which it resembled.[11]

Of the wines in Southern Gaul, that of *Bæterræ* alone bore a high character. The rest were looked upon with suspicion, in consequence of the notorious frauds of the dealers in the province, who carried on the business of adulteration to a great extent, and did not scruple to have recourse to noxious drugs. Among other things, it was known that they purchased aloes to heighten the flavour and improve the colour of their merchandise, and conducted the process of artificial ripening so unskilfully as to impart a taste of smoke, which called forth, as we have seen above, the malediction of Martial on the fumaria of Marseilles.[12]

The produce of the Balearic Isles was compared

1. (v., p. 234.)—2. (xiv., 6.)—3. (Mart., xiii., 112.—See also vi., 86; ix., 3; x., 74; xiii., 112.—Juv., v., 34.—Silius, viii., 378.—Plin., H. N., l. c.)—4. (Mart., xiii., 115.)—5. (Athen., i., 27, a.)—6. (Plin., l. c.—Strab., v., p. 231.—Mart., xiii., 115.—Hor., Carm., i., 20, 9; iii., 23, 2. &c.)—7. (ap. Athen., i., p. 26, c.)—8. (H. N., xxxvii., 12.)—9. (Plin., l. c., and xxiii., 21.—Athen., i., p. 26, c.—Hor., Carm., i., 20, 10.—Propert., iv., 6.—Mart., ix., 95.—Silius, v i., 159.)—10. (Mart. xiii., 109.)—11. (Plin., H. N., xxiii., 21.)

1. (Plin., H. N., ll. cc.—Mart., xiii., 109.—Hor., Sat., ii., 8. 14—Juv., v., 33.—Athen., i., p. 26, *d*.)—2. (Plin., ll. cc.—Athen., l. c.)—3. (Sat., ii., 4, 51.—Compare Carm., i., 1, 19; i, 7, 21; iii., 21.—Mart., xiii., 111.—Silius Ital., vii., 207.)—4. (Athen., l. c.—Plin., H. N., iii., 5.—Flor., iii., 5.)—5. (Strabo, v., 234.—Athen., i., p. 27, *a*.—Hor., Carm., i., 31, 9.—Juv., i., 69.—Mart., x., 35.—Id., xiii., 113.)—6. (Athen., i., p. 27, *b*.—Plin., l. c.—Mart., xiii., 116.)—7. (Hor., Carm., iii., 16, 34.)—8. (Hor., Carm., i., 20.—Id. ib., in., 16.)—9. (ap. Athen., i., 26, *c*.)—10. (Athen., i., p. 27, *d*.)—11. (Athen., i., p. 27, *d*.—Plin., l. c.)—12. (Plin. H. N., xiv., 8, § 5.)

to the first growths of Italy, and the same praise was shared by the vineyards of *Tarraco* and *Lauron*, while those of the *Laletani* were not so much famed for the quality as for the abundance of their supply.[1]

Returning to the East, several districts of Pontus, Paphlagonia, and Bithynia, Lampsacus on the Hellespont, Telmessus in Caria, Cyprus, Tripolis, Berytus, and Tyre, all claimed distinction, and, above all, the *Chalybonium*, originally from Berœa, but afterward grown in the neighbourhood of Damascus also, was the chosen and only drink of the Great King,[2] to which we may join the *Babylonium*, called nectar by Chæreus,[3] and the Βύβλινος from Phœnicia, which found many admirers.[4] The last is spoken of elsewhere as Thracian, or Grecian, or Sicilian, which may have arisen from the same grape having been disseminated through these countries.[5]

Passing on, in the last place, to Egypt, where, according to Hellanicus, the vine was first discovered, the *Mareoticum*, from near Alexandrea, demands our attention. It is highly extolled by Athenæus, being white, sweet, fragrant, light (λεπτός), circulating quickly through the frame, and not flying to the head; but superior even to this was the *Tænioticum*, so named from a long, narrow, sandy ridge (ταινία) near the western extremity of the Delta; it was aromatic, slightly astringent, and of an oily consistency, which disappeared when it was mixed with water: besides these, we hear of the *Sebennyticum*, and the wine of Antylla, a town not far from Alexandrea. Advancing up the valley, the wine of the Thebaïs, and especially of Coptos, was so thin and easily thrown off that it could be given without injury to fever patients; and ascending through Nubia to the confluence of the Nile with the Astapus, we reach *Meroë*, whose wine has been immortalized by Lucan.[6] Martial appears to have held them all very cheap, since he pronounces the vinegar of Egypt better than its wine.[7]

We read of several wines which received their designation, not from the region to which they belonged, but from the particular kind of grape from which they were made, or from some circumstance connected with their history or qualities. Names belonging to the former class were, in all likelihood, bestowed before the most favoured districts were generally known, and before the effects produced upon the vine by change of soil and climate had been accurately observed and studied. After these matters were better understood, habit and mercantile usage would tend to perpetuate the ancient appellation. Thus, down to a late period, we hear of the *Amineum* (Αμινᾶιος οἶνος[8]), from the *Aminea Vitis*, which held the first place among vines, and embraced many varieties, carefully discriminated and cultivated according to different methods.[9] It was of Grecian origin, having been conveyed by a Thessalian tribe to Italy (a story which would seem to refer to some Pelasgian migration), and reared chiefly in Campania around Naples, and in the Falernus ager. Its characteristic excellence was the great body and consequent durability of its wine (*Firmissima vina*[10]). So, in like manner, the ψίθιος οἶνος,[11] from the ψιθία ἄμπελος,[12] which Virgil tells us[13] was particularly suitable for *passum*, and the καπνίας (smoke-wine) of Plato the comic poet,[14] prepared in greatest perfection near Beneventum, from the κάπνεος ἄμπελος, so named in consequence of the clusters being neither white nor black, but of an intermediate dusky or smoky hue.[1]

On the other hand, the Σαπρίας, on whose divine fragrance Hermippus descants in such glowing language,[2] is simply some rich wine of great age, "toothless, and sere, and wondrous old" (ὀδόντας οὐκ ἔχων, ἤδη σαπρὸς . . . γέρων γε δαιμονίως[3]). The origin of the title ἀνθοσμίας is somewhat more doubtful: some will have it to denote wine from a sweet-smelling spot;[4] others more reasonably refer it to the "bouquet" of the wine itself;[5] according to Phanias of Eresus, in one passage, it was a compound formed by adding one part of seawater to fifty of must, although in another place he seems to say that it was wine obtained from grapes gathered before they were ripe, in which case it might resemble Champagne.[6]

Those who desire more minute details upon this very extensive subject may consult the Geoponic Collection, books iii. to viii. inclusive; the whole of the 14th book of Pliny's Natural History, together with the first thirty chapters of the 23d; the 12th book of Columella, with the commentary of Schneider and others; the 2d book of Virgil's Georgics, with the remarks of Heyne, Voss, and the old grammarians; Galen, i., 9, and xii., 4; Pollux, vi., et seq.; Athenæus, lib. i. and lib. x.; besides which, there are a multitude of passages in other parts of the above authors, in Cato, Varro, and in the classics generally, which bear more or less upon these topics.

Of modern writers we may notice particularly, Prosper Rendella, *Tractatus de Vinea, Vindemia et Vino*, Venet., 1629.—Galeatius Landrinus, *Quæstio de Mixtione Vini et Aquæ*, Ferrar., 1593.—Andreas Baccius, *De Naturali Vinorum Historia*, &c., Rom., 1596. — *De Conviviis Antiquorum*, &c., Gronov. Thes. Graec. Antiq.—Sir Edward Barry, *Observations on the Wines of the Ancients*, Lond., 1775.—Henderson, *History of Ancient and Modern Wines*, Lond., 1824. Some of the most important facts are presented in a condensed form in Becker's *Gallus*, vol. ii., p. 163–176, and p. 238–241, and *Charikles*, i., 456, seq.

VIOCURI. (*Vid.* Quatuorviri Viales.)

*VI'OLA (ἴον), the Violet. (*Vid.* Ion.)

VIRGA, dim. VIRGULA (ῥάβδος), a Rod or Wand. This was in many cases the emblem of a certain rank or office: being carried, for example, by the Salii (*vid.* Ancile), by a judge or civil officer (see woodcut, p. 61), a herald (*vid.* Caduceus[7]), and by the *tricliniarcha* (*vid.* Triclinium), or any other person who had to exercise authority over slaves.[8] The use of the rod (ῥαβδίζειν[9]) in the punishment of Roman citizens was abolished by the *lex Porcia* (p. 585). In the fasces a number of rods were bound together.

A rod was used to thrash the smaller kinds of grain, such as cummin.[10] (*Vid.* Flagrum.)

The wand was also the common instrument of magical display, as in the hand of Circe[11] and of Minerva.[12] To do anything *virgula divina* was to do it *by magic*.[13] The stripes of cloth were called *virgæ*.[14] (*Vid.* Pallium, p. 718; Tela, p. 955.)

1. (Plin., H. N., xiv., 8, § 6.—Mart., xiii., 118.—Silius, iii., 370.)—2. (Plin., H. N., xiv., 9.—Geopon., v., 2.—Athen., i., p. 28, *d.*)—3. (Athen., i., p. 29, *f.*)—4. (Athen., i., p. 29, *b.*)—5. (Herod., ii., 35.—Athen., i., p. 31, *a.*)—6. (Athen., i., p. 33, *f.*—Strab., xvii., p. 799.—Hor., Carm., i., 37, 10.—Virg., Georg., ii., 91.—Lucan, x., 161.—Plin., H. N., xiv., 9.)—7. (xiii., 112.)—8. (Hesych.)—9. (Plin., H. N., xiv., 4, § 1.—Cato, R. R., 6 and 7.—Colum., iii., 2, § 7; 9, § 3.)—10. (Virg., Georg., ii., 97.—Galen, Meth. Med., xii., 4.—Geopon., viii., 22.—Pallad., iv., 2.—Macrob., ii., 16.—Auson., Ep., xviii., 32.—Seren. Samm., xxix., 544.)—11. (Athen., i., p. 28, *f.*)—12. (Colum., iii., 2, § 24.)—13. (Virg., Georg., ii., 93.)—14. (Athen., i., p. 31, *c.*)

1. (Theophrast., H. P., ii., 4.—Id., C. P., v., 3.—Aristot., De Gen. An., iv., 4.—Plin., H. N., xiv., 4, § 7.—Compare xxxvi., 36 on the gem "Capnias.")—2. (Athen., i., p. 29, *c.*)—3. (Athen., x., p. 441, *d.*—*Vid.* Eustath. ad Hom., Od., ii., 340.—Casaub. ad Athen., i., p. 29.)—4. (Suid., s. v.)—5. (Hesych., s. v.)—6. (Athen., i., p. 32, *a.*—Compare p. 462, *c.*)—7. (Non. Marc., p. 528., —Ovid, Met., ix., 716.)—8. (Senec., Epist., 47.)—9. (Acts, xvi., 22.)—10. (Hieron. in Is., xxviii., 27.)—11. (Hom., Od., x., 238, 293, 318, 389.)—12. (xvi., 172.)—13. (Cic. ad Att., i., 44.)—14. (Ovid, Ar. Am., iii., 269.)

VIRGINES VESTA'LES. (*Vid.* VESTALES VIRGINES.)

VIRIDA'RIUM. (*Vid.* HORTUS, p. 511.)

VIS. Leges were passed at Rome for the purpose of preventing acts of violence. The lex Plotia or Plautia was enacted against those who occupied public places and carried arms.[1] The lex proposed by the consul Q. Catulus on this subject, with the assistance of Plautius the tribunus, appears to be the lex Plotia.[2] There was a lex Julia of the dictator Cæsar on this subject, which imposed the penalty of exile.[3] Two Juliæ leges were passed as to this matter in the time of Augustus, which were respectively entitled De Vi Publica and De Vi Privata.[4] The lex De Vi Publica did not apply, as the title might seem to import, exclusively to acts against the public peace, and it is not possible to describe it very accurately except by enumerating its chief provisions. The collecting of arms (*arma, tela*) in a house (*domus*) or in a villa (*agrove in villa*), except for the purpose of hunting, or going a journey or a voyage, was in itself a violation of the lex. The signification of the word tela in this lex was very extensive. The punishment for the violation of this lex was aquæ et ignis interdictio, except in the case of attacking and plundering houses or villas with an armed band, in which case the punishment was death; and the penalty was the same for carrying off a woman, married or unmarried. The cases enumerated in the Digest as falling within the penalties of the lex Julia De Vi Privata are cases where the act was of less atrocity; for instance, if a man got a number of men together for a riot, which ended in the beating of a person, but not in his death, he came within the penalties of the lex De Vi Privata. It was also a case of vis privata when persons combined to prevent another being brought before the prætor. The senatus consultum Volusianum extended the penalties of the lex to those who maintained another in his suit with the view of sharing any advantage that might result from it. The penalties of this lex were the loss of a third part of the offender's property; and he was also declared to be incapable of being a senator or decurio, or a judex: by a senatus consultum, the name of which is not given, he was incapacitated from enjoying any honour, quasi infamis

VIS et VIS ARMATA. There was an interdict De Vi et Vi Armata, which applied to the case of a man who was forcibly ejected from the possession of a piece of ground or edifice (*qui vi dejectus est*). The object of the interdict was to restore the party ejected to possession.[5] (*Vid.* INTERDICTUM.)

VISCERA'TIO. (*Vid.* FUNUS, p. 462.)

*VISCUM (ἰξός), the Mistletoe. (*Vid.* IXOS.)

VITIS. (*Vid.* CENTURIO.)

*VITIS (ἄμπελος), the Vine. "According to Sprengel, the ἄμπελος ἀγρία of Dioscorides is the *Taurus communis*; the λευκή, the *Bryonia dioica*; and the μέλαινα, the *Bryonia alba*. In this account of them he copies from Dodonæus. Stackhouse marks the first as the *Vaccinium Vitis Idæa*; but Schneider doubts whether either of the plants referred to by Sprengel and Stackhouse apply to the description of it given by Theophrastus. Dierbach marks the ἀγρία as being either the *Bryonia dioica* or *Cretica*. The ἄμπελος οἰνοφόρος is the *Vitis vinifera*, L." (*Vid.* VINUM, at the commencement of the article.)[6]

VITRUM (ὕαλος), Glass. A singular amount of ignorance and skepticism long prevailed with regard to the knowledge possessed by the ancients in the art of glass-making. Some asserted that it was to be regarded as exclusively a modern invention, while others, unable altogether to resist the mass of evidence to the contrary, contented themselves with believing that the substance was known only in its coarsest and rudest form. It is now clearly demonstrated to have been in common use at a very remote epoch. Various specimens still in existence prove that the manufacture had in some branches reached a point of perfection to which recent skill has not yet been able to attain; and, although we may not feel disposed to go so far as Winckelmann,[1] who contends that it was used more generally, and for a greater variety of purposes, in the old world than among ourselves, yet, when we examine the numerous collections arranged in all great public museums, we must feel convinced that it was employed as an ordinary material for all manner of domestic utensils by the Egyptians, Greeks, and Romans.

We find the process of glass-blowing distinctly represented in the paintings of Beni Hassan, which, if any faith can be reposed in the interpretation of hieroglyphics according to the Phonetic system, were executed during the reign of Osirtasen the First, the contemporary of Joseph, and his immediate successors, while a glass bead has been found at Thebes bearing the name of a monarch who lived 3300 years ago, about the time of the Jewish Exodus. Vases also, wine-bottles, drinking-cups, bugles, and a multitude of other objects, have been discovered in sepulchres and attached to mummies both in Upper and Lower Egypt; and, although in most cases no precise date can be affixed to these relics, many of them are referred by the most competent judges to a very early period.[2]

A story has been preserved by Pliny[3] that glass was first discovered accidentally by some merchants, who, having landed on the Syrian coast at the mouth of the river Belus, and being unable to find stones to support their cooking-pots, fetched for this purpose from their ship some of the lumps of nitre which composed the cargo. This being fused by the heat of the fire, united with the sand upon which it rested, and formed a stream of vitrified matter. No conclusion can be drawn from this tale, even if true, in consequence of its vagueness; but it originated in the fact recorded by Strabo[4] and Josephus,[5] that the sand of the district in question was esteemed peculiarly suitable for glass-making, and exported in great quantities to the workshops of Sidon and Alexandrea, long the most famous in the ancient world. (See Hamberger and Michaelis on the Glass of the Hebrews and Phœnicians, *Commentar. Soc. Gott.*, tom. iv.—Heeren, *Ideen*, I., ii., p. 94.) Alexandrea sustained its reputation for many centuries; Rome derived a great portion of its supplies from this source, and as late as the reign of Aurelius we find the manufacture still flourishing.[6]

There is some difficulty in deciding by what Greek author glass is first mentioned, because the term ὕαλος, like the Hebrew word used in the book of Job,[7] and translated in the LXX. by ὕαλος, unquestionably denotes not only artificial glass, but rock-crystal, or, indeed, any transparent stone or stone-like substance.[8] Thus the ὕελος of Herodotus,[9] in which the Ethiopians encased the bodies of their dead, cannot be glass, although understood in this sense by Ctesias and Diodorus,[10] for we are ex-

1. (Cic. ad Att., ii., 24.—Id., De Harusp. Resp., 8.)—2. (Cic., Pro Cœl., 29 – Sullust in Cic., Declam.)—3. (Cic., Philip., i., 9.)—4 (Dig. 48 tit. 6, 7.)—5. (Dig. 43, tit. 16.)—6. (Adams, Append., s. v. ἄμπελος.)

1. (i., c. 2, § 20.)—2. (Wilkinson, Anc. Egyptians, vol. iii., p. 88, &c.)—3. (H. N., xxxvi., 65.)—4. (xvi., p. 758.)—5. (B. J., ii., 9.)—6 (Cic., Pro Rabir. Post., 14.—Strabo, l. c.—Martial, xi., 11.—Id., xii., 74.—Id., xiv., 115.—Vopisc., Aurel., 45.—Boudet, "Sur l'Art de la Verrerie né in Égypte," Description de l'Egypte, tom. ix., p. 213.)—7. (xxviii., 17.)—8. (Schol ad Aristoph., Nub., 737.)—9 (iii., 24.)—10. (ii., 15.)

pressly told that it was dug in abundance out of the earth; and hence commentators have conjectured that rock-crystal, or rock-salt, or amber, or Oriental alabaster, or some bituminous or gummy product might be indicated. But when the same historian, in his account of sacred crocodiles,[1] states that they were decorated with earrings made of melted stone (*ἀρτήματά τε λίθινα χυτὰ καὶ χρύσεα ἐς τὰ ὦτα ἐνθέντες*), we may safely conclude that he intends to describe some vitreous ornament for which he knew no appropriate name. The *σφραγὶς ὑαλίνη* and *σφραγῖδε ὑαλίνα* of an Athenian inscription referred to B.C. 398,[2] together with the passage in Aristophanes,[3] where the envoy boasts that he had been drinking with the great king "*ἐξ ὑαλίνων ἐκπωμάτων*," decide nothing, especially since in another comedy[4] Strepsiades describes a *ὕαλος*, or burning-glass, as a transparent stone sold in the shops of apothecaries, and we know that any solid diaphanous substance ground into the form of a lens would produce the effect. Setting aside the two problems with regard to glass, attributed to Aristotle, as confessedly spurious, we at length find a satisfactory testimony in the works of his pupil and successor Theophrastus, who notices the circumstance alluded to above of the fitness of the sand at the mouth of the river Belus for the fabrication of glass.

Among the Latin writers Lucretius appears to be the first in whom the word *vitrum* occurs;[5] but it must have been well known to his countrymen long before, for Cicero names it, along with paper and linen, as a common article of merchandise brought from Egypt.[6] Scaurus, in his ædileship (B.C. 58), made a display of it such as was never witnessed even in after-times; for the *scena* of his gorgeous theatre was divided into three tiers, of which the under portion was of marble, the upper of gilded wood, and the middle compartment of glass.[7] In the poets of the Augustan age it is constantly introduced, both directly and in similes, and in such terms as to prove that it was an object with which every one must be familiar.[8] Strabo declares that in his day a small drinking-cup of glass might be purchased at Rome for half an as;[9] and so common was it in the time of Juvenal and Martial, that old men and women made a livelihood by trucking sulphur matches for broken fragments.[10] When Pliny wrote, manufactories had been established not only in Italy, but in Spain and Gaul also, and glass drinking-cups had entirely superseded those of gold and silver;[11] and in the reign of Alexander Severus we find *vitrearii* ranked along with curriers, coachmakers, goldsmiths, silversmiths, and other ordinary artificers whom the emperor taxed to raise money for his thermæ.[12]

The numerous specimens transmitted to us prove that the ancients were well acquainted with the art of imparting a great variety of colours to their glass; they were probably less successful in their attempts to render it perfectly pure and free from all colour, since we are told by Pliny that it was considered most valuable in this state. It was wrought according to the different methods now practised, being fashioned into the required shape by the blowpipe, *cut*, as we term it, although *ground* (*teritur*) is a more accurate phrase, upon a wheel, and engraved with a sharp tool like silver ("*aliud flatu figuratur, aliud torno teritur, aliud argenti modo cælatur*"[1]). Doubts have been expressed touching the accuracy of the last part of this statement; but, since we have the most positive evidence that the diamond (*adamas*) was employed by engravers of gems,[2] and might therefore have been applied with still greater facility to scratching the surface of glass, there is no necessity for supposing that Pliny was not himself aware of what he meant to say, nor for twisting his words into meanings which they cannot legitimately assume, especially since hieroglyphics and various other devices are now to be seen on Egyptian vases and trinkets which have been engraved by some such process.[3] The *diatreta* of Martial[4] were glass cups cut or engraved according to one or other of the above methods. The process was difficult, and accidents occurred so frequently[5] that the jurists found it necessary to define accurately the circumstances under which the workman became liable for the value of the vessel destroyed.[6] The art of etching upon glass, now so common, was entirely unknown, since it depends upon the properties of fluoric acid, a chemical discovery of the last century.

We may now briefly enumerate the chief uses to which glass was applied.

1. Bottles, vases, cups, and cinerary urns. A great number of these may be seen in the British Museum and all the principal Continental cabinets, but especially in the Museo Borbonico at Naples, which contains the spoils of Herculaneum and Pompeii, and includes upward of 2400 specimens of ancient glass. These sufficiently prove the taste, ingenuity, and consummate skill lavished upon such labours; many which have been shaped by the blowpipe only are remarkable for their graceful form and brilliant colours, while others are of the most delicate and complicated workmanship. A very remarkable object belonging to the last class, the property of the Trivulsi family, is described in the notes to Winckelmann,[7] and figured here. It is

a glass cup contained within a sort of network also of glass, to which it is attached by a series of short and very fine glass props placed at equal distances from each other. Round the rim are several letters connected with the cup in the same manner as the network, and forming the words Bibe Vivas Multos Annos. The characters of the inscription are green, the network is blue, the cup itself resembles opal, shades of red, white, yellow, and blue predominating in turn, according to the angle at which the light falls upon it. It was at first believed that this effect was the result of long interment beneath the ground; but it is much more likely to have been produced by the artist, for it corre-

1. (ii., 69.)—2. (Böckh, Corp. Inscript., n. 150, § 50.)—3. (Acharn., 74.)—4. (Nub., 737.)—5. (iv., 604; vi., 991.)—6. (Pro Rab. Post., 14.)—7. (Plin., H. N., xxxvi., 34, § 7.)—8. (*e. g.*, Virg., Georg., iv., 350.—Id., Æn., vii., 759.—Ovid, Amor., i., 6, 55.—Prop., iv., 8, 37.—Hor., Carm., iii., 13, 1.)—9. (xvi., p. 758.—Compare Martial, ix., 60.)—10. (Juv., v., 48.—Martial, i., 42.—Id., x., 3.—Stat., Sylv., i., 6, 73.—Compare Dion Cass., lvi., 17.)

1 (H. N., xxxvi., 66.)—12 (Lamprid., Alex. Sev., 24.)

1. (Plin., H. N., xxxvi., 66.)—2. (Plin., H. N., xxxvii., 15.—Solin., 52.—Isidor., xvi., 13, 3.)—3. (Wilkinson, vol. iii., p. 105.)—4. (xii., 70.)—5. (Mart., xiv., 115.)—6 (Dig. 9, tit. 2, s. 27 § 29.)—7 (i., c. 2, § 24)

sponds precisely to the account given of two precious cups presented by an Egyptian priest to the Emperor Adrian, and characterized as *calices allassontes versicolores*.[1] Neither the letters nor the network have been soldered to the cup, but the whole has been cut out of a solid mass after the manner of a cameo, the marks of the wheel being still visible on the little props, which are more or less angular, according as the instrument was able to reach them completely or not. But the great triumph of ancient genius in this department is the celebrated Portland Vase, formerly known as the Barberini Vase, which is now in the British Museum. It was found about three hundred years ago, at a short distance from Rome, in a marble coffin, within a sepulchral vault, pronounced, upon very imperfect evidence, to have been the tomb of Alexander Severus. The extreme beauty of this urn led Montfaucon and other antiquaries to mistake it for a real sardonyx. Upon more accurate examination, it was ascertained to be composed of dark blue glass, of a very rich tint, on the surface of which are delineated in relief several minute and elaborately wrought figures of opaque white enamel. It has been determined by persons of the greatest practical experience, that these figures must have been moulded separately, and afterward fixed to the blue surface by a partial fusion; but the union has been effected with such extraordinary care and dexterity, that no trace of the junction can be observed, nor have the most delicate lines received the slightest injury. With such samples before us, we need not wonder that in the time of Nero a pair of moderate-sized glass cups with handles (*pteroti*) sometimes cost fifty pounds (*HS. sex millibus*[2]). For a full description of the Portland Vase, see the eighth volume of the Archæologia.

2. Glass pastes presenting fac-similes either in relief or intaglio of engraved precious stones. In this way have been preserved exact copies of many beautiful gems, of which the originals no longer exist, as may be seen from the catalogues of Stosch, of Tassie, of the Orleans collection, and from similar publications. These were in demand for the rings of such persons as were not wealthy enough to purchase real stones, as we perceive from the phrase "*vitreis gemmis ex vulgi annulis.*"[3] Large medallions also of this kind are still preserved, and bas-reliefs of considerable magnitude.[4]

3. Closely allied to the preceding were imitations of coloured precious stones, such as the carbuncle, the sapphire, the amethyst, and, above all, the emerald. These counterfeits were executed with such fidelity, that detection was extremely difficult, and great profits were realized by dishonest dealers, who entrapped the unwary.[5] That such frauds were practised even upon the most exalted in station, is seen from the anecdote given by Trebellius Pollio of the whimsical vengeance taken by Gallienus[6] on a rogue who had cheated him in this way, and collections are to be seen at Rome of pieces of coloured glass which were evidently once worn as jewels, from which they cannot be distinguished by the eye.[7]

4. One very elegant application of glass deserves to be particularly noticed. A number of fine stalks of glass of different colours were placed vertically, and arranged in such a manner as to depict upon the upper surface some figure or pattern, upon the principle of a minute mosaic. The filaments thus combined were then subjected to such a degree of heat as would suffice to soften without melting them, and were thus cemented together into a solid mass. It is evident that the picture brought out upon the upper surface would extend down through the whole of the little columns thus formed, and hence, if it was cut into thin slices at right angles to the direction of the fibres, each of these sections would upon both sides represent the design, which would thus be multiplied to an extent in proportion to the total length of the glass threads. Two beautiful fragments, evidently constructed in this way, are accurately commented upon by Winckelmann,[1] and another, recently brought from Egypt, is shown on the frontispiece to the third volume of Wilkinson's work. Many mosaic pavements and pictures (*opus musivum*) belong to this head, since the cubes were frequently composed of opaque glass as well as marble; but these have been already discussed in p. 715 of this work.

5. Thick sheets of glass of various colours appear to have been laid down for paving floors, and to have been attached as a lining to the walls and ceilings of apartments in dwelling-houses, just as scagliuola is frequently employed in Italy, and occasionally in our own country also. Rooms fitted up in this way were called *vitreæ cameræ*, and the panels *vitreæ quadraturæ*. Such was the kind of decoration introduced by Scaurus for the scene of his theatre, not columns nor pillars of glass, as some, nor bas reliefs, as others have imagined.[2]

6. The question whether glass windows were known to the ancients has, after much discussion, been set at rest by the excavation at Pompeii; for not only have many fragments of flat glass been disinterred from time to time, but in the tepidarium of the public baths a bronze lattice came to light with some of the panes still inserted in the frame so as to determine at once not only their existence but the mode in which they were secured and arranged.[3] (*Vid.* House, Roman, p. 521.)

7. From the time that pure glass became known, it must have been remarked that, when darkened upon one side, it possessed the property of reflecting images. We are certain that an attempt was made by the Sidonians to make looking-glasses,[4] and equally certain that it must have failed; for the use of metallic mirrors, which are more costly in the first instance, which require constant care, and attain but imperfectly the end desired, was universal under the Empire. Respecting ancient mirrors, see Speculum.

8. A strange story with regard to an alleged invention of malleable glass is found in Petronius,[5] is told still more circumstantially by Dion Cassius,[6] and is alluded to by Pliny,[7] with an expression of doubt, however, as to its truth. An artist appeared before Tiberius with a cup of glass. This he dashed violently upon the ground. When taken up it was neither broken nor cracked, but dinted like a piece of metal. The man then produced a mallet, and hammered it back into its original shape. The emperor inquired whether any one was acquainted with the secret, and was answered in the negative, upon which the order was given that he should be instantly beheaded, lest the precious metals might lose their value, should such a composition become generally known.

VITTA, or plural VITTÆ, a riband or fillet, is to be considered, I. As an ordinary portion of female

1. (Vopisc., Saturn., c. 8.)—2. (Plin., H. N., xxxvi., 66.)—3. (Plin., H. N., xxxv., 30.)—4. (See Winckelman, i., c. 2, § 27)—5. (Plin., H. N., xxxvii., 75.) — 6. (Gall., c. 12.)—7. (Plin., H. N., xxxvii., 26, 33, 75. — Senec., Ep., 90. — Isidor., Orig., xvi., 15, § 27.—Beckmann, History of Inventions, vol. i., p. 199, English trans., 3d edit.)

1. (i., c. 2, § 22, 23, 24.)—2. (Plin., H. N., xxxvi., 64.—Stat. Sylv., i., 5, 42.—Senec., Ep., 76.—Vopisc., Firm., c. 3.—Winckelmann, i., c. 2, § 21. — Passeri, Lucernæ Fictiles, p. 67, tab lxxi.)—3. (Mazois, Palais de Scaurus, c. viii., p. 97.—Ruines de Pompéi, tom. iii., p. 77.—Becker, Gallus, ii., p. 20)—4. (Plin. H. N., xxxvi., 66.) — 5. (c. 51.) — 6. (lvii., 21.) — 7. (H. N., xxxvi., 66)

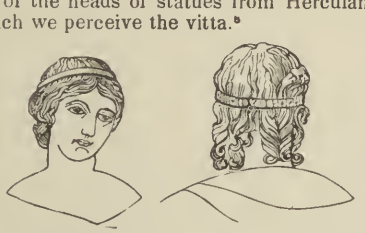
dress II. As a decoration of sacred persons and sacred things.

I. When considered as an ordinary portion of female dress, it was simply a band encircling the head, and serving to confine the tresses (*crinales vittæ*), the ends, when long (*longæ tænia vittæ*), hanging down behind.[1] It was worn (1.) by maidens;[2] (2.) by married women also, the vitta assumed on the nuptial-day being of a different form from that used by virgins.[3]

The vitta was *not* worn by libertinæ even of fair character,[4] much less by meretrices; hence it was looked upon as an *insigne pudoris*, and, together with the *stola* and *instita*, served to point out at first sight the freeborn matron.[5]

The colour was probably a matter of choice; white and purple are both mentioned.[6] One of those represented in the cuts below is ornamented with embroidery, and they were in some cases set with pearls (*vittæ margaritarum*[7]).

The following woodcuts represent back and front views of the heads of statues from Herculaneum, on which we perceive the vitta.[8]



II. When employed for sacred purposes, it was usually twisted round the infula (*vid.* Infula), and held together the loose flocks of wool.[9] Under this form it was employed as an ornament for (1.) priests, and those who offered sacrifice.[10] (2.) Priestesses, especially those of Vesta, and hence *vittata sacerdos* for a vestal, *κατ' ἐξόχην*.[11] (3.) Prophets and poets, who may be regarded as priests, and in this case the vittæ were frequently intertwined with chaplets of olive or laurel.[12] (4.) Statues of deities.[13] (5.) Victims decked for sacrifice.[14] (6.) Altars.[15] (7.) Temples.[16] (8.) The *ἱκετήρια* of suppliants.[17]

The sacred vittæ, as well as the infulæ, were made of wool, and hence the epithets *lanea*[18] and *mollis*.[19] They were white (*niveæ*[20]), or purple (*puniceæ*[21]), or azure (*cæruleæ*), when wreathed round an altar to the manes.[22]

Vitta is also used in the general sense of a string for tying up garlands,[23] and *vittæ loreæ* for the leathern straps or braces by which a machine was worked.[24]

ULMUS (*πτελέα*), the Elm, or *Ulmus campestris*, L. Few trees have enjoyed more of poetical celebrity than the elm. It was chosen particularly for the training of vines, and the marriage of the vine with the elm forms a favourite figure in the strains of the Roman bards.

ULNA. (*Vid.* Pes, p. 762.)

*ULVA, a term applied generally by the Latin writers to all aquatic plants, and synonymous, therefore, with *Alga*. According to some, however, the term *alga* was employed to designate marine aquatic plants, and *ulva* those growing in fresh water. This distinction will not hold good, however, in all cases.

UMBELLA. (*Vid.* Umbraculum.)

UMBI'LICUS. (*Vid.* Liber.)

UMBO. (*Vid.* Clipeus; Toga, p. 986.)

UMBRA'CULUM, UMBELLA (*σκιάδειον, σκιάδιον, σκιαδίσκη*), a Parasol, was used by Greek and Roman ladies as a protection against the sun. They seem not to have been carried generally by the ladies themselves, but by female slaves, who held them over their mistresses. The daughters of the aliens (*μέτοικοι*) at Athens had to carry parasols after the Athenian maidens at the Panathenæa, as is mentioned under Hydriaphoria, p. 523. The parasols of the ancients seem to have been exactly like our own parasols or umbrellas in form, and could be shut up and opened like ours.[1] They are often represented in paintings on ancient vases the annexed woodcut is taken from Millin's *Peintures de Vases Antiques*, vol. i., pl. 70. The female is clothed in a long chiton or diploidion (*vid.* Tunica, 1023), and has a small himation, which seems to have fallen off her shoulders.

It was considered a mark of effeminacy for men to make use of parasols.[2] The Roman ladies used them in the amphitheatre to defend themselves from the sun or some passing shower,[3] when the wind or other circumstances did not allow the velarium to be extended. (*Vid.* Amphitheatrum, p. 52.) To hold a parasol over a lady was one of the common attentions of lovers,[4] and it seems to have been very common to give parasols as presents.[5] Instead of parasols, the Greek women, in later times, wore a kind of straw hat or bonnet, called *θολία*.[6] The Romans also wore a hat with a broad brim (*petasus*) as a protection against the sun.[7] See Paciaudi, *de Umbellæ gestatione*, Rom., 1752.—Becker, *Charikles*, ii., p. 73.

1. (Virg., Æn., vii., 351, 403.—Ovid, Met., ii., 413.—Id., iv., 6.—Isidor., xix., 31, § 6.)—2. (Virg., Æn., ii., 178.—Prop., iv., 11, 34.—Val. Flacc., viii., 6.—Serv. ad Virg., Æn., ii., 133.)—3. (Prop., iv., 3, 15.—Id., 11, 34.—Plaut., Mil. Glor., iii., 1, 194.—Val. Max., v., 2, § 1.)—4. (Tibull., i., 6, 67.)—5. (Ovid, A. A., i., 31.—Id., R. A., 386.—Id., Trist., ii., 247.—Id., Ep. ex Pont., iii., 3, 51.)—6. (Id., Met., ii., 413.—Ciris, 511.—Stat., Achill., i., 611.)—7. (Dig. 34, tit. 2, s. 25, § 2.)—8. (Bronzi d'Ercolano, tom. ii., tav. 72, 75.)—9. (Virg., Georg., iii., 487.—Id., Æn., x., 537.—Isidor., xix., 30, § 4.—Serv. ad Virg., Æn., x., 538.—The expression of Lucan is obscure, v., 142, &c.)—10. (Virg., Æn., ii., 221.—Id. ib., iv., 637.—Id. ib., x., 537.—Tacit., Ann., i., 57.)—11. (Virg., Æn., vii., 418.—Ovid, Fast., iii., 30.—Id. ib., vi., 457.—Juv., Sat., iv., 9.—Id., vi., 50.)—12. (Virg., Æn., iii., 81.—Id. ib., vi., 665.—Stat., Sylv., ii., 1, 26.—Id., Achill., i., 11.—Id., Theb., iii., 466.)—13. (Virg., Æn., ii., 168, 296.—Juv., vi., 50.—Compare Stat., Sylv., iii., 3, 3.)—14. (Virg., Georg., iii., 487.—Æn., ii., 133 156.—Ib., v., 366.—Ovid, Ep. ex Pont., iii., 2, 74.—Stat., Achil., ii., 301.)—15. (Virg., Eclog., viii., 64.—Æn., iii., 64.)—16. (Prop., iv., 9, 27.—Compare Tacit., Hist., iv., 53.)—17. (Virg., Æn., vii., 237.—Id. ib., viii., 128.)—18. (Ovid, Fast., iii., 30.)—19. (Virg., Eclog., viii., 64.)—20. (Id., Georg., iii., 487.—Ovid, Met., xiii., 643.—Stat., Theb., iii., 466.)—21. (Prop. iv., 9, 27.)—22. (Virg., Æn., iii., 64.)—23. (Plin., H. N., xviii. 2—Isidor., xix. 31, 6.)—24 (Plin., Hist. Nat., xviii. 31.)

1. (Aristoph., Equit., 1348.—Schol. ad loc.—Ovid, Art. Am., ii., 209.)—2. (Anacreon ap. Athen., xii., p. 534.)—3. (Mart., xiv., 28.)—4. (Mart., xi., 73.—Ovid, l. c.)—5. (Juv., Sat., ix., 50.)—6. (Pollux, vii., 174.—Compare x., 127.—Theocrit., xv., 39.)—7. (Suet., Octav., 82.—Dion Cass., lix., 7.)

UNCIA (*ὄγκια, οὐγκία, οὐγγία*), the twelfth part of the As or LIBRA, is derived by Varro from *unus*, as being the unit of the divisions of the as.[1]

Its value as a weight was 433·666 grains, or ¾ of an ounce, and 105·36 grains avoirdupois. (*Vid.* LIBRA.) It was subdivided into

		Oz.	Grs.
2 Semunciæ, each	=	¼	107·46
3 Duellæ	" =	¼	35·12
4 Sicilici	" =		108·416
6 Sextulæ	" =		72·277
24 Scrupula	" =		18·069
144 Siliquæ	" =		3·011

In connecting the Roman system of weights and money with the Greek, another division of the uncia was used. When the drachma was introduced into the Roman system as equivalent to the denarius of 96 to the pound (*vid.* DENARIUS, DRACHMA), the uncia contained 8 drachmæ, the drachma 3 scrupula, the scrupulum 2 oboli (since 6 oboli made up the drachma), and the obolos 3 siliquæ (*κερατία*). Therefore the uncia was divided into

8 drachmæ, each	=	54·208 grs.
24 scrupula	" =	18·069 "
48 oboli	" =	9·034 "
144 siliquæ	" =	3·011 "

In this division we have the origin of the modern Italian system, in which the pound is divided into 12 ounces, the ounce into three drams, the dram into three scruples, and the scruple into 6 carats. In each of these systems 1728 *κερατία*, siliquæ, or carats make up the pound.

The uncial system was adopted by the Greeks of Sicily, who called their obol *λίτρα* (the Roman *libra*), and divided it into 12 parts, each of which they called *ὄγκια* or *οὐγκια* (the Roman *uncia*). (*Vid.* LITRA.) In this system the *ὄγκια* was reckoned equal to the *χαλκοῦς*.

Müller considers that the Greeks of Sicily, and also the Romans themselves, obtained the uncial system from the Etruscans.[2]

The Romans applied the uncial division to all kinds of magnitude. (*Vid.* AS.) In length the uncia was the twelfth of a foot, whence the word *inch* (*vid.* PES); in area, the twelfth of a jugerum (*vid.* JUGERUM); in content, the twelfth of a sextarius (*vid.* SEXTARIUS, CYATHUS, XESTES); in time, the twelfth of an hour. (*Vid.* AS, *sub fin.*)[3]

UNCIA, a Roman copper coin, the twelfth of the As.

UNCIA'RIUM FŒNUS. (*Vid.* INTEREST OF MONEY, p. 547.)

UNCTO'RES. (*Vid.* BATHS, p. 148.)

UNCTUA'RIUM. (*Vid.* BATHS, p. 148.)

UNGUENTA, ointments, oils, or salves. The application of unguenta, in connexion with the bathing and athletic contests of the ancients, is stated under BATHS and ATHLETÆ, &c. But, although their original object was simply to preserve the health and elasticity of the human frame, they were in later times used as articles of luxury. They were then not only employed to impart to the body or hair a particular colour, but also to give to them the most beautiful fragrance possible; they were, moreover, not merely applied after a bath, but at any time, to render one's appearance or presence more pleasant than usual. In short, they were used then as oils and pomatums are at present.

The numerous kinds of oils, soaps, pomatums, and other perfumes with which the ancients were acquainted is quite astonishing. We know several kinds of soaps which they used, though, as it appears, more for the purpose of painting the hair than for cleaning it.[1] For the same purpose they also used certain herbs.[2]

Among the various and costly oils which were partly used for the skin and partly for the hair, the following may be mentioned as examples: mendesium, megalesium, metopium, amaracinum, Cyprinum, susinum, nardinum, spicatum, iasminum, lo saceum, and crocus oil, which was considered the most costly.[3] In addition to these oils, the ancients also used various kinds of powder as perfumes, which, by a general name, are called *diapasmata*. To what extent the luxury of using fragrant oils and the like was carried on, may be inferred from Seneca,[4] who says that people anointed themselves twice or even three times a day, in order that the delicious fragrance might never diminish. At Rome, however, these luxuries did not become very general till towards the end of the Republic,[5] while the Greeks appear to have been familiar with them from early times. The wealthy Greeks and Romans carried their ointments and perfumes with them, especially when they bathed, in small boxes of costly materials and beautiful workmanship, which were called *narthecia*.[6] The traffic which was carried on in these ointments and perfumes in several towns of Greece and southern Italy was very considerable. The persons engaged in manufacturing them were called by the Romans *unguentarii*,[7] or, as they frequently were women, *unguentariæ*,[8] and the art of manufacturing them *unguentaria*. In the wealthy and effeminate city of Capua there was one great street called the Seplasia, which consisted entirely of shops, in which ointments and perfumes were sold.

A few words are necessary on the custom of the ancients in painting their faces. In Greece this practice appears to have been very common among the ladies, though men also had sometimes recourse to it, as, for example, Demetrius Phalereus.[9] But, as regards the women, it appears that their retired mode of living, and their sitting mostly in their own apartments, deprived them of a great part of their natural freshness and beauty, for which, of course, they were anxious to make up by artificial means.[10] This mode of embellishing themselves was probably applied only on certain occasions, such as when they went out, or wished to appear more charming.[11] The colours used for this purpose were white (*ψιμύθιον, cerusa*) and red (*ἔγχουσα or ἄγχουσα, παιδέρως, συκάμινον*, or *φῦκος*[12]). The eyebrows were frequently painted black (*μέλαν, ἄσβολος*, or *στίμμις*[13]). The manner in which this operation of painting was performed, is still seen in some ancient works of art representing ladies in the act of painting themselves. Sometimes they are seen painting themselves with a brush, and sometimes with their fingers.[14]

The Romans, towards the end of the Republic and under the Empire, were no less fond of painting themselves than the Greeks.[15] The red colour was at Rome, as in many parts of Greece, prepared from a kind of moss which the Romans called fucus (the *rocella* of Linnæus), and from which afterward all

1. (L. L., v., 171, ed. Müller.)—2. (Etrusker, i., p. 309.)—3. (Böckh, Metrolog. Untersuch. p 155, 160, 165, 293.—Wurm. De Pond., &c., p. 8, 9, 63, 67, 115, 139.)

1. (Plin., H. N., xviii., 12, 51.—Mart., viii., 23, 20.—Id., xiv., 26, 27.)—2. (Ovid, Ar. Amat., iii., 163.—Amor., i., 14.)—3. (Becker, Gallus, ii., p. 27.)—4. (Epist., 86.)—5. (Gell., vii., 12.)—6. (Böttiger, Sabina, i., p. 52.)—7. (Cic., De Off., i., 12.—Horat., Sat., ii., 3, 228.)—8. (Plin., H. N., viii., 5.)—9. (Athen., xii., p. 642.)—10. (Xen., Œcon., 10, § 10.—Stobæus, iii., p. 87, ed. Gaisford.—Compare Becker, Charikles, ii., p. 232.)—11 (Lysias, De Cæd. Eratosth., p. 15.—Aristoph., Lysistr., 149.—Eccles., 878.—Plut., 1064.—Plut., Alcib., 39.)—12. (Xenoph. Œcon., 10, § 2.—Aristoph., Lysistr., 48.—Id., Eccles., 929.—Alexis ap. Athen., xiii., p. 568; compare 557.—Etymol. Magn., s. v. Ἐψιμυθιῶσθαι.)—13. (Alexis ap. Athen., xiii., p 568.—Pollux, v., 101.)—14. (Böttiger, Sabina, ii., tab. ix., and i., tab. vi.)—15. (Horat., Epod., xii., 10.—Ovid, Ar. Am., iii., 199.—Plin., H. N., xxviii., 8.)

kinds of paint were called *fucus*. Another general term for paint is *creta*. For embellishing and cleaning the complexion, the Greeks as well as the Romans used a substance called *œsipum* (*vid.* the comment on Suidas, *s. v.* Οἰσπη), which was prepared of the wool taken from those parts of the body of a sheep in which it perspired most. Another remedy, often applied for similar purposes, consisted of powdered excrementa of the Egyptian crocodiles.[1]

Respecting the subjects here mentioned, and everything connected with the toilet of the ancients, see Böttiger, *Sabina oder Morgenscenen in Putzzimmer einer reichen Römerin*, Leipz., 1806, 2 vols.

UNGUENTARII. (*Vid.* Unguenta.)

UNIVERSITAS. This word denotes the whole of anything as contrasted with its component parts. It signifies either a number of persons as a whole, or a number of things, or a number of rights. In the case of a number of things viewed as a universitas, it is indifferent whether the parts are corporeally united or not; or whether the corporeal union, if it exists, is natural or not.

A single person only can properly be viewed as the subject of rights and duties; but the notion of legal capacity may, by a fiction, be extended to a number of persons, who are considered as a single person for legal purposes, and may, accordingly, be called juristical persons, or persons existing merely by virtue of legal fiction. Thus the "hereditas" is said by the Roman jurists "*personæ vice fungi*," like a municipium, decuria, and societas: the bonorum possessor is "*in loco heredis*;" and as he is a fictitious heres, so a juristical person is a fictitious person. As persons, however, so constituted, such juristical persons have legal capacities, as individuals have; but their legal capacities are limited to property as their object. It is true that the Romans often considered other persons as a collective unity: thus they speak of the collegium of the consuls (*vid.* Collegium), and of the tribuni plebis. In like manner, they say that the duumviri of a municipium are to be viewed as one person.[2] But these fictitious unities have only reference to jus publicum, and they have no necessary connexion with juristical persons, the essential character of which is the capacity to have and acquire property. Juristical persons could be subjects of ownership, jura in re, obligationes, and hereditas; they could own slaves, and have the patronatus; but all the relations of familia, as the patria potestas and others of a like kind, were foreign to the notion. But, though the capacity to have property is the distinguishing characteristic of juristical persons viewed with relation to jus privatum, the objects for which the property is had and applied may be any, and the capacity to have property implies a purpose for which it is had, which is often much more important than this mere capacity. But the purposes for which juristical persons have property are quite distinct from their capacity to have it. This will appear from all or any of the examples hereinafter given.

The following are juristical persons: 1. Civitas. 2. Municipes: this term is more common than municipium, and comprehends both citizens of a municipium and a colony; it is also used when the object is to express the municipium as a whole, opposed to the individual members of it. 3. Respublica. In the republican period, when used without an adjunct, Respublica expressed Rome, but in the old jurists it signifies a civitas dependant on Rome. 4. Respublica civitatis or municipii. 5. Commune, communitas. Besides the civitates, component parts of the civitates are also juristical persons: 1. Curiæ or decuriones: the word decuriones often denotes the individuals composing the body of decuriones as opposed to the civitas (municipes), which appears from a passage in the Digest,[1] where it is stated that an action for dolus will not lie against the municipes, for a fictitious person cannot be guilty of dolus, but such action will lie against the individual decuriones who administer the affairs of the municipes. Sometimes the word curia is used as equivalent to civitas, and sometimes the decuriones are spoken of as a juristical person, which has property as such. 2. Vici; which have no political self-existence, but are attached to some respublica, yet they are juristical persons, can hold property, and maintain suits. 3. Fora, conciliabula, castella These were places between civitates and vici as to extent and importance; they belonged to a respublica, but had the rights of juristical persons: they are not mentioned in the legislation of Justinian, but the names occur in the Tablet of Heraclea, in the lex Galliæ Cisalpinæ, and in Paulus.[2] In the later period of the Empire, provinces were viewed as juristical persons.

In the writings of the agrimensores, communities, and particularly colonies (*coloni*), are designated by the appropriate name of publicæ personæ, and property is spoken of as belonging to the coloni, that is, the colonia, coloni being used here in the same sense in which municipes was used, as above explained.

Other juristical persons were: 1. Religious bodies, as collegia of priests and of the vestal virgins, which could hold property and take by testament 2. Associations of official persons, such as those who were employed in administration: the body of scribæ became one of the most numerous and important, as they were employed in all branches of administration; the general name was scribæ, a term which includes the particular names of librarii, fiscales, and others; they were divided into subdivisions called decuriæ, a term which, even under the Republic and also under the Empire, denoted the corporations of scribæ; the individual members were called decuriati, and subsequently decuriales; the decuriati had great privileges in Rome, and subsequently in Constantinople.[3] 3. Associations for trade and commerce, as fabri pistores, navicularii, the individuals of which had a common profession, on which the notion of their union was founded, but each man worked on his own account. Associations properly included under societates, as corporations for effecting a common object (*vid.* Societas): such associations could be dissolved by the notice of any member, and were actually dissolved by the death of a single member. Some of these associations, such as those for working mines, salinæ, and farming the portoria, were corporate bodies, and retained the name of societates. 4. Associations, called sodalitates, sodalitia, collegia sodalitia, which resembled modern clubs. In their origin they were friendly associations for feasting together; in course of time many of them became political associations, but from this we must not conclude that their true nature really varied; they were associations not included in any other class that has been enumerated, but they differed in their character according to the times. In periods of commotion they became the central points of political factions, and new associations, it may be reasonably supposed, would be formed expressly for political purposes. Sometimes the public places were crowded by the sodalitia and decuriati,[4] and the senate was at last compelled to propose a lex which should subject to the penalties of vis those who

1. (Horat., Plin., l. c.)—2. (Dig. 50, tit. 1, s. 25.)

1. (4, tit. 3, c. 15.)—2. (S. R., 4, tit. 6, s. 2.)—3. (Cic. in Verr iii., 79.—Id. ad Quint. Fratr., ii., 3.—Tacit., Ann., xiii., 27.—Suet., Aug., 57.—Id., Claud., 1.)—4. (Cic. ad Quint. Fratr. ii., 3.)

would not disperse. This was followed by a general dissolution of collegia according to Asconius (*in Cornelianam*), but the dissolution only extended to mischievous associations, as may be safely inferred from the nature of the case, and even the words of Asconius, if carefully examined, are not inconsistent with this conclusion. In the Digest[1] we find the rule that no collegium could be formed without the permission of a senatus consultum or the Cæsar; and persons who associated unlawfully were guilty of an extraordinarium crimen. The rule of law means that no union of persons could become a juristical person without the consent of the proper authority; and this is quite distinct from the other provision contained in the same rule, which punished associations of persons who acted as corporations, for this part of the rule relates only to such associations as were dangerous, or of an undefined character.

There were also in the imperial period the collegia tenuiorum, or associations of poorer people; but they were allowed to meet only once a month, and they paid monthly contributions.[2] A man could only belong to one of them. Slaves could belong to such a collegium, with the permission of their masters.

Communities of cities and towns have a kind of natural or necessary existence; and other bodies, called corporations, have been fashioned by a kind of analogy to them, and, like them, can have property, and be represented like them by an agent, wherein consists the essence of a juristical person. Some of these corporations, like communities of cities and towns, were of a permanent character, as colleges of priests, decuriæ, and companies of artisans; others had a temporary character, as societates and sodalitates. All these corporations are designated by the name either of collegium or corpus, between which there is no legal distinction, for it appears that one corporation was called a collegium and another a corpus, as it might happen; but both of these terms denote a corporation, as above explained, as opposed to a civitas or respublica. The members of such corporations were collegæ and sodales, which is a more general and an older term than sodalitas. Altogether they were called collegiati and corporati: the members of particular kinds of corporations were decuriati, decuriales, socii. The common name which includes all corporations and civitates is universitas, as opposed to which any individual is singularis persona.

The notion of individual property as a unity is founded on the notion of the unity of the owner. But this notion of unity, when once established, may, for certain purposes, be arbitrarily assumed, and, accordingly, it is applied to the case of peculium, dos, and hereditas, and modern writers have designated these as cases of a universitas juris. The name universitas has led many to suppose that the three cases above mentioned have all the same incidents, whereas each has its peculiar character, because the term universitas means any whole as opposed to its parts. The name universitas juris does not occur in the Roman law. The nature of universal succession is explained under Successio.

The term universitas was adopted in the middle ages to denote certain great schools, but not *as* schools: the term denoted these places as corporations, that is, as associations of individuals. The adjunct which would express the kind of persons associated would depend on circumstances: thus, in Bologna, the expression universitas scholarium was in common use; in Paris, universitas magistrorum. The school, as such, was called schola, and, from the thirteenth century, most commonly studium; and if it was a distinguished school, it was called studium generale. The first occasion on which the term universitas was applied to a great school is said to be in a decretal of Innocent III. of the beginning of the thirteenth century, addressed Scholaribus Parisiensibus.

(Savigny, *System des Heutigen Röm. Rechts*, i., 378; ii., 235; iii., 8.—Savigny, *Geschichte des Röm. Rechts im Mittelalter*, vol. iii., 318, 380.)

*URANOSCOPUS (*οὐρανοσκόπος*). (*Vid.* Callonomus.)

*URUS. (*Vid.* Bison.)

VOCA'TIO IN JUS. (*Vid.* Actio, p. 18.)

VOCO'NIA LEX was enacted on the proposal of Q. Voconius Saxa, a tribunus plebis. In the "*De Senectute*" of Cicero, Cato the elder is introduced as saying that he spoke in favour of the lex when he was sixty-five years of age, and in the consulship of Cæpio and Philippus (B.C. 169). Gellius also speaks of the oration in which Cato recommended this lex.[1]

One provision of the lex was, that no person who should be included in the census, after the census of that year (*post eos censores*; the censors of that year were A. Posthumius and Q. Fulvius), should make any female (*virginem neve mulierem*) his heres.[2] Cicero does not state that the lex fixed the census at any sum; but it appears from Gaius[3] and from Dion Cassius[4] that a woman could not be made heres by any person who was rated in the census at 100,000 sesterces (*centum millia æris*), though she could take the hereditas per fideicommissum. The lex allowed no exceptions even in favour of an only daughter.[5] The lex only applied to testaments, and therefore a daughter or other female could inherit ab intestato to any amount. The vestal virgins could make women their heredes in all cases, which was the only exception to the provisions of the lex.[6]

If the terms of the lex are correctly reported by Cicero, a person who was not *census* might make a woman his heres, whatever was the amount of his property, and so Cicero understands the lex.[7] Still there is a difficulty about the meaning of *census*. If it is taken to mean that a person whose property was above 100,000, and who was not included in the census, could dispose of his property as he pleased by testament, the purpose of the lex would be frustrated; and farther, "the not being included in the census" (*neque census esset*) seems rather vague. Still, according to the terms of the lex, any person who had ever been included in the census would be affected by this legal incapacity. Sometimes it is assumed that the last census is meant. The Edict extended the rule of the Voconia lex to the bonorum possessio.[8]

Another provision of the lex forbade a person who was census to give more in amount in the form of a legacy, or a donatio mortis causa, to any person than the heres or heredes should take. This provision secured something to the heres or heredes, but still the provision was ineffectual, and the object of this lex was only accomplished by the lex Falcidia. (*Vid.* Legatum.) Gaius,[9] in quoting this provision of the lex, does not mention the condition of being census, but this is stated by Cicero.[10]

Some writers suppose that this lex also contained a provision by which a testator was forbidden to give a woman more than half of his property by way of legacy; and it appears from Cicero that the lex applied to legacies (*de mulierum legatis et hereditatibus*).

1. (47, tit. 22, s. 1, 2, 3.)—2. (Dig. 47, tit. 22, s. 1, 3.)

1. (Cic., Pro Balbo, 8.—Cato Major, 5.—Gell., vii., 13; xvii., 6.)—2. (Cic. in Verr., i., 41, 42.)—3. (ii., 274.)—4. (lvi., 10.)—5. (Augustin., De Civ. Dei, iii., 21.)—6. (Cic., De Rep., iii., 10.—Gell., i., 12.)—7. (In Verr., 41.)—8. (Dig. 37, tit. 1, s. 12.)—9. (ii., 226.)—10. (In Verr., i., 43.)

uatus[1]). Quintilian[2] states that by the lex (Voconia) a woman could not take by testament more than half of a person's property; but Quintilian says nothing of the provisions of this lex, which incapacitated women altogether from taking under a will in certain cases, and in the passage referred to he is speaking of two women being made *heredes* of a property in equal shares. The dispute between the cognati and the two women turned on the words of the ex, "*ne diceat mulieri plusquam dimidiam partem bonorum suorum relinquere*," the cognati contending that the lex did not allow the whole property to be t us given to two women in equal shares, though it was admitted that if half of the property had been given to one woman, there would have been no ground for dispute. It is quite consistent that the lex might have allowed a woman to take half of a man's property in certain cases, and in others to take none, though the object of the lex, which was to prevent large properties from coming into women's hands, would have been better secured by other provisions than those of the lex as they are known to us; for it appears from Quintilian that a woman might take by will one half of as many properties as there were testators. It might be conjectured that the clause of the lex which forbade a woman being made heres signified sole heres, and then the clause which forbade her taking more than half would be fitly framed to prevent an evasion of the law by making a woman heres ex deunce, for instance, and giving the rest to another person. And this conjecture derives some support from the provision which prevented the giving nearly all the property in legacies to the detriment of the heres; which provision, however, it must be observed, does not apply to women only, so far as we can conclude from the words of Gaius.[3] The case of Fadia, mentioned by Cicero,[4] shows that there was a provision in the lex by which, in certain cases at least, a woman might take something; and it also shows that the lex prevented a man from making even his own daughter *sole* heres.

According to Gaius and Pliny,[5] the provisions of the Voconia lex were in force at the time when they were writing, though Gellius[6] speaks of them as being either obsolete or repealed. The provisions of the lex Julia et Papia Poppæa may have repealed some of the clauses of the Voconia lex.

The subject of the Voconia lex is one of considerable difficulty, owing to the imperfect statements that remain of its contents and provisions, which were probably numerous. The chief modern authorities on the matter are referred to by Rein;[7] but the writer has not had the opportunity of consulting any of them.

VOLO'NES is synonymous with *voluntarii* (from *volo*), and might hence be applied to all those who voluntcered to serve in the Roman armies without there being any obligation to do so. But it was applied more especially to slaves, when, in times of need, they offered or were allowed to fight in the Roman armies. Thus when, during the second Punic war, after the battle of Cannæ, there was not a sufficient number of freemen to complete the army, about 8000 young and able-bodied slaves offered to serve. Their proposal was accepted; they received armour at the public expense, and as they distinguished themselves, they were honoured with the franchise.[8] In after times the name volones was retained whenever slaves chose or were allowed to take up arms in defence of their masters, which they were the more willing to do, as they were generally rewarded with the franchise.[1]

VOLU'MEN. (*Vid.* Liber.)

VOLUNTA'RII. (*Vid.* Volones.)

VOMITO'RIA. (*Vid.* Amphitheatrum, p. 53.)

*VULPES (ἀλώπηξ), the Fox, or *Canis Vulpes*, L. It is also called κερδώ by Oppian and by Aristophanes, in a metaphorical sense.[2]

URAGUS. (*Vid.* Army, Roman, p. 104.)

URNA, an urn, a Roman measure of capacity for fluids, equal to half an Amphora.[3] This use of the term was probably founded upon its more general application to denote a vessel for holding water, or any other substance, either fluid or solid.[4]

An urn was used to receive the names of the judges (*judices*), in order that the prætor might draw out of it a sufficient number to determine causes;[5] also to receive the ashes of the dead. (*Vid.* Funus, p. 460, 461.) For this purpose urns were made of marble, porphyry, baked clay, bronze, or glass, of all forms and sizes, some quite simple, and others sculptured in bas-relief, or ornamented in an endless variety of ways.

USTRI'NA, USTRI'NUM. (*Vid.* Bustum; Funus, p. 460.)

USUCA'PIO. The history of usucapio is an important fact in the history of Roman jurisprudence.

Gaius[6] states that there was originally in Rome only one kind of ownership: a person was either owner of a thing ex jure Quiritium, or he was not owner at all. But afterward ownership was divided, so that one man might be owner ex jure Quiritium, and another might have the same thing in bonis, that is, have the right to the exclusive enjoyment of it. He then goes on to give an instance of the mode in which the divided ownership might arise, by reference to the transfer of a res mancipi: if such a thing was transferred by bare tradition, and there was neither mancipatio nor in jure cessio, the new owner only acquired the natural ownership, as some would call it, or only had it in bonis, and the original owner retained the Quiritarian ownership until the purchaser acquired the Quiritarian ownership by usucapio (*possidendo usucapiat*); for when the usucapio was completed, the effect was the same as if the thing had been originally mancipated or transferred by the in jure cessio. Gaius adds, "in the case of movable things, the usucapio is completed in a year, but in the case of a fundus or ædes, two years are required; and so it is provided by the Twelve Tables."

In this passage he is evidently speaking of res mancipi only, and of them only when transferred to the purchaser by the owner without the forms of mancipatio or in jure cessio. From this, then, it might be safely concluded that the Twelve Tables provided a remedy for defective modes of conveyance of res mancipi from the owner; and this is all that could be concluded from this passage. But a passage which immediately follows shows that this was all that the Twelve Tables did; for Gaius[7] proceeds to say. "But (*ceterum*) there may be usucapio even in the case of those things which have come to us by tradition from a person who was not the owner, whether they are res mancipi or not, provided we have received them bona fide, believing that he who delivered (*qui tradiderit*) them to us was the owner. And this rule of law seems to have been established, in order that the ownership of things might not be long in uncertainty, seeing

1. (Cic., De Repub., iii., 10.) — 2. (Declam., 264.) — 3. (ii., 274.) — 4. (De Fin., ii., 17.) — 5. (Paneg., 42.) — 6. (xx., 1.) — 7. (Das Röm. Privat. Recht, p. 367, &c.) — 8. (Liv., xxii., 57 — Id., xxiii., 35. — Macrob., Sat., i., 11 — Fest., s. v. Volones.)

1. (Liv., xxiv., 11, 14, &c. — Id., xxvii., 38. — Id., xxviii., 46. — Capitolin., M. Anton. Philos., 21.) — 2. (Aristot., H. A., vi., 10. — Oppian, Cyneg., iii., 450. — Aristoph., Eq., 1065. — Adams, Append., s. v.) — 3. (Hor., Sat., i., 1, 54.) — 4. (Plaut., Pseud., i., 2, 24. — Hor., Sat., i., 5, 91. — Id. ib., ii., 6, 10 — Ovid, Met., iii., 172.) — 5. (Hor., Carm., iii., 1, 16. — Virg., Æn., i., 432. — Plin., Epist. x. 3 - Juv., Sat., xiii., 4 — 6. (ii., 40–42. — 7. (ii., 42.)

that one or two years would be quite sufficient for the owner to look after his property, that being the time allowed to the possessor for usucapio."

The reason for limiting the owner to one or two years has little reason in it, and possibly no historical truth; but it is clear from this passage that this application of the rule of usucapio was formed from analogy to the rule of the Twelve Tables, and that it was not contained in them. The limitation of the time of usucapio is clearly due to the Twelve Tables, and the time applied only to purchases of res mancipi from the owner when the legal forms of conveyance had been neglected. But the origin of usucapio was probably still more remote.

When Gaius states that there was originally only one kind of ownership at Rome, and that afterward ownership was divided, he immediately shows how this arose by taking the case of a res mancipi. This division of ownership rested on the division of things into res mancipi and res nec mancipi, a distinction that had reference to nothing else than the mode of transferring the property of them. Things were merely called res mancipi because the ownership of them could not be transferred without mancipatio. Things were res nec mancipi, the alienation of which could be effected without mancipatio. There could be no division of things into mancipi and nec mancipi except by determining what things should be res mancipi. Res nec mancipi are determined negatively: they are all things that are not res mancipi: but the negative determination presupposes the positive; therefore res mancipi were determined before res nec mancipi could be determined; and before the res mancipi were determined, there was no distinction of things into res mancipi and res nec mancipi. But this distinction, as such, only affected the condition of those things to which it had a direct application: consequently, all other things remained as they were before. The conclusion, then, is certain, that the res mancipi, as a class of things, were anterior, in order of time, to the class of res nec mancipi, which comprehended all things except res mancipi. Until then, the class of res mancipi was established, all property at Rome could be alienated by bare tradition, as res nec mancipi could be alienated by tradition after the class of res mancipi was constituted.

The time when the class of res mancipi was formed is not known; but it is most consistent with all that we know to suppose that it existed before the Twelve Tables. If we consider the forms of mancipatio (*vid.* Mancipatio), we cannot believe that they arose in any other way than by positive enactment. As soon as the forms of mancipatio and of the in jure cessio (which, from its character, must be posterior to mancipatio) were established, it followed that mere tradition of a thing to a purchaser and payment of the purchase-money could not transfer the ownership of a res mancipi. The transfer gave the purchaser merely a possessio, and the original owner retained the property. In course of time, the purchaser obtained the publiciana actio, and from this time it might be said that a double ownership existed in the same thing.

The introduction of mancipatio, which gave rise to the double ownership, was also followed by the introduction of usucapio. The bona fide possessor of a res mancipi which had not been transferred by mancipatio, had no legal defence against the owner who claimed the thing. But he had the exceptio doli, and subsequently the exceptio rei venditæ et traditæ, by which he could protect himself against the owner; and as possessor simply, he had the protection of the interdict against third persons. He had the full enjoyment of the thing, and he could transfer the possessio, but he could do no act with respect to it for which Quiritarian ownership was necessary; consequently, he could not alienate it by mancipatio or in jure cessio, and it was a necessary consequence that he could not dispose of it by testament in the same way in which Quiritarian ownership was disposed of by testament. The necessity for such a rule as that of usucapio was evident, but it could arise in no other way than by positive enactment, for its effect was to be the same as that of mancipatio. The Twelve Tables fixed the term of usucapio, but we do not know whether they fixed or merely confirmed the rule of law as to usucapio.

It is a mistake to suppose that tradition or delivery was a part of mancipatio as such. Mancipatio was merely a form of transferring ownership which was fixed by law, and the characteristic of which was publicity: a delivery of the thing would of course generally follow, but it was no part of the transfer of ownership. Land (*prædia*), for instance, could be mancipated without delivery (*in absentia mancipari solent*[1]). In the case of movable things, it was necessary that they should be present, not for the purpose of delivery, but that the thing mancipated might be identified. The essential to the transfer of ownership in all ages and in all countries is the consent of two persons who have legal capacity to consent, the seller and the buyer. All the rest is form that may be varied infinitely: this consent is the substance. Yet tradition as a form of transfer was undoubtedly the old Roman form, and consent alone was not sufficient; and it may be admitted that consent alone was never sufficient for the transfer of ownership without affecting the principle laid down that consent alone is essential in the transfer of ownership. This apparent incongruity is ingeniously and sufficiently explained in the following manner: "Tradition owes its origin to a time when men could not sufficiently separate in their minds physical ownership, or the dominium over a thing, from legal ownership. As a man can only call a bird in the air or a wild animal in the forest his own when he has caught it, so men thought that tradition must be added to contract in order to enable a man to claim the thing as his own."[2]

Besides the case of property there might be usucapio in the case of servitutes, marriage, and hereditas. But as servitutes prædiorum rusticorum could only be the objects of mancipatio, and as being parts of ownership could only be established by the same form by which ownership of res mancipi was transferred, so, according to the old law, these servitutes alone could be the object of usucapio; and, as it is contended by Engelbach, only in the case of aquæductus, haustus, iter, and actus. But as the ownership of res mancipi could be acquired by bare tradition followed by usucapio, so these servitutes could be established by contract, and could be fully acquired by usucapio. In the later Roman law, when the form of mancipatio was replaced by mere tradition, servitutes could be established per pacta et stipulationes only. In the case of a marriage coemptione, the form of mancipatio was used, and the effect was, that the woman came into the hand of her husband, and became part of his familia. The marriage usu could not of itself effect this, but if the woman lived with her husband a year, she passed into his familia by usucapio (*velut annua possessione usucapiebatur*): and, accordingly, it was provided by the laws of the Twelve Tables, that if she did not wish thus to come into her husband's hand, she must in every year absent herself from him for three nights in order to interrupt the usus.[3] Thus

1. (Ulp., Frag., 29, tit. 6.—Gaius, i., 121.)—2. (Engelbach Ueber die Usucapion, &c., p. 60.)—3. (Gaius, i., 110.)

usucapio added to usus produced the effect of coemptio. In the case of the hereditas, when the testator had the testamenti factio, and had disposed of his property without observing the forms of mancipatio and nuncupatio, the person whom he had named his heres could only obtain the legal ownership of the hereditas by usucapio. In all these cases, then, the old law as to usucapio was this: when the positive law had required the forms of mancipatio, in order that a certain end should be effected, usucapio supplied the defect, by converting a mere possessio (subsequently called in bonis) into dominium ex jure Quiritium. Usucapio, then, was not originally a mode of acquisition, but it was a mode by which a defect in the mode of acquisition was supplied, and this defect was supplied by the use of the thing, or the exercise of the right. The end of usucapio was to combine the beneficial with the Quiritarian ownership of a thing. Accordingly, the original name for usucapio was usus auctoritas, the auctoritas of usus, or that which gives to usus its efficacy and completeness, a sense of auctoritas which is common in the Roman law. (*Vid.* Auctoritas, Tutela.) But usus alone never signifies usucapio; and consistently with this, in those cases where there could be no usucapio, the Roman writers speak of usus only. Possessio is the usus of a piece of ground as opposed to the ownership of it; and the term usus was applied to the enjoyment of land on which a man either had not the ownership, or of which he could not have the ownership, as the ager publicus. In the later law, as it is known to us in the Pandect, usucapio was a mode of acquiring ownership: the term usus auctoritas was replaced by the phrase usu capere, and in the place of usucapio sometimes the phrase "*possessione* or *longe possessione capere*" occurs; but possessio alone never is used for usucapio.

It appears from a passage of Gaius already quoted, that in his time usucapio was a regular mode of acquisition, which was applicable to things which had come to a man by tradition from one who was not the owner, and was applicable both to res mancipi and nec mancipi, if the possessor possessed them bona fide, that is, if he believed that he received them from the owner. There were, however, some exceptions to this rule: a man could never acquire the ownership of a stolen thing by usucapio, for the Twelve Tables prevented it, and the lex Julia et Plautia prevented usucapio in the case of a thing vi possessa. The meaning of the law was not that the thief or the robber could not acquire the ownership by usucapio, for the mala fides in which their possession originated was an obstacle to the usucapio; but no person who bona fide bought the thing that was stolen or vi possessa, could acquire the ownership by usucapio.[1] According to other authorities, the rule as to a stolen thing was established by the lex Atinia. Provincial lands were also not objects of usucapio.

If a woman was in the tutela of her agnati, her res mancipi could not be the objects of usucapio, unless they had been received from her by traditio with the auctoritas of her tutor; and this was a provision of the Twelve Tables. The legal incapacity of the woman to transfer ownership by mancipatio must be the origin of this rule. The hereditas of a woman who was in tutela legitima could not be an object of usucapio, as Cicero explains to Atticus (*de tutela legitima nihil usucapi posse*[2]). The foundation of this rule, according to some, was the legal incapacity of a woman who was in the tutela of her agnati, to make a will. (*Vid.* Testamentum; but see the article Tutela.)

In order to acquire by usucapio, a person must have the capacity to acquire by mancipatio consequently, all persons were excluded from acquiring by usucapio who had not the commercium. The passage quoted by Cicero[1] from the Twelve Tables, "*adversum hostem* (*i. e., peregrinum*) *æterna auctoritas*," is alleged in support of this rule of law; that is, a peregrinus may have the use of a res mancipi which has been transferred by traditio, but he can never acquire anything more by usucapio.

Things could not be objects of usucapio which were not objects of commercium. Accordingly, all res divini juris, such as temples and lands dedicated to the gods, and res communes, could not be objects of usucapio. The limits or bounds by which the Romanus ager was marked out were consequently not objects of usucapio, as to which there was a provision in the Twelve Tables[2] ("*Quoniam usucapionem intra quinque pedes esse noluerunt*"). The quinque pedes are the limites linearii, the breadth of which was fixed at five feet by a lex Mamilia. The approach to a sepulchre was also not an object of usucapio.[3]

In the time of Gaius,[4] a man might take possession of another person's land, provided he used no force (*vis*), the possession of which was vacant either from the carelessness of the owner, or because the owner had died without a successor (*vid.* Successio), or had been long absent; and if he transferred the field to a bona fide purchaser, the purchaser could acquire the ownership by usucapio, even though the seller knew that the field was not his own. This rule was established against the opinion of those who contended that a fundus could be furtivus or an object of theft. But a man might in some cases acquire by usucapio the ownership of a thing which he knew to be not his own: as if a man had possession of a thing belonging to the hereditas, of which the heres had never acquired the possession, provided it was a thing that could be an object of usucapio. This species of possessio and usucapio was called pro herede, and even things immovable (*quæ solo continentur*) could be thus acquired by one year's usucapio. The reason was this: the Twelve Tables declared that the ownership of res soli could be acquired by usucapio in two years, and all other things in one year: now, as the hereditas was not a res soli, it must be included in the "other things," and it was farther determined that the several things which made up the hereditas must follow the rule as to the hereditas; and though the rule as to the hereditas was changed, it continued as to all the things comprised in it. The reason of the rule as to this "*improba possessio et usucapio*," says Gaius, was, that the heres might be induced the sooner to take possession of the hereditas, and that there might be somebody to discharge the sacra, which in ancient times (*illis temporibus*) were very strictly observed, and also that there might be somebody against whom the creditors might make their demands. This kind of possessio and usucapio was called lucrativa. In the time of Gaius it had ceased to exist, for a senatus consultum of Hadrian's time enabled the heres to recover that which had been acquired by usucapio, just as if there had been no usucapio; but in the case of a heres necessarius, the old rule still remained.[5]

Gaius mentions a mode of acquisition under the name of usureceptio. If a man mancipated a thing to a friend, or transferred it by the in jure cessio, simply in order that the thing might be in his friend's safe keeping (*fiduciæ causa; quod tutius nostræ res apud eum essent*), he had always a capacity for recovering it. In order to recover immediately the

1. (Gaius, ii., 45.)—2. (ad Att., i., 15.)

1. (De Offic., i., 12.)—2. (Cic., De Leg., i., 21.)—3. (Gaius ii., 48.)—4. (., 51.)—5 (Gaius, ii., 58.—Cic., Top., 8.—Plin. Ep., v., 1.)

Quiritarian ownership of the thing remancipatio was necessary; but if the thing was transferred to him by traditio, the remancipatio was completed by usucapio, or, as it is here called, by usureceptio: for usureceptio differs in no respect from usucapio, except that the person who acquires the Quiritarian ownership by usus, in the one case acquires (*capit*), in the other reacquires (*recipit*) the thing. In the case of a pignorated thing, the debtor's capacity to recover by usureceptio was the same as in the case of fiducia, as soon as he had paid his debt to the creditor: and even if he had not paid the money, and had obtained possession of the thing neither by hiring it from the creditor nor precario, he had a lucrativa usucapio, which was a usureceptio, and was probably formed from analogy to the lucrativa usucapio pro herede.

Servitutes prædiorum rusticorum were established, at least according to the old law, by mancipatio; the right to the servitutes could only be properly extinguished by a remancipatio. If the servitus was extinguished by mere agreement, there must be a usureceptio on the part of the owner of the servient tenement, in order to complete its legal release from the servitus. In order that the possession of the libertas of the servient land might be enjoyed uninterruptedly for two years, there must be for the same time a total abstinence from all exercise of the right on the part of him who had the servitus. Subsequently it was considered sufficient if the person entitled to the servitus did not exercise his right for two years.

When usucapio was established as a means of giving the Quiritarian ownership to him who had acquired a thing in bonis, the form of mancipatio must have gradually lost its importance, and usucapio came to be viewed as a mode of acquisition. Accordingly, it has been already observed, it became applicable to all cases of bona fide possession, whether the thing was a res mancipi or not. Formerly, if a will had been made in due form, except as to mancipation and nuncupation, the heres acquired the hereditas by usucapio; but with the introduction of the prætorian testament (*vid.* Testamentum) and the bonorum possessio, the bonorum possessor obtained the right to actiones fictitiæ or utiles in all cases where the deceased had a right of action, and he acquired by usucapio the Quiritarian ownership of the several things which were included in the hereditas. In course of time, it came to be considered by the jurists as a rule of law that there could be no usucapio of an hereditas.[1] In like manner, in the case of servitutes established by contract, the introduction of the actio publiciana rendered the doctrine of usucapio unnecessary, and a Scribonia lex is mentioned which repealed all usucapio of servitutes.[2] But this lex only applied to the establishment of servitutes; it did not affect that usucapio by which the freedom of a servient piece of land was effected. It became a maxim of law: *servitutes prædiorum rusticorum non utendo amittuntur*, which, viewed with respect to the servient land, was a usureceptio. In this sense "*usurpata recipitur*" seems to be used in a passage of Paulus.[3] "*Usurpari*" is commonly used in the sense of "*uti*," and in this passage of Paulus "*usurpata recipitur*" seems equivalent to "*usu recipitur*," though this is not the meaning that has usually been given to this passage.

In the case of marriage, also, usucapio fell into disuse, as we learn from Gaius.[4]

But in other respects usucapio subsisted. He who had acquired a res mancipi by tradition, had now a prætorian ownership, and he had a right of action in respect of this ownership, which was analogous to the rei vindicatio. But usucapio was still necessary to give him Quiritarian ownership and its consequent advantages. The distinction between res mancipi and nec mancipi existed, and, as a consequence, the testamentum per æs et libram subsisted at the same time with the prætorian testament.

When, finally, all distinction was abolished between res mancipi and nec mancipi, and the ownership of all things could be acquired by traditio and occupatio, that kind of usucapio ceased by which a thing in bonis became a man's ex jure Quiritium. All usucapio was now the same, and its general definition became "*adjectio dominii per continuationem possessionis temporis lege definiti.*"[1] From this time the terms usucapio and longi temporis præscriptio were used indifferently, as some writers suppose, though on this point there is not uniformity of opinion.

(Engelbach, *Ueber die Usucapion zur zeit der Zwölf Tafeln*, Marburg, 1828. — Mühlenbruch, *Doctrin. Pandect.*, § 261, &c.—*Ueber die Usucapio, pro herede* von Arndts, *Rhein. Mus. für Jurisprudenz*, ii., 125.)

USURÆ. (*Vid.* Interest of Money, p. 546.)

USURPA'TIO. One sense of this word is "*usucapionis interruptio.*"[2] Appius Claudius, not the decemvir, but he who made the Appia Via, and brought the Aqua Claudia to Rome, wrote a book De Usurpationibus, which was not extant in the time of Pomponius.[3] In some cases "*usurpatio*" means the preservation of a right by the exercise of it, as "*jus usurpatum*," in the case of a servitus aquæ ducendæ; and this nearly agrees with that sense of usurpare which is equivalent to uti. (*Vid.* Usucapio.)

USUS. (*Vid.* Marriage, Roman, p. 623.)

USUS. (*Vid.* Usufructus.)

USUSFRUCTUS and USUS were personal servitutes.[4] Usufructus is defined to be "*jus alienis rebus utendi fruendi salva rerum substantia.*"[5] Accordingly, usufructus comprehended the "*jus utendi*" and the "*jus fruendi.*" Usus comprehended only the "*jus utendi.*" The complete distinction between usufructus and usus will only appear from a statement of what each is.

A usufructus was the right to the enjoyment of a thing by one person, while the ownership belonged to another. It could be established by testament, as when the heres was required to give to another the usufructus of a thing; and it could also be established by contract between the owner of a thing and him who contracted for the usufructus. He who had the usufructus was usufructuarius or fructuarius, and the object of the usufructus was res fructuaria.

There might be usufructus both in prædia rustica and urbana, in slaves, beasts of burden, and other things.

If the usufructus of a thing was bequeathed to a person, all the "*fructus*" of the thing belonged to the fructuarius during the time of his enjoyment. Consequently, if the usufructus of a piece of land was given to him, he was entitled to collect and have for his own all the fructus that were already on the land, and all that were produced on it during the time of his enjoyment; but as he only acquired the ownership of the fructus by collecting them, he was not entitled to fructus which existed on the land at the time when his right ended, and which he had not collected.

He was bound not to injure the land, and he was bound to cultivate it properly. As to quarries and

1. (Gaius, ii., 54.)—2. (Dig. 41, tit. 3, s. 4, § 29.)—3. (S. R., l, tit 17. s. 2.)—4 (i., 111.)

1. (Dig. 41, tit. 3, s. 2: "De Usurpationibus et Usucapionibus.")—2. (Dig. 41, tit. 3, s. 2.)—3. (Dig 1, tit. 2, s. 36.)—4 (Dig. 8, tit. 1, s. 1.)—5. (Dig. 7, tit. 1, s. 1.)

mines, he could work them for his benefit, if he worked them properly (*quasi bonus paterfamilias*). If, after the bequest of the usufructus, minerals were found on the land, he could work them. He could be compelled to plant new trees in the place of those which died, and generally to keep the land in good condition. If the usufructus was of ædes, the fructuarius was entitled to all the rents and profits which he received during the time of his enjoyment. He could be compelled to keep a house in repair, but it seems to be doubtful how far he was bound to rebuild the house if it fell down from decay: at any rate, he was liable for all moderate and reasonable expenses which were necessary for the maintenance of the property.

The fructuarius could not alienate the right to the usufructus, though he might give to another the usus of his right; and he might surrender the right to the usufructus to the owner of the thing. He could not subject the thing to servitutes; nor could the owner do this, even with the consent of the fructuarius. The fructuarius could make such changes or alterations in the thing as would improve it, but not such as would in any way deteriorate the thing. Consequently, he had greater power over cultivated land than over houses or pleasure-grounds, for a part of the value of houses or pleasure-grounds, and things of the like kind, consists in opinion, and must be measured by the rank, wealth, and peculiar disposition of the owner.

The fructuarius could maintain or defend his rights by action and by interdicts. On the completion of the time of the usufructus, the thing was to be restored to the owner, who could generally require securities from the fructuarius both for the proper use of the thing and for its restoration in due time. This security was in some cases dispensed with by positive enactments, and in other cases by agreement; but it could not be dispensed with by testament.

Originally there could be no usufructus in things unless they were things corporeal, and such as could be restored entire when the time of usufructus had expired. But by a senatus consultum of uncertain date there might be quasi usufructus of things which were consumed in the use, and in this case the fructuarius in fact became the owner of the things, but was bound to give security that he would either restore as much in quantity and value as he had received, or the value of the things in money. It is generally supposed that this senatus consultum was passed in the time of Augustus, and a passage of Cicero[1] is alleged to show that it did not exist in the time of Cicero: "*Non debet ea mulier, cui vir bonorum suorum usumfructum legavit, cellis vinariis et olearis plenis relictis, putare id ad se pertinere. Usus enim non abusus legatur.*" The only difficulty is in the words "*id ad se pertinere*," which are usually translated "these things (the cellæ vinariæ, &c.) are not objects of usufructus," from which it is inferred that there was at that time no usufructus in things which were consumed in the use. But if this is the sense, the words which follow, "for the usus, not the abusus (power to consume), is the object of the legacy," have no clear meaning. These words simply signify that a usus is given, not an abusus; but this does not prove that an abusus could not be given. Puchta shows that the phrase "*res pertinet ad usufructuarium*," which exactly corresponds to the phrase in Cicero, does not mean "that the thing is an object of usufructus," but that "it does not belong to the fructuarius." In the Digest[2] the question is, whether the young child of a female slave belongs to the fructuarius (*an partus ad fructuarium pertineat*), and it is answered in the negative, with the following explanation: "*nec usumfructum in eo fructuarius habebit.*" The passage of Cicero, therefore, will mean, that wine and oil in the testator's possession are not given to her by a bequest of the usufructus of his property, for it is usus, that is, the enjoyment of the property, which is given, and not "*abusus*," or the power to consume things. In other words, the testator gives the woman a usufructus in all his property, that is, a right to gather the fruits: but he does not give the wine and oil, which are fruits already gathered, to the woman to be her property, as if she had gathered them during her usufructus. Puchta contends that "*abusus*" does not necessarily signify that there could be "*abusus*" only in the case of things "*quæ usu consumuntur*:" he says that in the place of wine and oil Cicero might have given the young of animals, as an example, without altering his expression. If this interpretation is correct, Puchta contends that the senatus consultum as to quasi usufructus is older than the time of Cicero. But, in truth, the senatus consultum does not apply to the case under consideration, which is simply this, whether a gift of usufructus is a gift of the fructus that are already gathered; and Cicero says that it is not, for it is usus which is given, that is, usufructus, or the right of gathering the fruits, and not abusus, which implies the right to the unlimited enjoyment of a thing. If abusus had been given, the woman's power over all the property of the testator, including the wine and oil, would have been unlimited; but as abusus was not given, and as usufructus implies the gathering of the fruits by the fructuarius, the enjoyment of the fruits already gathered could not belong to her. The argument of Cicero, then, proves nothing as to the existence of a quasiusufructus in his time; so far as his argument goes, the quasiusufructus might have then existed or might not have existed. The interpretation of Puchta is correct, but his conclusion is not certain. In addition to this, it does not appear that senatus consulta were made on such matters as those relating to the law of property before the imperial period.

Usus is defined[1] by the negation of "*frui*:" "*cui usus relictus est, uti potest, frui vero non potest*." The title of the Digest above referred to is "*De Usu et habitatione*," and the instances given under that title mainly refer to the use of a house or part of a house. Accordingly, the usus of a house might be bequeathed without the fructus:[2] it has been already explained what is the extent of the meaning of usufructus of a house. The usus of a thing implies the power of using it either for necessary purposes or purposes of pleasure. The man who was entitled to the usus could not give the thing to another to use, though a man who had the usus of a house could allow another to lodge with him. A man who had the usus of an estate could take wood for daily use, and could enjoy the orchard, the fruit, flowers, and water, provided he used them in moderation, or, as it is expressed, "*non usque ad compendium, sed ad usum scilicet non abusum.*" If the usus of cattle (*pecus*) was left, the usuarius was entitled to a moderate allowance of milk. If the usus of a herd of oxen was bequeathed to a man, he could use the oxen for ploughing, and for all purposes for which oxen are adapted. If the usus was of things which were consumed in the use, then the usus was the same as usufructus.[3] Usus was in its nature indivisible, and, accordingly, a part of a usus could not be given as a legacy, though persons might have the fructus of a thing in common.[4] As to his duties, the usuarius was in most respects like

1. (Top. 3.)—2. (7, tit. 1, s. 68.)

1. (Dig. 7, tit. 8, s. 2.)—2. (Dig. 7, tit. 8, s. 18.)—3. (Dig. 7, tit. 5, s. 5, § 2; s. 10, § 1.)—4. (Dig. 7, tit. 8, s. 19.)

the fructuarius. In some cases usus is equivalent to usufructus, as where there can be no usus of a thing without a taking of the fructus.[1]

UTERINI. (*Vid.* Cognati.)

UTI POSSIDETIS. (*Vid.* Interdictum, p. 543.)

UTILIS ACTIO. (*Vid.* Actio, p. 17.)

UTRES. (*Vid.* Vinum, p. 1053.)

UTRICULA'RIUS. (*Vid.* Tibia.)

UTRUBI. (*Vid.* Interdictum, p. 543.)

VULCANA'LIA, a festival celebrated at Rome in honour of Vulcan, on the 23d of August (X. *Calend. Sept.*), with games in the Circus Flaminius, where the god had a temple.[2] The sacrifice on this occasion consisted of fishes, which the people threw into the fire.[3] It was also customary on this day to commence working by candlelight, which was probably considered as an auspicious beginning of the use of fire, as the day was sacred to the god of this element.[4]

VULGA'RES. (*Vid.* Servus, Roman, p. 887.)

UXOR. (*Vid.* Marriage, Roman, p. 623.)

UXO'RIUM or ÆS UXO'RIUM was a tax paid by persons who lived as bachelors.[5] It was first imposed by the censors M. Furius Camillus and M. Postumius, B.C. 403,[6] but whether it continued to be levied we do not know. Subsequent censors seem not unfrequently to have used endeavours to induce bachelors to marry; the orations of the censors Metellus Macedonicus (B.C 131) and Metellus Numidicus (B.C. 102) on the subject were extant in the time of the Empire. Some extracts from the speech of the latter are given by Aulus Gellius,[7] and Augustus read the speech of the former in the senate as applicable to the state of things in his time.[8] Various penalties were imposed by Augustus upon those who lived in a state of celibacy, respecting which see Julia Lex et Papia Poppæa, p 556.

X. Ξ.

*XANTHE (*ξάνθη*), a kind of Hæmatite, or Bloodstone, of a pale yellowish colour, containing iron ore.[9]

*XANTHION (*ξάνθιον*), a plant, lesser Burdock, or *Xanthium strumarium*.[10]

*XANTHOBAL'ANUS (*ξανθοβάλανος*). According to Adams, "Some have taken this for the Nutmeg, but this opinion is refuted by Clusius. Sprengel inclines to refer it to the nut of the *Semicarpum anacardium*."[11]

XEN'AGOI (*ξεναγοί*). The Spartans, as being the head of that Peloponnesian and Dorian league which was formed to secure the independence of the Greek states, had the sole command of the confederate troops in time of war, ordered the quotas which each state was to furnish, and appointed officers of their own to command them. Such officers were called *ξεναγοί*. The generals whom the allies sent with their troops were subordinate to these Spartan *ξεναγοί*, though they attended the council of war as representatives of their respective countries.[12] After the peace of Antalcidas, the league was still more firmly established, though Argos refused to join it; and the Spartans were rigorous in exacting the required military service, demanding levies by the *σκυτάλη*, and sending out *ξεναγοί* to collect them.[1]

The word *ξεναγός* may be applied to any leader of a band of foreigners or mercenaries. It is also used to signify one who shows hospitality to strangers, or who conducts them about the town to see what is to be seen there, like the Latin *perductor*.[2]

XENELASI'A (*ξενηλασία*). The Lacedæmonians appear in very early times, before the legislation of Lycurgus, to have been averse to intercourse with foreigners (*ξένοισι ἀπρόσμικτοι*[3]). This disposition was encouraged by the lawgiver, who made an ordinance forbidding strangers to reside at Sparta, without special permission, and empowering the magistrate to expel from the city any stranger who misconducted himself, or set an example injurious to public morals. Such jurisdiction was exercised by the ephori. Thucydides[4] makes Pericles reproach the Lacedæmonians with this practice, as if its object were to exclude foreigners from sharing in the benefits of their institutions. The intention of Lycurgus, more probably, was to preserve the national character of his countrymen, and prevent their being corrupted by foreign manners and vices (as Xenophon says), *ὅπως μὴ ῥᾳδιουργίαι οἱ πολῖται ἀπὸ τῶν ξένων ἐμπίπλαιντο*.[5] With the same view the Spartans were themselves forbidden to go abroad without leave of the magistrate. Both these rules, as well as the feelings of the people on the subject, were much relaxed in later times, when foreign rule and supremacy became the object of Spartan ambition. Even at an earlier period we find that the Spartans knew how to observe the laws of hospitality upon fit and proper occasions, such as public festivals, the reception of ambassadors, &c.[6] They worshipped a *Ζεὺς ξένιος* and *Ἀθανᾶ ξενία*.[7] The connexion, called by the Greeks *προξενία*, was cultivated at Sparta both by the state and by individuals, of which their connexion with the Pisistratidæ is an example, and also that of a Spartan family with the family of Alcibiades.[8] (*Vid.* Hospitium.) Many illustrious men are reported to have resided at Sparta with honour, as Terpander, Theognis, and others.[9] Xenophon was highly esteemed by the nation, and made Spartan *πρόξενος*. (See farther on the subject of the *ξενηλασία*, Thucyd., i., 144, with Gœller's notes.—Aristoph., *Aves*, 1013.—Harpocr., *s. v. Καὶ γὰρ τὸ μηδένα.*)

ΞΕΝΙΑΣ ΓΡΑΦΗ (*ξενίας γραφή*). This was a prosecution at Athens for unlawfully usurping the rights of citizenship. As no man could be an Athenian citizen except by birth or creation (*γένει* or *ποιήσει*), if one, having neither of those titles, assumed to act as a citizen, either by taking part in the popular assembly, or by serving any office, judicial or magisterial, or by attending certain festivals, or doing any other act which none but a citizen was privileged to do, he was liable to a *γραφὴ ξενίας*, which any citizen might institute against him.[10] Or he might be proceeded against by *εἰσαγγελία*.[11] If condemned, his property and person were forfeited to the state, and he was forthwith to be sold for a slave.[12] The judgment, however, was arrested if he brought a *δίκη ψευδομαρτυριῶν* against the witnesses who had procured his conviction, and convicted them of giving false testimony. During such proceeding he was kept in safe custody to abide the event. (*Vid.* Martyria.) When a

1. (Dig. 7, tit. 1, &c.— Frag. Vat., De Usufructu. — Mühlenbruch, Doct. Pandect., § 284, &c.—"Ueber das alter des Quasiusufructus," Von Puchta, Rhein. Mus. für Jurisprudenz, iii., 82.) —2. (Inscript. ap. Gruter, lxi., 3; cxxxiv.—Publ. Vict., De Region. urb. Romæ, 9.) — 3. (Varro, De Ling. Lat., v., p. 57, Bip.) —4. (Plin., Epist., iii., 5.)—5. (Festus, s. v.)—6. (Val. Max., ii., 9, § 1. — Plut., Cam., 2.) — 7. (i., 6.) — 8. (Suet., Octav., 89. — Liv., Epit., 59.) — 9. (Theophrast., De Lapid., c. 66. — Adams, Append., s. v.)—10. (Dioscor., iv., 136.—Adams, Append., s. v.) —11. (Myrepsus, 349.—Adams, Append., s. v.) — 12. (Thucyd., i., 7, 10, 75.—Id., v., 54.—Xen., Hell., iii., 5, § 7.— Id. ib., v., § 13.—Id., Agesil., ii., 10.)

1. (Xen., Hell., v., 2, § 7, 37.—Id. ib., vi., 3, § 7.—Wachsmuth, Hell. Alterth., i., ii., 114, 241.—Schömann, Ant. Jur. Publ. Gr. p. 426.)—2. (Steph., Thesaur., 6477.) —3. (Herod., i., 65.) — 4 (ii., 39.)—5. (De Rep. Laced., xiv., 4.—Compare Plut., Lycurg 27.)—6. (Xen., Mem., i., 2, § 61.)—7. (Pausan., iii., 11, § 11.)— 8. (Thucyd., v., 43.—Id., vi., 89.—Id., viii., 6.—Herod., v., 91.— Compare vi., 57.) — 9. (Schömann, Ant. Jur. Publ. Gr., 142.)— 10. (Demosth., c. Timoth., 1204.)— 11. (Schömann, De Comit., 187.)—12. (Demosth., Epist., i., 1481.)

erson tried on this charge was acquitted by means of fraudulent collusion with the prosecutor or witnesses, or by any species of bribery, he was liable to be indicted afresh by a γραφὴ ὡροξενίας, the proceedings in which, and the penalty, were the same as in the γραφὴ ξενίας. The jurisdiction in these matters belonged, in the time of Demosthenes, to the thesmothetæ, but anciently, at least in the time of Lysias, to the nautodicæ.[1]

In order to prevent fraudulent enrolment in the register of the δῆμοι, or ληξιαρχικὸν γραμματεῖον, which was important evidence of citizenship, the δημόται themselves were at liberty to revise their register, and expunge the names of those who had been improperly admitted. From their decision there was an appeal to a court of justice, upon which the question to be tried was much the same as in the γραφὴ ξενίας, and the appellant, if he obtained a verdict, was restored to the register; but if judgment was given against him, he was sold for a slave. (*Vid.* Demus.)[2] For an example of this see the speech of Demosthenes against Eubulides.

XENICON (ξενικόν). At an early period there was no such thing as a standing army or mercenary force in the Greek republics. The former would have excited jealousy lest it should oppress the people, as the chosen band did at Argos,[3] and for the latter there was rarely any occasion. The citizens of every state formed a national militia for the defence of their country, and were bound to serve for a certain period at their own expense, the higher classes usually serving in the cavalry or heavy-armed infantry, the lower classes as light-armed troops. Foreigners were rarely employed; the Carians, Cretans, and Arcadians, who served as mercenaries,[4] are an exception to the general rule. In the Persian war we find a small number of Arcadians offering to serve under Xerxes;[5] and they seem to have used themselves to such employment down to a much later period.[6] The practice of maintaining a standing force was introduced by the tyrants, who kept guards and soldiers in their pay (δορυφόροι, μισθοφόροι) to prevent insurrections of the people, and preserve their influence abroad. As it was unsafe to trust arms in the hands of their own subjects, they usually employed foreigners.[7] Hence, and because citizen soldiers used to fight without pay, ξένοι came to signify *mercenaries*.[8] We must distinguish, however, between those who fought as auxiliaries, whether for pay or otherwise, under commission from their own country, and those who did not. The former were ἐπίκουροι, not ξένοι.[9] The terms ξένοι and ξενικόν implied that the troops were independent of, or severed from their own country.

The first Grecian people who commenced the employment of mercenaries on a large scale were the Athenians. While the tribute which they received from the allies placed a considerable revenue at their disposal, the wars which their ambition led them into compelled them to maintain a large force, naval and military, which their own population was unable to supply. Hence they swelled their armies with foreigners. Thucydides makes the Corinthian ambassador at Sparta say, ὠνητὴ ἡ Ἀθηναίων δύναμις.[10] They perceived, also, the advantage of employing men of different nations in that service, to which, from habit, they were best qualified; as, for instance, Cretan archers and slingers, Thracian peltastæ.[1] At the same time, the practice of paying the citizens was introduced: a measure of Pericles, which was, indeed, both just and unavoidable (for no man was bound by law, or could be expected to maintain himself *for a long campaign*, but which tended to efface the distinction between the native soldier and the foreigner.[2] Other Greek nations soon imitated the Athenians,[3] and the appetite for pay was greatly promoted by the distribution of Persian money among the belligerents.[4] At the close of the Peloponnesian war, large numbers of men who had been accustomed to live by war were thrown out of employment; many were in exile, or discontented with the state of things at home; all such persons were eager to engage in a foreign service. Hence there arose in Greece a body of men who made arms their profession, and cared little on which side they fought, provided there were a suitable prospect of gaining distinction or emolument. Conon engaged mercenaries with Persian money. Agesilaus encouraged the practice, and the Spartans allowed the members of their confederacy to furnish money instead of men for the same purpose.[5] The Greeks who followed Cyrus in his expedition against Artaxerxes were mercenaries.[6] So were the famous peltastæ of Chabrias and Iphicrates.[7] The Phocians, under Philomelus, Onomarchus, and Phayllus, carried on the sacred war by the aid of mercenaries, paid out of the treasures of the Delphian temple.[8] But higher pay and richer plunder were in general to be found in Asia, where the disturbed state of the empire created continual occasions for the service of Greek auxiliaries, whose superior discipline and courage were felt and acknowledged by the Barbarians. Even the Spartans sent their king Agesilaus into Egypt for the sake of obtaining Persian gold. Afterward we find a large body of Greeks serving under Darius against Alexander. It is proper here to notice the evil consequences that resulted from this employment of mercenaries, especially to Athens, which employed them more than any other Greek state. It might be expected that the facility of hiring trained soldiers, whose experience gave them great advantages, would lead to the disuse of military service by the citizens. Such was the case. The Athenian citizens stayed at home, and became enervated and corrupted by the love of ease and pleasure; while the conduct of wars, carried on for their benefit, was intrusted to men over whom they had little control. Even the general, though commonly an Athenian, was compelled frequently to comply with the humours, or follow the example of his troops. To conciliate them, or to pay them their arrears, he might be driven to commit acts of plunder and outrage upon the friends and allies of Athens, which thus found enemies where she least expected. It was not unusual for the generals to engage in enterprises foreign to the purposes for which they were sent out, and unconnected with the interests of their country, whose resources they wasted, while they sought their own advantage. The expeditions of Chabrias and Iphicrates to Egypt are examples of this. But the most signal example is the conduct of the adventurer Charidemus. Upon all these matters we may refer the reader more particularly to Demosthenes, whose comments upon the disastrous policy

1. (Harpocrat., s. v. Δωροξενία, Παράστασις, Ναυτοδίκαι.—Hesych. and Suid., s. v. Ξενίας δίκη, Ναυτοδίκαι.—Pollux, Onom., viii., 40, 126.—Meier, Att. Proc., 83, 347, 761.)—2. (Harpocr., s. v. Διαψήφισις.—Schömann, De Comit., 381.)—3. (Pausan., ii., 20, § 2.—Thucyd., v., 81.)—4. (Herod., i., 171.—Pausan., iv., 8, § 3; 10, § 1; 19, § 4.—Wachsmuth, Hell. Alterth., 1., i., 30.—Schömann, Ant. Jur. Publ. Gr., 159.)—5. (Herod., viii., 26.)—6. (Xen., Hell., vii., 1, § 23.—Schömann, ib., 409.)—7. (Thucyd., vi., 55.—Diod. Sic., xi., 67, 72.—Xen., Hier., v., 3.)—8. (Harpocr., s. v. Ξενιτευομένους.)—9. (Herod., i., 64.—Id., iii., 45.—Id., v., 63.—Thucyd., i., 60.—Id., ii., 70.—Id., iii., 34.—Id iv., 80)—10. (i., 121.)

1. (Thucydides, vi., 25.—Idem, vii., 27.—Aristophanes, Acharn., 159.)—2. (Böckh, Staatsh. der Athen., i., 292, &c.)—3. (Thucyd., iv., 76.)—4. (Thucyd., viii., 5, 29, 45.—Xen., Hell., i., 5, § 3.)—5. (Id. ib., iii., 4, § 15.—Id. ib., iv., 3, § 15.—Id. ib., v., 2, § 21.)—6. (Id., Anab., i., 3, § 21.)—7. (Harpocr., s. v. Ξενικὸν ἐν Κορίνθῳ.—Aristoph. Plut., 173)—8. (Diod Sic., xvi., 30, &c.)

pursued by his countrymen were no less just than they were wise and statesmanlike.[1]

ΞΕΝΌΣ, ΞΕΝΊΑ (*ξένος, ξενία*). (*Vid.* Hospitium, p. 512.)

XESTES (*ξέστης*), a Greek measure of capacity, both fluid and solid, which contained 12 cyathi or 2 cotylæ, and was equal to $\frac{1}{6}$ of the *χοῦς*, $\frac{1}{48}$ of the Roman amphora or quadrantal, and $\frac{1}{72}$ of the Greek amphora or metretes; or, viewing it as a dry measure, it was half the chœnix and $\frac{1}{96}$ of the medimnus. It contained ·9911 of a pint English.

At this point the Roman and Attic systems of measures coincide; for, though the *ξέστης* appears to have varied in different states of Greece, there is no doubt that the Attic *ξέστης* was identical, both in name and in value, with the Roman sextarius. Also, the Attic *χοῦς* was equal to the Roman congius, for the *ξέστης* was the sixth of the former, and the sextarius the sixth of the latter. (*Vid.* Chous, Congius, Sextarius.) Farther, the Attic metretes or amphora contained 12 *χοές*, and the Roman amphora contained 8 congii; giving for the ratio of the former to the latter 3 : 2, or $1\frac{1}{2}$: to 1. Again, the Attic medimnus was the double of the Roman amphora, and was to the metretes in the ratio of 4 : 3; and the Roman modius was the sixth of the Attic medimnus, and the third of the Roman amphora. Hence the two systems are connected by the numbers 2 and 3 and their multiples.

How and when did this relation arise? It cannot be accidental, nor can we suppose that the Greek system was modelled upon the Roman, since the former existed long before the Roman conquest of Greece. We must therefore suppose that the Roman system was in some way adapted to the Greek. It is a remarkable circumstance, that the uncial system of division which characterized the Roman weights and measures (*vid.* As, Uncia) is not found in the genuine Roman measures of capacity (for the use of the *cyathus* as the uncia of the sextarius appears to have originated with the Greek physicians in later times); and this is the more remarkable, as it is adopted in the Greek system: the Greek amphora being divided into 12 *χοές*, and the Roman into 8 congii instead of 12. In the Roman foot, again, besides the uncial division, we have the division into 4 palmi and 16 digiti, which seems clearly to have been borrowed from the Greek division into 4 *παλασταί* and 16 *δάκτυλοι*. (*Vid.* Pes.) It seems, therefore, highly probable that the Greek system of measures had a considerable influence on that of the Romans.

To find the origin of this connexion, we must look from the measures to the weights, for both systems were undoubtedly founded on weight. The Roman amphora or quadrantal contained 80 pounds (whether of wine or water does not matter here), and the congius 10 pounds. Also the Attic talent was reckoned equal to 80 Roman pounds, and contained 60 minæ. Therefore the Attic mina had to the Roman pound the ratio of 80 : 60, or 4 : 3.

Now if we look at the subject historically, we find all the principal features of the Roman system in existence as early as the time of Servius Tullius. We must therefore seek for the introduction of the Greek element before that time. At that early period Athens does not appear to have had any considerable commercial intercourse with Italy, but other Grecian states had, through the colonies of Magna Græcia. The Phocæans, at a very early period, had a traffic with the Tyrrhenians; the Ægietans had a colony in Umbria; and Corinth and her colonies were in intercourse with the people of Etruria, Italy, besides the traces of Corinthian influence upon Rome, which are preserved in the legend of the Tarquinii. It is therefore to the Æginetico-Corinthian system of weights and measures that we must look for the origin of Grecian influence on the Roman system. Now the Æginetan pound, which was half of the Æginetan mina, had to the Roman pound the ratio of 10 · 9; and, since the Æginetan mina was to the Attic (most probably, *vid.* Talentum) as 5 : 3, we get from the comparison of these ratios the Attic mina to the Roman pound as 4 : 3, as above.

The above view of the relation between the Greek and Roman system of measures of capacity is that of Böckh, who discusses the subject more fully in his *Metrologische Untersuchungen*, xi., § 10.

*XIPHIAS (*ξιφίας*), the Swordfish, or *Xiphias gladius*, L. It would also appear to be the *gladius* of Pliny and Isidorus.[1]

*XIPHION (*ξιφίον*), the *Gladiolus communis*, or Corn-flag.[2]

XIPH'OS (*ξίφος*). (*Vid.* Gladius.)

XO'ANON (*ξόανον*). (*Vid.* Statuary, p. 913.)

*XYRIS (*ξυρίς*), the *Iris fœtidissima*, or Stinking Gladwyn. It is most probably the *ξιρίς* of Theophrastus.[3]

XYSTARCHUS (*Vid.* Gymnasium, p. 483.)

XYSTUS. (*Vid.* Gymnasium, p. 482; Hortus p. 511.)

Z

ZAC'OROI (*ζάκοροι*) is the name by which, in Greece, those persons were designated whose duty it was to guard a temple and to keep it clean. Notwithstanding this menial service, they partook of the priestly character, and are sometimes even called priests.[4] In many cases they were women, as Timo in Herodotus;[5] but men are also mentioned as *ζάκοροι*. The priestess Timo is called by Herodotus *ὑποζάκορος*, from which it is clear that, in some places, several of these priests must have been attached to one and the same temple, and that they differed among themselves in rank. A class of servants of the same kind were the *νεωκόροι*, or temple-sweepers.[6] Subsequently, however, the menial services connected with this office were left to slaves, and the persons called *νεωκόροι* became priestly officers of high rank, who had the supreme superintendence of temples, their treasures, and the sacred rites observed in them.[7] We learn from inscriptions that in some towns the *νεωκόροι* formed a collegium, which was headed by the eldest among them. When the *νεωκόροι* had thus risen to the rank of high priestly officers, magistrates and persons of distinction, and even emperors, were anxious to be invested with the office, and, in the time of the emperors, whole nations and cities assumed the title of *νεωκόροι*, as we learn from numerous coins and inscriptions, and thus became the especial guardians of particular temples.[8]

*ZEIA (*Zεία*), a kind of grain, described by Aëtius and Avicenna as intermediate between wheat and barley. "In short," says Adams, "almost all the authorities agree that it is the *Triticum Spelta*, or Spelt. The *τίφη* of Theophrastus, and the *ὄλυρα* of Homer, as well as the *far* and *adoreum* of the Romans, were in all probability merely varieties of Spelt."[9]

1. (Demosth., Philip., i., p. 46.—Id., c. Aristocr., p. 666, 671.—Id., *περὶ τοῦ στεφ. τῆς τριηρ.*, p. 1232, &c.—Athenæus, xii., 43.—Thirlwall, Hist. of Greece, v., p. 210.—Wachs., I., ii., p. 309.)

1. (Aristot., H. A., ii., 13. — Ælian, N. A., ix., 40. — Adams, Append., s. v.) — 2. (Theophrast., H. P., vi., 8. — Dioscor., iv. 20.)—3. (Id., iv., 22:—Theophrast., H. P., ix., 8.)—4. (Suid.—Hesych.—Etym. Mag., s. v. *Zάκορος*.—Pollux, Onom., i., 16.)—5 (vi., 134.)—6. (Hesych. and Suid., s. v.)— 7. (Xen., Anab., v., 3, § 7.—Plat., De Leg., vi.)—8. (Van Dale, Dissertat. ad Inscript. et Marm. inpr. Græc., p. 298, &c. — Eckhel, Doctrin. Num., iv., p. 288, &c.)—9. (Theophrast., H. P., ii., 4.—Dioscor., ii., 111.—Hom., Il., viii., 560. — Theophrast., H. P., i., 6. — Adams, Append., s. v.)

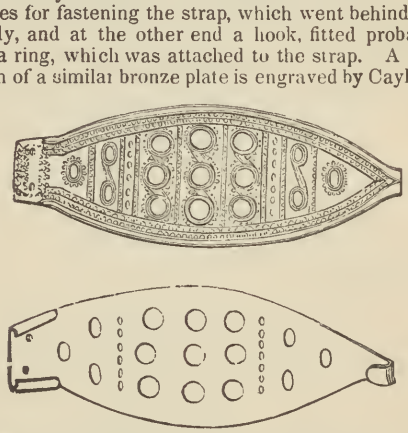
ZETE TAI (ζητηταί), *Inquisitores*, were extraordinary officers appointed by the Athenians to discover the authors of some crime against the state, and bring them to justice. Public advocates, συνήγοροι or κατήγοροι, were sometimes directed to assist them in this duty. Frequently the court of Areopagus performed the office of inquisitors for the state, and, indeed, it was the duty of every magistrate to assist in procuring information against offenders.[1] Ζητηταί were more frequently appointed to search for confiscated property, the goods of condemned criminals and state debtors; to receive and give information against any persons who concealed or assisted in concealing them, and to deliver an inventory of all such goods (ἀπογράφειν) to the proper authorities. The delinquent was then prosecuted, either before the σύνδικοι, or, it might be, before the ζητηταί themselves, if their commission extended to the holding of an ἡγεμονία δικαστηρίου. Any person, however, who thought himself entitled to the goods which were the subject of such information, or to any part of them, might prefer a complaint against the inquisitor or informer, and petition to have the goods, or the part to which he was entitled, or their proceeds, restored to him. This proceeding was called ἐνεπίσκημμα. (*Vid.* SYNDICOI, PARACATABOLE.) Inquisitors were also called Μαστῆρες. On one particular occasion a set of commissioners, called συλλογεῖς, were appointed to discover the property of the oligarchs, who were concerned in overturning the democracy.[2]

ZEUGI'TAE (ζευγῖται). (*Vid.* CENSUS, p. 229.)

*ZINGIB'ERIS (ζιγγίβερις), *Amomum Zingiber*, or Ginger.

ZONA, *dim.* ZONULA, also called CINGULUM (ζώνη, ζῶμα, ζωστῆρ[3]), a Girdle or Zone, worn about the loins by both sexes. As in the case of some other articles of dress, the distinction between the male and female girdle was denoted by the use of a diminutive, ζώνη or ζωστῆρ being more properly a man's, ζώνιον a woman's girdle.[4] The finer kinds of girdles were made by netting, whence the manufacturer of them was called ζωνιοπλόκος.[5]

The chief use of this article of dress was to hold up the tunic (ζώννυσθαι[6]), which was more especially requisite to be done when persons were at work, on a journey, or engaged in hunting. Hence we see the loins girded in the woodcuts of the boatman at p. 426, of the shipbuilders at p. 62, 112, of the goatherd at p. 754, of the hunters at p. 836, and of Diana at p. 245. The ζώνη or ζωστῆρ is also represented in many ancient statues and pictures of men in armour, as worn round the cuirass. Among the Romans the magister equitum wore a girdle of red leather, embroidered with needlework, and having its two extremities joined by a very splendid and elaborate gold buckle. (*Vid.* FIBULA).[7] The girdle mentioned by Homer[8] seems to have been a constituent part of the cuirass, serving to fasten it by means of a buckle, and also affording an additional protection to the body, and having a short kind of petticoat attached to it, as is shown in the figure of the Greek warrior in p. 597. In consequence of the use of the girdle in fastening on the armour, ζώννυσθαι or ζώσασθαι meant to *arm one's self*,[9] and from this circumstance Athene was worshipped under the character Ζωστηρία.[10] The woodcut at p. 15 shows that the ancient cuirass did not descend low enough to secure that part of the body which was covered by the ornamental kilt or petticoat. To supply this defect was the design of the *mitra* (μίτρα), a brazen belt, lined probably on the inside with leather and stuffed with wool, which was worn next to the body,[1] so as to cover the lower part of the abdomen. The annexed woodcut shows the outside and inside of the bronze plate of a mitra one foot long, which was obtained by Bröndsted[2] in the island of Eubœa, and is now preserved in the Royal Library at Paris. We observe at one end two holes for fastening the strap, which went behind the body, and at the other end a hook, fitted probably to a ring, which was attached to the strap. A portion of a similar bronze plate is engraved by Caylus.[3]



Men used their girdles to hold money instead of a purse.[4] The wallet (*vid.* PERA) was fastened to the girdle, and still more frequently the fold of the tunic, formed by tucking it up, and called *sinus*, was used as a pocket to carry whatever was necessary.

As the girdle was worn to hold up the garments for the sake of business or of work requiring despatch, so it was loosened, and the tunic was allowed to fall down to the feet, to indicate the opposite condition, and more especially in preparing to perform a sacrifice (*veste recincta*[5]) or funeral rites (*discincti*,[6] *incinctæ*[7]).

A girdle was worn by young women even when their tunic was not girt up, and removed on the day of marriage, and therefore called ζώνη παρθενική,[8] παρθένου μίτρην[9]). The Flora in the museum at

1. (Andoc., De Myst., 3, 5, 6. — Dinarch., c. Demosth., p. 90, 97, ed. Steph.) — 2. (Harpocr., s. v. Ζητητής. — Böckh, Staatsh. der Athen., i., 170.—Meier, Att. Proc., 110, 112, 566.—See also the speeches of Lysias, De Publ. Bon. and De Aristoph. Bon.; and as to the proceedings against state debtors, see farther, Böckh, ib., i., 415.)—3. (Herod., i., 215.—Id., iv., 9.—Μίτρα.)—4. (Moeris, Att., s. v.) 5 (Th. Magister, p. 413, ed. Oudendorp. —Zonarius.)—6. (Callim., Dian., 12.)—7. (Lydus, De Mag., ii., 13.)—8. (Il., iv., 135; v., 539; x., 77; xi., 236.)—9. (Hom., Il., xi., 15.)—10. (Paus. ix. 17, § 2.)

1. (Hom., Il., iv., 137, 187; v., 707, 857.—Schol. in Il., iv., 187.) —2. (Bronzes of Siris, p. 42.)—3. (Rec. d'Ant., v., pl. 96, fig. 1.) —4. (Plaut., Merc., v., 2, 84.—Gellius, xv., 12.—Suet., Vitell., 16.)—5. (Virg., Æn., iv., 518.—Ovid, Met., vii., 182.)—6 (Suet., Octav., 100.)—7. (Tibull., iii., 2, 18.)—8. (Jacobs, Anthol., ii., p. 873.)—9. (Brunck, Anal., iii., 299.—Sen., Œd., ii., 3, 1. Hom., Od., v., 231.—Longus, i., 2.—Ovid Epist. Her., ii., 116. Id. ib., ix., 66.—Festus, s. v Cingulum.—Catull., ii., 13.—Id lxiv., 28.)

Naples (see the preceding woodcut) shows the appearance of the girdle as worn by young women.

A horse's girth, used to fasten on the saddle (*vid.* EPHIPPIUM), was called by the same names, and was sometimes made of rich materials, and embroidered in the most elaborate manner.[1] These terms, *zona* and *cingulum*, were also used to signify the five zones as understood by geographers and astronomers.[2]

*ZOOPHYTA (ζωόφυτα). "Aristotle," says Adams, "ranks the *Urticæ* or *Medusæ* and sponges among those things which partake in part of the nature of animals and in part of plants. The term therefore corresponds to the *Zoophyta* of modern naturalists."[1]

*ZYGÆNA (ζύγαινα), the *Squalus Zygæna*, L., or Balance Fish. It is a very large fish, and was placed among the *Cetacea* by Galen, Oribasius, Paulus Ægineta, and other ancient writers.[2]

*ZYGIA (ζυγία), a plant, most probably the *Carpinus betulus*, or Hornbeam, as Stackhouse suggests.[3]

*ZYTHUS (ζύθος). (*Vid.* CEREVISIA.)

1. (Ovid, Rem. Am 236.—Claud., Epig., 34, 36.)—2. (Virg., Georg., i., 233.—Plin., H. N., ii., 68.—Macrob., Som. Scip., ii.)

1. (Arist., De P. A., iv., 5.—Id., H. A., i., 1, &c.—Adams, Append., s. v.)—2. (Arist., H. A., ii., 25.—Ælian N. A., ix., 49.—Adams, Append., s. v.)—3. (Theophrast., H. P., iii., 4.—Id., iii., 6, &c.)

FASTI CONSULARES

(Referred to at Page 412 of this work)

A. C. A. U.
509 245 L. Junius Brutus. *Occis. est.*
L. Tarquinius Collatinus. *Abd.*

Sp. Lucretius Tricipitinus. *Mort. est.*

M. Horatius Pulvillus.
P. Valerius Poplicola.
508 246 P. Valerius Poplicola II.
T. Lucretius Tricipitinus.
507 247 P. Valerius Poplicola III.
M. Horatius Pulvillus II.
506 248 Sp. Lartius Flavus *s.* Rufus.
T. Herminius Aquilinus.
505 249 M. Valerius Volusus.
P. Postumius Tubertus.
504 250 P. Valerius Poplicola IV.
T. Lucretius Tricipitinus II.
503 251 P. Postumius Tubertus II.
Agrippa Menenius Lanatus.
502 252 Opiter Virginius Tricostus.
Sp. Cassius Viscellinus.
501 253 Postumus Cominius Auruncus.
T. Lartius Flavus *s.* Rufus.
Dictator rei gerundæ causa.
T. Lartius Flavus *s.* Rufus.
Magister Equitum.
Sp. Cassius Viscellinus.
500 254 Ser. Sulpicius Camerinus Cornutus.
M'. Tullius Longus. *Mort. e.*
499 255 T. Æbutius Elva.
P. Veturius Geminus Cicurinus.
498 256 T. Lartius Flavus *s.* Rufus II.
Q. Cloelius (Volcula) Siculus.
Dict. rei ger. c.
A. Postumius Albus Regillensis.
Mag. Eq.
T. Æbutius Elva.
497 257 A. Sempronius Atratinus.
M. Minucius Augurinus.
496 258 A. Postumius Albus Regillensis.
T. Virginius Tricostus Cœliomontanus.
495 259 Ap. Claudius Sabinus Regillensis.
P. Servilius Priscus Structus.
494 260 A. Virginius Tricostus Cœliomontanus.
T. Veturius Geminus Cicurinus.
Dict. seditionis sedandæ c.
M'. Valerius Volusus Maximus.
Mag. Eq.
Q. Servilius Priscus Structus.
493 261 Sp. Cassius Viscellinus II.
Postumus Cominius Auruncus II.
492 262 T. Geganius Macerinus.
P. Minucius Augurinus.
491 263 M. Minucius Augurinus II.
A. Sempronius Atratinus II.
490 264 Q. Sulpicius Camerinus Cornutus.
Sp. Lartius Flavus *s.* Rufus II.
489 265 C. Julius Julus.
P. Pinarius Mamercinus Rufus
488 266 Sp. Nautius Rutilus.
Sex. Furius Medullinus Fusus
487 267 T. Sicinius Sabinus.
C. Aquilius Tuscus.
486 268 Proculus Virginius Tricostus Rutilus
Sp. Cassius Viscellinus III.
485 269 Ser. Cornelius Cossus Maluginensis.
Q. Fabius Vibulanus.

A. C. A. U.
484 270 L. Æmilius Mamercus.
K. Fabius Vibulanus.
483 271 M. Fabius Vibulanus.
L. Valerius Potitus.
482 272 C. Julius Julus.
Q. Fabius Vibulanus II.
481 273 K. Fabius Vibulanus II.
Sp. Furius Medullinus Fusus
480 274 Cn. Manlius Cincinnatus. *Occ. e.*
M. Fabius Vibulanus II.
479 275 K. Fabius Vibulanus III.
T. Virginius Tricostus Rutilus.
478 276 L. Æmilius Mamercus II.
C. Servilius Structus Ahala. *Mort. e.*

Opiter Virginius Tricostus Esquilinus.
477 277 C. Horatius Pulvillus.
T. Menenius Lanatus.
476 278 A. Virginius Tricostus Rutilus.
Sp. Servilius Priscus Structus.
475 279 P. Valerius Poplicola.
C. Nautius Rutilus.
474 280 A. Manlius Vulso.
L. Furius Medullinus Fusus. *Lustr.* VIII.
473 281 L. Æmilius Mamercus III.
Vopiscus Julius Julus.
472 282 L. Pinarius Mamercinus Rufus.
P. Furius Medullinus Fusus.
471 283 Ap. Claudius Sabinus Regillensis.
T. Quinctius Capitolinus Barbatus.
470 284 L. Valerius Potitus II.
Ti. Æmilius Mamercus.
469 285 A. Virginius Tricostus Cœliomontanus.
T. Numicius Priscus.
468 286 T. Quinctius Capitolinus Barbatus II
Q. Servilius Priscus Structus.
467 287 Ti. Æmilius Mamercus II.
Q. Fabius Vibulanus.
466 288 Sp. Postumius Albus Regillensis.
Q. Servilius Priscus Structus II.
465 289 Q. Fabius Vibulanus II.
T. Quinctius Capitolinus Barbatus III.
464 290 A. Postumius Albus Regillensis.
Sp. Furius Medullinus Fusus.
463 291 P. Servilius Priscus Structus.
L. Æbutius Elva.
462 292 L. Lucretius Tricipitinus.
T. Veturius Geminus Cicurinus.
461 293 P. Volumnius Amintinus Gallus.
Ser. Sulpicius Camerinus Cornutus.
460 294 C. Claudius Sabinus Regillensis.
P. Valerius Poplicola II. *Mort. e.*

L. Quinctius Cincinnatus.
459 295 Q. Fabius Vibulanus III.
L. Cornelius Maluginensis.
458 296 L. Minucius Esquilinus Augurinus
C. Nautius Rutilus II.
Dict. rei ger. c.
L. Quinctius Cincinnatus.
Mag. Eq.
L. Tarquitius Flaccus.
457 297 C. Horatius Pulvillus II.
Q. Minucius Esquilinus Augurinus.
456 298 M. Valerius (Lactuca) Maximus.
Sp. Virginius Tricostus Cœliomontanus.
455 299 T. Romilius Rocus Vaticanus.

A. C. A. U.

C. Veturius Geminus Cicurinus.
454 300 Sp. Tarpeius Montanus Capitolinus.
A. Aternius Varus Fontinalis.
453 301 Sex. Quinctilius Varus.
P. Curiatius Festus Trigeminus.
452 302 P. Sestius Capitolinus Vaticanus.
T. Menenius Lanatus.
451 303 Ap. Claudius Crassinus Regillensis Sabinus II. *Abd.*
T. Genucius Augurinus. *Abd.*
Decemviri.
Ap. Claudius Crassinus Regillensis Sabinus.
T. Genucius Augurinus.
Sp. Veturius Crassus Cicurinus.
C. Julius Julus.
A. Manlius Vulso.
Ser. Sulpicius Camerinus Cornutus.
P. Sestius Capitolinus Vaticanus
P. Curiatius Festus Trigeminus.
T. Romilius Rocus Vaticanus.
Sp. Postumius Albus Regillensis.
450 304 *Decemviri.*
Ap. Claudius Crassinus Regillensis Sabinus II.
M. Cornelius Maluginensis.
L. Sergius Esquilinus.
L. Minucius Esquilinus Augurinus.
T. Antonius Merenda.
Q. Fabius Vibulanus.
Q. Pœtelius Libo Visolus.
K. Duilius Longus.
Sp. Oppius Cornicen.
M'. Rabuleius.
449 305 L. Valerius Poplicola Potitus.
M. Horatius Barbatus.
448 306 Lar. Herminius Aquilinus (Continisanus).
T. Virginius Tricostus Cœliomontanus.
447 307 M. Geganius Macerinus.
C. Julius Julus.
446 308 T. Quinctius Capitolinus Barbatus IV.
Agrippa Furius Medullinus Fusus.
445 309 M. Genucius Augurinus.
C. Curtius Philo.
444 310 *Tribuni militum consulari potestate.*
A. Sempronius Atratinus.
T. Clœlius Siculus.
L. Atilius.
Tribuni abdicarunt. Consules.
L. Papirius Mugillanus.
L. Sempronius Atratinus.
443 311 M. Geganius Macerinus II.
T. Quinctius Capitolinus Barbatus V.
Censores. Lustr. XI.
L. Papirius Mugillanus.
L. Sempronius Atratinus.
442 312 M. Fabius Vibulanus.
Postumus Ebutius Elva Cornicen.
441 313 C. Furius Pacilus Fusus.
M'. Papirius Crassus.
440 314 Proculus Geganius Macerinus.
L. Menenius Lanatus.
439 315 T. Quinctius Capitolinus Barbatus VI.
Agrippa Menenius Lanatus.
Dict. sedit. sed. c.
L. Quinctius Cincinnatus II.
Mag. Eq.
C. Servilius Structus Ahala.
438 316 *Trib. Mil.*
Mam. Æmilius Mamercinus.
L. Quinctius Cincinnatus.
L. Julius Julus.
437 317 M. Geganius Macerinus III.
L. Sergius (Fidenas).
Dict. rei ger. c.
Mam. Æmilius Mamercinus.
Mag. Eq.
L. Quinctius Cincinnatus.

A. C. A. U.

436 318 M. Cornelius Maluginensis.
L. Papirius Crassus.
435 319 C. Julius Julus II.
L. Virginius Tricostus.
Dict. rei ger. c.
Q. Servilius Priscus Structus (Fidenas).
Mag. Eq.
Postumus Ebutius Elva Cornicen
Censores. Lustr. XII.
C. Furius Pacilus Fusus.
M. Geganius Macerinus.
434 320 *Trib. Mil.*
M. Manlius Capitolinus.
Ser. Cornelius Cossus.
Q. Sulpicius Prætextatus.
433 321 *Trib. Mil.*
M. Fabius Vibulanus.
M. Foslius Flaccinator.
L. Sergius Fidenas.
Dict. rei ger. c.
Mam. Æmilius Mamercinus II.
Mag. Eq.
A. Postumius Tubertus.
432 322 *Trib. Mil.*
L. Pinarius Mamercinus Rufus.
L. Furius Medullinus Fusus.
Sp. Postumius Albus Regillensis.
431 323 T. Quinctius Pennus Cincinnatus.
C. Julius Mento.
Dict. rei ger. c.
A. Postumius Tubertus.
Mag. Eq.
L. Julius Julus.
430 324 C. Papirius Crassus.
L. Julius Julus.
429 325 L. Sergius Fidenas II.
Hostus Lucretius Tricipitinus.
428 326 A. Cornelius Cossus.
T. Quinctius Pennus Cincinnatus II.
427 327 C. Servilius Structus Ahala.
L. Papirius Mugillanus II
426 328 *Trib. Mil.*
C. Furius Pacilus Fusus.
T. Quinctius Pennus Cincinnatus.
M. Postumius Albus Regillensis.
A. Cornelius Cossus.
Dict. rei ger. c.
Mam. Æmilius Mamercinus III.
Mag. Eq.
A. Cornelius Cossus.
425 329 *Trib. Mil.*
A. Sempronius Atratinus.
L. Quinctius Cincinnatus II.
L. Furius Medullinus Fusus II.
L. Horatius Barbatus.
424 330 *Trib. Mil.*
Ap. Claudius Crassinus Regillensis.
L. Sergius Fidenas II.
Sp. Nautius Rutilus.
Sex. Julius Julus.
Censores. Lustr. XIII.
L. Julius Julus.
L. Papirius Crassus.
423 331 C. Sempronius Atratinus.
Q. Fabius Vibulanus.
422 332 *Trib. Mil.*
L. Manlius Capitolinus.
Q. Antonius Merenda.
L. Papirius Mugillanus.
(L. Servilius Structus.)
421 333 N. Fabius Vibulanus.
T. Quinctius Capitolinus Barbatus.
420 334 *Trib. Mil.*
T. Quinctius Pennus Cincinnatus II.
L. Furius (Fusus) Medullinus III.
M. Manlius Vulso.
A. Sempronius Atratinus II.

A. C. A. U.
419 335 *Trib. Mil.*
Agrippa Menenius Lanatus.
P. Lucretius Tricipitinus.
Sp. Nautius Rutilus.
C. Servilius (Structus) Axilla.
418 336 *Trib. Mil.*
M. Papirius Mugillanus.
C. Servilius (Structus) Axilla II.
L. Sergius Fidenas III.
Dict. rei ger. c.
Q. Servilius Priscus Fidenas II.
Mag. Eq.
C. Servilius (Structus) Axilla.
Censores. Lustr. XIV.
L. Papirius Mugillanus.
Mam. Æmilius Mamercinus.
417 337 *Trib. Mil.*
P. Lucretius Tricipitinus II.
Agrippa Menenius Lanatus II.
C. Servilius Structus III.
Sp. Veturius Crassus Cicurinus.
416 338 *Trib. Mil.*
A. Sempronius Atratinus III.
Q. Fabius Vibulanus.
M. Papirius Mugillanus II.
Sp. Nautius Rutilus II.
415 339 *Trib. Mil.*
P. Cornelius Cossus.
C. Valerius Potitus Volusus.
Q. Quinctius Cincinnatus.
N. Fabius Vibulanus.
414 340 *Trib. Mil.*
Q. Fabius Vibulanus II.
P. Postumius Albinus Regillensis.
L. Valerius Potitus.
Cn. Cornelius Cossus.
413 341 A. Cornelius Cossus.
L. Furius Medullinus.
412 342 Q. Fabius Vibulanus Ambustus.
C. Furius Pacilus.
411 343 M. Papirius Mugillanus.
C. Nautius Rutilus.
410 344 M'. Æmilius Mamercinus.
C. Valerius Potitus Volusus.
409 345 Cn. Cornelius Cossus.
L. Furius Medullinus II.
408 346 *Trib. Mil.*
C. Julius Julus.
P. Cornelius Cossus.
C. Servilius (Structus) Ahala.
Dict. rei ger. c.
P. Cornelius Rutilus Cossus.
Mag. Eq.
C. Servilius (Structus) Ahala.
407 347 *Trib. Mil.*
C. Valerius Potitus Volusus II.
L. Furius Medullinus.
C. Servilius (Structus) Ahala II.
N. Fabius Vibulanus II.
406 348 *Trib. Mil.*
P. Cornelius Rutilus Cossus.
Cn. Cornelius Cossus.
L. Valerius Potitus II.
N. Fabius Ambustus.
405 349 *Trib. Mil.*
C. Julius Julus II.
T. Quinctius Capitolinus Barbatus.
Q. Quinctius Cincinnatus (II).
M'. Æmilius Mamercinus.
L. Furius Medullinus II.
A. Manlius Vulso Capitolinus.
404 350 *Trib. Mil.*
P. Cornelius Maluginensis.
Cn. Cornelius Cossus II.
K. Fabius Ambustus.
Sp. Nautius Rutilus III.
C. Valerius Potitus Volusus III.
M'. Sergius Fidenas.

A. C. A. U.
403 351 *Trib. Mil.*
M'. Æmilius Mamercinus II
Ap. Claudius Crassinus Regillensis
M. Quinctilius Varus.
M. Furius Fusus.
L. Julius Julus.
L. Valerius Potitus III.
Censores. Lustr. XVI.
M. Furius Camillus.
M. Postumius Albinus Regillensis
402 352 *Trib. Mil.*
C. Servilius (Structus) Ahala III.
Q. Servilius (Priscus) Fidenas.
L. Virginius Tricostus Esquilinus.
Q. Sulpicius Camerinus Cornutus.
A. Manlius Vulso Capitolinus II
M'. Sergius Fidenas II.
401 353 *Trib. Mil.*
M. Furius Camillus.
Cn. Cornelius Cossus III.
L. Valerius Potitus IV.
L. Julius Julus.
M'. Æmilius Mamercinus III.
K. Fabius Ambustus II.
400 354 *Trib. Mil.*
P. Manlius Vulso.
P. Licinius Calvus Esquilinus.
L. Titinius Pansa Saccus.
P. Mælius Capitolinus.
Sp. Furius Medullinus.
L. Publilius Philo Vulscus.
399 355 *Trib. Mil.*
Cn. Genucius Augurinus.
L. Atilius Priscus.
M. Pomponius Rufus.
C. Duilius Longus.
M. Veturius Crassus Cicurinus.
Voler. Publilius Philo.
398 356 *Trib. Mil.*
L. Valerius Potitus V.
M. Valerius Lactucinus Maximus.
M. Furius Camillus II.
L. Furius Medullinus III.
Q. Servilius (Priscus) Fidenas II.
Q. Sulpicius Camerinus Cornutus II
397 357 *Trib. Mil.*
L. Julius Julus II.
L. Furius Medullinus IV.
A. Postumius Albinus Regillensis.
L. Sergius Fidenas.
P. Cornelius Maluginensis.
A. Manlius Vulso Capitolinus III.
396 358 *Trib. Mil.*
L. Titinius Pansa Saccus II.
P. Licinius Calvus Esquilinus II.
P. Mælius Capitolinus II.
Q. Manlius Vulso.
Cn. Genucius Augurinus II. *Occ.*
L. Atilius Priscus II.
Dict. rei ger. c.
M. Furius Camillus.
Mag. Eq.
P. Cornelius Maluginensis.
395 359 *Trib. Mil.*
P. Cornelius Maluginensis Cossus.
P. Cornelius Scipio.
K. Fabius Ambustus III.
L. Furius Medullinus V.
Q. Servilius (Priscus) Fidenas III.
M. Valerius Lactucinus Maximus II
394 360 *Trib. Mil.*
M. Furius Camillus III.
L. Furius Medullinus VI.
C. Æmilius Mamercinus.
L. Valerius Poplicola.
Sp. Postumius Albinus Regillensis.
P. Cornelius . . . . . II.
393 361 L. Valerius Potitus. *Abd.*

A. C. A. U.

P. Cornelius Maluginensis Cossus. *Abd.*

L. Lucretius Flavus (Tricipitinus).
Ser. Sulpicius Camerinus.
Censores.
L. Papirius Cursor.
C. Julius Julus. *Mort. e.*

M. Cornelius Maluginensis.
392 362 L. Valerius Potitus.
M. Manlius Capitolinus.
391 363 *Trib. Mil.*
L. Lucretius (Flavus) Tricipitinus.
Ser. Sulpicius Camerinus.
L. Furius Medullinus VII.
L. Æmilius Mamercinus.
Agripp. Furius Fusus.
C. Æmilius Mamercinus II.
390 364 *Trib. Mil.*
Q. Sulpicius Longus.
Q. Servilius (Priscus) Fidenas IV.
P. Cornelius Maluginensis II.
Q. Fabius Ambustus.
K. Fabius Ambustus IV.
N. Fabius Ambustus II.
Dict. rei ger. c.
M. Furius Camillus II.
Mag. Eq.
L. Valerius Potitus.
389 365 *Trib. Mil.*
L. Virginius Tricostus.
A. Manlius Capitolinus.
L. Æmilius Mamercinus II.
L. Postumius Regillensis Albinus.
L. Valerius Poplicola II.
P. Cornelius . . . . .
Dict. rei ger. c.
M. Furius Camillus III.
Mag. Eq.
C. Servilius Ahala.
388 366 *Trib. Mil.*
T. Quinctius Cincinnatus Capitolinus.
Q. Servilius (Priscus) Fidenas V.
L. Julius Julus.
L. Aquilius Corvus.
L. Lucretius (Flavus) Tricipitinus II
Ser. Sulpicius Rufus.
387 367 *Trib. Mil.*
L. Papirius Cursor.
C. Sergius Fidenas.
L. Æmilius Mamercinus III.
L. Menenius Lanatus.
L. Valerius Poplicola III.
C. Cornelius . . . . . .
386 368 *Trib. Mil.*
Ser. Cornelius Maluginensis.
Q. Servilius (Priscus) Fidenas VI.
M. Furius Camillus IV.
L. Quinctius Cincinnatus.
L. Horatius Pulvillus.
P. Valerius Potitus Poplicola.
385 369 *Trib. Mil.*
A. Manlius Capitolinus II.
P. Cornelius . . . . . II.
T. Quinctius Capitolinus.
L. Quinctius Cincinnatus II.
L. Papirius Cursor II.
C. Sergius Fidenas II.
Dict. sedit. sed. c.
A. Cornelius Cossus.
Mag. Eq.
T. Quinctius Capitolinus.
384 370 *Trib. Mil.*
Ser. Sulpicius Rufus II.
C. Papirius Crassus.
T. Quinctius Cincinnatus Capitolinus II.
M. Furius Camillus V.
Ser. Cornelius Maluginensis II

A. C. A. U.

P. Valerius Potitus Poplicola II.
383 371 *Trib. Mil.*
L. Valerius Poplicola IV.
A. Manlius Capitolinus III.
Ser. Sulpicius Rufus III.
L. Lucretius (Flavus) Tricipitinus II.
L. Æmilius Mamercinus IV.
M. Trebonius.
382 372 *Trib. Mil.*
Q. Servilius (Priscus) Fidenas.
C. Sulpicius Camerinus.
L. Æmilius Mamercinus V.
Sp. Papirius Crassus.
L. Papirius Crassus.
Ser. Cornelius Maluginensis III.
381 373 *Trib. Mil.*
M. Furius Camillus VI.
L. Furius Medullinus.
A. Postumius Regillensis Albinus.
L. Lucretius (Flavus) Tricipitinus IV
M. Fabius Ambustus.
L. Postumius Regillensis Albinus II.
380 374 L. Valerius Poplicola V.
P. Valerius Potitus Poplicola III
C. Sergius Fidenas III.
C. Terentius.
L. Æmilius Mamercinus VI.
L. Menenius Lanatus II.
Sp. Papirius Cursor.
Ser. Cornelius Maluginensis IV
Censores.
C. Sulpicius Camerinus. *Abd.*
Sp. Postumius Regillensis Albinus. *Mort.*
Dict. rei ger. c.
T. Quinctius Cincinnatus Capitolinus
Mag. Eq.
A. Sempronius Atratinus.
379 375 *Trib. Mil.*
P. Manlius Capitolinus.
C. Manlius Capitolinus.
L. Julius Julus II.
C. Erenucius.
M. Albinius.
C. Sextilius.
L. Antistius.
P. Trebonius.
378 376 *Trib. Mil.*
Q. Servilius (Priscus) Fidenas II.
Sp. Furius Medullinus.
L. Menenius Lanatus III.
P. Clœlius Siculus.
M. Horatius Pulvillus.
L. Geganius Macerinus.
Censores.
Sp. Servilius Priscus.
Q. Clœlius Siculus.
377 377 *Trib. Mil.*
L. Æmilius Mamercinus VII.
C. Veturius Crassus Cicurinus
Ser. Sulpicius Prætextatus.
L. Quinctius Cincinnatus III.
C. Quinctius Cincinnatus.
P. Valerius Potitus Poplicola IV.
376 378 *Trib. Mil.*
L. Menenius Lanatus IV.
L. Papirius Crassus II.
Ser. Cornelius Maluginensis V.
Ser. Sulpicius Prætextatus II.
C. Licinius Calvus.
375 379 } "Licinius Sextiusque, tribuni plebis re-
371 383 } fecti, nullos curules magistratus creari
passi sunt." (Liv., vi., 35.)
370 384 *Trib. Mil.*
L. Furius Medullinus II.
A. Manlius Capitolinus IV.
C. Valerius Potitus.
P. Valerius Potitus Poplicola V.
Ser. Sulpicius Prætextatus III.

A. C. A. U.

Ser. Cornelius Maluginensis VI.
369 385 *Trib. Mil.*
Q. Servilius (Priscus) Fidenas III
C. Veturius Crassus Cicurinus II.
A. Cornelius Cossus.
M. Cornelius Maluginensis.
Q. Quinctius Cincinnatus.
M. Fabius Ambustus II.
368 386 *Trib. Mil.*
T. Quinctius Cincinnatus Capitolinus.
Ser. Cornelius Maluginensis VII.
Ser. Sulpicius Prætextatus IV.
Sp. Servilius Structus.
L. Papirius Crassus.
L. Veturius Crassus Cicurinus.
Dict. rei ger. c.
M. Furius Camillus IV.
Mag. Eq.
L. Æmilius Mamercinus.
Dict. sedit. sed. et rei ger. c.
P. Manlius Capitolinus.
Mag. Eq.
C. Licinius Calvus.
367 387 *Trib. Mil.*
A. Cornelius Cossus II.
M. Cornelius Maluginensis II.
M. Geganius Macerinus.
L. Veturius Crassus Cicurinus II.
P. Valerius Potitus Poplicola VI.
P. Manlius Capitolinus II.
Dict. rei ger. c.
M. Furius Camillus V.
Mag. Eq.
T. Quinctius Cincinnatus Capitolinus.
366 388 L. Æmilius Mamercinus.
L. Sextius Sextinus Lateranus.
Censores.
A. Postumius Regillensis Albinus.
C. Sulpicius Peticus.
365 389 L. Genucius Aventinensis.
Q. Servilius Ahala.
364 390 C. Sulpicius Peticus.
C. Licinius Calvus Stolo.
363 391 Cn. Genucius Aventinensis.
L. Æmilius Mamercinus II.
Dict. clavi fig. c.
L. Manlius Capitolinus Imperiosus.
Mag. Eq.
L. Pinarius Natta.
Censores. Lustr. XX.
M. Fabius Ambustus.
L. Furius Medullinus.
362 392 Q. Servilius Ahala II.
L. Genucius Aventinensis II.
Dict. rei ger. c.
Ap. Claudius Crassinus Regillensis.
Mag. Eq.
P. Cornelius Scapula.
361 393 C. Sulpicius Peticus II.
C. Licinius Calvus Stolo II.
Dict. rei ger. c.
T. Quinctius Pennus Capitolinus Crispinus.
Mag. Eq.
Ser. Cornelius Maluginensis.
360 394 C. Pœtelius Libo Visolus.
M. Fabius Ambustus.
Dict. rei ger. c.
Q. Servilius Ahala.
Mag. Eq.
T. Quinctius Pennus Capitolinus Crispinus.
359 395 M. Popilius Lænas.
Cn. Manlius Capitolinus Imperiosus.
358 396 C. Fabius Ambustus.
C. Plautius Proculus.
Dict. rei ger. c.
C. Sulpicius Peticus.

A. C. A. U.

Mag. Eq.
M. Valerius Poplicola.
357 397 C. Marcius Rutilus.
Cn. Manlius Capitolinus Imperiosus II.
356 398 M. Fabius Ambustus II.
M. Popilius Lænas II.
Dict. rei ger. c.
C. Marcius Rutilus.
Mag. Eq.
C. Plautius Proculus.
355 399 C. Sulpicius Peticus III.
M. Valerius Poplicola.
354 400 M. Fabius Ambustus III.
T. Quinctius Pennus Capitolinus Crispinus.
353 401 C. Sulpicius Peticus IV.
M. Valerius Poplicola II.
Dict. rei ger. c.
T. Manlius Imperiosus Torquatus.
Mag. Eq.
A. Cornelius Cossus Arvina.
352 402 P. Valerius Poplicola.
C. Marcius Rutilus II.
Dict. rei ger. c.
C. Julius Julus.
Mag. Eq.
L. Æmilius Mamercinus.
351 403 C. Sulpicius Peticus V.
T. Quinctius Pennus Capitolinus Crispinus II.
Dict. comit. habend. c.
M. Fabius Ambustus.
Mag. Eq.
Q. Servilius Ahala.
Censores.
Cn. Manlius Capitolinus Imperiosus.
C. Marcius Rutilus.
350 404 M. Popilius Lænas III.
L. Cornelius Scipio.
Dict. comit. habend. c.
L. Furius Camillus.
Mag. Eq.
P. Cornelius Scipio.
349 405 L. Furius Camillus.
Appius Claudius Crassinus Regillensis
Mort. e.
Dict. comit. habend. c.
T. Manlius Imperiosus Torquatus II.
Mag. Eq.
A. Cornelius Cossus Arvina II.
348 406 M. Valerius Corvus.
M. Popilius Lænas IV.
Dict. comit. habend. c.
C. Claudius Crassinus Regillensis
Mag. Eq.
C. Livius Denter.
347 407 T. Manlius Imperiosus Torquatus.
C. Plautius Venno Hypsæus.
346 408 M. Valerius Corvus II.
C. Pœtelius Libo Visolus.
345 409 M. Fabius Dorso.
Ser. Sulpicius Camerinus Rufus.
Dict. rei ger. c.
L. Furius Camillus II.
Mag. Eq.
Cn. Manlius Capitolinus Imperiosus.
344 410 C. Marcius Rutilus III.
T. Manlius Imperiosus Torquatus II
Dict. feriar. Latin. c.
P. Valerius Poplicola.
Mag. Eq.
Q. Fabius Ambustus.

BELLUM SAMNITICUM

343 411 M. Valerius Corvus III.
A. Cornelius Cossus Arvina
342 412 C. Marcius Rutilus IV.
Q. Servilius Ahala.

A. C. A. U.

Dict. rei ger. c.
M. Valerius Corvus.
Mag. Eq.
L. Æmilius Mamercinus Privernas.

347 413 C. Plautius Venno Hypsæus II.
L. Æmilius Mamercinus Privernas.

340 414 T. Manlius Imperiosus Torquatus III.
P. Decius Mus.
Dict. rei ger. c.
L. Papirius Crassus.
Mag. Eq.
L. Papirius Cursor.

339 415 Ti. Æmilius Mamercinus.
Q. Publilius Philo.
Dict. rei ger. c.
Q. Publilius Philo.
Mag. Eq.
D. Junius Brutus Scæva.

338 416 L. Furius Camillus.
C. Mænius.

337 417 C. Sulpicius Longus.
P. Ælius Pætus.
Dict. rei ger. c.
C. Claudius Crassinus Regillensis.
Mag. Eq.
C. Claudius Hortator.

336 418 L. Papirius Crassus.
K. Duilius.

335 419 M. Valerius Corvus (Calenus) IV.
M. Atilius Regulus.
Dict. comit. habend. c.
L. Æmilius Mamercinus Privernas.
Mag. Eq.
Q. Publilius Philo.

334 420 T. Veturius Calvinus.
Sp. Postumius Albinus (Caudinus).
Dict. rei ger. c.
P. Cornelius Rufinus.
Mag. Eq.
M. Antonius.

333 421 (L. Papirius Cursor.
C. Pœtelius Libo Visolus II.)

332 422 A. Cornelius Cossus Arvina II.
Cn. Domitius Calvinus.
Dict. rei ger. c.
M. Papirius Crassus.
Mag. Eq.
P. Valerius Poplicola.
Censores. Lustr. XXIII.
Q. Publilius Philo.
Sp. Postumius Albinus.

331 423 M. Claudius Marcellus.
C. Valerius Potitus Flaccus.
Dict. clavi. figendi c.
Cn. Quinctilius Varus.
Mag. Eq.
L. Valerius Potitus.

330 424 L. Papirius Crassus II.
L. Plautius Venno.

329 425 L. Æmilius Mamercinus Privernas II
C. Plautius Decianus.

328 426 C. Plautius Decianus (Venox) II.
P. Cornelius Scipio Barbatus.

327 427 L. Cornelius Lentulus.
Q. Publilius Philo II.
Dict. comit. habend. c.
M. Claudius Marcellus.
Mag. Eq.
Sp. Postumius Albinus.

326 428 C. Pœtelius Libo Visolus III.
L. Papirius Mugillanus (Cursor II.).

325 429 L. Furius Camillus II.
D. Junius Brutus Scæva.
Dict. rei ger. c.
L. Papirius Cursor.
Mag. Eq.
Q. Fabius Maximus Rullianus. *Abd*

A. C. A. U.

L. Papirius Crassus.

324 430 Dictator et Magister Equitum sine consulibus magistratum continuarunt.

323 431 C. Sulpicius Longus II.
Q. Aulius Cerretanus.

322 432 Q. Fabius Maximus Rullianus.
L. Fulvius Curvus.
Dict. ludor. Roman. c.
A. Cornelius Cossus Arvina.
Mag. Eq.
M. Fabius Ambustus.

321 433 T. Veturius Calvinus II
Sp. Postumius Albinus II.
Dict. comit. habend. c.
Q. Fabius Ambustus.
Mag. Eq.
P. Ælius Pætus.
Dict. comit. habend. c.
M. Æmilius Papus.
Mag. Eq.
L. Valerius Flaccus.

320 434 Q. Publilius Philo III.
L. Papirius Cursor II. (III.)
Dict. . . . . c.
C. Mænius.
Mag. Eq.
M. Foslius Flaccinator.
Dict. rei ger. c.
L. Cornelius Lentulus.
Mag. Eq.
L. Papirius Cursor II.
Dict. rei ger. c.
T. Manlius Imperiosus Torquatus.
Mag. Eq.
L. Papirius Crassus.

319 435 L. Papirius Cursor III. (Mugillanus)
Q. Aulius Cerretanus II.
Censores.
. . . . . .
C. Sulpicius Longus. *Abd.*

318 436 M. Foslius Flaccinator.
L. Plautius Venno.
Censores. Lustr. XXV.
L. Papirius Crassus.
C. Mænius.

317 437 C. Junius Bubulcus Brutus.
Q. Æmilius Barbula.

316 438 Sp. Nautius Rutilus.
M. Popilius Lænas.
Dict. rei ger. c.
L. Æmilius Mamercinus Privernas
Mag. Eq.
L. Fulvius Curvus.

315 439 Q. Publilius Philo IV.
L. Papirius Cursor IV.
Dict. rei ger. c.
Q. Fabius Maximus Rullianus.
Mag. Eq.
Q. Aulius Cerretanus. *Occis e.*

C. Fabius Ambustus.

314 440 M. Pœtelius Libo.
C. Sulpicius Longus III.
Dict. rei ger. c.
C. Mænius II.
Mag. Eq.
M. Foslius Flaccinator II.

313 441 L. Papirius Cursor V.
C. Junius Bubulcus Brutus II
Dict. rei ger. c.
C. Pœtelius Libo Visolus.
Mag. Eq.
M. Pœtelius Libo.

312 442 M. Valerius Maximus.
P. Decius Mus.
Dict. rei ger. c.
C. Sulpicius Longus.

A. C. A. U.

Mag. Eq.
C. Junius Bubulcus Brutus.
Censores. Lustr. XXVI.
Ap. Claudius Cæcus
C. Plautius (Venox).
311 443 C Junius Bubulcus Brutus III.
Q. Æmilius Barbula II.
310 444 Q. Fabius Maximus Rullianus II.
C. Marcius Rutilus (Censorinus)
309 445 *Dict. rei ger. c.*
L. Papirius Cursor II.
Mag. Eq.
C. Junius Bubulcus Brutus II.
(Hoc anno Dict. et Mag. Eq. sine coss.)
308 446 Q. Fabius Maximus Rullianus III.
P. Decius Mus II.
307 447 Ap. Claudius Cæcus.
L. Volumnius Flamma Violens.
Censores. Lustr. XXVII.
M. Valerius Maximus.
C. Junius Bubulcus Brutus.
306 448 P. Cornelius Arvina.
Q. Marcius Tremulus.
Dict. comit. habend. c.
P. Cornelius Scipio Barbatus.
Mag. Eq.
P. Decius Mus.
305 449 L. Postumius Megellus.
Ti. Minucius Augurinus. *Occis. e.*

M. Fulvius Curvus Pætinus.
304 450 P. Sulpicius Saverrio.
P. Sempronius Sophus.
Censores. Lustr. XXVIII.
Q. Fabius Maximus Rullianus.
P. Decius Mus.
303 451 L. Genucius Aventinensis.
Ser. Cornelius Lentulus (Rufinus).
302 452 M. Livius Denter.
M. Æmilius Paullus.
Dict. rei ger. c.
C. Junius Bubulcus Brutus.
Mag. Eq.
M. Titinius.
301 453 *Dict. rei ger. c.*
Q. Fabius Maximus Rullianus II.
Mag. Eq.
M. Æmilius Paullus.
Dict. rei ger. c.
M. Valerius Corvus II.
Mag. Eq.
C. Sempronius Sophus.
(Hoc anno Dict. et Mag. Eq. sine coss.)
300 454 M. Valerius Corvus V.
Q. Appuleius Pansa.
299 455 M. Fulvius Pætinus.
T. Manlius Torquatus. *Mort. e.*

M. Valerius Corvus VI.
Censores. Lustr. XXIX.
P. Sempronius Sophus.
P. Sulpicius Saverrio.
298 456 L. Cornelius Scipio.
Cn. Fulvius Maximus Centumalus.
297 457 Q. Fabius Maximus Rullianus IV.
P. Decius Mus IV.
296 458 L. Volumnius Flamma Violens II.
Ap. Claudius Cæcus II.
295 459 Q. Fabius Maximus Rullianus V.
P. Decius Mus IV.
294 460 L. Postumius Megellus II.
M. Atilius Regulus.
Censores. Lustr. XXX.
P. Cornelius Arvina.
C. Marcius Rutilus (Censorinus).
293 461 L. Papirius Cursor.
Sp. Carvilius Maximus.
292 462 Q. Fabius Maximus Gurges.

A. C. A. U.

D. Junius Brutus Scæva.
291 463 L. Postumius Megellus III.
C. Junius Brutus Bubulcus.
290 464 P. Cornelius Rufinus.
M'. Curius Dentatus.
289 465 M. Valerius Maximus Corvinus.
Q. Cædicius Noctua.
Censores. Lustr. XXXI.
. . . . . .
. . . . . .
288 466 Q. Marcius Tremulus II.
P. Cornelius Arvina II.
287 467 M. Claudius Marcellus.
C. Nautius Rutilus.
286 468 M. Valerius Maximus Potitus.
C. Ælius Pætus.
Dict. sedit. sed. c.
Q. Hortensius.
Mag. Eq.
. . . . . .
285 469 C. Claudius Canina.
M. Æmilius Lepidus.
284 470 C. Servilius Tucca.
L. Cæcilius Metellus Denter.
283 471 P. Cornelius Dolabella Maximus.
Cn. Domitius Calvinus Maximus
Censores.
. . . . . .
Q. Cædicius Noctua. *Abd.*
282 472 C. Fabricius Luscinus.
Q. Æmilius Papus.
281 473 L. Æmilius Barbula.
Q. Marcius Philippus.
280 474 P. Valerius Lævinus.
Ti. Coruncanius.
Dict. comit. habend. c.
Cn. Domitius Calvinus Maximus.
Mag. Eq.
. . . . . .
Censores. Lustr. XXXII.
. . . . . .
Cn. Domitius Calvinus Maximus.
279 475 P. Sulpicius Saverrio.
P. Decius Mus. *Occis. e.*
278 476 C. Fabricius Luscinus II.
Q. Æmilius Papus II.
277 477 P. Cornelius Rufinus II.
C. Junius Brutus Bubulcus II.
276 478 Q. Fabius Maximus Gurges II.
C. Genucius Clepsina.
Dict. . . . . c.
P. Cornelius Rufinus.
Mag. Eq.
. . . . . .
275 479 M'. Curius Dentatus II.
L. Cornelius Lentulus.
Censores. Lustr. XXXIII.
C. Fabricius Luscinus.
Q. Æmilius Papus.
274 480 M'. Curius Dentatus III.
Ser. Cornelius Merenda.
273 481 C. Claudius Canina II.
C. Fabius Dorso Licinus. *Mort. e.*

C. Fabricius Luscinus III.
272 482 L. Papirius Cursor II.
Sp. Carvilius Maximus II.
Censores. Lustr. XXXIV.
M'. Curius Dentatus.
L. Papirius Cursor.
271 483 C. Quinctius Claudus.
L. Genucius Clepsina.
270 484 C. Genucius Clepsina II.
Cn. Cornelius Blasio.
269 485 Q. Ogulnius Gallus.
C. Fabius Pictor.
268 486 Ap. Claudius Crassus Rufus.
P. Sempronius Sophus.

A. C. A. U.
267 487 M. Atilius Regulus.
L. Julius Libo.
266 488 N. Fabius Pictor.
D. Junius Pera.
265 489 Q. Fabius Maximus Gurges III.
L. Mamilius Vitulus.
Censores. Lustr. XXXV.
Cn. Cornelius Blasio.
C. Marcius Rutilus II. (Censorinus.)

BELLUM PUNICUM I.

264 490 Ap. Claudius Caudex.
M. Fulvius Flaccus.
263 491 M'. Valerius Maximus (Messala).
M'. Otacilius Crassus.
Dict. clavi fig. c.
Cn. Fulvius Maximus Centumalus.
Mag. Eq.
Q. Marcius Philippus.
262 492 L. Postumius (Megellus).
Q. Mamilius Vitulus.
261 493 L. Valerius Flaccus.
T. Otacilius Crassus.
260 494 Cn. Cornelius Scipio Asina
C. Duilius.
259 495 L. Cornelius Scipio.
C. Aquilius Florus.
258 496 A. Atilius Calatinus.
C. Sulpicius Paterculus
Censores. Lustr. XXXVI.
C. Duilius.
L. Cornelius Scipio.
257 497 C. Atilius Regulus (Serranus)
Cn. Cornelius Blasio II.
Dict. Latin. fer. c.
Q. Ogulnius Gallus.
Mag. Eq.
M. Lætorius Plancianus.
256 498 L. Manlius Vulso Longus.
Q. Cædicius. *Mort. e.*

M. Atilius Regulus II.
255 499 Ser. Fulvius Pætinus Nobilior
M. Æmilius Paullus.
254 500 Cn. Cornelius Scipio Asina II.
A. Atilius Calatinus II.
253 501 Cn. Servilius Cæpio.
C. Sempronius Blæsus.
Censores.
D. Junius Pera. *Abd.*
L. Postumius Megellus. *Mort.*
252 502 C. Aurelius Cotta.
P. Servilius Geminus.
Censores. Lustr. XXXVII.
M'. Valerius Maximus Messala
P. Sempronius Sophus.
251 503 L. Cæcilius Metellus.
C. Furius Pacilus.
250 504 C. Atilius Regulus (Serranus) II.
L. Manlius Vulso (Longus) II.
249 505 P. Claudius Pulcher.
L. Junius Pullus.
Dict. rei ger. c.
M. Claudius Glicia. *Abd.*

A. Atilius Calatinus.
Mag. Eq.
L. Cæcilius Metellus.
248 506 C. Aurelius Cotta II.
P. Servilius Geminus II.
247 507 L. Cæcilius Metellus II.
N. Fabius Buteo.
Censores. Lustr. XXXVIII.
A. Atilius Calatinus.
A. Manlius Torquatus Atticus.
246 508 M'. Otacilius Crassus II.
M. Fabius Licinus

A. C. A. U.
Dict. comit. hab. c.
Ti. Coruncanius.
Mag. Eq.
M. Fulvius Flaccus.
245 509 M. Fabius Buteo.
C. Atilius Bulbus.
244 510 A. Manlius Torquatus Atticus.
C. Sempronius Blæsus II.
243 511 C. Fundanius Fundulus.
C. Sulpicius Gallus.
242 512 C. Lutatius Catulus.
A. Postumius Albinus.
241 513 A. Manlius Torquatus Atticus II.
Q. Lutatius Cerco.
Censores. Lustr. XXXIX.
C. Aurelius Cotta.
M. Fabius Buteo.
240 514 C. Claudius Centho.
M. Sempronius Tuditanus.
239 515 C. Mamilius Turrinus.
Q. Valerius Falto.
238 516 Ti. Sempronius Gracchus
P. Valerius Falto.
237 517 L. Cornelius Lentulus Caudinus.
Q. Fulvius Flaccus.
236 518 P. Cornelius Lentulus Caudinus.
C. Licinius Varus.
Censores.
L. Cornelius Lentulus Caudinus
Q. Lutatius Cerco. *Mort. e.*
235 519 T. Manlius Torquatus.
C. Atilius Bulbus II.
234 520 L. Postumius Albinus.
Sp. Carvilius Maximus.
Censores. Lustr. XL.
C. Atilius Bulbus.
A. Postumius Albinus.
233 521 Q. Fabius Maximus Verrucosus.
M. Pomponius Matho.
232 522 M. Æmilius Lepidus.
M. Publicius Malleolus.
231 523 M'. Pomponius Matho.
C. Papirius Maso.
Dict. comit. hab. c.
C. Duilius.
Mag. Eq.
C. Aurelius Cotta
Censores.
T. Manlius Torquatus. *Abd.*
Q. Fulvius Flaccus. *Abd.*
230 524 M. Æmilius Barbula.
M. Junius Pera.
Censores. Lustr. XLI.
Q. Fabius Maximus Verrucosus.
M. Sempronius Tuditanus.
229 525 L. Postumius Albinus II.
Cn. Fulvius Centumalus.
228 526 Sp. Carvilius Maximus II.
Q. Fabius Maximus Verrucosus II.
227 527 P. Valerius Flaccus.
M. Atilius Regulus.
226 528 M. Valerius Messala.
L. Apustius Fullo.

BELLUM GALLICUM CISALPINUM

225 529 L. Æmilius Papus.
C. Atilius Regulus.
Censores. Lustr. XLII.
C. Claudius Centho.
M. Junius Pera.
224 530 T. Manlius Torquatus II.
Q. Fulvius Flaccus II.
Dict. comit. hab. c.
L. Cæcilius Metellus.
Mag. Eq.
N. Fabius Buteo.
223 531 C. Flaminius.
P. Furius Philus.

A. C. A. U.

222 532 Cn. Cornelius Scipio Calvus.
M. Claudius Marcellus.
221 533 P. Cornelius Scipio Asina.
M. Minucius Rufus.
Dict. comit. hab. c.
Q. Fabius Maximus Verrucosus.
Mag. Eq.
C. Flaminius.
220 534 L. Veturius Philo.
C. Lutatius Catulus.
Censores. Lustr. XLIII.
L. Æmilius Papus.
C. Flaminius.
219 535 M. Livius Salinator.
L. Æmilius Paullus.

BELLUM PUNICUM II.

218 536 P. Cornelius Scipio.
Ti. Sempronius Longus.
217 537 Cn. Servilius Geminus.
C. Flaminius II. *Occis. e.*

M. Atilius Regulus II.
Dict. interregni c.
Q. Fabius Maximus Verrucosus II.
Mag. Eq.
M. Minucius Rufus.
Dict. comit. hab. c.
L. Veturius Philo.
Mag. Eq.
M. Pomponius Matho.
216 538 C. Terentius Varro.
L. Æmilius Paullus II.
Dict. rei gerund. c.
M. Junius Pera.
Mag. Eq.
Ti. Sempronius Gracchus.
Dict. sine Mag. Eq. Senat. leg. c.
M. Fabius Buteo.
215 539 Ti. Sempronius Gracchus.
L. Postumius Albinus III. *Occis. e.*

M. Claudius Marcellus II. *Abd.*

Q. Fabius Maximus Verrucosus III.
214 540 Q. Fabius Maximus Verrucosus IV.
M. Claudius Marcellus III.
Censores.
M. Atilius Regulus. *Abd.*
P. Furius Philus. *Mort. e.*
213 541 Q. Fabius Maximus.
Ti. Sempronius Gracchus II.
Dict. comit. hab. c.
C. Claudius Centho.
Mag. Eq.
Q. Fulvius Flaccus.
212 542 Q. Fulvius Flaccus III.
Ap. Claudius Pulcher.
211 543 Cn. Fulvius Centumalus.
P. Sulpicius Galba Maximus.
210 544 M. Claudius Marcellus IV.
M. Valerius Lævinus.
Dict. comit. hab. c.
Q. Fulvius Flaccus.
Mag. Eq.
P. Licinius Crassus Dives.
Censores.
L. Veturius Philo. *Mort. e.*
P. Licinius Crassus Dives. *Abd.*
209 545 Q. Fulvius Flaccus IV.
Q. Fabius Maximus Verrucosus V.
Censores. Lustr. XLIV.
M. Cornelius Cethegus.
P. Sempronius Tuditanus.
208 546 M. Claudius Marcellus V. *Occis. e.*
T. Quinctius (Pennus Capitolinus) Crispinus. *Mort. e.*

A. C. A. U.

Dict. comit. hab. et ludor. magn. c.
T. Manlius Torquatus.
Mag. Eq.
C. Servilius.
207 547 C. Claudius Nero.
M. Livius Salinator II.
Dict. comit. hab. caussa.
M. Livius Salinator.
Mag. Eq.
Q. Cæcilius Metellus.
206 548 L. Veturius Philo.
Q. Cæcilius Metellus.
205 549 P. Cornelius Scipio (Africanus).
P. Licinius Crassus Dives.
Dict. comit. habend. c.
Q. Cæcilius Metellus.
Mag. Eq.
L. Veturius Philo.
204 550 M. Cornelius Cethegus.
P. Sempronius Tuditanus.
Censores. Lustr. XLV.
M. Livius Salinator.
C. Claudius Nero.
203 551 Cn. Servilius Cæpio.
C. Servilius.
Dict. comit. hab. c.
P. Sulpicius Galba Maximus.
Mag. Eq.
M. Servilius Pulex Geminus.
202 552 M. Servilius Pulex Geminus.
Ti. Claudius Nero.
Dict. comit. hab. c.
C. Servilius.
Mag. Eq.
P. Ælius Pætus.
201 553 Cn. Cornelius Lentulus.
P. Ælius Pætus.

BELLUM PHILIPPICUM.

200 554 P. Sulpicius Galba Maximus II.
C. Aurelius Cotta.
199 555 L. Cornelius Lentulus.
P. Villius Tappulus.
Censores. Lustr. XLVI.
P. Cornelius Scipio Africanus.
P. Ælius Pætus.
198 556 Sex. Ælius Pætus Catus.
T. Quinctius Flamininus.
197 557 C. Cornelius Cethegus.
Q. Minucius Rufus.
196 558 L. Furius Purpureo.
M. Claudius Marcellus.
195 559 L. Valerius Flaccus.
M. Porcius Cato.
194 560 P. Cornelius Scipio Africanus II.
Ti. Sempronius Longus.
Censores. Lustr. XLVII.
Sex. Ælius Pætus Catus.
C. Cornelius Cethegus.
193 561 L. Cornelius Merula.
Q. Minucius Thermus.
192 562 L. Quinctius Flamininus.
Cn. Domitius Ahenobarbus.

BELLUM ANTIOCHINUM.

191 563 P. Cornelius Scipio Nasica.
M'. Acilius Glabrio.
190 564 L. Cornelius Scipio (Asiaticus).
C. Lælius.
189 565 M. Fulvius Nobilior.
Cn. Manlius Vulso.
Censores. Lustr. XLVIII.
T. Quinctius Flamininus.
M. Claudius Marcellus.
188 566 M. Valerius Messala.
C. Livius Salinator.
187 567 M. Æmilius Lepidus.
C. Flaminius.

A. C. A. U.
186 568 Sp. Postumius Albinus.
Q. Marcius Philippus.
185 569 Ap. Claudius Pulcher.
M. Sempronius Tuditanus.
184 570 P. Claudius Pulcher.
L. Porcius Licinus.
Censores. *Lustr.* XLIX.
L. Valerius Flaccus.
M. Porcius Cato.
183 571 M. Claudius Marcellus.
Q. Fabius Labeo.
182 572 Cn. Bæbius Tamphilus.
L. Æmilius Paullus.
181 573 P. Cornelius Cethegus.
M. Bæbius Tamphilus.
180 574 A. Postumius Albinus.
C. Calpurnius Piso. *Mort. e.*

Q. Fulvius Flaccus.
179 575 L. Manlius Acidinus Fulvianus.
Q. Fulvius Flaccus.
Censores. *Lustr.* L.
L. Æmilius Lepidus.
M. Fulvius Nobilior.
178 576 M. Junius Brutus.
A. Manlius Vulso.
177 577 C. Claudius Pulcher.
Ti. Sempronius Gracchus.
176 578 Q. Petillius Spurinus. *Occis. e.*
Cn. Cornel. Scipio Hispallus. *Mort. e.*

C. Valerius Lævinus.
175 579 P. Mucius Scævola.
M. Æmilius Lepidus II.
174 580 Sp. Postumius Albinus Paullulus.
Q. Mucius Scævola.
Censores. *Lustr.* LI.
Q. Fulvius Flaccus.
A. Postumius Albinus.
173 581 L. Postumius Albinus.
M. Popillius Lænas.
172 582 C. Popillius Lænas.
P. Ælius Ligus.

Bellum Persicum.

171 583 P. Licinius Crassus.
C. Cassius Longinus.
170 584 A. Hostilius Mancinus.
A. Atilius Serranus.
169 585 Q. Marcius Philippus II.
Cn. Servilius Cæpio.
Censores. *Lustr.* LII.
C. Claudius Pulcher.
Ti. Sempronius Gracchus.
168 586 L. Æmilius Paullus II.
C. Licinius Crassus.
167 587 Q. Ælius Pætus.
M. Junius Pennus.
166 588 M. Claudius Marcellus.
C. Sulpicius Gallus.
165 589 T. Manlius Torquatus.
Cn. Octavius.
164 590 A. Manlius Torquatus.
Q. Cassius Longinus. *Mort. e.*
Censores. *Lustr.* LIII.
L. Æmilius Paullus.
Q. Marcius Philippus.
163 591 Ti. Sempronius Gracchus II.
M'. Juventius Thalna.
162 592 P. Cornelius Scipio Nasica. *Abd.*
C. Marcius Figulus. *Abd.*

P. Cornelius Lentulus.
Cn. Domitius Ahenobarbus.
161 593 M. Valerius Messala.
C. Fannius Strabo.
160 594 L. Anicius Gallus.
M. Cornelius Cethegus

A. C. A. U.
159 595 Cn. Cornelius Dolabella.
M. Fulvius Nobilior.
Censores. *Lustr.* LIV.
P. Cornelius Scipio Nasica
M. Popillius Lænas.
158 596 M. Æmilius Lepidus.
C. Popillius Lænas II.
157 597 Sex. Julius Cæsar.
L. Aurelius Orestes.
156 598 L. Cornelius Lentulus Lupus.
C. Marcius Figulus II.
155 599 P. Cornelius Scipio Nasica II.
M. Claudius Marcellus II.
154 600 Q. Opimius.
L. Postumius Albinus. *Mort. e.*

M'. Acilius Glabrio.
Censores. *Lustr.* LV.
M. Valerius Messala.
C. Cassius Longinus.
153 601 Q. Fulvius Nobilior.
T. Annius Luscus.
152 602 M. Claudius Marcellus III.
L. Valerius Flaccus. *Mort. e.*
151 603 L. Licinius Lucullus.
A. Postumius Albinus.
150 604 T. Quinctius Flamininus.
M'. Acilius Balbus.

Bellum Punicum Tertium.

149 605 L. Marcius Censorinus.
M'. Manilius.
148 606 Sp. Postumius Albinus Magnus
L. Calpurnius Piso Cæsoninus.
147 607 P. Cornelius Scipio Afric. Æmilianus.
C. Livius Drusus.
Censores. *Lustr.* LVI.
L. Cornelius Lentulus Lupus.
L. Marcius Censorinus.
146 608 Cn. Cornelius Lentulus.
L. Mummius Achaicus.
145 609 Q. Fabius Maximus Æmilianus.
L. Hostilius Mancinus.
144 610 Ser. Sulpicius Galba.
L. Aurelius Cotta.
143 611 Ap. Claudius Pulcher.
Q. Cæcilius Metellus Macedonicus
142 612 L. Cæcilius Metellus Calvus.
Q. Fabius Maximus Servilianus.
Censores. *Lustr.* LVII.
P. Cornelius Scipio Africanus (Æmilianus).
L. Mummius Achaicus.
141 613 Cn. Servilius Cæpio.
Q. Pompeius.
140 614 C. Lælius Sapiens.
Q. Servilius Cæpio.
139 615 Cn. Calpurnius Piso.
M. Popillius Lænas.
138 616 P. Cornelius Scipio Nasica Serapio.
D. Junius Brutus (Callaicus).
137 617 M. Æmilius Lepidus Porcina.
C. Hostilius Mancinus. *Abd.*
136 618 L. Furius Philus.
Sex. Atilius Serranus.
Censores. *Lustr.* LVIII.
Ap. Claudius Pulcher.
Q. Fulvius Nobilior.
135 619 Ser. Fulvius Flaccus.
Q. Calpurnius Piso.
134 620 P. Cornelius Scipio Africanus Æmilianus II.
C. Fulvius Flaccus.
133 621 P. Mucius Scævola.
L. Calpurnius Piso Frugi
132 622 P. Popilius Lænas.
P. Rupilius.
131 623 P. Licinius Crassus Mucianus

A. C. A. U.

L. Valerius Flaccus.
Censores. Lustr. LIX.
Q. Cæcilius Metellus Macedonicus.
Q. Pompeius Rufus.
150 624 C. Claudius Pulcher Lentulus.
M. Perperna.
129 625 C. Sempronius Tuditanus.
M'. Aquilius.
128 626 Cn. Octavius.
T. Annius Luscus Rufus.
127 627 L. Cassius Longinus Ravilla.
L. Cornelius Cinna.
126 628 M. Æmilius Lepidus.
L. Aurelius Orestes.
125 629 M. Plautius Hypsæus.
M. Pulvius Flaccus.
Censores. Lustr. LX.
Cn. Servilius Cæpio.
L. Cassius Longinus Ravilla.
124 630 C. Cassius Longinus.
C. Sextius Calvinus.
123 631 Q. Cæcilius Metellus (Balearicus).
T. Quinctius Flamininus.
122 632 Cn. Domitius Ahenobarbus.
C. Fannius Strabo.
121 633 L. Opimius.
Q. Fabius Maximus (Allobrogicus).
120 634 P. Manilius.
C. Papirius Carbo.
Censores. Lustr. LXI.
L. Calpurnius Piso Frugi.
Q. Cæcilius Metellus Balearicus.
119 635 L. Cæcilius Metellus (Dalmaticus).
L. Aurelius Cotta.
118 636 M. Porcius Cato. *Mort. e.*
Q. Marcius Rex.
117 637 P. Cæcilius Metellus Diadematus.
Q. Mucius Scævola.
116 638 C. Licinius Geta.
Q. Fabius Maximus Eburnus.
115 639 M. Æmilius Scaurus.
M. Cæcilius Metellus.
Censores. Lustr. LXII.
L. Cæcilius Metellus Dalmaticus.
Cn. Domitius Ahenobarbus.
114 640 M'. Acilius Balbus.
C. Porcius Cato.
113 641 C. Cæcilius Metellus Caprarius.
Cn. Papirius Carbo.
112 642 M. Livius Drusus.
L. Calpurnius Piso Cæsoninus.

Bellum Jugurthinum.

111 643 P. Cornelius Scipio Nasica. *Mort. e.*
L. Calpurnius Bestia.
110 644 M. Minucius Rufus.
Sp. Postumius Albinus.
109 645 Q. Cæcilius Metellus (Numidicus).
M. Junius Silanus.
Censores.
M. Æmilius Scaurus. *Abd.*
M. Livius Drusus. *Mort. e.*
108 646 Ser. Sulpicius Galba.
L. Hortensius. *Damn. e.*

M. Aurelius Scaurus.
Censores. Lustr. LXIII.
Q. Fabius Maximus Allobrogicus.
C. Licinius Geta.
107 647 L. Cassius Longinus. *Occis. e.*
C. Marius.
106 648 C. Atilius Serranus.
Q. Servilius Cæpio.
105 649 P. Rutilius Rufus.
Cn. Mallius Maximus.
104 650 C. Marius II.
C. Flavius Fimbria.
103 651 C. Marius III.
L. Aurelius Orestes. *Mort. e.*
102 652 C. Marius IV.
Q. Lutatius Catulus.
Censores. Lustr. LXIV.
Q. Cæcilius Metellus Numidicus.
C. Cæcilius Metellus Caprarius.
101 653 C. Marius V.
M'. Aquilius.
100 654 C. Marius VI.
L. Valerius Flaccus.
99 655 M. Antonius.
A. Postumius Albinus.
98 656 Q. Cæcilius Metellus Nepos.
T. Didius.
97 657 Cn. Cornelius Lentulus.
P. Licinius Crassus.
Censores. Lustr. LXV.
L. Valerius Flaccus.
M. Antonius.
96 658 Cn. Domitius Ahenobarbus.
C. Cassius Longinus.
95 659 L. Licinius Crassus.
Q. Mucius Scævola.
94 660 C. Cœlius Caldus.
L. Domitius Ahenobarbus.
93 661 C. Valerius Flaccus.
M. Herennius.
92 662 C. Claudius Pulcher.
M. Perperna.
Censores. Lustr. LXVI.
Cn. Domitius Ahenobarbus.
L. Licinius Crassus.
91 663 L. Marcius Philippus.
Sex. Julius Cæsar.

Bellum Marsicum.

90 664 L. Julius Cæsar.
P. Rutilius Lupus. *Occis. e.*
89 665 Cn. Pompeius Strabo.
L. Porcius Cato. *Occis. e.*
Censores.
P. Licinius Crassus.
L. Julius Cæsar.
88 666 L. Cornelius Sulla (Felix).
Q. Pompeius Rufus. *Occis. e.*
87 667 Cn. Octavius. *Occis. e.*
L. Cornelius Cinna. *Abd.*

L. Cornelius Merula. *Occis. e.*
86 668 L. Cornelius Cinna II.
C. Marius VII. *Mort. e.*

L. Valerius Flaccus II.
Censores. Lustr. LXVII.
L. Marius Philippus.
M. Perperna.
85 669 L. Cornelius Cinna III.
Cn. Papirius Carbo.
84 670 Cn. Papirius Carbo II.
L. Cornelius Cinna IV. *Occis.*
83 671 L. Cornelius Scipio Asiaticus.
C. Norbanus Bulbus.
82 672 C. Marius. *Occis. e.*
Cn. Papirius Carbo III. *Occis. e.*
Dict. Reip. constituendæ c.
L. Cornelius Sulla Felix
Mag. Eq.
L. Valerius Flaccus.
81 673 M. Tullius Decula.
Cn. Cornelius Dolabella.
80 674 L. Cornelius Sulla Felix II.
Q. Cæcilius Metellus Pius.
79 675 P. Servilius Vatia (Isauricus).
Ap. Claudius Pulcher.
78 676 M. Æmilius Lepidus.
Q. Lutatius Catulus.
77 677 D. Junius Brutus.
Mam. Æmilius Lepidus Livianus.

A. C. A. U.
76 678 Cn. Octavius.
C. Scribonius Curio.
75 679 L. Octavius.
C. Aurelius Cotta.
74 680 L. Licinius Lucullus.
M. Aurelius Cotta.
73 681 M. Terentius Varro Lucullus.
C. Cassius Varus.
72 682 L. Gellius Poplicola.
Cn. Cornelius Lentulus Clodianus.
71 683 P. Cornelius Lentulus Sura.
Cn. Aufidius Orestes.
70 684 Cn. Pompeius Magnus.
M. Licinius Crassus Dives.
Censores. Lustr. LXX.
L. Gellius Poplicola.
Cn. Cornelius Lentulus Clodianus.
69 685 Q. Hortensius.
Q. Cæcilius Metellus (Creticus).
68 686 L. Cæcilius Metellus. *Mort. e.*
Q. Marcius Rex.
67 687 C. Calpurnius Piso.
M'. Acilius Glabrio.
66 688 M'. Æmilius Lepidus.
L. Volcatius Tullus.
65 689 P. Cornelius Sulla. *Non iniit.*
P. Autronius Pætus. *Non iniit.*

L. Aurelius Cotta.
L. Manlius Torquatus.
Censores.
Q. Lutatius Catulus. *Abd.*
M. Licinius Crassus Dives. *Abd.*
64 690 L. Julius Cæsar.
C. Marcius Figulus.
Censores.
L. Aurelius Cotta.
. . . .
63 691 M. Tullius Cicero.
C. Antonius.
62 692 D. Junius Silanus.
L. Licinius Murena.
61 693 M. Pupius Piso Calpurnianus.
M. Valerius Messala Niger.
60 694 L. Afranius.
Q. Cæcilius Metellus Celer.
59 695 C. Julius Cæsar.
M. Calpurnius Bibulus.
58 696 L. Calpurnius Piso Cæsoninus.
A. Gabinius.
57 697 P. Cornelius Lentulus Spinther.
Q. Cæcilius Metellus Nepos.
56 698 Cn. Cornelius Lentulus Marcellinus.
L. Marcius Philippus.
55 699 Cn. Pompeius Magnus II.
M. Licinius Crassus II.
Censores.
M. Valerius Messala Niger.
P. Servilius Vatia Isauricus.
54 700 L. Domitius Ahenobarbus.
Ap. Claudius Pulcher.
53 701 Cn. Domitius Calvinus.
M. Valerius Messala.
52 702 Cn. Pompeius Magnus III. *Solus consulatum gessit.*
Ex Kal. Sextil.
Q. Cæcilius Metellus Pius Scipio.
51 703 Ser. Sulpicius Rufus.
M. Claudius Marcellus.
50 704 L. Æmilius Paullus.
C. Claudius Marcellus.
Censores.
Ap. Claudius Pulcher.
L. Calpurnius Piso Cæsoninus.
49 705 C. Claudius Marcellus.
L. Cornelius Lentulus Crus.
Dict. sine Mag. Eq. Comit. hab. et fer. Latin. c.
C. Julius Cæsar.

A. C. A. U.
48 706 C. Julius Cæsar II.
P. Servilius Vatia Isauricus.
47 707 *Dict. Reip. constituendæ c.*
C. Julius Cæsar II.
Mag. Eq.
M. Antonius.
Q. Fufius Calenus. *Cos.*
P. Vatinius. *Cos.*
46 708 C. Julius Cæsar III.
M. Æmilius Lepidus.
45 709 *Dict. Reip. const. c.*
C. Julius Cæsar III.
Mag. Eq.
M. Æmilius Lepidus.

C. Julius Cæsar IV. *Cos. sine collega*

Q. Fabius Maximus. *Mort. e.*
C. Caninius Rebilus.
C. Trebonius.
44 710 *Dict. Reip. ger. c.*
C. Julius Cæsar IV.
Mag. Eq.
M. Æmilius Lepidus II.
Mag. Eq.
C. Octavius.
Mag. Eq.
Cn. Domitius Calvinus. *Non iniit.*

C. Julius Cæsar V. *Cos. occis. e.*
M. Antonius.

P. Cornelius Dolabella.
43 711 C. Vibius Pansa. *Mort. e.*
A. Hirtius. *Occis. e.*

C. Julius Cæsar Octavianus. *Abd.*
C. Carrinas.
Q. Pedius. *Mort. e.*
P. Ventidius.
Triumviri Reipublicæ constituendæ
M. Æmilius Lepidus.
M. Antonius.
C. Julius Cæsar Octavianus.
42 712 L. Munatius Plancus
M. Æmilius Lepidus II.
Censores.
L. Antonius Pietas.
P. Sulpicius.
41 713 L. Antonius Pietas.
P. Servilius Vatia Isauricus II.
40 714 Cn. Domitius Calvinus II. *Abd.*
C. Asinius Pollio.

L. Cornelius Balbus.
P. Canidius Crassus.
39 715 L. Marcius Censorinus.
C. Calvisius Sabinus.
38 716 Ap. Claudius Pulcher.
C. Norbanus Flaccus.
37 717 *Triumviri Reipublicæ constituendæ.*
M. Æmilius Lepidus II.
M. Antonius II.
C. Julius Cæsar Octavianus II.

M. Agrippa. *Cos.*
L. Caninius Gallus. *Cos. abd.*

T. Statilius Taurus.
36 718 L. Gellius Poplicola. *Abd.*
M. Cocceius Nerva. *Abd.*

L. Munatius Plancus II.
P. Sulpicius Quirinus.
35 719 L. Cornificius.
Sex. Pompeius.
34 720 L. Scribonius Libo.
M. Antonius. *Abd*

A. C. A. U.

L. Sempronius Atratinus.
Ex Kal. Jul. Paul. Æmilius Lepidus.
C. Memmius.
Ex Kal. Nov. M. Herennius Picens.
33 721 C. J. Cæsar Octavianus II. *Abd.*
L. Volcatius Tullus.

P. Autronius Pætus.
Ex Kal. Mai. L. Flavius.
Ex Kal. Jul C. Fonteius Capito.
M'. Acilius (Aviola).
Ex Kal. Sept. L. Vinucius.
Ex Kal. Oct. L. Laronius.
32 722 Cn. Domitius Ahenobarbus.
C. Sosius.
Ex Kal. Jul. L. Cornelius.
Ex Kal. Nov. N. Valerius.
31 723 C. J. Cæsar Octavianus III.
M. Valerius Messala Corvinus.
Ex Kal. Mai. M. Titius.
Ex Kal. Oct. Cn. Pompeius.
30 724 C. J. Cæsar Octavianus IV.
M. Licinius Crassus.
Ex Kal. Jul. C. Antistius Vetus.
Ex Id. Sept. M. Tullius Cicero.
Ex Kal. Nov. L. Sænius.
29 725 Imp. Cæsar Octavianus V.
Sex. Appuleius.
Ex Kal. Jul. Potitus Valerius Messala.
Ex Kal. Nov. C. Furnius.
C. Cluvius.
28 726 Imp. Cæsar Octavianus VI.
M. Agrippa II. (*Lustr.* LXXI.)
27 727 Imp. Cæsar Augustus VII.
M. Agrippa III.
26 728 Imp. Cæsar Augustus VIII.
T. Statilius Taurus II.
25 729 Imp. Cæsar Augustus IX.
M. Junius Silanus.
24 730 Imp. Cæsar Augustus X.
C. Norbanus Flaccus.
23 731 Imp. Cæsar Augustus XI. *Abd.*
A. Terentius Varro Murena. *Mort. e.*

L. Sestius.
Cn. Calpurnius Piso.
22 732 M. Claudius Marcellus Æserninus.
L. Arruntius.
Censores.
L. Munatius Plancus.
Paul. Æmilius Lepidus.
21 733 M. Lollius.
Q. Æmilius Lepidus.
20 734 M. Appuleius.
P. Silius Nerva.
19 735 C. Sentius Saturninus.
Q. Lucretius Vespillo.
Ex Kal. Jul. M. Vinucius.
18 736 P. Cornelius Lentulus Marcellinus.
Cn. Cornelius Lentulus.
17 737 C. Furnius.
C. Junius Silanus.
16 738 L. Domitius Ahenobarbus.
P. Cornelius Scipio.
Ex Kal. Jul. L. Tarius Rufus.
15 739 M. Livius Drusus Libo.
L. Calpurnius Piso.
14 740 M. Licinius Crassus.
Cn. Cornelius Lentulus Augur.
13 741 Ti. Claudius Nero (*postea* Ti. Cæsar Augustus).
P. Quinctilius Varus.
12 742 M. Valerius Messala Barbatus Appianus.
Mort. e.
P. Sulpicius Quirinus. *Abd.*

C. Valgius Rufus. *Abd.*

A. C. A. U.

C. Caninius Rebilus. *Mort. e.*
L. Volusius Saturninus.
11 743 Q. Ælius Tubero.
Paul. Fabius Maximus.
10 744 Julus Antonius.
Q. Fabius Maximus Africanus.
9 745 Nero Claud. Drusus Germanicus. *Mort.*
T. Quinctius (Pennus Capitolinus) Crispinus.
8 746 C. Marcius Censorinus.
C. Asinius Gallus.
7 747 Ti. Claudius Nero II.
Cn. Calpurnius Piso.
6 748 D. Lælius Balbus.
C. Antistius Vetus.
5 749 Imp. Cæsar Augustus XII.
L. Cornelius Sulla.
4 750 C. Calvisius Sabinus.
L. Passienus Rufus.
3 751 L. Cornelius Lentulus.
M. Valerius Messalinus.
2 752 Imp. Cæsar Augustus XIII. *Abd.*
M. Plautius Silvanus. *Abd.*

Q. Fabricius.
L. Caninius Gallus.
1 753 Cossus Cornelius Lentulus.
L. Calpurnius Piso.

P. C. U. C.

1 754 C. Cæsar.
L. Æmilius Paullus.
2 755 P. Vinucius.
P. Alfenius Varus.
Ex Kal. Jul. P. Cornelius Lentulus Scipio
T. Quinctius Crispinus Valerianus.
3 756 L. Ælius Lamia.
M. Servilius.
Ex Kal. Jul. P. Silius.
L. Volusius Saturninus
4 757 Sex. Ælius Catus.
C. Sentius Saturninus.
Ex Kal. Jul. C. Clodius Licinus.
Cn. Sentius Saturninus.
5 758 L. Valerius Messala Volesus.
Cn. Cornelius Cinna Magnus.
Ex Kal. Jul. C. Ateius Capito.
C. Vibius Postumus.
6 759 M. Æmilius Lepidus.
L. Aruntius. *Abd.*

L. Nonius Asprenas.
7 760 A. Licinius Nerva Silianus.
Q. Cæcilius Metellus Creticus.
8 761 M. Furius Camillus.
Sex. Nonius Quinctilianus.
Ex Kal. Jul. L. Apronius.
A. Vibius Habitus.
9 762 C. Poppæus Sabinus.
Q. Sulpicius Camerinus.
Ex Kal. Jul. M. Papius Mutilus.
Q. Poppæus Secundus.
10 763 P. Cornelius Dolabella.
C. Junius Silanus.
Ex Kal. Jul. Ser. Cornelius Lentulus Maluginensis.
11 764 M. Æmilius Lepidus.
T. Statilius Taurus.
Ex Kal. Jul. L. Cassius Longinus.
12 765 Germanicus Cæsar.
C. Fonteius Capito.
Ex Kal. Jul. C. Visellius Varro.
13 766 C. Silius.
L. Munatius Plancus.
14 767 Sex. Pompeius.
Sex. Appuleius.
Eodem anno a. d. XIV. *Kal. Sept.*
Imp Cæsar Augustus. *Mort. e.*

A.C. U.C.

TIBERIUS CÆSAR AUGUSTUS.

15 768 Drusus Cæsar.
C. Norbanus Flaccus.
16 769 T. Statilius Sisenna Taurus.
L. Scribonius Libo.
Ex Kal. Jul. P. Pomponius Græcinus.
17 770 C. Cæcilius Rufus.
L. Pomponius Flaccus.
18 771 Ti. Cæsar Augustus III. *Abd.* Germanicus Cæsar II.

L. Seius Tubero.
19 772 M. Junius Silanus.
L. Norbanus Balbus.
20 773 M. Valerius Messala.
M. Aurelius Cotta.
21 774 Ti. Cæsar Augustus IV.
Drusus Cæsar II.
22 775 D. Haterius Agrippa.
C. Sulpicius Galba.
Ex. Kal. Jul. M. Cocceius Nerva.
C. Vibius Rufinus.
23 776 C. Asinius Pollio.
C. Antistius Vetus.
24 777 Ser. Cornelius Cethegus.
L. Visellius Varro.
25 778 M. Asinius Agrippa.
Cossus Cornelius Lentulus.
26 779 C. Calvisius Sabinus.
Cn. Cornelius Lentulus Gætulicus.
Ex. Kal. Jul. Q. Marcius Barea.
T. Rustius Nummius Gallus.
27 780 M. Licinius Crassus Frugi.
L. Calpurnius Piso.
28 781 Ap. Junius Silanus.
P. Silius Nerva.
Suf. Q. Junius Blæsus.
L. Antistius Vetus.
29 782 L. Rubellius Geminus.
C. Fufius Geminus.
Suf. A. Plautius.
L. Nonius Asprenas.
30 783 M. Vinucius.
L. Cassius Longinus.
Suf. C. Cassius Longinus.
L. Nævius Surdinus.
31 784 Ti. Cæsar Augustus V.
L. Ælius Sejanus.
Suf. VII. *Id. Mai.* Faust. Cornelius Sulla.
Sextidius Catullinus.
Kal. Jul. L. Fulcinius Trio.
Kal. Oct. P. Memmius Regulus.
32 785 Cn. Domitius Ahenobarbus.
M. Furius Camillus Scribonianus
Suf. Kal. Jul. A. Vitellius.
33 786 Ser. Sulpicius Galba (*postea* Cæs. Aug.).
L. Cornelius Sulla Felix.
Suf. Kal. Jul. L. Salvius Otho.
34 787 L. Vitellius.
Paul. Fabius Persicus.
35 788 C. Cestius Gallus Camerinus.
M. Servilius Nonianus.
36 789 Sex. Papinius Allienus.
Q. Plautius.
37 790 Cn. Aceronius Proculus.
C. Petronius Pontius Nigrinus.
Suf. Kal. Jul. C. Cæsar Augustus Germanicus.
Ti. Claudius (*postea* Cæs. Aug.).
Eodem anno a. d. xvii. *Kal. April.*
Ti. Cæsar Augustus. *Mort. e.*
CAIUS CÆSAR AUGUSTUS GERMANICUS (CALIGULA).
38 791 M. Aquilius Julianus.
P. Nonius Asprenas.
39 792 C. Cæsar Augustus Germanicus II.
L. Apronius Cæsianus.
Suf. Kal. Febr. Sanguinius Maximus

A.C. U.C.

Jul. Cn. Domitius Corbulo.
Sept. Domitius Afer.
40 793 C. Cæsar Augustus Germanicus III. (*Solus mag. gessit.*)
Suf. Id. Jan. L. Gellius Poplicola.
M. Cocceius Nerva.
(*Kal Jul.* Sex. Junius Celer
Sex. Nonius Quinctilianus.)
41 794 C. Cæsar Augustus Germanicus IV.
Cn. Sentius Saturninus.
Suf. VII. *Id. Jan.* Q. Pomponius Secundus.
Eodem anno a. d. IX. *Kal. Feb.*
C. Cæs. Aug. Germ. (Caligula). *Occis. e.*
TI. CLAUDIUS CÆSAR AUGUSTUS GERMANICUS.
42 795 Ti. Claud. Cæs. Augustus Germanicus II.
C. Cæsinus Largus.
Suf. Kal. Mart. (C. Vibius Crispus.)
43 796 Ti. Claud. Cæs. Augustus Germanicus III
L. Vitellius II.
Suf. Kal. Mart. (P. Valerius Asiat.)
44 797 L. Quinctius Crispinus Secundus.
M. Statilius Taurus.
45 798 M. Vinucius II.
Taurus Statilius Corvinus.
Suf. M. Cluvius Rufus.
Pompeius Silvanus
46 799 ... Valerius Asiaticus II.
M. Junius Silanus.
Suf. P. Suillius Rufus.
P. Ostorius Scapula.
47 800 Ti. Claud. Cæs. Augustus Germanicus IV
L. Vitellius III.
Suf. Kal. Mart. (Ti. Plautius Silvanus Ælianus.)
48 801 A. Vitellius (*postea* Aug.).
L. Vipstanus Poplicola.
Suf. Kal. Jul. L. Vitellius.
(C. Calpurnius Piso.)
Censores. Lustr. LXXIV.
Ti. Claudius Cæs. Aug. Germanicus
L. Vitellius.
49 802 Q. Veranius.
C. (A.) Pompeius Gallus.
Suf. L. Memmius Pollio.
Q. Allius Maximus.
50 803 C. Antistius Vetus.
M. Suillius Nerullianus.
51 804 Ti. Claud. Cæs. Aug. Germanicus V.
Ser. Cornelius Orfitus.
Suf. Kal. Jul. (C. Minicius Fundanus.
C. Vetennius Severus.)
Kal. Nov. T. Flavius Vespasianus (*postea* Cæs. Aug.).
52 805 Faustus Cornelius Sulla.
L. Salvius Otho Titianus.
(*Suf. Kal. Jul.* Servilius Barea Soranus
C. Licinius Mucianus.
Kal. Nov. L. Cornelius Sulla.
T. Flavius Sabinus.)
53 806 D. Junius Silanus.
Q. Haterius Antoninus.
54 807 M. Asinius Marcellus.
M'. Acilius Aviola.
Eodem anno a. d. III. *Id. Oct.*
Ti. Claud. Cæs. Aug. Germ. *Mort. e.*
NERO CLAUDIUS CÆSAR AUGUSTUS GERMANICUS.
55 808 Nero Claud. Cæs. Aug. Germanicus
L. Antistius Vetus.
56 809 Q. Volusius Saturninus.
P. Cornelius Scipio.
57 810 Nero Claud. Cæs. Aug. Germanicus II.
L. Calpurnius Piso.
Suf. L. Cæsius Martialis.
58 811 Nero Claud. Cæs. Aug. Germanicus III.

FASTI CONSULARES.

A. C. U. C.

M. Valerius Messala.
59 812 C. Vipstanus Apronianus.
C. Fonteius Capito.
60 813 Nero Claudius Cæsar Augustus Germanicus IV.
Cossus Cornelius Lentulus.
61 814 C. Petronius Turpilianus.
C. Cæsonius Pætus.
62 815 P. Marius Celsus
L. Asinius Gallus.
Suf. L. Annæus Seneca.
Trebellius Maximus.
63 816 C. Memmius Regulus.
L. Virginius Rufus.
64 817 C. Læcanius Bassus.
M. Licinius Crassus Frugi.
65 818 A. Licinius Nerva Silianus.
M. Vestinus Atticus.
66 819 C. Lucius Telesinus.
C. Suetonius Paullinus.
67 820 L. Fonteius Capito.
C. Julius Rufus.
68 821 Silius Italicus. *Abd.*
Galerius Trachalus. *Abd.*
Nero Claud. Cæsar Aug. Germanicus V. (*sine collega*).
Suf. Kal. Jul. M. Plautius Silvanus.
M. Salvius Otho (*postea* Cæs. Aug.).
Suf. Kal. Sept. C. Bellicus Natalis.
P. Cor. Scip. Asiaticus.
Eodem anno a. d. IV. *Id. Jun.*
Nero Claud. Cæs. Aug. Germ. *Mort. e.*
Ser. Sulpicius Galba Cæsar Augustus.
69 822 Ser. Sulpicius Galba Cæsar Augustus II.
T. Vinius (Junius). *Occis. e.*
Eodem anno a. d. XVII. *Kal. Febr.*
Ser. Sulp. Galba Cæsar Aug. *Occis. e.*
M. Salvius Otho Cæsar Augustus.
Ex. a. d. XVI. *Kal. Febr.* M. Sal. Otho Cæs. Aug.
L. Salvius Otho Titianus II.
Ex. Kal. Mart. T. Virginius Rufus.
L. Pompeius Vopiscus.
Eodem anno a. d. XII. *Kal. Mai.*
M. Salvius Otho Cæs. Aug. *Mort. e.*
A. Vitellius Imp. Augustus.
Ex. Kal. Mai. M. Cælius Sabinus.
T. Flavius Sabinus.
Ex. Kal. Jul. T. Arrius Antoninus.
P. Marius Celsus II.
Ex. Kal. Sept. C. Fabius Valens.
A. Licin. Cæc. *Damn. e.*
Ex. pr. Kal. Nov. Roscius Regulus.
Ex. Kal. Nov. Cn. Cæcilius Simplex.
C. Quinctius Atticus.
Eodem anno a. d. IX. *Kal. Jan.*
A. Vitellius Imp. Aug. *Occis. e.*
Imp. T. Flavius Vespasianus Augustus.
70 823 Imp. T. Flavius Vespasianus Augustus II.
T. Cæsar Vespasianus.
Ex. Kal. Jul. C. Licinius Mucianus II.
P. Valerius Asiaticus.
Ex. Kal. Nov. L. Annius Bassus.
C. Cæcina Pætus.
71 824 Imp. T. Flavius Vespasianus Augustus III.
M. Cocceius Nerva (*postea* Imp. Cæsar Augustus).
Ex. Kal. Mart. T. Cæsar Domitianus.
Cn. Pedius Cattus.
C. Valerius Festus.
72 825 Imp. T. Flavius Vespasianus Augustus IV.
T. Cæsar Vespasianus II.
73 826 T. Cæsar Domitianus II.
M. Valerius Messalinus.
74 827 Imp. T. Flavius Vespasianus Augustus.
Ti. Cæsar Vespasianus III. *Abd.*
Ex. Kal. Jul. T. Cæsar Domitianus III.

A. C. U. C.

Censores. Lustr. LXXV.
Imp. T. Flavius Vespasianus Augustus.
T. Cæsar Vespasianus.
75 828 Imp. T. Flavius Vespasianus Augustus VI
T. Cæsar Vespasianus IV.
Ex. Kal. Jul. T. Cæsar Domitianus IV
M. Licin. Mucianus III.
76 829 Imp. T. Flavius Vespasianus Aug. VII.
T. Cæsar Vespasianus V.
Ex. Kal. Jul. T. Cæsar Domitianus V.
(T. Plautius Silvanus Ælianus II.)
77 830 Imp. T. Flavius Vespasianus Aug. VIII
T. Cæsar Vespasianus VI.
Ex. Kal. Jul. T. Cæsar Domitianus VI.
Cn. Julius Agricola.
78 831 L. Ceionius Commodus.
D. Novius Priscus.
79 832 Imp. T. Flavius Vespasianus Augustus IX
T. Cæsar Vespasianus VII.
Eodem anno a. d. VIII. *Kal. Jul.*
Imp. T. Flav. Vespasianus Aug. *Mort. e.*
Imp. Titus Cæsar Vespasianus Augustus.
80 833 Imp. Titus Cæsar Vespasian. Aug. VIII
T. Cæsar Domitianus VII.
Suf. L. Ælius Plautius Lamia.
Q. Pactumeius Fronto.
Suf. M. Tillius (Tittius) Frugi.
T. Vinicius Julianus.
81 834 L. Flavius Silva Nonius Bassus.
Asinius Pollio Verrucosus.
Ex. Kal. Mai. L. Vettius Paullus.
T. Junius Montanus.
Eodem anno Idib. Sept.
Imp. Titus Cæs. Vespas. Aug. *Mort. e.*
Imp. Cæsar Domitianus Augustus.
82 835 Imp. Cæsar Domitianus Augustus VIII.
T. Flavius Sabinus.
83 836 Imp. Cæsar Domitianus Augustus IX.
Q. Petillius Rufus II.
84 837 Imp. Cæsar Domitianus Augustus X.
Ap. Junius Sabinus.
85 838 Imp. Cæsar Domitianus Augustus XI.
T. Aurelius Fulvus.
86 839 Imp. Cæsar Domitianus Augustus XII.
Ser. Cornelius Dolabella Petronianus.
Suf. C. Secius Campanus.
87 840 Imp. Cæsar Domitianus Augustus XIII
A. Volusius Saturninus.
88 841 Imp. Cæsar Domitianus Augustus XIV
L. Minucius Rufus.
89 842 T. Aurelius Fulvus II.
A. Sempronius Atratinus.
90 843 Imp. Cæsar Domitianus Augustus XV.
M. Cocceius Nerva II.
91 844 M'. Acilius Glabrio.
M. Ulpius Traianus (*postea* Imp. Cæsar Augustus).
Suf. Q. Valerius Vegetus.
P. Met(ilius Secundus).
92 845 Imp. Cæsar Domitianus Augustus XVI.
Q. Volusius Saturninus.
Ex. Id. Jan. L. Venu(leius Apronianus)
Ex. Kal. Mai. L. Stertinius Avitus.
Ti. . . . . .
Ex. Kal. Sept. C. Junius Silanus.
Q. Arv. . . . . .
93 846 Pompeius Collega.
Cornelius Priscus.
Suf. M. Lollius Paullinus Valerius Asiaticus Saturninus.
C. Antius Aulus Julius Torquatus.
94 847 L. Nonius Torquatus Asprenas.
T. Sextius Magius Lateranus.
Suf. L. Sergius Paulus.
95 848 Imp. Cæsar Domitianus Augustus XVII
T. Flavius Clemens.
96 849 C Manlius Valens.

C. Antistius Vetus.
Eodem anno a. d. XIV. *Kal. Oct.*
Imp. Cæsar Domitianus Aug. Germanicus.
Occis. e.
Imp. Nerva Cæsar Augustus Germanicus.
97 850 Imp. Nerva Cæsar Augustus III.
T. Virginius Rufus III.
Eodem anno.
M. Ulpius Trajanus Cæsar. *Appell. est.*
98 851 Imp. Nerva Cæsar Augustus IV.
Nerva Traianus Cæsar II.
Eodem anno a. d. VI. *Kal. Febr.*
Imp. Nerva Cæsar Aug. Germ. *Mort. e.*
Imp. Cæsar Nerva Trajanus Optimus Augustus Germanicus Dacicus Parthicus.
Ex. Kal. Jul. C. Sosius Senecio.
L. Licinius Sura.
Ex. Kal. Oct. Afranius Dexter.
99 852 A. Cornelius Palma.
C. Socius Senecio (II.).
100 853 Imp. Cæsar Nerva Trajanus Augustus III.
Sex. Julius Frontinus III.
Ex. Kal. Mart. M. Cornelius Fronto III.
Ex. Kal. Sept. C. Plinius Cæcilius Secundus.
Cornutus Tertullus.
Ex. Kal. Nov. Julius Ferox.
Acutius Nerva.
. . . . . L. Roscius Ælianus.
Ti. Claudius Sacerdos.
101 854 Imp. Cæsar Nerva Trajanus Augustus IV.
Sex. Articuleius Pætus.
Ex. Kal. Mart. Cornelius Scipio Orfitus.
Ex. Kal. Mai. Bæbius Macer.
M. Valerius Paullinus.
Ex. Kal. Jul. C. Rubrius Gallus.
Q. Cælius Hispo.
102 855 C. Sosius Senecio III.
L. Licinius Sura II.
Ex. Kal. Jul. M'. Acilius Rufus.
C. Cæcilius Classicus.
103 856 Imp. Cæsar Nerva Trajanus Augustus V.
L. Appius Maximus II.
(*Suf.* C. Minicius Fundanus.
C. Vettennius Severus.)
104 857 . . . . . Suranus.
P. Neratius Marcellus.
105 858 Ti. Julius Candidus II.
C. Antius Aulus Julius Quadratus II.
106 859 L. Ceionius Commodus Verus.
L. Tutius Cerealis.
107 860 L. Licinius Sura III.
C. Sosius Senecio IV.
Suf. . . . . Suranus II.
C. Julius Serv. Ursus Servianus.
108 861 Ap. Annius Trebonius Gallus.
M. Atilius Metilius Bradua.
Suf. (C. Julius Africanus.
Clodius Crispinus.)
L. Verulanus Severus.
109 862 A. Cornelius Palma II.
C. Calvisius Tullus II.
Suf. P. Ælius Hadrianus (*postea* Imp. Cæsar Augustus).
M. Trebatius Priscus.
110 863 Ser. Salvidienus Orfitus.
M. Peducæus Priscinus.
Suf. (P. Calvisius Tullus.
L. Annius Largus.)
111 864 M. Calpurnius Piso.
L. Rusticus Junianus Bolanus.
Suf. C. Julius Servilius Ursus Servianus II.
L. Fabius Justus.
112 865 Imp. Cæsar Nerva Traj. Augustus VI.
T. Sextius Africanus.
113 866 L. Publicius Celsus II.

C. Clodius Crispinus.
114 867 Q. Ninnius Hasta.
P. Manilius Vopiscus.
115 868 L. Vipstanus Messala.
M. Pedo Vergilianus.
116 869 (Æmilius) Ælianus.
(L.) Antistius Vetus.
117 870 Quinctius Niger.
C. Vipstanus Apronianus.
Ex. Kal. Jul. M. Erucius Clarus.
Ti. Julius Alexander.
Eodem anno.
Imp. Cæsar Nerva Traj. Aug. *Mort. e.*
Imp. Cæsar Trajanus Hadrianus Augustus.
118 871 Imp. Cæsar Traj. Hadrianus Augustus II
Ti. Claudius Fuscus Salinator.
119 872 Imp. Cæsar Traj. Hadrianus Augustus III
C. Junius Rusticus.
120 873 L. Catilius Severus.
T. Aurelius Fulvus (*postea* Imp. Cæsar Antoninus Augustus Pius).
121 874 M. Annius Verus II.
. . . . . Augur.
122 875 M'. Acilius Aviola.
C. Corellius Pansa.
123 876 Q. Articuleius Pætinus.
L. Venuleius Apronianus.
124 877 M'. Acilius Glabrio.
C. Bellicius Torquatus.
125 878 Valerius Asiaticus II.
Titius Aquilinus.
126 879 M. Annius Verus III.
. . . Eggius Ambibulus.
127 880 T. Atilius Titianus.
M. Squilla Gallicanus.
128 881 L. Nonius Torquatus Asprenas II.
M. Annius Libo.
129 882 P. Juventius Celsus II.
Q. Julius Balbus.
Suf. C. Neratius Marcellus II.
Cn. Lollius Gallus.
130 883 Q. Fabius Catullinus.
M. Flavius Aper.
131 884 Ser. Octavius Lænas Pontianus.
M. Antonius Rufinus.
132 885 C. Serius Augurinus.
C. Trebius Sergianus.
133 886 M. Antonius Hiberus.
Nummius Sisenna.
134 887 C. Julius Servilius Ursus Servianus III
C. Vibius Juventius Varus.
135 888 . . . . . Lupercus.
. . . . . Atticus.
Suf. . . . Pontianus.
. . . Atilianus.
136 889 L. Ceionius Commodus Verus.
Sex. Vetulenus Civica Pompeianus.
Eodem anno.
L. Ceionius Commodus Verus Ælius Cæsar. *App. e.*
137 890 L. Ælius Verus Cæsar II.
P. Cœlius Balbinus Vibulius Pius.
138 891 . . . . . Niger.
. . . . . Camerinus.
L. Ælius Verus Cæsar. *Kal. Jan. Mort.*
Eodem anno a. d. V. *Kal. Mart.*
T. Aurelius Fulvius Antoninus Ælius Cæsar. *App. e.*
Eodem anno a. d. VI. *Id. Jul.*
Imp. Cæsar Traj. Hadrianus Aug. *Mort. e.*
Imp. T. Ælius Cæsar Antoninus Augustus Pius.
139 892 Imp. T. Æl. Cæsar Ant. Augustus Pius II
C. Bruttius Præsens II.
140 893 Imp. T. Æl. Cæsar Ant. August. Pius III
M. Ælius Aurelius Verus Cæsar (*postea* Imp. Augustus).

A. C. U. C.
141 894 M. Peducæus Stloga Priscinus.
T. Hœnius Severus.
142 895 L. Statius Quadratus.
C. Cuspius Rufinus.
143 896 C. Bellicius Torquatus.
Ti. Claudius Atticus Herodes.
144 897 P. Lollianus Avitus.
C. Gavius Maximus.
145 898 Imp. T. Æl. Cæsar Ant. Augustus Pius IV.
M. Aurelius Cæsar II.
146 899 Sex. Erucius Clarus II.
Cn. Claudius Severus.
147 900 C. Annius Largus.
C. Prast. Pacatus Messalinus.
148 901 . . . . . Torquatus.
Salvius Julianus.
149 902 Ser. Scipio Orfitus.
Q. Nonius Priscus.
150 903 . . . . . Gallicanus.
. . Antistius Vetus.
151 904 Sex. Quintilius Condonianus.
Sex. Quintilius Maximus.
152 905 M. Acilius Glabrio.
M. Valerius Homullus.
153 906 C. Bruttius Præsens.
A. Junius Rufinus.
154 907 L. Ælius Aurelius Commodus (*postea* Imp. Cæsar Augustus).
T. Sextius Lateranus.
155 908 C. Julius Severus.
M. Junius Rufinus Sabinianus.
Ex. Kal. Nov. Antius Pollio.
Opimianus.
156 909 M. Ceionius Silvanus.
C. Serius Augurinus.
157 910 M. Civica Barbarus.
M. Metilius Regulus.
158 911 Sex. Sulpicius Tertullus.
C. Tineius Sacerdos.
159 912 Plautius Quintillus.
Statius Priscus.
160 913 Ap. Annius Atilius Bradua.
T. Clodius Vibius Varus.
161 914 M. Ælius Aurelius Verus Cæsar III.
L. Ælius Aurelius Commodus II.
Eodem anno.
Imp. T. Æl. Cæs. Ant. Aug. Pius. *Mort. e.*
Imp. Cæsar M. Aurelius Antoninus Augustus.
Imp. Cæsar L. Aurelius Verus Augustus.
62 915 Q. Junius Rusticus.
C. Vettius Aquilinus.
Suf. Q. Flavius Tertullus.
163 916 M. Pontius Lælianus.
. . . . . Pastor.
Suf. Q. Mustius Priscus.
64 917 M. Pompeius Macrinus.
P. Juventius Celsus.
165 918 M. Gavius Orfitus.
L. Arrius Pudens.
166 919 Q. Servilius Pudens.
L. Fufidius Pollio.
Eodem anno a. d. IV. *Id. Oct.*
L. Æl. Aurelius Commodus Cæs. *App. e.*
167 920 Imp. Cæsar L. Aur. Verus Augustus III.
M. Ummidius Quadratus.
168 921 L. Venuleius Apronianus II.
L. Sergius Paullus II.
169 922 Q. Sosius Priscus Senecio.
P. Cœlius Apollinaris.
Eodem anno.
Imp. Cæsar L. Aur. Verus Aug. *Mort. e.*
170 923 M. Cornelius Cethegus.
C. Erucius Clarus.
171 924 T. Statilius Severus.
L. Alfidius Herennianus.
1.2 925 . . . . . Maximus.
. . . . . Orfitus.

A. C. U. C.
173 926 M. Aurelius Severus II.
Ti. Claudius Pompeianus.
174 927 . . . . . Gallus.
. . . . . Flaccus.
175 928 Calpurnius Piso.
M. Salvius Julianus.
176 929 T. Vitrasius Pollio II.
M. Flavius Aper II.
177 930 Imp. L. Aurelius Commodus Augustus.
M. Plautius Quintillus.
178 931 Gavius Orfitus.
Julianus Rufus.
179 932 Imp. L. Aurelius Commodus Augustus II.
P. Marcius Verus.
Ex. Kal. Jul. P. Helvius Pertinax (*postea* Imp. Cæsar Augustus).
M. Didius Severus Julianus (*postea* Imp. Cæs. Aug.).
180 933 C. Bruttius Præsens.
Sex. Quintilius Condianus.
Eodem anno a. d. XVI. *Kal. April.*
Imp. Cæsar M. Aurelius Antoninus Aug *Mort. e.*
Imp. M. Aurelius Commodus Antoninus Augustus.
181 934 Imp. M. Aurelius Commodus Antoninus Augustus III.
L. Antistius Burrus.
182 935 . . . . . Mamertinus.
. . . . . Rufus.
Ex. Kal. Jul. Æmilius Juncus.
Atilius Severus.
183 936 Imp. M. Aurelius Commodus Antoninus Augustus IV.
C. Aufidius Victorinus II.
Ex. Kal. Febr. L. Tutilius Pontius Gertianus.
Ex. Kal. Mai. M. Herennius Secundus.
M. Egnatius Postumus.
T. Pactumeius Magnus
L. Septimius F. . . . . .
184 937 L. Cossonius Eggius Marullus.
Cn. Papirius Ælianus.
Suf. C. Octavius Vindex.
185 938 . . . . . Maternus.
. . . . . Bradua.
186 939 Imp. M. Aurelius Commodus Antoninus Augustus V.
(M'. Acilius) Glabrio II.
187 940 . . . . . Crispinus.
. . . . . Ælianus.
188 941 . . . . . Fuscianus II
M. Servilius Silanus II.
189 942 Junius Silanus.
Q. Servilius Silanus.
190 943 Imp. M. Aurelius Commodus Antoninus Augustus VI.
M. Petronius Septimianus.
191 944 (Cass)ius Pedo Apronianus.
M. Valerius Bradua (Mauricus).
192 945 Imp. L. Ælius Aurelius Commodus Augustus VII.
P. Helvius Pertinax II.
Eodem anno prid. Kal. Jan.
Imp L. Ælius Aurelius Commodus Augustus. *Occis. e.*
193 946 Imp. Cæsar P. Helvius Pertinax Augustus.
Q. Sosius Falco.
C. Julius Erucius Clarus.
Suf. Flavius Claudius Sulpicianus.
L. Fabius Cilo Septimianus.
Eodem anno a. d. V. *Kal. April.*
Imp. Cæsar P. Helvius Pertinax Augustus. *Occ. e.*
Imp. Cæsar M. Didius Severus Julianus Augustus.
Suf. Kal. Mai. Silius Messala.

FASTI CONSULARES.

A. C.	U. C.	
		Eodem anno Kal. Jun.
		Imp. Cæsar M. Didius Severus Julianus Augustus. *Occis. e.*
		Imp. Cæsar L. Septimius Severus Pertinax Augustus.
		Suf. Kal. Jul. Ælius.
		Probus.
		Eodem anno.
		D. Clodius Albinus Cæsar. *App. est.*
194	947	Imp. Cæsar L. Septimius Severus Augustus II.
		D. Clodius Albinus Cæsar.
195	948	Scapula Tertullus.
		Tineius Clemens.
196	949	C. Domitius Dexter.
		L. Valerius Messala Thrasia Priscus.
		Eodem anno.
		Bassianus M. Aurelius Antoninus Cæsar. *App. e.*
197	950	Ap. Claudius Lateranus.
		. . . . . Rufinus.
198	951	. . . . . Saturninus.
		. . . . . Gallus.
		Eodem anno.
		M. Aurelius Antoninus (Caracalla) Cæsar Imp. Augustus *App. e.*
		P. Septimius Geta Cæsar. *App. e.*
199	952	P. Cornelius Anulinus II.
		M. Aufidius Fronto.
200	953	Ti. Claudius Severus.
		C. Aufidius Victorinus.
201	954	L. Annius Fabianus.
		M. Nonius Arrius Mucianus.
202	955	Imp. Cæsar L. Septimius Severus Augustus III.
		Imp. Cæsar M. Aurelius Antoninus Aug.
203	956	C. Fulvius Plautianus II.
		P. Septimius Geta.
204	957	L. Fabius Cilo Septimianus II.
		M. Annius Flavius Libo.
205	958	Imp. Cæsar M. Aurelius Antoninus Augustus II.
		P. Septimius Geta Cæsar.
206	959	M. Nummius Albinus.
		Fulvius Æmilianus.
207	960	. . . . . Aper.
		. . . . . Maximus.
208	961	Imp. Cæsar M. Aurelius Antoninus Augustus III.
		P. Septimius Geta Cæsar II.
209	962	Civica Pompeianus.
		Lollianus Avitus.
		Eodem anno.
		P. Septimius Geta Cæsar Aug. *App. est.*
210	963	M'. Acilius Faustinus.
		Triarius Rufinus.
211	964	(Q. Hedius Rufus) Lollianus Gentianus.
		Pomponius Bassus.
		Eodem anno prid. Non. Febr.
		Imp. Cæsar L. Septimius Severus August. *Mort. e.*
		Imp. Cæsar M. Aurelius Antoninus (Caracalla) Augustus.
212	965	C. Julius Asper II.
		C. Julius Asper.
		Eodem anno.
		Imp. Cæsar P. Septimius Geta Pius Aug. *Occ. est.*
213	966	Imp. M. Aurelius Antoninus Augustus IV.
		D. Cœlius Balbinus II.
		Suf. (M. Antoninus Gordianus [*postea* Imp. Cæsar Augustus].
		Helvius Pertinax.)
214	967	. . . . . Messalla.
		. . . . . Sabinus.
215	968	. . . . . Lætus II.
		. . . . . Cerealis.
216	969	Catius Sabinus II.

A. C.	U. C.	
		Cornelius Anulinus.
217	970	C. Bruttius Præsens.
		T. Messius Extricatus II.
		Eodem anno a. d. VI. *Id. April.*
		Imp. Cæsar M. Aurelius Antoninus (Caracalla) Augustus. *Occ. e.*
		Eodem anno a. d. III. *Id. April.*
		M. Opilius Severus Macrinus Imp. Cæsar Augustus. *App. e.*
		M. Opilius Diadumenianus Cæs. *App. e.*
		Imp. Cæsar M. Opilius Severus Macrinus Augustus.
218	971	Imp. Cæsar M. Opil. Severus Macrinus Augustus II.
		C. Oclatinus Adventus.
		Eodem anno.
		Imp. Cæsar M. Opilius Severus Macrinus Augustus. *Occ. e.*
		Varius Avitus Bassianus M. Aurelius Antoninus Imp. Cæsar Augustus. *App. e.*
		Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Pius Felix Augustus.
		Suf. Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Augustus.
219	972	Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Augustus II.
		Q. Tineius Sacerdos II.
220	973	Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Augustus III.
		P. Valerius Eutychianus Comazon II.
221	974	Gratus Sabinianus.
		Claudius Seleucus.
		Eodem anno.
		Bassianus Alexianus M. Aurelius Alexander Cæsar. *App. e.*
222	975	Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Augustus IV.
		M. Aurelius Alexander Cæsar.
		Eodem anno.
		Imp. Cæsar M. Aurelius Antoninus (Elagabalus) Augustus. *Occ. e.*
		Imp. Cæsar M. Aurelius Severus Alexander Augustus.
223	976	L. Marius Maximus II.
		L. Roscius Ælianus.
224	977	Claudius Julianus II.
		L. Bruttius Quinctius Crispinus.
225	978	. . . . . Fuscus II.
		. . . . . Dexter.
226	979	Imp. Cæsar M. Aurelius Severus Alex Augustus II.
		. . . . . Marcellus II.
227	980	. . . . . Albinus.
		. . . . . Maximus.
228	981	. . . . . Modestus II.
		. . . . . Probus.
229	982	Imp. Cæsar M. Aurelius Severus Alex Augustus III.
		Cassius Dio II.
230	983	L. Virius Agricola.
		Sex. Catius Clementinus.
231	984	. . . Claudius Pompeianus.
		T. Fl. . . Pelignianus.
232	985	. . . . . Lupus.
		. . . . . Maximus.
233	986	. . . . . Maximus.
		. . . . . Paternus.
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It has been considered unnecessary for the objects of the present work to continue the Fasti beyond the death of Alexander Severus.

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Containing a list of the articles furnished by each of the contributors to the English edition of the work, and arranged under their respective names in alphabetical order.

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* The full name of this contributor is not given in the English edition.

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